



Friends of Maldives Human Rights Brief



Photo: Demonstration in Malé, capital of Maldives. © Mauroof Khaleel

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In recent months, the Government of Maldives has been responsible for numerous human rights violations. The Friends of Maldives' *Human Rights Brief: June 2015* was produced to highlight the deterioration of fair governance, and the risk this poses to democracy in Maldives.

1. Politicised Judiciary

The 2008 constitution of the Republic of Maldives guaranteed a separation powers. In recent years, however, government influence has encroached upon all branches of power, independent institutions and watchdogs. The judiciary has been a cause of concern for years, having abused their positions and acted in favour of the ruling Progressive Party of Maldives.

Gabriela Knaul, UN Special Rapporteur on the Independence of Judges and Lawyers, made the following statement after her visit in 2013:

"The concept of independence of the judiciary has been misconstrued and misinterpreted in the Maldives, including among judicial actors [...] It seems that judges, and other actors of the State, do not want to fully acknowledge and understand this concept, leading to the dangerous perception from the public that the justice system is politicized and even corrupted. She was further shocked to hear



that many members of the judiciary, including in the Supreme Court, hold memberships in political parties.”¹

The highly politicised judiciary has compromised the tenure of free and fair elections, as well as effectively rendering the opposition powerless.

2. Allegations of Electoral Fraud

The 2013 presidential election was narrowly won by Yameen Abdul Gayoom, leader of the Progressive Party of Maldives (PPM). Until the first free and fair elections in 2008, the Republic of Maldives had been governed for 30 years by Yameen’s half-brother, Maumoon Abdul Gayoom.

The 2013 election was marred by irregularities: judicial interference in the timing of the rounds, police raids on the independent Elections Commission, and repeated intimidation of opposition parties.

Under the Maldives constitution, the president is elected by universal suffrage in two rounds of polls if no candidate secures over 50% in the first round of elections. In 2013, however, the Elections Commission organised six polls.

The first round began on 7 September 2013. Despite being deemed free and fair by international observers, the vote was annulled following complaints to the Supreme Court from one of the candidates.

Scheduled for 28 September, the second round was put on hold with an indefinite injunction from the Supreme Court, which proceeded to annul the first round.

The second attempt to hold the first round of elections was obstructed by the police, after candidates from the ruling coalition refused to sign the voters’ registry, a new requirement from the Supreme Court, consequently giving candidates power to veto the polls. The rescheduling was cancelled three times less than 24 hours before polls.

Following the election result, former President Nasheed conceded his defeat to Yameen Abdul Gayoom, thereby allowing the democratic process to resume.

In 2014, shortly before the parliamentary elections, the four members of the Elections Commission were sentenced to six months in jail and were suspended for three years for “disobeying orders” and accused of “disrespecting the court by not following election guidelines”, after new rules were enacted allowing the Supreme Court to initiate proceedings, prosecute and pass judgement.

Prior to this, the President of the Elections Commission Fuwad Thaufeeq had criticised the interference of the Supreme Court in the electoral process. This treatment Elections Commission members and its President sparked a protests in the country and international outrage.

¹ Source: Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, [Addendum Mission to Maldives](#), 21 May 2013.



The U.S. Department of State called this action “*an unprecedented expansion of judicial powers which undermines an independent democratic institution that has made laudable efforts to hold multiple successful elections despite previous judicial interference. The Supreme Court’s insistence on holding parliamentary elections on March 22 while imprisoning the very official responsible for holding those elections calls into serious question the government’s commitment to democracy.*”²

FOM is concerned that, with the complicity of the judiciary, the executive power gained control of the Elections Commission by appointing members of their choice.

3. Intimidation of PPM Critics

Opposition politicians continue to be routinely intimidated. A recent report by the Inter-Parliamentary Union’s Committee on the Human Rights of Parliamentarians identified the Maldives as one of the worst countries in the world for attacks against, and the torture and intimidation of opposition MPs.³

In recent years, a number of assaults have been recorded against members of parliament:

- Reeko Moosa, opposition MP for the MDP was assaulted when taking part in a demonstration in support of Mohamed Nasheed, shortly after 7 February 2012. Moosa’s injuries were so severe he had to be flown to neighbouring Colombo (Sri Lanka) for intensive care.
- Dr Afrashim Ali, moderate religious scholar and Member of Parliament for the ruling PPM, was stabbed to death on 1 October 2013. He had received death threats in the past from religious extremists for his moderate sermons. A journalist looking into the murder disappeared (see case of Ahmed Rilwan), and the man accused of the murder was sentenced to death penalty in a rushed trial.
- Opposition MPs regularly receive threats and insults by text message.

On 13 March, **Leader of the Opposition and Former President Mohamed Nasheed** was sentenced to 13 years in prison under politically motivated charges of terrorism, following a controversial trial that failed to meet national and international standards of justice. Mr Nasheed was accused of arresting a judge when he was in office.

During his arrest, Nasheed was dragged to court with such force that his arm was injured. Despite repeated requests for assistance, Nasheed was denied medical attention. The judges selected for Nasheed’s trial are closely associated with the ruling PPM, and have no recognised legal qualifications.

Nasheed’s sentence of 13 years sparked international outcry from the UN Special Rapporteur on the Independence of Judges and Lawyers⁴, India, the United States, the

² Source: [U.S. Concerns on Dismissal of Maldivian Elections Commissioners](#), 10 March 2014

³ Source: [IPU Missions to push for solutions on abuses of MPs human rights](#), 1 April 2015.

⁴ Source: [Maldives: “No democracy is possible without fair and independent justice,” UN rights expert](#), 19 March 2015



European Union and the Commonwealth. Amnesty International called it “a travesty of justice”⁵.

The criminal court refused to release the case report to the defence team, necessary for them to lodge the appeal. Former President Nasheed is now seeking the help of an international team of lawyers. The Maldives Police are currently refusing Nasheed access to his international legal team, which is composed of:

- **Jared Genser**, founder of Freedom Now and an expert at freeing prisoners of conscience who has represented such clients as Nobel Peace Prize Laureates Aung San Suu Kyi and Liu Xiaobo;
- **Ben Emmerson** QC, a barrister at Matrix Chambers and expert in international human rights law who is currently the British judge on the Residual Mechanism of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia;
- **Amal Clooney**, a barrister at Doughty Street Chambers and expert in international human rights law who has served as a senior advisor to Kofi Annan when he was the UN Envoy on Syria, as counsel to the UN Inquiry on the use of armed drones and as counsel to political prisoners Yulia Tymoshenko, former Prime Minister of Ukraine, and Al Jazeera journalist Mohamed Fahmy.

With the help of the politicised judiciary Yameen Abdul Gayoom’s Government is also working to stifle dissent and sideline rivals within his own Party and governing coalition.

The police raided the home of the then Defense Minister, Mr. Mohamed Nazim, again based on the accusation that he is involved in a terrorist plot. In the same manner as for Mr Nasheed’s case, the careful manipulation of the judiciary has ensured that Mr. Nazim was found guilty and sentenced to 11 years.

On 22 June, **UK Prime Minister David Cameron** met with Laila Ali, former President Nasheed’s wife, accompanied by Amal Clooney and Fiona Bruce MP. He later tweeted: *“Good to meet with wife of former #Maldives President. There needs to be political dialogue, release of Nasheed and all political prisoners.”*⁶

4. Freedom of Expression

Press freedom has subjected to continual restrictions in recent years, dropping in rank from 108 to 112 in Reporters Without Borders Press Freedom Index 2015⁷. As press freedom in Maldives had scored 52 in 2010, this recent change marks a notable regression. Journalists are often subjected to attacks and intimidation from gangs and extremist religious groups.

- In 2012, blogger and journalist **Hilath Rasheed** narrowly survived after an attacker cut his throat. He has since left the Maldives and is unable to return, fearing for his life.

⁵ Source: [13 year sentence for former President a travesty of justice](#), 13 March 2015.

⁶ Source: https://twitter.com/david_cameron/status/613760092706603008

⁷ Source: [Reporters Without Borders Press Freedom Index Maldives](#)



- Rajje TV, a news channel aligned to the opposition party MDP were subjected to several attacks in 2013. In February that year, the news director, **Ibrahim Asward Waheed**, was attacked by men on a motorcycle with steel bars and left for dead. He had to be flown to Sri Lanka for surgery to correct a maxillary fracture. In October the same year, masked men set fire to the TV station headquarters.⁸ Despite CCTV footage of the scene, none of the perpetrators were brought to justice.
- In August 2014, a journalist critical of the Government, **Ahmed Rilwan**, ‘disappeared.’ Since then no attempt has been made by either police or other responsible agencies of the state to find him or bring the perpetrators to justice. Today he is still missing and feared dead. As a journalist for the independent website *Minivan News*, Rilwan was investigating the murder of MP Dr. Afrashim. His colleagues at *Minivan News* are regularly subjected to intimidation in the form of threatening phone calls. In September last year, shortly after the disappearance of Ahmed Rilwan, a machete was buried in front of the *Minivan News* office by a gang leader after he destroyed the surveillance camera. On September 2014, the Malé-based human rights NGO Maldivian Democracy Network released a report⁹ following a private investigation into his disappearance.

The authorities have failed to properly investigate all cases listed.

5. Intimidation of Civil Society and Independent Institutions

Gangs and religious groups often attack institutions, organisations and individuals critical of the government’s actions. Amnesty International¹⁰ has also expressed concern about the growing fear and intimidation of civil society, especially those critical of religious extremist groups.

In June 2014, members of the group **Colourless**, a discussion platform for religion and politics, were abducted and assaulted by a gang, who accused them of “atheism”.

In March 2015, a gang attacked the offices of the **Human Rights Commission of the Maldives**, after the Commission criticized the Government and the police for the treatment of President Nasheed.

As well as threats of gang violence and assault, the Human Rights Commission of the Maldives were subjected to criminal charges. In October 2014, the Supreme Court initiated prosecution against five members of the Commission for submitting a report to the UN Human Rights Council Universal Periodic Review¹¹. In its report, the Commission had been critical of the Supreme Court.

6. Freedom of Assembly

⁸ CCTV footage of Rajjet TV fire can be found [here](#).

⁹ Source: [Findings of the Report on the Disappearance of Maldivian Journalist Ahmed Rilwan](#), 23 September 2013.

¹⁰ Source: [Maldives: Bring to justice those behind abductions, death threats and violence](#), AI, 17 October, 2014

¹¹ Source: United Nations Human Rights, [Press Briefing on Maldives](#), 17 October 2014



During demonstrations in 2012 in support of Mohamed Nasheed, the police repeatedly used violence to disperse peaceful protests. Among others, Member of Parliament Reeko Moosa was assaulted by police forces (see section above). Amnesty International recorded numerous instances of violence and sexual violence against protesters, particularly women.

Members of the coalition ***Alliance against Brutality*** and supporters of Mohamed Nasheed have gathered regularly since his arrest and subsequent sentencing in March 2015.

Numerous demonstrations have been organised in the months following Nasheed's imprisonment. There have been alarming reports of violence in police custody, many detainees sustained serious injuries.

A group of 14 women and 1 man protesting for the release of former President Nasheed at the airport were arrested and will soon face charges.

Member of Parliament, Ahmed Malhouf was arrested on 26 March and held without charges for 15 days. His detention was re-conducted as he refused to be released under the condition that he would not be allowed to protest. Mr Malhouf was expelled from the ruling PPM after he publicly criticized President Yameen.

Other protesters face similar arrests and conditional release to prevent them from protesting. To this day, over 90 cases of protesters have been sent by the police for prosecution.

7. End to the Moratorium on the Death Penalty

In 2014, the Parliament voted to end the moratorium on the death penalty which had been in place since 1954. It sets the age for criminal responsibility at seven. Minors prosecuted for serious crimes are imprisoned, and can be executed as soon as they reach 18.

The end to the moratorium is not only a deplorable regression, it also goes against Maldives international human rights obligations, as a state party to the Convention on the Rights of the Child.

With the current lack of independence of the judiciary, innocent defendants are at risk of being executed and the death penalty could be used against critics of the Government.

8. Recommendations

FOM reminds the Government of Maldives and the International Community that Maldives is a state party, and in breach of to the following human rights conventions:

- Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment.
- Optional Protocol of the Convention against Torture.
- International Covenant on Civil and Political Rights.
- Convention on the Rights of the Child.

Friends of Maldives calls on the Government of Maldives to:

- Immediately and unconditionally release former President Nasheed and former Defense Minister Nazim, and clear them of all charges.



- Re-establish the moratorium on the death penalty.
- Allow for a proper investigation into the disappearance of Ahmed Rilwan, and the attacks and threats against journalists, members of civil society, and independent institutions.
- Reform the judiciary.

Friends of Maldives (FOM) call upon the International community to:

- Pressure the Government of Maldives to release former President Nasheed and former Defense Minister Nazim. The charges of terrorism and the 13 year-sentence are not only disproportionate to the alleged offence, they are politically motivated.
- Freeze the assets abroad of members of the Maldives Government and their leading supporters in the Maldivian business community.
- Impose a travel ban on members of the Government of Maldives and leading supporters in the Maldivian business community - Impose an immediate arms embargo on the Maldives.
- Immediate suspension from the Commonwealth.

About Friends of Maldives

In December 2003, Friends of Maldives (FOM) was established in the UK, focusing on bringing human rights abuse and poor governance in the Maldives to the attention of the international community. FOM also provided assistance to the pro-democracy movement and helped strengthen Maldives civil society and independent media.

Since the first free and fair presidential elections in the Maldives in October 2008, FOM has worked on [Health Development](#), [Education Development](#) and [Sports Development](#) with the International Volunteer Programme (IVP), the Maldives Volunteer Corps (MVC) and the Maldives High Commission (London). The association with the Republic of Maldives Government has ended due to the violent removal of the democratically-elected President on 7th February 2012. FOM's focus has been forced to revert to protecting human rights and promoting social justice until safety and democracy is restored to the Maldivian people.



APPENDIX



Opposition Leader and Former President Mohamed Nasheed is dragged to court, resulting in an injury to his arm.



UK Prime Minister David meets with Laila Ali, wife of former President Nasheed, Amal Clooney and Fiona Bruce MP.



Ahmed Rilwan, Minivan News journalist disappeared since August 2014. © Minivan News



Ibrahim Asward Waheed, Rajje TV journalist assaulted in the streets of Malé. © Haveeru