



Briefing Paper on Human Rights in the Maldives

By

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I. Introduction

President Mohamed Nasheed was sworn-in on November 2008 as the first democratically-elected President of Maldives, following a thirty year rule by President Maumoon Abdul Gayoom; three decades during which systemic and systematic human rights abuses took place in the Maldives.

However, in February 2012, disgruntled businessmen together with opposition politicians and sections of the security forces, organized a coup d'état which overthrew the government of President Mohamed Nasheed and installed his Vice-President as head of state.

On the following day, there was a brutal crackdown on the members of the former government and supporters of President Nasheed, which was covered by major international media.

This paper attempts to provide a summary of the human rights abuses that have taken place in the country since the change of government, relying on eye-witness accounts as well as reports of international human rights bodies such as Amnesty International, FIDH,¹ Helios and other organisations.²

Amnesty International in its 2013 Annual report stated:

“The controversial resignation of the President in early February was followed by months of protest and political repression across the archipelago. Security forces used excessive force – including truncheons and pepper-spraying people in the eyes – to suppress demonstrations that were largely peaceful. Supporters of the former President’s Maldivian Democratic Party (MDP) were targeted for attack in February. Detainees were subjected to torture and other ill-treatment. Weaknesses in the justice system perpetuated impunity for human rights violations.”³

The continued human rights abuses and the lack of accountability is extremely concerning, given that the Maldives is a member of the Human Rights Council and is one of its Vice-Presidents.

¹ <http://www.fidh.org/From-sunrise-to-sunset-Maldives-12158>

² http://www.ccprcentre.org/doc/HRC/Maldives/NGO_Helios.pdf

³ <http://www.amnesty.org/en/region/maldives/report-2013>

II. Failure to secure accountability for violations and State Impunity

State institutions have refused to investigate and address the horrific police and army brutality against the supporters of President Nasheed and the legitimate government, which unfolded in February 2012. The Maldivian Police authorities (the new Commissioner of Police) issued a statement to the effect that they would not investigate any allegations of abuse, assault and brutality by the police, which occurred in February 2012 and in the subsequent months against thousands of peaceful protesters.

Apart from this, the police had conducted unlawful raids on the protest sites. While Article 21 of the CCPR guarantees the right to peaceful assembly, the current regime has resorted to vicious tactics to cut down this freedom. Typical crackdowns on rallying points have led to serious personal injury and damage to the property and camping areas of the Maldivian Democratic Party (MDP) and protestors.

Systematic targeting and profiling of certain protestors have also been carried out by the police. Ironically, instead of questioning the Police authorities, other government and State institutions and the coalition behind the coup, and the Human Rights Commission of Maldives, all found it imperative to investigate and question the now over-thrown President. Their action has thrown serious doubts into the integrity and impartiality of an institution whose primary function is to protect the rights and freedom of the people.

III Right to Life and Security of Person

In lieu of the current regimes brutality, the UPR Moratorium on the implementation of the death penalty in the Maldives now cannot be taken as a guarantee to prohibit capital punishment. Contrary to the Maldives claiming to continue the moratorium, recent murders in the Maldives opened way for the judiciary to lay precedence in allowing aggrieved parties to demand enforcement of the death penalty, even if the alleged offenders were minors. A minor was recently sentenced to death even as concern was raised by Amnesty International. Whereas the legal system of Maldives is a hybrid of codified civil and common law system, the lacunae are filled up with Islamic Shari'ah law, mainly regulating matters pertaining to personal issues such as marriage and property. The Islamists are vehement in bringing back the concept of "Jihad" in the Maldives and therefore to implement the death penalty in all aspects of law. Amnesty reports, that the "Chief Justice and the Minister of Home Affairs issued statements, implying that executions could not be ruled out under the law. Media reports that the government was drafting a bill to secure implementation of death sentences also raised concern about the possible resumption of executions after nearly six decades."⁴

Another form of punishment prevalent in Maldives is flogging based on the Islamic law. The recent infamous case of a 15 year old rape victim being sentenced to flogging with 100 lashes has led to at international outcry resulting in the government appealing against the verdict. The appeal hearing is ongoing.

IV. Torture, Cruel, Inhuman or Degrading Treatment.

⁴ <http://www.amnesty.org/en/region/maldives/report-2013>

It is estimated that over 800 peaceful protestors have been detained and held on fabricated charges. Protestors have also been mistreated by the police by using high power water cannon, disproportionate use of force and those who were arrested had been sexually abused, molested and subjected to cruel, inhuman and degrading treatment. From pepper spraying at close range to being beaten on the back with batons as well as the uninhibited use of taser guns on protestors are tactics that the Police have resorted against protestors. Prominent MDP Members of Parliamentarians such as Mariya Didi, suffered serious injuries while Moosa Manik and Ibrahim Rasheed were beaten so badly that they had to be hospitalized. Those women who were abused include Yasra Hussein (age 22), who, on 19 March 2012, was stripped naked, forced to do squats on the floor and had her breasts groped by the police.⁵ Aishath Aniya (age 47), Mariyam Waheeda (age 44) and Aishath Muna (age 48) are three among several other political detainees who alleged being stripped naked and subjected to various forms of sexual molestation and torture under police custody.⁶ Despite a team of Amnesty International issuing statements and reports urging to stop the abuse of female prisoners and protestors, the State has taken no action thus far.

The Commission of National Inquiry (CoNI) set up to investigate the circumstances surrounding the resignation of President Nasheed also recommended that police brutality should be investigated and perpetrators brought to justice. However, no substantial action has been taken apart from two token police officers being charged.

Prominent blogger Hilath Rasheed was knifed on the street (his throat was slit) outside his home in June 2012. Most of the public present were too scared to help him and the police have not yet arrested his attackers. The Human Rights Commission of Maldives has not even issued a statement regarding the incident against Rasheed.

V Curbing Media Freedom and harassment

This right and freedom as codified in Article 19 of the CCPR, has been heavily curtailed by the current regime. One of the first things the coup regime did after seizing power was to take-over the State radio and television broadcasting station. They arrested some of the employees, dismissed others and took over broadcasting tasks. To this date, there has been neither a judicial warrant for such a seizure of State assets nor any legal action taken against those who took over the stations.

The only TV station which criticizes the brutal oppression of the current regime, Raajje TV is under constant attack by the regime government to the point where the Minister of Defense and the Chief of Defense Force had summoned and warned the executives of this TV channel. The station was badly sabotage last year but the perpetrators were never brought to trial.⁷ Media sources and journalists brave enough to voice their concerns against the regime and who cover anti-coup protests and rallies are constantly harassed, assaulted and threatened by the police and regime supporters. The latest such incident is the attack on journalist Ibrahim Asward Waheed of Raajje TV, whose horrific injuries resulted him being airlifted to neighbouring Sri Lanka and being on a

⁵ http://www.ccprcentre.org/doc/HRC/Maldives/HRViolations_Maldives_HRC105.pdf

⁶ <http://livewire.amnesty.org/2012/02/29/maldives-security-forces-assault-women-protesters/>

⁷ http://en.rsf.org/maldives-opposition-tv-station-sabotaged-as-09-08-2012_43189.html

life-support machine for several days. The attack took place the day after he presented a hard-hitting programme criticizing the excessive use of state funds by the former President Gayoom.

The Maldives has now been dropped 30 places to 103 in the global rankings by Reporters without Borders as the country has witnessed a massive deterioration in respect for freedom of thought and expression.⁸

VI Fair and public hearing

President Nasheed is facing trial in a special court set up to try him, which the Special Rapporteur on the Independence of Judges and Lawyers Gabriela Knaul, in her new report, “believes that the constitutionality of the Hulhumalé Court is questionable and that the bench of judges which was constituted to hear Mr. Nasheed’s case also seems to have been set up in an arbitrary manner, without following procedures set by law”.⁹

Nevertheless, the leader of the Dhivehi Raiyyithunge Party (DRP), Thasmeen Ali who is a current coalition partner of President Dr. Waheed, has recently called to “expedite the trial” of President Nasheed, in what seems an attempt to once again put pressure on the judiciary. Since February 2012, the judiciary has been used as a political tool, mainly to silence dissent. The international community has raised serious concerns but no effort has been made by the regime to reform the judiciary.

More than 80 members of the MDP are currently facing trial as ‘terrorists’. Sixteen out of 30 MDP Members of Parliament have court cases against them ranging from terrorism to assault. However only 2 police officers have had charges brought against them for police brutality.

V Religion Extremism and Intolerance

Religious extremism has been growing in the Maldives for some years. However with the overthrow of the government in 2012, the spreading of religious hatred has intensified. Former President Nasheed and his supporters have been constantly attacked as being un-Islamic (“laadheenee”). Blogs and social media, as well as public pulpits became a new source for radical groups to target vulnerable people, specifically youth and children to be recruited into their folds. Targeted also were the civil servants as well as non-governmental institutions.

The then opposition parties had formed a coalition in December 23rd 2012 by the name of “Coalition for the Defence of Islam” in direct contravention of international law norms and the 2008 UPR which mandated that a public debate shall take place on eliminating punishments that contravene Article 7 of the treaty.

Religious intolerance and spreading of extreme views emanate from the Islamist Adhaalath Party (part of the current govt coalition). The United States 2012 Report on International Religious

⁸ <http://en.rsf.org/press-freedom-index-2013.1054.html>

⁹ http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-43-Add3_en.pdf

Freedoms states, “The government deported individuals found with Christian images. The government detained several individuals for periods of several weeks on charges of “anti-Islamic” behavior before releasing or deporting them.”¹⁰ The report also noted that the Ministry of Islamic Affairs banned “discos,” and tasked the police with conducting patrols to close down unauthorized gatherings” and went on to state that, “Anti-Semitic rhetoric by public officials continued during the year. In January current Home Minister and leader of the Dhivehi Qaume Party (DQP) Mohamed Jameel, who was not at the time in the government, published a pamphlet entitled “President Nasheed’s Devious Plot to Destroy the Islamic Faith of Maldivians.” Jameel and DQP allies, such as current Presidential Advisor Hassan Saeed, alleged that then-president Nasheed’s administration had worked to weaken Islam in the country, as part of an effort to spread Christianity and promote a “Jewish Zionist conspiracy.” The pamphlet received widespread attention upon its release and played a role in the events that eventually led to the February 7 transfer of power.

During the year, President Waheed warned the nation that foreign parties were attempting to influence the country’s ideology and promote secularism; he urged citizens to resist these impulses.”¹¹ The fact that the leader of the country, Dr.Waheed is actively supporting the anti-Semitic, seemingly racist hate-mongering is extremely worrying.

Conclusion

With the oppression of the rights and freedoms of Maldivians guaranteed under the International Covenant on Civil and Political Rights, it is imperative that the international community voice out their concerns in the human rights violations taking place in the country, the lack of accountability, and the importance in allowing the Maldivian citizens to choose a leader for themselves through free and fair electoral processes. Until then, the rights and freedoms of the Maldivians will continue to regress at an alarming rate and they will continue to have no protection against incitements of hatred under the guise of religion and there will be no remedy in law and practice against victimization for advocating and accepting the rights and freedoms guaranteed under Article 18 and other articles of the CCPR.

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¹⁰ <http://www.state.gov/j/drl/rls/irf/2012/sca/208434.htm>

¹¹ <http://www.state.gov/j/drl/rls/irf/2012/sca/208434.htm>