

CoNI

H. Mulee-aage

26 August 2012

Dear Co-Chairs,

As we approach the final week of the work of CoNI, I feel compelled to formally register with you a number of issues that I believe, if left unaddressed, will seriously undermine the credibility of the report that will be issued by CoNI. I also believe these matters defeat the purpose for which the CoNI was established, and undermine the legitimate interest of the public and the international community to know with a high degree of reliability what transpired in the transfer of power on 7 February. I shall also convey my concerns to the Commonwealth Special Envoy and also to members of the Commonwealth Ministerial Action Group.

1) Withholding of Crucial Evidence

a) CCTV footage

Despite repeated requests, CoNI has not been able to access crucial evidence from security cameras. The Police have not been able to provide any CCTV footage from any of their cameras; none has been made available from the President's Office; only 3 out of 8 CCTV cameras in and around MNDF have been provided and these have some crucial hours of footage missing; and in the case of Television Maldives, there is no footage prior to 10:47 am on 7 February. After much stonewalling on requests to obtain these, I was eventually told that the CCTV footage was no longer available.

b) Investigative reports by PIC and HRCM

Despite repeated requests, CoNI has not been able to access information compiled by the Police Integrity Commission and the Human Rights Commission. Their reports, I understand, were ready for publication by the original deadline for CoNI, which was 31 July, but since that date was postponed, neither PIC nor HRCM have published their findings. Their findings can be very helpful for the work of CoNI.

CoNI eventually did receive the HRCM report on Thursday 16th August. I feel the HRCM report is superficial and inconclusive and therefore, not very helpful.

2) Non-Cooperation from Crucial Witnesses

a) Mr Umar Naseer, deputy leader of PPM, who had publicly claimed to have issued threats to President Nasheed, bribed members of armed forces, and directed the actions

of the army and the police, has refused to give evidence to the reconstituted CoNI. There is video footage that show who some claim to be Mr Naseer sneaking inside the Army Headquarters several hours before President Nasheed resigned. This needs verification.

b) Other witnesses who are believed to have played crucial roles in the events that led to the resignation of President Nasheed give standard replies that appear to be coached: “No”, “I don’t know”, or “I can’t remember”.

3) Non Examination of Witnesses

The original members of CoNI rarely pose questions to witnesses who have come forward voluntarily to provide information. This lack of interest in witnesses does not help in establishing facts or clarifying critical issues.

4) Witness intimidation and obstruction:

Pressure is being put on members of MNDF and MPS not to testify, and this pressure is most evident in the manner in which Superintendent Hameed was treated, including his arrest, transfer and subsequent dismissal from MPS. Police Superintendent Adnan Anees was also dismissed in a similar manner. Other personnel who were on duty on 6 -7 February and who could give crucial evidence, have been transferred either to other islands or sent overseas, making it extremely hard or impossible for them to appear before CoNI. Some of the witnesses who came forward had, in fact, left the military or police services prior to volunteering to offer their testimonies.

5) Testimonies and evidence not reviewed:

Notwithstanding the above, there is still a large volume of testimonies and video footage with the Commission. My worry is that these have not been seen or reviewed by CoNI, and that there may no longer be any more time to review them. Full CoNI will now meet on 26th August, which gives us only few days to discuss the findings before publishing the report. Since new CoNI began, work has been interrupted because the international co-chair has had to be away for a total of 31 days.

6) Poor organization by CONI Secretariat:

The Secretariat for CoNI, provided for by the government, has been unable to give reasonable notice to CoNI members on the scheduling of witnesses. They have only been able to provide me with a witness list only on the day of their appearance, giving me inadequate time to prepare to question them. I have also noticed the most important witnesses always get slotted in the most inconvenient times, such as towards the end of the day or ahead of some other scheduled event.

In addition, I further note that a substantial amount of translations are inappropriate and to some extent misleading, thus giving rise to what we may call “lost in translation”.

I also note with regret that there are some key witnesses yet to be interviewed.

I have raised these matters before my fellow-members in CoNI because I do not believe that we would have discharged our mandate fully if we carried out a perfunctory or superficial inquiry. Our duty is to lay out the facts of the case, which requires us to seriously establish those facts.

Yours sincerely,

Ahmed Saeed (Gahaa)

CoNI member

Please note: I wrote this on 18th August, prior to the return of the Judge and Advisors. I wanted to verbally share this with all before I mailed this to other concerned parties.