

## **SILENT INQUIRY**

by Fathimath Dhiyana Saeed

### **A Personal Memoir on the issue of the Transfer of Powers on the 7<sup>th</sup> of February 2012**



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## **1. A Plot to Kill President Nasheed**

When I met X who was both a friend and a long-standing political associate at my apartment on that fateful morning of 6<sup>th</sup> of February I had not known that it would be no ordinary meeting.

X and I had been friends since my appointment to parliament in 2005. Over the past year, we had not been in contact as I had been serving in Kathmandu. However, few nights back, post my resignation from SAARC, he had seen me on TV participating at a rally calling for the release of Justice Abdullah and he had texted me. I had texted back saying we should meet.

On this morning after a short exchange of pleasantries, we got into the subject of the prevailing political tensions and I asked him whether it was possible to resolve the political stand-off. His answer would torment me for months to come.

Here's what he said: That everything was ready for President Nasheed to be 'taken out'. I understood that to mean an impeachment motion and I knew the opposition didn't have that kind of numbers so I asked how that was possible. He replied that according to 'them' there were many methods, that one of them could go in a technician's guise, fix the air conditioning and that could do the job. Instantly, I understood that he meant a lethal gas and that he was talking about an assassination. Reacting from instinct, I raised both my hands and told him not to talk any further. Then immediately feeling bad about having been short and abrasive, I softened up saying the place could be bugged. He dismissed my objections and went on to say that there were people who were ready to shoot Nasheed upfront and they had, among them, the children of those who died on November 3<sup>rd</sup>.<sup>1</sup> He then said if the President was taken out that way, it might lead to an international criminal investigation because this was a Head of a State and so, it would have to be done in a way that would not cause suspicions. He then asked me whether I thought that in the vacuum created when Nasheed is taken out, Waheed would move in, take over MDP and consolidate his power. I said I didn't think that was possible, that Waheed didn't enjoy that kind of popularity within MDP. He then told me that their first step had been to create a clash between Waheed and MDP in order to ensure that Waheed would not be able to take over MDP and that's the reason Umar was sent to Waheed few nights back where after his meeting with the Vice President, he stood outside Waheed's residence and announced to the country that Waheed was ready to take over from Nasheed. X then repeated that everything was now set for Nasheed to be 'taken-out.' I asked him when this taking-out would happen and he said soon.

He then left. As soon as he left I called my driver and left for ADK hospital to meet my mother-in-law. I picked her up from the hospital and left. As I went about my routine, I had completely forgotten that conversation and I would not recall X's words until the next day.

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<sup>1</sup> This was a reference to the coup d'état that took place on 3<sup>rd</sup> November 1988

## **2. Now You Believe Me?**

That night the Civil Alliance anti-government rally that was taking place took unexpected turns. At one point, we saw a law enforcement vacuum at the rallying grounds with enraged Civil Alliance protesters and counter-protesters from MDP armed with various implements facing each other in a free for all. Those watching the unfolding events could see both the police and the military conducting themselves in strange, unexpected ways. Watching this live on TV, I remember thinking that President Nasheed was orchestrating the events to give himself grounds to declare a State of Emergency. I also remember calling my friend, Badhoora when the open clash between protesters and counter-protesters began and screaming at her to get out of the rallying grounds. She came to my place and together we watched the unfolding events of the night.

People who are familiar with the events of that night would know that the security situation in Male steadily deteriorated as the night deepened with the MNDF declaring Red Alert (the highest security alert) in the late hours. The 7<sup>th</sup> of February dawned on to find the military and the police locked in what seemed a stand-off in the Republican Square grounds. Around 6:00 am I watched on TV as President Nasheed came out of the MNDF headquarters to the Republican Square surrounded by military personnel and accompanied by his Defence Minister to address the protesting police officers assembled on the grounds. Like many Maldivians watching the events and in my case, participating in the events to some extent, I had thought that the events taking place were spontaneous, spinning off from a build-up of days of frustrations. At that point, I had still not recalled the conversation of the previous day so I had not suspected that what was unfolding was a plan, a series of moves engineered and orchestrated by key players.

As President Nasheed left Republican Square, frustrated in his efforts to appease the clamouring police, the possibility that there would be no resolution dawned on me. I had contacted Mr. Gasim and Vice President Waheed the night before to express my concerns about the deteriorating security situation and save for those communications, I hadn't been in contact with any public figure. I now remembered X though still not that fateful conversation. I sent him a text asking him whether he was in the country. I don't remember why I asked that question, why I thought he might not be in the country. Perhaps it was a vague notion that people at risk leave when security risks of that magnitude occur. He immediately replied saying he was out of the country, that he had left on a flight that night. We exchanged a few more texts. It didn't strike me odd then – his leaving that night. Much later, I would recall everything

and think that perhaps he had left when the plan to take out Nasheed was set in motion, not knowing whether something could backfire, not knowing how it would end.

Around mid day, President Nasheed announced his resignation to the nation in a live telecast. I still did not think that something was amiss. Shortly after his resignation, I was invited to DhiTV to speak about the day's events. Prominent politicians and activists were appearing on various channels. I was to go on air right after Dr. Jameel and I bumped into him outside the studio as he came out. He was wearing a pink shirt and looked fresh. I remember joking to him about feeling embarrassed to go on T.V in my drab gray after seeing his freshness.

I had finished my appearance and was waiting for my car outside the DhiTV building when I received a text that turned me cold. I hadn't heard from X since President Nasheed resigned earlier in the day and now he texted: ***'Now you believe me?'***

*Standing there, then, in that instant,* the previous day's conversation flooded through my mind. I stood shocked, staring at the text. Then I collected myself and messaged something along this line: Are you bragging? Don't forget the common people's role. After sending off that text, I remained there, outside the DhiTV building conscious that something very wrong had happened but I couldn't quite grasp the reality and enormity of what had possibly taken place. The events that had unfolded and that were manifest before our eyes had seemed spontaneous enough. At this point, I hadn't slept in over twenty four hours so my thinking wasn't exactly sharp.

I went home, lay down on my sofa and went to sleep.

### **3. In Torment**

I spent the morning of 8<sup>th</sup> February thinking and reflecting. I knew that President Nasheed was at his home, alive and safe. Yet, I could not ignore what I had been told. There was no denying that I had been told President Nasheed would be 'taken-out' and that it would happen soon. There was no denying that assassination had been on the radar. There was no denying that President Nasheed's office stood vacated within twenty fours of that conversation. There was no denying what that last text had said. What had happened? What had taken place behind the scenes? Had there been unseen hands?

I desperately needed to consult someone but who? I had been vocal in my condemnation of President Nasheed's decision to arrest Justice Abdullah and he had just lost his presidency over what looked like that issue. His supporters were in despair and rage. I felt that if I attempted to contact him, I would be shredded. I couldn't go to my associates on this side because now I didn't know whose hands were tainted and whose hands weren't. The politics was so bitter, so deeply divided and so polarized that if I happened to confide in the wrong person I thought what I had to say would be reported to the wrong people and covered-up.

It was against this background of self-torment that I watched the events that gripped the country on the afternoon of 8<sup>th</sup> of February. It was one of the darkest days I had witnessed. President Nasheed had gone to Dharubaaruge with his supporters and in a televised gathering, announced that he had been ousted in a coup and his resignation secured under duress. His supporters then flooded the streets across the country demanding justice. The ensuing clashes between the police and President Nasheed's supporters were violent and destructive. My main concern that afternoon had been safety. My apartment sat near the rally's assembly point close to the police and military headquarters. Peering from behind my curtain, I could see some of the clashes that were going on. Up on the 8<sup>th</sup> floor, my five year old and two year old were tearing up and complaining of stinging on their eyes and faces. The wind had carried tear gas and pepper spray up to their floor. My five year old was also terrified from all the noise. I also feared that a wounded activist looking to retaliate might suddenly remember I lived there. I called my brother-in-law and asked him to get a boat ready to take us out of Male. When things settled down a bit around 7:00 pm, I took my kids and left.

On the two hour boat ride, the doubts that had plagued me earlier in the day resurfaced. Now, President Nasheed himself has said his resignation had been secured under duress. Could it indeed be true? I resolved to find out more.

#### **4. Intent to Finish Within Constitutional and Legal Bounds**

As far as I knew, X was still not in the country. That night I sent him a text mentioning the outpouring of rage and support in the wake of the alleged coup and asked him whether it was possible to prevail over President Nasheed in that climate. I was now digging and I had to be careful how I worded my inquiries. Thus, I took care to communicate a desire to see 'us' win. X texted back saying that it would have to be finished within constitutional and legal bounds, that they had many tricks to play and I was not to worry.

This text took a load off my chest. I understood it to mean that whatever stand-by plans X and his associates may have had and still had, there would be no attempt or no further attempt on President Nasheed's life. That cleared, I went about my routine.

## **5. Declining a Nomination to Cabinet in February**

In the two days following the transfer of power, Nasheed's Vice President and his successor, Waheed was hard at work attempting to put together what he called a National Unity Government. Each party in the coalition was to be allocated an agreed number of seats and Waheed was in consultation with party leaders to sort out who would be given what. Sometime on the morning of 8<sup>th</sup> or 9<sup>th</sup> of February, Mr. Gasim, the leader of the Republican Party called me and told me he wished to nominate me for the Republican Party's seat. Gasim was a man I had a lot of respect for and ordinarily, I would not disappoint him but the turmoil in my mind then wasn't ordinary. I thanked him but declined his kind offer. Not long after that call, my husband who was in the south and had been there through all the upheavals of the past two days phoned me. He said Gasim had called him and told him about my rejection of his offer. My husband then tried to reason with me. I gave him a firm no. When he persisted, I finally screamed at him to stop pressuring me.

I couldn't tell him my doubts about the legitimacy of the transfer of powers. In fact, I did not tell him about the conversation with X until the first week of November and even then and to date, not X's identity.

Not long after Nasheed claimed a coup, I was contacted by the U.S Embassy in Colombo. The person who contacted me informed that Assistant Secretary of State, Blake was to be arriving in Male on a certain date and whether I could meet him at five o'clock on that date. I said I would. I thought about that meeting and I thought about what I should tell him. I decided I could tell him what I knew. I had known Mr. Blake during my time in SAARC. I had worked towards building stronger relations between SAACR and the US and had enjoyed a good relationship with the then US Ambassador in Nepal, Mr. Scott DeLisi. I had even been in contact with the Ambassador through the upheavals of the recent days. I felt that Blake could be the objective party to whom I could disclose what I knew. However, that was not to be because that meeting was cancelled at the last minute as Mr. Blake had overrun his schedule and was getting late for his flight.

In the next few days, I saw India endorsing the legitimacy of the new Government followed by the U.S. Could I have been wrong? Why had India and the U.S been so quick to endorse the new Government? Surely, India and the U.S had the wherewithal to find the truth? Was I wrong? Was I tormenting myself unnecessarily? And yet, I couldn't ignore what X had said to me. I knew that what I knew wasn't a mirage.

## **6. Joining the Government in May**

I will not go into the details of how I eventually came to accept a Government position, except to explain how I came to terms with the new Government. First, although X had said that President Nasheed would be 'taken-out', that it would happen soon and the President had, as a matter of fact, lost his office within 24 hours of that conversation, what I had seen on T.V had looked spontaneous and so, I considered that perhaps a series of spontaneous events had overtaken the plan X had spoken about. I took benefit of doubt in what I didn't know. Second, President Nasheed had claimed that his resignation had been secured under duress and I believed that Nasheed had a just and fair opportunity to prove it. Until that is proven, the country needed to be run. I hadn't yet seen bare how the redress mechanisms worked. Third, I had believed that Nasheed's Vice President and his successor, Waheed had no knowledge of a plan to displace Nasheed even if there was a plan. I completely believed in Waheed's integrity and therefore, I felt I could work with him. Fourth, the two biggest democracies on earth, India and the U.S had accepted the new Government's legitimacy and I thought perhaps I was wrong to be hung up on one conversation I had with X. My rationales might have been faulty but those were my rationales and that's how I resolved the inner conflict I was grappling with.

And so, it was in the context of those thoughts that I convinced myself to join Waheed's Government.

## **7. No Intention to be Bound by CoNI's findings**

I joined the Government at the thick of its battle with CMAG. CMAG had placed Maldives on its official agenda and it was seeking to reconstitute the Commission of National Inquiry (CoNI) to include a nominee of President Nasheed as well as to expand and clarify its mandate. Those who are familiar with the events would recall that Nasheed's successor had earlier constituted a Commission of National Inquiry with three commissioners drawn locally. That Commission

was on the verge of completing its work when CMAG stepped in and pressured the Government to reconstitute the Commission and expand its mandate. The Government contested the authority of CMAG to place the country on its official agenda and I was among those within the Government to voice that view. The Government went to the extent of retaining Baroness Scotland, a former Attorney General of UK to advise the Government on whether CMAG had the authority to place Maldives on its agenda. I won't go into Baroness Scotland's opinion as it would be covered by lawyer-client privilege. Suffice to say that CMAG pressed its position and prevailed. On joining the Government, I had immediately been placed in the high level committee constituted within the Government to negotiate with Sir Don McKinnon, the Commonwealth Secretary General's Special Envoy. I will not go into a lengthy narration here except to say that two things raised alarm bells.

First, the initial draft TOR that Sir Don floated for the consideration of the Government and President Nasheed and their signature had a clause which said the parties agreed that CoNI's findings would be *final and binding upon the parties*. I believed, at that point, that CoNI represented a bona fide exercise on the Government's part to uncover the truth and so it was in the country's best interests to accept its findings and move to a closure. Therefore, I advocated to have the clause accepted. At some point in the talks the Attorney General, Uza Azima whispered to me that this clause needed to be removed because if CoNI made a finding of culpability on the part of Riyaz and Nazim and recommended that action be taken against them, a final and binding clause might bar them from challenging the finding in the courts. In other words, the 'final and binding' clause was removed in order to pave way for Riyaz and Nazim, the new Government's Commissioner of Police and the Minister of Defence respectively, to challenge CoNI's finding in the event culpability is found on their part.

In essence, this meant the Government had no intention to be bound by CoNI's findings – unless CoNI's findings suited the Government.

Second, we had been negotiating over the list of nominees that President Nasheed forwarded through Sir Don. We had formulated an eligibility criteria, one that would ensure that nominees to CoNI would have an acceptable degree of objectivity. Most of the names forwarded by Nasheed failed to get past the criteria. The people that Nasheed nominated had either served in top political positions in his Government or were leading activists and lacked the requisite degree of objectivity. Then came a name that the Government felt it could accept, that of Manaal Shihab, Mohamed Shihab's daughter. The Defence Minister, Nazim said we should accept the nomination adding that he had instructed a background check. A background check

was normal and legitimate but what he indicated next wasn't either normal or legitimate. He said they would commence harassment of Manaal from the moment she is appointed to CoNI. I remember bantering on to find out whether he really meant that, whether he intended to have President Nasheed's nominee harassed. He did and that raised the second alarm bell.

I went home and thought about the implication of that intention. There could only be two possibilities; that is to force Nasheed's nominee to quit mid-way and pave the way for CoNI to function without a nominee from Nasheed or to keep Nasheed's nominee intimidated and contained in order to prevent her from prevailing in CoNI.

Manaal's name was withdrawn before she could be appointed. MDP maintained that her name was floated only informally and a minor row broke out among the stakeholders relating to the public disclosure of her name before official nomination. I remember how and why the Government disclosed her name but I don't think there is a public interest to be served in disclosing those details.

Eventually, it was Mr. Ahmed Saeed (Gahaa Saeed) who was appointed to CoNI as Nasheed's nominee. I felt that he did not meet the objectivity criteria but the deadline for CoNI's reconstitution was approaching and there was a lot of pressure from the Commonwealth. The Government decided to accept the nomination in the spirit of compromise. I am positive that I didn't hear of any intent to have him harassed. However, much later after CoNI finished its assignment and was disbanded, I would learn that his phone was tapped.

I now knew two alarming facts. First, that the Government wished to remove the 'final and binding' clause in the Commonwealth draft ToR because the Government had calculated the possibility of CoNI finding culpability on the part of its Police Commissioner and Defence Minister and wished to keep open the avenue for them to challenge any finding that CoNI may make in that respect; and second, the Government had expressed an intention to harass a potential nominee of Nasheed to CoNI. I weighed these two pieces of information against what I knew from before – the plan to 'take out' Nasheed. I could not ignore the possibility that this meant the Government was concealing something.

## 8. Waheed's Hand Tainted?

The Human Rights Commission had conducted an investigation into the issue of whether Nasheed's life had been threatened on the 7<sup>th</sup> of February and the Commission had concluded that there had been no threat. This Report was released around July. I read it and felt it had gaps. I held the Human Rights portfolio within the Government and I believed it was my duty to raise these issues. At the same time, I felt that if I were to raise the issues directly I would be viewed as disloyal and suspect. After giving it some thought I called a person who could raise the concerns I had with the Human Rights Commission. I don't wish to identify him and I will simply call him Y.

Y very kindly offered to meet at my office. In the course of our meeting, I outlined the gaps I had found in the HRCM Report. After a discussion of those issues, I told him that there was another reason which made me doubt HRCM's conclusion. I then told him everything I had been told by X on the 6<sup>th</sup> of February right down to the 'Now you believe me?' text I had received from X on the 7<sup>th</sup>. The only thing I didn't tell him was X's identity.

I will digress a bit here. Since February 7<sup>th</sup>, this was the third person to whom I was recounting what I knew and confessed my doubts. The first was a trusted friend and long time colleague to whom I had unburdened around the 10<sup>th</sup> of February. She had been shocked and dismayed although she was an opponent of Nasheed. The second was also a long time friend. She and I had been talking at my son's birthday celebration in mid-March. I hadn't given her details, though.

To get back to the point, on that day Y heard me out. He remembered something I had said to him around the 10<sup>th</sup> of February. This was the time I had been in self-torment and needed to discuss things but didn't feel I could trust anyone. At that time, Y and I had talked on the phone. He had been offered a post in Waheed's Government and he had declined. I had told him about Gasim's offer to me adding that I could not accept it either. I had gone on to tell him that there was something I wished to tell him but it would have to wait until we met. I had never requested a meeting with him until that day in the second half of August. So, now, he recalled that conversation and asked me whether *this* was what I had been so disturbed about. He was thoughtful for a moment and then said each one of us probably knew something which when put together would reveal a different picture. He also told me that because I had trusted him, he would trust me with something. I hope Y would recognize the public interest and forgive my reproduction of it here.

This is what he said:

*A week before the now disputed resignation of President Nasheed, his Vice President had invited Y to his residence for dinner. After dinner, when he was about to leave, when he was bending over to put on his shoes, the Vice President had bent over and whispered into his ears, that things would be difficult in the coming week and whether Y would help him. Y, not suspecting that anything out of the ordinary would happen in the coming week had assured the Vice President that he would indeed help him.*

Y had thought nothing of that conversation at that time but recalling those words in the following week, in the wake of President Nasheed's resignation, it had occurred to him as odd.

In spite of Y's earlier pensive comment he dismissed the notion of a coup d'état. I remained somewhat unconvinced. I knew that line. I had employed that line too when anyone got too close to what I was really thinking. I felt that Y was taking a position on the legitimacy of the transfer of power, not on the basis of facts or truth but on the basis of whether he liked Nasheed's governance. Indeed, this was the basis on which many people made their judgements. We concluded our meeting on a positive note.

Left alone, I pondered over what Y had just told me – that Vice President Waheed had said things would be difficult in the coming week and asked whether Y would help him. Did Waheed know that something out of the ordinary would happen in the following week? I believe he knew. I believe further that not only did Waheed know of the impending displacement of President Nasheed, but also actively planned his own Government – for Waheed offered Y his Vice Presidency in the week that followed when Waheed was sworn in as the new President.

Y would have made a formidable Vice President because he was highly skilled and adept at analysis. He was focused and had a reputation for achieving results. He was also an eloquent speaker. Unfortunately, he declined.

Anyway, for the purpose of this narration, when I added what Y had said to my growing information bank and weighed everything together, I could now believe that Waheed had knowledge of what would happen on the 7<sup>th</sup> of February and had planned his Government.

## **9. Waheed's Selective Announcement of CoNI's Findings**

CoNI's deadline to complete its inquiry was the 30<sup>th</sup> of August. President Waheed was to address the nation in a live telecast and present the findings of the Commission of National Inquiry to the nation. I understand that the Government had received a copy of the findings the previous night. In any case, the text of the President's speech was prepared and was ready to be presented that morning

Most of the cabinet ministers and leaders of political parties sat in a room waiting for the rest of the cabinet to finish their confidential meeting and join before proceeding to the room from where the President's formal announcement would take place. Presently, the Attorney General came in with the President, the Home Minister and the Defence Minister. She had a copy of CoNI's report in her hand and very quickly showed a few of us its findings. It was a thick report and I zeroed in on the conclusions which were:

- 1) The change of President in the Republic of Maldives on 7 February 2012 was legal and constitutional.
- 2) The events that occurred on 6 and 7 February 2012 were, in large measure, reactions to the actions of President Nasheed.
- 3) The resignation of President Nasheed was voluntary and of his own free will. It was not caused by any illegal coercion or intimidation.
- 4) There were acts of police brutality on 6, 7 and 8 February 2012 that must be investigated and pursued further by the relevant authorities.

We then proceeded to the room where we sat down with the press and awaited the President's address. I listened intently as the President began, outlined the background of the issues, presented CoNI's findings, spoke a bit more and closed his address. When he closed his address, I could not believe what I had just heard. He had announced *three* of CoNI's findings and omitted one.<sup>2</sup> He had announced the finding that the transfer of powers was constitutional, that the events of 6<sup>th</sup> and 7<sup>th</sup> February were events ensuing from Nasheed's actions, and that Nasheed had resigned voluntarily, but he had not announced the finding that the Police had committed many unlawful acts on the 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> of February.

As I had said, CoNI's Report was a thick document and the great majority of the population would not read it. For many and especially for the people spread out in the atolls, the

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<sup>2</sup> Speech available in Dhivehi at <http://www.presidencymaldives.gov.mv/Index.aspx?lid=69&dcid=7827>

knowledge of CoNI's findings would come from President Waheed's formal announcement that day. The entire nation was glued to their TVs and radios at that moment. And the President had omitted one finding. I found that omission conspicuous and telling.

I walked back to my office, heavy-hearted and heavy-footed. For the second time since February 7<sup>th</sup>, I couldn't shake off the feeling that something very wrong, something of enormity had just happened. I felt that it was a crime to stay silent. I called my Technical Adviser, one of the most competent lawyers I knew and a trusted friend into my office and asked her whether she thought silence amounted to complicity and whether my silence would bar me from entering paradise on the Day of Judgment. I expressed to her my disappointment over the President's selective announcement of CoNI's findings to the nation. We talked some more. I tried not to let my guard down but I probably did. I was devastated that day because it had finally shattered my faith in Waheed's integrity.

After a brief talk with senior colleagues, I downloaded CoNI's Report and began to read.

## **10. CoNI's Report Opened More Questions Than It Answered**

Sitting in my office, I read CoNI's Report from cover to cover. I held my breath at many places and I would never forget reading page 43. I know that this sounds dramatic but this is what I felt that day. I had begun my ponderings with one name, that of X. From what X had said, I had known others were involved and as I read CoNI's Report, I had to grapple with the possibility that the 'they' or at least some of the 'they' that X had referred to on that fateful morning of 6<sup>th</sup> February could be the three ex-servicemen, Fayaz, Riyaz and Nazim who were now in the position of the State Minister for Home Affairs, Commissioner of Police and the Minister for Defence respectively in the very Government that I belonged to. I had reached the point where I was seriously questioning Fayaz, Riyaz and Nazim's roles.

In the preceding months, President Nasheed and his supporters had labeled Fayaz, Riyaz and Nazim as conspirators, people who had lead the subversion of the elected Government. I had always thought that these three ex-servicemen had gone to the Republican Square to help restore order. Reading CoNI's Report, I felt that there was more to their role than I had initially believed. I felt that the truth was to be found not in the conclusion, but in the substantive content of CoNI's Report.

I will first comment on the Report's content before I comment on the procedural issues.

First, at page 43 of the Report, CoNI states:

*"There was consensus that there should be a peaceful settlement, the idea being to give their support to President Nasheed for three days during which he should find a solution. This, however, did not materialize because other developments overtook these efforts."*

Reading CoNI's Report would reveal that the 'the developments' were the arrival of what it called 'three critical participants' on the scene and their intervention.<sup>3</sup>

From the above, I learnt that President Nasheed had negotiated with the leaders of the major political parties through his own Party's President, Dr. Didi and secured an agreement that he would be given three days to resolve the outstanding issue. I learnt further that President Nasheed was barred from implementing that agreement. I learnt too that what barred the President Nasheed from implementing that agreement reached by consensus among political leaders was the intervention of these three ex-servicemen, Fayaz, Riyaz and Nazim who arrived on the scene and directed the events in a different direction. I thought this was a subversion of the collective will of the electorate. I believed it to be a major red flag.

Second, CoNI's Report produced the transcript of a public announcement that one of these ex-servicemen, Nazim made outside the MNDF Headquarters. This is what he said:

*"... The proposal was that the President should resign without condition. And, after that, to transfer all powers to the Vice President. Our second condition was that the Commissioner of Police Ahmed Faseeh and both his deputies resign at once. We told them these are non-negotiable conditions. These are not things up for further discussion. We assure ..... these things will happen this way by the deadline we have set for 1:30 today..."<sup>4</sup>*

Nazim had just come out of the secured MNDF Headquarters where President Nasheed was. He was addressing the police and members of the public assembled there<sup>5</sup> and he said he had given a 'non-negotiable proposal' to the President to resign 'without conditions' before the stated deadline. The so-called 'proposal' had all the hallmarks of a demand and I found this so-called 'proposal' to be grossly at odds with CoNI's observations that the elected President was

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<sup>3</sup> Report of the Commission of National Inquiry (30<sup>th</sup> August 2012), p-43-45

<sup>4</sup> Report of the Commission of National Inquiry (30<sup>th</sup> August 2012), p-44-45

<sup>5</sup> Estimates put the numbers between 600 and 1500 including protesting police officers.

secure in the MNDF Headquarters, that he was in full command of the military and that he had the key to the armory under his control.

How could Nazim, an ex-serviceman but nonetheless an ordinary civilian then enter the secured headquarters of MNDF and 'propose' to the President to resign without condition within a given deadline, saying the 'proposal' was non-negotiable? And how could that President standing in the secured headquarters, surrounded by the military that was supposedly under his command and having control of the armory yield to that 'proposal'? It was illogical. It contradicted common sense and good judgment. It went against reasoning and rationale - especially to those who were familiar with President Nasheed and his history. We know that in Nasheed's twenty-year long struggle to democratize Maldives, he had been incarcerated twenty two times and he had been beaten, abused and brutalized in every possible way. He was courageous, defiant and formidable. He would not yield to pressure. I felt that CoNI should have looked at the issue in-depth. Was it possible that the ex-serviceman, Nazim had backed up his 'proposal' with a threat, express or implied?

Third, President Nasheed had indeed stated to the Commission that he had been threatened with death. According to the President, Nazim's non-negotiable 'proposal' to resign without condition within the deadline had been backed up with a threat and that had been relayed to him by Nasheed's Defence Minister, Tholhath through the Home Minister, Afeef. Afeef supported the President's statement in CoNI. Tholhath on the other hand differed. He denied passing such a message to the President through Afeef. So, CoNI had two conflicting statements. On the one hand, the President and his Home Minister stated that a threat was issued and on the other hand, the Defence Minister, Tholhath denied relaying a threat from Nazim. It didn't take rocket science to know one of them was lying but which one? The answer, I believe, must be found on the basis of motive and veracity. It was a major failure on the part of CoNI in so far it elected not to probe deeper into the issue. It was also a failure on the part of CoNI to ignore the phone calls that had taken place between ex-serviceman, Nazim and Defence Minister Tholhath and assume that the only opportunity available to Nazim to issue a threat was at his meeting with Defence Minister, Tholhath inside the military headquarters.

As I read CoNI's report, I kept asking myself whether Tholhath could have a reason to lie? Could he be one of the 'they' X had referred to? I thought it was shocking that CoNI had not probed into the financial affairs and accounts of Tholhath given that senior military personnel including the then Chief of Defence Force, Major General Moosa Jaleel had also spoken about Tholhath's debts. I also thought it relevant that the people who stood accused included top military

personnel and they were the ones who had backed Tholhath. It was also significant that manifest breaches of the laws governing military conduct could be seen on the part of those personnel and that had not been addressed by CoNI. I will consider these questions and issues later.

Fourth, on the basis of CoNI's Report, ex-servicemen, Fayaz, Riyaz and Nazim had followed President Nasheed and entered the President's Office when the President was taken there to write his resignation. They had followed him everywhere except into a room where the President had a brief meeting with his cabinet.<sup>6</sup> The President had his Special Protection Guards with him and the President's Office was surrounded by military personnel.<sup>7</sup> So why were these three ex-servicemen there? If it was to protect the President, who were these three that they could offer more protection than his own bodyguards and the military? What was their role and who had given them permission to enter? CoNI's Report did not address those questions.

Fifth, on the basis of CoNI's Report alone, ex-serviceman, Nazim pressed the President and hurried him to write the letter of resignation. As stated in CoNI's report:

*"..... Nazim told him that the Speaker was asking about the letter of resignation. President Nasheed inquired of his legal secretary and she replied that it was not yet ready. President Nasheed then asked for a pen and a piece of paper ...."*

Why was the Speaker of Parliament in such a hurry so as to initiate a call and inquire about a letter that was yet unwritten? Or did the Speaker of Parliament make such inquiries? There was nothing in CoNI's report that supported Nazim's claim to President Nasheed that the Speaker had initiated a call and was inquiring after the yet unwritten letter of resignation.

Sixth, on the basis of CoNI's Report, ex-serviceman Riyaz had taken the letter of resignation the President wrote from where it was deposited in a particular Unit of the President's Office. This man, Riyaz, had then taken it to the Police Headquarters and handed it to a police officer, instructing the police officer to deliver the letter to the Speaker of Parliament at his private residence. As stated in CoNI's Report:

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<sup>6</sup> Vice President did not attend this meeting. Although his Secretariat was informed of the meeting it was not clear whether he received the message.

<sup>7</sup> Report of the Commission of National Inquiry (30<sup>th</sup> August 2012), para 1, p-47.

*“About the same time, Riyaz retrieved the resignation letter..... Riyaz then took the resignation letter to the Police HQ and an officer went to the home of the Speaker who signed the receipt at 1.47 pm.”*

The letter of resignation was State property. Who had authorized this man, Riyaz to pocket a property of the State, hand it to whoever pleased him and direct what to be done with it? What had driven Nazim to press and hurry the President to write the letter and what had driven Riyaz to take this letter in such a hurry outside the process and the law? It shocked me that CoNI did not think that these were red flags and did not inquire deeper into these issues. It confounded good sense and reason that *at the very least*, CoNI did not make a finding of impropriety on Riyaz’s part.

Sixth, these three ex-servicemen were appointed to top posts in the new Government when Nasheed’s Vice President and successor, Waheed was sworn in. Taking into account everything, I thought it something to be looked at, that right the very next day Riyaz was appointed to the post of Commissioner of Police and the next day, Nazim to the post of the Minister of Defence. In Riyaz’s case the appointment was also made potentially in breach of Article 52(1) of Law No:5/2008 (the Police Act) which specifies that the Police Commissioner shall be appointed from among the senior most officers of the Police Service. Riyaz was an *ex-serviceman*. He was then not a member of the police force, let alone belonging to the cadre of the senior most officers. The Government now reportedly claim that in order to fulfill the statutory requirement that the Commissioner must be appointed from ‘among the senior most officers,’ Riyaz was first appointed as a deputy and then appointed as the Commissioner. It is a ridiculous notion that he was appointed first as a deputy and within minutes appointed again to the position of the Commissioner of Police. It was not reported at the time of his appointment and in any case, it went against the spirit of the law. I could not help wondering why President Nasheed’s successor, Waheed went to such lengths and overreached the law to appoint this particular *ex-serviceman* - who had taken President Nasheed’s resignation letter outside the process and the law and directed what to be done with it in the absence any lawful authority or power on his part.

Seventh, CoNI’s Report had ignored significant military misconduct, misconduct that is recorded in the public domain and therefore manifest and evident to the public. I understand too that the then Chief of Defence Force and other top military personnel had in fact testified in CoNI on the issue of misconduct that took place within the military that day. I will discuss some of these issues separately. For the moment, I wish to make the point that I found it grossly odd that

CoNI had chosen to reproduce in its Report vague opinions presented by certain people such as Dr. Mariyam Zulfa's claim that a bulge in Riyaz's pocket was indicative of a gun while remaining silent on testimony which had more evidentiary value such as that of the then Chief of Defence Force who had been at the military headquarters the whole time and observed the events first hand.

Eighth, I understood from CoNI's Report and from the statements of those who had been present at ex-serviceman, Nazim's meeting inside the MNDF Headquarters that Defence Minister Tholhath had rejected Nazim's initial proposal that the President resign within one hour but thereafter, agreed to the proposal that the President resign within the extended deadline of one and a half hours. At the very least, it is indisputable that Tholhath had communicated that proposal to the President. What does this say about the Defence Minister's beliefs, assuming that he was acting in good faith? Common sense tells us that assuming the Defence Minister was acting in good faith, he had assessed the situation and come to the conclusion that President Nasheed must resign or he was at substantial risk. Had the Defence Minister not made this assessment and come to this conclusion, he would not have communicated the so-called 'proposal' to the President. If CoNI thought otherwise, then it would have to come to the other natural conclusion that there was misconduct or impropriety on the Defence Minister's part but we know that it did not conclude as such. Now, assuming that the Defence Minister was acting in good faith and made this assessment that there was a significant threat to the security of the President, that he was at risk unless he resigned, it becomes pertinent to ask what the Chief of Defence Force's assessment was – after all the Chief of Defence Force is the most important person in the military's line of command. I have asked him myself as to why he had not intervened, why he let the President resign. His answer was that it was clear to him that President Nasheed would not have been able to leave the military headquarters, alive had he not resigned. I am one hundred percent sure that the Chief of Defence Force would not have told CoNI any different. I understood from my interactions too that a select few within the military had even considered whether they could somehow push President Nasheed into a small crowd consisting of MDP supporters who were assembled near Reefsides so that the President could find refuge there. They had decided such an attempt was too risky. It shocks me that CoNI had ignored these assessments.

There were other issues in the substantive content of CoNI's Report that disturbed me but I think the above is sufficient to make my point. I will now turn to the procedural issues and other points that I felt CoNI ought to have looked at.

First, ex-servicemen, Riyaz and Nazim were among the key people who were alleged to have carried out the coup with the aid of a number of top personnel within the police and the military. How, then, could a fair investigation be undertaken with Riyaz as the Commissioner of Police and Nazim as the Minister of Defence? How was it possible to gather testimony and evidence from the Government, especially from the MPS (police) and the MNDF (military) with Riyaz and Nazim controlling those two institutions? In fact, one of the Commissioners undertaking the inquiry has publicly said that, of the footage from eight cameras within MNDF that day CoNI was given access to footage from only three and those too was limited. This withholding of access is salient given the reports of military misconduct that allegedly occurred within the military headquarters that day. It would have a significant bearing on the question the alleged coup d'état and yet CoNI had disregarded the withholding. I will be looking at some of the alleged military misconduct in a separate section.

Second, while the Constitution specified that the President had the power to constitute Commissions of Inquiry that power was skeletal and the country had not yet passed legislation giving such commissions the necessary powers for them to deliver their mandates. Thus, CoNI had no power, among other things, to subpoena witnesses or compel testimony under oath.

I also considered the possibility that a lot of people who had information of relevance had not responded to CoNI's public invitation to provide it with testimony and evidence. I did not as I did not believe that my identity and what I had to say could be kept confidential. I do know others who, similarly, did not volunteer information. I have since combed the Appendices to the Report and found that even X was not interviewed.<sup>8</sup> That is how faulty the inquiry was. It had not even touched upon X who, I believe, was one of the masterminds behind the alleged subversion of the elected Government.

I could go on about the issues in both CoNI's procedure and the substantive content of its Report but I think I have offered enough to explain what I said earlier, that CoNI's Report opened more questions than it answered, that the truth lay in the substantive content rather than its findings.

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<sup>8</sup> Report of the Commission of National Inquiry (30<sup>th</sup> August 2012), Appendix IX.

When I began my silent inquiry, I had only one name, that of X. In stating that President Nasheed would be 'taken-out', X had referred to others. He had not named them. On the basis of what X had said, on the basis of the methods he had mentioned and the accessibility he had alluded to, I had taken the 'they' to be servicemen. I had thought that they were serving servicemen. As I finished reading CoNI's Report, I could believe that the 'they' possibly included ex-servicemen.

## **11. CoNI's Silence on Mutiny within the Military**

As I read CoNI's Report, I was also struck by the absence of references to significant military wrongdoing that day. CoNI had also completely ignored the concept of mutiny within the military (*sifainge thereygai baghavaiy kurun*) as defined by section 48(f) of Law No: 1/2008 (the Military Act). However, the misconduct that unfolded manifest before our eyes, the misconduct reported by senior military personnel including the then Chief of Defence Force and the misconduct that was captured on video footage cannot be and should not be ignored. Those went against section 2 (a), (b) and (c) and section 3 of Law No: 1/2008 (the Military Act) and constituted clear breaches of section 7 (h) and (i) as well as section 8 of that law. Further, some of that misconduct fell within the definition of 'mutiny within the military' as defined in that law and constituted a serious crime under section 33 of that law. In so far CoNI elected not to address those issues, it constituted a glaring omission on CoNI's part and it again confounds good sense as to why such a major failing as this occurred. The concept of mutiny within the military (*sifainge thereygai baghavaiy kurun*) as defined in the Military Act had also not received much attention on the national stage as the country's focus had been on the police protest and the involvement of certain opposition figures. As the country deliberated on the issue of the alleged *baghavaiy* (*subversion of the elected Government*) focus had been lost from the *baghavaiy* (mutiny within the military) that was defined in the Military Act. I will now mention some of the military misconduct that I had been alluding to.

It may not be publicly known but it is known within the military that on the morning of 7<sup>th</sup> February, prior to President Nasheed's resignation, the then Brigadier General, Ahmed Shiyam was purportedly appointed as the Acting Chief of Defence Force. I use the word, 'purportedly' because it could not have been a lawful and valid appointment despite members of the military seeming to accept the 'appointment' as valid, in so far they followed the command of the Brigadier General. The so-called 'appointment' was reportedly made by ex-serviceman, Nazim who, it is clear, lacked the authority to issue such an order. At that point, President Nasheed,

the Commander of the Armed Forces, Tholhath, the Minister of Defence and Major General, Moosa Ali Jaleel, the Chief of Defence Force were very much in their lawful positions and thus, such an appointment could not have been lawfully made. Further, even if the Chief of Defence Force had resigned and an Acting Chief of Defence had to be appointed by a person who had the requisite authority, that appointment would still need to comply with the law and the principles governing such an appointment. In this case, in addition to Law No: 1/2008 (the Military Act) there was a Strategic Directive issued by the Minister of Defence on 10<sup>th</sup> January 2012 which, at page 47 specified the succession of command stating that it would be the Male Area Commander who would become the Acting Chief of Defence Force should the Chief of Defence Force resign. On the 7<sup>th</sup> of February, when ex-serviceman Nazim had reportedly 'appointed' Brigadier General Ahmed Shiyam as Acting Chief of Defence Force and when Shiyam had reportedly assumed that position, issuing commands to the military, both Nazim and Shiyam had acted in contravention of Law No: 1/2008 (the Military Act) and the Strategic Directive of 10<sup>th</sup> January 2012. I believe that it is important to investigate into why these men had acted in the manner they reportedly had and whether President Nasheed's Defence Minister, Tholhath had played any part in facilitating this conduct.

Second, as per available video footage, Brigadier General Shiyam who had purportedly been appointed as the Acting Chief of Defence Force had addressed the public through a megaphone prior to President Nasheed's resignation and announced to the police and public gathered there that President Nasheed had resigned and his Vice President, Waheed was now in charge.<sup>9</sup> The available video footage also shows this very Brigadier General dressed in civilian clothes and walking about in front of the military headquarters at a time the MNDF had announced Red Alert, the highest security alert that required all military personnel to be in their uniforms and in their ranks and files. Similar conduct could also be seen on the part of Colonel Nasheed and Lieutenant Colonel Abdul Raouf who were also in civilian clothes and walking about in front of the MNDF headquarters. Their conduct that day was suggestive of a possible collusion with opponents of the elected President who were gathered there and it needs comprehensive probing given that we have video footage of the elected President and Commander of the Armed Forces standing in front of those very headquarters stating that the capital was plunging into anarchy and begging the military to take appropriate action. Smirking opposition figures and teenage boys might find that amusing but it is not something to be ridiculed. It raises grave questions of national security and it has serious bearings on the future of the country.

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<sup>9</sup> [http://www.youtube.com/watch?v=NKBPrpSEp\\_g](http://www.youtube.com/watch?v=NKBPrpSEp_g)

The potential role that President Nasheed's Defence Minister played in the alleged ousting of President Nasheed merits investigation too. Defence Minister, Tholhath reportedly met with military personnel on the evening of 6<sup>th</sup> February and reportedly stated to them that the police might rise up against the Government. This is consistent with what X had said to me that morning, that President Nasheed would be 'taken-out', that it would happen soon and then, we have Nasheed's own Defence Minister reportedly speaking along the same line that very evening. How had he known? Was it military intelligence? And if it was military intelligence that had forewarned him, why had he not taken appropriate action to counter such an uprising?

It is also significant that Defence Minister, Tholhath had invited ex-servicemen, Riyaz and Nazim into the MNDF headquarters to 'negotiate' where he, along with Chief of Defence Force, Major general, Moosa Jaleel, Brigadier General Shiyam and Nilam met them. At this meeting, ex-serviceman, Nazim had 'proposed' that the President resign within one hour. The Defence Minister, Tholhath is said to have stated that it was too short a time and counter-proposed that the deadline be extended to three hours whereupon, ex-serviceman, Nazim had said that three hours was too long and proposed a new deadline of one and a half hours. Defence Minister, Tholhath agreed to this and communicated it to President Nasheed who was in an adjoining room. According to people present at the MNDF headquarters that day, that acceptance by Defence Minister Tholhath was made without consulting President Nasheed and was made potentially in breach of the Military Act. Indeed, Defence Minister, Tholhath's invitation of ex-servicemen, Riyaz and Nazim into the MNDF headquarters purportedly to 'negotiate' and his ready acceptance of the proposal that the President resign within one and a half hours have the hallmarks of possible collusion. Tholhath also stands accused of bringing several changes within the structure of MNDF to facilitate this move such as reportedly giving promotion three times within three months to Major Adnan to enable him to be placed in the intelligence section.

It is also revealing that at some point earlier in the morning, prior to Defence Minister Tholhath's 'negotiation' with ex-servicemen, Riyaz and Nazim;, when the protesting police and the military were locked in a stand-off, Defence Minister Tholhath had taken a smoke canister and thrown it at the protesting police assembled on Republican Square, thereby initiating attacks on the police. The move on the Defence Minister's part was outside the role of the Minister prescribed by section 10 of the Military Act and it was also in breach of established protocol and rules of engagement. That act on Defence Minister, Tholhath's part is widely seen as a move to aggravate the police and precipitate assault on the part of the police against the military.

There were other manifest acts on the part of the military that CoNI elected to ignore.

One of these was that prior to President Nasheed's resignation, approximately 40 military personnel had stormed out of Kalhuthukkala Koshi, military barracks on the Western side of Male, in defiance of the orders of officers on duty. These men had marched to Hilaaleege, the official residence of Nasheed's Vice President, Waheed and on reaching Hillaleege, four senior enlisted men had reportedly entered the residence, hugged the Vice President and pledged their allegiance to him. They had then proceeded to Republican Square where they joined the protesting police officers and members of the public and reportedly participated in the assault on the military headquarters.

It has also been reported that on the 7<sup>th</sup> of February, when the MNDF was in Red Alert and when most of the military had been in rank and file, four senior officers, Solih Moosa of MNDF, Captain Amanullah, First Lieutenant, Adnan and Captain Riyaz (BK) had reportedly left their positions, abandoning their duties. This again was in breach of the law and the rules governing conduct at a time when the military was at its highest security alert, when law and order had deteriorated in the capital and it was in a state of anarchy. There were other incidents of military misconduct where military personnel within the MNDF Headquarters had sided with and cheered the people assembled on Republican Square in a civil protest against the Government. Other incidents included open defiance and the use of profanities against seniors in breach of the law, protocol and military custom. It was perhaps for this reason that CoNI was denied access to the footage from cameras located within the MNDF Headquarters. It would have shown manifest wrongdoing on the part of the military.

It is also widely known that a number of military personnel had left the MNDF Headquarters itself while it was on Red Alert and joined the civil protest against the Government. Similarly, a number of military personnel had left their posts on the Coast Guard and the Airport, converging on Republican Square and joining the civil protest against the Government.

It is also relevant that at some point on the morning of 7<sup>th</sup> of February, the SPG (elite military guards) lost control of the security at the Presidential Palace where the President's immediate family were, to the point that the First Lady, Madam Laila Ali left the palace with her daughters

and sought refuge at a private location. Members of the police force who had no business to be there had reportedly entered Muleeage, the Presidential Palace. It is not known how exactly the military lost control of the security at the Presidential Palace and how members of the police force had entered the palace. It is also possible that this 'loss of control' of the security at the Presidential Palace was a deliberate act to debilitate the President's resolve. If not, and if indeed the military were as weak as suggested, the nation needs to seriously question the capacity of the military to defend the country from external threats and aggression - the *raison d'être* for the military's very existence.

A further incident that needs to be inquired into is, on the morning of 7<sup>th</sup> February, five SPG bodyguards had reportedly attempted to take weapons that were under the control of the marines and they had reportedly said they were acting on the order of Vice President, Waheed. It has been reported that it was Staff Sergeant, Rikaaz who had allegedly led this. This was reportedly covered up the next day.

All these reports come from reliable sources placed within the military. They had been presented before CoNI. Some of it such as the storming of Kalhuthukkala koshi (military barracks) is supported by independent eye witnesses and several military misconduct has been captured on footage taken from private mobile phones.

Since, 7<sup>th</sup> February 2012, the Deputy Leader of the People's Progressive Party (PPM), Mr. Umar Naseer has also publicly stated in a rally that on the day President Nasheed resigned, he had been in charge of the 'Command Centre' and that his Command Centre was linked to the Command Post within the MNDF. This statement came from the Deputy Leader of the second biggest political party in the country and it indicated a serious breach of military law meriting independent investigation – investigation overseen by people beyond the influence of ex-serviceman, Riyaz now occupying the seat of the Commissioner of Police and ex-serviceman, Nazim, now occupying the seat of the Defence Minister<sup>10</sup>

To date, none of these actions have been investigated. Further, the present Defence Minister, Mr. Nazim who as ex-serviceman Nazim played a key role in the resignation of President Nasheed has since then announced that no action whatsoever would be taken against anyone

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<sup>10</sup> This rally took place on the 12<sup>th</sup> February 2012 and was telecast live on DhiTV.

in the military. I believe that quite apart from whether we believe a coup d'état had indeed taken place or not, it is imperative that wrongdoing on the part of the military be addressed and corrective measures taken. Otherwise, the nation's security stands at risk and so does the legitimate aspiration of its people to have democratic governance based on the will of its people.

## **12. Commissioner *Gahaa Saeed*'s Phone Tapped and CoNI Bugged**

When CoNI's inquiry was underway, I had a few times asked the Defence Minister whether the place in which CoNI was conducting its investigation was bugged. I had remembered his intent to harass Manaal and so, I thought it possible that CoNI's investigation room was bugged. I had tried to find out. My efforts met with vague responses until after CoNI's inquiry was completed and it was disbanded.

On one particular day, we were having a high level meeting to discuss the upcoming CMAG meeting. The CMAG meeting was important because it would be discussing whether to retain or remove Maldives from its formal agenda. After the meeting was formally concluded, we were still chatting when the Defence Minister said that it was President Nasheed who was harassing Commissioner *Gahaa Saeed*, that the ex-President was calling his nominee to CoNI every night and pressing him to write such and such into the Report. The implication that the Commissioner's phone was tapped didn't surprise me because the Defence Minister had previously mentioned a telephone conversation that Sir Don had allegedly had with the Commissioner. If my memory serves me right, he had even said they had the recording. The Defence Minister then went on to throw another bit of information. I don't remember what exactly led to the subject of bugging. I may have asked as I had done in the past. He said that the place where CoNI had conducted its inquiry was bugged, then made a sweeping gesture and said, even that very room was bugged. I won't say anything more except to say I was alarmed because I had had that conversation with Y in my office and also a few times, had expressed my concerns on the issues surrounding the transfer of powers on the 7<sup>th</sup> of February. Had they listened?

The Defence Minister took me aside on the way out and said someone had reported to him that on a flight I had said I had some doubts surrounding the occurrences of 7<sup>th</sup> of February and I had further said that I had one piece of evidence. I recalled that conversation instantly. Indeed,

a month before, I had said something along those lines flying back from a flight to Europe but who could have reported? There were only very few Maldivians on that flight. I thought then that it must be the MNDF bodyguards of the Speaker of Parliament who had been on that flight. I was slightly embarrassed when the Defence Minister said this but I lifted my chin and said yes, I did say that and if I said that I *would* have that evidence.

I now had two more pieces of information, that Commissioner, *Gahaa Saeed's* phone was tapped and CoNI bugged. I put everything I knew together. I recalled what X had said to me on the 6<sup>th</sup> of February. I recalled the untimely resignation of President Nasheed on the 7<sup>th</sup> of February. I recalled President Nasheed's subsequent claim that he had been threatened with death. I recalled what I had read in CoNI's Report, particular what it said about the actions of Riyaz and Nazim. I recalled the Defence Minister, Nazim's intent to harass Manaal. I recalled that Riyaz and Nazim's appointments had been the first appointments made in Waheed's new Government. I recalled the reason the Government wanted to have the 'final and binding' clause removed. I recalled that Nasheed's Vice President, Waheed had been watching the unfolding events but had neither initiated a call to Nasheed nor answered Nasheed's call. I recalled President Waheed's omission of one of the four findings of CoNI. I recalled what Y had told me about his meeting with Waheed. I recalled that *Gahaa Saeed's* phone had been tapped. I recalled that the place where CoNI conducted its investigation had been wired. I weighed up all of this together and I could not help believing that President Nasheed's resignation had not been voluntary as he asserted, that X, Riyaz and Niyaz possibly had a hand and that Waheed was possibly, to some extent, complicit.

But what was the motive?

### 13. **Motive and Relations**

I could only infer possible motives from what I know and I trust that a comprehensive investigation would reveal more.

- **WAHEED**

President Nasheed's vice president and his successor, Dr. Waheed has had long standing presidential ambitions. Waheed commenced his bid for public support in the late 80's when the first decade of Gayyoom's thirty-year long rule was coming to a close. When Gayyoom's ruthless

crackdown on his political opponents began Waheed had left the country. Two decades later, he returned when the country had introduced a multi-party system and had replaced the outdated Constitution with a new progressive one. Together with his close friends, Waheed then formed a party announcing his intention to contest in the 2008 elections. It was no surprise that his party had barely over three thousand people across the country and had only negligible support. He had been away from the country for approximately two decades and people simply didn't know this man. In late 2008, as the deadline for filing candidacy drew, frantic consultations were taking place to decide on sellable running mates and negotiations to form pacts with other potential candidates to join forces. The big names were adamant that they were running in the first round. With the deadline drawing to a close, Nasheed of MDP approached Waheed and it was agreed that Waheed would become Nasheed's running mate. It was known that the hugely popular Nasheed would carry on his strength alone and he only needed a running mate with a decent background. Waheed had that background.

Elected in the second round of the presidential elections, their relationship became strained from early on.<sup>11</sup> Waheed was assigned only a marginal role in the Government and he was soon found criticizing his Government.<sup>12</sup> This led to increased tensions between Waheed and senior members of MDP. The tensions had come to a head a week before Nasheed's resignation with Waheed criticizing Nasheed's actions publicly and Waheed meeting opposition leaders at his residence and refusing to disclose what was discussed when requested to do so.<sup>13</sup> Nasheed also suspected that Waheed had been plotting with the former regime early on to oust him and indeed, since his disputed resignation President Nasheed has publicly accused Waheed of this.

Whatever the merits of Nasheed's accusation may be, it is clear that Waheed had a possible motive, that of ascending to the presidency and through that, winning the 2013 elections. Indeed, he was written off by political analysts until he succeeded Nasheed after Nasheed's disputed resignation but as of now, with the pacts he has made with other political parties, connections he has made with top businessmen and the funds he has allegedly raised, his prospects in the 2013 elections are said to be on the increase. My inference of motive is also based on other grounds. Waheed was up and watching what was happening on 6<sup>th</sup> and 7<sup>th</sup> February. He was calling and was answering calls from members of the opposition. He was in

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<sup>11</sup> <http://www.asiantribune.com/news/2010/05/25/maldives-estranged-vp-meets-main-opposition-drp>

<sup>12</sup> <http://minivannews.com/politics/government-is-still-one-man-show-says-vice-president-dr-waheed-5898>

<sup>13</sup> <http://minivannews.com/politics/opposition-meets-vice-president-pledges-allegiance-and-urges-to-take-control-of-executive-31362>

continuous contact with people opposing the Government. In fact, he promptly answered my messages and calls on the night of 6<sup>th</sup> February and morning of 7<sup>th</sup> February. He had even called top ranking military personnel and in some instances, reportedly urged and encouraged them to oppose President Nasheed. He did all that and yet, he did not initiate a call to his own President nor did he answer or return the President's call when the President attempted to contact him twice. This is highly significant because as Nasheed's Vice President, Waheed had a constitutional, legal and moral duty to assist Nasheed and he failed to discharge those duties. Indeed, he had willfully ignored those duties. I believe, if nothing else, that failure is telling.

- **X**

What could have been X's motive was clear to me from the minute I began my ponderings. During Nasheed's time in office, he had begun what his Government called a clean-up on corruption and what the opposition claimed a crackdown on opponents. X was one of the first high profile politicians who was the subject of those investigations. That investigation was very much played out in the public eyes and apart from details of the offences X was alleged to have committed, it involved embarrassing details of his private life. The investigation resulted in charges and prosecution. I also recall X telling me that President Nasheed had reportedly said he could strike a deal with anyone in the opposition but not X and that X had to go. I could go into more details but I would then risk revealing X's identity and that is not my intention.

In short, X had been investigated, exposed, humiliated and was now facing prosecution. President Nasheed was unrelenting and X's options were closing in on him.

- **Ex-serviceman, NAZIM (present Defence Minister)**

Nazim was a highly trained military officer with 23 years of service to his name. He had served in senior positions in the military during Gayyoom's rule and had strong links with top military personnel loyal to the thirty-year long Gayyoom regime. Nazim was serving the MNDF as a Colonel at the time Nasheed was elected into office. Not long after coming into power, Nasheed had dismissed Nazim from the post in what had been called an internal clean-up after Nazim was reportedly suspected of facilitating a set-up through which President Nasheed's phone calls could be listened to from the home of Nasheed's predecessor, Gayyoom. Nazim had then taken Nasheed's Government to court alleging unlawful dismissal and had won the case.

Nazim had reason to harbour a grievance. It is also possible that he considered Nasheed's Government an iniquity that needed to be booted out and that view could be independent of any personal grievance he may have had over his dismissal. I say this because in my time in Waheed's Government, Nazim had said to me a number of times that he would install a military Government if it was what was needed to prevent Nasheed's party from prevailing.

- **Ex-serviceman, RIYAZ (present Police Commissioner)**

As in the case of Nazim, Riyaz had served in the National Security Service (NSS) prior to its split into the police (MPS) and the military (MNDF) in 2008. After the split, he was in MPS. Like Nazim he was a highly trained officer and had strong links with the Gayyoom regime. He had been the Assistant Commissioner of Police when Nasheed was voted into office and like Nazim, Nasheed had dismissed Riyaz in an internal-clean up of the MPS.<sup>14</sup> Like Nazim, Riyaz had taken Nasheed's Government to court claiming unlawful dismissal.

I should also mention that it was the present Attorney General, Uza. Azima who represented both Riyaz and Nazim in their lawsuit against Nasheed's Government. It was also Azima who said to me that we needed to remove the 'final and binding' clause in the Commonwealth draft to keep open the avenue for Riyaz and Nazim to challenge any finding of culpability on their part that CoNI may make. I am not suggesting that Azima was involved, if indeed, my analysis is correct and the others were involved in a plot to subvert the elected Government. Indeed, I want to make it clear that it is my belief that neither Azima nor most of the coalition leaders had knowledge of a plot.

- **Ex-serviceman FAYAZ (present State Minister, Minister for Home Affairs)**

Fayaz, too, had served in top posts within the former NSS prior to its split into the MPS and MNDF. He had been appointed to the post of the Deputy Commissioner of Police by President Nasheed. He was later dismissed from that post<sup>15</sup> and reappointed to the position of Deputy Minister, Ministry of Transport and Communications.

- **THOLHATH (President Nasheed's Defence Minister)**

You will recall that in CoNI, President Nasheed had said that Nazim's non-negotiable 'proposal' to him to resign 'without conditions' within the given deadline had been delivered to him by Defence Minister, Tholhath through the Home Minister, Afeef. Afeef had backed up Nasheed's

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<sup>14</sup> <http://www.haveeru.com.mv/english/details/28633>

<sup>15</sup> <http://www.haveeru.com.mv/english/details/28633>

claim but Tholhath had denied relaying such a message. Who was lying? Could Nasheed's Defence Minister have a reason to lie? Was it possible that he was colluding to overthrow Nasheed's Government. Was it possible that his silence in CoNI had been bought?

According to Tholhath' ex-colleagues in the Government and high ranking military personnel, Nasheed's Defence Minister, Tholhath was in serious debt. He had owned and operated a construction company which had reportedly suffered severe losses and as a result, he is said to have found himself in a position where he was owing money to a large number of people in addition to an outstanding bank loan. Those people to whom he owed money reportedly included mid ranking military officers as well as top military personnel. If indeed, Tholhath was in financial hardship and he had been partly assisted out of that hardship, there could be a motive to lie. In the light of the serious allegations involved, it is disappointing that CoNI did not examine his accounts.

And now on to discuss relations. Prior to the splitting up of the National Security Service (NSS) into the MPS (police) and MNDF (military) in 2008, Fayaz, Riyaz and Nazim had served in the NSS and they had trained and worked together and had been friends for long years. When the three were dismissed from their positions in the MPS and MNDF, Riyaz and Nazim had sought legal assistance from the present Attorney General when she was in private practice. Their relationship is thus fairly clear.

I could also explain the association between X and Defence Minister Nazim but doing so would risk coming too close to X's identity. To explain Riyaz's possible relationship with X, I will have to digress and take you to the past. In 2009, X had asked me whether a certain amount of money could be raised to finance an operation to entrap a judge who was then a member of the Judicial Services Commission. He explained that the plan was, that a friend of this particular judge would take him to Bangkok and in the course of the trip, would entice him to 'liaise' with a call girl. The room where this 'liaison' would be set-up with hidden cameras and the judge would be recorded '*in flagrante delicto.*' According to X, this 'setting-up' would be done by the Bangkok police and the whole operation including equipment would cost about ten thousand dollars. I had asked him how he would be mobilizing police officers in the Bangkok police service and he had replied that he knew someone who had served in MPS and who had strong links with police officers in Bangkok. I have been told that post Nasheed's resignation, both X and Riyaz had travelled to Bangkok and met there. I believe, too, that Riyaz's training in Bangkok and years of service in the NSS as well as his subsequent position as the Assistant Commissioner of Police would have given him the opportunity to forge the kind of strong links

that X had suggested. Putting all this together, I found myself asking whether it was Riyaz who had been helping X to entrap the judge and reportedly MPs too. I wish to emphasize that I am only contemplating a connection here and that indeed it could be another ex-serviceman who was assisting X in his distasteful and unlawful activities. Quite independent of a possible connection here, Riyaz on the basis of President Nasheed's dismissal of him and his subsequent lawsuit against the Government had reason to harbor a grievance.

I find it to be too much of a coincidence that it was Fayaz, Riyaz and Nazim, three ex-servicemen dismissed by President Nasheed from the police and the military for their misconduct and alleged links to the Gayyoom regime who just happened to arrived on the scene at the Republican Square that day and instituted conduct that CoNI termed as 'developments that *overtook* the efforts' of the elected President to implement a consensus reached among political leaders to give the President three days to find a peaceful resolution. I also find it to be too much of a coincidence that these three men were given top posts in Nasheed's Vice President, one just the very next day and in possible breach of the law.

Before proceeding to the next point, I want to emphasize that this is a discussion of possible motives and only a criminal investigation that is independent and comprehensive could uncover the truth.

#### **14. Speaker of Parliament at Gunpoint**

The 1<sup>st</sup> of March that followed the transfer of powers was a day of significance. The Constitution required the annual State of Address to be delivered in Parliament and Parliament officially opened by the President on this date. On this day President Nasheed's party, MDP was determined to prevent the new President from delivering the State of Address and declaring parliament officially open. They called the new President a traitor asserting that he was complicit in the alleged subversion of the elected Government. Out on the streets, massive rallies by MDP supporters were taking place and inside the Parliament, MDP MPs were physically blocking the entrance to the Chamber amid much chanting and aggressive conduct. Hours passed by, morning gave way to afternoon, afternoon gave way to night and finally at 9:00 p.m the Speaker announced adjournment. The Speaker could have had the protesting MPs forcibly removed from the Chamber. That would happen had the Speaker given that command

but that day, given perhaps the volatility of the situation, the Speaker had elected not to take that route

A second attempt was made to deliver the State of Address and open the parliament on the 19<sup>th</sup> of March. After similar chaos on the streets and inside the Chamber of Parliament, the new President, Waheed surrounded by the military delivered an interrupted State of Address that lasted approximately five minutes.

Not many people know and I came to know of it recently too that on the 1<sup>st</sup> of March the Speaker had been shown a gun and told that if he were unwilling to let the delivery of the State of Address take place he could step aside and let the Deputy Speaker of Parliament, Ahmed Nazim conduct the opening of Parliament.

#### **15. Was CoNI's Inquiry Fixed?**

I have often been asked this question, whether CoNI's inquiry had been fixed. I think the question arises in many minds because CoNI's Report exhibits glaring omissions and failings. However, I must say that in my time within the Government I personally had not come across a single thing that suggested that CoNI was fixed. That said, I had been told that CoNI's place of investigation had been wired and I had been told that Commissioner *Gahaa* Saeed's phone had been tapped and I had calculate that those actions on the part of the Government weren't done without reason – and that reason to my mind was this: that the Government had manipulated the information CoNI was getting either through witness intimidation within the police and the military or withholding relevant information as was in the case of the withheld footage from MNDF cameras or that it had deliberately channeled wrong information to mislead CoNI or all of this. I think it is also safe to assume that just as *Gahaa* Saeed could be expected to report CoNI's deliberations and thoughts to President Nasheed, one of the other Commissioners would do the same for the Government. In fact, I had occasionally heard comments to the effect that Co-Chairman of CoNI, Mr. Ismail Shafeeu was reportedly 'comfortable' with the way the investigation was going and that he was 'confident' that there would not be a finding of a coup d'etat.

On this subject, there is one more point that merits mention. At the time CoNI's inquiry was at the point of wrapping up, one of the Commissioners belonging to CoNI had a press conference where he stated that he and the other Commissioners had been given small gifts such as perfume and ipads by Judge Selvam who was the co-Chair from Singapore. He had then proceeded on to claim that Judge Selvam had handed him a certain amount of money, - about three thousand Singapore dollars - whereupon this particular Commissioner had questioned what the money was for. Judge Selvam had then replied that it was to be handed over to a charity. According to Commissioner *Gahaa* Saeed he had bought supplies for two Government run institutions and handed Judge Selvam the receipts. Although I had watched the press conference I had dismissed the gifts of perfume and ipad as insignificant. I had dismissed the issue of the three thousand dollars too as a gesture on the part of a kind hearted man. That said, I do know that many people question why Judge Selvam, Co-Chair of CoNI had handed that money to this Commissioner and not the Secretariat or the management of the hotel he was residing in. Further, there was the allegation by the Commissioner that Judge Selvam mentioned a charity *after* handing over the envelope containing the money to the Commissioner and *after* being questioned by the Commissioner as to what the money was for. Was Judge Selvam testing whether Commissioner, *Gahaa* Saeed who was President Nasheed's nominee and the only Commissioner with a differing view would take money without questioning? Was it an overture - suggestive of more should the Commissioner take it without questioning?<sup>16</sup> Whatever the truth here is, it is one more blight on CoNI's credibility.

## **16. Reflections**

Post 7th February, I have often asked myself as to why X had told me what he did. It was a burden I could not carry and I wish even today that he hadn't. My belief is, he had come to my place right after his meeting with the 'they' where the timing for Nasheed's 'taking-out' was fixed and he had been in an euphoric mood. I think it was that. The fact that we had been friends and colleagues and I had kept his confidences made his guard down. It also helped that I had been calling for President's Nasheed's impeachment.

I also ask myself, *why the 7<sup>th</sup> of February?*

I think it was the now or never moment. X had referred to possible methods so it was likely that for some reason or the other, option and opportunity had not matched – until that day.

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<sup>16</sup> <http://minivannews.com/politics/%E2%80%9Ci-realised-it-was-all-going-wrong-member-saeed-on-cn-is-final-days-43143>

From what I have come to know, President Nasheed was to declare the courts as unconstitutional by a Presidential Decree on the 7<sup>th</sup> of February. I have indeed seen a copy of the draft Decree and the press release to be issued by Male City Council supporting the President's move. This Decree might have had the effect of bringing the existing judiciary to an end and pave way for the investiture of a reformed judiciary with a new swearing-in of the judges. It was widely contemplated that in the process induction of the reformed judiciary President Nasheed would eliminate a number of judges whom he had accused of being corrupt and unfit for office. Indeed, President Nasheed had, since the arrest of Justice Abdullah Mohamed, declared the swearing-in of judges which had taken place two years earlier unconstitutional. He had even attempted to prevent the original swearing-in that had taken place two years earlier even then alleging it was unconstitutional. This move on the part of the President might be potentially unconstitutional but he seemed bent on implementing those changes.

X and his associates possibly knew this. They had their own sources of intelligence within the Government and it was unlikely that they would not know of the planned move. Indeed, the news had even filtered down to ordinary people. If President Nasheed had carried out that move and despite the constitutional challenges, won the move, it would disarm the old guards in the opposition who still had, to some extent, a hold on the judiciary. That could be the reason why February 7<sup>th</sup> was decided upon – that it was the now or never moment. In addition, the ongoing Civil Alliance protest was a bonus in that it would provide the perfect cover.

There are two other things I have come to know that may be of relevance.

In the third half of January, two or three military personnel had visited MNBC 1 (now TVM), the State television station. They had said the President would be appearing in the Heyanbo show and would be at the studio for a recording. Then, they had measured the entire distance from the entrance, through the corridors to the studio. They had gone into the studio and drawn diagrams including the wiring above. At the time, there had been a hushed and contained talk within select MNBC1 staff about a staff being approached to talk about an 'accidental' fire from a short of the wires in the studio. MNBC 1 was a very old building with bad wiring which even now causes problems and an 'accidental' fire might be regarded as natural. I was given this information from by a reliable source but I will not disclose the source for safety reasons.

The other information I have pertains to a live firing that took place in an MNDF ceremony. The firing was ceremonial and it was to happen with the Commander of the Armed Forces, that is President Nasheed, standing in a designated position. When the preparation for the ceremony was underway, a mid-ranking officer had reported that he had come to know of a plan to shoot the President 'accidentally.' This had resulted in an investigation. The officers in charge had informed the investigation that an accidental firing was impossible because the weapon would be fixed in a particular position. The investigation was then closed. Eventually that ceremony and the ceremonial firing did take place with the Vice President attending the event. President Nasheed had elected to attend another function that day.

I mention the above two plans because it is consistent with what X had told me – that there were many methods, that there were people who were ready to shoot him upfront including the children of those who died on November 3<sup>rd</sup>.

I have also been told by a source yesterday that X had reportedly brought a poison into the country from Bangkok through an unsuspecting Mp who believed what he was bringing was a regular medicine. This poison supposedly disintegrates the body in the course of about three weeks. I asked my source when this was reportedly brought in, whether it was before February. His reply was in the affirmative. I asked that question because I had remembered something else - that on the 6th of February, X had told me that he had in his possession something colorless, odorless and tasteless which he could bring to me in a small bottle and asked me whether I could put this into a coffee or a juice and serve it to a particular opposition Mp. According to X, this would make the Mp high. I had replied to him that I dared not do such a thing (*alhugandakah thikahala kameh kuraakah nukereryne*). I now found myself chilled wondering whether it was that poison that X had been talking about. This source who had informed me about the poison couldn't have known what X had asked me. I don't think I had told anyone that.

## **17. Conclusion**

By mid-September, I had drawn everything together. I was shaken by the picture I had. I felt particularly disturbed as I watched Nasheed's successor, Dr. Waheed stand before the U.N

General Assembly and give his small justice to small States speech. I tried to tell myself that it was impossible to bring the perpetrators to account and that any attempt would be a highly dangerous exercise. And yet, the voice in my head could not be silenced. I could not come to terms with what I had learned. I tried to reach out to President Nasheed, to tell him what I knew.

I had been told that President Nasheed would be ‘taken-out’ and that it would happen soon. I was told that there were many methods including up-front shooting but that it would have to be done a different way in order to avoid an international criminal investigation. Within twenty four hours of being told all this, President Nasheed’s office stood vacated. Right after President Nasheed’s vacation of his office, I had received that text from X asking whether I *now* believed him. I recalled what I had learned from the substantive content of CoNI’s Report. I recalled that it was the arrival of the ex-servicemen, Fayaz, Riyaz and Nazim on the scene and their intervention that prevented President Nasheed from implementing a consensus reached by political leaders to give the President three days to find a peaceful resolution to the outstanding issues. I recalled the non-negotiable ‘proposal’ from ex-serviceman, Nazim to President Nasheed that he should resign unconditionally before the given deadline. I recalled that this Nazim had hurried up the President to produce the letter of resignation. I recalled that it was ex-serviceman, Riyaz who had taken that letter from the President’s office outside the process and the law. I recalled that right the very next day, Nasheed’s Vice President and his successor, Waheed had appointed the ex-serviceman Riyaz to the position of the Police Commissioner and following that, ex-serviceman Nazim to the position of the Minister of Defence. I recalled that the Government had insisted on the removal of the ‘final and binding’ clause from the Commonwealth draft TOR to enable Fayaz, Riyaz and Nazim to challenge in court any finding of culpability on their part that CoNI may make. I recalled the professed intention on the part of this Nazim to harass Manaal Shihab. I recalled being told by Nazim that Nasheed’s nominee, Gaha Saeed’s phone was tapped. I recalled being told by Nazim that the place where CoNI conducted its investigation was wired. I recalled what Y had told me about the conversation he had with Nasheed’s Vice President, Waheed in the week preceding Nasheed’s resignation. I recalled that Y had been offered Waheed’s Vice Presidency in the following week. I recalled that Waheed had been watching the events at his residence on the evening of 6<sup>th</sup> of February and the morning of 7<sup>th</sup> February. I recalled that President Nasheed had attempted to contact his Vice President twice on the morning of 7<sup>th</sup> February but that Waheed had neither answered the President’s calls nor returned the calls. I recalled that this was grossly at odds with Waheed’s other conduct- that he had been calling, answering calls and had been in contact with opposition figures. I knew that this conduct on Waheed’s part amounted to a breach of his constitutional, legal and moral duties as the Vice President. I weighed all this together and I

could not ignore the logical conclusion – that key players had engineered and orchestrated the events, that President Nasheed had not resigned voluntarily as he asserted and that Waheed was possibly complicit. I believe further, that had President Nasheed not resigned ‘voluntarily’ that day he would have been killed in a way that would not be apparent as a killing - perhaps ‘accidentally’ in a cross-fire in the MNDF or at the hands of the enraged public in the manner of Amin Didi, the first President of the Republic?

Only an international criminal investigation that is independent, impartial and comprehensive can uncover the truth.

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