

The Report on 8th February 2012 Incidents – Shahindha’s Opinion

1. Based on the investigative evidence stated below: it is conclusive that, several members of the Police Force have violated laws and regulations, in their dispersal of the demonstration by the Maldivian Democratic Party (MDP) whilst the demonstrators were at a standstill in the area in front of The Maldives Monetary Authority (MMA) building, and that the situation at that time did not constitute for such dispersal:
 - 1.1 It is evident from the statements and video footage obtained for this investigation, that, some of the demonstrators when they came up to the security lines, that was in front of MMA, initially confronted the policemen by kicking their shields and throwing bottles of water at the lines and that the police reacted by pushing back the demonstration as far as the market area and that afterwards the demonstrators moved forward and stopped in front of the MTCC building about 30 or so feet from the security lines, and that some of the demonstrators sat down on the ground.
 - 1.2 The area in front of the MMA is; by The Regulation of Assembly, a permitted area for demonstrations. Also, no evidence such as photographs, video footage or statements except for the statements given by the police, who is the alleged party in this investigation, could be obtained for the investigation, which gave evidence of there being any breach of a law or any attempt to do so by the demonstrators.
 - 1.3 It is evident from the statements, video footage, photographs and the hospital records obtained for this investigation, that there was infliction of serious injuries through brutal force while dispersing the demonstrators. Hence it is conclusive that some of the police, violated 7(a),11 of the Act 5/2008 (Police Act) and The Regulation On The Police Use Of Force and The Regulation on The Use Of Batons.

2. Based on the statements obtained for this investigation, it is conclusive: that the gathering was dispersed without forewarning by the police, on the order of Unit Commander, Sergeant Mohamed Naeem and that the order was given, despite the instruction to him by the Commander of the Specialist Operations, Inspector of Police Ahmed Shameem, not to disperse but to “hold” the demonstration; and that, Inspector Shameem had also instructed Unit Commander Sergeant Mohamed Naeem to be advised by the ground Commander of MNDF on a decision on action, and that the MNDF Commander’s advice was; to withhold dispersal for the time being.

3. With reference to the Commission’s Conclusion 4.3 and 4.4. It is evident from statements, video footage and photographs obtained for this investigation that in dispersing the demonstration, the police gave chase to several people, entered “Niyaz Store”, a shop in the vicinity, where President Mohamed Nasheed, MP Maria Ahmed Didi and MP Moosa Manik had taken refuge. In addition to the inhumane treatment by police inside the shop as stated in the Commission’s Conclusion 4.3.3, it is also evident that policemen brutally dragged President Nasheed and the MPs into the street, and inflicted further injury on MP Maria Ahmed Didi, and MP Moosa Manik, and that MP Moosa Manik, received death threats whilst being inflicted serious injury. These acts were not carried out in order to prevent or stop unlawful acts or for the safety of anyone and that they were brutal acts of crime intended for targeted persons.

4. As it is evident to this investigation that no adequate attempt was made to stop the acts of assault and inflicting injury against the public by police, whilst dispersing the gathering, and that due to reasons stated below; it is conclusive that: from those of the high ranking police personnel, the Assistant Commissioner of Police Abdulla Fairoosh who was the then Acting Commissioner of Police, and Inspector of Police Ahmed Shameem, who was then in-charge of the police Specialist Operations Department, should be held accountable for negligence of duty:
 - 4.1 Since it is evident to the investigation that; even if the police were using communication sets, which is one of the means of giving commands in such situations, whilst attending to the gathering there was no command given to stop the acts, and that, although stated by Inspector Ahmed Shameem that he tried to speak to his men separately during the unrest, it is conclusive that: appropriate steps were not taken in order to stop the acts of inflicting injury being carried out by police in uniform.
 - 4.2 The Assistant Commissioner of Police Abdulla Fairoosh, stated in answer during this investigation that; on the 8th of February 2012, when he saw the acts of inflicting injury by some police at the gathering in front of MMA, on TV in the Police Headquarters, he instructed Inspector of Police Ahmed Shameem to “attend” to it; and that he believed that the situation was thus controlled, and that he did not have to take any action other than that.
 - 4.3 It is evident from the statement of Inspector of Police Ahmed Shameem, that there was no command issued to him by his seniors, or that he did not issue such a command, in order to stop the brutal acts of the police.

5. For the reasons stated below; it is obvious that; false information was forwarded by some policemen to this investigation of the Commission, and that it is a criminal offense.
 - 5.1 Although Assistant Commissioner of Police Abdulla Fairoosh, in his statement had said that, soon after the meeting of M.D.P started at Dharubaaruge, the former Defense Minister Thal’hath Ibrahim Kaleyfaan had assured the Deputy Commissioner of Police Hussain Waheed over the phone more than 3 times, that they were not going to come out of DHarubaaruge onto the streets on that day, Deputy Commissioner of Police Hussain Waheed, in his statement, refutes this information and said that the first time Thal’hath Ibrahim Manik called him was after the demonstration had been dispersed, in order to complain about police actions.
 - 5.2 Although Inspector of Police Ahmed Shameem, in his statement had said that, at the time when the gathering was dispersed he was on the terrace of the Police Headquarters building; video footage obtained for the investigation show him in the scene of action 36 seconds after the police had started dispersing the gathering. Inspector of Police Ahmed Shameem also confirmed to the Commission that it is him. It is commonsense that he would not have reached the scene of action in such a short duration of time.
 - 5.3 In Chapter 3 of Section 62 of The Penal Code, it is stated that: “A person is said to give false evidence when: in any investigation or any matter carried out under the authority of Shari’ah or Law or by a person authorized to carry out such investigation or matter under the Shari’ah or Law to make an untrue declaration upon any such subject or to make a declaration hoping that it is or ought to be true or making a declaration not knowing or not confirming the true or untrue nature of that subject matter...”

6. In accordance with the powers and responsibility afforded to the investigations of the Commission in Section 35(b) of Act No. 5/2008(Police Act), to look into matters surrounding this case, it evident that no investigation was conducted of any police in regard to the acts of assault and battery and acts of inflicting injury against public persons on the 8th of February 2012, and, that it is a violation of the Constitution of the Maldives and Act No. 5/2008(Police Act). Hence, due to reasons stated below it is conclusive that this case against the Commissioner of Police Abdulla Riyaz and the Assistant Commissioner of Police Ali Rasheed (who is the foremost personnel of the Professional Standards Directorate of the Maldives Police Service) should be investigated and acted upon.
 - 6.1 In the event of collecting information for this investigation, in the official communication with the Maldives Police Service, it is stated that; there was no ‘reported case being investigated’ of the incidents of assault and battery by police on the 8th of February 2012, and that it is more suitable for such cases to be investigated by an independent institution, and that the police were aware that the Police Integrity Commission and the Human Rights Commission of the Maldives had launched investigations into the said incidents.
 - 6.2 Article 244(c) of The Constitution of the Maldives and Section 2(d) and (e) of the 5/2008(Police Act) states that it is the duty of the police to look into and investigate criminal acts. Hence it is conclusive that it does not require a complaint to be filed for the Maldives Police Service to look into the incidents of police brutality on the 8th of February 2012.
 - 6.3 Despite evidence of acts of inflicting injury and use of profanity by police on the 8th of February 2012, such as video footage and photographs, of these incidents being available publicly, the Professional Standards Directorate of the Maldives Police Services, being the internal mechanism responsible to prompt investigation of police misconduct and other such matters, conducted no investigation and instead gave a promotion to a policeman identified, through video footage, in such an act on the 8th of February 2012.