

MALDIVES: FORMER PRESIDENT MOHAMED NASHEED ILL-TREATED AFTER ARREST, DENIED MEDICAL TREATMENT AND LEGAL REPRESENTATION

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The arrest of former president Mohamed Nasheed, and his apparent mistreatment in custody and lack of fair trial, highlight a selective approach to justice in the Maldives.

Nasheed was allegedly ill-treated in police custody before entering a court hearing on Monday 23 February but the court did not order an investigation. The court also denied him the right to be represented by his lawyer at the hearing, and rejected his request to receive medical treatment for injuries caused after police manhandled him outside the court premises.

Nasheed was arrested on terrorism charges on 22 February, which replace a previous charge brought against him in June 2012 for the alleged unlawful arrest in January 2012 of the then Chief Judge of the Criminal Court. The charge carries a maximum prison sentence of 15 years.

A conviction would stop Mohamed Nasheed, a popular opposition leader, from contesting future presidential elections, with the next one due in 2018.

The Maldives Criminal Court, in a warrant of arrest against Mohamed Nasheed on 22 February declared: "Reason for Arrest Warrant for summons: Terrorism charges brought against the subject and fears that he may not attend the Court or go into hiding."

Four other members of Nasheed's cabinet are also indicted for involvement in the arrest of the judge, and may be arrested.

Nasheed was taken to court on 23 February but was not allowed to have a lawyer representing him, in violation of his right to a fair trial. His legal team said under the regulations in force, they could only represent a client if they had applied for it to the court two days earlier. Yet, the court had set the date of the first hearing just one day after Nasheed's arrest, thus effectively denying him the right to be represented by a defence lawyer in his first court appearance on 23 February.

The court ruled that Nasheed should remain in detention until his trial ends, but has now decided that he may be represented by a lawyer in the next hearing.

Claims of his ill-treatment were substantiated by video footage, viewed by Amnesty International, which appear to show him being manhandled. This was reminiscent of the events of February 2012 when Nasheed and his supporters were attacked by security forces.

Eyewitnesses say he was dragged into the court in a degrading manner. He told the judge that he was in need of medical attention, but the judge refused his request.

Amnesty International urges the Government of Maldives to ensure the due process of law, and that any judicial processes against Mohamed Nasheed conform to international fair trial standards.

There should be an independent and impartial investigation into Mohamed Nasheed's treatment in custody, with anyone responsible for ill-treatment being brought to justice, and into why the judge did not allow him to receive medical treatment. Any judicial irregularity in this case must be addressed through an appropriate process that ensures judicial accountability.

Dozens of Nasheed's supporters, including senior members and MPs of the Maldivian Democratic Party (MDP) were attacked and subjected to brutal beatings at the time of the disputed ousting of Mohamed Nasheed from the presidency in February 2012.

Despite concerns expressed by Amnesty International, a National Commission of Inquiry investigating the circumstances of Nasheed's ousting, and the Maldives Human Rights Commission, no one has yet been brought to justice for those attacks. Nasheed's arrest stands in contrast to government inaction in these cases and undermines its stated claim that his arrest is to uphold the rule of law.