



**CONSERVATIVE PARTY
HUMAN RIGHTS COMMISSION**

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**A Report on a visit to the Maldives
by Benedict Rogers**

**Deputy Chairman of the
Conservative Party Human Rights Commission**

June 7-10, 2006

The Conservative Party Human Rights Commission is a body established by the Shadow Foreign Secretary to highlight international human rights concerns, and to inform, advise and develop the party's foreign policy by making human rights a priority. Freedom and human dignity should be at the heart of foreign policy.

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Benedict Rogers
Deputy Chairman, the Conservative Party Human Rights Commission¹

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1. Executive Summary

After 27 years of authoritarian rule by President Maumoon Abdul Gayoom, the Maldives has a real opportunity now to move forward into a new era of democracy and respect for human rights. According to the Chief Government Spokesman, Mr. Mohamed Hussein Sharif, the Maldives is currently “a nation in transition”. The Minister of Foreign Affairs, Dr. Ahmed Shaheed, said that in the past two years the country has “changed monumentally”. The Minister of Justice admitted that the Maldives was “a very restrictive society until very recently”. The activities of pro-democracy media organisations and the opposition Maldivian Democratic Party (MDP) suggest that significant improvements have been made in allowing space for dissent. The fact that I was invited to address an audience of police officers, in the presence of the Foreign Minister and the Commissioner of Police, on the subject of human rights, and that I was able to address a public meeting organised by Minivan Radio, a radio station currently unregistered and jammed by the authorities, are signs that the situation has changed. Everyone who attended these meetings confirmed that such meetings would not have been imaginable even one or two years ago.

However, while most Opposition and media groups agree that some changes have taken place in the past two years, most still doubt the sincerity of the Government and believe that the proposed “Roadmap to Reform” is little more than a delaying tactic and a public relations exercise to improve the Government’s reputation in the international

¹ This report contains the positions of both the Government and the Opposition in the Maldives as stated to me. As I was the sole participant in this visit on behalf of the Conservative Party Human Rights Commission, I have written this report in the first person. The Executive Summary and the Conclusions & Recommendations sections contain my personal observations and proposals, while the other sections of the report simply provide an account of the positions of the relevant parties as stated to me.

community. The level of mistrust, anger and doubt about the sincerity of the Government and the depth of the reforms among democrats and the public is extremely high.

There is an opportunity to move towards full multi-party democracy in the Maldives if the Government, the Opposition and the international community work together to build on the Government's encouraging rhetoric about democratisation and human rights, and the steps it has taken so far to propose reforms. However, there is a significant danger that unless the Government takes bold steps to improve human rights and prevent continuing arbitrary arrests and police brutality, the anger of the people may lead to a violent, rather than peaceful transition. As the Vice President of the MDP and Shadow Minister of Foreign Affairs Mr. Ibrahim Hussain Zaki told me, this is a "difficult and decisive time" and "a delicate transitional phase from autocracy to democracy".

On behalf of the Conservative Party Human Rights Commission, I therefore urge the Government of the Maldives to show its commitment to reform by undertaking the following steps:

- To immediately and unconditionally release MDP Chairperson Mr. Mohamed Nasheed from house arrest, and drop the charges against him;
- To immediately and unconditionally release human rights defender Ms. Jennifer Latheef and drop the charges of terrorism against her;
- To immediately and unconditionally release all other political detainees;
- To stop the arbitrary arrests and detention of protestors, journalists and pro-democracy activists;
- To stop the police brutality, including the beatings and harassment of journalists and pro-democracy activists;
- To stop the activities of thugs and militia reportedly created and controlled by the Government;
- To establish talks between President Gayoom and the MDP, and prepare a clear timetable for multi-party elections, with assistance from the international community, within the next six weeks.

The MDP should indicate to the President its willingness to engage in dialogue, its commitment to non-violent transition to democracy and its proposals for further reform.

The international community should be ready to assist a process of dialogue, consultation and reform through mediation and by providing further training opportunities in the fields of human rights and law, to the judiciary and the police force. The international community, including the United Kingdom, the European Union and the Commonwealth should increase pressure on the Government of the Maldives to release Mr. Mohamed Nasheed and other political detainees, and take action to stop arbitrary detentions and police brutality. Further recommendations can be found in the Conclusions & Recommendations section.

2. Background

The Maldives is a nation of approximately 285,066 people spread across 200 inhabited islands. There are 1190 islands altogether in the archipelago, grouped together in 26 “atolls”. The capital, Male, has a population of approximately 75,000 in an area of just 1.97 square kilometres.²

The population is exceptionally young. According to Government statistics, over 45% of the population is under-18³. Other sources claim that 55-60% is under 15. Only one-third of the population is aged over 45.

The Maldives claims to a literacy rate of 99%, the highest in the region⁴. However, while there are schools on every inhabited island and a college of further education on Male, there is no university. Young people travel overseas for higher education.

Drug addiction levels are dangerously high. It is estimated that 15% of 15-25 year-olds are addicted to opiates, and over 10% have chronic heroin dependency.

Tourism is the major industry, accounting for 33% of the economy, according to Government statistics. Fishing is the second major industry, accounting for 7% of the economy⁵.

The Maldives is an Islamic nation, and one which has not tolerated religious freedom. It is, however, a largely moderate Muslim society. Both the Government and the Opposition express concern about the rise of Islamist extremism. A rapidly growing number of women, for example, are wearing the *hijab* or headscarf, a custom which Maldivians have not traditionally followed. There is concern that conservative and militant Islamist groups are pressurising women to adopt this custom. There is also concern about the number of Maldivians travelling to madrassahs (Islamic schools) in Pakistan, where they are taught militant brands of Islamic thought.

The country has been ruled by President Maumoon Abdul Gayoom since 1979. President Gayoom is Asia’s longest-serving dictator. During his 27-year rule, there have been numerous well-documented reports of human rights violations, including torture, arbitrary arrests and detentions, and the suppression of dissent. However, on November 11, 2003 President Gayoom announced his intention to introduce reforms leading to democracy and improvements in human rights. On June 9, 2004 he presented 31 proposals for constitutional reforms, and on March 27, 2006 he launched a “Roadmap for the Reform Agenda”. The Government’s proposals include reforms of the Constitution, Parliament, the police, the judiciary, and laws governing freedoms of assembly, press and information. These will be discussed later in this report.

² Data taken from Government statistics provided in the introduction to the National Criminal Justice Action Plan 2004-2008, from the Attorney General’s Office. See www.agoffice.gov.mv

³ Ibid.,

⁴ Ibid.,

⁵ Ibid.,

3. About the Conservative Party Human Rights Commission

The UK's Conservative Party Human Rights Commission was established in 2005 by the Shadow Foreign Secretary. It exists to monitor human rights violations around the world, to raise human rights concerns in Parliament, the media and other forums in the United Kingdom and the international community, and to develop policies which will promote human rights and democracy. It aims to place the promotion of human rights and democracy at the heart of foreign policy. It consists of 13 Commissioners, including five Members of Parliament: Michael Gove MP, John Bercow MP, David Burrowes MP, Mark Pritchard MP, Gerald Howarth MP and the Chairman of the Conservative Party Human Rights Commission, Gary Streeter MP. Other members include human rights activists, lawyers and researchers. Amnesty International serve as advisers to the Commission, and evidence is taken on a regular basis from other human rights organisations, such as Human Rights Watch and Freedom House, as well as media and other sources.

In 2005 the Conservative Party Human Rights Commission was approached with a request from Maldivian groups in the UK to assess the situation in the Maldives. The Commission has had several meetings with Maldivian Government and Opposition representatives in the UK, as well as regular communication with organisations involved in campaigning for human rights in the Maldives. The Chairman of the Commission, Gary Streeter MP, has raised the situation regularly in Parliament and has held meetings with the Foreign Minister, members of the Maldivian Democratic Party, and with other concerned groups.

4. Purposes of the Visit

- To obtain up-to-date information on the current situation in the Maldives, including the Government's proposed reforms, continuing violations of human rights and prospects for a transition to democracy and improved respect for human rights;
- To meet Government Ministers and leaders of the Maldivian Democratic Party;
- To visit MDP Chairperson Mr. Mohamed Nasheed, currently under house arrest and on trial facing charges of sedition and a possible life prison sentence;
- To visit human rights defender and Amnesty International Prisoner of Conscience Ms. Jennifer Latheef, currently under house arrest on charges of "terrorism" for participating in pro-democracy protests;
- To explore with Government, Opposition and civil society groups the prospects for meaningful and peaceful reform;
- To identify ways in which the Conservative Party Human Rights Commission might support, encourage and assist substantial democratisation in the Maldives.

5. Itinerary

The programme included meetings with Government Ministers and representatives of the Opposition, the police, the media and the Human Rights Commission of the Maldives. In addition, I was invited to address an audience of approximately 80 police officers, in the presence of the Minister of Foreign Affairs Dr. Ahmed Shaheed and the Commissioner of Police Adam Zahir, on the subject of human rights. I also addressed a public meeting in the Central Hotel, organised by Minivan Radio and attended by members of the Maldivian Democratic Party, the media, the Human Rights Commission and the public. At the end of the visit I addressed a press conference, which took place at the Ministry of Information and Arts.

The Government: I held individual discussions with the following Government Ministers: the Minister for Foreign Affairs Dr. Ahmed Shaheed, the Minister of State for Foreign Affairs Mr. Abdulla Shahid, the Minister of Home Affairs Mr. Ahmed Thasmeen Ali, the Minister of Justice Mr. Mohamed Jameel Ahmed, the Minister of Information and Arts Mr. Mohamed Nasheed, the Attorney-General Dr. Hassan Saeed and the Chief Government Spokesman Mr. Mohamed Hussein Sharif. I met the Commissioner of Police Mr. Adam Zahir, and Tim Fallon and James Barbour of Hill and Knowlton, public relations advisers to the Government of the Maldives.

The Maldivian Democratic Party (MDP): In Male, I had meetings with MDP Chairperson Mr. Mohammed Nasheed ("Anni"), currently under house arrest, MDP Vice-President Mr. Ibrahim Hussain Zaki (Shadow Minister of Foreign Affairs), former MDP President Mr. Ibrahim Ismail ("Ibra"), MDP Members of Parliament Ms. Mariya Ahmed Didi (Shadow Minister of Law and Justice) and Mr. Mohamed Ibrahim Didi, and MDP Secretary-General Mr. Hamid Abdul Ghafoor, as well as human rights defender Ms. Jennifer Latheef⁶, a member of the MDP's Human Rights Committee, currently under house arrest. There was no attempt to disrupt, interfere with, intrude on or prevent these meetings, and the meetings took place without the presence of any Government or police personnel. The Foreign Ministry arranged the appointments for me and there was no attempt to prevent me from meeting the Opposition. I had meetings in Colombo, Sri Lanka, with exiled MDP leaders including Mr. Mohamed Latheef and Mr. Ahmed Naseem Mohamed.

The media: In addition to a press conference and a public meeting, I had discussions with the Editor of Minivan News, Ms. Aminath Najeeb, Minivan Radio reporter Ms. Fathimath Shaheeda, and the Editor of Adduvas Weekly, Ms. Aishath Velezinee.

The Human Rights Commission of the Maldives: I met Mr. Ahmed Saleem, a Member of the Human Rights Commission of the Maldives.

⁶ Jennifer Latheef is the daughter of exiled MDP spokesman Mr. Mohamed Latheef

6. The Roadmap for the Reform Agenda: The Government Perspective

According to the Chief Government Spokesman, Mr Mohamed Hussein Sharif, “the reform programme will only go one way – forward”. The Government has introduced a range of proposals, aimed ultimately at holding multi-party elections in 2008. A new Constitution, currently being considered by a Special Peoples Majlis (Constituent Assembly), will be completed next year, electoral boundaries will be redrawn and a voter education programme will be introduced with assistance from Electoral Reform International Services (ERIS). A Political Parties Bill has been submitted to Parliament, but in the meantime, in June 2005 political parties were permitted by Presidential Decree for the first time, and so far four parties have been registered. These are: the governing Dhivehi Rayyithunge Party (DRP), the Maldivian Democratic Party (MDP), the Adhaalath Party and the Islamic Democratic Party.

In meetings with the Minister for Foreign Affairs, the Minister for Home Affairs, the Attorney-General, the Minister for Justice and the Minister for Information and Arts, the reform programme was discussed in more detail. The following is a brief summary of some of the proposals.

The Constitution – the Government claims it is trying to develop a genuine multi-party democracy, with multi-party elections to be held in 2008. Constitutional reforms proposed include limiting the number of presidential terms, the creation of the office of Prime Minister, the separation of the roles of Head of State and Head of Government, and clear separation of powers between the executive, legislature and judiciary. The former Chief Justice of Malaysia, Tan Sri Anwar, is assisting in the process of drafting a new Constitution.

Human Rights Commitments – On December 10, 2003 a Human Rights Commission was established by Presidential Decree, with powers to visit jails and detention centres, and investigate and identify reports of human rights abuses. The Government has acceded to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women. The Maldives intends to sign the International Covenant on Civil and Political Rights (ICCPR) this year, and does not intend to reserve on any article, according to the Foreign Minister.

National Criminal Justice Action Plan – Professor Paul Robinson has said: “The Maldivian criminal justice system systematically fails to do justice and regularly does injustice, that the reforms needed are wide-ranging, and that without dramatic change the system and its public reputation are likely to deteriorate further.” The Government appears to accept this conclusion, and is developing a range of reforms summarised below.

Penal Code – according to the Attorney-General, all the laws of the Maldives are “very archane”. There is, for example, no punishment in law for rape and other serious crimes. Since his appointment in November 2003, the Attorney-General has commissioned several reports from international jurists and has started an overhaul of the Penal Code and judicial system. The new Penal Code, developed with the assistance of US criminal justice expert Professor Paul Robinson, will be, according to the Attorney-General, “very modern and yet very Islamic, based on Sharia but incorporating international best practice.”

Evidence – According to the Minister of Home Affairs and the Attorney-General, the Maldives has until recently relied too heavily on confessional statements for evidence in prosecutions. In 2002-2003 for example, 97% of cases were confession-based, according to the Criminal Court. The defendant would not be able to see his/her own confessional statement. The Government is now trying to improve other forms of evidence-gathering, including the development of forensic and other scientific investigative skills. Defendant statements will be recorded by tape and video, in the presence of the defence lawyer, unedited copies will be made available to the defendant, and the defendant can seek legal advice before signing a confession. In 2004, 64% of cases relied on confessional statements. In 2005, the situation was reversed, and 91% of cases do not involve confessional statements. It has required an entire “mindset change”, the Attorney-General said.

Police Reform – Until 2004, the National Security Service (NSS) combined police and military functions. On September 1, 2004, however, a separate police force was created and in the last 18 months, at least 1,700 new police have been recruited, according to the Minister of Home Affairs. Over 30 police officers have been sent abroad, to countries such as India and Singapore, for 14-16 months training, and a second batch of about 40 have recently been sent. A trainer from the Western Australian Police has been seconded to the Maldivian police for a year. The Maldives currently has no legislation governing the police, but a Police Bill has been drafted. The Bill will include a mechanism for complaints. “We need to strengthen the oversight of the police,” the Minister of Home Affairs said.

Prisons/Torture – The prison population is approximately 400, according to the Minister of Home Affairs. An agreement has been signed with the International Committee of the Red Cross (ICRC) permitting them unhindered access to prisons. Amnesty International and other international human rights organisations have also been given access. The Minister of Home Affairs believes that while torture used to be widespread, he is “confident” that there is no “systematic torture or mistreatment in prisons or by the police”, although he accepts that some instances still occur. “There is still a perception issue. We need people to develop confidence in the new system,” the Minister said.

There are currently no trained prison guards, but a programme is underway to train prison officials in Western Australia. A former Superintendent of the Western Australian Department of Justice has been seconded to Maafushi Jail for ten months to help introduce reforms to prison management, security, conditions and resources.

Security and discipline in prison are serious concerns. The Maldives does not have a maximum security jail, according to the Minister of Home Affairs, and “prisoners have been running the prisons and abusing other prisoners”. A new maximum security jail is under construction. Proper segregation of pre-trial and sentenced detainees will be implemented, and a new emphasis on rehabilitation will be introduced. The Government also intends to develop non-custodial penal alternatives.

Judiciary – On November 11, 2005 the Government announced the separation of the Judiciary from the Executive. All judicial powers are now “exclusively vested in the hands of the Chief Justice”.

According to the Attorney-General, most of the judges are Middle Eastern-educated Sharia specialists. There is, the Minister of Justice said, an “acute” shortage of legally-qualified people. It is difficult to attract judges because private practice is better paid than the Bench. There is therefore a huge need for training and education for lawyers, magistrates and judges. A programme has begun, and 18 students are currently undertaking a three-year course to become qualified judges. This includes one year’s training in Malaysia, one year in Singapore and a final year in either the UK or Australia. However, the Minister of Justice believes much more training is required. He would like to see the United Kingdom provide opportunities for judges or trainee judges to participate in courses related to modern legal developments such as concepts of mediation and arbitration for dispute resolution. “Maldivians only know litigation at the moment,” he said. They also need “exposure” to modern judicial systems, including opportunities to see court proceedings and the process of pre-trial and committal. Furthermore, the secondment of legal experts from the United Kingdom on a consulting basis to the Ministry of Justice would be very welcome.

Supreme Court – there is currently no Supreme Court. Appeals are heard in the High Court, and the President is the final arbiter of appeals. However, the Government proposes to establish a Supreme Court presided over by the Chief Justice.

Judicial Services Commission – On November 11, 2005 a Judicial Services Commission was established to advise the President on the appointment and dismissal of judges. It consists of the Minister of Justice and the Attorney-General from the Executive, four members of the Judiciary appointed by the Chief Justice, two members from the legal profession and two members of the general public. It aims to improve the independence of the judiciary through the appointments system. However, when asked what safeguards were in place to ensure that the appointees to the Judicial Services Commission remained independent and free from pressure, interference or undue influence, both the Attorney-General and the Minister of Justice simply said that they have not seen any “pressure” and that there is “no interference”.

Freedom of Assembly – on May 15, 2006 the President introduced a new decree stipulating the rules for public assembly. These include a requirement for organisers of an assembly to request police permission 14 days in advance of the proposed date.

Protests can only take place within specific designated areas, and these do not include the areas in front of the Police Headquarters, the President's Office or the Parliament. The Government argues that because Male is such a small, congested island, providing unlimited areas for public demonstrations to take place would cause disruption for other ordinary people.

Media – There are at least six publications now functioning in the Maldives – two pro-government publications, three pro-opposition and one independent. The Minister of Information and Arts has submitted to Parliament four Bills governing the media: a Freedom of Information Bill, Freedom of the Press Bill, Registration of Print Media Bill and a Media Council Bill. According to the Minister of Information and Arts, these bills were drafted in consultation with the media. He meets each month with the media, and is proposing to work with them to develop a Code of Ethics, with support from the Commonwealth Press Union. A Free Press Association and a Free Press Club will be established, and a National Awards Scheme launched to recognise successful journalists. A system of transportation has been developed to distribute newspapers throughout the country, and an Institute of Mass Communication will be established. Proposals for addressing press grievances and accreditation of journalists are being developed.

Conclusions: What is driving reform?

The Minister of Justice believes that there are four major factors that have driven the Government's reform agenda. Firstly, he said, an increasing number of young Maldivians educated overseas have returned to the Maldives with a greater understanding of democracy and human rights, and have demanded greater openness and respect for human rights. Secondly, "sheer need itself has forced the Government to reform". Investors are demanding "certainty and security Nobody will come to a very repressive society". Investor confidence demanded a "reliable, accessible judicial system." Thirdly, an increasing number of people within the Government wanted reform. And finally, pressure from outside groups and the public influenced the Government.

However, there was one specific event which was a turning-point. According to the Minister of Information and Arts, the killing of a prisoner by the police on September 19, 2003, which provoked mass protests and prison riots, "changed the way we look at human rights". Twelve policemen tied a prisoner to a tree and beat him to death in the middle of the night. The next day other prisoners rioted in protest at what the Minister of Information and Arts described as the "culture of beating", and the police opened fire, shooting four more prisoners. When the public heard the news, a mass riot on the streets of Male broke out, resulting in the burning of several buildings including the Electoral Commission. "This was the first time we had seen a rebellion of this magnitude," the Minister of Information and Arts said. "It affected the entire mindset. It gave birth to the need to awaken people to human rights."

In my discussions with Ministers, they admitted that there is still much work to be done. No one pretended that the problems had been resolved. The Attorney-General said:

“We are in desperate need of reform. We are the first people to admit that the system is full of faults.”

7. A Call for Democracy: The Opposition Perspective

Despite the Government’s rhetoric about reform, the Maldivian Democratic Party (MDP) claims it is still subject to regular harassment, and dismisses the proposed roadmap as simply cosmetic. Indeed, the MDP fears that beneath the “document of glossy headings and attractive lay-out” lies a plan designed to “define the existing situation” and legitimise President Gayoom’s rule. Former MDP President Ibrahim Ismail said: “If reform is happening, I should have less complaints on my desk” Instead, the number of complaints of human rights violations is rising, he added, and the situation is “worsening”.

In discussions with Mr. Mohamed Nasheed, Chairperson of the MDP currently under house arrest, he indicated that the MDP would be willing to enter into talks with the Government, provided certain steps are taken by the Government first. While the resignation of President Gayoom or his removal from office is still clearly their ultimate aim, Mr. Nasheed said that “we don’t want to remove Gayoom without a new Constitution”. The way forward, he added, is “all-party talks ... but not capitulation”. The Government needs to “create a conducive atmosphere for democratic discussion”. Such discussions cannot take place while the democratic opposition leader is under house arrest and MDP members are harassed. Ms. Jennifer Latheef, member of the MDP Human Rights Committeel, said: “We cannot talk while our people are in jail.”

According to the MDP, the party faces violent attacks every week. MDP Vice-President Ibrahim Hussain Zaki’s house has been attacked, and former MDP President Ibrahim Ismail’s constituency offices have been attacked and vandalised five times in four weeks. There is evidence that these attacks have been organised by the police. No police investigation into the attacks has taken place. Threatening telephone calls received before the attacks were traced to a police telephone number, and eyewitnesses saw attackers escaping on a police motorcycle. He has also been beaten up and jailed several times. MDP Member of Parliament Mohamed Ibrahim Didi was “manhandled” by police.

The Government’s claims that the MDP refuses to talk, and that it is involved in inciting violence, are contradicted by the MDP’s own statements. “We don’t retaliate,” said Mr. Nasheed. “Not because we can’t but because we know where it can end up. We want change through the ballot not the bullet. This can be resolved by dialogue. It is in the interests of no one to see the State fail, to see civil discontent or a militarised opposition.” The harassment, arrest and detention of opposition members should stop, the President’s powers should be reduced, and the 29 unelected members of the Special Majlis should be removed⁷, and then talks can take place, Mr. Nasheed said. Mr. Ibrahim Ismail said: “I always believe in discussion and negotiation – there is no substitute for

⁷ The regular Majlis (Parliament) consists of 50 Members (42 elected and 8 appointed). The Special Majlis (Constituent Assembly), convened to draft a new Constitution, consists the 50 members of the regular Majlis (Parliament), plus the Cabinet and eight further Presidential appointees.

that,” but he argued that it should take place with mediation by representatives of the international community.

Mr Nasheed called for greater involvement from the international community, particularly the bilateral involvement of the United Kingdom and the European Union.

The MDP is, according to Mr. Nasheed, the biggest political party in the Maldives, with over 2,700 elected officials and 273 branches. The Government and other critics of the MDP accuse the party of failing to develop a policy programme, and of being more interested in staging protests and calling for President Gayoom’s removal than presenting a credible alternative. Mr. Nasheed rejects this charge, saying that the MDP adopted a programme of policies at its first Congress last year, but they need to be approved by the second Congress this year before they can be announced publicly. However, he said, in broad terms their policies will be based around the principles of less government, a market economy, human rights, free ownership of land, decentralisation, pensions provision, community policing, a greater role for Parliament and natural justice.

Ms. Mariya Ahmed Didi, a former Director of Public Prosecutions and now an MDP Member of Parliament and Shadow Minister of Law & Justice, rejected the Government’s accusation that MDP-led protests have been organised in the middle of the night, at 1am or 2am, causing disturbance to ordinary people. She claims that the protests began in the afternoon, but because of disruption and harassment by the police some protests have continued into the night, with spill-over groups causing trouble.

The MDP expressed serious concerns about some of the Government’s reforms. For example, according to Ms. Didi, the new system for bail is deeply flawed. Bail conditions are set by the police, not the courts, and the levels of bail required are well beyond the capacity of most Maldivians – sometimes rising to 35,000 Rufiah. There is no provision for rules governing search warrants. In many cases, charges made against defendants change during the course of a prosecution, and the prosecution argues that it is still gathering evidence. The proposed mechanism for police complaints is flawed, because it involves addressing complaints to the Commissioner of Police and the Minister of Home Affairs, not to an independent police complaints authority.

On May 15, President Gayoom issued a decree abolishing the constitutional right of assembly and, according to a report in Adduvas Magazine⁸, in effect licensing “police immunity”. Under the new regulation, according to Adduvas, police are granted full indemnity “with a mandate to grant or withhold permission of assembly” and to impose conditions on when, where and how an assembly can take place. The decree imposes strict limits on the areas in which a protest can take place, and requires a request for permission from the police 14 days before the proposed date of assembly.

⁸ *On the Road to Usher in a Modern Democracy, President Gayoom Impounds the Right to Assembly*, Adduvas Magazine, June 1, 2006.

Violence that has taken place during protests has been blamed on the MDP by the Government. However, the MDP argues that such violence has been caused by thugs, often drug addicts, paid by the Government to generate violence which can then be blamed on the MDP. Ms. Latheef described the Maldives as “a masked police state”. While conditions and treatment in prison have improved significantly, “at the moment of arrest there is absolute police brutality”. However, even in jail, there is no opportunity for education, recreation or rehabilitation, creating a situation of “complete mindlessness.”

Ms. Latheef summed up the current situation with these words: “Every aspect of our lives is controlled by the government – jobs, land, electricity.” As a result, people are afraid to be too bold, because they know they could lose their jobs and livelihoods. If the Government is serious about reform and multi-party democracy, it should take action to stop police brutality and harassment of the Opposition. Ms. Latheef said: “If we are allowed to work as a party we would grow as a party. The Government should give us the space to grow, and stop the fear of incarceration.”

8. Human Rights Violations

Regrettably, there was no opportunity during this visit to gather detailed evidence of human rights violations. Discussions were held with Mr. Mohamed Nasheed and Ms. Jennifer Latheef, both under house arrest, and brief conversations with journalists and others who have experienced harassment and arbitrary arrest took place. However, due to time constraints, I was unable to visit the prison or interview victims of abuse. Further details of arbitrary arrests, detentions and police brutality can be found in reports from Amnesty International, Friends of the Maldives, Minivan News and other sources.

The case of Mohamed Nasheed

The Chairperson of the main Opposition party, the MDP, Mr. Mohamed Nasheed is currently under house arrest and facing trial, with a possible life sentence in jail, on two charges: sedition and terrorism. He has previously been jailed nine times, and this is his third treason trial. In 2001, he served 60 days in solitary confinement.

Mr. Nasheed’s defence lawyers claim that the conduct of the prosecution (i.e the Government) so far has been far from conducive to a fair trial. For example, dates of hearings regularly change at the last minute, there is no clear timetable for hearings, the charges keep changing, the witnesses keep changing and the evidence keeps changing.

In the opinion of the Chief Government Spokesman, the Maldives Penal Code is “stupid”, “out-of-date” and needs serious revision. He further admitted that “having Nasheed under detention does not help us”. However, in response to claims by the defence that the evidence keeps changing, he said: “The prosecution has not finished presenting its case. New evidence is being gathered. When that evidence is presented to the judge, he shares it with the defence.” He added that the delays in court hearings

have been at the request of the defence. “There will have to be many more hearings before a verdict can be reached”. The next hearing is due to be held of June 18.

The case of Jennifer Latheef

Jennifer Latheef is currently under house arrest, charged with terrorism, accused of throwing a rock at a policeman and instigating and supporting violence during demonstrations on September 20, 2003. She has been sentenced to ten years imprisonment, but is under house arrest for medical reasons and is awaiting the outcome of her appeal.

Ms. Latheef was arrested soon after the riots in September 2003, which occurred following the killing of four prisoners. She was held in solitary confinement for eight weeks, and house arrest for a further three weeks before being unconditionally released on the grounds that there was no evidence to support the charge. However, in February 2004 state television announced that she would be charged with terrorism, even though no further evidence had been found. Ms. Latheef believes that the charges were a direct response to her father, Mohamed Latheef’s activities on behalf of the MDP in exile. Ms. Latheef has twice been recognised as a prisoner of conscience by Amnesty International, which describes the charges as politically motivated. On October 2, 2005 riot police surrounded Ms. Latheef’s home for several hours, prompting Amnesty International and the ICRC to make direct interventions with the Government on her behalf. On October 14, 2005, riot police attempted to forcibly remove Ms. Latheef from her hospital room, where she was being treated for suspected Dengue fever and was connected to an intravenous drip. The police only left after further interventions from Amnesty International and the Asian Centre for Human Rights.

International experts believe Ms. Latheef will not receive a fair trial. The charges of terrorism are disproportionate, even if she was found guilty of throwing a rock at a policeman and instigating further violence, which itself is unproven. Ms. Latheef denies instigating or participating in violence. Indeed, she says that in the demonstrations on September 20, 2003 “the main thing I did was try to calm people”. An eyewitness I spoke to confirmed that she did not commit any crime. Furthermore, no details have been provided by the prosecution. For example, some young men set fire to a police motorbike, allegedly at her instigation. However, no details of the motorbike have been given. According to Ms. Latheef, her appeal will be heard at 12 noon on June 18.⁹

Arbitrary arrests and detentions – Numerous cases have been reported by Minivan News and other sources. Most recently, during demonstrations between May 14 and May 20 at least 192 people were arrested. At least 58 have been released, but 134 are still in detention. Several of them have been denied legal representation. An increasing number of journalists have been arrested and detained in recent months, including Minivan reporters Nazim Sattar, Abdulla Saeed (Fahala), Mohamed Yooshaw, Imran

⁹ Some details taken from personal conversation with Ms. Latheef, and some from a dossier titled *Jennifer Latheef: Continuing Political Persecution by the Government of the Maldives*.

Zahir and Ibrahim Manik. Minivan Daily Editor Ms. Aminath Najeeb faces the vague charge of “disobeying an order”, and has been threatened with detention.

Police brutality – Incidents of police brutality, including beating up protestors, have been reported regularly. On May 28, 2006, a BBC journalist was attacked, outside the court where Mohamed Nasheed’s trial was taking place. The journalist was part of a BBC team covering the protest outside the court. Police sprayed pepper spray into his face and threatened to beat him up and imprison him. In the same protest, two journalists from pro-democracy weeklies Adduvas and Manas were arrested¹⁰. Gangs of thugs, allegedly recruited, paid and controlled by the government, have also been used to stir up violence during demonstrations. On May 3, a peaceful gathering organised to celebrate Press Freedom Day was disrupted by the riot police. Members of the International Press Freedom delegation visiting the Maldives on a fact-finding mission were manhandled by the police. They included representatives of Article 19 and Reporters Without Borders (RSF). The International Press Freedom Mission deplored the “frequent attacks against media professionals and dissenting voices.”¹¹

9. The Human Rights Commission

The Human Rights Commission was established by Presidential decree on December 10, 2003 with wide-ranging powers, including the right to visit jails and detention centres, and identify and investigate human rights abuses. The Human Rights Commission Act was passed by Parliament on July 21, 2005 and ratified by the President on August 8, 2005. It is, according to the Minister for Information and Arts, the first independent statutory body to have been created.

However, since it was established, the functions of the Commission have been subject to serious delays. Of the nine Commissioners originally appointed, only two remain, after seven resigned. Disagreements over proposed amendments to the Human Rights Commission Act and delays in the appointment of Commissioners have hindered the effectiveness of the Commission. However, the proposed new Bill to amend the Human Rights Commission Act, submitted to Parliament on February 19, 2006 appears to have received the support of all parties. The Human Rights Commission expressed its satisfaction with the proposed new amendments.

The main task ahead for the Human Rights Commission is to raise public awareness of human rights, and develop trained staff to carry out the work of the Commission. Training in investigative skills and legal knowledge for the staff, who will carry out investigations, is essential. Media assistance in awareness-raising would be extremely important.

¹⁰ *Police Attack BBC Journalist*, Minivan News, May 29, 2006

¹¹ International Press Freedom Mission, *Attacks Against Media Professionals and Dissenting Voices Are Still Going On*, May 11, 2006, Reporters Without Borders (www.rsf.org)

The Minister of State for Foreign Affairs said that the Commission's most recent report was "very critical of the Government," a fact which he welcomes. "It is good. Unless we have an independent body that can tell the Government when it is wrong, things don't function as they should."

10. Conclusions & Recommendations

The clear view of most people I spoke to is that this is a critical time for the Maldives. Feelings of anger and frustration on the part of the Opposition, and their supporters, run high. The situation is extremely tense. In the words of former MDP President Mr. Ibrahim Ismail, "unless things change, things will deteriorate – we are slowly heading towards chaos and anarchy". While he and others in the MDP stressed their commitment to peaceful transition and dialogue, they emphasised that unless substantial progress is made immediately, they will be unable to control the people's anger.

From my conversations with reformists in the Government, it appeared that they were genuine and sincere about making progress towards multi-party democracy and human rights. It is clear that while the Government may not have made the substantial progress in reform that the Opposition would wish for, the space for dissent has opened up considerably in the past two years. Opposition and journalists continue to face harassment, but they are able to function in a way which would have been impossible in the past. The meetings I was able to hold, both privately and publicly, are a sign that some greater openness has developed.

However, the sincerity of the Government will only be proven by action. In order to prevent a decline into violence and chaos, the Government, the Opposition and the international community need to take some bold steps to create an atmosphere more conducive to dialogue, reform and a peaceful transition to democracy. I therefore offer the following recommendations.

To the Government of the Maldives:

1. To release immediately and unconditionally the MDP Chairperson Mohamed Nasheed from house arrest, and drop all charges against him.
2. To release immediately and unconditionally Jennifer Latheef from house arrest and drop all charges against her.
3. To revise the proposed legislation on Freedom of Assembly, and especially to reduce the provision requiring 14 days' notice for permission to hold a protest, perhaps to three days' notice.
4. To stop all arbitrary arrests and detentions.
5. To stop all police brutality and violence by thugs allegedly controlled by the government.
6. To bring to justice the real perpetrators of violence.
7. To allow the protest planned for June 15 to proceed peacefully and without interruption.

8. To cease all harassment of the MDP and the media.
9. To allow all political parties to carry out their activities unhindered, including permitting the appearance of MDP spokesman on national television.
10. To register and approve Minivan Radio and other unregistered broadcasters.
11. To announce a timetable for the implementation of further reforms immediately, including reducing the powers of the President.
12. To fulfil these steps within the next six weeks, and invite the MDP and others to all party talks with President Gayoom, in the presence of representatives of the international community.

There are very good reasons for recommending the immediate release of Mohamed Nasheed and Jennifer Latheef, preferably by June 18, the date of their next hearings. Firstly, in both cases the charges of terrorism are completely inappropriate and disproportionate. Secondly, in both cases the evidence of the crimes they are alleged to have committed appears extremely weak and highly doubtful. Thirdly, the conditions do not exist currently for a fair trial. Fourthly, their release would be a significant gesture that would provide credibility for the reforms.

To the MDP:

1. To issue a clear statement expressing its willingness to engage in all party talks, subject to the release of Mr. Nasheed and Ms. Latheef.
2. To issue a clear statement condemning violence and committing to a peaceful transition to democracy.
3. To indicate its willingness to engage in constructive dialogue by reducing the frequency of demonstrations.

The Government's claim that Mohamed Nasheed and the MDP refuse to talk to the Government is inconsistent with Mr. Nasheed's own remarks, as well as the views expressed by other MDP representatives. The Government's accusation that the MDP is militant, associated with violence and committed only to the removal of President Gayoom appears completely unfounded, given the MDP's explicit statement to me that they wish to resolve the problems by the ballot not the bullet. Therefore the MDP would have nothing to lose from making such statements as suggested above, and they would have symbolic value in reassuring the Government and securing the MDP's moral authority.

The Government argues that demonstrations cause congestion and disturbance to the small island in Male. From my observation of the geographical lay-out of Male, there is some truth to that. The island is small and congested, and demonstrations that spill over onto streets have the potential to hinder the flow of traffic and cause disruption to ordinary people's lives. While the Government's proposed freedom of assembly rules are completely unacceptable and should be revised, the Opposition should exercise restraint by reducing the frequency of protests.

To the international community, including the United Kingdom, the European Union, the United States and the Commonwealth:

1. To urge the Government of the Maldives to release Mr. Nasheed and Ms. Latheef immediately and unconditionally, preferably before their next court hearings on June 18.
2. To offer to facilitate and mediate in all-party talks.
3. To urge the Government of the Maldives to stop arbitrary arrests and detentions and police brutality, and to stop the activities of pro-Government thugs.
4. To consider measures, including an EU travel ban for members of the Government, if significant progress is not made immediately towards preventing arbitrary detentions and police brutality, and if Mr. Nasheed and Ms. Latheef are not released.
5. To send observers to trials and demonstrations, in particular to the proposed demonstration on June 15 and the hearings of Mr. Nasheed and Ms. Latheef's cases on June 18.
6. To provide expertise and training opportunities to the Maldivian Government to assist in the reform process, including opportunities for the Police and Judiciary to study in established democracies such as the United Kingdom or Australia.
7. To provide assistance, including expertise and training in the functions of an opposition party, to the MDP.
8. To provide assistance, including expertise and training, to civil society and media organisations.

The Minister of Home Affairs summed up the reformist agenda with these words: "Political freedom is a major factor in the quality of life of people. Reform has to happen, in a way that does not jeopardise the whole thing." The Minister of State for Foreign Affairs said: "We all know where we want to go. We all agree on the goals. It is just the route that we differ on." It is time now for the Government of the Maldives to support its reformist rhetoric with bold action, and to undertake steps immediately to give the democratic movement and the international community confidence in its sincerity. The Government must take the lead in creating conditions conducive to all party dialogue and a transition to multi-party democracy. If it does take such steps, as recommended above, the Opposition must be ready to respond generously and constructively.

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