



Friends of Maldives

# Maldives

**3 years on and still no respect  
for Human Rights**

November 2006

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# Current Situation

- *Planned people's demonstration of Nov 10<sup>th</sup> aborted due to fears of bloodshed*
- *102 people arrested in connection with that event, 90 still in custody*
- *Process towards democracy is still stalled and international pressure is increasing*
- *FOM makes key recommendations to government and international community*

In October 2006, the Maldivian Democratic Party (MDP) called for a demonstration to take place on the 10th of November, to call for their Members of Parliament to complete the new Maldives constitution.

MDP supporters were to travel from all around the Maldives the days preceding the 10th of November to take part in what was to be the largest-scale demonstration of the country.

The MDP requested assistance from international bodies and NGOs' in the form of neutral observers and media coverage. The Friends of Maldives (FOM) arranged for British volunteers to travel and act as observers and also contacted different media outlets and journalists to cover the events.

What followed was a wave of arrests of pro-democracy activists by the Maldives authorities, and a clampdown on peaceful protestors travelling from the islands by the coastguard.

On the 9th of November the MDP, fearing bloodshed, cancelled the demonstration.

In total, **102 people were arrested** in connection with the planned demonstrations of the 10<sup>th</sup> of November. At the time of writing this report, **90 remain in detention, 3 have been sentenced** and **3 have been transferred to house arrest**.

*[Source: The Maldivian Detainees Network]*

FOM welcomes the recent release of some of the prisoners, but regrets that over the last 3 years, very little in way of progress on human rights has been made. Prisoners are used as pawns by the Government of Maldives as a mean to pressure the opposition.

In June 2004, President Gayoom had presented a draft new constitution to be debated in the Special Majlis (parliament). After 2 years, 123 debates and 3 million dollars of Special Majlis members' salaries, no clause has yet been agreed upon.

Despite the introduction of political parties in 2005, President Gayoom still retains executive power, control over the judiciary and control of parliament through his 29 unelected appointees.

Early in 2004, Amnesty International had written: "President Gayoom's promises of reforms to protect human rights are in sharp contrast to the arrests made by the police."

The number of activists detained in connection to November 10th had reached 102, and yet, the Government still uses the words "sweeping reforms".

The British Parliament questioned her Majesty's Government of the lack of progress made by the Special Majlis. MP Gary Streeter MP tabled a question to ask *"what steps the UK Government is taking to encourage the government of the Maldives to expedite completion of the constitution with a view to holding free and fair elections."* To this the Minister of State, Mr. McCartney gave a reply on the 22<sup>nd</sup> of November, in which he stated that "the process of bringing modern democracy to Maldives has been lethargic and subject to setbacks. After two years, the Special Majlis has made little progress on a new constitution." He further added that "It is disappointing that the main stakeholders now seem to be drawing back from the progress they had made together. We continue to underline directly to stakeholders the need for open discussions among all political parties on the implementation of the democratisation process and on the promotion of democracy in the Maldives."

Despite the increased diplomatic pressure and human rights missions to the Maldives, the Government of Maldives continues to ignore recommendations from the International Community. The common excuses normally used to justify the lack of progress are the lack of resources and the opposition is "undermining" the reform process.

Resources are not required to stop arbitrary arrests and political trials, and the opposition cannot be blamed for the lack of institutional changes. The only authority to actually change the institutions still lies with the Government of Maldives, more precisely, President Gayoom.

FOM wishes also to point that a referendum was to take place in the Maldives in September 2005 in which the people would choose between a presidential or a parliamentary system. The Government decided to postpone the referendum and no date has since been set.

While the Maldives Government and the opposition are quarrelling over their respective faults, FOM observes growing frustration in the population, completely sidelined by the technocratic "reform process". No participation has been enquired from them. This climate entertains the radicalisation of religious beliefs, as well as drastic popular actions, usually met with heavy action from the police forces.

FOM fears that without stronger participation from the International Community, there is unlikely to be a peaceful transition to democracy.

## **FOM Recommendations to the International Community:**

Both opposition and the government are new to the idea of a democracy. Assistance is needed in the form of:

- Training of journalists from state and independent media
- Training of judges and lawyers
- Capacity building of political parties (if requested)

FOM also make further suggestions to pressure the Government of Maldives to respect human rights and make progress on reforms:

- Raise their concerns with the Government of Maldives ministers about the increasingly serious questions regarding the mental well being of the President.
- Freeze the bank accounts of President Gayoom in concerned countries
- Seizing the personal assets of Adam Zahir in the UK

- Further, FOM strongly believes that a **travel ban on Maldives government ministers** would have an immediate effect on the speed of the reform process and distance the international community from human rights abuses.

### **FOM recommendations to the opposition:**

- Encourage engagement and dialogue between the police forces and the general public, rather than pure confrontation.
- To ensure that police forces are treated with respect during demonstrations

### **Recommendations to the Maldives Government:**

- To release immediately and unconditionally all political prisoners and to cease persecution of members of the opposition in attempt to silence them.
- To release independent journalists and allow them to work freely without constant harassment and threat of arrest.
- To allow Minivan Radio and other independent media to register and operate.
- To cease from using Voice of Maldives and TV Maldives as propaganda tools.
- The Attorney General Hassan Saeed should put his *judicial reforms* into practice and cease from conducting politically motivated trials
- The Police of Maldives should
  - have a communication officer or team to communicate accurate information to the community regarding police actions and the conditions of detainees.
  - refrain from using violence and abusive language and cease from singing nationalistic songs after arrests
  - their duty should not be performed with political motivation.
  - They should not harass local and foreign journalists and they should check the identity of individuals prior to detaining innocent people.

### **Recommendations to the Majlis and Special Majlis:**

- Involve the people of Maldives further into the reform process by visiting their constituencies on a regular basis.
- Speed up their work in the Special Majlis in view of completing the constitution.

# Chronology of events

- 13.10.06:** MDP calls for public pressure on constitutional reform, and appeals for to the public to gather in Male' on 10 November.  
*[Source: The Maldivian Democratic Party's website:  
<http://www.mdp.org.mv/content/blogcategory/6/34/9/18/>]*
- 22-24.10.06:** Some MDP parliamentarians distance themselves from planned demonstration. Government of Maldives declares the demonstration illegal in advance.  
*[Source: <http://www.minivannews.com/news/news.php?id=2563>]*
- 30.10.06:** Popular reformist, Mohamed Ziyad (Ziyathey) is arrested. His detention marks the beginning of the arrests of pro-democracy activists:  
*[Watch video of his arrest on Dhivehi Observer  
[http://www.dhivehiobserver.tv/Videos/Ziyathey%20arrest\\_30102006.htm](http://www.dhivehiobserver.tv/Videos/Ziyathey%20arrest_30102006.htm)]*
- 31.10.06:** Robert O. Blake, American ambassador assigned to the Maldives announces that: "he would support the Maldivian Democratic Party's (MDP) November 10 assembly to accelerate constitutional change, if the opposition acts in accordance with the current constitution."  
*[Source: Minivan News: <http://www.minivannews.com/news/news.php?id=2586>]*
- 01.11.06:** Cartoonist and popular reformist Ahmed Abbas takes refuge in the UN building. Authorities condemn him to 6 months in jail for a press quote, the UN surrender him, and Abbas is now serving his sentence.  
*[Source: UN Press Release: <http://www.mv.undp.org/index.aspx?PageId=84> ;  
Reporters Without Borders press release:  
[http://www.rsf.org/article.php3?id\\_article=19610](http://www.rsf.org/article.php3?id_article=19610)]*
- 02.11.06:** Information Minister Mohamed Nasheed announces restrictions on independent media outlets in **Haveeru Daily**, under the basis that "social conditions are not right to yet allow the advent of such privately owned media."  
*[Source: <http://www.haveeru.com.mv/?page=engdetails&id=9217>]*
- 02.11.06:** Raid in Thinadhoo of pro-democracy activists  
"Earlier this week riot police on the island of Thinadhu arrested eight members of the opposition."  
*[Source: The Guardian:  
<http://www.guardian.co.uk/international/story/0,,1939240,00.html>]*
- 04.11.06:** A British photographer Graham Quick commissioned by The Observer (UK), and Phillip Wellman, an American journalist working for Minivan News are arrested in Thinadhoo (Gaaf Dhaal Atoll) while covering events and asked to leave the country the next day.  
*[Source: Minivan News <http://www.minivannews.com/news/news.php?id=2599>]*

**04.11.06:**

A Boat carrying protestors from Northern atolls (Naifaru Island) was apprehended by the police, and activists were arrested. The prisoners were transferred by sea to Dhoonidhoo while being handcuffed, a procedure against international safety standards of prisoners

*Picture: prisoner handcuffed on a boat*



*[Picture: courtesy of Dhivehi Observer; video: <http://www.dhivehiobserver.tv/Videos/Naifarudhoniarestscene.htm>]*

**06.11.06:**

The Maldives authorities break down a peaceful demonstration in front of the MDP's office in Male'. The demonstration was to start pressuring the Special Majlis into completing the new constitution. Several pro-democracy activists are arrested. After clearing the street, the police begin to sing a patriotic song.

*[See Channel Four coverage: <http://www.channel4.com/news/special-reports/special-reports-storypage.jsp?id=3873>]*

“New Delhi: Asian Centre for Human Rights (ACHR) today urged the United Nations High Commissioner for Human Rights to intervene against repression on pro-democracy activists in Maldives. More than 40 pro-democracy activists have been taken into illegal custody to foil the demonstration called by the Maldivian Democratic Party (MDP) at Male on 10 November 2006. The MDP has been calling for speedy political reforms as proposed by President Gayoom himself.”

*[Source: <http://www.achrweb.org/press/2006/MAL0106.htm>]*

**07.11.06:**

The Maldives Coastguards threaten to sink a boat of protestors coming from Addu Atoll (South). A gunship donated by the Indian military earlier this year is used by the Maldives coastguard. The protestors on the boat run out of food and fuel and are captured by the Coast Guards. They are detained in Dhoonidhoo prison island. “...the government deployed its small navy to prevent supporters assembling in the capital, including threatening to sink one vessel...”

*[Source: The Washington Times: <http://washingtontimes.com/op-ed/20061119-102607-9509r.htm>]*

**08.11.06:**

More foreigners are apprehended by the Maldives Authorities. The Maldivian immigration claims searching for the Global Protection Committee and arrests 3 British nationals volunteering as observers for FOM and 1 British journalist from a local restaurant. The police do not ask to see their identity papers and release them later after recognising they are not holding members of the GPC. However, Tim Hardingham is deported for life on the basis of being the brother of FOM founder, David Hardingham. **Haveeru Daily** publishes that Tim Hardingham is involved in religious activities:

[Source: <http://www.haveeru.com.mv/?page=engdetails&id=9326>]

**09.11.06:**

The MDP cancels the November 10<sup>th</sup> demonstration as they fear it would end in a bloodshed following the wave of arrests and harassment of foreigners. **The Guardian** wrote: "The author Hari Kunzru, who is in the Indian Ocean islands on behalf of The Guardian, said police had used pepper sprays and batons to disperse people, ejecting opposition supporters from cafes and harassing those who spoke to journalists."

[Source: <http://www.guardian.co.uk/international/story/0,,1945299,00.html>]

# Profiles of Prisoners

The following cases of arrests are in relation to November the 10th demonstrations, except for Abdulla Saeed (Fahala) the Minivan Daily journalist serving his life sentence for trumped-up drug charges.

Despite the obvious correlation between the time of the arrests and the demonstration, the charges of most of these detainees relate to an “anterior crime”, that sometimes occurred a year ago.

The cases have been chosen according to the availability of information, but also because they all demonstrate a pattern in the Maldives judiciary:

- arbitrary arrest without clear justification
- fabrication of charges against the detainee while in custody
- charges pending for months (sometimes years) used in an excuse to re-arrest the activist when the regime is under pressure
- lack of time given to the detainee and his lawyer to prepare a defence
- lack of evidence from the prosecution
- gravity of the charges disproportionate to the actual “crime”
- lack of information given to the families of the detainees
- speed in which the accused is found guilty

All those recurrent themes demonstrate a system that has not changed since the promised reforms in 2004.

## Shehenaz Abdulla

*Account by the detainee while in house arrest:*

“As coordinator for the demonstration planned for 10th November, I was coordinating between the various teams working on logistics, liaising with the atolls, and mobilizing grassroots support.

On 6th November I was demonstrating on the street outside the MDP office. Riot police were pushing everyone down the street. I was shoved and hit repeatedly on my back with batons to keep me moving. When the crowd thinned, we were pepper sprayed in the face. Before I realized what was happening, police had surrounded the remaining protesters – by this time it was only Chairperson, Acting Vice-President and myself. Police told me to leave and when I didn’t, I was arrested.



My story in detention is the same or slightly better than that of everyone of our 72 detainees. I was locked up in a 4x8 cell throughout the day, with a 30 minute break to take a walk around the cell block. Cells are filthy, extremely hot and humid, with very little air circulation. A wall separates the toilet area of cell with an open doorway. You have to sit sideways on the toilet seat if you don’t want to be on public display.”

## Ahmed Abbas

Ahmed Abbas a famous Maldivian artist and cartoonist has had pending charges against him since August 2005, for a comment he made in Minivan Daily "What we should do to those in the star force who beat us, is to seek them out individually and for us to act in such a manner that makes them feel that beatings result in pain, otherwise they will not be subdued."



The authorities have accused him of inciting violence; however his trial was only brought back in question on the 1<sup>st</sup> of November 2006.

He was tried in absentia, unable to prepare a defence and sentenced to 6 months in Maafushi prison for disobedience to order. According to his daughter Helena Abbas: "He was not inciting violence, and he was sentenced without even being in court. We found out only after a friend told us and we read it on the Fact Maldives website."

Abbas first took refuge in the Indian High Commission in Male', and was later transferred to the United Nations building who surrendered him the next day. He is now serving his sentence in Maafushi prison.

[http://www.rsf.org/article.php?id\\_article=19610](http://www.rsf.org/article.php?id_article=19610)  
<http://www.guardian.co.uk/international/story/0,,1939240,00.html>

## Amin Faisal

*Account by Dr. Farah Didi (Faizal), sister of detainee:*

### "Details of Arrest:

Amin was traveling to Male' from Addu on Namoonu Dhoni when they were apprehended by the Maldivian Coast Guard. I first got in touch with my brother on his cell phone around 7 am GMT on the 7th of November. I was in constant touch with my brother (numerous phone calls) who told me that once they had set sail, the Coast Guard kept harassing them again. The last time I spoke to my brother was around 2.20 am GMT on the 8th November 2006. He told me they were in Thaa Atoll and that there was a landing craft full of military personnel coming towards the dhoni and it is unlikely that we will be able to talk after that as he feared they were all going to be arrested. His cell phone was switched off when I tried to contact him again shortly after that.



My father contacted the Maldivian police and was told that they did not have anyone by the name of Amin Faisal in their custody.

My sister-in-law also contacted the Maldivian police in the afternoon of the 8th to try and get his medication to him (he is a diabetic) but they said that as far as they are concerned there is no one by the name of Amin Faisal in their custody. They did however accept the medication two days later.

## **16<sup>th</sup> November 2006**

My sister-in-law Mrs. Ikram Faisal visited my brother in Dhoonidhoo. She said that Amin looked drained out and appeared as if he had lost a lot of weight.

Amin also told her that he was taken out of his cell just once for interrogation and that he has been in the cell ever since.

## **21 November 2006**

Amin was taken to court today. Neither his family nor his lawyer was informed. The first time my family came to hear of this was when someone saw them being taken into court and phoned my mother. Mr. Sood his lawyer was in court for another case and therefore was able to represent Amin.

### **Charges brought against Amin Faisal**

Amin Faisal is being charged under section 150 of the penal code with reference to section 146 of the penal code for disturbing the peace by an unlawful assembly. This alleged event took place in Addu on the 18th of August 2006 when MDP supporters participated in a float procession (named Hiniku Float) involving lorries, cars and motorcycles as well as people on foot, with banners calling for the resignation of President Gayoom.

Please note that this charge is not in relation to the incident that he is being held for in Dhoonidhoo currently. This event took place on a previous visit by Amin to Addu."

## **Ahmed Falah**

Ahmed Falah a pro-democracy activist has served numerous politically motivated sentences in the Maldives prisons. He was arrested on the 13th of November 2006 in connection to the planned 10 November demonstration. His brother, Mohamed Falah was also arrested on the 30th of October for the same motive. They are both currently under investigation for terrorism, for allegedly "scaring the population of Nafairu Island with box cutters". Ahmed is still held in solitary confinement with no visits from relatives allowed since his arrest in cells known as "Alcatraz".

### *Prior arrests:*

#### **February 2004:**

"The Government of Maldives carried out a wave of arrests of peaceful political activists this morning ahead of a ... This happened despite President Maumoon Abdul Gayoom's recent pledges of political reform and his commitment to respect the right to freedom of expression...

Among those arrested are the entire family of an MDP political activist, Ahmed Falah. Police came to his house at around 3am this morning and said that they had instructions to arrest his entire family. Ahmed Falah was not at home and his family ran into the street to look for help. However, the police caught Aishath Najib, his partner, and their two sons, Shafeen Ahmed, 18 and Habhin Ahmed, 17..."

*Above is a press release by **Amnesty International** on the 13<sup>th</sup> of February 2004.  
<http://web.amnesty.org/library/index/engasa290032004>*

## January 2005:

“On 22 January 2005, during the elections for the Majlis, Ahmed Falah, a photographer of the Maldivian Democratic Party for videoing the electoral irregularities and being held under house arrest 21 March 2005”

Source: *Asian centre for Human Rights*: <http://www.achrweb.org/press/2005/Maldives0105.htm>

“He was later charged with disobeying the orders of the state. Mr. Falah told his wife that during the earlier part of his detention he had been blindfolded and forced to squat while he was beaten all over his body by four officers. While he was in detention, proceedings were started for another case, which was sent to the courts by the police on the 13<sup>th</sup> of November 2003, in which he was charged with being a party to an illegal gathering...”

Source: *Association for the prevention of torture and ill-treatment in the Maldives*: <http://www.aptim.org/cases/falah/falah.html>

**Note:** *Ahmed Fala was arrested in January 2005 for filming a protest, and was later charged for participating in an “illegal gathering” in November 2003 while in prison. The charges are not related to the arrest.*

## Abdulla Saeed (Fahala)

Abdulla Saeed (Fahala) is a reporter for Minivan Daily. He was sentenced early this year for drug possession to a lifetime in prison. However, statements from him and his entourage prove that he was set-up by the Maldives authorities.

Below are extracts of **Abdulla Saeed’s written statement** and translated for Dhivehi Observer.

“When I went to the police station with my lawyer at seven o’clock that night, I was aware of the trap that was being prepared for me. Just before entering the police building, I asked four people to do a body search on me. A crowd had gathered there, and this proved to them that I was carrying no prohibited substances into the building...an officer appeared from upstairs and told me to come up....My lawyer was prevented from accompanying me, and I was led to the first floor of the building and pushed into a toilet. There were three men... they checked the contents of my jeans in my presence. They made me take off my underpants and examined my backside. As they handed back my clothes, Ahmed Zahir put his hand in the jeans pocket and produced 4 small packets, all together weighing no more than half a gram.

I was detained in solitary confinement in Dhoonidhoo jail for 52 days. I was released on 31 December 2005 after receiving a court summons requiring me to attend on 4 January 2006.

The case against me in court was that I was found in possession of 1.1 gram of heroin with intent to supply. A second case was a charge of disobeying authority. The magistrate failed to explain to me how I came into possession of the drug when I had four witnesses who conducted a body search on me and found no such thing. This was witnessed by many people, and yet the heroin was produced from my jeans’ pockets after they were taken away from me by the police. I insisted that the police planned and planted the drugs in my pockets, and I had evidence to prove that I had no drugs on me when I entered that police station.

The magistrate Abdul Baree Yousuf ignored my assertions and accepted the prosecution case as put to the court. He accepted the evidence given by two senior police officers who took an oath to tell the truth and nothing but the whole truth. The magistrate refused

to grant me an opportunity to defend myself against the charges, despite the fact I had the witnesses in court to give evidence in my defence. My request to have the drug packets checked for finger prints was also ignored.

At first, the magistrate sentenced me to two months imprisonment on the charge of disobeying authority. Although this offence has punishments that include a fine of Rf 150 or two months of house detention, the magistrate thought I should be imprisoned.

I was kept in the Male' jail until 27 March 2006 and then sent to Maafushi prison.

18 September 2006”

[http://www.dhivehiobserver.com/reports/detainees\\_2211200612/Fahala\\_Saeed\\_2311200511828.htm](http://www.dhivehiobserver.com/reports/detainees_2211200612/Fahala_Saeed_2311200511828.htm)

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## **NOTES TO EDITORS**

Friends of Maldives – [www.friendsofmaldives.org](http://www.friendsofmaldives.org)

***Friends of Maldives (FOM) is a non-governmental organisation (NGO) dedicated to the protection and promotion of human rights in the Maldives. Based in the UK and established in 2003. FOM focuses its activities on providing support and publicity to prisoners of conscience and good governance in the Maldives.***