Resignation Under Duress

The Government that was toppled by force

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Introduction

I thank Allah Subhaanahoo Watha’aalaa for granting me the inspiration to write this book.

This book briefly looks at the events that forced the Maldives’ first democratically elected leader, President Mohamed Nasheed to submit his resignation under duress while his Government was overthrown by a coup d’état.

The objective of this book is to share the information that I have on the events with the general public. It is also important to share this information with the political analysts and the historians of the Maldives. The information included in this book is derived from what I have heard and observed personally, as well as information that I gathered from President Nasheed, his wife Madam Laila Ali and from those present that witnessed the events of transfer of power on the 7th February 2012.

I believe the information on the different circumstances and the events that led President Nasheed to submit his resignation under duress should be made available to the general public. This is because the Maldives Democratic Party (MDP) led Government that President Nasheed represented was elected by the people and was in the process of fulfilling the pledges that were made under his Presidential campaign. It is clear that the public would not welcome the resignation of the President before the completion of the term to which the President was elected by them. And therefore, I consider it is most important that the reasons that the President resigned under duress are communicated to the general public.

After researching the reasons behind President Nasheed’s resignation, I decided, with his consent, to compile the information I gathered in the form of a book. This is partly because I have served the people as a Cabinet Minister in President Nasheed’s administration and also because I currently work as part of his team of lawyers. I believe that the information I have now is something that must be shared with fellow citizens.

I believe this book will have the most significance for the future generations. Therefore, I would like to dedicate this book to my beloved children, Zara and Zeek.

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President Nasheed's Term

After contesting in the Presidential election in 2008 as the candidate for the Maldivian Democratic Party (MDP), President Nasheed of G. Kenereege took office as President on Tuesday, 11 November that year. His tenure in office lasted 1184 days. During this time, he initiated changes to bring about unprecedented improvements to the standard of living of Maldivians, with the MDP's pledges being swiftly implemented across the country.

President Nasheed's tenure proved to be disheartening for the opposition leaders in aspirations to succeed in the upcoming Presidential elections. This is not without reason. The popular support for MDP was increasing due to the swift implementation of the MDP Pledges. The promise of no longer having to beg to fund medical care had been fulfilled. Similarly, with the establishment of a transport network between islands, the promise of emancipation from one's own island boundaries had been fulfilled. Large-scale housing projects were developing at a fast pace in order to ensure housing prices were more affordable across the country. The pledge that President Nasheed's government would close all doors for drugs was being implemented successfully. In order to lower the cost of living, a modern tax system had been established, and the government had started earning the returns through their efforts. A reliable social welfare scheme had been set up to improve living conditions, which the people were benefitting from every day. President Nasheed had initiated efforts to reform the judiciary, which was one of the biggest concerns of the people of Maldives.

All this was leading to a marked increase in MDP's popularity and an open hostility from opposition leaders towards President Nasheed. Efforts to "end" his tenure before the expiration of his term started taking place. False propaganda was written and published in order to spread discord and hostility towards President Nasheed among the general populace. The fact that President Nasheed could not be toppled legally, and the understanding that they would not be able to succeed the Presidential elections lead to a plot to overthrow the government by a coup d'état.

Day before the resignation

6 February 2012, President Nasheed’s penultimate day as President was a normal day. There were no extraordinary tensions or disquiet within the government. That day at the President’s Office, in addition to his routine functions at works, the President also met with an NGO who were presenting a report about past brutality in Maldivian prisons. He also received the Letter of Credentials from a foreign dignitary. The President walked home (Muleeaage) after work as usual, indulging in some lighthearted conversation with people he encountered along his route. That night, he attended, and spoke at a function held to celebrate the 64th Independence Day of Sri Lanka.

President Nasheed at the MNDF Headquarters

In the early hours at around 12:30am on 7 February 2012, while President Nasheed was at his Official Residence (Muleeaage), he received information that about fifty policemen had rebelled and refused to follow commands. The President had in many ways instructed the military officers in various different ranks to take all necessary legal action against the rebellious police officers. However, it had seemed that the Maldives National Defence Force (MNDF) (military) was unable to accomplish this. Thus, believing that the President needed to determine why his orders as the Commander in Chief were not being implemented, the President decided to go to the Military Headquarters, even if it was in the early hours of the morning, at around 4:30am.
President Nasheed had planned to return back to Muleeaage when the military had taken the necessary action. However, after arriving at the Military Headquarters, and as the situation in the organization gradually became apparent, he was compelled to believe that the necessary action would not be taken against the mutinying policemen without his presence. It was upon this conclusion that President Nasheed decided to stay at the MNDF Headquarters until a solution was reached.

Police attack President Nasheed’s supporters, chase them from the Republic Square, and destroy MDP Haruge.

On the morning of 7 February 2012, with the police mutinying at the Republic Square in Male’, crowds began to gather on the site. Among them were members of opposition parties and those of MDP as well. Present also were MDP MPs who were there on President Nasheed’s request. At the MNDF headquarters overlooking the square, President Nasheed was observing the actions of the mutinying policemen and the crowd.

Around 6:30am, there seemed to be no discord between the parties gathered there. However, not long afterwards, the mutinying policemen recited their pledge and then rushed towards the MDP members in the crowd, and began beating them with batons and fists. President Nasheed clearly witnessed the injuries being inflicted. Those who were attacked included Members of Parliament, leading members of the Party, and close relatives of the President himself. Seeing the extent of brutality, president was uncertain whether they would be able escape with their lives intact. When later on in the day, he made the decision to resign under duress, the President was still unaware of the fate of some of those injured MDP members, whether they were alive or dead. In addition to what he saw himself, the President also continued to receive news that the Deputy to the Home Minister, Mohamed Mahir Easa, and senior Police Officers loyal to the Government were being brutalized by policemen.

When the President witnessed members of his party being injured at the hands of mutinying police, he sent out soldiers from MNDF to curb this. He firmly ordered them to end the ruthless violence being carried out by rebel policemen towards citizens of the country. As President of the country, he did not wish to see such inhumane actions being perpetrated upon the people. However, the President did not see a similar urge being demonstrated by some of the senior MNDF officers. The President was convinced, based on the violent actions of the mutineers downstairs, that at that juncture, they would not hesitate to attack him, or anyone loyal to MDP or the ruling government. Further proof of this is based on the fact that till today, no action had been taken by the Police or MNDF against the mutinying policemen who had destroyed the MDP Haruge (rallying point of Party members) the night before, and caused grave injuries to party members present there. Also, inside the MNDF headquarters, he continued to witness that though the senior MNDF Officers believed that the actions of the mutinying police were against the law, they did not seem to want to take any action in order to disperse the mutineers from the Republic Square. This was something that caused the President deep shock and grave concern.

On the night of 6 February 2012, mutinying policemen had attacked the MDP Haruge and violently attacked and injured MDP members including the State Minister for Home Affairs, Mohamed Naeem (Monaza Naeem). Furthermore, President Nasheed received the news that again on 7 February, both rebel police and soldiers entered the MDP Haruge, destroyed the entire property, and forcefully dispersed MDP members who were there. By then, the President clearly understood and was convinced that it was a dark and dangerous moment in time for any MDP member and any citizen who was loyal to the Government.
Vandalizing and hijacking of state institutions by the Police

While President Nasheed was at the MNDF Headquarters, mutinying policemen and soldiers were entering and destroying properties of state institutions. The President received reports that employees at these institutions were being subject to various attacks and injuries. Amongst these state institutions included the ‘Second Chance’ Office, Shaheed Hussain Adam Building (Police Headquarters), and Maldives National Broadcasting Corporation (MNBC). In addition to causing damage and vandalism to these properties and assaulting their employees, mutinying police and defense forces also took possession over these institutions. Furthermore, news that the Department of Immigration and Emigration, the Ministry of Foreign Affairs and Airports Immigration had been similarly taken over by the rebellious forces also caused the President great concern. However, due to his confined location and circumstances the President was subject to at the time, he was unable to take any action regarding these matters.

The broken windows at the Police Headquarters
President Nasheed’s inability to consult any necessary parties regarding the state of the nation

Due to the political situation in the Maldives on the morning of 7th February 2012, President Nasheed wished to consult with people in various political portfolios. This included the members of the MDP Parliamentary Group, the Vice President, the National Security Council, the Speaker of Peoples’ Majilis (Parliament) and the Chief Justice. Of these people, all the members of MDP Parliamentary group who had been present at the Republic Square that morning had been brutally attacked, severely injured and chased away from the area by the insurgent police and soldiers.

Given the political climate of 7th February 2012, another individual that President Nasheed wished to confer with was his Vice President. The President had attempted to contact the Vice President by phone on two occasions, yet Vice President failed to answer the President’s calls. Furthermore, the Vice President also failed to return the call even if it was to simply inquire as to why the President had wished to speak to his Vice President. However, it is now known in retrospect, that various other people had contacted, and spoken to the Vice President throughout the morning of 7th February 2012. Due to the Vice President’s actions, President Nasheed was unable to discuss these crucial matters with him. Furthermore, it should be noted that the Vice President failed to contact President Nasheed before or even after the President was forced to announce his resignation at around 13:00 hrs on that day.

President Nasheed had also wished to confer with the Speaker of the People’s Majlis, Abdulla Shahid. President Nasheed was able to contact Speaker of Peoples’ Majlis over the phone, and stated his wish to discuss the situation of Male’. When President Nasheed had requested Speaker of People’s Majlis to attend the Military Headquarters, he duly agreed to do so initially. However, he later informed the President that he was unable to attend the Military Headquarters because of the situation and the imminent danger and conflict in the area.

President Nasheed had also wished to speak with the Chief Justice, however his response and action was the same as the Speaker of Majlis.

In addition to these parties, President Nasheed also attempted to consult with the National Security Council. However, apart from members of the council who were present at the Military Headquarters at the time, the other members were unable to enter the Headquarters, and as such, President Nasheed was unable to meet with them as well. The result was that, President Nasheed could not confer any of the people whom he urgently needed to confer, prior to reaching any decisions. This was due to the fact that all avenues to enable any meeting were closed for him on that day.

The main reason that President Nasheed had wished to speak to the above persons was, given the critical political situation in the country on the morning of 7th February 2012, in order to fulfill his obligations as the head of the state he needed to discuss the urgent matters that confronted him with the relevant parties before making a decision. Moreover, due to the nature of the situation
confronting him inside the MNDF Headquarters that morning, making decisions without consulting the above parties could result in serious detrimental consequences to the country’s sovereignty, independence, rights and freedom of the Maldivian citizens. However, President Nasheed had to decide on these matters alone, without any consultation, in an environment surrounded by a defiant military that would not heed his orders and commands. In addition, President Nasheed was forced to make these decisions based on unverifiable (and in fact have now been proven to be false) information, provided to him by senior generals present at the Military Headquarters at the time. Due to the unlawful actions of the mutinying police and soldiers inside and outside the Headquarters, the President very clearly understood that the first priority should be to leave the Headquarters with his life intact.

Military’s refusal to halt the acts of mutinying soldiers and policemen at the Republic Square

As stated earlier when a group of dissenting policemen gathered at the Republic Square, President Nasheed was in contact with the Minister of Defence and National Security, Tholhath Ibrahim Kaleyfaan, the Chief of Defence Force Moosa Ali Jaleel, and other officers as well, on telephone. However, when he realized that his orders had not being carried out even after four hours, he was convinced that his commands were not being implemented within the military. Thus, in order to examine why his orders were not being implemented, and in order to decide on a course of action against the policemen carrying out unlawful acts, the President decided to attend the Military Headquarters himself.

When the President went to the Headquarters, the National Security Level had already been raised to ‘Red Alert’. Specific procedures that servicemen should follow in such an instances exist. This includes that all servicemen be in uniform, no one granted leave, as well as all forces be in formation, and commanders appointed. In other words, the military should be prepared for an emergency in a Red Alert situation. However, what the President saw inside the Headquarters was a completely different picture. From the highest ranks to the ordinary, officers were in plain clothes i.e. not in uniform as specified, implying that they were not acting according to the procedures of Red Alert situation, and even at dawn on 7th February, the police officers defiantly acting against the law were still in the Republic Square with some soldiers of different ranks seemingly having difficulty in dispersing the mutinying police, giving various excuses for not being able to do so. To sum up the situation, what the President felt was that some military officers believed that their agenda could only be attained by keeping the mutinying policemen right where they were, and thus were not attempting to disperse them.

At about 6:30 am on 7 February 2012, more police gradually began to join the unlawful police at the Republic Square. Members of the public also began to trickle into the square. Though it progressed gradually, the lack of resolve and motivation among the military in dispersing the few people gathered there became obvious to President Nasheed.

The officers inside the MNDF Headquarters then began to receive information that soldiers in the Barracks at Kalhuthukkalaa Koshi, and other stations had begun to join the mutinying policemen at Republic Square. Even senior officers were also informed that a speedboat from the Villa Group, owned by Gasim Ibrahim of the opposition, was bringing additional soldiers who had been stationed in islands near Male’. However, the President could discern that soldiers were not gearing up the way they were duty-bound to in such conditions, and what should be done to counteract this was done very insouciantly. What President perceived, based on the actions and words of senior MNDF officers was a fatalistic resignation towards the events outside their Headquarters. His conclusions were also shaped by the fact that even at that critical juncture, some ordinary officers inside the MNDF Headquarters were
engaged in activities such as playing chess and in engaging in boduberu (a local music). The President also noticed whispered conversations between high-level officials and ordinary soldiers. These actions by the ranks of the military were a cause of great apprehension for President Nasheed. This is because the actions demonstrated a lack of necessary will-power, motivation and professionalism in the service-men to resolve the crisis outside, at Republic Square. It was also because the President was well aware that there were men inside the MNDF Headquarters with him, who were connected or sympathetic to the rebelling soldiers outside.

**The Vice President’s role**

According to the Constitution of the Republic of Maldives, the Vice President’s role in government is to only carry out to the responsibilities assigned to him by the President of the Maldives. However, a few days before President Nasheed’s tenure as President was toppled by a coup d’état, the Vice President Dr. Mohamed Waheed Hassan Manik had commenced a series of activities without the President’s knowledge or consent. As such, on the night of Monday, 30 January 2012, Dr Waheed had a meeting with the members of the Parties in the Opposition Alliance at his official residence, Hilaaleege. The Vice President had not informed the President of this meeting prior to it. Nor did he offer any information regarding the meeting after it had transpired.

Coincidentally, the next day 31 January 2012 was a Tuesday where the Cabinet Meeting was held as per schedule. In the time allocated to make inquiries from the President, some Ministers questioned him regarding the midnight meeting at the Vice President’s residence the previous night. When the President requested the Vice President for an answer to the Ministers’ questions, instead of informing the cabinet on the discussions that took place at the meeting, the Vice President stated that he had also been elected, and that thus, such queries could not be asked of him. Furthermore, although no one had raised the topic of his resignation, he quite persistently and with certainty, kept reiterating that he would not be resigning. Nonetheless, the Vice President did not reveal any information of the discussions that had taken place during the meeting the previous night to the cabinet that day.

Around 2:30 am on 6 February 2012, the Vice President, again unbeknown to the President, released a press statement that supported and paved the way for the planned coup d’état. He also published the press statement via the media at that late hour. The press statement contained material that was encouraging of the unlawful activities that were being carried out by the police. It was also misleading and connected to the activities then being perpetrated by opposition parties. The Vice President had not communicated with the President in any form prior to the press release.

As stated previously in this document, on 7 February 2012, while the President was at the Military Headquarters, he wished to discuss incidents and the unlawful activities that were happening within and outside of the Headquarters with his Vice President. In this regard he telephoned the Vice President twice. However, as the Vice President had failed to answer the phone, the President was unable to speak with him at that time.

Thus, on 7 February 2012, the President did not in any way receive any of the statutory cooperation that is the constitutional responsibility of the Vice President. On that morning, the President was facing pressure from mutinying soldiers and the police, from both within and from outside of the Military Headquarters. Amongst such unlawful threats and pressures faced by the President included the call for the unconditional resignation of the President before 13:30 hrs on that day. This was all the more reason why the President needed to meet and discuss the matters with his Vice President and the mere
fact that the Vice President failed to meet the President is a clear violation of the Vice President’s constitutional responsibility. This is because, when the President was forced to resign, it is the constitutional responsibility of the Vice President to meet with the President and discuss the circumstances that led to such an event. However, the mere fact that the President had not heard any news from the Vice President, even at the time when deadline given to President Nasheed during the threats that were openly and publicly made had come to pass, was a clear indication to President Nasheed that the lawful force and duress that he was faced with on that day to submit his resignation.

The Vice President with the Opposition Alliance

Absence of a plan and the lack of professional advice from the military

On 7 February, between 12:30 am and 4:30 am, the President consistently ordered for the dispersal of the policemen at Republic Square who had violated the Constitution and the Police Act, and he was repetitively told that his orders would be carried out ‘in a short while’. However, even by 4:30 am, the military did not seem to have been able to clear the Republic Square of the relatively few policemen.

The President thus went to the Military Headquarters at around 4:30 am. Defence Minister Tholhath, and senior Defence personnel were at the Headquarters. The Home Minister Hassan Afeef, Foreign Minister (Kerafa) Ahmed Naseem, and MP for Dhaandhoo Area, Mohamed Riyaz also went to the Military Headquarters. When President Nasheed inquired from senior military personnel if there was any military plan to disperse the police from the Republic Square, the Generals present there told him that there was none. The most senior members of the MNDF proceeded to reiterate, as several other ranks of officers had previously done earlier that night, that the police would be cleared from the area ‘before long’. Even though they consistently stated so despite not having a plan to carry out the said dispersal, the President ordered them to come up with a plan as soon as possible.
Even though the President assumed that work was immediately under way to compile a plan as per his order, there was actually no such work being carried out inside the Military Headquarters. By then, more policemen had begun to join the rebel policemen, and soldiers too were arriving at the Republic Square to join the mutinying police allies. Inside the Headquarters, time was being wasted with no plans being drawn up to take action against the mutinying police. The result was as to delay any legal action being taken against those officers who had broken the law, and indirectly support more and more policemen and soldiers joining the mutiny, and, as the mutiny gained momentum and commotion, for President Nasheed to realize that he had no choice but to resign, and finally force him to resign, under duress. This was the reason why the officers seemed reluctant to come up with a plan.

Military procedures to follow in circumstances such as those that were taking place on 7 February 2012 within and outside the Military Headquarters are specified in the MNDF General Regulations and the Code of Conduct. President Nasheed could clearly witness that the servicemen’s actions were not in compliance with these procedures. President Nasheed also repeatedly ordered for them to comply with these procedures, but what was seen from the military then was the deliberate refusal to act on the orders of their Commander in Chief, Defence Minister and the Chief of Defence Force. The Military MNDF Regulations when stating the procedures of action in such conditions stipulate the procedures for using batons, shields, rubber bullets and high pressure hoses. And should a riot not be controlled with the use of these, calls for the use of weapons as a last resort. The use of weapons should also follow strict protocols. Even though these protocols were stipulated in the regulations, which also contain a specific process for their use, some senior military officials wanted to use weapons (firearms) as a first resort. When President Nasheed refused the use of firearms, the military kept insisting that they could not clear the Square of the mutinying policemen without the use of guns. However, as they spoke about the use of firearms to control the crowd, President Nasheed was well aware that the other steps that should precede the use of guns had not been followed.

Even the servicemen who left the MNDF Headquarters in riot gear in the guise of dispersing the mutinying forces, were then seen to join the mutiny. The President was then forced to investigate whether the senior officers of the military, who were nearest to him, were part of the mutiny. This was because some of these officers demonstrated actions and spoke in a manner that seemed to support the dissent. Given this situation inside the Military Headquarters, it was therefore impossible for President Nasheed to identify who among the officers were, in essence, supporting the mutiny, and who were against it and loyal to their pledge to protect and serve the nation, its people and its elected government. After this, the President found himself hesitant to engage with the officers, and began to formulate a way in which he could leave the military headquarters.

**Military headquarters no longer a safe location for the President**

President Nasheed understood that some soldiers who had left the MNDF Headquarters under the guise of clearing the Republic Square of dissenting policemen had in fact, joined the mutiny. And, although the soldiers inside the MNDF Headquarters were within the building, the President was well aware that they were supporters of the mutiny, and thus they were rebels themselves.
This was vividly clear when some soldiers who had left the MNDF Headquarters were spotted amongst the faces outside the gates of the building calling for the President’s resignation. The understanding that mutinying forces were not just outside the gates of the MNDF Headquarters, but within the walls of the building itself, gave rise to more questions about his personal safety, causing President Nasheed further apprehension. The mutineers outside were not only calling for his resignation, but for his execution as well. The President himself heard their calls to hand him over to the crowd.

In addition to this, it was evident to President Nasheed, from the actions and words of some soldiers inside the MNDF headquarters that they wished to exit the building and join the mutineers. In addition to witnessing their discontent firsthand, the senior officers beside President Nasheed were confirming that it was what they wanted. Senior officers also informed President Nasheed that the reason why the mutinying soldiers inside the building were unable to join the rest of them outside was merely because the gates of the Headquarters were locked. President Nasheed was also being informed that officers inside and outside the building were communicating with each other.

Mutinying soldiers inside and outside the MNDF Headquarters
President Nasheed also witnessed some senior officials with him communicating discretely, to individual soldiers of ordinary ranks. He also noticed the change in the behavior of these ordinary soldiers following such conversations. President Nasheed and those near him also noticed that the behavior of these ordinary officials altered in a manner that seemed supportive of the mutiny. It was also observed that, even at that critical juncture, some senior officials of the MNDF were constantly on their mobile phones, some of them using more than one phone, and often communicating via text messages. What must be clear is that, should these senior officials wish to discuss or consult, or seek advice, all the personnel who could possibly be involved in such critical communications were in fact inside the MNDF headquarters at the time. So, who were they communicating so extensively with? This was a question that puzzled President Nasheed and those beside him at the time, and also something that caused a lot of suspicion towards these officials.

Apart from information that there were clandestine plans being carried out inside the MNDF Headquarters, the President himself also heard calls for his resignation and assassination inside the building itself. The President and those accompanying him also heard calls ‘to bring the rope’ to tie him, to hang him. When things escalated to that level, the President had serious doubts whether the military would protect him as they were required to do as stipulated by the MNDF regulations. In addition to to not protecting him, based on the actions and words of soldiers, there was also no guarantee that they would not harm his life. Thus, in order save his life, President Nasheed, and those accompanying him at the time, could not think of any other option but to take up on the ‘proposition of unconditional resignation’ that the mutineers had demanded from him.

Creating conflict and discord against President Nasheed and the MDP Government within the military and police through the spread of false speculations; and providing President Nasheed with false information inside the MNDF Headquarters

On 7 February, while President Nasheed was inside the MNDF Headquarters, there was a great amount of conflict and discord generated against him and the MDP Government, within the police and military. False information was being spread to policemen and soldiers via text messages and phone calls. In addition to this, VTV and DhiTV reported completely fabricated stories, such as that a policeman had been killed and that the President had ordered taking up of arms in order to disperse the mutineers on Republic Square. The officials inside the Headquarters also received text messages stating that MDP supporters had started going into soldier’s homes and attacking their families. It is clear that receiving such news would be the cause of discontent amongst the ranks, and such was how it transpired. Several of the officers who stood up against the President did so based on these false reports, as was the intention of those spreading them.

In addition to spreading misleading information within the ranks of the military and police, senior military officials were also providing President Nasheed with false information regarding the mutinying police, state institutions, the military, and events that were unfolding around Male’ at the time. Thus, the decisions that were taken by President Nasheed while inside the MNDF Headquarters and facing various constrictions were taken based on inaccurate information, as is clear now. It is also clear now that the purpose of those mutinying, as determined by their words and deeds, was to get President Nasheed to resign, by imposing on him any pressure that they could. Thus, keeping President Nasheed trapped inside the Military Headquarters while spreading information that would generate hatred towards him within the ranks of the military, and providing false information to the President were deliberately executed actions by those leading the coup d’état. It is an obvious fact that when making a decision, basing that decision on false or imperfect information would result in the decision itself being flawed.
Military's refusal to oblige with President Nasheed's request to leave the Headquarters

While President Nasheed was inside the MNDF Headquarters in the morning of 7 February, the mutinying police and soldiers outside at the Republic Square were carrying out attacks on the building, causing destruction to the windows and the main gate of the Headquarters. In addition, as mentioned previously, the President himself, and those accompanying him also heard the calls for his resignation and for his life. The President then feared for his life if he remained inside the building any longer. Therefore, he requested the necessary personnel within the military to move him elsewhere. However, they assured the President that the MNDF Headquarters was the safest and most secure place for him.

While some officers were informing him that the Headquarters were the safest place for him, other officers were simultaneously informing him that the mutinying police and soldiers outside were attacking the main gate of the building, and that while the gate was not strong enough to sustain these attacks, there was a danger that they could break down the gate, allowing the crowd outside to enter the building. Some senior military personnel repeatedly told President Nasheed that soldiers inside the building would not be able to control the crowd should that happen. And, in addition to this, they also informed President Nasheed that there were soldiers within the building who wished to join the mutiny outside. Thus, while other officers still conflictingly reiterated to President Nasheed that the MNDF Headquarters was at that time the safest and most secure place for him, he did not believe that such was the case. Therefore, although the President repeatedly requested them to move him from the building, the military did not fulfill this request. The fact that the President had to stay inside the building in such circumstances caused the President great alarm and concern for his life.

Threat to President Nasheed's life, and his decision to resign

President Nasheed discovered that a Mohamed Nazim of M. Seenukarankaage, a former Colonel of the MNDF had entered the Military Headquarters on the morning of 7 February. The President also learned that the Defense Minister and some senior military officials had separately met Mohamed Nazim, who was leading the mutiny.

However, the President was not aware of the details of discussion at the meeting. While he was at the MNDF Headquarters, the Defense Minister approached him after the said meeting, and stated that the President had no choice but to resign. He also said that the President should resign before 1:30pm that day. The Defense Minister also informed President Nasheed that he had been informed by Colonel Nazim that the President's life and those of his family members would be in danger should he not resign. When Colonel Nazim informed this to the Defense Minister, Home Minister Hassan Afeef was also present. Afeef also relayed to the President the same information as the Defense Minister.

President Nasheed was inside the MNDF Headquarters from the time he arrived there the previous night at 4:30 am, until noon on 7 February. During this period, he could observe the actions of senior officers, what the servicemen at ordinary ranks were told and made to believe and it was very clear to him how this affected their own actions. It also became clear to President Nasheed that what was transpiring outside the headquarters was, in fact, a coup d'état, and that the perpetrators of the coup were armed Maldivian policemen and soldiers, and had a strong insinuation that if he did not obey their wishes, they would not hesitate to use firearms, whether it was to break into the Headquarters and take the lives of senior government persons inside, or to cause physical violence against senior
Government officials and leading MDP members and their families. Furthermore, the President Nasheed realised that the mutinying police and soldiers would also take to the streets, and hurt anyone supporting the ruling Government or MDP. This realization was based on witnessing that very morning, the mutinying police and soldiers attacking peaceful, unarmed MDP members gathered there.

Under such circumstances, the President Nasheed forced to weigh the two options before him. On one side of the scale was ensuring the safety of his person and his family as well as protecting government officials, MDP members and his supporters across the country from attacks that they were already facing or may face. On the other side of the scale was his resignation from the post of President. At that moment, President Nasheed had no other options, no time, and no opportunity to consult anyone else. Therefore, after considering the two options in depth President Nasheed decided that the best thing for him to do at that time was to agree to resign.

After accepting that he had no choice but to resign, President Nasheed met with senior military officers and ordinary ranks. Speaking to them, he informed them that his decision to resign from the post of President was based on his respect for the military institution and its soldiers, and because it was what they wished of him. He also told them that he had always affirmed that the military was the most important institution of the state, and thus, they should always uphold the dignity of the institution. The President also requested that upon his resignation, the Military should ensure that no further brutality be inflicted upon the citizens of Maldives, and should it occur, that they should halt it, and ensure that it was over. He also said that he would resign at the President’s Office, but insisted that the MNDF should ensure his safety and that of his family. As the President spoke, the soldiers answered with repeated ‘Yes Sir’.

When the President finished speaking and asked if anyone had any questions of him, one of the soldiers inquired if the President would be prosecuting their actions on 7 February. President Nasheed replied that he could not decide anything without a proper investigation into the day’s events. He also stated that he was resigning because they had requested him to do so. The President also, with great certainty, clarified to them at that point that the situation would be different if it came down to a public vote. From this statement, and the soldier’s question, it is very evident that President Nasheed was forced to resign due to having no other choice but to do so. That he did not wish to inflict the powers of the military institution upon Maldivian citizens is also evident. This becomes further obvious in his address to the nation that afternoon, broadcast via the media.

**Attacks on the Military Headquarters**
Post-resignation press statement by President Nasheed:

Dear citizens of the Maldives. Assalaam Alaikum.

It is my opinion today that if I continue to be the President of the Maldives, I fear that the country and citizens of the Maldives may face great losses, and thus I have resigned as the President of Maldives from this day onwards. I have never wished to rule by force.

The way I see it, in my opinion, substantial force must be used in order to uphold the government, causing harm to a great number of citizens. I wholeheartedly believe this (and thus) my decision. Along with that, I believe that to uphold the government, it is likely that foreign influences may come into the Maldives, and because I wish the best, and will always wish the best for this nation and the citizens of the Maldives, I have decided today, with good intentions and respect, and remembering the majority and support granted to me by the Maldivians, to resign as President of this country for the progress and prosperity of its people.

I thank all the people of the Maldives. They have worked very hard with me the last three years. And the way I see it, it is my opinion that the country has benefitted greatly from this work.

I wish the democratic principals will always prevail in the Maldives. I wish for justice to be always established in the Maldives. I will always desire the development for the Maldives, and the progress of its people.

I hope that our people find a tomorrow that is even brighter than today. My prayer is that we attain prosperity in both worlds.

Pronouncement of demand for unconditional resignation within a deadline

While President Nasheed was inside the MNDF Headquarters in the morning of 7 February, Colonel Nazim entered the premises, met with the Defence Minister and senior defence personnel, and stated that President Nasheed should resign unconditionally. Nazim also stated to them that the deadline for President Nasheed to resign was 1:30pm that day. The Defence Minister relayed this information to the President. When the information was relayed, the President was in no position at all to act otherwise. This is because even though he had wished to do so, he had been unable to consult with his cabinet, his advisors, and the members of the national council of MDP, as the military had not provided the opportunity for him to do so. Furthermore, the avenue was closed for President Nasheed to consult with the two of the powers of the state, the Speaker of the Majlis, the legislative power and the Chief Justice from the judiciary.
It was evident to the President, from the words and deeds of the soldiers inside the building, that he could not leave the MNDF Headquarters without accepting their proposition to resign unconditionally. This was due to senior officials informing President Nasheed that the mutineers outside were attempting to break down the gate to get inside the Headquarters. President Nasheed understood that most of the soldiers inside the MNDF headquarters believed that the use of firearms was the only way to disperse the mutineers outside, and that if he would not agree to it, they would not attempt to save his life. However, should he permit the use of firearms, he believed that it would lead to bloodshed, causing great danger to the nation and its people. Thus, the President believed that he had no choice but to give into various pressures, threats and constraints imposed on President Nasheed by the mutinying forces to obtain his resignation.

Before President Nasheed agreed to resign, Colonel Nazim stood in front of the main gate of the MNDF Headquarters addressing the mutinying police and soldiers. President Nasheed heard this speech. Nazim announced that President Nasheed had been asked to resign ‘unconditionally’ and that he should offer his resignation before 1:30pm that afternoon, and that these were non-negotiable terms.

Colonel Nazim’s address to the crowd outside, after emerging from the Military Headquarters

"Assalaam Alaikum. I hope everyone is well. I have just spoken to the Defence Minister and all the Senior Personnel of the MNDF, and offered them our proposition. This proposition is unconditional resignation of President Nasheed. And, after that, assigning all powers to the Vice President. Our second condition is the resignation of the Commissioner of Police, Ahmed Faseeh and his two deputies. We have stated that these are non-negotiable terms. We cannot discuss these terms any further. I assure my fellow Maldivians with us here today, and the police and military that Insha Allah, that this will end this way before 1:30 pm today within the deadline that we offered. When I entered the MNDF, I got a very happy image. The soldiers inside the MNDF carried me up, and made their support of me very evident. Insha Allah, this will end today as we wish. I call upon the police and the military to stay with us patiently.”

President Nasheed being allowed to leave the military headquarters only after agreeing to resign

Due to the constraints placed upon President Nasheed by the military, he informed the military inside the Defence Headquarters that he agreed to resign. President Nasheed did so not without reason, the most important of which was the fear for his and his family’s lives, if he did not agree to resign at the time. The fear too, was not without reason. Colonel Nazim, who had entered the MNDF Headquarters on behalf of the mutineers, had stated that refusal to resign may endanger his, and his family’s lives. And, in addition to this, the fear was due to police and soldiers were mutinying, clearly unlawfully, within and outside their stations, calling for President Nasheed’s assassination. It was also due to the information being relayed to him by some senior military officers, and due to what he was seeing and heeding inside the MNDF headquarters.
Prior to President Nasheed’s resignation, the leaders of the mutiny police and military were appointed, and announced the names of the people assigned to temporarily run the MNDF and police administrations. In this manner, Colonel Nazim announced that he would run MNDF, and that the police administration would be run by Superintendent Abdullah Fairoosh. As the President of the country is the only person who could appoint people to run both the institutions of the police and military and the fact that these roles were assigned prior to the President’s resignation and not by him is a clear violation of the law by those that ‘self-appointed’ themselves. In other words, what the leaders of the coup d’état did was to hijack and unlawfully take the defence forces into their hands before the President had resigned. The purpose of the mutineers of appointing leaders to these institutions, contravening both the Police Act and the MNDF regulation, was to render President Nasheed unable to exert control of the forces despite being the President, and to ensure that all avenues were closed, leaving him with no choice, but to resign under duress.

Although President Nasheed was being told to resign while inside the MNDF Headquarters, he stated to senior military officials that he wished to resign at the President’s Office and the Senior Officer’s had agreed. When President Nasheed stated that he wished to go to Muleeaage in order to change his clothes before going to his Office, the Senior Officers refused, and instead, stated that if the President wished to change, they would bring his clothes into the MNDF Headquarters, where the President had to change clothes at the Military Headquarters before going to the Office.

The President was certain that the only way he could save his own life was to leave the MNDF Headquarters, and decided to do all he can to ensure he did so. Thus, while inside the building, he agreed to resign, asking from senior officers whether he could be allowed to go to the President’s Office in order to announce his resignation. They consented. However, before President Nasheed had left the MNDF headquarters, the mutineer policemen, military and other politicians began to announce at the Republic Square that the President had agreed to resign. Then, surrounded by rouge army officers, President Nasheed was forcefully pushed in a car to his office.

The car in which President Nasheed was taken; entering President’s Office
Colonel Nazim, Abdulla Riyaz and Mohamed Fayaz's constant presence around President Nasheed; and the resignation letter

President Nasheed was taken to the President’s Office in a “normal” military vehicle, and not his official car. A large amount of soldiers and policemen accompanied the car to the office and while he was taken, a lot of them shouted profanities at the President. Along with the car, a large number of police and soldiers also entered the President’s Office premises without an official permit. And, in addition to Colonel Nazim, Abdulla Riyaz, (a former Assistant Commissioner of Police who served under Commissioner Adam Zahir during Maumoon Abdul Gayoom’s presidency), and Mohamed Fayaz (who had worked in the police service at the time, and was working as a Deputy Minister under President Nasheed) all entered the President’s Office before President Nasheed. In addition to these three men, other civilians from the Republic Square also entered the office premises without a permit.

When President Nasheed entered the President’s Office, Colonel Nazim, Abdulla Riyaz and Mohamed Fayaz followed him incessantly, wherever he went. When the President stated his wish to meet with the members of the cabinet, the three were those issuing instructions as to how the meeting should be organized. They also organized for the President to write his own letter of resignation. And after that, the three were also the ones who issued instructions for organizing the press conference that the President stated he wished to give. Colonel Nazim also dictated to the President what he should write in the letter. He also dictated to the President what he should and should not say at the press conference.

After writing the letter of resignation, President Nasheed handed it over to the Legal Affairs Secretary of the President’s Office, Al-Usthaaza Hisaan Hussain, instructing her to keep the letter. Hisaan handed the letter over to the Undersecretary of the Cabinet Office, Abdul Hameed Abdul Kareem, requesting him to keep the letter in the Cabinet Office. As the letter was handwritten, and had to be typed, referenced and prepared for President Nasheed to sign, Abdul Hameed handed the letter over to a staff at the Cabinet Office. However, before the letter was prepared in the manner mentioned, Abdulla Riyaz and Mohamed Fayaz went into the Cabinet Office at the President’s Office, took the letter from the staff and left. The procedure for the receipt and dispatch of correspondence from the President’s Office, is electronically through the Government Electronic Mailing System (GEMS). The President’s Office does not allow correspondence in any other form, the reason being to safeguard the confidentiality of correspondence and communications. However, the letter of resignation written by President Nasheed and delivered to the hands of the Speaker of the Majlis, was sent in violation of the regulations of the President’s Office.

When looking at the manner in which President Nasheed’s resignation letter reached the Speaker, two points must be noted. One is that the President himself did not send the letter. The people who did this (not staff of the President’s Office but members of the public) did so without President Nasheed detailing what was to be done with it, and while he had not instructed anyone to deliver it to the Speaker. Furthermore President Nasheed had specifically requested Legal Affairs Secretary Hisaan to keep the letter. Thus, when we analyse the way in which the letter reached the Speaker of the Majlis, it does not meet the objective stipulated by the Article specified above.
The second point to be noted is that, until President Nasheed’s letter of resignation reaches the hands of the Speaker, it remains the President’s rightful property. However, this was not a letter that was sent to the Speaker of the Majlis out of President Nasheed’s own accord. Thus, although the letter had been prepared, President Nasheed still had the full liberty to decide to send or keep the letter. And, although President Nasheed announced at the Press Conference that he had resigned, he would have resigned lawfully only when a letter specifying his resignation is tendered on his own accord to the Speaker of the Majlis. When we examine the manner in which it took place, it is clearly evident that the speaker received a letter that had not been sent by President Nasheed on his own accord.

President Nasheed writing his letter of resignation under duress

The President’s Wife and Children having to leave Muleeaage

On the morning of 7 February, President Nasheed’s wife Madam Laila Ali, and their children were in Muleeaage. At about 6:45 am, Madam Laila contacted President Nasheed, inquiring after news at the MNDF and at Republic Square. At the time, the President did not explain the situation as too critical, and stated that things were under control. He also mentioned that he would be home as soon as things were settled. Madam Laila contacted President Nasheed via sms twice since then, stating that she did not feel very safe at Muleeaage. However, as Muleeaage is the official Presidential Residence, which meant that, it was the safest in terms of organized security services, and therefore President Nasheed advised Madam Laila to remain at Muleeaage for the time period. Nevertheless, Madam Laila again telephoned the President at around 8:30 am that day, repeating that she did not feel that they were secure at all in Muleeaage, and that her family too, wanted herself and the children to move to another location. As Madam Laila had reiterated her wish to move to a difference location, President Nasheed agreed, after verifying the location where she wished to move to.
However, the fact that his wife and two children were not secure in Muleeaage, and the fact that Madam Laila did not feel that they were safe there, was something that unsettled President Nasheed greatly. This also made him have serious misgivings about the soldiers who were in charge of security at the Residence. From then onwards, concerns regarding the security and protection of his family dictated his thoughts. This was because the MNDF could not secure the safety of his family inside the residence. And while they did not feel safe in Muleeaage, the President also had serious reservations regarding the safety and security of his wife and children at their new location.

After leaving Muleeaage for a new location, Madam Laila was in contact with President Nasheed via phone. There were some moments when the President had been unable to answer the phone as well. These were moments when the Defence Minister and the Home Minister gave him the ultimatum about his resignation, and when he discussed this matter with those accompanying him. The President believed that due to the various constraints that had been placed upon him, he had no choice but to resign. He informed Madam Laila of his decision to resign, causing Madam Laila to question the suddenness of his decision. President Nasheed very shortly stated that it was the best thing to do at the time. He did not elaborate further when Madam Laila reiterated her question. The fact the President did not disclose why he decided on resigning was something that caused Madam Laila great concern. He had always discussed with her before major decisions were made. However, on this occasion, in addition to not discussing with her, he had been unable to disclose the reasons for his decisions too.

Madam Laila also sensed, when they spoke on the telephone that the President seemed under stress and concerned about something. When she was informed of his sudden decision to resign, it was something that caused her great deal of unanswered questions, as President Nasheed had always been a brave, unwavering man who did not give up easily. Therefore, Madam Laila was certain that President Nasheed had decided to resign due facing major pressure and extraordinary circumstances.

President Nasheed was unable to inform Madam Laila of his reasons to resign because of his current situation. Before his arrival at the President’s office and subsequent resignation, the spearheads of the coup had closed all possible openings for him to explain decision to Madam Laila. As a consequence, President Nasheed, was unable to disclose the fact and details of the duress he was under before his resignation.

**Threat to President Nasheed's life and calls to secure his resignation even by arresting him.**

It is absolutely clear that Colonel Nazim was speaking with government officials on 7 February 2012 on the counsel of the members of opposition parties. Umar Naseer has publicly stated, on several occasions, that he was the one running their operations command centre. He had also revealed that he had told the President stated that the President may "lose his life", and confessed that he had also told the President that he had no choice but to resign. Umar Naseer also mentioned the above in great detail in an interview with Australia’s Special Broadcasting Service (SBS). Even prior to 7 February, Umar Naseer’s statements regarding the overthrow of President Nasheed has indicated Umar’s influence over MNDF. In the light of these avowals, the actions of the police and military on 7 February confirm that Umar Naseer was well informed on what he was talking about. And when we look at the actions of police and soldiers on 7 February, it is clear that President Nasheed had been forced to resign, just as Umar Naseer stated in the media.
Excerpt from Deputy Leader Umar Naseer’s speech at the PPM rally on 12 February 2012

“While these operations were taking place, I was inside the Command Centre that Riyaz Rasheed referred to. I was speaking to the people closest to President Nasheed. I kept telling them to surrender, to forfeit, or that their lives may be lost perhaps. I kept telling them repeatedly. In the beginning, very arrogantly, very complacently, I was told that they didn’t have (a reason) to surrender, that there was no such situation. I told them to keep watching, that such a situation was brewing. And then, the time came to forfeit; at around 8:30 that night [sic], President Nasheed himself called me, and told me this: (he) was prepared to resign, that (he) only wanted protection arranged for (himself) and his family to go home, or somewhere else. I told him that it would be arranged, and to initiate the work regarding his resignation immediately. And at that moment I called up one of our allies who had gone in there (the MNDF Headquarters), and told him to go ahead, but to remember that he (President Nasheed) is a person who says one thing once and then something else later. He may say (that he would resign) now, and may say something else tomorrow. I will tell you something else. He also told me that day that he would not be involved in any political activity after that, he told me [sic]. I knew even then, that this would not be the case. I told him, when he called me, that if he did not resign, he had two choices. One was to forfeit with bloodshed, or to forfeit in peace. And that one of that would happen today”

In addition to Umar Naseer, other people had also called for President Nasheed’s resignation very publicly, citing various threats and intimidations. The Member of Parliament for the Ungoofaaru Area, Dr. Afrashim Ali had called to secure President Nasheed’s resignation even through arresting him on the night (6 February) before he was forced to resign under duress.

Excerpt from MP for Ungoofaaru Area Dr Afraashim Ali’s live appearance on DhiTV on 6 February 2012

“Article 100 of the Constitution very well explains this. And, like I said before, I also believe that the Parliament has shaped the constitution, in a way that President could be impeached by the Parliament. Because Committees are all appointed by the Majilis to deliberate this. However, the point is when is specifically does not state that the President can be impeached by the Majilis alone, the door is open to bring him down by another means. Want to point out here that if that door is open, then bringing him down is a mandatory situation now. Because, for instance, he will hold the Majilis hostage. We have to get two thirds majority to do that. He will bring people from here and there. Then, should we stay like this, no matter what he does? Just leave it to the Majilis? I am stating that there are mandatory circumstances. In some circumstances in Islam too, it is permitted to do certain things outside their specifications, if there aren’t other options. What I am saying is that, now, if the Supreme Court decides that Nasheed could only be impeached through Majilis, us Maldivians may need to come out and arrest Nasheed in order to get the Majilis approval. Arrest him...”

There are several other accounts by several people that prove that President Nasheed resigned under duress on 7 February. However, since analyzing these accounts would be a digression from the purpose of this book, they have been left out.
President Nasheed’s meeting with the Cabinet

After President Nasheed was moved to his office from the MNDF Headquarters, he met with the cabinet. At the meeting, the President informed his Ministers that he had no alternative choice but to resign. He also stated that his life would not be spared if he did not, and there would also be the chance that a lot of Maldivian’s lives may be in danger. He mentioned that he did not wish to use firearms under any circumstance. When President Nasheed spoke in this vein, some Ministers inquired whether he could negotiate with opposition political leaders to explore other options. However, the President repeatedly answered that he had no other options at that particular time, but to resign, and that the MNDF were unwilling to protect the Government. The Minister for Defence, Thohlath Ibrahim Kaleyfaanu also re-iterated that President Nasheed had no alternative other than to submit his resignation. It should be noted that the Vice President did not attend the Cabinet meeting that day, nor did he attend work that day.

Questions about the legality of the transfer of power

There are clearly questions about the legality of the transfer of power when we look at how events transpired on 7th February 2012, the manner in which President Nasheed’s resignation was announced, the events that took place prior to that, and the arrangements that were made for Dr Mohamed Waheed Hassan Manik to be sworn into office. The concluding statement by the Commonwealth Ministerial Action Group stated that it was not possible for them to determine conclusively the constitutionality of the resignation of President Nasheed on 7th February 2012. In addition, the commission set up by President Waheed to investigate the transfer of power, the Commission of National Inquiry was re-formed, upon the supervision of the Commonwealth to include a representative appointed by President Nasheed and a judge from outside the Maldives.

When comparing the events leading up to the transfer of power of a government run by rule of law in comparison to the events that prescribed on the 7th February 2012, the following points are to be noted:

People’s rule

The Maldives is an independent, democratic state. In a democratic state, power is derived from the citizens, and vests with the citizens. This does not mean that the country could be run by any way that is in contradiction with the constitution or in violation or outside the boundaries of the constitution. A people’s government should be run according to the rules and regulations set up under a constitution that has been ratified by people’s representatives. Any opinion or announcements that may be made at a gathering by a particular group of people cannot in any way be considered the people’s decision if the statements are in contradiction to the Constitution. People’s decisions are those that are made through their votes at legitimate elections.

President Nasheed was the leader elected by the people to rule the Maldives for a 5-years term. As such the term of his office as the Head of State can only be brought to an end through constitutional procedures. This is in accordance with the democratic principles and is as stated in the Constitution. Upholding the constitution is the responsibility of every citizen as well as the state. In accordance with Article 268 of the Constitution, every act that contravenes the constitution is considered void and of no force and effect. Under such circumstance, an act, irrespective of how good the intentions maybe, would still be considered an invalid act if it is in violation of the constitution.
The decision made by the people with their vote in 2008 to elect President Nasheed as their representative with the highest authority has now been wiped away, despite the fact that every citizen of Maldives holds a constitutional right to participate, whether directly or through an elected candidate in the governance of the country under article 26(c) of the Constitution. This is a fundamental violation of the Constitution and has deprived the people of their basic rights as guaranteed under the Constitution.

**Procedures through which the post of President becomes vacant**

In the Maldives, and in other countries governed under a presidential system, the person holding the position as the President of the country can only be changed when his elected term expires, or by his resignation or a vote of no-confidence at the Parliament in accordance with the laws and regulations of the country. Furthermore, this procedure is very clearly stated in the Constitution of the Maldives.

**The resignation of persons holding public office**

Article 121 of the Constitution of the Republic of Maldives states that should the President of the Country wish to resign, he/she should submit his resignation in writing to the Speaker of the Majlis. Resignation of the President becomes effective upon receipt of the letter by the Speaker.

The practice of following strict guidelines to determine the validity of the resignation of individuals in a constitutional post or any other official position is well established in all legal systems. A person holding public office is only considered to have resigned, when he displays the intent to resign at free will, having expressly conveyed this intent together with the act of carrying out the resignation. Therefore, the intention behind the act of giving up a post, or the relinquishment of powers is determined based on whether it is an act of free will or one under duress. And, unless otherwise stated by laws, the act of resignation will be fulfilled by following the necessary procedures stipulated for it.

Thus, the initial consideration is the existence of a letter of resignation. It has to be a letter that is written and signed out of free will. If the individual in the post of President resigns under duress due to the deceitful or duplicitous actions of a person or persons, or due to subjection to threats or force, or through pressure or force, it would not be considered a lawful resignation. Such a resignation will be invalid, on the basis that every action is determined by the intention behind it. The importance of intention behind any particular action is clearly upheld even in the teachings of the Prophet Mohamed, peace be upon him.

It is clear President Nasheed did not write his resignation letter under free will as can be clearly seen from the resignation statement that the President Nasheed had given and the circumstances that forced him to sign his resignation letter. In the statement given by President Nasheed, he clearly mentioned that he feared that great harm will come to the country and its people if he continued his presidency. It is also clear that the situation had escalated to such a point it that there was eminent threat and danger to the life of President Nasheed and his family.

The fact that the military had not used firearms to harm President Nasheed’s life, or anyone else, or that there had been no bloodshed bear no conclusive proof that the situation had not been alarming or that there had been no duress.
Although President Nasheed had security guards, and although they were armed, it cannot be said that at the time when President Nasheed was in the Military Headquarters, he had any real authority or free will to exercise his powers. His commands were not being followed and respected. Although the few bodyguards were armed, it should be noted that the military headquarters had far larger and heftier stock of arms and personnel that clearly was a threat to any body guard that President Nasheed may have had inside the Military Headquarters. Further, it should be noted that when President Nasheed was attacked on 8th February 2012 despite the fact that he was provided with bodyguards.

**President Nasheed being made powerless**

On 7th February 2012, the day President Mohamed Nasheed’s presidency ended, it is clear from the events that transpired, that he had lost all power of command. This could be seen by the changing of MNBC’s name to what it was under the former administration and broadcasting another private channel’s feed on it (one that is owned by Parliament Member Gasim Ibrahim), the military yelling profanities at President Nasheed, and the lower ranked policemen and soldiers, and civilians carrying out brutal acts against senior government and defence officials all took place on the day. The behaviour of the mutineers outside on the Republic Square mimicked those of ordinary individuals that opposed the President Nasheed’s administration, in comparison to an obedient officer of law. And in addition, this group of policemen and the military were continually calling for the resignation of President Nasheed. The senior officials of these institutions were unable to prevent this, and they were not seen attempting to do so despite the numerous instructions from President Nasheed to take lawful action.

**The Commander in Chief being made powerless**

The President is the Commander in Chief as stipulated in the constitution of the Republic of Maldives, as well as in the MNDF Act. The military operates under the orders of the Commander in Chief. The Commander in Chief is also granted constitutional power to issue orders towards individual officers. The Commander in Chief does not work on the orders of the military. From the events of 7 February, it is obvious to the observers that things worked on the contrary that day.

It is not known who brought to an end the custody of the Chief Judge of the Criminal Court, Abdulla Mohamed. What was witnessed was him being brought to Male’ prior to the President’s resignation. It was widely reported that he was brought back from the police training island of Gaamaadhoo in a private speedboat by some police officials as opposed to using official mode of communication. It is evident by these facts, that command and control of President Nasheed had been lost inside the Military. When the general public watching these scenes from afar was able to understand this mere fact of military abandoning the commands of their Chief, this would have been very adamant to a person within the building where these events were taking place.
Crowd not being controlled

We cannot say that the Defence Forces took sufficient action to control the crowd gathered at the Republic Square on 7 February 2012. Crowds several times larger had gathered there on the 12 and 13 of August 2004, without the Defence Forces losing control. The Defence Forces had similarly defended themselves on 3 November 1988 when a covert attack was carried out on the Military Headquarters with the use of modern artillery. It seemed 24 years later, with the Military several times larger in size, capacity and training, their charade of not being able to control the few people at the Square defies common sense. When the Military are no longer loyal towards their Commander in Chief, he is then in a position of duress. An audio clip of the President imploring some soldiers to ensure the safety of his self and family has become public. This is not something a Head of State and the Commander in Chief of the Army needs to ask from his subordinates. A situation that requires such plea from a Commander in Chief should not arise under normal circumstances.

Resignation is a personal act

It is constitutional right that a person’s actions should not infringe upon the rights of another. Resigning from a position is a personal act, just as is accepting a position. It is not an action that can be assigned to another person or performed by a person other than the one who is responsible for their own personal action.

Retraction of the resignation

The action of resignations from positions is retractable before the resignation process is complete. President Nasheed was unable to withdraw his letter before it reached the Speaker of the Majlis, as the President was not acting on his free will at the time. The chance or opportunity to telephone whom he wished, or send people where he needed had been revoked. Another fact that needs clarification is whether the Majlis verified the letter as being sent by President Nasheed. It is the responsibility of the Speaker to ensure, upon receipt of the letter from a civilian, whether it really came from the Head of State with the intent of resignation, and not under any duress.

When we look at the actions of President Nasheed after he had been forced to write his resignation, it is clear he had not asked to deliver the letter to the Speaker of Majlis. He had instead given the handwritten letter to an employee of the President’s Office, requesting that she keep it. A resignation is not rendered effective merely by the resigning party’s signing the letter. In accordance with the constitution, a President’s resignation becomes complete when the resignation letter is delivered to the Speaker of the Majlis. The letter should also be delivered when the President himself sends it. President Nasheed did not do this. In fact, he did not take any steps to send the letter to the Speaker.

Thus, although President Nasheed, under the condition of duress, signed a letter and announced the fact via the media, we must consider that he may not have intended to send the letter to the Speaker. If that is the case, the letter that was received by the Speaker of the Majlis, although signed by President Nasheed, was not sent by him. The letter is therefore not actionable.

It is yet unclear whether President Nasheed informed Abdulla Shahid, the Speaker of the Majlis, that he was sending the letter of resignation. If such was the case, and if the Majlis office contacted the President’s Office regarding the letter not having arrived, we need to know who instructed it to be done.
Resignation was not confirmed

There is no evidence that the Speaker of the Majlis, nor the Chief Justice, nor Vice President Dr. Mohamed Waheed confirmed President Nasheed's resignation. What also needs clarification, is the time when the confirmation of, and the arrangements started for Dr Mohamed Waheed’s swearing in ceremony. Another factor to be made available to the public is the time that Dr. Mohamed Waheed was asked to attend the Majlis, and the time the Chief Justice was asked to attend for the swearing in ceremony. A person assume position of President under the assumption that the current post of President was vacant, without these facts being clear.

Resignation was under duress

When we sum up the conditions around President Nasheed’s resignation, it is evident that he resigned under duress. The legal definition of ‘duress’ states that when constraints are illegally exercised to force someone to perform an act against their will, the condition of duress is presumed. Should these constraints be placed upon the spouse or children of the person, the condition of duress is still presumed.

Conclusion

The 7th February 2012 was the darkest day in the history of democracy in the Maldives. It was the day that the police and the military exercised force over a rights and the decision of the people. The crimes committed on that day cannot be erased from the pages of Maldivian democracy. It was a day that witnessed violations of basic rights that Maldivians had freely exercised for three years. It was the day that government institutions began to impose inhuman brutality upon its people without heeding to the most fundamental human rights. It was the day that attempts were made to seize the freedom to express opinions, both written and verbal, the right to assembly, the right to conduct activities by political parties in the Maldives. Most importantly, it was a day that saw the Presidency of the country being snatched from an individual who had been elected by the people as their leader, by forcing him to resign under duress.

The 7th February 2012 was not a day that was exempt from the rule of law. Maldivians will not be placated unless a full and honest inquiry is carried out into how a resignation was wrangled from President Nasheed, and the perpetrators tried and punished. Neither will there be a respite for the innocent soldiers and their families facing suspicion until then, nor will society's current view on loyal policemen and soldiers. The people’s trust in these two institutions will not be regained. The biggest fear facing the country, should a proper inquiry not be carried out into the events of 7 February, is the future repetition of the day’s crimes. If those crimes are not labeled as such, they will be considered permissible and legal. Civilised elected rule that has been accepted in the 21st Century Maldives will be replaced by the barbaric ways of revolt. The authority of the military will rule over the democratic means of elections to decide on positions. This is how a military government originates in a country. Military governments are no longer a sign of civilized, developed communities. People in those countries with military governments are embroiled in a continuous struggle for freedom, making sacrifices with their lives and minds. As Maldivians have tasted the freshness of democracy in President Nasheed’s three years of rule, I do not believe that we would give a chance for military rule to take over our country. To avoid taking this path, we must, as courageous Maldivians, acquire strength from each other; and forgo our fears.
The conclusions we reach today regarding President Nasheed's resignation on 7 February is the most important decision we will make in shaping our political future. The international community's views on it will affect the Maldives. Countries where the transfer of power takes place in manners they shouldn’t, ruled over by military governments outside of democratic processes, are countries viewed with suspicion by the international community. The decision is thus will impact on our collective future as well. Those countries that have forsaken democracy, are left with conflict, bloodshed and inhumane violence that spans centuries. And finally, the decision we make today will affect the country's economic future as well. Ensuring a safe investor environment for much needed foreign investors would prove daunting. All this is linked to the forced resignation of President Nasheed on 7 February 2012.

Most Maldivians believe that the resignation that was forced from President Nasheed on 7 February was obtained under duress. The widespread and vivid images that illustrated events of the day cannot be concealed to the public and the day can not be erased in the history of the Maldivian democracy.

Few images of 7th February 2012
Law no 1/2008 Maldives National Defence Force (MNDF) Act

Section 33: Mutinying at Maldives National Defence Force (MNDF)

It is an offence under this Act for any member of the Military, to mutiny, or to create unrest, or to agitate, or to plan or support any such act, or being informed of execution of any such act or plan of execution of such act, and fails to convey the information to a Superior, or delay in conveying the information of any such act.

Section 48: Interpretations

Section 48 (f): “Mutiny by the Military” shall mean, a member of the Military, one joins another member or the forces of the military and uses force or threat of force, or with such intentions abandon one's duties and assigned tasks, or fails to carry out one's assigned tasks or disobeys commands during times of war where military is required to face enemies or mutinous elements or if one supports or assists such acts. An attempt to conduct any of the following acts by a member or members of the military shall also be “Mutiny by the Military”.

(1) Seize any power vested to one's Superior or Commander.

(2) Disobey orders from one's Superiors or abandoning one's assigned duties and tasks in times of war where the military is required to face enemies.

(3) Obstruction of tasks and duties within the Military.

(4) Demonstrating disobedience or using force against a member of the Military on duty.

(5) Attempting forceful entry or use of force or threat of force to enter or allow entry to others, into an area where a member of the Military is assigned on duty.