

## **Brief overview of the Maldives' Political Situation**

**26 March 2015**

### **Overview of the Maldivian Judiciary**

The Maldives' first, democratic Constitution was enacted in August 2008. The Constitution of 2008 enabled the country to make substantial progress in consolidating democracy and safeguarding the fundamental human rights of its citizens. The Maldives held its first free and fair, multi-party presidential election in November 2008.

After the 2008 election, the country made good progress in media freedoms, allowed space for a strong and vibrant civil society to grow, and established new social protection programmes, creating a social safety net for all Maldivians.

However, Maldives' first democratically elected government was forced to step down on 7th February 2012. Since then, the Maldives political situation has been volatile. The legitimacy of the presidential elections held in 2013 is questionable as it was highly influenced and manipulated by the Supreme Court of the Maldives.

The highest authority of administering justice under the 1997 Constitution was the President. Ultimate judiciary authority was vested in the powers of the President. The President, through his Minister for Justice, appointed all judges, regulated all appeals, could remove judges at will and could grant pardons and commute sentences.

The new, 2008 Constitution aimed to create a clear separation of powers between the Judiciary, Executive and the Legislature and envisaged a modern, competent and independent judiciary in line with a modern democracy.

However, in practice very little has changed and the vast majority of the judges currently sitting on the bench today are the same people, with the same political loyalties, appointed by former President Gayoom before the enactment of the 2008 Constitution

### **Current Political Situation:**

Mohamed Nasheed is the Maldives' first democratically elected president. He was elected into office in November 2008, bringing to an end the 30-year dictatorship of Maumoon Abdul Gayoom. He was forced to step down on 7th February 2012, before his term ended.

In the first round of presidential elections in 2013, President Nasheed received 45% of the vote to Yameen's 25%. But the Supreme Court constantly meddled in the election – repeatedly annulling, cancelling and postponing the ballot in order to favour the candidacy of Yameen, Gayoom's half-brother, who went on to assume the presidency.

On January 24 2015, Gasim Ibrahim, who polled third in the first round of the 2013 elections with 24% of the vote, and his party the JP, quit Yameen's coalition government and sided with President Nasheed and his party, the MDP.

In quitting the governing coalition, Gasim cited President Yameen's continued attempts to undermine the rule of law and institutions of democracy, including the sacking and harassment of members of the Elections Commission.

All prospective opponents of President Yameen's in the 2018 Presidential elections now face politically motivated action by the authorities.

President Nasheed was arrested on 22 February 2015 under trumped up terror charges. He was sentenced to 13 years in prison in a rushed, unlawful trial which took just over 3 weeks. Throughout the trial, which many have described 'a travesty of justice,' he was denied legal representation, right to appeal, and the right to defense witnesses. He is currently in Dhoonidhoo detention centre.

Honourable MP Gasim Ibrahim is the JP's presidential candidate for the next elections in 2018. Government has threatened Gasim with a \$100 million fine on his business, which Gasim maintains he does not owe and has appealed at the High Court.

On February 10 2015, Yameen's Defense Minister, Colonel (Ret.) Mohamed Nazim, was arrested following a power struggle within government. He has been taken to Dhoonidhoo Detention Centre and faces charges of treason. Colonel (Ret.) Mohamed Nazim had declared that he had "further political aspirations." He was arrested within a week of announcing. His trial continues despite flagrant irregularities on the part of the Police during the investigative stage of the case.

On March 8 2015, the religiously conservative Adhaalath Party announced they had quit President Yameen's ruling coalition because of the President's increasingly authoritarian actions.

Of the four political parties that made up the ruling coalition, only Yameen's PPM and the small Maldivian Development Alliance remain now.

The MDP, JP, and Adalath have pledged to work together to hold the government accountable and to end the "brutality and authoritarianism" of President Yameen's government.

### **Declining press freedom:**

- Maldives press freedom has declined to pre-2008 levels. The Maldives has dropped to 108th place in the Reporters Without Borders (RSF) Press Freedom Index for 2014
- Maldives is ranked between Fiji and the Central African Republic. Fiji, at 107, experienced a coup in 2006, and the Central African Republic, at 109, is in the midst of a civil war following a coup in 2013.
- In 2008, the Maldives was ranked 104th – an improvement on its 2007 ranking of 129th, and 2006 – 144th. In 2009-2010 Maldives saw dramatic improvements in press freedom, rising to 51st and 52nd respectively. The ranking slipped to 73rd in 2011 and 103rd in 2012.

- On March 8, 2015 video journalists and news reporter from Raajje TV were arrested for filming a meeting of Judge Abdul Bari Abdul Yoosuf, a judge presiding over President Nasheed's trial and the Prosecutor General in a public café. They were arrested by police after being threatened by members of a local gang. They were detained for hours and forced to delete video footage.
- On March 9 2015, opposition aligned TV Station, Raajje TV was barred from observing Criminal Court trials against President Nasheed and Defence Minister Mohamed Nazim.
- On 10 March 2015 Maldives Media Council condemned the decisions of the Criminal Court to bar Raajje TV from criminal court hearings as well as police arrest of journalists and forcing them to delete their footage.
- Media physically obstructed from leaving the Court house on Friday 13 March 2015 despite repeated requests. They were held inside the Court house for over an hour and a half. Three journalists filed a case at the Police against the court officials who held them without case. This case was dismissed by the Police.
- On March 24 2015 – a reporter was arrested while covering an opposition protest. His detention was extended for 5 days, on the grounds that he obstructed Police duty.
- On March 25 2015 – Raajje TV reporter Wisam and cameraman Zareer were arrested while covering an opposition protest. They were brought to court handcuffed the next day and had their detention extended for 5 days. Police accuse them of obstructing Police duty because of the light used by the cameraman.

### **Obstruction of Right to Assembly**

- Since 19 February 2015, over 120 individuals have been detained from peaceful political demonstrations.
- Over 50 of those arrested have been released on condition that they do not attend political rallies for a period varying from 30 to 60 days. This is in clear violation of the constitutionally stipulated right to assembly in Art. 32 of the constitution. Some have filed the issue with the Human Rights Commission of the Maldives requesting to investigate violation of their right to peaceful assembly.
- MDP MP Fayyaz Ismail who refused to accept this unlawful condition at his bail hearing was imprisoned for a further 15 days. Was released on 21 March 2015, without any conditions by the same judge.
- Art 32 of the Maldives' constitution guarantees the right to assembly without prior approval from the state. Authorities continue to arbitrarily manipulate regulations governing rallies by demarcating new areas of Male' city as security zones, confiscating sound systems by 11pm and forcefully dispersing protests at midnight.
- Despite the Employment Act and international conventions ratified by the Maldives, which guarantees the right to association, several employees in State Owned Enterprises (SOE) have been given warning for attending opposition protests. 1 individual has been dismissed from his position. No action has been taken towards employees who attended pro government rallies.

- Following a spate of violent attacks against expatriate labourers, members of the expatriate community were planning to hold a gathering to express concern about their worsening security situation. They were told by the Department of Immigration and Emigration that any expatriates with a work permit would be deported if they took part in any protests.
- Maldives Association for Construction Industries (MACI) has announced for foreign employees working in companies that are members of the association to refrain from participating in any protests that may take place. In this announced MACI also said it would be difficult to attain employment quota for companies if their employees take part in protests.

## **Political Violence**

- Increased level of political violence in the country since the arrest of President Mohamed Nasheed on 22 February 2015.
- Members of Parliament and senior Party officials receive death threats regularly.
- Knife wielding gangs, who operate in an environment of total impunity, frequently attack pro democracy events and MDP rallies.
- The MDP has lodged multiple cases with the Police and the Elections Commission regarding these attacks, to no avail.
- Many of these attacks on MDP events have taken place directly in the presence of Police who have failed to prevent and/or take action against these individuals.
- The close collusion between senior government officials and criminal gangs in addition to the inaction of the Police leads the MDP to believe that much of this violence is politically motivated and state sponsored.
- Since 19 February, over 120 pro democracy supporters have been arrested for participating in peaceful political activities.
- Over 50 of the arrested have been released on condition that they do not attend political gatherings for a period of 60 days, contravening their constitutional right to assembly. On 23 March 2015, the High Court dismissed the case lodged by the MDP on this stating the High Court does not have the jurisdiction to hear the case.
- Of the individuals who have attacked MDP events, none have been held accountable.
- Members of the MDP are being investigated for alleged terrorism charges, including Party's deputy leader, a former MP, members of the MDP's governing body and a number of activists.
- Reports in the media that the Prosecutor General is pressing charges of "corruption" against 5 former Cabinet Members of the MDP government.

*Attacks on MDP protests:*

February 27: During the biggest rally ever held in the Maldives, gangs entered a peaceful sit in from behind the police line and attacked protestors and vandalised sound equipment. Police, instead of arresting the gangs arrested protesters from the scene.

March 13: MDP held a sit in while President Nasheed was being unlawfully sentenced to 13 years in jail for trumped up charges of terrorism. Gangs threw crude oil, carried wooden planks and knives and attacked protestors right in front of the Police line.

15 March: The MDP's pickup was vandalised by knife wielding thugs, who smashed the windscreen and damaged the sound equipment stored on it. Former MDP MP Ibrahim Rasheed, at the scene, was told that if he tried to stop them, they would kill him. They also smashed a camera of one of the journalists covering the event.

March 17

4pm: Government officials attacked a silent protest at the national gallery after the education ministry removed two paintings depicting President Nasheed from an exhibition on 'freedom and independence'. Government officials ripped up posters and shouted obscenities in front of school children forcefully closing the exhibition off to the public. The Police did not stop these officials.

9.15pm - Crude oil was thrown at the MDP pickup and people gathered in front of the Party office for a rally, by two individuals.

9.30pm - Four individuals on two motorbikes entered the protest area and threatened protestors, and attacked a cameraman.

11:30 - Gangs throw petrol at MDP protestors. Police arrested 2 female MDP protestors from the scene.

## **Parliament**

### *Threats against Members of Parliament:*

- 02 August 2014, text messages threatening to kill opposition MPs – MDP Parliamentary Group Leader Mr.Ibrahim Mohamed Solih, former Speaker of Parliament Mr.Abdulla Shahid, Deputy Leader of the Parliament MP Moosa Maniku, Ms. Maria Didi, Ms. Rozeyna Adam, Ms. Eva Abdullah, Mr. Ali Azim, MP Imthiyaz Fahmy
  - The first message read, “[We] will kill you if you behave inappropriately.”

- The second read, “It is not a sin to kill those who challenge Allah’s words and call for freedom of religion. Afrasheem Ali was an example.”
- 04 August 2014: MP Eva received text messages under the name of Home Minister Umar Naseer’s saying “National police are also with me. Through a single order from me to Special Operations] boys, you tiny MP can be shredded into pieces,”. Later a text message under the mobile number of the spokesperson of Home Ministry that said police will not look into the complaints filed over the death threats.
- 04 August 2014: A total of 15 journalists received death threats saying “[We] will kill you if you keep writing inappropriate articles about gangs in the media,”
- 05 August 2014: MP Eva, Rozaina, Mariya and Imthiyaz Fahmy received text messages threatening if they take part in protests.
- 12 August 2014: MP Eva received a text threatening to “wipe out” her entire family.
- 14 August 2014: MP Eva and Mariya received texts of intimidation
- 18 August 2014: MP Imthiyaz received a text threatening to slit his throat
- 20 August 2014: MP Mariya received a threat saying, “We will not hesitate to disappear you. Have you forgotten you have a small daughter?”
- 23 September 2014: MP Eva Abdulla received anonymous text threatening with suicide attack, “jihad” and that everyone will be “finished off”
- 25 September 2014:
  - MPs Eva, Rozaina, Former Speaker Abdulla Shahid, MDP Spokesperson MP Imthiyaz Fahmy’s names mentioned in a text stating all of them will be killed.
- December 2014:
- MP Imthiyaz and Jumhooree Pary MP Abdulla Riyaz had crude oil thrown on them as they were leaving for Parliament.
- February 2015: Brigadier General (Rtd), MP Ibrahim Didi’s case on the arrest of Judge Abdulla Didi restarts in the Criminal Court after nearly two years of not holding any hearings. MP Didi was the area commander during the arrest of the Judge.
- February 27th
  - All MDP Members of Parliament received threats saying this is their “last day on Earth.”
- March 2015:
  - MP Riyaz Rasheed (government MP) threatened, inside the Chambers to “rape” MPs Rozaina Adam and Mariya Didi
  - MP Eva Abdulla was informed by former intelligence officers that the Minister of Tourism had paid members of a local gang to “kidnap” her.
  - MP Rozaina received text saying if she talks about Police brutality and their links to gangs, in the media, “she will be attacked.”
  - MP Eva Abdulla was followed by a well known gangster from Parliament to the Indian High Commission

- MPs Eva Abdulla and Imthiyaz Fahmy, Ibrahim Shareef have reported being followed.
- MP Abdulla Riyaz (JP) reported being followed
- Cases have been submitted in Court, against MP Ahmed Nashid, imposing further penalties on his businesses on cases that have already been closed in his favour.
- MP Ahmed Mahloof (Independent) who recently left the government Party, PPM, reports various threats against him. He has circulated an audio recording where the Minister of Tourism openly threatens him. Within an hour of the phone call, MP Ahmed Mahloof 's private residence was attacked by a gang notoriously associated with the Minister.

*Arrest of Members of Parliament:*

- 22 February 2015: MP Ali Azim was arrested from a peaceful peaceful protest, protesting the arrest of President Nasheed earlier in the day.
- Police announced that MP Azim was “intoxicated” during his arrest. However, this was not mentioned when he was brought to court for remand.
- MP Azim was kept in detention for 11 days and released on the condition that he cannot join protests or gatherings for 60 days.
- 6 March 2015: MP Fayyaz Ismail was arrested during a demonstration and held in remand detention for 15 days after refusing the Criminal Court’s condition for release of not attending protests for 60 days.
- 22 March 2015: Police obstructed several members of the public from submitting a letter at the criminal court requesting they hand over the full case report of President Nasheed’s trial to him. During this incident, MP Falaah was detained for approximately half an hour before being released. MPs and members of the public were then escorted one by one by the Police to the criminal court to submit their letters.
- 25 March 2015: MP Ahmed Mahloof arrested from an opposition protest. Eyewitnesses at the scene state that excessive force was used by the Police when they arrested MP Mahloof. His detention was extended for 5 days. The Police state that he obstructed Police duty.

*Response from the Parliament and the Authorities:*

- MPs have not been provided security to this date, despite being entitled under the Parliamentary Powers and Priviledges Act.
- Speaker of Majlis has not issued/said a single word on the threats or the arrests.
- The Police have not provided any information on any investigations into the threats.

- 23 March 2015: Government MPs voted on report from the Parliamentary Privileges committee saying the arrests of MPs Ali Azim and Fayyaz Ismail was lawful, and did not hold any irregularities.
- March 2015: Government submits amendments to the Parliamentary Standing Orders. Amendments include penalising MPs who disrupt Chambers by deducting 55% from their allowances and barring them from Parliamentary trips for 3 months.
- This follows after MDP MPs have been disrupting Parliament since President Nasheed was arrested. MPs are protesting the arrest, the blatantly unfair trial the lack of response from the Speaker for over 6 months of death threats and intimidation of Opposition MPs.
- Instead of removing the MPs from the Chambers, Speaker has been conducting Parliament and calling for votes amidst the disruption. Parliamentary Standing Orders states the MPs should be removed from the Chambers.