

## **Appendix II: Written Response by the President's Office to Human Rights Watch, April 22, 2021**

1. Can you update us of the work by the Commission on Deaths and Disappearances and in particular the status of the Rilwan investigation?

### Ahmed Rilwan Abdulla's Disappearance

At the request of the families of Ahmed Rilwan Abdulla and Yameen Rasheed, President Solih instructed the Commission to engage an external investigation expert in September 2020. The appointment of this international senior crime investigations specialist has provided us with mentoring support around strategic decision making, intelligence development, major incident room management, improved crime analysis and investigative interviewing of victims, witnesses, and suspects, as well as enhancing our communication with the media, and giving us access to specialist tactical support and advances in forensic opportunities. We have implemented a comprehensive investigative analytical process to identify intelligence/evidence gaps, illustrate complex criminal association and activity, and chart a timeline of key events. All of which supports our investigative focus.

The investigations of the Commission are now progressing better and faster. With the specialist's assistance we have restored and rebuilt positive relationships with our key partners - the Maldives Police Service, the Prosecutor General and Attorney General. We have also enhanced our operational security and management of confidential information.

This has resulted in more effective management of extensive CCTV evidential opportunities, and media appeals to the public including the offering of a substantial reward for information provided. The Maldives President has supported this initiative by providing a reward of around \$US 35,000.

After an initial assessment of the work we had already carried out, and our remaining tasks, the Commission is following new lines of enquiry suggested by the expert. This

includes liaising with an overseas forensic laboratory where the latest DNA opportunities are being exploited, to facilitate further forensic analysis of evidence collected by the Maldives police during their initial investigation. More specifically, the knife they found at the scene of Rilwan’s abduction was sent abroad for analysis which resulted in the discovery of human DNA traces that had not been found by the police. We are also doing further forensic analysis of other evidence collected by the police. All these issues are taking considerable time because of the legal and travel restrictions in place due to the Covid-19 pandemic.

One of the main challenges the Commission faced at the beginning had been the reluctance of, and at times refusal by, witnesses and informants to give evidence to the inquiry. This situation was due to a lack of confidence and trust in the relevant state institutions, and the non-existence of a witness protection program in Maldives. To mitigate these problems, the Commission has engaged an external witness expert. At this stage, the Commission has started receiving new evidence from some of those who previously refused to disclose information. We are building trust and confidence with numerous potential witnesses to obtain compelling testimony, and identifying new lines of enquiry. Combined with a clear and effective investigative interviewing process, we are now successfully identifying, using and managing confidential informants to develop reliable and accurate intelligence.

We have interviewed a number of significant suspects with a plan to interview others over the next few weeks and consider prosecution of persons at all levels for serious offences ranging from murder, attempted murder, kidnapping, threats to kill, corruption, attempting to pervert the course of justice and assisting offenders.

**2. Any information on the Yameen case and the delays. In this regard, On 11 December 2019, the UPR report said that the Prosecutor General commenced an extensive review of delayed trials and prolonged remand periods.**

#### Yameen Rasheed’s Murder

The Commission has discovered that Yameen Rasheed’s murder was related to a series of attacks and intimidations that began in 2014. The Commission has been forced to delay

further inquiry into this matter because a trial of people charged with Yameen Rasheed's murder is still ongoing. Upon the advice of the Prosecutor General, the Commission will re-initiate investigation of the case in a manner which ensures that it does not impact the ongoing trial in any way. In the meantime, the Commission has expressed that it hopes to see the quick resolution of the ongoing trial.

### **3. What particular steps is the government undertaking to ensure the safety of civil society organizations working on human rights?**

- The Government takes the safety of all individuals very seriously, and encourages all individuals who feel unsafe or are being threatened to keep reporting incidents to the authorities. We take note of issues in the system where individuals have felt that their reports are not being addressed adequately and are actively working with state institutions to reform these systems, to provide greater public confidence.
- The Maldives Police Service employs different levels of priority depending upon the severity of the crime. Threats against human rights activists or civil society organizations are given priority as special cases and are investigated by selected teams within the Crime Investigation Command of Maldives Police Service.
- The Associations Bill submitted to Parliament by the Government is intended to make provision for the registration and incorporation of associations, their membership, governance, financial accountability and related matters in line with international standards, so it will establish a mechanism that provides certain rights and safeguards to all associations or CSOs once it becomes law. This bill is currently at Committee stage in the Parliament.

4. On the larger issue of judicial reform, in May 2019, the government announced a five-year judicial reform roadmap. Are there any documents we could see about the scope of the reform effort and where things stand?

#	Areas of Recommendation	Actions taken
1	Amending Judicature Act	AGO is currently working on reviewing the Judicature Act and the Judges Act.
2	Predetermined and universally applied procedural rules for litigants, lawyers, court administrators and judges.	<ul style="list-style-type: none"> <li>- Reforms were brought to the criminal procedure code last year</li> <li>- Civil procedure code bill is now in the parliament committee stage</li> </ul>
3	Courts that are easily physically accessible and are built to serve the public.	<ul style="list-style-type: none"> <li>- District courts to be established in north and south of Maldives.</li> <li>- Establish Male' Court Complex for the lower courts</li> <li>- Develop new buildings for the Supreme Court and High Court</li> <li>- Digitization of the Courts to increase accessibility and avoid delayed trials.</li> </ul>
4	Lack of judicial education and a legal library in Dhivehi, not a single legal textbook in the official language, no civil code evidence code, no civil procedure code, no academic legal debate, no attempt at building a local jurisprudence	There are blogs and websites with legal education resources by private individuals that are available, but currently no such government funded resource base.
5	Few female judges sit on the bench. Only 4 judges are female out of the 200.	<p>Total 7 Female Judges have been appointed since Nov – 2018. This is something the Government will continue to build on.</p> <ul style="list-style-type: none"> <li>Supreme Court – 2</li> <li>Civil Court – 2</li> <li>Criminal Court – 1</li> <li>Juvenile Court – 1</li> <li>Magistrate Court – 1</li> </ul>

### Attorney General's Office

The Attorney General's Office is working on comprehensive judicial reforms that include a review of the Constitutional framework, the Judicature Act and the Judges Act, and these will be carried out progressively. At this time, AGO is working on the review of the Judicature Act and the Judges Act.

Please also note that the Government initiated a review of the judiciary and our Constitution in 2019 with the aim of identifying the constitutional changes that are required to ensure a strong system of governance and an independent judiciary. The review was conducted by retired Justice of the Constitutional Court of South Africa, Johann Kreigler, at the end of which he submitted a report identifying the challenges in our legal system and proposing recommendations for reform.

### **5. Can you update on the status of reform to the JSC?**

In 2019, the Judicial Service Commission's Act was revised to address many issues that JSC faced as an institution. Hence,

#### Judicial Service Commission

- Complaints Investigation: JSC has made many changes in its procedures and practices to advocate transparency and fairness in receiving complaints to the commission. The changes in the system have built trust with the public and as a result the number of complaints lodged at JSC increased to 114 in 2019 from 7 complaints in 2018. This is a 93% increase in cases lodged.
- Investigations of misconduct have resulted in impeachment of corrupt and unethical judges and hence has increased the trust of public on the judiciary. Since 2019, Judicial Service Commission judges were investigated and 54 have been impeached after investigations on gross misconduct allegations.
- The appointment of judges has also been reframed to address transparency and fairness.

Appointment of judges are strictly on merit basis now. JSC gives equal opportunity for those competing and has driven the judge base to a more gender equal, qualified and

professional one.

- Judges Performance Appraisal is also complementary to ensuring a competent judge base and JSC has ensured to commit and commence this work, which will start its pilot performance evaluation of judges in the year 2021.

**6. On Freedom of Assembly. Where does the government stand on repealing or amending the 2016 Freedom of Peaceful Assembly Act? Also a Presidential Action Committee was established to review cases where employees were dismissed due to political motivation – are there any details available on that?**

A Private Member's Bill seeking to repeal the first amendment to the Law no: 1/2013 (Act on Freedom of Peaceful Assembly) was introduced to the Parliament in May 2019. The Bill is pending approval by the Parliament, and is currently being deliberated at the Parliamentary Committee. At the moment, the Government awaits the outcome of this Bill, depending on which other measures can be considered. The Government of Maldives reiterates the commitment to ensure the provision and protection of fundamental human rights as provided in the Constitution of the Republic of Maldives.

Under the prerogative of Article 115 of the Constitution – the President's Action Committee is entrusted with gauging issues and proposing remedies, pertaining to State- Owned Enterprises, Government Ministries and National Issues at the request of the President.

- The PAC is an independent, apolitical, impartial support team who work for the President, as and when needed, to respond to any issues emanating from SOEs, GOM Ministries and National Issues of concern to the HEP to review, understand and propose a potential solution(s) to those issues.
- The key role of the PAC is an advisory one that will help the President to reach a decision in the best interests of the people of the country.
- The PAC may also take a proactive role in reviewing and researching possibilities and issues and making recommendations that will be submitted to the President for his consideration and action if he deems them necessary and in the best interest of the people of Maldives.
- With the Campaign Pledge to seek justice for those unfairly dismissed due to political reasons during the previous administration, PAC was tasked with the role of reviewing the submissions of those claiming unfair dismissal from State Owned Enterprises and Government Institutions. By determining a set criteria, and staying with in a set timeframe of (17th Nov 2013 to 17th Nov 2018) and standing by court decisions, PAC

reviewed these submissions, at times seeking further information and documents from the institutions to objectively consider the dismissals (for evidence of unfair political actions) and thus advised the president to request these institutions to reverse their decisions and give the dismissed, fair treatment, be it reinstatement, adhering to court decision, pay unpaid compensation in certain cases or revoke demotions. Of the 790 legitimate submissions, 326 cases are back in their jobs OR have been advised to provide with some form of solution for their grievance.

**7. The Prison Audit Report found that migrant workers were subjected to highly discriminatory conditions in detention centers and prisons – what steps are being taken to address this?**

Following are some changes that have been recently made in Hulhumale' Detention Centre-where foreigners who have been found to have violated the immigration laws and regulations are kept pending their deportation.

All Detainees are accepted into the facility given the proper paper work and documentations are complete and present. On average, a detainee remains in the facility for about 3-month duration before being deported to their country. It is ensured that all detainees are aware of their circumstances and understands the procedure.

- The total capacity of the Detention Centre was declared to be 40 and the number of occupants is maintained from exceeding the maximum limit.
- All convicts and detainees are granted the opportunity to make international calls to their family and relatives living abroad.
- All newcomers are granted a phone call during the first 24 hours of arrival.
- All new comers are given a mandatory health screening.
- Detention centers have an in-house medical officer as well as nurses on duty 24/7.
- Nurses do daily health checks in all units, provide prescribed medications. Record complaints and arrange for OPD consultations.
- If the in-house doctor makes a referral to consult a specialist, then arrangements are made to provide the convict or detainee with the assistance required.
- If a doctor recommends that a detainee or convict needs to be put on a specific diet due to

health issues a suitable diet menu can be chosen from the 6 special menus that can be made available.

- All convicts and detainee are provided the same standard of essentials such as mattress, bed sheets, pillows, basic toiletries and laundry detergent (details regarding this is recorded and maintained)
- All Detainees are provided the same menu of food. The catering is arranged through Maldives Immigrations but the quantity and quality of the food is checked by the prison officer at each meal time.
- A laundry with two semi-auto washing machines are made accessible for the detainees and they are provided with detergent on a weekly basis.
- All the units in the Detention Centre have access to an open yard area from 06:00 in the morning to 22:00 at night.
- A water cooler is accessible to all detainees and is functional in providing cold and normal water supplied from MWSE.
- Detainees are permitted to watch T.V at given times and are provided with other forms of sports and recreation such football, carom board and chess board.
- There is a specific welfare officer and Unit management Officer appointed for the Detention Centre, to carry out the responsibility of assisting with special requirements and keeping close supervision of.
- All Detainees and convicts have the opportunity to lodge complaints.
- Recently established “Ethics and professional Standard” Unit, Disciplinary Board and “The Use of Force” board are now operational. All complaints regarding any form of discrimination, torture, abuse or unethical conduct are investigated and duly processed now.

**8. In response to the Prison Audit report, a Prison Reform Monitoring Committee was established to oversee implementation of the report’s recommendations. What progress is there on this? Also, the Maldives Correctional Service is meant to be in the process of finalizing regulations on the Standard Minimum Rules for Treatment of Prisoners. Where does this stand?**

- a. Prison Reform Monitoring Committee has been established within the Ministry of Home Affairs to monitor the progress and to facilitate the changes that need to be

brought in accordance with recommendations mentioned in the Prison Audit Report. As of February 2021, 28% of the recommendations in Prison Audit report have been completed and 55% of recommendations are in progress. Since 11% of *recommendations have budgetary requirements, those have been prioritized in the 2021 National Budget.*

A few of the recommendations implemented are as follows:

- b. “United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules)” has been translated into Dhivehi language, and trainings are being held in collaboration with UNODC to induct prison officers on The Nelson Mandela rules.
- c. After a gap of 2 years, Maldives Correctional Service has resumed the arrangement of allowing families of prisoners to send clothing items to inmates.
- d. Under the work being done to ensure all prison guidelines and regulations are in accordance with international standards, the Regulation regarding the rights and privileges of inmates and detainees have been reviewed. Furthermore, the regulation regarding the code of conduct of inmates and detainees has been formulated. Both these regulations are now being implemented as well.
- e. An inspector of correctional service was appointed to effectively carry out the function of inspecting the conditions and procedures in detention centres as well as report to the Minister of Home Affairs concerning such matters.

**9. Could you provide any update on the MMPRC corruption investigations?**

- The Presidential Commission on Corruption and Asset recovery is focusing their investigations on 3 major points, which includes

- 1) How the 37 islands and 12 lagoons were leased through MMPRC against stipulated laws
- 2) How the lease income (\$77.5 million) from these islands and lagoons were credited to private companies and how the money has transferred between parties
- 3) illicit gains and bribe that different individuals received from these transactions

This investigation is carried out by a joint investigation team. So far, 1 case investigated by the commission is in the court process, and 1 case has been forwarded to PGO for prosecution, and 28 cases have been forwarded to ACC for further investigation.

**10. What are the government's plans to address gender based discrimination and violence (including allegations against politicians)?**

- 1) Maldives has enacted the Gender Equality Act (18/2016) with the objective to ensure that every person enjoys their rights without discrimination based on sex or gender. The

fundamental rights and freedoms guaranteed by the Constitution of the Republic of Maldives, as provided by Article 17 of the Constitution of the Republic of Maldives, which determines the rights and freedoms for everyone, without discrimination of any kind, including sex or gender and as provided by Article 20 of the Constitution of the Republic of Maldives which states that every individual is equal before and under the law, and is entitled to equal protection and equal benefit of the law.

The purpose of the Gender Equality Act are;

- 1.1 General principles to achieve gender equality in the Maldives, policies to prohibit discrimination based on gender in the Maldives and the duties and responsibilities of State institutions and other relevant parties to achieve gender equality in the Maldives.
- 1.2 To ensure that every person enjoys without discrimination based on sex or gender
- 1.3 In confirmation with the Conventions on the Eliminations of All Forms of Discrimination Against Women and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women;
  - (a) To ensure that women enjoy equal terms with men, human rights, fundamental rights and equal opportunities in their economic, social cultural, civil and political life in the Maldives.
  - (b) To facilitate all steps towards prevention of discrimination based on gender and prevention of all ideas and practices that promote discrimination between men and women,
- 1.4 To establish principles of gender equality in the conduct of state institutions, businesses, civil society organizations, employers, other legal entities and individuals;
- 1.5 To end all forms of violence against women and girls;
- 1.6 To establish a culture of empowerment, provide equal opportunities and an enabling environment to achieve results on gender equality.

#### Ongoing Activities

- a. Formulation of Regulations under Article (40) of GE Act stating the roles and responsibilities of local councils in the implementation of GE Act and Regulation under Article (43) stating what needs to be reported under GE Act and guidelines.

- b. A National Gender Policy was enacted in 2019. The purpose of the policy is to promote gender equality and ensure the protection for all men, women and children in society from all forms of discrimination.
- c. The Gender Equality Action Plan (GEAP) has been developed in complete fulfillment of the requirements under Article 42 of the Gender Equality Law 2016. The GEAP also intends to respond to the state obligations under International Human Rights Instruments Maldives is party to, the United Nations Sustainable Development goals and the government's manifesto. GEAP for 2021- 2015 is being revised as well as the Monitoring and Evaluation Framework.
- d. The Goal 4 (Gender Based Violence), of GEAP ensure equal participation of men and women in the country's economic development and enjoys equitable benefits from economic engagement and empowerment and Goal 5 (Access to Justice), ensure equal access justice, redress and effective remedies for men and women and boys and girls.
- e. Monitoring and ensuring the establishment of complaints mechanism under Gender Equality Act of the public sectors and will expand the monitoring to include private sectors as well.
- f. Elimination of Gender Based Discrimination and Gender Based Violence (GBV) is one of the priorities of the government and is included in the Strategic Action plan (SAP) under Good Governance, Subsection – 5.6 Gender Equality, Policy 2 and 3.
- g. The government is currently in the process of reviewing existing laws such as the Family Law, enacted in 2000 and plans to review the 2012 Domestic Violence Prevention Act which criminalized domestic violence for the first time, ensuring protection for victims as well as strengthening service delivery for victims and Gender Equality Act 18/2016.
- h. Sensitization trainings are being conducted for public and private sector employers
- i. Under the DVPA operationalization of 5 DV shelters are being assisted by ADB
  - SH DV survivors Shelter and Th Veymandoo are fully operational now.
  - Currently HDH Kulhudhufushi, GDH Thinadhoo and K. Vilingili DV Shelters are being upgraded.
  - In addition, government plans to open 3 DV shelters in R Ungoofaru, K. Hulhumale' and S. Hithadhoo

- j. To increase the role of women in political, social and economic decision making, the government plans to increase care infrastructure systems, and establish a state subsidized daycare facility in Male', which we hope will provide support for women who predominantly take on childcare roles. The extra childcare support aims to give women time and means to pursue career goals if they so wish.
- k. In order to strengthen the service delivery, DV and Social Services helpline 1421 was established in 2020.
- l. The Ministry launched a two-year campaign "Geveshi Gulhun" on domestic Violence prevention. The main objective of this campaign is to strengthen the service delivery of social protection services and to increase awareness about different types of violence and the need to involve men as agents of change in address the root causes of violence.
- m. To reduce gender discrimination, the government plans to strengthen roles of Women's Development Committee (WDC), Civil Society Organization and Medias in addressing gender disparity.

Harassment/Sexual violence allegations against senior politicians have been investigated by the authorities, and individuals in senior Government positions have been dismissed as a result of these reports. The Prosecutor General has recently announced several avenues his office is exploring in order to summon former Minister Ali Waheed back to the Maldives to face trial.