



HUMAN
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“I Could Have Been Next”

Stymied Reforms in the Maldives

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Map



Arabian Sea

★Male
MALDIVES



Laccadive Sea

Glossary

<i>Laadheenee</i>	From Arabic, literally “no religion,” meaning irreligious or overly secular, an “enemy of Islam”
People’s Majlis	Legislative body of the Maldivian government
Sharia	Islamic law
DDCom	Commission on Deaths and Disappearances
DRP	Dhivehi Rayyithunge Party
HRCM	Human Rights Commission of the Maldives
JSC	Judicial Services Commission
MCS	Maldives Correctional Service
MDN	Maldivian Democracy Network
MDP	Maldivian Democratic Party
MJA	Maldives Journalists Association
MMC	Maldives Media Council
MNDF	Maldives National Defence Force
MPS	Maldives Police Service
NIC	National Integrity Commission
NPM	National Preventative Mechanism
NSS	National Security Service
PNC	People’s National Congress
PPM	Progressive Party of Maldives

Summary

On May 6, 2021, a remote-controlled bomb exploded as Mohamed Nasheed, the parliament speaker and former president of the Maldives, left his home in Malé, the capital, injuring him, a member of his security detail, and several bystanders. The attempted assassination was the latest—and highest-profile—attack in the Indian Ocean island nation. Nasheed, whose opponents have frequently accused him of being a *laadheenee*, or “enemy of Islam,” was critically injured but survived. Four months after the attack, at his first press conference, he said he believed his life was still in danger.

The attack on Nasheed sent shock waves through the Maldives. After winning the 2018 election, largely on promises of reform, President Ibrahim Mohamed Solih had vowed to restore fundamental rights eroded by longstanding authoritarian rule. And while his administration has taken some significant steps toward restoring civil liberties, particularly with respect to the media, it has failed to confront deep-rooted corruption and the continuing influence of extremist groups and criminal gangs on the judiciary, police, and other government institutions.

Instead, the government has repeatedly bent to pressure from powerful interest groups, including those who advocate the use of violence on the basis of religion, and in doing so has not protected freedom of speech and religion, and the rights of at-risk communities. Police investigations into targeted attacks have stalled, largely because those responsible enjoy political protection.

This report, based on 26 interviews in the Maldives and among Maldivians living outside the country, finds repeated failures in providing justice for these attacks. It documents the inability of the Solih government to take the necessary steps to uphold basic rights and develop robustly independent and rights-respecting systems. It makes recommendations for justice system reform, and calls on Maldives’ donors, including the United States, United Kingdom, and European Union, to support credible steps towards strengthening independent institutions that can protect and promote human rights.

Political Patronage and Complicity in Violence

Since 2012, and particularly during the presidency of Abdulla Yameen from 2013 to 2018, threats and violence against prominent Maldivian activists, politicians, and journalists escalated. Criminal gangs, organized groups with links to clerics and other religious figures advocating the use of violence, are believed responsible for these attacks. Those targeted included: journalist and blogger Ismail Hilath Rasheed, who survived being stabbed in the neck in June 2012; Dr. Afrasheem Ali, a member of parliament (MP) and religious scholar known for his sermons supporting gender equality and other liberal views, who was fatally stabbed in October 2012; journalist Ahmed Rilwan, who was abducted and disappeared in 2014, after accusing several politicians of corruption; and blogger Yameen Rasheed, who was fatally stabbed in 2017.

The government's failure to provide accountability in these cases has meant that these gangs, their political patrons, and violent members continue to exercise a chilling effect on free speech in the country. Anyone defending religious freedom, for instance, can draw their wrath. With the authorities' not credibly investigating or prosecuting those responsible for threats and attacks, the chorus of *laadheenee*, often playing out on social media, can lead to deadly violence. Those targeted include women's rights activists, defenders of the rights of lesbian, gay, bisexual, and transgender (LGBT) people, and journalists and bloggers who publish material and support causes that are deemed "offensive to Islam."

On his first day in office on November 17, 2018, President Solih established the Commission on Deaths and Disappearances (DDCom) to conduct independent investigations into unresolved cases of violence against activists and keep his election pledge to ensure justice. But nearly three-and-a-half years later, investigations have largely stalled amid allegations that politicians have intervened in the justice system to protect the perpetrators. The police have buried investigations, prosecutors and courts have failed to indict suspects, and politicians still lend their support to gangs that promote extremist ideology.

The commission's chair warned that justice would be impossible so long as these gangs continue to exert influence over the police and judiciary. In Rilwan's case, the commission found that suspects were protected by powerful politicians, and some had fled the country

to join the extremist group Islamic State (ISIS) in Syria. As Aisha Rasheed, the sister of slain blogger Yameen Rasheed, told Human Rights Watch: “Extremism is deep-rooted within the authorities that are meant to protect us. ... If someone like the former president and current speaker of the parliament can’t get justice in this country, who then is Yameen Rasheed?”

Failure to Protect Free Speech Rights

The Solih administration has made progress in reducing state repression of speech and expression. Members of the media say they no longer fear state censorship, particularly after November 2018, when the administration repealed the 2016 Anti-Defamation and Freedom of Expression Act, which had been used to impose massive fines on critical media. Editors and journalists say they no longer worry about facing criminal cases or fines for simply doing their jobs. This change is reflected in the Reporters Without Borders’ World Press Freedom Index, in which the Maldives had climbed up 48 places from ranking 120 in 2018 to 72 in 2021.

At the same time, the government has often relented to pressure from powerful politicians and religious groups instead of upholding freedom of speech and association. When clerics and social media activists label their critics as *laadheenee* and threaten violence, the government has repeatedly failed to protect rights or prosecute those who carry out attacks.

One of the most damaging cases was the government’s decision in November 2019 to yield to pressure from influential clerics and political opposition figures to deregister the Maldivian Democracy Network (MDN), the country’s leading human rights organization. A weeks-long social media campaign against the group under the hashtag #BanMDN attacked the group for its 2015 report on the rise of extremism in the Maldives. Religious hardliners decried MDN staff as *laadheenee* and demanded that those involved in authoring the report face criminal charges, including for blasphemy.

In many cases, members of the governing Maldivian Democratic Party (MDP) and its Islamist ally, the Adhaalath Party, have backed these moves. Salafist religious groups and opposition politicians have been able to influence the government’s response to allegations that activists have offended Muslim sentiment, which has in turn helped fuel

online campaigns and sometimes violence. MDP members of parliament led a controversial campaign to amend the penal code to criminalize hate speech, but its broad provisions raised concerns about infringing free speech, particularly any perceived criticism of Islam. A more limited bill passed into law in November 2021.

In a written response to Human Rights Watch in April 2021, the Office of the President noted measures the government had taken to ensure the safety of individuals facing threats working in civil society. The office acknowledged that individuals who report threats are left feeling that their complaints are not being addressed adequately, and said it was committed to bring reforms. In a statement provided to Human Rights Watch in February 2022, the Commission on Deaths and Disappearances said that its goal was to prosecute persons at all levels for the offenses and to address systemic issues to ensure non-recurrence of these crimes in the future.

However, the government's failure to successfully investigate and prosecute many of these attacks has exacerbated the threats. In December 2020, a resident of Addu City posted a statement against religious extremism on social media. When the post elicited an outcry by various religious groups, the police questioned the man and confiscated his electronic devices for further investigation but took no action against those who had issued the threats. The man told Human Rights Watch, "I have become a constant target for religious extremists because I speak out. I could very easily have been the next Yameen [Rasheed] or [Ahmed] Rilwan."

Stalled Reforms

The Solih government has made limited progress in other areas, but political pressures continue to stymie reforms.

During his election campaign, Solih pledged to abolish laws that curtail citizens' right to peaceful assembly. However, the government has yet to amend the Freedom of Assembly Act, and has instead continued to use it to block protests. In 2020, the government invoked the law to enforce a lockdown ostensibly to contain the spread of Covid-19, starting with the migrant worker protests against wage theft and poor living conditions in July 2020.

Authorities have also used unnecessary force against peaceful protests. Police used pepper spray to disperse a Labor Day protest on May 1, 2021, organized by a youth-led movement called Rise Up MV, handcuffing adult protesters after forcing them on the ground. The Human Rights Commission of the Maldives said that the allegations of police abuse in this case should be investigated under the Anti-Torture Act. The police announced an internal investigation into the incident, but, as of March 2022, no information had been released.

Despite some reform efforts, the Maldives Police Service demonstrates serious gaps in its capacity to conduct credible criminal investigations or follow regulations regarding the use of force. Police corruption remains a big hurdle to impartial investigations. Police also remain susceptible to political pressure.

In September 2021, President Solih reiterated his commitment to reforming the composition of the Judicial Services Commission (JSC), which is responsible for appointment of judges. However, politicization of the commission continues to undermine judicial independence. Opposition politicians and civil society activists have expressed concern that, as was the case under the previous Yameen administration, the JSC has been used to pressure the judiciary for the benefit of the ruling party.

Role of International Supporters and Donors

International donors—including the US, EU, and UK—should recognize that the entire justice system in the Maldives, including police, prosecutors, and the judiciary, needs urgent reform to build independent and robust institutions that can provide accountability and protect due process rights.

Over the past two decades, since the democratic transition in the Maldives, international donors have increased investment in good governance, transparency, and protection of human rights. These projects are implemented either directly by the government or through nongovernmental and community-based organizations. However, these programs often fail to address core issues—notably a lack of political will to take on the politicians and extremist groups who benefit from existing dysfunction—to bring systemic reforms to the criminal justice system.

Methodology

This report is based on field research and 26 interviews conducted in the Maldives between June 2021 and January 2022 with Maldivians and other informed sources living outside the Maldives.

Human Rights Watch interviewed people who had experienced human rights violations, including journalists, social media activists, human rights activists, opposition party leaders and members, lawyers, and judges. Because of the global Covid-19 pandemic, most interviews were conducted by phone or email.

Human Rights Watch also reviewed legal documents related to cases investigated by the Commission on Deaths and Disappearances.

We have withheld the names and other details of some of the interviewees that requested that we safeguard their identity. We paid no remuneration or other inducement to victims and witnesses of abuses who spoke with us.

In January 2022, we wrote to officials in the Maldives seeking their response to our findings. We received responses from the Attorney General's Office and the Commission on Deaths and Disappearances, which we have cited in the body of this report and have included in full as appendices.

I. A Stunted Transition

After gaining independence in 1965 following 78 years as a British protectorate, the Maldives endured decades of political repression.¹ Constitutional amendments in the 1970s made the president the supreme authority “entrusted with propagating and protecting the Islamic faith,” a provision that President Maumoon Gayoom—who took office in 1978—wielded to enhance his political power.² Both his political opponents who demanded democratic reforms and those who challenged him on religious grounds were often jailed on spurious charges of being anti-Islam.³

With no political parties or free elections to challenge his rule, Gayoom held office for 30 years. During this time, the Maldives opened up to tourism after decades of isolation. The capital, Malé, also saw rapid growth as younger people moved to the city from outlying islands in search of education and employment. Urban congestion, drug-related crime, and gang violence increased sharply after 2000.⁴

Gayoom’s grip on power weakened after the death from torture of a 19-year-old political prisoner in September 2003 sparked riots that ultimately provoked domestic and international calls for reform. In 2005, political parties were allowed to organize for the first time, among them the Maldivian Democratic Party (MDP), with a platform promoting

¹ The Maldives has a population of about 550,000. Maldivians are ethnically Dhivehi, and 99 percent Sunni Muslim. Islam is the state religion, and proselytizing other religions is prohibited. The Maldives was governed as a sultanate from the 12th century and came under colonial rule by both the Portuguese and Dutch before becoming a British protectorate.

² Islam has been the state religion since its first constitution in 1932. Proselytizing is forbidden. Hassan Amir, “Islamism and radicalism in the Maldives,” Master’s Thesis, Naval Postgraduate School, Monterey, California, 2011. https://calhoun.nps.edu/bitstream/handle/10945/10724/11Dec_Amir.pdf?sequence=1&isAllowed=y, (accessed February 15, 2022). With assistance from Pakistan, Brunei, and the states of the Persian Gulf, Gayoom established the Islamic Center of Maldives in 1984. The building also houses the Ministry of Islamic Affairs. During Gayoom’s rule, the Maldives started to play a more prominent role in the Organization of Islamic Cooperation (formerly the Organization of the Islamic Conference). “All these developments enabled Maldives to garner increased assistance from these states, especially in fields like education. It was at this time that significant numbers of Maldivian youth began attending various Islamic education institutes in places such as Pakistan, Saudi Arabia, Egypt, and India. These youth later became the vanguard of the Islamic revivalist movement in Maldives.” Ibid.

³ Ibid., p. 30.

⁴ Mohamed Faisal, “Living on a crowded island: Urban transformation in the Maldives,” n.d., <https://devnet.org.nz/wp-content/uploads/2018/07/Mohammed%20Faisal.%20Living%20on%20a%20crowded%20island%20Urban%20transformation%20in%20the%20Maldives.pdf> (accessed February 19, 2022).

democratic change, and the Islamist Adhaalath (“Justice”) Party, both founded in July 2005.

Over the following three years, 13 political parties emerged. Political forces that had been constrained for decades were thrust onto center stage, leading to the emergence of competing and divisive political narratives: a fear that exposure to Western culture would erode the Maldives’ Islamic identity on one hand, and the threat of violent extremism stoked by some clerics, on the other.⁵ In 2008, the constitution was amended to allow for multiparty elections, separation of powers, and freedom of the press.

Political Power Struggle Since 2008

In November 2008, opposition leader Mohamed Nasheed of the MDP defeated President Gayoom and his Dhivehi Rayyithunge Party (DRP). Nasheed—who had previously been imprisoned under Gayoom for publishing articles critical of the president—was inaugurated as the country’s first directly elected leader in a relatively free and fair election. However, disagreements soon broke out among ruling coalition members, and the escalating power struggle contributed to a highly divisive political campaign against the MDP government in 2011-12 on the theme of “Defending Islam.”⁶ After the police sided with his opponents, Nasheed stepped down on February 7, 2012, claiming that he had been forced out.⁷

After disputed elections, Abdulla Yameen of the Progressive Party of Maldives (PPM) took office in 2013. His government expanded its use of broad and vaguely worded counterterrorism laws to intimidate, arbitrarily arrest, and prosecute its critics. It also used

⁵ Ibid., pp. 31-32. On September 29, 2007, an improvised bomb exploded in a Malé park. The men suspected of planting it were accused of links to foreign terrorist groups. While no further bombings have occurred, some 200 Maldivians are thought to have traveled to Iraq and Syria to join Al Qaeda and the Islamic State (ISIS), a disproportionate number for Maldives’ small population. In October 2019, Maldivian police arrested an alleged ISIS recruiter, Mohamad Ameen, on “suspicion of spreading extremist ideology.” He was suspected of involvement in the 2007 bombing. US Department of State, “Country Reports on Terrorism 2019: Maldives,” <https://www.state.gov/reports/country-reports-on-terrorism-2019/maldives/> (accessed February 17, 2022).

⁶ Boris Wille, “Defending Islam in an Islamic State: Islamic Nationalist Discourse, Democratic Reform, and the Religious Commitment of the State in the Maldives,” *Asian Ethnology*, 2021, 80:1, pp. 199-226, <https://www.jstor.org/stable/10.2307/27032444>, (accessed February 17, 2022).

⁷ “Maldivian police join protesters: Opposition,” *Times Online*, February 7, 2012, https://web.archive.org/web/20120207081726/http://sundaytimes.lk/index.php?option=com_content&view=article&id=15524:maldivian-police-join-protesters-opposition&catid=1:latest-news&Itemid=547.

anti-defamation laws against the media and social media activists who criticized the president or his policies, and restrictions on assembly to prohibit or severely limit peaceful rallies and protests. The situation continued to deteriorate through 2018, as the President’s Office increasingly interfered in legislative and judicial affairs.

On February 1, 2018, the Supreme Court ordered the release of nine political prisoners. In response, President Yameen declared a state of emergency and suspended several constitutional protections, banned public assemblies, and granted security forces sweeping powers to arrest and detain. The declaration of emergency was widely condemned internationally. Yameen lifted it on March 22, 2018, after several opposition leaders had been arrested.⁸

Joint opposition candidate Ibrahim Mohamed Solih defeated Yameen by a wide margin in the 2018 presidential elections.⁹ He took office on November 17, and vowed to implement judicial reform, restore fundamental rights, and investigate the murders of a political activist and former member of parliament and the forced disappearance of a prominent journalist, among other attacks.¹⁰ After parliamentary elections in 2019, in which the MDP won a super-majority of seats, Nasheed was appointed the speaker of the parliament, the People’s Majlis.¹¹

Immediately upon taking office, President Solih took some important steps to lift restrictions on the media. The March 2019 parliamentary elections saw MDP win by a large margin, with the promise of expediting the legislative agenda to fulfill Solih’s electoral pledges. Having campaigned on a platform of human rights and democratic reforms, the victory by MDP in both the presidential and parliamentary elections raised hopes for genuine change.

⁸ Human Rights Watch, *An All -Out Assault on Democracy*, (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/08/16/all-out-assault-democracy/crushing-dissent-maldives>.

⁹ “Maldives election: Ibrahim Mohamed Solih claims victory,” BBC, September 23, 2018, <https://www.bbc.co.uk/news/world-asia-45592375> (accessed October 4, 2021).

¹⁰ @ibusolih, “I pledge to open investigations into journalist Ahmed Rilwan’s disappearance, Yameen Rasheed’s murder, repeal the anti defamation act and ensure press freedom.”, Twitter, September 15, 2018, 6:39 a.m., <https://twitter.com/ibusolih/status/1040912863747952647?lang=he>, (accessed October 4, 2021).

¹¹ “Maldives Ex-Leader Mohamed Nasheed Tipped As New Speaker,” AFP, May 28, 2019, <https://www.ndtv.com/world-news/maldives-ex-leader-mohamed-nasheed-tipped-as-new-speaker-2043883> (accessed October 4, 2021).

Reforming the Criminal Justice System

An archipelagic state, the Maldives has one of the world's most geographically dispersed populations, scattered across 26 atolls in the Indian Ocean. With many of its inhabited islands connected only through speedboat and ferry services, it faces numerous challenges to implementing an effective and uniform justice structure.

Under the 2008 constitution, the administrative structure of the Maldives comprises the executive, legislative (People's Majlis), and judiciary. Both the constitution and national laws prescribe the formation of independent institutions that have monitoring, oversight, and advisory roles. These independent institutions include the Human Rights Commission, Judicial Service Commission, Elections Commission, the Prosecutor General, and the Anti-Corruption Commission.

The Maldives legal system was traditionally community-based and rooted in Sharia (Islamic law). Religious leaders continue to have strong influence and can act as arbitrators. One former prosecutor, for instance, said that often island communities refuse to file complaints or appear as witnesses, preferring these informal justice mechanisms.¹²

While the Maldives has been developing a formal criminal justice policy, much remains to be done to create a competent, independent, and impartial system, including training that focuses on credible investigations, the right to defense, and judicial approaches emphasizing alternatives to incarceration.

Police

Prior to 2004, the Maldives police functioned as the National Security Service (NSS), a paramilitary force under the Ministry of Defence and National Security. In 2004, as part of then-President Gayoom's reform agenda, the NSS—with its legacy of torture and brutality—was divided into the Maldives Police Service (MPS), under the Home Ministry, and the Maldives National Defence Force (MNDF), under the Ministry of Defence.¹³

¹² Human Rights Watch interview with a former member of the Prosecutor General's office, London, June 2019.

¹³ "Police Reforms: Maldives," *Commonwealth Human Rights Initiative*, <https://www.humanrightsinitiative.org/content/police-reforms-the-maldives> (accessed June 9, 2021).

The police, however, remain susceptible to political pressure that undermines their independence and impartiality.¹⁴ Human rights groups have criticized the police for negligence in handling evidence and breaching confidentiality of witnesses.¹⁵ Human rights advocates have also accused the police of mistreatment and torture of detainees.¹⁶ In a few cases, police responsible for abuse have been subject to administrative punishments, such as dismissals or demotions. However, as of March 2022, none had been prosecuted under the Anti-Torture Act.¹⁷

In December 2020, President Solih ratified the Maldives Police Service Act, which replaced the 2008 Police Act.¹⁸ According to the Maldives Attorney General’s Office, the law is meant to “enhance the provision of policing, internal governance of the police force and ... promote rights centric policing services within communities.”¹⁹ The law establishes a seven-member police board comprised of two members appointed by the president, three based on “technical expertise and experience,” and two through open applications. The board is meant to oversee various operational aspects, advise on areas of improvement, and play a role in the appointment and dismissal of the police commissioner and the deputy police commissioner.

The new police board, which was not constituted until April 2021, has already sparked controversy.²⁰ In August 2021, acting on a clause in the new law mandating the

¹⁴ Ibid.

¹⁵ Maldivian Democracy Network, “Police Reforms in the Maldives: A Compilation,” April 5, 2019, <https://mvdemocracy.org/police-reforms-in-the-maldives-a-compilation-2019/> (accessed June 09, 2021).

¹⁶ Prison Audit Commission, “Maldives Prison Audit Report 2019,” April 3, 2019, <https://www.gov.mv/dv/files/final-report-cpa-for-publication2.pdf-1> (accessed May 25, 2021).

¹⁷ “Three police officers dismissed, one demoted over public harassment: CP Hameed,” *The Edition*, June 16, 2020, <https://edition.mv/news/17281> (accessed June 09, 2021). Human Rights Watch phone interview with member of the Human Rights Commission of the Maldives Shifaath Razzaq, May 25, 2021.

¹⁸ “The Act establishes the fundamental principles, guidelines, roles and other aspects concerning police officers, aiming to streamline policing in the country by ensuring adherence to the constitution. Police officers are mandated to ensure the safety of all members of the public, without any discrimination or influence, and in line with human rights best practises. The Act also promotes professional standards within the police force and paves the way for the establishment of community-based policing services under a decentralised system of governance.” The President’s Office, Republic of Maldives, “President Ratifies Maldives Police Service Act,” December 27, 2020, <https://presidency.gov.mv/Press/Article/24190> (accessed August 31, 2021).

¹⁹ Information provided by the Maldives Attorney General’s Office to Human Rights Watch, February 20, 2022. See Appendix IV.

²⁰ Ali Faaiq, “Police start to follow newly amended Police Service Act,” *The Times of Addu*, March 26, 2021, <https://timesofaddu.com/2021/03/26/police-start-to-follow-newly-amended-police-service-act/> (accessed August 31, 2021).

reappointment of all officers above the rank of superintendent other than the commissioner of police, the board recommended the dismissal of seven high-ranking officers.²¹ The commissioner stalled the recommendation until late September 2021, before sending dismissal notices to only two of the seven officers.²² In October, five of the seven officers, including the two who were dismissed, filed a case at the civil court, citing unfair dismissal and requested a stay order on the dismissal.²³ While the Civil Court denied this order, the decision was appealed at the High Court, and a stay order was issued on October 19, 2021.²⁴ Granting the order, the High Court stated that the enforcement of the termination of the officers should be suspended until the conclusion of the unfair dismissal case filed by the officers at the Civil Court. As of February 2022, the case has not been concluded at the Civil Court.

The Maldives has a long history of torture within police custody and prisons, which only started to change with the legislative and systemic changes brought over the last decade of democratic transition.²⁵ Independent investigators have reported instances of beating or kicking prisoners; using excessive and cruel restraints, including cross-cuffing (chaining legs to hands); and even pepper-spraying underwear.²⁶ The UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Nils Melzer, in his report published in November 2019, reported that no Maldivian official has ever been held accountable for torture, leading to impunity and a systematic failure in prosecuting those who perpetrate such acts.²⁷

²¹ Naizak Mohamed, “Seven senior police officers to be removed from their posts,” *Sun Online*, August 10, 2021, <https://en.sun.mv/68335> (accessed October 12, 2021).

²² “ACP Ahmed, Jamsheed dismissed from police force,” *Avas*, October 11, 2021, <https://avas.mv/en/108257> (accessed October 12, 2021). The new law mandated no legal deadline to implement the board’s decision.

²³ Areeba, “Five senior officers file court case against the Police Board,” *The Times of Addu*, October 6, 2021, <https://timesofaddu.com/2021/10/06/five-senior-officers-file-court-case-against-the-police-board/> (accessed October 12, 2021);

Nazaik Mohamed, “High Court Issues Stay Order on the Termination of Senior Police Officers,” *Sun Online*, <https://en.sun.mv/69841>, (accessed February 14, 2022).

²⁴ *Ibid.*

²⁵ Torture Victims Association and Redress, “This is what I wanted to tell you,” June 2012, <https://www.refworld.org/pdfid/5064180e6a5a.pdf> (accessed May 6, 2021).

²⁶ Prison Audit Commission, “Maldives Prison Audit Report 2019,” April 3, 2019, <https://www.gov.mv/dv/files/final-report-cpa-for-publication2.pdf-1> (accessed May 25, 2021).

²⁷ UN, Office of the High Commissioner for Human Rights, “Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Nils Melzer, on his official visit to Maldives,” <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25351&LangID=E> (accessed May 6, 2021).

On October 6, 2021, a detainee held for three years in a Malé prison during his trial for drug offenses died in custody. Family members said that he had several times requested the court to grant him permission to seek medical attention, which was denied.²⁸ The Prosecutor General’s Office has since said that it has launched a probe into the death.²⁹

Human rights activist Shahinda Ismail told Human Rights Watch that some forms of torture, including sleep deprivation, have become “normalized” among both prisoners and prison officials and that there was no procedure to confidentially file complaints about torture or other ill-treatment.³⁰ Melzer, in his report, noted that correspondence to external authorities is “systematically censored by Correctional Officers and transmitted or held back at their discretion.”³¹

According to Shifaath Razzaq, a Commissioner of the Human Rights Commission of the Maldives (HRCM), since the Anti-Torture Act came into effect in 2013, the Human Rights Commission has investigated hundreds of cases of alleged torture and had sent at least 25 cases to the Prosecutor General’s Office. As of April 2022, only two had been prosecuted, with neither resulting in convictions.³²

She noted that one of the biggest challenges in prosecuting torture cases was that it was often difficult to get witness statements from the authorities involved, as officials can choose to remain silent rather than testify against their colleagues.³³ In addition, the

²⁸ Ibrahim Adam, “Man Dies in Pre-Trial Detention,” *The Maldives Journal*, October 6, 2021, <https://themaldivesjournal.com/30195> (accessed October 12, 2021).

²⁹ Areeba, “Man remanded to custody at Malé Jail dies,” *The Times of Addu*, October 7, 2021, <https://timesofaddu.com/2021/10/07/man-remanded-to-custody-at-male-jail-dies/> (accessed October 12, 2021).

³⁰ Human Rights Watch phone interview with Shahinda Ismail, February 25, 2021.

³¹ UN, Office of the High Commissioner for Human Rights, “Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Nils Melzer, on his official visit to Maldives,” <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25351&LangID=E> (accessed May 6, 2021)

³² Human Rights Watch interview with member of the Human Rights Commission of the Maldives Shifaath Razzaq, Malé, March 31, 2022.

³³ In November 2021, the Maldives Police Service issued a public statement expressing concern about the HRCM and the Prosecutor General’s decision to press charges against 13 police officers who were accused of torturing children in a state-run children’s shelter. “Police express concern over decision to prosecute officers for torture,” *Sun.mv*, November 11, 2021, <https://en.sun.mv/70361> (accessed March 31, 2022). Human Rights Watch interview with member of the Human Rights Commission of the Maldives Shifaath Razzaq, Malé, March 31, 2022.

Commission must rely on the police for forensic evidence, even in cases where police officials are suspected of torture.³⁴

Furthermore, the Anti-Torture Act of 2013 mandates a maximum period of three months to complete investigations of allegations of torture, but due to difficulties in gathering evidence, the Commission has found it extremely challenging to meet this deadline.³⁵

Razzaq said that many of the observations of the Prison Audit Commission from 2019 had been highlighted since 2008 by the National Preventative Mechanism (NPM) established within the HRCM. However, she said that the state had failed to take satisfactory action on the NPM's findings during this period.³⁶

In a few cases, police responsible for abuse have been subject to administrative punishments, such as dismissals or demotions. However, as of March 2022, none had been prosecuted under the Anti-Torture Act.³⁷

The Judiciary

The primary oversight body of the judiciary is the Judicial Services Commission (JSC), established under Section 157 of the Constitution.³⁸ The JSC is responsible for appointing all judges other than Supreme Court justices and is also responsible for overseeing the conduct of all judges, with the authority to recommend their dismissal to the People's Majlis. In the appointment of the chief justice and the Supreme Court, it plays an advisory role to the president, who then forwards the nominees to the People's Majlis for

³⁴ Human Rights Watch interview with member of the Human Rights Commission of the Maldives Shifaath Razzaq, Malé, May 25, 2021.

³⁵ Ibid.

³⁶ Ibid.

³⁷ "Three police officers dismissed, one demoted over public harassment: CP Hameed," *The Edition*, June 16, 2020, <https://edition.mv/news/17281> (accessed June 9, 2021); Human Rights Watch interview with member of the Human Rights Commission of the Maldives Shifaath Razzaq, Malé, May 25, 2021.

³⁸ "Judicial Service Commission a. There shall be a Judicial Service Commission of the Maldives. b. The Judicial Service Commission is an independent and impartial institution. It shall perform its duties and responsibilities in accordance with the Constitution and any laws enacted by the People's Majlis. The jurisdiction of the Judicial Service Commission shall extend to all members of the Judiciary and such other persons as designated by the People's Majlis. c. The Judicial Service Commission shall function as provided by the statute governing the Judicial Service Commission. Such statute shall specify the responsibilities, powers, mandate, qualifications, and ethical standards of members." Constitution of the Maldives, 2008, section 157. https://www.constituteproject.org/constitution/Maldives_2008.pdf?lang=en, p. 45 (accessed January 25, 2022).

confirmation. The JSC has three sitting judges, three legislative representatives, three executive representatives, and one independent lawyer. The political role it has played since 2008 has led critics to question its impartiality and independence.³⁹

Historically, the party or parties that hold majority within the commission have molded the judiciary. After the democratic transition in 2008, for instance, although Nasheed’s party held the presidency, it was the opposition led by former president Gayoom’s party that had a majority in parliament. The sitting judges who became members of the JSC had been appointed by Gayoom himself during his presidency and were loyal to him. The opposition ended up controlling the JSC, and thus the judiciary through appointments and dismissals.

Likewise, following the 2018 presidential and 2019 parliamentary elections, the MDP gained a majority of seats in the JSC. There have been numerous dismissals and appointments of judges since then.⁴⁰ Regarding these changes, deputy leader of the People’s National Congress (PNC) Adam Shareef said, “I don’t think there is a genuine will to make the judiciary independent. ... [T]he JSC is being used to manipulate and intimidate the judiciary for the benefit of the ruling party.”⁴¹

Under the constitution and the Courts Act of 2010, the Maldives follows a three-tier court system that comprises of the Supreme Court, High Court, and lower courts. The lower courts are further divided into superior courts and magistrate courts. Superior courts are established in the capital, Malé. The law allows branches of these courts to be established in other islands. The superior courts include the criminal court, civil court, family court, juvenile court, and drug court. Magistrate courts are established in all inhabited islands other than the capital, and function like superior courts, unless otherwise prescribed in

³⁹ Gabriella Knaul, “Assessment of the Justice Sector Reform Proposals Final Report, Republic of Maldives,” August 2019, <https://erc.undp.org/evaluation/managementresponses/keyaction/documents/download/3557> (accessed June 09, 2021). Some observers have argued that the politicized composition of the commission contributed to controversy, others that individual members had undermined its independence.

⁴⁰ In 2018, under the Yameen government, the Supreme Court had ordered the release of nine political prisoners, ruling that their trials had violated the constitution and international law, and were “politically motivated.” President Yameen denounced the ruling as “illegal,” and declared a state of emergency. He then had Chief Justice Abdulla Saeed and Justice Ali Hameed arrested. In an obvious case of submitting to political pressure, the remaining three Supreme Court justices reversed the ruling stating they were doing so “in light of the concerns raised by the president.” “Maldives Ex-President Nasheed Seeks Help from India and US,” *BBC News*, February 6, 2018, <http://www.bbc.com/news/world-asia-42958179> (accessed August 21, 2021).

⁴¹ Human Rights Watch phone interview with Adam Shareef, March 1, 2021.

law. Without established jurisprudence, the judiciary, particularly in the lower courts, tends to rely on Sharia.⁴²

The influence of criminal gangs stretches through the judiciary. In 2020, while he was chair of the presidential commission before being appointed to the Supreme Court, Husnu Al Suood had warned that gangs were nominating judges, providing private security, and colluding with judges and staff to “fix” the outcome of trials, including by revealing the identity of prosecution witnesses who were under protection. “No matter how well we investigate and send cases, I don’t believe we could have justice with the current judges at the criminal court,” Suood told the media. “I think that’s the view of the whole legal community.”⁴³ He was promptly accused of contempt by the Criminal Court and was summoned to a hearing on the matter, which was later cancelled.⁴⁴

The Solih government describes recent improvements, with over 50 judges impeached on allegations of gross misconduct since 2019, as a step towards judicial accountability. The Maldives attorney general’s office informed Human Rights Watch that new amendments to the Judicial Service Commission Act introduced stringent mechanisms for judges’ disciplinary hearings and anonymous submission of complaints.⁴⁵ According to the President’s Office, this has resulted in the number of complaints being lodged at the JSC rising from 7 in 2018 to 114 in 2019.⁴⁶

Reforming the composition of the JSC was also a key pledge of the MDP government.⁴⁷ However, as of March 2022, it had yet to be addressed. Until it is, judges remain susceptible to political and other influences—particularly concerning considering

⁴² For instance, on January 7, 2019, a magistrate in Naifaru, an island in northern Maldives, sentenced a 25-year-old woman to death by stoning on charges of adultery. The Maldives Supreme Court overturned the verdict the following day. “Maldives top court quashes death by stoning verdict for adultery,” *Maldives Independent*, January 7, 2019, <https://maldivesindependent.com/crime-2/maldives-top-court-quashes-death-by-stoning-verdict-for-adultery-143374> (accessed April 2, 2021).

⁴³ “Gangs ‘nominate’ criminal court judges,” *Maldives Independent*, December 31, 2018, <https://maldivesindependent.com/politics/gangs-nominate-criminal-court-judges-143319> (accessed August 31, 2021).

⁴⁴ “Court cancels Tuesday’s hearing in case against Suood,” *Sun Online*, <https://en.sun.mv/51962>, (accessed February 15, 2022).

⁴⁵ Information provided by the Maldives Attorney General’s Office to Human Rights Watch, February 20, 2022. See Appendix IV.

⁴⁶ Written response to Human Rights Watch by the President’s Office, April 22, 2021.

⁴⁷ “Jazeera Raajje Manifesto 2018,” *Maldivian Democratic Party*, 2018, https://mdp.org.mv/wp-content/uploads/2018/07/manifesto_2018_web.pdf (accessed June 9, 2021).

allegations that the judiciary has faced threats or coercion from criminal gangs or political actors who have protected them.

In September 2021, President Solih reiterated his commitment to reform the composition of the JSC before the end of his term.⁴⁸ This was preceded by leaked audio clips alleged to be recordings of judges who were on the Criminal Court bench when former President Yameen was found guilty of money laundering, which the opposition contends indicated that the judges were coerced by the ruling party. In the audio clips, one judge even insinuated that his wife or a loved one was held hostage before the ruling on the Yameen case, but was vague on details.⁴⁹ The opposition also contested the promotions of judges on the Criminal Court bench at the time of Yameen’s verdict. However, JSC member and Member of Parliament Hisaan Hussain told the media that the promotions were unrelated to the verdict and that the timing of the promotions were “coincidental.”⁵⁰

The government made some progress in increasing the number of women in the judiciary. In September 2019, the first women Justices to the Supreme Court were appointed. The first woman judge to the Criminal Court was appointed in September 2020, and a woman judge to the High Court in October 2020.⁵¹

Prison Reform

The 2018 US State Department Country Reports noted that, between 2016 and 2018, there had been 13 unexplained custodial deaths in the Maldives.⁵² Additionally, it reported dire conditions within prisons and detention facilities, including overcrowding, unsanitary living arrangements, the lack of ventilation, and lack of access to sufficient health care and to clean drinking water.

⁴⁸ Fathona Faiz, “Will reform JSC, do not know when yet: Mabrook, *Asuru Online*, September 01, 2021, <https://asuruonline.com/news.php?slug=1299> (accessed September 6, 2021).

⁴⁹ “Judge Faiz: Yameen sentenced after holding judges hostage,” *Sun Online*, August 29, 2021, <https://en.sun.mv/68778> (accessed September 6, 2021).

⁵⁰ Hussain Aruban Favaz, “Promotions given to the judges on the bench that sentenced Yameen is a coincidence”, *Vaguthu Online*, August 29, 2021, <https://vaguthu.mv/news/610709> (accessed September 6, 2021).

⁵¹ Information provided by the Maldives Attorney General’s Office to Human Rights Watch, February 20, 2022. See Appendix IV.

⁵² US Department of State, “Country Reports on Human Rights Practices for 2018: Maldives,” <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/maldives/> (accessed May 6, 2021)

Keeping an electoral promise, President Solih established a seven-member commission in December 2018 to conduct the audit of prisons and detention centers. The report, released in May 2019, highlighted the same concerns as the 2018 US report: overcrowding, lack of ventilation and clean drinking water, unsanitary living conditions, and poor medical care, which may have led to preventable custodial deaths.⁵³ Shahindha Ismail, who was among the seven members of the commission, told Human Rights Watch:

When you’re housing 1000 people in a prison that is meant for 700, there is no possible way you can treat all 1000 people with dignity. As a developing country where budget is definitely an issue, there are of course challenges in rectifying this. But we cannot pin it all down on the lack of budget. There are things that can be done in the short term to alleviate these problems, such as increasing non-custodial sentences where the law allows for it.⁵⁴

The UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, noted that while prisoners under the Maldives Correctional Service (MCS) had access to at least one doctor and two nurses, prisoners were often denied medical attention from specialists.⁵⁵

The inspector of correctional services, Noora Mohamed, told Human Rights Watch that steps were being taken to improve the conditions of prisons and detention facilities.⁵⁶ However, she noted that the infrastructure in some facilities is so bad that it probably made more financial sense to simply build new facilities.

In its December 2021 report on the Maldives, the UN Working Group on Arbitrary Detention noted that:

⁵³ “Maldives Prison Audit Report 2019,” *Prison Audit Commission*, April 03, 2019, <https://www.gov.mv/dv/files/final-report-cpa-for-publication2.pdf--1> (accessed May 25, 2021).

⁵⁴ Human Rights Watch phone interview with Shahindha Ismail, February 25, 2021.

⁵⁵ Office of the High Commissioner, United Nations Human Rights, “Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Nils Melzer, on his official visit to Maldives,”

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25351&LangID=E> (accessed May 6, 2021)

⁵⁶ Human Rights Watch phone interview with Inspector of Correctional Services Noora Mohamed, May 22, 2021.

Severe overcrowding remains an issue in most detention facilities, which are over capacity. The Working Group observed that remand prisoners were held in the same prisons and conditions as convicted detainees, in some prisons in cells that had no lights, no ventilation or fans in conditions of tropical heat, and water leakages. Yard time was limited, with some detainees held in their cells for the entire day and only allowed out once a month.⁵⁷

In a response to questions from Human Rights Watch, the Attorney General's Office said that efforts:

were underway ... to ensure implementation of the Working Group's recommendations [and] to also include the recommendations from the Maldives review under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the recommendations set forth following the visit of UN special rapporteur on torture, Nils Melzer, from 17 to 24 November 2019.⁵⁸

The statement provided details on steps being taken to address prison overcrowding, including construction of new facilities and the establishment of a remand review board to ensure all detentions were reviewed every 30 days. The Attorney General's Office also stated that the recommendations of the Prison Audit Committee were under review, and that "significant progress had been made in meeting recommendations relating to the improvement of health services to the prison population."⁵⁹

Another major concern highlighted in the Prison Audit Commission's report was the discrimination between local and foreign prisoners. It found that in Hulhumalé Prison, which is also used as a facility for immigration detention, all 40 foreign detainees—mostly

⁵⁷ UN Working Group on Arbitrary Detention, "Preliminary Findings from its visit to Maldives (29 November to 9 December 2021)," <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27932&LangID=E> (accessed January 26, 2022).

⁵⁸ Information provided by the Maldives Attorney General's Office to Human Rights Watch, February 20, 2022. See Appendix IV.

⁵⁹ Ibid.

migrant workers—were locked up in one cell with inadequate toilet facilities. While Maldivian detainees were allowed to be out of their cells for most of the day in common areas, foreign detainees were forced to remain in their cells. While Maldivians were housed in large open rooms with windows, migrant workers were held in smaller rooms, with no windows or ventilation. In addition, Maldivian detainees were allowed to buy commodities from the prison shop, but this same privilege was not afforded to foreign detainees. The Prison Audit Commission also received complaints that records of possessions and money belonging to foreigners were not maintained by prison officials and that these were not returned upon release.

According to Sabra Noordeen, former foreign relations secretary at the President’s Office, since the publication of the Prison Audit Commission’s report, major changes have been bought about to the Hulhumalé facility to rectify the issues highlighted in the report.⁶⁰ In addition to the improvements to the Hulhumalé facility, she also told Human Rights Watch that a Prison Reform Monitoring Committee had been established within the Ministry of Home Affairs to facilitate reforms and monitor changes. Among the recommendations being implemented is the translation of the United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules) into Dhivehi language, following which trainings were to be held in collaboration with the United Nations Office on Drugs and Crime (UNODC) to inform prison officers on these rules.

A 2019 United Nations Development Program (UNDP) report on youth vulnerabilities found that prisons had become a place of recruitment for violent extremists, including those alleged to be affiliated with the Islamic State (ISIS).⁶¹ It highlighted concerns that up to 80 percent of the prison population in the Maldives are incarcerated on drug-related offenses, and that recruiters often targeted drug users. Furthermore, it noted that due to the overcrowding of prisons, segregation of violent from non-violent prisoners was not possible.

⁶⁰ Written response by the President’s Office to Human Rights Watch, April 22, 2021. See Appendix II.

⁶¹ UNDP Maldives, “Youth Vulnerability in the Maldives,” February, 2019, <https://nctc.gov.mv/publications/documents/YVA2019.pdf> (accessed May 6, 2021).

International Aid and Donor Efforts at Structural Reform

While, historically, the Maldives has received aid primarily for economic development, there has been a growing interest among donors in supporting democratic reforms. Fueled by the country's democratic transition in the mid-2000s and subsequent political upheavals, European countries and the United States, along with the UN, have supported reforms aimed at good governance, transparency, protection of human rights, and the development of civil society. Projects funded through such initiatives are implemented either directly with government agencies, or through nongovernmental and community-based organizations. However, such efforts have not always improved the protection of rights. For example, in 2004, as the Maldives was embarking on a number of reforms to its criminal justice system, the UNDP supported a major initiative to overhaul the penal code.⁶² In the new penal code, which was finally enacted in 2015, same-sex conduct was made a criminal offense for the first time, with punishments that included lashing in addition to a prison sentence.⁶³

The biggest support comes from the United States Agency for International Development (USAID), which has earmarked US\$24 million for five years through its Strong and Inclusive Maldivian Democracy (SIMD) and Promoting Resilience in the Maldives (PRIME) projects.⁶⁴ The SIMD project, implemented through the Consortium for Elections and Political Processes, is meant to provide \$19 million by 2025 for improving local governance, judicial reform, and strengthening civic engagement. For judicial reform, the project aims to “strengthen independent court administration; provide support to government and non-governmental institutions to increase public access to free legal assistance; and increase citizen awareness of and engagement with the justice sector.”⁶⁵ The PRIME project,

⁶² University of Pennsylvania law professor Paul Robinson led the UNDP drafting effort. “Penal code drafted by Prof. Paul Robinson and students is enacted in the Maldives,” Penn Law, May 8, 2014, <https://www.law.upenn.edu/live/news/4728-penal-code-drafted-by-prof-paul-robinson-and#.VfAahhGqpBd> (accessed March 2, 2022).

⁶³ Previously, same-sex conduct had been a crime under Sharia law but had not been incorporated into the state penal code. In September 2015, President Yameen ratified the third amendment to the Penal Code, which stated that Islamic law penalties should be imposed for Hadd offenses, including same-sex conduct. US Department of State, “Country Reports on Human Rights Practices for 2015: Maldives,” <https://2009-2017.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm> (accessed March 2, 2022).

⁶⁴ USAID, “Democracy and Governance,” October 7, 2021, <https://www.usaid.gov/maldives/democracy-and-governance> (accessed September 16, 2021).

⁶⁵ USAID, “Strong and Inclusive Maldivian Democracy,” August 2021, https://www.usaid.gov/sites/default/files/documents/USAID_Maldives_GVP_08-2021_-_SIMD.pdf (accessed September 16, 2021).

implemented through the local organization Transparency Maldives, aims, through research and institutional support, to design and implement efforts that will prevent youth engagement in criminal activities, including drug and substance abuse.⁶⁶

The EU supports projects for judicial reform and community resilience, as well as counterterrorism, totaling €3.4 million. The EU project on judicial reform aims to support objective mechanisms for the appointment and dismissal of judges, develop and implement a curriculum for judicial training, and improve judicial transparency.⁶⁷

Between 2019 and 2020, the UK government was supporting a two-year program titled the Maldives Conflict, Stability and Security Fund to strengthen the rule of law, justice sector, and governance reforms, as well as security sector collaborations.⁶⁸ The fund was valued at £0.8 million. The UK has also supported a UNDP program to train judges in areas that include sexual and gender-based violence, ethics, and case management.⁶⁹

The Australian government, Swiss Agency for Development and Cooperation, and the Swedish International Development Cooperation provide aid for democratic consolidation and structural reforms. For instance, all three currently contribute towards the UNDP's Integrated Governance Programme (also supported by the UK government), aimed at building "a resilient and peaceful democratic society through effective and accountable governance institutions, improved social cohesion, and strengthened capacity of civil society."⁷⁰

The Maldives government is working with UNODC on a project to build the capacity of the Maldives Correctional Service in managing high-risk prisoners and prisoners requiring

⁶⁶ USAID, "Promoting Resilience in Maldives," September 2021, https://www.usaid.gov/sites/default/files/documents/USAID_Maldives_GVP_09-2021_-_PRIME.pdf (accessed September 16, 2021).

⁶⁷ Written Response to HRW by Delegation of the European Union to Sri Lanka and Maldives, July 6, 2021.

⁶⁸ The British High Commission in Maldives, "CSSF Programme Summary," https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1003165/Maldives_programme_summary_2020_to_2021.odt (accessed September 16, 2021).

⁶⁹ UNDP Maldives, "Judicial Curriculum Training Programme Concludes," January 13, 2022, <https://www.mv.undp.org/content/maldives/en/home/presscenter/articles/2022/judicialcurriculumtraining.html> (accessed February 25, 2022).

⁷⁰ UNDP Maldives, Integrated Governance Programme II, <https://open.undp.org/projects/00093667> (accessed September 16, 2021).

special management.⁷¹ The MCS is also working with UNODC in training MCS officers on a revised risk assessment and prisoner classification tool.⁷²

According to a long-time civil society activist, while donors have shown interest in funding more democratic reforms, shortcomings in program and coordination plague the efforts. Donors too often funnel funds toward resolving symptoms of systematic issues, rather than meaningful structural change. “For instance, if you take the judiciary, a lot of effort has been made towards training of judges rather than ... reforming the Judicial Services Commission,” said the activist. He said that the lack of cohesive programming and coordination among donors is leading to duplication of efforts and poor implementation.⁷³

⁷¹ United Nations Office on Drugs and Crime, “Final Independent Project Evaluation Support to Maldives on Counter Terrorism,” December 2021, https://www.unodc.org/documents/evaluation/Independent_Project_Evaluations/2021/Final_Evaluation_Report_Support_to_Maldives_on_Counter_Terrorism.pdf (accessed March 31, 2022).

⁷² Ibid.

⁷³ Human Rights Watch interview with civil society activist [name withheld], [location withheld], September 22, 2021.

II. Impunity and Obstacles to Justice

The Maldives government’s failure to credibly investigate and prosecute attacks on critics of the government, journalists, and others illustrates the deeply entrenched impunity for such crimes. The hope that the Commission on Deaths and Disappearances (DDCom), which was established by the Solih administration soon after taking office, would be able to provide some measure of redress after these repeated failures, has also dimmed.

In the three cases examined below—the most prominent that have come before the DDCom—political interference, police cover-ups, and judicial misconduct have undermined credible investigations and eroded the chance for fair prosecutions. These failures point to systemic problems that cannot be eradicated without a serious government commitment to reform.

Attack on Mohamed Nasheed

On May 6, 2021, an improvised explosive device (IED) was remotely detonated near Mohamed Nasheed’s home, badly injuring him along with several bystanders and members of his security detail. Two months later, Nasheed publicly criticized the government’s investigation into the attack, calling it incomplete so long as “the people who planned this and who funded this remain at large.”⁷⁴

Acknowledging that the police in the Maldives lack forensics capacity, the government sought the assistance of international experts including members of the Australian Federal Police and from the UNODC in the investigation.⁷⁵ A statement by the People’s Majlis in August 2021 revealed that Nasheed had appointed a British lawyer “to exercise her expertise in evidence gathering ... side by side with local and foreign law enforcement and

⁷⁴ “Nasheed dissatisfied with investigation to find financers of May 6 blast,” *Sun Online*, July 6, 2021, <https://en.sun.mv/67622> (accessed July 27, 2021); Fathmath Zunaam, “Proper Investigation Was Not Done on May Terror Attack: Alex Ahmed,” *The Times of Addu*, July 19, 2021, <https://timesofaddu.com/2021/07/19/proper-investigation-was-not-done-on-may-terror-attack-alex-ahmed/> (accessed January 26, 2022).

⁷⁵ “Attack on ex-president Nasheed was a ‘deliberate act of terror’: Maldives Police,” *ANI*, May 7, 2021, <https://www.aninews.in/news/world/asia/attack-on-ex-president-nasheed-was-a-deliberate-act-of-terror-maldives-police20210507173430/> (accessed July 27, 2021).

lawyers.”⁷⁶ In September 2021, during a virtual press conference, Nasheed said that the police were still looking into who funded and ordered the attack.⁷⁷

The police ultimately charged nine people whom they maintained had either carried out the attack or conspired in the planning. They alleged that these suspects acted out of enmity toward Nasheed.⁷⁸ “Prior to this, other individuals with similar ideologies have also carried out such attacks in the Maldives as well,” Nasheed said in a media interview. “While it may not have been an attack involving the detonation of an IED specifically aimed at me, three murders have been carried out previously under the same pattern.”⁷⁹

As of March 2022, four men had been prosecuted: Mujaz Ahmed, Thahmeen Ahmed, Ali Haisham, and Adhuham Ahmed Rasheed. Adhuham, identified as the man who detonated the IED, faced four charges: being involved in a terrorist attack; planning a terrorist attack; supporting a terrorist organization; and attempting to kill another with a dangerous weapon.⁸⁰ In a closed-door hearing he pleaded guilty in a plea deal with the state for a reduced 23-year sentence. According to the plea deal, Adhuham admitted to having been involved in the planning attack as part of ISIS.⁸¹

As of March 2022, the remaining suspects had been charged with “aiding and abetting to commit an act of terrorism, conspiring to commit an act of terrorism, supporting a terrorist

⁷⁶ People’s Majlis, “Speaker of the Peoples’ Majlis appoints British QC to represent him and examine and work alongside the criminal investigation into the terrorist attack against him in the Maldives,” <https://majlis.gov.mv/storage/downloads/957f47Y12QUXN5c9C5ioW2jCjDa53MSpxduKyCb8.pdf> (accessed November 1, 2021).

⁷⁷ Mizna Mohamed, “I have confidence in the Police: Nasheed,” *The Press*, September 5, 2021, <https://en.thepress.mv/13226> (accessed November 1, 2021).

⁷⁸ Aisshath Shaany, “No evidence of financial motive behind attack on Maldives ex-leader,” *Raajje*, July 24, 2021, <https://raajje.mv/103770> (accessed November 1, 2021); “Maldives bombing: ‘Prime suspect’ in attack on Mohamed Nasheed arrested,” *BBC News*, May 9, 2021, <https://www.bbc.com/news/world-asia-57049128> (accessed November 1, 2021).

⁷⁹ Fathmath Zunam, “May 6 terror attack has no direct links to ISIS: Police,” *The Times of Addu*, July 25, 2021, <https://timesofaddu.com/2021/07/25/may-6-terror-attack-has-no-direct-links-to-isis-police/> (accessed July 27, 2021).

⁸⁰ Zunana Zalif, “Nasheed confident that police probing assassination attempt, thoroughly,” *Raajje*, December 1, 2021, <https://raajje.mv/110280> (accessed March 31, 2022).

⁸¹ Zunana Zalif, “Criminal Court to sentence May 6 attack suspect on Tuesday,” *Raajje*, December 12, 2021, <https://raajje.mv/110787> (accessed March 31, 2022).

organization and for production, sale or transportation of weapons of war or items containing explosive or destructive material.”⁸² At time of writing, they were awaiting trial.

Nasheed’s supporters have claimed that the main conspirators are unlikely to be held to account.⁸³ “It is a real pity, but even in a high-profile case like this, the government is hesitating,” said an analyst who did not wish to be identified. “They could have used the opportunity to comprehensively crack down on extremism.”⁸⁴

Presidential Commission on Disappearances and Deaths

On November 17, 2018, the day he was inaugurated, President Solih established the Commission on Disappearances and Deaths (DDCom) to investigate 30 cases that involved attacks on members of civil society and political figures.⁸⁵ More than three years after it was established, the DDCom’s investigations have stalled. Its chairman, Husnu Al Suood, left in December 2019 when he was appointed justice of the Supreme Court, and his position was not filled until February 3, 2021, when DDCom member Fareesha Abdulla replaced him.

The cases under investigation include threats and assaults that occurred in the Maldives between 2012 and 2017. In all cases the victims had received threats both in person and online from individuals associated with extremist gangs. The threats accused them of being *laadheenee*, but also criticized them for their political views, including speaking out about corruption by government officials.

Three major cases concern the attack on journalist and blogger Ismail Hilath Rasheed, who survived being stabbed in the neck in June 2012; the murder of Dr. Afrasheem Ali, a member of parliament and a religious scholar known for his sermons supporting gender equality and other liberal views, who was fatally stabbed outside his apartment in Malé on

⁸² Information provided by the Maldives Attorney General’s Office to Human Rights Watch, February 20, 2022. See Appendix IV.

⁸³ Fathmath Zunam, “Police release identity of 10 suspects regarding May 6 terror attack,” *The Times of Addu*, July 25, 2021, <https://timesofaddu.com/2021/07/25/police-release-identity-of-10-suspects-regarding-may-6-terror-attack/> (accessed July 27, 2021).

⁸⁴ Human Rights Watch interview with [name withheld], [location withheld], June 2021.

⁸⁵ Aishath Hanaan Hussain Rasheed, “Carefully following hearings in Yameen Rasheed’s murder trial: DDCom,” *Raajje*, April 23, 2021, <https://raajje.mv/98760> (accessed July 6, 2021).

October 1, 2012; the abduction and enforced disappearance in 2014 of journalist Ahmed Rilwan, who had accused a number of politicians of corruption; and the murder of blogger Yameen Rasheed, who was stabbed to death in 2017.

Families of the victims have complained that the government had not actively pursued investigations. Both the MDP and civil society activists worked particularly closely with the families of journalist Ahmed Rilwan and Yameen Rasheed—the most recent cases before Nasheed’s—in calling for justice. During the 2018 presidential elections, one of the key promises of the MDP campaign was to investigate and bring to justice those responsible for these deaths and disappearances.

The DDCM has produced reports only on its investigations into the cases of Afrasheem and Rilwan, but neither has led to arrests or prosecutions. In Yameen’s case, in 2018 the police arrested six suspects accused of being directly involved in the attack, while others accused of conspiracy in the case were not publicly identified. The trial, which began before the DDCM was established, suffered numerous delays. The trial prevented DDCM from being able to complete its investigation into the case. With the conclusion of the trial, and the conviction of two men on January 23, 2022, the DDCM chair announced that the commission’s investigation into the case would restart.⁸⁶

Based on information on the DDCM’s Twitter page, as of March 2022, the DDCM had concluded only three cases including one that was determined to have been a suicide,⁸⁷ and another the commission concluded was a case of custodial death in Maafushi Prison, for which it recommended prosecution.⁸⁸ In a third case, a murder suspect whom immigration authorities claimed had left the country in 2015, surfaced in a southern

⁸⁶ “Yameen Rasheed murder: With convictions, DDCM restarts stalled investigation,” *Sun Online*, January 23, 2022, <https://sun.com.mv/72013> (accessed January 26, 2022).

⁸⁷ Ameera Osmanagic, “Raudha’s family refuse to accept DDCOM report,” *The Times of Addu*, November 19, 2019, <https://timesofaddu.com/2019/11/19/raudhas-family-refuse-to-accept-ddcom-report/> (accessed October 6, 2021).

⁸⁸ @DdcomMdv, “Mi Commission in balamungendhaa massala thakuge therein Dh. Vaanee, Blue Heavan, Hussain Zareer Maafushee Jalugai maruvi massala commission in balai nimmumah fahu emassalaagai ihumaaluva mee hunge mahchah dhauvaa kurumah Maldives Police Service ah fonuваifi.” [Of the cases being investigated by this Commission, the case involving the death on Dh. Vaanee, Blue Heavan, Hussain Zareer in Maafushi Prison has been concluded and has been forwarded to the Maldives Police Service for prosecution against those involved], *Twitter*, July 31, 2019, 12:25 a.m., <https://twitter.com/DdcomMdv/status/1156420713957355521?s=20>, (accessed October 6, 2021).

island.⁸⁹ The suspect was arrested on October 6, one day after the DDCOM, having identified the suspect in CCTV footage of a murder scene from 2016, had launched a public appeal to locate him.⁹⁰

These were the only cases that had made any progress. Husnu Al Suood, then chair of the commission, warned, in 2018, that justice in such cases would be impossible without major reforms to the criminal justice system, because gangs could engineer “out-of-court settlements” or “fix” witness statements to get the court to acquit the defendant. He also said that the gangs were able to influence judges: “No matter how well we investigate and send cases, I don’t believe we could have justice with the current judges at the criminal court.”⁹¹

Suood told the Committee to Protect Journalists, in March 2019, that the authorities were to blame for providing political cover. “There was an identified group [behind the attacks] and the state knew that ... and had they stopped or investigated and prosecuted the people behind Rilwan’s case then Yameen Rasheed’s would not have occurred,” he said. “Even in Hilath’s case, no action was taken at that time.” He added, “Had they stopped that in 2012, even Afrasheem’s case I doubt could have happened.”⁹²

On September 2, 2019, the DDCOM presented a report of its findings on the Rilwan case to the Speaker of Parliament. The following day, the media reported that Nasheed had made the report available to Parliamentary Group leaders, even though it included the identities of secret witnesses.⁹³ The report was later withdrawn from the Parliamentary Groups, but a

⁸⁹ “Irfan arrested following appeal by the DDCOM for information on his whereabouts,” *Addulive*, October 26, 2019, <https://www.addulive.com/166211> (accessed October 6, 2021).

⁹⁰ @DdcomMdv, “3 bai aharu vee iru dhaulathuge muassasa thakah meenaa vanee nuhoadhifa eve. Immigration in bunanee 2015 ga meena rajjein beyrah dhiya fahun naanna kamah. Namaves 2016 June ga murder scene eggaa meena huttaa cctv footage in feney. Veema mikamuga aanmunge eheetherikamah edhemeye.” [The state has failed to locate this person for three and a half years. According to Maldives Immigration, he has not returned to the country since 2015. However, he was seen on CCTV footage at a murder scene in 2016. We therefore request the public’s help in this matter.], *Twitter*, October 25, 2019, 1:44 a.m., <https://twitter.com/DdcomMdv/status/1187605785137704960?s=20> (accessed October 6, 2021).

⁹¹ “Gangs ‘nominate’ criminal court judges,” *Maldives Independent*, December 31, 2018, <https://maldivesindependent.com/politics/gangs-nominate-criminal-court-judges-143319> (accessed July 6, 2021).

⁹² Aliya Ifthikhar, “Maldives commission renews hope of justice for Rilwan and Rasheed,” *CPI*, March 18, 2019, <https://cpj.org/2019/03/maldives-commission-justice-rilwan-rasheed-blogger-murder/> (accessed November 1, 2021).

⁹³ Mohamed Azheem, “The report on the Rilwan case presented to PG leaders yesterday has been withdrawn,” *Vaguthu*, September 3, 2019, <https://vaguthu.mv/news/228270> (accessed November 1, 2021).

summary report was published on the Majlis website soon after.⁹⁴ On November 17, the commission reported that “local extremists” had murdered former MP, Dr. Afrasheem Ali, in 2012. In both that case and Rilwan’s, the commission implicated police and politicians in shielding the perpetrators from prosecution.⁹⁵

On June 22, 2020, Nasheed claimed that the commission had informed him that they were unable to proceed any further with the investigations, citing that the publication of its initial findings by the Majlis as the reason for the challenges in uncovering further evidence.⁹⁶ The commission later denied having said this, stating that the investigations would continue.⁹⁷ However, as of March 2022, the Solih government had yet to follow through with indicting any government officials for their roles in abetting the crimes or failing to investigate them.

In a statement provided to Human Rights Watch on February 20, 2022, the DDCM said that its “inquiry into the murders of religious scholar and Member of Parliament, Dr. Afrasheem Ali, blogger Yameen Rasheed and the disappearance of journalist and human rights defender Ahmed Rilwan Abdulla, indicate that all three cases are interlinked.”⁹⁸ It said that it had received assistance in its investigations from experts provided by the organization Justice Rapid Response, and was now “following new lines of enquiry suggested by the expert including liaising with expert forensic analysts.”⁹⁹

The letter stated:

The ultimate goal of the Commission is to prosecute persons at all levels for the offences they have committed from misconduct in public office,

⁹⁴ People’s Majlis, “Summary Report on the Disappearance of Ahmed Rilwan,” https://majlis.gov.mv/storage/action_files/341/2Na4UKzzREIICVfGHBRFrlqzz7fsxfFCoIDHixC.pdf (accessed July 6, 2021).

⁹⁵ “Dr Afrasheem killed by ‘jihadi group’ linked to al-Qaeda,” *Maldives Independent*, November 17, 2019, <https://maldivesindependent.com/crime-2/dr-afrasheem-killed-by-jihadi-group-linked-to-al-qaeda-149248> (accessed March 31, 2022); “Rilwan killed by Maldives group linked to al-Qaeda, presidential commission reveals,” *Maldives Independent*, September 1, 2019, <https://maldivesindependent.com/crime-2/rilwan-killed-by-maldives-group-linked-to-al-qaeda-presidential-commission-reveals-147705> (accessed March 23, 2022).

⁹⁶ Fathimath Aruma Hussain, “DDCom: We have not halted our investigations,” *Sun Online*, June 22, 2020, <https://en.sun.mv/61247> (accessed November 1, 2021).

⁹⁷ “Pres Commission on deaths will not be dissolved before cases are solved,” *Avas*, June 24, 2020, <https://avas.mv/en/84704> (accessed July 6, 2021).

⁹⁸ See Appendix III.

⁹⁹ Ibid.

attempting to pervert the course of justice, murder, attempted murder, kidnapping, threats to kill, corruption, and accomplices whom we identify during the course of our inquiry. The Commission is also considering how to address systemic issues identified during our work and develop recommendations to ensure non-recurrence of these crimes in the future.¹⁰⁰

Murder of Dr. Afrasheem Ali

On October 1, 2012, Dr. Afrasheem Ali, a member of parliament from the PPM and a religious scholar known for his sermons supporting gender equality and other liberal views, was stabbed to death outside his apartment in Malé.¹⁰¹

Before the DDCM began investigating Afrasheem's case, one person had already been convicted and sentenced to death for his murder. Hussain Humam, who was 19 at the time, was arrested hours after the killing.¹⁰² Others were also arrested, including some accused of previously threatening Afrasheem, but were ultimately released or acquitted by the courts due to lack of evidence.

Several due process concerns including contradictory statements by Humam during various stages of the investigation and trial called into question the fairness of the trial. Humam had a history of mental illness and was not provided with a defense lawyer. He initially confessed to the murder but later said that he had been coerced into making a confession by the police. At one stage of the trial, after Humam had asserted that he was not involved in the murder, the witness to his main alibi was found dead, which police said was due to an "overdose of LSD."¹⁰³ Humam later confessed to the crime again in May 2013, giving a detailed account of the planning and killing and claiming that he was offered MVR 4 million (US\$259,000) for his part in the crime. However, before the verdict, he once again retracted his confession in June 2013. The Criminal Court, however, found

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ahmed Rilwan, "Humam sentenced to death for murder of Dr Afrasheem," *Minivan News Archive*, January 16, 2014, <https://minivannewsarchive.com/politics/human-sentenced-to-death-for-murder-of-dr-afrasheem-75319> (accessed July 7, 2021).

¹⁰³ "Family of Afrasheem murder convict call for inquiry against judge," *Maldives Independent*, March 8, 2016, <https://maldivesindependent.com/politics/family-of-afrasheem-murder-convict-call-for-inquiry-against-judge-122636> (accessed July 7, 2021).

him guilty and sentenced him to death, a ruling later upheld by both the High Court and the Supreme Court.

The government, at the time, overturned a longstanding moratorium on the death penalty in the Maldives and moved swiftly to construct execution facilities.¹⁰⁴ Rights groups, the political opposition, and even Afrasheem's family members criticized the government's expedited move to execute Humam.¹⁰⁵ The family retracted their former wish seeking the death penalty for Humam—under the Islamic principle of *qisas*—and maintained that Humam was a key witness to the crime, who could help bring others involved in the attack to justice. As of March 2022, Humam was still on death row and no further arrests had been made in relation to the case.

A year into its own investigation into the Afrasheem murder, the DDCom published its findings, which indicated that Humam had been involved in the attack.¹⁰⁶ The commission also concluded that the attack had been planned by Azlif Rauf, a former member of the Maldives National Defence Force (MNDF) who also had strong affiliation with criminal gangs. The commission also implicated him in the planning and abduction of Rilwan.

The report suggested that the perpetrators carried out the attack because they were opposed to Afrasheem's religious views. The report also stated that Mohamed Shaheem Ali Saeed, who was at the time minister for Islamic affairs, and later President Yameen's running mate in the 2018 presidential elections, knew of the planned attack, based on text messages Shaheem had sent in the days leading up to the murder. The DDCom noted that in his statement to the commission, Shaheem had given false information contradicted by evidence collected from the text messages. Nasheed, while reading out the DDCom's report to the Majlis, noted that Shaheem had left the country the day after the murder.¹⁰⁷

¹⁰⁴ International Federation for Human Rights, "Death penalty: The Maldives turns its back on history and children's rights," May 21, 2014, <https://www.refworld.org/docid/5391b74024.html> (accessed July 7, 2021).

¹⁰⁵ Mohamed Visham, "Maldives parliamentary committee asked to halt death penalty for MP killer," *The Edition*, June 27, 2016, <https://edition.mv/news/246> (accessed July 7, 2021).

¹⁰⁶ Commission on Deaths and Disappearances (DDCom), "Dr Afrasheem Ali's Murder Investigation Report," November 7, 2019, <https://t.co/QjsSxBJOQp?amp=1> (accessed July 7, 2021).

¹⁰⁷ Fathimath Aruma Hussain, "Afrasheem murder: Shaheem accused of providing false testimony to DDcom," *Sun Online*, November 17, 2019, <https://en.sun.mv/56625> (accessed July 7, 2021).

The DDCoM report also noted that nine other individuals who were believed to have been part of a radicalized group left the country the same day Shaheem did.

The commission acknowledged a number of challenges in relation to the Afrasheem case: seven years had passed by the time the investigation began; a number of suspects had left the country in those years; and key pieces of evidence were missing either because the police did not make available to the commission or claimed had been lost, including CCTV footage, intelligence reports, phone call data and a key piece of a phone recording that could have helped identify the person who funded the attack.¹⁰⁸

Disappearance of Ahmed Rilwan

Ahmed Rilwan, a 28-year-old journalist with the *Maldives Independent* and well-known blogger, went missing August 8, 2014. Rilwan wrote about corruption in Maldivian politics and about the connections between politicians and extremist gangs operating in the islands. He had received numerous threats via social media.

Five years after Rilwan's apparent abduction, in September 2019, the DDCoM concluded that the attack was planned and carried out by extremists connected with Al-Qaeda who kidnapped Rilwan outside his apartment building in Hulhumalé, took him on board a boat, killed him, and then threw his body into the sea.¹⁰⁹

The report named several people involved in various stages of the attack, including those who followed Rilwan prior to his kidnapping, owners of the vehicle and boat used to transport him, those involved in the actual attack, as well as planning. The report said that the police failed to arrest several suspects because they had already fled the Maldives, allegedly to join groups affiliated with ISIS in Syria, where some reportedly died.¹¹⁰

¹⁰⁸ Ahmedulla Abdul Hadi, "Dr. Afrasheem's murder: Important pieces of evidence missing," *Sun Online*, November 18, 2019, <https://en.sun.mv/56644> (accessed July 8, 2021).

¹⁰⁹ People's Majlis, "Summary Report on the Disappearance of Ahmed Rilwan," https://majlis.gov.mv/storage/action_files/341/2Na4UKzzREIIDCVfGHBRFrlq7z7fsxfFCoIDHxC.pdf (accessed July 6, 2021).

¹¹⁰ Ibid.

Earlier allegations had implicated the former tourism minister, and later vice president, Ahmed Adeeb, in Rilwan’s disappearance.¹¹¹ The commission found that Adeeb had used his influence with the judiciary to obstruct justice in Rilwan’s case. Phone records obtained by the DDCCom showed that Adeeb had texted a criminal court judge with the names of some suspects while they were in police detention, following which the judge ordered their release. It was during this time that the suspects fled the country.¹¹² Among them was Azlif Rauf, who left the Maldives in January 2015, nine months after Rilwan’s abduction. Rauf’s family has claimed that he was killed in Syria in May of the same year.¹¹³

In October 2014, soon after Rilwan’s disappearance, his family accused the police investigators of negligence in their investigation of the case and submitted a complaint to the National Integrity Commission (NIC), which has the legal mandate to investigate unlawful acts or negligence by the police. Five years later, in September 2019, the NIC declared that it had found no evidence of police misconduct.¹¹⁴ However, the DDCCom’s summary report showed that at least two police officers had tried to cover up Rilwan’s disappearance upon orders from an unnamed “boss,” by claiming that Rilwan had left the country voluntarily and had died while out of the Maldives.¹¹⁵

In October 2020, Home Minister Imran Abdulla told the People’s Majlis that evidence connecting Adeeb and other senior officials of President Yameen’s administration to

¹¹¹ “Adeeb ‘saddened’ at PPM colleague’s attempts to link him with missing journalist,” *Findmoyameeha*, November 1, 2014, <https://findmoyameehaa.com/2014/11/adeeb-saddened-at-ppm-colleagues-attempts-to-link-him-with-missing-journalist/> (accessed July 6, 2021).

¹¹² People’s Majlis, “Summary Report on the Disappearance of Ahmed Rilwan,” https://majlis.gov.mv/storage/action_files/341/2Na4UKzzREIIDCVfGHBRFrlq7z7fsxfFCoIDHixC.pdf (accessed July 6, 2021).

¹¹³ President Yameen had called for an investigation into how Azlif Rauf, a key suspect in two major crimes, was allowed to leave the country, claiming that the defense minister under whose portfolio the department of immigration falls under – a position which at the time was temporarily held by Adeeb as the defense minister was on leave – must be held accountable. “Afrasheem murder suspect’s departure to Syria under investigation,” *Maldives Independent*, July 19, 2015, <https://maldivesindependent.com/politics/afrasheem-murder-suspects-departure-to-syria-under-investigation-101062> (accessed July 5, 2021).

¹¹⁴ The NIC is an independent body that is mandated with investigating police (also customs) misconduct. Shahudha Mohamed, “NIC claims ‘No Police negligence’ in Rilwan’s case,” *The Edition*, September 19, 2019, <https://edition.mv/news/12482> (accessed July 5, 2021).

¹¹⁵ The DDCCom claimed that a high court judge and two police officers had conspired to produce a false passport and fabricate evidence to make it seem like Rilwan had led the Maldives in 2014. People’s Majlis, “Summary Report on the Disappearance of Ahmed Rilwan,” https://majlis.gov.mv/storage/action_files/341/2Na4UKzzREIIDCVfGHBRFrlq7z7fsxfFCoIDHixC.pdf (accessed July 6, 2021). Zunana Zalif, “High Court Judge involved in forged documents connected to Rilwan’s death, resigns,” *Raajje*, July 21, 2020, <https://raajje.mv/82871>, (accessed January 26, 2022).

Rilwan's disappearance had gone missing.¹¹⁶ The former DDCM chair, Husnu Al Suood also accused then President Yameen of having tried to "divert the focus" of the police investigation.¹¹⁷

Meanwhile Rilwan's family continued to raise concerns about the delays in justice. On the sixth anniversary of Rilwan's disappearance, they criticized President Solih for failing to act on his campaign pledge to bring justice for unexplained deaths and disappearances.¹¹⁸ In July 2020, the family asked the government to seek the help of a foreign expert to investigate the abduction, and in November, the DDCM said that it had decided to do so.¹¹⁹ In March 2021, while campaigning for the local council election, President Solih said that the foreign expert had requested a year's time to conclude the investigations, promising a final report on the disappearance of Rilwan by the DDCM by the end of 2021.¹²⁰ As of March 2022, the expert had not submitted the report.

In July 2021, the DDCM published a four-minute video reenactment of Rilwan's abduction and asked the public for any information regarding the case, including information about a knife that was recovered from the site of the abduction.¹²¹ It also reiterated a reward of MVR 500,000 (US\$ 32,400) for pertinent information. The following month, a few days prior to the seventh anniversary of Rilwan's disappearance, the commission summoned former president Yameen for questioning in relation to allegations of obstruction of justice. Yameen's attorneys told the media that the former president chose to remain silent as the allegations against him were "unclear." The attorneys also criticised the DDCM, saying that summoning Yameen was a move to hide its own failures in the investigation.¹²²

¹¹⁶ Ahmed Aiham, "Evidence regarding Rilwan's disappearance missing: Home Minister," *The Edition*, October 21, 2020, <https://edition.mv/news/19883> (accessed July 5, 2021).

¹¹⁷ Zaheena Rasheed, "Missing Maldives journalist killed by al-Qaeda affiliate," *Al Jazeera*, September 2, 2019, <https://www.aljazeera.com/news/2019/9/2/missing-maldives-journalist-killed-by-al-qaeda-affiliate> (accessed July 6, 2021).

¹¹⁸ Ahmed Aiham, "Evidence regarding Rilwan's disappearance missing: Home Minister," *The Edition*, October 21, 2020, <https://edition.mv/news/19883> (accessed July 6, 2021).

¹¹⁹ Shahudha Mohamed, "State hires foreign investigator for Rilwan's case," *The Edition*, November 23, 2020, <https://edition.mv/news/20159> (accessed July 6, 2021).

¹²⁰ Aishath Hanaan Hussain Rasheed, "Will resolve case of Rilwan's murder, release report by year-end: President," *Raajje*, March 8, 2021, <https://raajje.mv/96444> (accessed July 6, 2021).

¹²¹ Commission on Disappearances and Deaths, video clip of reenactment prepared by the DDCM in relation to the disappearance of M. Shining Star Ahmed Rilwan Abdullah, *Facebook*, <https://www.facebook.com/DdcomMdv/videos/318274436611693> (accessed July 6, 2021).

¹²² Zunana Zalif, "Ex-president 'silent' during DDCM interrogation over journalist's murder," *Raajje*, August 4, 2021, <https://raajje.mv/104287> (accessed August 6, 2021).

Rilwan's friends and supporters have also criticized the performance of the DDCoM and raised questions as to whether justice can be served when the police failed to investigate the case properly from the outset.¹²³

Murder of Yameen Rasheed

On April 23, 2017, blogger Yameen Rasheed was found with 34 stab wounds in the stairwell of his apartment building in Malé. He had been a prominent social media activist known for his satirical commentaries on Twitter and his blog, *The Daily Panic*. His ridiculing of public figures had enraged some politicians, prominent religious leaders, and extremist gangs. He was also a friend of Rilwan and had focused much of his work on Rilwan's disappearance and the need to bring the perpetrators to justice. He had received threats since 2010. In the weeks following the murder, the police arrested eight suspects.¹²⁴ State prosecutors ultimately charged six with murder and one with aiding and abetting.

Of the three major cases being investigated by the DDCoM, Yameen Rasheed's case was the only one being prosecuted at the time the commission was carrying out its own investigation. The trial was marked by numerous delays, with reasons ranging from administrative issues at the court, to the non-appearance of defense lawyers.

Not a single hearing was held in 2020 despite provisions made by courts to hold virtual sessions during the Covid-19 pandemic.¹²⁵ Only three hearings were held in 2021. In April 2021, the DDCoM stated that as the case was *sub judice*—currently being considered by a court—its investigation into the murder could not go forward.¹²⁶

¹²³ Shahudha Mohamed, "Rilwan's family releases book to mark 6 years since journalist's enforced disappearance," *The Edition*, August 08, 2020, <https://edition.mv/news/18352> (accessed July 6, 2021).

¹²⁴ "Yameen Rasheed: Timeline of a murder," Maldives Independent, April 20, 2018, <https://maldivesindependent.com/feature-comment/yameen-rasheed-timeline-of-a-murder-137587> (accessed July 6, 2021).

¹²⁵ Aisha Rasheed, "No end in sight," *Himal South Asian*, May 4, 2021, <https://www.himalmag.com/no-end-in-sight-yameen-rasheed-maldives-2021/> (accessed July 8, 2021).

¹²⁶ Aishath Hanaan Hussain Rasheed, "Carefully following hearings in Yameen Rasheed's murder trial: DDCoM," *Raajje*, April 23, 2021, <https://raajje.mv/98760> (accessed July 6, 2021). The same month, two NGOs, the Maldivian Democracy Network and FORUM-ASIA, wrote an open letter to the People's Majlis, raising concerns that the DDCoM had halted the investigations upon objections from the Prosecutor General. Maldivian Democracy Network, "[Open Letter] Joint open letter to the Maldives Speaker of The People's Majlis: Call for justice for murdered human rights defender and blogger Yameen Rasheed," *Forum Asia*, Asian Forum for Human Rights and Development, April 23, 2021, <https://www.forum-asia.org/?p=34612> (accessed July 8, 2021).

On January 20, 2022, the Malé criminal court found two men guilty of murdering Yameen Rasheed and sentenced them to life imprisonment. Four others were acquitted for lack of evidence. With the conclusion of the trial, and the conviction of two men on January 23, 2022, the DDCM chair announced that the commission’s investigation into the case would restart.¹²⁷

Aisha Rasheed, Yameen Rasheed’s sister, told Human Rights Watch that while she was initially hopeful when the administration changed in 2018, in the three years since, she became increasingly doubtful that there would be justice in the case.¹²⁸ She said that after the convictions were announced: “The two people who were convicted were the ones who actually physically stabbed my brother. The only difference between those two and the other four is that they did not wield a knife.”¹²⁹

Like Rilwan’s family, Yameen’s family filed a complaint with the NIC, charging the police with negligence in the way they handled the murder investigation and for failing to investigate earlier threats against him. When the NIC refused the case, the family took the matter to the civil court, which, after three hearings, referred the family back to the NIC, which rejected the case after the family’s lawyers failed to appear for a hearing.

¹²⁷ “Yameen Rasheed murder: With convictions, DDCM restarts stalled investigation,” *Sun Online*, January 23, 2022, <https://sun.com.mv/72013> (accessed January 26, 2022).

¹²⁸ Aisha Rasheed also observed that the prosecutors had been careless in forgetting important dates or not bringing key pieces of documents to the court. She noted that the defense team comprised more experienced and prominent lawyers, who she believed were able to intimidate the prosecution’s more junior lawyers. Human Rights Watch phone interview with Aisha Rasheed, June 16, 2021.

¹²⁹ Human Rights Watch phone interview with Aisha Rasheed, February 14, 2022.

III. Freedom of Expression and Peaceful Assembly

Shortly after the 2018 elections, the Solih administration took steps to end repressive restrictions on the media.¹³⁰ Journalists in the Maldives have said that they no longer fear state censorship, as they did before the 2018 elections. Journalist Zaheena Rasheed, who had been forced to leave the country in 2018 after *Al Jazeera* broadcast an interview with her in which she accused the former administration of corruption, said she returned in 2020 after the Solih administration took office. “I no longer have to look over my shoulder every time I am out alone, and I no longer worry that my communications are monitored by the police,” she told Human Rights Watch.¹³¹

However, the government has failed to entrench fundamental rights and has proved unable to counter the continuing influence of extremist groups who can deem people as *laadheenee*, leading to threats and violence.

Lifting Media Restrictions

The Anti-Defamation and Freedom of Expression Act, enacted in 2016, had criminalized “defamatory” speech and imposed heavy fines for journalists convicted of violating its provisions. Before the act was rescinded, opposition-aligned media outlets were fined millions of rufiyaa, which deterred journalists from reporting stories critical of the government.¹³² One network suspended its broadcast due to the hostile environment.¹³³ A key pledge during President Solih’s campaign was to nullify the anti-defamation law.¹³⁴ Even before Solih took office, on November 14, 2018, the parliament voted in favor of

¹³⁰ In acknowledgment of these changes, the Maldives climbed 48 places on Reporters Without Borders’ World Press Freedom Index, to 72 in 2021 from 120 in 2018. The Maldives has a history of quashing dissent, including through arrests and setting heavy fines. Extremist interest groups with links to criminal gangs also targeted anyone seen to be challenging their conservative views. “Maldives: Encouraging results, promises to keep,” *Reporters Without Borders*, 2021, <https://rsf.org/en/maldives> (accessed March 28, 2021).

¹³¹ Human Rights Watch interview with Zaheena Rasheed, Malé, March 27, 2021.

¹³² Human Rights Watch, *An All -Out Assault on Democracy*, (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/08/16/all-out-assault-democracy/crushing-dissent-maldives>.

¹³³ Human Rights Watch, *World Report 2019*, (New York: Human Rights Watch, 2019), Maldives chapter, https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf.

¹³⁴ Humaam Ali, “Solih vows to nullify anti-defamation act within 100 days of his administration,” *Raajje*, October 22, 2018, <https://raajje.mv/42971> (accessed March 28, 2021).

repealing the law, with bipartisan endorsement.¹³⁵ Moosa Latheef, the former editor of *Mihaaru* news outlet, told Human Rights Watch that after the anti-defamation law was repealed, “journalists and media houses no longer had to worry about hefty fines and criminal charges for simply reporting the news.”¹³⁶

While the changes marked a significant improvement, journalists in the Maldives still face threats from the authorities. On August 30, 2021, members of parliament introduced a bill that would compel media outlets to reveal sources. While the proposed Evidence Bill reiterated section 28 of the Constitution guaranteeing press freedom, it added two exceptions left to the discretion of the court under which journalists could be compelled to reveal their sources. First, if the court decides that there is no negative impact or not a significantly negative impact on the source if it were to be revealed, and second, “if the impact of revealing a source does not significantly impact the ability of journalists to find sources.” Human rights groups in the Maldives criticized the bill saying:

[T]he vagueness of the criteria set out in the exceptions, along with the near impossibility of reaching an objective and qualitative assessment on an anonymous source, will lead to a significant reversal of press freedom in the Maldives and carries the risk of generating a wider effect of fear and self-censorship. ... Without a doubt, the mere enactment of this bill into law, as it is, will have a dramatic impact on the work of journalists, including losing access to important sources, who might refuse to talk to journalists due to fear of being exposed in a court of law.¹³⁷

On September 28, Attorney General Ibrahim Riffath announced that the bill would be “amended at [the] committee stage to address public and media concerns regarding

¹³⁵ Rae Munavvar, “Parliament green-lights motion to repeal contentious Defamation Act,” *The Edition*, November 14, 2018, <https://edition.mv/news/7871> (accessed March 28, 2021).

¹³⁶ Human Rights Watch phone interview with Moosa Latheef, April 4, 2021.

¹³⁷ CIVICUS, “Restrictions and Attacks on Journalists, Protestors: Reprisals Against Activists in The Maldives,” November 10, 2021, <https://monitor.civicus.org/updates/2021/10/11/restrictions-and-attacks-journalists-protesters-reprisals-against-activists-maldives/> (accessed March 31, 2022).

provision granting courts rights to compel media to disclose sources.”¹³⁸ In response to questions from Human Rights Watch in February 2022, the Attorney General’s Office said that it was “committed to resolving the concerns via revisions proposed to the bill at the committee stage.”¹³⁹ As of March 2022, the bill had not yet been introduced.

On August 22, 2021, the Maldives Journalists Association (MJA), the Maldives affiliate of the International Federation of Journalists (IFJ), published a report, “*Chasing Justice: Maldives Study on Impunity for Crimes against Journalists*,” based on a survey in which 70 journalists took part, in addition to two focus groups. The survey results illustrated widespread fear among journalists about an increase in online threats, especially threats to women in the media who contend with gender specific threats and harassment; the power of Islamist extremist gangs; the dangers journalists face reporting on corruption; and near-total impunity for perpetrators.¹⁴⁰

International press freedom groups also noted that impunity for past crimes, particularly the failure to credibly investigate and prosecute the cases of journalist Ahmed Rilwan and murdered blogger Yameen Rasheed, undermined the Solih administration’s promises to restore media freedom.¹⁴¹

Reporters also faced police violence when covering protests. The Maldivian group RiseUpMV reported that police assaulted reporters covering a protest on September 19, 2021, which the group had organized to bring attention to abuse of children at state-run facilities.¹⁴² The Maldives Media Council (MMC) stated that it had also received complaints

¹³⁸ Areeba, “Evidence bill to be amended amid concerns of provision threatening press freedom,” *Times of Addu*, September 28, 2021, <https://timesofaddu.com/2021/09/28/evidence-bill-to-be-amended-amid-concerns-of-provision-threatening-press-freedom/> (accessed January 26, 2022).

¹³⁹ Information provided by the Maldives Attorney General’s Office to Human Rights Watch, February 20, 2022. See Appendix IV.

¹⁴⁰ Maldives Journalists Association, “Chasing Justice Maldives: Study on Impunity for Crimes against Journalists,” August 2021, https://samsn.ifj.org/wp-content/uploads/2021/08/Maldives_LR_A4_2021-final.pdf (accessed January 10, 2022).

¹⁴¹ Reporters Without Borders, “Maldives,” 2021 <https://rsf.org/en/maldives> (accessed April 2, 2021).

¹⁴² @MvRiseUp, “Once again, Maldives Police has enforced brutality towards local journalists covering a protest. We strongly condemn the incessant abuse and inhumanity practised by Police towards reporters who were simply performing their duties.” Twitter, September 19, 2021, 2:48 p.m., <https://twitter.com/MvRiseUp/status/1439662769595244547?s=20> (accessed March 31, 2022).

that several journalists were injured by police using force to disperse the protesters, and that the police had obstructed some journalists' efforts to cover the protest.¹⁴³

In February 2021, the IFJ raised concerns about police handling of media personnel during a protest held by opposition parties.¹⁴⁴ It noted that in one instance, the police tackled a Channel-13 cameraperson to the ground, injuring him, and in another, used excessive force to remove two other Channel-13 employees from a restaurant near the protest area, despite their media passes. The police later told the media that their removal from the restaurant was accidental and that their objective was to bring out protesters from the restaurant.¹⁴⁵

Targeting Freedom of Expression

Incitement to violence on social media, which had escalated during the Yameen administration, has receded somewhat under the Solih government, but threats remain.¹⁴⁶ For instance, although freedom of information activist Aiman Latheef told Human Rights Watch that he had not received any threats in recent years, he self-censors on social media on certain topics for fear of being labelled as *laadheenee*.¹⁴⁷

Although the authorities pose less of a threat to activists than was previously the case, the Solih government has failed to act against extremist groups that use social media to incite violence and hatred against human rights defenders, including journalists, and rights organizations.

¹⁴³ CIVICUS, "Restrictions and Attacks on Journalists, Protesters: Reprisals Against Activists in the Maldives," October 11, 2021, <https://monitor.civicus.org/updates/2021/10/11/restrictions-and-attacks-journalists-protesters-reprisals-against-activists-maldives/> (accessed January 12, 2022).

¹⁴⁴ International Federation of Journalists, "Maldives: Channel 13 media workers harassed during opposition-led protest," February 23, 2021, <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/maldives-channel-13-media-workers-harassed-during-opposition-led-protest.html> (accessed March 29, 2021).

¹⁴⁵ Mohamed Fathih Abdul Muhsin, "Journalist arrested by mistake: Police," *The Times of Addu*, February 20, 2021, <https://timesofaddu.com/2021/02/20/journalist-arrested-by-mistake-police/> (accessed March 29, 2021)

¹⁴⁶ "Social media activist arrested for 'inciting hatred,'" *Maldives Independent*, July 30, 2016, <https://maldivesindependent.com/politics/social-media-activist-arrested-for-inciting-hatred-125764> (accessed March 30, 2021).

¹⁴⁷ Human Rights Watch phone interview with Aiman Latheef, February 23, 2021.

In a written response to Human Rights Watch regarding the measures taken by the government to ensure the safety of individuals working in civil society, the President's Office acknowledged that individuals who report threats are left feeling that their complaints are not being addressed adequately. It said that the government was actively working with state institutions to bring reforms.¹⁴⁸ In response to questions from Human Rights Watch about progress in curbing such threats, the Attorney General's Office said:

[The] Maldives Police Service continues to identify individuals operating pseudo accounts on social media to harass and threaten human rights defenders and summon individuals for questioning or take them into custody where necessary. Maldives Police Service also continues to take appropriate steps through their Cybercrime Department and in accordance with the applicable rules, to block certain social media accounts that pose grievous threats to other individuals within the online sphere.¹⁴⁹

Case of Ibrahim Ismail

Ibrahim Ismail, the chairman of Mandhu College and a former lawmaker, faced threats in January 2019, after he criticized a ruling by a magistrate sentencing a 25-year-old woman to death by stoning on charges of adultery. Although the Maldives Supreme Court overturned the verdict the following day, debate continued on social media.¹⁵⁰ After Ismail challenged Islamic clerics over claims that the Prophet Mohammad had called for such a punishment, unidentified assailants broke the glass on his institute's main door, and Islamist extremist groups accused him of blasphemy and threatened to set up a social media campaign to track his movements.¹⁵¹ Ismail was branded as *laadheenee* on social media with some even calling for his beheading for blasphemy. The government is yet to investigate and this harassment, intimidation, and assault.

¹⁴⁸ Written response by the President's Office to Human Rights Watch, April 22, 2021. See Appendix II.

¹⁴⁹ Information provided by the Maldives Attorney General's Office to Human Rights Watch, February 20, 2022. See Appendix IV.

¹⁵⁰ "Maldives top court quashes death by stoning verdict for adultery," *Maldives Independent*, January 7, 2019, <https://maldivesindependent.com/crime-2/maldives-top-court-quashes-death-by-stoning-verdict-for-adultery-143374> (accessed April 2, 2021).

¹⁵¹ "College vandalized after protest against chairman accused of insulting Islam," *Maldives Independent*, January 22, 2019, <https://maldivesindependent.com/politics/college-vandalised-after-protest-against-chairman-accused-of-insulting-islam-143534> (accessed April 2, 2021).

Case of Ali Anim

In December 2020, Ali Anim, a resident of Addu City, faced threats for a social media post against religious extremism. This was exacerbated when the online news outlet *Vaguthu* published two articles about him, with his details and photos. This led to increased risk of physical attack after a social media campaign branded him an apostate. A number of religious groups called for the police to investigate Anim. The police eventually questioned Anim and confiscated his electronic devices for further investigation. Anim also filed a complaint against *Vaguthu* for inciting violence against him—he said that he does not know if the police carried out any investigation:

I have become a constant target for religious extremists because I speak out against organizations such as Jamiyyathul Salaf. During this period, I got word that a seven-member team from extremist-linked gangs flew in to Addu to harm me. Even the police informed me that there was a credible threat against me and while they did not provide me with any protection, they did ask me to take precautions. If I was in Malé, and if I didn't have certain affiliations that I have here in Addu, I could very easily have been the next Yameen or Riilwan.¹⁵²

Case of Vaguthu

In 2020, *Vaguthu* itself received threats after it published an article on the operations of extremist groups in Addu City. One of the journalists who contributed to the publication, Mohamed Usam, told Human Rights Watch that he and other journalists who worked on the article received a number of threats from unknown social media accounts following its publication, but said that the police provided protection when informed of the threats. He said:

These people were quick to discredit the article, claiming that *Vaguthu* had taken money from the government to spread propaganda against religious groups. While I have not come to any physical harm so far following the publication of the article, I fear I will come under attack one day. Rilwan and

¹⁵² Human Rights Watch interview with Ali Anim, Addu City, April 8, 2021.

Yameen also first came to the attention of religious extremist groups in 2010 and attacks on them did not come until years later.¹⁵³

Hate Crime Bill

On May 31, 2021, just weeks after the attack on Nasheed, the MDP party submitted an amendment to the penal code known as the “Hate Crime Bill.” Drafted by the Attorney General’s Office, the amendment seeks to make acts of violence motivated by political beliefs, race, nationality, or skin color a criminal offense. The bill became most notable and contentious for its attempt to criminalize the use of the word “*laadheenee*” toward a Muslim.¹⁵⁴

A coalition of parties and religious groups campaigned against the amendment, criticizing it as a “secular bill” and claiming that it would prevent Maldivian citizens from exposing those who defied or mocked Islam.¹⁵⁵ The attempt to criminalize the word *laadheenee* also created rifts not only within the ruling coalition, but within the MDP as well.¹⁵⁶ Some who supported the bill, including Hisaan Hussain, the member of parliament who submitted it, reported receiving death threats.¹⁵⁷ The authorities did not hold any public consultations at the drafting stage, which drew criticism from civil society groups. Its opponents also included free speech advocates, one of whom noted that the bill “goes beyond regulating hate speech by targeting speech that should be protected under international law.”¹⁵⁸

The campaign against the bill from religious groups, including the Adhaalath Party, a member of the governing coalition, led to changes in the draft that reflected their

¹⁵³ Human Rights Watch phone interview with Mohamed Usam, April 4, 2021.

¹⁵⁴ “MP Hisaan submits bill to criminalize calling Muslims ‘kafir,’ *Sun Online*, May 31, 2021, <https://en.sun.mv/67024> (accessed September 12, 2021).

¹⁵⁵ “Jamiyyath Salaf urges people to raise concerns regarding hate crime bill with parliamentarians,” *Sun Online*, June 28, 2021, <https://en.sun.mv/67456> (accessed September 12, 2021).

¹⁵⁶ N Sathiya Moorthy, “Maldives: How in the name of Islam, hate crime bill is being made into a hate object,” *Observer Research Foundation*, June 25, 2021, <https://www.orfonline.org/expert-speak/maldives-how-in-the-name-of-islam-hate-crime-bill-is-being-made-into-a-hate-object/> (accessed September 2, 2021).

¹⁵⁷ “Hate crime bill sent back to parliamentary committee,” *Sun Online*, July 28, 2021, <https://en.sun.mv/67672> (accessed September 12, 2021).

¹⁵⁸ Marwaan Macan-Markar, “Hate crime bill widens Islamic divisions in the Maldives,” *Nikkei Asia*, July 22, 2021, <https://asia.nikkei.com/Politics/Hate-crime-bill-widens-Islamic-divisions-in-the-Maldives> (accessed September 2, 2021).

concerns.¹⁵⁹ In September, the Attorney General announced that the bill had been further amended following discussions with the Islamic Ministry.¹⁶⁰ Parliament passed it on November 16, 2021 and on November 28, President Solih ratified it as the Fifth Amendment to the Penal Code. The law criminalizes “portraying people as non-believers or as anti-Islamic based on views expressed on religious matters in which religious scholars have conflicts or opposing views. It also dissuades the labeling of a Muslim as anti-Islamic unless the person publicly proclaims himself to be a non-believer, comes out as a non-believer, or deliberately commits an act of *kufr*[disbelief].”¹⁶¹

Threats to Civil Society

Maldivian civil society includes social organizations and activists who play a key role in promoting human rights. Some of these groups have been actively involved in monitoring and reporting on abuses under the Yameen government and who continue to speak for the rights of marginalized groups, like migrant workers, women, and LGBT people. They often face hostility from religious groups who claim these causes are against Islamic tenets.

Case of Transparency Maldives

Ahid Rasheed, former program and governance manager of Transparency Maldives, the local chapter of Transparency International, told Human Rights Watch that under the Solih administration, government institutions have been more willing than the previous administration to engage with rights advocates in policy consultations. He noted, however, continuing tensions within the government that raise questions about its commitment to protect rights. He described what happened to Transparency Maldives after some religious groups claimed it was “irreligious.”¹⁶² On August 18, 2021, when the Ministry of Education announced that it had signed a Memorandum of Understanding (MoU) with Transparency Maldives on a project, “Promoting Resilience in the Maldives,” both the ministry and

¹⁵⁹ When it was brought before the parliament’s judiciary committee, the draft included provisions permitting the use of the word *laadheenee* against a person who has expressly committed an act or uttered words of *kufr*(blasphemy). “Hate crime bill sent back to parliamentary committee,” *Sun Online*, July 28, 2021, <https://en.sun.mv/67672> (accessed September 12, 2021).

¹⁶⁰ Naizak Mohamed, “Additional amendments proposed to the hate crime bill sent to Judiciary Committee,” *Sun Online*, September 08, 2021, <https://en.sun.mv/68968> (accessed September 12, 2021).

¹⁶¹ Giriraj Bhattacharjee, “Maldives: Islamist Threat – Analysis,” *Eurasia Review*, January 18, 2022, <https://www.eurasiareview.com/18012022-maldives-islamist-threat-analysis/>, (accessed January 26, 2022).

¹⁶² Human Rights Watch Interview with Ahid Rasheed, [location withheld], February 25, 2021.

Transparency faced a backlash on social media under the hashtag #BanTransparency, with critics branding the organization and its staff as *laadheenee*.¹⁶³ Religious groups used Clubhouse, a social media platform, to accuse the Education Ministry of working with Transparency Maldives to “make the educational curriculum secular.”¹⁶⁴ The campaign however failed to get as much traction as the movement against MDN.

Jamiyyathu Salaf, a Salafist religious group, also called upon the Ministry of Education to share the MoU.¹⁶⁵ In response, the ministry made the MoU public on its website on August 25.¹⁶⁶ The MoU states the key objectives of the project were to “improve understanding of radicalization and violent extremism in the Maldives to assist policy making, enhance agency and social cohesion of populations, and improve career prospects and employment opportunities for youth.”¹⁶⁷

The campaign against Transparency Maldives mirrored earlier campaigns, such as the one against MDN, to discredit organizations that have raised concerns about religion-based violence in the Maldives.

Case of Uthema

In June 2020, Uthema, a group advocating for gender equality, was targeted by extremists who accused it of being anti-Islam. A social media campaign demanded that the government ban Uthema for publishing a report assessing the government’s adherence to its obligations under the UN Convention on the Elimination of All Forms of Discrimination against Women. Those behind the campaign alleged that the report offended Muslim sentiment. The group drew fire for endorsing certain sections of the MDN report on radicalization in the Maldives.

¹⁶³@MoEdumv, “Promoting Resilience in the Maldives’ project MoU signed between the Ministry of Education and @TransparencyMV. The project is funded by @USAID.” *Twitter*, August 18, 2021, 4:29 a.m., <https://twitter.com/MoEdumv/status/1427910531508178953> (accessed September 4, 2021); @MuhARazzaq, “#bantransparency #saveourkids” *Twitter*, August 27, 2021, 6:05 a.m.m., <https://twitter.com/MuhARazzaq/status/1431196078330703875?s=20> (accessed September 4, 2021)

¹⁶⁴ Adam Nishan bin Ali Adam, “Making the education system laadheenee,” live audio feed, *Clubhouse*, August 23, 2021.

¹⁶⁵ “Salaf requests the Education-Transparency MoU to be shared with the organization,” *Avas*, August 23, 2021. <https://avas.mv/105627> (accessed September 5, 2021).

¹⁶⁶ Ministry of Education, “Memorandum of Understanding between Transparency Maldives and Ministry of Education,” <https://www.moe.gov.mv/assets/upload/MOU.pdf> (accessed September 12, 2021).

¹⁶⁷ Ibid.

A number of local island councils and the Adhaalath Party joined the calls to ban Uthema and take action against its leadership. A human rights activist told Human Rights Watch that the groups behind the campaign had been emboldened by the government's ban on MDN. The representative said:

The fact that these religious groups managed to get the government to take such expedited action against an organization like MDN is an indication of the consolidation of radical elements within the system. It is a show of their strength and reflects the power of their narrative.¹⁶⁸

Case of Maldivian Democracy Network

The Maldivian Democracy Network (MDN), formerly the Maldivian Detainee Network, was formed in 2004 to assist political detainees and their families.¹⁶⁹ MDN was formally registered in 2006 and expanded its human rights mandate, working in areas such as police and prison reform, legal and constitutional education, and independent oversight of state institutions.¹⁷⁰ Since its inception, and under different administrations, as the country's leading human rights organization, MDN and its personnel faced various threats including pressure of being deregistered, as well as threats of violence to its members on social media.¹⁷¹

However, it was not until the Solih government that any administration took the step to deregister MDN. In September 2019, MDN and its staff became the target of a social media campaign because of a 2015 report the organization had published on the rise in violent extremism in Maldives, which their opponents claimed included language insulting Islam.¹⁷² The campaign used the hashtag #BanMDN and called for criminal charges against

¹⁶⁸ Human Rights Watch interview with [name withheld], [location withheld], February 2021.

¹⁶⁹ Maldivian Democracy Network, "Our History," [n.d.], <https://mvdemocracy.org/our-history/> (accessed February 25, 2021)

¹⁷⁰ Ibid.

¹⁷¹ Amnesty International, *Maldives: Shrinking Space for Civil and Political Rights*, 2015, https://www.amnesty.be/IMG/pdf/maldives_23_avril_eng.pdf (accessed February 23, 2021); Human Rights Watch, *An All-Out Assault on Democracy*, (New York: Human Rights Watch 2018), <https://www.hrw.org/report/2018/08/16/all-out-assault-democracy/crushing-dissent-maldives>.

¹⁷² Maldivian Democracy Network, "Preliminary Assessment of Radicalization in the Maldives," 2016, <https://www.docdroid.net/qyCy9gk/preliminary-assessment-of-radicalisation-in-the-maldives-final80856731625919353631-pdf> (accessed February 23, 2021).

MDN's executive committee and those involved in authoring the report.¹⁷³ Protests took place on several islands and over 110 local councils—out of 200—made official statements in support of the call to ban MDN. Apart from pressure from the opposition to ban MDN, the ruling MDP also faced calls to do some from within the party. Party members were warned not to make any public statements.¹⁷⁴

On October 9, 2019, MDN publicly acknowledged that some of the language in the report could be misunderstood and said it would incorporate revisions.¹⁷⁵ This, however, did not quell the campaign. On November 5, 2019, the government yielded to pressure from religious leaders and political opposition figures and ordered the dissolution of MDN.¹⁷⁶ Government officials told Human Rights Watch that they did so out of concern the protests would spiral out of control.¹⁷⁷ The MDN leadership was forced into exile because of violent threats from extremist groups.¹⁷⁸ The police failed to take investigate and prosecute those responsible for the threats.

Given the three-year gap between the report's publication and when complaints about it started to surface on social media, Shahinda Ismail, the executive director of MDN, believes that there were other factors that may have triggered the furor. MDN had backed government-proposed amendments to the Anti-Terrorism Act of 2015, which some clerics and gang leaders feared could target them.¹⁷⁹ In addition, she said that the MDN had called for amendments to a transitional justice bill to expand investigation and prosecution for human rights violations during previous administrations. These actions may have prompted opposition leaders to join with religious groups in calling for MDN's

¹⁷³ Mushfiq Mohamed, "The Dangers of Dog-Whistling to Extremists in the Maldives," *The Diplomat*, June 27, 2020. <https://thediplomat.com/2020/06/the-dangers-of-dog-whistling-to-extremists-in-the-maldives/> (accessed March 10, 2021).

¹⁷⁴ "Opposition warns of 'popular uprising' as ban MDN protests continue," *Maldives Independent*, October 27, 2019, <https://maldivesindependent.com/politics/opposition-warns-of-popular-uprising-as-ban-mdn-protests-continue-148794> (accessed March 2, 2021).

¹⁷⁵ "Press Statement: 9th October 2019," *Maldivian Democracy Network*, October 09, 2019, <https://mvdemocracy.org/press-release-english/> (accessed February 23, 2021).

¹⁷⁶ Frontline Defenders, "Maldivian Democracy Network Formally Banned," December 19, 2019, <https://www.frontlinedefenders.org/en/case/maldivian-democracy-network-formally-banned> (accessed February 17, 2022).

¹⁷⁷ Human Rights Watch interviews with government officials [names withheld], Malé, December 2, 2019.

¹⁷⁸ "Opposition warns of 'popular uprising' as ban MDN protests continue," *Maldives Independent*, October 27, 2019, <https://maldivesindependent.com/politics/opposition-warns-of-popular-uprising-as-ban-mdn-protests-continue-148794> (accessed March 2, 2021).

¹⁷⁹ For more on the law, see US Department of State, "Country Reports on Terrorism 2019: Maldives," <https://www.state.gov/reports/country-reports-on-terrorism-2019/maldives/> (accessed March 5, 2021).

deregistration, especially former president Gayoom and his supporters. “The expedited closure of MDN is a clear sign of how much radical elements have consolidated their power within the system,” Ismail said.¹⁸⁰

Limiting Freedom of Assembly

Among President Solih’s campaign pledges was a commitment to abolish laws that had been used to curtail citizens’ right to freedom of assembly. However, despite the ruling party holding a supermajority of 65 seats in parliament, in November 2020, the parliament rejected proposed amendments to the Freedom of Assembly Act that would have nullified provisions granting the authorities power to restrict protests.¹⁸¹ At least 56 MPs voted for the amendments to be sent back to the Parliamentary Committee on National Security and Foreign Relations. As of March 2022, the committee had yet to submit its review.

The restrictions include requiring organizers of assemblies to inform the police of any planned gatherings and give the police wide discretion in granting permission. For instance, under article 33 of the law, police may broadly restrict the right to assembly if the gathering poses a threat to national security, to maintain public safety, to establish public order in accordance with legislation, to protect “public morals,” or to protect the rights and freedoms of individuals. Not obtaining prior permission can have consequences beyond just preventing the protest: On December 11, 2021, the Maldives civil court upheld a Maldives Police Service (MPS) decision to dismiss Aisha Rasheed, Yameen Rasheed’s sister, from her job as assistant director for participating in an August 8, 2017 march marking the third anniversary of Ahmed Rilwan’s abduction. The march had been deemed unlawful because the organizers had not obtained permission from the police beforehand as required under the Freedom of Assembly Act.¹⁸²

¹⁸⁰ Human Rights Watch phone interview with Shahindha Ismail, February 25, 2021.

¹⁸¹ Mariyam Malsa, “Usham Slams Rejection of Amendment Assuring Freedom of Assembly,” *The Edition*, November 26, 2020, <https://edition.mv/news/20595> (accessed May 9, 2021).

¹⁸² Areeba, “Civil Court upholds Maldives Police Service’s decision to fire Aishath Rasheed for participating in ‘Suvaalu’ March,” *Times of Addu*,

December 12, 2021, <https://timesofaddu.com/2021/12/12/civil-court-upholds-maldives-police-services-decision-to-fire-aishath-rasheed-for-participating-in-suvaalu-march/> (accessed March 31, 2022).

The act also allows police to restrict demonstrations to designated areas and limits access for journalists, including when police are dispersing a protest. In May 2021, police used excessive force to stop a Labor Day protest held in Malé by Rise Up MV, an organization that advocates for children’s rights, using pepper spray on protesters and journalists at close quarters and hand-cuffing adult protesters after forcing them to the ground.¹⁸³ Reporters Without Borders criticized the police and called for the government to investigate complaints of police brutality against journalists.¹⁸⁴ Several protesters were arrested but released shortly after.¹⁸⁵ The Human Rights Commission of the Maldives noted that allegations of police abuse should be investigated under the Anti-Torture Act and that all citizens be given the right to freely protest.¹⁸⁶ Police Commissioner Mohamed Hameed announced an investigation into the actions of the officers concerned, but as of March 2022, no findings had been announced.¹⁸⁷

The government has also used measures meant to prevent the spread of Covid-19 to prevent protests. In February 2021, the police in Malé arrested opposition party members who had held a demonstration outdoors protesting the government’s allotment of public housing. All were released but fined for breaking the Health Protection Agency’s guidelines on Covid-19.¹⁸⁸ However, opposition party leaders, including MP Adam Shareef, claimed that the protests were held in accordance with Covid-19 requirements on social distancing and masks. Shareef noted that the opposition protests were being held due to the

¹⁸³ Aishath Hanaan Hussain Rasheed, “Police Under Fire for Excessive use of Force at Labour Day Protest,” *Raajje*, May 02, 2021, <https://raajje.mv/99253> (accessed May 9, 2021).

¹⁸⁴ @RSF_inter, #MaldivesMV:

@RSF_inter firmly condemns the police's excessive use of violence against journalists at the end of Saturday's #LabourDay protests, and joins @mjamaldives in asking Pdt @ibusolihi to ensure a safe working environment for reporters in the field.” *Twitter*, May 3, 2021, 9:11 a.m., https://twitter.com/RSF_inter/status/1389205901165334528?s=20 (accessed march 31, 2022).

¹⁸⁵ @MvRiseUp, “RiseUp was protesting peacefully for workers rights when the Police attacked us and used force against our protestors. We will not tolerate such brutality from the Police and we call upon @M_Hameedh to investigate this matter and to free @Nuha_Adam_Manik.” *Twitter*, May 1, 2021, 2:03 p.m., <https://twitter.com/MvRiseUp/status/1388554769908699143> (accessed May 9, 2021).

¹⁸⁶ @hrcmv, “[Freedom of assembly is a right that is granted to all citizens and all citizens should have the opportunity to exercise this right. In relation to last night’s incident, we will be investigating the case under the Anti-Torture Act],” *Twitter*, May 2, 2021, 5:06 p.m., <https://twitter.com/hrcmv/status/1388781823971389440> (accessed May 09, 2021).

¹⁸⁷ Mariyam Nima Hassan, “Investigation into the excessive use of force by the police during last night’s protest,” *Jazeera*, May 2, 2021, <https://jazeera.mv/88140/> (accessed May 9, 2021).

¹⁸⁸ Zunana Zalif, “30 Opposition Protesters Fined and Released from Custody,” *Raajje*, February 27, 2021. <https://raajje.mv/95998> (accessed May 9, 2021).

deteriorating conditions in the country and that “Covid-19 cannot be used as a weapon to infringe on people’s right to be heard.”¹⁸⁹

Since the Covid-19 pandemic began in 2020, the government has also interpreted the public safety provision of the law broadly to block migrant workers’ protests that took place between May and July 2020.¹⁹⁰ For example, on July 14, 2020, the Home Affairs Ministry declared that street protests and marches could only be held with prior written approval from the Maldives Police Service, except in one closed-off location in Malé.¹⁹¹ In June 2020, the political movement Navaanavai organized a protest in front of the People’s Majlis over the deteriorating socioeconomic conditions linked to the pandemic and restrictions to contain an outbreak. The police broke up the protest. Ahmed Mohamed, a member of Navaanavai, said that police action violated the right to peaceful assembly. “The protests included 14 individuals, all of whom were socially distanced and wearing masks,” he said.¹⁹²

In July 2020, Ikleela Hameed, the founder of Voice of Children, a children’s rights organization, said the police had reached out to her prior to planned protests demanding justice for sexual offenses against children.¹⁹³ Hameed noted that while her group held their protest as required under the health guidelines, the police still blocked it. She said:

Despite only five people attending the protests [and] wearing masks and maintaining their distance, police did not let us continue protesting. Instead, we were moved to another location and then detained. However, we were not officially placed under arrest, nor were there any records kept of the detention. During the time in which I was kept in police custody, I

¹⁸⁹ Human Rights Watch phone interview with Adam Shareef, March 1, 2021.

¹⁹⁰ “Maldives: Migrants Arrested for Protesting Abuses,” Human Rights Watch news release, July 24, 2020, <https://www.hrw.org/news/2020/07/24/maldives-migrants-arrested-protesting-abuses>.

¹⁹¹ “No gatherings without prior written approval: Ministry of Home Affairs,” *The Edition*, July 14, 2020, <https://edition.mv/news/17879> (accessed January 26, 2022); “Maldives: Free Speech, Assembly Under Threat,” Human Rights Watch news release, July 14, 2020, <https://www.hrw.org/news/2020/07/14/maldives-free-speech-assembly-under-threat>.

¹⁹² Human Rights Watch phone Interview with Ahmed Mohamed, February 27, 2020.

¹⁹³ Human Rights Watch phone Interview with Ikleela Hameed, February 27, 2020.

was unable to make any phone calls to my family, as my phone had also been confiscated.¹⁹⁴

Ahid Rasheed said that since the pandemic began, the government has imposed additional restrictions to prevent the spread of the virus, but, because of this, the government's willingness to protect the right to freedom of assembly has not actually been put to the test.¹⁹⁵ In response to questions from Human Rights Watch, the government said it is "committed to upholding all rights enshrined in the Constitution" and is "waiting on the outcome of the bill on repealing the 2013 Freedom of Peaceful Assembly Act, before considering other measures to improve citizens right to peaceful assembly."¹⁹⁶

¹⁹⁴ Ibid.

¹⁹⁵ Human Rights Watch phone Interview with Ahid Rasheed, February 25, 2021.

¹⁹⁶ Written response by the President's Office to Human Rights Watch, April 22, 2021. See Appendix II.

IV. Recommendations

Ending Impunity

The Maldives has struggled to address deep-rooted corruption and the continuing influence of extremist groups and criminal gangs on its judiciary, police, and other government institutions.

In order to do so effectively, it needs to tackle longstanding impunity. However, successful prosecutions can only be mounted if their investigations are based on credible evidence and with the cooperation of appropriate witnesses. In the Maldives, witnesses are frequently threatened by perpetrators, particularly those who enjoy political patronage.

In this regard, it is vital that the Commission on Deaths and Disappearances complete its inquiries in a credible, transparent, and time-bound manner, including by questioning relevant government officials and security force members. The government should act on the Commission's findings by prosecuting those found responsible for rights violations, and by ensuring independent investigations into other instances in which activists and others have been targeted as *laadheeneelaadheenee* and prosecuting those responsible for violent crimes.

Donors should assist the Maldives to develop the capacity to gather evidence for criminal prosecutions, including through forensic means, to adopt policies that support and protect witnesses, and to provide training to ensure due process and fair trials.

Judiciary and Police

The Maldives has not developed a transparent and impartial process to select judges. The judiciary appointed by a politicized JSC has raised serious concerns about the independence of the judiciary. The government, through the Judicial Service Commission, should credibly and impartially investigate all allegations of judicial misconduct, including corruption and political interference in the courts. In addition, it should ensure that the composition and functioning of the Judicial Service Commission itself is in line with international principles of independence and accountability of the judiciary.

Judges typically do not have training or experience in international human rights standards. Many also need support in practical judicial skills, such as decision writing, drafting directions and orders, and proper courtroom procedures. The trial and appeals process is also subject to many delays, which hinders access to justice for those whose rights have been violated.

Lack of accountability has also undermined the proper functioning of the police. The government should ensure that police officers are held accountable for abuses including torture, assault, and excessive use of force. Donor support should also incorporate best practices for recruitment, training, and command oversight of the police to reduce and eliminate bias based on religion, political views, and other grounds. Donors should help create a system of oversight in which supervisors hold their charges accountable for mistreatment and are themselves reviewed and evaluated, in part, by how they address subordinate officers who commit human rights violations.

Ultimately, genuine reform of the criminal justice system will require political will at the highest levels of government to bring about greater respect for basic rights. It is important that donor support encourages greater political will to address the Maldives' longstanding problems in the judiciary and police.

Rights and Legislation

When the Solih administration took office it pledged to make a number of legislative changes to better protect human rights. As of March 2022, only some of these changes had been made. Among those that the government should act on urgently is to amend the Maldives criminal code and the Freedom of Peaceful Assembly Act to conform to international standards on freedom of expression and assembly.

Specific Recommendations

To the Maldivian Government

- Amend the Penal Code to ensure it is fully consistent with international standards;
- Promptly enforce amendments to the Police Act. Ensure accountability for abuses or corrupt practices intended to protect perpetrators from prosecution;

- Establish an independent mechanism to investigate police misconduct including allegations of torture, excessive use of force, witness intimidation, and politically motivated interventions to protect perpetrators from prosecution;
- Set up an independent complaints mechanism to investigate citizen complaints concerning alleged police involvement in criminal activities. Conduct and make public an analysis of the complaints and action taken individual police officers who are the subject of complaints;
- Expedite efforts to enact the Criminal Procedure Bill, the Witness Protection Bill, and the Juvenile Justice Act that meet international human rights standards;
- Act on the findings of the Commission on Deaths and Disappearances and ensure that the Attorney General, the police, the army, and other officials cooperate in the inquiry;
- Provide appropriate legal and practical training and education for judges and prosecutors on international human rights standards;
- Amend and enact a uniform Evidence Bill that is consistent with international fair trial standards, including prohibiting the use of evidence obtained through coercion;
- Reform investigation practices by reviewing and adopting interrogation rules, make video recordings of interrogations mandatory, and introduce safeguards to the legal rights of suspects and the integrity of the process;
- Develop procedures for crime scene examination, collection, and protection of evidence;
- Act on recommendations of the Prison Audit Commission to improve prison conditions;
- Prosecute cases of incitement to violence and assault by groups publicly targeting individuals as *laadheeneelaadheenee*; and
- Promptly enact amendments to the Freedom of Assembly Act so that it meets international human rights standards.

To Bilateral and Multilateral Donors

- Strongly advocate with the Maldivian government to act on pledges to reform the criminal justice system so that investigations are credible, prompt, and impartial, and that the due process of suspects is respected;

- Consult with Maldivian government agencies and independent civil society and community groups on the design of credible and cost-effective assistance programs to reform the justice system;
- Provide necessary support for appropriate training on human rights standards to judicial officers and the police; and
- Provide appropriate support to independent government commissions investigating human rights violations.

Acknowledgments

This report was written by Nash'ath Mohamed, consultant to Human Rights Watch. Patricia Gossman, associate Asia director and Meenakshi Ganguly, South Asia director of the Asia Division, edited and provided divisional review. James Ross, legal and policy director, provided legal review; and Danielle Haas senior editor in the program office, provided program review. Editorial and production assistance was provided by Racquel Legerwood, senior coordinator for the Asia Division; and Travis Carr, senior publications coordinator. The report was prepared for publication by Jose Martinez, senior coordinator, and Fitzroy Hepkins, administrative manager.

Human Rights Watch wishes to thank all those in The Maldives who agreed to be interviewed. We have honored their requests for anonymity.

Appendix I: Human Rights Watch Emails and Letters to the Government, April 2, 2021 – February 6, 2022

Email Sent to Sabra Ibrahim Noordeen, April 2, 2021

Dear Sabra:

RE: Maldives - Covid 19 and Migrant Workers Report

Thanks again for the meeting—especially as you did it while in quarantine. As promised I have listed below the key issues we are looking at. I would be grateful for any information you could provide on these. If there are documents available, it would be great to have them so we can include the most updated information. (I realize these may be in Dhivehi but we are working with some people who could help with that). Thanks very much.

All Best,

Patricia Gossman

Associate Director, Asia Division, Human Rights Watch

1. Can you update us of the work by the Commission on Deaths and Disappearances and in particular the status of the Rilwan investigation?
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.
3. What particular steps is the government undertaking to ensure the safety of civil society organizations working on human rights?
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?
5. Can you update on the status of reform to the JSC?

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?
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?
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?
9. Could you provide any update on the MMPRC corruption investigations?
10. What are the government's plans to address gender based discrimination and violence (including allegations against politicians)?

Letter to Office of the President, February 2, 2022

Mr. Ibrahim Hood
Office of the President
Malé, Maldives

February 2, 2022

Dear Mr. Hood:

I am writing to you on behalf of Human Rights Watch, an international human rights organization working in over 100 countries worldwide. We have published a number of reports on the Maldives, which can be found on our website at <https://www.hrw.org/asia/maldives>. I was previously in touch with your colleague, Sabra Ibrahim Noordeen, who I believe is now working on climate change.

Human Rights Watch is currently completing research on the state of reforms to the Maldives' criminal justice system. We will publish a report on our findings in the coming months. In order to ensure that we include all recent developments, we would like your thoughts on the progress and setbacks that have occurred, and your responses to a few questions. We would be grateful if someone in your office would send us a response by February 20.

As you know, we have been concerned about attacks by extremist groups on politicians and civil society activists, including those that have been investigated by the Commission on Deaths and Disappearances, and of course the attack last May on Mohamed Nasheed. We would greatly appreciate any updates you could provide on the status of that investigation, and any others currently under investigation. (We are also contacting the DDCoM). We have seen the new Hate Crime law, and we were also interested in any other efforts underway to address threats and harassment of civil society activists, journalists, political figures, and others.

We would appreciate responses to the following questions:

1. We note that in its preliminary findings, the United Nations Working Group on Arbitrary Detention raised concerns about the excessive length of pre-trial detention, and that pre-trial facilities operate over capacity. Many pre-trial detainees are in police custody for months and sometimes years. What steps has your office taken to address this?
2. We are aware that Maldivian human rights and media groups have raised concerns about the Evidence Bill and that these concerns are being taken under consideration. Could you provide us with an update on the bill?
3. Where do matters stand with respect to the recommendations in the Prison Audit report? Kindly direct us to the appropriate office for an update.

We would also like to learn about any other measures your office is initiating or facilitating to carry out the President's reform agenda.

Thank you very much for your consideration of our request.

Patricia Gossman

Associate Director, Asia Division, Human Rights Watch

Letter to Attorney General's Office, February 2, 2022

Ms. Faena Fayyaz
Senior State Counsel, Attorney General's Office
Malé, Maldives

February 2, 2022

Dear Ms. Fayyaz:

I am writing to you on behalf of Human Rights Watch, an international human rights organization working in over 100 countries worldwide. We have published a number of reports on the Maldives, which can be found on our website at <https://www.hrw.org/asia/maldives>.

Human Rights Watch is currently completing research on the state of reforms to the Maldives' criminal justice system. We will publish a report on our findings in the coming months. In order to ensure that we include all recent developments, we would like your thoughts on the progress and setbacks that have occurred, and your responses to a few questions. We would be grateful if someone in your office would send us a response by February 20.

As you know, we have been concerned about attacks by extremist groups on politicians and civil society activists, including those that have been investigated by the Commission on Deaths and Disappearances, and of course the attack last May on Mohamed Nasheed. We would greatly appreciate any updates you could provide on the status of that investigation, and any others currently under investigation. (We are also contacting the DDCOM). We have seen the new Hate Crime law, and we were also interested in any other efforts underway to address threats and harassment of civil society activists, journalists, political figures, and others.

We would appreciate responses to the following questions:

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3. Where do matters stand with respect to the recommendations in the Prison Audit report? Kindly direct us to the appropriate office for an update.

We would also like to learn about any other measures your office is initiating or facilitating to carry out the President's reform agenda.

Thank you very much for your consideration of our request.

Patricia Gossman

Associate Director, Asia Division, Human Rights Watch

Letter to the Comission on Deaths and Disappearances, February 6, 2022

Ms. Fareesha Abdullah
President
Commission on Deaths and Disappearances
Malé
Maldives

February 6, 2022

Dear Ms. Abdullah:

I am writing to you on behalf of Human Rights Watch, an international human rights organization working in over 100 countries worldwide. We have published a number of reports on the Maldives, all of which can be found on our website at <https://www.hrw.org/asia/maldives>. Our 2018 report included the details of some of the attacks that have been under investigation by the DDCom. I was previously in touch with Justice Husnu Suood and met with him in December 2019.

Human Rights Watch is currently completing research on the state of reforms to the Maldives' criminal justice system. We will publish a report on our findings in the coming months. It will include a substantial section on the DDCom. In order to ensure that we include all recent developments, we would like your thoughts on the progress of the Commission's investigations and your plans for completing the work.

We would be grateful if someone in your office would send us a response by February 20.

Thank you very much for your consideration of our request.

Sincerely,

Patricia Gossman

Associate Director, Asia Division
Human Rights Watch

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"> - Reforms were brought to the criminal procedure code last year - Civil procedure code bill is now in the parliament committee stage
3	Courts that are easily physically accessible and are built to serve the public.	<ul style="list-style-type: none"> - District courts to be established in north and south of Maldives. - Establish Male' Court Complex for the lower courts - Develop new buildings for the Supreme Court and High Court - Digitization of the Courts to increase accessibility and avoid delayed trials.
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> <p>Supreme Court – 2 Civil Court – 2 Criminal Court – 1 Juvenile Court – 1 Magistrate Court – 1</p>

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.

Appendix III: Information for Human Rights Watch Provided by the Maldives Death and Disappearances Commission, February

20, 2022

The Commission's inquiry into the murders of religious scholar and Member of Parliament, Dr. Afrasheem Ali, blogger Yameen Rasheed and the disappearance of journalist and human rights defender Ahmed Rilwan Abdulla, indicate that all three cases are interlinked.

At the request of the families of Ahmed Rilwan Abdulla and Yameen Rasheed, the Commission engaged an external investigation expert in September 2020 with assistance from international human rights organization, Justice Rapid Response. This international senior crime investigator has provided us with mentoring support regarding strategic decision making, intelligence development, major incident room management, improved crime analysis and interviewing of victims, witnesses and suspects, as well as enhancing our communication with the media, and giving 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. The Commission is following new lines of enquiry suggested by the expert including liaising with expert forensic analysts.

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 by identifying, configuring and implementing an information and case management system used worldwide to investigate complex and large, serious and organized crime. The Commission is working with a designated Prosecutor to minimize issues faced at prosecution stage in the murders of Dr. Afrasheem Ali, Yameen Rasheed and disappearance of Abdulla Rilwan. We also have embedded Maldives Police Officers working as part of our Investigation team.

In July 2021, the President designated a Steering Committee to assist the Commission in expediting its investigation. The composition of the Steering Committee includes a representative from the President's Office, the Minister of Home Affairs, Attorney General, Prosecutor General and the members of the Commission. The designation of the Steering Committee has expedited the processes of the Commission and has been steadfast in providing any requested assistance.

One of the main challenges the Commission is facing is the reluctance and refusal of witnesses and informants to give evidence to the inquiry. This situation was due to lack of confidence and trust in the relevant state institutions and the non-existence of a witness protection program in the Maldives. To mitigate these challenges, the Commission is assisting Maldives Police Service in establishing a formal witness protection program in March 2022.

We are working towards completing our investigation into Ahmed Rilwan Abdulla's case by mid-2022. Following Criminal Court's verdict on Yameen Rasheed's case on 19th January 2022, the Commission is able to proceed with our investigation into the case.

Our findings indicate that the cases we are investigating took place at a time where there was widespread criminality, corruption, misconduct and obstruction of justice among the high-level government officials which contributed to a culture of impunity for crimes committed by both religious extremists and criminal gangs.

The ultimate goal of the Commission is to prosecute persons at all levels for the offences they have committed from misconduct in public office, attempting to pervert the course of justice, murder, attempted murder, kidnapping, threats to kill, corruption, and accomplices whom we identify during the course of our inquiry. The Commission is also considering how to address systemic issues identified during our work and develop recommendations to ensure non-recurrence of these crimes in the future.

Appendix IV: Information for Human Rights Watch Provided by the Attorney General's Office, February 28, 2022

A. Progress achieved and challenges to the criminal justice system

Revision to the Prosecution Directives

- On 31st December 2018, the Prosecution Directives were revised by the Attorney General after its initial determination a decade ago. First amendment to the revised Prosecution Directives was issued on 20th October 2019.
- The reviewed directive hinges on the fundamental principles of fairness, impartiality and upholding the rule of law by the Prosecutor General in executing the duties and responsibilities set forth in the Constitution. The policies seek to ensure that the Prosecutor General acts within the ambit of law, by ensuring a balance between the rights of the accused, victim and that of the society as a whole.
- The directives establish main considerations for the Prosecutor General under the primary themes of raising charges, forgoing and reviewing charges; investigation and remand; sentencing and appeal.
- Prominent aspects of the renewed directive include, the special emphasis on prioritizing rehabilitation and reintegration in cases involving children in conflict with the law, restriction of undisclosed testimonies in cases of homicide, offences relating to gang violence and terrorism, and the obligation assigned to the Prosecutor General to ensure timely review of remand periods. As such, on 11th December 2019, the Prosecutor General commenced an extensive review of delayed trials and prolonged remand periods.
- The Prosecution Directives are issued by the Attorney General as broader policy directives to be upheld within the criminal justice system, as per Article 133 (g) of the Constitution of the Republic of Maldives.

Adoption of new laws

- Law No: 12/2016 (Criminal Procedure Act) was enacted in 2016, consolidating and codifying all the rules pertaining to the investigation, raising charges, trial and sentencing.

- The Criminal Procedure Act has since been amended in September 2020, in the context of the restrictions triggered by the COVID-19 pandemic, to allow for continued access to justice by recognizing online hearings. The Criminal Procedure Act also emphasizes timely hearing of cases, by obligating the judges to ensure continuous trials in order to protect the right to liberty and other fundamental rights enshrined in the Constitution.
- Further amendments to the Criminal Procedure Act are underway to introduce a comprehensive plea-bargaining mechanism.
- Law No: 18/2019 (Juvenile Justice Act) is a significant piece of legislation that addresses children in conflict with the law. Prior to the enactment of this legislation, a regulation was in place to govern matters relating to children in conflict with the law within the criminal justice system. The Juvenile Justice Act stipulates the inviolable rights of children who come in conflict with the law and are exposed to the criminal justice system. More importantly, the Juvenile Justice Act has introduced a distinct track within the criminal justice system for children in conflict with the law. One of the key features of this Act is the introduction of diversion mechanisms which provides the child an opportunity at a rehabilitative process in lieu of lengthy trials and incarceration, essentially moving away from retributive system to one that encourages rehabilitation and meaningful reintegration.
- Second Amendment to Law No: 32/2015 (Prevention of Terrorism Act) seeking to realign the definition of terrorism with that of the UN security council resolutions, to prevent its abuse to suppress political dissent, is another significant achievement to ensure protection of human rights within the criminal justice system.
- Law No: 34/2020 (Police Act) is a modern and comprehensive piece of legislation that seeks to enhance the provision of policing, internal governance of the police force and more importantly promote rights centric policing services within communities.
- Work is also underway to introduce legislative amendments to the Law No: 13/2010 (Judges Act) and Law No: 22/2010 (Judicature Act of Maldives) to setup the district courts mechanism and the circuit court model for High Court hearings. These legislative amendments are expected to maximize efficiency of the judiciary while enhancing the access to justice.

Judicial Reform

- Judicial Reform was one of the key pledges of the Government and the measures to implement a fair, impartial and efficient justice system continues to have its beneficial impact on the criminal justice system as well.
- The judicial reform policies cover mainly three components- enhancing court administration, furthering accountability and integrity of judges, and continuing education of judges. In that regard, amendments have been brought to the Law No: 10/2008 (Judicial Service Commission Act) to introduce a stringent mechanism for judge's disciplinary hearings and anonymous submission of complaints. The Judicial Service Commission continues to vigorously pursue its mandate in ensuring the impartiality and quality of judges within the Maldivian justice system by executing thorough appraisals of performance.
- Appointment of the new bench to the Supreme Court of Maldives has had a remarkable impact on the soundness and clarity of judgments, respect to due process, fairness, and transparency of their proceedings.
- Further, steps were implemented towards achieving gender parity within the Judiciary. In September 2019, the first women Justices to the Supreme Court were appointed. The first woman Judge to the Criminal Court was appointed by the Judicial Service Commission (JSC) in September 2020 and a woman Judge has been appointed to the High Court in October 2020. As a result, for the first time in the history of Maldives, currently there are women judges presiding over cases at all tiers of the court system – from the Magistrate Courts to the Supreme Court of the Maldives.

Establishment of a communication protocol between Maldives Police Service (MPS) and Prosecutor General's Office (PGO)

- In order to enhance communication between the investigative authorities and the Prosecutor General's Office, a direct communication portal has been established between Maldives Police Service (MPS) and the Prosecutor General's Office (PGO). The purpose

- of this portal is to efficiently relay directives from the PGO to the MPS, primarily during the investigation stage.
- The communication portal allows the prosecution team to keep close track of the investigation and provide instructions where necessary, on matters relating to criminal procedure and evidence collection. This enables efficiency within the prosecution process, minimizing the need to revisit the case for possible noncompliance of criminal procedure rules. The effective communication also allows proper documentation of decisions and instructions between the investigative authority and the PGO.

Challenges posed due to the absence of a modern Evidence Law

- Absence of a modern evidence law and strengthened witness protection regime pose a grave challenge in securing convictions and this is felt broadly across the entire justice system of Maldives.
- Mostly in criminal cases, structure and makeup of Maldivian communities present a primary challenge to securing testimonies. There have been instances where the perpetrators have identified witnesses, subjecting them to threat and harassment, even endangerment to life. The extent of this issue has contributed to a general hesitancy to give testimonies and this affects the number of convictions secured.
- However, in September 2020, an amendment has been brought to the Criminal Procedure Act to introduce rules of witness protection in cases concerning major criminal offences. As per the amendment, the judge afforded the discretion to admit testimony in a manner that ensures maximum to the person giving such a witness/testimony.
- A modern and overhauled Evidence Bill has also been submitted to the Parliament. Updates on the Evidence Bill is mentioned below.

Resource constraints

- Lack of sufficient infrastructure and sufficiently trained human capital also present a challenge to the criminal justice system. Additionally, given the geographically dispersed nature of Maldivian islands, there are inevitable challenges to conducting trials, transportation of witnesses and accused persons across islands.
- The criminal justice system deals with complex matters, some of which require indepth knowledge of the subject matter. Maldivian criminal justice system experiences a lack of investigators, prosecutors and judges specializing in these complex fields (matters relating to financial crimes for an instance).
- Competent, ethical and professional defense counsels are also an essential component. While the enactment of Law No: 5/2019 (Legal Professions Act) and the establishment of a Bar Council to enable independent and self-governance of the profession have been positive steps to ensure standards in the profession, much need to be done to establish a pool of qualified defense counsels.

Implementation of non-custodial punishments mechanism

- The Law No: 9/2014 (Penal Code of Maldives) allows for the implementation of non- custodial punishments. However, the mechanism is yet to be developed to ensure its effective execution within the courts and correctional institutions.

Challenges pertaining to mutual legal assistance

- Law No: 2/2015 (Act on Mutual Legal Assistance) was enacted in 2015. While Maldives continues to negotiate mutual legal assistance treaties with countries, lack of an institutionalized system presents a great challenge particularly in relation to collection and admission of evidence in transnational organized crimes.

Adequate training of judges and backlogs

- Continuing legal education and training for judges is an utmost priority covered within the judicial reform efforts of the Government. Lack of expertise on the part of judges that will contribute to better performance is one of the challenges faced by the criminal justice system. In order to rectify this issue, Maldives Judicial Academy (MJA) has been established within the purview of Department of Judicial Administration, to identify training needs for judges and conduct specific programs aimed at improving their skillset. The MJA has a specific Advisory Board steering implementation of the programs and has engaged an international consultant to be stationed there. A training calendar has been developed and programs continue to be implemented.
- A long-standing issue and challenge within the criminal justice system is the backlog of cases primarily delayed due to lack of necessary infrastructure, staff shortages, and lack of ICT integration into the work. To resolve the backlog and enhance efficiency of the courts, Department of Judicial Administration (DJA) has now initiated the development of a centralized case management system that will be utilized by the courts to track progress of cases.

B. Updates on the cases pertaining to 6th May terrorist attack

- On 6th May 2021 around 08:30 pm, an IED was detonated near the residence of the Speaker of Parliament and former President Mohamed Nasheed. President Mohamed Nasheed sustained several serious injuries to his body, and was immediately taken to the nearest hospital. There, President Nasheed underwent several lifesaving surgeries.
- Following an extensive investigation which also included support from foreign experts, charges were raised against 9 (nine) individuals who were involved in the execution and planning of the attack.
- Mr. Adhuham Ahmed Rasheed- the individual who detonated the device- had 4 charges raised against him. The charges include committing an act of terrorism, conspiring to commit an act of terrorism, supporting a terrorist organization, and attempting to murder

- by using a sharp object or dangerous weapon. The charges were raised under the Law No: 32/2015 (Prevention of Terrorism Act) as amended by the second amendment, and the Law No: 17/2010 (Act on Prohibiting Threatening and Possession of Dangerous Weapons and Sharp Objects). His trial concluded on 14th December 2021. Following the execution of a plea deal between him and the Prosecutor General's Office as per Section 140 of the Criminal Procedure Act, he was convicted on two charges and sentenced to a total of 23 (twenty-three) years of imprisonment.
- The trials of the remaining suspects are still at pre-trial stage at the Criminal Court. Remaining suspects have primarily been charged with aiding and abetting to commit an act of terrorism, conspiring to commit an act of terrorism, supporting a terrorist organization and for production, sale or transportation of weapons of war or items containing explosive or destructive material, pursuant to the Prevention of Terrorism Act.
- Maldives Police Service continues to identify individuals operating pseudo accounts on social media to harass and threaten human rights defenders and summon individuals for questioning or take them into custody where necessary. Maldives Police Service also continues to take appropriate steps through their Cybercrime Department and in accordance with the applicable rules, to block certain social media accounts that pose grievous threats to other individuals within the online sphere.

C. Updates on the Evidence Bill and Amendment to Law No 9/2014 (Penal Code of Maldives)

Evidence Bill

- A modern and completely new Evidence Bill was submitted to the Parliament on 10 April 2021. The Bill is currently being discussed at the Committee Stage. Following the submission of the Bill, some concerns were raised in relation to the privileges afforded to journalists under Article 28 of the Constitution of the Republic of Maldives, right to choose to refrain from disclosing the source of information.

- The Attorney General's Office (AGO) on 28th September 2021, issued a statement clarifying that the stipulation in the Bill to allow a judge to order for a disclosure of source of information was formulated in consideration of the test stated in Article 16 of the Constitution. The AGO further committed to resolving the concerns via revisions proposed to the Bill at the Committee Stage.

Amendment to the Law No: 9/2014 (Penal Code of Maldives)

- An amendment was brought to Law No: 9/2014 (Penal Code of Maldives) on 28th November 2021, to introduce provisions on the commission of acts of takfir, acts of hate committed based on race, place of birth, colour, and political views of a person.

D. Work done to address the issues surrounding pre-trial detention

- The usage and length of pretrial detention has been a cause of concern for the Government, and number of measures are being implemented by the relevant authorities to monitor and reduce (where possible) the use of pretrial detention.
- The basis for pretrial detention in Maldives is set forth in the Constitution and the Criminal Procedure Act. Article 49 of the Constitution states that, no person shall be detained in custody prior to sentencing, unless the danger of the accused absconding or not appearing at trial, the protection of the public, or potential interference with witnesses or evidence dictate otherwise. The release maybe subject to conditions of bail or other assurances to appear as required by the court.
- The amendment to Section 60 (i) of the Criminal Procedure Act in September 2020, has made it compulsory for the courts to conduct judicial reviews of the detention of accused persons held in remand, in every 30 days. The purpose of these hearings is to determine whether their detention is truly warranted or not. This arrangement has also allowed the state to closely monitor medical and other needs of the detainees. It has also allowed the State to closely monitor the medicals need and other concerns of detainees.

- Prior to the aforementioned legislative amendment, first amendment to the Prosecution Directives issued on 20th October 2019, mandated the Prosecutor General to conduct a 30-day review of those held in remand, initiate a request to the court to release those held in remand, and share the details of this work with the Parliament bi-annually.
- Additionally, the Prosecutor General’s Office has commenced implementation of following measures to ensure continuous oversight of the persons deprived of liberty pending a trial.
- Internal Review- Setting up a Remand Review Section and implementing an internal review process of all the persons held on remand, every 30 days. Under this review system, 50 people who would otherwise be held in detention have been released under PGO’s initiative;
- Releasing suspects detained on drug offenses involving less than 300g of narcotics substance;
- Further, the Government is planning to introduce amendments to the Law No: 17/2011 (Drugs Act), to emphasize rehabilitation and reintegration to victims of substance abuse. The amendment is also expected to direct all drugs and narcotics related cases to the Drug Court, established with the specific jurisdiction over such cases, to enable timely resolution of cases concerning general crimes in the Criminal Court.

E. Prison Reform

Work done to address the issue of prison overcrowding- Ministry of Home Affairs

- Prison overcrowding is a primary concern for the Government. A number of efforts are being undertaken by the primary mandate holders to resolve this issue and improve the conditions of imprisonment.
- Work is underway, led by the Ministry of Home Affairs, to develop a modern prison complex in *Hulhumale'*. This prison complex is expected to house up to 300 detainees. The Ministry is currently in conversation with relevant stakeholders in designing the infrastructure of the facility, especially in ensuring the design incorporates international best practices and standards. Work is also currently underway to renovate a unit in *Asseyri Prison (Himmafushi Island)* with the aim to create more space to house detainees.

- The Maldives Correctional Service, with the support of Ministry of Home Affairs, has been operationalizing the Special Management Unit developed within *Maafushi* Prison. The Special Management Unit has been developed to manage and rehabilitate detainees harboring violent extremist ideologies. Primary objective is to prevent the spread of radicalized ideologies within the prison population. The Unit houses 40 detainees. Due to the nature of the detainees and the programs to be implemented, the process of transferring detainees to the unit had been managed gradually.
- Further, cells in *Maafushi* Prison and Male' Prison have been inspected by the Inspector of Corrections, for its suitability to be converted into pre-trial detention units. Complaints of individual pre-trial detainees being held in police custody are often received, and looked into by the Inspector of Corrections.
- Further, work is underway to introduce legislative amendments to the Law No: 14/2013 (Prison and Parole Act) and Law No: 2/2010 (Clemency Act) to ensure meaningful reintegration of offenders and minimize prison population.
- The Maldives Correctional Services (MCS) is also working to establish a modern and comprehensive offender data management system, that will enhance the quality of services provided to the detainees.

Progress on the implementation of the Prison Audit Recommendations

- A comprehensive audit of the Maldivian prison facilities was conducted in 2019. The majority of the recommendations put forth in the audit require budget allocation, and the financial challenges triggered by the onset of the Covid-19 pandemic has significantly delayed the implementation.

- The implementation of the Prison Audit recommendations is reviewed by a specific committee chaired by the Minister of Home Affairs. A recommendation is approved as completed only after documenting and verifying evidence, which sometimes includes a visit by committee representatives for a physical inspection.
- Despite the challenges, significant progress had been made in meeting recommendations relating to the improvement of health services to the prison population:
 - All prisons have either residential doctors, or have daily visits by a doctor to attend to outpatient consultations. Medical centers had been established and is operational in *Maafushi* Prison and Male' Prison. A psychiatrist provides services to the prison population, including online consultations and regular visits.
 - The medical professionals are licensed and registered under Ministry of Health, and their performance is regularly appraised by Maldives Correctional Service.
 - Health services are covered through the national health insurance scheme, *Aasandha*, and are managed through the national portal for health services. All medical documents are maintained in confidence, and can only be accessed by medical professionals and the relevant detainees. All medicines are administered under the guidance of a doctor.
 - The improvement of services in *Maafushi* Health Center had also enabled referrals for some specialist treatment to be attended quickly, without requiring transportation to the capital region.
 - Further, Health Protection Agency and Maldives Correctional Service continue to collaborate to conduct screenings for the prevalence of Tuberculosis within the prison population. Regular screenings for Tuberculosis and HIV have been incorporated into the initial health screening, and the Government hopes to maintain prison population as TB-free communities.

- In addition to this, MCS and the IGM Hospital has executed a contract to enable specialist doctors and technical staff to travel to prisons and treat patients requiring specialist medical intervention.

Initiative by the Attorney General’s Office to implement recommendations of the UNWGAD following the visit to the Maldives

- Following the United Nations Working Group on Arbitrary Detention’s visit to the Maldives in November 2021, an initiative is underway by the Attorney General’s Office to ensure implementation of the Working Group’s recommendations. This exercise will bring together all the relevant stakeholders of the government to identify short term, medium term and long-term activities that will be required to implement the recommendations.
- The expectation is to also include the recommendations from the Maldives review under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the recommendations set forth following the visit of UN Special Rapporteur on Torture, Nils Melzer, from 17 to 24 November 2019

“I Could Have Been Next”

Stymied Reforms in the Maldives

Since taking office in 2018, Maldives President Ibrahim Mohamed Solih has made some progress on human rights by abolishing some restrictions on the media and establishing the Commission on Deaths and Disappearances to independently investigate unresolved cases of violence against activists. However, the government has neglected other essential reforms, leaving the country’s justice system vulnerable to pressure from powerful interest groups and extremists who advocate for violence against journalists and government critics.

“I Could Have Been Next” finds that the Solih administration, more than halfway into its five-year term, has not fulfilled election promises to reform the criminal justice system to address threats to free expression. Although the government informed Human Rights Watch that it is actively working with state institutions to initiate reforms, it has often submitted to pressure from politicians and religious groups instead of upholding freedom of speech and association.

The report finds that the Commission on Deaths and Disappearances has made little progress amid allegations that politicians have intervened in the justice system to protect those responsible for crimes. The commission told Human Rights Watch that its goal was to prosecute people at all levels for offenses and to address systemic issues to prevent crimes in the future.

The Maldives has only recently emerged from decades of authoritarian rule. However, to build a robust and lasting democracy, the Solih administration should focus on urgent justice system reforms. Human Rights Watch calls on the government and its international donors to prioritize efforts to ensure judicial independence and accountability for serious abuses, and protect the right to free speech and association.



Soldiers secure a site after a bomb blast injured Mohamed Nasheed, the Maldives parliament speaker and former president, in the capital, Male, May 6, 2021.

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