

ATTACKS ON JUSTICE – REPUBLIC OF MALDIVES

Highlights

The Republic of Maldives suffers from a weak judicial system which functions as a branch of the executive. Judges have limited safeguards against undue influence, do not enjoy security of tenure, and are bound by the interpretations of the law made by the executive. The legal profession is nascent and subjected to an arbitrary form of regulation by the executive. The poor access to justice has led to a profound lack of trust in the judicial system, and caused significant problems for the protection of human rights. In response to domestic disquiet and international concern, in June 2004 President Gayoom announced a program of democratic reform to legalise political parties and create an independent judiciary. The outcome and credibility of the reform program is not yet evident.

BACKGROUND

The Maldives, formerly a sultanate, gained independence from the United Kingdom in **1965**, and became a republic in **1968**. Today, the Republic of Maldives is an Islamic state with a strong executive presidency. In **October 2003**, **President Maumoon Abdul Gayoom** was returned for a sixth five-year term in a national referendum, having been nominated as the sole candidate by the *People's Majlis (Parliament)*. President Gayoom is the **Constitutional Head of State, Head of Government, and Head of the Judiciary** (<http://www.maldiviandetainees.net/RelevantLegalDocuments/MaldivesConstitution.pdf>). He is also the **Head of the Supreme Council for Islamic Affairs**, the sole national authority on the interpretation of Islamic law, Shari'a. The Maldives is signatory to a limited number of international treaties (http://www.thecommonwealth.org/shared_asp_files/uploadedfiles/{0FD313B7-AF84-48DD-874C-9A8877F174E9} treatiesstatus.pdf), including the UN *Convention Against Torture*, albeit without incorporation into domestic law or a declaration recognizing the competency of the respective Committees to examine individual complaints.

In recent years, there has been considerable pressure for democratic reform in the Maldives. In **September 2003**, riots broke out in the capital Male' after the killing of four prisoners in custody. The riots were widely reported as a popular response to continued human rights abuse and political repression (<http://web.amnesty.org/library/Index/ENGASA290042003?open&of=ENG-MDV>). In **November 2003**, the President granted a blanket pardon to the majority of prisoners, and in **June 2004**, he announced a wide-ranging democratic reform agenda including an independent judiciary and the introduction of multi-party politics. A legislative assembly called the **Special Majlis** was convened in **July 2004** to debate a new constitution (http://www.maldivesroyalfamily.com/maldives_reform.shtml).

However, in **August 2004**, a peaceful demonstration calling for the implementation of reforms was forcefully broken up. Several hundred participants were arrested and a **State of Emergency** was imposed (<http://web.amnesty.org/library/Index/ENGASA290072004?open&of=ENG-MDV>). This response by the Government was widely condemned by the international community, including the **European Union**, which described the State of Emergency as grossly disproportionate (<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT%2BTA%2BP6-TA-2004-0017%2B0%2BDOC%2BXML%2BV0//EN&LEVEL=3&NAV=X>). In **October 2004**, the State of Emergency was lifted and by **January 2005**, those detained in the demonstration, including four senior ex-government officials and Members of Parliament facing charges of treason, were released under a presidential pardon. In the same month, elections were held for the **People's Majlis** in which several of those detained were permitted to contest.

In **May 2005**, the President's Office issued a statement of **Proposed Constitutional Amendments** as part of the reform programme ([http://www.maldiviant detainees.net/RelevantLegalDocuments/Proposed Constitutional Amendments 20050214.pdf](http://www.maldiviant detainees.net/RelevantLegalDocuments/Proposed_Constitutional_Amendments_20050214.pdf)). The proposed amendments, *inter alia*, provide for individual freedom of expression, freedom of information, the right to seek compensation for loss or injury as well as for the right to form political parties. The proposals would create the post of **Prime Minister** as the **Head of Government** while retaining an **Executive President** as **Head of State**, and also establish a **Senate** in addition to the **People's Majlis**. In **June 2005**, political parties were allowed to formally register for the first time although opposition parties are effectively required to register with, and at the discretion of, the ruling party rather than an independent body like an Election Commission.

In a surprising development, the **Supreme Council of Islamic Affairs** issued a *fatwa* (religious ruling) in **July 2005** prohibiting the possession and dissemination of the *Universal Declaration of Human Rights* (UDHR) on the grounds that Articles 16 and 18 on the rights to marry and found a family, and on freedom of religion contradicted the Maldivian Constitution (<http://www.haveeru.com.mv/?page=details&cat=cTrOPir&id=27017>). The **National Human Rights Commission** was forced to suspend its publication and dissemination of the UDHR. However, the prohibition was later retracted by the **President's Office** following intervention by the **Office of the High Commissioner for Human Rights** and the **International Commission of Jurists** (http://www.icj.org/IMG/pdf/UDHR_press_release.pdf).

JUDICIARY

The Maldives legal system is a combination of **codified modern law** and **Shari'a law**, with written law taking precedence. Statutory law is inchoate or absent in many areas, there is no established doctrine of precedence or other common law tradition, and no burden of proof is required for a court conviction. There is no system of jury trials. The ordinary jurisdiction, i.e. the **courts of first instance** based in each inhabited island, and the **Civil, Criminal, Family** and **Juvenile courts** in the capital, are organized under the **Ministry of Justice**. The **High Court**, the highest in the

judicial system and the court of last resort in Maldives, is organised under the **President's Office**. The High Court is presided over by the **Chief Justice** who is appointed and can be dismissed by the **President**, and handles appeals from the courts of first instance as well as politically sensitive cases which are prosecuted by the **Attorney General's Office**. Following a High Court ruling, litigants can appeal to the President's Office to overturn the ruling or have it sent back to the High Court for re-consideration.

Independence of the Judiciary

The judiciary is not independent since it operates as a branch of the executive, and judges are bound by the executive's interpretation of the law. In **mid-2005**, the former Attorney General, **Dr Mohamed Munavvar**, publicly apologized for his role in allowing convictions on the basis of statements taken under duress (<http://www.minivannews.com/news/news.php?id=849>). He described the court system as a mere "mail-forwarding service" for a politicised police and prosecution. Ninety-four per cent of all criminal cases are "confession based", typically meaning the defendant will have confessed their guilt in a non-retractable statement obtained through threat or torture, a prosecutor will read out the charges pertaining to this offence, and the judge will announce the appropriate sentence. Indeed, the fact that judges are recruited with very limited or no legal experience indicates the narrow role that they are expected to play within the administration of justice.

Judges are not provided with a professional code of conduct or guidance on ethics, except for the option of seeking advice on a matter from a judicial committee located within the President's Office. Submissions made to the **Special Rapporteur for Torture** in **2005**, to be made public in Spring 2006, tell of the removal of judges who declared a defendant's statement inadmissible because it was extracted under torture, and of a judge who responded to the protests of a defendant by saying he was only following the directions of the **Attorney General's Office**. This is particularly apparent with island judges who routinely transmit their findings and decisions for review by an administrative official before they are handed down. This is reportedly supposed to ensure proper oversight but the review may result in mandatory corrections and also opens another means for corruption for litigants who have contacts in the government hierarchy.

Appointment and Security of Tenure

Judges do not enjoy security of tenure, have limited safeguards against undue influence, and no recourse to a transparent and impartial disciplinary procedure. Judges are currently appointed, dismissed and transferred on the advice of the **Minister of Justice**, who is himself appointed and can be dismissed by the **President**. Judges earn approximately 60 per cent of the average national income, and the cost of accommodation in the capital can equal the remuneration of a government employee. Judges are further likely to be unduly influenced by housing privileges and other forms of government largesse. There are no women in the judiciary although there is no publicly stated prohibition against female judges. No independent professional association for judges exists or is provided for by law.

Judicial Reforms

In **May 2004**, the government amended some of the most criticised aspects of court proceedings through a decree entitled **Amendment of Rules Relating to the**

Conduct of Judicial Proceedings

(<http://www.maldiviandetainees.net/RelevantLegalDocuments/JudicialProceedingRules.htm>). This included the abolition of the requirement for judges to obtain permission from the **Ministry of Justice** before pronouncing an acquittal, and the abolition of punitive measures for departing at trial from a confession made during interrogation. Since then, the government has continued to reiterate its intention to undertake reforms. In **December 2004**, the **Attorney General's Office** released an un-timetabled *Criminal Action Plan* (<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT%2BTA%2BP6-TA-2004-0017%2B0%2BDOC%2BXML%2BV0//EN&LEVEL=3&NAV=X>) while in **May 2005**, the **President's Office** issued a statement of *Proposed Constitutional Amendments* (<http://www.maldiviandetainees.net/RelevantLegalDocuments/NCJAP.pdf>).

The *Criminal Action Plan* (http://www.maldiviandetainees.net/RelevantLegalDocuments/Proposed_Constitutional_Amendments_20050214.pdf) identifies the need to develop trial rules and procedures, the capacity to admit scientific and expert witness evidence, the doctrine of precedent, an independent **Judicial Services Commission** as well as graded sentencing guidelines to correlate the severity of sentencing better with the seriousness of the offence. This is in addition to better case management and new legislation including a comprehensive *new penal code*. The *Criminal Action Plan* does not detail the specific functions of the **Judicial Services Commission** nor how or when individual objectives will be achieved. The *Proposed Constitutional Amendments* further envisage the creation of a **Supreme Court** to replace the President as the highest judicial authority, and a **Supreme Judicial Council** as the judicial regulatory body. It is assumed the Supreme Judicial Council is the same as the **Judicial Services Commission** proposed by the Attorney General's Office.

It is not clear what the *Proposed Constitutional Amendments* will mean for judicial independence. Point 6 of the *Proposed Constitutional Amendments* divests the Presidency of its role as head of the judiciary. Yet Point 16 empowers the President to “appoint and dismiss the Prime Minister, the Chief Justice, Judges of the Supreme Court, the members of the Human Rights Commission, the Auditor General, and the Commission of Elections on the advice of the [People's] Majlis.” Further, they also provide that the President “will appoint and dismiss the members of the Supreme Judicial Council”. Point 22 allows the President to appoint half the members of the Supreme Judicial Council on the advice of the [People's] Majlis. The other half will be elected by judges from their benches, themselves appointed by the Chief Justice, who is in turn appointed by the president.

Without an established doctrine of precedent or instruments providing a detailed explanation of terms such as “advice of the Majlis”, it is not possible to arrive at a meaningful interpretation of these proposed amendments. Possible interpretations could mean the president effectively retaining full discretion over all judicial appointments or dismissals, but it could also mean a public consideration as well as endorsement or rejection by an independent legislature. Without guarantees to the contrary, the established existence of a highly authoritarian executive, compliant legislature and a subordinate judiciary indicate that the former outcome is the more likely one.

Cases

It was reported that the most senior High Court judge, **Ahmed Hameed Fahmy**, was transferred to another government agency in **June 2004** following a dispute with the Chief Justice, who is himself appointed and can be dismissed by the President (<http://www.dhivehiobserver.com/news/justiceahmedhameedfahmysacked.html>).

LEGAL PROFESSION

The legal profession is nascent, with the first Maldivian lawyer qualifying in **1985**, and unable to exercise any effective independence. The legal profession suffers from an arbitrary form of regulation by the **Ministry of Justice** which deals with all disciplinary matters, issues and withdraws licences to practice at its discretion, and handles the disbarment of lawyers. Lawyers do not have access to an independent and impartial tribunal to hear complaints against them or adjudicate in disciplinary matters. There is no **Bar Association** to act as an independent advocate on behalf of the profession or its members. Lawyers also suffer from anonymous threats of violence, frequently suspected to be from government employees or security agents.

As of **July 2005**, there are an estimated **150 registered lawyers**, of whom about **60 are women**. Approximately 40 lawyers work in private practice, out of which fewer than 10 regularly practice criminal law. The remainder work as legal officers in the government. There is currently no common standard for qualification as a legal practitioner, and pre-degree level Shari'a and law qualifications are considered sufficient. Legal education in the Maldives is provided by two law colleges which offer diplomas in law but do not offer any form of continuing education for lawyers or any training on legal ethics or fundamental rights. The **Law Society**, co-founded in **1990** by the former Attorney General and the President's nephew, acts as a lawyers' association. The **Law Society** has reportedly not been active since 2002 except in mid-2004 when it was engaged with the President's Office in the drafting of the *Proposed Constitutional Amendments*.

The legal profession is highly compromised in its ability to provide effective legal representation. On a practical level, this concerns the lack of systematically codified procedures, the difficulty in accessing regulations and other statutory instruments, intimidation of lawyers as well as lawyers' having a direct interest in their client's causes. The institutional problems of the justice system further permit a perverse use of the law by the government, especially in the suppression of political dissent. Lawyers have reported that the texts of rules and regulations that have been promulgated are excessively difficult to obtain. There are, in fact, no procedures for the publication of regulations. *Bail Regulations*, for example, have been purportedly in force since **June 2005** but have not been made publicly available except through very narrow and unpublicized channels. The *rules of procedure for the High Court* are not published, and only parts of it are posted on the walls of the court for public viewing. It is unclear why the entire document is not freely available, fuelling suspicion that there are provisions that would not be publicly acceptable.

Cases

In the past two decades, numerous lawyers have had, or faced threats of having, their licences revoked without recourse to an independent tribunal. Arbitrary disbarment continues to take place to date.

In **2002**, lawyer **Abdulla Zuhair** was disbarred by the Ministry of Justice for alleged discrepancies between statements he submitted at the lower court and High Court on appeal.

In **July 2004**, **three members of the Special Majlis** (Constitutional Assembly) brought an action against its **Speaker** for refusing to conduct a vote by secret ballot. The dissenting members claimed the open vote was unconstitutional and inappropriate given the problem of coercion within the assembly (<http://www.minivannews.com/news/news.php?id=368>). The lawyer for these members was summoned to the Ministry of Justice and advised that, for unspecified reasons, it was not appropriate to bring an action against the Speaker and such an action might result in the loss of his licence to practice. The case was withdrawn when the dissenting members were informed that the judge had been summoned to the President's Office and given "directions" on the case.

PROSECUTORS

State prosecutions are handled by the **Attorney General's Office**. The President currently appoints and dismisses prosecutors at his discretion on the advice of the Attorney General, who is himself appointed and can be dismissed at the pleasure of the President. Prosecutors are not afforded effective entitlements to the freedoms of expression, belief, association and assembly. The Attorney General is responsible for the discipline of prosecutors, and politically motivated purges have occurred, with prosecutors being transferred because the Attorney General has declared that he "does not trust them". There are no independent associations to represent the interests of prosecutors, and prosecutors do not have recourse to an objective, transparent, fair or impartial disciplinary procedure.

Prosecutors have very little involvement in police investigations, and are unable to attest to the legality of an investigation. One prosecutor reported in **June 2005** that their job was simply to "tie the knot" on the police investigation. It was not within their mandate to review the conduct or conclusions of a police investigation. Where prosecutors have reported suspected instances of statements recorded under duress, no action was taken by the authorities. Some prosecutors have also expressed concern that their lack of independence created more room for impunity of senior government officials. For instance, repeated concerns were raised that the **Anti-Corruption Board**, a body established by presidential decree in **April 1991** to investigate and respond to allegations of government corruption, had itself become corrupt. Yet prosecutors are unable to launch their own investigations without approval from senior political figures who may themselves be complicit in this corruption.

ACCESS TO JUSTICE

Access to justice is difficult and the quality of justice is poor, which has resulted in a profound lack of trust by the population in the judicial system. Accused individuals are not afforded an independent, impartial and open trial, and the judicial system is not capable of ensuring adherence to basic human rights standards. Trials are effectively held *in camera*, there is no free press (http://www.rsf.org/article.php3?id_article=10204) and reporting on case proceedings is illegal except for details given in press releases issued by the **Ministry of Justice**. A courtroom typically has fewer than five seats available for the public. Concerned persons who have sought to attend a trial are challenged and their attendance recorded. Individuals are not equal before the law and powerful persons enjoy effective impunity. In the islands, this is compounded by the fact that judges and island chiefs are likely to come from dominant families and are frequently related to each other, creating a significant space for impunity for those families.

Further, there is no independent procedure for individuals to seek enforcement of constitutional rights or redress against unlawful administrative actions. Statutes typically give the government unconstrained discretion in the formulation and implementation of administrative rules and regulations, but at the same time the government is the sole authority in determining whether such regulations are constitutionally compliant. This has created enduring conflicts of interest within the government administration. It is particularly apparent in the inability of the judiciary to consider effectively political and ultimate responsibility for custodial killings when the President is the executive head of both the judiciary and the police. The unavailability of justiciable rights further reduces the possibility of judicial review, the exercise of *habeas corpus* and other remedies for unlawful administrative actions, thereby allowing an arbitrary use of anti-terrorism and anti-treason laws provided in Section 29 of the *Penal Code* to harass and detain political dissidents.

The right to legal representation during police interrogation was first granted by decree in **April 2004**. However, there remains no free legal aid provided for by law and legal representation is unaffordable for the vast majority of the accused. Without a lawyer attending a criminal investigation, the police appear to obtain false statements through coercion, mistreatment and torture. The police reportedly impede publicity in detention centres advising persons of their basic rights, put pressure on suspects not to seek legal representation, deny them basic entitlements, and use the lack of codified procedures to obstruct client-lawyer communications.

Lengthy pre-trial proceedings

The difficulty caused by a lack of systematically codified procedures is particularly evident in the prevalence of **prolonged pre-trial detentions**. After a suspect is held for seven days, a **three-member committee composed of anonymous government officials** appointed by the President can approve a 15-day extension without disclosing reasons to the accused or their lawyer. After this period, a judge can repeatedly grant further 30-day extensions without limit (<http://www.maldiviandetainees.net/RelevantLegalDocuments/ArrestAndDetentionAct.htm>). These extensions can theoretically be challenged by a lawyer but frequently are not because there is no requirement for the court to provide adequate notice of a hearing or to give the grounds of the extension of the detention in writing (<http://www.minivannews.com/news/news.php?id=568>). Lawyers are typically advised of a hearing only once their client is in court, making it impossible for the

lawyer to travel to the court in time to hear the grounds of any extension. Consequently, without hearing the grounds or being given the grounds in writing, the lawyer is unable to challenge or appeal against a decision even if the charges are politically motivated or otherwise absurd. Reports suggest that individuals are typically held in detention for four to five months prior to trial, which may also give a perverse incentive to the judiciary to convict in order to avoid liability for unfairly detaining innocent persons before their trial. A speedy trial is not provided as a right within any publicly available reform proposals.

The Human Rights Commission

The Human Rights Commission was formed by a Presidential decree in **December 2004** and its members are appointed and can be dismissed by the **President** (http://www.maldiviandetainees.net/RelevantLegalDocuments/human_rights.pdf).

The Commission does not conform to the *Principles relating to the status and functioning of national institutions for the promotion and protection of human rights* (Paris Principles)

([http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/A.RES.48.134.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/A.RES.48.134.En?Opendocument)) and was thus not eligible for entry into the **Asia Pacific Forum**. The Commission has received many complaints by citizens against arbitrary government actions and violations of fundamental rights, but has proved unable to provide effective remedies and suffers from a rapidly growing backlog of cases caused by a serious shortage of resources as well as chronic lack of co-operation from other government agencies,

including the President's Office (<http://www.maldiviandetainees.net/RelevantLegalDocuments/Translation%20of%20Statement%20from%20Human%20Rights%20Commission,%20Maldives25May2005.htm>). The Commission's proposal to conduct a public inquiry into abuses by the security forces during the **August 2004** demonstration (see above, Background) was blocked by the President, and the government simply dismissed as "aspersions" concerns raised by the Commission about the violations of Electoral Law in the **January 2005** parliamentary elections.

Cases

In **July 2002**, **Mohamed Zaki**, **Ahmed Ibrahim Didi** and **Ibrahim Moosa Luthfee** were sentenced to life imprisonment for writing articles critical of government corruption and political suppression. These individuals were not provided with any legal representation during interrogation or trial, and have not had the opportunity to have their cases re-heard following the introduction of legal representation (<http://www.amnesty.org/library/print/ENGASA290012003>). All three individuals have been described as prisoners of conscience by **Amnesty International**.

Forced confessions

The police and prosecution have come to rely almost exclusively upon false confessions extracted through coercive methods including torture, deception and threats of indefinite detention. This has been compounded by the very limited opportunities that accused persons have for legal representation and an adequate defence.

Abdul Rasheed Adam reported to a local NGO documenting the treatment of detainees that he was arrested in **June 2002**. Interrogating police officers forced him

to sit in a chair in the tropical sun for days in **November 2002** until he confessed to acts of treason and terrorism. On the basis of this confession, Mr Adam was charged with treason in **May 2003** and the publication of subversive material in **August 2004**. No sentence has yet been passed (<http://www.maldiviandetainees.net/individuals/20Rasheed.htm>).

Mohamed Fauzi reported that in **September 2002** his severe asthma was exploited by interrogating police officers who denied him medication until he signed statements confessing to terrorist activities and violating religious unity. Mr Fauzi was tried without a lawyer and sentenced for violating religious unity in **November 2002**. He was released in **November 2003** under the blanket presidential pardon following the custodial killing of four prisoners. Mr Fauzi was however re-detained in **January 2005** on suspicion of terrorist activity before being released in **April 2005** (<http://www.maldiviandetainees.net/individuals/134Fauzi.htm>). He is currently awaiting trial for terrorist offences.

Mohamed Shaz Waleed, was detained in **June 2002** and held in solitary confinement until **September 2002**, when he was falsely told by an interrogating police officer that his mother and child were dying, and that he could only go home after he had signed a falsified statement. Mr Waleed signed the statement and was convicted in **November 2002** for violating religious unity on the basis of this statement. He was released in **December 2002** but was charged with treason and terrorism also on the basis of this same falsified statement. Mr Waleed was subsequently detained during the **August 2004** demonstration without charge or trial, and released in **January 2005** under the blanket presidential pardon following the lifting of the State of Emergency. Along with all others detained during the **August 2004** demonstration, he has not received any notice that the charges against him have been withdrawn. The specific treason and terrorism charges against him remain at the Criminal Court pending trial.

In **January 2002**, **Naushad Waheed**, a prisoner of conscience recognised by **Amnesty International**, was detained for 10 months and coerced into signing false statements, having been kept in solitary confinement for five months and denied any form of shelter during the night. In **October 2002**, Mr Waheed was charged, tried and sentenced for treason on the grounds that he had “vilified” the government in an Internet chat-room, reported instances of alleged torture to Amnesty International, and attempted to register a political party. Mr Waheed was tried without a lawyer and sentenced to 15 years’ imprisonment. In **November 2003**, his prison sentence was reduced by half under a presidential pardon following the custodial killing of four prisoners.

The **Special Rapporteurs on Torture and Migrant Workers** jointly made public in **February 2005** that the Maldivian government had not replied to requests for information on the case of three Indian nationals, **Rajan, Saravanan and Kamal**, (<http://www.maldiviandetainees.net/PressReports/CorrectLinksToMaldivesIssuesSubmittedToUnCommissionOnHumanRights.htm>). These individuals were charged in **April 2003** with the rape and murder of a local woman. All were subject to ill-treatment in detention, and **Saravanan** died following physical assault by interrogating police officers when he refused to sign a statement and insisted on a forensic examination. The three men did not understand the local language, and an

interpreter was not provided. **Rajan** and **Kamal** were tried in **April 2003** without a lawyer or interpreter, and currently remain in detention pending sentencing.

According to statements given by prisoners **Ahmed Zuhoor** and **Hussein Habeen** to the **Human Rights Commission** concerning the custodial death of **Muaviath Mahmood** in **March 2005**, Mr Mahmood refused to confess during police interrogation to an alleged offence and asked for a lawyer to be present. The interrogating officer told him to “drink vaginal moisture” and physically assaulted him. Mr Mahmood died soon after and was buried within 24 hours with an unspecified cause of death. No autopsy was performed despite requests for further medical examinations from the father of the detainee (<http://www.maldiviandetainees.net/individuals/148Muaviath.htm>).

Politically motivated trials

Several persons vocal in their support of opposition leaders have received court summonses advising them that they were facing charges of treason and terrorism.

In **mid-2002 Ibrahim Fareed**, described as a prisoner of conscience by **Amnesty International**, was arrested and detained for 20 months of prison prior to being sentenced to a further two years of imprisonment in **September 2004** for treason and for violating religious unity (<http://www.maldiviandetainees.net/individuals/13fareedh.htm>). In **May 2003**, **Abdul Rasheed Adam** (see above) was arrested together with **Mohamed Shaz Waleed** (see above) and **Mohamed Fauzi** (see above), and also charged with violating religious unity and acts against the state because of their association with Ibrahim Fareed.

Jennifer Latheef, daughter of the spokesperson of the principal opposition party and described as a prisoner of conscience by **Amnesty International**, was detained for two months following the **August 2004** demonstration without charge or trial. In **February 2004**, Ms Latheef was charged with terrorism for allegedly throwing a stone at a policeman during the **September 2003** riots. She is still awaiting a verdict on this terrorism charge and is unable to leave the capital without government permission (<http://www.maldiviandetainees.net/individuals/5jenny.htm>).

Ahmed Falah, an opposition activist charged in **2003** over an incident in prison that occurred in **1998**, was sentenced to jail in **June 2005**. His family has said his charge was politically motivated due to his vocal participation in the **September 2003** riots (<http://www.maldiviandetainees.net/individuals/2falah.htm>).

Also in **June 2005**, **Mohamed Nasheed**, the chairperson of the principal opposition party and former prisoner of conscience (<http://web.amnesty.org/library/Index/ENGASA290032001?open&of=ENG-MDV>), was detained for an afternoon on treason charges on the same day the People’s Majlis had been asked to consider a presidential proposal legalizing political parties (<http://www.hindu.com/thehindu/holnus/001200506031353.htm>).

In **March 2005**, **Ibrahim Hussein**, an opposition activist, lodged a complaint in the **High Court** against the **Trade Minister** for giving a public speech during his parliamentary re-election campaign, a violation of Article 25 of the *Law on General Elections*. On **10 April 2005**, Mr Hussein was charged with exciting “enmity,

contempt or disharmony among any section of the Maldives population towards the government” (Article 38, *Penal Code*), and was questioned about why he had lodged this complaint. Mr Hussein, who was not brought before a court, was released on **28 April 2005** following early enquiries by international organizations. His complaint to the High Court was rejected in **June 2005** on the grounds that the entire population was not present at the speech.

LEGAL REFORMS DURING THE PERIOD

- October 2003:** [Executive decree] *Regulations relating to arrest and detention procedures*
- October 2003:** [Executive decree] *Regulation for judges in extending periods of detention*
- March 2004:** [Executive decree] *Regulation of Offences that Allow and that Do Not Allow Detention*
- March 2004:** [Executive decree] *Amendment of Regulation governing investigation, adjudication and sentencing of offences committed by minors, changing minority age from 16 to 18 years*
- March 2004:** [Executive decree] *Amendment of Rules relating to the conduct of judicial proceedings*
- April 2004:** [Executive decree] *Regulation of obtaining assistance of legal attorneys*
- October 2004:** Ratification of the *Convention Against Torture*
- December 2004:** [Executive decree] Creation of **Maldives Human Rights Commission**
- June 2005:** [Executive decree] *Regulation on provision of bail*
- June 2005:** [Executive decree] *Regulations governing Political Parties*