

REPUBLIC OF MALDIVES

@Freedom of expression under threat

Introduction

Several candidates, dozens of their supporters and two journalists were detained in the Maldives in the weeks before parliamentary elections on 2 December 1994.

Amnesty International fears their arrests may have been politically motivated in an attempt by the government of President Maumoon Abdul Gayoom to prevent candidates expressing views critical of government policy from campaigning and canvassing for support in the election. During previous elections, the government had apparently used similar tactics to curtail the freedom of expression of political opponents and critics.

Political Background

Members of parliament in the Maldives are elected to serve a five-year term in the 48-seat *Citizens' Majlis* (parliament). Forty members are elected by the constituents of 19 atolls¹ and the National Capital Island, Male' (two representatives each). There are no political parties so those contesting the 40 parliamentary seats do so as independent candidates. The other eight deputies are directly appointed by the president who has substantial executive powers.

In October 1994 a request to form a political party was submitted to the Ministry of Home Affairs. The request was turned down by the authorities reportedly on the basis that the Constitution does not allow political parties to function.²

President Gayoom has been in power in the Maldives since 1978. In a two-stage presidential election process, the *Citizens' Majlis* has the responsibility of choosing the sole nominee for president in a secret vote. This choice must then be endorsed by the people in a nationwide referendum.

In the presidential vote of 1993, President Gayoom was nominated for his fourth term in office and his nomination was later accepted by a majority of voters in a referendum.

¹ The Republic of Maldives is a country comprised of over a thousand coral islands which form 26 natural atolls (ring-shaped coral reefs). Not all of the islands/atolls are inhabited.

² The Constitution does not refer specifically to political parties. There are regulations governing clubs, societies, parties and associations.

However, Maumoon Abdul Gayoom was not the parliament's unanimous choice for president as 18 deputies had backed a former minister, Ilyas Ibrahim. In September 1993, Ilyas Ibrahim was charged and tried *in absentia* (he had left the country) with violating the Constitution and breaking his ministerial oath. He was alleged to have used irregular means in his bid for power and was reportedly sentenced to 15 years' banishment³. Twenty-two supporters of Ilyas Ibrahim were also arrested, including a member of parliament, Mohammed Saleem, who is reportedly still under house arrest awaiting trial on charges of corruption. Amnesty International believes that the charges against those arrested during the 1993 presidential election campaign may have been politically motivated. Of the remaining 21 supporters, 16 have reportedly been convicted of having liaised with or supported Ilyas Ibrahim. Nine of the 16 had their sentences reduced on appeal from seven years to one year of banishment.

According to international observers, the December 1994 parliamentary elections were held in a climate of declining support for President Gayoom. During the last elections for the *Citizens' Majlis* in 1989 the campaign had been relatively free and had been followed by a more liberal period. But after several independent members of parliament began openly to express their views about alleged corruption within the government and their interest in promoting democratic change and greater respect for human rights, the government responded by introducing repressive measures, including arresting a member of parliament, editors and journalists.⁴

Recent Arrests

According to information received by Amnesty International, arrests of supporters of candidates opposing government-backed candidates in the recent parliamentary elections began during the first two weeks of November, shortly after the date for the elections was announced. Dozens of people are reported to have been taken into custody under legislation relating to corruption or public order offences and detained at Dhoonidhoo detention centre.

At least two candidates were detained for virtually the whole period of the campaign and a third for two weeks during the election period. Half a dozen other candidates are understood to have been taken into custody by the authorities for short periods of time.

³ Maldivian punishments include imprisonment, house arrest and banishment. People who are banished are required to live for a specified period of time on an island remote from their home. They are permitted to receive visits from their close relatives with permission from the Prison Department and can work during their banishment, but are not permitted to leave the island until the end of their sentence.

⁴ See Republic of Maldives: Arrests of possible prisoners of conscience (AI Index: ASA 29/01/91) and Republic of Maldives: Prisoners of conscience and unfair trial concerns 1990-1993 (AI Index: ASA 29/01/93).

On 14 November 1994, Amnesty International wrote to President Gayoom to express concern about reports that candidates in the elections and their supporters had been taken into custody. It requested to be informed about the legislation under which these people were held and about the charges against them. The appeal was made public on 17 November 1994. The government responded by denying the reports. In particular, the government contradicted reports that two members of the previous parliament had been detained. Amnesty International understands that these candidates may have been taken into custody for questioning by the police but that they were not formally charged or detained.

Arrests of election candidates

One of the candidates for Addu Atoll, Ahamed Didi, was reportedly arrested in the first week of November and remained in detention until 4 or 5 December, a few days after voting in the elections had taken place. He had previously been arrested on 17 May 1994 and detained until 27 June 1994. Ahamed Didi stood against the Attorney General who was apparently one of the government-backed candidates seeking election for Addu Atoll.

Ali Mohamed, the parliamentary candidate seeking re-election for Alif Atoll was also arrested in early November on charges of bribery. According to some sources these charges are believed to relate to events which occurred 15 years ago. However, in a letter to Amnesty International the government stated that the charges against Ali Mohamed related to bribery of the electorate during the election campaign. Ali Mohamed was not able to contest the elections because he was reportedly tried and sentenced before they took place to 10 months' banishment to Raa Atoll. Amnesty International has asked the government for details of the sentence imposed by the court and for a copy of the judgment.

A prospective candidate, Mohamed (alias "Winter") Shareef, was reportedly arrested around 26 November and detained at Dhoonidhoo detention centre. Although he had been given permission by the courts to contest the elections, his application had been refused by the Home Ministry. A case had been brought against Mohamed Shareef in 1991 for showing a confidential government letter to a third party for which he had been convicted and it was reportedly on this basis that his candidature had been refused. He was released after the elections and, to Amnesty International's knowledge, no charges were brought against him.

Arrests of supporters of political candidates

Aishath Mohamed Didi, a supporter of Ahamed Didi was brought to Male' from Addu Atoll by the police on 10 October 1994. The police had apparently received complaints that she was campaigning against some candidates. She was put under restriction to the island of Male' and thus prevented from carrying out any campaigning work in the atoll. Husein Shahid, also from Addu Atoll, was brought to Male' with ten others by the authorities. He

was apparently asked to report to the police every two weeks and his freedom of movement was restricted to the island of Male'. The other ten people are believed to be still detained.

In total, at least 30 to 40 supporters of candidates were reportedly detained at Dhoonidhoo detention centre in the weeks before the elections.

Arrests of journalists

Mohamed Saeed Moosa Wajdee was taken into police custody on 19 October 1994 and held at Dhoonidhoo detention centre until after the elections. The precise reason for his arrest is not known but Amnesty International believes it may have been in connection with an article he wrote for a local newspaper, *Haveeru*. The article entitled "Affairs to do with the elections; how will it all end!" referred to the possibility of corruption by candidates in the elections and government officials using their positions to gain votes in the elections.

Earlier, in 1990, Mohamed Saeed Moosa Wajdee was arrested on several occasions in connection with his writing for a newspaper called *Hukuru*. The newspaper was later closed down by the government.

Another journalist, Mohamed Nasheed, was arrested on 30 November 1994 on his return to the Maldives from Nepal where he had attended an international conference of journalists. He has reportedly been accused of "spreading false and derogatory information about the government" and charged with two offences under Sections 88A and 125 of the Penal Code⁵. The charge under Section 125 reportedly relates to an article he wrote about the elections that appeared in a magazine published in the Philippines. After being detained briefly at Dhoonidhoo detention centre, he was released pending trial. In accordance with Maldivian law, Mohamed Nasheed was given three days to prepare his defence and has since appeared in court on two occasions to answer the charges against him.

Amnesty International wrote to the Government of Maldives to request that Mohamed Nasheed be given full opportunity to prepare his defence, including by being granted the right to be represented by legal counsel. The government responded stating that there are provisions in the trial proceedings for Mohamed Nasheed to obtain the counsel of

⁵ Section 88A of the Penal Code states: "It is unlawful to disobey any court order or any authority with legal powers. The sentence for anybody found guilty of the above crime is either imprisonment, banishment or house arrest for a maximum of six months or a fine of not more than Rf. 150,-". Section 125 refers to: "The crime of spreading stories which are untrue".

his choice. However, Amnesty International has learnt from other sources that Mohamed Nasheed was denied his request to be represented in court by legal counsel.⁶

Mohamed Nasheed was previously arrested in 1990 and imprisoned on charges (which he denied) of withholding information about a conspiracy to explode a bomb at a meeting of the Fifth South Asian Association for Regional Cooperation (SAARC) that took place in Male' in November 1990. He was also accused of "talking to unauthorised people" which is understood to relate to interviews he gave to foreign journalists in which he had criticized the government. After being held for 18 months in solitary confinement at Dhoonidhoo detention centre, he was tried and sentenced to nearly four years' imprisonment in 1992. He was eventually released in June 1993.

Since his release Mohamed Nasheed has continued to report on press freedom and political developments in the Maldives. In October 1994, he and another man, Mohamed Latheef, applied to the Home Ministry for authorisation to form a political party. The government turned down their application reportedly stating that because the Constitution does not allow for political parties, permission cannot be granted. Mohamed Latheef was also reportedly arrested in late November 1994 and detained at Dhoonidhoo detention centre.

This apparent attack on the right to freedom of expression by the Maldives Government would appear to be in contradiction with a statement made by President Gayoom in a interview given in the first half of 1994. In a news agency feature article President Gayoom, countering charges of media control and curbing dissent, is quoted as saying:

"There is no restriction on the freedom of expression as such. There is nothing to prevent a journalist writing or criticising as he wants to. But everyone has to accept the laws of the country".

Amnesty International believes that many of those arrested in the run-up to parliamentary elections in December 1994 and who are still detained, may be prisoners of conscience. The organization has appealed to the Government of Maldives to release those still detained in connection with the 1994 parliamentary elections and the 1993 presidential elections unless they are charged with recognizably criminal offence and tried promptly in accordance with international human rights standards. The organization further calls on the

⁶ Amnesty International has previously documented concerns about trial procedures in the Maldives which the organization believes fall short of internationally agreed standards. See Republic of Maldives: Prisoners of conscience and unfair trial concerns 1990-1993 (ASA 29/01/93)

Maldives authorities to guarantee that all citizens including candidates in elections, be allowed to exercise their right to freedom of expression and peaceful political activity.