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The Maldives: A real danger that recent progress in respect for human rights will be lost and an old pattern of repression and injustice re-established

Written statement to the 21st session of the UN Human Rights Council (10-28 September 2012)

To many, the Maldives are a paradise on earth attracting hundreds of thousands of tourists every year. However a pattern of police and military violence this year belies this idyllic image, exposing a human rights crisis that has gripped the country since 7 February 2012, when Mohamed Nasheed was replaced by Mohamed Waheed Hassan Manik, as President of the Republic of Maldives.

The events surrounding this transfer of power reveal a Maldives in political turmoil with allegations and denials that President Nasheed was ousted in a coup d'état. Against this background of political rivalry there have been numerous instances of disproportionate use of force including violence by the security forces and related human rights violations

A Commission of National Inquiry has been charged with conducting an independent and impartial investigation into the events from 14 January 2012 to 8 February 2012.¹ This includes exploring the facts, circumstances and causes of the events of 7 February 2012 that resulted in the replacement of Mohamed Nasheed and making any recommendations it deems appropriate and in the public interest.

This statement examines the alleged human rights violations committed by police and military agents since February 2012. It does not address the elements of the political crisis linked to the transfer of power that are under investigation by the Commission of National Inquiry.

Unnecessary use of force

Just hours before President Nasheed's disputed resignation on 7 February 2012, the police and military unleashed targeted attacks on his supporters. Protests were violently crushed - possibly with the approval of the incoming government.

On 8 February, security forces attacked thousands of protesters who congregated in the streets of Malé, chanting slogans condemning what they said had been a coup against former President Nasheed. Demonstrators have consistently told Amnesty International that although the gathering was initially peaceful, police in riot gear aided by plain clothes officers and a violent mob of counter-demonstrators attacked them.

Police used batons, wooden sticks and tear gas against demonstrators. Several protesters were critically injured. No police or military officers have been brought to justice for these attacks.

¹ Presidential Decree (Decree Nos. 2012/2 and 2012/3) under Article 115 (o) of the Constitution of the Maldives.

Attacked in hospital

Persons interviewed by Amnesty International have stated that attacks by police continued beyond the streets. Some of the injured who were taken to hospital for treatment were arrested there and beaten or otherwise ill-treated on the way to detention centres. Many of the injured chose not to go to hospital for fear of arrest. Still others were attacked in their hospital beds.

Arbitrary detention, torture and other ill-treatment

Hundreds of people were arrested on 8 February in Malé, many of them injured by the police. They were taken from the streets, their hospital beds and from their homes. Almost one third of the detainees were women. They were ill-treated at the time of their arrest and on their way to police stations in Malé.

Detainees were later taken to Dhoonidhoo detention centre on speed boats. They were not told the grounds for their arrest and were not allowed access to their lawyers. Many of the injured were denied medical assistance for several hours. Most of those detained were released within days of their arrest.

Violence by security forces spilled into Addu city on 9 February 2012, following a series of arson attacks on the police headquarters and a court building attributed by the authorities to supporters of President Nasheed. Police and military forces swept into the city, arresting at least 80 people. Detainees were not told the reason for their arrest.

Witnesses and persons who had been detained in Addu told Amnesty International that police officers beat the people they arrested and otherwise humiliated them. They crammed detainees onto military vehicles and left them in the blazing sun at times for more than an hour with the windows and doors closed. They denied detainees drinking water and threw them into filthy and cramped dog cages.

Targeted for political affiliation

Many of the victims of these violent attacks say they were targeted by the security forces because they were opposition ministers, parliamentarians or supporters. By targeting opposition members and supporters, the security forces – and by extension, the state – have displayed a deliberate intention to repress political opponents.

The Government has frequently denied police violence or alleged that its political opponents have provoked police violence to further their political ends.

Continuing violations

The police and military have frequently attacked peaceful demonstrators since the events of early February 2012. Amnesty International has highlighted the use of unnecessary or excessive force by police or military against demonstrators, arbitrary detention and torture or other ill-treatment of government opponents, and in some cases, sexual harassment of female detainees.²

² All Amnesty International publications on the human rights situation in the Maldives are available at <http://www.amnesty.org/en/region/maldives>.

Violence against the police

At times, police officers have been injured, some seriously, by objects thrown during the protests. Amnesty International does not condone violence against police personnel. Police have said the force they have used against demonstrators has been in response to these attacks and proportionate.

Impunity

Article 238 of the Maldives Constitution specifies that security forces must act in accordance with the Constitution and the law, and on the basis of accountability. Under the 2008 Police Act, officers must not act “cruelly, in a degrading manner, inhumanely or mercilessly towards any person in any circumstance”. Article 238 of the Constitution also requires the President to ensure that the police act according to the laws governing them.

The Maldives is also obliged under international human rights law, including the International Covenant on Civil and Political Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to protect everyone’s right to freedom of expression and right of peaceful assembly, and to prevent torture and other ill-treatment.

The government has failed to ensure police and military accountability for human rights violations committed from 7-9 February 2012. To date no police or military officers involved in the February attacks or in violence against demonstrators in more recent protests have been brought to justice. Not a single criminal case has been filed before a court against any of the police or military officers for committing human rights violations.

A history of human rights violations

The Maldives has a history of human rights violations. During the tenure of former President Maumoon Abdul Gayoom from 1978 to 2008, human rights violations were manifest and included torture and other ill-treatment, unfair trials of political opponents, arbitrary arrest and detention, and frequent use of unnecessary or excessive force against pro-democracy activists. With the exception of an inquiry into the deaths of prisoners in Maafushi prison in 2003, which led to the conviction of several prison guards, there was no accountability for human rights violations.

Since democratic elections held in 2008, human rights violations decreased significantly, although at least two cases of arbitrary arrest and detention went unaddressed. There are also allegations that police used disproportionate force against demonstrators on 6 February. Most critically, impunity for past human rights violations went unresolved.

Danger ahead

There is a real danger that recent progress in respect for human rights will be lost and the Maldives will slip back into the old pattern of repression and injustice. The government of the Maldives has a responsibility under the Constitution as well as international human rights law, to prevent this from happening. So far it appears to be failing to meet these obligations.

Amnesty International does not condone the use of violence by opponents of the government. It does also believe, however, that violence by some government opponents does not justify the use of excessive force by security forces. It certainly does not justify using force against peaceful protests or arbitrary detention, torture or ill-treatment.

The role of the international community is critical. It must ensure that the government of the Maldives, irrespective of its political composition, demonstrates a commitment to the promotion and protection of human rights.

If the Maldives reverts to patterns of systemic human rights violations, that will be an indictment not just of its government, but also of international partners who fail to prevent further deterioration of the human rights situation in the Maldives.

Amnesty International recommends:

To the Maldivian authorities

- Take all measures necessary to ensure that any use of force by security personnel complies with international standards for the protection of the right to life and security of the person.
- Ensure prompt, independent, impartial and effective investigations into allegations of human rights violations by state agents. Persons suspected of such violations must be prosecuted irrespective of rank or status in proceedings that meet international standards of fairness. Victims of human rights violations must be ensured reparations.
- Reform the criminal justice system into an independent and impartial authority capable of providing justice to all victims of human rights violations.

To the United Nations Human Rights Council and its member and observer states

Closely monitor the human rights situation in the Maldives, and assist the government of the Maldives to ensure everyone is able to realize their rights, including freedom to protest peacefully, seek and obtain justice and be free from torture and other ill-treatment.