

REPUBLIC OF MALDIVES

@Arrests of possible prisoners of conscience

1. INTRODUCTION

Scores of people have been arrested in the Republic of Maldives since March 1990, many of whom are believed to be prisoners of conscience detained for their open criticism of the government of President Maumoon Abdul Gayoom. In most cases, Amnesty International does not know of any specific charges against the prisoners. There have been allegations of the ill-treatment of prisoners and the harassment of their relatives, and in some cases that confessions were extracted under duress. A few prisoners are reported to have been charged with offences connected to acts of arson, and Amnesty International is concerned that the procedures by which they will be tried fall short of international recognised standards for fair trial. In addition, the organization is disturbed that under the Prevention of Terrorism Act, passed in December 1990, the death penalty was extended to new crimes, and that this act is reported to have retroactive application.

2. BACKGROUND

During a more liberal period after the 23 November 1989 parliamentary elections in the Republic of Maldives, a number of independent members of parliament, editors and journalists began openly to express their views about alleged corruption within government, and their interest in promoting democratic change and greater respect for human rights. However, the government responded by introducing repressive measures, including the arrest of critics.

In June 1990 President Gayoom ordered the closure of the weekly news magazine *Sangu* which had been critical of the government and corruption amongst government officials. Subsequently two other publications, the *Hukuru* and the *Manthiri* were also closed down. A number of journalists and editors working for these publications were arrested and detained.

In advance of the South Asian Association for Regional Cooperation (SAARC) meeting, which was held in the capital, Male, from 21 - 25 November 1990, there were further arrests of newspaper owners, editors and journalists, connected with the *Sangu*, *Hukuru* and *Manthiri*. After the SAARC conference, two foreign journalists who had come to Male to teach a journalism course organized by the Thompson Foundation, were asked to leave the country apparently because they had asked President Gayoom probing

questions about these arrests and about freedom of the press in the Maldives. Four Maldivians who had been attending the course were also placed under house arrest.

During the SAARC conference there were two incidents of arson in Male, an unusual happening in the Maldives. In one, a small pre-set explosive device went off aboard a government launch and in the other, a car owned by an airline official was set on fire by unknown persons. One month before the conference a shop owned by a Maldivian government official had also been set on fire. It was later reported in the Sri Lankan press that a number of people were detained in connection with these acts of arson.

3. PREVENTION OF TERRORISM ACT

In December 1990 the Maldives parliament passed a law, the *Prevention of Terrorism Act*, which extended the death penalty to include various crimes associated with terrorism. The act reportedly can be applied retrospectively, in contravention of internationally recognised human rights law. President Gayoom reportedly told parliament that the anti-terrorism laws were necessary following the series of arson attacks on shops and vehicles. It is forty years since an execution was carried out in the Maldives.

It was reported in January 1991 that the Maldivian Government had expressed concern to the Sri Lankan authorities about a group of Maldivians operating in Colombo who they believed were planning to overthrow the government of President Gayoom. In November 1988 an attempted coup had been organized by a small group of Maldivians, using Sri Lankan mercenaries linked with the militant Tamil People's Liberation Organization of Tamil Eelam (PLOTE). It was crushed within hours of the arrival of a 1,500 strong military force from neighbouring India, in response to President Gayoom's call for help. In response to the recent suspicion about another attempted coup, the Maldivian High Commissioner to Sri Lanka, Ahmed Abdullah, is quoted to have said to the press in Colombo:

"Ever since the 1988 coup attempt in Male, carried out with the assistance of PLOTE, we have been alert and have been taking precautionary measures."

4. ARRESTS OF POSSIBLE PRISONERS OF CONSCIENCE

AI believes that many of those arrested since March 1990 may be prisoners of conscience. Several of them were employed in the media, either press or television, and some are believed to have been arrested because they are related to a particular member of parliament who has been critical of the government. There have also been reports of short-term arrests and harassment of the relatives of prisoners. Because many people have expressed a fear of repercussions if they speak out, Amnesty International is withholding

the names of some of those arrested in the following case histories. Where names have already been made public elsewhere, they are included.

Some of these prisoners were reportedly taken to the island prison of Dhoonidhoo. According to information received from relatives of people who have been detained there, Dhoonidhoo is an island one kilometre square, approximately five kilometres from Male. According to these reports, the prison cells are very small, no bigger than the length of a bed, with just enough room to stand; the ventilation is very poor and the cells are therefore very hot. Prisoners are not allowed reading material of any sort or access to television or radio. They are not given any exercise and the only time they leave the cell is to go to the toilet.

There have also been general reports that prisoners in the Maldives have been ill-treated or tortured while in detention in order to extract confessions, but Amnesty International does not have detailed individual case reports of torture. However, when the United Nations Special Rapporteur on Mercenaries visited the Maldives between 18 and 23 June 1990, he interviewed three Tamil prisoners who were serving sentences for involvement in the attempted coup of November 1988. One of them alleged that he had been tortured by being suspended by handcuffs and beaten, in order to extract a confession.

According to his September 1990 report to the UN, the Special Rapporteur was not permitted access to Dhoonidhoo prison to interview further prisoners there, despite initial assurances from the government that he would be permitted to do so.

4.1 Arrests of Editors and Journalists

In the months after the closure of the *Sangu*, the *Hukuru* and the *Manthiri* in June 1990, a number of newspaper owners, editors and journalists were arrested.

A cartoonist working for *Sangu* was placed under house arrest in July 1990 apparently because he had drawn a cartoon which was interpreted as being critical of the government.

He was sent to trial but before he was convicted was sent to Dhoonidhoo island prison. He was later released, but then re-arrested in December 1990, along with his brother, a senior cameraman working for Maldives television, who had covered the elections in November 1989.

The editor of *Sangu*, Mohammad Shafeeq, was arrested on 18 November 1990 or thereabouts, shortly before the SAARC conference was due to begin, accused of exploding a device, believed to be a petrol bomb placed in a tin can, in Sultan Park. The device apparently went off after midnight and did not cause any injury or damage. He was taken

to Dhoonidhoo island prison where he allegedly was put into stocks.¹ According to information received, he later confessed to the charge against him. Another man was arrested just after the SAARC conference, and accused along with the editor of *Sangu* of committing the same offence.

The owner of *Manthiri* newspaper and its editor were reportedly both arrested in mid-November. A journalist working for *Sangu* and the editor and two journalists working for *Hukuru* were also reportedly arrested around this time. It is not known whether they have been charged.

A journalist interviewed by the United Nations Special Rapporteur on Mercenaries during his visit to the Maldives in June 1990, said that he had been detained for nine days in the National Security building, where he had been interrogated about his political and professional ideas and activities. The journalist said that he had been detained because he had published an article in which he had criticized some members of the government, alleging corruption and nepotism in certain government circles and the torture of a number of detainees for political reasons. He said that as well as being arrested and interrogated, he had received death threats.

4.2 Arrest of a Member of Parliament

Mohammad Latheef runs a tourist business in the capital, Male, and is also a Member of Parliament for Huvadoo Atoll, one of the 19 administrative districts of the Maldives. He is one of the few independent members of parliament who, during the period from November 1989 to April 1990 when the government appeared to be exercising a more lenient attitude to opposition, began to voice their concerns about corruption in government and their interest in political reform.

Mohammad Latheef was arrested about two months prior to the start of the SAARC conference, reportedly because he was attempting to canvass support among other members of parliament for a non-confidence motion against the government. According to information received, he was detained at Male Police Headquarters for about one week and then transferred to the island prison of Dhoonidhoo where he reportedly was kept in solitary confinement. In late November he was permitted to see his wife.

Three of Mohammad Latheef's employees from the tourist agency were also taken into custody, questioned and kept at the police station for 15 days.

¹ A framework made out of wood or some other material with holes for the feet and hands, in which the prisoner is locked in a sitting position.

At the end of December 1990 Mohammad Latheef was taken from the island prison of Dhoonidhoo back to his home in Male where he is now confined under house arrest. Some members of his family are also reported to have been placed under house arrest for a short period.

4.3 Other Politically Motivated Arrests

A further 50 to 60 young people have also reportedly been arrested in connection with attempts to promote free speech. Amnesty International does not have detailed information on these cases.

In March 1990 a pharmacist was arrested because he had reportedly seen an anti-government leaflet that was circulating and not reported it. He was tried by the Police Court² and sentenced to 4 years' exile in Raa Atoll. Three other men who had been involved in election work were also arrested at this time, tried by a Police Court and banished to different islands.

Three men were reportedly arrested in June 1990 for listening to taped conversations between the former Minister of Trade and Industry, Ilyas Ibrahim, and the director of the State Trading Organization who was in prison on alleged corruption charges at the time. The three men, who were taken to Dhoonidhoo island prison, have not been charged or tried to Amnesty International's knowledge.

Two men, one a secretary to the Minister of Home Affairs and the other a senior administrator for the Islamic Centre, were arrested in December 1990 apparently for their activities during the election campaign.

5. AMNESTY INTERNATIONAL'S CONCERNS

Amnesty International is concerned that many of those arrested during 1990 may be prisoners of conscience, detained for the non-violent expression of their political beliefs. The organization believes that all prisoners of conscience should be immediately and unconditionally released.

² Amnesty International understands that the Police Courts, which have now been abolished, were not independent of the executive. Trials, which reportedly took place in secret, were presided over by one judge who was appointed by the President. The accused was not permitted any kind of defence. Although these courts have been abolished, the sentences passed by them still stand.

In the few cases where criminal activity has been alleged, such as involvement in arson attacks, Amnesty International is concerned that the prisoners are unlikely to receive a trial which fulfils internationally accepted standards of fairness. For example, Amnesty International understands that Maldivian law does not provide for defendants to be represented by a lawyer, and that the judiciary in the Maldives is not independent of the government. Reports that confessions may have been extracted under duress give further grounds for concern. These concerns are reinforced by reports of the experience of an earlier group of political prisoners: those involved in the attempted coup of November 1988. In his report to the United Nations in September 1990 the Special Rapporteur on Mercenaries states that during his visit to the Maldives in June 1990 one of the Tamil prisoners alleged that he had been interrogated and tortured after which he had been forced to sign a self-incriminating written statement. The Special Rapporteur also reported that although he had requested, both in writing and orally, an opportunity to interview the greatest possible number of prisoners convicted for their involvement in the coup, the government made only three Tamil prisoners available for him to interview. All three prisoners stated that they had been denied legal assistance during their trial. Amnesty International has learned from other sources that a Sri Lankan lawyer who applied to the Government of the Maldives to represent the Tamil prisoners at their trial was denied access to the country.

Internationally recognized human rights standards regarding fair trial require that defendants have the right to be represented by a lawyer of their choice. For example, Article 14(3)(d) of the International Covenant on Civil and Political Rights states that everyone charged with a criminal offence shall have the right:

"To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it".

This principle is also contained in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the United Nations General Assembly resolution 43/173 of 9 December 1988. Principle 17 says that:

"A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after his arrest and shall be provided with reasonable facilities for exercising it."

International human rights standards also forbid the extraction of confessions under duress. Principle 21 of the Body of Principles, for example, asserts:

- "1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.
- "2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement."

Reports that the Prevention of Terrorism Act can be retroactively applied are additionally disturbing, especially as the death penalty is provided under this act. Article 11(2) of the Universal Declaration of Human Rights states:

"No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed."

This provision is also made in the Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the UN Economic and Social Council in May 1984. Safeguard 2 reads:

"Capital punishment may be imposed only for a crime for which the death penalty is prescribed by law at the time of its commission..."

Safeguard 5 requires that those charged with capital offences must be tried by procedures which give "all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights". As emphasized in Safeguard 5, these include "the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings."

Amnesty International wrote to President Gayoom on 31 December 1990 expressing concern at the reports that possible prisoners of conscience, including a member of parliament and several journalists, had been arrested. The organization requested full details of each case, including their present places of detention and details of the precise charges against them, if any. The organization also expressed concern about the extension of the death penalty under the Prevention of Terrorism Act. Amnesty International had not received a reply from the government as of April 1991.

6. THE GOVERNMENT'S POSITION

Although it has not responded to Amnesty International, the government did respond to an article published in the *New York Times* on 26 November which reported recent arrests. In a letter to the *New York Times* published on 22 December 1990, the Ambassador and United Nations Representative of the Republic of Maldives in New York, wrote:

"I would like to clarify allegations made in "South Asian Nations, in Turmoil, Will Meet" (news article, 26 November), on the fifth South Asian Association for Regional Cooperation summit meeting that began on 25 November in the Maldives. You state that the Government prepared for the meeting by 'locking up more than a dozen intellectuals and politicians who might criticize a Government that no longer tolerates opposition'.

"These are baseless stories fabricated by a few individuals who are out to discredit the Government for their own political ends. To put the record straight, I must say some arrests did take place in connection with recent subversive acts and arson. This had nothing to do with the Asian summit meeting. No scholars or anyone else who can fit the description of 'intellectuals' were among those arrested. The Government, as usual, insured full compliance with the law in making the arrests. Those arrested are treated well.

"The law relating to detention of suspects specifies the maximum number of days one can be kept in custody for questioning. Anyone detained will be released at the end of this period. Should there be legal grounds for prosecution such action will then follow our judicial procedures."