

Trouble in Paradise: What's Wrong in the Maldives?

Media Release from the Commonwealth Human Rights Initiative, 24th October 2005

In response to strong public protests, President Maumoon Gayoom of the Maldives has committed his government to bring about constitutional reform. However, despite these promises, international human rights and democratic norms continue to be regularly breached in the Maldives.

The Director of the Commonwealth Human Rights Initiative¹, Ms. Maja Daruwala stated: "While it is positive to note that international players, including the Commonwealth Secretariat, are providing assistance behind the scenes, there is a disappointing lack of public statements condemning negative events in the Maldives. Continued silence implies acceptance of violation of human rights and risks damaging the Commonwealth's reputation whose membership is dependent on adherence to the principles of democracy and human rights articulated in the Harare Declaration."

The Maldives is plagued by human rights violations and disregard for the principles of participatory democratic governance and the rule of law. The free press faces harassment - particularly when the government's actions are criticised - and civil society faces restrictions through delays in registering human rights NGOs. Concerns have been raised that the Human Rights Commission Act ratified in August does not conform to the international standards of the Paris Principles and may in effect diminish its authority and credibility. The positive step of allowing registration of political parties has been undermined by arrests that effectively target the opposition.

Of particular concern are issues of access to justice and fair trial standards. The Maldives criminal justice system has been indicted for "systematically failing to do justice and regularly doing injustice." Observers and studies done in the recent past including by top British barristers headed by Sir Ivan Lawrence QC have voiced serious concern about the lack of separation of powers and the fact that the President is in control of everything including the judiciary.

In these circumstances, the 10 year sentence on charges of "terrorism" of Jennifer Latheef on 18th October is an indication of the problems with the judicial system. Ms. Latheef, 32, is an outspoken critic of President Gayoom's 27-year rule, an uncompromising advocate of human rights and civil liberties. She has been termed by Amnesty International as a "prisoner of conscience". Apart from being the human rights coordinator of the opposition Maldivian Democratic Party, she is also a well-known youth leader, writer and photojournalist.

Ms. Latheef's "terrorism" charge arose in connection with her participation in a demonstration in September 2003 to protest the custodial deaths of four young prisoners. Three others involved in the demonstration have already been sentenced to 11 years jail each. Charges include "the assault of a number of police officers, plus the torching of government buildings and an election office". Ms. Latheef denies all charges.

The trial itself has been mired in controversy. Six out of the seven prosecution witnesses against Ms. Latheef were police officers whose statements were not always consistent. One police officer, for instance, claimed that he saw Ms. Latheef throw a stone at him while he was walking away from her – and that it hit him on his shin, despite the fact that he had his back towards her. Despite such lack of credibility, the judge ruled that Ms. Latheef was guilty of terrorism, and has sentenced her to 10 years in jail. Ms. Latheef was immediately taken to the police headquarters before being transferred to prison, where she remains.

Ms. Daruwala explained that the promised reforms in the Maldives are undermined by the lack of demonstrable progress, as well as lack of due process or adherence to standards of fair trial. Ms. Daruwala called for an urgent review of Ms Latheef's trial and stated: "It is hoped that following such blatant disregard for human rights, the international community will finally take decisive action in the Maldives. It is time for action by the Commonwealth in particular, or the association may face another situation like in Zimbabwe".

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¹ The Commonwealth Human Rights Initiative is an independent, non-partisan, international NGO headquartered in New Delhi, India, and working for the practical realisation of human rights in countries of the Commonwealth.