



MDN Briefer on the Current Situation Concerning Detention of Protesters and Threats to Employment Rights

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Police brutality, arbitrary arrest and detention

Approximately 193 protestors were arrested following an anti-government protest held on May Day that amassed over 20,000 people to the capital Malé from all over the Maldives – the largest number of arrests from a single demonstration since 2004. We note a trend of authorities and public officials making discriminatory comments to protestors arriving in Malé from the outer islands. As of now 153 detained protestors have been released with approximately 30 protestors remaining in custody. According to local media Maldives Police Service has forwarded 129 cases to the Prosecutor General's Office for charges to be filed at the Criminal Court on allegations of obstruction to police duty, disobeying police orders and assaulting riot police.

Many detainees echoed the lack of medical attention after sustaining injuries due to police brutality a week ago. Another common complaint made to lawyers is that certain police personnel treat the detainees as if they were already convicted of a criminal offence, keeping them in inhumane conditions, some without access to clean drinking water. One detainee, who was transferred to house arrest after 17 days of detention, has a history of suffering from seizures. The authorities did not provide him any medical attention during his arrest. "He was threatened by one of the police officers on duty at Dhoonidhoo [Island Detention Centre] right after he had a seizure," said a witness. On 13 May when his lawyer went to Malé Custodial Centre to complete a visitor's form he was incorrectly informed by a police officer that the detainee in serious condition had been released.

The authorities have been selective in providing medical treatment to detained protestors. Another instance where a detainee in serious condition was denied consultation with a doctor is with regard to a detainee who works at the office of the Maldivian Democratic Party as a driver. He had been complaining of chest pains for a week; he received no medical attention during his detention that lasted over two weeks. An inmate in Maafushi prison recently died, reportedly from apparent natural causes according to the authorities. The inmate had been suffering from chronic chest pain for nine months and there was no doctor present at the prison for the past month, reported local media.

On 14 May, Maldives Police Services brought some detainees to the State-run IGM Hospital for medical treatment. A detainee who received medical attention reported that he requested an X-ray of his injured wrist but was denied this by the police. Another detainee claimed that the resident doctor at the Dhoonidhoo Island Detention Centre was not able to provide him the medication he needed despite proof of prescription.

A middle-aged female primary school teacher who was detained on 1 May – who has since been released – was also denied medication during her detention because the prescription was issued by an overseas hospital. Many detainees reported that they were beaten several times inside the police vehicle after their arrest, with some claiming they were beaten inside police headquarters. One such detainee's right ankle had been swollen since the arrest; he informed his lawyer that riot police struck him with a baton. Neither of them has received any treatment for the injuries sustained while in police custody. Both detainees reported that their first 9 days of detention was spent in the same cell as individuals detained for serious crimes. Many detainees who attended the police – after police published their photos – were also reportedly beaten inside the police headquarters.

There have been incidents where people who were allegedly uninvolved in the protest were also arrested. Some detained claimed to be supporters of ruling Progressive Party of Maldives and that they were not participating in the protest. An employee of a restaurant operating in Malé who was delivering food to a house nearby the protest area was also detained. Among the detainees, blogger Yameen Rasheed who is an active member in the campaign to find what happened to disappeared Minivan News journalist Ahmed Rilwan. Rasheed told his lawyer that he was far away from the protest area but was arbitrarily arrested by riot police. Other individuals who have been vocal on social media against unfair actions by the government were also arrested; Hamid Shafeeu, a member of MDN is among them. Most of these individuals were transferred to house arrest at the previous remand hearing and released from pre-trial detention at the last hearing according to their lawyers.

Ahmed Naeem, a Political Science student at the Maldives' National University who works for Transparency Maldives, a local human rights NGO was also arrested on May Day. He had his remand arbitrarily extended to 7 days on 17 May despite police claims that they

have gathered sufficient evidence for prosecution. Naeem's lawyer informed the court that Naeem is a student and that the allegations against him are false, requesting the judge to transfer him to house arrest in order for him to revise for upcoming exams. The judge refused to transfer Naeem to house arrest claiming that one more police officer – who is overseas at the moment – needs to submit a witness statement for the investigation for Naeem to be released from remand. Naeem has since been transferred under house arrest earlier this week.

A married couple also had their remand extended to 7 days after over two weeks of detention. The man is accused of driving his vehicle past police barricades while his wife was allegedly sitting in the passenger seat. His wife claimed to her lawyers that she may have been pregnant when she was arrested on 1 May, however "lost the baby" while in custody. In total two female protestors still remain in custody on Dhoonidhoo Island Detention Centre.

MDN received reports that at one of the remand hearings, the Judge sarcastically asked one of the detainees if he was prostrating when he was arrested. Most protestors were remanded for 15 days on 2 May without considering the circumstances surrounding the arrest. Evidence against the protestors was only disclosed to the presiding Judge. Many protestors were reportedly contacted by the Prosecutor General's Office, offering them plea-bargaining that enables the State to withdraw or dismiss charges, which the protestors claim are false. The detainees and lawyers were allegedly informed by the Investigative Officer that police officers have given witness statements against them. The detainees claim that these statements are false. The Maldives does not prosecute law enforcement personnel for perjury.

The detainees reported poor ventilation and congestion in the holding cells, resulting in sleep deprivation and skin allergies. Detainees told lawyers that police officers on duty turn on LED lights fixed inside the cell at 00:00 each night according to what police claim are new regulatory requirements. Some detainees claimed they suffered from food poisoning.

We highlight that according to their lawyers, all protestors have given witness statements during the police investigation with regard to the allegations against them. Investigative Officers claim to have mounted evidence against the protesters and forwarded cases to the prosecution. Therefore, we urge that there is no need for protestors to continue to remain in custody or have their remand extended. At this instance we note that those detained predominantly do not hold a prior criminal record.

These actions clearly breach the International Covenant on Civil and Political Rights, especially Articles 2, 7, 9, 10, 19 and 22, which the Maldives' government is obligated to uphold as per international law.

Employment rights fringed

MDN has information that several individuals have been violated of employment rights. It is believed that these instances are politically motivated due to the reason that those who have been affected by these actions are members of, or open supporters of the current opposition and it is highly unlikely that this can be a coincidence. The information received pertains to those employed or previously employed at government institutions and government-owned companies.

Approximately 58 people have reported such instances in the past few months and are in the process of pursuing legal recourse through the Employment Tribunal. Some of the forms of violations include unfair dismissals, demotions, transfers without consent and threats to take such actions. Furthermore, several individuals have been threatened of termination from employment and forced to register membership with a specific political party. Some of the justifications that employers have provided to these violations are; “protesting against the lawfully elected government”, “changes to organisational structure” and “untrustworthiness based on intelligence information.” Some individuals have not been given a reason for transfers and demotions.

Moreover MDN reiterates that the Maldives is a member of the International Labour Organisation and has acceded to 8 of its fundamental conventions. These instances are a clear breach of the Articles 6 and 7 of the ICCPR, and in addition to this it breaches obligations made under the 1958 ILO convention against Discrimination (Employment and Occupation) to which the Maldives is signatory.