



MDN Briefer following observations of the May Day Protests

3 May 2015

The Maldivian Democracy Network (MDN) is a non-profit, non-partisan organisation working for the protection and promotion of human rights and free and open democracy in the Maldives through accountability, transparency and the rule of law.

MDN conducted an observation mission on the May Day rallies held in the capital city Male' on the 1st and 2nd of May 2015. The mission included two international and three local observers. This brief highlights some of the key observations by the team.

International observer for this mission, Andrew Khoo, is a practising advocate and solicitor from Malaysia. He has been in active legal practice for twenty years. He has spent the last fourteen years involved in various human rights-related and rule of law issues and advocacy both inside and outside Malaysia, including at the United Nations Human Rights Council and the United Nations High Commission for Refugees, and on pro-democracy, government accountability and police integrity matters. He has represented the Malaysian Human Rights Commission pro bono in various watching briefs before the Malaysian courts. He is currently Co-Chair of the Human Rights Committee of Bar Council Malaysia.

International observer for this mission, Mr. Aingkaran Kugathasan, is a lawyer by profession and holds a Master of Law. He has worked on several human rights initiatives in Sri Lanka and participated in campaigns for the protection of human rights of the people in the South Asia and Asia region. He is currently the Senior Programme Officer with the Human Rights and Reconciliation Programme at the Law & Society Trust (LST), a not for profit organisation engaged in human rights documentation, legal research and advocacy, based in Colombo, Sri Lanka.

Observations

While the Constitution and the Freedom of Peaceful Assembly Law (law number 1/2013) state that no prior permission shall be required for an assembly, the law also states that organisers of assemblies should provide prior “notice” of the event. This notice is required by the Maldives Police Service. The context in which the organisers prepared for the May Day rally was weeks after the Maldives Police Service, in a press conference, declared that “any protest held without permission will be dispersed immediately”.

The Adalat Party, primary organisers of the event, provided this notice to the police ahead of the rally. The rally began at the Artificial Beach, the east end of the city and walked straight along the main road to the western end where speeches were delivered by different speakers. The rally, in which approximately 20,000 participated (discounting bystanders alongside the road), was a peaceful walk which carried messages to free former President Nasheed, to find the disappeared journalist Rilwan, to free the former Defence Minister Nazim, stop abuse against MP Qasim, to investigate the murder of former MP Dr. Afrasheem Ali, to release political prisoners and to ascertain justice in the country. The speakers addressed issues within the judiciary, law enforcement, issues of corruption and violence, calling for reform and for president Yameen Abdul Qayyoom to have talks with the opposition.

It was observed that the rally broke for prayers at 6pm and the participants attempted to attend the Islamic Centre, the main mosque in the city, for *Maghrib* prayers. However the police had placed blockades leading to the mosque except for one road which required the people to walk around a longer route. The participants of the rally were seen attempting several routes to the mosque only to face police barricades, and mounting frustration could be observed. Several people were chased from police barricades while the police also used explosive tear gas canisters to disperse those gathered at the barricades asking to be let in to attend prayers. The scene after the chase showed several shoes, national flags that the participants carried, broken glass, a van with the glass smashed and several motor cycles fallen in their parking spaces. The fumes from the tear gas could be seen heavily several feet away, and it is noteworthy that the gas canisters were thrown by the police into the crowd of people. Witnesses reported to the observers that one man fell unconscious due to the fumes as the gas canister landed at the man’s feet, and the police were reportedly seen to have dragged the man across the road.

Mr. Khoo noted that “the participants conducted themselves very well from start to finish, and were both cheerful and disciplined. It was a very restrained and dignified exercise of the freedom of assembly and expression, and the organizers should be congratulated for having fulfilled their responsibilities to ensure that participants were peaceful and orderly. There was hardly any sign of law enforcement agencies along the route of the assembly, save at one of the gathering points prior to the start of the public assembly.” He also noted that “however, some of the events after the public assembly was declared over at sunset did give cause for concern. Some of the roads leading away from the public assembly route were closed off by law enforcement authorities, and this served to complicate the easy egress of participants. Given the very narrow streets of Male, and the sheer numbers that participated, including vehicles and motorbikes, quick dispersal of participants was frustrated by the blocked streets, and this consequently led to, and resulted in, rising tensions and frustrations on the part of some. Regrettably, I did witness acts of provocation on the part of certain individuals later in the night, though it could not be ascertained if these were participants of the public assembly or specific individuals who were intent on causing trouble. This is especially so since the participants of the public assembly acted peacefully earlier in the day. There were occasions of heckling at police personnel who were stationed at various barricades, as well as incidents of the throwing of construction or pavement bricks at them.”

Mr. Aingkan noted that he “witnessed blood spilled on the road and when asked about it was informed by onlookers that it was the result of police beating a man”. He also noted that “minors were arrested and those arrested were made to kneel down on the pavement with their hands cuffed behind their backs, and while the police were seen to be taking record of those arrested, were unable to provide observers or media the number of people arrested.”

It was observed that some of the police barricades were placed at locations which were not prohibited under the Freedom of Peaceful Assembly Law, and the police repeatedly pushed the barricades further into the crowds, forcing them to move back. Furthermore, the police used their shields to push people back, at times causing injury to participants. The police were also heard using inappropriate and abusive language at the crowds, displaying acute hostility towards the people gathered. It was also observed that some individuals used hateful language and threw plastic bottles and stones at the police.”

Mr. Khoo observed that “barriers which had been erected were breached by some individuals who were gathered at the front of the crowds. The use of stun grenades and pepper spray at groups gathered at the barricades was observed at several sites, which was then routinely followed by a

charge into the crowds by police personnel, leading to the arrest of a fair number of individuals. This "cat and mouse" action continued at different locations well into the night. It was however not entirely clear whether the individuals arrested, both men and women, were the actual ones who were responsible for breaching the barricades, or were merely bystanders, of which there were many, in the "wrong place at the wrong time".

Some of those detained by police were seen receiving medical attention, in particular the washing of pepper spray from their eyes, and attention to cuts and bruises. Those police personnel who assisted injured protesters are to be congratulated for taking care to attend to such individuals.

Protesters who were arrested after police charged into the crowds were seen to have been pushed, forced to run with several policemen or carried by more than three or four policemen. It was noted that requests by these protesters to let them walk calmly was not respected by the police, and rough handling which led to individuals being banged into the barricades, injuries and also for several individuals to lose their footwear or cause damage to clothes was observed.

Mr. Khoo further noted that "what was seen was the arrest of individuals for merely passing through the barricades en route to another part of the street or junction. There was also some inconsistency in approach, with some people arrested for breaching the barrier in this way, and others allowed to pass. Such pettiness and inconsistency were unnecessary and served only to detract from the reasonable professionalism of police personnel. Overall, however, questions should be raised about the necessity of police personnel blocking-off many roads in the centre of Male, thus making the egress of participants of the public assembly after its conclusion more difficult and onerous. Had these not occurred, we can only speculate whether the incidents of the night could have been avoided."

Mr. Aingkarán noted that "while the police at the barricade allowed this observer mission and journalists to observe inside restricted areas, this observer mission was later asked by the police media official to leave, which required this observer mission to observe from behind the barricades and along the edges of the gathering."

The police on several occasions treated this observer team as part of the gathering after the mission was moved behind the barricades despite the signs that the observers wore which clearly indicated that we were observers.

A pickup truck used in the protest was seen trespassing the police barricade near the fish market.

The observer mission received reports of a policeman having being attacked and beaten by protesters later in the night. While video recording of the incident has been made public both by bystanders and the police, this incident needs to be investigated thoroughly, and questions need to be raised such as whether the policeman was assaulted by participants of the gathering or individuals deliberately intent on causing violence; and why other police personnel did not step in to assist and stop the beating.

Media reported that a pickup truck used to carry the sound system in the protest was seen trespassing the police barricades near the fish market. A video clip of the incident was shared over some social networking websites.

Media reported that a total of 193 people had been arrested by the police following the rally. These detainees included organisers of the rally and leaders of the opposition. Almost all of the detainees have currently been detained further on remand for periods of 10 to 15 days.

2nd May 2015

Families of those detained on the previous night gathered outside the court building in the hope that they see their family members and ensure their wellbeing and also that they were released. These families included those of minors who had not been informed of their children's arrest well after 18 hours had elapsed. The police subsequently put up barricades on the roads surrounding the court building and ordered the families to move behind the barricades, which caused tension and ended in heavy use of pepper spray, sometimes at close range and into the eyes of those gathered.

The opposition organised and announced a second rally at the artificial beach in the evening. A group of policemen approached before the rally started, while a gathering of approximately 200 people stood in a circle on the beach. The police informed the organisers that they were not permitted to hold the gathering, to which the organisers clarified that the permit had been obtained. The police left shortly after and a peaceful rally was held until midnight.

ENDS.