

President Nasheed's re-imprisonment following commutation of sentence

24 August 2015

The Maldivian Democracy Network urges the international community to urgently intervene with regard to arbitrary arrest, unfair trial, wrongful conviction, imprisonment of former president Mohamed Nasheed and the overturned commutation of his imprisonment to house arrest by the Government of Maldives.

Former President of the Republic of Maldives, Mohamed Nasheed was transferred back to the high security prison on Maafushi Island on 23 August 2015 at approximately 22:00. Prison officers from the Maldives' Correctional Service and Special Operations police from the Maldives Police Service arrived at the former president's residence around 20:30 without any official authorisation of re-imprisonment.

One of the members of President Nasheed's legal team, lawyer Ms. Hisaan Hussain informed the press that officers from the Maldives Police Service entered the former president's residence "without a court order and using excessive force", which resulted in damage to the property, and harmed journalists, family members and supporters due to indiscriminate use of pepper-spray at close-range. The transfer to Maafushi prison comes at a time when President Nasheed's terrorism sentence had been officially commuted to house arrest on 19 July through an officially signed and sealed document issued by the Maldives' Correctional Service, referenced 167-OPC/SM/INDIV/2015/1412. However, the government has today claimed that the Maldives Police Service is investigating the authenticity of the said document, which it believes is fraudulent. Acting Home Minister Mohamed Shainee criticised President Nasheed's lawyers for not "publicising or verifying the document through courts" and claimed the government has "not agreed to commute any opposition politician's sentence."

The former president was arrested on 23 February this year and sentenced on 13 March through an extraordinarily rushed trial that many observers view was designed to eliminate the country's leading opposition politician. The Supreme Court restricted the period of appeal to 10 days a week before criminal proceedings began regarding the terror charges. A panel of judges who were accused of having conflict of interest convicted President Nasheed of terrorism for the alleged detention of the

controversial Chief Judge of the Criminal Court Abdulla Mohamed.¹ The terrorism conviction has been widely condemned by civil society, human rights groups and foreign governments, calling for his immediate release.^{2 3 4}

Despite the restrictions realized through an infamously corrupt and untrained judiciary, the Yameen administration continued to urge President Nasheed to appeal the conviction while reassuring the international community that he has the opportunity to pursue legal recourse.⁵ Earlier this month, the Prosecutor General appealed President Nasheed's conviction on his behalf, however failed to include a list of legal issues raised by his legal team. President Nasheed's legal team has filed a habeas corpus application this morning claiming that last night's re-imprisonment was arbitrary and unlawful. The United Nations Working Group on Arbitrary Detention is set to decide on the legality of President Nasheed's conviction in September or October this year.

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¹ MDN's Briefer on the Trial of Former President Nasheed http://www.mvdemocracynetwork.org/wp-content/uploads/2015/07/President-Nasheed-Trial.pfd_.pdf

² News Article on the website for United Nations' Office of the High Commissioner for Human Rights <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15725&LangID=E>

³ Press Statement by Amnesty International regarding Nasheed's conviction <https://www.amnesty.org/en/latest/news/2015/03/maldives-mohamed-nasheed-convicted-terrorism/>

⁴ 'Maldives democracy under threat' says US – Haveeru Online <http://www.haveeru.com.mv/news/60375>

⁵ Nasheed's sentence was commuted to house arrest before state decision to appeal – Maldives Independent <http://maldivesindependent.com/politics/nasheeds-sentence-commuted-to-house-arrest-as-lawyers-questions-pgs-intent-with-appeal-of-terrorism-conviction-101315>