

Newsletter

Maldivian Democratic Party

1-15 July 2004; Issue 15

Pro-Democracy Assembly in Male

Oriental Academic Centre in conjunction with Ibrahim Ismail (MP for Malé and member of the MDP Governing Council) held a very well received and successful seminar on participatory democracy and political pluralism at the Social Centre Male on the 29th of June. A number of prominent members of Maldivian society attended, including some initial signatories of the Maldivian Democratic Party along with more recent members. Although originally intended as a discussion forum for party politics and constitutional reform, wide ranging issues were discussed such as human rights and social difficulties faced by the community. Maldivian Democratic Party congratulates the organizers of the seminar, which one attendee describes as "extremely positive and vibrant". MDP will continue to



encourage and support such fora for discussions where members of the community can gather and speak freely and exercise their right to freedom of speech and assembly.

Some of the more animated discussions during the meeting revolved around:

- On speculation of how long the constitution would take this time considering the present constitution took 17

- years • **The** question of separation of powers and independence of the judiciary • **The** importance of political pluralism and competitive politics as a measure of a vibrant democracy • **The** need for institutional change to enhance a system conducive for participatory democracy • **The** strengthening of human rights through constitutional reform • **The** need for greater answerability on the part of high ranking government officials in instances of human rights abuse • **The** need for citizens to be more self-reliant • **The** importance of free and fair elections.

Paradise Regained?

By Alex Perry

Time Asia correspondent

It's not often that a strongman voluntarily loosens his grip on government, but in what one diplomat called an "astonishing" announcement last week, President Maumoon Abdul Gayoom of the Maldives appeared to do exactly that. No longer would he run the executive, courts, police, parliament, army and media single-handedly, Gayoom proposed at a constitutional forum he convened in the capital, Malé. Instead, there would be a Western-style separation of powers, with a Prime Minister, a Supreme Court and a strengthened legislature. Political parties would be allowed to flourish, and human rights would be safeguarded.

The unprecedented move follows months of reported government abuse and widespread popular dissent against Gayoom's regime in the wake of riots in Malé last September. Local human-rights groups have threatened a campaign to discourage travel to the Maldives,

which depends on tourist dollars for 20% of its gross domestic product. "The whole thing was a real eye opener for Gayoom," says one Western analyst, who speculates that the President feared his legacy of transforming these poverty-stricken islands into a world-class holiday destination was under threat.

If enacted, the proposals would mean an overnight transition from authoritarian rule to something approaching democracy. But opposition groups remain skeptical. Mohammed Latheef, self-exiled head of the Maldivian Democratic Party who now lives in Sri Lanka, alleges that detention and torture of opposition figures goes on and notes that the constitution already has clauses – pretty much unobserved – on democracy and elections. "We can't get too excited," says Latheef. "This is just paperwork."

secretariat@maldiviandemocraticparty.org

Words and only words

Mohamed Nasheed(Anni)

Among many international observers there seems to be a tendency to take the view that the inevitable is happening in the Maldives. The Maldives strong man, Mr. Gayoom has been in absolute power for 26 years. Recent events for him have been unprecedented. Mr. Gayoom has had to sustain a continuous barrage of criticism on his ways and methods both from home grown dissidents and the international media. This has undoubtedly rattled the bulwark of the present Maldivian ruling elite to the extent that Mr. Gayoom has had to go on TV to say that he no longer would run and dominate all and every aspect of Maldivian life. State Powers, he said would be separated. In his proposed constitutional changes, the judiciary, the executive and the legislature will be independent from each other and pluralism will be installed. International observers are translating these words as Mr. Gayoom's intentions.

The Maldivian Democratic Party (MDP), functioning as an entity in exile, and with a wealth of experience in Mr. Gayoom's deceptions, has welcomed all these proposals, but remains very sceptical of the real intention of the President.

It of course will be the height of naivety to believe that rhetorical sound bites uttered by the President, under international pressure is going to deliver the Maldivians from their dire predicament. The present constitution of the Maldives was received in 1997. Although it granted almost all basic human rights as stated in any liberal constitution, including that of the freedoms of speech, assembly and association, its ratification changed nothing. The Government blatantly disregarded it and continues their ways and methods in a business as usual fashion. In the new proposed constitution Mr. Gayoom may even grant the Sun, the Moon and the Stars to the Maldivians as fundamental rights. Written words, Maldivians know too well, mean naught.

Given the underdeveloped tribal levels of Maldivian politics, constitutional reform is not an ideal starting point for any reform program. In the 1990s Committee of the Special

Majlis convened to draft the present Constitution (1997), the present spokesman for MDP Mr. Mohamed Latheef, probably worked harder than anyone else. It was not surprising that about ten of the fifteen or so in the Committee were Gayoom's cabinet members. Mr. Latheef concentrated on one issue - the separation of powers. In the last Committee meeting he attended he persuaded most of the members, that separation of powers was not incompatible with Islam - the skirt they prefer to hide behind. Within a month Mr. Latheef was in solitary confinement. Dr. Waheed (MP for Male'), Mr. Gasim Ibrahim (MP for Ari Atoll), Mr. Mohamed Ibrahim (MP for Fua Mulah) were all intimidated and were forced to resign from their parliamentary seats. With the subsequent crack down, closure of all independent magazines ("Sangu" and "Hukuru" among others) and mass arrests, the whole reform movement of the 1990's dissolved into nothing. Mr. Gayoom regained ever more control on the reigns of power and he came out with his tailor-made constitution.

Those of us at the receiving end of the so-called 1990 'reform program' learned our lessons through the slippery slope. The writer personally had to spend 18 months in solitary confinement, and was utterly ill - treated, abused, spat at, degraded and reduced to nothing. Most active members of the magazine 'Sangu' suffered the same fate. For reformists, they became victims of Gayoom's own "Thousand Flower Campaign", an improvement on the original one carried out by Chairman Mao in China.

We now have the benefit of hindsight. In 1990 the reformists did have the upper hand for more than six months, but many now believe that they failed to use the opportunity mainly because all their engagements were in many ways at an individual level. Any fool should have known that constitutional reform is a highly volatile political activity and that there are tried and tested methods of engaging in political activities. Launching oneself as an individual into fire and brim stone is most certainly not the way to go about it. Popularity of individuals remains

fine and well as rallying points, but is effective only when, the strength of support is on their side. The minute that they change their minds or intentions, these individuals have just one leg to stand upon and soon are coerced to align their beliefs with the ruling elite, or face the torture chambers of the regime.

The reformists failed in 1990 mainly because they lacked a framework of political association. Constitutional amendments, we have to comprehend, do not represent an ideal starting point for any meaningful reform program in the Maldives. Freedom of political association is the prerequisite and it is this fundamental requirement that Mr. Gayoom is unrelentingly ignoring.

In 1995, the late Mr. Mohamed Latheef (no relation to MDP spokesman Latheef), a Prime-ministerial hopeful of the 1950's (the cousin of the former Prime Minister Famuladeyri Kilegefaanu), and the writer requested the government to grant the registration of a political party. In response to this, Mr. Gayoom wrote, saying that it will be timelier when the new Constitution (the present constitution ratified in 1997) comes into effect. Soon after this reply, he arrested Mr. Latheef and many of his close associates, all of them, respected elders of the Maldivian society. Among them were, historian, the late Mr. Hassan Ahamed Manik who then held the Chair for Male Municipality, Mr. Ahamed Shafeeq, who has practically filled all Maldives government positions, except that of the Head of State during the 40's and 50's, and writer Mr. Ali Moosa Didi, who is the father of Lt. Col. Moosa Jaleel.

I mention the profiles of these people to let you know the extent that Mr. Gayoom will go to resist the idea of meaningful democratic change. Of course, he arrested me as well. The new Constitution was finally ratified in 1997 after 17 years of foot-dragging by Mr. Gayoom. When the ratified constitution came into the public's attention, Mr. Shaheen Hameed (the president's own nephew), one of the leading lawyers in the country, stated to the International Reports of Washington Post, that the constitution was a "document more draconian than the one we had earlier

Continued on page 3

Gayoomspeak :

Gayoom in July 1990 - *Our laws do not bar anybody from forming a political party if they want to. Yet, no one seems to be thinking on those lines. In my personal opinion, in a small, closely-knit society like ours, parties may create more problems than they would solve. (A Man for All Islands - Royston Ellis, p 189)*

Nasreena on 2nd December 2003 - *I think my husband was very open for multi-party system. I mean as a person, I know that he is, but parliament voted against it. (In an interview with Ms Frederica Jansz - Maharaja TV, Sri Lanka)*

Gayoom on 12th of June 2004 - *Our constitution does not specifically say that political parties can operate in the country. ... I sought legal opinion on that from our legal experts, and they said that, because of certain other provisions in the constitution, a party system is not viable or cannot be operated in the country as the Constitution stands. (BBC World Service Radio Interview)*

Is His Excellency Maumoon Abdul Gayoom, President of the Republic of Maldives, capable of telling the truth ?

Words and only words

(1968)". Anyway this 1997 constitution did grant the freedom of political association, which was also a feature of the constitution that replaced it.

In 2001 members of parliament, a former cabinet minister, leading businessmen, academics, feminists and popular sports stars, citing Article 27 of the Constitution of the Maldives, that clearly enshrines freedom of association as a fundamental right, came together to form a political party, in the name of Maldivian Democratic Party. Their inquiries from the concerned authorities revealed that the registration would be merely an administrative formality. However, Mr. Gayoom determined otherwise. With blatant disregard for the constitution, the President refused to register the party. He further compounded this illegal act by getting his rubber-stamp Parliament to endorse his open defiance of the fundamental law of the country.

President Gayoom is again refusing to grant registration of political parties

stating that the present constitution does not make room for it. The issue of the registration of political parties is not a constitutional issue. It's an administrative task. Legislation for registration process is also available in the present Maldivian legal framework. Law 26/82, (Act for registration of Clubs, Association and Parties - please note 26/82, since then has been amended to remove the word "Party"), gives a clear guideline on how to establish a party.

The Government in their defence maintains that it was the Parliament that stopped the formation of the Maldivian Democratic Party. Firstly, the Parliament cannot override the Constitution, and therefore even if the Parliament did obstruct the formation of the Maldivian Democratic Party, that action would be construed highly unconstitutional.

Secondly, I was a sitting MP while the Parliament debated the issue and if one reads the Minutes of the debate of that day (i.e. when the Parliament debated the issue of political parties) it will become clear that the Parliament was highly mislead and that it did not

pass any law banning the formation of the Maldivian Democratic Party.

The President now claims that the legal advice received by him from the government's lawyers suggested that the laws did not allow the formation of political parties. The government's spokesman on legal advice is the Attorney General, and in his speech to the Parliament, at no time did he say that political parties cannot be registered. The government's former Attorney General Dr. Mohamed Munawwar is still alive and kicking. He has now come and joined the MDP and if one is still uncertain of what he actually said, perhaps it would be best to ask the man himself to clear up the matter. What he did say was that we have to change many laws to make it productive.

If President Goyoom's "pluralism speech" has even an iota of good intentions, he should back his words with deeds. Instead of remaining on his stance of constant denial of the facts of this case, the President should give room for political associations without further delay.

Commentary and analysis on Mr. Gayoom's 'pluralism speech'

By A Councillor

The Maldivian Democratic Party welcomes President Gayoom's 9th June 2004, reform speech, but we remain sceptical about the real intentions of the Government given the following realities.

1. The Government continues to say that the present Maldivian law does not allow the registration of political parties.
 - a. In 2001 those who requested for political association under the name of the Maldivian Democratic Party, filed their papers with the strong belief that the laws perfectly allowed such association. Indeed, Article 27 of the Constitution of the Maldives clearly says so, and Law 26/82, (Act for registration of Clubs, Association and Parties - please note 26/82, since then has been amended to remove the word "Party"), gives a clear guideline on how to establish a party.
2. The Government maintains that it was the Parliament that

stopped the formation of Maldivian Democratic Party.

- a. The Parliament cannot override the Constitution, and therefore even if the Parliament did obstruct the formation of the Maldivian Democratic Party that would be construed highly unconstitutional.
- b. I was a sitting MP while the Parliament debated the issue and if one reads the minutes of the debate of that day (i.e. when the Parliament debated the issue of political parties) it will be clear that the Parliament was highly mislead and it did not pass any law banning the formation of the Maldivian Democratic Party.
3. The Government says that the legal advice received from its lawyers suggested that the laws do not allow for political parties.
 - a. The government's spokesman on legal advice is the

Attorney General, and in his speech to the Parliament, at no time did he say that political parties cannot be registered. What he did say was that we have to change many laws to make it productive.

MDP believes that a starting point for any meaningful reform programme will have to be the establishment of political parties. Constitutional amendments will have to follow from there onwards. Amending the Constitution is a highly volatile political activity. If we were to attempt such an activity without the proper framework, safeguards and the security of a political party, we feel that, as in the past, we are bound to fail. We therefore believe that the Maldivian Democratic Party and any other group requesting to associate as a political party need to be granted registration before any further steps are taken in the name of political reform in the Maldives.

**Maldives can become
the youngest
democracy of this
century. Help
Maldivians achieve
their dream!**

Gayoom Flirts With Political Pluralism

Gayoom impressed the international community with his offer of sweeping political reform through changes in the constitution. Among the many reforms he touted, the offer of political pluralism was what impressed the international media and pro-democracy governments most.

Should we, the people of Maldives, the victims of Gayoom's despotic rule for over a quarter century, celebrate with the international community? Perhaps a more sober reflection of similar proposals tendered earlier, and subsequently reneged on by Gayoom, accompanied by a dispassionate analysis of what he actually practices while he preaches reform, would help us reach a more objective judgment of Gayoom's intentions.

Let us take Gayoom's offer of introducing political pluralism - the area that seems to have captured the imagination of the international community most - as an example. Gayoom claims, "I presented a model constitution in 1980... a large part of the model has been preserved, with some modification" (A Man For All Islands, Roysten Ellis, p.153). One can safely assume that Gayoom, as the architect of the present constitution, knows what he meant when he drafted the chapter on fundamental rights. One such right (Article 27) states "Persons shall be free to form societies and associations, unless prohibited by law in the interest of the protection of sovereignty of the Maldives and the maintenance of public order." This article is no less precise than most constitutions, including that of India, our closest neighbor and the biggest democracy in the world. Our constitution is more precise, with regard to freedom of association, than such established democracies as the UK and the USA. Gayoom, one can assume, must be aware that constitutions constitute the governing principles and the basic laws of a country around which more detailed laws are constructed. The constitution, he would or at least should know, does not go into finer details. Law 26/82 (modified a few years back) is specific enough. The law facilitates and gives guidance on the registration of "clubs, associations and parties." The wordy "party" is specifically mentioned.

On different occasions including in an interview with a journalist, Gayoom indicated that he was aware "our laws do not bar anybody from forming a political party if they want to. Yet, no one seems to be thinking on those lines." (p.189). Gayoom clearly, precisely, categorically and unequivocally admits to the fact that political parties are allowed. He is right.

Yet, when forty two prominent Maldivians, "thinking on those lines," wanted to form a party, Gayoom opted to violate the constitution and the very laws which he claimed "did not bar anybody forming a political party if they want to." In an attempt to absolve himself from

blame, Gayoom sent the matter to his rubberstamp parliament who promptly and predictably decided that it was not a good thing to have political parties. Gayoom (once again one must assume) must be aware that members of the parliament cannot override existing laws and are sworn to uphold the constitution and are not - even collectively - above the constitution.

Gayoom's new mantra - first sung on 9th June, at the constitutional circus he convened - is equally absurd. According to this new revelation, Gayoom's legal experts advised him that "our constitution does not specifically say that political parties can operate in the country." Gayoom does not say if the constitution "specifically" bans political association. Nor does he say how some associations are permitted to function when the constitution "does not specifically" say that they can be formed either. Football clubs and Girl Guide associations, while important enough, cannot surely be more of a "fundamental right" than the right to political association - especially considering that Gayoom's professed aim for constitutional reform was, according to his biographer, "to bring the Maldives in line with the rest of the free world." (p.150)

Imagine what the "rest of the free world" would be like if their leaders - who are not even architects of their constitutions - started behaving as irrationally as Gayoom does. Imagine, if you can, Manmohan Singh, Tony Blair and George Bush, whose constitutions are far less "specific" on formation of political parties suddenly decide that all this while their countries have been run unconstitutionally by political parties and hence decide forthwith to become absolute dictators of their respective countries. Imagine if Bush' legal advisors interpret freedom of expression to mean the right to sing his praise over a state-controlled mass media as is the case in Gayoom's Maldives. Imagine, if you will, if Manmohan Singh decides after due consultation with his legal team, that freedom of movement meant the right to do aerobics or to practice yoga movements. Could Blair, after due legal consultation, decide freedom of assembly meant the right to collectively watch David Beckham miss three penalties in a single match and, like Gayoom does, preemptively arrests people who wish to assemble in peace?

Gayoom's excuses for violating the constitution are becoming more pathetic, more comical by the day. To the extent one needs to quite seriously consider assessing his mental capacity to govern a country. Gayoom would not be the first megalomaniacal despot to quietly go insane.

Gayoom's desperation for staving off political pluralism are, however, not as insane as one might think. It is difficult to imagine Hitler, Pol Pot and mentor

Saddam to suddenly embrace political pluralism - especially if they are certain of losing their hegemonic power in an atmosphere of competitive politics. Gayoom knows very well that he gets his ninety percent because his brother rigs the entire voting and vote counting process. He is fully aware that in a free and fair election he, his family and cronies will never be returned to power.

Gayoom's speech during the constitution circus of 9th June, made it clear that, deep inside, he stuck to his belief, "In my personal opinion, in a small, closely-knit society like ours, parties may create more problems than they would solve." (p.189) Gayoom knows that parties would most certainly "create more problems" for him, family and cronies. It would create all types of problems such as greater transparency and answerability. It would also necessitate such unthinkable concepts as freedom of expression that competitive politics brings about in its wake. Gayoom cannot continue with his quiet, peaceful, harmonious, despotic kleptocracy if political pluralism is permitted. Gayoom, who wants to retain his power at all costs, is only being prudent.

For over a quarter century, his "personal opinion" superseded the constitution which he quite simply violated without the slightest thought that he is, in fact, committing high treason by undermining the constitution. Now, under duress from the international community, he feels he has to go through the motion of respecting the constitution. He is hoping that he can stave off political pluralism for a few years with silly arguments such as "the constitution does not specifically say that political parties can operate in the country." His two brothers in the cabinet and a brother-in-law are busy intimidating their handpicked island chiefs and atoll chiefs to force the people to write to Gayoom that they do not want political parties to operate. Such "popular sentiments" against political pluralism, Gayoom hopes, would help him explain to the international community that, though personally he is for competitive politics, the people outright reject the concept. Gayoom as a people-centered democrat hopes to argue that he cannot but abide by the will of the people.

Will the international community be fooled by such spurious arguments? One hopes not. For too long the democracies of the world listened and accepted without question, the deceptions, lies and half-truths of a despot bent on perpetuating his feudalistic stranglehold over a hapless nation. It is time that the international community accepted the reality that this particular leopard can never change his spots. The time has come for the international community to once and for all reject his deceit and, instead, help the people of Maldives free themselves from the shackles of Dictator Maumoon Abdul Gayoom.

MESSAGE OF THE UN SECRETARY-GENERAL

26 June 1998

This is a day on which we pay our respects to those who have endured the unimaginable. This is an occasion for the world to speak up against the unspeakable. It is long overdue that a day be dedicated to remembering and supporting the many victims and survivors of torture around the world.

June 26 is not a date chosen at random. It was the day, 11 years ago, that the Convention against Torture came into force. It was also the day, 53 years ago, that the United Nations Charter was signed – the first international instrument to embody obligations for Member States to promote and encourage respect for human rights.

Today, we also pay tribute to all those who have worked selflessly to relieve the suffering and assist the recovery of torture victims around the world. These efforts by Governments, organizations and individuals, deserve the gratitude of the United Nations.

Since its birth, the United Nations has worked towards the goal of eradicating torture. Numerous legal and political means have been identified, approved and implemented. The Charter was the first international instrument to call for a specific commission for the promotion of human rights. One of the first tasks assigned to the Commission was to draft a declaration of rights.

The Universal Declaration of Human Rights, whose 50th anniversary we celebrate this year, provided for the first international prohibition of torture. Article 5 proclaims that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.

Various international conventions have since reaffirmed, expanded and integrated that prohibition into

positive public international law. The UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, currently meeting in Rome, is studying proposals concerning a mandate to cover torture. But as things stand today, sanctions are still sorely lacking at the international level.

More than 100 States have ratified the Convention Against Torture. That means they have accepted obligations to take effective measures to prevent acts of torture and to ensure that any act of torture is an offence punishable under their criminal law. Many national Constitutions, criminal codes, laws and regulations proclaim the prohibition of torture.

Yet torture is still reported even in these countries. And so, more than a decade after the Convention Against Torture came into force, the international community has realized the need to place a further spotlight on this atrocious phenomenon.

The United Nations was founded to reaffirm faith in the dignity and worth of the human person; to create better standards of life in larger freedom. We cannot get anywhere near fulfilling that pledge unless we wipe the scourge of torture off the face of the earth. Let us, therefore, seize this day. Today, the United Nations appeals to all Governments and members of civil society to take action, every year, at the international, regional, national, provincial, community, village, professional, family and individual level, to defeat torture and torturers everywhere.

The United Nations will support you every step of the way, until the day arrives when torture is finally consigned to darkest spaces of history.

Letters

Gayoom said: Let there be debate and then there was debate

At the constitution forum held on 9th June President Gayoom encouraged the people of Maldives to engage in open debate about constitutional reform. Oriental Academics and pro-democracy activists obliged Gayoom by holding a meeting to discuss the constitution amendment and democratic reform on 29th June. The discussions were more frank, open and political in nature than any similar discussions ever in the past several decades. The level of passion for liberal participatory democracy was palpable in the charged atmosphere. I congratulate Gayoom for keeping Head Torturer Adam Zahir at bay. So far not one single person has been tortured or beaten to death by Adam Zahir’s goons as a consequent to attending this peaceful assembly. I am hoping Gayoom will continue to find the courage to keep torturers and hardliners in check. He has done a lot for the country. Let him not totally spoil his image by listening to hardliners bent on maintaining the status quo even at the expense of the people of Maldives. Let us resolve our differences peaceably and amicably and without rancour ■

More Shaahins

Shaahin’s defense of Jennifer Latheef was impeccable. Even the most virulent anti-Jennifer among the crowd who attended the court session on 29th June would have come out convinced that this is one trial that should never have been. From Shaahin’s argument it was obvious that the Attorney General had absolutely no case and that Jennifer is a clear victim of political machination and that she should not have been even charged in the first place. So will she be free? A word of wisdom from Abdullah Hameed (Shaahin’s father) would help answer this. Explaining about the futility of even the best defense when fighting against the state (in this instance by Gayoom vs the State under former president Nasir), said “... even the Attorney General who prosecuted the case was beaten by his arguments. But we have a saying in the Maldives. To the judge goes the judgment”. Gayoom is now the president and Hameed’s truism seems as firmly entrenched as ever. If we are to have an independent ethical judicial system, the country needs more Shaahins. Long live justice! ■

Remembering Victims of Torture

Gayoom celebrates all types of days and all types of occasions. However, no one seems to be interested in the victims of torture. 26th June, the UN Day for Victims of Torture went by as quietly as atrocities of torture in Maafushi jail and detention centers in Police Headquarters and Dhoonidhoo. I am ashamed. Please spare a few minutes for victims of torture such as Evan Naseem. Please pray that Gayoom and Head Torturer Adam Zahir, the Butcher of Maldives, will find it in their heart to desist from torture, cruel, inhuman and degrading treatment of fellow human beings ■

Maldives can become the youngest democracy of this century. Help Maldivians achieve their dream!

ދިވެހިސަރުކާރުގެ ގެޒެޓް - ދިވެހިރާއްޖޭގެ ޖުމްހޫރިއްޔާ ބެހޭ ގޮތުން

secretariat@maldiviandemocraticparty.org

ސަރުކާރުގެ ގެޒެޓް - ދިވެހިރާއްޖޭގެ ޖުމްހޫރިއްޔާ ބެހޭ ގޮތުން

Letters

Congratulations to our President for finally accepting that the people of the Maldives should be entitled to have more say in {their} country's democratic development.

It is a pity that it has taken more than twenty years of denying the people, for His Excellency to realise what is fair and just. We will cautiously await the outcome of His Excellency's interpretation of democracy, and see what devious tricks he has in store for us.

It is widely known throughout our country that our government is selected and controlled from His Excellency's Palace. We are all anticipating the free and democratic decisions that our totally independent and free thinking Majlis members will present to the people.

"A nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people." – John F Kennedy.

A supporter for democracy ■

RSF's Internet Under Surveillance 2004 - Report on Maldives

Article 25 of the Maldivian constitution states that "all citizens have the right to express their opinions orally, in writing or by any other means." In September 2003, President Gayoom even set up a commission to investigate human rights violations. But in practice, he continues to crack down on any form of dissent with brutality. "The president's actions never match his words," says Ibrahim Lutfy, a cyber-dissident who avoided serving a life sentence by escaping from his guards (see his account opposite).

E-mail newsletter team still in prison

Ibrahim Lutfy was arrested along with Mohamed Zaki, Ahmad Didi and Fathimath Nisreen (Lutfy's assistant) in January 2002 for producing Sandhaanu, a newsletter about human rights violations and corruption that was distributed by e-mail. Accused of "defamation" and "trying to overthrow the government," Lutfy, Zaki and Didi were condemned to life imprisonment on 7 July 2002. Nisreen, who was only 22 at the time of the trial, received a 10-year prison sentence.

Lutfy gave his police guard the slip on 24 May while in nearby Sri Lanka for an operation to his eyes. He was suffering from chronic conjunctivitis, aggravated by poor prison conditions. After refusing many times, the authorities had finally given permission for him to go to Sri Lanka for treatment. He spent several months in hiding in Sri Lanka with the help of a network of friends. Then the UNHCR helped him obtain refugee status in Switzerland, where he currently lives. The policeman assigned to guard him while in Sri Lanka was imprisoned.

After Lutfy's escape, Zaki and Didi were transferred to the Dhoonidhoo island detention centre where they were placed in solitary confinement for six months. They were humiliated and mistreated. After rioting in September that was linked to the death of a detainee in a prison in the capital, Male, they were moved to a prison on Mafushi island and their sentences were reportedly reduced to 15 years in prison.

Didi was hospitalised in Male in February 2004 and was then put under house arrest. He had serious heart problems which probably needed surgery. Zaki, whose health deteriorated seriously while in prison, was also put under house arrest. He was supposed to return to his prison cell once he had recovered. Nisreen, Lutfy's assistant, was banished to Feeail island, south of the capital, after spending a year in the prison on Mafushi island in tough conditions. Her sentence was reduced to five years.

Artist gets 15-year jail term

Painter and political dissident Naushad Waheed was arrested on 9 December 2001 for contacting Amnesty International by e-mail. He was sentenced on 12 October 2002 to 15 years in prison for "an anti-government act." Tortured several times while detained, he was placed under house arrest in April 2004 to receive medical treatment but was supposed to return to prison when the treatment was over.

Censored Internet

The authorities do not block foreign news sites or those of international human rights organisations. But they censor online publications edited by opponents of the regime, such as www.sandhaanu.com, which Ibrahim Lutfy relaunched in March 2004. The website of the main opposition party www.maldiviandemocraticparty.org, and the online magazine www.maldivesculture.com, which focusses on human rights and is based abroad, are also censored. The government also blocks access to online discussion forums used by dissidents.

Scrutiny: an effective Weapon against Denial

The June 9th media event created by the Gayyoom regime, with the help of Hill and Knowlton raises fundamental questions regarding the state of governance in the Maldives.

Taking into account the gross human rights abuse uncovered by the international community (since September 2003), and the damage-control tactics used by the Government of Maldives raise the question of sidelining the Rule of Law in Maldives.

The continuing denial of President Gayyoom that laws have been and continue to be broken by his government, in relation to the constitution, and in areas of governance that relate to international conventions and practices, necessitate swift action by the Maldivians and the international community.

A community that calls itself an independent country within the family of nations must consider its obligations to universal understanding and conventions, as well as its rights and responsibilities as a member of the global community.

Questions raised in the British Parliament, and more recently in the Australian Federal Parliament, represent a new chapter in the affairs of Maldives.

Ideological programmes dumped on the simple minds of peaceful islanders in the past two decades, deprived the Maldivians, not only of their basic human rights. The Gayyoom era also deprived the inventive sub-culture of these islands in attaining any meaningful growth.

Mr. Gayyoom's theatrics at the Islamic centre, further affirms the fears and reservations of ordinary Maldivians... these fears that these cycles of denial will ultimately lead them to chaos and failure as a state.

The international community needs to take into account, the allegations being voiced and advocated by the silent majority in the Maldives. The systematic abuse carried out in Maldives by the current regime make the Abu Ghuraib affair simple misdemeanors. There is now ample proof and documentation that establish the basic facts of these allegations, most prominently raised by Amnesty International in 2003.

All Party Parliamentary Group on the Maldives and the meeting of Mr Hussain Shihab



David Hardingham

It was interesting to see that Mr Shihab told the assembled members of the Parliamentary Group on the Maldives that Associations are prohibited under the existing constitution of the Maldives.

From the existing constitution:

Article 27

Persons shall be free to form societies and associations, unless prohibited by law in the interest of the protection of sovereignty of the Maldives and the maintenance of public order.

Article 31

(1) Where any law, regulation or any principle having the force of law is inconsistent with the fundamental rights stipulated in this Chapter, such law, regulation or principle shall, to the extent of such inconsistency, be void.

(2) The fundamental rights stipulated in this Chapter shall not, temporarily or otherwise, be denied save in accordance with this Constitution

It was also interesting to note that Mr Shihab stated that Parliament had rejected the proposals to introduce

political parties on the grounds that it would divide the country.

Mr Gayoom had shrewdly stated that Multi-party politics are not consistent with the norms of a homogenous society like the Maldives and led people into thinking that such political associations would incite discord in religious and Islamic Affairs. With the help of his dependable Majlis the banning of political parties was predictable and the democratic aspirations of many Maldivians were shattered.

Salisbury MP, The Rt. Hon. Robert Key, brought to the attention of Mr Shihab the Maldivians living here in the UK who are in fear of returning to the Maldives. Mr Shihab assured the All Party Parliamentary Group on Maldives that this was not going to happen. Mr Shihab went as far as to say that no members of the MDP in the UK were under suspicion for crimes. The way the regime has incarcerated numerous individuals who have committed no crime over the years on charges bearing no relation to reality brings our Maldivian friends little relief. They are a little safer now that the International Community is taking an interest in the Maldives. However it would be a brave regime that risked upsetting the international community by incarcerating the now very well known dissidents.

The Rt. Hon. Robert key also made a suggestion of inviting the commonwealth election observers for the elections in September. Mr Shihab said he would consider this. The geographical layout of the Maldives is always going to make this difficult to be effective. However all initiatives aimed at ensuring free and fair elections should be welcomed.

The proposed democratic reforms and liberalisation by Mr Gayoom released officially in his speech at the Islamic Centre on the 12th of June 2004 was the direct result of pressure generated by the dissidents abroad and the International Community.

The new constitution, however wonderful, would be of little use to the people of the Maldives if Gayoom and the coercive forces backing him are not



prepared to honour such a constitution. It is with deep concern that Mr Gayoom will make cosmetic changes and try harder to hide the strings he attaches to any transformation he initiates.

Despite the revelation on the package of reforms he neglected to mention certain serious unresolved issues. What to do with the institution known as the NSS who have lost all honour and credibility with the people of the Maldives and who continue to maintain brutal power and fear over them? Where is the Bill of Rights? And where is the legitimising of freedom of expression?

The pressure on the Regime in the Maldives has been brought to bear significantly in the last 6 months reflecting the desire of Maldivians for change. Changes that allow the Maldivians to live without fear and changes that allow them the choice to evolve their own future. These changes need to happen fast enough to meet the expectations of the people who are becoming increasingly impatient. For Mr Gayoom's sake these changes should be made soon to enable him the chance to depart from power with some sort of dignity. Maldivians are not always forgiving with their dictators.

The All Party Parliamentary Group on the Maldives continued efforts for the Maldivians and their political, economic and democratic development will sustain the much needed pressure on the regime of Mr Gayoom. A representation from the UK parliament is planning a visit to the Maldives in October 2004 for monitoring and discussions in the Maldives.

www.friends of maldives .co.uk

Send comments on this page to :
rcork@maldiviandemocraticparty.org

Any contributions, advice or queries regarding the FoM site can be directed through
secretariat@maldiviandemocraticparty.org

