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Stymied Reforms in the Maldives

Soldiers secure a site after a bomb blast injured Mohamed Nasheed, the Maldives parliament speaker and former president, in the capital, Male, May 6, 2021. 2021 AFP via Getty Images

On May 6, 2021, a remote-controlled bomb exploded as Mohamed Nasheed, the parliament speaker and former president of the Maldives, left his home in Mal, the capital, injuring him, a member of his security detail, and several bystanders. The attempted assassination was the latest and highest-profile attack in the Indian Ocean island nation. Nasheed, whose opponents have frequently accused him of being a *laadheene*, or enemy of Islam, was critically injured but survived. Four months after the attack, at his first press conference, he said he believed his life was still in danger.

The attack on Nasheed sent shock waves through the Maldives. After winning the 2018 election, largely on promises of reform, President Ibrahim Mohamed Solih had vowed to restore fundamental rights eroded by longstanding authoritarian rule. And while his administration has taken some significant steps toward restoring civil liberties, particularly with respect to the media, it has failed to confront deep-rooted corruption and the continuing influence of extremist groups and criminal gangs on the judiciary, police, and other government institutions.

Instead, the government has repeatedly bent to pressure from powerful interest groups, including those who advocate the use of violence on the basis of religion, and in doing so has not protected freedom of speech and religion, and the rights of at-risk communities. Police investigations into targeted attacks have stalled, largely because those responsible enjoy political protection.

This report, based on 26 interviews in the Maldives and among Maldivians living outside the country, finds repeated failures in providing justice for these attacks. It documents the inability of the Solih government to take the necessary steps to uphold basic rights and develop robustly independent and rights-respecting systems. It makes recommendations for justice system reform, and calls on Maldives donors, including the United States, United Kingdom, and European Union, to support credible steps towards strengthening independent institutions that can protect and promote human rights.

Since 2012, and particularly during the presidency of Abdulla Yameen from 2013 to 2018, threats and violence against prominent Maldivian activists, politicians, and journalists escalated.

Criminal gangs, organized groups with links to clerics and other religious figures advocating the use of violence, are believed responsible for these attacks. Those targeted included: journalist and blogger Ismail Hilath Rasheed, who survived being stabbed in the neck in June 2012; Dr. Afrasheem Ali, a member of parliament (MP) and religious scholar known for his sermons supporting gender equality and other liberal views, who was fatally stabbed in October 2012; journalist Ahmed Rilwan, who was abducted and disappeared in 2014, after accusing several politicians of corruption; and blogger Yameen Rasheed, who was fatally stabbed in 2017.

The governments failure to provide accountability in these cases has meant that these gangs, their political patrons, and violent members continue to exercise a chilling effect on free speech in the country. Anyone defending religious freedom, for instance, can draw their wrath. With the authorities not credibly investigating or prosecuting those responsible for threats and attacks, the chorus of *laadheene*, often playing out on social media, can lead to deadly violence. Those targeted include womens rights activists, defenders of the rights of lesbian, gay, bisexual, and transgender (LGBT) people, and journalists and bloggers

who publish material and support causes that are deemed offensive to Islam.

On his first day in office on November 17, 2018, President Solih established the Commission on Deaths and Disappearances (DDCom) to conduct independent investigations into unresolved cases of violence against activists and keep his election pledge to ensure justice. But nearly three-and-half years later, investigations have largely stalled amid allegations that politicians have intervened in the justice system to protect the perpetrators. The police have buried investigations, prosecutors and courts have failed to indict suspects, and politicians still lend their support to gangs that promote extremist ideology.

The commissions chair warned that justice would be impossible so long as these gangs continue to exert influence over the police and judiciary. In Rilwans case, the commission found that suspects were protected by powerful politicians, and some had fled the country to join the extremist group Islamic State (ISIS) in Syria. As Aisha Rasheed, the sister of slain blogger Yameen Rasheed, told Human Rights Watch: Extremism is deep-rooted within the authorities that are meant to protect us. ... If someone like the former president and current speaker of the parliament cant get justice in this country, who then is Yameen Rasheed?

The Solih administration has made progress in reducing state repression of speech and expression. Members of the media say they no longer fear state censorship, particularly after November 2018, when the administration repealed the 2016 Anti-Defamation and Freedom of Expression Act, which had been used to impose massive fines on critical media. Editors and journalists say they no longer worry about facing criminal cases or fines for simply doing their jobs. This change is reflected in the Reporters Without Borders World Press Freedom Index, in which the Maldives had climbed up 48 places from ranking 120 in 2018 to 72 in 2021.

At the same time, the government has often relented to pressure from powerful politicians and religious groups instead of upholding freedom of speech and association. When clerics and social media activists label their critics as *laadheene* and threaten violence, the government has repeatedly failed to protect rights or prosecute those who carry out attacks.

One of the most damaging cases was the governments decision in November 2019 to yield to pressure from influential clerics and political opposition figures to deregister the Maldivian Democracy Network (MDN), the countrys leading human rights organization. A weeks-long social media campaign against the group under the hashtag #BanMDN attacked the group for its 2015 report on the rise of extremism in the Maldives. Religious hardliners decried MDN staff as *laadheene* and demanded that those involved in authoring the report face criminal charges, including for blasphemy.

In many cases, members of the governing Maldivian Democratic Party (MDP) and its Islamist ally, the Adhaalath Party, have backed these moves. Salafist religious groups and opposition politicians have been able to influence the governments response to allegations that activists have offended Muslim sentiment, which has in turn helped fuel online campaigns and sometimes violence. MDP members of parliament led a controversial campaign to amend the penal code to criminalize hate speech, but its broad provisions raised concerns about infringing free speech, particularly any perceived criticism of Islam. A more limited bill passed into law in November 2021.

In a written response to Human Rights Watch in April 2021, the Office of the President noted measures the government had taken to ensure the safety of individuals facing threats working in civil society. The office acknowledged that individuals who report threats are left feeling that their complaints are not being addressed adequately, and said it was committed to bring reforms. In a statement provided to Human Rights Watch in February 2022, the Commission on Deaths and Disappearances said that its goal was to prosecute persons at all levels for the offenses and to address systemic issues to ensure non-recurrence of these crimes in the future.

However, the governments failure to successfully investigate and prosecute many of these attacks has exacerbated the threats. In December 2020, a resident of Addu City posted a statement against religious extremism on social media. When the post elicited an outcry by various religious groups, the police questioned the man and confiscated his electronic devices for further investigation but took no action against those who had issued the threats. The man told Human Rights Watch, I have become a constant target for religious extremists because I speak out. I could very easily have been the next Yameen [Rasheed] or [Ahmed] Rilwan.

The Solih government has made limited progress in other areas, but political pressures continue to stymie reforms.

During his election campaign, Solih pledged to abolish laws that curtail citizens right to peaceful assembly. However, the government has yet to amend the Freedom of Assembly Act, and has instead continued to use it to block protests. In 2020, the government invoked the law to enforce a lockdown ostensibly to contain the spread of Covid-19, starting with the migrant worker protests against wage theft and poor living conditions in July 2020.

Authorities have also used unnecessary force against peaceful protests. Police used pepper spray to disperse a Labor Day protest on May 1, 2021, organized by a youth-led movement called Rise Up MV, handcuffing adult protesters after forcing them on the ground. The Human Rights Commission of the Maldives said that the allegations of police abuse in this case should be investigated under the Anti-Torture Act. The police announced an internal investigation into the incident, but, as of March 2022, no information had been released.

Despite some reform efforts, the Maldives Police Service demonstrates serious gaps in its capacity to conduct credible criminal investigations or follow regulations regarding the use of force. Police corruption remains a big hurdle to impartial investigations. Police also remain susceptible to political pressure.

In September 2021, President Solih reiterated his commitment to reforming the composition of the Judicial Services Commission (JSC), which is responsible for appointment of judges. However, politicization of the commission continues to undermine judicial independence. Opposition politicians and civil society activists have expressed concern that, as was the case under the previous Yameen administration, the JSC has been used to pressure the judiciary for the benefit of the ruling party.

International donors including the US, EU, and UK should recognize that the entire justice system in the Maldives, including police, prosecutors, and the judiciary, needs urgent reform to build independent and robust institutions that can provide accountability and protect due process rights.

Over the past two decades, since the democratic transition in the Maldives, international donors have increased investment in good governance, transparency, and protection of human rights. These projects are implemented either directly by the government or through nongovernmental and community-based organizations. However, these programs often fail to address core issues notably a lack of political will to take on the politicians and extremist groups who benefit from existing dysfunction to bring systemic reforms to the criminal justice system.

Laadheene

From Arabic, literally no religion, meaning irreligious or overly secular, an enemy of Islam

Peoples Majlis

Legislative body of the Maldivian government

Sharia

Islamic law

DDCom

Commission on Deaths and Disappearances

DRP

Dhivehi Rayyithunge Party

HRCM

Human Rights Commission of the Maldives

JSC

Judicial Services Commission

MCS

Maldives Correctional Service

MDN

Maldivian Democracy Network

MDP

Maldivian Democratic Party

MJA

Maldives Journalists Association

MMC

Maldives Media Council

MNDF

Maldives National Defence Force

MPS

Maldives Police Service

NIC

National Integrity Commission

NPM

National Preventative Mechanism

NSS

National Security Service

PNC

Peoples National Congress

PPM

Progressive Party of Maldives

This report is based on field research and 26 interviews conducted in the Maldives between June 2021 and January 2022 with Maldivians and other informed sources living outside the Maldives.

Human Rights Watch interviewed people who had experienced human rights violations, including journalists, social media activists, human rights activists, opposition party leaders and members, lawyers, and judges. Because of the global Covid-19 pandemic, most interviews were conducted by phone or email.

Human Rights Watch also reviewed legal documents related to cases investigated by the Commission on Deaths and Disappearances.

We have withheld the names and other details of some of the interviewees that requested that we safeguard their identity. We paid no remuneration or other inducement to victims and witnesses of abuses who spoke with us.

In January 2022, we wrote to officials in the Maldives seeking their response to our findings. We received responses from the Attorney Generals Office and the Commission on Deaths and Disappearances, which we have cited in the body of this report and have included in full as appendices.

After gaining independence in 1965 following 78 years as a British protectorate, the Maldives endured decades of political repression.^[1] Constitutional amendments in the 1970s made the president the supreme authority entrusted with propagating and protecting the Islamic faith, a provision that President Maumoon Gayoom who took office in 1978 wielded to enhance his political power.^[2] Both his political opponents who demanded democratic reforms and those who challenged him on religious grounds were often jailed on spurious charges of being anti-Islam.^[3]

With no political parties or free elections to challenge his rule, Gayoom held office for 30 years. During this time, the Maldives opened up to tourism after decades of isolation. The capital, Malé, also saw rapid growth as younger people moved to the city from outlying islands in search of education and employment. Urban congestion, drug-related crime, and gang violence increased sharply after 2000.^[4]

Gayoom's grip on power weakened after the death from torture of a 19-year-old political prisoner in September 2003 sparked riots that ultimately provoked domestic and international calls for reform. In 2005, political parties were allowed to organize for the first time, among them the Maldivian Democratic Party (MDP), with a platform promoting democratic change, and the Islamist Adhaalath (Justice) Party, both founded in July 2005.

Over the following three years, 13 political parties emerged. Political forces that had been constrained for decades were thrust onto center stage, leading to the emergence of competing and divisive political narratives: a fear that exposure to Western culture would erode the Maldives' Islamic identity on one hand, and the

threat of violent extremism stoked by some clerics, on the other.^[5] In 2008, the constitution was amended to allow for multiparty elections, separation of powers, and freedom of the press.

In November 2008, opposition leader Mohamed Nasheed of the MDP defeated President Gayoom and his Dhivehi Rayyithunge Party (DRP). Nasheed, who had previously been imprisoned under Gayoom for publishing articles critical of the president, was inaugurated as the country's first directly elected leader in a relatively free and fair election. However, disagreements soon broke out among ruling coalition members, and the escalating power struggle contributed to a highly divisive political campaign against the MDP government in 2011-12 on the theme of Defending Islam.^[6] After the police sided with his opponents, Nasheed stepped down on February 7, 2012, claiming that he had been forced out.^[7]

After disputed elections, Abdulla Yameen of the Progressive Party of Maldives (PPM) took office in 2013. His government expanded its use of broad and vaguely worded counterterrorism laws to intimidate, arbitrarily arrest, and prosecute its critics. It also used anti-defamation laws against the media and social media activists who criticized the president or his policies, and restrictions on assembly to prohibit or severely limit peaceful rallies and protests. The situation continued to deteriorate through 2018, as the Presidents Office increasingly interfered in legislative and judicial affairs.

On February 1, 2018, the Supreme Court ordered the release of nine political prisoners. In response, President Yameen declared a state of emergency and suspended several constitutional protections, banned public assemblies, and granted security forces sweeping powers to arrest and detain. The declaration of emergency was widely condemned internationally. Yameen lifted it on March 22, 2018, after several opposition leaders had been arrested.^[8]

Joint opposition candidate Ibrahim Mohamed Solih defeated Yameen by a wide margin in the 2018 presidential elections.^[9] He took office on November 17, and vowed to implement judicial reform, restore fundamental rights, and investigate the murders of a political activist and former member of parliament and the forced disappearance of a prominent journalist, among other attacks.^[10] After parliamentary elections in 2019, in which the MDP won a super-majority of seats, Nasheed was appointed the speaker of the parliament, the Peoples Majlis.^[11]

Immediately upon taking office, President Solih took some important steps to lift restrictions on the media. The March 2019 parliamentary elections saw MDP win by a large margin, with the promise of expediting the legislative agenda to fulfill Solih's electoral pledges. Having campaigned on a platform of human rights and democratic reforms, the victory by MDP in both the presidential and parliamentary elections raised hopes for genuine change.

An archipelagic state, the Maldives has one of the worlds most geographically dispersed populations, scattered across 26 atolls in the Indian Ocean. With many of its inhabited islands connected only through speedboat and ferry services, it faces numerous challenges to implementing an effective and uniform justice structure.

Under the 2008 constitution, the administrative structure of the Maldives comprises the executive, legislative (Peoples Majlis), and judiciary. Both the constitution and national laws prescribe the formation of independent institutions that have monitoring, oversight, and advisory roles. These independent institutions include the Human Rights Commission, Judicial Service Commission, Elections Commission, the Prosecutor General, and the Anti-Corruption Commission.

The Maldives legal system was traditionally community-based and rooted in Sharia (Islamic law). Religious leaders continue to have strong influence and can act as arbitrators. One former prosecutor, for instance, said that often island communities refuse to file complaints or appear as witnesses, preferring these informal justice mechanisms.^[12]

While the Maldives has been developing a formal criminal justice policy, much remains to be done to create a competent, independent, and impartial system, including training that focuses on credible investigations, the right to defense, and judicial approaches emphasizing alternatives to incarceration.

Prior to 2004, the Maldives police functioned as the National Security Service (NSS), a paramilitary force under the Ministry of Defence and National Security. In 2004, as part of then-President Gayoom's reform agenda, the NSS with its legacy of torture and brutality was divided into the Maldives Police Service (MPS), under the Home Ministry, and the Maldives National Defence Force (MNDF), under the Ministry of Defence.^[13]

The police, however, remain susceptible to political pressure that undermines their independence and impartiality.^[14] Human rights groups have criticized the police for negligence in handling evidence and breaching confidentiality of witnesses.^[15] Human rights advocates have also accused the police of mistreatment and torture of detainees.^[16] In a few cases, police responsible for abuse have been subject to administrative punishments, such as dismissals or demotions. However, as of March 2022, none had been prosecuted under the Anti-Torture Act.^[17]

In December 2020, President Solih ratified the Maldives Police Service Act, which replaced the 2008 Police Act.^[18] According to the Maldives Attorney Generals Office, the law is meant to enhance the provision of policing, internal governance of the police force and promote rights centric policing services within communities.^[19] The law establishes a seven-member police board comprised of two members appointed by the president, three based on technical expertise and experience, and two through open applications. The board is meant to oversee various operational aspects, advise on areas of improvement, and play a role in the appointment and dismissal of the police commissioner and the deputy police commissioner.

The new police board, which was not constituted until April 2021, has already sparked controversy.^[20] In August 2021, acting on a clause in the new law mandating the reappointment of all officers above the rank of superintendent other than the commissioner of police, the board recommended the dismissal of seven high-ranking officers.^[21] The commissioner stalled the recommendation until late September 2021, before sending dismissal notices to only two of the seven officers.^[22] In October, five of the seven officers, including the two who were dismissed, filed a case at the civil court, citing unfair dismissal and requested a stay order on the dismissal.^[23] While the Civil Court denied this order, the decision was appealed at the High Court, and a stay order was issued on October 19, 2021.^[24] Granting the order, the High Court stated that the enforcement of the termination of the officers should be suspended until the conclusion of the unfair dismissal case filed by the officers at the Civil Court. As of February 2022, the case has not been concluded at the Civil Court.

The Maldives has a long history of torture within police custody and prisons, which only started to change with the legislative and systemic changes brought over the last decade of democratic transition.^[25] Independent investigators have reported instances of beating or kicking prisoners; using excessive and cruel restraints, including cross-cuffing (chaining legs to hands); and even pepper-spraying underwear.^[26] The UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Nils Melzer, in his report published in November 2019, reported that no Maldivian official has ever been held accountable for torture, leading to impunity and a systematic failure in prosecuting those who perpetrate such acts.^[27]

On October 6, 2021, a detainee held for three years in a Mal prison during his trial for drug offenses died in custody. Family members said that he had several times requested the court to grant him permission to seek medical attention, which was denied.^[28] The Prosecutor Generals Office has since said that it has launched a probe into the death.^[29]

Human rights activist Shahinda Ismail told Human Rights Watch that some forms of torture, including sleep deprivation, have become normalized among both prisoners and prison officials and that there was no procedure to confidentially file complaints about torture or other ill-treatment.^[30] Melzer, in his report, noted that correspondence to external authorities is systematically censored by Correctional Officers and transmitted or held back at their discretion.^[31]

According to Shifaath Razzaq, a Commissioner of the Human Rights Commission of the Maldives (HRCM), since the Anti-Torture Act came into effect in 2013, the Human Rights Commission has investigated hundreds of cases of alleged torture and had sent at least 25 cases to the Prosecutor Generals Office. As of April 2022, only two had been prosecuted, with neither resulting in convictions.^[32]

She noted that one of the biggest challenges in prosecuting torture cases was that it was often difficult to get witness statements from the authorities involved, as officials can choose to remain silent rather than testify against their colleagues.^[33] In addition, the Commission must rely on the police for forensic evidence,

even in cases where police officials are suspected of torture.^[34]

Furthermore, the Anti-Torture Act of 2013 mandates a maximum period of three months to complete investigations of allegations of torture, but due to difficulties in gathering evidence, the Commission has found it extremely challenging to meet this deadline.^[35]

Razzaq said that many of the observations of the Prison Audit Commission from 2019 had been highlighted since 2008 by the National Preventative Mechanism (NPM) established within the HRCM. However, she said that the state had failed to take satisfactory action on the NPMs findings during this period.^[36]

In a few cases, police responsible for abuse have been subject to administrative punishments, such as dismissals or demotions. However, as of March 2022, none had been prosecuted under the Anti-Torture Act.^[37]

The primary oversight body of the judiciary is the Judicial Services Commission (JSC), established under Section 157 of the Constitution.^[38] The JSC is responsible for appointing all judges other than Supreme Court justices and is also responsible for overseeing the conduct of all judges, with the authority to recommend their dismissal to the Peoples Majlis. In the appointment of the chief justice and the Supreme Court, it plays an advisory role to the president, who then forwards the nominees to the Peoples Majlis for confirmation. The JSC has three sitting judges, three legislative representatives, three executive representatives, and one independent lawyer. The political role it has played since 2008 has led critics to question its impartiality and independence.^[39]

Historically, the party or parties that hold majority within the commission have molded the judiciary. After the democratic transition in 2008, for instance, although Nasheeds party held the presidency, it was the opposition led by former president Gayooms party that had a majority in parliament. The sitting judges who became members of the JSC had been appointed by Gayoom himself during his presidency and were loyal to him. The opposition ended up controlling the JSC, and thus the judiciary through appointments and dismissals.

Likewise, following the 2018 presidential and 2019 parliamentary elections, the MDP gained a majority of seats in the JSC. There have been numerous dismissals and appointments of judges since then.^[40] Regarding these changes, deputy leader of the Peoples National Congress (PNC) Adam Shareef said, I dont think there is a genuine will to make the judiciary independent. ... [T]he JSC is being used to manipulate and intimidate the judiciary for the benefit of the ruling party.^[41]

Under the constitution and the Courts Act of 2010, the Maldives follows a three-tier court system that comprises of the Supreme Court, High Court, and lower courts. The lower courts are further divided into superior courts and magistrate courts. Superior courts are established in the capital, Mal. The law allows branches of these courts to be established in other islands. The superior courts include the criminal court, civil court, family court, juvenile court, and drug court. Magistrate courts are established in all inhabited islands other than the capital, and function like superior courts, unless otherwise prescribed in law. Without established jurisprudence, the judiciary, particularly in the lower courts, tends to rely on Sharia.^[42]

The influence of criminal gangs stretches through the judiciary. In 2020, while he was chair of the presidential commission before being appointed to the Supreme Court, Husnu Al Suood had warned that gangs were nominating judges, providing private security, and colluding with judges and staff to fix the outcome of trials, including by revealing the identity of prosecution witnesses who were under protection. No matter how well we investigate and send cases, I dont believe we could have justice with the current judges at the criminal court, Suood told the media. I think thats the view of the whole legal community.^[43] He was promptly accused of contempt by the Criminal Court and was summoned to a hearing on the matter, which was later cancelled.^[44]

The Solih government describes recent improvements, with over 50 judges impeached on allegations of gross misconduct since 2019, as a step towards judicial accountability. The Maldives attorney generals office informed Human Rights Watch that new amendments to the Judicial Service Commission Act introduced stringent mechanisms for judges disciplinary hearings and anonymous submission of complaints.^[45] According to the Presidents Office, this has resulted in the number of complaints being lodged at the JSC rising from 7 in 2018 to 114 in 2019.^[46]

Reforming the composition of the JSC was also a key pledge of the MDP government.^[47] However, as of March 2022, it had yet to be addressed. Until it is, judges remain susceptible to political and other influences particularly concerning considering allegations that the judiciary has faced threats or coercion from criminal gangs or political actors who have protected them.

In September 2021, President Solih reiterated his commitment to reform the composition of the JSC before the end of his term.^[48] This was preceded by leaked audio clips alleged to be recordings of judges who were on the Criminal Court bench when former President Yameen was found guilty of money laundering, which the opposition contends indicated that the judges were coerced by the ruling party. In the audio clips, one judge even insinuated that his wife or a loved one was held hostage before the ruling on the Yameen case, but was vague on details.^[49] The opposition also contested the promotions of judges on the Criminal Court bench at the time of Yameens verdict. However, JSC member and Member of Parliament Hisaan Hussain told the media that the promotions were unrelated to the verdict and that the timing of the promotions were coincidental.^[50]

The government made some progress in increasing the number of women in the judiciary.

In September 2019, the first women Justices to the Supreme Court were appointed. The first woman judge to the Criminal Court was appointed in September 2020, and a woman judge to the High Court in October 2020.^[51]

The 2018 US State Department Country Reports noted that, between 2016 and 2018, there had been 13 unexplained custodial deaths in the Maldives.^[52] Additionally, it reported dire conditions within prisons and detention facilities, including overcrowding, unsanitary living arrangements, the lack of ventilation, and lack of access to sufficient health care and to clean drinking water.

Keeping an electoral promise, President Solih established a seven-member commission in December 2018 to conduct the audit of prisons and detention centers. The report, released in May 2019, highlighted the same concerns as the 2018 US report: overcrowding, lack of ventilation and clean drinking water, unsanitary living conditions, and poor medical care, which may have led to preventable custodial deaths.^[53] Shahindha Ismail, who was among the seven members of the commission, told Human Rights Watch:

The UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, noted that while prisoners under the Maldives Correctional Service (MCS) had access to at least one doctor and two nurses, prisoners were often denied medical attention from specialists.^[55]

The inspector of correctional services, Noora Mohamed, told Human Rights Watch that steps were being taken to improve the conditions of prisons and detention facilities.^[56] However, she noted that the infrastructure in some facilities is so bad that it probably made more financial sense to simply build new facilities.

In its December 2021 report on the Maldives, the UN Working Group on Arbitrary Detention noted that:

In a response to questions from Human Rights Watch, the Attorney Generals Office said that efforts:

The statement provided details on steps being taken to address prison overcrowding, including construction of new facilities and the establishment of a remand review board to ensure all detentions were reviewed every 30 days. The Attorney Generals Office also stated that the recommendations of the Prison Audit Committee were under review, and that significant progress had been made in meeting recommendations relating to the improvement of health services to the prison population.^[59]

Another major concern highlighted in the Prison Audit Commissions report was the discrimination between local and foreign prisoners. It found that in

Hulhumal Prison, which is also used as a facility for immigration detention, all 40 foreign detainees mostly migrant workers were locked up in one cell with inadequate toilet facilities. While Maldivian detainees were allowed to be out of their cells for most of the day in common areas, foreign detainees were forced to remain in their cells. While Maldivians were housed in large open rooms with windows, migrant workers were held in smaller rooms, with no windows or ventilation. In addition, Maldivian detainees were allowed to buy commodities from the prison shop, but this same privilege was not afforded to foreign detainees. The Prison Audit Commission also received complaints that records of possessions and money belonging to foreigners were not maintained by prison officials and that these were not returned upon release.

According to Sabra Noordeen, former foreign relations secretary at the Presidents Office, since the publication of the Prison Audit Commissions report, major changes have been brought about to the Hulhumal facility to rectify the issues highlighted in the report.^[60] In addition to the improvements to the Hulhumal facility, she also told Human Rights Watch that a Prison Reform Monitoring Committee had been established within the Ministry of Home Affairs to facilitate reforms and monitor changes. Among the recommendations being implemented is the translation of the United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules) into Dhivehi language, following which trainings were to be held in collaboration with the United Nations Office on Drugs and Crime (UNODC) to inform prison officers on these rules.

A 2019 United Nations Development Program (UNDP) report on youth vulnerabilities found that prisons had become a place of recruitment for violent extremists, including those alleged to be affiliated with the Islamic State (ISIS).^[61] It highlighted concerns that up to 80 percent of the prison population in the Maldives are incarcerated on drug-related offenses, and that recruiters often targeted drug users. Furthermore, it noted that due to the overcrowding of prisons, segregation of violent from non-violent prisoners was not possible.

While, historically, the Maldives has received aid primarily for economic development, there has been a growing interest among donors in supporting democratic reforms. Fueled by the countrys democratic transition in the mid-2000s and subsequent political upheavals, European countries and the United States, along with the UN, have supported reforms aimed at good governance, transparency, protection of human rights, and the development of civil society. Projects funded through such initiatives are implemented either directly with government agencies, or through nongovernmental and community-based organizations. However, such efforts have not always improved the protection of rights. For example, in 2004, as the Maldives was embarking on a number of reforms to its criminal justice system, the UNDP supported a major initiative to overhaul the penal code.^[62] In the new penal code, which was finally enacted in 2015, same-sex conduct was made a criminal offense for the first time, with punishments that included lashing in addition to a prison sentence.^[63]

The biggest support comes from the United States Agency for International Development (USAID), which has earmarked US\$24 million for five years through its Strong and Inclusive Maldivian Democracy (SIMD) and Promoting Resilience in the Maldives (PRIME) projects.^[64] The SIMD project, implemented through the Consortium for Elections and Political Processes, is meant to provide \$19 million by 2025 for improving local governance, judicial reform, and strengthening civic engagement. For judicial reform, the project aims to strengthen independent court administration; provide support to government and non-governmental institutions to increase public access to free legal assistance; and increase citizen awareness of and engagement with the justice sector.^[65] The PRIME project, implemented through the local organization Transparency Maldives, aims, through research and institutional support, to design and implement efforts that will prevent youth engagement in criminal activities, including drug and substance abuse.^[66]

The EU supports projects for judicial reform and community resilience, as well as counterterrorism, totaling 3.4 million. The EU project on judicial reform aims to support objective mechanisms for the appointment and dismissal of judges, develop and implement a curriculum for judicial training, and improve judicial transparency.^[67]

Between 2019 and 2020, the UK government was supporting a two-year program titled the Maldives Conflict, Stability and Security Fund to strengthen the rule of law, justice sector, and governance reforms, as well as security sector collaborations.^[68] The fund was valued at 0.8 million. The UK has also supported a UNDP program to train judges in areas that include sexual and gender-based violence, ethics, and case management.^[69]

The Australian government, Swiss Agency for Development and Cooperation, and the Swedish International Development Cooperation provide aid for democratic consolidation and structural reforms. For instance, all three currently contribute towards the UNDPs Integrated Governance Programme (also supported by the UK government), aimed at building a resilient and peaceful democratic society through effective and accountable governance institutions, improved social cohesion, and strengthened capacity of civil society.^[70]

The Maldives government is working with UNODC on a project to build the capacity of the Maldives Correctional Service in managing high-risk prisoners and prisoners requiring special management.^[71] The MCS is also working with UNODC in training MCS officers on a revised risk assessment and prisoner classification tool.^[72]

According to a long-time civil society activist, while donors have shown interest in funding more democratic reforms, shortcomings in program and coordination plague the efforts. Donors too often funnel funds toward resolving symptoms of systematic issues, rather than meaningful structural change. For instance, if you take the judiciary, a lot of effort has been made towards training of judges rather than reforming the Judicial Services Commission, said the activist. He said that the lack of cohesive programming and coordination among donors is leading to duplication of efforts and poor implementation.^[73]

The Maldives governments failure to credibly investigate and prosecute attacks on critics of the government, journalists, and others illustrates the deeply entrenched impunity for such crimes. The hope that the Commission on Deaths and Disappearances (DDCom), which was established by the Solih administration soon after taking office, would be able to provide some measure of redress after these repeated failures, has also dimmed.

In the three cases examined below the most prominent that have come before the DDCom political interference, police cover-ups, and judicial misconduct have undermined credible investigations and eroded the chance for fair prosecutions. These failures point to systemic problems that cannot be eradicated without a serious government commitment to reform.

On May 6, 2021, an improvised explosive device (IED) was remotely detonated near Mohamed Nasheeds home, badly injuring him along with several bystanders and members of his security detail. Two months later, Nasheed publicly criticized the governments investigation into the attack, calling it incomplete so long as the people who planned this and who funded this remain at large.^[74]

Acknowledging that the police in the Maldives lack forensics capacity, the government sought the assistance of international experts including members of the Australian Federal Police and from the UNODC in the investigation.^[75] A statement by the Peoples Majlis in August 2021 revealed that Nasheed had appointed a British lawyer to exercise her expertise in evidence gathering side by side with local and foreign law enforcement and lawyers.^[76] In September 2021, during a virtual press conference, Nasheed said that the police were still looking into who funded and ordered the attack.^[77]

The police ultimately charged nine people whom they maintained had either carried out the attack or conspired in the planning. They alleged that these suspects acted out of enmity toward Nasheed.^[78] Prior to this, other individuals with similar ideologies have also carried out such attacks in the Maldives as well, Nasheed said in a media interview. While it may not have been an attack involving the detonation of an IED specifically aimed at me, three murders have been carried out previously under the same pattern.^[79]

As of March 2022, four men had been prosecuted: Mujaz Ahmed, Thahmeen Ahmed, Ali Haisham, and Adhuham Ahmed Rasheed. Adhuham, identified as the man who detonated the IED, faced four charges: being involved in a terrorist attack; planning a terrorist attack; supporting a terrorist organization; and attempting to kill another with a dangerous weapon.^[80] In a closed-door hearing he pleaded guilty in a plea deal with the state for a reduced 23-year sentence. According to the plea deal, Adhuham admitted to having been involved in the planning attack as part of ISIS.^[81]

As of March 2022, the remaining suspects had been charged with aiding and abetting to commit an act of terrorism, conspiring to commit an act of terrorism, supporting a terrorist organization and for production, sale or transportation of weapons of war or items containing explosive or destructive material.^[82] At time of writing, they were awaiting trial.

Nasheeds supporters have claimed that the main conspirators are unlikely to be held to account.^[83] It is a real pity, but even in a high-profile case like this, the government is hesitating, said an analyst who did not wish to be identified. They could have used the opportunity to comprehensively crack down on extremism.^[84]

On November 17, 2018, the day he was inaugurated, President Solih established the Commission on Disappearances and Deaths (DDCom) to investigate 30 cases that involved attacks on members of civil society and political figures.^[85] More than three years after it was established, the DDCom's investigations have stalled. Its chairman, Husnu Al Suood, left in December 2019 when he was appointed justice of the Supreme Court, and his position was not filled until February 3, 2021, when DDCom member Fareesha Abdulla replaced him.

The cases under investigation include threats and assaults that occurred in the Maldives between 2012 and 2017. In all cases the victims had received threats both in person and online from individuals associated with extremist gangs. The threats accused them of being *laadheenees*, but also criticized them for their political views, including speaking out about corruption by government officials.

Three major cases concern the attack on journalist and blogger Ismail Hilath Rasheed, who survived being stabbed in the neck in June 2012; the murder of Dr. Afrasheem Ali, a member of parliament and a religious scholar known for his sermons supporting gender equality and other liberal views, who was fatally stabbed outside his apartment in Mal on October 1, 2012; the abduction and enforced disappearance in 2014 of journalist Ahmed Rilwan, who had accused a number of politicians of corruption; and the murder of blogger Yameen Rasheed, who was stabbed to death in 2017.

Families of the victims have complained that the government had not actively pursued investigations. Both the MDP and civil society activists worked particularly closely with the families of journalist Ahmed Rilwan and Yameen Rasheed the most recent cases before Nasheeds in calling for justice. During the 2018 presidential elections, one of the key promises of the MDP campaign was to investigate and bring to justice those responsible for these deaths and disappearances.

The DDCom has produced reports only on its investigations into the cases of Afrasheem and Rilwan, but neither has led to arrests or prosecutions. In Yameen's case, in 2018 the police arrested six suspects accused of being directly involved in the attack, while others accused of conspiracy in the case were not publicly identified. The trial, which began before the DDCom was established, suffered numerous delays. The trial prevented DDCom from being able to complete its investigation into the case. With the conclusion of the trial, and the conviction of two men on January 23, 2022, the DDCom chair announced that the commission's investigation into the case would restart.^[86]

Based on information on the DDCom's Twitter page, as of March 2022, the DDCom had concluded only three cases including one that was determined to have been a suicide.^[87] and another the commission concluded was a case of custodial death in Maafushi Prison, for which it recommended prosecution.^[88] In a third case, a murder suspect whom immigration authorities claimed had left the country in 2015, surfaced in a southern island.^[89] The suspect was arrested on October 6, one day after the DDCom, having identified the suspect in CCTV footage of a murder scene from 2016, had launched a public appeal to locate him.^[90]

These were the only cases that had made any progress. Husnu Al Suood, then chair of the commission, warned, in 2018, that justice in such cases would be impossible without major reforms to the criminal justice system, because gangs could engineer out-of-court settlements or fix witness statements to get the court to acquit the defendant. He also said that the gangs were able to influence judges: No matter how well we investigate and send cases, I don't believe we could have justice with the current judges at the criminal court.^[91]

Suood told the Committee to Protect Journalists, in March 2019, that the authorities were to blame for providing political cover. There was an identified group [behind the attacks] and the state knew that and had they stopped or investigated and prosecuted the people behind Rilwan's case then Yameen Rasheed's would not have occurred, he said. Even in Hilath's case, no action was taken at that time. He added, Had they stopped that in 2012, even Afrasheem's case I doubt could have happened.^[92]

On September 2, 2019, the DDCom presented a report of its findings on the Rilwan case to the Speaker of Parliament. The following day, the media reported that Nasheed had made the report available to Parliamentary Group leaders, even though it included the identities of secret witnesses.^[93] The report was later withdrawn from the Parliamentary Groups, but a summary report was published on the Majlis website soon after.^[94] On November 17, the commission reported that local extremists had murdered former MP, Dr. Afrasheem Ali, in 2012. In both that case and Rilwan's, the commission implicated police and politicians in shielding the perpetrators from prosecution.^[95]

On June 22, 2020, Nasheed claimed that the commission had informed him that they were unable to proceed any further with the investigations, citing that the publication of its initial findings by the Majlis as the reason for the challenges in uncovering further evidence.^[96] The commission later denied having said this, stating that the investigations would continue.^[97] However, as of March 2022, the Solih government had yet to follow through with indicting any government officials for their roles in abetting the crimes or failing to investigate them.

In a statement provided to Human Rights Watch on February 20, 2022, the DDCom said that its inquiry into the murders of religious scholar and Member of Parliament, Dr. Afrasheem Ali, blogger Yameen Rasheed and the disappearance of journalist and human rights defender Ahmed Rilwan Abdulla, indicate that all three cases are interlinked.^[98] It said that it had received assistance in its investigations from experts provided by the organization Justice Rapid Response, and was now following new lines of enquiry suggested by the expert including liaising with expert forensic analysts.^[99] The letter stated:

On October 1, 2012, Dr. Afrasheem Ali, a member of parliament from the PPM and a religious scholar known for his sermons supporting gender equality and other liberal views, was stabbed to death outside his apartment in Mal.^[101]

Before the DDCom began investigating Afrasheem's case, one person had already been convicted and sentenced to death for his murder. Hussain Humam, who was 19 at the time, was arrested hours after the killing.^[102] Others were also arrested, including some accused of previously threatening Afrasheem, but were ultimately released or acquitted by the courts due to lack of evidence.

Several due process concerns including contradictory statements by Humam during various stages of the investigation and trial called into question the fairness of the trial. Humam had a history of mental illness and was not provided with a defense lawyer. He initially confessed to the murder but later said that he had been coerced into making a confession by the police. At one stage of the trial, after Humam had asserted that he was not involved in the murder, the witness to his main alibi was found dead, which police said was due to an overdose of LSD.^[103] Humam later confessed to the crime again in May 2013, giving a detailed account of the planning and killing and claiming that he was offered MVR 4 million (US\$259,000) for his part in the crime. However, before the verdict, he once again retracted his confession in June 2013. The Criminal Court, however, found him guilty and sentenced him to death, a ruling later upheld by both the High Court and the Supreme Court.

The government, at the time, overturned a longstanding moratorium on the death penalty in the Maldives and moved swiftly to construct execution facilities.^[104] Rights groups, the political opposition, and even Afrasheem's family members criticized the government's expedited move to execute Humam.^[105] The family retracted their former wish seeking the death penalty for Humam under the Islamic principle of *qisas* and maintained that Humam was a key witness to the crime, who could help bring others involved in the attack to justice. As of March 2022, Humam was still on death row and no further arrests had been made in relation to the case.

A year into its own investigation into the Afrasheem murder, the DDCom published its findings, which indicated that Humam had been involved in the attack.^[106] The commission also concluded that the attack had been planned by Azlif Rauf, a former member of the Maldives National Defence Force (MNDF) who also had strong affiliation with criminal gangs. The commission also implicated him in the planning and abduction of Rilwan.

The report suggested that the perpetrators carried out the attack because they were opposed to Afrasheems religious views. The report also stated that Mohamed Shaheem Ali Saeed, who was at the time minister for Islamic affairs, and later President Yameens running mate in the 2018 presidential elections, knew of the planned attack, based on text messages Shaheem had sent in the days leading up to the murder. The DDCCom noted that in his statement to the commission, Shameem had given false information contradicted by evidence collected from the text messages. Nasheed, while reading out the DDCComs report to the Majlis, noted that Shaheem had left the country the day after the murder.^[107] The DDCCom report also noted that nine other individuals who were believed to have been part of a radicalized group left the country the same day Shaheem did.

The commission acknowledged a number of challenges in relation to the Afrasheem case: seven years had passed by the time the investigation began; a number of suspects had left the country in those years; and key pieces of evidence were missing either because the police did not make available to the commission or claimed had been lost, including CCTV footage, intelligence reports, phone call data and a key piece of a phone recording that could have helped identify the person who funded the attack.^[108]

Ahmed Rilwan, a 28-year-old journalist with the *Maldives Independent* and well-known blogger, went missing August 8, 2014. Rilwan wrote about corruption in Maldivian politics and about the connections between politicians and extremist gangs operating in the islands. He had received numerous threats via social media.

Five years after Rilwans apparent abduction, in September 2019, the DDCCom concluded that the attack was planned and carried out by extremists connected with Al-Qaeda who kidnapped Rilwan outside his apartment building in Hulhumal, took him on board a boat, killed him, and then threw his body into the sea.^[109]

The report named several people involved in various stages of the attack, including those who followed Rilwan prior to his kidnapping, owners of the vehicle and boat used to transport him, those involved in the actual attack, as well as planning. The report said that the police failed to arrest several suspects because they had already fled the Maldives, allegedly to join groups affiliated with ISIS in Syria, where some reportedly died.^[110]

Earlier allegations had implicated the former tourism minister, and later vice president, Ahmed Adeeb, in Rilwans disappearance.^[111] The commission found that Adeeb had used his influence with the judiciary to obstruct justice in Rilwans case. Phone records obtained by the DDCCom showed that Adeeb had texted a criminal court judge with the names of some suspects while they were in police detention, following which the judge ordered their release. It was during this time that the suspects fled the country.^[112] Among them was Azlif Rauf, who left the Maldives in January 2015, nine months after Rilwans abduction. Raufs family has claimed that he was killed in Syria in May of the same year.^[113]

In October 2014, soon after Rilwans disappearance, his family accused the police investigators of negligence in their investigation of the case and submitted a complaint to the National Integrity Commission (NIC), which has the legal mandate to investigate unlawful acts or negligence by the police. Five years later, in September 2019, the NIC declared that it had found no evidence of police misconduct.^[114] However, the DDCComs summary report showed that at least two police officers had tried to cover up Rilwans disappearance upon orders from an unnamed boss, by claiming that Rilwan had left the country voluntarily and had died while out of the Maldives.^[115]

In October 2020, Home Minister Imran Abdulla told the Peoples Majlis that evidence connecting Adeeb and other senior officials of President Yameens administration to Rilwans disappearance had gone missing.^[116] The former DDCCom chair, Husnu Al Suood also accused then President Yameen of having tried to divert the focus of the police investigation.^[117]

Meanwhile Rilwans family continued to raise concerns about the delays in justice. On the sixth anniversary of Rilwans disappearance, they criticized President Solih for failing to act on his campaign pledge to bring justice for unexplained deaths and disappearances.^[118] In July 2020, the family asked the government to seek the help of a foreign expert to investigate the abduction, and in November, the DDCCom said that it had decided to do so.^[119] In March 2021, while campaigning for the local council election, President Solih said that the foreign expert had requested a years time to conclude the investigations, promising a final report on the disappearance of Rilwan by the DDCCom by the end of 2021.^[120] As of March 2022, the expert had not submitted the report.

In July 2021, the DDCCom published a four-minute video reenactment of Rilwans abduction and asked the public for any information regarding the case, including information about a knife that was recovered from the site of the abduction.^[121] It also reiterated a reward of MVR 500,000 (US\$ 32,400) for pertinent information. The following month, a few days prior to the seventh anniversary of Rilwans disappearance, the commission summoned former president Yameen for questioning in relation to allegations of obstruction of justice. Yameens attorneys told the media that the former president chose to remain silent as the allegations against him were unclear. The attorneys also criticised the DDCCom, saying that summoning Yameen was a move to hide its own failures in the investigation.^[122]

Rilwans friends and supporters have also criticized the performance of the DDCCom and raised questions as to whether justice can be served when the police failed to investigate the case properly from the outset.^[123]

On April 23, 2017, blogger Yameen Rasheed was found with 34 stab wounds in the stairwell of his apartment building in Mal. He had been a prominent social media activist known for his satirical commentaries on Twitter and his blog, *The Daily Panic*. His ridiculing of public figures had enraged some politicians, prominent religious leaders, and extremist gangs. He was also a friend of Rilwan and had focused much of his work on Rilwans disappearance and the need to bring the perpetrators to justice. He had received threats since 2010. In the weeks following the murder, the police arrested eight suspects.^[124] State prosecutors ultimately charged six with murder and one with aiding and abetting.

Of the three major cases being investigated by the DDCCom, Yameen Rasheeds case was the only one being prosecuted at the time the commission was carrying out its own investigation. The trial was marked by numerous delays, with reasons ranging from administrative issues at the court, to the non-appearance of defense lawyers.

Not a single hearing was held in 2020 despite provisions made by courts to hold virtual sessions during the Covid-19 pandemic.^[125] Only three hearings were held in 2021. In April 2021, the DDCCom stated that as the case was *sub judice* currently being considered by a court its investigation into the murder could not go forward.^[126]

On January 20, 2022, the Mal criminal court found two men guilty of murdering Yameen Rasheed and sentenced them to life imprisonment. Four others were acquitted for lack of evidence. With the conclusion of the trial, and the conviction of two men on January 23, 2022, the DDCCom chair announced that the commissions investigation into the case would restart.^[127]

Aisha Rasheed, Yameen Rasheeds sister, told Human Rights Watch that while she was initially hopeful when the administration changed in 2018, in the three years since, she became increasingly doubtful that there would be justice in the case.^[128] She said that after the convictions were announced: The two people who were convicted were the ones who actually physically stabbed my brother. The only difference between those two and the other four is that they did not wield a knife.^[129]

Like Rilwans family, Yameens family filed a complaint with the NIC, charging the police with negligence in the way they handled the murder investigation and for failing to investigate earlier threats against him. When the NIC refused the case, the family took the matter to the civil court, which, after three hearings, referred the family back to the NIC, which rejected the case after the family's lawyers failed to appear for a hearing.

Shortly after the 2018 elections, the Solih administration took steps to end repressive restrictions on the media.^[130] Journalists in the Maldives have said that they no longer fear state censorship, as they did before the 2018 elections. Journalist Zaheena Rasheed, who had been forced to leave the country in 2018 after *Al Jazeera* broadcast an interview with her in which she accused the former administration of corruption, said she returned in 2020 after the Solih administration took office. I no longer have to look over my shoulder every time I am out alone, and I no longer worry that my communications are monitored by the police, she

told Human Rights Watch.[\[131\]](#)

However, the government has failed to entrench fundamental rights and has proved unable to counter the continuing influence of extremist groups who can deem people as *laadheenee*, leading to threats and violence.

The Anti-Defamation and Freedom of Expression Act, enacted in 2016, had criminalized defamatory speech and imposed heavy fines for journalists convicted of violating its provisions. Before the act was rescinded, opposition-aligned media outlets were fined millions of rufiyaa, which deterred journalists from reporting stories critical of the government.[\[132\]](#) One network suspended its broadcast due to the hostile environment.[\[133\]](#) A key pledge during President Solih's campaign was to nullify the anti-defamation law.[\[134\]](#) Even before Solih took office, on November 14, 2018, the parliament voted in favor of repealing the law, with bipartisan endorsement.[\[135\]](#) Moosa Latheef, the former editor of *Mihaaru* news outlet, told Human Rights Watch that after the anti-defamation law was repealed, journalists and media houses no longer had to worry about hefty fines and criminal charges for simply reporting the news.[\[136\]](#)

While the changes marked a significant improvement, journalists in the Maldives still face threats from the authorities. On August 30, 2021, members of parliament introduced a bill that would compel media outlets to reveal sources. While the proposed Evidence Bill reiterated section 28 of the Constitution guaranteeing press freedom, it added two exceptions left to the discretion of the court under which journalists could be compelled to reveal their sources. First, if the court decides that there is no negative impact or not a significantly negative impact on the source if it were to be revealed, and second, if the impact of revealing a source does not significantly impact the ability of journalists to find sources. Human rights groups in the Maldives criticized the bill saying:

On September 28, Attorney General Ibrahim Riffath announced that the bill would be amended at [the] committee stage to address public and media concerns regarding provision granting courts rights to compel media to disclose sources.[\[138\]](#) In response to questions from Human Rights Watch in February 2022, the Attorney General's Office said that it was committed to resolving the concerns via revisions proposed to the bill at the committee stage.[\[139\]](#) As of March 2022, the bill had not yet been introduced.

On August 22, 2021, the Maldives Journalists Association (MJA), the Maldives affiliate of the International Federation of Journalists (IFJ), published a report, *Chasing Justice: Maldives Study on Impunity for Crimes against Journalists*, based on a survey in which 70 journalists took part, in addition to two focus groups. The survey results illustrated widespread fear among journalists about an increase in online threats, especially threats to women in the media who contend with gender specific threats and harassment; the power of Islamist extremist gangs; the dangers journalists face reporting on corruption; and near-total impunity for perpetrators.[\[140\]](#)

International press freedom groups also noted that impunity for past crimes, particularly the failure to credibly investigate and prosecute the cases of journalist Ahmed Rilwan and murdered blogger Yameen Rasheed, undermined the Solih administration's promises to restore media freedom.[\[141\]](#)

Reporters also faced police violence when covering protests. The Maldivian group RiseUpMV reported that police assaulted reporters covering a protest on September 19, 2021, which the group had organized to bring attention to abuse of children at state-run facilities.[\[142\]](#) The Maldives Media Council (MMC) stated that it had also received complaints that several journalists were injured by police using force to disperse the protesters, and that the police had obstructed some journalists' efforts to cover the protest.[\[143\]](#)

In February 2021, the IFJ raised concerns about police handling of media personnel during a protest held by opposition parties.[\[144\]](#) It noted that in one instance, the police tackled a Channel-13 cameraperson to the ground, injuring him, and in another, used excessive force to remove two other Channel-13 employees from a restaurant near the protest area, despite their media passes. The police later told the media that their removal from the restaurant was accidental and that their objective was to bring out protesters from the restaurant.[\[145\]](#)

Incitement to violence on social media, which had escalated during the Yameen administration, has receded somewhat under the Solih government, but threats remain.[\[146\]](#) For instance, although freedom of information activist Aiman Latheef told Human Rights Watch that he had not received any threats in recent years, he self-censors on social media on certain topics for fear of being labelled as *laadheenee*.[\[147\]](#)

Although the authorities pose less of a threat to activists than was previously the case, the Solih government has failed to act against extremist groups that use social media to incite violence and hatred against human rights defenders, including journalists, and rights organizations.

In a written response to Human Rights Watch regarding the measures taken by the government to ensure the safety of individuals working in civil society, the President's Office acknowledged that individuals who report threats are left feeling that their complaints are not being addressed adequately. It said that the government was actively working with state institutions to bring reforms.[\[148\]](#) In response to questions from Human Rights Watch about progress in curbing such threats, the Attorney General's Office said:

Ibrahim Ismail, the chairman of Mandhu College and a former lawmaker, faced threats in January 2019, after he criticized a ruling by a magistrate sentencing a 25-year-old woman to death by stoning on charges of adultery. Although the Maldives Supreme Court overturned the verdict the following day, debate continued on social media.[\[150\]](#) After Ismail challenged Islamic clerics over claims that the Prophet Mohammad had called for such a punishment, unidentified assailants broke the glass on his institute's main door, and Islamist extremist groups accused him of blasphemy and threatened to set up a social media campaign to track his movements.[\[151\]](#) Ismail was branded as *laadheenee* on social media with some even calling for his beheading for blasphemy. The government is yet to investigate and this harassment, intimidation, and assault.

In December 2020, Ali Anim, a resident of Addu City, faced threats for a social media post against religious extremism. This was exacerbated when the online news outlet *Vaguthu* published two articles about him, with his details and photos. This led to increased risk of physical attack after a social media campaign branded him an apostate. A number of religious groups called for the police to investigate Anim. The police eventually questioned Anim and confiscated his electronic devices for further investigation. Anim also filed a complaint against *Vaguthu* for inciting violence against him; he said that he does not know if the police carried out any investigation:

In 2020, *Vaguthu* itself received threats after it published an article on the operations of extremist groups in Addu City. One of the journalists who contributed to the publication, Mohamed Usam, told Human Rights Watch that he and other journalists who worked on the article received a number of threats from unknown social media accounts following its publication, but said that the police provided protection when informed of the threats. He said:

On May 31, 2021, just weeks after the attack on Nasheed, the MDP party submitted an amendment to the penal code known as the Hate Crime Bill. Drafted by the Attorney General's Office, the amendment seeks to make acts of violence motivated by political beliefs, race, nationality, or skin color a criminal offense. The bill became most notable and contentious for its attempt to criminalize the use of the word *laadheenee* toward a Muslim.[\[154\]](#)

A coalition of parties and religious groups campaigned against the amendment, criticizing it as a secular bill and claiming that it would prevent Maldivian citizens from exposing those who defied or mocked Islam.[\[155\]](#) The attempt to criminalize the word *laadheenee* also created rifts not only within the ruling coalition, but within the MDP as well.[\[156\]](#) Some who supported the bill, including Hisaan Hussain, the member of parliament who submitted it, reported receiving death threats.[\[157\]](#) The authorities did not hold any public consultations at the drafting stage, which drew criticism from civil society groups. Its opponents also included free speech advocates, one of whom noted that the bill goes beyond regulating hate speech by targeting speech that should be protected under international law.[\[158\]](#)

The campaign against the bill from religious groups, including the Adhaalath Party, a member of the governing coalition, led to changes in the draft that reflected their concerns.[\[159\]](#) In September, the Attorney General announced that the bill had been further amended following discussions with the Islamic Ministry.[\[160\]](#) Parliament passed it on November 16, 2021 and on November 28, President Solih ratified it as the Fifth Amendment to the Penal Code. The law criminalizes portraying people as non-believers or as anti-Islamic based on views expressed on religious matters in which religious scholars have conflicts or opposing views. It also dissuades the labeling of a Muslim as anti-Islamic unless the person publicly proclaims himself to be a non-believer, comes out as a non-

believer, or deliberately commits an act of *kufr* [disbelief].^[161]

Maldivian civil society includes social organizations and activists who play a key role in promoting human rights. Some of these groups have been actively involved in monitoring and reporting on abuses under the Yameen government and who continue to speak for the rights of marginalized groups, like migrant workers, women, and LGBT people. They often face hostility from religious groups who claim these causes are against Islamic tenets.

Ahid Rasheed, former program and governance manager of Transparency Maldives, the local chapter of Transparency International, told Human Rights Watch that under the Solih administration, government institutions have been more willing than the previous administration to engage with rights advocates in policy consultations. He noted, however, continuing tensions within the government that raise questions about its commitment to protect rights. He described what happened to Transparency Maldives after some religious groups claimed it was irreligious.^[162] On August 18, 2021, when the Ministry of Education announced that it had signed a Memorandum of Understanding (MoU) with Transparency Maldives on a project, Promoting Resilience in the Maldives, both the ministry and Transparency faced a backlash on social media under the hashtag #BanTransparency, with critics branding the organization and its staff as *laadheenee*.^[163] Religious groups used Clubhouse, a social media platform, to accuse the Education Ministry of working with Transparency Maldives to make the educational curriculum secular.^[164] The campaign however failed to get as much traction as the movement against MDN.

Jamiyyathu Salaf, a Salafist religious group, also called upon the Ministry of Education to share the MoU.^[165] In response, the ministry made the MoU public on its website on August 25.^[166] The MoU states the key objectives of the project were to improve understanding of radicalization and violent extremism in the Maldives to assist policy making, enhance agency and social cohesion of populations, and improve career prospects and employment opportunities for youth.^[167]

The campaign against Transparency Maldives mirrored earlier campaigns, such as the one against MDN, to discredit organizations that have raised concerns about religion-based violence in the Maldives.

In June 2020, Uthema, a group advocating for gender equality, was targeted by extremists who accused it of being anti-Islam. A social media campaign demanded that the government ban Uthema for publishing a report assessing the governments adherence to its obligations under the UN Convention on the Elimination of All Forms of Discrimination against Women. Those behind the campaign alleged that the report offended Muslim sentiment. The group drew fire for endorsing certain sections of the MDN report on radicalization in the Maldives.

A number of local island councils and the Adhaalath Party joined the calls to ban Uthema and take action against its leadership. A human rights activist told Human Rights Watch that the groups behind the campaign had been emboldened by the governments ban on MDN. The representative said:

The Maldivian Democracy Network (MDN), formerly the Maldivian Detainee Network, was formed in 2004 to assist political detainees and their families.^[169] MDN was formally registered in 2006 and expanded its human rights mandate, working in areas such as police and prison reform, legal and constitutional education, and independent oversight of state institutions.^[170] Since its inception, and under different administrations, as the countrys leading human rights organization, MDN and its personnel faced various threats including pressure of being deregistered, as well as threats of violence to its members on social media.^[171]

However, it was not until the Solih government that any administration took the step to deregister MDN. In September 2019, MDN and its staff became the target of a social media campaign because of a 2015 report the organization had published on the rise in violent extremism in Maldives, which their opponents claimed included language insulting Islam.^[172] The campaign used the hashtag #BanMDN and called for criminal charges against MDNs executive committee and those involved in authoring the report.^[173] Protests took place on several islands and over 110 local councils out of 200 made official statements in support of the call to ban MDN. Apart from pressure from the opposition to ban MDN, the ruling MDP also faced calls to do so from within the party. Party members were warned not to make any public statements.^[174]

On October 9, 2019, MDN publicly acknowledged that some of the language in the report could be misunderstood and said it would incorporate revisions.^[175] This, however, did not quell the campaign. On November 5, 2019, the government yielded to pressure from religious leaders and political opposition figures and ordered the dissolution of MDN.^[176] Government officials told Human Rights Watch that they did so out of concern the protests would spiral out of control.^[177] The MDN leadership was forced into exile because of violent threats from extremist groups.^[178] The police failed to take investigate and prosecute those responsible for the threats.

Given the three-year gap between the reports publication and when complaints about it started to surface on social media, Shahinda Ismail, the executive director of MDN, believes that there were other factors that may have triggered the furor. MDN had backed government-proposed amendments to the Anti-Terrorism Act of 2015, which some clerics and gang leaders feared could target them.^[179] In addition, she said that the MDN had called for amendments to a transitional justice bill to expand investigation and prosecution for human rights violations during previous administrations. These actions may have prompted opposition leaders to join with religious groups in calling for MDNs deregistration, especially former president Gayoom and his supporters. The expedited closure of MDN is a clear sign of how much radical elements have consolidated their power within the system, Ismail said.^[180]

Among President Solih's campaign pledges was a commitment to abolish laws that had been used to curtail citizens right to freedom of assembly. However, despite the ruling party holding a supermajority of 65 seats in parliament, in November 2020, the parliament rejected proposed amendments to the Freedom of Assembly Act that would have nullified provisions granting the authorities power to restrict protests.^[181] At least 56 MPs voted for the amendments to be sent back to the Parliamentary Committee on National Security and Foreign Relations. As of March 2022, the committee had yet to submit its review.

The restrictions include requiring organizers of assemblies to inform the police of any planned gatherings and give the police wide discretion in granting permission. For instance, under article 33 of the law, police may broadly restrict the right to assembly if the gathering poses a threat to national security, to maintain public safety, to establish public order in accordance with legislation, to protect public morals, or to protect the rights and freedoms of individuals. Not obtaining prior permission can have consequences beyond just preventing the protest: On December 11, 2021, the Maldives civil court upheld a Maldives Police Service (MPS) decision to dismiss Aisha Rasheed, Yameen Rasheeds sister, from her job as assistant director for participating in an August 8, 2017 march marking the third anniversary of Ahmed Rilwans abduction. The march had been deemed unlawful because the organizers had not obtained permission from the police beforehand as required under the Freedom of Assembly Act.^[182]

The act also allows police to restrict demonstrations to designated areas and limits access for journalists, including when police are dispersing a protest. In May 2021, police used excessive force to stop a Labor Day protest held in Mal by Rise Up MV, an organization that advocates for childrens rights, using pepper spray on protesters and journalists at close quarters and hand-cuffing adult protesters after forcing them to the ground.^[183] Reporters Without Borders criticized the police and called for the government to investigate complaints of police brutality against journalists.^[184] Several protesters were arrested but released shortly after.^[185] The Human Rights Commission of the Maldives noted that allegations of police abuse should be investigated under the Anti-Torture Act and that all citizens be given the right to freely protest.^[186] Police Commissioner Mohamed Hameed announced an investigation into the actions of the officers concerned, but as of March 2022, no findings had been announced.^[187]

The government has also used measures meant to prevent the spread of Covid-19 to prevent protests. In February 2021, the police in Mal arrested opposition party members who had held a demonstration outdoors protesting the governments allotment of public housing. All were released but fined for breaking the Health Protection Agencys guidelines on Covid-19.^[188] However, opposition party leaders, including MP Adam Shareef, claimed that the protests were held in accordance with Covid-19 requirements on social distancing and masks. Shareef noted that the opposition protests were being held due to the deteriorating conditions in the country and that Covid-19 cannot be used as a weapon to infringe on peoples right to be heard.^[189]

Since the Covid-19 pandemic began in 2020, the government has also interpreted the public safety provision of the law broadly to block migrant workers protests that took place between May and July 2020.^[190] For example, on July 14, 2020, the Home Affairs Ministry declared that street protests and marches

could only be held with prior written approval from the Maldives Police Service, except in one closed-off location in Mal.^[191] In June 2020, the political movement Navaanavai organized a protest in front of the Peoples Majlis over the deteriorating socioeconomic conditions linked to the pandemic and restrictions to contain an outbreak. The police broke up the protest. Ahmed Mohamed, a member of Navaanavai, said that police action violated the right to peaceful assembly. The protests included 14 individuals, all of whom were socially distanced and wearing masks, he said. ^[192]

In July 2020, Ikleela Hameed, the founder of Voice of Children, a childrens rights organization, said the police had reached out to her prior to planned protests demanding justice for sexual offenses against children.^[193] Hameed noted that while her group held their protest as required under the health guidelines, the police still blocked it. She said:

Ahid Rasheed said that since the pandemic began, the government has imposed additional restrictions to prevent the spread of the virus, but, because of this, the governments willingness to protect the right to freedom of assembly has not actually been put to the test.^[195] In response to questions from Human Rights Watch, the government said it is committed to upholding all rights enshrined in the Constitution and is waiting on the outcome of the bill on repealing the 2013 Freedom of Peaceful Assembly Act, before considering other measures to improve citizens right to peaceful assembly.^[196]

The Maldives has struggled to address deep-rooted corruption and the continuing influence of extremist groups and criminal gangs on its judiciary, police, and other government institutions.

In order to do so effectively, it needs to tackle longstanding impunity. However, successful prosecutions can only be mounted if their investigations are based on credible evidence and with the cooperation of appropriate witnesses. In the Maldives, witnesses are frequently threatened by perpetrators, particularly those who enjoy political patronage.

In this regard, it is vital that the Commission on Deaths and Disappearances complete its inquiries in a credible, transparent, and time-bound manner, including by questioning relevant government officials and security force members. The government should act on the Commissions findings by prosecuting those found responsible for rights violations, and by ensuring independent investigations into other instances in which activists and others have been targeted as *laadheeneelaadheenee* and prosecuting those responsible for violent crimes.

Donors should assist the Maldives to develop the capacity to gather evidence for criminal prosecutions, including through forensic means, to adopt policies that support and protect witnesses, and to provide training to ensure due process and fair trials.

The Maldives has not developed a transparent and impartial process to select judges. The judiciary appointed by a politicized JSC has raised serious concerns about the independence of the judiciary. The government, through the Judicial Service Commission, should credibly and impartially investigate all allegations of judicial misconduct, including corruption and political interference in the courts. In addition, it should ensure that the composition and functioning of the Judicial Service Commission itself is in line with international principles of independence and accountability of the judiciary.

Judges typically do not have training or experience in international human rights standards. Many also need support in practical judicial skills, such as decision writing, drafting directions and orders, and proper courtroom procedures. The trial and appeals process is also subject to many delays, which hinders access to justice for those whose rights have been violated.

Lack of accountability has also undermined the proper functioning of the police. The government should ensure that police officers are held accountable for abuses including torture, assault, and excessive use of force. Donor support should also incorporate best practices for recruitment, training, and command oversight of the police to reduce and eliminate bias based on religion, political views, and other grounds. Donors should help create a system of oversight in which supervisors hold their charges accountable for mistreatment and are themselves reviewed and evaluated, in part, by how they address subordinate officers who commit human rights violations.

Ultimately, genuine reform of the criminal justice system will require political will at the highest levels of government to bring about greater respect for basic rights. It is important that donor support encourages greater political will to address the Maldives longstanding problems in the judiciary and police.

When the Solih administration took office it pledged to make a number of legislative changes to better protect human rights. As of March 2022, only some of these changes had been made. Among those that the government should act on urgently is to amend the Maldives criminal code and the Freedom of Peaceful Assembly Act to conform to international standards on freedom of expression and assembly.

This report was written by Nashath Mohamed, consultant to Human Rights Watch. Patricia Gossman, associate Asia director and Meenakshi Ganguly, South Asia director of the Asia Division, edited and provided divisional review. James Ross, legal and policy director, provided legal review; and Danielle Haas senior editor in the program office, provided program review. Editorial and production assistance was provided by Racquel Legerwood, senior coordinator for the Asia Division; and Travis Carr, senior publications coordinator. The report was prepared for publication by Jose Martinez, senior coordinator, and Fitzroy Hepkins, administrative manager.

Human Rights Watch wishes to thank all those in The Maldives who agreed to be interviewed. We have honored their requests for anonymity.

^[1] The Maldives has a population of about 550,000. Maldivians are ethnically Dhivehi, and 99 percent Sunni Muslim. Islam is the state religion, and proselytizing other religions is prohibited. The Maldives was governed as a sultanate from the 12th century and came under colonial rule by both the Portuguese and Dutch before becoming a British protectorate.

^[2] Islam has been the state religion since its first constitution in 1932. Proselytizing is forbidden. Hassan Amir, *Islamism and radicalism in the Maldives*, Masters Thesis, Naval Postgraduate School, Monterey, California, 2011. https://calhoun.nps.edu/bitstream/handle/10945/10724/11Dec_Amir.pdf?sequence=1&isAllowed=y, (accessed February 15, 2022). With assistance from Pakistan, Brunei, and the states of the Persian Gulf, Gayoom established the Islamic Center of Maldives in 1984. The building also houses the Ministry of Islamic Affairs. During Gayooms rule, the Maldives started to play a more prominent role in the Organization of Islamic Cooperation (formerly the Organization of the Islamic Conference). All these developments enabled Maldives to garner increased assistance from these states, especially in fields like education. It was at this time that significant numbers of Maldivian youth began attending various Islamic education institutes in places such as Pakistan, Saudi Arabia, Egypt, and India. These youth later became the vanguard of the Islamic revivalist movement in Maldives. Ibid.

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^[4] Mohamed Faisal, *Living on a crowded island: Urban transformation in the Maldives*, n.d., <https://devnet.org.nz/wp-content/uploads/2018/07/Mohammed%20Faisal.%20Living%20on%20a%20crowded%20island%20Urban%20transformation%20in%20the%20Maldives.pdf> (accessed February 19, 2022).

^[5] Ibid., pp. 31-32. On September 29, 2007, an improvised bomb exploded in a Mal park. The men suspected of planting it were accused of links to foreign terrorist groups. While no further bombings have occurred, some 200 Maldivians are thought to have traveled to Iraq and Syria to join Al Qaeda and the Islamic State (ISIS), a disproportionate number for Maldives small population. In October 2019, Maldivian police arrested an alleged ISIS recruiter, Mohamad Ameen, on suspicion of spreading extremist ideology. He was suspected of involvement in the 2007 bombing. US Department of State, *Country Reports on Terrorism 2019: Maldives*, <https://www.state.gov/reports/country-reports-on-terrorism-2019/maldives/> (accessed February 17, 2022).

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