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EXECUTIVE OFFICE
OF THE SECRETARY-GENERAL

Note to the Secretary-General

(Through the Deputy Secretary-General)

23/02/15

TENSIONS RISING IN MALDIVES

1. Tensions are growing in Maldives due to the arrest of former President Mohamed Nasheed on charges of terrorism on 22 February. Mr. Nasheed is being prosecuted for ordering the arrest of a Criminal Court judge in 2012, when he was still President. That event had triggered mass demonstrations that ultimately forced Mr. Nasheed to resign on 7 February 2012. Even though he had subsequently alleged that he was forced out at "gun point", a Commission of National Inquiry – which the United Nations supported through a legal expert – found that the transfer of power was constitutional. Last week, the Prosecutor-General retracted the initial charges of use of public authority to arrest or detain innocent persons. On 22 February, he reintroduced the case under a section of the Anti-Terrorism Act that classifies as terrorism "the act or the intention of kidnapping or abduction of person(s) or of taking hostage(s)." and on

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2. The new charge carries a much stiffer prison sentence of up to 15 years. While four other people, including the current Defence Minister, were indicted along Mr. Nasheed, only the former President was arrested, reportedly for fear that he would abscond. Procedures against the other defendants have not started yet.

3. At the first trial hearing, held on 23 February, Mr. Nasheed did not have legal representation due to a procedural matter. At the hearing, the Court gave Mr. Nasheed three days to appoint a lawyer and to answer the charges. It ordered that the former President remain in custody until the conclusion of the trial. Mr. Nasheed's lawyers expressed concern over "several irregularities" with the proceedings, including the Court's use of classified police information that was not shared with Mr. Nasheed. The former President also alleged being 'manhandled' by the police and could be seen with an arm in a makeshift sling (his lawyers later claimed he was denied medical access as he was only allowed to see prison doctors, but was not taken to a hospital). The hearing concluded without a date for the next session of the trial.

4. Prior to his arrest, Mr. Nasheed's Maldivian Democratic Party (MDP) and its partner in opposition, the Jumhooree Party, were planning a "massive" demonstration for 27 February that would usher in "a second 7 February" (meaning forcing current President Yameen to resign, just as Mr. Nasheed was 'forced' to resign in 2012). The opposition still plans to hold the rally, when 20,000 protesters from various atolls are expected in the capital Malé (with a population of about 100,000).

5. On 23 February, India issued a statement expressing concern at recent developments in Maldives, "including the arrest and manhandling of former President Nasheed", urging "all concerned to calm the situation and resolve their differences within the constitutional and legal framework of Maldives." (Prime Minister Modi of India is scheduled to visit Maldives on 15 March.) Also on 23 February, the Commonwealth noted with concern "reports that former President Nasheed was denied the right to legal representation at the court hearing" and stressed the need for "ensuring that the rule of law is respected, with adherence to due process." The Commonwealth reiterated its offer to provide "expert assistance in relation to upholding the separation of powers in Maldives."

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6. In the morning of 23 February, the Minister of External Affairs of Maldives, Ms. Dunya Maumoon, initiated a call to Assistant Secretary-General for Political Affairs Toyberg-Frandzen to brief him on the situation in the country and to avoid, in her own words, "misinformation." She insisted that the country was calm and denied allegations reported by the media of lack of due process and legal representation for former President Nasheed. She offered to keep the Assistant Secretary-General "fully informed" of the situation, directly and through the Permanent Representative of Maldives. The Assistant Secretary-General stressed the need for full respect for due process and transparency of the legal proceedings against former President Nasheed. He also appealed to the Government of Maldives to allow for peaceful political dissent and to seek ways to engage with the opposition, in the interest of long-term political stability of the country. A readout of the conversation was made public at the Spokesperson's noon briefing on 23 February.

7. While the situation is currently calm, there is the possibility that the 27 February opposition rally, if it takes place, will turn violent. DPA is supporting the Resident Coordinator, who is currently engaged in negotiations with the Government on the next UN Development Assistance Framework. The recruitment of a Peace and Development Adviser is on-going. We are also in close touch with our international partners, in particular the Commonwealth, to coordinate messaging.

8. I will be in Sri Lanka starting on 27 February and, should developments this week warrant it, I may recommend that I briefly visit Malé to encourage full respect for due process in the trial against Mr. Nasheed, space for peaceful expressions of political dissent, and dialogue between the governing party and the opposition.



Jeffrey Feltman
23 February 2015



To:
Cc:
Bcc:
Subject: Fw: Rising tensions in the Maldives

----- Forwarded by Jill Annitto/NY/UNO on 24/02/2015 12:03 PM -----

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For the SG's attention, please.
Best regards,



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