

Newsletter

Maldivian Democratic Party

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Repeal of Emergency doubles as ruse to cover continued violation of the Constitution

Beset by tremendous pressure from rights groups, concerned foreign governments, the Commonwealth, the EU, Friends of Maldives, the Maldivian Democratic Party and many Maldivians, President Gayyoom lifted a 58 day emergency on 10th October.

As a third month, coincidentally a month of reflection as Maldivians mark Ramazan, begins after the public gathering of August 12-13, the prevalence of silent but all pervasive emotions of fear and disbelief are rife. A curfew is effectively still on in Male' and it's proximity, imposed by public announcements that contravene the Constitution. The President while led to ease the brutality he was inflicting through politics of violent and deliberate exclusion is doing a double-take by using it as a ruse to continue violating the Constitution.

Members of the Peoples Special Majlis, other dissidents, their family members and friends who were detained and released still have their freedom of movement violated by the government. Stern verbal orders were given to confine their movements from work to home and not to visit anywhere that may be construed as a group of people. Some of the detainees were changed to country detention after being forced to sign a statement that effectively bars them from exercising their rights in freedom of movement, expression, association and assembly. The rights to be informed and disseminate information are held back through restrictive and draconian laws that the regime had weaved through its quarter-century tenure.

In a more severe violation temporary Speaker of the Peoples Special Majlis on October 14 contravened Article 133 of the Constitution. It was a one-day task of stern and stubborn wrongdoing.. Hon Ahmed Zahir, appointed by President

Gayyoom to preside the election of a Speaker to the house, imposed a show of hands, a procedure that has no reference in the Constitution. After the embarrassing interruption when he himself was the candidate to benefit from a show of hands, Ahmed Hon.Zahir had been nominated to do the dirty on the dubious understanding that he would be assisted to fade out with impunity by the regime.

Article 133 clearly states that all elections stipulated in the Constitution be by secret ballot. It's an independently detached general law that does not give references to any other laws. The only specified other elections in the Constitution are the Presidential elections. All other elections are embodied by Article 133, that include general elections and the election of a Speaker of the Peoples Special Majlis.

As twelve members walked out in protest, as nine others are in detention, with many under country detention with rights held, Hon. Abbas Ibrahim was maneuvered to sit as Speaker. After this complex exercise of prevarication and subterfuge, Hon.Zahir reckons to get his misdeeds covered up by regime cronies as well as those who were wise to what was afoot. And many Maldivians know what really was afoot comprise of influencing deliberations, and buying time to cover up foul play that would be exposed with reform.

Maldivians and foreigners concerned over the regime's stubborn policy of excluding the opposition while putting on a fake show for a debate on allowing opposition see the catch. They are increasingly skeptical about the promise for speedy reforms and allowing dissent. Many openly express their disbelief as he gets more exposed for gross insincerity to the people he sought by himself to get duty-bound to serve. □

An act of supreme courage

At the first meeting of the Peoples Special Majlis (constituent assembly), the temporary Speaker attempted to violate the article 133 of the constitution by voting for the post of Speaker of the Special Majlis through a show of hands instead of a secret ballot, as the constitution specifically requires. The obvious reason for this is to avoid undue pressure and intimidation of members by the regime. Twenty three members walked out in protest and met Gayyoom who requested them to calm the crowd that had gathered near his house and promised them the constitution would be followed

Under Gayyoom's Police state not even the law makers are spared.

During the first sitting only two names were nominated and the time for nomination was clearly over with the temporary Speaker calling for a vote. Subsequently one of the nominees (former Minister Ahmed Zahir, who was changed to the post of Speaker of parliament by Gayyoom) is now no longer eligible for the post of Speaker in the Constituent Assembly. This clearly entails that the other nominee (Hon.Gasim Ibrahim, presently placed under detention by Gayyoom) is now the Speaker-elect.

Mambers reiterate protest

However the present temporary Speaker, in violation of the rules of procedure decided to call for fresh nominations. Gayyoom's brother-in-law was the only new nominee. Like his predecessor the new temporary Speaker then went ahead and called for election through a show of hands. In what can be termed as a supreme act of courage

Instead Gayyoom detained twelve of the members who walked off, on spurious charges following the brutal crackdown by the NSS of a peaceful gathering.

Side-lining the Speaker-elect

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Arguments that refute allegations that the 2004 August 12-13 gathering in Male' was a premeditated attempt to overthrow the Maldives government

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Date: 10 October 2004

1. The government's core allegation

The Government of Maldives claims that the 2004 August 12-13 gathering in Male' was an orchestrated premeditated to overthrow the government in collaboration with dissidents in exile and sympathetic "foreign elements

2. The accused

Maldivians detained following August 12-13 gathering and subsequent proclamation of Emergency; some of their family members and friends, in Maldives and abroad. After two months of incarceration, the would-be defendants of these allegations are yet to be informed of the charges. The government has made known allegations through official statements over government radio, television and newspapers.

3. Summary of events prior to arrests

- 3.1 On June 9th 2004, President Gayoom announced wide ranging and liberal democratic reforms, calling for public debates and deliberations on his reform-package. The President's proposals were concurrent with measures called for much earlier by (among others) the Maldivian Democratic Party operating from exile.
- 3.2 Subsequent to the President's call for public debates, deliberations and exchanges of views, open meetings were held by social groups at several halls in the capital. A popular political activist (Mohamed Yousuf Fulu) active at the public gatherings was arrested in the afternoon of 12th August. His arrest was the third such arrest, as two days prior to that a photographer and print worker were arrested.
- 3.3 2000 Hrs/12 Aug -Fearing that these arrests were a harbinger to mass arbitrary arrests, some of Mr.Fulhu's friends decided to begin a vigil in front of NSS head-quarters. Many called up or sent (SMS) messages to friends asking them to join the vigil.
- 3.4 2300 Hrs/ 12 Aug- The gathering numbered over 12000, though government estimates put the figure at 8000.
- 3.5 2330 Hrs/ 12 Aug. The vigil transformed into a public gathering, with representatives of the government including a cabinet minister and NSS officers - interacting on various issues with members of the public
- 3.6 2330 Hrs/ 12 Aug. Members of People's Special Majlis went to the gathering after being requested to do so by the Minister of Information, Broadcasting and Culture. (Hon. Ibrahim Manik. The Hon. Minister rang Hon Gasim Ibrahim soon after 10.30 pm on the night of 12th August 2004 and informed Hon. Gasim Ibrahim that the President wishes him and the other MP's to go to the gathering/meeting and to try and calm/alleviate any possible escalations of public feelings against the government by instilling a sense of confidence about interactions of the government with the public meeting.)
- 3.7 Government representatives listened and acceded to some of the demands, releasing some detainees.
- 3.8 The people were gathered right in front of the NSS headquarters main gate, blocking all outlets, spilling over right across the separate police building in front, blocking the gates of that building too.
- 3.9 Hon Qasim, Hon.Ilyas Ibrahim, Hon. Ibrahim Ismail among others addressed the gathering asking them to disperse.
- 3.10 0230 / 13 Aug. Hon.Ibrahim Ismail and other Special Majlis members asked the NSS that public address system be set up at Independence square and that Hon Ibrahim Ismail addressed gathering from there, moving the gathering away from the security buildings.

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- 3.11 Acting on behalf of the government, NSS officers and other representatives of the government requested for written submissions. This was done members of the Peoples Special Majlis acting on behalf of the gathering. Representatives of the government gave assurances that the concerns would be conveyed to the President.
- 3.12 By dawn the gathering had moved to the Republican square. Most were seated while some remained standing, listening to the speeches
- 3.13 In an isolated incident one NSS personnel was stabbed with a pocket knife. The victim had at least seven NSS colleagues within reach. The wound was directly apparent as superficial and not fatal.
- 3.14 In another incident one stone was thrown at NSS HQ breaking a glass pane on one of the windows.
- 3.15 In yet another incident an unhinged door at the back of a government building was set afire.
- 3.16 Noon /13 Aug. Many left the gathering for Friday prayers
- 3.17 Agents provocateurs tried various methods including verbal abuse and intimidation, to disperse the gathering
- 3.18 The gathering were awaiting a response to their demands
- 3.19 Government representatives, in secret, decided to terminate the gathering by force, as per article 133 of the Constitution through the proclamation of Emergency Law.
- 3.20 Shortly afterwards the NSS baton charged the gathering beginning a pattern of violent arrests
- 3.21 Interrogations of detainees held incommunicado without legal assistance, were begun and are ongoing to date.

4. Main points evident from events.

- 4.1 The public meeting was begun subsequent to President Gayoom's indication of relaxed conditions that earlier barred citizen's constitutional rights for association and assembly.(3.1)
- 4.2 The vigil in front of NSS HQ subsequently led to a much larger gathering that numbered upwards of 8000 hours before midnight. (3.4 / 3.5)
- 4.3 All Members of People's Special Majlis who were subsequently detained went to the gathering after it was requested of them to do so by the government. (3.6)
- 4.4 Government representatives listened to and acceded some of the demands, releasing some detainees. (3.7)
- 4.5 Members of Peoples Special Majlis addressed the gathering and requested them to disperse. (3.9)
- 4.6 When the gathering did not yield to requests by Peoples Special Majlis members, a member decided to address the crowd some 200 meters away from the NSS headquarters, which was the main focus of the demonstration.(3.10)
- 4.7 Government representatives made requests for written submissions (by the gathering) which were made to the government and accepted. (3.11)
- 4.8 The tactic to move the gathering worked. It moved the gathering away from the main gate of the NSS headquarters to the Republican Square which is just across (about 200 metres away) from the NSS main gate. (3.12)
- 4.9 Actions of agents-provocateurs and isolated incidents which may have readily been quelled by the NSS were evident, but the NSS ignored to isolate the perpetrators. (3.13 / 3.14 / 3.15)
- 4.10 The gathering was awaiting responses from government in an ongoing exchange of demands and submissions. They also refused to disperse. (3.18)
- 4.11 Most were seated while some remained standing, listening to speeches. They peacefully stayed there until the NSS charged upon them beating them with batons and iron pipes and inflicted violence in arresting many of the demonstrators in the afternoon of 13th August 2004. (3.14)

5. Analyses

- 5.1 Members of the Peoples Special Majlis lured the crowd away from the strategic position of the main gate of the NSS. (4.6 / 4.8 also Annexe 1-photos)

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- 5.2 The main gate of the NSS was clogged by demonstrators hours before midnight on the 12th August 2004. The crowd was holding fort, blocking the NSS gates as well as Police the gates of Police Headquarters all through out the night, until a member of the Peoples Special Majlis lured them away from the gate. That was well after 3.00 am on 13th August 2004. (4.2 / 3.8 / 3.10, also Annexe 1-photos)
- 5.3 The demonstration had the opportunity of escalating matters for good six hours but didn't. (4.2 / 3.8 / 3.10, also Annexe 1-photos)
- 5.4 Government representatives listened and acceded to some of the demands. Government representatives also made requests for written submissions which were made to the government and accepted (4.4 / 4.7)
- 5.5 One NSS personal was stabbed. This was an isolated incident. The gathering numbered 12000, government statements estimated it to be eight thousand (4.9/ 3.13)
- 5.6 One window was broken. This again is an isolated incident. If the demonstrators wanted to stone government buildings, even if hundreds each with one paving stone (directly accessible under their feet) attacked, the situation would have escalated (4.9 / 3.15)
- 5.7 Many do not believe that a government building was set alight by anyone in the gathering. (3.15)

6. Conclusion

- 6.1 The above facts evident from events refute allegations that the 2004 August 12-13 gathering in Male' was a culmination of a premeditated attempt to overthrow the Maldives government. They support the fact that the gathering was legitimate.
- 6.2 Given that the demonstrators had a good six hours during which time they could have easily stormed the NSS and the fact that they did not do it, and the fact that the government was interacting with the gathering clearly indicates that there was in reality no plans to storm the NSS and overthrow the government, nor the intention for an illegal gathering.. □

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twelve members walked out in protest over the violations of the constitution. Gayyoom's brother-in-law, as maybe expected, "won" the election.

Gayyoom is well aware that after his torture and brutal treatment of people of the caliber of his former

Tourism Minister (and former SAARC Secretary General) Hon. Ibrahim Hussain

Zaki, the country's biggest investor

Hon.Gasim Ibrahim, and former Attorney General Dr.Mohamed Munavvar, the

members would be too fearful to show any defiance. However in an act of unbelievable courage, some members openly voted against Gayyoom's brother-in-law and about twenty even abstained in addition to the twelve who walked off in protest. It remains to be seen how soon Gayyoom will jail and torture them. Under Gayyoom's Police state not even the law makers are spared. □

In what can be termed as a supreme act of courage twelve members walked out in protest over the violations of the constitution.

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