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Maldives: Nasheed's Arrest Illegal and Unjust: Little Hope of a Fair Trial

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On 22nd Afternoon, former President Nasheed was arrested from his home by the Police on fresh charges of charges of terrorism. This arrest is a blatant violation of all norms of justice and fair play and the international community have already shown concern and some have even condemned the arrest.

Supporters of Nasheed had crowded round his house at the time of his arrest. Nasheed was badly manhandled and dragged some distance before being thrown into a vehicle. In the process he was seen limping with a sling on his shoulder at the time of being produced before the court.

Earlier Nasheed was being tried at Hulhumale magistrate's court on charges of illegally detaining a criminal judge while he was President in 2012. Nasheed had challenged the jurisdiction of the Hulhulu Court and the case was being dragged on deliberately.

All of a sudden, the Prosecutor General withdrew the charges and made out fresh charges for acts of terrorism which carry a heavy penalty or banishment of 10 to 15 years.

Nasheed had never missed the trial and had been staying in Male along, though going in and out of the country on his tours. The arrest warrant said "terrorism charges have been brought against the fears that he may not attend the court or go into custody." The warrant has many flaws.

The court has ordered that Nasheed will be kept under detention until the completion of trial and I know for certain until his sentencing.

President Yameen could not have been more cruel and vindictive.

Consider the background of the Prosecutor General and the three Judges appointed for the trial. Aishath Velezine, a former member of the Judicial Service Commission has pointed out the following aspects.

- The current Prosecutor General is a former criminal judge who has worked under the Criminal Court Judge Abdulla Mohamed, the judge who was allegedly detained in 2012 on orders of the then President Nasheed. Nasheed is being charged precisely for the same charges.
- Two of the judges were involved in a cover up of a misconduct of an appointed Judge.
- The third one has a criminal record.

These are the judges who are presiding over this trial.

The arrests have been made under the old archaic law of the penal code where any act can be termed as “terrorist.” The old 1990 terrorist act states that kidnapping, abduction and attempt to kidnap or abduct as acts of terror. A new penal code is being drafted but the government would appear to be rather happy to go along with the old laws.

It may be recalled that in the dictatorial days of Gayoom, Nasheed was charged under terrorism when he made a “sit in protest” in the public square. Maldives had in the past always misused the terrorism laws and charging Nasheed now for ordering the arrest of a criminal court judge for his misconduct three years ago is no surprise either!

Nasheed has been denied legal assistance. The five lawyers who were defending Nasheed in the magistrate’s court had not registered in higher court of three judges and so were not allowed. It takes two days to register and make all the formalities for registration. Yet the court was not willing to wait and started the trial at 4 PM on 23d itself! Nasheed is being tried with no lawyer to assist him.

Police have also taken into custody MDP Chairperson Ali Waheed for no reason given.

It all started with the two major parties the MDP of Nasheed and Gasim Ibrahim of Jumhooree party. Night protests have been going on since 11th February.

The immediate provocation appears to be a mass rally by the followers of the two parties on 19th night in a bid to rally supporters for a massive demonstration on February 27th.

It is hoped that India will respond in a more objective manner in this crisis rather than what it did in 2012 during the unofficial coup, when the government rushed post haste to recognise the new regime and the portraits of Nasheed were hurriedly removed within a few hours!

It is important to recognise who our friends are.

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