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## A Miscarriage of Justice in the Maldives

By Geoffrey Nice

*Human-rights groups around the world have criticized the conviction of the archipelago's former president.*

The trial and imprisonment of the former president of the Maldives Mohamed Nasheed earlier this year amounts to a most extraordinary miscarriage of justice. It also marks the destruction of democracy, the abandonment of human rights and the erosion of the rule of law in his country.

Popularly known as the Maldives' Nelson Mandela, Mr. Nasheed spent years in solitary confinement and under house arrest under the old dictatorship, subjected to beatings and torture, before a peaceful democratic transition led to his election as president in 2008. For four years, Mr. Nasheed served as the Maldives' first truly democratically elected president.

Forced from office in 2012, with threats to his own life and his family members' if he didn't resign, Mr. Nasheed was prosecuted later that year on accusations of ordering the "arbitrary detention" of Judge Abdulla Mohamed, the chief judge of the Maldives Criminal Court.

In 2013 the case was suspended with no further hearings or action. In January of this year the charges were finally withdrawn, only to be replaced six days later with a new charge of "terrorism."

The political motivation behind this is blatant. In 2013, Mr. Nasheed ran for re-election and won, but the authorities discarded the results and ordered a rerun, claiming irregularities with the original poll.

In the rerun, Mr. Nasheed was again ahead in the polls, but fell just short of a majority in the first round. In the second round, Mr. Nasheed's rival, Abdulla

Yameen—who happens to be the brother of the dictator, Maumoon Abdul Gayoom, whose 30-year rule Mr. Nasheed had ended in 2008—won through a campaign of religious nationalism.

By early 2015, however, President Yameen's coalition government was fraying. One partner left to join Mr. Nasheed's Maldivian Democratic Party (MDP). Mr. Yameen needed to neutralize Mr. Nasheed's resurging political influence and remove him from the political scene.

Thus the renewed charges against Mr. Nasheed, which claimed that the arrest and detention of Judge Abdulla were a terrorist abduction.

During the trial, no evidence was provided to prove that Mr. Nasheed had ordered the judge's arrest. Mr. Nasheed did order the police to investigate the judge, because Mr. Abdulla had previously released an alleged hit man accused of murder who went on to commit another murder. However, the judiciary closed ranks and ruled that the judge was ineligible to be summoned for investigation. The police, rendered powerless, determined that the judge was a threat to public safety. When informed of this, Mr. Nasheed, as president, requested that the minister for home affairs protect the public from any threat posed by the judge. Mr. Nasheed didn't take the decision to arrest the judge.

At Mr. Nasheed's trial earlier this year, two of the presiding judges had previously filed witness complaints with the police and the National Human Rights Commission against Mr. Nasheed. These statements were even a part of the prosecution's case. Despite apparent conflicts of interest, the prosecutor general and two of the three judges failed to recuse themselves. All three had been at Judge Abdulla's home at the time of his arrest.

During his trial, Mr. Nasheed was denied access to counsel several times, notably during the opening and closing statements. He was prevented from cross-examining the prosecution's witnesses. The court refused to hear a single defence witness, even though Mr. Nasheed had sought to call four.

The trial was rushed, with hearings held in the middle of the night, and with defense counsel given almost no time to prepare for the hearings on those occasions they were even permitted to appear at all. It was all in clear violation of the Maldives' Constitution and international law. International groups, including the United Nations High Commissioner for Human Rights, the International Commission of Jurists, Amnesty International, the European Parliament and the British and American governments, among others, have all said so.

After being sentenced for 13 years, Mr. Nasheed was held in deplorable conditions

in a cell adjacent to a refuse dump infested with flies, mosquitos and rodents. These conditions exacerbated his ill health.

His sentence has now been commuted to house arrest. This welcome, possibly life-saving change was only made following international and domestic pressure. But it still doesn't cure the fact that Mr. Nasheed was denied any effective right to appeal. He was given 10 days to appeal his sentence, but the court failed to provide him with a trial record, which is essential to the mounting of a proper appeal. An incomplete and inaccurate record arrived 11 days after his conviction.

Since Mr. Nasheed's imprisonment, President Yameen has brutally suppressed peaceful demonstrations in Mr. Nasheed's support, jailing many leaders of the opposition MDP.

For all these reasons, there can be little doubt that Mr. Nasheed has been denied his basic human rights. His trial was an absurd, politically motivated sham. His imprisonment is a gross miscarriage of justice.

A story that could have been so positive—of a peaceful transition to democracy in a Muslim-majority archipelago—has been turned into a legal, political and human-rights crisis. The only way forward is for the regime to recognize its errors, for Mr. Nasheed to be freed, the rule of law restored, fresh elections to be held in which Mr. Nasheed can participate, and a process of further political reform and reconciliation established. Otherwise, President Yameen's authoritarian rule will destroy the Maldives, for inhabitants and visitors alike.

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