

DECISION No. 36/1995 (MALDIVES)

Communication addressed to the Government of Maldives on  
7 February 1995.

Concerning: Mohamed Nasheed and Mohamed Shafeeq, on the one hand  
and the Republic of Maldives on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of each of the cases of alleged arbitrary detention brought to its knowledge.

3. (Same text as para. 3 of Decision No. 35/1995.)

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Maldives. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.

5. According to the communication submitted by the source, a summary of which was forwarded to the Government, Mohamed Nasheed, founder and deputy editor of "Sangu" magazine, was arrested on 30 November 1994 upon his return from Nepal, where he attended a meeting by journalists. The co-founder and publishing manager of the same magazine, Mohamed Shafeeq, was arrested the same evening. Both were reportedly detained in a prison in the island of Dhoonidhoo, as were several other opposition figures which the Government allegedly wished to silence in view of the parliamentary elections which were due to be held on 2 December 1994. Mr. Shafeeq had already been arrested in 1990, the year in which he founded "Sangu", accused of attempting to carry out an attack during a regional conference held in Maldives, and sentenced in December 1991 to 11 years' imprisonment. Mr. Nasheed, who had also been arrested in 1990, had been held incommunicado for 18 months before being sentenced in April 1992 to 3 years' imprisonment for having concealed information about the attempted attack for which Mr. Shafeeq was convicted. The two journalists were released in 1993 after being held for three years, allegedly in inhuman conditions.

6. Subsequent to the aforementioned communication, the Working Group was informed by another source that Mohamed Shafeeq had been first placed under house arrest, and that that measure was lifted on 27 August 1995. The same

source also reported that a person named Ahmed Shafeeq (whose case does not correspond to that of the second person concerned by the present communication, Mohamed Nasheed), had been placed under house arrest.

7. It follows from the facts as described above which, it may be recalled, have not been challenged by the Government despite the possibility given to it to do so, that the detention of Mohamed Shafeeq, even though it took the form of a house arrest, and that of Mohamed Nasheed, was solely motivated by the will to suppress their critical voices - as journalists strongly devoted to the freedom of press and members of the opposition - on the eve of parliamentary elections which were to decide the future of the country. Their detention was therefore arbitrary since they merely exercised their right to freedom of opinion and expression, guaranteed by article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights.

8. In the light of the above the Working Group decides:

Notwithstanding the release of Mohamed Shafeeq, his detention, as well as the detention of Mohamed Nasheed, is declared to be arbitrary being in contravention of article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

9. Having declared the detention of Mohamed Nasheed and Mohamed Shafeeq to be arbitrary, the Working Group requests the Government of the Republic of Maldives to take the necessary measures to remedy the situation in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 24 November 1995.