

OPINION No. 4/1998 (MALDIVES)

Communication addressed to the Government on 1 October 1997

Concerning: Wu Mei De

The State is not a party to the International Covenant on Civil and Political Rights

1. The Working Group on Arbitrary Detention was established pursuant to resolution 1991/42 of the Commission on Human Rights. The mandate of the Working Group was clarified and extended pursuant to resolution 1997/50. Acting in accordance with its methods of work, the Working Group forwarded to the Government the above-mentioned communication.
2. The Working Group regrets that the Government has not replied within the 90-day deadline.
3. (Same text as paragraph 3 of Opinion 1/1998.)
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government. In the absence of any information from the Government, the Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. According to the communication, Wu Mei De, a Chinese national, was arrested at the beginning of November 1993 and has since been detained at Gaamadhoo prison without charge or trial. The source reports that his arrest might be linked to a court case in the Maldives in which Wu Mei De was suing a Maldivian national on grounds of alleged irregularities in a business partnership. Although taking no position with regard to the above-mentioned civil case, the source fears that, since the case reportedly started in September 1993, Wu Mei De's arrest about a month later and his reported prolonged detention without charge might imply the potential for official connivance in attempts by his business partner to prevent him from pursuing the court case.
6. In the absence of a reply from the Government and taking into account the allegations as submitted, the Working Groups notes that the above-mentioned person was arrested in early November 1993 and has been held in custody ever since, without charges or trial. For the Working Group his detention is in contravention of articles 9 and 10 of the Universal Declaration of Human Rights and of principles 2, 4, 9, 10, 11 and 13 of the Body of Principles; for the Working Group, these are violations of international norms relating to the right to a fair trial of such gravity as to confer an arbitrary character upon the deprivation of the liberty of Wu Mei De.
7. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of the liberty of Wu Mei De is arbitrary, as being in contravention of articles 9 and 10 of the Universal Declaration of Human Rights and of principles 2, 4, 9, 10, 11 and 13 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and falls within Category III of the categories applicable to the consideration of cases submitted to the Working Group.

8. Consequent upon the opinion rendered, the Working Group requests the Government:

(a) To take the necessary steps to remedy the situation and to bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights;

(b) To take appropriate initiatives with a view to becoming a State party to the International Covenant on Civil and Political Rights.

Adopted on 14 May 1998.