



REDRESS

Ending Torture. Seeking Justice for Survivors

THIS IS WHAT I WANTED TO TELL YOU

**ADDRESSING THE LEGACY OF TORTURE AND
ILL-TREATMENT IN THE MALDIVES**

June 2012

TORTURE VICTIMS' ASSOCIATION MALDIVES

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The **Torture Victims Association of the Maldives** is a national non-governmental organization (NGO) which envisions the Maldives in which no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment. Its mandate includes strengthening the ongoing efforts to prevent and eradicate torture, or other cruel, inhuman or degrading treatment or punishment in the Maldives, working towards establishing Maldives society to be ruled by justice and fairness, maintaining a national registry of victims of torture and ill-treatment, assisting victims of torture and ill-treatment and advocating for their rights, fairness, and justice.

REDRESS is a non-governmental international human rights organisation based in the United Kingdom with a mandate to assist torture survivors worldwide to seek justice and other forms of reparation. Over the past 20 years, it has accumulated wide expertise on the rights of victims of torture to gain both access to the courts and redress for their suffering, and has advocated on behalf of victims from different regions throughout the world. It fulfils its mandate through casework, promoting international standards and institutions, influencing national standards and practice, and working in post-conflict settings to promote national laws and institutions that reflect torture survivors' rights in practice.



Ending Torture. Seeking Justice for Survivors

*This is what I wanted to tell you.
That is what I have to say. I have no
problems if you use these stories of
mine anywhere. If they and if I get
some justice, that would be good.*

TSI-001,p.11

I. EXECUTIVE SUMMARY

The Maldives is a small country with a long history of torture. Ruled for more than 40 years under an authoritarian regime, it is now recognised that during that time torture and ill-treatment by the security services was widespread and systematic.

Since beginning its transition to democracy in the past decade, steps have been taken to put a halt to the patterns and practices that allowed torture to be used – steps that appear to have had a significant impact in reducing the reported prevalence of torture. However, when it comes to fulfilling its obligations to hold perpetrators accountable and provide justice and reparations to victims, the Government of the Maldives has not taken any effective measures to address the legacy of torture.

There are many torture survivors in the Maldives, but until now it has been difficult for their voices to be heard. In an effort to begin to redress that, the Torture Victims Association of the Maldives (“TVA”) began a project documenting their testimonies throughout the country. This report comes out of that process.

The report gives an overview of the patterns of torture during the period 1978-2008 shown in 24 of the testimonies recorded. Although a small sample, they recall the brutal reality of the use of arbitrary arrest, torture and ill-treatment against a wide range of people – young and old, male and female, political and non-political.

Many of those interviewed reported severe and repeated violence against, and abuse of, those in state custody. Forms of torture and ill-treatment included the use of suspension, lengthy use of stocks, being beaten with fists and bars, kicked, blindfolded, handcuffed, the dislocation of joints and breaking of bones, being forced to roll and squat on sharp coral, being drowned or forced into the sea, being put in a water tank, being burned, having bright lights shone in eyes, being left outside for days while tied or handcuffed to a tree, and being covered in sugar water or leaves to attract ants and goats, and in one case being tied to a crocodile’s cage. Sexual assault and humiliation was also routinely used. Many of the testimonies suggest that the only limit to the torture and ill-treatment imposed was the imagination of those whose control they were under.

The testimonies reveal the use of torture and ill-treatment in a systematic and officially-sanctioned way. Torture and ill-treatment were reported at the time of arrest, at initial questioning, and pre-trial in an attempt to gain a confession. Furthermore, a striking feature of many of the testimonies was the continued use of torture as individual or collective punishment meted out by security services officers on prisoners over the course of their sentence.

The ill-treatment and torture inflicted, and long periods of arbitrary detention, has had significant impacts on many of the survivors interviewed. These include chronic physical injuries, resulting in some cases in an inability to work, and psychological problems. For those who were arrested and detained at a young age, the time spent in prison or the stigma attached to having been arrested and detained meant that they were unable to complete their education. The detention and ill-treatment had further impacts on family members – both during the period of detention, when they were left without support, and in coping with the injuries suffered by their relatives on their release.

One thing is clear – despite many attempting to pursue complaints about what they have endured, not one of the individuals interviewed has had any form of justice for the torture

inflicted on them – no proper investigation into their case, no resolution of their legal claim, no person prosecuted or punished and no reparation. Institutional responses from the Courts, the Human Rights Commission of the Maldives, and specialised bodies and inquiries have been patchy, weak and entirely ineffective, and unsurprisingly many survivors have little faith in the processes.

It is time for the Maldives to make a concerted effort to address the legacy of torture. The Maldives has obligations under international law to respond to what has happened, and there are international standards to help it to do so. The report examines these obligations – and in particular the requirements that it investigate these allegations, address impunity, provide justice and reparation to victims and take steps to acknowledge and understand what occurred so that it does not happen again.

Victims' voices must inform the process of responding to the history of torture and ill-treatment in the country. Nearly all of those interviewed spoke of wanting to see a series of steps to be taken to address what had happened to them as is evident from their views of what justice requires.

The TVA and REDRESS make the following recommendations with a view to meeting both the challenges raised by the legacy of torture and the need for justice for the many victims:

To the government

- Initiate a national consultation with a defined timeline on addressing past violations in line with the Maldives' international obligations and constitutional rights, including accountability of the perpetrators, acknowledgment, truth-telling mechanisms, reparation for victims and legislative and institutional reforms aimed at preventing the recurrence of torture. Survivors' views should be fully consulted and considered in developing participatory mechanisms. Given historic and current political polarisation, consideration should be given to using individuals from outside the Maldives as investigators and decision makers in any such process.
- At the same time, ensure that credible allegations of more recent violations of human rights are promptly, effectively and impartially investigated, that those responsible for wrongdoing are brought to account, and that victims are provided with reparation.
- Ensure that institutions, including the Human Rights Commission of the Maldives, the police and the courts have sufficient independence and resources to effectively respond to allegations of torture and implement the prohibition of torture in line with their responsibilities and their mandates.
- As an interim measure, provide accessible rehabilitation services for victims who have raised credible allegations of torture and ill-treatment within the Maldives.

To political parties

- Initiate dialogue at the grassroots and party levels on the importance of addressing the legacy of torture, including specific allegations raised by victims, and mechanisms by which to do so.

- Include addressing the rights of victims of serious human rights violations within party platforms with a view to establishing credible mechanisms to respond effectively to allegations of torture and ill-treatment.

To the Human Rights Commission of the Maldives

- Make addressing serious individual allegations of human rights violations a key priority, and dedicate specific resources to this task.
- Collate materials gathered by past commissions and bodies which have considered issues of torture in detention, safeguard such materials in such a way as to ensure their preservation and the safety of those who have made complaints, and follow-up where those materials provide credible evidence of torture and ill-treatment.
- Properly investigate cases already submitted to the Commission, and where sufficient evidence is available, make recommendations for prosecution of the perpetrators and provision of reparation to the victims. Ensure any protection concerns of those involved are fully considered and addressed effectively.

To local organisations

- Continue to collect evidence of human rights violations whether from the past or present and, where victims wish to bring a case, assist in that regard.
- Fully consider protection concerns of those who raise allegations of torture and ill-treatment.
- Examine and foster dialogue on different mechanisms to address human rights violations in transitional democracies.

To international organisations and donors

- Support training governmental and civil society actors, including doctors and lawyers, in documentation of torture and torture-related litigation at the domestic level.
- Support strengthening of the judicial system to ensure its independence and capacity in relation to human rights litigation.
- Continue to encourage the Human Rights Commission to investigate credible allegations of torture and ill-treatment raised before it, and the government to take action to address past violations, and support them with the necessary resources to set up mechanisms required.

II. INTRODUCTION

Ibrahim was suspected of a murder he knew nothing about. When he wouldn't confess, guards brought two pieces of wood and put them behind his knees. They forced him to drop to the floor, dislocating his knees. Aishath (not her real name) was 14 and in prison for drug offences. After a riot at the prison she was handcuffed to a coconut tree for four days and four nights, and kicked and beaten with batons by guards. Ali (not his real name) would not confess to the crime he was accused of and so was taken out to the beach and thrown into the sea. When the guards fished him out they handcuffed him to a tree with his feet only just touching the ground and covered him in sugar water. Ants climbed all over his body. He was left like that until 7 am the next morning.

These are stories of torture and ill-treatment reported by those detained in state custody in the Maldives before its democratic transition. And they are not unique – there are many similar accounts of the systematic and sustained use of torture within the State's prisons and police stations. But until now, the victims of such treatment have not been provided with any justice for what was done to them. Despite accepting that torture and ill-treatment occurred on a wide scale, the Maldives is yet to address its legacy.

The Torture Victims' Association of the Maldives ("TVA") documented the testimonies of approximately 100 survivors of torture in the Maldives, carried out in 2011. This Report, for the first time, gives voice to these survivors and highlights their experiences.

Its aim is to draw attention to the extent and nature of torture committed prior to the Maldives' democratic transition in 2008, and to spur the Maldives government and international actors to seriously address the rights of victims to a remedy and reparation.

This Report reflects only a small proportion of the voices of torture survivors in the Maldives. However, by making public their stories, it hopes to amplify their calls for justice, and contribute to a debate within the Maldives about how best to recognise their suffering, provide justice and ensure that it never happens again.

Methodology

The testimonies referred to in this report were taken by Aminath Najeeb, a member of the TVA, between July and December 2011. Each interview was recorded on video, and the TVA retains a copy of all interviews in a secure location outside of the Maldives.

Those interviewed were individuals who allege that they were tortured or ill-treated during the period 1978 – 2008. Because of possible security concerns, the TVA did not advertise that it was taking testimonies from victims. There was therefore no formal process of selecting those whose evidence was taken, and no specific effort to target particular groups. Instead, word was spread among the victims. While the majority of interviews were recorded in Malé, testimonies were taken from across the Maldives, including in some remote atolls.

Each interview was given on the basis of informed consent, including for its use in the media and potential future legal proceedings. Some individuals were happy for their names to be made public, while others consented to the use of their statements without identifying information. Given the changed political situation since the interviews were recorded, specific consent has been sought for their use in this report, and names are only used where such

consent has been given. Others (including those who have not been able to be contacted) have been referred to anonymously.

Each of the interviews was recorded in Dhivehi, the national language of the Maldives. Many hours of interviews were recorded. Because of limited resources, 24 testimonies out of the total 100 were selected to represent the types of evidence that had been collected and were transcribed and translated into English by project members in the Maldives. They form the basis of this report. Each interview has been assigned a number (TSI-x), and is referenced in that way in this report.

III. BACKGROUND AND CONTEXT

The Maldives is an island nation in the Indian Ocean, about 400 kilometres from India and 700 kilometres from Sri Lanka. It has a population of approximately 313,000 people, living on 200 of its 1,192 islands. It is the smallest country in Asia, both in terms of population and geographical size.

The Maldives is a country in transition from authoritarian rule, which had characterised its politics for more than 40 years after it achieved independence, to democracy. The road to democracy is not certain, however, with frequent and ongoing protests from both sides of politics and a change in government brought about with the involvement of the police and military in February this year.

History

The Maldives was governed as an Islamic sultanate from 1153 to 1968, but was a British protectorate for the latter part of that period from 1887 to July 1965. In 1953 there was a short-lived attempt to introduce a republic, but this was aborted and the sultanate reinstated. The structure of the sultanate was based on the separation of powers between the King as the head of state, the Prime Minister as the head of government and the Chief Justice as the head of the judiciary.

In 1965 the Maldives gained independence from the British. It was ruled for a further three years under the King, and on 11 November 1968 a republic was established.

The Republic created after independence was characterised by a concentration of power in the office of the President. Three years after securing the country's independence in 1965, Ibrahim Nasir left the position of Prime Minister to become President of the Republic in 1968.¹ Very quickly the President made constitutional changes to centralise power within his office. Consequently, the President became the combined head of state, head of government and chief justice. He was also the head of the armed forces.

In November 1978 Nasir was succeeded by President Maumoon Abdul Gayyoom. The consolidation of state powers within the President's office continued during President Gayyoom's rule. For the next 30 years, he stayed as the head of state within a governance structure that remained constitutionally unchanged. He was the head of state, head of government, head of the armed forces, the supreme authority on religious affairs as well as

¹ 'Dhuh Thanaa Ivunu Adu ... 3' (2011), p.492; 'Iyye' (1997), p.138.

the head of the judiciary.² A new constitution adopted in 1998 introduced no significant structural changes, and further concentrated power in the executive.

The period from independence until 2008 was characterised by substantial restrictions on personal liberty. Freedom of expression and opinion were limited, and arrest on political grounds was commonplace.³ As this report shows, a further stark feature of life during this period was the use of arbitrary detention and torture by the security services – both against political prisoners and those arrested on ordinary charges.

Torture and ill-treatment in the Maldives

Torture is defined in the Convention Against Torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity”.⁴

Torture and cruel, inhuman and degrading treatment are absolutely prohibited, as a matter of both treaty and customary international law, having attained the status of *jus cogens*, that is a norm that cannot be derogated from under any circumstances.⁵ Torture is so serious that it is also recognised as an international crime – the violation of an international rule that leads to the personal criminal responsibility of the individual perpetrator.⁶

Torture has also been outlawed under successive Maldivian Constitutions. Article 8 of the 1968 Constitution provided that “no act that constitutes torture and harm should be conducted under any circumstances”.⁷ Similarly, although the 1998 Constitution did not specifically refer to the prohibition of torture and ill-treatment, it provided that “No act detrimental to the life, liberty, body, name, reputation or property of a person shall be committed except as provided by law” (Article 15(c)). The Constitution further stipulated that: “Any Maldivian citizen subjected to oppressive treatment shall have the right to appeal against such treatment to the concerned authorities and to the President of the Republic” (Article 15(d)).

However, the Maldives was not a party to international human rights treaties specifically outlawing torture until the mid-2000s.⁸ Its record on torture was therefore not subjected to

² 1968 Constitution, Arts. 25 (Head of State), 37 (Supreme Authority on Religious Affairs), 38 (Power of clemencys), 55 (Head of Government), 91 (Power to appoint judiciary); 1998 Constitution, Arts. 33 (Head of State, Head of Government and the Commander-in-Chief of the Armed Forces and of the Police), 38 (supreme authority to propagate the tenets of Islam in the Maldives), 39 (highest authority of administering justice), 40 (power to grant pardons).

³ See, eg. Amnesty International, *Republic of Maldives: Prisoners of conscience and unfair trial concerns 1990 – 1993*, May 1993; Amnesty International, *The Maldives: Prisoners of conscience / fear of torture or ill-treatment*, July 1998; Amnesty International, *Republic of Maldives: Repression of Peaceful Opposition*, July 2003, pp. 6-7.

⁴ Art. 1.

⁵ Convention Against Torture (“CAT”), Art. 2; International Covenant on Civil and Political Rights (“ICCPR”), Art. 7. *Prosecutor v. Furundzija*, Judgment, Case No. IT-95-17/1-T (ICTY Trial Chamber, 10 December 1998); see also Burgers & Danelius (1998), *Handbook to the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment*, Martinus Nijhoff, p. 1.

⁶ See De Wulf, Steven (2011), *The Signature of Evil: (Re)Defining Torture in International Law*, Intersentia, p. 20 citing Antonio Cassese (2003), *International Criminal Law*, OUP, p. 23.

⁷ Unofficial translation.

⁸ Although it was party to the following treaties which are relevant to torture committed against individuals from certain groups: the Convention on the Elimination of All Forms of Racial Discrimination (“CERD”) (24 April 1984), the

the scrutiny of any United Nations treaty body. However, non-governmental organizations including Amnesty International and the Asian Human Rights Commission published numerous reports documenting allegations of violations in the period before the democratic transition. Such reports referred to widespread torture and ill-treatment in places of detention,⁹ and to the use of corporal punishment (still used in the Maldives), which is also considered to fall within the prohibition.¹⁰

Following political and institutional reforms during the past decade, the Government of the Maldives has acknowledged that the use of torture was systematic in the country. As stated in its Universal Periodic Review report to the Human Rights Council in 2010:

*Unfortunately, there has been a long-standing culture in the Maldives, among government authorities, law enforcement agencies and the courts, of denying the existence of torture or other cruel, inhuman or degrading treatment, of ignoring evidence to the contrary, and of creating an atmosphere in which individuals can perpetrate torture with relative impunity. This atmosphere was supported by a system in which: there was no democratic oversight of law enforcement or security agencies; there were no laws or procedures in place to prevent torture; and legal accountability and human rights protection for those at risk was almost totally absent.*¹¹

The political and legal context

A number of factors facilitated the use of torture, and allowed it to go unchecked. These included an extreme concentration of executive power, lack of legal safeguards and protections against torture, the absence of an independent and well-trained judiciary, and a powerful security service under the command of the executive, which controlled national defence, domestic policing, and the prisons.

An all-powerful executive

The 1998 Constitution consolidated the extreme concentration of power in the executive (see above at page 6). Changes introduced included allowing the President to serve an unlimited number of terms, the introduction of parliamentary immunity, and requiring judges and magistrates to take a special oath of loyalty to the state.¹²

Convention on the Rights of the Child ("CRC") (11 February 1991, subject to reservations), and the Convention on the Elimination of Discrimination against Women ("CEDAW") (1 July 1993, subject to reservations).

⁹ See, eg. Amnesty International, *Republic of Maldives: Prisoners of conscience and unfair trial concerns 1990 – 1993*, May 1993; Amnesty International, *The Maldives: Prisoners of conscience / fear of torture or ill-treatment*, July 1998; Amnesty International, *Republic of Maldives: Repression of Peaceful Opposition*, July 2003, pp. 6-7 (referring to prisoners being denied access to adequate food and medical facilities, the use of forced standing and stress positions including while being chained to metal girders, sleep deprivation, being handcuffed to coconut palms, humiliation of female prisoners, rape and beatings, including the reported beating to death of a 19 year old man named Ali Shaahir in custody in January 2003); Asian Human Rights Commission, *Maldives: Government of Maldives must end intolerable rights abuses*, July 2004; Asian Human Rights Commission, *Maldives/India: Torture, harassment, humiliation and inhuman treatment of Tamil prisoners in Maldives jail*, September 2005.

¹⁰ *Higginson v Jamaica*, Human Rights Committee, Communication No. 792/1998, U.N. Doc. CCPR/C/74/D/792/1998 (2002); *Tyrer v United Kingdom*, 25 April 1978, European Court of Human Rights (Application no. 5856/72); *Caesar v Trinidad and Tobago*, Judgment of March 11, 2005, Inter-Am Ct. H.R. (Ser. C) No. 123 (2005). On this issue see further REDRESS et al. (2012) 'No more cracking the whip: time to end corporal punishment in Sudan', available at <http://www.redress.org/downloads/publications/Corporal%20Punishment%20-%20English.pdf>.

¹¹ UN Human Rights Council, 'National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Maldives', A/HRC/WG.6/9/MDV/1/Rev.1, August 2010, para. 52.

¹² Commonwealth Secretariat (2005), *Maldives Parliamentary Elections 2005: Report of the Commonwealth Expert Team*, p.3

Under the Constitution, the President had the power to appoint and remove from office the Vice President, Chief Justice, Judges, Speaker and Deputy Speaker of the People's Majlis (Parliament), Ministers, Attorney-General, representatives sent abroad, Atoll Chiefs, the Auditor General and the Elections Commissioner.¹³

Legislative power throughout this time was vested in the People's Majlis, which consisted of 42 elected members and eight members appointed by the President. Although elections were held as required by the Constitution, campaigning was tightly restricted,¹⁴ political parties were not allowed, and boundaries were unevenly drawn.

Weak judiciary and legal system

The courts did not act as check against Executive power, as the President had complete control of the judiciary. The amended Constitutions of 1968 and 1998 vested the power to appoint judges in the President, and allowed him *"at his discretion"* to remove any Judge from office. The power of clemency rested solely on the President. The President was also the final arbiter of appeals from the Courts.¹⁵ Under the Constitution he was allowed to hear appeals from the High Court, with his decision being final. According to a report by Justice Marcus Enfield prepared for the Commonwealth in 2005, and facilitated by the Office of the Attorney General:

*What is known as a Judicial Committee, which meets in his office, "hears" these appeals and advises the President about their result, but this process appears to be executive or administrative rather than judicial. There are no "hearings" as such although written submissions by the parties are entertained. Apart from the Chief Justice whose High Court's decisions are those appealed to the Judicial Committee, its other members are not judges at all. The Attorney General who, as the nation's chief prosecutor, is in substance one of the parties to many appeals, was a member of the Committee until quite recently.*¹⁶

In addition to its lack of independence, the judiciary itself had limited capacity. In 2004 it was widely acknowledged that judges *"lack adequate legal training ... the legal profession is relatively young and training in the common law [which, in combination with Islamic law, forms part of the Maldivian legal system] is a comparatively new occurrence amongst legal professionals"*.¹⁷ At that time there was no faculty of law in the Maldives, although the Shari'ah Institute had a School of Law which provided some training in legal principles.

While the Constitutions of 1968 and 1998 guaranteed the protection of certain fundamental rights, the legal system had not developed mechanisms to ensure those rights. Highlighting the predominant issues of *"large proportion of the population serving sentences in prison"*, an observer identified the following weaknesses within the country's legal system:

... weak procedural structures and a lack of laws governing legal procedures, the absence of a formal law reporting system which is inhibiting the establishment of a strong doctrine of

¹³ Justice Marcus R Enfield (2005), 'Strengthening the Maldivian Judicial System – Draft Discussion Paper', para. 3.2.

¹⁴ For example, campaigning was limited to no more than a month and speeches in public places were banned: Turner (2004), 'Report following a review of the Maldives' electoral laws, regulations and other related legislation, procedures and administrative mechanisms', Commonwealth Secretariat, p. 17, available at: http://www.maldivesmission.ch/pdf/ReformAgenda/new/Report_on_the_Electoral_System.pdf.

¹⁵ 1998 Constitution, Art. 39.

¹⁶ Enfield (2005), above n. 13, Section 5.1.

¹⁷ Ibid., Section 5.2.

*legal precedent, uncertainty regarding the respective standards of proof in civil and criminal matters, and unclear principles regulating the admission of evidence.*¹⁸

The Constitutional role and weakness of the judiciary meant that there was no check on executive power. Those who were brought before the Courts did not expect, and did not receive, protection from violations by the State.

Powerful National Security Service

The military and police services were traditionally combined, operating as the National Guard (Sifain) under the control of the Ministry of Public Safety. Until the late 1950s the Sifain only had a ceremonial military role, but by the 1970s it had become the paramilitary police, defence, presidential bodyguard, immigration and emigration documentation, border control, intelligence, espionage and civil defence organ of the Maldives.¹⁹ In 1978, the Sifain was renamed the National Security Service (NSS) and the Ministry of Public Safety became the Ministry of Defence and National Security. The President was the Commander-in-Chief of the NSS, and the Minister of Defence and National Security was the Deputy Commander-in-Chief.²⁰

The NSS was also in charge of running the prison in the Maldives. During much of the period covered by this report, key facilities included detention centres and prisons in Malé, a prison called Gaamaadhoo on Himmafushi island (destroyed in a riot in 1998), a prison on Maafushi island (approximately 25 km from Malé), and a detention centre on the small island of Dhoonidhoo (a short distance from Malé). Both Gaamaadhoo and Maafushi were situated on inhabited islands, away from the local population. Dhoonidhoo was and remains exclusively a prison island, and was used to detain political prisoners.

During the 2000s change was gradually introduced so that by 2003, generally, the Department of Corrections was responsible for Maafushi Jail, and the Maafushi Jail Security Unit (part of the NSS) handled matters of prison security. The former functioned under the Ministry of Home Affairs, while the latter were under the Ministry of Defence and National Security.²¹

Torture and the transition to democracy

The issue of torture in detention was a catalyst for dramatic changes in the Maldives in the mid-2000s. On 19 September 2003, a young man, Evan Naseem, was taken outside his prison block in Maafushi prison, cuffed to an iron rail with his hands above his head, and beaten to death by jail security personnel using batons, wooden boards, chairs and iron pipes. Civil unrest followed, and the next day guards opened fire at unarmed prisoners, wounding 21 and killing three.

The President appointed an independent commission of inquiry, whose findings brought to light the specific circumstances of Evan Naseem's death, and with it, a system of institutionalised torture in Maafushi prison.²² At the same time a report which had been written by an official at Maafushi jail in July 2003 (prior to Evan's death) was leaked. It warned of the institutionalised and officially overseen use of beatings and other forms of torture by

¹⁸ Ibid.

¹⁹ See webpage 'Maldives National Security Service', available at: http://www.maldivesroyalfamily.com/maldives_nss.shtml.

²⁰ Maldives National Defence Force, 'History', available at: http://www.mndf.gov.mv/v3/?page_id=12.

²¹ Presidential Commission (2004), 'Investigative Findings on the Death of Hassan Evan Naseem', 27 January 2004 (English translation) available at: <http://www.dhivehiobserver.com/reports/HassanEvanNaseemenglish.pdf>, para.

6.1.1.

²² Ibid.

national security service personnel within prisons, and had cautioned that action needed to be taken.²³

According to a recent International Commission of Jurists mission to the Maldives Evan Naseem's death and the civil unrest that followed continue to be seen as "*an historic turning point after which a series of significant reforms were possible*".²⁴ A number of important changes took place at the time. In July 2004, the Special Majlis was convened to reform the Constitution, and in December, the Human Rights Commission of the Maldives was established. Also in 2004, the police became a civil body under the control of the Ministry of Home Affairs (responsible for the administration of the prison system), leading to a revision of the remit of the NSS and the creation of the Maldives National Defence Force (MNDF) in 2006.

In June 2005 political parties were permitted to register, and in November 2005 the President announced steps towards the separation of executive and judicial power, including through the formation of a Judicial Services Commission to oversee the appointment and dismissal of judges.

During this time the Maldives also became party to a number of international human rights treaties, including the Convention Against Torture (in 2004) and the International Covenant on Civil and Political Rights (in 2006).

The new constitution was finalised in June 2008. It enshrines the right to life, liberty and security of the person,²⁵ the right to be free from cruel, inhumane or degrading treatment or punishment, or to torture,²⁶ the right not to be arbitrarily detained, arrested or imprisoned²⁷ and the right of arrested and detained persons to be treated with humanity and with respect for the inherent dignity of the human person.²⁸

Multiparty elections were held for the first time in November 2008 to elect the President. After a run-off election the leader of the Maldivian National Democratic Party, Mohamed Nasheed, was elected as President with 54% of the vote. The first parliamentary elections were held in November 2009.

However, despite the importance of the issue of torture in detention to the political changes in the Maldives, the legacy of torture in the country, and in particular the suffering of individual survivors, has not been addressed in any real or effective way by the governments which have followed. The first democratically elected government appeared to be treading a fine line between moving forward and dealing with the past. In its report to the Universal Periodic Review in 2010 it was stated that:

Since November 2008, the Maldives has been in peaceful transition to a liberal democracy. ... Despite a recent history scarred by serious human rights abuses, the democratic transition has taken place in an orderly and peaceful manner; and despite the fact that many people in the Maldives, including members of the current Government were the victims of such abuses, calls for revenge are now fading. This determination to look forward is epitomised by

²³ Report of Lieutenant Mohamed Aswan, Assistant to Base Commander, Detention Security Unit Maafushi Jail, to the Commanding Officer of the Detention Security Unit, Lieutenant Colonel Ibrahim Rasheed, dated 2 July 2003 ('ASW letter').

²⁴ International Commission of Jurists (2011), 'Maldives: Securing an Independent Judiciary in a Time of Transition', para. 7, available at: <http://www.icj.org/dwn/database/Maldives%20ICJ%20Mission%20Report%2021-02-11.pdf>.

²⁵ Constitution of the Republic of the Maldives 2008 ("Constitution"), Art.21.

²⁶ Constitution, Art.54.

²⁷ Constitution, Art.45.

²⁸ Constitution, Art.57.

*President Nasheed, who despite being imprisoned and tortured on a number of occasions, has urged citizens to stay calm and has called on the Human Rights Commission of the Maldives to independently investigate abuses perpetrated by the former regime.*²⁹

As this report will show, institutions have not yet been able or willing to deal with allegations of serious human rights abuses in the past, leaving victims without a remedy. While some measures have been taken to prevent torture happening in the future, those measures cannot be fully effective without coming to terms with what occurred in the past.

IV. TORTURE AND ILL-TREATMENT (1978-2008)

a. Overview

The information presented in this section draws on the testimonies of 100 survivors who were subjected to torture and ill-treatment between 1978 and 2008, as well as from a former corrections department official. Twenty-four of those 100 testimonies have been transcribed and translated into English, and are specifically referred to in this section. Although only illustrative examples, the testimonies demonstrate the widespread and institutionalised practice of torture and ill-treatment in the Maldives during the relevant period.

The testimonies show that there is consistent evidence of methods of torture and ill-treatment being used against a large number of detainees over a long period, which indicates that the practice was systematic. Torture and ill-treatment were reported at the time of arrest, at initial questioning, and pre-trial in an attempt to gain a confession. Furthermore, a striking feature of many of the testimonies is the continued use of torture as individual or collective punishment meted out by security services officers on prisoners over the course of their sentence.

The torture and ill-treatment were often inflicted outside the prison buildings, and guards appear to have been given free range to use whatever methods they chose – ranging from beatings, to burnings, being tied to palm trees, the use of high-pressure hoses, being thrown in the sea after having passed out, being restrained and covered in sugar water to attract ants, being locked in a goat pen and being covered in leaves for the goats to eat, being forced to strip and parade naked, and in one case being tied to a cage with a crocodile in it. In another case a man reported being held bent over in stocks for over a month while police attempted to get him to confess.³⁰

The testimonies support what a former prison official reported to authorities in July 2003 as a well ingrained and institutionalized system of torture in jail, under which squads were well versed in methods of torture, and used a special language where the officer in charge did not need to express in so many words which form of torture to inflict.³¹

The testimonies show that torture and ill-treatment were not reserved for a particular ‘type’ of detainee, but instead were carried out on political and non-political detainees, male and female, young and old. The torture and ill-treatment inflicted on these victims frequently has had a significant adverse impact on their life, including by leading to medical problems, loss of

²⁹ National Report for the Universal Periodic Review (2010), above n.11, para.11.

³⁰ TSI-002, p.3.

³¹ Report of Lieutenant Mohamed Aswan, Detention Security Unit, Maafushi Jail, 2 July 2003.

educational opportunities, severe negative consequences for family life, bankruptcy, and an inability to work.

The next sections will examine patterns and features of the cases reported – showing the range of people affected, the contexts in which torture and ill-treatment were used, the types and patterns of torture and ill-treatment alleged, and the effects they have had.

b. Victims of torture and ill-treatment

Victims subjected to torture and ill-treatment roughly fall into two categories: those engaged in political activities and those suspected of common crimes. The majority of those whose interviews were included in the sample were male (though the testimony from a female prisoner suggests that female detainees were subjected to similar treatment), and while they ranged in age, a number of them were minors at the time of their detention and ill-treatment, the youngest reporting to have been 13 at the time.³²

Political arrests

Among those interviewed, arrests, detention and ill-treatment appear often to have been politically motivated. A number of victims were actively engaged in political activities, supporting or campaigning for reform, while others were caught up in politics by, for example, being accused of attending protests or rallies or of defaming the President.³³

Journalists and political activists were notably targeted.³⁴ Abdulla Saeed, a journalist, was arrested and detained on several occasions for the stories he reported. He was intimidated and had his press pass confiscated a number of times, and was later imprisoned on false charges. At one point, he was told that he was being targeted “because I had shown a video that disrespected the honour and status of the President. ...That was because the video was such that it showed his bald spot on TV...it was a video that showed the President’s form unattractively”.³⁵

Several members of the Maldivian Democratic Party were arrested by Sifain and Coast Guard personnel while attempting to travel to Malé to meet with members of parliament.³⁶ One was told:

...do you think you can overthrow this rule? I said nothing, just stood there looking downwards. Can the 6 or so of you bring down this rule? Don’t you know that the power to rule is something given by God? ... Lastly [they] said that you can’t get away, you have to tell us everything. We will make you tell us everything. TSI-006 p.8

Ordinary citizens who were believed to be opposed to or challenging the ruling government were equally at risk.³⁷ Ahmed Jazeel was approaching a market where a demonstration was taking place when he was arrested by police.³⁸ Fifteen year old Zahid Mohamed was accused

³² TSI-003 (15 years old), TSI-004 (13 years old), TSI-009 (15 years old), TSI-010 (17 years old), TSI-015 (14 years old), TSI-024 (14 years old).

³³ TSI-001, TSI-004, TSI-005, TSI-006, TSI-007, TSI-009, TSI-011, TSI-012, TSI-014, TSI-016, TSI-017, TSI-018, TSI-021, TSI-022, TSI-025.

³⁴ TSI-005, TSI-006, TSI-007, TSI-014, TSI-016, TSI-017, TSI-018, TSI-021.

³⁵ TSI-021 p.1. See also TSI-021 p.5.

³⁶ TSI-006, TSI-007, TSI-017.

³⁷ TSI-001, TSI-004, TSI-009, TSI-012, TSI-022, TSI-025, TSI-026.

³⁸ TSI-001, p.2.

of vandalising a campaign banner and was held in an isolation cell in Dhoonidhoo for about 15 days.³⁹ Given his age he was, he says, “in a state of great fear”. After days of questioning he was released without any charge.⁴⁰

Suspects of common crimes

Other victims were arrested and detained on drugs charges, for theft and other crimes.⁴¹ In these cases, the suspects were tortured and forced to confess in an attempt by law enforcement personnel to quickly close cases. Without any effective legal safeguards, and with an all-powerful security service, it appears that there was an almost complete reliance on confession evidence, and a pattern of obtaining it by repeatedly subjecting those detained to torture and ill-treatment.

For example, on individual interviewed was arrested and accused of breaking into a house and stealing. Several others were also detained and they were all then accused of committing several other thefts.

*So they kept 8 of us in that place, they took us in two at a time and took statements. As they continued to take [the statements] and the other 7 confessed in front of me, I did not concede. I just hung on. I kept hanging on and when there was no other option for the 7 of them - and when the 7 of them together said in front of me that I had gone, I confessed that I did. When it was no longer possible to endure the punishment, I confessed that I went. Then they finished taking statements like that and finished the investigation for that day.*⁴²

Another survivor told how such techniques were also used on juveniles. At the age of 15 or 16 he was taken from his school on suspicion of using drugs, held by the police for several days, prevented from sleeping and told that if he confessed he would be allowed to go home. After succumbing to the pressure to confess to something he had not done he was tried and convicted to life imprisonment.⁴³ It was not until years later that he was one of many prisoners released on Presidential pardon after the death of Evan Naseem in 2003.⁴⁴

c. Alleged perpetrators

A range of state officials, including military personnel, police, coast guard and prison officials, are alleged to have perpetrated the torture and ill-treatment reported in the testimonies collected.

The term Sifain, which refers to police or defence force officers, was used by most of the victims, many using Sifain and the police interchangeably. In some cases, the victims refer to individuals dressed in military uniform or in blue police uniform, though there does not appear to have been a clear separation of duties or jurisdiction and as victims were moved around to different facilities they were held by both military and police officers.⁴⁵ It was therefore not always possible for the survivors to determine if the alleged perpetrators are military personnel or police officers or both.

³⁹ TSI-009, p.1.

⁴⁰ Ibid.

⁴¹ TSI-002, TSI-003, TSI-008, TSI-010, TSI-013, TSI-015, TSI-024.

⁴² TSI-008, p.2.

⁴³ TSI-003, p.1-2.

⁴⁴ TSI-003, p.9.

⁴⁵ TSI-001.

CASE STUDY: SILENCING THE PRESS

Abdulla Saeed was a journalist and assistant editor in newspapers and television in Malé. During the late 1990s, he was taken into custody for short periods (4-7 days, and then 17 days, and 20 days) without an arrest warrant, told not to report on particular issues, and then released.

In 2000 he was arrested after drugs were planted in his house. He was taken to Dhoonidhoo detention centre, and was told to confess to being a drug dealer. He was kicked and beaten with a plank on his back and upper back. He was then suspended by the arms by two police officers and repeatedly slammed to the ground. This continued every half hour for six days and six nights. Every time he went to sleep he was hit awake.

One night during this period, guards handcuffed him to a cage containing a crocodile. They then threw a live chicken in the cage, and said that if Abdulla did not confess they would also throw him in. They said they would kill him, and say that he had hung himself.

On the fifth day, he fell off his chair, asleep, and was kicked. He lost consciousness and found himself in the sea in Dhoonidhoo harbour. He was taken out of the sea by guards and put back on a chair on the beach, shivering. The next day the guards brought his wife in front of him. She began to cry and they pushed her backwards with a plank of wood, making her fall over. His wife begged him to sign the statement, and he agreed to do so. He signed the statement without having read what was in it.

Abdulla was kept in a cell in Dhoonidhoo for three months, and was then moved to Maafushi prison. There he was in a cell with 104 people, and two toilets. Six months after having been arrested he was taken to a court, and immediately sentenced. He had not had access to a lawyer, and nothing was said in his trial. He was sentenced to 25 years in jail.

He was returned to Maafushi prison to serve his sentence. There he suffered and witnessed further torture and ill-treatment at the hands of prison guards. Sifain punished the prisoners for minor infractions – one time handcuffing all 104 prisoners from the cell together and making them run around the prison yard leading to various injuries. He saw a prisoner have his hands crushed by an officer's boots stamping on them for not raising his hands at morning prayers. The guards would also take prisoners out of their cells at night – some prisoners returned saying that they had been put in a barrel and rolled, others had been beaten. He and other prisoners were also subject to public strip searches once a month, involving invasive touching.

Abdulla was in Maafushi prison when the shooting of prisoners took place in 2003 after the death of Evan Naseem. He was granted a pardon in 2003, but in 2005 was arrested again, after having more than a gram of heroin planted on him by police. In 2006 he was sentenced to life imprisonment, and held in Maafushi prison, where he was put in isolation for over 17 months and subjected to several severe beatings. He was finally released in November 2008, after his case was reviewed and found by the Court not to be supported by evidence.

d. Context of torture

During the relevant time period, there were very few legal safeguards to protect arrestees and detainees from ill-treatment. It appears that torture and ill-treatment were considered accepted forms of interrogation, punishment and control.

Arrest

Prior to the enactment of the 2008 Constitution, police did not need a warrant to arrest an individual they suspected of committing a crime. Several of the interviewees were taken from their homes, often forcibly.⁴⁶ They were subjected to physical and verbal abuse by Sifain who intimidated and threatened their families, searched their homes and often handcuffed and blindfolded them.⁴⁷ According to one survivor, whose husband was arrested from home:

Their force of 30 or 40 people barged into our house in their boots. They turned the whole house upside down, threw down the beds, and spoke abusive expletives at us – things that would be unbearable to human tongues – in front of our small children and our husbands and everybody – they were police – Sifain. They spoke foul, raw things... His wife, his mother and his own female siblings were taken inside the house, and they came and removed [our] veils. I pleaded that the men stepped aside and the girls came and we would take off our veils. Then they said today is not your day, it is our day and we will do whatever we want. There were female and male police – both types were there. There were many Sifain in the room and [we were] stripped like that to be seen by them. They kept [us] like that and took photos and took movies [video recording] and spoke foul things at us and berated us – and while he wept and pleaded with them to wait a moment, they took him away – that was my husband. I am talking about how he was arrested that day.⁴⁸

Most of the individuals were not told of the reasons for their arrest, and many reported being held, often in isolation, for several days or even weeks before being questioned.⁴⁹ One of the men interviewed had been campaigning for election when he was taken into custody. Three or four days after being held:

I asked why it was that they had brought me here. He said they did not know. Those in charge would know that. So I sat there reading the Qur'an. I didn't know what was happening. Then I thought, this was the end of my life. I was turning insane. Not knowing what is happening, a person would go insane, wouldn't they? I sat there, about 12 days passed and I was not asked any questions. They took me out – no-one ever hit me. I just sat there. Then what was coming to my mind was, one time, I went to the zoo in Sri Lanka. There, they have tigers and dogs and things in cages - and the way I was in that place, there was no difference.⁵⁰

Abdulla Rasheed worked in a clinic opposite the Fuahmulaku electricity station where demonstrations had taken place. He was arrested several days after the protests and taken to a detention facility at Dhoonidhoo, where he was initially forced to sit continuously on a chair on the beach for 17 days before being put in an isolation cell.

⁴⁶ TSI-005, TSI-008, TSI-022, TSI-025.

⁴⁷ TSI-005, TSI-008, TSI-016, TSI-017, TSI-022, TSI-025, TSI-026.

⁴⁸ TSI-026 p.10.

⁴⁹ TSI-008, TSI-011, TSI-012, TSI-021.

⁵⁰ TSI-016 pp.2-3.

*After putting in the kudagolhi [isolation cell], to my recollection, it was nearing 3 months when one night [I was] taken out... The truth is that I still do not know why I was arrested. Still do not know...I had questions about the 17 days – why did I have to lie in a kudagolhi without an investigation for 3 months?*⁵¹

In other cases, particularly concerning political activists, individuals were initially asked to go to the local police station to simply clarify a few things or answer some questions. They were then held for days or weeks, sometimes without being questioned at all, in an attempt to intimidate them or prevent them from campaigning or participating in elections.⁵²

Interrogation and detention

Most victims were initially tortured or ill-treated during interrogation and questioning, either at police stations or at various detention centres. Most of the victims reported being brought to local police stations, Sifain Ge (headquarters) in Malé and detention facilities on different islands, in particular, Dhoonidhoo, Gaamaadhoo, Himandhoo, Himmafushi and Maafushi prisons.

In a few rare instances, individuals were asked if they wanted a lawyer, but notably only after they had been detained for some time and already been tortured and forced to sign a confessional statement.⁵³ In many cases, including the arrest and detention of several minors, relatives were not informed and detainees were prohibited from contacting relatives or a lawyer.⁵⁴

Convicted and non-convicted detainees were detained together. Torture and ill-treatment continued in prisons and detention facilities, typically as a form of intimidation and punishment (see further below from page 27).

e. Types of torture reported

The testimonies describe repeated and severe violence and abuse of prisoners.

Beatings

Most of the interviewees told of being beaten or kicked, or of hearing or seeing others being beaten. One survivor recalled how he *“was lying face down. My stomach was on a tree root. It was difficult to breathe. And I thought my face was hit with some boots, as I lay there. I felt them [thought they] beat my body”*.⁵⁵

Another told how he was beaten:

with batons and hands. They hit the chest – “pachas” – hard with their hands. When they hit, we would bang against the wall. They handcuffed us behind our backs. They handcuffed us and then beat us. They would sometimes hit us with their wooden batons. With their batons,

⁵¹ TSI-012, pp.3-5.

⁵² TSI-014, TSI-016.

⁵³ TSI-006, TSI-026.

⁵⁴ TSI-003, TSI-004, TSI-009, TSI-025.

⁵⁵ TSI-021, p.7.

*they beat on the back, here in the middle. Then they kicked our shin with their boots and it becomes sore and bleeds.*⁵⁶

*[W]hen they come inside the jail, each one of them carries a large stick that comes up to here when standing up. 4 feet or 4½ feet – I cannot say exact [size] –he took this stick and beat me inside the cell in front of all the criminals, when I was innocent. [He] beat me so much that my whole body was blue.*⁵⁷

*...the two of them, came and both took my arms lifted me and banged me down, like a sack into which you are trying to squash something. So I lay hanging. I did not put any strength even when they beat me down. They continued to do this and my insides felt like it was disintegrating. I fell down. When I fell down, they said to take me and sit me down. They continued to torture like that every half hour.*⁵⁸

A number of victims told of repeated beatings and kicking targeting their back and spine.⁵⁹ One survivor recalled how “[t]hey beat however they could. Perhaps they would mostly want to target the lower part [of the back] because they seem to torture in ways that would cause the most injury to the person”.⁶⁰

These testimonies are consistent with the observations of a former prison official in a letter to the Commanding Officer of Maafushi Jail in July 2003, raising concerns about the actions of Sifain at a place within the prison called ‘the Workshop’. He recounted that he spoke to one inmate who:

*... was weeping and said that he was being beaten and said the pain was in his spine... He said that he cannot endure the torture and that every night, he is taken out and beaten by people who cover their faces with cloths and the beat him so badly that he becomes unconscious and has no certainty that he would be alive the next day. He wept and said that it was better to die than await that torture every night.*⁶¹

When he spoke to other inmates, he said

*they all simultaneously began to show various places on their body and various limbs where they said they had been beaten. On some of them, there were visible signs of injuries on parts of their bodies. On others, there were no visible signs. These people also asked to be saved from this place.*⁶²

Tying to coconut trees

Another common form of torture and ill-treatment involved being tied or handcuffed to coconut trees. Detainees were often left for hours or days, unable to sleep or use the toilet, sometimes beaten or covered in sewage water or sugar water to attract ants.⁶³ One female survivor recalled how she and fellow prisoners were handcuffed in such a manner for a long period after a fire in one of the prisons:

⁵⁶ TSI-008, p.2.

⁵⁷ TSI-024, p.13

⁵⁸ TSI-003, p.3

⁵⁹ TSI-001, p.8, TSI-022, p.11.

⁶⁰ TSI-003, p.5.

⁶¹ ASW Letter, p.2.

⁶² ASW Letter, p.3.

⁶³ TSI-001, TSI-003, TSI-008, TSI-015, TSI-022.

[I was] handcuffed at the coconut tree [for 4 days and 4 nights], [they] only brought the handcuffs to the front during meal times. While handcuffed, there was no showering or going to the toilet... When I was handcuffed there, [they] came and spoke whatever foul language that came to the tongue, beat my back with the ankle [boots] ...– so like that I was to one side, and they beat my legs also, they beat me here, on my arm also with the baton.⁶⁴

Others reported additional abuse while being restrained in this way. One young man recalled how he was tied to a tree and sprayed at close range by a pressure gun:

One day I recall about mid-day...they tied me to that coconut tree with a piece of cloth I think, and I was stark naked except for a welding mask I was wearing and a man ... sprayed water at me using a pressure gun. Here is where the skin broke open and became scarred like this.⁶⁵

Use of stocks and other painful restraints

A striking feature of a number of the testimonies is the use of stocks or other painful restraints for an extended period of time. Ibrahim Didi ('Beer') was accused of a murder which was later shown to have been committed by another person. However, in the interim, officials did all they could to force him to confess:

[They] put me in the three-hole stock by placing both my legs in the two holes at the far sides, placing my legs far apart and unable to move. After putting me in the stock like that they put me in a single handcuff, put a chain through the handcuff, ran it over the stock and attached it took a hook attached to my leg. They then bent me over and put my ribcage against the stock... They would bring my plate of food and put it on the stock and I tried hard to eat. When I try to eat, the plate would fall onto my lap. To clean me, they would throw a bucket of water. My hands were chained. My knees joints were swollen. I didn't know what was happening to my body.⁶⁶

He was left in the stocks for over a month.

Suspension

Suspension is "a common form of torture that can produce extreme pain, but which leaves little, if any, visible evidence of injury".⁶⁷ Such methods were described in a number of testimonies. For example, Ahmed Adam was 'mounted on the angle,' which involved his arms being passed backwards through the vertical bars of the vent above the door in a prison cell. The wrists were then tightly handcuffed, with the body left dangling for hours at a time.⁶⁸

"Palestinian hanging" is a recognised form of torture which involves binding the prisoner's hands behind his or her back, in such a way as to ensure the prisoner will inevitably fall forward - putting full body weight on the shoulders, and impairing breathing. It can cause permanent injury in a short period.⁶⁹ One of the men interviewed recounted such torture:

⁶⁴ TSI-015 p.6.

⁶⁵ TSI-003 p.5.

⁶⁶ TSI-002 p.3.

⁶⁷ Physicians for Human Rights, Istanbul Protocol Model Medical Curriculum, 'Suspension', available at: <http://phrtoolkits.org/toolkits/istanbul-protocol-model-medical-curriculum/module-4-torture-methods-and-their-medical-consequences/torture-methods/suspension/>.

⁶⁸ Ibid.

⁶⁹ Ibid.

... [they] came in and put two solidified bags of cement against the window. A short while later, they placed a piece of wood on two sides of this window and then put me next to the piece of wood with my back towards [it] and took my arms through it. After that they handcuffed me by threading [the cuffs] in between the bars. They put ... a rope and put it directly outside ... and [attached the rope] on a wooden pillar and tied it on my handcuffs. After tying that, they pulled those bags of cement from under my feet and I was left hanging. So I lay like that for a long time and my arms were paralysed and I was close to becoming unconscious ... When I said I had no answer to give, they beat my shins 2 or 3 times with a long flat piece of wood and said - pick him up and throw him. When they picked me up and threw me down, both my arms were paralysed and without movement.⁷⁰

Near drowning

A number of people reported being tortured or mistreated outside the walls of the prison, on the beach. In some cases they were even thrown into the sea.⁷¹ Early in his detention during the 'investigation' stage, late at night, one man was taken by speedboat to Gaamaadhoo from Dhoonidhoo. He was taken to a beach and his hands cuffed together, when he was lifted up by his armpits and thrown into the sea:

So tell me what I could do to float. I just sank to the bottom. The lagoon would be the same as the sea. The water was too deep to stand in. So anyway, I knew I was swallowing sea water. I kept drinking it and (this is a very painful story), I really died. What I mean by died is that there is a story about [seeing the scales of justice when you die] – anyway, I saw the scales. ... I don't know after how long they took me out. When I regained consciousness, they had lifted me onto the sea wall and I was laid on my back and there was someone on my chest and they were beating me on both sides to bring me round. At the time, the salt water was being emitted.⁷²

Sexual abuse and sexual humiliation

Sexual abuse was reported in a number of cases. Several victims told of being humiliated by being forced to strip naked:⁷³

What I am saying is that, when I had to stay naked, I was deeply upset. I cried too. Even then, I endured. That night too, they tortured me a lot. Because I would not confess, they pulled both my hands and legs apart like this, tied me on both sides and did to me whatever it was they were to do and tortured me a lot. My nose was bleeding. I was bleeding from the mouth too. And on my head too, 2,3,4 places were bleeding.... At the time, both my hands were pulled [apart] and tied with rope to two trees. My legs were also tied with rope. I was stark naked.⁷⁴

Another survivor, who was a journalist arrested and imprisoned for life on false drug-related charges, reported that at Maafushi prison:

... once every month, there was "raiding" in the cells. ... [A]bout 30 to 50 Sifain would come and wait under the hirundhu tree in the open area and bring out all the prisoners. After bringing them out, one at a time, they are made to remove their clothes. And that person is

⁷⁰ TSI-010, p.2.

⁷¹ See, eg. TSI-003.

⁷² TSI-022, p.4.

⁷³ TSI-001, TSI-021, TSI-022, TSI-026.

⁷⁴ TSI-026, p.4.

required ... to walk among everyone, in front of everyone, naked – and go inside a toilet which is some distance away. ...

They say bend over. So you have to show your back. It wasn't adequate if you just opened your buttocks and bent over. It was required to open [the buttocks] with both hands and show them. And then they would put their hands underneath here - also the front private parts. [We were] in a naked state, there would be nothing that could be stuck underneath, when one is naked. There might be something if [one] was wearing underpants. What can I say? They lift the testicles and touch there as well. They check like that. What can one do? We had absolutely no power.⁷⁵

Although he had been subjected to prolonged physical torture and ill-treatment during his detention, including beatings and being thrown unconscious into the sea, the journalist said that this treatment was extremely painful for him:

Doing this like this – this to me was the most upsetting than torture in jail. This is the biggest torture I got. That is, being made to walk among all those people, naked. Even if it was an uninhabited island – these were Muslims – and several hundred people – there were 480 people living in the place where we were. Among all these, there was no one who did not see us naked. Therefore, this is a very big act of torture. I will never forget these memories.⁷⁶

Although rape was not commonly reported explicitly in the testimonies reviewed, there was reference to one example of rape of a woman by a female officer. When a young man would not confess to theft, police officers brought his girlfriend to the police station and examined her with the stated intention of proving that they had engaged in extra-marital sex.

[T]hey brought my girlfriend to show me. They showed her to me and said that if I did not confess to this case, they would not release her. It has been proved that both of you had committed ziney [adultery] last night. Therefore, you will have to confess to this case also. After saying that, they ... got one of the Atholhu Ge workers ... to undress her and insert her hands into her vagina and said did you not commit ziney last night. They intimidated the girl and committed crimes that night. It was an unjust act. They made an unmarried girl to be sexually abused by another woman.⁷⁷

Another young detainee, Zaud Ahmed, who was 13 at the time, was forced to watch another detainee masturbate at the encouragement of some of the prison guards.

He did some unsociable and horrible things in front of me and some of the Sifain would get him to do such things. ... [H]e would take his own male private parts in his hands and play with it and do things in front of me – those were the horrible things he was doing at the time. Some of the guards would also encourage him.⁷⁸

Another detainee was forced to strip and sit on a baton, in an attempt to humiliate him and cause him severe pain:

[T]hey put a baton standing up, and then they told me to take off my jeans and sit on the baton directly on my piles. ... When lowered, all the pressure of the stick is placed on the piles, to the anus. As a result, even if the person's feet are on the ground, there was no

⁷⁵ TSI-021, pp. 15-17.

⁷⁶ TSI-021, p.17.

⁷⁷ TSI-008, pp.1-2.

⁷⁸ TSI-004, p.4.

*strength. ... [I]t felt as though it would break open the anus and the effects of it was felt as far as around here – I felt that very often – that was [done] every day at least at one time.*⁷⁹

Another reported similar treatment being given to a fellow detainee, causing him to contract tetanus, leading to his death:

*So finally when Wafir did not confess, they took him to a cell, put him in the stocks and inserted a can in his anus. I went to my cell after the goat pen was closed and smelt the rotten smell which seemed to get worse as time went on. Not knowing where the rotten smell was coming I learnt eventually that it was coming from the damage caused to Wafir's bottom. What had happened is that the can had cut into his bottom and the flesh had come over it. It had come out like a pumpkin. He was then taken to the hospital in Malé and the doctor had said that the flesh had come out because he had been made to sit on the can and he had also contracted tetanus.*⁸⁰

Subjection to noise and sleep deprivation

Sleep deprivation through the use of loud noise was also referred to. One man told how “All the time, there was a lot of noise through the sound systems. It was not possible to sleep. Songs were played on the sound system at full [volume]. They used a microphone. That is to disturb us. So we stayed like that. They stole our sleep for one month”.⁸¹

Use of isolation cells

Many of the detainees were kept in isolation cells (kudagolhi) both pre and post trial for extended periods of time.

*That was the kudagolhi [isolation cell] they put me in. I was alone. After putting in the kudagolhi, to my recollection, it was nearing 3 months when one night, late at night [I was] taken out. Then I was just in the cell on my own. No-one asked any questions or spoke to me about anything. I had no wrist-watch. I don't know to tell you what time it was.*⁸²

Other forms of torture

While there was no apparent limit to the forms of torture and ill-treatment used, many were quite specific to the island environment, including leaving people outside in the sun or the rain, covering them in sugar water to attract ants and tying leaves to their bodies and placing them in a goat pen. An individual told how:

*First, they kept us in front of the Himandhoo office in the strong sun. We were just thrown in front of the office. At the time, we were fasting. When some of the people fainted, what they did was stayed at a distance and sprayed water with a water hose, and things like that.*⁸³

More than one also recalled being covered in sugar to attract ants: “That is when they take us outside, they would handcuff us and put sugar on us and keep us on the bare ground. When put there, ants and things will climb on us, won't they?”⁸⁴

⁷⁹ TSI-024, p.11.

⁸⁰ TSI-002, p.5.

⁸¹ TSI-007, pp.1-2.

⁸² TSI-012, p.3.

⁸³ TSI-026, p.2.

⁸⁴ TSI-015, p.13, see also TSI-022, p.5.

CASE STUDY: TORTURE OF A 13 YEAR OLD 'POLITICAL CRIMINAL'

Zaud Ahmed was just 13 when he was taken to the police station after eating some limes from a tree belonging to a neighbour in around 1980. He was kept in the police station overnight, and sent to prison the next day. The authorities did not inform his relatives. For ten or so days he was kept in prison, without being interviewed, when one day he found a cigarette wrapper near his bed, which had the words to a song on it that he knew, and which was critical of the government. As the youngest in the prison, the other inmates liked to hear him sing the song, but he was caught by a guard and taken for interrogation.

Zaud was questioned about whether he had written the song and denied it. He was then taken to a *kuda golhi*, or solitary confinement cell, and was put into stocks. Being only a child, his legs were too thin for the large hole in the stocks, so they put one of his legs in the small hole in the stocks, and left the other leg free. He was given container which he was told to use as a toilet, which was emptied once a day, and another container for drinking water. At the same time another prisoner, who was older than Zaud, was also being held nearby in stocks. With some of the guards' encouragement the prisoner would masturbate in front of Zaud. He was kept like that for about three days, released only to defecate.

After this he was released and taken for questioning again, where he continued to maintain that he had not written the song. This led to an escalation of violence - he was beaten, slapped on the face and shoved by a number of officers for a lengthy period. Zaud maintained that he hadn't written the song – both because he hadn't, and because he'd been told by other prisoners that if he did admit to it he would be jailed for life. He was, understandably, terrified. He was then moved to another building, where prisoners were kept in plywood cells, and was put back in stocks for another three to four days. A week or so later he was transferred to Dhoonidhoo, and taken directly to an isolation cell made of steel. Again he was put into stocks, with a chain connecting his feet, and handcuffed. This time he was not released from the stock to go to the toilet, but had to defecate in his pants. He was held like that for another eight to nine days. He was questioned again but continued to deny writing the song, so was returned to the stocks for another three days.

Zaud was then released from the stocks and taken by two guards outside to where a big hole had been dug in the ground. Oil was poured into the hole, and he was thrown in, face down, and told that they would only take him out if he confessed. He did, and was made to sign a statement. Shortly afterwards, Zaud suffered severe distress after thinking he saw a ghost, and was taken to hospital.

Zaud was eventually sentenced to six months banishment for writing and singing defamatory songs about the President. To serve his sentence he was ferried between various islands, and made to stay with strangers, and in one case in an empty hut. He was not allowed contact with relatives.

By the time he was freed six months later he had been expelled from school, and when he tried to enrol in another school he was told that he would not be accepted because he was a political criminal.

Zaud has given evidence to the Presidential Commission on torture (see further, Section V), but has not had any follow-up. When he tried to report it to the Human Rights Commission he was told that a case so old could not be investigated by the Commission. He has been trying to get hold of statements from the time from the Courts but, to date, has not been able to obtain them.

Others recounted being tied up in a goat pen, and being covered in leaves which goats then clambered over them to eat. Ibrahim Didi says he saw this being inflicted on another prisoner:

*They tie leaves so that his whole body is covered and at night, they tie him to the feeding pole in the goat pen. Then all the goats will come – there are about 280 goats – and put their hooves on Wafir to eat the leaves.*⁸⁵

There were also reports of detainees having the hair or beards forcibly cut, as well as reports of detainees' eyelashes being cut off.⁸⁶ One woman saw her fellow detainee's waist-length hair being cut,⁸⁷ and recalled that another time she and other prisoners were also subjected to such treatment:

*They took us outside in the middle of the night at around 11.30 or so, brought scissors, and tied us with clips to the back – tied both our feet and our hands with clips, blindfolded us and cut our hair. They cut our hair, shaved our beards and broke the arms of a couple of people.*⁸⁸

Forcible shaving was sometimes accompanied by the use of skin irritants, including chilli sauce:

*They put me on the ground face up, lay me pulled up – two Sifain on both hands, two Sifain on both legs, they stepped [on me] with their booted feet, one of them sitting on my chest, the person near the top of my head was squatting on it – the person here, like this – held me down and said, right, shave the beard. Then these people had brought 6 bottles of chilli sauce. It was not necessarily to apply to my beard, they flicked it and it went in my eyes and up my nose and made me splutter – then they put sand on top [of it]. When they applied the razor, it became blunt. ... They were holding me down in case they slashed me if I struggled. So anyway, they shaved me and took me into the sea. After taking me out of the sea, they kicked me into the cell with their boots.*⁸⁹

Threats of death by security officers were also commonly reported.⁹⁰ In one notable case Abdulla Saeed was handcuffed to a cage with a crocodile in it and told that if he did not confess, he would be thrown in. He was told that “even if we keep you here and kill you, it would not be known – that they would say I hung myself. And then they said they will kill me”.⁹¹

Detention conditions

Most victims reported being kept in very poor conditions, in small and overcrowded cells, sometimes without a bed or any furniture, given little or no food or water and with limited or no access to toilets and showers. Detainees were routinely prohibited from using the toilet, or sometimes only allowed to use it once a day. Sometimes over a hundred detainees only had access to one toilet and shower.

Fifteen year old Zahid Mohamed was brought into custody several times for ‘investigation’ because he supported Parliamentary candidate Mohammed Nasheed (Anni). He recounted the cell he was kept in:

⁸⁵ TSI-002, p.5.

⁸⁶ TSI-026.

⁸⁷ TSI-015, p.13.

⁸⁸ TSI-026, p.6.

⁸⁹ TSI-022, p.9.

⁹⁰ See, eg. TSI-023.

⁹¹ TSI-021, p.8.

It was a very small cell. I believe it was an inhumane, big crime. It did not even have 4 feet – 6 feet. The four of us were kept together in a very cruel way. We were unable to sleep. We were all kept squeezed tightly. There were no beds. We slept on the ground. They gave us a mat. We didn't get a pillow.⁹²

Other interviewees were handcuffed to window bars or to other detainees.

They put two to three or two of us in one cell – the cells are very small – the bed there is just big enough for 1 person to lie down. ... We were kept there for 1 month. They handcuffed [us] to the bars of the cell...If there are two, they remove the handcuffs [from the bars] and transfer to the hands. For example, they handcuff [my] and [another prisoner's] hands together – and [remain] cuffed, even to eat, to shower or to do anything.⁹³

There were also reports of insect and rodent infestations.

[T]here were a lot of rats there. During the days I spent on the floor in that place, on the night of the 39th day, while I was lying down [to sleep] - I could not sleep then, I could not sleep 15 minutes during 24 hours then – when I dozed, a rat jumped on my face and I could not help screaming – I jumped up and the rat ran out, so I knew that a lot of rats would come inside there.⁹⁴

Refusal to provide medical treatment

Some of the individuals interviewed reported being able to see a doctor while in detention, and they received varying levels of care, though mostly they were just provided with painkillers or anti-inflammatory medication.⁹⁵ Serious injuries or complaints were largely ignored and most detainees were not granted access to medical assistance when they requested it.⁹⁶

My face was swollen this big...my eye could not be opened. I said I needed to see the doctor urgently. I didn't [get to] see a doctor that night, the next day – and 3 days passed. I could not open my eye. I could open it this much, due to the swelling. And because my knees and places were beaten, I couldn't walk. From that point, I became sick. I was admitted at the hospital there. I was brought to Malé after 1 month. The places I was beaten on won't be seen, would they. The places I was beaten with the batons were clearly visible [before]. ... When I looked at them myself, I would weep. When they beat with the flexible baton, there would be red [welts]. These injuries had gone when I was brought to Malé to see the doctor.⁹⁷

One victim told of a medical officer participating in his abuse:

Then I asked for what reason I was being kept there. And when [they] beat me – I forget the name of the person who beat me – the person who was from 'medical' who was applying the dressing on me also participated in that torture – then they took me that day and said there is no case against you. You allow for the medicine to be applied and when your [injuries] heal, we will take you.⁹⁸

⁹² TSI-009, p.2.

⁹³ TSI-015 pp.6-7.

⁹⁴ TSI-011 p.5-6.

⁹⁵ TSI-001, TSI-002, TSI-003, TSI-004, TSI-011, TSI-013, TSI-014, TSI-015, TSI-024.

⁹⁶ TSI-001, TSI-021, TSI-024.

⁹⁷ TSI-021 p.25.

⁹⁸ TSI-024 p.5.

Prolonged detention without judicial scrutiny

The majority of interviewees reported being held for days or weeks without being formally charged or released, and for months or years before being brought before a court and sentenced, all the time without access to a lawyer. All detainees were kept together in the various detention facilities, regardless of whether they had been convicted yet or not.⁹⁹ These factors in themselves led to pain and suffering by the victims. As one man said:

They did not send to a court hearing. My point is that if someone is accused of something, it should be investigated. If it has to be looked into by putting in custody, then it should still be done. However, I think there should be an appropriate time-frame for it. I think it was in the Constitution even then, that if the time-frame is to be extended, a court order – [they] never took me to court, and no-one came and told me that [custody] had been extended.¹⁰⁰

One woman who recounted her story was just 14 when she admitted to drugs charges and was detained in Gaamaadhoo and Maafushi jails pending sentencing. She was routinely tortured for over eight months before being sentenced to house arrest because she was too young to be sent to prison.¹⁰¹

Those individuals who were sentenced did not go into detail about the nature or process of their trials, most simply told of being sentenced.

There was no prosecution. They just read the statement and sentenced. That's the end. The person just looked at a book and read it. So I was taken to Maafushi. The sentence came for 25 years in jail.¹⁰²

f. Deaths in custody

As discussed above, the death of Evan Naseem in custody in 2003 as a result of injuries sustained from torture was a tipping point in the Maldives and the catalyst for major changes in the country. His mother was able to see his body in the hospital and she saw the marks on torture his body.

The two nurses and the two Sifain took hold of the cloth to stop me from taking it off. But I pulled the cloth off by force. I was able to take it off up to [his] chest. When I managed to take it off, I could see the [signs] of the torture. The signs [of torture] on his arms, and at that point I went outside screaming...What I can say is that they were injuries from being beaten. A lot of torture was inflicted. The knuckles of the hands were also visible. The [injury] on his shoulder was also visible.¹⁰³

However, some of those interviewed referred to further deaths in custody. One victim, who had been held in Gaamadhoo for twelve years, recounted the death of six young people of which he was aware as the result of torture or ill-treatment.¹⁰⁴

There were also reports of detainees who attempted suicide because they could no longer bear the torture inflicted upon them. Such an attempt was the trigger for further investigation

⁹⁹ See, eg. TSI-021, p.10.

¹⁰⁰ TSI-011, p.5.

¹⁰¹ TSI-015, p.4.

¹⁰² TSI-021 p.10. See also TSI-014, p.6.

¹⁰³ TSI-023 ,p.2

¹⁰⁴ TSI-002, pp. 5, 7-8. See also TSI-022, p.11.

by a prison official who wrote to his superior in July 2003 about reports of the use of torture in Maafushi prison.

*He had a bandage around his head. I asked this person...why he had been beating himself with the handcuffs to kill himself. When I asked this, some of the defence force personnel said that when he had requested to go to the toilet, he was allowed to go to the toilet and had found some broken glass somewhere and slashed his head with it...He said that he did it because he is unable to endure the torture he is being subjected to by defence force personnel.*¹⁰⁵

Another former prisoner recounted seeing one of his fellow prisoners attempted to commit suicide in front of him, during a period of abuse:

*We called him Naanee Ayya. He could not endure the torture inflicted on him and committed suicide. In front of me – as I sat, in a park there were these bottles that were planted into [the ground] about this size, there was a small part visible at the top. He pulled out a bottle from there and broke it on a tree. When I looked round on hearing the [glass] break, I saw with my eyes, he stuck it into his own stomach 3 times, and because it would not go in, tried to stick it into his head, he tried to stick it into his face too.*¹⁰⁶

g. Reasons for torture

The testimonies show that torture and ill-treatment were frequently used to extort a confession, elicit information or intimidate the victim. Once an individual had been sentenced, torture and ill-treatment continued with the purpose of punishing and asserting control over the prisoners.

Forced confessions

Victims reported being tortured in an attempt to get them to confess to a crime. In many cases, confession appeared to be the only form of ‘evidence’ submitted and relied upon in prosecution. From the descriptions of the interrogation, trial and sentencing process, there seems to have been an almost exclusive and unquestioning reliance on confessions as a means of proving guilt and closing a case.

Ibrahim Didi was accused of murder.

*[He] came over, put his hand firmly on my chest and said “chickens are slaughtered after giving water. Tonight is the night we are going to get you to admit killing Hawwa Mohamed.” Suddenly, they handcuffed me behind my back. They tied a rope that was coming down from the tree on my handcuffs and about four people pulled me up about 6 feet. After lifting me up, they tied the rope to a tree some distance away.*¹⁰⁷

A man who was accused of a string of thefts said:

[I was] made to sit on a wooden chair, handcuffed behind my back, tied up with the chair, made to bend over and beat on my lower back with wooden batons. They tried to make me confess after beating me...When it was no longer possible to endure the punishment, I

¹⁰⁵ ASW Letter, p.2.

¹⁰⁶ TSI-024, p.10

¹⁰⁷ TSI-002, p.2.

*confessed that I went. Then they finished taking statements like that and finished the investigation for that day. After that, he said that the order had come from the highest level to get a confession in whatever way it was possible*¹⁰⁸

Ali and his wife were accused of praying in an unauthorised prayer group and he was eventually charged with terrorism.

*And again, I think there were about seven or so people. They even beat [me] with their boots. They took me outside and handcuffed me. With their boots, they beat me on the thighs, on the back, on my sides, on my head and beat me all over [the body]. While they were beating me, I was wearing a sarong. They removed the sarong I was wearing. And because I would not confess, they tied a rope to my hands like this. They tied the rope, tightened it and kept my hands pulled. Then they said if I did not confess, they would kill me today. I said it was not possible for me to confess to this. I was not someone who wanted to confess to this. Then they said they had also brought my wife. Not only your wife, we will bring your children too. I said I did not care what they did, it was not possible for me to say anything about that.*¹⁰⁹

Thirteen year old Zaud Ahmed was accused of writing a song that was defamatory towards the President Gayoom.

*They unchained me and removed me from the stock and took me away. When we got there - there was a big hole dug [in the ground] about 6 feet long and 2 feet wide. On that day, in the bottom of this hole was spread a piece of linoleum but it was not such a deep hole. It was hole large enough to put a coffin and there was this linoleum at the bottom. A short while later this person arrives carrying a container...It had black oil in it. The oil was poured onto that canvas. After that, they threw me face down into the hole. Then they said to me that they will take me out of there when I confess.*¹¹⁰

Intimidation

Political activists and journalists were routinely intimidated by the police. Journalist Abdulla Saeed was frequently harassed by the government and threatened not to report certain stories. He was taken into police custody on several occasions and intimidated. When he continued to disregard government orders, police brought fabricated drugs charges against him.¹¹¹ Ahmed Jazeel was pursued by police near a demonstration:

*A lot of Sifain armed with sticks, batons and waist-belts and such things and charged at a lot of people. I was not someone who had seen anything like this before. So I was very scared and began to run. They charged shouting all kinds of obscenities that came to their tongue – that they will kill, slaughter. And because a group of well-built people bearing sticks and all sorts, shouting language that is not normally used began charging, I also ran at that moment. So I kept on running and when I reached the market, I remember being hit on the head with a stick. I banged into a nearby dhoni [boat] and fell into the sea. I was fished out of the water with a fishing net used to catch yellow fin tuna and put on a dhoni and [they] tried to put petrol on me and set me alight. ... They even struck a match from a matchbox and threw it. With the grace of God, it did not ignite.*¹¹²

¹⁰⁸ TSI-008, pp.1-2.

¹⁰⁹ TSI-026, pp.3-4.

¹¹⁰ TSI-004, p.7.

¹¹¹ TSI-021, p.6.

¹¹² TSI-001, p.1.

In another particularly notable case, Mariyam Manike, the mother Evan Naseem, who died in police custody as a result of injuries sustained from torture, was intimidated and tortured by security services personnel after she publicly revealed the facts of her son's death. As described above, the incident had become widely known and sparked protests and unrest in the Maldives. Mariyam was taken into custody following the protests.

While I stood there [outside my house], 2 huge buses full of people came along. I was just stood at my door and [they said] – there is elhaa,¹¹³ there is elhaa – elhaa should also be taken away and saying that, they all jumped off indiscriminately, people holding sticks from mops, plastic piping and sticks and all sorts of things – people jumped off from both buses. They jumped off and came and began beating [me] – when they began to beat [me] my mother was also there. My mother was a heart patient – that upsets me a lot. I will never forgive any of them for that. They beat me in front of my mother.¹¹⁴

She was taken to MNDF headquarters and brutally beaten and kicked. A Sifain officer taunted her by saying that the handcuffs he was putting on her were the same ones that Evan had worn. Mariyam then spent almost two months in prison where she was tortured and harassed by Sifain, some of whom had been involved in the death of her son.

Punishment of prisoners

In prison, convicted detainees continued to face arbitrary abuse and punishment. Sometimes torture and ill-treatment were meted out to 'punish' prisoners for disobedience, other times abuse was carried out simply as a matter of practice.

Two victims told of being abused for complaining about the food that they received.¹¹⁵ One of them was only 13 or 14 at the time:

After being sentenced, one night I didn't want to eat and when they brought the food I threw it out of bars [of the cell]. When I did this, they took me out and ordered me to clean it up.... When I refused to clean up, I was taken to the kudagolhi [isolation cell] and during the days I was kept there, I was tortured a lot. When they take me out and I resist, they handcuff me with my hands behind my back and beat me. They put me in a wheelbarrow and take me to the sea and throw me in and I would swallow salt water – I get bruised in places, as they handcuff me in the night and take me when it is dark – I don't know what time exactly.¹¹⁶

Detainees were also subjected to collective punishments. One woman who was interviewed recalled that, as a result of a fire that had been started at the prison, all of the prisoners were punished.

Because of that, some people were kept [inside] and the rest were kept handcuffed to trees. For four days and four nights, we were handcuffed to coconut trees, near the beach...When I was handcuffed there, [they] came and spoke whatever foul language that came to the tongue, beat my back with the ankle [boots]...so like that I was to one side, and they beat my legs also, they beat me here, on my arm also with the baton. The places they beat [me] with

¹¹³ Translator's note: Gender neutral word in Dhivehi to mean him/her/that person. Very disrespectful, bad language that is socially unacceptable.

¹¹⁴ TSI-023, p.7.

¹¹⁵ TSI-003, TSI-024.

¹¹⁶ TSI-003, p.4.

*the baton are, here near the shoulder, and they also beat the thighs and then beaten with the ankle [boots] behind.*¹¹⁷

Prisoners were also punished by being taken to what the Sifain called “the range” or “the workshop”. The same woman recalled how she was taken there frequently:

*Then occasionally, they take us out once every week or perhaps once every 3 days to a thing called the “range” – they called it “range” – for them to satisfy themselves, they take out and torture [people]... [U]sually, they beat on the back. When they took us out to the range, sometimes, they handcuff us to the tree with hands to the front. Other people would be handcuffed with the hands behind their backs. ... So they take us to the range and [inflict] torture like that – and if you don’t do what they say, with the baton ... for example, at the beach, it would be sharp if there are corals and they might ask to do dips on the coral, with the fists, whatever happens, it’s not possible to do dips, so when you can’t, they beat with their boots and batons. Then they make us do side-roll. When we do side-roll, that is a significant torture.*¹¹⁸

These testimonies are corroborated by the report made by Lieutenant Mohamed Aswan to the Commanding Officer of Maafushi prison in July 2003 referred to above. He discovered ‘the range’ after being told that a prisoner there had attempted suicide there:

*I was also told that the people who were brought out to the workshop were those who had disobeyed and broken several rules of the jail, and the order to bring them out and to keep them handcuffed under the supervision of the defence personnel was given by the officer in charge. ... People...spoke of being beaten with boots and being put in the water tank and beaten on the outside and being made to run around the range and ordered and made to stand in various positions. And in this group also, some people reported being taken out at midnight and other days early in the evening, beaten and tortured by people whose faces are covered with cloth and put back inside.*¹¹⁹

The report outlined information the Lieutenant had obtained from members of the Sifain unit. They referred to patterns of torture which had been carried out in Maafushi jail prior to the involvement of the Corrections Department in the running of the prison two years previously, and which were returning. According to his report, when officials wished to punish prisoners (for various reasons, including for disciplinary reasons and personal reasons) commanding officers would tell their subordinates to take them to the ‘beach’, which was understood by all as an order to give them whatever punishment they saw fit. They would be taken to an area near the jetty by members of the Quick Reaction Taskforce under the supervision of the security person in charge, where they would be kept, awake, for a minimum of four days and sometimes a week. The punishments meted out included handcuffing people together in large groups and making them run and roll around, beating them with sticks, hitting them, making them wrestle, making them lick boots, and not being allowed to sleep. According to his report, “on some occasions, people were hit so hard that they had lost consciousness and had been recovered by applying water”.¹²⁰

¹¹⁷ TSI-015, p.6.

¹¹⁸ TSI-015, p.9.

¹¹⁹ ASW Letter, p.2.

¹²⁰ ASW letter, p.2.

CASE STUDY: TORTURE AS COLLECTIVE PUNISHMENT

Aishath (not her real name) was 14 when she was taken to Gaamaadhoo jail on pending drugs charges. Around six months later she was taken to court. About eight or nine months later she was sentenced. Because she was not yet 16 and could not be sent to jail she was sentenced to house arrest. She had been held in Gaamaadhoo jail until that time, however, and was returned for a further four months.

While she was awaiting sentencing there was a riot at Gaamaadhoo, and the prison was burned. That night, the prisoners were taken outside and beaten. The next morning they were handcuffed to coconut trees, for four days and four nights, in the sun and the rain. During this time guards used crude language to her, kicked her and beat her with batons.

After four days they took Aishath to a solitary confinement cell and put another person in the cell. They handcuffed the two together, and they remained handcuffed for the next month – even to eat, sleep, shower and go to the toilet.

Once every week or so she would be taken out with other prisoners to what was described as ‘the range’. They were kicked, and made to do things like lie on their fists and do side-rolls on the beach, which was covered in sharp coral. One night at midnight she was taken to the jail’s goat pen and had leaves tied to her, for the goats to eat off her body. She was left there for 10 to 15 minutes. After taking her out they sat her on a chair on the beach with her hands cuffed behind her back and poured sewage water over her. Eight or nine other female prisoners suffered the same treatment that night. She saw a fellow prisoner have her long hair cut off while she was on the beach.

From Gaamaadhoo she was transferred to Maafushi, and torture continued to be inflicted. If one person upset the guards everybody was punished. Sometimes the prisoners were made to climb a funa tree, and were handcuffed to branches, with their feet barely touching the ground.

When she was released on house arrest Aishath informed the Department of Corrections about her treatment, but she did not receive a reply.

h. Consequences for victims

The ill-treatment and torture inflicted on the individuals interviewed, and the effects of long periods of detention, has had significant adverse impacts on many. These include chronic physical injuries, resulting in some cases in an inability to work, and psychological problems. For those who were arrested and detained at a young age, the time spent in prison or the stigma attached to having been arrested and detained meant that they were unable to complete their education. The detention and ill-treatment had further impacts on family members – both during the period of detention, when they were left without support, and in coping with the injuries suffered by their relatives on their release.

Long term injury/harm

Many victims continue to suffer lasting physical and psychological harm as a result of injuries caused by torture. Ongoing physical injuries reported included nerve problems,¹²¹ weak joints, discomfort from bones that were broken,¹²² and ear problems.¹²³

One of those interviewed was the wife of a teacher who was arrested on political charges, held in a jail, and then banished to a remote atoll for three years. On his return from banishment, she said that he was very ill. When she asked whether he had been mistreated:

He told me that he was beaten around his hips, beaten on his head, beaten on his back and he always talked about having great pain around his hips. He cannot get up after sitting down on a place. He would get up with great difficulty. Because of the pain in his hips and the [resulting] lack of strength, when he sits down on places, he sits down really heavily. He cannot sit down properly. It takes a long time, to lower himself down slowly. When he lies down in bed, it takes a long time for him to get up. Most of the time, I help him up - when he is unable to get up. So like that, after becoming more and more ill, he became very ill recently. When he was brought back it was very difficult for him to walk. When he goes any distance, he would hold onto the wall and when he walks into the house, he would hold on. It was very difficult for him take his slippers off as well, even when he was brought back.¹²⁴

The injuries suffered have in some cases impacted on the victims' ability to work.¹²⁵ For one, his detention robbed him of his education, while the torture inflicted on him meant that he was released unfit for manual work:

What I want to say is that while I was studying and at a very young age, I was taken and tortured and was in jail for four years. Today I have got to this state – I am not physically very fit and I am not as fit as a normal person. Because I had undergone considerable torture, during rainy weather, parts of my body ache. The discomfort of that torture remains in my body. As the days go by, I feel it. That is what I notice.¹²⁶

Others referred to psychological scars resulting from their experiences. One man, who was arrested for something he says he had no connection with, and made to sit in a chair on the beach for 17 days straight, then placed in an isolation cell for three months, said:

[T]o be taken late at night like that, that memory even when I talk like this (I do not talk about this with people) – it does nothing but make me angry. That is because I had received such torture without justice. I still don't know, even after Maumoon had gone from power, I still do not know why I was arrested. There was no court hearing. No independent investigation took place. I was not told why I was taken. I think what was in their minds was to simply arrest some people and torture them because something had happened. So that after that, they thought that people would not come out like that, perhaps. I think they did it with that intention.¹²⁷

¹²¹ TSI-010 p.5

¹²² TSI-023 p.16.

¹²³ TIS-026, p. 5.

¹²⁴ TSI-025 p.6.

¹²⁵ TSI-001, p. 9.

¹²⁶ TSI-003 p.9.

¹²⁷ TSI-012, p. 8.

Another told how he sought help for the psychological symptoms he was suffering:

*The torture and things that was inflicted on me is in my heart – psychologically. I also went to see a psychologist. Can I tell you this briefly? I wasn't sleeping and I did not have any dreams when I did sleep. Everyone would say they had this dream or that dream. But I did not have any dreams, for a long time. ... So I got a bit concerned and requested to see a psychologist. So I saw some woman doctor, a psychologist. She interviewed me for about 45 minutes. So we kept talking and after I had told all these stories, she said that this would not go away until I had taken some revenge – that my mind had been damaged psychologically.*¹²⁸

Without support from the state, victims have been left to deal with the aftermath of torture, ill-treatment and long periods of arbitrary detention on their own. This has included in some cases being forced to seek medical treatment overseas, at their own expense.¹²⁹

Detrimental effect on victim's future

Some of the victims were very young when they were held in prison and tortured. This has had a devastating impact on the course that their life has taken. One recalled how following his detention, his education failed and received very poor results in his exams from then on.¹³⁰ Another boy who was taken into custody as a 13 year old reported that “By the time I was freed, I had been expelled from school...When I went to enrol at Aliya School, they said that I cannot join. You are someone who had meddled with politics. Therefore, [you would] talk about such things and our students will be spoilt”.¹³¹

Impact on family and others

The damage caused by illegal detention and torture was not limited to the victims themselves. Many had children and spouses who had previously depended on them, and who were required to care for them when they returned. Others had businesses that were ruined by their time in detention, leaving their employees without jobs.

Abdulla Saeed and his wife were arrested and imprisoned on false drugs charges, leaving their four young children to fend for themselves:

*All these children lost their education. Without anyone to look after them, the whole family was taken without any evidence. As a result of them being taken, their physical and psychological – and their education and everything disintegrated. ... All our belongings in the house were stolen. The room just had its shell – everything was taken. It was a sister of my wife who took the children, fed and looked after them. They could not educate them, could they? When we returned, they had been expelled from school. ... What can I say? How do I tell you the loss we suffered – it cannot be counted in millions or billions. There can be no compensation for this loss we suffered.... The force of it, the sorrow of it, the loss to my children because of it, the destruction of my children's education and the way it changed our lives. It will never fade away from my heart.*¹³²

¹²⁸ TSI-022 p.20.

¹²⁹ See, for example, TSI-001, p. 9, TSI-012, p. 7.

¹³⁰ TSI-009, p.4

¹³¹ TSI-004, pp.9-10

¹³² TSI-021, pp.15, 27.

One man was arrested in front of his child, 3 years and 8 months old, for whom he was the sole carer. During the arrest, he says that his hands were lifted up and handcuffed together, and he was beaten in front of his child. For five years he was held without his family knowing where he was. When he regained contact, he was told how the trauma of the arrest had impacted his young son:

*It was after 5 years that any news began to reach me. At that point, my child's mother ... came and [told me about my child]. ... [W]hen he was at school, he would sit with both his hands up [in the air] like both my hands were lifted up. ... [H]e behaved like this for 2 years or so. That is what hurt me the most, that was.*¹³³

Another man recounted losing his livelihood because of his illegal detention:

*At the time, I was involved in a big construction business and we had 43 employees. There was no way to pay their wages. All that was destroyed and ruined because of this case. ... Then my business was ruined and all my employees were in a dire situation and I had to send them all away. There was nothing left of all that I had worked for, all my life. I was bankrupt. When I came home, the limbs of my youngest child were this size. I was so heartbroken that I burst into tears. They were psychologically ill – I think my wife and children will very well remember the events and things of [the night I was arrested]. Even today, I would appreciate if you would ask them what had happened. When they took me home, what I saw was the state of my children, all malnourished and unwell.*¹³⁴

¹³³ TSI-022, p.4.

¹³⁴ TSI-016, p.6.

V. THE MALDIVES' OBLIGATIONS UNDER INTERNATIONAL LAW

The testimonies reviewed provide credible evidence of patterns of the use of torture and ill-treatment on a wide scale against many people detained in the Maldives over a long period of time. In the majority of cases the torture was sustained and involved a number of officials. Many of the victims report that they continue to suffer significant physical and psychological difficulties, and there are some whose lives have been blown completely off-course.

Despite the acknowledgement within the Maldives that torture and ill-treatment had been committed on a large scale prior to the democratic transition, to date the Government has not responded to effectively address the legacy of that torture. International law imposes obligations on the Maldives to do so, and provides guidance as to how it should be done. A failure to respond as required by international law is a violation in its own right.

Effectively responding to torture – especially on such a large scale – requires a specific policy and set of responses. Key issues to be tackled include combating impunity for torture, providing justice for victims, and undertaking reforms to prevent the violations recurring in the future.

a. Torture and ill-treatment as a serious violation of international law

Until 2004, the Maldives was not party to any treaty specifically outlawing torture, except in relation to children.¹³⁵ However, even before that time customary international law prohibited torture and cruel, inhuman and degrading treatment,¹³⁶ and imposed international criminal liability on its perpetrators.¹³⁷ This means that even though the Maldives did not have specific treaty obligations to respond to torture prior to 2004, torture committed before that time was an international crime and the Maldives is responsible as a matter of international law for it.¹³⁸ Importantly, this entails a series of obligations to respond to the allegations of torture documented (see V(b)).

Customary international law obligations to prevent and punish torture

The customary international law prohibition of torture developed and was progressively codified over the 20th century. The prohibition of torture and cruel, inhuman and degrading treatment or punishment was included in the 1948 Universal Declaration of Human Rights¹³⁹

¹³⁵ Article 37 of the Convention on the Rights of the Child (CRC) (11 February 1991, subject to reservations). It was also party to the following treaties relevant to torture committed against individuals from certain groups: the Convention on the Elimination of All Forms of Racial Discrimination (CERD) (24 April 1984) and the Convention on the Elimination of Discrimination against Women (CEDAW) (1 July 1993, subject to reservations).

¹³⁶ See Burgers & Danelius (1998), above n.5, p. 1.

¹³⁷ See, eg. *Prosecutor v Furundzija*, above n.5; *Pinochet* (No. 3) [2000] 1 AC 147.

¹³⁸ See International Law Commission (2001), 'Responsibility of States for Internationally Wrongful Acts', Art. 4 ("(1) The conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central Government or of a territorial unit of the State. (2) An organ includes any person or entity which has that status in accordance with the internal law of the State.")

¹³⁹ Article 5. See Burgers & Danelius (1998), above n. 5, p. 10.

and further developed through international humanitarian law,¹⁴⁰ international human rights law¹⁴¹ and more recently through international criminal law.¹⁴²

In 1975 the UN General Assembly adopted the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which proclaimed that “[n]o State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment”, and that each State “shall ensure that all acts of torture as defined in article 1 are offences under its criminal law”.¹⁴³

As the International Criminal Tribunal for the Former Yugoslavia observed in 1998:

*The existence of this corpus of general and treaty rules proscribing torture shows that the international community, aware of the importance of outlawing this heinous phenomenon, has decided to suppress any manifestation of torture by operating both at the interstate level and at the level of individuals. No legal loopholes have been left.*¹⁴⁴

Exactly when torture became an international crime is a matter for debate, however there is acceptance that, at least since the early 1980s, torture – particularly when committed systematically or as an instrument of state policy – has been a crime punishable under international law.¹⁴⁵ As torture is a *jus cogens* norm of international law attracting universal jurisdiction, torture committed since the recognition of it as an international crime may be prosecuted both in the Maldives, and in any other State able and willing to exercise jurisdiction.¹⁴⁶

Obligations under treaty since 2004

In 2004 the Maldives acceded to the Convention Against Torture and Other Cruel Inhuman and Degrading Treatment and Punishment (CAT).¹⁴⁷ Since then, the Maldives has become a party

¹⁴⁰ 1949 Geneva Conventions, Common Art. 3.

¹⁴¹ See, eg. International Covenant on Civil and Political Rights (1966), Art 7; European Convention on Human Rights (1950), Art. 3; Inter-American Convention on Human Rights (1969), Art. 5; African Charter on Human and People's Rights (1981), Art. 5; Universal Islamic Declaration of Human Rights (1981), Art. 7 (“No person shall be subjected to torture in mind or body, or degraded, or threatened with injury either to himself or to anyone related to or held dear by him.”)

¹⁴² Rome Statute of the International Criminal Court, Art. 7.

¹⁴³ Article 3.

¹⁴⁴ *Prosecutor v Furundzija*, above n.5, para. 146.

¹⁴⁵ In the British case of *Pinochet*, Lord Millett held that it had been a crime under international law “well before 1984” and since at least 1973: *Pinochet* (No. 3) [2000] 1 AC 147 at 276 per Lord Millett. In the Dutch case of *Bouterse*, the Dutch Court of Appeal held that torture as a crime against humanity was an international crime in 1982 (the year when the offences alleged in that case took place): *Bouterse*, Decision, Petition Nos. R97/163/12 Sv and R97/176/12 S v, Court of Appeal (Gerechtshof Amsterdam), 5th chamber, 20 November 2000, para. 8.2; see also *Prosecutor v Furundzija*, above n.5, paras. 138-140. In 1980, a US court recognised that “In the modern age, humanitarian and practical considerations have combined to lead the nations of the world to recognize that respect for fundamental human rights is in their individual and collective interest. Among the rights universally proclaimed by all nations, as we have noted, is the right to be free of physical torture. ...”: *Filartiga v Pena Irala* (1980) 630 F.2d at 889.

¹⁴⁶ See *Prosecutor v Furundzija*, above n.5; *Pinochet* (No. 3) [2000] 1 AC 147 at 276 per Lord Millett (“In my opinion, the systematic use of torture on a large scale and as an instrument of state policy had joined piracy, war crimes and crimes against peace as an international crime of universal jurisdiction well before 1984. I consider that it had done so by 1973. For my own part, therefore, I would hold that the courts of this country already possessed extraterritorial jurisdiction in respect of torture and conspiracy to torture on the scale of the charges in the present case and did not require the authority of statute to exercise it.”); cf. *Bouterse*, Dutch Supreme Court (Hoge Raad), 32 NYIL at 287 (2001). See also Ryngaert, Cedric (2005), ‘Universal Criminal Jurisdiction over Torture: A state of affairs’, Institute for International Law Working Paper No. 66, August 2005, Part III.3, available at:

<http://www.law.kuleuven.be/iir/nl/onderzoek/wp/WP66e.pdf>.

¹⁴⁷ 20 April 2004.

to other conventions including the International Covenant on Civil and Political Rights (ICCPR)¹⁴⁸ and its Optional Protocol,¹⁴⁹ the Optional Protocol to the Convention against Torture (OP-CAT),¹⁵⁰ the Optional Protocol to the Convention on the Elimination of Discrimination against Women (OP-CEDAW),¹⁵¹ and the International Convention for the Protection of All Persons from Enforced Disappearance.¹⁵²

Under these treaties, the Maldives has the obligation to respect, protect and fulfil human rights. In particular, the Maldives has specific obligations relating to the prevention and prohibition of torture and ill-treatment. The CAT and ICCPR impose both negative and positive duties on state parties, including refraining from committing acts of torture and ill-treatment and criminalising these acts, and taking actions to prevent, investigate and punish the acts and provide reparation.

b. Responses required by international law

Where an international wrong has been committed, international law requires that the wrong is, to the extent possible, repaired, and that steps are taken to ensure that it does not happen again.¹⁵³ This general principle applies with equal force to serious crimes and violations of human rights committed against individuals. In 2005, this was recognized by the UN General Assembly, when it adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law.¹⁵⁴ These Principles constitute a significant contribution to the codification of norms relating to the right to reparation.

Under international law, the Maldives must provide victims of torture and ill-treatment with a remedy and reparation. This involves an obligation to investigate credible allegations of torture and ill-treatment, to provide a mechanism to consider complaints of torture, and, where such torture is proved, to provide reparation to the victims. It also involves taking steps to reveal the truth of what happened, both to the individual and the society as a whole, combating impunity for such violations, and ensuring that it does not happen again.

Investigation

Article 12 of the CAT requires that *“each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction”*.¹⁵⁵

International jurisprudence and treaties spell out in greater detail what is required for an effective and human rights compliant investigation, and further specific guidance in relation to torture complaints is provided by the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

¹⁴⁸ 19 September 2006.

¹⁴⁹ 19 September 2006.

¹⁵⁰ 15 February 2006.

¹⁵¹ 13 March 2006.

¹⁵² 6 February 2007.

¹⁵³ PCIJ, *Factory at Chorzow*, Jurisdiction, Judgment No. 8, 1927, Series A, no. 17, p.29.

¹⁵⁴ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005 (“Basic Principles on Remedy and Reparation”).

¹⁵⁵ See also UN Human Rights Committee (“HRCtee”), General Comment No. 20 on Art. 7.

(known as the Istanbul Protocol), endorsed by the UN General Assembly in 2004.¹⁵⁶ An individual who claims to be a victim of torture has the right to complain and have his or her allegation examined promptly and impartially by competent authorities.¹⁵⁷ In any event, obligations to investigate suspected serious violations arise irrespective of whether there has been a formal complaint.¹⁵⁸ Victims or their relatives should be involved in and informed of the progress of the investigation;¹⁵⁹ and the competent authorities should be granted the necessary powers and resources to carry out an effective investigation, including access to relevant documentation and other information.¹⁶⁰

The Human Rights Committee has stressed the useful role that independent and impartial administrative mechanisms, including national human rights institutions, can play in giving effect to states' general obligation to investigate allegations of violations promptly, thoroughly and effectively.¹⁶¹ However, in cases of serious human rights violations these must never be seen to remove the option of access to a judicial remedy.¹⁶²

Effective investigations are a necessary prerequisite to prosecutions and the provision of remedy and reparation, and a state's duty to prevent future violations. However, they are also part of providing both individuals and societies with their right to the truth. The right to know the truth has been developed through the jurisprudence of human rights bodies and international criminal law courts and includes the entitlement to seek and obtain information on:

*the causes leading to the person's victimization; the causes and conditions pertaining to the gross violations of international human rights law and serious violations of international humanitarian law; the progress and results of the investigation; the circumstances and reasons for the perpetration of crimes under international law and gross human rights violations; the circumstances in which violations took place; in the event of death, missing or enforced disappearance, the fate and whereabouts of the victims; and the identity of perpetrators.*¹⁶³

The right to know the truth is both an individual and collective right: the right of a victim to know the truth about violations but also a right of society, with the aim of preventing the recurrence of violations.¹⁶⁴

¹⁵⁶ HR/P/PT/8/Rev.1.

¹⁵⁷ Eg. CAT, Art. 13; UN Standard Minimum Rules for the Treatment for Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) (13 May 1977), rule 36(4); HRCtee, General Comment No. 20, para. 14. See also IACtHR, *Maritza Urrutia v Guatemala*, (Judgment of 27 November 2003), Series C, No. 103 (2003), para. 119; and ECtHR, *Mikheyev v Russia*, no. 77617/01 (26 January 2006), para. 109; ECtHR, *Ogur v Turkey*, no. 21594/93 (15 December 1997), paras. 91-92.

¹⁵⁸ Eg. Convention on Enforced Disappearances, Art. 12(2); Committee Against Torture, *Henri Parot v Spain*, no. 6/1990, U.N. Doc. A/50/44 at 62 (1995), para 10.4; Committee Against Torture, *Blanco Abad v Spain*, no. 59/1996, CAT/C/20/D/59/1996 (1998), para 8.6; General Recommendations of the Special Rapporteur on Torture, para.26 (k).

¹⁵⁹ See principle 4 of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (known as the 'Istanbul Protocol') annexed to General Assembly resolution 55/89 of 4 December 2000 and to Commission on Human Rights resolution 2000/43 of 20 April 2000, both adopted without a vote; see also Committee Against Torture, *Hajrizi Dzemajl v Yugoslavia*, no. 161/1999, CAT/C/29/D/161/2000 (2002).

¹⁶⁰ eg. Enforced Disappearance Convention, Art. 12(3)(a).

¹⁶¹ HRCtee, General Comment No. 31, para.15.

¹⁶² Basic Principles on Remedy and Reparation, (above n.154), para. 12.

¹⁶³ See the 2006 study by the OHCHR: Commission on Human Rights, 'Study on the right to the truth Report of the Office of the United Nations High Commissioner for Human Rights', E/CN.4/2006/91, 8 February 2006 ("Study on the Right to the Truth"), para. 38.

¹⁶⁴ UN Working Group on Enforced or Involuntary Disappearances, General Comment on the Right to the Truth in Relation to Enforced Disappearances, 22 July 2010.

Remedy and Reparation

Victims of serious human rights violations have the right to equal and effective access to remedies, including judicial remedies, for the provision of adequate and effective reparation. That reparation may be provided in forms including restitution, compensation, satisfaction,¹⁶⁵ guarantees of non-repetition¹⁶⁶ and rehabilitation to repair the harm they have suffered.¹⁶⁷

The right to a remedy and reparation for international crimes and human rights violations is firmly established in international law.¹⁶⁸ For example, Article 2(3)(a) of the ICCPR provides that the state party is obliged “[t]o ensure that any person whose rights or freedoms as herein recognised are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity”.

Article 14 of the CAT further provides that:

Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

For serious human rights violations, including torture, which by definition involve state responsibility, effective remedies must be available against the state, and not just against the individual perpetrator.¹⁶⁹ States must award forms of reparation that are adequate, appropriate and proportionate to the gravity of the crime and the physical and mental harm suffered.¹⁷⁰ In cases of torture, compensation without other forms of reparation is unlikely to be sufficient. The Committee Against Torture has made it clear that “*compensation should cover all the damages suffered by the victim, which includes, among other measures, restitution, compensation, and rehabilitation of the victim, as well as measures to guarantee the non-repetition of the violations, always bearing in mind the circumstances of each case*”.¹⁷¹

The obligation to ensure that all victims are provided with the right to seek reparation applies equally during periods of transition, although the sheer number of claims will often mean that ensuring adequate and effective reparations are a challenge. Administrative reparations programmes have been developed in many contexts in response to some of these challenges; however such mechanisms can only ever complement rather than substitute access to the courts.¹⁷² Ideally, the design of administrative reparation programmes will be sufficiently

¹⁶⁵ Satisfaction includes measures such as verification of the facts and full and public disclosure, public apologies, commemorations and tributes to the victims. Prosecution of perpetrators is one form of satisfaction: Basic Principles on Remedy and Reparation, (above n.154), para. 22.

¹⁶⁶ That is, measures to prevent the violation recurring in the future, such as reviewing laws that contribute to the violation and implementing monitoring measures, and ensuring effective control of the military and security services. See Basic Principles on Remedy and Reparation, (above n.154), para.23.

¹⁶⁷ See HRCtee, General Comment No. 31, para. 16; Basic Principles on Remedy and Reparation, (above n.154), para. 18.

¹⁶⁸ Basic Principles on Remedy and Reparation, (above n.154). See also the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by General Assembly resolution 40/34 of 29 November 1985; and the Universal Declaration of Human Rights (1948), Art. 8. For example, ICCPR, Arts. 2(3), 9(5) and 14(6); CAT, Art. 14; and Statute of the International Criminal Court (1988) Art. 75; IACtHR, *Velasquez Rodriguez v Honduras*, (Judgment of 29 July 1988), Series C, No. 4 (1988), para. 174. See also ECtHR, *Papamichalopoulos v Greece*, App. No. 14556/89, (1995) at para. 36.

¹⁶⁹ Basic Principles on Remedy and Reparation, (above n.154), para. 15.

¹⁷⁰ Basic Principles on Remedy and Reparation, (above n.154), para.15.

¹⁷¹ Committee Against Torture, *Guridi v Spain*, no. 212/2002, CAT/C/34/D/212/2002 (2005), para. 6.8.

¹⁷² HRCtee, *Bautista de Arellana v Colombia*, no. 563/1993, CCPR/C/55/D/563/1993 (1995), para. 8.2

inclusive, responsive to the wishes and needs of victims, transparent, easy to use, efficient and seen as just, that the advantages of using the programme will outweigh the prospect of gaining reparation before the courts or other established mechanisms.¹⁷³

Combating impunity for torture

Under Articles 5 and 7 of the Convention Against Torture the Maldives has the obligation to prosecute and punish any person found on its territory who is alleged to have committed torture, where there is sufficient evidence to do so.¹⁷⁴

This supports states' general obligation to submit suspects of serious violations of international human rights law or international crimes to prosecution where its investigations into those allegations identify a suspected perpetrator and provide sufficient evidence. If that person is found guilty, the state has the duty to punish him or her.¹⁷⁵

Criminal investigation and consequential prosecution are necessary remedies for violations of the most fundamental human rights. For example, the Human Rights Committee has repeatedly emphasised that a failure to bring to justice perpetrators of violations recognised as criminal under either domestic or international law, such as torture and similar cruel, inhuman or degrading treatment (article 7), summary and arbitrary killing (article 6) and enforced disappearance (articles 7 and 9 and, frequently, 6) could in itself give rise to a violation under the ICCPR.¹⁷⁶

¹⁷³ See REDRESS, 'Bringing the International Prohibition of Torture Home: National implementation guide for the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' (January 2006), p. 87.

¹⁷⁴ Article 7.

¹⁷⁵ Basic Principles on Remedy and Reparation, (above n.154), para. 4.

¹⁷⁶ Ibid. HRCtee, General Comment No. 31, para.18. See also HRCtee, General Comment No. 6, para.3; HRCtee, General Comment No. 20, paras. 8 and 13.

VI. FAILED INSTITUTIONAL RESPONSES TO TORTURE IN THE MALDIVES

Many of those interviewed raised complaints about the torture and ill-treatment they were subjected to, at the time and since. This included lodging civil claims in the Courts, and filing complaints with the Human Rights Commission of the Maldives.

However, despite the Maldives' obligations to provide a remedy and reparation to victims of torture, not one person interviewed has yet seen a proper investigation into their case, had a resolution of their legal claim, heard of any person being prosecuted or punished for what was done, or has received any reparation.

a. Complaints made prior to 2004

The testimonies indicate that a number of complaints about torture and ill-treatment were made to government officials, without result, prior to changes that were introduced in 2004. Given the concentration of power in the executive at the time petitioning the President or officials close to him was seen as the best chance of obtaining a reprieve from such treatment, however it is also unsurprising that in many cases it was to no avail.

A number of those interviewed said that they had made complaints about their treatment to authorities during the time of their detention. From the testimonies it appears that the usual way such complaints were raised was by way of a letter to officials– including the President,¹⁷⁷ the Attorney General,¹⁷⁸ Ministers,¹⁷⁹ members of Parliament,¹⁸⁰ and officials in the corrections department¹⁸¹ – sent either from the prison or by or through their family members.

In a few small cases, such petitioning appears to have had an impact,¹⁸² however in most cases those who wrote said that they did not receive a response.¹⁸³ Some received letters in response saying either that the official would look into it, or that there was nothing that they could do.¹⁸⁴ One man who was interviewed recalled that his father had sent a letter detailing what his son had been subjected to a Minister, and the Minister had told his father that *“if this was true, it would not be good to not look into this. My father said that he had said that”*.¹⁸⁵

It appears that in a limited number of cases matters were further investigated after complaints were raised, although there is no evidence of any result from the investigation. One young prisoner, whose mother sent a formal complaint on his behalf after she learned about him having to be given medical treatment in prison, was called to meet an official high up in the Corrections Department. He said that the official *“looked at my torture injuries a bit. He took some kind of statement from me. Except for that, I was not taken anywhere else. That was*

¹⁷⁷ TSI-001, p. 10, TSI-002, p.6, TSI-026, p.9.

¹⁷⁸ TSI-002, p.6.

¹⁷⁹ TSI-011, p.4.

¹⁸⁰ TSI-002, p.6.

¹⁸¹ TSI-003, pp.8-9, TSI-015, p.17, TSI-022, p.19, TSI-026, p.9.

¹⁸² TSI-001, p. 10, TSI-011, p.4.

¹⁸³ TSI-001, p. 10, TSI-002, p.6.

¹⁸⁴ TSI-002, p.6, TSI-022, p.19.

¹⁸⁵ TSI-010, pp. 3-4.

when I was in jail.”¹⁸⁶ After he was released he again visited an office with his mother to make a complaint. They took a statement, but nothing further came of it.¹⁸⁷

Others petitioned officials in person when presented with the opportunity. Ibbrahim Didi heard that the President would be visiting the prison where he was held in relation to the building of a minimum security unit there. He hid in a mosque, and when the President was near, he came outside to greet him.

*I said “Assalaam Alaikum” and put my hand out to shake. It would have a shock to him. Maumoon suddenly stopped. ... I said that as I was a Maldivian under the protection of the Maldivian flag and because today he is the leader of all of us protecting our rights, I wanted to tell him about the torture I was experiencing as a Maldivian citizen. When I said that, he gestured ... and told me to send him a note. So the next day I sent him a note. I did not think that the next day I would be alive. But with the will of Allah, they did not punish me further. I received a reply to my note within eight days. What is said was that he had not said that day that he would meet me and that I should send him whatever I wanted to say in writing. So I sent him a whole host of letters. And if there was any makhkama [official] in the land, I sent a letter. I used about 11 notebooks to write and the only place where people gathered in Malé that I did not send a letter would be the fish market. I sent letters to everywhere else. I did not receive any replies.*¹⁸⁸

On the other hand, none of those interviewed appeared to have expected the judicial system to provide any protection during their trial and later imprisonment, and there were no accounts of the judicial system excluding evidence alleged to have been obtained by torture. One man said that he had strongly denied his guilt during the hearing in his case, saying that the statements had been taken from him “after torturing us and making us confess to things that we did not do which they put on our heads”.¹⁸⁹ However, the Court did not take any action: “None of those issues were investigated. They said that about that issue, a request had to be put to some other place - the President’s Office.”¹⁹⁰

b. Responses since 2004

With the national outcry following the death of Evan Naseem in prison in 2003, and the shooting of three unarmed prisoners shortly afterwards, certain steps were taken to investigate some of the previous violations and to improve the situation of prisoners in detention.

Those steps appear to have had an impact in relation to improvement of prison conditions and prevention of torture and ill-treatment by police and other officials since that time.¹⁹¹ In the case which sparked the changes – that of Evan Naseem – they also eventually resulted in the prosecution and punishment of the perpetrators. However, despite the establishment of a number of bodies which ostensibly could have investigated complaints of torture and ill-treatment, and many victims coming forward with their stories, in no other case of which the

¹⁸⁶ TSI-003, p. 8.

¹⁸⁷ TSI-003, pp.8-9.

¹⁸⁸ TSI-002, p.6. See also TSI-022, p.19.

¹⁸⁹ TSI-008, p. 4.

¹⁹⁰ Ibid.

¹⁹¹ Although a number of credible allegations of torture and ill-treatment do continue to be made: see, eg. three cases in 2011 referred to in US Department of State report, ‘2011 Human Rights Report: Maldives’, 24 May 2012, available at: http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186470#wrapper.

authors are aware prior to 2004 has there been a proper investigation, punishment of the perpetrators, or the provision of reparation to the victims. As was apparent in the interviews, the institutions' failure to address what occurred constitutes a major source of frustration and further pain for the victims.

Prevention of torture since 2004

Steps have been taken since 2004 to address the factors which allowed torture and ill-treatment to occur. Prison reform began in September 2004, when the police and correction services were separated from the armed forces and placed under civilian control. Monitoring of places of detention by the ICRC began in October 2004, and in 2006, the Maldives acceded to the Optional Protocol to the Convention against Torture. From 2007 the Human Rights Commission of the Maldives (as to which see further below at 45) was appointed as the National Preventative Mechanism (NPM).

The Maldives also brought in outside expertise in relation to reform of the prison services, inviting the Subcommittee on the Prevention of Torture to visit in December 2007.¹⁹² Following this, steps were undertaken to reform the police and prisons, including by means of adopting legislation.¹⁹³ A number of new bodies, including the MPS Ethical Standards Command, the independent Police Integrity Commission, and the Home Ministry's Inspector-General, were also tasked with visiting places of detention, and responding to complaints of torture and ill-treatment.

There have also been some efforts to respond to complaints of torture and ill-treatment in the period since the reforms were implemented. For example, in January 2008, two policemen were investigated, found guilty and sentenced to one year's imprisonment for torturing a man in custody in 2006.¹⁹⁴ However, despite more than 100 complaints being lodged with the Police Integrity Commission since it was established in 2006 (as to which see further below) there do not appear to have been any other prosecutions since that time.¹⁹⁵ Furthermore, in the cases of those interviewed for this report where torture or ill-treatment reportedly occurred after 2004, no other person has had an investigation into their case, or been provided with any form of redress, despite in some cases raising these issues with monitoring bodies including the Human Rights Commission at the time (see further below from 45).

Worryingly, since the change in government in February 2012, there have been numerous reports of police brutality towards peaceful protestors.¹⁹⁶ The Human Rights Commission of

¹⁹² UN Sub-Committee on Prevention of Torture (SPT), Report on the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the Maldives, 26 February 2009, CAT/OP/MDV/1.

¹⁹³ For example, a new Police Act was adopted in 2008. However, bills which are still pending include the Evidence Bill, Criminal Procedures Code and revised and updated Criminal Code (submitted to parliament in 2006 and still pending).

¹⁹⁴ Maldives Common Core Document to UN Human Rights mechanisms, 16 February 2010, HRI/CORE/MDV/2010, p. 41.

¹⁹⁵ See, eg. 2011 US Department of State report, above n.191: The Police Integrity Commission reported in August 2011 that by then it had "received 101 complaints, of which 46 were concluded and two sent to the Prosecutor General's Office. According to the PIC, approximately 98 percent of its recommendations made to the home ministry over the last two years had not been implemented". The TVA was recently informed that another case may now have been sent for prosecution.

¹⁹⁶ See, for example, the following statements from Amnesty International: 8 February 2012: <http://www.amnesty.org/en/news/maldives-end-use-excessive-force-against-protesters-2012-02-08>; 29 February 2012: http://livewire.amnesty.org/2012/02/29/maldives-security-forces-assault-women-protesters/langswitch_lang/az/#more-5220; 7 March 2012; <http://www.amnestyusa.org/news/press-releases/amnesty-international-urges-maldives-security-forces-to-end-violence-against-peaceful-protesters>; 28

the Maldives has prepared a report on these allegations and handed it to the authorities in late May 2012.¹⁹⁷

This shows that more remains to be done – particularly in the improvement of legal protections against torture. For example, although the Constitution provides that “*no person shall be subjected to cruel, inhuman or degrading treatment or punishment or to torture*”, torture is not yet defined as a crime under the Penal Code.

Responses to past torture

With limited capacity and without a strong political commitment to dealing with crimes committed in the past, no effective measures have been taken capable of uncovering the truth of past violations or providing justice for victims of torture. Various bodies have been established which could have considered complaints of torture, but only in the case of Evan Naseem has any proper investigation been made public, or any action been taken against the perpetrators. Even in that case, no reparation has been provided to Evan’s family.

Specific mechanisms

Specific mechanisms established to date which have (or potentially could have) considered issues of torture committed in the past include two Presidential Commissions, the Public Complaints Bureau and the Police Integrity Commission. Leaving aside the inquiry specifically into Evan Naseem’s death, these each appear to have been hindered by the imposition of very high standards of proof which have in some cases been impossible for victims to fulfil, structural factors, particularly the role of police as investigators of crimes in which the accused included their colleagues or superiors, and a lack of commitment to or support for completing the task.

- ***Presidential Commission into death of Evan Naseem***

This five member commission was set up by President Gayoom in September 2003, and reported in December of that year.¹⁹⁸ Its mandate was to “*to inquire into the circumstances surrounding the death of Hassan Evan Naseem; to identify the persons responsible for the incident and to determine the extent of their responsibility; to outline measures that could be taken to prevent the occurrence of such an incident in the future and to submit a report thereon*”.

The Commission held that Evan had been unlawfully killed by members of the Maafushi Jail Security Unit (part of the security services, under the Ministry of Defence). Following a disturbance in the prison, he was taken to what was known as ‘the Range’, where he was “*kept in a standing position, back against the eastern wall of the Workshop, with his arms raised behind his head and handcuffed to the steel bars on the eastern wall of the Workshop*”. According to the Commission, “[w]hile Evan was handcuffed to the steel bars of the Workshop he was beaten by at least 12 Maafushi Jail Security Unit personnel who in

March 2012: <http://www.amnesty.org/en/news/maldives-must-investigate-sexual-harassment-detained-women-protesters-2012-03-28#.T3MCiSrOVfw.facebook>; 11 June

2012: <http://www.amnesty.org/en/library/asset/ASA29/002/2012/en/5132f5ed-ae5-4f1b-a97f-dc18699ef27e/asa290022012en.html>.

¹⁹⁷ Press Release: HRCM has completed two investigation reports and shared it with concerned authorities, 28 May 2012: <http://hrcm.org.mv/news/page.aspx?id=145>.

¹⁹⁸ In addition to its report it produced a compilation of investigative findings. See Presidential Commission, Investigative Findings into the Death of Hassan Evan Naseem, 29 December 2003 (English translation available at: <http://www.dhivehiobserver.com/reports/HassanEvanNaseemenglish.pdf>) (“Investigative Findings”).

addition to using bare hands, used wooden planks, riot batons, and the boots that they were wearing".¹⁹⁹ The Commission identified 12 members of the Jail Security Unit who directly inflicted bodily injury (11 privates and one lance corporal), one corporal who was responsible for aiding the crime, six officers responsible for abetting the crime, five others responsible for assisting in the crime including by failing to prevent the ill-treatment, and three senior Corrections Department officials who were otherwise responsible for failing to properly carry out their duties.²⁰⁰

- Public Complaints Bureau

This was established in June 2004, and was given a mandate to investigate cases of torture from that time. It appears that its investigative activity was halted in May 2006. In 2007 the Subcommittee on Prevention of Torture was told that it had *"investigated 69 cases, out of which 57 included allegations of torture and/or ill-treatment, mainly of violence and beating at the time of investigation in order to force confessions, and also complaints about deprivation of sleep"*. The Subcommittee was told that torture was not proven in any of the cases examined by the Bureau.

When its activity finished, concluded cases were submitted to the President, and 35 unfinished cases were submitted to the Police Integrity Commission.²⁰¹ President Nasheed officially abolished the Bureau in November 2009 on the grounds that other independent bodies had been established to inquire about and investigate public complaints.²⁰²

- Police Integrity Commission

According to the Maldives' report to the UN Human Rights Council in 2010, the Police Integrity Commission (PIC) was first established on 31 August 2006 by Presidential Decree.²⁰³ It was reconstituted in 2009 after the passage of the Police Act in 2008, with wider powers and greater independence. Its mandate is to *"independently investigate violation of laws or regulations among the police, and take action in accordance with law"* and to *"promote public confidence and conviction towards the police service"*.²⁰⁴ In August 2011, it reported that it had *"received 101 complaints, of which 46 were concluded and two sent to the Prosecutor General's Office"* and *"approximately 98 percent of its recommendations made to the home ministry over the last two years had not been implemented"*.²⁰⁵ However, it is not known to have investigated any cases from before its establishment in 2006.

- Presidential Commission

In 2009 President Nasheed set up a five-member Presidential Commission to investigate allegations of torture, although it appears that its mandate was limited to cases of torture committed after 2008.²⁰⁶ In May 2011, the Commission was reconstituted with three

¹⁹⁹ Ibid., pars. 3.20-21.

²⁰⁰ Including the officer who had raised serious concerns about torture and ill-treatment at the prison with his superior in July 2003, as referred to above.

²⁰¹ Report of Subcommittee on the Prevention of Torture, above n.192, para. 48. It is not clear whether these 35 cases were part of the initial 69 cases referred to.

²⁰² Maldives Common Core Document, above n.194, para. 137.

²⁰³ Report of the Maldives to the Universal Periodic Review, above n.11, para. 25.

²⁰⁴ Police Act, 2008, s. 19. *Ibid.*

²⁰⁵ 2011 US Department of State report, above n.191.

²⁰⁶ See Miadhu Daily, 'President appoints a Presidential Commission to investigate complaints of torture in the

members, including one of the initial members. There were reports that it was taking evidence from victims of torture, and had evidence that *"torture, inhumane treatment including physical and psychological coercion, in some cases tantamount to death that the inmates were subjected to in the former regime were done under a widely planned system"*.²⁰⁷ At the same time, photographs of prisoners tortured in custody were leaked to the press showing men held in cages, chained to coconut palms and lying on blood-soaked mattresses.²⁰⁸

The investigating officers of the Commission were police officers, and it reportedly took statements from around fifty previous detainees, including at least one of those interviewed for this project.²⁰⁹ However, there was no apparent effective follow-up and it appears that the Commission has now been disbanded.²¹⁰

One case which had a high profile at the Commission was the alleged disappearance of a prisoner called Abdulla Anees 'Aibalhey', who is referred to in some of the testimonies. Ibrahim Didi said that he was *"among those who were beaten to death"* by the authorities. According to Didi Aibalhey was:

*...tortured a lot. [He] was handcuffed behind his back and dragged around. I know that Aiybalhey was kept in Gaamaadhoo. About ... six to eight days later, Aibalhey was no longer seen in Gaamaadhoo. What happened to Aiybalhey is not known. Then we were asking where Aiybalhey was. We didn't know when he was taken away. He suddenly disappeared.*²¹¹

Ibrahim Didi said that the Sifain suggested to other prisoners that they had a role in his disappearance. The prisoners were told:

*'...Don't you know what happened to Aiybalhey? When we dig a hole here and drop you into it and cover it with sand, and get a small boat from here and tie a rope you will disappear.' This is something that was said in front of about 100 people.*²¹²

An investigation into that case was launched by the police, but in May 2012 it was reported that police had concluded the investigation, and decided that Anees had not died while in prison. The finding was that he had last been seen while he was on an island, sentenced to banishment.²¹³

Human Rights Commission of the Maldives

The Human Rights Commission of the Maldives (HRCM) is another body to which many victims of torture have looked to investigate their claims of torture and ill-treatment. However, those

prisons', 6 April 2009, available at:

<http://www.miadhu.com/2009/04/local-news/president-appoints-a-presidential-commission-to-investigate-complaints-of-torture-in-the-prisons-9790/>.

²⁰⁷ Miadhu Daily, 'Inmates were subjected to torture under a widely planned system - Police', 23 May 2011, available at: <http://www.miadhu.com/2011/05/local-news/inmates-were-subjected-to-torture-under-a-widely-planned-system-police/>.

²⁰⁸ The National, 'Freedom is still at stake in the tourism nirvana of the Maldives', 2 September 2011, available at: <http://www.thenational.ae/news/world/asia-pacific/freedom-is-still-at-stake-in-the-tourism-nirvana-of-the-maldives#full>.

²⁰⁹ TSI-004, p.10

²¹⁰ Personal communication between Aminath Najeeb and a previous member of the Commission, 6 June 2012.

²¹¹ TSI-00002, p.8

²¹² TSI-002, p.9.

²¹³ Ahmed Nazeer, 'Gaamaadhoo prison bones not Abdulla Anees 'Aibalhey', say police', *Minivan News*, 13 May 2012.

interviewed who had approached the Commission – either while in detention or since their release – have not had any redress from it to date.²¹⁴ Furthermore, the authors are not aware of any case in which the Commission has recommended any action in relation to the prosecution of the perpetrators or provision of reparation to the victims, although there is hope that this may change in the near future (as to which, see further below).

Established in December 2003, and now an independent constitutional body, its role is to promote human rights and to investigate any complaints of breach of human rights. It is also mandated to visit places where individuals are incarcerated or detained under a judicial pronouncement or lawful order; monitor and inquire into their welfare and make recommendations to relevant government agencies as to their treatment.²¹⁵ Although it has been very active in many areas, the NHRC has a very wide remit, and the government has acknowledged that it faces a number of challenges in carrying out its mandate. According to its 2010 report to UN Human Rights mechanisms, these challenges include a “...*tendency for government departments to ignore the Commission’s input and opinions; legal uncertainty as to whether HRCM can appear in court on behalf of victims, or even submit opinions to the courts; and very low take-up of NPM recommendations*”.²¹⁶

Initially, the Commission took the position that it did not have the jurisdiction to investigate complaints from acts arising prior to 2000. This is because Article 33(a) of the HRCM Act appears to limit its jurisdiction to events from January 2000. However, Article 33(c) provides further that the Act does *not* restrict the Commission from inquiring into a complaint prior to January 2000, where the Commission deems such a complaint is necessary to be investigated based on its nature and severity.

This is reflected in the experiences of those interviewed. Some said that they had sought to lodge their cases with the NHRC since their release, but were told that it does not have the mandate to investigate old cases. Ibrahim Didi, who was held for 12 years and subjected to prolonged and systematic torture and ill-treatment said that when he made his complaint:

*The President of the Human Rights Commission said that they have permission to investigate cases which had occurred in the last two years, and that they do not have permission to investigate anything that happened before that. ... [He said that] We are very sad that it is not possible to investigate those matters. The case of Ibrahim Didi is from an earlier time and they cannot investigate it. I told him that I had heard that this is an independent institution and that it is possible for them to look into any case. He said that he has heard this too – that it is an independent institution and that they can investigate, but that is only hearsay.*²¹⁷
TSI-002, p.10

Zaud Ahmed, who was arrested at the age of 13 and subjected to torture, was told the same thing.

*When I went to report this to the Human Rights Commission, they said that they cannot investigate a case that is so old. That the law says that cases that are beyond a certain time cannot be investigated. So what can one do?*²¹⁸

²¹⁴ In relation to complaints raised with the HRCM while still in detention see, eg. TSI-008, p.4, TSI-026, pp. 4-7.

²¹⁵ See Human Rights Commission Act 2006, sections 20-21.

²¹⁶ Maldives Common Core Document, above n. 194, p.24.

²¹⁷ Translator’s note: The word “hearsay” used here – but it could also be interpreted as “that is just noise” in context.

²¹⁸ TSI-004, p.10.

However, there are hopes that this position may be changing. In the Maldives report to UN Human Rights mechanisms in 2010, it was reported that the then-President Mohamed Nasheed had “called on the Human Rights Commission of the Maldives to independently investigate abuses perpetrated by the former regime”.²¹⁹ In December 2011, President Nasheed stated in a public speech that he hoped that the Human Rights Commission of the Maldives would conduct a “full-fledged investigation of torture against inmates in the Maldives”.²²⁰ Since that time, the TVA is aware of one case that was lodged with the Commission and previously rejected on the grounds that it occurred prior to 2004, but which has now been accepted for investigation. The family of the victim in that case was informed in early 2012 that the Commission has accepted the case as a valid violation of human rights, and that the case was ready to be sent to the Prosecutor General’s office. Recently however, the family sought an update and was told that it was still unable to submit the case to the Prosecutor General’s office.²²¹

On 6 February 2012, the TVA lodged the 24 testimonies it had taken that have been transcribed and which are the basis of this report with the Commission, asking it to investigate the cases and to take appropriate action. Since that date the serious political crisis in the Maldives has been the focus of the Commission’s work, and the TVA had not been informed of any action being taken on the cases it submitted. In June 2012 the TVA sought an update as to any progress with the cases and was informed that they had been forwarded to staff within the Commission to consider, but that no further update was available.²²² The TVA and REDRESS will continue to call on the Commission to take action on the cases raised in this report, and other complaints of torture and ill-treatment raised with it.

Court

In relation to criminal charges, the only prosecutions for torture or ill-treatment of which the authors are aware are those in relation to Evan Naseem’s case, and the 2008 prosecution of two officers for torture committed in 2006 (see above).

Mariyam Manike, the mother of Evan Naseem, also filed a civil suit against the ministry of defense over the killing of her son at Maafushi prison. According to Mariyam the proceedings were very slow, and frustrating:

*That was to get compensation for the psychological and physical and all the torture I went through due to the murder of my son. The case was submitted to claim compensation of 8.5 million rufiyaa [approximately USD 560,000]. It was submitted to the Civil Court. So I went there too, about 6 or so times. Every day, they would say some things. This court hearing didn’t go in any meaningful way. At first, they even said it could not be submitted, and also said that it can be submitted. Then the way it happened was also very difficult – to get it into court. [It was] since this government came in.. ... That lawyer would know better how things went. I became very fed up.*²²³

²¹⁹ Report of the Maldives to the Universal Periodic Review, above n.11, par. 11.

²²⁰ Miadhu Daily, ‘President expresses Hopes for Investigation of Torture against Inmates’, 11 December 2011, available at: <http://www.miadhu.com/2011/12/local-news/president-expresses-hopes-for-investigation-of-torture-against-inmates/>.

²²¹ Personal communication to Aminath Najeeb, 6 June 2012.

²²² Personal communications with member of the TVA, 14 June 2012.

²²³ TSI-023, p.15.

According to Mariyam’s lawyer, the case stalled after he requested documents essential for the case from the state, including the uncensored report of the Presidential Commission, but it refused to cooperate. By that time Mariyam had left the country, and the lawyer withdrew from the case as he could proceed no further without the relevant documents.²²⁴

Others, while initially interested in filing a case, have taken the position that they do not trust the Courts to give a fair decision, dissuading them from proceeding.²²⁵

c. Conclusion

These experiences show that there has been no joined-up response to torture that was committed in the Maldives prior to the democratic transition. Although some mechanisms are or were in place which could have examined the issue, some of these have been discontinued after a short time, and others appear to have taken the view that they do not have the mandate or resources to address these issues. Without clear political direction, there has been a lack of clarity on institutional responsibility and commitment for addressing the issue.

This experience shows the pitfalls of using ad hoc or short term mechanisms with a limited or unclear mandate to attempt to address the legacy of torture in the Maldives. To be effective such mechanisms must have political commitment, a wide mandate, sufficient resources and know-how. In the meantime, and until an effective mechanism is in place, it is necessary to vest the existing institutional mechanisms with the appropriate resources, powers and know-how to respond to allegations of past torture within their own mandates.

²²⁴ Personal communication to Aminath Najeeb, 6 June 2012.

²²⁵ TSI-012, p. 27.

VII. THE NEED FOR JUSTICE

*Who can I go to, about the things that had happened to me? I did not get a reply to my letter. It was not taken any notice of. I have talked about these things especially today, giving my consent and because I feel justified in doing so. That is because in this country, some people must receive justice. Whoever it may be, the person who finds justice will be a good person.*²²⁶

One aspect of the interviews was to ask victims their views about what they would like to see happen in relation to their cases. Again, recognising that they are taken from a small sample, the extracts below give an indication of the range of different views, and some consistent themes that have become apparent.

It was striking that nearly all of those interviewed spoke of wanting to see justice done for what had happened to them – for many of them that was the sole impetus behind them recording their testimony. However, what justice meant – spontaneously – was different to different people. For some, it was finding a forum in which to express what had happened, for others it was the chance to rebuild their lives, and for others acknowledgment from the wider community of what had happened to them and to others. For some, compensation was important to help cover costs of medical treatment. For a number, it was very important to find out why they were targeted in the way they were, and who was responsible. Some sought prosecution of the perpetrators, while others were reluctant for that path to be pursued.

Below, in the survivors' own words, are some of the hopes they expressed for redressing the wrong that has been done.

Rebuilding lives

- *The efforts of today's government to make some kind of a future for people like me, is good. I also want that kind of chance. I don't have a desire to study. I want to learn some skill, some work and some talent and go forward.*²²⁷

Public acknowledgement

- *They sentenced me to 17 years in jail about [a] missing necklace. Following the sentencing, the gold necklace was found in the possession of [someone else] so Maumoon Abdul Gayyoom pardoned that sentence. My whole life was destroyed through unjust punishment. I became free since this (current) government came in. After serving 12 years of my sentence, while I was in the cell the man in the next cell asked me for a bidi [local cigarette] which I gave to him and they sentenced me for this - two months house arrest and two months jail and I had served that as well. I want these events to be publicly announced.*²²⁸

²²⁶ TSI-001, p.10.

²²⁷ TSI-003 p.9.

²²⁸ TSI-002, p.10.

- *I want everything that I have said to be used by the media to inform every citizen throughout the country. I want to take these issues and attend hearings in court and want to have these events investigated in whatever way it is possible to do.*²²⁹
- *I want to say that even though there are some people who do not believe that the previous government conducted torture and things, I am someone who experienced and suffered this. I committed no crime but was first taken with an accusation. I have the statement that I gave and how those things were handled in the courts. I first went as a young person who did not commit a crime. And while I was there, I was tortured a lot. Some people in this country today believe that the previous government had not conducted such crimes and tortured people. That is not something I believe.*²³⁰

Knowing the truth

- *I want to add – I will give whatever assistance I can to the work that you are doing. That is because, the torture I suffered was deliberately inflicted on me by some people, that I had received unjust punishment, I want to know why I was given such a punishment. ... It is not known who are guilty in this. ... I would prefer if such people are brought to justice.*²³¹
- *I think any human being, before the end [of their life] having received unjust punishment like that, would want to find out why this had happened, wouldn't they? That is a part of our nature. Therefore, I also want to know with what objective and why I had been given those punishments and that torture. I also want to find out about this. In addition, as a Maldivian citizen, in this country in the future, I also do not want any citizen to be unjustly punished, tortured or for something like this to happen. Also, my children do not know about this kind of thing. I also want it to be that justice is something that is in this whole country, for everyone to know and for everyone to have justice.*²³²
- *I also want the international community and organisations working to protect human rights to know that such big crimes had happened in the Maldives, and to properly look into why these things had happened and to investigate the people who did these things and for proper action to be taken against them. In truth, I am happy that we are getting an opportunity like this. For these voices to be heard in the international community also. Previously, these things were kept secret. In reality, we did not have the courage to talk about these things then. We were told not to talk about it before they released us. And we forgot. Still, we do not talk about this. In truth, we do not. [Due to that] we had not talked about it and this is the first time I have talked about this. ... Perhaps in the Maldives too, citizens and people must also know, that these things had happened in the past and such things had occurred in the jails – these are realities that were there to see.*²³³

²²⁹ TSI-002, p.10.

²³⁰ TSI-003, p.10.

²³¹ TSI-010, p.6.

²³² TSI-012, p.9. Translator's note: Dhivehi words used are "insaafu gai thiben" – exact translation would be "to stay in justice"

²³³ TSI-009, pp. 4-5.

Prosecution of the perpetrators

- *It is not known who are guilty in this. ... I would prefer if such people are brought to justice.*²³⁴
- *I would not say he [the previous President Mohamed Nasheed] is doing a good thing at all [by not pursuing prosecution of the former regime]. It is not necessary to allow an evil person to be allowed to go as a free person and provided with the people's money. As a previous ruler, there are punishments in this country that he has to be given. He is an evil person who had killed people and done all sorts of things. That is how things go.*²³⁵
- *If they see me in Malé, they would hide when they see me. I told them at Dhoonidhoo that with the grace of God, I would escape. On that day, I would really show them. Even now, I had seen them one day. On the day I saw them, they hid and ran off. But I do not want to punish [them] now. That is, what happened was – that was how things happened, a lot of torture happened...”*²³⁶

Another man said in his interview that he was proceeding with trying to bring a criminal prosecution in the Courts against certain people who had directly inflicted torture on him. However, since the interview, and before instituting proceedings, he had been approached by some of the relevant individuals and they had apologised to him for what they had done. For him that was very important, and he no longer wanted to pursue prosecutions against them.²³⁷

Compensation:

- *That is because I cannot believe it is possible to get justice for this. I am not saying that Anni [former President Nasheed] is bad [for not prioritising this issue]. [But] [e]verything Anni does in his rule is not good either. That is because there is no one who is completely perfect. I came out against this torture. After coming out, I could not get compensation for the torture in any way. I do not believe we are getting [compensation]. It does not even occur to me yet, that anyone would get compensation for torture. But I very much want compensation for torture. And I want to make note that ... about the issue of being hit in my private parts, it was [a Minister from the pre-2008 regime] who provided for my medical treatment for that illness. I went [for treatment] with his assistance. I made an appointment and went to see him, because I could not endure it, and I told him this was what was happening to me and he sent me for treatment at his expense.*²³⁸
- *Nothing more – this is it. I want justice. I also want compensation for the torture I suffered. I also want justice. I want to come out [to support] anything done against torture.*²³⁹
- *I want to get compensation for the torture inflicted on my family, my children and my husband. I would thank whoever brings this in front of justice.*²⁴⁰

²³⁴ TSI-010, p.6.

²³⁵ TSI-001, p.10.

²³⁶ TSI-026, p. 8.

²³⁷ Personal communication to Aminath Najeeb, 6 June 2012.

²³⁸ TSI-023, p.16.

²³⁹ TSI-023, p.17.

To stop it happening again

- *I want this kind of cruelty – psychological torture – to be eliminated in this country, and for it to become a good, peaceful country that is cleansed and a place for human beings to live in – I want that very much. I don't want anyone else to experience what happened to me. That is because in future, I want justice. To not allow this to be repeated. This is not something I believe in. It is not just being hit that is torture. I believe [that what I suffered] is a very big torture. That is why I don't want this torture to be inflicted on anyone in this country.²⁴¹*

²⁴⁰ TSI-026, p.14.

²⁴¹ TSI-016, p.7.

VIII. CONCLUSION & RECOMMENDATIONS

In December 2011, Navi Pillay, UN High Commissioner for Human Rights, visited the Maldives and gave a speech to Parliament in which she addressed the difficult, but vital, task ahead of the country to meaningfully respond to and establish accountability for past human rights violations. According to the High Commissioner:

... the democratic transitions in the Middle East and North Africa have raised questions of how to meaningfully address and establish accountability for past human rights violations, as well as restructure the rule of law to prevent the recurrence of violations. ... Addressing the past is often a complicated political dilemma, but we should never lose sight of the right victims have to truth, justice and redress.

The truth is that without a transparent political transition, including a comprehensive approach to address the violations committed by previous regimes, transitional democracies will face continued challenges in the path towards democracy, respect for human rights and ending impunity.

A wide range of processes and mechanisms exist in order to ensure accountability, serve justice and achieve reconciliation. ... In my meeting with the President this week, I have urged him to lead a national consultation on this important subject.²⁴²

Events since that time in the Maldives have made it even more difficult for these issues to be given priority and for consensus to be reached on how they should be addressed. However, addressing past violations and their legacy remain crucial – both to provide victims with their rights, and to fully face the issues that allowed the violations to occur in the first place so that it can be ensured that they do not happen again.

The Maldives has obligations under international law to respond to the violations that have taken place, and to provide victims with a remedy. The obligations include a duty to thoroughly investigate what happened, to hold those responsible accountable, and to ensure to the extent possible the damage done is repaired. As the High Commissioner stressed, there are different ways in which these aims have been achieved in transitional contexts.

As previously unsuccessful attempts to address some of these cases show, any meaningful response to these violations requires political commitment, significant resources, and courage on the part of those leading and participating in it. It is crucial that debate takes place at the national level on how to address these issues, and that the voices of the survivors are heard in that debate.

In the short-term absence of an overarching and sufficiently resourced mechanism to respond to the full gravity of these violations, however, there are institutions already in place which should respond to the stories of survivors raised in this report. The Human Rights Commission

²⁴² Reproduced in website by Permanent Mission of the Republic of the Maldives to the United Nations Office at Geneva, 'Keynote Address to the People's Majlis - Navi Pillay UN High Commissioner for Human Rights - "Responding to the Past while Safeguarding the Future: The Challenge of Protecting Human Rights in the context of Democratic Transition"', Thursday 24 November 2011, available at: http://www.maldivesmission.ch/index.php?id=30&tx_ttnews%5Btt_news%5D=372&tx_ttnews%5BbackPid%5D=18&cHash=725302a6fe.

of the Maldives and the courts are institutions that have the mandate to respond to allegations of serious human rights violations. The NHRC should prioritise a number of high profile cases to investigate and, where sufficient evidence exists, forward to the Courts for prosecution and the provision of reparation to the victims. Courts, meanwhile, must operate so as to properly and expeditiously hear complaints brought by or on behalf of victims, to adopt a proper approach to the burden and standard of proof which takes into account the State's likely possession of much of the relevant information, and to ensure the protection of those bringing claims. In the context of gross violations of fundamental human rights in the detention context, *"the burden of proof cannot rest solely/alone with/on the author of the communication, especially when the author and the State party do not have equal access to the evidence and when the State party is often in sole possession of the relevant information"*.²⁴³

Considering the findings of this report, and particularly the availability of evidence indicating patterns of widespread torture over 30 years, and the almost complete lack of steps to hold perpetrators accountable, provide reparations, and introduce reforms to prevent recurrence, the TVA and REDRESS make the following recommendations:

To the government

- Initiate a national consultation with a defined timeline on addressing past violations in line with the Maldives' international obligations and constitutional rights, including accountability of the perpetrators, acknowledgment, truth-telling mechanisms, reparation for victims and legislative and institutional reforms aimed at preventing the recurrence of torture. Survivors' views should be fully consulted and considered in developing participatory mechanisms. Given historic and current political polarisation, consideration should be given to using individuals from outside the Maldives as investigators and decision makers in any such process.
- At the same time, ensure that credible allegations of more recent violations of human rights are promptly, effectively and impartially investigated, that those responsible for wrongdoing are brought to account, and that victims are provided with reparation.
- Ensure that institutions, including the Human Rights Commission of the Maldives, the police and the courts have sufficient independence and resources to effectively respond to allegations of torture and implement the prohibition of torture in line with their responsibilities and their mandates.
- As an interim measure, provide accessible rehabilitation services for victims who have raised credible allegations of torture and ill-treatment within the Maldives.

To political parties

- Initiate dialogue at the grassroots and party levels on the importance of addressing the legacy of torture, including specific allegations raised by victims, and mechanisms by which to do so.

²⁴³ *Telitsina v. Russia*, no. 888/1999, para. 7.5, 29 April 2004, and *Eshonov v. Uzbekistan*, no. 1225/2003, para. 9.6, 22 July 2010.

- Include addressing the rights of victims of serious human rights violations within party platforms with a view to establishing credible mechanisms to respond effectively to allegations of torture and ill-treatment.

To the Human Rights Commission of the Maldives

- Make addressing serious individual allegations of human rights violations a key priority, and dedicate specific resources to this task.
- Collate materials gathered by past commissions and bodies which have considered issues of torture in detention, safeguard such materials in such a way as to ensure their preservation and the safety of those who have made complaints, and follow-up where those materials provide credible evidence of torture and ill-treatment.
- Properly investigate cases already submitted to the Commission, and where sufficient evidence is available, make recommendations for prosecution of the perpetrators and provision of reparation to the victims. Ensure any protection concerns of those involved are fully considered and addressed effectively.

To local organisations

- Continue to collect evidence of human rights violations whether from the past or present and, where victims wish to bring a case, assist in that regard.
- Fully consider protection concerns of those who raise allegations of torture and ill-treatment.
- Examine and foster dialogue on different mechanisms to address human rights violations in transitional democracies.

To international organisations and donors

- Support training governmental and civil society actors, including doctors and lawyers, in documentation of torture and torture-related litigation at the domestic level.
- Support strengthening of the judicial system to ensure its independence and capacity in relation to human rights litigation.
- Continue to encourage the Human Rights Commission of the Maldives to investigate credible allegations of torture and ill-treatment raised before it, and the government to take action to address past violations, and support them with the necessary resources to set up mechanisms required.

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APPENDIX:
SUMMARY OF TORTURE & ILL-TREATMENT REPORTED

	Gender	Context of Torture	Reported torture and ill-treatment	Injuries referred to
TSI-001	Male	Arrest, detention, interrogation	Beaten with sticks and boots including on genitals, kerosene poured on him and match lit, handcuffed to a tree, blindfolded, hands and feet cuffed, threats and obscenities, stripped naked, forced to urinate on and soil himself	Bleeding from genitals, severe pain all over, pain in spine
TSI-002	Male	Detention, interrogation	Dislocation of knees, putting in three holed stock and left bent over for 1 month and 17 days, strung up from a tree	Dislocation of knees, could not walk for 14 days, sores
TSI-003	Male	Detention	Sleep deprivation, forced to throw buckets of salt water onto prisoners tied to trees, beaten (particularly on the spine), thrown into the sea, handcuffed and taken to a dark place at night, handcuffed to bars of the cell, confiscated clothes, put toilet bucket on head and beat him, tied naked to a coconut tree and sprayed with a pressure gun, burned (including on the penis),	Bleeding from anus, scars, aching body, not physically fit
TSI-004	Male	Detention, interrogation	Put in stocks for 3-4 days at a time, then 8-9 days, forced to watch another prisoner masturbating, beaten, put in isolation cell with 2 feet square window, tea thrown over legs to attract ants, thrown face down into a hole dug into the ground covered with black oil, banished for 6 months on conviction	Expelled from school and not allowed to re-enrol
TSI-005			Put in isolation cell	
TSI-006	Male	Detention	Blindfolded and handcuffed with cable ties, taken aboard warship and taken to Dhoonidhoo and detained; taken for successive tests.	
TSI-007	Male	Detention	Constant noise/music - sleep deprivation; denied medicine; being kept naked	
TSI-008	Male	Detention, interrogation	Beaten with wooden batons, kicked with boots, handcuffed to a tree for two nights, threatened to charge victim and his girlfriend with extra-marital sex, sexually assaulted girlfriend, tortured friends and forced them to confess	Bleeding
TSI-009	Male	Detention	Intimidated and kept in inhuman conditions; 4 people were kept in a tiny cell	Incident occurred prior to exams and had an effect on their performance

TSI-010	Male	Detention, interrogation	Piece of wood placed between legs and forced to squat down with two people sat on his shoulders, done repeatedly until he lost consciousness; placed in isolation cell and strung up by his arms and left hanging; beaten; threats to kill or injure with knife	temporary paralysation of arms and pain for over a year after; long-term nerve damage
TS-011	Male	Detention, interrogation	Sleep deprivation; inhumane conditions; denied medicine for high blood pressure	High blood pressure; temporary deafness; bleeding when defecating
TS-012	Male	Detention, interrogation	Placed in a chair on the beach and forced to sit for 17 days; then moved into solitary confinement for approximately three months; bright lights shone into eyes during interrogation	Lower back pain
TS-013	Male	Detention	Poor detention conditions: forced to sit on bench for seven days, little food and water, bed bugs, ants, nowhere to sleep, isolation	Lower back pain
TS-014	Male	Detention	Poor detention conditions: isolation, harassed, forced to sit on bench for approx 50 hours	
TSI-015	Female	Detention, interrogation	Kept outside for 4 days and beaten with boots and batons, handcuffed to trees, not allowed to use the toilet, offensive language, kept in small isolation cell with one other person and both were handcuffed together nonstop for 1 month, forced to roll and squat on sharp coral, sent into goat pen with leaves that goats eat tied to her, covered with sewerage water, covered with sugar and forced to lie on ground to attract ants, handcuffed to tree branches and forced to hang, paraded in public	
TSI-016	Male	Detention	Poor detention conditions: small isolation cell, little food and water	Unable to vote in elections
TSI-017	Male	Detention	Poor detention conditions: small cell, rats, poor sanitation	
TS-018	Male	Detention, interrogation	Put in isolation cell, poor conditions, bright lights shone in eyes for 12 hours	Problems with eyes

TSI-021	Male	Detention, interrogation	Beaten, hit with planks, threatened to strip naked in front of two women, handcuffed to a cage with a large crocodile and told that if he did not confess he would be thrown in, sleep deprivation, assaulted his wife in front of him, poor detention conditions, inadequate sanitation, detainees handcuffed together (in twos) and forced to run for hours, forced nudity and invasive strip-searches, isolation	Problems with eyes and knee damage due to beatings
TSI-022	Male	Beaten at home, detention, interrogation	Left outside for six days, handcuffed near generator pipe emitting carbon monoxide, beaten, kicked, cut on coral, drowned in a lagoon, covered with sugar water to attract ants, sleep deprivation, poor sanitation, chilli sauce splashed in eyes and nose, hair from beard plucked with pliers, beard shaved off by force, threats to break fingers, tear gas, covered in toothpaste, forced nudity, handcuffed to tree and had waste from septic tank poured on him, isolation	Problems with back, insomnia and sleep problems
TSI-023	Female	Detention	Kept in detention for some time and then placed under house arrest, while under house arrest, she was beaten by Sifain and taken to MNDP HQ and beaten and kicked; then transferred to another facility where she suffered beatings, poor conditions, and was possibly fed laxatives; she started bleeding profusely from her genitals and was given inadequate medical help; intimidated and threatened to be killed like her son; taunted by the men that killed her son	Vaginal bleeding, psychological trauma, six broken vertebrae, damaged vertebrae in neck have impact on vision
TSI-024	Male	Detention, interrogation	Beaten, isolation, intimidated, handcuffed to a tree, hit with baton, kicked, sleep deprivation, brutally pulled ear lobe, not allowed to go to the toilet, forced to run, forced to sit on baton inserted in anus, had food and sugar poured on him, poor sanitation	Memory loss
TSI-025	Male	Detention, interrogation	Isolation cell; 'mounted on the angle' meaning that both arms are passed backwards through the vertical bars of the vent above the door in a prison cell and wrists are handcuffed together, the body is then left hanging for hours and usually shoulders and elbows are dislocated; beaten	High blood pressure, difficulty walking, impaired sight, hip pain

TSI-026	1 male, female	Detention, interrogation	Blindfolded for approx 30 hours, forced to stay out in sun while fasting, isolation, sleep deprivation, kicked with boots, forced nudity, hands and legs pulled apart and tied up and beaten, tied like this to a tree while naked, beaten across ears; when initially taken from home, wife and her daughters were forced to remove their veils and were spoken to in abusive language and threatened	Permanent ear damage, bruises, bleeding
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