

## Press Release

15 March 2018

### **Maldives: Stop Acts of Torture against Detainees**

The Maldivian Democracy Network (MDN), International Federation for Human Rights (FIDH) and Asian Forum for Human Rights and Development (FORUM-ASIA) call on the government of Maldives to refrain from acts of torture, cruel, inhuman, or degrading treatment of detainees arrested since the declaration of the State of Emergency on 5 February. The government must take immediate steps to restore the fundamental rights and dignity of those kept in state custody.

Our organizations call on the Human Rights Commission of the Maldives (HRCM) to take action under Section 44 of the 2013 Anti-Torture Act to stop and prevent acts of torture, cruel, inhuman, or degrading treatment of detainees.

Information received by our organizations show that the Maldives Police Service and the Maldives National Defense Force have engaged in acts violating the Anti-Torture Act. We are also aware that the HRCM has been informed of several instances of acts amounting to torture, and that the Commission, despite having been established as the National Preventive Mechanism under the Optional Protocol to the Convention Against Torture (OP-CAT), has failed to make significant and preventive interventions.

Section 16 of the Anti-Torture Act stipulates that a State of Emergency is not an excuse or defense for actions defined as torture or cruel, inhuman, or degrading treatment. Article 4 of the International Covenant on Civil and Political Rights (ICCPR), to which the Maldives is a state party, stipulates that the prohibition of torture or cruel, inhuman or degrading treatment is non-derogable even in times of public emergencies.



We note that detainees have been refused necessary medical care (a violation of Section 19, (a) and (b) of the Anti-Torture Act) and potable drinking water. Detainees have been fed rotten or expired food (a violation of Section 13, (b) of the Anti-Torture Act). Family visits to detainees are only allowed under heavy surveillance, via a telephone with glass partitioning between the family member and the detainee, violating their right to privacy, and humiliating the detainee (a violation of Section 14 (a) of the Anti-Torture Act). Detainees have been held up to 48 hours without access to a lawyer (a violation of Section 14, (b) of the Anti-Torture Act).

Section 19 of the Anti-Torture Act states detainees must be allowed to consult a medical doctor independent from the custodial service. However, detainees have not been informed of this right and those who have requested independent medical consultation have faced refusal from the police. At least one detainee was prevented from undergoing urgent medical surgery before being released. In addition, most detainees have only been allowed a single telephone call since their arrest.

We remind the government of Maldives of their international obligations under the Convention Against Torture, the OP-CAT, and the ICCPR. We support the calls made by the UN High Commissioner for Human Rights and over 40 UN Human Rights Council member states at the 37th Human Rights Council session in Geneva to immediately end the state of emergency and address the deteriorating human rights situation in the Maldives.

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