



Honourable Madam Jeehan Mahmood, MP for Hinnavaru Constituency
Chairperson of the Human Rights and Gender Committee
The People's Majlis
Malé, the Maldives

31 May 2020

Dear Madam Mahmood,

Re: Request to investigate the freezing of Maldivian Democracy Network's (MDN) bank accounts and seizure of funds

We write to request your Committee to investigate the Maldivian authorities' freezing of accounts, forced seizure of funds held in the bank accounts of Maldivian Democracy Network (MDN), and transfer of funds on December 2019 and January 2020.

On 10 October 2019, the Ministry of Youth, Sports and Community Engagement placed an indefinite suspension on MDN's operations in the Maldives, prompting an investigation against the organisation.

On 5 November 2019, MDN was informed by the Ministry that the Registrar of Associations had made a decision to de-register and shut down the organisation and further requested MDN to settle its debts and report back to the Ministry within 45 days including public holidays.

On 5 April 2019, MDN wrote a letter to the Ministry, highlighting that the government's directive did not specify the allegations against MDN. Further to that, MDN underscored that the human rights organisation had not received the right of reply, review, or appeal. MDN requested the Ministry to clarify the decision for MDN to abide by the Ministry's order. A reminder to respond to this request was sent to the Ministry on 19 November 2019. To date, the Ministry of Youth, Sports and Community Engagement has not answered to either communication from MDN.

We are aware that the government banned MDN without adherence to basic fairness or procedural propriety. We note that, although the authors of the report received police summons, MDN, as a legal entity, was not informed of the criminal allegations against it. In a recent press conference, on 16 April 2020, the Commissioner of Police revealed that the criminal investigation of alleged blasphemy against MDN was in fact still ongoing.

On 19 December 2019, the Ministry informed MDN that the Maldivian government had officially banned the organisation. The Ministry also claimed MDN had been unresponsive to a government letter dated 5 November 2019 despite the fact that MDN had responded to the letter requesting a stay on the arbitrary decision and demanding clarification regarding several legal issues.



While MDN awaited a response from the Ministry of Youth, Sports and Community Engagement, the organisation's representatives discovered that all five of its bank accounts held at the State Bank of India in Malé, had been frozen without prior notification or subsequent explanation. These accounts held donor funds granted to run several human rights projects. Those projects included, but were not limited to, activities to: provide assistance to survivors of torture; provide protection to Maldivian human rights defenders at imminent risk; monitor the work of the People's Majlis; counter violent extremism in the country; and seek long-overdue justice for disappeared journalist Ahmed Rilwan and murdered writer Yameen Rasheed.

To date, the State Bank of India has refused to clarify why MDN's accounts were subject to freezing. The freezing of MDN accounts has prevented the organisation from settling finances according to the Associations Act and the Ministry's order. When MDN contacted the Ministry, Deputy Minister Mohamed Azmeel assured MDN that the Ministry would respond to a request from the Bank for guidance in the matter, and facilitate the release of the accounts for MDN to return the funds to donors.

However, on 20 January 2020, the State Bank of India in the Maldives carried out an unauthorised transaction, and subsequently informed MDN that all funds in the bank accounts belonging to MDN had been cleared out on orders of the Ministry of Youth, Sports and Community Engagement.

The fundamental rights and freedoms chapter of the Maldivian Constitution outlines all rights, liberties, and freedoms in the country. Article 16 stipulates that rights, freedoms, and liberties mentioned under the Constitution can only be restricted through an Act of Parliament, and only if the extent of restrictions can be "demonstrably" justifiable in a "free, open and democratic society." Under Article 17, the Maldivian Constitution guarantees non-discrimination, clarifying that the rights contained within the chapter are legally entitled to all individuals "without discrimination of any kind", including but not limited to, "political or other opinions."

Article 18 stipulates that it is the responsibility of the State to uphold fundamental rights and freedoms prescribed under the Constitution. Articles 19 and 20 guarantee freedom from restraint and equal protection under the law. The attempts to silence MDN and prevent it from continuing its legitimate work also violates freedom of expression and the right to establish associations and societies, guaranteed under Articles 27 and 30. MDN, its staff and members, have also been deprived of their right to work under Article 37.

Fundamental liberties of which MDN has been deprived also include the right to clear one's good name and reputation, guaranteed by Article 33, and the right to appeal, enshrined in Article 56, and the right to disobey illegal orders, as per Article 64 of the Constitution of the Republic of Maldives.

We believe that these actions by the government of the Maldives have severely restricted MDN's avenues for domestic legal recourse. The opaque, unilateral, and arbitrary nature of government actions, mainly led by the Ministry of Youth, Sports and Community Engagement, the Islamic Ministry, and the Maldives Police Service, prevented MDN from effectively responding to the criminal allegations of blasphemy, or appealing the administrative decision to ban the organisation.

Thank you.



This letter is jointly signed by the following organisations:

The Asian Forum on Human Rights and Development (FORUM-ASIA) is a membership-based organisation with 81 members in 21 countries across Asia, headquartered in Bangkok, Thailand, with offices in Kathmandu and Geneva. Since 1991, the organisation has been actively working to promote human rights and the right to development in the South and Southeast Asian region. MDN has been a member of FORUM-ASIA since January 2015.

CIVICUS is a global alliance dedicated to strengthening citizen action and civil society around the world with 8,500 members in more than 175 countries. Based out of Johannesburg, CIVICUS has offices in New York and Geneva.

The **International Federation for Human Rights (FIDH)**, is a non-partisan, non-sectarian, international non-governmental human rights organisation that federates 197 organisations from 117 countries. Founded in 1922 in Paris, FIDH is the world's oldest human rights organisation. MDN has been a member of FIDH since 2019.

The **Commonwealth Human Rights initiative (CHRI)** is an independent non-governmental human rights organisation with specialisation in Access to information, Contemporary Forms of Slavery and Human Trafficking as well as Access to Justice. Founded in 1987, it is headquartered in New Delhi, with offices in the UK and Ghana. It has been a partner of MDN and has provided technical assistance in Right to Information in the Maldives and on police and prison reforms.

The **Maldivian Democracy Network (MDN)** is a non-partisan civil society organisation based in the Canton of Geneva, Switzerland, operating under the Swiss civil code. MDN, registered in the Maldives from 2006 until December 2019, was one of the longest-running human rights groups in the country when the government of Maldives forcefully shut the organisation's operations there.