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**Human Rights Council**

**Fifty-second session**

27 February–31 March 2023

Agenda item 3

**Promotion and protection of all human rights, civil,   
political, economic, social and cultural rights,  
including the right to development**

Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on her visit to Maldives

Comments by the State[[1]](#footnote-2)\*

Comments from the Government of Maldives to the Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, Fionnuala Ní Aoláin, following her visit to the Maldives from 15 to 24 May 2022

Summary

**Reference to “demands an urgent and coordinated response”** - *The Maldivian government has taken steps to address the issue of extremism, such as conducting P/CVE programs and working with international partners to improve its counter-terrorism capabilities. Furthermore, Maldives has implemented several legal and policy measures to prevent and counter terrorism and violent extremism, and has been actively engaging with regional and internatio.nal partners to strengthen the capacity of its security and law enforcement agencies*

I. Introduction

A. General context

**Paragraph 6, with reference to comments about Maldives describing itself as a 100% Muslim country** – *As per Article 10 of the Constitution of the Republic of Maldives, the state religion is Islam. Article 10 also states that Islam should be one of the basis of laws enacted in Maldives, and that laws enacted in contrary to the tenets of Islam shall be void. As per Article 9 (d) of the Constitution, Islamic faith forms an integral part of the Maldivian citizenship and identity. The Government of Maldives’ primary objective is to uphold these fundamental provisions within the Constitution, while also acknowledging the increasing extremist tendencies within the population. Government believes that this objective can be achieved through raising awareness on the moderate practices of Islam and through empowering communities against factors breeding social disharmony. To that end, many efforts continue to be undertaken by the National Counter Terrorism Center in collaboration with Ministry of Islamic Affairs, Ministry of Youth, Sports and Community Empowerment, local councils, and NGOs.*

B. International Legal Framework

**Paragraph 8, with reference to countries recommending Maldives to accede the Optional Protocol to the ICCPR aimed at abolishing the death penalty** – *In addition to countries mentioned in the footnote, Recommendations to this effect, were also made by Armenia, Germany, Honduras, Latvia, Namibia, Panama, Australia, Iceland and Italy – A/HRC/46/10.*

C Threat Assessment and Institutional Framework

**Paragraph 10, with reference to “pockets of individuals with religious extremist views on remote islands who refused to send their children to the formal education system and to be vaccinated”** – *To counter this, and in fulfilment of the obligations under the Convention on the Rights of the Child, Law Number 9/91 (Child Rights Protection Act) has been replaced with Law No. 19/2019 (Child Rights Protection Act) in 2020. Section 19 and Section 20 of the Act ensures children’s right to education and mandates parents to vaccinate their children.*

**Paragraph 10, with reference to “the 2004 Tsunami permitted foreign aid organisations linked to designated terrorist groups to enter and shape rhetoric around punishment for insufficient religious practice**” – *There is no verified data or evidence to support this claim.*

**Paragraph 12, with reference to “deficits in accountability**” – *In practise the National Security Council established pursuant to Law No. 1/2008 (Act on the Armed Forces) and the Parliamentary Committee on National Security Services execute accountability functions in relation to the national counter terrorism apparatus. In addition to this, watchdog institutions such as the Human Rights Commission of Maldives and National Integrity Commission have the mandate to address human rights violations and ensure accountability within law enforcement agencies.*

**Paragraph 12, with reference to the mandate of the NCTC** – *Section 19 of Law No. 32/2015 (Anti-Terrorism Act together with Presidential Decree 2016/3 issued on February 2016 establishes the mandate of the NCTC. As per the second amendment to the Anti-Terrorism Act 32/2015 (Chapter 3, article 19-2), the mandate of the NCTC, although broad, does not include functions related to intelligence. Section 19-1 of the Anti-Terrorism Act states that any party that receives information regarding an act of terrorism are to provide the information to Maldives Police Service (MPS). The MPS is to then provide it to the necessary intelligence agencies which are stipulated in the Anti Terrorism Act. The NCTC is not a listed intelligence agency. Similarly, the mandate of Rehabilitation and Reintegration is mandated to the Minister of Home Affairs. The Ministry of Home Affairs has a separate functional body under its mandate to manage rehabilitation programs (NRC). The responsibilities of the assigned minister with regards to rehabilitation is addressed in the ninth chapter of the Anti-terrorism Act (Chapter 9 of the second amendment).*

**Paragraph 12, with reference to the NSC moving from MNDF to the President’s Office** – *The National Security Council is established via Law No. 1/2008 (Act on the Armed Forces). As per Section 13, the NSC should be chaired by the head of armed forces which is defined as the President, in Section 9 of the Act. Administrative arrangements required NSC secretariat to be based at the MNDF. Establishment of the National Security Advisor’s Office (NSAO) at the President’s Office meant that the secretarial work of the NSC was undertaken by the NSAO.*

*The NSC sub-committee on Counterterrorism was established in late 2019. Mandate of the subcommittee has been enhancing interagency coordination in responding to situations of violent extremism and make recommendations to the National Security Council on policy level measures required to counter violent extremism and other security related issues. The sub-committee comprises of the Chief of Staff from the President’s Office, Minister of Home Affairs, Minister of Defense, Commissioner of Police, Chief of National Defence Force, the National Counter Terrorism Centre and Attorney General. The sub-committee is chaired by the Attorney General.*

**Paragraph 14, with reference to the sharing of material evidence** – *Law enforcement agencies may not be in a position to share information or material evidence relating to on-going cases. That said, based on the cases and intelligence gathered by law enforcement and security agencies, Government of Maldives understands that there is reason to believe that there is an increasing threat of terrorism and violent extremism in Maldives. In terms of operationalising relevant institutions and mechanisms, the National Terrorism Response Plan endorsed by the President in (2020) marks one of the starting points on converging efforts of all stakeholders to counter/prevent terrorism and violent extremism.*

**Paragraph 14, with reference to the level of the threat being assessed as low, or of average impact** – *While the attack on Speaker of Parliament, President Nasheed on 6th May 2021 was one of the more prominent and serious attacks, the Maldives Police Service registers numerous cases per year related to terrorism that includes several disruption operations where perpetrators have been arrested in the act of assembling IEDs or plotting to conduct an act of terror. Several of the recent incidents occurred during the lockdown period due to Covid-19.*

*Many cases do not garner the media attention that the May 6 attack against the Speaker of the Parliament received. However, it doesn’t negate the fact there are high profile plots including by internationally designated terrorist groups linked to Maldives extremists and terrorists.*

*The fact that there is an alarmingly high number of terror plots being disrupted and a similarly high number of terrorism cases being registered and investigated in the Maldives should suggest that the Counter terrorism apparatus is functioning well. This measure should not be erroneously misinterpreted to suggest the lack of terror threats.*

*Since the time with the Rapporteur was limited, evidence and data might not have been provided to satisfaction. As such, the Maldives Police Service can provide official records at the Maldives Police Service on disrupted terror plots and subsequent investigations which could serve as further evidence to illustrate the extent and nature of terrorist threat in the Maldives.*

**Paragraph 14, with reference to “limited resources allocated to vulnerable islands”** – *Given the dispersed nature of the country with small populations across many islands, allocation of public resources and services is an ongoing challenge. Much effort is being put into addressing this limitation, including establishing police presence in every inhabited islands.*

**Paragraph 15** - *The primary objective of enacting a second amendment to Law No. 32/2015 (Anti-Terrorism Act) was to prevent the use of the Act as a tool to silence political dissent. Under the previous definition, acts committed to ‘unduly influence the state or government’ or to ‘unlawfully advance a political religious or any other ideological cause’ would be considered an act of terrorism. With the second amendment, the definition of an act of terrorism now includes committing an act stated in Section 4(b) of the Act, among other things, to promote an extremist political, or religious ideology. Thus, the scope of terrorism is framed in a manner that any of the acts under Section 4(b) have to be carried out in order to achieve the objectives stated in Section 4(a) of the Act – in line with the Security Council Resolution 1566.*

II. Key Human Rights Challenges in Countering Terrorism and Preventing Violent Extremism

A. National Legal Frameworks on Countering Terrorism and Religious Extremism

1. Terrorism Offences

**Paragraph 16, with reference to the list of acts of terrorism** – Section 4 (b) of the Prevention of Terrorism Act, as amended stipulates the following as acts of terrorism:

*1. Causing grievous bodily harm*

*2. posing a threat to the life of another*

*3. Taking hostage and/or kidnapping*

*4. causing extensive damage to property*

*5. Hijacking a vessel*

*6. Risking safety or public health of the community or a segment of the community*

*7. causing the severance of a public utility service or causing damage to a critical infrastructure*

*Further, Section 4 (a) of the PTA stipulates two objectives (with which the act of terrorism stipulated in Section 4(b) must be committed)*

*1. to promote a specific political or religious or extremist ideology; and*

*2. to cause apprehension among the public, to compel the state or government to undertake (or not) a specific action.*

**Paragraph 17, with reference to restrictions to freedom of assembly** – *Under the Anti-terrorism Act 2015 (as amended) for an act to amount to an act of terrorism, it should comply with both Sections 4 (a) and (b). In short, the act mentioned in Section 4 (b) should be committed with the intention of achieving the objectives mentioned in Section 4(a). Given the grievous nature of the actus reus component required under the Anti-terrorism Act, it is highly unlikely that the state would be able to raise terrorism charges against any peaceful protestors, even in the scenario where said protestors do not strictly comply with the stipulations in the Law No. 1/2023 (Act on Right to Peaceful Assembly Act).*

**Paragraph 18** – *These offences are included as a deterrence to terrorism. These provisions are utilised in the backdrop of human rights protections and due process. Additionally, the rights of journalists and human rights defenders are protected through oversight mechanisms and the judicial process, and that these laws are not intended to limit freedom of expression but rather to curb the spread of harmful and dangerous ideologies.*

*Encouragement or incitement to commit an act of terrorism is defined in Section 8 (b) of the Anti-Terrorism Act. As per Section 8 (b), encouragement would entail person’s words or statement that should be perceived by the public as encouragement to commit an act of terrorism. Section 8 (c) of the Anti-Terrorism Act, further stipulates the factors that the court should take into account when evaluating this offence. As such, the court should consider the circumstances under which the statement was delivered, the actual contents of the statement, and how the statement was communicated to the public.*

*Section 9 (b) defines what is meant by dissemination and publication. As such, the section explains that circulation of documentation of terrorist organizations, sale and purchase of such documentation and publicizing such information in a manner that public can access the information would be captured within the section. Further, Section 9 (c ) stipulates that factors that the court should consider when making a finding pursuant to this section.*

*Section 10 of the Anti-Terrorism Act basically stipulates an aggravating factor for Section 9 offences. It is important to note that the terrorist organisations are not chosen at random, rather decided through an executive decision and gazetted as per Section 18 of the Anti-Terrorism Act. This further reduces the possibility of misusing the provisions to inhibit freedom of speech*

*Section 13 (b) of the Anti-Terrorism Act defines what ‘threatening’ entails.*

*Section 19-1 of the Anti-Terrorism Act primarily concerns the intelligence agencies and the information sharing between intelligence agencies. Section 19-1 creates an obligation on any person or institution, to share the any information that they may receive in relation to a potential act of terrorism to Maldives Police Service. The section also mandates intelligence agencies stipulated in Section 19-2 to share any intelligence that may indicate the likelihood of a terrorism attack, with Maldives Police Service.*

*Government of Maldives notes that all the offences stipulated in the Anti-Terrorism Act are qualified within the definition of terrorism stipulated in Section 4 of the PTA, and further defined in the respective provisions. More clarification is needed on how the Special Rapporteur determined the provisions are broad, when read together as outlined above.*

**Paragraph 19, with reference to lists of acts used to determine “support to terrorist organisations” not being limited to the official list of terrorist organisations published by the Government –** *Identification and prosecution in this regard is based on the terrorist organizations gazetted by the government*.

**Paragraph 19, with reference to lack of clear delineation with Article 14 that addresses commission of terrorist acts by gangs –** *Section 14 (b) defines ‘gangs’ specified in the offence. The section defines ‘gangs’ as an organisation or group of three or more people primarily engaged in criminal activity. Government of Maldives would appreciate more guidance as to which component of the offence lacks clarity.*

**Paragraph 20 –** *The designation of conflict zones and TO’s occurs through an annual review by members of the National Security Council.*

2. Scope of Extremism Offences

**Paragraph 22, with reference to “those seen as moderate or lax in their Islamic practises, “indifferent”, “overly religious or hard line”, “religious enough”, “overly secular”, falling under broad consensus of understanding of “extremism**” – *Government acknowledges that harmonising terminology and what it entails has been a continuing challenge within all stakeholders.*

**Paragraph 23 –** *Decision of the Fatwa Council to be referred as determinations made by the Fatwa Council. It is important to note that the Council is empowered by Law No: 6/2016 (Religious Unity Act of Maldives) to furnish issue based directives premised on religious academia.*

*Incidents of threats to life and smear campaigns have been reported. However, it is important to note that these occurrences are primarily driven by the spread of false or misleading information on social media platforms. This is a sensitive subject matter, particularly in relation to hate speech and incitement of violence against individuals. A Fifth Amendment to the Law No: 9/2014 (Penal Code of Maldives) was enacted on 28 November 2021, to introduce provisions to criminalise commission of acts of takfir, acts of hate committed based on race, place of birth, colour, and political views of a person. In particular the amendment seeks to criminalize portrayal of persons being a non-believer or an apostate (unless a person has committed an act of kufr), causes or incites injury on that premise*.

**Paragraph 24 –** *As per Article 10 of the Constitution of the Republic of Maldives, the state religion is Islam. Article 10 also states that Islam should be one of the basis of laws in Maldives, and that laws enacted in contrary to the tenets of Islam shall be void. As per Article 9 (d) of the Constitution, Islamic faith forms an integral part of the Maldivian citizenship and identity. The Constitution was drafted through a democratic process within a Special Majlis of elected representatives.*

3. Right to a Fair Trial and Procedural Exceptionalities

**Paragraph 25** – *The judiciary also has limited exposure and knowledge on adjudication of terrorism cases.*

**Paragraph 26** – *The provisions within the Anti-Terrorism Act provides a legal framework for use of intelligence in terrorism investigation and it is one, among many other listed types of evidence admissible to the court. Law No. 34/2020 (Maldives Police Service Act) provides the application of Special Investigative Techniques (SIT) which has several safeguards provided in the use of SIT. These provisions must be read in conjunction in relation to when intelligence is used for investigation. Intelligence is not the only form of evidence used in investigations. Furthermore, the condition of its application is scrutinized by the Prosecutor General and the court frequently. The use of intelligence information to some extent is necessary given the threat environment and nature of terrorist incidents that are to be investigated. In addition to this, the newly enacted Law No. 11/2022 (Evidence Act) is expected to provide additional clarity in admissibility of evidence.*

**Paragraph 27 –** *As per section 32 of the Prevention of Terrorism Act, the duration of a Monitor and Control Order is typically a period of one year, with the possibility of extension for a further one year. Section 33 (b) specifies that the MoniCon order cannot exceed a period of two years.*

*The use of administrative measures such as house arrests, travel restrictions, surveillance, and financial restrictions are based on reasonable suspicion of terrorist activity. The judicial review process (in issuing/extending/contesting a MoniCon Order) provides appropriate oversight on the use of classified intelligence information. It is emphasized that administrative measures are preventive and precautionary, not punitive.*

4. Countering Terrorism Financing and Human Rights

**Paragraph 28, with reference to “risk-based approach” –** *The Financial Intelligence Unit under the Maldives Monetary Authority is conducting a national risk assessment*.

B. Impunity

***Paragraph 30, on the Presidential Commission –*** *On 15th Dec 2022, the Presidential Commission completed the investigation and handed the report to the President, which makes several recommendations regarding the murder of Ahmed Rilwan. The Commission has uncovered sufficient evidence to determine the fate of Ahmed Rilwan and has made recommendations with regards to further charges that should be raised against individuals responsible. The Commission has also provided several systemic recommendations to prevent violent extremism and crime. The President’s Office together with the AGO will undertake implementation of the recommendations in collaboration with respective stakeholders.*

*The Presidential Commission on Deaths and Disappearances observes that the absence of a legal framework for witness protection is challenging to the work of the Death and Disappearances Commission as witnesses are reluctant to come forward due to previous threats and past experiences with relevant authorities. To mitigate these problems, the Commission, with expertise from international partners is supporting Maldives Police Service to on a Witness Protection Program. Further, recent amendments to the Law No. 12/2016 (Criminal Procedure Act) introduces legislative safeguards to ensure the confidentiality of information related to witnesses and codifies a process to admit undisclosed testimonies.*

**Paragraph 31 –** *The Government of Maldives acknowledges the need to ensure safety of NGO/CSOs and human rights defenders. One of the steps taken to that end, is the enactment of a new Associations Act in 2022. The new act entails provisions to strengthen the governance of NGOs/CSOs and codifies rules of accountability and transparency. The Act also has provisions to ensure that measures taken against NGOs/CSOs adhere to due process and transparency.*

*In addition, Law Number 3/2022 (Associations Act) was ratified on 9 May 2022 and has come into force on 9 November 2022.*

* *The main objective of this law is to ensure availability of the right to form associations enshrined under the Constitution.*
* *Specifies the principles governing formation, registration, and management of associations, as well as the establishment of a Registrar for Associations and developing mechanisms for financing such associations.*

*Work is being done on related cases by following the due process and conducting the identification verification process and obtaining court orders where needed. As such, investigation of related cases is underway.*

**Paragraph 32, with reference to cybercrimes –** *While a Cyber Crime Department has been formed under the Maldives Police Service, there are huge challenges:*

*1. A lack of legislation on cybercrime is one. Stakeholders are working on this legislation.*

*2. Attaining digital evidence from Internet Service Providers (Google, Twitter, Instagram, etc.) as Maldives Jurisdiction is not covered with most Foreign ISPs. The Maldives is unable to get access to the Law enforcement Portal due to this matter. For bigger cases, information or evidence is pursued through the FBI and police-to-police cooperation. Lack of Evidence leads to cases not being prosecuted.*

*3. A lack of understanding of Cyber-crimes and digital evidence by prosecutors and judges in the criminal justice system is another challenge. To overcome this, more inclusive training are being conducted, where three sectors are being trained together.*

*4. Sometimes, there is also lack of cooperation in reporting or with the investigation. Threats are sometimes only reported through social media. Reforms are being undertaken by the Maldives Police Service to enhance public outreach and to gain public trust.*

*5. Cybercrime is an evolving area, so constant training is required*.

**Paragraph 32, with reference to legal frameworks –** *The Fifth amendment to the Penal Code captures all incitement of violence and hate based on race, political ideologies, and place of birth. The amendment also criminalises ‘labelling’ individuals as against Islam, in a manner that may subject an individual to harm.*

*With regard to witnesses, Law Number 12/2016 (Criminal Procedure Act) allows the court to issue an order to protect the witness. These requirements were further enhanced in the Fourth Amendment to the Criminal Procedure Act enacted in November 2022. As per the amendment, where a witness is deemed to be in danger due to his/her testimony, the court may order Maldives Police Service or any related agency to provide adequate protection to the witness. The amendment also provides flexibility to the court in admitting the testimony through distorted audio/video.*

*With regard to witness protection, MPS has a special unit established and with the assistance from the UK Government trainings are conducted and work is underway to optimize resource allocation. Further, the Steering Committee is chaired by the Attorney General, and inter-agency coordination is carried out with regards to review and monitoring function.*

**Paragraph 33 with reference to a “Hate Crime Act”** – *Maldives has not yet passed a Hate Crime Act. Offences mentioned are covered under the Fifth Amendment to Law No. 9/2014 (Penal Code of Maldives) which was passed on 28November 2021. These offences also include grounds of religion as well*.

D. Repatriation and Reintegration of Individuals from Conflict Zones

1. Positive engagement

**Paragraph 36, with reference to rehabilitation and reintegration programme –** *The National Preventive Mechanism of the HRCM is working closely with the Government since February 2020 when it conducted its initial inspection visit to the newly established National Reintegration Centre. The NPM made 14 recommendations following its initial visit, to the relevant State institutions to implement which include recommendations on the Standard Operating Procedures, and recommendations on programmes that should be conducted in the Centre. The Government is working on these recommendations*

**Paragraph 36, with reference to “highly securitized approach”** – *The repatriation and reintegration efforts adopt a multi-agency approach with the involvement of both security and civilian agencies. The Ministry of Home Affairs leads the efforts. Majority of agencies involved in the process are civilian.*

2. Lack of clear figures and concrete planning

**Paragraph 37, with reference to clear figures of nationals currently in camps or detention centres –** *The Counter Terrorism Intelligence Department of Maldives Police Service maintains meticulous records on Maldivians who travelled to Syria and Iraq between 2012 and 2018. This includes precise breakdowns of age, sex, location and other demographical information for Maldivians in Al Hol and Al Roj Refugee camp, in various pockets near the Syria-Turkey border and generally in the Idlib province. Additionally, analysts maintain up to date profiles on these individuals as well as the large number of Maldivians who attempted and failed to travel to Syria within this time period. This information is relied on by stakeholders in the sector in discussions relating to repatriations and in engagements with international partners.*

**Paragraph 37, with reference to the use of the NRC –** *The NRC was formed as a rehabilitation centre for the FTF and their returning families.*

3. Legal Framework on repatriation

**Paragraph 41, with reference to definition of foreign fighters –** *Section 60-3 (b) of the PTA defines foreign fighters. As per the section, foreign fighters are:*

*1. Individuals who leave Maldives to participate in a conflict with terrorists or terrorist organisation;*

*2. Individuals who leave Maldives to plan, prepare, participate or aid the commission of acts of terrorism*

*3. Individuals who leave Maldives to partake in the conflict through provision of and receiving trainings to commit acts of terrorism*

*It is important to note that the Article 60-3 (c) of the ATA allows for a person to be determined as a victim of acts of terrorism. The section carries the words 'unless otherwise proven' to convey this possibility. Further, children below the age of 15 will not be captured within this provision.*

**Paragraph 43 -** *The NRC is an administrative detention centre to rehabilitate and reintegrate children, women and adults who are designated as victims based on assessments. The basis for institutionalisation is to ensure that everyone – especially children – are given proper care, education and other services as necessary, so that they are prepared to be reintegrated to the community. A primary objective is to ease the reintegration process and prevent any possibility of social stigmatisation. Further, NRC’s expanded scope is yet to be realised. During the time of the visit of the Special Rapporteur, the clients held at NRC were waiting for their Rehabilitation Program to be approved.*

*Section 60-4 of the Anti-Terrorism Act provides a list of measures that may be imposed against a returnee fighter. In that regard, as per Section 60-4 (a), the individual maybe arrested and detained (as per Section 22 and 26 of the Act), placed under a Monitor and Control Order (as per Chapter 6 of the Act), or a mandatory order to participate in rehabilitation programmes (as per Chapter 9 of the Act) and/or placed in detention under Section 60-6 of the Act. Section 60-4 (b) does allow an individual to be subjected to more than one measure stipulated under Section 60-4 (a), except in situations where the individual falls within the category stipulated in Section 60-4 (d) of the Act.*

*Section 60-4 (d) of the Act states that an individual who is placed under administrative detention as per Section 60-6 of the Act and subsequently Section 60-4 (a)(4), should not be subjected to arrest/detention measure under Section 60-4 (a)(1).*

**Paragraph 44** - *The administrative detention period is strictly 30 days and cannot be extended under the existing mandates. After the 30 day period, adults and children will be admitted to a rehabilitation program for a duration which is determined by a judge. The completion of the rehabilitation program paves the way for successful reintegration back into their communities. During the 30 day period, individuals have the right to seek legal counsel and the right to family visits. These interactions will be under supervision of the NRC staff, unless otherwise determined in the risk assessment.*

**Paragraph 45 -** *Important to note that the Anti-terrorism Act does not consider children below the age of 15 as returnee fighters. While the Anti-terrorism Act allows detention of children above 15 years of age, the Child Rights Protection Act enacted in 2019, places a primary obligation over all state bodies to ensure that the best interest of the child is protected at all times.*

**Paragraph 46 -** *The Directorate of Intelligence of the Maldives Police Service performs a risk assessment to determine if an individual has perpetrated an act of terrorism and/or poses a security threat to the society. Trained officers from the Child and Family Protection Department of Maldives Police Service will engage with the women and children. If the adults are found to be candidates for criminal proceedings, they have to, by law be removed from administrative detention and placed in the custody of law enforcement authorities. This necessitates the government to intervene for the sake of the children and take them under the care of the government. (Article 7 (1) 2 of the Regulation 2022/R-4 refers to State responsibility)*

*The security services do not make a decision to remove children from guardianship of their parents. This is a consequence of the guardians being liable for criminal proceedings.*

E. Detention

**Paragraph 49 –** The development of new infrastructure for prisons is underway in Hulhumalé, and Maafushi.

*The Office of the Ombudsperson on transitional justice has been created to address systemic violations of human rights and fundamental freedoms by a State institute or an authoritative person of a state institution in establishing justice*.

**Paragraph 50 -** *The Special Management Unit (SMU) was specifically built for the purpose of rehabilitating inmates who are classified as violent extremists. The occupants of the Unit will be sorted through specially designed risk assessment and classification tools. Further, the Unit is managed by prison officers who have completed special trainings and the occupants of the Unit are also subjected to routines and rehabilitation programs that are designed to target their issues and provide effective rehabilitation. Hence, it is crucial that SMU retains its exclusivity. Also, following the completion of more assessments and classification additional occupants are scheduled to be moved into SMU.*

*With regard to confinement, subjecting people to complete isolation and confinement as a form of punishment is no longer practiced within the prisons. However, in case a person is found to cause self-harm, harm to others or the place, then they are temporary placed in a separate holding cell - where they will be closely monitored.*

*With regard to the high security wing; new high security units are being built in Maafushi prison. The constructions of these units are underway and are scheduled to be completed within the year. The new units are expected to provide a considerable relief to the current overcrowding problem and provide the opportunity to carry out renovations of the older units. These Units are designed according to the acceptable international standards.*

F. Data Collection

**Paragraph 51** – *The* *Counterterrorism intelligence agencies stated in the Anti-terrorism Act are:*

*1. Maldives National Defence Force (MNDF)*

*2. Maldives Police Service (MPS)*

*3. Maldives Immigrations (MI)*

*4. Maldives Customs Service (MCS)*

*5. Financial Intelligence Unit, Maldives Monetary Authority (FIU-MMA)*

*The NCTC has no intelligence function as per the second amendments to the ATA – Chapter 3 article 19-2. NCTC’s Fusion Cell is functioning as an information collection cell needed for the P/CVE programs conducted in regions of Maldives. NCTC gathers OSINT (open-source intelligence) and works closely with liaison officers from intelligence organisations.*

*The Counter-Terrorism Intelligence is a* *department of the Directorate of Intelligence of the MPS. Directorate of Intelligence is vested with the powers and authority given to MPS by law number 34/2020 (MPS Act). The MPS responsibilities for gathering, analysing, and sharing terrorism-related intelligence is conducted by the Directorate of Intelligence.*

*The ATA (Section 19-1) mandates an intel sharing platform, so the sharing of intelligence is backed by legislation.*

*With regard to sharing intelligence and information in the field of countering terrorism, Section 19-3 of Law No. 32/2015 (Anti-Terrorism Act) requires a framework for the safe exchange of information and intelligence, and ensure that such an exchange is done so within the margins of said framework through regular monitoring.*

*Section 19-3(b) of the Act states that this framework must also include a mechanism by which the five intelligence agencies stated in the Act can share and disclose relevant information and intelligence with relevant foreign countries, while Section 19-3(c) states that those agencies must exchange relevant CT related information among themselves in accordance with such framework.*

*And according to Section 19-3(e) of the Act, any State institution that obtains CT related information within their official scope of work, must disclose such information to the relevant intelligence agency listed in the Act without delay.*

*The National Security Advisor’s Office plays an active role in enhancing the coordination between agencies, with a direct line to HEP in advising and making recommendations on matters of national security and in sharing information with HEP.*

*To this effect, Regulation No. 2021/R-57 (General Regulation on Prevention of Terrorism) was enacted on 28 April 2018, establishing a framework for and addressing procedures on the exchange of information and intelligence between intelligence agencies and other State agencies, evaluation and classification of information, and reporting methods.*

**Paragraph 52** - *There are multiple works ongoing from various agencies to strengthen the information and data sharing including the use of trusted technological solutions to do so. The Prevention of Terrorism Act requires intelligence agencies to have a mechanism to share intelligence, which has been now formulated and developed by the Maldives Police Service. The protocols of this are now agreed by the relevant intelligence agencies. Further data sharing work is undertaken by the Prosecutor Generals’ Office to streamline criminal justice data sharing. This is assisted by the UNICEF Maldives. The Government of Maldives has a special activity in its Strategic Action Plan to develop interoperable criminal justice data sharing and funds has been allocated to the Ministry of Home Affairs. We strongly believe that with these works completed the mechanisms for information sharing among agencies will be strengthened although further continuous training would be necessary to ensure that all agencies practice good governance in relation to data and information.*

1. \* The present document is being issued without formal editing. [↑](#footnote-ref-2)