**Input from the Government of Maldives to the**

**Interim Report of the Special Rapporteur on Torture to the 78th Session of the General Assembly on**

**‘The nature, scope and regulation of the production and trade of law enforcement equipment and weapons and the relationship with torture and other cruel, inhuman or degrading treatment or punishment’**

**Question 1: Regulation of production**

**1.1** Under Article 4 of the Prohibition of Intimidation and Possession of Dangerous Weapons and Sharp Objects Act, it is an offense to import and manufacture items other than materials and items considered weapons internationally or in majority of the countries around the world.

Article 4:

" Opening and closing flick knives, butterfly knives, and items mentioned in Article 10(n) and (r) of this Act, except for items used for common life and working purposes, are prohibited, unless with the written permission of the Ministry of Home Affairs. It is an offense to import and manufacture items, other than materials used for common life and work purposes, considered as weapons internationally or in many countries around the world." [[1]](#footnote-1)

**1.2** Sharp objects are defined under Article 23 of the Maldivian constitution as follows,

1. A knife of any kind;
2. Sword and dagger
3. Razor blades, cutters, and cutter blades,
4. Axe and similar items made locally
5. Iron, steel, wood and other similar objects/items with sharpened or sharpened ends.
6. Any sharp object that can injure a person

***Please note that a regulation to be made under this article is yet to be finalized.***

Lists of prohibited goods are provided under the Prohibition of Intimidation and Possession of Dangerous Weapons and Sharp Objects Act:

<https://justiceinitiative.legal/laws/5ed9983945d8141ce5b52b01>

However, Ministry of Defence is given exclusive rights to produce the following under The Prohibition of import items Act (Article 2 (c):

Firearms or weapons of war, gun powder and explosives.

<https://justiceinitiative.legal/laws/5edca2efd2c53b5073addcd2>

**Question 2: Regulation of trade**

**2.1** The Ministry of Defence maintains Regulations on Arms for the Safety and Security of Vessels Arriving in the Maldives (2018/R-32) under The Prohibition of import items Act (Law no. 4/75) that regulates vessels in transit or arriving in Maldives with personal safety weapons.

While the Act does not explicitly enumerate the items mentioned in Question 1 (Regulation of Production), 1.1 (i-ix), it does establish in Article 6 that Maldives Customs has the authority to seize any related items not specifically listed in the Act, given the presence of reasonable.

Regulations on Arms for the Safety and Security of Vessels Arriving in the Maldives (2018/R-32)

 <https://www.gov.mv/en/files/170.pdf>

The Prohibition of import items Act

<https://justiceinitiative.legal/laws/5edca2efd2c53b5073addcd2>

**2.2** The Police Services Act and the Prison and Parole Act allow both Maldives Police Service and Maldives Correctional Service to import and use non-lethal weapons.

This is regulated by two regulations.

For Maldives Police Service, it is “The Regulation for the acquisition, possession and use of weapons (2021/R-106)” and for Maldives Correctional Service it is “The Rules on the use of force and possession of weapons by prison guards (2015/R-145)”.

The Regulation for the acquisition, possession and use of weapons (2021/R-106)

<https://gazette.gov.mv/gazette/6187>

Permits to use tear gas, baton, handcuffs and Taser gun and other riot control measures like pepper spray.

A Standard Operating Procedure guides the use of Taser Gun.

The Rules on the use of force and possession of weapons by prison guards (2015/R-145).

<https://gazette.gov.mv/gazette/3707>

Permits to use tear gas, liquid or powder, conductive energy devices, baton, Handcuffs, leg-cuffs, anti-riot control devices and other modern equipment (if necessary to import gives permit).

Both agencies maintain a **Use of Force Review Committee** to ensure that officers do not abuse the powers given to use non-lethal weapons under both regulations.

Please note that lethal weapons are not permitted under the respective acts governing the agencies.

**2.4** Any weapons mentioned above can be used only by trained officers.

**2.5** The two laws mentioned below prohibit and /or control goods.

* The Prohibition of Intimidation and Possession of Dangerous Weapons and Sharp Objects Act (17/10)

<https://justiceinitiative.legal/laws/5ed9983945d8141ce5b52b01>

* The Prohibition of import items Act ( Law no. 4/75)

<https://justiceinitiative.legal/laws/5edca2efd2c53b5073addcd2>

*Prohibits the use and import of firearms or weapons of war, gunpowder and explosives.*

Sharp objects are defined under Article 23 as follows,

1. A knife of any kind;
2. Sword and dagger
3. Razor blades, cutters, and cutter blades,
4. Axe and similar items made locally
5. Iron, steel, wood and other similar objects/items with sharpened or sharpened ends.
6. Any sharp object that can injure a person

**2.6** In the Maldives, trade of lethal and non-lethal weapons is not permitted (laws and regulations mentioned above does not give permission to trade).

**2.7** At the moment, a specific human rights-based risk assessment does not take place, however, it is stated in the Police Services Act that any less lethal weapon must not cause serious harm to any person and must be weapons used by law enforcement agencies in democratic countries.

**2.8** The Maldives does not produce and does not permit to export law enforcement equipment.

**2.9** Please refer to the response provided in 2.8.

**2.10** Information unavailable.

**2.11** In regard to the adoption of regional or international standards, the domestic legal framework currently in place does not derive its foundation from any existing regional or international standards, whether they are binding or non-binding. Consequently, there are no specific details available to elaborate on in this context.

**Question 3**: **Main producers, suppliers and exports of law enforcement equipment**

Please refer to the response provided in 2.8.

**Question 4: Training Services and Review of Procedures**

Use of law enforcement equipment training (anti-riot weapons, use of taser gun, tear gas, and use of cuffs mentioned in this paper) are targeted to ensure that officers are trained to use them with caution and in an accountable way.

These trainings are sometimes conducted with the help of other States.

The military conducts their own training for their personnel and military exercises are carried with partner countries that have established bilateral relations with the Maldives.

The Maldives does not conduct any law enforcement or military training targeted specifically for foreign organisations, military or law enforcement.

A human rights-based risk assessment is not carried out at the time being.

**Question 5. Investigations and prosecutions**

Data unavailable

1. *Please note that since there is no official English translation available, the translation of articles of laws and regulation used in this document is unofficial.*  [↑](#footnote-ref-1)