

**Maldivian Democratic Party (MDP) dossier to ease the present  
political environment of the Country**

**Friday, August 05, 2005**

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## 1. Introduction

This is a dossier submitted by the Maldivian Democratic Party (MDP) to the Commonwealth Secretary-General's Special Envoy to the Maldives Tan Sri Dato' Musa bin Hitam. It pertains to the easing of the impasse in the present political environment.

This dossier is based upon the following *rational*:

1. The Country is on the verge of a popular uprising that can turn events either way: violent or peaceful.
2. The present tense political reality is born not due to a single event or incident but more because of a culmination of events that has forced this reality. In this regard we note the following issues:
  - a. President Gayoom has ruled the country for the last 27 years with an iron fist and the situation in the recent years have deteriorated to the extent that finally brought the events of 19<sup>th</sup> September 2003, when, after the torture and killing of an inmate the Police opened fired and shot at more than 19 people. Amnesty International, referring to the subsequent uprising in Male believed "that endemic torture and unfair trails, abuse of power by the security personnel, and a lack of a clear boundaries between the executive power and the judiciary are at the heart of what sparked civil protest in the Maldives capital Male'.."
  - b. The Party went into exile after the events of 19<sup>th</sup> September 2003, believing that the present regime is not the legitimate authority to rule the people of the Maldives.
3. MDP also believes that all elections of the Maldives are as a routine rigged.
4. The present constitution is a document of repression tailor-made to fit President Gayoom and to maintain him in power. We do not believe that this document should be used as a sacred text. The following stipulations are just some of the more obvious reasons:
  - a. Article 64 of the Constitution prescribes that the Peoples Majlis be composed of fifty persons; two from each atoll, two from Male', and eight members appointed by the President. The smallest atoll Vaavu, with 800 eligible voters is represented by two members while Male', with over 35,000 eligible voters is represented by two as well; a gross under representation of the people.
  - b. Article 79: This Article gives the President the power to send back to Majlis for reconsideration bills passed by the Peoples Majlis, sent to him for ratification. Such returned bills can only become law if two third members vote in its favor. As eight of the Peoples Majlis members are the President's

appointees it is not hard for him to manipulate a few more so that the bill will fail to go through or will be passed with the amendments he desires.

- c. Article 93: This Article stipulates the composition of the Peoples Special Majlis (Majlis with the power to amend the Constitution)
  - d. The Peoples Special Majlis is composed of.
    1. Members of the cabinet;
    2. Members of the Peoples Majlis;
    3. Two members elected from each atoll and two from Male' as in the peoples Majlis; and
    4. Eight members appointed by the President.
  - e. According to the Constitution the President, at his pleasure, can change the number of cabinet portfolios thereby increasing or decreasing the number of members in the Peoples Special Majlis.
  - f. The President directly appoints eight members to the Peoples Special Majlis, another of his eight appointees sit in the Peoples Special Majlis by being members of the Peoples Majlis. He is at liberty to increase the number of cabinet portfolios constitutionally and thereby reducing the representation of the people. Thus constitutionally he can at any time get a majority in the Peoples Special Majlis if he desires.
  - g. Like the Peoples Majlis Article 102 of the constitution gives the President the power to send back to Peoples Special Majlis for reconsideration, constitutional amendments passed by the Peoples Special Majlis sent to him for ratification. Such returned amendments can only become a part of the constitution if two third members vote in its favor. As sixteen of the special Majlis members are President's appointees and his entire cabinet sits there, any amendment to the constitution will fail or would only be passed in the manner he desires.
5. President Gayoom's reform program is in-fact an acknowledgement of our viewpoint.
  6. More than a year had passed since the President was compelled to announce his reform agenda. The Peoples Special Majlis had been constituted, and after much controversy and in total disregard to an expressed provision of the Constitution, the Speaker and his deputy were "elected" by a show of hands instead of a secret ballot.
  7. It is with great concern, we bring to your attention that the Peoples Special Majlis is continuing on its deliberations to pass its Rules of Business instead of attending to the purpose for which it had been convened.

8. The Peoples Special Majlis is capable of employing and would continue to employ all forms of delaying tactics. The Constitution paves the way for it to act as a rubber stamp of the regime. The present constitution was adopted by this regime which had delayed its adoption for seventeen years until it became tailor made to suit Gayoom's purposes.
9. The composition of both the Peoples Majlis and the Peoples Special Majlis does not represent the interests of the public in a meaningful manner. The powers conferred on the President by the present constitution defy laws of natural justice in every sense of the word. He is the supreme legal authority entrusted to administer justice, he appoints and dismisses, at his pleasure, the Chief Justice, all Judges and Magistrates, the Election Commissioner, Atoll Chiefs, the Speaker of Peoples Majlis and all other civil servants. Above all he is the Commander in Chief of the army and police, by rank he is a General. It is not known he has retired or not. He now happens to be the elected leader of Maldives Peoples Party.
10. We strongly believe that a person having such authority and discretion and being a member of a political party with a certain ideology cannot be impartial when exercising them.
11. Given the above, it is impossible to reasonably assume that the President's proposed reform agenda would go ahead and culminate with the introduction of a pluralistic democracy in the Maldives. The prevailing legal frame work, police brutality and arbitrary arrests and total disregard to human rights and humanity are forcing the people onto the streets every night as they believe there is no room for democracy to flourish through legal means but by revolution, bloody or rosy they say, depends on the President and the police.
12. In order to avoid this we call upon all concerned parties to assist the people of Maldives in realizing their dream of a meaningful democracy and to deliver them from this tyranny and oppression.
13. The measures outlined in this dossier are to be adopted in a two pronged manner. The first phase of measures is to be implemented no later than 30 days from 12 August 2005. The second phase should be implemented no later than 60 days from the said date.
14. The first phase of these transition measures is to be carried out as a show of sincerity on the part of the Government in support of political reforms to facilitate a full-fledged functioning multi-party democracy. The measures proposed in the second phase are intended to create a conducive legislative and political environment for a full-fledged multi party democracy.

## **2. Objective**

The objective of this dossier is to outline the terms and conditions put forward by MDP to facilitate a smooth transition of the country from the rule of the present political regime to a full-fledged functioning multi party democracy.

### 3. Proposed Measures

#### **Phase 1:** Sincerity measures

*Implementation Timeframe:* 30 days

1. Remove Brigadier General Adam Zahir from the portfolio of the Commissioner of Police with immediate effect. He shall not be given any portfolio in the Government thereafter.
2. Stop all arbitrary arrests immediately.
3. Extend the mandate of the courts to facilitate cases relating to violations of constitutional and human rights.
4. Free all prisoners of conscience immediately and unconditionally.
5. Independent TV and Radio stations are to be opened up for independent private parties.
6. Implement live telecast of all parliamentary sessions with immediate effect.
7. Use the parliament time for government bills to introduce structural changes leading to a functional democracy.

**Phase 2:** Measures to facilitate a conducive legislative and political environment for a full-fledged multi party democracy.

*Implementation Timeframe:* 60 days

1. Amendment of the below stated Articles of the Constitution
  - a. Article 64. The Composition of the Peoples Majlis shall be constituted of the following:
    - i. Two members from each atoll, two members from Male';
    - ii. One member for each 5000 people in an atoll and one for each 5000 in Male'; and
    - iii. The Speaker and deputy Speaker of Peoples Majlis shall be elected by the members by secret ballot at the first sitting. The out going Speaker shall chair the meeting until the hand over of the chair.
2. Article 93. The Composition of the Peoples Special Majlis shall be constituted of the following:
  - a. The members of the Peoples Majlis; and

- b. Two members from each atoll, two members from Male', and
  - c. One member for each 5000 people in an atoll and one for each 5000 in Male'
  - d. The Speaker and deputy Speaker of Peoples Special Majlis shall be elected by the members by secret ballot at the first sitting. The Speaker of Peoples Majlis shall chair the meeting until the hand over of the chair.
3. Article 102 shall be amended to reflect as follows:
  - a. The President can not refuse to ratify an amendment to the constitution.
4. Article 130: The Election Commissioner shall be appointed by the President if the Peoples Majlis endorses him. Prior to appointment the President shall submit his nomination for approval of the Peoples Majlis. The President shall not have the power to remove the Election Commissioner. The authority to remove him shall vest on the Peoples Majlis.
5. Article 144 shall be revised to reflect as below.
  - a. The President may declare a state of emergency if the events mentioned in the present Constitution occurs, including natural disasters as an event. However, such emergency declaration shall last for twenty four hours. Even under emergency, torture, unreasonable force and inhumane and degrading treatment shall not be used. If the President wishes to continue the emergency he shall convene a meeting of the Peoples Majlis and submit his case for the extension. He shall not be permitted to declare consecutive emergencies without the approval of the Peoples Majlis. The emergency can only continue if the Peoples Majlis approves and it shall be for a period authorized by the Peoples Majlis.
6. The Law Governing General Elections shall be amended to reflect as follows:
  - a. Ballot boxes shall be opened and closed before the candidates or their nominees. Immediately upon closure, the votes shall be counted before the candidates or their nominees and the provisional results announced. The candidates shall have the right to demand a recount. Disputed ballot papers shall be properly accounted and brought before the Election Commissioner.
7. Present elected members to remain in office
  - a. It is suggested that the present elected members of both Peoples and Special Majlis remain in office and new elections be held for the vacant seats resulting from the amendment of the Constitution.
8. We call upon all concerned parties that unless the President announces a reasonable time frame for the above changes to take effect, the masses cannot be controlled.
9. We propose a period of six months for them to materialize and the New Special Majlis to start deliberation on a draft democratic constitution as willed by the people
10. Unless the above is followed there is not going to be real democratic change in the Maldives but an unpredictable future.