

The Permanent Mission of the Republic of Maldives to the United Nations Office in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR), and the Special Rapporteur on the right of everyone to the enjoyment of the highest physical and mental health and has the honour of referring to appeal for information submitted via OHCHR letter no: UA MDV 4/2018 dated 29th June 2018.

By way of response to the enquiries put forward by the Special Rapporteur via the letter referred to above, the Government of Maldives wishes to briefly outline the legal proceedings launched against former President, His Excellency Mr. Maumoon Abdul Gayoom, following his arrest on the 5th of February 2018, the current status of those proceedings, and the measures undertaken to ensure Mr. Gayoom's right to enjoy the highest physical and mental health in line with obligation on States to ensure the progressive realisation of said right.

Summary of legal proceedings and background:

1. Mr Gayoom was taken into custody on 5th February 2018, in connection with an investigation into an alleged attempt to overthrow a lawfully elected government. The investigation was launched following the release of Supreme Court Order No: SC-SJ/01/2018, ordering among other things the release of 9 (nine) politically active individuals.
2. Following the conclusion of the investigations launched by the Maldives Police Service into the circumstances surrounding the issuing of Supreme Court Order No: SC-SJ/01/2018, Mr. Gayoom was charged on 19th March 2018, with attempting to commit an act of terrorism, an offence under Law No: 32/2015 (Anti-Terrorism Act), for his role in bribing judges with the intent of overthrowing a lawfully elected government. Mr. Gayoom was also charged with obstruction of justice under Law No: 9/2014 (Penal Code of Maldives) on 14th March 2018 for refusing to surrender in to evidence a personal mobile device.
3. Although Article 48 (d) the Constitution of the Republic of Maldives requires detainees to be presented before a judge within 24 hours of their arrest for bail hearings, Mr. Gayoom was first presented before a judge on 21st March 2018 due to the temporary suspension of this right under the State of Emergency declared by the then President, Mr. Yameen Abdul Gayoom. Mr. Gayoom's application for bail was denied at this hearing by the presiding Judge who ordered Mr. Gayoom's transfer from the Dhoonidhoo Custodial Centre to the Maafushi Remand Centre pending the conclusion of his trials.
4. On the 13th of June 2018, Mr. Gayoom was found guilty of obstructing the course of justice and sentenced to 1 year 7 months and 6 days in prison; His licenses to practice law and give religious sermons were also revoked by the Criminal Court of Maldives.

5. On the 30th of September 2018 Mr. Gayoom was released on bail pending the review of his conviction by the High Court of Maldives. On 18th October 2018, the High Court of Maldives decided in favour of Mr. Gayoom and quashed his conviction for obstruction of justice, and in January 2019 the Prosecutor General's Office withdrew the charges of terrorism lodged against Mr. Gayoom.

Detention Conditions:

Dhoonidhoo Custodial Centre:

1. Following his arrest on 5th February 2018, Mr. Gayoom was detained at the Dhoonidhoo Custodial Centre located on an island 5 minutes from the capital – Male'.
2. Mr. Gayoom was held at the Dhoonidhoo Custodial Centre from the 5th of February 2018 to the 14th of June 2018. Following a determination at Mr. Gayoom's bail hearing that he be held at the Maafushi Remand Centre pending the conclusion of his trial, arrangements were made to transfer Mr. Gayoom to a remand centre on the island of K. Maafushi, however, following Mr. Gayoom's request that he be allowed to remain at the Dhoonidhoo Custodial Centre these arrangements were halted and Mr. Gayoom was permitted to remain at the Dhoonidhoo Centre pending the completion of his ongoing trial.
3. In light of Mr. Gayoom's advanced age and previous service to the Government of Maldives, Mr. Gayoom was afforded considerable concessions and amenities. Every effort was made to ensure Mr. Gayoom's right to health and other legal guarantees were ensured. The conditions of his detention and the details of the amenities provided to him are as follows:
 - a. Mr. Gayoom was provided an air-conditioned room with unrestricted access to an open-air compound and attached toilet. The attached toilet was equipped with running water, a water heater, non-slip flooring and accessibility handrails running along the full length and breadth of the facility to ensure the safety of its occupant. Mr. Gayoom's room also contained facilities to check and record his vitals every 10 minutes and a bell to allow Mr. Gayoom to contact duty officers as and when required by him.
 - b. Given Mr. Gayoom's concerns about his health, Mr. Gayoom was initially visited by a doctor twice a day. These visits were pared down to daily visits on Mr. Gayoom's request. Mr. Gayoom was also afforded the opportunity to consult with any doctor he wished to consult with in the Maldives.

- c. Mr. Gayoom's nutritional needs were catered to as per Mr. Gayoom's requests and he was allowed to dine privately in his room at any time he wished. Adequate access to rest and recreational activities were also provided, with Mr. Gayoom being given the opportunity to exercise any time he wished and allowed hour long visits with a family member once a week in addition to the hour-long visits with his spouse every Friday. Mr. Gayoom was also provided reading materials and cable TV access in his room.
- d. Mr. Gayoom was allowed the opportunity to consult with his legal team on an hourly basis every weekday.

Maafushi Prison:

1. Following Mr. Gayoom's conviction for obstruction of justice, Mr. Gayoom was transferred to Maafushi Prison on 14th June 2018 where he remained until his transfer into house arrest on 30th September 2018.
2. As a former president of the Maldives, Mr. Gayoom was designated as a detainee requiring special protection under the Special Guideline at the Maldives Correctional Service, and was assigned a unit with dedicated personnel and amenities. These amenities included an officer dedicated to attending to Mr. Gayoom's needs, the opportunity to order quality tested food from a menu, the opportunity to purchase MRF 1,500 worth of items per week from the prison canteen and the option of having food served as and when required. He was also given the option of exercising outdoors on the staff football grounds on days the weather was favourable, and the opportunity to exercise indoors on a daily basis. Mr. Gayoom was also afforded the option of attending Friday prayers at the staff mosque and the opportunity to access entertainment mediums such as television, radio and reading materials.
3. During his stay Mr. Gayoom was provided with timely access to medical treatment available at the nation's leading tertiary hospital located 40 minutes from the detention facility. Mr. Gayyoom was also provided with access to a separate healthcare facility primarily utilised by the island's non detainee population and access to the healthcare centre located within the prison compound. Mr Gayoom's ailments were addressed, and he was examined on a daily basis by a nurse who conducted daily blood pressure and vitals checks, allowing prison officials to be alerted to any potential health issues requiring treatment in a timely manner thereby cutting down on the risk of unanticipated medical emergencies.
4. It should also be noted medical professionals were available at all times to carry out the "Epley's Manoeuvre" should Mr. Gayoom have requested it. Furthermore, in light of Mr. Gayoom's health and previous service, his son, Mr. Faris Maumoon was allowed to

serve his sentence in the same unit as Mr. Gayoom. This ensured that Mr. Gayoom was supervised by a close family member at all times as recommended by his physician.

5. The State also wishes to note that Mr. Gayoom's request on the 10th of April 2018 to transfer to home arrest, was merely denied on procedural grounds, that the judge to whom the request was addressed did not have the legal authority to make a decision on Mr. Gayoom's transfer to house arrest. Mr. Gayoom was informed at the hearing of the correct procedure through which to make such a request and it was open to Mr. Gayoom at all times to follow said procedure and request a transfer to house arrest.
6. During his stay Mr. Gayoom was also allowed family visits with up to 10 family members for 2 hours every week day and visits from up to 20 family members for 4 hours every public holiday and phone calls to numbers registered with the Maldives Correctional Service for up to 10 minutes per day. Mr. Gayoom was also provided with 10-minute phone calls every day to consult with his legal team and was allowed meetings with registered members of his legal team.

As noted above, Mr. Gayoom was released on bail on 30th September 2018, and as his conviction was quashed on 18th October 2018, he has no convictions left to serve. The Government of Maldives assures the Special Rapporteur of its commitment to fulfilling all our international obligations, including the provision of rights under the International Covenant on Economic, Social and Cultural Rights, the "Mandela Rules" and the Basic Principles for the Treatment of Prisoners.

The Permanent Mission of the Republic of Maldives avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights (OHCHR) the assurance of its highest consideration.