



English Translation

(In the event of any discrepancy in the English Translation and the Dhivehi Version, the Dhivehi Version will prevail)

Findings and Conclusions of the Investigation Conducted by the Police Integrity Commission to Determine whether the Police Breached any Law during the Incidents on 6th and 7th February 2012 that Led to the Change of Regime in the Maldives

Introduction

This investigation was conducted by Police Integrity Commission (PIC) on its own initiative to determine whether the police breached any law during the incidents on 6th and 7th February 2012 that led to the change of regime in the Maldives. During the investigation the Commission aimed to answer the following questions:

1. Who ordered the withdrawal of the police deployed to maintain security at Artificial Beach on the night of February 6th and why was the order given? Why did the policemen refuse to leave Artificial Beach? Were these two decisions lawful?
2. Why did some policemen go to Artificial Beach for a second time and why did some senior police officers attempt to prevent them from going? Were these two decisions lawful?
3. Did some policemen vandalize Maldivian Democratic Party ""Haruge"" (meeting site) and what was the extent of the damage?
4. On what basis did a large number of policemen gather at the Republic Square? Did they call for the resignation of the President and did they make other demands, and if so were the demands lawful? What steps did senior police officers take to disperse them?
5. Did the police force the President to resign?
6. Was the decision to arrest the policemen in Republic Square using Maldives National Defense Force (MNDF) lawful? Why did the policemen refuse to go into MNDF custody and was the refusal lawful?
7. How did the confrontation between policemen and civilians occur, and who were the policemen responsible for violence against civilians during the confrontations?
8. What led to the confrontation between the police and MNDF and, what was the role of the policemen in causing this confrontation, and how much injury did policemen suffer during the incident?
9. Who were the policemen responsible for threatening and manhandling senior police officers on 7th February 2012?
10. Who were the policemen responsible for lowering the flag of the police headquarters, and vandalize the building and property?

11. Did policemen go to capture TV Maldives and did they violate law in their operations there?
12. Did senior police officers discharge their duty adequately in preventing the incidents of February 6th and 7th and solving the issues when the incidents did occur?

How the investigation was conducted

The case was investigated by a committee that included all five members of the Commission. The investigation was conducted through summoning people to the Commission and taking their statements, obtaining phone call logs of those considered to have played a lead role in the events and obtaining the videos of the incidents of the two days.

The commission interviewed and took statements from 60 persons, including police officers, members of the police Specialist Operations Command, other policemen, some Maldives National Defense Force officers, some Members of the People's Majlis belonging to MDP, and some members of MDP. Some of these persons were summoned by the Commission while others came forward to volunteer information to the investigation, some in response to a public announcement by the Commission. The Commission requested President Nasheed to give a statement, however, he declined. In total the Commission gathered about 300 pages of witness statements.

The Commission obtained telephone call logs needed for the investigation through the Communications Authority of Maldives. Some of the logs were obtained under a court order. No call logs were received of persons not belonging to the Maldives Police Service at the time of the incidents, as the court refused to issue an order regarding call logs of such persons.

The Commission obtained a total of 47 video clips for the investigation. In addition, the Commission also obtained CCTV footage of the camera fixed on the boundary wall of MNDF Headquarters at its northwest corner overlooking the Republican Square. Most video clips obtained were from TV station telecasts. However, all the clips were downloaded by the Commission from the internet.

How the Commission Reached its Conclusions

The Commission reached its conclusions on the basis of salient points in the witness statements, video clips, telephone call logs and the relevant laws. All conclusions were adopted by consensus among the five members of the Commission.

Findings and Conclusions of the Commission

1. Recalling the policemen deployed to maintain security in Artificial Beach

1.1. Witness statements received by the Commission's investigation reveal that it was the then President Mohammed Nasheed who ordered the withdrawal of policemen deployed in Artificial Beach to control the demonstrations there on the night of 6th February 2012. Statements and video footage received by the Commission show that former Commissioner of Police Ahmed Faseeh, former Deputy Commissioner of Police Ismail Atheef, Chief Superintendent Farhad Fikury, Chief Superintendent Mohammed Hameed, Superintendent Ibrahim Adnan Anees and Superintendent Ahmed Abdul Rahman worked to implement the order.

1.2. Statements received by the Commission reveal that policemen on duty at Artificial Beach refused to leave the area without the presence of an alternative force to maintain security in the area, because the demonstrators had concealed sticks and other material that could be used as weapons and the behavior of the two groups indicated that a physical clash was imminent between them.

1.3. Since policemen on duty at Artificial Beach have told the Commission's investigation that the demonstrators had concealed sticks and other material that could be used as weapons, and since the policemen there who were in the best position to judge the situation at Artificial Beach had told the investigation that a physical clash was likely there, and since video footage gathered by the Commission and statements received by the Commission reveal that physical clashes ensued there after the withdrawal of the police and soldiers, the Commission believes that the order to withdraw the policemen at artificial Beach without deploying alternative personnel to maintain peace there was an unlawful order, and that the decision of the policemen not to leave the area before the arrival of another force to maintain security there was in accordance with Article 244 (a) of the Constitution, Section 6 (8) of the Police Act and the oath of office of policemen. The Commission also believes that the attempts of the former Commissioner of Police Ahmed Faseeh, former Deputy Commissioner of Police Ismail Atheef, Chief Superintendent Farhad Fikury, Chief Superintendent Mohammed Hameed, Superintendent Ibrahim Adnan Anees and Superintendent Ahmed Abdul Rahman to withdraw policemen deployed at Artificial Beach before the arrival of another force to maintain security there was in contravention of Article 244 (a) of the Constitution, Section 6 (8) of the Police Act and the oath of office of policemen.

1.4. The Commission has decided to investigate individually the level of involvement of each police person mentioned in (1.3.) and take necessary legal action against them.

2. The second visit of some policemen to Artificial Beach

2.1. Statements and video footage reveal that after the return of Specialist Operations policemen from Artificial Beach following the deployment of soldiers there to maintain peace on the night of 6th February 2012, the policemen learnt through Walkie-Talkie that fighting had ensued between the two groups of demonstrators there and that people were being injured, and they returned to Artificial Beach to discharge their duty since there was no one to maintain security there.

2.2. Statements reveal that the reasons for the attempts of the former Commissioner of Police Ahmed Faseeh and Deputy Commissioner Ismail Atheef to stop policemen returning to Artificial Beach were that the policemen were going without an order, that MNDF had taken over security duties at Artificial Beach, and that the policemen were shouting and using abusive language while going. However, video footage and statements received by the Commission reveal that fighting had ensued at Artificial and that MNDF had not taken over the security duties there adequately.

2.3. The Commission believes that the decision of the policemen to go to Artificial Beach for the second time was in accordance with Article 244 (a) of the Constitution, Section 6 (8) of the Police Act and the oath of office of policemen. And while it was the responsibility of the police to maintain peace at Artificial Beach in that situation, the attempts of the then Commissioner of Police Ahmed Faseeh and Deputy Commissioner Ismail Atheef to stop policemen going there on their own initiative, without taking any steps to address the situation, were in contravention of Article 244 (a) of the Constitution, Section 6 (8) of the Police Act (5/2008) and the oath of office of policemen.

2.4. The Commission has decided to investigate individually the extent of involvement of the policemen named in point (2.3.) and take action necessary steps against them.

3. The decision to arrest the Specialist Services policemen in Republic Square on the night of 6th / 7th February 2012

3.1. According to the statements received by the Commission, the decision to arrest the policemen in the Republic Square on the night of 6th / 7th February was taken on the basis of three reasons:

- (a) Refusal of policemen maintaining security in Artificial Beach on the night of 6th February 2012 to comply with the order for them to withdraw;
- (b) The policemen proceeding to Artificial Beach for the second time without an order;
- (c) Alleged vandalism of MDP "Haruge" and brutality against people there.

3.2. Out of the three reasons given above, the Commission believes that (a) and (b) were actions taken by the policemen in accordance with Article 244 (a) of the Constitution, Section 6 (8) of the Police Act (5/2008) and the oath of office of policemen, and that they are not valid reasons for arresting the S.O. policemen in the Republic Square.

3.3. Since the issue mentioned in (c) are accusations of a criminal offense, since investigating criminal offenses, arresting people on suspicion of crimes, collecting evidence and making preparations for prosecution are powers given to the police by the Constitution of the Maldives and the Police Act (5/2008) and since the suspicion of vandalizing MDP "Haruge" and brutalizing people there on the night of 6 February are allegations answerable individually by the offenders, the Commission does not believe that the decision to arrest all policemen at the Republic Square without identifying who did the damage was a valid decision.

4. Police Protest at Republic Square from the eve of 6th February until morning of 7th February

4.1. The Commission concludes that the demands of the policemen who assembled at the Republic Square from 6th February evening until 7th February morning calling for the Commissioner of Police to give them assurance in person that he will not issue unlawful orders and to reassure them that no action will be taken against them for the incidents that took place on the 6th February evening are justified demands in view of how the events unfolded.

4.2. The investigations of the Commission revealed that the Commissioner of Police refused to assure the policemen protesting at the Republic Square, in person or through his Deputy Commissioners, that no unlawful orders would be given in the future, stating that he believes those assembled there now are no longer policemen while investigations indicate unlawful demands had been given to the police on various occasions and while the right to protest is accorded to police as well by the Constitution.

4.3. The Commission concludes that, the police acted in contravention of Section 10 of the Regulation on Assembly which bars freedom of assembly at the Republic Square, when the police continued to protest despite political elements calling for the resignation of the President having joined the crowd.

4.4. The Commission has decided to conduct an investigation on the negligence of duty of the Commissioner of Police in view of the above, and take necessary legal action.

