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[Home](#) > Maldives: India Should Monitor the Developments Closely.

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Nasheed Rearrested:

In less than two days of leaving the premises of the Indian High Commission, former president Nasheed was arrested by the authorities and taken to the hoonidhoo detention camp for producing him the next evening at the court of Hulhulumale.

The legal team defending Nasheed said that the Police did not identify themselves and they did not produce an arrest warrant or the summons from the court either!

The arrest could have waited till the next day and Nasheed taken to the court straightaway as the case was posted at 4PM only. But the authorities apparently wanted to humiliate Nasheed. They tried to give the impression that it was doing so to prevent Nasheed from avoiding the warrant being served on him as had happened before.

Though the Government of Maldives denied of having any deal with the Indian delegation that visited Male to mediate on the crisis created by Nasheed seeking refuge in the mission, the interview given by Nasheed to the press gave an indication that some kind of an understanding was reached to enable Nasheed to move freely and meet his social obligations.

Legality of Special Bench Questioned:

The very constitution of the special bench to try Nasheed's case had been questioned by Nasheed's lawyers and the recent remarks of the

UN Rapporteur on the judicial service commission had also indicated that the formation of the special bench for trying Nasheed's case was not done in a transparent manner.

In the court, the request of Nasheed's lawyers to postpone the trial until after the presidential elections in July was turned down. The prosecution also submitted to the court that it had no objection to postponement of the trial and yet the bench went ahead and posted the case for hearing after four weeks. The Bench had opined that unless there is an announcement of the Election Commission of the candidacy of Nasheed for the Presidential elections, the court cannot take cognizance of the plea of the defendant!

The Judicial Commission itself is a Flawed one:

One of the members of the Judicial Service Commission, Sheikh Abdul Rahman, criticised the functioning of the Judicial Service Commission. He said that it is highly politicised and wants to keep Nasheed out of the Presidential elections. He pointed out that the JSC had arbitrarily appointed three magistrates from the courts across Maldives after summarily dismissing the three names submitted to the Commission by the Hulhumale Magistrate's court. No proper reason except that the suggested magistrates were "busy" was given. The MDP considers this as a serious omission. The MDP has also objected to the presence of Gasim Ibrahim, a political rival and a presidential aspirant of getting associated in the selection of the special bench. A motion is being moved in the Parliament to remove Gasim from the membership of the JSC.

It may be recalled that earlier in 2010, one of the members of the JSC, Aishath Velizinee had challenged the JSC's "unconstitutional" re-appointment of poorly educated and ethically dubious judges in August 2010. Nasheed's mistake was in allowing reappointments of such judges without due scrutiny. He is now paying for it.

Indian and International Reaction:

The Indian Prime Minister while referring to the situation in Maldives, expressed confidence that the ensuing Presidential elections in Maldives will be free and fair in which everyone would participate. Earlier the Indian Foreign Ministry had urged all concerned to exercise caution and restraint and not to resort to any violence or extra constitutional means and steps which would weaken the democratic system.

The US position has also been for a free, fair, credible, transparent and inclusive elections. The EU has declared that it would be "difficult" to consider the upcoming presidential elections as "credible" unless former President Nasheed is allowed to contest.

The Attempt is to exclude Nasheed:

But all indications are that every effort will be made by the authorities in Maldives to prevent Nasheed from contesting. The Maldivian President's Spokesman Masood had said that the elections will be free and fair but will be "exclusive"- in the sense will exclude those not

meeting the legal criteria. The intention is clear- use all means constitutional or otherwise to prevent Nasheed from contesting.

Nasheed has already threatened that any verdict barring him from contesting the elections would result in a lot of people rising against the decision and trigger a very dangerous political insurgency.

From the Indian point of view the situation needs careful monitoring. It is hoped that international pressure to have a free, fair and more importantly, an "inclusive" election will continue.

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Tags:

Naheed ^[1]

Presidential Elections ^[2]

Maldives ^[3]

Category:

Papers ^[4]

Countries:

Maldives ^[5]

Topics:

Political ^[6]

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- [1] <http://www.southasiaanalysis.org/taxonomy/term/250>
- [2] <http://www.southasiaanalysis.org/taxonomy/term/163>
- [3] <http://www.southasiaanalysis.org/taxonomy/term/65>
- [4] <http://www.southasiaanalysis.org/papers>
- [5] <http://www.southasiaanalysis.org/maldives>
- [6] <http://www.southasiaanalysis.org/political>