



Translation of the PRESS RELEASE dated 11th February 2021

In July 2020, Maldives Police Service commenced criminal investigation in the alleged case of sexual harassment and assault of a number of employees of Ministry of Tourism. For the purpose of investigation, Maldives Police Services requested on 10th July 2020, to withhold the passport of the accused; Former Minister of Tourism Ali Waheed, and Criminal Court issued a court order to withhold Ali Waheed's passport henceforth until 9th October 2020. When the period of passport suspension expired, Maldives Police Service requested to extend the period of passport holdup, and Criminal Court issued a court order to withhold Ali Waheed's passport until 5th January 2021.

Prosecutor General's Office logged this case on 14th November 2020, as sufficient evidence was collected in this case to press criminal charges. The Prosecutor General's Office filed seven charges against Ali Waheed at the Criminal Court. The charges are; attempted rape, inflicting a sexual injury, two counts of unlawful sexual contact, indecent exposure, sexual assault and attempt to cause sexual assault. These charges were filed on 18th November 2020, at the Criminal Court.

An extension of passport suspension was requested subsequent to the filing of charges against Ali Waheed at the Criminal Court, due to high flight risk. As the existing suspension order was due by 5th January 2021, the State submitted a request to the Court for extension in accordance with Law No 12/2016 (Criminal Procedure Code). Ensuing the charges filed against Ali Waheed at the Criminal Court, he requested to release his passport to travel abroad for medical treatment. As the appointed Judge for the case was on leave at the time, the order to withhold the passport was extended till 20th January 2021. Consequent to the return of the appointed Judge from leave, the State requested to extend the passport suspension order from 20th January 2021 onwards, in accordance to the Criminal Procedure Code and the appointed Judge Hassan Saeed granted the extension. Thereupon, a hearing was





scheduled for 24th January 2021 to review the passport suspension order due to a request made by Ali Waheed.

The State sought disclosure of the medical documents said to be submitted by Ali Waheed to the Court, yet the aforementioned documents have not been disclosed by the Court up till the hearing on 24th January 2021.

Court hearing of the case on 24th January 2021:

On this hearing, Ali Waheed requested the release of his passport claiming medical emergency. In response to this request, the State stated that it opposes his passport being released due to his high risk of flight and the significant likelihood of obstruction of justice that would occur. Additionally, the State noted that this case fits the criteria set forth in Section 75 of the Criminal Procedure Code for passport seizure and that, while Ali Waheed requested the release of his passport claiming a medical condition, not every medical condition necessitates passport release. The State maintained that the passport of a flight-risk individual should only be released in a case of serious medical condition resulting urgent medical attention that cannot be provided in the Maldives. When it was pointed out that the State was unable to confirm Ali Waheed's medical emergency without examining his medical records, the Court produced a paper signed by Dr. Muzunee of Tree Top Hospital during the hearing, advising that Ali Waheed needed urgent medical treatment abroad. Regarding this document, the State emphasized that prior to the verification of the origin and authenticity of it along with the absence of expert opinion concerning the medical terminologies used in this document, it was difficult to comment justly on it. The State affirmed that it will not infringe the right to healthcare of any citizen, provided that the urgency of critical medical care is verified and that Ali Waheed failed to prove this urgency based on that document.

In this hearing, Criminal Court voluntarily ordered Ali Waheed to complete a health checkup from IGM Hospital. It must be noted that this is an uncommon practice compared to other similar cases.

In the meantime, as the Court ordered thusly, the State has been persistently monitoring the progress of this matter via Court Officers. When the Court Officers informed that the Court has received the medical documents from IGM Hospital, the State subsequently requested for the written disclosure of these documents. Regrettably, these documents have not been revealed to the State till date. The Court further informed that a medical doctor from IGMH





will be summoned to Court regarding the medical documents forwarded by IGMH, and thereby a hearing was scheduled for 9th February 2021 at 1330 hours.

Court hearing of the case on 9th February 2021:

This hearing was scheduled to begin at 1330 hours and yet began after 1430 hours. Dr. Shaan Yoosuf, an orthopedist, was summoned to the hearing as a court-appointed expert. Dr. Shaan testified in court that in the medical documents, the doctor has advised Ali Waheed to undergo a surgery due to a serious condition of his spinal disk and "despite the fact that the surgery could be completed in the Maldives, given the complications he has and the lack of adequate equipment, he does not recommend completing the surgery in the Maldives, as it could result in a fatality and that it happened to another individual recently."

Reflecting on the doctor's statement, the State stated unequivocally that it would not interfere with a citizen's right to healthcare and was not opposed to allowing him to travel abroad for medical treatment, it requested that the passport suspension order be upheld and that a travel document with a specified validity period be issued following the allocation of a surety responsible in his absence.

Ali Waheed responded to the State's remarks by asserting that he has no prior convictions, has never fled a trial, and that issuing a travel document indicating he is an alleged sexual offender will tarnish his reputation and prevent him from seeking necessary medical care.

In response to Ali Waheed's claims, the State emphasized that Ali Waheed did not require a passport in order to obtain medical attention. The State further noted that the Constitution of the Maldives limits the rights and liberties of a person charged with a criminal offense, and as natural justice is founded on safeguarding not only the accused's rights but also the rights of victims and the public, priority must be given to ensuring the rights of all involved parties, in order to strike a balance between them. In addition, State affirmed that Ali Waheed is a high flight risk as long as the case against him is impending, as he has previously fled the country while under investigation and trial, and releasing his passport raises the likelihood of him not returning and risk of tampering with evidence.

When asked why the State is opposed to releasing the passport for a specified period following the appointment of a surety, the State explained to the Judge that, even if the





passport is released for a specified period, it will be impossible to enforce the order against him once he departs from the Maldives, and even if a surety is appointed, the State believes that there is no certainty that the individual will be held accountable. Thus, **the State has declared unequivocally that it opposes the release of a passport upon the appointment of a surety.** Conversely, the State requested to issue a travel document for a specified period following the appointment of a surety.

Despite hearing from the State, taking into consideration Ali Waheed's lack of prior convictions and the Doctor's statement, the Judge decided to appoint a surety liable for him in his absence and release the passport for a 4-month period. When the judge announced the decision, the State inquired about the surety's identity to ascertain whether the individual was qualified to operate as a surety. The Judge referred the inquiry to Ali Waheed, who informed the Court that it was Asadh Ali (Adubarey), the State Minister for Ministry of Youth and Sports.

Disregarding multiple requests made by the State, neither the Court Order to release the passport nor the Surety Agreement have been disclosed by the court thus far.

The news is fallacious that Ali Waheed's passport was released owing to a request made by the State. The Court Order, which was mentioned in the media as being requested by the State, was later clarified by Criminal Court as an 'administrative error' of the Court. The release order was not requested by the State. As the court order was issued inconsistent with the standard procedures adhered to in cases of similar nature, efforts are underway to alert the relevant authorities to the matter and to undertake the necessary measures against the responsible parties.

The hearing concluded after 1600 hours in the evening. The State maintains that the release of passport was erroneous. Ali Waheed departed concurrently while the decision to appeal was ongoing. If Ali Waheed fails to comply with the court order and return within the 4-month period, legal action will be taken against him and his surety in accordance with the laws and regulations.

11th February 2021

