

THE CRIMINAL JUSTICE SYSTEM IN MALDIVES

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I. INTRODUCTION

In Maldives after notice of an alleged offence has been brought to the attention of the investigating authorities, the matter shall be investigated promptly, and where warranted, the Prosecutor General shall lay charges as quickly as possible. Article 51 (b) stipulates that everyone charged with an offence has the right to be tried within a reasonable time.¹

II. INVESTIGATION

A. The Maldives Police Service

The Maldives Police Service as the principal law enforcement agency derives its powers from the Police Act 2008.² Under the Police Act, the police force is recognized as a civil organization.³ Prior to September 2004, the National Security Service (NSS) was mandated with policing in the Maldives. The NSS had both a policing branch and a military branch. Both branches were given the same initial military-style training, with very little focus on community orientation.⁴ The MPS has to build a good professional working relationship with agencies in the criminal justice system to promote and develop police service in the Maldives and to prevent homicide and other crimes.

B. Forensic Science Department

The MPS's Forensic Science Department has been awarded the International Standard of Organization (ISO) certificate. This will help the shift in reliance on confessional evidence to that of establishing an evidence-based system of criminal investigation. In July 2010 the MPS established a separate forensics building, which houses modern technologies for forensic investigations. However, as the Maldivian Democracy Network (MDN) stated, there remains room for skepticism about the MPS's ability to effectively deploy their new forensic tools and the judiciary's capacity to engage with forensic evidence.⁵

C. Community Policing

In the Maldives community policing efforts also increased in recent years, with the police working with the youth, community elders, students, parents and even gang members to prevent and reduce crime levels. The MPS approach to community policing is focused more on being proactive in crime reduction rather than investigations or prosecutions.⁶

Community policing focuses more on the increase in gang-violence which is also related to a large extent to drug trafficking. According to the MDN, the MPS has taken some proactive steps to reduce gang-related crimes through a community policing philosophy. Among the proactive steps used include

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¹ Constitution of the Maldives 2008, art 51 (b).

² Police Act 2008 (Law Number 05/2008) (MV).

³ Police Act 2008, s 5.

⁴ MPS, Statistical Report 2010, (27 April 2011) <<http://police.gov.mv/>>, MDN, Maldives Police Service in 2010: A Snapshot <www.mvdemocracynetwork.org/maldives-police-service-in-2010-a-snapshot/>.

⁵ Maldives Police Service in 2010: A Snapshot, above n 4.

⁶ Maldivian Democracy Network, Community Policing in the Maldives, (5 May 2010) <www.mvdemocracynetwork.org/community-policing-in-the-maldives/>.

engaging with elders and businessmen in local communities where gangs are resident.⁷

According to the MDN, attempts to talk with and engage gang leaders themselves and try to reduce crime through dialogue and positive relationships have proven to be effective with at least one Male' gang which has been remarkably quiet since the engagements took place. The MDN also noted that whether this approach fits the theoretical description of community policing is open for debate. However the MPS officials insist that it does, and if it helps reduce crime, not many will complain or care either way.⁸

Another approach of community policing recently used by the MPS in both Male' and the Atolls to combat gang crimes has been to involve local youth and even gangs themselves in sports events with the police. According to the MDN football matches and other such events have proven to be effective tools in building trust and respect between law enforcement officials and local youth.⁹

D. Crime Prevention Committees

The MPS has setup Crime Prevention Committees in all Atolls of the country with varying degrees of success. The aim of the Committees is to bring together community leaders and the police to come up with community-based approaches to crime prevention.¹⁰

E. Institute for Law Enforcement and Security Studies (ILESS)

The Maldives Police Service Institute for Law Enforcement and Security Studies undertakes courses and programmes that will ensure that members of the MPS and other law enforcement officers undergo required training.

F. Other Investigating Agencies

There are other agencies responsible for criminal investigation. The following are the agencies which have power to conduct criminal investigation and their field of investigation.

1. Anti-Corruption Commission

Section 21 (a) of the Anti-Corruption Commission Act (Law no: 13/2008) states that "to inquire into investigate all allegations of corruption; any complaints, information or suspicion of corruption must be investigated."¹¹

2. Maldives Customs Service

Under s 88 (b) of Maldives Customs Act, (Law no: 8/2011) Customs can investigate cases of unlawful smuggling in and out of Maldives and can forward these cases to the Prosecutor General for prosecution.

3. The Police Integrity Commission

Under the Police Act 2008, an independent Police Integrity Commission (PIC) has been established.¹² The PIC is vested with the powers to monitor the code of conduct of the police and take measures to curb any conduct that could pave the way to corruption and/or misconduct.

In s 19 of the Maldives Police Act, it is the objective of PIC to independently investigate unlawful activities occurring within the police and take actions as mentioned in the Law.

According to the MDN the establishment of the Police Integrity Commission further helped to strengthen the public's confidence in the police. However the police have been finding it difficult to maintain this confidence, with the crime rates increasing and conviction rates for high profile cases remaining very low. This apparent inability of the police to clampdown on increasingly brazen acts of

⁷Ibid.

⁸Ibid.

⁹Ibid.

¹⁰ Maldives Police Service in 2010: A Snapshot, above n 4.

¹¹ Anti-Corruption Commission Act (law no: 13/2008).

¹² Police Act 2008, s 18.

gang crime has put further pressure on public confidence.¹³

Apart from the PIC's power to investigate cases and submit to the PGO to take legal action it has to be noted that the decisions and actions taken by the PIC are not binding and are merely submitted to the Minister for Home Affairs for further action. It seems the PIC is more of an advisory body. Therefore, the Parliament should pass the Police Integrity Commission's bill¹⁴ giving the PIC more binding powers to carry out its work in order for its full effect to be realized.

4. Maldives Inland Revenue Authority

Under s 30 of the Tax Administration Act (Law no: 3/2010), the Maldives Inland Revenue Authority has the power to audit and investigate cases regarding taxation.¹⁵

G. Investigative Procedure (MPS)

It is stipulated in art 46 of the Constitution of the Maldives that no person shall be arrested or detained for an offence unless the arresting officer observes the offence being committed, or has reasonable and probable grounds or evidence to believe the person has committed an offence or is about to commit an offence, or under the authority of an arrest warrant issued by the court.

Under art 47 of the Constitution no person shall be subject to search or seizure unless there is reasonable cause. Residential property shall be inviolable, and shall not be entered without the consent of the resident, except to prevent immediate and serious harm to life or property, or under the express authorization of an order of the court.

According to art 48 of the Constitution everyone has the following rights on arrest or detention:

- (a) To be informed immediately of the reasons therefore, and in writing within at least twenty four hours;
- (b) To retain and instruct legal counsel without delay and to be informed of this right, and to have access to legal counsel facilitated until the conclusion of the matter for which he is under arrest on detention;
- (c) To remain silent, except to establish identity, and to be informed of this right;
- (d) To be brought within twenty four hours before a judge who has power to determine the validity of the detention, to release the person with or without conditions, or to order the continued detention of the accused.

Article 49 of the Constitution provides that no person shall be detained in custody prior to sentencing, unless the danger of the accused absconding or not appearing at trial, the protection of the public, or potential interference with witnesses or evidence dictate otherwise. The release may be subject to conditions of bail or other assurances to appear as required by the court.

The maximum period of detention varies with each offence and is at the discretion of the judge. In some cases a suspect is detained until the investigation or trial is complete.

Interviews of suspects are recorded under r 101 of Police Regulation. Audio recordings are compulsory while video recordings are optional. In some cases these recordings are submitted to trials but it is not used as a confession/statement.

Right to legal counsel is provided at all stages of the investigation and trial as a constitutional right.

After conducting interviews and suspect's oral statement, reports are prepared by the investigators.

¹³ Maldives Police Service in 2010: A Snapshot, above n 4.

¹⁴ Police Integrity Commission's Bill (2011) (MV).

¹⁵ Tax Administration Act (law no: 3/2010).

The suspect is given the opportunity to confirm and correct mistakes in such documents.

During the investigative process, if the need arises to search a home/building/communications of a suspect, if permission is denied by the owners, police shall get a court order or warrant, in order to do so.

III. PROSECUTION

A. The Prosecutor General's Office

As part of the recent reforms to the criminal justice system, an independent Prosecutor General (PG) is appointed. The Prosecutor General's Office (PGO), as an independent institution was created by the new Constitution and came into being from 7 September 2008.

The PGO derives its Constitutional independence from art 220 of the Constitution. Article 220 (a) states that "*There shall be an independent and impartial Prosecutor General of the Maldives*".¹⁶ It further states that:

The Prosecutor General is independent and impartial, and he shall not be under the direction or control of any person or authority in carrying out his responsibilities and the exercise of his powers. He shall carry out his responsibilities and exercise his powers without fear, favour or prejudice, subject only to the general policy directives of the Attorney General, and on the basis of fairness, transparency, and accountability.¹⁷

The responsibilities and powers of the PG are contained in arts 223 to 229, inclusive.¹⁸ The PG has the power to order investigations, monitor detentions, lodge appeals and review existing cases. The PG of Maldives is appointed by the President and has to be approved by the Parliament. In addition, the Prosecutor General's Act¹⁹ specifies how the Prosecutor General should be appointed, as well as the responsibilities, powers and qualifications of the PG.

The Attorney General is mandated to issue general directives to the PG on the conduct of the prosecutions.²⁰ However, art 220(c) states the independence and the impartiality of the PG who shall be free from direction or control of any person or authority in carrying out his functions.²¹

B. Advocacy Skills and Performance

According to the Capacity Development Needs Assessment of the Prosecutor General's Office of the Republic of Maldives Report 2008 at the time of the assessment advocacy skills were at basic levels and preparation was not always thorough. The Report noted that confidence in the way in which cases are handled will grow when greater experience and expertise is demonstrated in court. The Report emphasized that the quality of dispatch and the delivery of casework in court should be uppermost in the minds of the PGO.²²

Some locals as well as some members of the Parliament have been criticizing the performance of the PGO due to losing serious criminal cases including homicide cases. The Maldivian Democratic Party MP, Ahmed Rasheed said that the hard work of the police to prove the charged guilty fails because of the inexperience of the prosecutors.²³

¹⁶ Constitution 2008, art 220 (a).

¹⁷ Article 220 (c).

¹⁸ Articles 223 - 229.

¹⁹ Prosecutor General's Act (Law Number 9/2008) (MV).

²⁰ Constitution, 2008, art 133(g).

²¹ Article art 220(c).

²² Capacity Development Needs Assessment of the Prosecutor General's Office of the Republic of Maldives (2008), at para 21.1.

²³ *Abdul Latheef* "Police's work to prove the charged guilty fails because of inexperienced state lawyers-Ahmed Rasheed" *Miadh* (online ed, Maldives, 15 April 2011) at <<http://www.miadh.com/2011/04/local-news/police%e2%80%99s-work-to-prove-the-charged-guilty-fails-because-of-inexperienced-state-lawyers-ahmed-rasheed/>>.

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Rasheed noted that those prosecutors assigned by the PGO to represent the State in trials of criminal prosecution are mostly very young, inexperienced and naive. *“As a result of this, it is saddening to say that, those charged with dangerous criminal offences are acquitted.”*²⁴

However this research showed that the higher number of acquittals is not only due to the ineffectiveness of the prosecution but also due to weak investigation and delaying trial and the way the trial conducted in the Criminal Court.

It is important to note that the advocacy issue is systemic and rooted in the qualification process which does not require advocacy training to be undertaken by a graduate — after a law degree or similar qualification an application to the Attorney General Office is made for a practicing certificate, which if granted allows the lawyer to practice in court without any advocacy training.²⁵

The Constitution stipulates that the responsibilities and powers of the PG may be assigned with his express instructions, to any person working under his mandate or to any other person.²⁶ The purpose of these provisions may be due to lack of capacity and currently the PGO is working with this system. Allowing prosecutors to prosecute in the court who have not got proper advocacy training will impact on institutional performance. Therefore it is important to take corrective measures instead of sticking on the current system. According to the Report, the evidence points to the need for the change current system.²⁷

Unlike before, prosecutions are now based on use of evidence of a forensic nature, changes to the criminal procedure rules and upcoming Penal Code, Criminal Procedure Code and Evidential Act points to a need to raise capacity of the PGO to be prepared for the changes.²⁸

Therefore the PGO needs to train prosecutors to provide them with the skills, knowledge and the expertise to enable them to perform their roles better to deal with crimes, most notably homicide.

C. Departments

Currently the PGO has a general department to deal with all sorts of crimes known as the Public Prosecution Department. Due to crime patterns and available resources, the PGO needs to consider establishing a drug-related offence department, a serious and organized crime department and a witness and victim protection department in order to place more focus on homicides and issues which have an impact on homicide.

D. The PGO, the MPS and the Courts

This research shows that in most cases the PGO and the MPS have a positive and cordial working relationship. Periodic conversations have been held between the two institutions. However the courts, especially the Criminal Court, are far from such approach. However the PGO and the Criminal Court have some sort of mutual understanding while the Police and the Criminal Court have been criticizing each other through public media recently. The PGO and the MPS have recently introduced a partnership approach in complex cases most notably homicide cases, working together to build cases together or where the police seek advice from the PGO at an early stage in the case.²⁹

Therefore there is a need to set up a formal institutional mechanism among the PGO, the MPS and the courts through which investigation and prosecution issues and delay reduction can be discussed and corrective action be taken. In addition such a mechanism would help to close doors for those who escape from the system without paying the price for the crime committed.

²⁴ Ibid.

²⁵ Capacity Development Needs Assessment of the Prosecutor General's Office, above n. 22, at para 21.2.

²⁶ Constitution 2008, art 224.

²⁷ Capacity Development Needs Assessment of the Prosecutor General's Office, above n. 22, at para 21.2.

²⁸ Ibid. at 21.4.

²⁹ Ibid. at 13.1.

IV. JUDICIARY

In this section the main focus will be drawn on the present setup of courts for the administration of criminal justice in the Maldives.

A. An Introduction to the Maldivian Court System

In the current Maldivian court system, the judicial power is vested in the Supreme Court,³⁰ the High Court³¹ and lower courts established by the Judicature Act³² of the Maldives, and any other statute.³³ According to the Judicature Act of Maldives, the Maldives Court system is made up of three levels: the Supreme Court, the High Court and the lower courts including the superior courts and the magistrate courts.

Under the Constitution, judges of the Supreme Court, including the Chief Justice, are appointed by the President in consultation with the Judicial Service Commission and confirmation of the appointee by a majority vote of the Parliament.³⁴ The appointments and removal of all other judges are entrusted to the Judicial Service Commission set up pursuant to art 157 of the Constitution.³⁵

Superior Courts are first instance courts created under the Judicature Act in the upper category of the lower courts. Male' has five specialized first instance courts namely: the Civil Court, the Family Court, the Criminal Court, the Juvenile Court and the recently established Drug Court. The lower category of courts created from within the lower courts is the magistrate courts created under the Judicature Act.

B. Large Scale Acquittals

This research shows that large scale acquittals of heinous and ghastly offences including homicides are eroding people's faith in the effectiveness of the criminal justice system. According to the Criminal Court, apart from delays, not getting assistance and protection to the courts as required under the Constitution,³⁶ failure to enforce sentences and lack of important legislation are major reasons for the large number of acquittals.³⁷

Despite this, it is crucial that the Criminal Court, the Juvenile Court and the Magistrate Courts must respond to society's call for justice and punish the guilty by a proper and judicious approach even with the difficulties it faced.

C. Delay in Disposal of Cases and Arrears in Courts

It is in the interests of the people as well as the State that the cases sent to the courts for adjudication should be decided within a reasonable time. Under art 51 of the Constitution everyone charged with an offence has the right to be tried within a reasonable time.³⁸ If the course of trial is inordinately long, the chances of miscarriage of justice are more and expenses of adjudication increase as well. This has subjected the Maldives criminal justice system to severe strain. It has also shaken the confidence and faith of the people in the efficacy of the courts.

The impact of delay in trials includes loss of important evidence, because of fading of the memory or the death of witnesses. In addition there are also possibilities of the material witness succumbing to undue pressure and being won over, if there is a long time lag between the actual occurrence and the date of recording of their deposition in the Court. It is therefore essential, so far as criminal cases are concerned, that the delay in their disposal be eliminated as far as possible.

³⁰ Constitution 2008, art 145.

³¹ Article 146.

³² Judicature Act (Act No: 22/2010) (MV).

³³ Constitution 2008, art 141.

³⁴ Articles 147 and 148.

³⁵ Article 157.

³⁶ Constitution 2008, art 141 (d).

³⁷ HRCM, Report on Causes for Increase in Incidents of Crime (2009).

³⁸ Constitution 2008, art 51 (b).

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According to the Report on Capacity Development Needs Assessment of the Prosecutor General's Office there is structural, endemic and systemic delay in the system. It noted that delay takes place at different stages in the process. It can be classified as at the investigation stage, post investigation when the case is received by the PGO, post registering of the case, during the hearing phase, no case management systems.³⁹ The low number of judges compared to the number of cases, absence of defence counsel, unnecessary adjournments, absence of witness, the absence of prosecutors, failure to examine witnesses though present in the Court, absence of day-to-day hearing and delay in delivery of judgments are all causes which lead to delay in criminal cases. Another cause for delay in the disposal of cases is procedural delays. The rules governing criminal procedure in the Maldives are currently based on a number of regulations and circulars that came into force prior to the criminal justice reform in the country. Therefore they are out of date and inadequate.

The right to speedy trial is an essential part of the fundamental rights enshrined in the Constitution of the Maldives. The Constitution provides that after notice of an alleged offence has been brought to the attention of the investigating authorities, the matter shall be investigated promptly, and where warranted, the PG shall lay charges as quickly as possible.⁴⁰ As mentioned before it also affords the defendant a trial within a reasonable time.⁴¹

The Report also noted ways in which delays can be managed. It stated that some of these can be managed in the short term and others require long-term consideration.⁴² According to the Report, the current practice is to send back cases which need further investigation, or which are incomplete or require correction, to the MPS so that the gaps can be filled in terms of documentation and further investigation. The Report recommended to set up with the police a formal institutional mechanism through which day-to-day prosecution issues, file content, delay reduction, etc., can be discussed and corrective action taken.⁴³

As the Report stated, a way which will help cut out delay may be for the PGO and the police to train the police on file preparation and content or have a senior prosecutor stationed at the MPS to carry out those functions in the MPS before cases are sent to the PGO.⁴⁴

According to the Report, the delay in hearing cases is also because of listing and scheduling practices in the criminal justice system. As the Report stated, the current system of scheduling cases is "court-centric" not "user-centric". The current system is based on the benefit and the working practices of the Court and the individual administrative practices of judges managing their own cases.⁴⁵ The Report also noted that the current case scheduling system is adversely affecting the efficiency of the PGO in terms of how staff is deployed. According to the Report, often, the Criminal Court does not inform the PGO about "cancelled" cases until the prosecutor arrives at the Court. This wastes the prosecutors' time, preventing them from carrying out other duties that day.⁴⁶

The Criminal Court has no case management system. The Report suggests that only upon the defendant entering a not guilty plea should a case be scheduled for trial. The Report recommends the PGO to lobby for formal case management hearings — if defendants wish to enter a guilty plea they should be allowed to do so at an early stage.⁴⁷

The Criminal Court also has no practice of continuous hearings. As a result cases have to be listed many times. The Report noted that block hearings are also affecting the efficiency of the PGO in that greater demand is made on the number of prosecutors and the number of times they have to cover one case. Due to this, witnesses are left in uncertainty and may lose interest in the case and the opportunity

³⁹ Capacity Development Needs Assessment of the Prosecutor General's Office, above n. 22, at 25.1.

⁴⁰ Constitution 2008, art 50.

⁴¹ Article 51(b).

⁴² Capacity Development Needs Assessment of the Prosecutor General's Office, above n. 22, at 25.1.

⁴³ *Ibid.*, at Recommendation 4.

⁴⁴ Capacity Development Needs Assessment of the Prosecutor General's Office, above n. 22, at 25.2.

⁴⁵ *Ibid.* at 25.3.

⁴⁶ *Ibid.*

⁴⁷ Capacity Development Needs Assessment of the Prosecutor General's Office, above n. 22, Recommendation 12.

for a defendant to intimidate or influence the witness is greater. In addition, the continuity of prosecutor may not always be possible because of operational reasons in the PGO. Therefore the PGO needs to lobby for continuous hearings. This will help cutting out unnecessary hearings allowing the Court and the PGO to carry out other duties.⁴⁸

Adjournments appear to be very common for a variety of reasons in the court. As the Report noted often witnesses or defendants either do not attend or are not produced by the DPRS and the MPS. There are obvious difficulties for defendants and witnesses who travel from the islands due to the geographical nature of the country. Apart from institutional deficiency, transportation cost, affordability and climate have a direct bearing on the efficiency of the Court.⁴⁹

In instances where witnesses and defendants do eventually attend, there is further pressure on the system to deal with the cases, and this creates last minute and urgent demands upon the PGO to provide a prosecutor to cover that case. Due to this, prosecutor may be dispatched to cover the case on short notice, inevitably affecting performance for lack of preparation.⁵⁰ According to the Report there was evidence that it is not unusual that as many as 50 per cent of the hearings listed for a day result in adjournments. The Report recommends need for a “user-centric” instead a “court-centric” scheduling/ listing practices (set joint targets to reduce adjournments).⁵¹

V. JUDICIAL SERVICE COMMISSION

The Judicial Service Commission (JSC) is an independent institution established on 4 September 2008. The JSC is empowered to investigate complaints about the judiciary and to take disciplinary action, including recommendations for dismissal, to make rules regarding schemes for recruitment and procedures for the appointment of judges, to establish ethical standards for judges, to provide for such matters as are necessary or expedient for the exercise, performance and discharge of the duties and responsibilities of the Commission, and to advise the President and the Parliament on any matter regarding the administration of the courts.

To date, due to its composition⁵² and their political affiliation, the JSC seems to be very ineffective, In addition, recently its orders have been stopped by the courts. This shows that the JSC is incapable of carrying out its functions due to the courts intervention to its works.

As the HRCM noted, the JSC is constantly being accused and criticized by media and NGOs as well as persons within the judiciary for failing to work towards the independence of the judiciary, and for its lack of proper procedure and transparency.⁵³

VI. DEPARTMENT OF PENITENTIARY AND REHABILITATION SERVICES

Prisons in the Maldives are operated by the Department of Penitentiary and Rehabilitation Services (DPRS) under the Ministry of Home Affairs. In the Maldives one of the main reasons of the recent high crime rate and homicide rate is due to failure to enforce sentences for convicts. The Report on Causes for Increase in Incidents of Crime⁵⁴ noted that failure to enforce sentences for more than 500 convicts loose in society was among the main reasons for the rise in criminal activity in the Maldives. Criminals who were sentenced to life imprisonment for murder are also seen roaming the streets. In addition, the DPRS is recently not following court orders, which has reached a very alarming magnitude. According to this research the DPRS’s ineffectiveness is due to a shortage of human resources, inadequate prison facilities, funding and strategic action plans.

⁴⁸ Ibid, Recommendation 13.

⁴⁹ Capacity Development Needs Assessment of the Prosecutor General’s Office, above n. 22, at 25.6.

⁵⁰ Ibid.

⁵¹ Capacity Development Needs Assessment of the Prosecutor General’s Office, above n. 22, Recommendation 14.

⁵² Constitution 2008, art 158.

⁵³ ISSUES FOR CONSIDERATION WHEN COMPILING THE LIST OF ISSUES on the Initial Report of Maldives under the International Covenant on Civil and Political Rights (May 2011) at 23.

⁵⁴ HRCM, Report on Causes for Increase in Incidents of Crime (2009).

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Former President of the HRCM said that the operations of the DPRS, which is tasked with enforcing prison sentences, have deteriorated. He also said that the main national prison, in *Maafushi*, was effectively under the control of the inmates.⁵⁵

Prison reports heavily criticized the Government for the ineffective detention facilities for juveniles as they found that juveniles were held in same cells as adult prisoners.⁵⁶ However the Government is recently taking steps to hold juveniles in separate detention facilities.

A Report on prison conditions, published by the Human Rights Commission of the Maldives (HRCM) in January 2007, noted that conditions in the prisons are generally poor. However compared to January 2007, the whole prison environment is being improved under good supervision of prison officers. The DPRS has managed to establish a good prison system between 2006 and 2008. Due to the absence of prison legislation and a strategic action plan to sustain the existing capacity and prison system, the whole prison system collapsed in March 2009.⁵⁷

The Prison Assessment and Proposed Rehabilitation and Reintegration of Offenders Report has made a number of recommendations to address prison problems in the Maldives. The Report recommends strengthening the infrastructure and capacity building of prison staff and management.⁵⁸ It also recommends strengthening the database and documentation of records maintained by the DPRS. According to the Report the DPRS will need to keep adequate data on arrests and releases, re-offenders and the escaped and escapees in a properly managed database. In addition, the inclusion of the offenders' fingerprints in the system could also be effective for monitoring purposes.⁵⁹ Furthermore it recommends establishing rehabilitation programmes in prisons.⁶⁰

According to the Report information sharing, storing and collecting is in dire need of reform. The data collected from the AGO, the PGO, the MPS, the Criminal Court and the DPRS reveals that, the method in which criminal databases are maintained and the manner in which criminal data is reported differ significantly and are thus deeply flawed.⁶¹ The Report also noted that the existing parole system lacks properly formulated procedures, transparency as well as adequate monitoring of parolees.⁶²

The Maldives is also taking steps to improve prisons and its facilities, although these steps are hindered by significant capacity constraints. Draft Prison Rules are currently under development to improve prison conditions. In addition, the Prison and Parole Bill, is believed to be an important instrument in improving the current situation in prisons. This bill is expected to modernize and rationalize the prison system, placing a higher emphasis on rehabilitation.

VII. PARLIAMENT

According to the Constitution "*The legislative authority of the Maldives shall be vested in the People's Majlis [Parliament].*"⁶³ The Parliament has the power to amend the Constitution, enact legislation and amend or repeal any laws.

Under art 92 of the Constitution "*A Bill passed by the People's Majlis shall become law when accented to by the President*".⁶⁴ However works within the Parliament are believed to be to be chaotic

⁵⁵ "Urgent action needed to combat rising crime, says HRCM" *Minivan News* (online ed, Maldives, 1 April 2009), see <www.asiapacificforum.net/news/maldives-urgent-action-needed-to-combat-rising-crime-says-hrcm.html>.

⁵⁶ Republic of Maldives, Common Core Document, Forming Part of the Reports of States Parties (16 February 2010), <http://www.ccprcentre.org/doc/HRC/Maldives/HRI.CORE.MDV.2010_en.pdf>.

⁵⁷ *Ibid.*

⁵⁸ United Nations Development Programme in the Maldives and the Government of Maldives, Prison Assessment and Proposed Rehabilitation and Reintegration of Offenders Report (2011) at Recommendation 10 at 27 <http://www.undp.org.mv/v2/publication_files/4e649d60b9b4a.pdf>.

⁵⁹ Recommendation 7 at 26.

⁶⁰ Recommendation 4 at 26.

⁶¹ *Ibid.* at 19.

⁶² *Ibid.*

⁶³ Constitution 2008, art 70.

to the point of stalemate, due to political divergences and to the fact that most of the members are not trained in parliamentary work. There is complete lack of will among the members towards their work, and this amounts to a severe shortcoming of the parliamentary system.

The HRCM member Abdul Kareem said the Parliament should give due consideration to the HRCM reports by debating them on the Parliament floor: *“Every time someone is knifed on the street, Majlis goes into alert. They will have debates and petitions will be submitted. But it will fade away after a few days and nothing is done.”*⁶⁵

The criminal justice system would not be efficient without the support of the Parliament. There are a number of bills regarding the criminal justice system which are yet to be passed by the Parliament, such as the Penal Code Bill, Evidence Bill, Legal Aid Bill, Juvenile Justice Bill and Prison and Parole Bill.

⁶⁴ Article 92.

⁶⁵ “Urgent action needed to combat rising crime, says HRCM” *Minivan News* (online ed, Maldives, 1 April 2009), at <http://www.asiapacificforum.net/news/maldives-urgent-action-needed-to-combat-rising-crime-says-hrcm.html>.