



Translation of the PRESS RELEASE dated 22nd June 2021

In the alleged case against Former Minister of Tourism Ali Waheed of sexual harassment and assault of several employees of Ministry of Tourism, the State filed 7 charges; attempted rape, inflicting a sexual injury, two counts of unlawful sexual contact, indecent exposure, sexual assault and attempt to cause sexual assault. A 'hearing' of this case was conducted on 21st June 2021 at the Criminal Court.

Ali Waheed joined this hearing via videoconferencing from an unknown location which the State is unable to verify. As it is probable that the accused joined the hearing from outside the jurisdiction of Maldives, the State objected and raised concerns regarding the issue and sought answers to clarify this issue. This is the first time in the history of criminal justice system that a hearing was conducted via videoconferencing on an accused outside the jurisdiction of the Maldives. This exercise is not permitted by the Criminal Procedure Code and the State objected to conducting the hearing in this manner.

In regard to the objections raised by the State, Judge Hassan Saeed noted that the Court has decided upon concerning the matter and there will be no further discussion on it. It must be noted that any decision made by the Court must be disclosed in writing to both parties of a case. Hence, the State requested to disclose the aforementioned decision made by the Court. However, this decision has not been disclosed to the State. Judge Hassan Saeed further noted that this decision was reached with the counsel from the Chief Judge of Criminal Court Ahmed Shakeel. Nonetheless, as the State does not believe the Chief Judge of Criminal Court Ahmed Shakeel could counsel against a matter which has been specified by the law and the Supreme Court, the State requested to disclose this decision in writing. However, this decision has also not been disclosed to the State up till now.

The 'preliminary hearing' of this case commenced after Judge Hassan Saeed affirmed that this hearing could go forth. In the preliminary hearing held on 9th February 2021, 10 days were given for both parties to submit Pre-Trial Motions. The State submitted the motions in the given time frame. However, up till the hearing on 21st June 2021, Ali Waheed failed to submit motions from his side and then requested further extension for the submission of motions. Subsequently, 3 months past the allocated time for the submission of pre-trial





motions, Ali Waheed's lawyers stated that they submitted the motions to the Court on 10th June 2021. However, Judge Hassan Saeed stated that the court had also not received the referred submissions.

Under Section 117 (c) of Regulation on the Criminal Procedure for Trial, it is stated that once past the mandated deadline for the submission of Pre-Trial Motions, no further extensions can be given. Accordingly, the State objected for allowing any extensions for the submission of motions as Ali Waheed neglected in submitting the motions within the timeframe allocated by the Court without a reasonable excuse. Even so, Judge Hassan Saeed decided to grant a 5-day period to submit Pre-Trial Motions.

It must be noted that even after multiple requests made by the State seeking written disclosure of the decisions made by Judge Hassan Saeed regarding the charges against Ali Waheed, none has been disclosed thus far. Likewise, after repeated requests, neither the medical documents submitted to the Court by Ali Waheed in his request to travel abroad, nor the medical documents submitted by him to join the hearings of this case via videoconferencing outside the jurisdiction of the Maldives have been disclosed to the State till now.

Following the emergence of Covid-19 in the Maldives, the Supreme Court acknowledged 12 exceptional circumstances under which trials can be conducted via videoconferencing. It must be noted that the circumstance of Ali Waheed does not fit into any of these categories and the State sustains its belief that the hearings cannot be conducted in this manner. Hence, the State will be appealing this decision at the High Court of the Maldives. However, the formalities of the appeal can be completed only when Judge Hassan Saeed sends the documents concerning this decision to the Prosecutor General's Office.

22nd June 2021

