

## TRANSNATIONAL ORGANIZED CRIME IN MALDIVES

*Umar Mamdhoo\**

### I. INTRODUCTION

Transnational crime is a global issue that threatens the security and stability of nations around the world. With the advancement of technology and the progress of globalization, these crimes have become more complex and difficult to combat. The Maldives, a strategically located island nation in the Indian Ocean, has not been immune to the impact of transnational crime. Terrorism, drug smuggling and human trafficking are significant challenges that the Maldivian government must address to maintain law and order in the country. In this paper, we discuss the challenges and shortcomings of Maldives' approach to combating these transnational crimes, with special emphasis on terrorism, and analyse the countermeasures that can be implemented to address them.

### II. OVERVIEW

The vulnerability of Maldives to different types of transnational crimes can be attributed to its relatively small population of 515,122<sup>1</sup> and archipelagic nature, which makes it easier for international criminals to operate within the country. Among the transnational crimes discussed in this paper, drug smuggling is most prevalent. The archipelagic nature and location of Maldives in the Indian Ocean, where drug trafficking is prevalent, make it a transit point for drug smuggling. Drugs are smuggled into Maldives via fishing vessels operating within and outside of Maldivian territory where the waters are not effectively monitored.

Terrorist incidents are relatively less prevalent in the Maldives, with the most recent attack being on former President Mr. Mohamed Nasheed on 6 May 2021. Another recent terrorist attack occurred with a small group of individuals operating on an island called Thimarafushi, in Thaa Atoll, who conspired with support and motivation from the terrorist organization Islamic State to carry out an attack in the capital city of Maldives, Male', on 11 November 2020. However, the plans were disrupted and the perpetrators were captured by the Maldives Police Service (MPS) before it materialized. In March 2020, two individuals were charged with terrorism offences in relation to an arson attack on a police speedboat in Laamu Gan, who were found to have been conspiring with foreign terrorist organizations. This followed knife attacks against three foreigners in Hulhumale' in February 2020, which were claimed by Daesh (also known as ISIL, Islamic State, or ISIS) supporters. The Maldives police made a number of arrests in relation to the knife attacks.

Maldives recorded no terrorism-related fatalities in recent years. The abduction and killing of blogger Yameen Rasheed by local affiliate of Al-Qaeda in April 2017, was the last fatal incident of terrorism recorded in the country, although the materials used in the attack on former President Mohamed Nasheed suggest it too was intended for the same result. Despite no fatality in recent years, recruitment and radicalization still persist. Many argue this may be because there is a strong overlap between gang-related activities and extremist groups.<sup>2</sup>

Human trafficking is another transnational crime prevalent in the Maldives. Since 2012, when the Maldives became a member of the International Organization for Migration (IOM), the government has increased

---

\* Public Prosecutor, Prosecution, Prosecutor General's Office, Maldives.

<sup>1</sup> <https://census.gov.mv/2022/wp-content/uploads/2023/04/Provisional-Result-Publication-amnded-2423.pdf>

<sup>2</sup> Transparency Maldives, "Prison Radicalization Study," August 2022, <https://transparency.mv/v17/wp-content/uploads/2022/08/Prison-Radicalisation-Study.pdf>.

efforts to meet international standards in eliminating human trafficking in the Maldives. In 2013, Maldives passed the Anti-Human Trafficking Act that criminalized human trafficking and identified fraudulent recruitment, forced labour and sex trafficking as human trafficking.

Census data collected in 2022 showed that approximately 26 per cent of the population are foreigners, meaning for every three Maldivians, there is one foreigner living in Maldives. Cases submitted to the Prosecutor General's Office (PGO) and recent regularization efforts<sup>3</sup> carried out by the Government shows many are undocumented and at risk of exploitation.

According to the US Department of State's 2021 Trafficking in Persons Report,<sup>4</sup> the Maldives is a Tier 2 Watch List country, meaning that it does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The report notes that the Maldives government has taken steps to address human trafficking, including the adoption of a national action plan and the establishment of a national referral mechanism. However, the report also highlights concerns about the lack of resources and capacity to fully address this issue.

### III. LEGAL FRAMEWORK

To combat these transnational crimes, the Maldivian government has implemented a range of legal and regulatory measures. For instance, the country has signed a number of international instruments,<sup>5</sup> including the United Nations Convention against Transnational Organized Crime (UNTOC), the Convention on the Suppression of Financing of Terrorism, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

In order to implement the requirements by the international instruments and to combat these transnational crimes, Maldives has passed foundational national legislation in these areas. The Anti-Terrorism Act comprehensively criminalizes a wide range of terrorist activities while addressing the complex nature of terrorism cases by providing special procedures for investigation and prosecution. The Narcotic Drugs Act lists illicit substances that are prohibited in Maldives and provides that such offences carry the sentence of imprisonment for life for those who are found guilty of importing or exporting such substances. The Prevention of Human Trafficking Act criminalizes human trafficking and identifies fraudulent recruitment, forced labour and sex trafficking as human trafficking. While these laws have laid the foundational work in tackling these crimes and to most extent, has proven successful, yet remains practical challenges and underlying problems to be addressed.

#### A. Counter-Terrorism in Maldives

The Maldives has experienced a number of terrorist incidents in recent years, including the improvised explosive device (IED) attack on former President Mohamed Nasheed in May 2021, which injured him and several others. Investigation revealed that the attack was carried out by local religious extremists motivated and radicalized by ideologies of foreign terrorist organizations. Almost all suspects charged in relation to the case possessed extremist materials of foreign terrorist organizations.

In November 2020, MPS were successful in thwarting a plot to carry out another IED attack. Materials found in suspects' devices revealed they too possessed materials including IED manuals and extremist texts

<sup>3</sup> International Labour Organization (ILO), "ILO Country Office for Sri Lanka and the Maldives: Technical Assistance to the Maldives – Project Document," October 2020, [https://www.ilo.org/wcmsp5/groups/public/--dgreports/--inst/documents/publication/wcms\\_776391.pdf](https://www.ilo.org/wcmsp5/groups/public/--dgreports/--inst/documents/publication/wcms_776391.pdf).

<sup>4</sup> U.S. Department of State, Trafficking in Persons Report: Maldives 2022, June 2022, <https://www.state.gov/reports/2022-trafficking-in-persons-report/maldives/>.

<sup>5</sup> Ministry of Foreign Affairs, Republic of Maldives, "List of Treaties and International Agreements to which Maldives is a Party," December 2020, <https://www.gov.mv/en/files/treaties-list-december-2020.pdf>.

under the name of ISIS. The most recent fatal terrorist incident on blogger Yameen Rasheed was carried out by locals affiliated with Al-Qaeda. The transnational aspect of terrorist activities carried out in Maldives is indisputable.

The Anti-Terrorism Act that came into effect in 2015 defines a wide range of acts done with the purpose to promote political or religious or extremist ideology and to coerce or unduly influence the government or create fear among the public, as terrorism.<sup>6</sup> The act further criminalizes a range of acts associated with terrorism, including financing, encouraging, planning and carrying out terrorist acts.<sup>7</sup> The Act provides for special procedures in arrest, search, seizure and detention of suspects which effectively addresses and provides for investigation officers to deal with the imminent threat such cases pose. It also contains a special evidentiary burden, which has proved helpful in prosecution. The act recognizes and provides for the outflow of Maldivians to Syria and other warzones that occurred mainly during early 2000, by stipulating a special mechanism for detention, rehabilitation and reintegration of foreign fighters.

Additionally, the National Counter Terrorism Centre (NCTC) of Maldives was established. The NCTC is the primary agency responsible for preventing and countering terrorism in the country. It works in coordination with other national agencies, including the MPS, Maldives National Defence Force (MNDGF) and Maldives Immigration. NCTC's main functions include conducting research and analysis on terrorism trends and threats, coordinating with international partners on counter-terrorism initiatives, developing and implementing national counter-terrorism strategies and action plans, and providing training and support to other national agencies in areas related to counter-terrorism.

Therefore, it is fair to say sufficient and adequate measures have been put in place to counter terrorist activities. However, many who are radicalized and continue to spread extremist ideologies are free, as commented by Commissioner of Police Mohamed Hameed<sup>8</sup> as well, preventing a successful cease of such activity in Maldives. Moreover, in a number of cases, for instance in the case of the terrorist attack against former President Mohamed Nasheed, the prosecution has had to opt for less serious charges such as mere possession of terrorist materials against perpetrators because of insufficient evidence to support charges for the actual acts they committed.

The "Prison Radicalization in the Maldives" report published by Transparency Maldives in collaboration with the Maldives Ministry of Home Affairs, noted:

*there is a great deal of overlap between gangs and militant jihadist groups. Maldivian gang members may be told that they can continue most of their gang activities, as stealing from kafirs (unbelievers), especially in order to finance militant jihad, is halal (permissible). Thus, the criminal/terrorist nexus is forged and the two support each other's activities.*

In the November 2020 case, witnesses informed the police that they had heard similar harmful teachings from the suspects of the case, who in fact had prior criminal records, indicating that although progress has been made in preventing terrorist incidents, the crime-terror nexus is still prevalent and active in the Maldives, which needs addressing.

## **B. Drug Smuggling in Maldives**

The Narcotics Drugs Act of 2011 provides the legal framework for combating drug trafficking in Maldives. The act lists illicit substances that are prohibited in the country, and imposes harsh penalties for drug-related offences, including life imprisonment and fines of up to MVR 10 million (approximately USD 700,000) for those found guilty of trafficking and importing or exporting.

In recent years, there have been numerous cases where large quantities of narcotic drugs have been seized by MPS. Although there has not been any case involving drug smuggling through sea vessels presented to the Prosecutor General's Office for charging in 2023, reports suggest Maldives is most susceptible to drug trade happening at sea due to Maldives' geographical location and the country being an archipelago.

<sup>6</sup> Section 4, Anti-Terrorism Act.

<sup>7</sup> Section 5-17, Anti-Terrorism Act.

<sup>8</sup> <https://www.aljazeera.com/news/2021/5/8/who-tried-to-kill-mohamed-nasheed>

For instance, in October 2020, the police conducted an extensive operation and arrested individuals involved in the drug trade in Seenu Atoll, located near the southernmost point of Maldives' Exclusive Economic Zone (EEZ). A total of 61 kg of Diamorphine (heroin) and 17 kg of methamphetamine were seized. In March 2020, 60 kg of heroin was also seized from a fishing vessel near the capital city.

The next most prevalent method used to smuggle drugs into Maldives is through human couriers. Statistics published by MPS at a press briefing showed that 41 foreigners were caught smuggling drugs into the country in the past three years, with 40 of them caught in transit.

As reported by UNODC,<sup>9</sup> Maldives is not a drug cultivating or producing country. All illegal drugs are imported via neighbouring countries by air and sea. Maldives is located in a region where drug smuggling is prevalent, despite having proper national legislation and adequate policing capabilities, a collective effort, and assistance from neighbouring countries, is needed to combat the problem.

### **C. Human Trafficking in Maldives**

Almost one-third of the population in the Maldives consists of migrant workers, primarily from Bangladesh and India, with many being undocumented. The problem of human trafficking in the Maldives is often linked to the exploitation of these vulnerable undocumented foreign workers. They are frequently subject to abuse and exploitation by their employers, who withhold their passports, force them to work in hazardous and unhealthy conditions, and pay them below minimum wage.

The high number of undocumented foreign workers is mainly due to fraudulent quota allocations for labour recruitment agencies and poor border control. PGO has dealt with numerous cases involving sexual exploitation of foreign nationals who were brought to the Maldives under the guise of employment or tourist visas and has successfully secured convictions in such cases. However, the challenge remains regarding foreigners brought to the Maldives primarily for construction purposes without proper documentation.

In 2019, the police initiated an investigation into 27 cases of labour recruitment agencies suspected of potential labour trafficking. However, due to the failure of victim identification, which is a requirement under the Prevention of Human Trafficking Act, the police determined that none of the cases contained trafficking offences.

The challenge of prosecuting labour trafficking cases lies in the lack of proper support mechanisms for vulnerable victims and their identification. Most victims are indebted to their employers, either monetarily or in other forms, and without proper support mechanisms, they are often unwilling to pursue legal action against their employer. This results in insufficient evidence to pursue human trafficking charges.

## **IV. CHALLENGES AND SHORTCOMINGS**

As mentioned earlier, the Maldives now possesses the foundational legal frameworks and mechanisms necessary to combat transnational crimes such as terrorism, drug smuggling, or human trafficking. The challenge now, or the area of improvement that we must focus on, is improving the effectiveness of the current mechanisms in place.

Transnational crimes are a global issue, and the prevalence of extremism or drug smuggling in the Maldives is a threat to neighbouring countries such as Sri Lanka or India, and vice versa. As Martin Luther King Jr. noted, "Whatever affects one directly, affects all indirectly." Now more than ever, there is a need for international collaboration in combating these crimes, as technologies have evolved, and criminals are not bound by country borders.

Regarding terrorism, I have had firsthand experience with a suspect explaining how extremists are now

<sup>9</sup> UNODC. "Maldives." South Asia Regional Profile. September 2005. Accessed on 18 April 2023. [https://www.unodc.org/pdf/india/publications/south\\_Asia\\_Regional\\_Profile\\_Sept\\_2005/11\\_maldives.pdf](https://www.unodc.org/pdf/india/publications/south_Asia_Regional_Profile_Sept_2005/11_maldives.pdf).

## PARTICIPANTS' PAPERS

more focused on subtle infiltration into government as public officials, rather than carrying out terrorist attacks. They are now focused on spreading extremist ideology and increasing recruitment by getting such people elected into policy-level jobs. This, of course, would not be recorded in police or prosecution statistics.

With drug smuggling, the Maldives being a country with no cultivation or production of drugs but only receiving them from neighbouring countries through air and sea, the underlying problem seems to be inadequate monitoring of territorial waters and inadequate airport security. The geography of the Maldives adds to the problem, as being an archipelago consisting of thousands of islands makes it difficult to monitor the entire country's coastline, giving an advantage for drug smugglers to transport drugs by sea.

The Maldivian government has made progress regarding quota allocation for labour recruitment agencies. The 27 agencies and others suspected of labour trafficking in 2019 had been suspended, and stricter quota allocation rules have been put in place. However, the area of victim identification and protection still requires further investments.

### V. COUNTERMEASURES

In order to effectively combat the transnational crimes highlighted above, there are several countermeasures that could be implemented. For instance, strengthening law enforcement capabilities through better trainings, resources and equipment can help to counter the spread of extremist ideology and improve border security and monitoring of territorial waters. Greater international collaboration on mutual legal assistance (MLA), extradition and information sharing from neighbouring countries, international organizations and intelligence bodies can help MPS, Customs and Immigration officials to disrupt terrorist activities, drug smuggling and trafficking in persons before they materialize. Advanced technological resources in border control can strengthen Maldives' efforts to prevent the entry of illegal drugs and human trafficking victims into the country.

Additionally, assistance from neighbouring countries in victim identification and protection for victims of human trafficking and drug smuggling, through cooperation, collaboration and investments can pave way for more successful prosecution of such cases. It is also important to address the underlying causes of transnational crimes such as socioeconomic factors, through investment in general social well-being, socioeconomic activities, sports and education.

### VI. CONCLUSION

Maldives is a relatively peaceful country. Only about 300 cases are submitted to PGO for prosecution per month.<sup>10</sup> However, as a prosecutor working in the Maldives, I have seen firsthand the impact of transnational crimes on our country's national security and safety. The proliferation of recruitment for religious extremism, undocumented and unregulated foreign workers, and drug smuggling have created a significant challenge for law enforcement agencies.

In response to this challenge, it is imperative that we take a collective international approach. We must continue to develop and improve our legal framework to effectively prosecute and adjudicate transnational crimes. We must invest in the exchange of intelligence and knowledge to combat transnational crimes, as well as in technology and resources such as border control and surveillance. By working together, we can effectively combat transnational crimes in Maldives and worldwide.

---

<sup>10</sup> <https://aamahi.pgo.mv/en/statistics/dp>