

The Maldivian Pursuit of Transitional Justice and Search for Accountability

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The Maldives, long romanticized as a tranquil island paradise, conceals a more turbulent political and human rights reality. Beneath its idyllic surface lies a complex record of authoritarianism and enduring struggles over justice and accountability. Since independence in 1965, successive regimes have ruled through intimidation, politicized justice, and the suppression of dissent. The 2008 democratic transition promised rupture but delivered continuity; institutions remained instruments of power rather than safeguards of law. Within this legacy of impunity, transitional justice ('TJ') arose not from external prescription but from internal necessity, to confront entrenched state violence and restore moral legitimacy to governance. The creation of the Ombudsperson's Office for Transitional Justice ('OTJ') under the 2020 Transitional Justice Act ('TJ Act') signaled a historic admission that justice delayed had become justice denied. Yet the TJ project collapsed under political fatigue and institutional resistance, leaving its mandate unfinished and its promises unfulfilled.

This policy brief examines the Maldives' TJ experience through four lenses: the seriousness of its human rights violations, the creation and operation of the OTJ, the reasons behind its non-completion, and the broader lessons it offers for other Muslim-majority nations navigating the complex balance between justice, reconciliation and political pragmatism.

1. Crime Base and Violations in 'Paradise'

The evolution of human rights violations in the Maldives reflected a persistent pattern of state repression that transcended political transitions, from the authoritarian consolidation of 1978–2008, through emblematic events such as the 2003 *Maafushi* Prison killings and the 2004 state of emergency, to the post-2008 democratic regression.

1.1. The Authoritarian Legacy: 1978–2008

From 1978 to 2008, the Maldives operated under former President Maumoon Abdul Gayoom who maintained uninterrupted control through constitutional amendments, patronage networks, and the prohibition of all forms of organized opposition; the expression of dissent was considered an offence under state security laws.¹ State authorities used arbitrary arrest and prolonged detention as primary tools of political discipline. The security forces detained critics without warrant, often invoking the 1968 Penal Code's provisions on sedition and "acts against the State".²

The National Security Service ('NSS'), which combined Maldives police and military functions, exercised authority without judicial oversight. The judiciary's subservience to the executive ensured that no effective remedy existed for torture or unlawful detention. Freedom of expression and assembly was heavily constrained.³ The cumulative effect of these

practices entrenched a 'culture of impunity'. By the late 1990s, human rights violations had become systemic outcomes of a governance model that conflated national security with political loyalty.

1.1.1. The *Maafushi* Prison Killings: The State Turns on its Citizens

The *Maafushi* Prison incident of September 2003 represented a decisive rupture in the Maldivian state's longstanding culture of impunity. On 19 September 2003, prison officers at *Maafushi* Prison beat to death a 19-year-old inmate, Hassan Evan Naseem.⁴ Inmates subsequently initiated a peaceful protest. On 20 September 2003, NSS personnel responsible for prison management opened fire with live ammunition and tear gas on unarmed detainees attempting to exit their cells.⁵

The incident triggered public outrage. Thousands of citizens joined Naseem's funeral procession, demanding the resignation of the Minister of Home Affairs and the prosecution of those responsible.⁶ The security forces responded by using batons and tear gas to disperse protesters. In response to mounting domestic and international criticism, Gayoom established a Special Presidential Commission of Inquiry ('Commission') to investigate the killings.⁷ Its final report,⁸ released in December 2003, confirmed that excessive force had been used by prison officers and that chain-of-command accountability had been deliberately obscured. Subsequently, eight low-ranking officers were charged for manslaughter and assault. In June 2004, the Criminal Court of the Maldives convicted three of them and sentenced each to 10 years' imprisonment.⁹ However, none served the full term, and all were released within two years under presidential clemency.

The handling of the *Maafushi* case revealed the absence of an independent prosecutorial mechanism and the dependency of law enforcement oversight on the executive branch. The Attorney General's Office, which initiated the prosecutions, operated under direct presidential authority. No external or civilian body had jurisdiction to review prison conduct or use-of-force protocols. The incident also precipitated the establishment of the Human Rights Commission of Maldives ('HRCM') by Presidential Decree in December 2003,¹⁰ which later gained statutory recognition

Should Be Released", 13 November 2003, ASA 29/005/2003.

⁴ Amnesty International, "Protests in Paradise: Repression in the Maldives", 10 November 2006 (<https://www.legal-tools.org/doc/dtvhnufh/>).

⁵ Azra Didi, "The Maldives in Transition: Human Rights and Voices of Dissent", Doctoral Dissertation, Curtin University, 2012.

⁶ Jamie Wilson, "The First Visible Stirrings of Popular Unrest in Maldives", *The Guardian*, 26 September 2003.

⁷ The Maldives, The President's Office, "President Establishes Special Presidential Commission of Inquiry into the Incident that Occurred in Malé on 18 April 2003", 27 April 2005.

⁸ The Maldives, Presidential Commission, "Investigative Findings on the Death of Hassan Evan Naseem", 29 December 2003 (<https://www.legal-tools.org/doc/imf7ki3k/>).

⁹ Renée Jeffery, "Human Rights and Transitional Justice in the Maldives: Closing the Door, Once and For All?", in *Human Rights Review*, 2024, vol. 25, p. 242.

¹⁰ The Human Rights Commission of the Maldives, "About" (available on its web

¹ Amnesty International, "Republic of Maldives: Arrests of Possible Prisoners of Conscience", 30 April 1991 (<https://www.legal-tools.org/doc/f4v1lv6m/>).

² See The Maldives, Penal Code, 1 July 1968 (<https://www.legal-tools.org/doc/f7111f/>); Amnesty International, "Republic of Maldives: Prisoners of Conscience and Unfair Trial Concerns 1990 – 1993", 31 May 1993 (<https://www.legal-tools.org/doc/ki3bkd8z/>) and Amnesty International, "Republic of Maldives: Continued Detention of Prisoner of Conscience, Mohammed Nasheed", 30 April 1996 (<https://www.legal-tools.org/doc/p8rvjqgi/>).

³ Amnesty International, "The Republic of Maldives: Prisoners of Conscience

under the Human Rights Commission Act.¹¹ Despite these developments, the *Maafushi* case remained legally unresolved in the eyes of the victims' families.

1.1.2. The 2004 Emergency and the Collapse of Reform

The aftermath of the *Maafushi* Prison killings marked a pivotal shift in Maldivian political consciousness. Civil society groups began mobilizing around demands for constitutional reform, freedom of expression, and the release of political prisoners. On 12 August 2004, thousands of citizens gathered in Jumhooree Maidhaan, Malé, to commemorate the first anniversary of the *Maafushi* incident and to call for the release of prisoners of conscience, including student leaders and journalists detained under state security laws.¹² On 13 August 2004, the NSS and the Maldives Police Service ('MPS'), moved to disperse the protest with the use of batons, tear gas, and rubber bullets.¹³ Over 200 individuals, including journalists, students, civil servants, and bystanders were arrested during the protest.¹⁴

That same day, the government declared a state of emergency, invoking threats to 'public order'.¹⁵ Security forces began conducting a series of night raids in Malé and outer atolls, arresting and prosecuting individuals suspected of sympathizing with the pro-democracy movement. The state of emergency remained in effect for 30 days, during which the NSS assumed direct control of Malé's administration and communications infrastructure. The government maintained that the measures had been necessary to preserve stability, yet no judicial or parliamentary inquiry was initiated into the use of force or the legality of detentions.

1.2. From Democratic Opening to Democratic Regression: 2008–2018

The adoption of the Constitution of the Republic of Maldives on 7 August 2008 represented the formal end of three decades of authoritarian rule and the country's first genuine transition to multiparty democracy. The new Constitution introduced a comprehensive Bill of Rights, entrenched judicial independence, and established constitutional commissions. It also created the MPS and restructured the Maldives National Defense Force ('MNDF'), separating the Maldives police from military command.

In October 2008, Mohamed Nasheed was elected President, defeating Gayoom in the first competitive election in the nation's history.¹⁶ His administration initiated legal and institutional reforms aimed at accountability for past abuses, including the establishment of the Commission of National Inquiry ('CoNI') and an attempt to draft a TJ policy framework. The government released long-term political detainees and ratified several international treaties, among them the Optional Protocol to the Convention Against Torture and the Convention on the Rights of Persons with Disabilities.

However, the democratic opening proved short-lived. By early 2012, tensions between the executive and judiciary escalated after President Nasheed ordered the arrest of Chief Judge Abdulla Mohamed of the Criminal Court on 16 January 2012,¹⁷ citing obstruction of corruption cases and refusal to issue arrest warrants against allies of the former regime. The arrest provoked a police mutiny on 6–7 February 2012, during which segments of the MPS joined opposition demonstrators demanding the judge's release.¹⁸ Amid mounting pressure, Nasheed announced his resignation on 7 February 2012,¹⁹ later contending that it had been coerced under

threat of violence. The CoNI, reconstituted in June 2012 with limited international participation, concluded in August 2012 that the resignation had been "voluntary". In February 2015, the Criminal Court convicted Nasheed of terrorism detention of Judge Abdulla Mohamed.²⁰ Nasheed received a 13-year prison sentence on 13 March 2015. The United Nations Working Group on Arbitrary Detention later determined the detention to be arbitrary and in violation of Articles 9 and 14 of the International Covenant on Civil and Political Rights, calling for his immediate release.²¹ The government rejected the opinion, reaffirming its view that the verdict was lawful.²²

Under the administration of President Abdulla Yameen Abdul Gayoom, which began in November 2013, the Maldives witnessed a systematic contraction of civic space.²³ The Freedom of Assembly Act²⁴ imposed prior-permission requirements for public demonstrations, effectively criminalizing spontaneous protest. The Defamation and Freedom of Expression Act²⁵ reintroduced criminal defamation after its 2009 repeal, enabling authorities to fine or imprison journalists for "defamatory statements against state institutions".²⁶

Following a Supreme Court ruling on 1 February 2018 ordering the release of nine political prisoners, President Yameen declared a 45-day emergency on 5 February 2018, suspending Articles 145(c) and 48 of the Constitution.²⁷ Two justices of the Supreme Court, including Chief Justice Abdulla Saeed and Justice Ali Hameed, were arrested by the MPS and charged with obstruction of justice.²⁸ Opposition leaders, including former President Gayoom, were detained without a warrant.²⁹ The emergency ended on 22 March 2018, leaving the judiciary stripped of autonomy.³⁰ Throughout this period, law enforcement agencies routinely invoked the Prevention of Terrorism Act to detain protesters and journalists without any primary charge. Although democratic institutions existed on paper, the years 2013–2018 revealed their capture by executive and partisan interests. By the close of 2018, the Maldives faced a paradox, a constitutional democracy whose legal order remained compromised by impunity.

2. The Transitional Justice Act (2020): Design, Function and Failure

The enactment of the TJ Act in 2020 marked a watershed moment for the Maldives.³¹ For the first time, the state formally recognized the need to address systematic human rights violations committed across successive governments. The law, introduced under the administration of President Ibrahim Mohamed Solih, established a dedicated national mechanism,

²⁰ The Maldives, Prevention of Terrorism Act, 9 December 1990, Section 2(b) (<https://www.legal-tools.org/doc/oyj9jf42/>); Amnesty International, "Maldives: 13 Year Sentence for Former President 'A Travesty of Justice'", 13 March 2015 (<https://www.legal-tools.org/doc/fguwnrwi/>).

²¹ Jared Genser, *The UN Working Group on Arbitrary Detention*, Cambridge University Press, 2019, pp. 457–489.

²² High Commission of the Republic of Maldives, "The Government of Maldives Does Not Agree with the Opinion of the UN WGAD on Col (Rtd) Mohamed Nazim's Submission", 30 January 2017.

²³ "Yameen Sworn in as President of the Maldives", *BBC News*, 17 November 2013.

²⁴ The Maldives, Freedom of Assembly Act, 23 August 2013 (<https://www.legal-tools.org/doc/10x6afs3/>).

²⁵ The Maldives, Defamation and Freedom of Expression Act, 9 August 2016, Act No. 15/2016 (though this was repealed on 14 November 2018).

²⁶ Amnesty International, "Maldives: Proposed defamation law is an attack on freedom of expression", 29 July 2016 (<https://www.legal-tools.org/doc/rp9js7i3/>) and International Commission of Jurists, "Justice Adrift: Rule of Law and Political Crisis in the Maldives", August 2015 (<https://www.legal-tools.org/doc/5wuio-q6m/>). Note: The defamation law was again repealed by President Solih in 2018. See The Maldives, The President's Office, "President ratifies the bill to repeal the Defamation and Freedom of Speech Act", 27 November 2018.

²⁷ "Maldives President Declares Emergency after Top Court Asks Government to Release Political Prisoners", *Scroll*, 5 February 2018. Though the suspending of Article 145(c) of the Constitution was lifted the next day on 6 February 2018.

²⁸ "Maldives: Supreme Court Judges Arrested Amid Political Crisis", *BBC News*, 6 February 2018.

²⁹ "Maldives Detains Former President in Crackdown on Opposition", *BBC News*, 6 February 2018.

³⁰ "Arun Janardhanan, Maldives President Abdulla Yameen lifts State of Emergency after 45 days", *Indian Express*, 23 March 2018.

³¹ The Maldives, The President's Office, "President Ratified Transitional Justice Act", 17 December 2020.

site).

¹¹ The Maldives, Human Rights Commission Act, 30 June 2006 (<https://www.legal-tools.org/doc/58b7b6/>).

¹² John Vidal, "Maldives Vigil Ends in Protest", *The Guardian*, 14 August 2004.

¹³ "Maldives Frees Democracy Activists", *Al Jazeera*, 25 August 2004.

¹⁴ Amnesty International, "Maldives: Put Human Rights at the Heart of the Political Reform Process", 24 February 2005 (<https://www.legal-tools.org/doc/wyodgy0q/>).

¹⁵ The Maldives, The Constitution, 1 January 1998, updated 7 August 2008, Article 41 ('Constitution') (<https://www.legal-tools.org/doc/93aff7/>); "State of Emergency for Maldives", *BBC News*, 14 August 2005.

¹⁶ Randeep Ramesh, "Maldives Human Rights Activist Wins Presidential Election", *The Guardian*, 29 October 2008.

¹⁷ "Maldivian Army Arrests Senior Judge Abdulla Mohamed", *BBC News*, 17 January 2012.

¹⁸ "Maldives Police Service Joined Opposition Demonstrators Demanding the Judge's Release", *The Guardian*, 17 January 2012.

¹⁹ The Maldives, The President's Office, "President Mohamed Nasheed Resigns", 7 February 2012.

the OTJ, to investigate abuses occurring between 1 January 1953 and 17 November 2018. Its stated purpose was to “end the culture of impunity” by uncovering truth, identifying institutional responsibility, and recommending reparations and guarantees of non-repetition.

The timing of the Act was both politically symbolic and legally consequential. It followed the country’s 2018 electoral transition, which had been framed domestically as a restoration of democratic governance after a decade of repression. The broad temporal scope adopted in the Act, covering 1953 to 2018, reflected this understanding. It was, in effect, a legislative recognition that impunity in the Maldives was not a recent anomaly but a structural condition embedded in the state itself.

2.1. The Ombudsperson’s Office: Innovative Small-State Justice

Moreover, the OTJ was established as an independent constitutional entity rather than an *ad hoc* commission. It reported directly to Parliament and operated autonomously from the executive and judiciary. Three Ombudspersons were appointed for five-year terms through presidential nomination and parliamentary approval. The law vested the OTJ with authority to receive complaints, conduct investigations, summon witnesses, and access official archives. It also empowered the Office to recommend criminal prosecution and reparations, though the power to indict remained exclusively with the Attorney General’s Office. The institutional design of the OTJ was remarkable in comparative perspective. While many countries emerging from conflict or authoritarian rule have established truth commissions or hybrid tribunals, the Maldivian approach was unique in adopting an ombudsperson-based model. It combined elements of a national human rights institution, a truth commission, and an administrative oversight body. This model offered several advantages as its permanence under statute conferred legal authority, its hybrid mandate permitted investigation of both civil–political and socio-economic rights violations, and its structure allowed flexibility to operate within a small-state administrative context. The law required the Office to adopt victim-sensitive procedures, ensure confidentiality, and provide psycho-social support to witnesses. Public hearings were envisaged as instruments of collective truth-telling, while mediation and reconciliation were recognized as complementary tools for redress.³²

In its first year, the OTJ registered 489 complaints, of which roughly three-quarters were found to fall within its jurisdiction.³³ The majority related to torture, arbitrary detention, and political persecution during the Gayoom era, though a significant number concerned property confiscations and forced relocations. The OTJ quickly demonstrated an ability to break long-standing silence. In March 2022, it held the country’s first public hearing on the 1962 Thinadhoo depopulation.³⁴ The event carried extraordinary symbolic weight, as it marked the first time the state had formally acknowledged responsibility for an atrocity committed during its formative years.

2.2. Legal Ambiguity and Resource Constraints

Despite these achievements, the institution encountered severe structural and operational constraints that ultimately undermined its effectiveness. The first challenge lay in the legal architecture itself. The TJ Act defined its mandate in terms of ‘systematic violations of fundamental human rights’, but it failed to specify the threshold for ‘systematic’. This omission had significant practical consequences. In the absence of clear parameters, the Office found itself inundated with complaints ranging from serious allegations of torture and enforced disappearance to administrative disputes over land allocation. The lack of definitional precision diluted its investigative focus and burdened its limited staff with an unmanageable caseload.³⁵ A second difficulty stemmed from inadequate resourcing. The OTJ began operations in early 2021 with a modest budget allocation that barely covered staffing, rent, and basic logistics. By mid-2021, fewer than one-third of approved positions had been filled. These constraints made it impossible for the Office to conduct extensive forensic or archival research, particularly for incidents dating back to the 1950s and 1960s.

Another fundamental challenge is related to the Office’s structural

dependency on other state institutions. Although legally autonomous, the OTJ remained reliant on the Attorney General’s Office to initiate prosecutions arising from its investigations.³⁶ The Attorney General’s Office frequently declined referrals, citing insufficient evidence or jurisdictional barriers. This dependency effectively neutralized the OTJ’s enforcement capacity, reducing it to a fact-finding body without the means to translate findings into legal consequences. Similarly, the MPS controlled access to many archival records and declined co-operation in several high-profile cases, including those involving alleged custodial deaths. The absence of a comprehensive victim and witness protection framework also inhibited progress.³⁷ Although the Act required confidentiality measures, these proved inadequate in practice, and several victims withdrew their complaints midway through the process.

2.3. Unfinished Mandate

As the political climate shifted in the lead-up to the 2023 presidential election, the OTJ’s fragility became apparent.³⁸ The institution had been a flagship of President Solih’s human-rights agenda, but its mandate lacked cross-party support. Parliamentary debates over its budget became increasingly polarized, and proposals to extend its term beyond 2023 stalled. With the change of administration following the October 2023 election, the OTJ was formally dissolved on 18 November 2023.³⁹

The dissolution of the OTJ represented not merely an administrative failure but a constitutional regression. Under Section 32 of the TJ Act, the OTJ was required to submit a comprehensive final report to the President and the People’s *Majlis*, along with policy recommendations and an archive of evidence. None of these obligations were fulfilled. The termination of operations left sensitive documentation unprotected and deprived victims of the closure and acknowledgment that TJ is designed to provide. The Maldivian TJ process, thus, demonstrated both the potential and the vulnerability of reform initiatives in small, polarized democracies.

3. The Maldivian Experience and Other Muslim-Majority States

The Maldivian experience provided a rare case study of TJ emerging not from civil war or regime collapse, but from gradual democratization within a Muslim-majority constitutional state. Its trajectory demonstrated both the promise of integrating accountability within *Islāmic* legal traditions and the perils of attempting reform without sustained political consensus. For states across the Muslim world, many facing analogous tensions between faith, law and politics, the Maldives offers several lessons of legal and institutional significance.

3.1. Political Will and the Limits of Statutory Legitimacy

The first and most decisive lesson concerns the role of political will. TJ mechanisms cannot survive on statutory authority alone. They require broad-based legitimacy that transcends partisan divisions. In the Maldives, the TJ Act originated from a single administration’s reform agenda, championed personally by President Solih. Although the legislation was passed by parliament, it did so within a politically fragmented environment where the opposition viewed it as a tool to discredit prior regimes rather than as a neutral pursuit of truth. When the political coalition that sponsored the Act lost power in 2023, the OTJ lost institutional protection and collapsed within weeks. This sequence underscored that TJ in Muslim-majority states must be grounded in an inclusive political consensus rather than elite sponsorship alone.⁴⁰ *Islāmic* political thought places high value on ‘*Ijma*’, the principle of communal agreement, as a source of legitimacy.⁴¹ By contrast, the Maldivian process relied on executive initiative, not community consensus. Without cross-party endorsement or endorsement from religious and civic leaders, the mechanism remained politically

³⁶ *Ibid.*

³⁷ United Nations Committee Against Torture, Second Periodic Report Submitted by Maldives under Article 19 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc. CAT/C/MDV/2, 22 December 2022 (<https://www.legal-tools.org/doc/9mnnb4u7/>).

³⁸ The Maldives, The President’s Office, “The President Extends Term of the Office of the Ombudsperson for Transitional Justice”, 17 November 2022.

³⁹ “OTJ to Transfer Documents and Assets Following Dissolution”, *PSM News*, 18 November 2023.

⁴⁰ Mushfiq Mohamed, “Unpacking the Maldives’ Transitional Justice Act”, *Himal South Asian*, 4 June 2021.

⁴¹ Mohammad Fadel, “Political Legitimacy, Democracy and Islamic Law: The Place of Self-Government in Islamic Political Thought”, in *Journal of Islamic Ethics*, 2018, vol. 2, nos. 1–2, pp. 59–75.

³² “Public Hearings Will be Set for Transitional Justice Cases: Ombudsperson”, *The Times of Addu*, 9 June 2021.

³³ “Investigation Completed for Majority of Transitional Justice Cases”, *PSM News*, 3 July 2022.

³⁴ “OTJ Commences Public Hearings for Thinadhoo Forced Depopulation Case”, *The Times of Addu*, 19 March 2022.

³⁵ Jeffery, 2024, see *supra* note 9.

precarious. For future contexts, including Tunisia, Sudan, Bangladesh or Pakistan, the Maldivian case demonstrates that the procedural legitimacy of TJ must rest on participatory consultation with victims, religious authorities, and political factions alike.⁴²

3.2. Mandate Architecture and Institutional Independence

A second lesson relates to the architecture of the mandate. The Maldives adopted an extraordinarily broad temporal and subject-matter scope, authorizing investigation of ‘systematic violations’ over 65 years, encompassing both gross abuses and socio-economic grievances. While normatively inclusive, this design proved operationally unsustainable. The ambiguity surrounding what constituted ‘systematic’ violations blurred the boundary between political persecution and ordinary administrative grievances. Hence, the OTJ dissipated its limited capacity across hundreds of unrelated cases. Other Muslim-majority states should heed this cautionary example.⁴³ TJ should prioritize crimes of the highest gravity (such as torture, extrajudicial killing, enforced disappearance, and collective punishment)⁴⁴ before extending its remit to secondary categories such as property or employment disputes.⁴⁵ A tiered approach to mandate design, distinguishing *grave* from *structural* violations, aligns with *Islāmic* principles of *ʿAdl* (justice through proportionality) and ensures that finite resources address the most serious wrongs first. The Maldivian experience demonstrates that moral ambition without administrative focus can paralyze rather than promote justice.

A further lesson concerned institutional independence and durability. The OTJ’s dissolution illustrated the vulnerability of TJ institutions that lacked constitutional entrenchment. Because the Ombudsperson’s Office was created by statute rather than constitutional amendment, it could be dissolved by the executive simply through budgetary inaction.⁴⁶ In contrast, successful mechanisms in other Muslim-majority contexts, such as the Tunisian Truth and Dignity Commission,⁴⁷ derived durability from constitutional recognition and explicit transitional provisions. For TJ to succeed, independence must be not only legal but also financial and operational. In small states, fiscal dependence often translates into political dependence.

3.3. Engaging Faith Concepts in the Framing of Transitional Justice: *ʿAdl*, *Ṣulḥ* and *Qisās*

The Maldivian case also underscores the importance of cultural and religious framing in legitimizing TJ within Muslim-majority societies. The OTJ’s design implicitly drew on *Islāmic* principles of justice (*ʿAdl*), truth (*Ṣidq*), and moral accountability (*Tawbah* and *Qisās*), though these were not articulated explicitly in the statutory text.⁴⁸ Public hearings, apolo-

gies and acknowledgment ceremonies resonated with *Islāmic* traditions of *Māshūrāh* (consultation) and *Ṣulḥ* (reconciliation). Yet the absence of formal engagement with religious scholars and institutions limited the process’ social penetration. In Muslim-majority contexts, integrating religious discourse can reinforce, rather than undermine, international human rights norms.⁴⁹ *Qurʾānic* injunctions against oppression (*Ẓulm*) and in favor of fairness (*ʿInṣāf*) provide ethical grounding for truth-seeking and restitution.⁵⁰ Religious leaders, when included as stakeholders, can frame TJ not as a Western import, but as a fulfillment of *Islāmic* moral duty.⁵¹ The Maldives’ failure to institutionalize this linkage left the process vulnerable to accusations of ideological foreignness, a critique that delegitimized it in conservative constituencies.

The Maldivian experience reaffirms that TJ should be understood not merely as retrospective accountability, but as forward-looking state reform. The OTJ’s investigative mandate could have generated systemic recommendations to restructure the judiciary, police and prosecutorial services. However, its closure transformed a process of reform into a symbolic exercise in remembrance. TJ that focuses solely on individual culpability risks reactivating factional divisions; by contrast, TJ as institutional reform seeks to transform the very conditions that enabled violations. Muslim-majority countries facing legacies of repression often struggle with reconciling retribution and reconciliation. *Islāmic* jurisprudence offers concepts, *Qisās* (retributive justice) and *Diyyah* (compensatory justice), that can be integrated into contemporary reparations frameworks.⁵² The Maldives’ omission of these culturally resonant mechanisms limited local engagement and failed to translate moral accountability into socially meaningful restitution.

4. Conclusion: From Aspiration to Abandonment

The Maldivian TJ process embodied both courage and fragility. It sought to confront six decades of state-sanctioned abuse through a legal framework unprecedented in the Muslim world, yet it faltered under political fatigue and institutional vulnerability. The dissolution of the OTJ in 2023 reaffirmed a sobering truth: TJ cannot thrive without enduring political consensus, financial commitment, and societal belief in the moral necessity of truth. The Maldives’ brief experiment thus stands as both a warning and an aspiration, a reminder that reconciliation demands not only law, but sustained collective conviction.

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⁴² Paige Arthur, “Identities in Transition: Developing Better Transitional Justice Initiatives in Divided Societies”, International Center for Transitional Justice, November 2009 (<https://www.legal-tools.org/doc/j76sk20a/>).

⁴³ Sune Haugbolle and Anders Hastrup (eds.), *The Politics of Violence, Truth and Reconciliation in the Arab Middle East*, Routledge, London, 2015, p. 156.

⁴⁴ Rachel Killeen and Elizabeth Newton, “Transitional Justice and Other-than-Human Harm: Lessons from Colombia”, in *The International Journal of Human Rights*, 2025, pp. 1–25.

⁴⁵ Paul Greedy and Simon Robins, “Transitional Justice and Theories of Change: Towards Evaluation as Understanding”, in *International Journal of Transitional Justice*, 2020, vol. 14, no. 2, pp. 280–299.

⁴⁶ “Audit Reveals MVR 40m ‘Waste’ for Transitional Justice Office”, *Atoll Times*, 26 January 2025.

⁴⁷ International Commission of Jurists, “Tunisia: Upholding the Recommendations of the Truth and Dignity Commission on Justice Reform”, November 2021 (<https://www.legal-tools.org/doc/zg6eue8i/>); Yasmine Jamal Hajar, “The Tunisian Truth and Dignity Commission: From a Human Rights to a Political Project”, in *Heinrich Böll Foundation*, 3 April 2019.

⁴⁸ Mohammad Hashim Kamali, *The Dignity of Man: An Islamic Perspective*, Islam-

ic Texts Society, Cambridge, 2002, pp. 71, 91.

⁴⁹ Mark Freeman, *Truth Commissions and Procedural Fairness*, Cambridge University Press, 2006, pp. 210–213.

⁵⁰ *The Qurʾān* (translation by Arthur J. Arberry), Surah An-Nisa (4:135) and Surah Al-Maʿidah (5:8).

⁵¹ David Johnston, “Maqāṣid Al-Sharīʿa: Epistemology and Hermeneutics of Muslim Theologies of Human Rights”, in *Die Welt Des Islams*, 2007, vol. 47, no. 2, pp. 149–187.

⁵² Kamali, 2002, see *supra* note 48.



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