

T.M.C. ADVISORY SERVICES LTD.



International Forum for Democracy & Human Rights
International Law Specialists

- DRAFT AGREEMENT -

THIS AGREEMENT dated 4 March 2015 is by and between (hereinafter: “THE CLIENT”) and MR. TOBY CADMAN of The International Forum for Democracy and Human Rights (hereinafter: “CONSULTANT”).

The Client by this Agreement accepts the proposal of the Consultant to provide professional legal and public advocacy services to the Client on the terms and conditions set out below.

1. PROVISION OF PROFESSIONAL LEGAL AND PUBLIC ADVOCACY SERVICES

- 1.1 The Consultant undertakes to provide professional legal and public advocacy services as described herein to the Client and any other legal representatives as nominated by the Client in proceedings brought before the United Nations Office of the High Commission for Human Rights, United Nations Human Rights Council, and before any judicial body that may be identified as being appropriate.
- 1.2 The Consultant hereby agrees to provides to undertake all professional legal and public advocacy services as described herein and shall provide legal advice and representation to the Client or any person nominated by the Client.
- 1.3 The Consultant further shall advise, as required, any legal representatives instructed to represent and appear for the Client in civil and criminal proceedings before the Courts of the Maldives, including any appellate courts following a decision at a court of first instance.



- 1.4 The Consultant shall further undertake to advise and represent the Client as required in proceedings before any domestic or international tribunal, court or human rights monitoring body.
- 1.5 The Consultant hereby agrees to provide the following services:
- (a) Legal advice and assistance to the legal team as instructed by, as and when required.
 - (b) Legal representation to the client as required;
 - (c) Professional lobbying services with the Government of the United States of America;
 - (d) Professional lobbying services with the institutions of the European Union, European Parliament, European Commission and Council of Europe;
 - (e) Professional lobbying services with the Governments of the United Kingdom, European Union States, Norway, Switzerland, Turkey, the Middle and Far East States, Arab Gulf States, and Latin and Central American States.
 - (f) Professional lobbying services with the relevant institutions of the United Nations and the organs of the International Criminal Court;
 - (g) The development of a strategy for an ‘in country’ process of accountability.
 - (h) The provision of Public Relations services as per the media strategy outlined within this document.
- 1.6 In return for such professional legal and lobbying services, the Consultant shall be paid a total monthly sum and all expenses.

2. TIMING



- 2.1 This Agreement enters into force on [date to be determined] and shall last for an initial three (3) months in duration unless extended by mutual consent by the parties.
- 2.2 This Agreement and the agreed fees shall be reviewed after a probationary period of thirty (30) days.
- 2.3 This Agreement may be terminated by either party with thirty (30) days' notice.

3. PROFESSIONAL FEES AND EXPENSES

- 3.1 The Consultant shall receive professional fees for all work carried out on behalf of the Client.
- 3.2 Professional fees for the first thirty day period shall be payable in the form of a total monthly sum in the amount of per month.
- 3.3 All fees payable to the Consultant shall be subject to due diligence verification under the applicable money laundering regulations in force in England and Wales at the time of entering into this Agreement.
- 3.4 All necessary air travel, hotel and/or rental accommodation shall be paid by the Client in advance and shall not be deducted from the monthly fee set out at paragraph 3.2 above.
- 3.5 All expenses reasonably incurred, including business travel, shall be approved in advance by the Client and payable upon production of valid receipts at the end of each calendar month.

1. VARIATION OF AGREEMENT

- 4.1 This Agreement and in particular the scope of the services may be amended in writing and signed by both parties.



2. DISCLOSURE OF INFORMATION

- 5.1 The Consultant shall not disclose or make public any information or material acquired or produced in connection with or by the performance of the Agreement without the prior approval of the Client.

3. CONFLICT OF INTEREST

- 6.1 The Consultant warrants that, at the date of entering into the Agreement, no conflict of interest exists or is likely to arise in the performance of its obligations under the Agreement. If, during the term of the Agreement, a conflict or risk of conflict of interest arises, the Consultant undertakes to notify the Client immediately in writing of that conflict or risk of conflict.

4. LEGAL TEAM

- 7.1 The Consultant shall determine the personnel required for the performance of the legal services as set out in this agreement within the scope of the financial commitment.

- 7.2 The Consultant reserves the right to increase or decrease the number of team members as the need for the provision of legal services under this Agreement dictates. Any decision on this shall only be made after full consultation with the Client.

- 7.3 The legal team shall be composed initially of the following personnel:

Toby Cadman - Lead Counsel

Charlie Tarr – BTP Advisors (Public Relations and Media)



Other members of the legal team are to be determined during the initial period of the contract, to be assessed on a needs basis by the named senior counsel.

8. REPORTING AND WORK PLAN

8.2 The Consultant undertakes to provide the Client with regular monthly reports on the work carried out under this agreement and further warrants to comply with the following timelines:

- (a) Within seven (7) days of signature of the agreement a full 30-day work plan;
- (b) Within thirty (30) days of signature of this Agreement an intermediate six (6) month work plan.

8.3 The Consultant will focus its reporting on the four key target areas:

- (a) Criminal litigation;
- (b) Public advocacy efforts;
- (c) Development of a long-term lobbying strategy



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For and on behalf of [Client]

Name:

Dated this [date to be inserted]

.....(signature)

For and on behalf of [Consultant]

Name:

Dated this [date to be inserted]



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.....(signature)



ANNEX 1

Scope of Services

The services to be provided under this agreement will focus on a number of areas that will be divided into:

- (a) The provision of advice and assistance to the legal team currently instructed by as and when requested by that legal team in order to assist with international avenues of appeal, for example the UN Special Procedures Branch, and any other such organ that is identified as being appropriate.
- (b) Professional lobbying services aimed at putting political pressure on the Government of the Maldives with a view to returning to the status quo and upholding democratic principles;
- (c) Professional lobbying services with the organs of the United Nations with a view to exerting international pressure;
- (d) Formulation of legal cases to be brought before the Special Procedures mechanisms at the Office of the High Commission for Human Rights in Geneva; and



(e) Development of an ‘in country’ strategy for an accountability process should there be a need for such a strategy;

(f) Development of a long term transitional justice strategy, again, should this be required; and

In order to achieve the above objectives an aggressive campaign in the United States of America will be pursued including targeting Members of Congress, Senate and the State Department. The objective in the USA will be to organise a full Congressional hearing and a hearing in the Senate Foreign Relations Committee on the issue in order to put pressure on the Government of the Maldives revert to the previous position and ensure democratic principles are upheld. In order to do this a number of senior politicians will need to be targeted who sit on relevant committees and are policy decision makers on the Middle East, Foreign Policy, Human Rights etc. This process will be repeated with the policy makers in the United Kingdom and European Union.

It will also be necessary to adopt a public relations campaign to educate the public on the current crisis in the Maldives.

It is noted that there has already been some media attention with regard to human rights violations, and in particular the lack of respect for free speech and the principle of freedom of expression, however all attention at present is on an ad hoc basis. A formal strategy therefore is suggested as per the below:

Media Relations

Opinion articles

3-4 articles drafted on behalf of third party advocates (politicians, public figures, international human rights lawyers etc) in key international newspapers and online (i.e. *The Guardian, The Independent, The Daily Telegraph, Wall Street Journal, Washington Post, New York Times, Huffington Post, The Hill, Daily Caller, Al Jazeera Online, CNN online*)

Broadcast interviews



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Approach all major news networks offering Toby Cadman for comment on both the current case and worsening authoritarianism in the Maldives (BBC, CNN, Al Jazeera, NBC) including TV, radio and online. In addition, approach specialist programmes - *Al Jazeera Inside Story*, *BBC Newsnight*, *BBC Impact Asia* etc

Articles / further media outreach

Briefing and outreach to all foreign editors and relevant correspondents of the major international newspapers and newswires. We will offer up Mr Nasheed's lawyers and third party advocates for interview and comment, as well as distribute press statements from the legal team in line with events both inside and outside of court.

Online Grassroots Campaign Shaming Resort owners

Facebook / twitter / online campaign urging international boycott of the Maldives and their resorts until Mr Nasheed is released, using the hashtags #freeAni and #paradiselost

Key messages:

- Mohamed Nasheed took the Maldives on a first step toward true democracy - his arrest and trial is a politically motivated show trial aimed at cementing further an already authoritarian regime.
- The government of the Maldives must immediately release Mohamed Nasheed or face international isolation, both diplomatically and economically.
- Tourists must boycott the Maldives until the government releases Mohamed Nasheed - it is morally wrong to support a government and country intent on using a highly compromised judiciary to eliminate political opponents. This includes the resort owners, who themselves back the current government.
- The international community cannot allow the Maldives to drift towards a pariah state - there are



already clear signs of a military dictatorship, rising Islamic fundamentalism and the abuse of women. This is a return to the dark decades of dictatorship under Maumoon Abdul Gayoom.

The UK Government - and especially the Conservative Party - have worked closely with Mr Nasheed on his election campaign and during his administration. They now must stand up for democracy and free speech in the Maldives, and that includes ceasing international programmes and cooperation through DfID and FCO until Mr Nasheed is released.

It is proposed that the following persons and institutions are contacted within the next thirty (30) days:

- (a) Human Rights Watch;
- (b) Amnesty International;
- (c) International Centre for Transitional Justice;
- (d) Senate Foreign Relations Committee;
- (e) South Asian Desk, State Department;
- (f) United Nations Office of the High Commissioner for Human Rights;
- (g) The Office of Nick Clegg, Deputy Prime Minister
- (h) Lord Avebury;
- (i) Lord Carlile;
- (j) Lord Dholakia;



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- (k) Director of the State Department's Office for Peace Operations, Sanctions, and Counterterrorism;
- (l) Congressman John Conyers Jnr;
- (m) Congressman James McGovern;
- (n) Congressman Keith Ellison;
- (o) Senator Bob Casey

Provision of Assistance to the Current Legal Team

At this stage it is not appropriate to develop a strategy for assistance as any such assistance will be needs based.

It is therefore suggested that a strategy is developed on an ad hoc basis following consultation with the team when appropriate to identify their specific needs.

Transitional Justice

Specific requirements can be discussed with the client subject to the signed agreement, should there be any requirement for such a strategy to be developed.

Preparation of a Comprehensive Evidence Based Report for submission to the United Nations Security Council



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It is essential that all evidence collated, and the submission of allegations is contained in a fully comprehensive evidence based report, so as to apply pressure to any prosecutorial authority.

The report will focus on the evidence obtained from witnesses and independent third-party sources with a view to identify those high-level members of the Government Bahrain and its actors considered most responsible for the crimes committed against civilians within the territory.

In particular, the report will focus on allegations of torture, enforced disappearance and the curtailment of fundamental civil liberties namely the principle of freedom of expression and the right to peacefully protest.

Other such crimes as identified as being appropriate and endemic will be addressed also.

The report will provide a detailed discussion of the relevant international law, potential modes of liability and an indication of possible charges.

Role of the United Nations

The final report will be distributed to the permanent member-states of the United Nations Security Council and other relevant UN bodies for consideration as part of the already announced investigation.