



Inter-Parliamentary Union

For democracy. For everyone.

## Maldives

MLD/16 - Mariya Didi*	MLD/45 - Ahmed Sameer
MLD/28 - Ahmed Easa	MLD/46 - Afrasheem Ali
MLD/29 - Eva Abdulla*	MLD/48 - Ali Azim*
MLD/30 - Moosa Manik*	MLD/49 - Alhan Fahmy
MLD/31 - Ibrahim Rasheed	MLD/50 - Abdulla Shahid*
MLD/32 - Mohamed Shifaz	MLD/51 - Rozeyna Adam*
MLD/33 - Imthiyaz Fahmy*	MLD/52 - Ibrahim Mohamed Solih
MLD/34 - Mohamed Gasam	MLD/53 - Mohamed Nashiz
MLD/35 - Ahmed Rasheed	MLD/54 - Ibrahim Shareef*
MLD/36 - Mohamed Rasheed	MLD/55 - Ahmed Mahloof*
MLD/37 - Ali Riza	MLD/56 – Fayyaz Ismail*
MLD/39 - Ilyas Labeeb	MLD/57 – Mohamed Rasheed Hussain*
MLD/40 - Rugiyya Mohamed	MLD/58 – Ali Nizar*
MLD/41 - Mohamed Thoriq	MLD/59 – Mohamed Falah*
MLD/42 - Mohamed Aslam*	MLD/60 – Abdulla Riyaz*
MLD/43 - Mohammed Rasheed*	MLD/61 – Ali Hussain*
MLD/44 - Ali Waheed	

***Decision adopted unanimously by the IPU Governing Council at its 199<sup>th</sup> session (Geneva, 27 October 2016)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the cases of the abovementioned current and former parliamentarians and to the decision adopted at its 196<sup>th</sup> session (April 2015),

*Recalling* that most of the above members of the People's Majlis belong to the opposition Maldivian Democratic Party (MDP) and that the case before the Committee on the Human Rights of Parliamentarians was initiated following their brief arrest at demonstrations in February 2012, during which the police used excessive force. However, the case has since evolved to include other instances of alleged arbitrary arrest and detention, frivolous legal proceedings, and acts of threat and violence, including murder in the case of Mr. Afrasheem Ali, a former member of the ruling Progressive Party of Maldives (PPM),

*Recalling* that threats intensified in the lead-up to and aftermath of the 2014 parliamentary elections, as exemplified by the stabbing attack on the then member of parliament, Mr. Alhan Fahmi, in February 2014. Since then, the complainant claims that at least seven parliamentarians have been the subject of physical attacks and death threats, as well as unlawful arrests and ill-treatment by the police. Moreover, several parliamentarians were said to be facing criminal charges allegedly for conducting peaceful protests,

*Considering* that member of parliament, Mr. Ahmed Mahloof, was convicted and sentenced on 18 and 25 July 2016 on two consecutive charges to a prison term of 10 months and 24 days for "obstructing police officers in the execution of their duties",

\* (Re-)elected to Parliament in the elections of March 2014.

*Taking into account* that a delegation of the Committee on the Human Rights of Parliamentarians, comprising its President, Mr. Fazole Chowdhury, and one of its members, Ms. Fawzia Koofi, conducted an on-site mission to the Maldives from 10 to 12 October 2016; its full mission report will be presented to the Governing Council at its next session (April 2017), after being shared with all parties for their observations; the delegation wishes to share the following preliminary observations on its mission:

- The delegation was pleased to be able to meet with the relevant legislative, judicial and executive authorities, in particular the Speaker of the People's Majlis, parliamentarians belonging to all political parties represented in the People's Majlis, the parliamentary Privilege Committee, the Minister of Home Affairs, the Chief Justice, the Attorney General, the Prosecutor General and senior police officers. The delegation also met 10 of the current and former members of parliament concerned, as well as the wife of Mr. Ahmed Mahloof. He is currently serving a prison sentence;
- **Death threats against members of parliament**
- The delegation is concerned about death threats targeting several prominent parliamentarians from the MDP and the fact that apparently no one has been held to account for these threats. The delegation is also concerned about reports that the special security arrangement in place for Mr. Abdulla Shahid was withdrawn, despite his entitlement to such protection as a former Speaker and in light of the multiple threats he has faced. The delegation notes that the authorities maintain that they are doing everything possible to protect the members of parliament at risk and to look into the threats, but that it is often difficult to identify the culprits and the victims sometimes fail to cooperate. The delegation is keen to receive details from the authorities on the precise steps taken to investigate the threats brought to their attention. It is also keen to know the precise protection measures in place for each of the members of parliament under threat and to receive clarification regarding the alleged withdrawal of former Speaker Shahid's security detail;
- **Murder of Mr. Afrasheem Ali**
- With regard to the murder of Mr. Afrasheem Ali, a member of the People's Majlis, on 2 October 2012, the delegation notes the fact that the conviction of Mr. Humaam, on the basis of his own confession along with other evidence, including forensic reports, was upheld by the Supreme Court on 24 June 2016. A second suspect, Mr. Ali Shan, was acquitted in September 2015 for want of sufficient evidence to sustain a conviction. The delegation was told that the authorities are still investigating the identity of the mastermind(s) of the murder;
- **The stabbing of former member of parliament Mr. Alhan Fahmy in February 2014**
- The delegation notes that, according to the Prosecutor General, charges were pressed in March 2014 against one suspect, who is serving a sentence for a drug-related crime until March 2017, and that the trial was about to be completed;
- **Ill-treatment of members of parliament at the hands of police officers**
- The delegation expresses concern that, more than four years after the events, there has apparently been no accountability for the ill-treatment by law enforcement officers of parliamentarians on 8 February 2012, which include Ms. Mariya Didi, Ms. Eva Abdulla, Mr. Imthiyaz Fahmy and Mr. Ibrahim Rasheed. The delegation considers that, although it might not be easy to identify the officers involved, the authorities should redouble their efforts – in particular where concrete video evidence is available, as in the case of Mr. Ibrahim Rasheed – in taking decisive measures against those responsible. The delegation is therefore pleased that the authorities have undertaken to provide further information in this regard;
- The delegation is also concerned about repeated reports of continued intimidation and harassment by the police against opposition members of parliament, including by summoning them for questioning in connection with their legitimate exercise of freedom of expression and the use of pepper spray at close range during police interventions;

- **Legal status of specific criminal cases initiated against three (former) members of parliament**
  - The delegation notes that, in September 2015, the Prosecutor General withdrew the legal case against Mr. Ibrahim Rasheed for obstructing police officers in the execution of their duties, and that the investigation by the police against Mr. Mohamed Shifaz for producing pornographic cards had not been forwarded for action to the Prosecutor General. The delegation trusts that the authorities will inform the persons directly concerned that they are no longer subject to any legal action. The delegation notes that the legal case against Mr. Mohamed Rasheed, on charges of terrorism in connection with acts of arson in February 2012, during which public buildings were burnt down or damaged, is still ongoing. It welcomes the initiative by the Prosecutor General to ask the court to speed up consideration of this case. The delegation hopes that this will happen and with full respect for due process;
- **The conviction of Mr. Ahmed Mahloof in July 2016**
  - The delegation notes the contradictions presented by the authorities, Mr. Mahloof's wife and others with regard to the facts and legal basis underpinning Mr. Mahloof's conviction and sentence to 10 months and 24 days of imprisonment, on two charges of obstructing police officers in the execution of their duties, for allegedly crossing a protest barricade and trying to flee the scene after leaving the court house following a hearing to extend his detention. The delegation is concerned about the severity of the sentence and reports that basic fair-trial standards were not respected. The delegation fails to understand how it can be argued that Mr. Mahloof would have tried to flee from the police in the presence of a sizeable police force at the court building. The delegation would greatly appreciate receiving a copy of the lower-court verdict in order to clarify this and other matters related to his prosecution. The delegation hopes that the appeal proceedings, to which it proposes sending an observer, will take place smoothly and with respect for the right to a fair trial. In the meantime, it hopes that the authorities will allow him to serve his sentence in the form of house arrest, in light of reports about Mr. Mahloof's poor health;
- **Undue restrictions on freedom of expression and assembly**
  - The delegation is concerned about human rights developments that have a direct impact on the cases at hand. This concerns the recent adoption of the Protection of Reputation and Good Name and Freedom of Expression Act and the recent amendment to the Peaceful Assembly Act. Although the delegation agrees that freedom of expression is not absolute, it considers that the new legislation overly restricts the exercise of this right, due to its scope, the vagueness of some of its key provisions and the hefty fine imposed as punishment. Similarly, although it understands that Male is a small island prone to congestion, it also believes that legislation on the right to freedom of assembly should at all times have real practical meaning. The delegation considers in this regard that the very limited designated areas for demonstrations and the fact that prior police authorization is required unduly restrict the exercise of this right;
- **Limited space for the opposition to contribute meaningfully to the work of parliament**
  - Although the delegation appreciates that the current People's Majlis has adopted an impressive number of bills, it feels that this output should not come at the expense of the need for a substantive and meaningful discussion of each piece of legislation. The delegation is therefore concerned about reports that the adoption of important legislation has been fast-tracked and adopted without any changes and proper discussion or consultation with stakeholders outside of parliament. Likewise, the delegation is concerned about reports that parliament, drawing on the majority of its members belonging to the ruling coalition parties, has not carried out any serious oversight, even in the face of serious issues warranting public scrutiny. The delegation is also concerned in this regard about allegations of strong ties between the Government and members of independent oversight institutions such as the Elections Commission and the National

Human Rights Commission, as well as the improper dismissal of the Auditor General, which hampers effective oversight;

- **Unacceptable behaviour in parliament and the handling of such incidents**

- The delegation notes that the parliamentary authorities and the opposition acknowledge that there has been unruly behaviour in parliament on both sides. The delegation believes that the Speaker fulfils a paramount function in making sure that unacceptable behaviour, such as the spitting incident in February 2016, is immediately reprimanded and that all sides in parliament respect one another. It is absolutely crucial that the Speaker treats all sides impartially and is perceived as being above party politics. Here, it is also important that the Speaker allows the opposition to make a meaningful contribution to the work of parliament and that the opposition respects his authority;

- **Importance of dialogue between the majority and the opposition and of engagement with the international community**

- The delegation strongly believes that the cases at hand have to be seen in the context of the ongoing political polarization in the Maldives. It believes that it is vital for all sides to redouble their efforts to engage in meaningful dialogue, with the help of the international community, to produce effective and inclusive institutions and long-term political solutions that enjoy the trust of all Maldivians. The delegation therefore deeply regrets the recent decision by the Maldivian authorities to leave the Commonwealth, and hopes that the authorities will re-consider this decision,

1. *Thanks* the Maldivian authorities for their cooperation and assistance;
2. *Takes note* of the preliminary observations of the Committee's mission and *eagerly awaits* the final mission report at the next IPU Assembly (April 2017);
3. *Notes* the preliminary concerns, in particular with regard to the death threats against several opposition members of parliament, the lack of accountability for the ill-treatment of members of parliament by law enforcement officers, the reduced space for freedom of expression and assembly and for the opposition to meaningfully contribute to the work of parliament;
4. *Expresses concern* about the severity of the sentence against Mr. Mahloof; *fails* to understand the justification for his conviction and sentence; *calls on* the relevant authorities to address his appeal swiftly and with full respect for fair-trial standards; *decides* to send a trial observer to follow the appeal proceedings; *calls on* the authorities, in the meantime, to allow Mr. Mahloof to serve his sentence in the form of house arrest;
5. *Looks forward* to receiving further official information on the various pending issues that the authorities undertook to provide;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.