



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 200th session (Dhaka, 5 April 2017)

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of the above-mentioned current and former parliamentarians and to the decision adopted at its 199th session (October 2016),

Referring to the full report on the mission conducted to the Maldives from 10 to 12 October 2016 by the Committee on the Human Rights of Parliamentarians (CL/200/11(b)-R.2),

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 in 2012 and includes 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 around the 2014 parliamentary elections, as exemplified by the stabbing attack on the then member of parliament Mr. Alhan Fahmy in February 2014; and that, 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; and that, moreover, several parliamentarians were said to be facing criminal charges, allegedly for conducting peaceful protests,

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

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”,

Considering that the mission observed, inter alia, the following regard to:

- **Death threats against members of parliament**
 - The delegation was concerned about death threats targeting several prominent parliamentarians from the MDP and the fact that apparently no one had been held to account for those threats. The delegation noted that the authorities maintained that they were doing everything possible to protect the members of parliament at risk and to look into the threats, but that it was often difficult to identify the culprits and the victims sometimes failed to cooperate. The delegation was keen to receive details from the authorities on the precise steps taken to investigate the threats brought to their attention. It was also keen to know the precise protection measures in place for each of the members of parliament under threat;
- **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 was told that the authorities were 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 noted that, according to the Prosecutor General, charges had been pressed in March 2014 against one suspect, who was serving a sentence for a drug-related crime until March 2017, and that the trial was about to be completed;
- **Legal status of specific criminal cases initiated against three (former) members of parliament**
 - The delegation was told that there was no legal action pending against Mr. Ibrahim Rasheed and Mr. Mohamed Shifaz and trusted that the authorities would inform the persons directly concerned. The delegation noted that the legal case against Mr. Mohamed Rasheed, on charges of terrorism in connection with acts of arson in February 2012, was still ongoing. It welcomed the initiative by the Prosecutor General to ask the court to speed up consideration of the case. The delegation hoped that this would happen and with full respect for due process;
- **The conviction of Mr. Ahmed Mahloof in July 2016**
 - The delegation noted the contradictions in the accounts of 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, namely 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 was concerned about the severity of the sentence and reports that basic fair-trial standards had not been respected. The delegation failed to understand how it could be argued that Mr. Mahloof tried to flee from the police in the presence of a sizeable police force at the court building. The delegation said that it would greatly appreciate receiving a copy of the lower-court verdict in order to clarify that and other matters related to his prosecution. The delegation hoped that the appeal proceedings, to which it proposed sending an observer, would take place smoothly and with respect for the right to a fair trial. In the meantime, it hoped that the authorities would 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 was concerned about human rights developments that had a direct impact on the cases at hand. It concerned 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 agreed that freedom of expression was not absolute, it considered that the new legislation overly restricted the exercise of that right, due to its scope, the vagueness of some of its key provisions and the hefty fine imposed as punishment. Similarly, although it understood that Male was a small island prone to congestion, it also believed that legislation on the right to freedom of assembly should at all times have real meaning in practice. The delegation considered in this regard that the very limited designated areas for demonstrations and the fact that prior police authorization was required unduly restricted the exercise of that right;
- **Limited space for the opposition to contribute meaningfully to the work of parliament**
 - Although the delegation appreciated that the current People's Majlis had adopted an impressive number of bills, it felt that such output should not come at the expense of the need for a substantive and meaningful discussion of each piece of legislation. The delegation was therefore concerned about reports that the adoption of important legislation had been fast tracked and adopted without any changes and proper discussion or consultation with stakeholders outside of parliament. Likewise, the delegation was concerned about reports that parliament, drawing on the majority of its members belonging to the ruling coalition parties, had not carried out any serious oversight, even in the face of grave issues warranting public scrutiny. The delegation was 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 hampered effective oversight;
- **Unacceptable behaviour in parliament and the handling of such incidents**
 - The delegation noted that the parliamentary authorities and the opposition acknowledged that there had been unruly behaviour in parliament on both sides. The delegation believed that the Speaker fulfilled a paramount function in making sure that unacceptable behaviour, such as the spitting incident in February 2016, was immediately reprimanded and that all sides in parliament respected one another. It was absolutely crucial that the Speaker treated all sides impartially and was perceived as being above party politics. In that regard, it was also important that the Speaker allowed the opposition to make a meaningful contribution to the work of parliament and that the opposition respected his authority;
- **Importance of dialogue between the majority and the opposition and of engagement with the international community**
 - The delegation strongly believed that the cases at hand had to be seen in the context of the ongoing political polarization in the Maldives. It believed that it was 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 enjoyed the trust of all Maldivians. The delegation therefore deeply regretted the recent decision by the Maldivian authorities to leave the Commonwealth, and hoped that the authorities would re-consider that decision,

took place: *Considering* the following new information provided by the complainant since the mission

- In December 2016 and February 2017, Mr. Mahloof was granted leave to go to India for 10 days and seven days respectively for medical treatment. According to the complainant, the appeal proceedings in his case have not started;
- On 27 March 2017, a motion of no-confidence against the Speaker was voted and defeated in the People's Majlis. The complainant alleges that the Maldivian National

Defence Force were ordered to bar media and civil society organizations from observing the sitting, that proper procedure was not followed by allowing for a roll call rather than an electronic vote on the motion itself, that 13 parliamentarians were forcibly removed from the Chamber as a completely disproportionate response to the disorder that reigned in the Chamber, and that subsequent voting records were incorrect and/or manipulated. The complainant points out that the vote in the People's Majlis took place against heightened harassment of parliamentarians, through death threats and threats against their families and threats of prosecution on trumped-up charges,

1. *Thanks* the mission delegation for the work carried out and endorses its overall conclusions; *regrets* that the Maldivian authorities have not submitted any observations on the report, nor the information they undertook to provide on various pending issues; *remains keen* to receive this further official information;
2. *Is deeply concerned about* the continued death threats against opposition members of parliament and the reduced space for freedom of expression and assembly and for the opposition to meaningfully contribute to the work of parliament; *calls on* the authorities to do everything possible to address these concerns and to report back on their action;
3. *Deeply regrets* that the authorities have not deemed fit to allow Mr. Mahloof to serve his sentence in the form of house arrest;
4. *Reiterates* its concern about the severity of the sentence against him and its failure to understand the justification for his conviction and sentence; *is concerned* by the apparent lack of action to deal with his appeal, which may well lead Mr. Mahloof to serve his full sentence by the time the appeal ruling is rendered; *considers* that for this reason alone the authorities should release him forthwith;
5. *Is concerned* about the allegations surrounding the recent handling of the motion of no-confidence, also because it attests to the continued political polarization in the Maldives; *thanks* the parliamentary authorities for providing video footage of the situation that reigned in the People's Majlis during the vote on the no-confidence motion; and *will examine* this material thoroughly;
6. *Requests* the Secretary General to convey this decision to the competent authorities, the complainants and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.