



Inter-Parliamentary Union

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## Maldives

MLD/16 - Mariya Didi* (Ms.)	MLD/50 - Abdulla Shahid*
MLD/28 - Ahmed Easa	MLD/51 - Rozeyna Adam* (Ms.)
MLD/29 - Eva Abdulla* (Ms.)	MLD/52 - Ibrahim Mohamed Solih
MLD/30 - Moosa Manik*	MLD/53 - Mohamed Nashiz
MLD/31 - Ibrahim Rasheed	MLD/54 - Ibrahim Shareef*
MLD/32 - Mohamed Shifaz	MLD/55 - Ahmed Mahloof*
MLD/33 - Imthiyaz Fahmy*	MLD/56 - Fayyaz Ismail*
MLD/34 - Mohamed Gasam	MLD/57 - Mohamed Rasheed Hussain*
MLD/35 - Ahmed Rasheed	MLD/58 - Ali Nizar*
MLD/36 - Mohamed Rasheed	MLD/59 - Mohamed Falah*
MLD/37 - Ali Riza	MLD/60 - Abdulla Riyaz*
MLD/39 - Ilyas Labeeb	MLD/61 - Ali Hussain*
MLD/40 - Rugiyya Mohamed (Ms.)	MLD/62 - Faris Maumoon*
MLD/41 - Mohamed Thoriq	MLD/63 - Ibrahim Didi*
MLD/42 - Mohamed Aslam*	MLD/64 - Qasim Ibrahim*
MLD/43 - Mohammed Rasheed*	MLD/65 - Mohamed Waheed Ibrahim*
MLD/44 - Ali Waheed	MLD/66 - Saud Hussain*
MLD/45 - Ahmed Sameer	MLD/67 - Mohamed Ameeth*
MLD/46 - Afrasheem Ali	MLD/68 - Abdul Latheef Mohamed*
MLD/48 - Ali Azim*	MLD/69 - Ahmed Abdul Kareem*
MLD/49 - Alhan Fahmy	MLD/70 - Hussein Areef*

***Decision adopted unanimously by the IPU Governing Council  
at its 201<sup>st</sup> session (St. Petersburg, 18 October 2017)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the existing cases under file name MLD/16-61 and to the decision adopted at its 200<sup>th</sup> session (October 2016),

*Having before* it new cases under the file name MLD/62-70, which have been examined by the Committee on the Human Rights of Parliamentarians pursuant to the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices),

*Considering* the information provided by MP Ahmed Nihan, PPM Parliamentary Group Leader and Majority Leader of the Parliament, along with two other members of the Maldivian delegation to the 137<sup>th</sup> IPU Assembly (October 2017) at the hearing held on 14 October 2017 with the Committee on the Human Rights of Parliamentarians; *considering* also the information presented at the meeting which took place in Geneva on 5 October 2017 between the IPU President and the Secretary General on the one hand, and a Maldivian delegation led by Mr. Nihan and comprising other members of the governing party, on the other,

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

*Considering* also the information regularly provided by the complainant,

*Referring* to the report on the mission conducted to Maldives from 10 to 12 October 2016 by the Committee on the Human Rights of Parliamentarians (CL/200/11(b)-R.2), following earlier missions in 2012 and 2013,

*Recalling* that most of the above current and former 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 included 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),

*Considering* the following information on file regarding events which have taken place since the beginning of March 2017:

- **Attempts to bring no-confidence motions**

- On 24 March 2017, the leaders of four Maldivian political parties, namely the MDP, the PPM, the Jumhooree Party (JP) and the Adhaalath Party (AP), signed a coalition agreement; the opposition alliance, headed by the MDP, won 53 per cent of the seats in the local council elections of May 2017 while President Yameen's party won 27 per cent of the seats;
- According to the complainant, on three occasions the opposition attempted to bring, with the support of 45 parliamentarians, hence a majority, a motion of no-confidence against the Speaker of Parliament in the belief that he was not acting impartially; the first no-confidence motion was submitted on 24 March 2017; the vote did not take place as members of the military reportedly forcibly removed 13 opposition parliamentarians from the parliamentary premises; according to the complainant, the Speaker narrowly maintained his position and the ruling party stepped up its intimidation campaign against opposition members; the opposition affirms that the second attempt was scheduled to take place on 24 July 2017, but that security forces prevented the MPs from entering parliament, some of whom decided therefore to scale the walls around the parliamentary premises and were subsequently forcibly removed; according to the authorities there was no parliamentary sitting scheduled that day due to a visit from a foreign dignitary and the celebration of Maldives independence day, and there was heightened security in the area; the complainant affirms that on 22 August 2017 the Maldives military locked down the nation's parliament in an effort to thwart the third attempt to bring a no-confidence vote against the Speaker; the authorities affirm that the allegation of "military intervention" is both erroneous and unwarranted and there had been neither an intervention nor a lockdown; according to the authorities, a no-confidence motion was never duly submitted as some of those who originally signed the motion withdrew their support and others had been bribed to sign it,

- **Alleged abusive revocation of parliamentary mandate**

- According to the complainant, the Attorney General, in a bid to thwart the no-confidence vote, submitted a case to the Supreme Court on 11 July 2017 seeking a ruling that would strip several members of the People's Majlis of their parliamentary mandate, for no longer belonging to the party on whose ticket they were elected. The request to the Supreme Court came in the context of increased political tension, as ten of the 15 government MPs who signed the impeachment motion against the parliamentary speaker had left the ruling PPM party in anticipation of the Supreme Court's ruling, while three of them had previously been expelled from the party.
- On 13 July 2017, the Supreme Court issued a ruling stating that lawmakers who resign or are expelled from the political party they represented at the time of their election, or who switch to another party (floor-crossing), must lose their parliamentary mandate. The ruling further stated that MPs lose their mandate once the Elections Commission informs Parliament of their change of status, and ordered state institutions to enforce the new rule with effect from 13 July. According to the complainant, the above-mentioned ruling is unconstitutional as it defies a number of existing laws, namely:

- (i) Article 73 of the Constitution, which stipulates that an MP will be disqualified only if he is sentenced to more than a year in prison, has a decreed debt or becomes a member of the judiciary. Furthermore, MPs are protected by their parliamentary immunity which is strictly regulated by the law;
  - (ii) Article 16 of the Political Parties Act, which states that, while an elected official can be expelled from a party on disciplinary grounds, they will not have to forfeit their seat;
  - (iii) A 2012 Supreme Court ruling which allows floor-crossing, stating that if local councillors switch parties, they cannot be forced to forfeit their seats,
- The complainant also underlined that the Supreme Court's ruling contained a number of false references to justify its decision, such as Islamic legal principles on peace and security which require judges to consider Islamic Sharia law "when deciding matters on which the Constitution or the law is silent." Furthermore, the Chief Justice said that lawmakers crossing the floor undermined multi-party democracy and posed a threat to sovereignty and rule of law, citing "anti-defection amendments in the Indian Constitution and the right to revoke seats in the United States of America."
  - As a result of the Supreme Court's ruling, since 13 July 2017, seven parliamentarians have lost their seats as the Elections Commission removed their names from the membership of the Progressive Party of Maldives at the request of the party.
  - According to the parliamentary authorities, floor-crossing had led to serious malpractice and disenfranchisement of the electorate; the current Government had made numerous attempts at enacting legislation to bring this practice to an end, but selected opposition MPs continued to obstruct such a move; the Government had submitted a request to the Supreme Court for clarification of this practice, which had resulted in a ruling barring floor-crossing, pending the enactment of legislation to support it.
- **Parliamentarians who remain detained or have been convicted recently on charges of bribery in connection with attempts to bring a no-confidence motion**

*The situation of MP Faris Maumoon*

- MP Faris Maumoon was arrested on 18 July 2017 under a warrant issued by the Criminal Court authorizing a search of his residence and accusing him of involvement in bribing MPs ahead of the no-confidence vote, an allegation he strongly denied. He was later taken to the Dhoonidhoo detention centre. On 19 July 2017, the Criminal Court issued an indefinite remand for Mr. Maumoon until the conclusion of his trial. On 20 July 2017, he was moved to the Maafushi detention centre, which is designated for convicts. On 16 September 2017, it was reported that the Prosecutor General's office had revised the charge from accepting bribes to offering to bribe fellow parliamentarians to back the attempts to remove the Speaker. He was transferred to house arrest in October 2017.

*The situation of Mr. Qasim Ibrahim*

- Mr. Qasim Ibrahim, the leader of the Jumhooree Party, was first charged on 13 April 2017 for offering a bribe, attempting to communicate with a public official for the purpose of influencing the exercise of that person's official authority, and attempting to influence a voter by offering a benefit not authorized by law. Mr. Qasim's first trial was scheduled for 16 July 2017, but the hearing was cancelled as Mr. Qasim was urgently admitted to hospital. Mr. Qasim's lawyer then sent several requests to try to lift the travel ban and allow Mr. Qasim to travel abroad for treatment, which were all to no avail. Mr. Qasim's first hearing was held on 25 July 2017 and, according to his lawyer, he only had eight hours to appoint lawyers, which is a breach of Section 114(c) of the Criminal Procedure Code. Mr. Qasim's first hearing was followed by multiple hearings, none of which respected due process.
- On 24 August 2017, the Criminal Court of Male' sentenced Mr. Qasim in absentia to a prison term of three years, two months and twelve days. Mr. Qasim was sentenced in absentia as he had collapsed on 24 August 2017 inside the premises of the Court and was admitted to the intensive care unit of the Indira Gandhi Memorial Hospital. The complainant stated that Mr. Qasim was served a summons by the Criminal Court on

24 August 2017 to attend a hearing scheduled on the same day at 11 p.m. The summons stated that the order of the day was to reach a verdict on the bribery charge held against Mr. Qasim and that if he failed to attend, the trial would continue in his absence. The complainant highlighted that Mr. Qasim's trial did not respect due process and contained a number of procedural irregularities, including the fact that it was the first trial to be held in absentia since the entry into force of the 2008 Constitution. In addition, the complainant said that the Criminal Court refused to issue a timetable for the hearings despite Mr. Qasim's lawyers' multiple requests, and did not provide enough time for the defence to prepare its closing arguments. Upon receiving the summons, Mr. Qasim sent a letter to the Criminal Court explaining his condition together with a medical certificate indicating that he required treatment that was unavailable in Maldives and that his life would be in danger if he did not receive urgent medical care abroad. According to Mr. Qasim's lawyer, in its verdict convicting Mr. Qasim the Court also ordered the relevant State authorities to facilitate his travel abroad for treatment, thus lifting the travel ban. Mr. Qasim was finally allowed to seek medical assistance outside Maldives at the beginning of September 2017. He subsequently left for Singapore after the Maldives Correctional Service authorized 10 days of medical leave. The authorities claim that Mr. Qasim is not respecting the terms of his leave and is making excuses to avoid coming back to Maldives to serve his sentence, which the complainant denies; according to the authorities, the cases of Mr. Qasim and Mr. Maumoon also have to be seen in the context of efforts by selected opposition MPs to resort to bribery in their attempt to impeach the Speaker of Parliament.

- **Trial of Mr. Ibrahim Didi on terrorism charges**

- Mr. Ibrahim Didi, member of the MDP and a retired brigadier-general, is on trial for renewed terrorism charges. In 2015, the Prosecutor General withdrew the terrorism-related charges against Mr. Didi. However, following the no-confidence motion, Mr. Didi was charged for a second time on the same grounds. Mr. Didi's trial started on 20 July 2017 and is ongoing. He was granted 10 days to obtain legal assistance.

*Considering* that, according to the opposition, the entire judiciary, including the Supreme Court, and all the independent institutions created by the Constitution, such as the Elections Commission, Anti-Corruption Commission and Judicial Services Commission, have lost their freedom to act according to the law and have become tools in the hands of the President to stifle and suppress all opposition; according to the authorities, however, there is full respect for the rule of law and the separation of powers in Maldives,

*Considering* that, as of 7 October 2017, 33 different legal cases are pending against 21 opposition parliamentarians, on charges including "criminal trespass", "divulging confidential information", "terrorism" and "assault of an officer",

*Recalling* that Committee missions have highlighted, among other issues:

- Heightened political polarisation in and outside parliament and the absence of meaningful dialogue between majority and opposition;
- The long-standing phenomenon of death threats and other forms of intimidation of parliamentarians;
- The use of excessive force by law enforcement officers against parliamentarians;
- Concerns about undue restrictions of the rights to freedom of expression and freedom of assembly on the basis of the Protection of Reputation and Good Name and Freedom of Expression Act and the amended Peaceful Assembly Act;
- Concerns about amendments to the Standing Orders of Parliament which have the effect of limiting the opposition's work in parliament, and about allegations of strong bias against the opposition on the part of the Speaker, which he fully denies;
- The need to promote parliamentary ethics and the proper use of parliamentary procedure,

*Considering* that the parliamentary authorities believe that there is significant misinformation about the situation in Maldives and the allegations which the opposition have provided to the Committee; *considering* also that the PPM Parliamentary Group Leader and Majority Leader of the Parliament stated to the Committee that the authorities would be glad to receive an IPU delegation to discuss and clarify outstanding concerns and questions in the cases at hand; *considering* also that the Speaker of Parliament, IPU President and IPU Secretary General met in St. Petersburg on 15 October 2017 and agreed that such a mission should also include a political dimension,

*Considering* that the representatives of the main opposition parties on the IPU Committee of the Maldives Parliament wrote letters to the IPU on 7 and 8 October 2017 stating that the Committee had not held a single meeting since 2014 and that the composition of the Maldivian delegations was now decided solely by the Speaker, without consulting the parties, thereby preventing them from deciding on their own delegates to the IPU; according to Mr. Nihan, the Leader of the MDP Parliamentary Group, Mr. Ibrahim Solih, had been included in the delegation but was prevented from coming owing to an urgent personal commitment; by letter of 7 October 2017, Mr. Solih nevertheless informed the IPU that he could not be party to a delegation handpicked by the Speaker in breach of the standard norms of the parliament and the national IPU committee,

*Considering* that presidential and parliamentary elections are due to take place in Maldives in 2018 and 2019 respectively,

1. *Thanks* the parliamentary authorities for their cooperation and the information they provided; *regrets* however that it was not possible to meet with a member of the opposition to hear their views; *is concerned* in this regard that the opposition representatives on the national IPU committee affirm that they have no say in its decisions; *wishes* to receive the official views on this matter;
2. *Is deeply concerned* that a sizeable part of the opposition in parliament has been subject to legal action; *fears* that this state of affairs, together with ongoing reports about reduced space for freedom of expression and assembly and reduced opportunities for the opposition to meaningfully contribute to the work of parliament lend weight to the allegation that all this is part of a deliberate attempt to silence the opposition;
3. *Is deeply concerned* about the increased militarization of the parliamentary premises; *is upset* that parliamentarians were forcibly prevented from entering the parliament on 24 July 2017 and were reportedly manhandled; *considers* that they should at all times be able to access the parliament and thus that the charge of "obstruction of police duty" against the 12 MPs has no place; *calls* on the authorities to drop these charges forthwith;
4. *Is deeply concerned* also that the mandate of seven parliamentarians was revoked in the absence of a sound legal basis under Maldivian law; *is concerned* that the Election Commission went ahead with revoking parliamentary mandates even though the challenge to the Supreme Court ruling at the heart of the decision on revocation was still under consideration; *fears* therefore that the revocation was politically inspired as it had the immediate effect of limiting the likelihood of the successful passage of the no-confidence motion;
5. *Is concerned* about the specific allegations that the trial against Mr. Qasim did not respect due process and about the alleged circumstances in which the verdict was delivered; *wishes* to receive the official views on these matters; *also wishes* to receive a copy of the verdict so as to understand how the court concluded that he was guilty of attempted bribery; *wishes* to receive information from the complainant about when Mr. Qasim intends to return to Maldives in compliance with the travel authorization;
6. *Wishes* to receive information about the precise facts underpinning the charges against Mr. Faris Maumoon; *wishes* also to receive such details on the other parliamentarians who are facing other types of charges, including Mr. Ibrahim Didi;

7. *Welcomes* the invitation by the parliamentary authorities for the IPU to conduct a mission to Maldives to discuss its current concerns and outstanding questions on all the cases, including those not highlighted specifically in this decision, with all parties concerned; *requests* the Secretary General to arrange for this mission to take place in the very near future;
8. *Reaffirms* its stance that the issues in these cases are part of a larger political crisis in Maldives which can only be solved through political dialogue; *calls once again* on all sides to act in good faith and to commit fully to restarting the political dialogue; *reaffirms* that the IPU stands ready to assist with these efforts, including by offering its good offices and technical assistance to help ensure that the legal framework is in place to provide a level playing-field allowing all political parties to fully participate in the next elections;
9. *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;
10. *Requests* the Committee to continue examining this case and to report back to it in due course.