



Inter-Parliamentary Union

For democracy. For everyone.

Maldives

Decision adopted unanimously by the IPU Governing Council at its 202nd session (Geneva, 28 March 2018)



Police prevent members of parliament from entering the People's Majlis, 24 July 2017
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|---|----------------------------------|
| MDV16 - Mariya Didi (Ms.)* ¹ | MDV54 - Ibrahim Shareef* |
| MDV28 - Ahmed Easa | MDV55 - Ahmed Mahloof* |
| MDV29 - Eva Abdulla (Ms.)* | MDV56 - Fayyaz Ismail* |
| MDV30 - Moosa Manik* | MDV57 - Mohamed Rasheed Hussain* |
| MDV31 - Ibrahim Rasheed | MDV58 - Ali Nizar* |
| MDV32 - Mohamed Shifaz | MDV59 - Mohamed Falah* |
| MDV33 - Imthiyaz Fahmy* | MDV60 - Abdulla Riyaz* |
| MDV34 - Mohamed Gasam | MDV61 - Ali Hussain* |
| MDV35 - Ahmed Rasheed | MDV62 - Faris Maumoon* |
| MDV36 - Mohamed Rasheed | MDV63 - Ibrahim Didi* |
| MDV37 - Ali Riza | MDV64 - Qasim Ibrahim* |
| MDV39 - Ilyas Labeeb | MDV65 - Mohamed Waheed Ibrahim* |
| MDV40 - Rugiyya Mohamed (Ms.) | MDV66 - Saud Hussain* |
| MDV41 - Mohamed Thoriq | MDV67 - Mohamed Ameeth* |
| MDV42 - Mohamed Aslam* | MDV68 - Abdul Latheef Mohamed* |
| MDV43 - Mohammed Rasheed* | MDV69 - Ahmed Abdul Kareem* |
| MDV44 - Ali Waheed | MDV70 - Hussein Areef* |
| MDV45 - Ahmed Sameer | MDV71 - Mohamed Abdulla* |
| MDV46 - Afrasheem Ali | MDV72 - Abdulla Ahmed* |
| MDV48 - Ali Azim* | MDV73 - Mohamed Musthafa* |

*

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

MDV49 - Alhan Fahmy
MDV50 - Abdulla Shahid*
MDV51 - Rozeyna Adam (Ms.)*
MDV52 - Ibrahim Mohamed Solih
MDV53 - Mohamed Nashiz

MDV74 - Ali Shah*
MDV75 - Saudhulla Hilmy*
MDV76 - Hussain Shahudhee*
MDV77 - Abdullah Sinan*
MDV78 - Ilham Ahmed*

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Arbitrary arrest and detention
- ✓ Violation of freedom of opinion and expression
- ✓ Threats, acts of intimidation
- ✓ Murder
- ✓ Violation of freedom of movement

A. Summary of the case

Following the controversial transfer of power in February 2012, there have been serious and credible reports and allegations of arbitrary arrest, ill-treatment, attacks and death threats against several opposition members of the People's Majlis, most of whom belong to the Maldivian Democratic Party (MDP).

Since the 2014 parliamentary elections, the opposition has repeatedly claimed that the ruling Progressive Party of Maldives (PPM), with the support of the Speaker of the People's Majlis, has systematically limited the space for the opposition to contribute meaningfully to the work of parliament, and that parliament has adopted laws that seriously diminish human rights, including the rights to freedom of expression and assembly. The parliamentary authorities have denied these allegations.

Tension and violence erupted after an opposition alliance and defections from the PPM galvanized the opposition to move a no-confidence motion against the Speaker in March 2017. The Elections Commission and the PPM subsequently used the Supreme Court ruling of 13 July 2017 to affirm that the 12 members of parliament who had defected from the PPM had lost their seats in parliament. In their absence, the attempts by the opposition to pass the no-confidence motion failed.

The political crisis in Maldives took a further turn for the worse in the aftermath of the ruling by the Supreme Court on 1 February 2018 to release nine high-profile politicians and to reinstate the 12 members of parliament, thereby giving the opposition a majority in parliament. President Yameen has refused to implement the ruling, claiming it to be unlawful, and on 6 February 2018 declared a state of emergency, which was extended by 30 days on 20 February. The opposition and its supporters have protested against the refusal to respect the ruling, have contested the validity of the state of emergency and are boycotting parliament.

More than a dozen members of parliament were arrested under the state of emergency, which expired on 22 March 2018 and was not extended. Most were released shortly after their arrest, although it is not clear whether they are still under investigation. Shortly before the state of emergency expired, the Prosecutor General's Office announced charges of terrorism - concerning an alleged plot to overthrow the Government - against 11 high-profile individuals, including the four members of parliament Mr. Faris Maumoon, Mr. Abdulla Riyaz, Mr. Abdulla Sinan and Mr. Ilham Ahmed, and ordered that they remain in detention until the end of the trial. Three other members of parliament, namely Mr. Ahmed Mahloof, Mr. Ibrahim Mohamed Solih and Mr. Ali Azim, are also still in detention. While 10 other members of parliament are at liberty, they are facing charges, most of which date back to 2017. The opposition claims that all of this is part of a pattern of intimidation and repression by the authorities.

Case MDV-Coll.1

Maldives: Parliament affiliated to the IPU

Victims: 50 opposition members of parliament, except Mr. Afrasheem Ali, a member of the majority (46 men and four women)

Complainant(s): Section I.1(a) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: February 2012

Recent IPU decision: [October 2017](#)

IPU Missions: March 2018, [October 2016](#), November 2013, [November 2012](#),

Recent Committee hearing: Hearing with the Maldives delegation at the 137th IPU Assembly (October 2017)

Recent follow-up:

- Communication from the authorities: Letter from the Deputy Secretary General of the People's Majlis (March 2018)
- Communication from the complainant: March 2018
- Communication from the IPU: Letter addressed to the Speaker of the People's Majlis (February 2018)
- Communication addressed to the complainant: March 2018 ■

A delegation mandated by the Committee on the Human Rights of Parliamentarians carried out a mission to Maldives from 19 to 21 March 2018 to address ongoing and new concerns.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Speaker for receiving the mission and for all the arrangements made;
2. *Thanks* the delegation for its work; *looks forward* to receiving its full written report, which will be shared with the authorities, complainants and relevant third parties for their comments;
3. *Takes note*, in the meantime, of the delegation's following preliminary observations and recommendations:
 - The delegation is deeply concerned about the continued political instability in Maldives, which appears to be the result of a variety of factors, including a "winner-takes-all" political mentality, lack of a culture of political dialogue, reports of widespread corruption, systematic floor crossing in parliament and the absence of a fully independent judiciary and independent oversight institutions. The delegation underscores that the next 12 months, with a presidential election in September 2018 and parliamentary elections in March 2019, are bound to lead to further tension if the underlying causes for the continued political instability and the perceived absence of a level playing field for the participation of presidential candidates are not seriously addressed.

The delegation therefore calls on all political stakeholders in Maldives to decisively work together to effectively address the causes for continued political instability. The delegation also calls on the authorities to do everything in their power to ensure that the planned presidential and parliamentary elections will be free and fair and are perceived as such.

- The delegation considers that the revocation of the mandate of the 12 members of parliament has to be seen in the light of the aforesaid factors causing continued political instability. That said, the delegation believes that there are clear indications that their revocation was arbitrary, including the following: (i) despite widespread floor crossing since 2014, only the 12 members of parliament who defected from the main ruling party lost their seats; (ii) the Supreme Court ruling of 13 July 2017 was adopted less than three days after the matter was brought before it, at a time when a vote on the no-confidence motion against the Speaker was imminent and likely to pass with the support of the 12 members of parliament; (iii) several of the 12 members of parliament, such as Mr. Abdul Latheef and Mr. Mohamed Abdulla, took all the necessary steps, as attested by documentation provided to the delegation, to renounce their party membership before 13 July 2017, which the Supreme Court considered to be the date from when floor crossing would be banned; and (iv) the recently adopted Anti-Defection Act retroactively approves the revocation of the 12 members of parliament, instead of applying to future cases only.

The delegation therefore calls on the Maldivian authorities to allow the 12 members of parliament to take their seats in the People's Majlis as soon as possible.

- The delegation is concerned about the attempts to thwart the no-confidence motion against the Speaker in 2017, in particular the events that occurred on 24 July 2017, including the forcible removal of several members of parliament from the People's Majlis. The delegation considers that parliament should be accessible to its members at all times, and is therefore deeply concerned that several parliamentarians are still facing legal proceedings for attempting to access the parliament that day.

The delegation therefore calls on the Maldivian authorities to withdraw these charges forthwith.

- The delegation is deeply concerned about the wave of arrests of members of parliament under the state of emergency, the charges brought against four parliamentarians, and their detention until the end of their trial on charges of terrorism. The delegation is also concerned at the continued detention of three other members of parliament.

The delegation calls on the authorities to fully ensure that all members of parliament enjoy the right to a fair trial, and that any cases against them are brought diligently and swiftly before the courts and only when clear evidence is available. The delegation believes that it would be very useful to send a trial observer to the court proceedings in one or more of these cases.

- The delegation has received contradictory information about the conditions of detention of the members of parliament, which it will describe in its full mission report. The delegation regrets, therefore, that it was not allowed to meet the members of parliament in detention to assess their situation.

The delegation trusts that the authorities are taking all the necessary steps to ensure that the detained members of parliament are being kept in proper conditions and have access to their family, lawyers and a doctor.

- The delegation is concerned that, with the opposition boycotting parliament, legislation that falls under article 87(b) of the Constitution is being passed without half the members being present, as is required. The delegation is also concerned that the ruling parties and the opposition appear to be unable to use parliament as the platform to discuss their differences and find common solutions.

The delegation calls on the parliamentary authorities to ensure that parliament fully abides by the Constitution when conducting its work and calls on all sides to engage in constructive political dialogue. The delegation encourages all sides to make use of the expertise and the platform that IPU can offer to promote such dialogue.

4. *Requests* the Secretary General to bring these preliminary findings and recommendations to the attention of the relevant authorities, complainants and interested third parties;
5. *Requests* the Committee to continue its examination of the cases at hand and to report back to it in October 2018 in light of the full mission report and any observations received.