



Inter-Parliamentary Union

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## Maldives

MLD/16 - Mariya Didi	MLD/42 - Mohamed Aslam
MLD/28 - Ahmed Easa	MLD/43 - Mohammed Rasheed
MLD/29 - Eva Abdulla	MLD/44 - Ali Waheed
MLD/30 - Moosa Manik	MLD/45 - Ahmed Sameer
MLD/31 - Ibrahim Rasheed	MLD/46 - Afrasheem Ali
MLD/32 - Mohamed Shifaz	MLD/47 - Abdulla Jabir
MLD/33 - Imthiyaz Fahmy	MLD/48 - Ali Azim
MLD/34 - Mohamed Gasam	MLD/49 - Alhan Fahmy
MLD/35 - Ahmed Rasheed	MLD/50 - Abdulla Shahid
MLD/36 - Mohamed Rasheed	MLD/51 - Rozeyna Adam
MLD/37 - Ali Riza	MLD/52 - Ibrahim Mohamed Solih
MLD/38 - Hamid Abdul Ghafoor	MLD/53 - Mohamed Nashiz
MLD/39 - Ilyas Labeeb	MLD/54 - Ibrahim Shareef
MLD/40 - Rugiyya Mohamed	MLD/55 - Ahmed Mahloof
MLD/41 - Mohamed Thoriq	MLD/56 - Fayyaz Ismail

***Decision adopted unanimously by the IPU Governing Council at its 196<sup>th</sup> session (Hanoi, 1<sup>st</sup> April 2015)***

The Governing Council of the Inter-Parliamentary Union,

*Referring to the case of the first group of 27 parliamentarians above, all members of the People's Majlis of the Maldives at the time of the original complaint, and all, except Mr. Abdulla Jabir and Dr. Afrasheem Ali, members of the opposition Maldivian Democracy Party (MDP), and to the resolution it adopted at its 192<sup>nd</sup> session (March 2013); noting that a significant number of the persons concerned were not re-elected in the parliamentary elections held in March 2014,*

*Having before it the new case of Mr. Ahmed Mahloof, which has 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),*

*Taking into account the information that the Maldivian delegation to the 132<sup>nd</sup> IPU Assembly (Hanoi, March 2015) provided and the letter from the Deputy Secretary General of the People's Majlis, dated 24 March 2015; taking into account as well the information regularly provided by the complainant,*

*Recalling that the original cases have to be seen in the context of the transfer of power on 7 February 2012, when Vice-President Mohammed Waheed assumed the office of president following the disputed resignation of President Mohamed Nasheed; immediately thereafter, MDP supporters took to the streets in protest and were met with excessive use of force by the police, including against members of parliament, which has been corroborated, inter alia, by the Police Integrity Commission and the Commission of Inquiry in their reports of October and August 2012 respectively; the authorities have repeatedly stated that any police officers found to have acted unlawfully would be properly sanctioned,*

*Considering* the following with regard to the concerns that have emerged since March 2014:

- The complainant insists that, in the aftermath of the March 2014 parliamentary elections, MDP parliamentarians have increasingly become the subject of violent death threats, causing them not only to fear for their lives, but also preventing them from carrying out their parliamentary mandate. Despite appeals from the members and the MDP party to the police, the Maldives National Defence Force and the Government, calling for an investigation into the threats and for additional security protection, the complainant has reported that the measures that have been taken have been insufficient;
- The parliamentary authorities have repeatedly expressed a commitment to investigate the instances of threat and intimidation, which they claim have been sent to members from all parties. To this end, they have reported that all cases of threats received were forwarded to the appropriate authorities. However, no suspects have as yet been named. The authorities have also claimed to have taken measures to ensure that parliamentarians are provided with sufficient security from the Maldives National Defence Force;
- The complainant has also reported a new wave of arrests and instances of ill-treatment of MDP members following the arrest of former president and current MDP leader Mohamed Nasheed on 22 February 2015, and his subsequent conviction on 13 March 2015; the complainant affirms the following in this regard:
  - (i) Mr. Ali Azim was arrested in February 2015 for peacefully protesting against the arrest of former President Nasheed. According to the authorities, Mr. Azim was arrested for obstructing police from performing their duty. On 5 March 2015, the complainant reported that Mr. Azim had been released from detention on the condition that he did not take part in a demonstration for the following 60 days. No official documentation to this effect was provided, despite a request;
  - (ii) On 6 March 2015, the complainant reported that Mr. Fayyaz Ismail had been arrested during a protest the night before and had been denied access to a lawyer. The complainant added that Ms. Eva Abdullah had been beaten with a riot shield, and that she and Mr. Imthiyaz Fahmy had been sprayed with pepper spray. The complainant subsequently added that Mr. Fayyaz Ismail had his detention extended by 15 days – a length of time usually reserved for more serious offences – for refusing to agree not to take part in any protests for a period of 60 days; the letter from the parliamentary authorities of 24 March 2015 indicated that Mr. Ismail had since been released;
  - (iii) The same letter from the parliamentary authorities indicated that the parliamentary Committee on Privileges had reviewed both cases and had recognized that the arrests were sufficiently justified and not politically motivated. Furthermore, the Majlis endorsed the findings in a formal vote; the complainant affirms that the MDP is being prevented from taking part in parliamentary work and that members have been told that they would face sanctions if they insist on airing their grievances in Parliament; the parliamentary authorities affirm that the MDP is obstructing Parliament with no other purpose than to prevent it from continuing with its parliamentary activities,

*Considering* the following with regard to ongoing, earlier concerns:

- On 2 October 2012, Mr. Afrasheem Ali, a member of the People's Majlis representing the Progressive Party of the Maldives, was killed; one individual was convicted and sentenced. A letter from the parliamentary authorities, dated 24 March 2015, indicated that a second individual, Mr. Azlif, had been acquitted; in this regard, the complainant affirms that the latter was a member of the Maldives National Defence Force, was released and that it has been alleged that he went to Syria to take part in training with the Islamic State. It is unclear why Mr. Azlif was allowed to leave the country; the complainant noted in this regard that there has been an alarming growth of links between the Islamic State and gangs in the Maldives;
- On 1 February 2014, Mr. Alhan Fahmy was stabbed in a coffee shop. On 22 January 2015, the complainant stated that there had been no investigation into the stabbing; the letter from the parliamentary authorities, dated 24 March 2015, indicated that the crime had been investigated and that the suspects were being prosecuted in the Criminal Court in Male;
- Since 2012, criminal action had been taken, often in connection with ongoing protests, against several MDP members of parliament for which, according to the complainant, there was no legal ground; according to the information provided by the complainant in

March 2015, the case of Mr. Mohamed Rasheed (charged with terrorism) is pending in court; according to the information contained in the communication of the People's Majlis of 24 March 2015, this is the state of proceedings in the other cases:

- (i) The cases against Mr. Ali Waheed for obstructing police duties and incitement to violence, against Mr. Ilyas Labeeb and Mr. Imthiyaz Fahmy for obstructing police duties, and against Mr. Moosa Manik for insulting the judiciary were withdrawn by the Prosecutor General's Office due to lack of sufficient evidence;
- (ii) The charges of drug and alcohol-related offences against Mr. Ghafoor and Mr. Jabir were dropped by the prosecution due to lack of evidence; Mr. Jabir has been pardoned for his conviction for refusing to take a urine test; the complainant has confirmed this information;
- (iii) The case against Mr. Ibrahim Rasheed for obstructing police duties is still pending;
- (iv) The case against Mr. Mohamed Shifaz for producing pornographic cards was still with the Prosecutor General's Office,

*Bearing in mind* that the Republic of Maldives is a party to the International Covenant on Civil and Political Rights, and is thus bound to respect freedom of expression and assembly and the right to liberty and security,

1. *Thanks* the Maldivian parliamentary authorities and the delegation for their cooperation and the extensive information they have provided;
2. *Is deeply concerned* about the serious and repeated death threats since 2014 against MDP members of parliament; *considers* that these matters have to be taken very seriously through speedy and effective investigations and by putting in place, in agreement with the parliamentarians concerned, the security measures their situations warrant; *notes* in this respect that the authorities and the complainant have opposing views as to whether such steps are being taken;
3. *Expresses profound concern* at the climate of heightened confrontation and polarization outside and inside the Parliament of the Maldives since the arrest, trial and conviction of former President Nasheed, which has been the subject of criticism in the Maldives and abroad; *calls on* the competent authorities, in particular the law enforcement agencies, to show restraint and abide fully by international and national human rights standards when handling public protests; also *calls on* all political parties to move beyond political expediency and partisanship and to engage constructively in dialogue inside and outside Parliament to resolve their differences;
4. *Takes note* that the complainant contests the outcome of the deliberations of the parliamentary Committee on Privileges with regard to the legality of the recent arrests of Mr. Ali Azim and Mr. Fayyaz Ismail; *would appreciate* receiving a copy of the committee's decision on this matter and official information on whether legal action is still pending against both members of parliament;
5. *Is pleased* that progress has been made in establishing accountability for the murder of Mr. Afrasheem Ali and the stabbing of Mr. Alhan Fahmy; *would appreciate* receiving a copy of the first-instance ruling in the murder case, including with regard to the motive for the crime, along with details of the acquittal of a second suspect and the allegations made in this regard by the complainant; *also wishes to know* whether the suspects in the case of Mr. Fahmy are in custody, the facts underpinning their prosecution and whether the police authorities have been able to establish the motive for the stabbing;
6. *Notes* that legal proceedings against several current and former parliamentarians have been discontinued; *decides* to close the cases of Mr. Ghafoor and Mr. Jabir, since these legal proceedings were the only matter under examination by the Committee, and to close any further examination of this same point with regard to Mr. Waheed, Mr. Labeeb and Mr. Imthiyaz Fahmy, and hence to focus only on the other pending concerns in their cases; *is eager to know* the precise legal basis and facts underpinning the cases that are still ongoing against Mr. Mohamed Rasheed, Mr. Ibrahim Rasheed and Mr. Mohamed Shifaz;

7. *Considers* that the complexity and seriousness of the concerns in the cases at hand, and the contradictory views that exist with regard to many of the facts, warrant an urgent on-site mission by the Committee, so that it can gather first-hand information on the allegations and ascertain the prospects for their examination and clarification in the current political situation in the Maldives; *is pleased*, therefore, that the Maldivian delegation welcomes a mission for this purpose, which would meet with the parliamentary, executive and judicial authorities, the parliamentarians concerned and any third party likely to be in a position to assist the mission;
8. *Requests* the Secretary General to arrange for the mission to take place as early as possible and to pursue his contacts with the parliamentary authorities for this purpose;
9. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant 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.