



Plenary sitting

B8-1410/2015

15.12.2015

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the situation in the Maldives
(2015/3017(RSP))

**Barbara Lochbihler, Tamás Meszerics, Michèle Rivasi, Bodil Valero,
Heidi Hautala, Igor Šoltes, Davor Škrlec, Ernest Urtasun, Alyn Smith,
Jean Lambert**

on behalf of the Verts/ALE Group

B8-1410/2015

**European Parliament resolution on the situation in the Maldives
(2015/3017(RSP))**

The European Parliament,

- having regard to its previous reports and resolutions on the Maldives, in particular its resolution of 30 April 2015 on the situation in the Maldives.
- having regard to the statement by the EEAS Spokesperson on the Declaration of the State of Emergency by the President of the Maldives of 5 November 2015,
- having regard to the Statement by the EEAS Spokesperson on the conviction of former President of the Maldives Mohamed Nasheed of 14 March 2015,
- having regard to the statement of the EU Local Delegation on Threats to Civil Society and Human Rights in the Maldives of 30 September 2014,
- having regard to the statement of Rupert Colville, UN High Commissioner for Human Rights of 25 August 2015,
- having regard to the statement of the UN High Commissioner for Human Rights on the Supreme Court judgement gravely undermining Maldives Human Rights Commission of 19 June 2015,
- having regard to the statement of Rupert Colville, UN High Commissioner for Human Rights of 1 May 2015,
- having regard to the Universal Periodic Review Second cycle of the Maldives of May 2015,
- having regard to the statement of Gabriela Knaul, UN Special Rapporteur on the independence of judges and lawyers, on the seriously deteriorating situation in the independence of the justice system in the Maldives of 19 March 2015,
- having regard to the press release of the International Commission of Jurists on the lifting of the emergency of 11 November 2015,
- having regard to Rule 135(5) and Rule 123(4) of its Rules of Procedure,

A. Whereas the EU has long-standing relations with the Maldives and hundreds of thousands of European tourists travel to the Maldives every year;

B. Whereas the first democratic elections in 2008 and the adoption of a new constitution had raised high hopes that the country would overcome decades of authoritarian rule towards a democratic system

C. Whereas, however after President Abdulla Yameen came to power on 17 November 2013, freedom of expression, assembly and association has increasingly come under pressure, and the President announced the strict enforcement of Sharia law in the country on 27 April 2014;

whereas the death penalty will officially apply even to children involved in murder; whereas the decision effectively ends a 60-year moratorium on capital punishment;

D. whereas former President Mohamed Nasheed was arrested on terrorism charges on 22 February 2015 based on the accusation that he unlawfully arrested the then Chief Judge of the Criminal Court, in January 2012 at the time when he was President and was sentenced on 13 March 2015 to 13 years of jail;

E. Whereas Nasheed was denied access to a lawyer at the start of his trial, and even when he was allowed legal representation, the lawyers were not given enough time to prepare his defence; whereas two of the three judges assigned to his case had acted as witnesses of the prosecution against him during the investigation;

F. Whereas on 30 September 2015 the UN working group on arbitrary detention has called for the immediate release of the former President;

G. whereas another member of the former Government, Mohamed Nazim, the country's former defence minister, has been condemned to 11 years prison for firearm possession on 26 March 2015;

H. Whereas on 4 September 2015, human rights lawyer Mahfooz Saeed who is also defending former President Nasheed and has written blog entries criticising Maldives' judicial system, the increasing crime rate and the socioeconomic situation in the country and who has repeatedly called for judicial reform, was attacked and stabbed in the head by two unidentified men as he was sitting on his motorcycle;

I. Whereas on 4 November 2015, President Abdulla Yameen declared a 30 day state of emergency in the Maldives suspending basic citizen's rights and giving the security forces sweeping powers to arrest suspects, which was however revoked a week later, following widespread international condemnation;

J. whereas the state of emergency was announced ahead of a planned anti-government protest, citing security threats following a September explosion on Yameen's speedboat, which injured his wife, followed by the subsequent recovery of weapons and the alleged discovery of a homemade bomb near his official residences;

K. whereas, the President hours after the blast dismissed his police chief, Hussain Waheed, and the Parliament in absence of any opposition member voted to impeach the Vice-President, Ahmed Adeeb, who was arrested on 24 October 2015 on the accusation of plotting to kill the President and is facing new charges of high treason, and on 10 November voted to remove Prosecutor General Muhtaz Muhsin, allegedly because he refused to charge the Vice President of bribery without concrete evidence;

L. whereas the dismissal of the Prosecutor General constitutes a clear violation of the international principles of separation of powers enshrined in both international law and the constitution of the Maldives;

M. Whereas after a national and international campaign has started to 'boycott' the Maldives, on 25 November 2015 the Parliament adopted legislation intended to punish any person who

calls for sanctions against the Maldives, or tries to 'scare tourists', while on 29 November 2015, Home Minister Umar Naseer announced a ban on street protests and political action in public;

N. Whereas the High Court on 30 November 2015 amended the Clemency Act, ruling that the President cannot grant clemency to convicts on death row in Qisas cases (a Sharia provision for a murder victim's nearest relative or legal guardian to demand death for the alleged killer);

O. Whereas Maldivian human rights NGOs warn that the right to association, assembly, expression and life can no longer be assured in the Maldives and that the country is backsliding into repression with the Government stifling dissent and restricting constitutional rights;

1. Expresses its grave concern about the dramatic deterioration of rule of law and respect for human rights in the Maldives;
2. Calls on the Maldivian Government to re-establish the impartiality of the judiciary and to respect due process of law and the right to a fair, impartial and independent trial; also requests that the judiciary and courts remember their role as impartial guardians of international standards of the rule of law and respect for human rights;
3. Calls on the Government of the Maldives to respect and guarantee the right to protest, the right to freedom of expression, and the right to assembly, and not seek to restrict those rights;
4. Calls on the Maldivian Government to release all political prisoners, including former President Nasheed;
5. Calls on the Government to provide careful justification for any decision to proclaim a state of emergency and any specific measures it includes and to ensure that it is acting in accordance with international human rights law at all times;
6. Expresses its serious concern about the violations of the rules of conduct, excessive use of force and politicization of the security forces;
7. Calls on all parties to act responsibly and to exercise restraint; furthermore calls for the establishment of a genuine dialogue between all political parties on the future of the country;
8. Recalls that successive governments have recognised the need to improve the quality of the legal system within the country at all levels;
9. Expresses its strong concern about the dismissal of the Prosecutor General and reminds the Government that the PG's office is an independent constitutional body under Maldives' constitution and the prosecutor has to be enabled to carry out his legitimate constitutional mandate without arbitrary political interference or intimidation by other branches;

10. Urges the Government of the Maldives to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and shall not suffer from, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics;
11. Calls on the Government to guarantee in all circumstances the physical and psychological integrity of bloggers and journalists and to conduct a fair, impartial and independent investigation into the attack on Mahfooz Saeed, to identify all those responsible and bring them to trial;
12. Urgently calls for the re-establishment of the moratorium on the death penalty and a revision of the penal code in order to stop the use of corporal punishment such as flagellation;
13. Calls on the European External Action Service to express serious concern about the developments in the country in all its contacts with Government representatives;
14. Believes that in the future targeted sanctions need to be considered in case the government does not make any decisive moves to re-establish the rule of law in the country and that such measures will no doubt impact negatively on the tourist industry;
15. Considering that some 80% of Maldives' land mass lies a meter or less above sea-level and that the Maldivian economy is largely dependent on tourism and conservation of the eco-system, the EU should strongly support the country in the coming years to adapt as best possible to the effects of climate change and rising sea level, notably through the Climate Change Fund which at present has 10.5 million euros earmarked for the Maldives; recalls in this sense the importance of good governance in delivering effective policies to meet the challenge of climate change;
16. Instructs its President to forward this resolution to the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission, the Council, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the UN Secretary General, the UN Human Rights Council and the Government and Parliament of the Maldives.