



Plenary sitting

B8-1421/2015

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))

Pier Antonio Panzeri, Elena Valenciano, Victor Boștinaru, Knut Fleckenstein, Josef Weidenholzer, Eric Andrieu, Nikos Androulakis, Zigmantas Balčytis, Hugues Bayet, Brando Benifei, Goffredo Maria Bettini, José Blanco López, Vilija Blinkevičiūtė, Nicola Caputo, Nessa Childers, Andrea Cozzolino, Andi Cristea, Viorica Dăncilă, Isabella De Monte, Monika Flašíková Beňová, Doru-Claudian Frunzulică, Enrico Gasbarra, Lidia Joanna Geringer de Oedenberg, Neena Gill, Theresa Griffin, Sylvie Guillaume, Sergio Gutiérrez Prieto, Cătălin Sorin Ivan, Liisa Jaakonsaari, Afzal Khan, Javi López, Juan Fernando López Aguilar, Andrejs Mamikins, Louis-Joseph Manscour, Costas Mavrides, Marlene Mizzi, Sorin Moisă, Csaba Molnár, Alessia Maria Mosca, Victor Negrescu, Momchil Nekov, Norbert Neuser, Demetris Papadakis, Gilles Pargneaux, Emilian Pavel, Vincent Peillon, Tonino Picula, Miroslav Poche, Liliana Rodrigues, Inmaculada Rodríguez-Piñero Fernández, Daciana Octavia Sârbu, Siôn Simon, Renato Soru, Tibor Szanyi, Claudia Tapardel, Marita Ulvskog, Julie Ward, Damiano Zoffoli, Biljana Borzan, Eider Gardiazabal Rubial

on behalf of the S&D Group

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

The European Parliament,

- having regard to its previous resolutions on the Maldives, especially that of 30 April 2015 on the situation in the Maldives,
- having regard to the Joint Local European Union Statement on Threats to Civil Society and Human Rights in the Maldives, of 30 September 2014,
- having regard to the Joint Local European Union Statement on the rule of law in the Maldives, of 24 February 2015,
- having regard to the statement by the Spokesperson of the Vice-President of the European Commission / High Representative for Foreign Affairs and Security Policy (VP/HR) on the activation of the death penalty in the Maldives, of 30 April 2014,
- having regard to the statement by the Spokesperson of the Vice-President of the European Commission / High Representative for Foreign Affairs and Security Policy (VP/HR) on the conviction of former President of the Maldives Mohamed Nasheed, of 14 March 2015,
- 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 opinion of the UN Working Group on Arbitrary Detention no.33/2015 (Maldives), of 4 September 2015;
- having regard to the report by International Commission of Jurists 'Justice Adrift: Rule of Law and Political Crisis in the Maldives A Fact-Finding Mission Report', of August 2015,
- having regard to documentation related to the latest Universal Periodic Review (UPR) before the UN Human Rights Council: Maldives, of 6 May 2015,
- having regard to UN High Commissioner for Human Rights press briefing note on Maldives (25 August 2015),
- having regard to the statement by the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, on the trial of former President Mohamed Nasheed, of 18 March 2015,
- having regard to the statement by the UN Special Rapporteur on the Independence of

Judges and Lawyers, Gabriela Knaul, entitled 'No democracy is possible without fair and independent justice in the Maldives', of 19 March 2015,

- having regard to the final report of the EU Election Observation Mission to the Parliamentary Elections in the Republic of Maldives, of 22 March 2014,
- having regard to the International Covenant on Civil and Political Rights (ICCPR), to which the Maldives is a party,
- having regard to Rule 123(2) and (4) of its Rules of Procedure,

- A. whereas on 13 March 2015 former President Mohamed Nasheed was sentenced to 13 years under the Maldives' Anti-Terrorism Act 1990 on the charge that he had ordered, as then president of the country, the unlawful detention of Criminal Court Chief Judge Abdullah Mohamed in 2012; whereas Mr Nasheed has denied this charge;
- B. whereas the opinion of the UN Working Group on Arbitrary Detention (UNWGAD) of 4 September 2015 on the case of Mr Nasheed stated that his detention violated international law and urged the Maldivian authorities to release him immediately; whereas the Maldivian government has on several occasions rejected the UN panel's ruling;
- C. whereas former Ministers of Defence Tholhath Ibrahim and Mohamed Nazim have recently been sentenced to 10 and 11 years in prison respectively, while former Deputy Speaker of the Majlis Ahmed Nazim has been condemned to 25 years in jail in the Maldives;
- D. whereas president of the Maldives Abdulla Yameen declared a 30-day state of emergency on 4 November 2015 ahead of planned anti-government protests which raised the prospect of further attacks on dissent and human rights in the country; whereas the declaration was widely condemned for suspending basic citizens' rights and giving the military and police power to search and arrest almost at will; whereas the state of emergency was lifted on 10 November 2015 reportedly because authorities had arrested several people thereby neutralizing the purported national security threat cited as the grounds for the emergency;
- E. whereas on 27 and 28 November 2015 police in the Maldives dispersed opposition protesters, using tear gas and pepper spray and arresting more than a dozen demonstrators demanding the release of a former president and other jailed political leaders; whereas several former ministers, the deputy chair of the Maldivian Democratic Party, and the party's vice president were among the wounded;
- F. whereas Mahfooz Saeed, a human rights lawyer and member of the legal team of the former president of the Maldives Mohamed Nasheed, was attacked and stabbed in the head by two unidentified men as he was sitting on his motorcycle on 4 September 2015; whereas the attack occurred a week after Saeed spoke critically of the current government at a rally for the Maldivian Democratic Party and a week prior the members of the former president's legal team visiting the Maldives to meet with the former president;
- G. whereas the International Commission of Jurists issued in August 2015 a fact-finding mission report that was particularly concerned by a clear politicization of the judiciary that has eroded

the rule of law in the Maldives; whereas the report stated that "biased and otherwise unfair judicial proceedings, as well as undue parliamentary interference in the appointment, removal and functioning of (...) key constitutional bodies, have undermined their independence and impartiality in carrying out their respective mandates";

- H. whereas political interference in the Maldivian judiciary undermines the domestic and international credibility of the country's judicial system; whereas the reported detention and intimidation of government opponents contributes to a climate of instability in the country; whereas Amnesty International claims that human rights in the Maldives have been seriously eroded and are at risk of further deterioration as the government is failing its duty to stop this trend, while human rights NGOs face increasing attacks, intimidation and harassment in the country;
- I. whereas press freedom has been severely inhibited in recent years, three journalists have been arrested while covering political demonstrations calling for the release of Mohamed Nasheed, and Ahmed Rilwan, a journalist critical of the government who disappeared in August 2014, is still missing and feared dead;
1. Expresses its deep concern about the gradual deterioration of democratic standards and increasing authoritarian tendencies in the Maldives; deplores the crackdown on political opponents and intimidation of media and civil society which contravene the progress that the state has achieved since 2008 in establishing human rights, democracy and the rule of law.
 2. Reiterates its gross dissatisfaction with the serious irregularities in the trial of former president Mohamed Nasheed; insists that the Maldivian government should respect the recent verdict of UN Working Group on Arbitrary Detention that called on the authorities to release Mr Nasheed immediately; insists that members of opposition currently facing charges should be ensured due legal processes that comply with the Maldives' international obligations, its own constitution and all internationally recognised fair trial guarantees.
 3. Welcomes the decision of 11 November 2015 to lift the state of emergency, however, the arbitrary manner in which the emergency was first imposed and then revoked within the span of a week reflects a deeper erosion of the rule of law in the country; calls on the Maldivian government to respect that any declaration of state of emergency has serious implications for human rights and the rule of law in the country, and must only be invoked in the most extreme situations and in accordance with international law.
 4. Deplores the use of violence by police against peaceful protesters who on 27-28 November 2015 in Male called for the release of Mr Nasheed and other 1,700 political detainees; calls for an immediate end to all forms of violence, including violence against peaceful protesters, and reminds the security forces of their duty to protect peaceful demonstrators against violent gangs; calls on the Government of the Maldives to end impunity for vigilantes who have used violence against people promoting religious tolerance, peaceful protesters, critical media and civil society; calls for the perpetrators of such violent attacks to be brought to justice.
 5. Condemns the attack on Mahfooz Saeed, a human rights lawyer and member of the legal team of the former president of the Maldives Mohamed Nasheed; calls on the authorities to conduct a fair, impartial and independent investigation into the attack on Mahfooz Saeed in order to

identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law.

6. Calls for an immediate end to political interference in and for the de-politicisation of the judicial system in the Maldives; calls for urgent reforms to ensure the independence and the impartiality of the Maldivian judiciary with the aim of restoring domestic and international confidence in its functioning; underlines that these reforms should be approved and implemented without any further delay.
7. Calls on the European External Action Service (EEAS) and the Member States to issue warnings about the Maldives' human rights record on their travel advice websites.
8. Urges the Vice-President of the Commission / High Representative for Foreign Affairs and Security Policy and the EEAS to continue to monitor closely the political situation in the Maldives and to play a proactive role in the EU's bilateral relations with the country and in international multilateral fora in order to achieve stability, strengthen democracy and the rule of law, and ensure full respect for human rights and fundamental freedoms in the country;
9. Invites the EU to consider targeted sanctions against top officials of the Government of the Maldives;
10. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, and the parliament and government of the Republic of Maldives.