



Plenary sitting

B8-0171/2018

13.3.2018

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
(2018/2630(RSP))

**Charles Tannock, Karol Karski, Jadwiga Wiśniewska, Ruža Tomašić,
Monica Macovei, Raffaele Fitto, Ryszard Czarnecki, Hans-Olaf Henkel,
Jan Zahradil, Angel Dzhambazki, Notis Marias, Branislav Škripek,
Valdemar Tomaševski**
on behalf of the ECR Group

B8-0171/2018

**European Parliament resolution on the situation in the Maldives
(2018/2630(RSP))**

The European Parliament,

- having regard to its previous resolutions on the Maldives, particularly those of 30th April 2015, 16th December 2015, and 4th October 2017;
 - having regard to the Council conclusions of 26th February 2018;
 - having regard to the International Covenant on Civil and Political Rights (ICCPR), to which the Maldives is a party;
 - having regard to the 1966 International Covenant on Civil and Political Rights;
 - having regard to the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief of 1981;
 - having regard to the EU Minimum Standards on the Death Penalty;
 - having regard to the Universal Declaration of Human Rights of 1948;
 - having regard to the declaration of a state of emergency in the Maldives in response to an “ongoing national security threat and constitutional crisis” by President Abdulla Yameen, extended by a further 30 days as of February 20, 2018;
 - having regard to the existing provisions for the protection of freedom of speech and expression under the Maldivian constitution, particularly the passing of a new law by the Maldivian Parliament in August 2017, entitled ‘Anti-Defamation and Freedom of Expression’, under which any expression judged to contravene Islamic tenets, Maldivian social norms or pose a threat to national security will be treated as a criminal activity;
 - having regard to the provision under the Maldivian constitution for the prohibition of discrimination ‘of any kind’, under which neither religion or belief are listed as a prohibited basis for discrimination;
 - having regard to documentation related to the latest Universal Periodic Review (UPR) before the UN Human Rights Council concerning the Maldives, of 6 May 2015;
 - having regard to Rule 123(2) and (4) of its Rules of Procedure
- A. whereas the Supreme Court of the Maldives passed a ruling on 1st February 2018 quashing the convictions of nine opposition leaders and ordering their immediate release from prison;
- B. whereas on 5th February 2018, the chief justice of the Maldives, one Supreme Court judge and former president Maumoon Abdul Gayoom have been arrested by the Maldivian authorities on charges of attempting to usurp power;

- C. whereas the state of emergency declared by President Yameen, and its subsequent extension, effectively annulled the ruling of the Supreme Court;
- D. whereas Yameen has been accused of reversing democratic progress in a country that became a multiparty democracy only in 2008; whereas political and civil freedoms have been eroded, opposition leaders arbitrarily arrested, the media attacked, and growing religious conservatism blamed for a decline in religious freedom and tolerance;
- E. whereas concerns have been raised over the highly politicised Maldivian judiciary, which over the years has abused its powers and acted in favour of the current ruling party and against opposition politicians;
- F. whereas civil society activists and human rights defenders in the Maldives continue to face threats and intimidation from extremists and judicial harassment by the authorities, as in the case of Shahindha Ismail, Executive Director of the Maldivian Democracy Network;
- G. whereas the Maldives has been identified by the Inter-Parliamentary Union Committee on the Human Rights of Parliamentarians as one of the worst countries in the world for attacks against opposition MPs, with opposition politicians routinely being intimidated, arrested and imprisoned; whereas freedom of expression (including freedom of the media), freedom of association and democratic pluralism have been increasingly under threat, with the arrest and charging of hundreds of anti-government protesters;
- H. whereas President Abdulla Yameen has repeatedly and forcefully declared his intention to resume the practice of state-sanctioned executions, ending a 60-year moratorium; whereby the stated justification for this decision is the maintenance of public order and Maldivian social values;
- I. whereas there is mounting evidence indicating that criminal charges brought against political opponents of President Yameen may have been politically motivated;
- J. whereas the state of independent media and reportage in the Maldives is made exceptionally difficult by state-sponsored crackdowns and a lack of timely and up-to-date information released by government authorities;
- K. whereas at least 20 individuals are currently sentenced to death in the Maldives, at least five of whom were under the age of majority (18) at the time of their arrest; whereas Maldivian law, in contravention of international law, allows for minors to be sentenced to a delayed death penalty to be carried out upon reaching the age of majority;
- L. whereas in at least three cases, specifically those of Hussein Humaam Ahmed, Ahmed Murrath and Mohamed Nabeel, the Supreme Court of Maldives has confirmed death sentences for condemned individuals whose trials failed to uphold internationally recognised standards of fair trial, and are now at imminent risk of execution;
- M. whereas there are also concerns about increasing radical Islamist militancy and about the number of radicalised young men and women alleged to have joined ISIS; whereas the Maldives is estimated, on a per capita basis, to have the largest number of ISIS recruits of any country;

N. whereas there are accounts of Maldivian flagged vessels engaging in oil transfers to North Korean flagged vessels in contravention of UN imposed sanctions:

1. Expresses its growing concern by the recent actions of the Government of Maldives which seriously damage and undermine democracy, and run counter to the Maldives' Constitution and the country's international human rights obligations;
2. Condemns the authoritarian rule of President Abdulla Yameen and his government which has created a climate of fear and jeopardised the gains made in the country in recent years in the areas of human rights, democracy, and the rule of law;
3. Expresses concern that the Religious Unity Act is being used to limit freedom of expression in the Maldives;
4. Regrets that democratic space, political, civil and religious freedoms continue to deteriorate in the Maldives and condemns anti-democratic legislation which further restricts such rights;
5. Deplores the crackdown on political opponents in the Maldives and calls on the Government of the Maldives to release, immediately and unconditionally all those being held for political reasons;
6. Calls on Maldivian authorities to cease criminalising human rights defenders and civil society activists, and end all judicial harassment against them;
7. Urges Maldivian authorities to guarantee the safety of all civil society activists and human rights defenders in the country, enable them to carry out their work safely and without impediment, investigate threats against them, and prosecute perpetrators;
8. Calls on the Maldivian Government to guarantee full impartiality of the judiciary and to respect due process of law and the right to a fair, impartial and independent trial; stresses the need to depoliticise the country's judiciary and security services;
9. Expresses its deep concern at the decision to end a 60-year moratorium on the use of the death penalty in the Maldives and strongly urges President Yameen and the Government of the Maldives to amend the Death Penalty Regulation of April 2014, in the spirit of upholding internationally accepted norms of human rights;
10. Welcomes the recent Council conclusions on the Maldives and in particular the reference to the possibility of imposing targeted sanctions; Calls on the Council in this regard to pursue this option at the soonest possibility;

11. Calls on the Commission and Member States to publicly urge President Yameen and the Government of the Maldives to review all death row cases to ensure that internationally recognised and constitutionally safeguarded rights of fair trial are respected; Believes that the trials of political opponents of the Maldivian government lacked transparency and judicial independence, and which failed to follow due process.
12. Restates its deep concern at the continued erosion of human rights in the Maldives, and the use of executive powers to reinforce a state of emergency which risks further undermining such rights; reminds the Maldivian government of the international commitments to which it is party regarding the respect for human rights;
13. Believes that the only way to resolve the deterioration in democracy, human rights, and freedoms in the Maldives is through a process of genuine dialogue involving all political parties and other civic leaders; further believes that as a first step towards reconciliation the government must release all those opposition politicians currently in jail;
14. Calls on the Government of the Maldives to respect and fully support the right to protest, the right to freedom of expression, association and assembly, and the right to freedom of religion and belief, and not to seek to restrict those rights;
15. 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;
16. Condemns the forcible closure of the nation's Majlis to its members and the harassment, intimidation and arrests of elected members of parliament;
17. Reminds the Maldivian Government that legitimate opposition remains a vital component of any healthy democracy, and it is essential that the freedoms of assembly and expression are upheld for all;
18. Insists that opposition politicians and members of civil society are able to conduct their rightful duties without fear of intimidation or arrest, and reminds the authorities that such rights are critical for the country's democracy, and in order for Parliament to act in accordance with the Constitution;
19. Condemns the continued intimidation of and threats to journalists in the Maldives, the arrest of reporters, and the raids and forced closures of news organisations;
20. Regrets the Maldives' decision to leave the Commonwealth in 2016 and believes this is another aspect of the deterioration in the country's rights, freedoms, and willingness to cooperate with international partners;

21. Is deeply concerned about the prospects for genuinely free and fair elections as scheduled for August 2018 given the current political and security situation;

22. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), the European External Action Service, the Council, the Commission, the Member States, the OSCE/ODHIR, the Council of Europe and the Government of the Maldives.