



Plenary sitting

B8-1411/2015

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))

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on behalf of the ALDE Group

B8-1411/2015

**European Parliament resolution on "The Situation in the Maldives"
(2015/3017(RSP))**

The European Parliament,

- having regard to Rule 122 of its Rules of Procedure,
- having regard to its previous resolutions on the Maldives,
- having regard to the Joint Local European Union Statement on recent developments in the Maldives, including the arrest of a criminal court judge, of 20 January 2012,
- 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 regards 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 regards 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 Spokesperson of the EEAS on the 5th November 2015 regarding the declaration of the State of Emergency by the President of the Maldives.
- 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 UN Working Group on Arbitrary Detention's (UNWGAD Opinion No. 33/2015) decision published on 5 October 2015 calling for the release of former President Mohamed Nasheed;
- 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 the UN Convention against Torture and other cruel, inhuman or

degrading treatment or punishment (CAT), to which the Maldives is party,

– having regard to Rule 123(2) of its Rules of Procedure,

A. Whereas, on 13 March 2015, Mohamed Nasheed, the former president of the Maldives, was sentenced to 13 years' imprisonment under charges of terrorism for the arrest in January 2012 of the then chief judge of the criminal court, about which the EU expressed its concern;

B. Whereas the controversial trial failed to meet national and international standards of justice, notwithstanding the call from the United Nations and the EU for fairness and transparency in the legal proceedings against former President Nasheed;

C. Whereas Mohamed Nasheed, who has a long personal record of non-violent action for human rights and pluralistic democracy, was incarcerated several times during the 30-year dictatorship of President Maumoon Abdul Gayoon and left power in disputed circumstances four years after becoming the first democratically elected president of the Maldives;

D. Whereas former President Mohamed Nasheed's basic rights are being consistently violated prison authorities, who continue to deny him due process, in contravention of local and international laws.

E. Whereas it seems that the country is ready to implement the death penalty immediately after a death sentence is upheld, after the Home Minister's recent remarks and various recent High Courts' decisions, including the restriction of the President's prerogative to commute death sentences to life imprisonment.

F. Whereas Mr Nasheed has been in hospital many times over years, but is now in need of urgent specialist medical treatment.

G. Whereas former Ministers of Defence Tholhath Ibrahim and Mohamed Nazim were sentenced to 10 and 11 years' imprisonment respectively, and former Deputy Speaker of the Majlis Ahmed Nazim has been condemned to 25 years in prison in the Maldives; whereas these trials, too, were reportedly marred with irregularities;

H. whereas opposition politicians continue to be routinely intimidated and whereas a recent report by the Inter-Parliamentary Union's Committee on the Human Rights of Parliamentarians identified the Maldives as one of the worst countries in the world for attacks against, and the torture and intimidation of, opposition MPs;

I. whereas on 30 March 2015 the Maldivian Parliament adopted an amendment to the Maldives Prison and Parole Act disqualifying those serving a prison term from holding membership of a political party, and whereas this will de facto remove Mohamed Nasheed from active politics and bar him from contesting the presidential elections in 2018;

J. whereas civil society organisations and human rights defenders have increasingly faced harassment, threats and attacks, including the Human Rights Commission of the

Maldives (HRCM), which was brought before the Supreme Court on charges of high treason and undermining the constitution for submitting a report on the state of human rights in the Maldives to the UN Human Rights Council Universal Periodic Review; whereas NGOs have been threatened with deregistration;

K. 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 for his views on tolerance and freedom of expression and advocacy against religious extremism, who disappeared in August 2014, is still missing and feared dead;

L. whereas, on 27 April 2014, the Parliament of the Maldives voted to end the moratorium on the death penalty in place since 1954, thus allowing the sentencing of minors as young as seven, who can be held responsible and executed as soon as they reach 18 and are left to languish in jail until then; whereas this goes against the international human rights obligations of the Maldives as a state party to the Convention on the Rights of the Child;

M. whereas in 2014, the regime of President Yaameen Abdul Gayoom passed a regulation last year under which lethal injection would be used to implement the death penalty;

N. whereas the budget, approved by the parliament on 30 November 2015, includes MRF 4 million to build an execution chamber and the purchase of other equipment that can be used as instruments of torture;

O. whereas the High Court, amidst representations of wide sections of the public and international institutions, recently overturned an unprecedented sentence of death by stoning for a woman convicted of adultery;

P. whereas the President of the Maldives, Abdulla Yameen, declared a State of Emergency on the 5th November 2015 and suspended fundamental freedoms enshrined in the constitution of the Maldives.

1. Expresses its grave concern about increasing tendencies towards authoritarian rule in the Maldives, the crackdown on political opponents and intimidation of media and civil society, which could jeopardise any gains which have been made in recent years in establishing human rights, democracy and the rule of law in the country; calls on all parties to refrain from any action that may further aggravate this crisis, and to respect democracy and the rule of law; these tendencies will inevitably impact upon the relations between the EU and Maldives;
2. Deplores the serious irregularities in the trial of former president Mohamed Nasheed; insists that he should be immediately released and that, should his conviction be appealed, his rights must be fully respected in line with the Maldives' international obligations, its own constitution and all internationally recognised fair trial guarantees; urges the EU delegation to Sri Lanka and the Maldives to insist to be allowed to follow closely the appeal process;
3. Underlines the fact that respect for the rule of law, the right to a fair trial, due legal process and independence of the judiciary, in accordance with the provisions of the ICCPR, are central elements of the democratic process; emphasises that all Maldivian

citizens, including former President Nasheed, are to be treated in accordance with these principles, which are themselves important for a pluralistic society;

4. Calls for a credible and inclusive political process, with the participation of all democratic forces, with the aim of restoring and preserving stability in the Maldives and putting the country back on the track of transition to democracy; calls for an immediate end to the intimidation of political opponents; calls on the Government of the Maldives to take the necessary steps to restore confidence in its commitment to democracy, judicial independence, and the rule of law, including respect for the freedoms of expression and of assembly and respect for due process;
5. 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.
6. Condemns the reintroduction of the death penalty in the Maldives and urges the Government and Parliament of the Maldives to re-establish the moratorium on the death penalty
7. Believes it is essential that, following the decision of the President of the Maldives Abdulla Yameen to declare a State of Emergency, all constitutional fundamental rights and freedoms are immediately restored and that due process of law is respected. A genuine dialogue with all political parties on the future of the country needs to be established.
8. Calls on the EU and the Member States to freeze the assets abroad of members of the Maldives government and their leading supporters in the Maldivian business community and to impose a travel ban on them, in view of the continuous deterioration of the human rights situation in the country;
9. Calls on the Commission and the Member States to issue thorough warnings about the Maldives' human rights record to tourists planning to go to the country;
10. 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;
11. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative for the Common Foreign and Security Policy, the parliaments and governments of the Member States, and the parliament and government of the Republic of Maldives.

