



Plenary sitting

B8-0169/2018

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))

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on behalf of the EFDD Group

B8-0169/2018

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

The European Parliament,

- having regard to the core international human rights treaties to which the Maldives is party, including the International Covenant on Civil and Political Rights (ICCPR), and to the Convention on Enforced Disappearances, to which Maldives is signatory,
- having regard to the Conclusions of the European Council of the EU on 26 February 2018, calling on the competent Maldivian institutions to lift immediately the state of emergency and restore all constitutionally guaranteed rights;
- having regard to the statement by the EEAS Spokesperson on the murder of Yameen Rasheed on 25 April 2017;
- having regard to the concerns about Maldives raised by the UN High Commissioner for Human Rights' most recent update to the UN Human Rights Council, at its 37th session, 7 March 2018;
- having regard to the issues raised by the EU heads of missions in the 3rd annual EU-Maldives policy dialogue on 23 May 2017;
- having regard to the EU Guidelines on the Death Penalty and to the Joint Declaration by the EU High Representative for Foreign Affairs and Security Policy and the Secretary General of the Council of Europe on the European and World Day against Death Penalty on 10 October 2017;
- having regard to the EU Strategic Framework and its related Action Plan on Human Rights and Democracy;
- having regard to the European Union's "strong and principled position against the death penalty", which establishes global abolition of capital punishment as "a key objective of the Union's human rights policy"
- having regard to the legal framework underpinning the European Union's opposition to the death penalty, which comprises Protocols 6 and 13 to the European Convention on Human Rights and Article 2 of the Charter of Fundamental Rights of the European Union;
- having regard to the EU Minimum Standards on the Death Penalty;
- having regard to the European Parliament's previous resolutions on the Maldives;
- having regard to the statement of the EEAS Spokesperson on the decision of the Supreme Court of the Maldives on 5 February 2018;

- having regard to the statement of the International Association of Lawyers (UIA) on 7 March 2018, expressing grave concerns about the rule of law and the state of the independence of the judiciary in the Maldives;
 - A. Whereas on 1 February 2018 the Maldives Supreme Court issued a ruling ordering the immediate release of nine high profile political prisoners, including former President Mohamed Nasheed, former Defence Minister, Mohamed Nazim, Adhaalath Party leader, Imran Abdulla and Jumhooree Party leader, Qasim Ibrahim;
 - B. Whereas the Maldives Supreme Court also ordered the reinstatement of 12 opposition parliamentarians who had been unlawfully dismissed by the Elections Commission;
 - C. Whereas five days following the Supreme Court's ruling, on 5 February 2018 the Maldives President Yameen Abdul Gayoom declared a 15-day state of emergency suspending basic fundamental rights, and giving the security forces sweeping powers of search and arrest;
 - D. Whereas on 20 February the Parliament approved the extension of state of emergency by 30 days without the constitutionally required quorum of 43 lawmakers;
 - E. Whereas when the parliament approved the extension of emergency, the ruling party legislators also sought a Supreme Court's opinion through a resolution on the approval without the quorum; whereas, although the Supreme Court cannot deliberate without the Chief Justice, the three remaining Justices amended the Supreme Court's ruling, unanimously to fit President Yameen's needs;
 - F. Whereas under the state of emergency, the military was reported to have stormed the premises of the Supreme Court, and illegally arrested Chief Justice Abdulla Saeed, and Justice Ali Hameed of the Supreme Court;
 - G. Whereas the state of emergency's decree also suspended a number of articles interfering with the parliament and the judiciary, such as the power to vote for a no-confidence motions on cabinet ministers and the constitutional power of the Supreme Court to act as the final arbiter;
 - H. Whereas the Parliament of the Maldives has been seized by the military, and the normal functioning of the Parliament has been suspended indefinitely;
 - I. Whereas police also entered the residence of former president Maumoon Abdul Gayoom and arrested him and his son in law;
 - J. Whereas since the unlawful extension, the Government has continued to crackdown on the opposition's daily protests, using excessive force, entering private property without warrants, and arbitrarily arresting several MPs and activists;
 - K. Whereas the Maldives have 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 12 opposition MPs being prosecuted on political charges; whereas many opposition politicians are now in political exile, including as refugees in member States of the European Union, including former President Mohamed Nasheed, and former Vice President Mohamed Jameel;

- L. Whereas journalists have faced heavy police action while covering opposition protests with over 10 journalists requiring hospital treatment after being pepper sprayed and forcefully removed out of the protest scene;
- M. Whereas those arrested under Emergency powers are not afforded all constitutional rights, such as the right to be brought in front of a judge within 24 hours of their arrest; whereas detainees are reported not to have access to legal counsel and prescribed medication, a change of clothes or safe drinking water; whereas regulations governing access to the detainees are changed almost daily by the police;
- N. Whereas on 27 February, the Government's refusal to meet a delegation of the EU Heads of Missions who were visiting Male as well as a delegation from LAW ASIA, demonstrated a lack of clarity of the Maldives government with regards to dialogue with the international community;
- O. Whereas attempts at UN- mediated talks between the Government and the opposition parties have been suspended indefinitely and the Government's position with regards to these talks is still unclear;
- P. Whereas allegations of corruption and money laundering are falling over the government and the President Yameen has been reported of selling islands to dubious investors for infrastructural projects which could undermine the country's sovereignty and increase the phenomenon of land grabbing;
- Q. Whereas, radicalisation has recently increased in Maldives; whereas over 200 Maldivians are reported to have travelled to fight in Syria and incidents allegedly perpetrated by Islamist extremists are increasing; whereas the Maldives is estimated, on a per capita basis, to have the largest number of ISIS recruits;
- R. Whereas authorities have invoked anti-terrorism legislation to silence government critics and the introduction of the Defamation and Freedom of Speech Act of August 2016 severely limits people's freedom of expression and seems a clear attempt to quash media reporting on allegations of government corruption; whereas August 2016 amendments to the 2013 Freedom of Peaceful Assembly Act have severely restricted the right to peaceful protest; whereas Maldives is now ranked 117 out of 180 countries, down from 112 the previous year, according to the RSF 2017 annual press freedom index.
- S. Whereas the judicial system continues to be deeply politicized and authorities increasingly ignore constitutional safeguards on the right to a fair trial; whereas the International Commission of Jurists and South Asians for Human Rights has noted that the Maldivian courts have become "an instrument to further the vested interests among the government and the ruling party" and that "the judiciary has been a willing participant in this politicisation";
- T. Whereas on 23 April 2017, Yameen Rasheed, a prominent human rights defender, blogger and vocal critic of rising religious extremism, human rights abuses and corruption in the government, was murdered in his home in Male; whereas on 28 December 2017, human rights defender and Executive Director of the Maldivian Democracy Network (MDN), Shahindha Ismail was targeted by news articles, death threats and police investigation because of her advocacy against religious fundamentalism and de-radicalisation;

- U. Whereas journalist Ahmed Rilwan Abdulla has been missing since August 2014 and feared dead;
- V. Whereas in April 2014 the Maldivian Government passed a Regulation, which human rights groups argue to be unconstitutional, reintroducing the death penalty for crimes involving intentional killing (the ‘Death Penalty Regulation’);
- W. Whereas under the Death Penalty Regulation, children as young as seven years old may be sentenced to death, stipulating only that the execution must be delayed until they have turned 18, in contravention of international law;
- X. Whereas at least 20 individuals are currently under the sentence of death in the Maldives, at least 5 of whom were juveniles at the time of their arrest;
1. Expresses its deep concern at the human rights situation in the Maldives, which is marked by the systematic violation of international norms and of the Maldives’ obligations under international human rights law and expresses its concern at the rapid deterioration of democratic standards and the increasing authoritarian tendencies of the Government of the Maldives, which in turn creates a climate of fear and political tension;
 2. Deplores the crackdown on and intimidation of political opponents; the disappearance and killing of journalists and bloggers, the manipulation of the judiciary for political ends, the weakening of independent institutions, the breakdown of the rule of law, the rampant corruption and impunity and the politicisation of the Maldives’ police and security services;
 3. Notes that the Government of Maldives has failed to abide by the UN Working Group on Arbitrary Detention’s calls for the immediate release of former President Mohamed Nasheed and former Minister of Defense Colonel Mohamed Nazim; urges the Government of Maldives to comply with UNWGAD’s call and release them;
 4. Calls on the government to fully implement ruling of the Supreme Court on the 1st of February, ordering the immediate release of 9 high profile political prisoners and the reinstatement of 12 opposition parliamentarians who had been unlawfully dismissed by the Elections Commission;
 5. Calls on the Maldivian authorities to stop the military besiege of the Parliament and enable the legislative and judiciary branch to exercise their functions according to the Constitution;
 6. Calls on the Maldivian government to lift immediately the State of Emergency and restore all constitutionally guaranteed rights;
 7. Calls on the Maldivian government to release immediately all political prisoners, including the Justices from the Supreme Court;
 8. Condemns any interference of the government with the work of the Supreme Court and deplores the actions taken against the judiciary and the judges;

9. Reiterates the need to implement the points raised in the European Council's Conclusion, in order to achieve an internationally- mediated and guaranteed dialogue;
10. Expresses concern about the possible impact of the current situation on the security of foreign residents and visitors, including tourists;
11. Calls on EU and the international community to introduce targeted sanctions, such as freezing the assets abroad of certain members of the Maldivian Government, if President Yameen refuses to restore the constitutional order and democracy which implies restoring the proper functioning of the legislative and judicial institutions before the presidential elections, scheduled for September 2018;
12. Calls on the European External Action Service to monitor closely the human rights and political situation in the Maldives and the upcoming Presidential elections of 2018 and to ensure that all parties are able to field candidates of their choice and the elections are free, fair and all- inclusive; calls for a fact- finding mission to the Maldives in advance of elections and believes the vote should be monitored by an EU election Observation mission;
13. Calls on Maldivian authorities to conduct a credible, impartial and transparent investigation in to the murder of Yameen Rasheed, the alleged abduction of journalist Ahmed Rilwan Abdulla as well as death threats and online harassment against Shahindha Ismail and bring those responsible to justice in accordance with international standards; to take all the necessary measures to guarantee the physical and psychological integrity of Shahinda Ismail; ensure that government officials or other public figures refrain from making statements or declarations stigmatising the legitimate work of human rights defenders;
14. Calls on the Maldivian authorities to guarantee in all circumstances that all human rights defenders in the Maldives are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions;
15. Calls on the Maldivian government to bring all national laws in line with international human rights law, and in particular to repeal or reform the Anti-Defamation and Freedom of Expression Act 2016 and the Freedom of Peaceful Assembly Act 2013;
16. Calls on the Maldivian authorities to ensure that the Human Rights Commission of Maldives, the National Integrity Commission and the Election Commission can operate independently and without government interference; calls on the Maldivian government to Fully cooperate with UN human rights mechanisms, including Special Procedures and the Office of the High Commissioner for Human Rights;
17. Urges the government and the authorities to do everything in their power to create a safe and enabling environment for human rights defenders, journalists and activists, in accordance with international norms and standards;

18. Reiterates its longstanding opposition to death penalty, and the position of the European Union that “the death penalty is cruel and inhuman, and has not been shown in any way to act as a deterrent to crime”;
19. Calls on the Commission and Member States to publicly urge President Yameen and the Government of the Maldives to maintain its longstanding moratorium on the death penalty and amend the Death Penalty Regulation, as a first step toward full abolition of capital punishment;
20. 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;
21. Calls for the Commission to undertake a review of any and all security and justice cooperation between the EU and the Maldives, with a mind to ensuring that EU taxpayers’ money does not end up enabling human rights abuses such as the death penalty, and encourages member states to take similar action;
22. Instructs its President to forward this resolution to the Commission, the Council, the Member States, the EU Delegation in Geneva, and the Government and Parliament of the Maldives.