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19 October 2015

Excellency,

We are an NGO, working to promote free and open democracy in the Republic of Maldives, through respect for international human rights law and good governance. We write to bring to your attention various legislative measures taken by the ruling-party controlled parliament that criminalizes and restricts the work of human rights defenders. We would like to highlight the recently published regulation on civil societies and a bill that aims at effectively criminalizing certain acts of resistance by the opposition. Since the disputed transfer of power in February 2012, successive governments have enacted laws that overwhelmingly emphasize restrictions instead of the rights, liberties and freedoms the Government of Maldives is under obligation to uphold. We also raise serious threats to individual human rights defenders, such as journalists, lawyers, Members of Parliament and Human Rights Commissioners.

Legislative measures to stymie work of human-rights defenders

The judiciary and parliament are widely perceived as analogous tools of political oppression, rather than independent state institutions that empowers citizenry and Maldives' domestic and international legal obligations. On 1st October, the government published on its gazette a new regulation on civil society organizations empowered by the Associations Act 2003. The existing Act on civil society pre-dates the democratic constitution adopted in August 2008. Instead of distancing itself from the outdated and imperious legislation, the regulation solidifies anti-democratic practices stipulated under the Act. The Regulation entails clauses enabling State monitoring of non-governmental organizations (NGOs) to extents unacceptable in open democratic societies. It grants the Registrar at the Ministry of Home Affairs extraordinary discretionary powers to execute actions pursuant to monitoring.

Transparency Maldives (TM), the local chapter of Transparency International, has conducted a review of the Regulation and shared it with 17 local NGOs. The regulation states that contributions an NGO may make in line with government policies and national development shall be considered when authorizing registration of foreign NGOs based in the Maldives, as per Section 6 subsection (c). According to Section 19 subsection (a), civil society cannot enlist a responsibility mandated to a government agency as one of its objectives. Section 39 subsection (b) and (c) gives the Registrar discretion to suspend civil society organizations if it conducts activity that could be “a threat to national security” or “defamatory towards an individual” respectively. These provisions consist of undefined terms that could be used to harass and intimidate NGOs, which is a recurrent trend in the country.

Progressive Party of the Maldives (PPM) MP Riyaz Rasheed submitted a bill to the People’s Majlis on 8th October, attempting to criminalize “calls for tourism boycott and economic sanctions.” The five-page anti-boycott bill states that it would be illegal for any individual or organization to call for such actions, locally and internationally. It considers aiding, participating in, or encouraging calls for tourism boycott or sanctions a criminal offence as per Section 1 subsection (a). According to Section 3(e), creating fear among tourists with regard to visiting the Maldives also amounts to an act of calling for tourism boycott or economic sanctions. Furthermore if enacted it will enable resort-owners and businessmen to seek damages from those who violate anti-boycott laws, through civil proceedings (Section 4).

The bill also aims to make it a criminal offence to call for, participate in, or encourage targeted boycott campaigns against individual resort-owners and their businesses, in accordance with Section 3 subsection (d). Depending on level of criminality, the bill proposes house arrest as a punishment, including fines of between MVR500,000 (US\$32,532) and MVR5 million (US\$324,254). All opposition MPs and former President Mohamed Nasheed’s lawyers are at risk of prosecution under this law.

Similarly, legislations were also enacted in 2013 and 2015 that undermined democratic values and restricted fundamental liberties, such as the Freedom of Peaceful Assembly Act 2013¹ and Anti-Terrorism Act 2015² respectively.

The situation of human rights defenders

Ahmed Rilwan

A journalist critical of the Government, Ahmed Rilwan, was ‘disappeared,’ possibly by force on 8th August 2014. The police and other responsible agencies of the State have made no attempt to find him or to bring the perpetrators to justice. He still remains disappeared, feared

¹ See Forum-Asia, “Maldives: Government must amend laws on freedom of assembly and association to meet constitutional guarantees and international obligations”, available from <https://www.forum-asia.org/?p=17587>

² See Vishal Arora, “Maldives ‘Islamic’ anti-terror bill targets dissidents”, *The Diplomat*, available from <http://thediplomat.com/2015/07/maldives-islamic-anti-terror-bill-targets-dissidents/>

dead.³ A report commissioned by this NGO to a Glasgow based intelligence and security firm found that the most plausible line of enquiry would be that the journalist might have been forcibly disappeared by radicalised gangs.⁴

In October 2014, Rilwan's family submitted a complaint at the Police Integrity Commission, accusing the authorities of being negligent and disrespectful during the initial stages of the investigation of his disappearance.⁵ To this day the Commission has not completed investigation of any of the aforementioned complaints, while the police still claim Rilwan's disappearance is an "on-going investigation." The Maldives' obligations under international law, specifically with regard to the International Convention for the Protection of All Persons from Enforced Disappearance⁶ and the International Covenant Civil and Political Rights have been wholly ignored as one year and 73 days have elapsed since the journalist's disappearance. Reporters Without Borders has petitioned the United Nations (UN) Working Group on Involuntary and Enforced Disappearances regarding Rilwan's alleged forced disappearance.

Mohamed Nasheed

The country's first democratically elected president and leader of the opposition; Mohamed Nasheed was sentenced to 13 years' imprisonment on 13th March 2015. The systematic procedural irregularities in the terrorism trial demonstrate that the charges against Nasheed are a continuation of the same campaign to disqualify him from political office and effectively silence his political dissent in the Maldives, using a corrupt and biased criminal justice system to realize this goal. The procedural irregularities and other rights abuses have raised grave concern and condemnation from the UN's various independent experts.^{7 8} The numerous procedural irregularities represent violations of the most fundamental fair trial rights, enshrined in international law⁹ and protected by the Constitution of the Republic of Maldives. Since the verdict, authorities continue to flout its legal obligations with regard to

³ All relevant press statements, news articles, blogs and other information about Ahmed Rilwan Abdulla's alleged enforced disappearance is available from www.findmoyameehaa.com

⁴ See Maldivian Democracy Network, "Athena Intelligence and Security Consultants Ltd. and Maldivian Democracy Network's findings of the report on the disappearance of Maldivian journalist Ahmed Rilwan Abdulla", available from <http://www.mvdemocracynetwork.org/findings-report-disappearance-maldivian-journalist-ahmed-rilwan-english-version-2/>

⁵ See Zaheena Rasheed, "Missing journalist's family accuses police of negligence, files complaint", *Minivan News*, available from <http://minivannews.com/politics/missing-journalist's-family-accuses-police-of-negligence-files-complaint-90685>

⁶ The Maldives ratified International Convention for the Protection of All Persons from Enforced Disappearance in February 2007.

⁷ See United Nations' High Commissioner for Human Rights Zeid Ra'ad Al-Husseini's press statement, "Conduct of trial of Maldives' ex-President raises serious concerns", available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15712&LangID=E>

⁸ See United Nations' Special Rapporteur on the Independence of Judges and Lawyers Gabriela Knaul's press statement, "No Democracy is Possible Without Fair and Independent Justice", available from <http://www.ohchr.org/RU/NewsEvents/Pages/DisplayNews.aspx?NewsID=15725&LangID=E> accessed...

⁹ The Maldives is a State Party to the International Covenant on Civil and Political Rights and has ratified the First Optional Protocol in September 2006.

treatment of Nasheed while serving his sentence.¹⁰ An expert panel at the UN Human Rights Council has recently declared Nasheed's imprisonment arbitrary.¹¹

Journalists, lawyers and other human rights defenders

Press freedom in the Maldives has significantly worsened. Reporters Without Border's latest press freedom ranking has seen the Maldives drop down close to dictatorship-era rankings.¹² The former owner of online news outlet Vaguthu, Musharraf Hassan, recently claimed that a month ago three individuals forced him to transfer ownership of the news website using the threat of enforced disappearance.¹³ Wisam Mohamed, a senior video journalist at opposition aligned Raajje TV (RTV) has confirmed to Maldivian Democracy Network that he was given death threats when he filmed Chief Judge Abdullah Mohamed leaving President Yameen's residence on 15th October 2015. Previously RTV reporters who filmed the Prosecutor General Muhuthaz Muhsin meet judges presiding over Nasheed's trial were detained and forced to delete footage.¹⁴ The arson attacks on RTV and VTV remain uninvestigated, while the near-lethal stabbing of former RTV journalist, Ibrahim 'Asward' Waheed, has made no credible progress.

On 4th September 2015, a member of former President Nasheed's legal team, Mahfooz Ali Saeed was stabbed in the head in broad daylight on a crowded street with multiple CCTV cameras.¹⁵ Maldives' police failed to apprehend perpetrators. An Interpol red notice has been issued to find two individuals accused of carrying out the murder attempt. The attack came a week before Nasheed's international legal team members Amal Clooney and Jared Genser arrived in the Maldives and few days after Saeed made critical remarks at an anti-government rally. Meanwhile his legal counsels Hisaan Hussein, Hassan Latheef, Ibrahim Riffath, Ahmed Afeef Abdulla, Safa Shareef and Abdulla Shair continue to criticize government's discriminatory actions preventing Nasheed from the opportunity to meet his family members or lawyers.

Opposition aligned lawyers face different forms of intimidation using contempt of court regulations. The transgressions of the judiciary came to the fore during the run up to the 2013

¹⁰ See Maldivian Democracy Network, "Brief: Former President Mohamed Nasheed's appeal status and medical condition", available from <http://www.mvdemocracynetwork.org/wp-content/uploads/2015/10/RN-Appeal-and-Medical-Condition.pdf>

¹¹ See Amal Clooney, "UN working group finds detention of Mohamed Nasheed arbitrary and urges immediate release", available from <http://www.doughtystreet.co.uk/news/article/un-working-group-finds-detention-of-mohamed-nasheed-arbitrary-and-urge1>

¹² See Reporters Without Borders for reports on the intimidation of journalists in the Maldives: <http://en.rsf.org/maldives.html>; <http://index.rsf.org/#!/index-details/MDV>

¹³ See Mohamed Saif Fathih, "Former Vaguthu owner coerced into transferring ownership", *Maldives Independent*, available from <http://maldivesindependent.com/crime-2/former-vaguthu-owner-coerced-into-transferring-ownership-118297>

¹⁴ See Minivan News, "Cameraman 'forced' to erase footage of PG meeting judge", *Minivan News*, available from <http://minivannewsarchive.com/politics/cameraman-forced-to-erase-footage-of-pg-meeting-judge-97729>

¹⁵ See Maldivian Democracy Network, "The stabbing of lawyer Mahfooz Saeed Ali", available from http://www.mvdemocracynetwork.org/wp-content/uploads/2015/09/Press-Release_5Sep2015.pdf

presidential elections.¹⁶ Although the Supreme Court has no constitutional prerogative to regulate lawyers; it forced all practicing lawyers to sign a resolution that restricted criticism of the judiciary or face losing their right of audience at Maldivian courts. Abdullah Haseen who represents a huge number of pro-democracy protestors was suspended in February 2013, for hosting a TV show about constitutional rights and the justice system. In September 2013 lawyer and MDP parliamentarian Imthiyaz Fahmy was prosecuted for contempt of court due to his critical views regarding the judiciary.¹⁷ During the same period, Nasheed's lawyers Hisaan Hussein and Hassan Latheef, as well as former Attorney General who was representing the Elections Commission were suspended arbitrarily.

Opposition politicians continue to be routinely intimidated. A 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 violence, torture and intimidation of opposition MPs.¹⁸ Earlier this year, a gang attacked the offices of the Human Rights Commission of the Maldives (HRCM) after the Commission criticized the Government and police for the treatment of former President Nasheed.¹⁹ UN and Amnesty International have also raised alarm bells about the growing fear and intimidation of members of civil society.²⁰
²¹ ²² In September 2014, HRCM faced suo moto proceedings initiated by the Supreme Court on allegations of treason for its submission for the UN's Universal Periodic Review. Forum-Asia, a human rights organization based in Geneva and Bangkok described the apex court's actions as a "judicial overreach" and an act of reprisal – referring to contempt of court charges against the Commission in March 2014.²³ The verdict imposed a 11-point guideline restricting the Commission's engagement with international human rights bodies.

We believe that these gross violations of civil and political rights intrinsically linked to the work of human rights defenders have to be addressed without delay. Without urgent action, we believe that threats and attacks against journalists, lawyers and human rights defenders will continue to increase while the authorities remain uninvolved in solving these cases. Thus far, the Government of Maldives has paid no heed to expressions of concern from the

¹⁶ See Mushfique Mohamed, "Maldives' judiciary – an impediment to democracy consolidation", *Dhivehi Sitee*, available from <http://www.dhivehisitee.com/election-2013/latest-news/maldives-judiciary-impediment-democracy-consolidation/>

¹⁷ See Hassan Fiyaz Moosa, "MP Imthiyaz charged with contempt of court", *Haveeru Online*, available from http://www.haveeru.com.mv/supreme_court/50915

¹⁸ See Inter-Parliamentary Union, "Human Rights Abuses of MPs (2014)", available from <http://us8.campaign-archive1.com/?u=1ad826db47d771b01de9c3a2a&id=7e626f9c0a&e=32e976de0f>

¹⁹ See Zaheena Rasheed, "Angry crowd threatens to assault Human Rights Commissioners", *Minivan News*, available from <http://minivannews.com/politics/angry-crowd-threatens-to-assault-human-rights-commissioners-92977>

²⁰ See United Nations, "UN 'deeply concerned' as Supreme Court prosecutes rights advocates", available from <http://www.un.org/apps/news/story.asp?NewsID=49100>

²¹ See Daniel Bosley, "Maldives' human rights worsening, Amnesty tells UN", *Minivan News*, available from <http://minivannews.com/politics/maldives-human-rights-worsening-amnesty-tells-un-92478>

²² See Amnesty International, "Bring to justice those behind abductions, death threats and violence", available from <http://www.amnesty.org/en/documents/ASA29/002/2014/en/>

²³ See Forum-Asia, "The Maldives: Human Rights Commission of the Maldives (HRCM) latest victim of judicial overreach", available from <https://www.forum-asia.org/?p=19063>

international community, despite statements being issued by numerous States, NGOs and prominent individuals.^{24 25 26}

Therefore, we believe that the international community, including the United Nations, must take further and more serious measures in order to ensure that further human rights violations in the country does not take place at the helm of a reticent authoritarian government. While the Maldives is signatory to the international covenant that protects civil and political rights, systematically failing to render these basic rights creates a highly threatening environment for human rights defenders.

In the absence of separation of powers and rule of law, the country has completed its slide back to autocracy. We strongly urge you to investigate these matters further and take required action to prevent the reprisals against human rights defenders through institutionalized methods of fear and intimidation.

Yours sincerely,

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²⁴ See Zaheena Rasheed, "EU, UN join international chorus of concern over Nasheed's arrest, terrorism trial" *Minivan News*, available from <http://minivannews.com/politics/eu-un-join-international-chorus-of-concern-over-nasheed-s-arrest-terrorism-trial-92965>

²⁵ See Minivan News, "Commonwealth, Canada express concern over denial of legal representation for former President Nasheed", *Minivan News*, available from <http://minivannews.com/politics/commonwealth-canada-express-concern-over-denial-of-legal-representation-for-former-president-nasheed-92948>

²⁶ See Anthony Kaufman, "Documentary Filmmakers and Activists Call for Release of 'Island President' Nasheed", available from <http://blogs.indiewire.com/anthony/documentary-filmmakers-and-activists-call-for-release-of-island-president-nasheed-20150305>