

4 November 2015

The Government of Maldives has declared a 30-day state of emergency today at 12:30pm local time. The decree comes ahead of planned mass anti-government protest set for 6 November, and scheduled no confidence motion against the Vice President Ahmed Adeeb on 11 November. Authorities have identified the sitting Vice President as the primary suspect behind ‘plot to assassinate President Abdullah Yameen Abdul Gayoom’ – a claim denied by the Vice President.

Adeeb has been in custody since 24 October when he returned to the Maldives from China after an official visit. In the recent weeks since his return, security forces have uncovered ‘IEDs and weapons’ in different locations in Malé and on an uninhabited island leased for tourist resort development. Two of the weapons were reportedly stolen from the national armory.

According to Article 254 of the Maldivian Constitution, a state of emergency “may include the temporary suspension of the operation of laws and infringement of certain fundamental rights and freedoms.” The Attorney General stated that there is no curfew, however, The Freedom of Peaceful Assembly Act 2013 has been suspended. The constitutionally required 14-day notice before voting on a no confidence motion against the president or vice president has been shortened to 7 days.

**The Government has suspended the following fundamental rights:**

1. Article 19 (freedom from restraint);
2. Article 24 (right to privacy);
3. Article 31 (right to strike);
4. Article 32 (freedom of assembly);
5. Article 41, subsection (a) (freedom of movement and establishment);
6. Article 45 (no unlawful arrest or detention);

7. Article 47, subsections (a) and (b) (inviolability of private property without probable cause);

At this politically turbulent time, we remind the authorities and citizens that **the following rights, liberties and freedoms listed below cannot be restricted through decreeing of a state of emergency:**

1. Article 21 (right to life);
2. Article 25 (no slavery or forced labour);
3. Article 27 (freedom of expression);
4. Article 28 (freedom of the media);
5. Article 42 (fair and transparent hearings);
6. Article 48 (rights on arrest or detention);
7. Article 51 (rights of the accused);
8. Article 52 (confessions and illegal evidence);
9. Article 53 (assistance of legal counsel);
10. Article 54 (no degrading treatment or torture);
11. Article 55 (no imprisonment for non-fulfilment of contractual obligation);
12. Article 57 (humane treatment of arrested or detained persons);
13. Article 59 (retrospective legislation);
14. Article 60 (prohibition of double jeopardy);
15. Article 62 (retention of other rights);
16. Article 64 (non-compliance with unlawful orders).

We urge the Government of Maldives to operate state of emergency procedures within the legal ambit of the Constitution. According to Article 255 subsection (c) of the Constitution, measures adopted in an emergency shall be consistent with the obligations of the Maldives under international law applicable during a state of emergency. Furthermore, fundamental rights shall only be restricted to the extent required by any such emergency, in line with Article 255 subsection (c).

**ENDS**

---