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Situation in the Maldives

Greens/EFA motion for resolution

*Tabled by **Jean Lambert and Klaus Buchner** on behalf of the Greens/EFA group*

The European Parliament

- having regard to the statement by the spokesperson of the Vice President of the Commission / EU High Representative on the conviction of former President of the Maldives Mohamed Nasheed of 14 March 2015,
 - having regard to the statement by 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 UN Special Rapporteur on the Independence of Judges and Lawyers Gabriela Knaul on no democracy is possible without fair and independent justice in the Maldives of 19 March 2015,
 - 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 Rule 123(2) of its Rules of Procedure,
- A. whereas political tension is growing in the Maldives with regular protests, clashes between demonstrators, gangs and the police, and at least 140 protesters arrested since February, many of them released on conditions that severely limit their rights to take part in further demonstrations according to Amnesty International;
- B. whereas on 13 March 2015 Former President Mohamed Nasheed and leader of the opposition Maldivian Democratic Party (MDP) was sentenced to 13 years in prison on 'terrorism' charges because he had ordered the military detention of Criminal Court Chief Judge Abdulla Mohamed during his presidency in January 2012;
- C. whereas former President Nasheed was initially charged under Section 81 of the 1968 Penal Code in 2012 and whereas these charges were later withdrawn and in February 2015 new charges were filed;

D. whereas Judge Abdulla Mohamed was arrested in 2012 the day after he had ordered the release of current President Yameen and the leader of the Jumhooree Party, Qasim Ibrahim, who had both been put under 'Island Arrest' by the then President Nasheed;

E. whereas former Ministers of Defence Tholhath Ibrahim and Mohamed Nazim have recently been sentenced to 10 and 11 years in prison respectively, while former Deputy Speaker of the Majlis Ahmed Nazim has been sentenced to 25 years in jail; whereas these trials were also marred with severe irregularities;

F. whereas during ensuing street protests against the imprisonment of Mr Nasheed, police arbitrarily arrested people and made them sign documents to renounce any further participation in protests;

G. whereas the trial against Mr Nasheed has been characterised by numerous flaws, such as the fact that two of the three judges were at the same time witnesses for the prosecution, the defence witnesses were prevented from taking the stand, the procedure took only three weeks, the defendant was reportedly manhandled and dragged into the courtroom by force, was at first denied legal assistance and later given only three days to introduce an appeal and the proceedings were kept at best out of the public eye: observers were denied access, all the proceedings took place in the evening and the final ruling was announced right before a beginning holiday;

H. whereas the Maldivian Government announced on 24 March 2015 an invitation to the United Nations, the European Union and the Commonwealth of Nations to observe Mr Nasheed's appeal process;

I. whereas the Maldivian courts refused requests by the Human Rights Commission of the Maldives and domestic and international observers to monitor the trial proceedings;

J. whereas the Maldivian judiciary continues to be inflicted by remnants of the 30-year-long dictatorship of President Maumoon Abdul Gayoom, notably a lack of political independence and level of training, and whereas the UN Special Rapporteur for the Independence of Judges and Lawyers, Gabriela Knaul, has criticised the judicial system for failing to address human rights violations or acknowledge conflicts of interest;

K. whereas the Supreme Court of the Maldives has introduced a procedure against the recent report by the Human Rights Commission of the Maldives to the UN Human Rights Council stipulating that the report undermined the independence of the judiciary and the sovereignty of the state;

L. whereas recently the Home Ministry has dissolved the Maldives Bar Association, which was only founded in 2013 and has been a vocal critic of the judiciary and whereas members of critical civil society organisations such as Transparency Maldives, which is engaged against corruption and in favour of transparent government, are reportedly threatened and risk being closed down by the government;

M. whereas the first free and fair democratic elections which were won by Mr Nasheed in 2008 raised high hopes nationally and internationally that a more inclusive and rule of law based Maldivian society and state could evolve;

N. whereas Mr Nasheed was forced to step down in February 2012 after weeks of public protest ignited by his ordering the unlawful arrest of the chief judge, whom the Nasheed government accused of political bias and corruption;

O. whereas Mr Nasheed had won the first round of the presidential elections in 2013, which were, however, annulled by the constitutional court on the basis of vote rigging alleged by the opposition and lost by a small margin to Abdulla Yameen Abdul Gayoom (Progressive Party of Maldives, PPM), a half-

brother of Maumoon Abdul Gayoom in the following run-off round;

P. whereas on 30 March 2015 the Parliament adopted an amendment to the Maldives Prison & Parole Act disqualifying those serving a prison term from holding the membership of any party which will de facto remove Mr Nasheed, one of the most vocal opposition politicians, from active politics and whereas the terrorism conviction bars Mr Nasheed from contesting the presidential elections in 2018;

Q. whereas the Maldives is one of the, if not the most, vulnerable countries facing climate change with most of the country lying less than 1 metre below sea-level;

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 the gains which have been made in recent years in establishing human rights, democracy and the rule of law in the country;
2. Deeply regrets the polarised political situation in the Maldives and the severe lack of independence of the judiciary which lead to the abuse of the legal system for political purposes;
3. Encourages all actors in the Maldives to work together constructively in all areas, and especially on the subject of climate change which has the potential to destabilise the country;
4. Strongly criticises the lack of transparency, impartiality and due process in the trial against the opposition leader Nasheed and former ministers, and calls on the government to ensure that the rule of law is being upheld and that the Maldives judiciary abides by the Constitution and the UN Conventions to which it is bound;
5. Calls on the judicial authorities concerned to facilitate the lodging of an appeal by Ex-President Nasheed and calls on Mr Nasheed to exhaust the existing legal options at full; insists that should his conviction be appealed, the former President's rights must be fully respected in line with the Maldives' international obligations and international standards; urges the EU Delegation to Sri Lanka and the Maldives to follow closely the appeal process;
6. Calls for an immediate end to violence against peaceful protesters and reminds the security forces of their duty to protect peaceful demonstrators against violent gangs; calls for the perpetrators of such violent attacks to be brought to justice;
7. Instructs its President to forward this resolution to the VP/HR of the Common Foreign Policy, Council, Commission and the Government and Parliament of the Maldives.

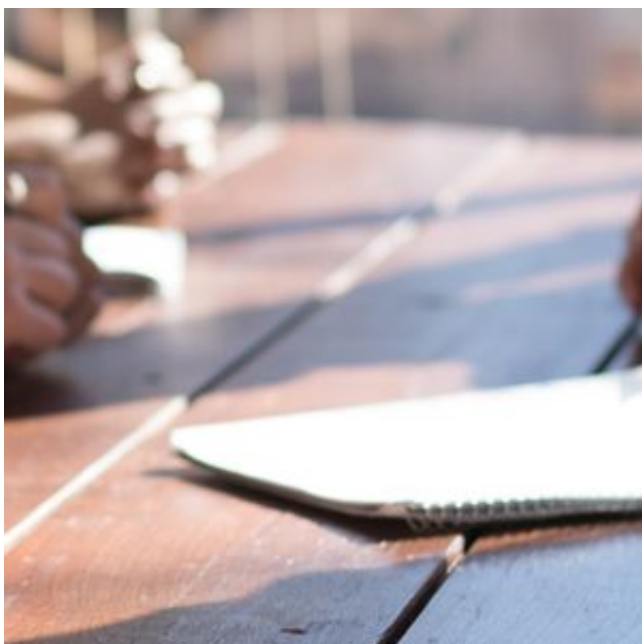
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Responsible MEPs



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