



INTER-PARLIAMENTARY UNION

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MALDIVES

CASE No. MLD/16 - MARIYA DIDI	CASE No. MLD/38 - HAMID ABDUL GHAFOOR
CASE No. MLD/28 - AHMED EASA	CASE No. MLD/39 - ILYAS LABEEB
CASE No. MLD/29 - EVA ABDULLA	CASE No. MLD/40 - RUGIYYA MOHAMED
CASE No. MLD/30 - MOOSA MANIK	CASE No. MLD/41 - MOHAMED THORIQ
CASE No. MLD/31 - IBRAHIM RASHEED	CASE No. MLD/42 - MOHAMED ASLAM
CASE No. MLD/32 - MOHAMED SHIFAZ	CASE No. MLD/43 - MOHAMMED RASHEED
CASE No. MLD/33 - IMTHIYAZ FAHMY	CASE No. MLD/44 - ALI WAHEED
CASE No. MLD/34 - MOHAMED GASAM	CASE No. MLD/45 - AHMED SAMEER
CASE No. MLD/35 - AHMED RASHEED	CASE No. MLD/46 - ABDULLA JABIR
CASE No. MLD/36 - MOHAMED RASHEED	CASE No. MLD/47 - AFRASHEEM ALI
CASE No. MLD/37 - ALI RIZA	

Case No. MLD/48 - ALI AZIM
Case No. MLD/49 - ALHAN FAHMY
Case No. MLD/50 - ABDULLA SHAHID

***Resolution adopted unanimously by the IPU Governing Council at its 193rd session
(Geneva, 9 October 2013)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the first group of 21 parliamentarians above, all members of the People's Majlis of the Maldives and all, except Mr. Abdulla Jabir and Dr. Afrasheem Ali, members of the opposition Maldivian Democracy Party (MDP), and to the resolution it adopted at its 192nd session (March 2013),

Recalling the report of the mission by the Committee on the Human Rights of Parliamentarians to the Maldives from 19 to 21 November 2012,

Having before it the cases of Mr. Abdulla Shadid, Mr. Alhan Fahmy and Mr. Ali Azim, and also having before it fresh allegations regarding Mr. Hamid Abdul Ghafoor, Ms. Eva Abdulla and Mr. Ali Waheed,

Bearing in mind the following information provided by the source in this regard, including at a hearing with the Committee during the 129th IPU Assembly (Geneva, October 2013):

- The first round of the presidential election was held in the Maldives on 7 September 2013; voter turnout was 88 per cent and the results were as follows: MDP – 45.45 per cent; Progressive Party of Maldives (PPM) – 25.35 per cent; Jumhooree Party (JP) – 24.07 per cent; incumbent President Mohamed Waheed – 5.1 per cent;
- Article 111 of the Constitution stipulates that the Election Commission is to organize elections within 21 days of the first round if no candidate obtains an absolute majority;
- The first round was deemed free, fair and transparent by all independent observers, including those from the Commonwealth, the European Union and the United Nations; one candidate, Mr. Gasim Abraham (JP), nevertheless petitioned the Supreme Court to annul the first round, and the PPM petitioned it to delay the second round;

- The Supreme Court asserted jurisdiction over the cases, in contravention of Article 172 of the Constitution, and four of the seven Justices, with the Chief Justice dissenting, ordered that the second round be delayed until it had ruled on the case;
- The Election Commission, however, citing the Constitution and the Maldives Elections Act, which also stipulates that the second round must be held within 21 days, decided to carry on with the election arrangements;
- On 23 September, the People's Majlis, meeting in special session, adopted a resolution calling on all State institutions to ensure that the second round of the presidential election was held as scheduled by the Election Commission; the Speaker, Mr. Abdulla Shahid, who had been threatened by government members of parliament and was therefore surrounded by security agents, called for a vote by show of hands; supporters aligned with the PPM and the JP surrounded the Majlis and chanted "hang Abdulla Shahid"; the Speaker reported the matter to the Ministry of National Defense, which is in charge of protecting the Speaker and other parliamentarians; the Chief of Staff assured the Speaker that the police would guarantee his security; however, the Speaker's brother's car, parked inside the Speaker's garage, was destroyed in a night-time arson attack that the Speaker described "as a terrorist attack", given that it occurred hours after political opponents called for him to be hung; the Deputy Chair of the MDP Parliamentary Group, Mr. Ali Waheed, also received death threats and his car was burnt in another arson attack; thus far, none of these cases has been investigated;
- On 26 September, the Supreme Court ordered the security forces to forcibly prevent the Election Commission from conducting the second round of the presidential election; the Maldives Police Service executed that order and the Election Commission was forced to call off the elections; in so doing, the Election Commissioner cited "intimidation of elections officials, government ministries including Finance refusing to provide finances, Home Minister refusing to provide security and other ministries refusing the logistical back up required";
- Thousands of protestors took to the streets on 27 September 2013, demanding that the second round of the presidential election be held on 28 September, as stipulated in the Constitution and demanded by parliament and the international community; photographs show police officers attacking peaceful protesters, including Mr. Mohamed Nasheed and Mr. Abdulla Shahid, with pepper spray;
- Following the Election Commission's decision to call off the elections, the Police Service initially surrounded the Election Commission building, prevented media from entering the premises, obstructed the movements of Election Commission staff and refused access to the Election Commissioner by anyone, including the British High Commissioner;
- The Election Commission issued a statement stating that the Commissioners and staff were being continuously intimidated by those opposed to holding the election and had received death threats;
- On 7 October, the Supreme Court annulled the results of the first round of voting in the presidential elections, and called for fresh elections by 20 October,

Considering that the PPM and the JP have reportedly renewed their calls for the arrest and expedited trial of MDP presidential contender and former President, Mr. Mohamed Nasheed;

Bearing in mind the following information provided by the source: since the Supreme Court's unconstitutional order, measures were taken against five MDP members of parliament: Mr. Ali Azim was violently arrested by riot police around midnight on 29 September at the peaceful demonstration calling for an election date; on the morning of 30 September, the MDP's international spokesperson, Mr. Hamid Abdul Ghafoor, was arrested by the police and ordered to appear in court in the ongoing criminal proceedings against him on suspicion of possessing drugs and alcohol; Mr. Alhan Fahmy was summoned by the police on 30 September, on allegations that he had threatened judges; Ms. Eva Abdulla was arrested during a protest on 1 October and released in a few hours later; *considering* that the Department of Immigration of the Maldives withheld the passport of MDP member of parliament Zahir Adam for two days when he attempted to leave the country for medical treatment,

Considering that, according to the information provided by the source at the hearing with the Committee, several MDP parliamentarians have received death threats and are not receiving adequate protection,

Considering also that the source affirms that the PPM has said it will petition the Supreme Court to remove members from the People's Majlis for speaking out against judicial corruption and for challenging the Supreme Court's order to delay the second round of the presidential election,

1. *Is extremely concerned* about the latest reports of alleged arbitrary arrests, attacks and harassment of MDP members of parliament; *is keen* to receive, as a matter of urgency, official information on the grounds and factual basis for the arrests of Ms. Eva Abdulla and Mr. Ali Azim and to know if the latter is still in detention;
2. *Is shocked* at the alleged death threats against the Speaker of the People's Majlis, the alleged violence committed at his residence and the reported attack at close range with pepper spray that he suffered in the course of a demonstration; *calls on* the authorities to take these matters, along with the alleged death threats made against other parliamentarians, such as Mr. Ali Waheed, very seriously and to investigate them speedily and effectively; *also calls on* the authorities to put in place, as a matter of urgency and in agreement with the parliamentarians concerned, the security measures their situations warrant;
3. *Is alarmed* at the climate of confrontation spawned by the first round in the presidential election; *notes* in this regard that none of the international observers have cast doubt on the results of that first round; *is deeply concerned* that parliament's authority is apparently once again being challenged in the current political crisis; *is alarmed* in this regard that members of parliament may be facing legal action because of opinions they expressed and positions they adopted in parliament; *would like* to receive the authorities' views on this matter;
4. *Calls on* the competent authorities, in particular the law enforcement agencies, to show restraint and abide fully by international and national human rights standards when handling protests; *recalls* in this regard that the Committee mission's report underscored that several opposition parliamentarians had been subject to arbitrary police action following the transfer of power in February 2012, and that accountability for that action has yet to be established;
5. *Considers* that the urgency and seriousness of the current situation warrants an urgent on-site mission by the Committee, so that it can gather first-hand information on the allegations and ascertain the prospects for their examination and clarification in the current political situation in the Maldives;
6. *Requests* the Secretary General to convey this resolution to the competent authorities and to seek their approval for the urgent dispatch of the mission; *requests* him also to convey a copy to the source;
7. *Requests* the Committee to continue examining this case.