

05-06-2017

**To: Member and Observer states of the UN Human Rights Council**

Excellencies,

**RE: Human rights situation in the Maldives**

Attacks against human rights defenders and restrictions on freedom of expression, assembly and association have reached alarming levels in Maldives ahead of the Presidential elections, scheduled for 2018. We call on the UN Human Rights Council to take action at its thirty-fifth session to prevent further deterioration of the situation.

On 23 April 2017, Yameen Rasheed, a prominent human rights defender and blogger was murdered in his home in Male.<sup>1</sup> Rasheed had been a vocal critic of rising religious extremism, human rights abuses, injustice and government corruption in the country. He was a leading campaigner for his close friend, the journalist Ahmed Rilwan Abdulla, who has been missing since August 2014. Rasheed had received death threats because of his writings and human rights advocacy. He reported these threats to the Maldives Police Service, which failed to respond effectively. More than a month after Yameen Rasheed's murder, the police have taken no steps towards a credible investigation.

Yameen Rasheed's murder is only one of an increasing number of attacks against those who are critical of the government and the rising religious extremism in the country. In August 2014, journalist and blogger Ahmed Rilwan Abdulla was allegedly abducted outside of his apartment. Abdulla has been a critic of alleged government corruption, religious extremism and the collusion between politicians and criminal gangs to harass and intimidate human rights defenders, journalists, dissidents, and political opponents. Reformist religious scholar and Member of the Parliament, Afrasheem Ali, was murdered in October 2012. His support for women's participation in politics, among others, had angered radical religious scholars and their followers.

These attacks have taken place in a climate of constant threats and judicial harassment of media workers and organisations that are critical of the government. In October 2013, the opposition-aligned television station *Raajje TV* was destroyed in an arson attack. Earlier in the same year, a journalist from the station was critically injured by a group of unknown assailants. Several other journalists have reported intimidation, harassment and physical attacks as a result of their work. At least three journalists of pro-opposition *Raajje TV* have faced apparently spurious criminal charges. Courts have ordered the closure of *Haveeru*, the country's longest running daily newspaper, over a politically motivated ownership dispute between shareholders. An online news website, *Channel News Maldives*, was forced to close after it reported on a corruption case that implicates the First Lady. Such tactics intensified during the first months of 2017, when authorities harassed and brought criminal charges against media workers and activists who criticised a proposed development project with Saudi Arabian involvement.<sup>2</sup>

The government has failed to conduct credible investigations on past and ongoing attacks on journalists, media outlets and human rights defenders. In the last few years, perpetrators of such crimes have enjoyed impunity adding credence to accusations of government and police complicity and negligence.

Perpetrators appear to have been emboldened by statements from government officials which seem to justify violence against those who have allegedly offended Islam. Only few days after Yameen Rasheed's murder,

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<sup>1</sup> <https://www.forum-asia.org/?p=23684>

<sup>2</sup> <https://www.amnesty.org/en/documents/asa29/5925/2017/en/>

President Abdulla Yameen labeled calls for justice, human rights and democracy as “hate speech”.<sup>3</sup> Several days thereafter, Parliament Majority Leader Ahmed Nihan called for those who purportedly insult Islam to face criminal charges, and the police issued summons for three secular bloggers and insinuated that the bloggers have defamed Islam.<sup>4</sup>

A number of recent legislative changes has cast serious doubt about the government’s commitment to uphold human rights as enshrined in the national Constitution and international human rights obligations Maldives has accepted. In August 2016, amid accusations of large-scale corruption, the government enacted the Anti-Defamation and Freedom of Expression Act, which imposes hefty fines and prison terms for those convicted of defamation. This law passed with little debate in the ruling party-dominated Parliament, and appears to be a clear attempt to quash media reporting on allegations of government corruption. Leading ruling party figures have threatened to use the law against anyone reporting on these allegations.<sup>5</sup> The recent amendments to the 2013 Freedom of Peaceful Assembly Act have severely restricted the right to peaceful protest.

These legislative steps have come in an environment where the independence of important national institutions has been severely undermined. The judiciary is marred by political interference and a lack of independence, concerns which have been frequently raised by different UN bodies including the Special Rapporteur on the independence of judges and lawyers.<sup>6</sup> Few of these concerns have been addressed by the government, and public confidence in the judiciary to deliver justice is very low.

Similar concerns remain regarding the independence of the Human Rights Commission of the Maldives (HRCM). An 11-point guidelines issued by the Supreme Court in 2015<sup>7</sup> severely undermined the HRCM’s ability to engage with the UN human rights system.<sup>8</sup> New, apparently politically-motivated, appointments to the Commission have added to concerns over its independence.<sup>9</sup> The Commission’s poor response to ongoing human rights violations add to these concerns.<sup>10</sup> The National Integrity Commission, a police watchdog, has been largely silent and refused to enquire into numerous reports of police misconduct and negligence in several cases.

We call on the international community urgently to focus its attention on the deteriorating human rights situation in Maldives. Sustained international pressure and scrutiny is critically important at this point.

We, the undersigned human rights organizations, urge you to raise these issues at the thirty-fifth session of the UN Human Rights Council. In particular, we encourage you to call on the government of the Maldives to:

- Conduct credible, impartial and transparent investigations in to the murder of Yameen Rasheed and the alleged abduction of journalist Ahmed Rilwan Abdulla. International observers and experts must be given unimpeded access to monitor the progress of these investigations;
- Call for an independent investigation into allegations of government and police negligence and complicity in attacks against writers, journalists and human rights defenders including in the alleged abduction of Ahmed Rilwan Abdulla;

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3 <http://maldivesindependent.com/politics/president-yameen-on-hate-speech-and-limits-of-free-expression-130252>

4 <http://maldivesindependent.com/society/police-summons-issued-to-liberal-bloggers-with-threat-of-trial-in-absentia-130891>

5 <https://www.forum-asia.org/?p=21535>

6 [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-43-Add3\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-43-Add3_en.pdf)

7 <https://www.forum-asia.org/?p=19063>

8 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16106&LangID=E>

9 <https://www.forum-asia.org/uploads/wp/2016/11/6.-Maldives-Final.pdf>; <http://maldivesindependent.com/politics/majlis-approves-ex-mp-of-ruling-party-to-human-rights-watchdog-116326>; <http://maldivesindependent.com/politics/official-accused-of-corruption-appointed-to-human-rights-watchdog-116689>

10 <http://maldivesindependent.com/politics/uproar-after-watchdog-head-lauds-maldives-human-rights-situation-128010>

- Bring all national laws in line with international human rights law. In particular, this would entail the repeal or reform the Anti-Defamation and Freedom of Expression Act 2016 and the Freedom of Peaceful Assembly Act 2013;
- Ensure that the Human Rights Commission of Maldives and the National Integrity Commission can operate independently and without government interference;
- Ensure that the judiciary can operate in an independent and transparent manner without interference;
- Create a safe and enabling environment for human rights defenders, journalists and activists, in accordance with international norms and standards; and
- Fully cooperate with UN human rights mechanisms, including Special Procedures and the Office of the High Commissioner for Human Rights, to address all of the above concerns.

Please accept, Excellencies, the assurance of our highest consideration

**All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI)**

**Amnesty International**

**Asian Forum for Human Rights and Development (FORUM-ASIA)**

**Asian Legal Resource Centre (ALRC), Hong Kong**

**Association of Women for Awareness and Motivation (AWAM), Pakistan**

**AwazCDS-Pakistan**

**Banglar Manabadhikar Suraksha Mancha (MASUM), India**

**Bytes for All, Pakistan**

**CIVICUS (World Alliance for Citizen Participation)**

**Commonwealth Human Rights Initiative (CHRI)**

**HAK Association (Association for Law, Human Rights and Justice), Timor-Leste**

**Human Rights Alert, Manipur, India**

**Human Rights Commission of Pakistan**

**Human Rights Defenders Alert – India**

**INFORM Human Rights Documentation Centre, Colombo, Sri Lanka**

**Informal Sector Service Center (INSEC), Nepal**

**International Commission of Jurists (ICJ)**

**International Service for Human Rights (ISHR)**

**Maldivian Democracy Network (MDN)**

**The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation**

**Against Torture (OMCT) and International Federation for Human Rights (FIDH)**

**Odhikar, Bangladesh**

**People's Vigilance Committee on Human Rights (PVCHR), India**

**People's Watch, India**

**Programme Against Custodial Torture & Impunity (PACTI)**

**Pusat KOMAS, Malaysia**

**SUARAM, Malaysia**

**YLBHI (Indonesia Legal Aid Foundation)**