

AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: ASA 29/2525/2015

24th September 2015

Amnesty International urges Maldives to respect the right to freedom of assembly and ensure that trials are carried out in line with international human rights law

Human Rights Council adopts Universal Periodic Review outcome on Maldives

Amnesty International welcomes the acceptance by the Maldives of a number of key recommendations, including to harmonize national legislation with international obligations;¹ to strengthen human rights institutions and ensure their independence, including the Human Rights Commission, the Election Commission and the Office of the Auditor General; and to guarantee the rule of law and the independence of the judiciary.²

The judiciary, whose rulings continue to undermine human rights, is in urgent need of reform. In September 2014, for example, the Supreme Court brought contempt of court charges against the Human Rights Commission of the Maldives for highlighting flaws in the judicial system in its UPR submission. In June 2015, it went further and terminated the Commission's constitutional independence by ruling that it should now "work like a ministry or an extension of the government instead of an independent body."

We have serious concerns about hundreds of people being charged in violation of their right to freedom of assembly and the Maldives courts trying and sentencing at least four high profile individuals in grossly unfair trials, amongst them:

- Former President Mohamed Nasheed, sentenced in March 2015 to 13 years in prison for allegedly ordering the detention of a judge during his presidency;
- Former Defence Minister Mohamed Nazim sentenced in March 2015 to 11 years in prison for allegedly keeping an unlicensed weapon;
- Former Deputy Speaker of Parliament Ahmed Nazim sentenced in March 2015 to 25 years in prison for alleged corruption.

Several other politicians are charged with similar offences and remain at risk of being sentenced in unfair trials.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Maldives*, 13 July 2015, A/HRC/30/8, recommendation 141.3 [Nicaragua].

² A/HRC/30/08, recommendations 141.74 – 141.78 [France, Ghana, Russian Federation, Cote d'Ivoire, Angola].

Unless the government urgently enforces judicial compliance with fair trial guarantees, prisoners who file an appeal are not likely to receive a fair and impartial appeal hearing.

Mohamed Nasheed's legal team has not lodged an appeal, stating that the trial court did not provide the necessary documentation in time for the defence to launch an appeal.

Mohamed Nazim's legal team was not given the necessary documentation in time either, but they lodged an appeal in April. Yet, after all these months, the High Court has made no decision on his appeal and has not announced the reason for this long delay.

Amnesty International urges the government to strengthen the independence and impartiality of the judiciary and to guarantee the rule of law, as recommended during the review.³

The organization deeply regrets Maldives' rejection of 28 recommendations on the death penalty⁴ and flogging.⁵ We urge the government to immediately announce a moratorium on these practices with a view to abolishing them.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Maldives on 24th September 2015 during its 30th session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above.

Amnesty International had earlier submitted information on the situation of human rights in the Maldives: <https://www.amnesty.org/en/documents/asa29/0003/2014/en/>

Public Document

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK www.amnesty.org

³ A/HRC/30/08, recommendations 141.74 – 141.78 [France, Ghana, Russian Federation, Cote d'Ivoire, Angola], 143.32 [Netherlands]; 143.45 – 143.57 [United Kingdom, Trinidad & Tobago, Italy, Switzerland, Botswana, USA, Denmark, Canada, Argentina, Ireland, Republic of Korea, Cabo Verde, Brazil]; 143.73 – 143.74 [Kenya, Liechtenstein], and 143.78 [Sweden].

⁴ A/HRC/30/08, recommendations 144.10-144.33 [New Zealand, Spain, Belgium, Brazil, France, Latvia, Ecuador, Rwanda, Namibia, Norway, Paraguay, Madagascar, Italy, Germany, Spain, Argentina, Montenegro, Nepal, Ukraine, Slovenia, Uruguay, Sierra Leone, Australia].

⁵ A/HRC/30/08, recommendations 144.9, 144.35-144.37 [Albania, Slovenia, Uruguay, Latvia]