

The Maldives: Lift the State of Emergency and Comply with the Supreme Court Ruling

(Bangkok, 6 February 2018) - The Asian Forum for Human Rights and Development (FORUM-ASIA) calls on the Government of the Maldives to immediately lift the state of emergency and restore fundamental freedoms and rights of its people.

President Abdulla Yameen declared a 15-day nationwide state of emergency on Monday, 5 February 2018, amid intensified political turmoil in country as the Government continues to defy a Supreme Court ruling ordering the release of several political prisoners.

On 1 February 2018, the Supreme Court ordered the release of nine political opponents of President Yameen, including former President Mohamed Nasheed, who is living in exile. The Court ruled that their trials had been conducted 'based on political motivations; and in violation of the Constitution and international human rights covenants acceded by the Maldives' and ordered their release until retrials and judgement in accordance with the law have been conducted.¹

The Supreme Court's decision on 1 February also overturned its previous ruling to provide a 'temporary solution' to the issue of floor-crossing and changing party membership of Parliamentarians until the Parliament enacts a law for the purpose. However, the Supreme Court cited that more than six months after its ruling, the Government and the Parliament have failed to adopt necessary legislation, while at the same time 12 legislators who had defected from the ruling Progressive Party of the Maldives (PPM) were unseated. The Supreme Court's judgement of last week reinstates the 12 Members of Parliament, a move which effectively gives parliamentary majority to the opposition.

The state of emergency suspends several core fundamental freedoms enshrined in the Constitution, including the right to freedom of peaceful assembly, privacy, and freedom from arbitrary and unlawful arrest and detention, as well as several articles related to privileges of Judges, and the jurisdictions of the Supreme Court and the Parliament.

'This state of emergency is politically-orchestrated by the Government to unduly interfere in the functioning of the Parliament and the judiciary, as a response to the Government losing its parliamentary majority and the confidence of the judiciary,' says John Samuel, Executive Director of FORUM-ASIA, 'This is clearly an attempt to thwart any dissent against the Government, and criminalise popular protests calling for compliance with the Supreme Court ruling.'

Following the declaration of the state of emergency on Monday, security forces broke into the Supreme Court, and detained Chief Justice Abdulla Saeed and Justice Ali Hameed. The Government also called off the opening of Parliament scheduled for 5 February. Parliament remains on effective lockdown under the Military.

1 Unofficial translation of the Supreme Court Order number: 28/SC-SJ/01 <http://english.judiciary.gov.mv/509-2/>

Opposition protests demanding compliance with the Supreme Court ruling and release of the opposition leaders have been met with violent responses. Similarly, senior ruling party figures have reportedly called on security forces to shut down the opposition-aligned television station, *RaajjeTV*, while the popular English language news site, the Maldives Independent reported cyberattack immediately after the state of emergency was declared.

FORUM-ASIA calls on the Government of the Maldives to allow peaceful protests and respect the right to freedom of expression and freedom of the press. The Government must fully comply with the rulings of the Supreme Court, release the Supreme Court Justices in detention, and ensure the independence and proper functioning of the judiciary and the Parliament.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation.

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