

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: 212-290-4700  
Fax: 212-736-1300; 917-591-3452

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HRW.org

December 4, 2018

President Ibrahim Mohamed Solih

The President's Office

Boduthakurufaanu Magu

Malé 20113

Republic of Maldives

## Re: Implementing Human Rights Commitments for the New Maldives Government

Dear President Ibrahim Mohamed Solih,

Human Rights Watch wishes to congratulate you on your election as the president of the Republic of Maldives. We hope this marks the start of a new era in which the Maldives government reaffirms and strengthens its commitments to protect the human rights of everyone in the Maldives. We welcome your pledge to give priority to fundamental rights and freedoms, as stated in the Unity Government manifesto.

Human Rights Watch is an independent nongovernmental organization that is committed to defending the rights of people around the world. We monitor and report on human rights in over 90 countries, including the Maldives.

In the past five years, under the previous government, the Maldives had witnessed a deterioration in human rights, including the rights to free expression and freedom of assembly, and the right to political participation. In August 2018, we raised these concerns in our report, [An All-Out Assault on Democracy](#).

We note that your government has pledged to reverse this trend, and we welcome the parliamentary vote on November 14 to repeal the Anti-Defamation Act. We look forward to further measures to address the following human rights commitments:

### Repeal the Anti-Terrorism Act of 2015

This law lays out an overly broad definition of terrorist acts that criminalizes opposition political activities. We urge your government to

repeal the law and replace it with one that meets international standards and cannot be used to unjustly detain opposition politicians, critical journalists, and activists.

### **Amend the Freedom of Peaceful Assembly Act**

This law includes overarching provisions that allow law enforcement agencies to unreasonably restrict or prohibit peaceful protests and assemblies. Such provisions violate the International Covenant on Civil and Political Rights and other international human rights treaties that the Maldives has ratified. We urge you to seek appropriate amendments to ensure that the law protects the right of peaceful assembly.

### **Abolish the Death Penalty**

We commend your government for restoring the moratorium on the death penalty and encourage you to amend the Penal Code to abolish capital punishment.

### **Reform the Maldives Criminal Justice System**

Abuses under the previous government exposed the fragility of criminal justice institutions, including the police. Your government's decision, announced at the UN Committee Against Torture session, to review laws and mechanisms on preventing torture and ill-treatment, and to establish a transitional justice commission to investigate past allegations of torture, is an important step. We further urge you to embark upon a robust police reform process that will ensure that the police act without discrimination and are not susceptible to political pressure. Police training should incorporate protection of the rights of vulnerable communities including children, women, and those living with disabilities. A strong accountability mechanism that responds to complaints of abuse will better ensure proper policing and deter custodial abuse. Training should incorporate capacity in evidence-based investigations. Most importantly, the police leadership needs to send the message that police abuse will be appropriately punished.

The Unity Government coalition manifesto pledges to establish an independent judicial system, which is critical for creation of a justice system that meets international standards. Your government should deliver on this pledge through concrete steps to ensure the impartiality of the Judicial Service Commission and to prevent the intimidation of judges and lawyers. Prosecutorial services should be reformed to ensure full protection of the rights of victims as well as criminal suspects; the development of a robust victim and witness protection system will help secure justice.

We are encouraged by your decision to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which the Maldives signed in 2007, and we urge you to invite UN special procedures to the Maldives to make recommendations to assist in reforming the criminal justice system.

### **Protecting Vulnerable Communities**

Your commitment to ensure that the legal system protects the rights of women and vulnerable communities is crucial for ensuring equality for all in the Maldives. We encourage you to swiftly implement legislation against discrimination and gender-based violence and take measures to improve investigation and prosecution of cases of violence and intimidation against persons because of their religious beliefs or sexual orientation.

### **Investigating Previous Abuses**

We also welcome the establishment of the commission to investigate the enforced disappearance of journalist Ahmed Rilwan and the killings of the blogger Yameen Rasheed and MP Afrasheem Ali. To provide justice and restore public confidence in the Maldives' criminal justice institutions, it is crucial that the commission be independent and be empowered to subpoena witnesses and review all evidence in these cases and submit recommendations for prosecutorial action.

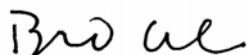
We also encourage you to direct the Ministry of Justice to impartially investigate other serious violations of human rights under the previous government and bring those responsible to justice.

### **Strengthen the Human Rights Commission of the Maldives**

The Human Rights Commission of the Maldives should function as a check on state abuses, but until now it has failed to operate independently from the government and act as a nonpartisan voice for victims of human rights violations. We urge you to take steps to strengthen and support the commission by ensuring it has adequate resources to carry out investigations, and that its reports are given due consideration by your cabinet and parliament.

We trust that the new government will utilize this critical period to repair the foundations on which the country's democratic institutions are established. We look forward to working with your government in the months and years ahead.

Sincerely,



Brad Adams  
Asia Director  
Human Rights Watch