



2019/OHCHR/08

The Permanent Mission of the Republic of Maldives to the United Nations Office in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to latter's No: G/SO/215/51 MDV (6) dated 3 October 2018.

The Permanent Mission in this regard forwards the submission from the Government of Maldives for the case of Mr. Ahmed Tholal and Mr Mahmood Jeehan (3248/2018).

The Permanent Mission of the Republic of Maldives avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.



4 April 2019

Office of the United Nations High Commissioner for Human Rights
GENEVA



Concerning Communication Number 3248/2018 before the Human Rights Committee submitted by Mr. Ahmed Tholal and Ms. Jeehan Mahmood in their capacity as former members of the Human Rights Commission of the Maldives, the Government of Maldives notes the concerns and allegations raised by the authors.

As the authors have rightly stated in their submission to the Committee, *suo motu* proceedings were initiated by the Supreme Court of Maldives against the Human Rights Commission of the Maldives, regarding the Commission's submission to the Universal Periodic Review (UPR) cycle in September 2014. The *suo motu* proceedings focused specifically on the component of Access to Justice covered in the "HRCM Submission to Universal Periodic Review of the Maldives, April – May 2015 (22nd Session)", and the information presented therein.

The Government of Maldives notes the allegation by the authors that the Supreme Court's aforementioned Judgement is in breach of Article 19 (2) and (3) of the International Covenant on Civil and Political Rights, and acknowledges the subsequent operational adversities faced by the Human Rights Commission of Maldives, as a consequence of the stated judicial proceeding.

Government of Maldives wishes to assure the Human Rights Committee that the effects of the Supreme Court Judgement as identified in the submission to the Committee, will be taken into consideration by the Government of Maldives.

As the Human Rights Committee would be well aware, Maldives have entered a new era of democratic rule. The new administration pledges to reform, reconstitute and transform all state institutions to ensure protection of human rights, reinstate respect for the state's international obligations and promote operation of these institutions within the designated ambit of authority.



While the administration led by President Ibrahim Mohamed Solih is still in its very early stages, some main policies on effecting these reforms are still being discussed and debated between stakeholders.

Nevertheless, work has been done to meet the Government's key pledge of reforming the necessary laws relating to independent commissions to enable free and objective execution of their respective functions.

In that regard, a Bill proposing amendments to Law Number 6/2006 (Human Rights Commission Act) has been formulated to be submitted to the Parliament. This draft bill contains a Section which, once enacted, will afford the Commission unfettered authority to;

- a) seek assistance from relevant international partners (including bilateral and regional partners and international organisations) in protecting and promoting human rights; and
- b) submit reports to international organizations, committees, bodies, working groups and other organs, in the Commission's capacity as a National Human Rights Institution, in relation to the obligations imposed upon the state by human rights treaties and conventions Maldives is party to.

Government of Maldives notes that the *suo motu* decision in question is, by its nature, a judicial intervention, and given the complete separation of powers between the Executive, the Legislature, and the Judiciary envisaged by the 2008 Constitution, the Government cannot override such decisions. However, they can be remedied through an amendment to the respective legislation, the enactment of which rests with the Legislature. The Government notes that the aforementioned Bill, proposed by the Government within the 100-day Action Plan of the Government, once enacted by the Parliament, will serve as a solution to the concerns raised in the submission.

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Government of Maldives reiterates its commitment to respect and uphold convention obligations, especially those relating to fundamental rights and protections, and assures the Committee, that work will be done to ensure that the civil rights of those within the Maldivian jurisdiction are protected at all times.

The Government reserves the right to respond to the merits of the Communication before the Human Rights Committee, once relevant policy decisions concerning the subject matter of this Communication has been made and are put into effect.

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