



The Office of President Mohamed Nasheed

Former Maldives President Mohamed Nasheed Responds to Government's Reply to UN Human Rights Committee, Urging it Find that his Disqualification to Run for President was in Violation of International Law

The Committee is Expected to Consider Case During Its March/April 2018 Session

January 22, 2018, Geneva — Counsel for former Maldives **President Mohamed Nasheed** has filed a 40-page brief responding to the Government of the Maldives' reply to the UN Human Rights Committee in his case, seeking to restore his political rights that were illegally removed by his arbitrary conviction on bogus terrorism charges. This includes his right to participate in the 2018 presidential elections and to lead the Maldivian Democratic Party.

The Maldives is a party to the International Covenant on Civil and Political Rights (ICCPR), a treaty that is binding on the Government under international law. Articles 25 and 22 of the treaty provide for the right to freedom of political participation and freedom of association, respectively. The Optional Protocol to the ICCPR, to which The Maldives is also a party, provides an individual complaint mechanism for violations of the treaty. The Human Rights Committee, which consists of representatives of 20 countries that are a party to the treaty, is expected to consider President Nasheed's case shortly.

In his original submission, counsel to President Nasheed explained that his disqualifications from running for political office under the country's Constitution and from holding a leadership position in a political party remain in effect.

In Opinion No. 33/2015, the UN Working Group on Arbitrary Detention found that President Nasheed's arrest, conviction, sentence, and imprisonment on terrorism charges was arbitrary and in violation of international law. It concluded it was "impossible to invoke any legal basis justifying the deprivation of liberty of Mr. Nasheed."

In a prior case that is directly on point, *Dissanayake v. Sri Lanka* (1373/2005), the Human Rights Committee found that if an underlying basis for a restriction on political

participation is a conviction that is later found to be arbitrary that no such restriction would be objective or reasonable, thereby making it illegal and in violation of international law.

Jared Genser, President Nasheed's lead counsel on this submission commented, "***I am very confident in our case and strongly believe the Human Rights Committee now has all the information it needs to determine that President Nasheed's disqualification from The Maldives 2018 Presidential election would be a flagrant violation of its binding legal obligations under the International Covenant on Civil and Political Rights. When the Government loses, it will have to re-qualify President Nasheed or ensure that the international community will declare in advance of the vote that the election cannot be considered either free or fair.***"

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