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REFERENCE: G/SO 215/51 MDV (1)
CE/GT/ma 2270/2013 & 2851/2016

16 April 2018

Dear Mr. Genser and Ms. Santiago,

I have the honour to transmit to you herewith, the (advance unedited) text of the Views, adopted by the Human Rights Committee on 4 April 2018, concerning communication No. 2851/2016, which you submitted to the Committee for consideration under the Optional Protocol to the International Covenant on Civil and Political Rights, on behalf of Mr. Mohamed Nasheed.

On 4 April 2018, pursuant to rule 94, paragraph 2, of the Committee's rule of procedure, the Committee decided to join communications No. 2270/2013 and 2851/2016, both submitted on behalf of Mr. Nasheed, for decision, in view of substantial factual similarities.

In accordance with the established practice, the text of the Views will be made public.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ibrahim Salama'.

Ibrahim Salama
Chief
Human Rights Treaties Branch

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**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Views adopted by the Committee under article 5 (4) of the
Optional Protocol, concerning communications No.
2270/2013 and No. 2851/2016^{*,**}**

<i>Communication submitted by:</i>	Mohamed Nasheed (represented by counsels, Hassan Latheef and Farah Faizal in communication No. 2270/2013 and Jared Genser and Nicole Santiago in communication No. 2851/2016)
<i>Alleged victim:</i>	The author
<i>State party:</i>	Republic of Maldives
<i>Date of communication:</i>	8 July 2013 (2270/2013) and 7 October 2016 (2851/2016) (initial submission)
<i>Document references:</i>	Decision taken pursuant to rule 97 of the Committee's rules of procedure, transmitted to the State party on 17 July 2013 (2270/2013) and 15 November 2016 (2851/2016) (not issued in document form)
<i>Date of adoption of Views:</i>	4 April 2018
<i>Subject matter:</i>	Participation in presidential elections

* Adopted by the Committee at its 122nd session (12 March – 6 April 2018).

** The following members of the Committee participated in the examination of the present communication: Yadh Ben Achour, Ilze Brands Kehris, Sarah Cleveland, Ahmed Amin Fathalla, Christof Heyns, Yuji Iwasawa, Ivana Jelić, Bamariam Koita, Duncan Laki Muhumuza, Photini Pazartzis, Mauro Politi, José Manuel Santos Pais, Yuval Shany and Margo Waterval.

<i>Procedural issues:</i>	Consideration of the same matter by another procedure of international investigation; substantiation of the claims
<i>Substantive issues:</i>	Fair trial, freedom of association, right to be elected
<i>Articles of the Covenant:</i>	14, 22, 25
<i>Articles of the Optional Protocol:</i>	2, 5(2)(a)

1.1 The author of the communications is Mr. Nasheed Mohamed, a Maldivian national, born on 17 May 1967. The author alleges that his rights under articles 14, 22, and 25 of the International Covenant on Civil and Political Rights have been violated by the State party. The Optional Protocol entered into force for the State party on 19 December 2006. The author is represented by counsel.

1.2 On 16 July 2013, the Committee, acting through its Special Rapporteur on New Communications and Interim Measures, decided not to grant interim measures under article 92 of its Rule of Procedure within communication No. 2270/2013.

1.3 On 4 April 2018, pursuant to rule 94, paragraph 2, of the Committee's rules of procedure, the Committee decided to join communications No. 2270/2013 and 2851/2016, submitted by the author, for decision, in view of substantial factual and legal similarity.

The facts as submitted by the author

2.1 The author was head of the Maldivian Democratic Party (MDP) and became the first democratically elected president of Maldives in October 2008. In 2009, the State party's first ever multi-party parliamentary elections took place. A majority of parliamentary seats went to supporters of the defeated former President. The author submits that his administration tried to implement political reforms to secure democracy. However, the Judiciary remained largely unchanged and, as a result of influence of judges loyal to the former President, reluctant to promote judicial reforms. In this connection, he highlights that the 2008 Constitution stipulated the mechanism for the appointment of an independent judiciary within two years of its adoption, and that central to these prescribed reforms was the removal of non-qualified judges. The Judicial Service Commission (JSC) was responsible for assessing the qualifications of the existing judges and reappointing them at the end of the two-year period. By 7 August 2010, the JSC had reappointed 191 out of 197 judges and magistrates that had been appointed under the former President.¹

2.2 On 16 January 2012, the Chief Justice of the Criminal Court in Malé, Judge A.M., was detained by the Maldives National Defence Force (MNDF) in relation to complaints of serious misconduct. The author submits that tension between the Executive and the Judiciary escalated after this detention and the political opposition used it against him, alleging that he, acting as Commander in Chief of the MNDF, ordered the then-Defence Minister to detain this judge. The detention of this judge also led to a period of civil unrest in Maldives.

Communication No. 2270/2013

¹ The author refers to the Report of the Special Rapporteur on the independence of judges and lawyers. Mission to Maldives, A/HRC/23/43/Add.3 (21 May 2013), paras. 23 and 50; and Bar Human Rights Committee of England and Wales (BHRC), 'The Prosecution of Former Maldivian President Mohamed Nasheed: Report of BHRC's Second Independent Legal Observation Mission', 3-4 February 2013, p. 7.

2.3 The author submits that on 7 February 2012, he was forced to resign from office under threat of violence against him and domestic unrest caused by his political opponents; that in practice he was forcibly removed from power by members of the police and the army loyal to the former President, in collusion with the Vice President, who assumed the presidency for the remainder of the term, which ended in November 2013. He states that his forced resignation was also due to the highly controversial detention of the Chief Justice. On the same day the author was detained, the Chief Justice of the Criminal Court was released. Subsequently, on an unspecified date the author was released.

2.4 On 9 October 2012, the author was arrested while campaigning on the island of Fares-Maathoda and taken to Dhoomodhoon Prison and charged under article 81 of the Penal Code² with allegedly abusing his power by ordering the detention of the Chief Justice. The author submits that this was an attempt to prevent him from successfully campaigning for the presidential elections in November 2013. Later, he was released. Afterwards, the author was subjected to ill-treatment and continually harassed by the authorities.

2.5 On an unspecified date, the JSC established a special court in the Hulhumalé Magistrates' Court (the Magistrates' Court) and appointed three special judges in order to conduct the author's trial. The author maintains that the JSC was controlled by government parties and government-aligned individuals, as well as members of the Judiciary.

2.6 On 4 November 2012, the author filed an application to the High Court of Maldives (High Court) and challenged, inter alia, the competence and legality of the Magistrates' Court, as well as the composition of the special bench constituted by the Magistrates' Court to try him, since it had no constitutional basis and was not a valid court.³ Afterwards, he also filed an application before a Civil Court, requesting judicial review of the decision of the Prosecutor General to file a criminal complaint against him with the Magistrates' Court rather than the Criminal Court of Malé. Finally, the author claimed that no prosecution had ever been brought under article 81 of the *Penal Code* and that the charges against him under this article were discriminatory.

2.7 In parallel, the issue of the competence and legality of the Magistrates' Court was pending in another case not related to the author, which had been before the Civil Court since 2011. The Supreme Court, on the application of the JSC, took over the case before the Civil Court and ordered the High Court to adjourn the hearing in the author's case pending the Supreme Court's judgment.

2.8 On 5 December 2012, a majority of the Supreme Court held that the Magistrates' Court was established in accordance with the law and could operate as a court of law. The Supreme Court stated that although Hulhumalé was considered an administrative division of Malé according to the *Decentralisation Act (Law No. 7/2010)*, it was an island with a large population and no superior court; that the presence of the Magistrates' Court was justified because otherwise residents of Hulhumalé would have to travel to another island to

² Article 81: "It shall be an offence for any public servant by reason of the authority of office he is in to detain to arrest or detain in a manner contrary to Law innocent persons. Person guilty of this offence shall be subjected to exile or imprisonment for a period not exceeding 3 years or a fine not exceeding Mrf. 2,000.00"

³ The author argued inter alia that his trial had been moved to a magistrates' court in Hulhumale away from the island of Malé. However, the island of Hulhumale was part of the of the administrative district of Malé under the competence of the Criminal Court; that the Magistrates' Court had been unconstitutionally formed without the act of Parliament, as prescribed by article 141(a) of the Constitution. Instead, the Magistrates Court was established by the JSC, which was not prescribed as one of JSC's powers under articles 157(a) and 159 of the Constitution and section 21 of the *Judicial Service Commission's Act (law number 10/2008)*. Further, the author argued that the Magistrates' Court bench was composed of three special judges that had been appointed by the JSC unlawfully.

resolve their legal disputes; and that thus, the Magistrates' Court was a "legitimate court" since the *Judicature Act (Law No. 22/2010)* stated that "justice should be dispensed equally and based on the same principles, hence there [was] no legal basis to discriminate against the inhabitants of Hulhumalé". The author notes that the deciding vote in the case was cast by the Chief Judge of the Supreme Court, who was also the President of the JSC, the body that established the Magistrates' Court.

2.9 On an unspecified date, the author submitted before the High Court that the criminal proceedings against him were politically motivated and requested that the proceedings be adjourned, in the public interest, until after the presidential elections in September 2013. However, on 4 February 2013, the High Court stated that it was bound to follow the Supreme Court's decision regarding the Magistrates' Court's 'legitimacy' and rejected the author's objections of 4 November 2012. Within hours of the judgment, a summons was issued for the author to appear at the Magistrates' Court on 10 February 2013. The author failed to appear in court and an arrest warrant was issued against him.

2.10 On 5 March 2013, the author was arrested and imprisoned at Dhoonidoo Prison when he was due to travel on a campaigning trip. The author claims that this arrest, as well as the arrest of 9 October 2012, conveniently coincided with campaigning trips.

2.11 On 6 March 2013, the author was produced at the Magistrates' Court. He requested that his trial be adjourned until after the elections in November 2013. The Court denied the request because the author could not be considered to be a presidential candidate, as they would not be officially declared by the Election Commission until July 2013.

2.12 On 24 March 2013, the author filed a petition to the High Court seeking another adjournment of the trial until after the elections. On 31 March 2013, the High Court suspended the author's trial at the Magistrates' Court pending the determination of the legality of the composition of the Magistrates' Court. The author argues that on several occasions, his requests to travel to islands in Maldives and abroad were refused by the Magistrates' Court and government agencies such as the Department of Immigration; that on 29 May 2013 a hearing, for which he had had to cut short a campaigning trip, was cancelled three hours before its scheduled start when a sitting judge took a last-minute leave; and that despite his request, he was not provided with a schedule of the court hearings.

2.13 In July 2013, the criminal proceedings against the author for the alleged arrest and detention of the Chief Justice were suspended and no further proceedings took place. At the time communication No. 2270/2013 was submitted to the Committee, the author claimed that domestic remedies were not effective due to the lack of independence and politicisation of the judiciary.

2.14 In November 2013, the presidential elections took place. The author narrowly lost to the current president.

Communication No. 2851/2016

2.15 On 16 February 2015, the Prosecutor General withdrew the suspended criminal charges against the author. However, on 22 February 2015, the author was arrested on new charges of terrorism under section 2(b) of the *Prevention of Terrorism Act 1990*⁴ for his

⁴ The *Prevention of Terrorism Act 1990*: Offence of Terrorism

[...]

2. The acts/activities mentioned hereto shall be construed as acts of terrorism.

[...]

(b) The act or the intention of kidnapping or abduction of person(s) or of taking hostage(s).

[...]

alleged role in arresting and detaining the Chief Justice of the Criminal Court on 16 January 2012.

2.16 The next day, on 23 February 2015, the author's trial commenced in the Criminal Court of Malé. The author alleges that the judicial proceedings did not observe due process and that the Court displayed a lack of impartiality. By way of illustration, he notes that his lawyers were barred from attending the first day of proceedings because they were supposedly required to register with the Court two days before, even though that was impossible given that the author had only been arrested the previous day. The author's request for a 10-day extension so that his lawyers could prepare his defence was summarily dismissed. All the prosecution's evidence was withheld until the time it was formally introduced to the Court. When evidence was introduced, there was nothing provided to show that the author had actually ordered the arrest of the Criminal Court of Malé's Chief Justice, nor were there any arguments made explaining how a lawful arrest qualified as 'terrorism.' The author's opportunity to cross-examine witnesses was limited and he was not permitted to call witnesses in his defence. Faced with these challenges, on 8 March 2015 his lawyers felt compelled to withdraw from the case, believing that their continued representation of him would violate applicable rules of professional responsibility. The Court carried on with the trial, ignoring the author's repeated requests for new legal counsel. On 13 March 2015, less than three weeks after he was arrested and charged, the author was convicted and sentenced to 13 years' imprisonment with no opportunity for parole or supervised release. The author submits that this verdict was based solely on the evidence presented by the Prosecutor.

2.17 Although the author's counsel had indicated in writing on 15 March 2015 that they intended to appeal, the Criminal Court failed to provide them with the trial record until 24 March 2015 – eleven days after the verdict. Therefore, the author was substantively unable to lodge an appeal within the 10-day deadline established by the Judicature Act.

2.18 On 30 March 2015, the People's Majlis (Parliament) passed the *Bill on Amendment to the Prison and Parole Act*,⁵ banning all prisoners from holding leadership positions in political parties.

2.19 In April 2015, the author submitted his case to the UN Working Group on Arbitrary Detention (WGAD). On 4 September 2015, the WGAD found that "the deprivation of liberty of [the author], being in contravention of articles 9, 14, 19, 22, and 25 of the Covenant, [was] arbitrary" and requested the State party to take the necessary steps to remedy the situation of the author.⁶ The WGAD considered that the adequate remedy was to release the author immediately and grant him a compensation in accordance with article 9(5) of the Covenant.

2.20 In September 2015, the Prosecutor General filed an appeal on the author's behalf before the Supreme Court, though not at his request. The author responded by filing his own appeal to the Supreme Court on 20 December 2015. However, the Supreme Court only

Section 6 (b) Any person(s) found guilty of an act of terrorism, without a loss of life, shall be sentenced to between 10 and 15 years imprisonment or banishment. The same penalty shall be passed on those found guilty of complicity in the crime. Person(s) found guilty of abetting and/or privy to such information shall be sentenced to between 3 and 7 years imprisonment or banishment.

⁵ Law number 14/2013. Section 63 of the Law provides "Apart from being a general member of a political party and/or organizations, a person convicted of an offence and serving a jail term shall not have the right to hold office of or participate in any activities organized by, the said political party and/or organisation for the duration of the sentence served."

⁶ WGAD, Opinion No. 33/2015, adopted on 4 September 2015 (A/HRC/WGAD/2015).

heard the Prosecutor General's appeal. On 27 June 2016, the Supreme Court confirmed the author's conviction. The author submits that none of the arguments raised by him were addressed by the Supreme Court. The Supreme Court found that the author had adequate time to prepare a defence within the criminal proceedings even though he only had a total of nineteen days between the moment in which the Prosecutor brought the new charges of terrorism and his conviction. The Court reasoned that the author and his lawyers, who had represented him since the original criminal proceeding, had known that he was accused of the alleged illegal detention of a chief justice since 2012.

2.21 The author argues that international organizations, States and well-known NGOs expressed their concerns about the lack of a fair trial in the author's case,⁷ and that due to international pressure, he was released on medical leave in January 2016 and was permitted to travel to the United Kingdom for treatment. On 19 May 2016, the author was granted political asylum by the United Kingdom. He further submits that at the time his second communication was submitted to the Committee, his sentence had not been commuted and he was still considered a criminal convicted of terrorism and all other restraints on his liberty were in effect, including restrictions on his right to participate in political elections. As a result, he is subject to a 16-year disqualification from running for political office under the Constitution, and he is banned from holding a leadership position in a political party under an amendment to the Prison and Parole Act.

2.22 The author claims that all domestic remedies available in the the State party have been exhausted. At the time communication No. 2851/2016 was submitted to the Committee, the Supreme Court had not made a decision on whether to grant leave for the appeal submitted by the author, and it was not likely that they would do so, given the already prolonged process and elaborate machinations that characterize the author's case.

The complaint

3.1 The author claims that the State party has violated his rights under articles 14, 22 and 25 of the Covenant. The author claims that his rights under article 14 of the Covenant were violated in the initial criminal proceedings in which he was charged under article 81 of the Penal Code, since he was tried by a biased and non-independent court. Moreover, he was not treated equally before the courts due to his political status. The author submits that the judiciary, including the Supreme Court, lacked independence. Likewise, the composition of the JSC was inadequate and very politicised, affecting the independence and impartiality of the judiciary.⁸ He further refers to the report of the UN Special Rapporteur on the independence of judges and lawyers, and points out its conclusion that the constitutionality of the Magistrates' Court was questionable and that the bench of judges

⁷ The author refers to the Office of the High Commissioner for Human Rights (OHCHR) press release, *Conduct of Trial of Maldives Ex-President Raises Serious Concerns – Zeid*, UN High Commissioner for Human Rights, 18 March 2015; OHCHR, Press briefing notes: Maldives, 1 May 2015 (Maldives: *UN Rights Office says trial of former President politicized, unfair*); Press release of the UN Special Rapporteur on the Independence of Judges and Lawyers, 19 March 2015; European Parliament's resolutions No. 2015/2662 (RSP), 30 April 2015; and No. 2015/3017(RSP); European Union, *Statement by the Spokesperson on Conviction of Former President of the Maldives Mohamed Nasheed*, 14 March 2015; Transparency International, *Transparency Maldives Concerned about Legal Process for Trial of Former President Nasheed*, 16 March 2015; and International Commission of Jurists, Maldives: Grossly unfair Nasheed conviction highlights judicial politicization, 26 March 2015.

⁸ The author refers to the Report of the UN Special Rapporteur on the independence of judges and lawyers, 21 May 2013, para. 39, 41 and 44; and the Committee's Concluding Observations at its 105th session, CCPR/C/MDV/CO/1, 25 July 2012, para. 20.

which was constituted to hear the author's case also seemed to have been set up in an arbitrary manner, without following procedures set by law.⁹

3.2 The original criminal proceeding against the author was politically motivated and instituted in order to prevent him from running in the 2013 presidential elections. In the particular circumstances of his case, the prosecution constituted a violation of his rights under article 25 of the Covenant. The judicial proceedings against him were used as a means of preventing him from campaigning for elections and, together with the measures imposed on him, were a form of unreasonable restriction upon his ability to take part in the conduct of public affairs. In this connection, the author notes that he was arrested on 9 October 2012 during a campaign trip on the island of Fares-Maathoda, and he was brought to the Dhoonidhoo Prison on 5 March 2013, just prior to his departure for another campaigning trip; that the Magistrates' Court and Department of Immigration denied his requests to be authorized to travel to other islands and abroad in connection with the political campaign; that on 29 May 2013 the High Court unexpectedly cancelled 3 hours before the hearing, even though he had come back to Malé to attend the hearing, cutting short his campaign trip in Raa Atoll; and that the judicial authorities denied his request to be given the court hearing schedule so that he could accordingly plan his campaigning trips.¹⁰ He further points out that the former Human Rights Minister of Maldives stated in a letter addressed to the Chief Justice A.F.H., that she had been asked by a Supreme Court judge to file a case against the author to prevent him from running for presidency in 2013.

3.3 The author further claims that his right to stand for elections under article 25 of the Covenant was also arbitrarily and unreasonably restricted as a result of his arbitrary detention, prosecution and conviction under charges of terrorism, without a fair trial (see 2.16 above).¹¹ These judicial proceedings in fact amounted to a political persecution of the author by the then-President of the State party.¹² The author refers to the Committee's General Comment No. 25 and notes that any conditions applied to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria and established by law. Additionally, persons who are otherwise eligible to stand for election 'should not be excluded by unreasonable or discriminatory requirements...or by reason of political affiliation'.¹³ In his case, due to the sentence of 13 years of imprisonment for the crime of terrorism, the author was prohibited from running for political office. He adds that the political context in which the *Bill on Amendment to the Prison and Parole Act* passed by the People's Majlis on 30 March 2015 suggests that the amendment specifically targeted him, as the main political opponent of the President of Maldives, in particular given that it was promoted through the legislature only two weeks after his conviction. He has essentially been subjected to a 16-year disqualification from running for political office, as the Constitution prohibits individuals who have completed a prison sentence of more than one year from running until three years after their release.¹⁴ Therefore, he will be unable to participate in presidential elections until after 2031. By comparison, if he had been convicted under the initial charges of 2012, he would have only been barred from running for political office until 2021. The author refers to the findings of the WGAD and argues that his conviction and detention in March 2015 under charges of terrorism were arbitrary; and that during the trial the authorities failed to provide any supporting evidence for his conviction.¹⁵ Furthermore, the WGAD concluded that "there was a violation of [the

⁹ Report of the Special Rapporteur on the independence of judges and lawyers, footnote 1, paras. 30-32.

¹⁰ The author refers to Bar Human Rights Committee of England and Wales (BHRC), footnote 1.

¹¹ See footnote 7 above.

¹² The author refers to the WGAD, Opinion No. 33/2015, para. 97.

¹³ The author refers to General Comment No. 25, paras. 4 and 15.

¹⁴ Article 109(f) of the Constitution.

¹⁵ The author refers to the WGAD, Opinion No. 33/2015, paras 94-95, and 110-112.

author's right] to freedom of opinion and expression, freedom of association, and freedom of political participation under ... articles 19, 22 and 25 of the [Covenant], and that he was targeted on the basis of his political opinions."¹⁶

3.4 The author maintains that if the underlying basis for a restriction on political participation is a criminal conviction that is later found to be arbitrary, this creates a *prima facie* presumption of unreasonableness for the purposes of article 25 of the Covenant.¹⁷ In his case, the WGAD found his conviction, sentence, and detention arbitrary. In this regard, the author requests the Committee to accept the WGAD's findings as valid in order to proceed to the examination of his claims under article 25. Against this background, he concludes that his arbitrary conviction and sentence are not reasonable and that they have been applied as a means to prevent him from participating in the presidential elections. The State party's actions are targeted and systematic, and have been used to discredit the author's image, suppress his involvement in national politics, silence his voice, and ultimately prevent him from participating in the 2018 presidential elections.¹⁸

3.5 The author claims that his right to association under article 22 of the Covenant has also been arbitrarily restricted due to his terrorism conviction and the adoption of the *Bill on Amendment to the Prison and Parole Act*. This amendment effectively bans him, as the principal political opponent of the current president, from leading his political party. He further claims that this Bill was passed to specifically target him.

State party's observations on admissibility and the merits

4.1 On 13 December 2017, the State party submitted its observations on admissibility and the merits of communication No 2851/2016, only. The State party maintains that the communication is manifestly ill-founded, since the author's allegations are factually incorrect and his detention is justified and in accordance with domestic and international law. Thus, since the detention of the author cannot be deemed arbitrary, the restrictions on his rights to political participation and association are justified and reasonable.

4.2 The State party maintains that contrary to the allegation made by the author, on 7 February 2012 he voluntarily resigned from office.¹⁹

4.3 Concerning the criminal proceedings against the author, the State party notes that upon appeal, on 27 June 2016, the Supreme Court ruled, *inter alia*, that the author was afforded the right to adequate time and facilities for the preparation, including to be assisted by legal counsel of his own choosing, and a fair trial. The Court also stated that as he failed to exercise his right to appeal within the stipulated appeal period, the merits of the trial court judgment had become final. It also upheld the High Court's decision to not grant leave to the Prosecutor General's appeal, based on the fact that it was the Prosecutor General and not the author who lodged the appeal.

4.4 The State party points out that the author's allegations under articles 22 and 25 of the Covenant are founded upon the opinion rendered by the WGAD. Nevertheless, the State party does not accept the WGAD's findings that the author's detention was arbitrary and in

¹⁶ The author refers to the WGAD, Opinion 33/2015, para 98; US Department of State's Spokesperson Statement on Trial of Former President Nasheed in the Maldives, 13 March 2015; Amnesty International, Maldives: 13 years sentence for former President 'A travesty of justice', 13 March 2015.

¹⁷ The author refers to *Dissanayake v. Sri Lanka*, (CCPR/C/93/D/1373/2005), para. 8.5; *Chiiko Bwalya v. Zambia* (CCPR/C/48/D/314/1988); and *Leonid Sudalenko v. Belarus*, (CCPR/C/100/D/1354/2005).

¹⁸ The author refers to the WGAD, Opinion No. 33/2015, para. 97. See also footnote 7 above.

¹⁹ The State party refers to the report of the Commission of National Inquiry (30 August 2012) and maintains that its findings were endorsed by the Commonwealth, European Union and UK Foreign and Commonwealth Office and U.S. State Department.

breach of international law. In this regard, the State party provides detailed objections to the WGAD's findings, and requests the Committee to 'deliberate' on the issues raised by the author in his communication with respect to his arrest, detention, trial and conviction separately from the opinion of the WGAD. Notably, it submits that the decision to convict the author was in accordance with the law since he had used the military illegally to abduct a serving judge of the Criminal Court and hold him incommunicado for 21 days. Although the author denies the unlawful arrest of this judge before the Committee, this does not align with various public statements that he delivered, admitting that the arrest was made in response to his wishes.²⁰ The State party further maintains that a wealth of documentary evidence was put forward at trial and a number of witnesses were heard before the author was convicted.

4.5 The State party maintains that the author was afforded a fair trial. The arrest warrant against him was issued by the Criminal Court upon request from the Prosecutor General, pursuant to the powers accorded to the Prosecutor General under Article 223(e) of the Constitution, and Section 15 of Law No: 9/2008 (Prosecutor General's Act). All measures were taken to ensure the independence of the court, as well as the bench hearing of the author's case, at all stages of the proceedings.

4.6 The author's allegation that his lawyers were barred from attending the first day of proceedings is unfounded. His lawyers failed to appoint and register themselves as legal counsel two days prior to the hearing, as per the Regulation No: 02/2014 (Regulation on Trial Advocacy) of the Criminal Court of Maldives, formulated pursuant to Law No: 22/2010 (Judicature Act of Maldives). Had counsel complied with the registration requirements, they would have been afforded every opportunity to act for and represent the author throughout the trial and subsequent appeals.

4.7 The author was given adequate time to prepare his defence. The State party notes that the facts date back to February 2012 and that the prosecution's evidence was served on the author and his legal representatives during the first set of proceedings. The author and his legal team, which remained unchanged, had been given a great deal of time to prepare for trial. The only material change was the legal qualification of the charge as an offence of terrorism.

4.8 Concerning the length of the proceedings, the State party maintains that the author had previously filed an application on 27 April 2014, requesting that the court speed up the proceedings. It is therefore rather paradoxical that he would subsequently argue that the proceedings were rushed. Moreover, since the author demonstrated his unwillingness to cooperate with the relevant authorities, a speedy trial was required.

4.9 The Court did not impede the author from cross-examining prosecution witnesses, but put reasonable limitations on posing questions to the witnesses that were deemed irrelevant. Likewise, the author was not prevented from calling any witness in his defence. After it became evident to the Court that none of the witnesses presented by him were able to give evidence as to the circumstances of the case, the Court ruled that the witnesses proposed by the author were not relevant as to the charges made.²¹ Although the Court did not prevent him from calling additional witnesses, he failed to do so.

4.10 Under the State party's law, any convicted person has the right to appeal to the High Court of the Maldives within 10 working days of the judgement being passed and further, to appeal the High Court's decision within 60 working days to the Supreme Court. The author was convicted on 13 March 2015 by the Criminal Court, which gave him until 29 March 2015 to lodge his appeal at the High Court. However, he refused to avail this right,

²⁰ The State party refers, *inter alia*, to an interview given to BBC during the program 'Hardtalk' broadcast on 14 February 2012.

²¹ The State party refers to *Wright v. Jamaica* (CCPR/C/45/D/349/1989), para. 8.4.

let the appeal period lapse and instead, requested the Prosecutor General to file appeal on his behalf on 30 July 2015. The State party notes that subsequent to the Prosecutor General's appeal with the Supreme Court, the author also appealed his conviction on the basis of substantive legal errors and procedural violations, and that at the point the State party's observations were submitted to the Committee, the Supreme Court had not made a decision on whether to grant leave for the appeal.

4.11 With regard to the author's allegations of violations of articles 22 and 25 of the Covenant, the State party maintains that pursuant to article 109(f) of the Constitution²² and Law No: 12/2008 (Act on Presidential Elections), the author's current conviction results in his disqualification from running in the Presidential Elections for the term of his sentence and for an additional three years. It further notes that the charges brought against the author were lodged by the Prosecutor General, who is independent and impartial in the course of his/her duty. Notably, the review of charges in 2012, from 'illegal detention' to charges of 'terrorism' were not politically motivated, but commensurate with the acts he committed (see 4.4 above).

4.12 The amendment to the Prison and Parole Act (Law No: 10/2015 (First Amendment to Law No: 14/2013 (Prisons and Parole Act)), was not specifically targeted at hindering the author's political activity and participation. Moreover, the amendment affords the author the right to political participation and association as it allows him to be a member of a political party. In this connection, the State party points out that similar restrictions on civil liberties are exercised in all jurisdictions as a consequence of a criminal conviction; and that such limitations are necessary in democratic societies to ensure public order, accountability and to safeguard public interests.

4.13 The author still has the opportunity to request clemency, if granted, will make him eligible to run for President. He becomes eligible to request leniency for his sentence under Law No: 2/2010 (Clemency Act), once he serves one quarter of his sentence, as per section 7 of the Act. Additionally, section 29(c) of the Clemency Act affords the President of Maldives the executive power to grant clemency in certain circumstances.

4.14 In light of the foregoing, the State party maintains that the author's rights to political participation and association have not been violated. In fact, within the ambit of the amendment to the Prison and Parole Act, the author may remain a member of a political party of his own choice, exercise his right to vote, exercise his right in political decision making of the nation, and go so far as advocate for a political view/party of his own choosing. The extent of his right to political participation conforms to the notion of direct participation in the conduct of public affairs and, therefore, the amendment of this Act conforms to the test of reasonableness.

Author's comments on the State party's observations

5.1 On 22 January 2018, the author submitted his comments to the State party's observations on admissibility and the merits of the communication. The author reiterated his allegations that the State party violated his rights under articles 22 and 25 of the Covenant, by disqualifying him from running for office on the basis of an arbitrary arrest, trial, conviction, and sentence, and prohibiting him from being the leader of his political party.

5.2 As to the facts of the case, the author submits that during the criminal proceedings there was no specific documentation or evidence before the Criminal Court which showed

²² Article 109 "A person elected as President shall have the following qualifications: (f) not have been convicted of a criminal offence and sentenced to a term of more than twelve months, unless a period of three years has elapsed since his release, or pardon for the offence for which he was sentenced."

that he ordered the arrest of Chief Justice, judge A.M. He also submits that the politically motivated case against him remained inactive between July 2013 and January 2015, when the Jumoorie Party (JP), a political party whose backing was crucial to the government's coalition narrow 2013 victory, left the ruling coalition and joined the author and the MDP in the opposition.

5.3 The author submits that conformity of his arrest, detention, trial, conviction and imprisonment, with the State party's human rights obligations, including the Covenant, was thoroughly examined by the WGAD (see 2.19), whose findings are confirmed by reports of States, international organizations and well-known NGOs. The author reiterates that his arrest, trial, conviction, sentencing, and imprisonment were arbitrary and in violation of the Covenant.

5.4 The author's right to the presumption of innocence was systematically violated and the actions of the Criminal Court indicated that the result of the trial was pre-determined.²³

5.5 The author was arrested based on a defective arrest warrant that was not in conformity with the law. First, the warrant was issued at the request of Prosecutor General when normally, only a criminal investigatory agency, such as the police, requests arrest warrants from the Court. Neither the Maldivian Constitution nor the Prosecutor General's Act give the Prosecutor General the power or authority to request arrest warrants. The fact that the Prosecutor, acting outside of his authority, took the time to personally request the arrest warrant is both irregular and strongly suggests that his decision was politically-motivated. Second, the warrant issued on 22 February 2015, omitted critical information, including the place where the author should be detained, the period of his detention, and when he was to be brought to court. Therefore, the police did not have the authority to arrest or detain him. To cover up its error, the Court issued a second warrant the following day, ordering the police to present the author at a specific time. Finally, the justification for issuing an arrest warrant pending trial was without merit. It stated that the author was being detained on suspicion that he was "likely to abscond to avoid facing terrorism charges." However, he had never absconded from court, nor taken the opportunity to flee or go into hiding during numerous opportunities to travel abroad in the prior few weeks. The author attempted to raise these procedural errors and irregularities with the Court, requesting a hearing to consider the legality of his arrest and request bail. The High Court scheduled a hearing regarding the issue of the first arrest warrant for 15 March 2015 – two days after he was summarily convicted and sentenced in the Criminal Court.

5.6 The judges in charge of the author's trial lacked independence and impartiality. Two of the three judges presiding over his case were not only present at Judge A.M.'s arrest and were close friends of the judge, they also submitted witness statements on behalf of the Judge to the police and the Maldives Human Rights Commission, and were listed as witnesses for the prosecution in this case, when the charges were still framed as 'illegal detention.'²⁴ Despite the author's request, these judges refused to recuse themselves. The judges demonstrated bias against the author during the trial. For instance, they refused to allow the author to call any witnesses in his defence, they limited cross-examination of prosecution witnesses for five out of nine witnesses; they themselves were leading key State officials who were witnesses through their testimony; and they called Judge A.M., their boss, as a witness to testify for the prosecution.²⁵ The alleged victim, Judge A.M, was

²³ WGAD, Opinion No. 33/2015, para. 24; Press release of the UN Special Rapporteur on the Independence of Judges and Lawyers, See footnote 7; and Amnesty International, Maldives Should End the Assault on Human Rights, 5 May 2015.

²⁴ WGAD, Opinion No. 33/2015, para. 103 (ii); BHRC, Trial Observation Report: Prosecution of Mohamed Nasheed, Former President of the Republic of the Maldives (April 2015), pp. 5 and 39. See also footnote 7.

²⁵ BHRC report, *ibid*, p. 53.

very much present and involved in all affairs of the court in general, and the author's case in particular.²⁶ Furthermore, there was a lack of legal basis for the judges to convict the author since the author's alleged conduct – an unlawful arrest – does not satisfy the *actus reus* element under the Prevention of Terrorism Act of 1990, which itself is a violation of international law and should be invalid because of its vagueness. Even assuming that the alleged action did satisfy the definition of terrorism, there was no evidence presented in the court that the author ordered the arrest of Judge A.M.

5.7 The Prosecutor General was biased and the author's prosecution was politically motivated. The Prosecutor General was also a witness to the arrest of Judge A.M. and was himself, at the time, a judge in the Maldives Criminal Court.²⁷ Despite the author's request, the prosecution team submitted that the Prosecutor General would recuse himself if and when he felt it was necessary, but he never did. Against this background, the lack of prosecutorial impartiality and independence, together with the politically-motivated and selective nature of the author's prosecution, violated the principle of equality before the courts enshrined in Article 14(1).

5.8 The author did not have adequate time and facilities for the preparation of his defence since, inter alia, only twenty days elapsed from arrest to sentence; proceedings on the merits started the day after the author's arrest, when he was notified of the new charges the author and his counsel were denied access to evidence; and the author's counsel was absent from key hearings in the case.²⁸ He was also arbitrarily denied the right to present any witnesses and unable to cross-examine witnesses. For instance, his defence counsel was prohibited from questioning the credibility of the prosecution's witnesses to establish bias or otherwise discredit their testimony. Cross-examination was limited in this fashion for five of the nine witnesses presented by the prosecution.²⁹ He was denied the right to be assisted by counsel throughout the whole proceedings. Likewise, in practice, the author had no opportunity to file an appeal against his sentence and conviction, which was denied in part because of a sudden change by the Supreme Court of the appeal rules, and the delay in providing the trial record to the defence (see 2.17).³⁰ The Supreme Court shortened the deadline for the filing of appeals to 10 days, and the author was only provided with an incomplete and inaccurate trial report 11 days after the Judgment was rendered.

5.9 The author refers to the WGAD's findings and argues that his detention resulted from the exercise of his rights as a political opposition leader to express views contrary to the governmental authorities, to associate with his own and other political parties, and to participate in public life in the Maldives.³¹ Thus, it constituted a violation of his right to freedom of opinion.

5.10 In light of the above, the author reiterates that his arbitrary and politically motivated detention, trial, sentence and conviction on charges of terrorism, together with the amendment to the Prison and Parole Act, constituted a violation of his rights under articles 22 and 25 of the Covenant. He points out that his prosecution and detention was a result of

²⁶ Ibid, p. 38.

²⁷ WGAD, Opinion No. 33/0215, par. 103(ii); and Press release of the UN Special Rapporteur on the Independence of Judges and Lawyers, footnote 7.

²⁸ WGAD, Opinion No. 33/0215, paras. 103 (iv), (v), (vi), 104(iv); the Office of the High Commissioner for Human Rights (OHCHR) press release footnote 7; BHRC report, footnote 24, p. 5 and 46.

²⁹ WGAD, Opinion No. 33/2015, par. 103(iii); the Office of the High Commissioner for Human Rights (OHCHR) press release footnote 7; Press release of the UN Special Rapporteur on the Independence of Judges and Lawyers, 19 March 2015; BHRC report, see footnote 24, p. 53; Amnesty International, footnote 23.

³⁰ WGAD, Opinion No. 33/2015, paras. 103(viii), 104(viii)

³¹ WGAD, Opinion No. 33/2015, para. 97.

his association with the MDP opposition party and his participation in the conduct of public affairs as leader of this party, and an attempt to suppress their involvement in national politics in violation of his rights to freedom of association and to take part in public affairs and be elected without unreasonable restrictions.³² He further submits that the State party has failed to provide any independent report from international organization, States, NGOs, or media that supports its assertion that his prosecution was not politically motivated. On the contrary, credible reports indicate that the amendment of the Prison and Parole Act was adopted to target him and to prevent him from taking part in political activities. In this connection, the State party has failed to explain how the law prohibiting convicts from political participation is consistent with its obligations under article 22 and 25 of the Covenant.

State party's failure to cooperate with the procedure concerning communication No. 2270/2013

6. By Notes Verbales of 17 July 2013, 11 February 2015, 25 November 2015 and 1 February 2017, the Committee requested the State party to submit to it information on the admissibility and merits of communication No. 2270/2013. The Committee notes that this information has not been received. The Committee regrets the State party's failure to provide any information with regard to admissibility or the substance of the authors' claims. It recalls that article 4(2) of the Optional Protocol obliges States parties to examine in good faith all allegations brought against them and to make available to the Committee all information at their disposal. In the absence of a reply from the State party, due weight must be given to the author's allegations, to the extent that they are substantiated.³³

Issues and proceedings before the Committee

Consideration of admissibility

7.1 Before considering any claim contained in a communication, the Committee must decide, in accordance with article 93 of its rules of procedure, whether the communication is admissible under the Optional Protocol.

7.2 As required, under article 5(2)(a) of the Optional Protocol, the Committee has ascertained that the same matter is not being examined under another procedure of international investigation or settlement.

7.3 The Committee notes the author's claim that he has exhausted all effective domestic remedies available to him. In the absence of any objection by the State party in that connection, the Committee considers that the requirements of article 5(2)(b) of the Optional Protocol have been met.

7.4 The Committee notes the author's claims under article 14 of the Covenant in communication No. 2270/2013 regarding the initial criminal proceedings in which he was charged under article 81 of the Penal Code; that he was tried by a biased and non-independent court, and that he was not treated equally before courts due to his political status. The Committee further notes that although in communication No. 2851/2016 the author has not expressly raised a claim that article 14 was violated within the second part of the same judicial proceedings in 2015, in which the author was finally sentenced and convicted on charges of terrorism, both parties have provided the Committee with allegations and arguments in relation to the fairness of this part of the judicial proceedings. The Committee observes that the author has referred to relevant reports and provided

³² BHRC report, footnote 24, p. 22. The author also refers to the Committee's General Comment No. 25, para. 26.

³³ Samathanan v. Sri Lanka (CCPR/C/118/D/2412/2014), para. 4.2.

sufficient detailed information concerning the fairness of both proceedings. Accordingly, the Committee considers that the author's claims under article 14 have been sufficiently substantiated for the purpose of admissibility.

7.5 The Committee notes the State party's arguments that the author's claims under articles 22 and 25 of the Covenant, in relation to the judicial proceedings in which he was sentenced and convicted on charges of terrorism, and accordingly barred from political office, are manifestly ill-founded. The Committee, however, observes that the author has sufficiently substantiated these claims, for the purpose of admissibility, and provided the Committee with relevant and detailed information. The Committee therefore considers these claims admissible.

7.6 As all admissibility requirements have been met, the Committee declares admissible the author's claims under articles 14, 22 and 25 and proceeds to consideration of the merits.

Consideration of the merits

8.1 The Committee has considered the case in the light of all the information made available to it by the parties, as provided under article 5(1) of the Optional Protocol.

8.2 The Committee takes note of the author's allegations that his rights under article 14 of the Covenant were violated within the initial criminal proceedings in which he was charged under article 81 of the Penal Code since the prosecution was politically motivated, the Magistrates' Court was not legally competent and independent, and the bench of judges which was constituted to hear his case was established in an arbitrary manner. In this regard, the author argues that the JSC established a special court in the Magistrates' Court and appointed three special judges in order to conduct the his trial; that the JSC was controlled by the then-government parties and government-aligned individuals, including one of the future presidential candidates for the election in 2013, as well as members of the Judiciary; and that although on 5 December 2012 the Supreme Court held, by majority, that the Magistrates' Court was established in accordance with the law and could operate as a court of law, the deciding vote in the case was cast by the Chief Judge of the Supreme Court, who was also the President of the JSC, the body that established the Magistrates' Court. The Committee also observes that reports provided by the author³⁴ indicate that there were serious concerns about the lack of independence of the judiciary, including the Supreme Court, and the inadequate and politicized composition of the JSC. These reports also state that the Magistrates' Court was unlawfully constituted and that the bench of judges in charge of hearing the author's case also seemed to have been set up in an arbitrary manner, without following procedures set by law. The State party has not responded to the author's above allegations and the findings of the reports provided in support of these claims.

8.3 The Committee further observes that in 2012, the author was charged under article 81 of the Penal Code with allegedly abusing his power and ordering the alleged illegal detention of the Chief of Justice of the Criminal Court in Malé. After proceedings had been suspended for a considerable time, in February 2015, the Prosecutor General requalified the charges against the author, based on the same facts, as an offence of terrorism under section 2(b) of the Prevention of Terrorism Act 1990. Three weeks later, on 13 March 2015, the Criminal Court found the author guilty of terrorism and sentenced him to 13 years imprisonment. The State party maintains that the requalification of charges was not politically motivated and that the author's sentence and conviction was commensurate to the acts he allegedly committed – ordering the military to abduct a serving judge of the Criminal Court and hold him incommunicado for 21 days. The Committee observes, however, that the State party has not explained the legal basis for requalifying the charges

³⁴ See footnotes 1, 8-10.

against the author and charging him with terrorism. Nor has the State party shown how the author's alleged conduct satisfies the elements of the crime of terrorism under the Prevention of Terrorism Act of 1990. Furthermore, it observes that the crime of terrorism as established in section 2(b) of the Prevention of Terrorism Act (see footnote 3) is formulated in a broad and vague fashion that is susceptible to wide interpretation, as in the author's case, and does not comply with the principle of legal certainty and predictability. The Committee also observes that despite the requalification of charges, the trial started the day after the author's arrest, when he was notified of the charges; that the author was not allowed to be represented by the counsel of his choice because two days were required for counsel to register; and that the Criminal Court delivered its judgment a few weeks later, on 13 March 2015. Although the State party maintains the facts of the author's case date back to February 2012 and his legal team, which remained unchanged, had been given sufficient time to prepare for trial within the criminal proceedings, the Committee observes that the State party has not shown that the author was afforded adequate time to prepare his defence after the new charges were notified. Moreover, the Committee observes that the State party has not rebutted the author's allegations that the judges in charge of his trial lacked independence and impartiality, since two of the three judges presiding over his case were not only close friends of Judge A.M. and present at his arrest, but they also submitted witness statements on behalf of Judge A.M. to the police and the Maldives Human Rights Commission, and were listed as witnesses for the prosecution, when the charges were still framed under article 81 of the Penal Code. Against this background, the Committee considers that the judicial proceedings in which the author was finally convicted and sentenced for terrorism violated the right to fair trial, and, therefore, that the author's rights under article 14(1) and (3) of the Covenant were violated.

8.4 The Committee notes the author's allegations that his rights under article 25 were violated since the original criminal proceedings against him were politically motivated and instituted in order to prevent him from running in the 2013 presidential elections. The Committee further notes the author's allegation that his right to stand for election under article 25 of the Covenant was also unreasonably restricted as a result of his arbitrary detention and conviction under charges of terrorism in 2015, without a fair trial. The author submits that the judicial proceedings were also politically motivated; that his conviction and sentence attempted to ultimately prevent him from participating in the 2018 presidential elections, since he has been subjected to a 16-year disqualification from running for political office (until after 2031); and he is banned from holding a leadership position in a political party under the 2015 amendment to the Prison and Parole Act.

8.5 The Committee also notes the State party's arguments that the author's detention, sentence and conviction cannot be deemed arbitrary and that the restrictions on his rights to political participation and association are therefore justified and reasonable. According to the State party, the author's conviction on charges of terrorism and subsequent sentence to 13 years imprisonment were in accordance with the law and imposed within judicial proceedings that observed all judicial guarantees and were not politically motivated. As a result, the author is disqualified from running in the presidential elections for the term of his sentence and for an additional 3 years, pursuant to article 109(f) of the Constitution and Law No: 12/2008 (Act on Presidential Elections). Moreover, in accordance with the amendment to the Prison and Parole Act, the author may, inter alia, exercise his right to vote, 'exercise his right in political decision making of the nation', and advocate for a political view/party of his own choosing.

8.6 The Committee recalls that article 25 of the Covenant recognizes and protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to stand for be elected, and the right to public service. Whatever form of constitution or government is in force, the exercise of these rights by citizens may not be suspended or

excluded except on grounds which are established by laws that are objective and reasonable.³⁵ Persons who are otherwise eligible to stand for election should not be excluded by reason of political affiliation.³⁶ It also recalls that if a conviction for an offence is a basis for suspending the right to vote or to stand for office, such restriction must be proportionate to the offence and the sentence.³⁷ The Committee also considers that when this conviction is clearly arbitrary or amounts to a manifest error or a denial of justice or the judicial proceedings resulting in the conviction otherwise violate the right to fair trial, it may render the restriction of the rights under article 25 arbitrary.

8.7 In the case at hand, the Committee observes that although criminal proceedings against the author for charges under article 81 of the Penal Code were suspended in July 2013 and he was ultimately able to run for presidency in the November 2013 elections, which he narrowly lost, reports indicate that these proceedings raised serious concerns regarding their fairness, appeared designed to prevent the author's participation in the 2013 elections and may have been politically motivated.³⁸ The State party has not refuted the author's allegations that the judicial proceedings against him, and the measures taken within the proceedings in 2012-2013, cumulatively, were used as a means of preventing him from campaigning for the 2013 presidential elections, such as twice arresting him to interrupt campaign trips and denying his request to be authorized to travel to other islands and abroad in connection with the political campaign (see 3.2). Further, the Committee also observes that the judicial proceedings in which the author was finally sentenced and convicted on charges of terrorism were politically motivated, had serious flaws and violated the right to fair trial (see 8.3). Accordingly, the Committee considers that, in the circumstances of the author's case, the restrictions of his right to stand for office, as result of the said conviction and sentence, are arbitrary. In light of the foregoing, the Committee considers that the author's rights under article 25 of the Covenant have been violated by the State party.

8.8 Having concluded that there was a violation of article 25, the Committee decides not to separately examine the author's claims under article 22 of the Covenant.

9. The Human Rights Committee, acting under article 5(4) of the Optional Protocol to the International Covenant on Civil and Political Rights, is of the view that the information before it discloses a violation by the the State party of articles 14(1) and (3) and 25 of the International Covenant on Civil and Political Rights.

10. In accordance with article 2(3)(a) of the Covenant, the State party is under an obligation to provide the author with an effective remedy. This requires it to make full reparation to individuals whose Covenant rights have been violated. Accordingly, the State party is obligated, *inter alia*, to: (a) quash the author's conviction, review the charges against him taking into account the present Views, and, if appropriate, conduct a new trial ensuring all fair trial guarantees; and (b) restore his right to stand for office, including the office of President. Additionally, the State party is under the obligation to take steps to avoid similar violations in the future, including reviewing its legislation to ensure that any restriction on the right to stand for office is reasonable and proportionate.

³⁵ See general comment No. 25, op. cit., paras. 3 and 4.

³⁶ *Ibid.*, para 15.

³⁷ General Comment No. 25, para. 14 and *Dissanayake v. Sri Lanka* (CCPR/C/93/D/1373/2005), para. 8.5.

³⁸ See Report of the UN Special Rapporteur on the independence of judges and lawyers, 21 May 2013; and Bar Human Rights Committee of England and Wales (BHRC), *The Prosecution of Former Maldivian President Mohamed Nasheed: Report of BHRC's Second Independent Legal Observation Mission*, 3-4 February 2013.

11. Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory or subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy when it has been determined that a violation has occurred, the Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views. The State party is also requested to publish the present Views and disseminate them broadly in the official languages of the State party.
