

**Mandates of the the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on freedom of religion or belief**

REFERENCE:  
AL MDV 1/2017

4 May 2017

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 25/2, 26/12, 25/18 and 31/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the killing of Mr. Yameen Rasheed**, a 29-year-old human rights defender, blogger and well-known social media activist in the Maldives.

Through his blog "The daily panic", Mr. Rasheed commented on a range of topics, including politics and religion. He was well-known for being an outspoken critic of the government and denouncing public corruption and attacks on the right to freedom of expression, as well as for raising his voice against impunity for crimes against journalists and human rights defenders reportedly committed by radical Islamist groups.

Mr. Rasheed was also at the forefront of a campaign seeking accountability and justice for Mr. Ahmed Rilwan, a disappeared journalist and human rights defender. Mr. Ahmed Rilwan was the subject of a joint communication by Special Procedures sent on 7 October 2014 (MDV 1/2014). We regret that no response has been received from your Excellency's Government to this communication.

Concerns about draft legislation "Protection of Reputation and Good Name and Freedom of Expression Bill", later adopted into law, were equally expressed in a joint communication by Special Procedures mandate holders dated 26 May 2016 (MDV 1/2016). We regret that no reply has been received from your Excellency's Government to this communication.

According to the information received:

On 23 April 2017, around 3 a.m., Mr. Yameen Rasheed was found in the stairwell of his residence in Malé with multiple stabwounds to his head, neck and body. He was brought to Indhira Gandhi Memorial Hospital, where he died on the same day.

In December 2016, Mr. Rasheed had raised concerns over targeted threats he had received on Facebook, following the publication of his photo together with several others on an anonymous Facebook page, about an alleged “investigation” of the “Maldives Secular Community”. This post on Facebook came a week after Mr. Rasheed had participated in an interview on the abduction of Mr. Ahmed Rilwan, a journalist, which was broadcast on the YouTube channel of another human rights defender from the Maldives. Mr. Rasheed also reported having been followed by a member of the Kuda Henveiru gang, who he indicated had also followed the late Mr. Ahmed Rilwan in 2014 before he disappeared and another Maldivian blogger in 2012.

Mr. Rasheed reported the threats to the Maldives Police Service and officially registered a complaint with the Cyber Crime Investigation Unit. It is however alleged that the police did not take his complaint seriously and that they dropped his complaint without investigation.

The Maldives Police have reportedly started an investigation into the murder of Mr. Yameen Rasheed. The police have indicated that the assailants, who were captured on CCTV, were wearing disguise and could not be identified, despite initial claims that they were identifiable. On 27 April 2017, the President of the Maldives reportedly stated in a public meeting that any speech that mocks Islam cannot be tolerated or protected under freedom of expression. He also allegedly equated religious offence and hate speech with terrorism.

Mr. Rasheed’s killing is the latest of a series of attacks against human rights defenders, journalists and bloggers in the Maldives. It is reported that none of these cases have been subject to impartial and timely investigations.

We express grave concern at the killing of Mr. Yameen Rasheed, which appears to be directly related to the exercise of his right to freedom of expression online. We express concern that the killing of Mr. Yameen Rasheed takes place in a context of increased religious intolerance in the country and increased attacks against individuals who express liberal or independent views. We express concern at the broader chilling effect this has on the exercise of the right to freedom of expression in the Maldives, in particular when exercised by the media, civil society organizations, human rights defenders and in general those voicing dissent. We are concerned that the absence of thorough investigations and accountability for any alleged perpetrators as well as the atmosphere of impunity associated with such killings contribute to the recurrence of these horrendous crimes. While we appreciate the President’s condemnation of the murder and call to all independent institutions to fully deploy their resources in bringing the perpetrators to justice, we are further concerned by some statements of the authorities undermining freedom of expression by overstressing the need to “protect” religion from blasphemy and equating a speech deemed religiously offensive with terrorism in the aftermath of the vigilante attack.

We reiterate our concerns raised in a previous communication sent to your Excellency's Government on 26 May 2016 (MDV 1/2016) concerning the implications of the legislative limitations to the right to freedom of expression in ways that puts the right itself in definite jeopardy, in particular through the use of religion, social norms and defamation as grounds for limitation.

While we do not wish to prejudge the information made available to us, the acts described above appear to contravene articles 6, 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by the Maldives on 19 September 2006, which establish the right to life, as well as the rights to freedom of thought, conscience and religion, and freedom of opinion and expression. Any prohibition on freedom of expression must comply with the strict requirements of the Covenant's article 19 (3), as well as articles 2, 5, 17, 18 and 26. It would not be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information regarding the status of the investigations into the killing of Mr. Rasheed, including information on the entities or persons responsible for conducting the investigation, whether anyone has been arrested or prosecuted, and the status of any on-going trial.
3. Please also provide information on the status of investigations into above-mentioned previous similar killings and abductions in the Maldives of human rights defenders, journalists and bloggers, including information on the entities or persons responsible for conducting the investigations, whether anyone has been arrested or prosecuted, and the outcome of any trial.
4. Please provide information on the steps taken to investigate the instigators of the vigilante violence, including religious or political leaders who are seemingly able to call for violence and use their moral leadership to heighten a climate of intolerance and hatred with impunity.
5. Please provide detailed information about the measures taken to effectively protect, and ensure the safety of individuals who engage in

public debate over religious and political matters, as well as minority groups that may be targeted due to allegations of blasphemous or dissenting activities.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Ahmed Shaheed  
Special Rapporteur on freedom of religion or belief

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we wish to draw the attention of your Excellency's Government to the applicable international human rights law and standards:

Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), acceded to by the Maldives on 19 September 2006, provides that "every human being has the inherent right to life [which] shall be protected by law. No one shall be arbitrarily deprived of his life."

As stated by the Human Rights Committee in its General Comments Nos. 6 and 31, the inherent right to life guaranteed by article 6(1) ICCPR must not be narrowly interpreted, and includes the obligation of States to adopt positive measures to protect the right to life of individuals, and to prevent, investigate, prosecute and punish perpetrators, and redress the harm caused by State and non-State actors. The latter category, according to international human rights standards, includes private individuals where there is a pattern of killings, as appears to be the case in the killing of Mr. Rasheed. A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (General Comment No. 31, para. 15).

The State also carries a responsibility to address "attitudes or conditions within society which encourage or facilitate" violence or killings committed by non-State actors (see E/CN.4/2005/7, para. 71). This is so because criminalization of acts leads to the social stigmatization of those accused and to the perception that the killings of the accused are legitimate. This responsibility is particularly heightened if the criminalization of the act in question violates international human rights principles, just as the criminalization of blasphemy does.

We would also like to appeal to your Excellency's Government to ensure the right to freedom of thought, conscience, religion or belief in accordance with article 18 of the ICCPR. In this context, we would also like to refer to Human Rights Council resolution 6/37, in which the Council urges States "to take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence [...]".

We would also like to refer to pertinent observations made by previous Special Procedures mandate holders who reiterated that criminalizing so-called defamation of religions as such can be counterproductive and may have adverse consequences for members of religious minorities, dissenting believers, atheists, artists, and academics (see A/62/280, paras. 70-71 and 76-77).

The repeal of blasphemy laws has been called for by the Special Rapporteurs on freedom of religion or belief and freedom of opinion and expression, and is a

recommendation of the Rabat Plan of Action and Human Rights Committee General Comment No. 34.

We furthermore refer your Excellency's Government to article 19 of the ICCPR, which provides that "everyone shall have the right to hold opinions without interference" as well as that "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." This right includes not only the exchange of information that is favorable, but also that which may shock or offend.

Furthermore, this obligation also requires the State "to ensure that persons are protected from any acts by private persons or entities that would impair the enjoyment of the freedoms of opinion and expression to the extent that these Covenant rights are amenable to application between private persons or entities" (see Human Rights Committee General Comment No. 34, para. 7).

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 (a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We further refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

The Human Rights Committee in its General Comment No. 28 explained that States “should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of equal enjoyment” of all rights outlined in the ICCPR.