



THE MALDIVIAN COURT SYSTEM

In the coming months Transparency Maldives will be publishing a series of bulletins focussing on the judiciary of the Maldives. The purpose of these bulletins is to increase public understanding and awareness of the key judicial developments and issues in the country. We hope the information disseminated through these bulletins are useful for policymakers and members of the general public to understand the dynamics and challenges that entail the judiciary of the Maldives. As a preliminary, this piece of writing intends to provide brief descriptions about the different courts that currently operate in the Maldives.

The Maldivian court system can be envisioned as a hierarchical system which can be divided into three tiers. The first tier consists of the Supreme Court, the second tier consists of the High Court, and the third tier consists of the superior courts and lower courts. The superior courts consist of: the Criminal Court; the Family Court; The Drug Court; the Civil Court; and the Juvenile Court, and are located in Male'. The lower courts consist of magistrate courts which are located in each of the country's 194 inhabited islands.

Listed below are descriptions about the Supreme Court, the High Court and the Superior Courts that currently function in the Maldives:

THE SUPREME COURT

The current Supreme Court came into existence following the promulgation of the new constitution in 2008. An interim Supreme Court was established on the 18th of September 2008, which was replaced by a permanent Supreme Court on August 10th 2010.

Hitherto, that is, prior to the 2008 constitution, the Supreme Court had functioned under the executive, essentially meaning that the President of the country had the final authority to decide on all judicial matters.

However, following the promulgation of the new constitution, which mandates a separation of powers between the executive, judicial and legislative branches of government, the Supreme Court was designated to be an independent body that has the ultimate authority to decide on all matters relating to the administration of justice in the Maldives.

The Supreme Court has the power to interpret the constitution and can deliberate upon whether or not laws passed by the legislature (majlis) comply with the Maldivian legal system. It is also the final court that can challenge and potentially overturn

the decisions of other courts.

In addition to this the Supreme Court is also responsible for overseeing the bureaucratic management of the entire Maldivian court system.

Website: <http://www.supremecourt.gov.mv/>

THE HIGH COURT

The High Court functions as an appellate court of first resort to challenge the decisions of the superior and lower courts. To put it simpler, the High Court's primary function is to review the decisions of courts that are lower on the judicial hierarchy.

In addition to this its powers include the power to interpret the constitution and review laws passed by the legislature to ensure that they comply with the constitution and Maldivian legal system.

Though the High Court has the power to appeal cases that are put forward to the court to deliberate upon, and to interpret laws, it should be noted that the ultimate authority on all such matters rest with the Supreme Court.

Website: <http://www.highcourt.gov.mv/dhi/index.php>

SUPERIOR COURTS

Criminal Court:

The Criminal Court is mandated with looking into criminal matters, with the exception of criminal activity committed by children (in which instance, the juvenile court would deliberate on the matter) or matters that, by law, would be assigned to a separate court (for instance, drug offences can, with the consent of the accused, be deliberated upon by the drug court instead).

Activities that may be deliberated upon by the criminal court include: murder, illicit sexual activity, challenging the tenets of the Islamic religion and stealing.

Website: http://criminalcourt.gov.mv/?page_id=23

Family Court:

The Family court primarily looks into matters relating to disputes arising between families. Matters that may be deliberated upon by the Family Court include inheritance disputes, disputes about parentage, marital issues and divorce, child custody hearings and assignment of child support.

Website: <http://www.familycourt.gov.mv/>

Civil Court:

The Civil Court primarily looks into civil disputes with the exception of those kinds of matters that fall under the jurisdiction of the Family Court. It may deliberate on financial disputes, contract disputes and administrative disputes. Furthermore it also has the power to implement the civic injunctions relating to the decisions of the Supreme Court, the High Court, and the Criminal Court.

Website: <http://www.civilcourt.gov.mv/>

Juvenile Court:

The Juvenile Court is a specific court that deliberates on cases involving minors – that is, any individual below the age of eighteen – who have been accused of a crime.

Website: <http://juvenilecourt.gov.mv/>

Drug Court:

The drug court exists specifically to deliberate upon cases whereby any individual has been accused of a drug related offence and has the power to subject such persons to mandatory rehabilitation programs, with the aim of reintegrating such persons back into the wider society.

Cases that are eligible to be brought forward to the Drug Court proceed whereby the person pleads guilty to the drug offence of which they have been accused of and agrees to be subjected to the treatment prescribed by the court, according to the conditions set by the court.

Website: <http://www.drugcourt.gov.mv/>