

TM calls on the state to uphold, respect and operate within the boundaries of the Constitution, and democratic norms and principles.

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Transparency Maldives (TM) notes with grave concern the increasing trend of undermining democratic practices and institutions by the State including the recent move to reduce the number of judges in the Supreme Court; the sudden removal of the Auditor General by the parliament; and the resolution of the opposition Maldivian Democratic Party (MDP) calling to handover the presidency to Jumhooree Party (JP) leader Hon. Gasim Ibrahim.

Amendment to the Judicature Act and reducing the number of judges

TM fears that the recent amendment to the Judicature Act to reduce the number of judges from 7 to 5 followed by the recommendation by the Judicial Service Commission (JSC) to remove two sitting Justices will further undermine the independence of the judiciary.

The impartiality and independence of the Supreme Court (SC) is not solely decided by the number of Supreme Court Justices but rather by the upholding of judicial integrity and principles. Any move to reform the judiciary must be sincere and look at the entire judicial system, especially the judicial watchdog body, JSC, so that meaningful and real reform may take place.

The decision by the JSC to remove Chief Justice Abdulla Faiz and Justice Muthasim Adnan without publicising the criteria against which they were evaluated raises questions about the transparency and fairness of the process. The criteria used must be objective, based on merit, transparent and well-publicised so that any public concerns about the process may be addressed. TM also notes that the amendments to the Judicature Act allows JSC to override due procedure denying the right of Supreme Court Justices to defend themselves before their dismissal. TM calls on state authorities to refrain from any action that will further undermine the independence and integrity of the judiciary.

Amendment to the Audit Act and removal of the Auditor General

TM notes that the recent amendment to the Audit Act which abruptly ended the tenure of the sitting Auditor General, before the Constitutionally mandated seven-year term serves to undermine the independence of the Auditor General's Office. Furthermore, the amendment circumvents Article 218 of the Constitution, which prescribes that the only grounds for removal of the Auditor General before the end of his term are misconduct, incapacity or incompetence. It must be noted that the passing of the amendment and the consequent removal of the Auditor General coincided with the release of an incriminating audit report against a Government Minister. TM calls on state authorities to ensure that heads of independent state institutions are given the autonomy to do their mandated work free from insecurity.

Decree by MDP on transferring power to JP leader

TM condemns the resolution passed by the opposition, Maldivian Democratic Party (MDP), calling to handover the presidency to the leader of Jumhooree Party, Hon. Ibrahim Gasim, in the midst of the water crisis, as it attempts to destabilize the elected government and infers overriding the electoral processes stipulated in the Constitution. TM reminds that any change in government should only be brought by a vote of the people and calls on state parties to not undermine the electoral processes of the country.

TM calls on all organs of the state, including political parties, to uphold, respect and operate within the boundaries of the Constitution, and democratic norms and principles.

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