

Press Release

14 September 2017

Maldives: Rescind the summary suspension of 56 lawyers calling for judicial reform

The undersigned non-governmental organizations call on The Supreme Court of Maldives to rescind the indefinite suspension of all 56 lawyers who signed a petition to the Supreme Court calling for the independence and reform of the judiciary.

Their suspension follows a joint petition on 30 August 2017 by 56 lawyers, two of whom were already under suspension, to the Supreme Court raising concern over the conduct of the judiciary and calling for judicial reforms. The Supreme Court immediately rejected the petition without review, raising questions about the legal basis for its decision to dismiss the petition as unlawful. Subsequently, late Sunday night, 10 September 2017, the Department of Judicial Administration, the administrative arm of the Maldivian judiciary supervised directly by the Supreme Court, published an announcement via Twitter stating that 54 lawyers would be indefinitely suspended from legal practice from that day onwards. It is unclear from the announcement whether the action was carried out by the Department of Judicial Administration or directly by the Supreme Court of Maldives.

The announcement, which contained a list of 54 affected lawyers, stated that the lawyers were being investigated for *'obstructing the independence of the judiciary and the independence of the judges by forming a group and illegally assembling outside the Supreme Court, remarking on the duties of the judiciary and attempting to influence the courts by preparing and signing an illegal document against the jurisdiction, procedures and decisions of the courts in violation of the Article 141 (c) and (d) of the Constitution of the Maldives, the Regulation on the Legal Counsels Practicing in the Maldivian Courts and the Declaration contained in the Schedule 1 of the said Regulation, Regulation of Contempt of Court, the Judicature Act of Maldives, the Regulation of the Supreme Court of Maldives and the Constitution of the Maldives.'*

Two of the key concerns highlighted in the lawyers' petition include, among others, the Supreme Court's tendency towards ruling on critical matters late at night and suspending dissenting lawyers without due process. The Court's conduct on the night of 10 September by suspending the lawyers late at night has demonstrated the legitimacy of these concerns.

The accusation that the 56 lawyers formed a group to assemble outside the Supreme Court is false, as it is public knowledge that a few of the lawyers who signed the petition walked to the Supreme Court to submit it and not all the lawyers who signed the petition. The lawyers standing outside the court did not form a group to protest or hold a demonstration there, as it is clear that the lawyers stood outside for not longer than a few minutes.

We are further concerned by the Supreme Court's blatant disregard for the lawyers' right to due process. None of the 56 lawyers have been allowed to exercise their right to defend themselves or be heard before a disciplinary action. Furthermore, it is clear that all 56 lawyers have been penalized before an apparent investigation was conducted over allegations. Two of the 56 lawyers who signed the petition are already under indefinite suspension since November 2015 and August 2016. The incidents or actions that led to their suspension have still not been disclosed to them.



There are no bar councils or similar associations of lawyers, nor are their regulatory bodies comprised of lawyers in the Maldives. In 2012, the Supreme Court, at its own initiative, assumed the role of governing lawyers, including the power to take disciplinary action against them.

Lawyers suspended by the Supreme Court presently do not have a redress mechanism to challenge their suspension. Lawyers previously suspended have explored civil appeals, where the case has been annulled by order (number 2013/SC-SJ/01) of the Supreme Court on the basis that the Supreme Court cannot be challenged by anyone. The High Court has ruled in the case 2010/HC-A/123 (Imthiyaz Fahmy vs. The Criminal Court of Maldives) that courts must inform, verbally or by writing, directly to the individual in question of a disciplinary or other action against them in order to maintain due process and procedural fairness.

The summary suspension of the 56 lawyers for demanding judicial reform only vindicates their concerns about the Supreme Court's arbitrary exercise of its powers. The judiciary of the Maldives has been dogged by persistent censure from local and international human rights bodies, including the UN Human Rights Council, over the lack of independence and frequent violations of a right to fair trial. In the opening remarks at the 36th session of the UN Human Rights Council on Monday, 11 September 2011, the UN High Commissioner for Human Rights reiterated [concerns](#) over "reports of continued violations of the right to fair trial, and allegations of political bias by the judiciary" of the Maldives. The Supreme Court and the government of have repeatedly rejected all such criticisms and calls for reform as unlawful infringements on the independence of the judiciary.

The suspension of almost one third of practicing lawyers who do not represent the State will take away the right of legal representation of several people, among those human rights activists, political prisoners and victims of severe injustices. This is a serious threat to the work of human rights defenders within the legal community.

The actions against the 56 lawyers, procedurally and substantively, incompatible with international law and standards. Under international human rights law, including the International Covenant on Civil and Political Rights to which the Maldives is a party, lawyers, like other persons, must be guaranteed the right to exercise fundamental freedoms, including freedom of expression.

The suspension is also contrary to international standards on the role and independence of lawyers. Under the United Nations Basic Principles on the Role of Lawyers, which were adopted by the UN General Assembly in 1990, lawyers are entitled to freedom of expression, belief, association and assembly, which includes "the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights..."

Disciplinary action against lawyers, including suspension, requires due process. The Basic Principles also provide that any disciplinary proceedings against lawyers must be conducted in a fair and impartial manner, including the right to be assisted by a lawyer of choice and an independent judicial review.

The suspension of almost one third of practicing lawyers who do not represent the State will take away the right of legal representation of several people, among those human rights activists, political prisoners and victims of severe injustices. This is a serious threat to the work of human rights defenders within the legal community. We call on the Supreme Court of the Maldives to immediately revoke the suspension of the 56 lawyers and ensure due process at all times, to engage with reform efforts, and remind the courts that judicial reforms including those mentioned in the [lawyers' petition](#) is necessary for the transition back into democratic governance of the nation.

