

Maldives: Judiciary's Independence Threatened

Reinstate 3 Supreme Court Justices Unjustly Suspended



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The Supreme Court of the Maldives in Male, February 7, 2018. © 2018 Kyodo via AP Photo

(Bangkok) – The [Maldives](#) government should immediately reinstate three Supreme Court justices who were improperly suspended and cease other efforts to undermine judicial independence, Human Rights Watch said today. The three justices had until April 24, 2025, to respond to a Maldives Judicial Service Commission report recommending their dismissal.

On February 26, the Judicial Service Commission suspended the justices Dr. Azmiralda Zahir, Mahaz Ali Zahir, and Husnu Al Suood, and began disciplinary measures against them. The Supreme Court was preparing to rule on a petition regarding a constitutional amendment that would have [stripped](#) lawmakers of their seats if they left or were expelled from the party under which they were elected. The commission submitted its report suspending the justices on April 19 and will hold a hearing to make a final decision regarding dismissal.

“The Maldives judicial commission’s disciplinary actions raise grave concerns about improper interference by President Mohamed Muizzu in the functioning of the Supreme Court,” said [Elaine Pearson](#), Asia director at Human Rights Watch. “The Maldives cannot be a rights-respecting country so long as the courts are not able to independently rule on critical constitutional issues.”

In March, the justices issued a statement in which they alleged that the attorney general sent agents to threaten the justices with misconduct proceedings before the commission, on which he sits, unless the

Supreme Court dismissed the petition concerning the constitutional amendment. During ensuing disciplinary proceedings, counsel for the three justices were [not permitted](#) to speak. One of the justices resigned in protest after accusing the president and the attorney general of using intimidation to obtain their dismissal.

Under the 2008 Maldives Constitution, the commission is an independent and impartial institution authorized to investigate complaints about the judiciary, and to take disciplinary action, including dismissal, against them. Article 154 of the constitution states that a judge may be removed from office only if the commission “finds that the person is grossly incompetent, or that the Judge is guilty of gross misconduct.”

The commission has a [history](#) of politicization, with successive governments using it to remove judges for political reasons. In [2018](#), then President Abdulla Yameen ordered the arrest and imprisonment of three justices as part of a broader effort to crush dissent in the country. While governments have [pledged reforms](#), none has carried them out, Human Rights Watch said.

The United Nations Basic Principles on the Independence of the Judiciary states that “[j]udges shall be subject to suspension or removal only for reasons of incapacity or behaviour that renders them unfit to discharge their duties.” Charges brought against a judge “shall be processed expeditiously and fairly under an appropriate procedure. The judge shall have the right to a fair hearing.”

“President Muizzu should take immediate steps to ensure judicial independence and respect for human rights in the Maldives,” Pearson said. “Donors and concerned countries should send the president a clear message to end these threats to the judiciary and the country’s democratic institutions.”