

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Maldives: Immediately revoke suspension of 56 lawyers

The Maldives must immediately reinstate 56 lawyers who have been suspended from practicing on politically-motivated grounds, effectively cutting in half the number criminal lawyers practising in the country and a third of the total legal profession in the country, denying legal representation to the political opposition.

In a relentless assault on the rule of law, the Maldives Department of Judicial Administration (DJA), which is controlled by the Supreme Court, suspended 54 lawyers from practicing in all courts. The suspensions appear to be a punitive response to a petition the lawyers were trying to submit, outlining serious concerns regarding the judiciary – including judicial bias, unfair trial procedures and a lack of oversight. Two lawyers had already been suspended by the DJA on similar grounds.

Now, a third of all lawyers and half of all criminal lawyers have been stopped from representing their clients. One of the most visible effects of the move has been that the political opposition have now lost their legal representation. Several members of the Maldivian opposition have been imprisoned on trumped-up charges after manifestly flawed trials, ranging from trespassing for entering parliament, to terrorism-related offences.

The DJA insists that the lawyers were suspended because they are under investigation for “obstructing the independence of the judiciary and the independence of the judges by forming a group and illegally assembling outside of the Supreme Court, commenting 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”.

The justification invoked by the DJA rides roughshod over the lawyers’ rights to freedom of association, peaceful assembly, and expression, all protected under international human rights law which the Maldives are legally bound to comply with. Far from promoting judicial independence, the DJA is a pliant tool in the hands of the Maldivian authorities, who are cynically manipulating the criminal justice system to serve political goals and stop lawyers from carrying out their legitimate work representing their clients.

Lawyers now suspended include former Attorney General, Husnu Suood, in addition to a former Human Rights Commissioner, a former Legal Affairs Secretary at the President’s Office, a former Solicitor General, a former Deputy Prosecutor General and members of the political opposition. The entire legal team of former President Mohamed Nasheed, opposition leader Gasim Ibrahim, the Maldivian Democratic Party and the Joint Opposition Party has been gutted. Lawyers representing victims of human rights abuses, including disappeared journalist Ahmed Rilwan and the murdered blogger Yameen Rasheed, can no longer pursue justice for their clients.

With the suspensions, almost every lawyer working on human rights issues and the rule of law has been stopped from practicing. The suspensions will have a chilling effect on any independent-minded lawyers still able to represent their clients in court. The overall effect is the denial of the right to effective legal representation for a vast swathe of people in the Maldives, a right that is protected under Article 14 (3)(d) of the International Covenant on Civil and Political Rights, which is binding on the Maldives as a state party. Moreover, as the Department of Judicial Administration works under the direct authority of the Supreme Court, there is no recourse available to these lawyers. In similar cases where lawyers have been suspended by the DJA, lower courts have said that they cannot review DJA administrative decisions, as they carry the weight of a Supreme Court decision.

The situation for lawyers in the Maldives has been sharply deteriorating over recent years. On a visit in February 2013, Gabriela Knaul, the UN Special Rapporteur on the independence of judges and lawyers, noted the “negative consequences” of: serious gaps in the legal system; the misrepresentation of the concepts of independence of the judiciary and accountability; doubts over the procedures for the selection and appointments of judges; the lack of transparency and effectiveness of the Judicial Service Commission; the lack of protection for judicial actors; the precarious situation for women in the justice system; the enduring effects of impunity for past human rights violations; and the lack of public trust in the judicial system.

The report also stated that the provision for disciplinary measures laying it in the hands of the executive is contrary to the UN Basic Principles on the role of lawyers. “Lawyers, like all other citizens, are entitled to freedom of expression and, in particular, they have the right to take part in public discussions concerning the law, the administration of justice, and the protection and promotion of human rights, without suffering professional restrictions,” the Special Rapporteur wrote in her report.

Instead of heeding the Special Rapporteur’s recommendations, the Maldivian authorities have pressed ahead with their assault on the legal profession. Amnesty International calls on the Supreme Court to immediately revoke the suspensions of all 56 lawyers, admit their petition voicing concerns about the independence of the judiciary, and respect and protect all lawyers’ rights to freedom of peaceful assembly, expression, and association.

For the Maldivian justice system to be worthy of the name, the Maldivian authorities must implement effective reforms that protect the independence of the judiciary and the independence of lawyers, including through the establishment of an independent bar association, and bolstering the capacity of the hitherto feeble judicial watchdog. The Maldivian government cannot persist with crude and heavy-handed practices that reduce the judiciary and the criminal justice system as a whole to a pliant instrument of its political whims.