

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



(NV)185/OHCHR/2025/05

The Permanent Mission of the Republic of Maldives to the United Nations Office and Other International Organisations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to the latter's Communication Number: **AL MDV 1/2025**, dated 2 April 2025, with regard to the Communication from Special Procedures.

In this regard, the Permanent Mission of the Maldives has the honour to submit the response of the Government of the Republic of Maldives for consideration and onward transmission to the Special Rapporteur on the independence of judges and lawyers Ms. Margaret Satterthwaite.

The Permanent Mission of the Republic of Maldives to the United Nations Office and Other International Organisations at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Office of the United Nations High Commissioner for Human Rights
GENEVA

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



MINISTER OF FOREIGN AFFAIRS
REPUBLIC OF MALDIVES

Malé, 31 May 2025

Dear Ms Satterthwaite,

I have the honour to refer to your communication dated 2 April 2025 (reference number AL MDV 1/2025), (“**The Communication**”) sent in your capacity as the Special Rapporteur on the Independence of Judges and Lawyers,

The Maldives welcomes constructive engagement with all UN special procedures. This is why we have reaffirmed our standing invitation to all special procedures of the UN Human Rights Council in 2024. However, the Maldives also expects special procedures mandate holders to be guided in their information-gathering activities by the principles of discretion, transparency, impartiality, and even-handedness. And further expects to be provided appropriate opportunity to comment on concerns raised against it.

It is therefore with deep concern that the Maldives notes that the information received and referred to in the Communication contains several misconstrued facts and baseless allegations against the Government and independent State institutions of the Maldives. Further, the Maldives is also concerned and disappointed that a press statement was released on 17 April 2025, based on unverified and unsubstantiated information, and prior to receiving an official response from the Government, thereby seemingly discouraging a dialogue with the Government.

The Government of Maldives unequivocally affirms that the suspension of former Justices of the Supreme Court of the Republic of Maldives, Justice Husnu-Al Suood (“**Justice Suood**”), Justice Dr Azmiralda Zahir (“**Justice Azmiralda**”) and Justice Mahaz Ali Zahir (“**Justice Mahaz**”), and the subsequent removal of Justice Azmiralda and Justice Mahaz were undertaken in full adherence to due process and in full compliance with the Constitution of the Republic of Maldives, relevant laws, established procedures and international standards. This affirmation has been arrived through a thorough examination of the information shared with the Government by the Judicial Service Commission, the Anti-Corruption Commission, and the *People’s Majlis* (Parliament of the Republic of Maldives), upon request, in preparation to respond to the Communication.

Ms Margeret Satterthwaite,
Special Rapporteur on
the Independence of Judges and Lawyers,



The Government further wishes to bring the following information to the attention of the Special Rapporteur.

A. Summary

1. On the morning of 26 February 2025, the Anti-Corruption Commission (“ACC”) of the Maldives, sent a letter to the Judicial Service Commission (“JSC”) of the Maldives, stating that a criminal investigation is underway against Justice Suood. While the JSC was arranging a meeting of Commission Members to discuss the matter, two additional letters were sent by the ACC to the JSC, informing that criminal investigations were also underway against two other Justices of the Supreme Court, Justice Azmiralda and Justice Mahaz.
2. The members of the JSC held a meeting on 26 February 2025. And in accordance with Act Number 10/2008 (Judicial Service Commission’s Act), made the decision to suspend the three Justices. The criminal investigations are still ongoing at the ACC.
3. Separately, the JSC received information of alleged violations by Justice Suood, Justice Azmiralda and Justice Mahaz of Act Number 13/2010 (Judges’ Act) and the Judges’ Code of Conduct. On 26 February 2025, the JSC in its meeting decided to investigate these allegations in accordance with the Judicial Service Commission’s Act.
4. Amidst the ongoing investigations by the ACC and the JSC, on 4 March 2025, Justice Suood resigned from his judgeship. As a result, the JSC closed its investigation into the alleged misconduct of Justice Suood.
5. As per its process, the JSC concluded its investigations into Justice Azmiralda and Justice Mahaz, and sent the case reports to the Maldives Parliament,¹ recommending the dismissal of the two Justices. Both Justices were found to have influenced Criminal Court judges with respect to the remand hearing following the arrest of [REDACTED].
6. The Judiciary Committee of the Parliament then reviewed the findings of the JSC and sent its report to the Parliament floor for a final decision. During a

¹ Article 154(b) of the Constitution states that a Judge may be removed from office only if the Judicial Service Commission finds that the person is grossly incompetent, or that the Judge is guilty of gross misconduct, and submits to the People’s Majlis a resolution supporting the removal of the Judge, which is passed by a two-thirds majority of the members of the People’s Majlis present and voting.



Parliamentary session held on 14 May 2025, the Parliament passed two motions to dismiss Justice Azmiralda and Justice Mahaz with 68 (sixty-eight) votes in favour (73% of the whole Parliament) and 11 (eleven) votes against (11.8% of the whole Parliament).

B. Investigations at the ACC

7. The ACC is the constitutionally mandated independent institution established to inquire into and investigate all allegations of corruption. Article 202(a)² of the Constitution requires that the ACC investigates any complaint, information, or suspicion of corruption.
8. Contrary to the information received by the Special Rapporteur, an anonymous complaint against 3 (three) Justices of the Supreme Court was not filed with the ACC in the early hours of 26 February 2025. A complaint was lodged at the ACC on 26 February 2025, alleging that Justice Suood had revoked a Supreme Court judgment against established procedures. Additionally, the ACC had received a report from the Maldives Police Service stating that Justice Azmiralda and Justice Mahaz were found to have influenced a remand hearing at the Criminal Court of Maldives, [REDACTED]
9. In accordance with Regulation Number 2024/R-102 (Regulation on Investigation Procedures of the Anti-Corruption Commission), on 26 February 2025, the ACC decided to conduct criminal investigations into these allegations.
10. As per Section 21(s) of Act Number 13/2008 (Anti-Corruption Commission's Act), if during an ACC investigation, a matter is identified which requires an investigation by another agency, it is the ACC's responsibility to forward that information to the relevant agency. Accordingly, the ACC forwarded information of the criminal investigations into the three Justices to the JSC on 26 February 2025.
11. Regarding Justice Mahaz's request for information on his case, the ACC shared details to the extent that it would not compromise the ongoing investigation. Section 17(a) of the Regulation on Investigation Procedures of the Anti-Corruption Commission states that if a relevant party requests for information regarding an ongoing investigation, the Commission must

² Article 202(a) of the Constitution states the Anti-Corruption Commissions' responsibilities and powers include to inquire into and investigate all allegations of corruption; any complaints, information, or suspicion of corruption must be investigated. A Functional translation available at:

<https://storage.googleapis.com/presidency.gov.mv/Documents/ConstitutionOfMaldives.pdf>



provide that information in a manner decided by the Commission. However, Section 17(b) of the Regulation further states that, the Commission has the full discretion to withhold information if the Commission believes that its disclosure may hinder an ongoing investigation. The ACC acted strictly within this legal framework in responding to the request.

12. The three criminal investigations into the former Justices are ongoing at the ACC, with statements already recorded from multiple parties. As per standard procedure, suspects are typically interrogated at the final stage, after relevant evidence has been collected and verified. However, based on the specifics of a given case, the ACC may determine that a different sequence of actions is warranted. In exercising that discretion, the ACC is acting with deliberate care, guided solely by its statutory mandate and the pursuit of truth.

C. Complaints lodged by Justice Azmiralda to ACC

13. On 27 February 2025, Justice Azmiralda filed a complaint with the ACC alleging that the Attorney General and the Minister of Homeland Security and Technology had misused public office and sought to exert influence over her and other Justices of the Supreme Court through the Maldives Police Service. She further alleged that the JSC's decision to suspend the three Justices were to stop the proceedings of an ongoing constitutional case at the Supreme Court.
14. Upon review, the ACC determined that the complaint did not meet the criteria outlined in Section 513(b) of the Act Number 9/2014 (Penal Code of the Maldives) which details the offence of misusing public office to obtain a benefit for themselves or for another person, and that the allegations at that point did not identify any acts of corruption. Accordingly, the ACC decided not to register the complaint or pursue an investigation into the matter. This decision was communicated in writing to Justice Azmiralda on 4 March 2025.
15. Subsequently, Justice Azmiralda requested the ACC to reconsider its decision on 9 March 2025. The ACC discussed this request on 16 March 2025, and after deliberation concluded that there were no substantial grounds to depart from its initial decision. This decision was reached on the basis that the allegations in the complaint did not fall within the jurisdiction of ACC, that any references in the complaint did not show that any individual received a benefit (as defined in Section 519(c) of the Penal Code of the Maldives) which is a criteria for the offence stated in Section 513(b) of the Penal Code of the Maldives, and that none of the elements stated in the complaint constituted as an act of corruption as listed in Section 23 of the Anti-Corruption Commission's Act. This decision was then formally communicated to Justice Azmiralda on 19 March 2025.



16. On 10 March 2025, Justice Azmiralda submitted a separate complaint to the ACC alleging misconduct by the President of ACC. In her complaint, Justice Azmiralda alleged that the President of ACC used his authority and acted in contravention of regular procedures in providing information to the JSC, to stop the proceedings of an ongoing constitutional case at the Supreme Court and to suspend the three Justices. The complaint was officially registered by the ACC on 16 March 2025, and is currently under investigation.

D. Suspension of the three Justices

17. As noted above in paragraph 10, on 26 February 2025, the ACC forwarded information of the criminal investigations into the three Justices to the JSC.
18. The Judicial Service Commission's Act requires swift action to be taken in deciding on the suspension of judges under criminal investigation, once the JSC receives information of investigation from a law enforcement agency. The JSC is not required to question the judges under investigation before deciding on a suspension.
19. Section 25(p)³ of the Judicial Service Commission's Act explicitly states that if a judge has been arrested or detained on the suspicion of committing a crime, or if a law enforcement agency informs the Judicial Service Commission that they have begun investigating a judge, or if such a case has been submitted to court, or if the court finds that such a crime was committed, then the Commission must decide within 48 (forty-eight) hours, on temporary suspension of the judge. The Section also states that the Commission is not required to seek a response from the judge before taking the action stated in this Section.
20. The above-stated section was added to the Judicial Service Commission's Act through Act Number 11/2019 (Second Amendment to the Judicial Service Commission's Act) enacted on 3 September 2019. This obligation on the JSC to decide on a suspension within 48 (forty-eight) hours, underscores the critical importance of taking swift action to safeguard the integrity of the Judiciary.

³ Section 25(p) of the Judicial Service Commission's Act states that if a judge has been arrested or detained on the suspicion of committing a crime, or if a law enforcement agency informs the Judicial Service Commission that they have begun investigating a judge, or if such a case has been submitted to court, or if the court finds that such a crime was committed, then the Commission must decide within 48 (forty-eight) hours, on temporary suspension of the judge, and that in taking the action as stated in this Section, the Commission is not under an obligation to seek a response from the judge.



21. The JSC acting in accordance with the requirements under the Judicial Service Commission's Act, scheduled a meeting of the Commission to decide on suspension, on 26 February 2025. Seven out of the ten members of the JSC were in attendance and all except the Chair of the JSC participated in the voting. A decision was made by the JSC to suspend the three Justices, and this was communicated to each Justice separately on 26 February 2025.

E. Case against Justice Suood at the JSC

22. Separate from the information provided by the ACC, the JSC also received information from an individual alleging that on 25 October 2022, Justice Suood had summoned [REDACTED] and addressed him in a disrespectful and inappropriate manner, using offensive language.
23. The incident in question occurred in 2022 and on 15 November 2022, the then JSC sent the case to the "Committee to decide on investigation of cases" ("Committee"). Statements were taken from parties involved, in November 2022. However, a decision was not made to investigate the case. The then JSC President went on to recommend that the case be dismissed. However, the Legal Department of the JSC advised that cases cannot be dismissed by the President herself and that it must be decided by the Commission as a whole.
24. At the Commission members' meeting on 26 February 2025, JSC decided to investigate the matter. Notification of this case was given to Justice Suood on 26 February 2025.
25. Since being appointed to the Supreme Court bench on 8 December 2019, a total of ten complaints have been filed at the JSC against Justice Suood. One case filed in 2021, and three cases filed in 2024 were closed based on the finding that a disciplinary action was not warranted. In another case filed in 2024, the JSC had found a violation of ethics and decided to bring the matter to the attention to the Chief Justice and to advice Justice Suood to align his behaviour with expected professional standards. Five complaints were registered against Justice Suood in 2025. This includes two complaints registered on 19 February 2025, one complaint registered on 26 February 2025, and two complaints registered on 27 February 2025.
26. While investigations were ongoing on these cases, Justice Suood resigned from his judgeship on 4 March 2025. As a result, the JSC closed its investigations into the alleged misconduct of Justice Suood.
27. There is no merit whatsoever in the allegations made by Justice Suood suggesting undue influence by the President or the Attorney General in relation to the constitutional case on the anti-defection amendment. Crucially,



Justice Suood has provided no evidence to support these claims. Not a single fact, record, or testimony has been presented to substantiate the allegation. The Government rejects these assertions as unfounded and reiterates its unwavering respect for judicial independence. Additional details on the constitutional case are elaborated further below.

F. Case against Justice Azmiralda at the JSC

28. On 4 December 2024, [REDACTED], was arrested by the Maldives Police Service. [REDACTED] had his remand hearing on 5 December 2024. The Criminal Court Judge presiding over the hearing decided to release [REDACTED] with conditions.
29. A complaint was submitted by an individual to the JSC, alleging that Justice Azmiralda and Justice Mahaz had called a Criminal Court judge to influence the remand hearing of [REDACTED]. The JSC in its meeting held on 26 February 2025, decided to investigate the complaint, and sent a notice to Justice Azmiralda on 26 February 2025. Justice Azmiralda was also given the opportunity to appoint legal counsel, which she exercised by appointing Mr [REDACTED] on 6 March 2025.
30. Section 22-1(c) of the Judicial Service Commission's Act, in outlining the procedure to decide on investigating a case, states that once a case has been submitted to the JSC, it should be sent to the "Committee to decide on investigation of cases". This Committee will then decide whether JSC should investigate the case or not. As per the Act, this Committee must consist of 3 (three) members of JSC, as decided by the JSC.
31. Notwithstanding the foregoing, another provision in the Judicial Service Commission's Act, Section 23(a) reads as follows:

"If the Committee or Commission deciding on the investigation of a case submitted to the Commission decides to investigate the case, the Commission shall establish a temporary committee to investigate that case. Or if the Commission deems that the case is one that needs to be investigated by the entire Commission, the Commission shall perform the role of the investigation committee in that case. In investigating cases by the entire Commission, all procedures that need to be carried out under this law by the investigation committee must be followed."
32. This provision establishes that in addition to the designated Committee, the Commission also has the authority to decide on initiating an investigation into a case. In this regard, the Government notes that due process was followed in deciding to investigate the complaint lodged against Justice Azmiralda.



33. In accordance with the Judicial Service Commission’s Act, a three-member Investigation Committee (“**Investigation Committee**”) was established to examine the allegations. The Attorney General, as a JSC member, was appointed to the Committee. He undertook this role with full awareness of its gravity and with a firm commitment to upholding the integrity of the process. The information received by the Special Rapporteur—that the Attorney General stepped down due to public outcry or criticism from the legal community—is simply not true. The Attorney General recused himself promptly and voluntarily following allegations made by Justice Azmiralda. That decision was guided not by pressure, but by principle, to remove any perception of bias and to safeguard the credibility of the proceedings.
34. Justice Azmiralda sent a letter to the JSC on 26 February 2025 requesting to conduct open hearings in this case. She re-iterated this request in a letter sent by her lawyer to the JSC on 8 March 2025. The JSC deliberated on the matter on 9 March 2025. Given the possibility of an open hearing impacting the criminal investigation being undertaken by the ACC, and with consideration for the negative effects an open hearing may have on public perception of, and trust in the judiciary, the JSC decided to not hold open hearings. This decision was made in line with Section 28⁴ of the Judicial Service Commission’s Act, which states that the Commission has the discretion to determine that part or all of a hearing of an investigation or case conducted by the Commission or the investigation committee under the Act be open to the public.
35. Justice Azmiralda also requested in her letter dated 26 February 2025 to provide her with additional documentation relating to the case. The documents she requested at that time were documents related to the criminal investigation being conducted by the ACC. Since the JSC was investigating a disciplinary case, separate from the criminal investigation being carried out by the ACC, the JSC was not in a position to share documents relating to the ACC investigation with Justice Azmiralda, and therefore decided not to provide those documents to her. Justice Azmiralda was informed of this decision on 9 March 2025 and 10 March 2025. Justice Azmiralda was provided with all documentation relevant to the disciplinary case that was being investigated by the JSC.
36. The Government categorically denies that Justice Azmiralda was denied the right to legal assistance by the JSC during the investigation of the case.

⁴ Section 28 of the Judicial Service Commission’s Act states that the Commission has the discretion to determine that part or all of a hearing of an investigation or case conducted by the Commission or the investigation committee under the Act be open to the public.



37. Justice Azmiralda was given the right to defence throughout the investigation. She was afforded an opportunity to respond in writing, in accordance with the Judicial Service Commission's Act. She also attended two hearings with her appointed lawyer, on 11 March 2025 and 13 April 2025, where she was given reasonable opportunity to defend herself and consult with her lawyer in relation to the questions put to her by the Investigation Committee.
38. Section 25(c) of the Judicial Commission's Act clearly reads as follows:
- "In relation to the case being investigated by the Investigation Committee, when the judge against whom the case is filed is given the details of the allegations and the case, the judge must answer the questions posed by the Investigation Committee regarding the case under investigation."*
39. Section 25(e) of the Act goes on to state as follows:
- "The respondent may consult with their appointed legal counsel when answering questions from the investigative committee."*
40. Based on the above-stated provisions, the obligation to respond to the Investigation Committee's questions rests solely with the judge, who is the subject of the investigation. This responsibility cannot be delegated to legal counsel. The counsel's role is advisory, not substitutive.
41. Therefore, the JSC's decision to reject the request of Justice Azmiralda to allow her lawyer to answer on her behalf is fully consistent with the statutory framework. At the same time, this does not in any way prevent the judge from availing herself of legal assistance throughout the investigative process, as clearly permitted under Section 25(e) of the Act.
42. The JSC conducted a thorough investigation into the complaint submitted against Justice Azmiralda. Statements were taken from multiple parties including Justice Mahaz and the relevant Criminal Court judges. Justice Azmiralda was given the right to defend herself with legal assistance. Due process was fully observed and strictly adhered to at every stage of the case.
43. As per the Judicial Service Commission's Act, following an investigation, the JSC must compile two reports. First is the Investigation Report that must be compiled after investigation and shared with the judge under investigation with an opportunity to respond, as per Section 25(h)⁵ of the Act. This Report

⁵ Section 25(h) of the Judicial Service Commission's Act states that, after investigating the case, the Investigation Committee must compile an Investigation Report in relation to the case, and send the report to the judge against whom the complaint it made for the purpose of responding.



was compiled and shared with Justice Azmiralda on 13 March 2025. The second report is the Committee Report, which as per Section 29 of the Act, is to be compiled and sent for the consideration of the Commission, after concluding the investigation, containing the findings and final determination of the Investigation Committee.

44. Justice Azmiralda was afforded the right to respond in writing to the Investigation Report as per Section 25(i) of the Judicial Service Commission's Act on 13 March 2025. Justice Azmiralda submitted her response in writing on 6 April 2025. Subsequently, a hearing was conducted on 13 April 2025, in which Justice Azmiralda was afforded further opportunities to defend her case and present any arguments she wished to present.
45. Section 33-1 of the Judicial Service Commission's Act states that, if, based on the evidence and proof submitted in a complaint against a judge or the evidence and proof obtained by the Commission in relation to that case, it can be reasonably concluded that the matter occurred or has occurred, the Commission shall determine that the complaint is proven against that judge.
46. Based on evidence obtained during the investigation, the Investigation Committee determined that Justice Azmiralda participated in influencing the Criminal Court's remand hearing relating to [REDACTED] arrest. This was a violation of Article 142 of the Constitution, Sections 32(a)(3), 32(a)(5)⁶, 33(b)⁷ of the Judges' Act and Sections 2.2⁸, 3.1⁹ and 3.2¹⁰ of Judges' Code of Conduct.
47. The Investigation Committee sent its Committee Report to the Commission, after which this report was shared with Justice Azmiralda for further

⁶ Sections 32 of the Judges' Act details the code of conduct to be adhered to by all judges. Section 32(a)(3) states that a judge must act and decide in accordance with the Constitution and laws, and in a manner that is independent, without fear or favour, without seeking benefit for any party and free from bias. Section 32(a)(5) goes on to state that, a judge shall not engage in any action, participation, speech, expression of opinion, or any other manner that may raise or potentially raise questions about the judge's independence, impartiality, and fairness, and that a judge shall not speak in a manner that shows political bias towards any particular party.

⁷ Section 33 of the Judges' Act details the responsibilities of a judge. As such, Section 33(b) states that it is the responsibility of a judge to respect all laws and regulations of the Maldives, while maintaining professional standards.

⁸ Section 2.2 of the Judges' Code of Conduct states that, judges' conduct, both in and out of court, should be maintained in a manner that upholds the trust in the judiciary among all those working in the legal and justice sector, parties involved in cases, and the general public. In this regard, no judge should provide any advice or consultation to any party regarding a case that has been submitted to the court or is expected to be submitted to the court.

⁹ Section 3.1 of the Judges' Code of Conduct states that, judges must conduct themselves in a manner that does not raise questions about their honesty, sincerity, and trustworthiness among the general public.

¹⁰ Section 3.2 of the Judges' Code of Conduct states that, the ethical standards of judges must be maintained at a high level that ensures public trust in the integrity, sincerity, and trustworthiness of the judicial system.



comments on 17 April 2025. Justice Azmiralda shared her responses on 24 April 2025. This is the second opportunity afforded to Justice Azmiralda to provide responses in writing, as per the Judicial Service Commission's Act.

48. The Commission then reviewed the Investigation Committee's Report and Justice Azmiralda's responses, and ultimately concurred with the findings of the Investigation Committee. As a result, on 4 May 2025, the JSC decided to recommend dismissal of Justice Azmiralda to the Parliament.

G. Additional case against Justice Azmiralda at the JSC

49. The JSC decided on 6 March 2025 to investigate an additional disciplinary case regarding Justice Azmiralda. This was the same case that was being investigated by the JSC against Justice Suood in relation to the summoning of the former [REDACTED]. During the investigation against Justice Suood, the Investigation Committee found that Justice Azmiralda and Justice Mahaz were present when Justice Suood summoned the [REDACTED] and allegedly addressed him in a disrespectful and inappropriate manner using offensive language.
50. The Investigation Committee found that since Justice Azmiralda and Justice Mahaz's participation in this incident is probable, there is reason to believe that this could amount to a breach of ethics if proven, and therefore, submitted this to the Commission. The JSC decided on 6 March 2025, to investigate the involvement of Justice Azmiralda and Justice Mahaz in this case.
51. This disciplinary case has been now closed following the removal of Justice Azmiralda as a Justice of the Supreme Court by the Parliament on 14 May 2025.

H. Case against Justice Mahaz at the JSC

52. A complaint was submitted by an individual to the JSC, alleging that Justice Mahaz had called a Criminal Court judge to influence the remand hearing of [REDACTED]. The Commission in its meeting held on 26 February 2025, decided to investigate the complaint, and sent a notice to Justice Mahaz on 26 February 2025. Justice Mahaz was also given the opportunity to appoint legal counsel, which he exercised by appointing [REDACTED] on 6 March 2025.
53. Justice Mahaz attended the investigation at the JSC with his lawyer on 9 March 2025, and was given the opportunity to defend himself. He was also given all the necessary information he inquired regarding the registration and investigation procedures at the JSC. Contrary to the information received by the Special Rapporteur, the Committee Report of the Investigation Committee



contains this information, including the legal basis for the Commission (and not the Committee), deciding on investigating this case. This is outlined in paragraphs 30 - 32 above.

54. Government reiterates Sections 25(c) and (e) of the Judicial Service Commission's Act as stated above in paragraphs 38 - 40 above, and notes that the JSC's decision to reject the request of Justice Mahaz to allow his lawyer to answer on his behalf was fully consistent with the Judicial Service Commission's Act.
55. The JSC conducted a thorough investigation into the complaint submitted against Justice Mahaz. Statements were taken from multiple parties including Justice Azmiralda and the relevant Criminal Court judges, and Justice Mahaz was given the right to defend himself with legal assistance. Due process was fully observed and strictly adhered to at every stage of the case.
56. Following the procedure outlined in paragraph 43 above, the Investigation Report was compiled and shared with Justice Mahaz on 13 March 2025.
57. Justice Mahaz was afforded the right to respond in writing to the Investigation Report as per Section 25(i) of the Judicial Service Commission's Act on 13 March 2025. Justice Mahaz submitted his response in writing on 6 April 2025. Subsequently, a hearing was conducted on 13 April 2025, in which Justice Mahaz was afforded further opportunities to defend his case and present any arguments he wished to present.
58. Section 33-1 of the Judicial Service Commission's Act states that, if, based on the evidence and proof submitted in a complaint against a judge or the evidence and proof obtained by the Commission in relation to that case, it can be reasonably concluded that the matter occurred or has occurred, the Commission shall determine that the complaint is proven against that judge.
59. Based on evidence obtained during the investigation, the Investigation Committee determined that Justice Mahaz participated in influencing the Criminal Court's remand hearing relating to Justice Azmiralda's [REDACTED] arrest. This was a violation of Article 142 of the Constitution, Sections 32(a)(3), 32(a)(5)¹¹, 33(b)¹² of the Judges' Act and Sections 2.2¹³, 3.1¹⁴ and 3.2¹⁵ of Judges' Code of Conduct.

¹¹ See footnote no: 7 above.

¹² See footnote no: 8 above.

¹³ See footnote no: 9 above.

¹⁴ See footnote no: 10 above.

¹⁵ See footnote no: 11 above.



60. The Investigation Committee sent its Committee Report to the Commission, after which this report was shared with Justice Mahaz for further comments on 17 April 2025. Justice Mahaz shared his responses on 24 April 2025. This is the second opportunity afforded to Justice Mahaz to provide responses in writing, as per the Judicial Service Commission's Act.
61. The Commission then reviewed the Investigation Committee's Report and Justice Mahaz's responses, and ultimately concurred with the findings of the Investigation Committee. As a result, on 4 May 2025, the JSC decided to recommend dismissal of Justice Mahaz to the Parliament.

I. Dismissal of Justice Azmiralda and Justice Mahaz

62. The JSC sent the reports of the two cases investigated by the JSC regarding Justice Azmiralda and Justice Mahaz to the Parliament on 5 May 2025, recommending the dismissal of the two Justices.
63. The Judiciary Committee of Parliament is not tasked with re-investigating disciplinary matters.¹⁶ Rather, it serves as an additional safeguard for judges under investigation. Its role is to assess whether the JSC adhered to due process in the conduct of its investigation and disciplinary proceedings.
64. The Judiciary Committee examined the case reports sent by the JSC and the Committee members voted to allocate additional time for a thorough review of the case documents prior to reaching a decision. Following deliberations, the Judiciary Committee in both these cases, found that the JSC had acted in full compliance with the relevant laws and procedures. On 11 May 2025, the Committee voted to approve the dismissal of the Justices and sent the Committee Reports to the floor of the Parliament for final decision.
65. On 14 May 2025, the Maldives Parliament held a vote to determine the outcome. Article 154(b) of the Constitution states that a judge may be removed from office only if the Judicial Service Commission finds that the person is grossly incompetent, or that the judge is guilty of gross misconduct, and submits to the Parliament a resolution supporting the removal of the judge, which is passed by a *two-thirds majority* of the members of the Parliament present and voting. 82 (eighty-two) members of the Parliament were present in this session, out of which 81 (eighty-one) members were

¹⁶ Section 129(i) of the Parliamentary Procedures states that, when the JSC finds that a judge should be removed as per Article 154(b) of the Constitution and submits such a case to the Parliament, then it is the responsibility of the Judiciary Committee to *review* such cases and send them to the Parliament for consideration.



eligible to vote. Which means that the two-thirds majority required by the Constitution for dismissal would be 54 (fifty-four) votes.

66. The Parliament passed¹⁷ the two motions to dismiss Justice Azmiralda and Justice Mahaz with 68 (sixty-eight) votes in favour (73% of the whole Parliament) and 11 (eleven) votes against (11.8% of the whole Parliament).

J. Amendment to the Constitution and Case at the Supreme Court

67. In February 2024, a Member of Parliament submitted an Anti-Defection Bill to the Maldives Parliament, to address the issue of elected members of Parliament, local councils, and women’s development committees, changing their political party, on whose ticket they got elected to office. This Bill was passed by the previous Parliament, majority of which were held by members of the Maldivian Democratic Party (“MDP”).
68. Following the enactment of the Act, there were many debates across the legal community in terms of the legality of the Act, specifically on the basis that the circumstances where a Member of Parliament would lose their seat is explicitly stated in the Constitution, and therefore any anti-defection provisions should be included in the Constitution and not in a statute.
69. To address these concerns, the current Government submitted a Bill to the Parliament, to amend the Constitution. The Bill was passed with 78 (seventy-eight) votes, far exceeding the majority required to pass the Bill. The current Parliament consists of 93 (ninety-three) seats. The Bill was ratified on 20 November 2024 and came into force the same day.
70. Following this, a Maldivian lawyer submitted a constitutional case to the Supreme Court of the Maldives, challenging the legality of this Sixth Amendment to the Constitution. The respondent of the case is the Attorney General’s Office.
71. There is no legal requirement for the full bench of the Supreme Court to review the case. However, the Supreme Court on its own initiative decided that the full bench would preside over the case.
72. The Attorney General’s Office as the respondent, dealt with the case as it would in any constitutional case. After reviewing the claim form, the Attorney General’s Office decided to raise a procedural objection. Hearings were

¹⁷ <https://majlis.gov.mv/en/20-parliament/sitting/session/946>



conducted in February 2025 to hear on the procedural objection. While the Supreme Court did not provide a decision on the procedural objection in writing, the Supreme Court did ask the Attorney General's Office to respond to the substantive arguments in the claim. Hence, the Attorney General's Office submitted its response to the case on 9 March 2025.

73. Contrary to the information received by the Special Rapporteur, neither the President nor the Attorney General made any attempt to influence the Supreme Court Justices in this case or in any other matter. The allegation that the Attorney General conveyed messages to Justice Azmiralda through a third party to influence her views on the constitutional case, or that she was threatened with disciplinary action, is wholly untrue. Justice Azmiralda has produced no evidence whatsoever to substantiate these claims. These assertions amount to a gross misrepresentation of fact and are entirely without foundation.
74. A private conversation occurred between the Attorney General and a personal acquaintance, [REDACTED]. The Government categorically denies that this conversation involved any threats directed at Justice Azmiralda or any attempt to influence her in relation to the constitutional case. The Government further wishes to draw the Special Rapporteur's attention to a critical point: if Justice Azmiralda genuinely believed that any form of influence was exerted through that conversation, she made no mention of such concerns during either of the two Supreme Court hearings held in connection with the constitutional matter. Hearings in which the Attorney General's Office appeared as the respondent, and which took place after the conversation in question. It is only following the JSC's independent decision to initiate a disciplinary inquiry against her that these allegations of undue influence emerged, raising serious questions about the timing and credibility of such claims.
75. The Government has unwaveringly upheld its pledge to respect the rule of law and the supremacy of the Constitution by ensuring zero interference in the Judiciary. At the time of submission of the constitutional case, the Government had been in office for more than a year and had not attempted to alter the composition of the Supreme Court bench, unlike many previous administrations.
76. The Government also wishes to bring to the attention of the Special Rapporteur, that the information received by the Special Rapporteur only mentions the application by the claimant in the constitutional case for one interim order – seeking a temporary stay on the enforcement of the anti-defection amendment. The information omits the fact that an application for an interim order was also made on the same day (25 February 2025), to order



all State institutions to refrain from initiating or pursuing any disciplinary proceedings against the Justices of the Supreme Court, abstain from carrying out any criminal investigations involving any Justices of the Supreme Court, avoid commencing any dismissal proceedings against any Justices of the Supreme Court, and refrain from undertaking any actions that could be construed as measures directed against any Justices of the Supreme Court.

K. Proposed Amendment to the Judicature Act

77. The composition of the Supreme Court has varied over the years. During the transitional period that ensued the adoption of the 2008 Constitution, the Supreme Court constituted of five Justices. In 2010 at the end of the transitional period, this number was increased to seven Justices. In 2014, through the First Amendment to the Judicature Act, the Supreme Court was sized down to five Justices. In 2019, the Third Amendment to the Judicature Act came into force reconstituting the Supreme Court bench to seven Justices.
78. On 23 February 2025, a Bill was introduced to the Parliament as a private member bill, to amend Act Number 22/2010 (Judicature Act of Maldives), with a purpose of aligning the judiciary more closely with the Constitutional principles and to ensure it serves the best interest of the people.
79. According to the Bill, the Supreme Court shall be reconstituted to comprise five justices, and the JSC in reconstituting the Supreme Court bench, shall assess the competency of the Justices, and where a Justice is deemed incompetent shall initiate a motion for the dismissal of the Justices to the Parliament. A two third majority vote of Parliament is required for the dismissal to be effective. This two-fold evaluation process by both the JSC and the Parliament, sought to balance judicial independence against parliamentary oversight, ensuring that decisions regarding competency of the Justices are made through a transparent and democratic process.
80. The Government wishes to clarify to the Special Rapporteur that the Parliament did not bypass normal procedures in calling for a vote to pass the Bill. Section 215(a) of the Parliamentary Procedures states that voting shall be conducted in the Parliament using the electronic voting system. However, Section 215(d) of the Procedures states that notwithstanding that section, if there is an issue with the electronic voting system and if the system cannot be used at any given time, voting shall be conducted by asking each member separately.
81. The electronic voting system in Parliament is integrated with the microphone units located at each Member's desk, which become operational upon insertion of an official card issued to each Member. During the voting process, certain Members from MDP deliberately disconnected the microphone



cables, thereby preventing some Members from inserting their cards and accessing the system. As a result, the electronic voting system could not be utilised. Consequently, the Speaker of Parliament invoked the procedure outlined in Section 215(d) of the Parliamentary Procedures to conduct the vote on the Bill.

82. The Bill was passed by the Parliament with 68 (sixty-eight) votes on 26 February 2025. However, in line with the legal opinion issued by the Attorney General, the President on 11 March 2025, sent the Bill back to the Parliament for reconsideration, without ratification.
83. At the Parliament session held on 17 March 2025, the Bill was sent back to the Judiciary Committee of the Parliament for further review.

L. Independence of the JSC

84. The JSC is the constitutionally mandated independent institution tasked with appointing, promoting, and transferring judges (except the Chief Justice and Supreme Court bench, although recommendations shall be made for these positions), investigating complaints raised against judges and taking disciplinary actions as required, and formulating and enacting ethical standards for judges. The JSC, set up in line with the Constitution, comprises of the Speaker of the Parliament, a representative of the Parliament, three judges - one each from the Supreme Court, the High Court, and a lower court - representatives of the President, the general public, and the legal profession, the President of the Civil Service Commission, and the Attorney General.
85. While the composition of the JSC has been a long-debated issue in the Maldives, an assessment of the justice sector reform proposals of the previous Government was carried out in August 2019 [REDACTED], who in his final report stated that “...*the suggestion that removal of political representation from the JSC will depoliticise the process is naive.*”
86. With this opinion, the previous Government did not reform the composition of the JSC as pledged. However, the current administration, does see merit in aligning the JSC with the best possible model that will limit any undue influence in the judicial process and therefore has included in the Legislative Agenda to submit an amendment to the Constitution accordingly.
87. Having said that, the Government assures the Special Rapporteur that since appointment of new members to the JSC following the change in Government in November 2023 and the Parliamentary Elections in April 2024, any member of the JSC have not exerted any influence over any judges to deliver decisions in the Government’s favour.



88. There are multiple safeguards in place to ensure that the JSC does not misuse its powers to exert influence over judges' deliberations and decisions and /or as a means of rewarding or punishing judges. The Judicial Service Commission's Act contains elaborate provisions on members' ethical conduct. Furthermore, Section 24 of the Act states that, the Commission or the investigating committee shall examine cases on the basis of fairness, establishing and maintaining the principle of trust that must exist towards courts and judges.
89. Moreover, an appeal process has also been incorporated into JSC procedures through the Second Amendment to the Judicial Service Commission's Act. As such, judges subjected to disciplinary action (except in cases of recommendation to Parliament for removal), can now submit an appeal of a JSC decision to a Judges Appeal Committee, which comprises of 3 (three) judges.
90. In addition to the above, there is now a clear procedure for investigation of cases which was included in the Judicial Service Commission's Act through its Second Amendment. These provisions ensures that judges facing disciplinary actions are given full procedural rights, including notice of charges, legal representation and right to defence.
91. In addition to the above-mentioned safeguards, the Maldivian legal system also provides for independent oversight and accountability of the JSC. As such the Judiciary Committee of the Parliament serves as a constitutional check on the JSC, ensuring its functions are transparent, lawful, and impartial. The Committee is empowered to review policies and works of the JSC and hold members accountable by requiring them to attend Committee hearings and respond to inquiries regarding their conduct and decisions.

M. Adherence to International Human Rights Law

92. The Government of Maldives affirms unequivocally that no undue influence was exercised over the judiciary. The ACC and JSC acted independently within their lawful mandates. At all stages, due process was rigorously observed in accordance with Article 10 of the Universal Declaration of Human Rights ("UDHR") and Article 14 of the International Covenant on Civil and Political Rights ("ICCPR"). Throughout the proceedings, all due process guarantees were observed as detailed in this response, including the right to be informed of the allegations, the opportunity to respond, access to legal representation, and the consideration of the matter by an impartial and independent body.



93. Allegations of corruption against members of the judiciary are among the most serious challenges to the rule of law, and this gravity is heightened when such allegations concern Justices of the Supreme Court. As the final arbiters of justice and constitutional interpretation, the Supreme Court Justices must adhere to the highest standards of integrity and impartiality. Their conduct directly impacts public confidence in the entire legal system.
94. International human rights instruments, including the UDHR and the ICCPR, guarantee the right to a fair and impartial tribunal. The Government underscores that these provisions imply not only fair treatment of litigants but also the responsibility of States to ensure the independence and integrity of judicial officers. Similarly, the Bangalore Principles of Judicial Conduct stress the importance of independence, impartiality, propriety, and accountability in judicial conduct.
95. Therefore, when credible allegations of corruption arise, particularly at the highest levels of the judiciary, the Maldives is required under its constitutional and international obligations to respond promptly and decisively. Investigations must be conducted in accordance with due process, ensuring fairness and transparency (which in this case was fully adhered to). And once misconduct is established through proper legal procedures, timely action must be taken. Any failure to do so would itself amount to a dereliction of duty and may call into question the State's compliance with its international human rights obligations.
96. The fact that the judges were ultimately found to have committed serious misconduct and were dismissed by Parliament does not contradict the State's adherence to the Basic Principles on the Independence of the Judiciary ("**Basic Principles**"). On the contrary, these Principles do not provide absolute immunity to judges from accountability. Rather, they ensure that any disciplinary action, including suspension or removal, must be grounded in established legal standards, due process, and fairness.
97. In this case, the JSC followed procedures that were legally mandated, and consistent with Principle 17 of the Basic Principles, ensured that the complaints were addressed expeditiously and fairly, with the right to a fair hearing and the right to legal representation fully respected. The actions taken were based on clear findings of serious misconduct, which aligns with Principle 18 of the Basic Principles, which allows removal for behaviour that renders a judge unfit to discharge judicial duties. The involvement of Parliament in the final stage of dismissal provided an additional layer of oversight, not a parallel or political re-investigation, thereby reinforcing the checks and balances built into the system. Principle 19 of the Basic Principles was also respected, as the proceedings were conducted in accordance with



established standards of judicial conduct, and not arbitrary or extra-legal measures.

98. Thus, the dismissal of the Justices was not an infringement on judicial independence, but rather a legitimate exercise of accountability within a framework that respects both the independence and the integrity of the judiciary.

N. Maldivian legal framework on safeguarding independence of judges

99. The Constitution and relevant laws of the Maldives have clear provisions on terms of office of judges in the Maldives, their independence, security, adequate remuneration, conditions of service, pensions, and the age of retirement. As such, Article 148(c) of the Constitution states that judges shall be appointed without term but shall retire at the age of seventy years. Article 142 of the Constitution cements the independence on judges, by providing that judges are independent, and subject only to the Constitution and the law. The Article goes on to say that, in the performance of their judicial functions, judges must apply the Constitution and the law impartially and without fear, favour or prejudice.
100. Furthermore, Article 152 of the Constitution states that judges are also to be paid such salary and allowances in keeping with the stature of their office as determined by the People's Majlis. And finally, Article 154 of the Constitution provides strong protections for the tenure of judges. It states that a judge cannot be removed from office as long as they maintain good behaviour and adhere to judicial ethics. Removal is only possible if the JSC determines that the judge is either grossly incompetent or guilty of gross misconduct. In such cases, the Commission must submit a resolution recommending removal to the Parliament, which then must approve the removal by a two-thirds majority vote of its members present and voting. This process ensures that judges enjoy security of tenure while also providing a clear and rigorous procedure for accountability.
101. Additional judicial status and safeguards are afforded to judges through the Judges' Act. This includes security, pension, benefits and working conditions for judges, aiming to provide adequate remuneration and support for their roles.

The Government of Maldives emphasizes that prompt and appropriate responses to proven judicial misconduct, not only uphold the rights of the public but also reinforce the legitimacy of the judiciary and the broader justice system. Upholding accountability within the judiciary is not an attack on its independence. It is a fundamental element of its preservation. A requirement for public trust.



The JSC is the constitutionally mandated independent authority responsible for determining whether a judge has acted in violation of the Judges' Act and/or the Judges' Code of Conduct. In the cases of both Justice Azmiralda and Justice Mahaz, based on clear facts and compelling evidence, the JSC concluded that their actions amounted to serious misconduct.

The Government further rejects the claim that the Supreme Court was rendered non-functional by the suspension of the three Justices. It has not impeded the ability of ordinary citizens to access justice. Since 26 February 2025, the Supreme Court has continued to hear and decide cases. To date, four judgments have been delivered. Justice Hussain Shaheed was appointed as a Justice of the Supreme Court on 19 March 2025, to replace Justice Suood. Appointments to fill the remaining two vacancies are underway.

The Government is committed to upholding the rule of law, promoting and protection human rights and ensuring independence of the judiciary, as pledged by His Excellency President Dr Mohamed Muizzu on the day of taking oath of Office. The Government continues to take measures to ensure and enhance the independence of the judiciary and extend full cooperation in addressing the space constraints faced by the judiciary.

The Government hopes that the information provided in this response offers the Special Rapporteur a clear and comprehensive understanding of the events leading up to the resignation of a Justice and the dismissal of two Justices of the Supreme Court. The Government remains committed to transparency, accountability, and constructive engagement with all international human rights mechanisms.

As a demonstration of good faith and openness to continued dialogue, the Government extends a special invitation to the Special Rapporteur to undertake an official visit to the Maldives to observe, first-hand, the country's access to justice framework and the measures in place to safeguard the independence of the judiciary.

Abdulla Khaleel

Ms Margeret Satterthwaite,
Special Rapporteur on
the Independence of Judges and Lawyers,