

**Mandate of the Special Rapporteur on the independence of judges and lawyers**

REFERENCE:  
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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolution 26/7.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the **alleged arbitrary suspension from practice of 54 lawyers who signed a petition raising concerns about the situation of justice in Maldives and calling for judicial reforms.**

According to the information received:

On 10 September 2017, the Department of Judicial Administration, which is under the direct authority of the Supreme Court of Maldives, suspended 54 lawyers from practicing law. The lawyers were suspended indefinitely after they had signed a petition raising a number of serious concerns relating to due process of law, defendants' rights, the independence of the judiciary, the control of the Supreme Court over the licensing and affairs of lawyers, and the rule of law in Maldives. On 30 August, some of the lawyers who had signed the petition had attempted to submit it to the Supreme Court, and had assembled outside its premises to call for reforms. While a total of 56 lawyers signed the petition in question, two of them had previously been suspended and therefore did not appear on the notice issued by the Department of Judicial Administration.

The notice reportedly declared that the 54 lawyers had been suspended "because they [were] being investigated 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 in violation of Article 141 (c) and (d) of the Constitution of Maldives, Regulation on Legal Counsels Practicing in the Maldivian Courts and the Declaration in Schedule 1 of said Regulation, Regulation on Contempt of Court, the Judicature Act of Maldives, Regulation of the Supreme Court of Maldives and the Constitution of the Republic of Maldives." It included a list with the names of the 54 lawyers, their addresses, and their ID and licence numbers.

The number of lawyers suspended reportedly represents almost one third of lawyers in private practice in the Maldives and more than half the lawyers

licensed to practice before the Criminal Court. More particularly, this means that the entire legal teams of former President Nasheed and of the Maldivian Democratic Party and Joint Opposition Parties were suspended, as well as all the senior lawyers of opposition leader Gasim Ibrahim, and all the lawyers representing 13 Parliament members under criminal prosecution, three Parliament members recently stripped off of their seats, the family of a disappeared journalist, and the family of a blogger recently killed.

The lawyers have no avenue to appeal their suspension and they were not allowed to defend themselves.

The suspension of 13 of the 54 lawyers was reportedly lifted by the Supreme Court after they apologized for having signed the petition and sought for forgiveness.

I wish to express serious concern regarding the indefinite suspension of such a high number of lawyers after a procedure that does not appear to have met international standards on the matter. I also wish to express serious concern about the grave consequences these suspensions could have on the independence of the legal profession as a whole, on the realization of the right to a fair trial, in particular the right to legal representation of one's choice, and on access to justice in Maldives. A number of on-going trials may also end up being paralysed as a result of these suspensions.

According to the Basic Principles on the Role of Lawyers, lawyers are entitled, like all other individuals, to freedom of expression, belief, association and assembly (Principle 23). The Basic Principles also specify that lawyers have the right to take part in public discussions of matters concerning the law, the administration of justice and the promotion and protection of human rights, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. The right to freedom of opinion and expression is also enshrined in article 19 of the International Covenant on Civil and Political Rights, and the right to freedom of peaceful assembly in article 21, acceded by your Excellency's Government on 19 September 2006.

The Basic Principles also provide that charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures and that lawyers shall have the right to a fair hearing (Principle 27). They further state that disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review (Principle 28).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

I also wish to reiterate my predecessor's recommendation after her official country visit to Maldives, urging the creation of a self-regulating independent bar association to oversee the process of admitting candidates to the legal profession, the adoption of a uniform code of conduct and the enforcement of disciplinary measures, including disbarment (A/HRC/23/43/Add.3, para. 126).

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful to receive any additional information and any comment you may have on the above-mentioned allegations.

While awaiting a reply, I urge your Excellency's Government to take all necessary measures to safeguard the rights of the 54 lawyers suspended on 10 September and to protect the independence of lawyers in compliance with international instruments. In this context, I wish to inform your Excellency's Government that a copy of this letter will be shared with the Chief Justice, Honorable Uz Abdullah Saeed, and with the Director of the Department of Judicial Administration.

I also seize this opportunity to inform your Excellency's Government that I may express my concerns on the matter publicly in the near future. If that is the case, I would indicate that I have been in contact with your Excellency's Government's to clarify the issues in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Diego García-Sayán  
Special Rapporteur on the independence of judges and lawyers