



Statement on the Adoption of the Amendment to the Judicature Act

The Commonwealth Lawyers Association (CLA), the Commonwealth Legal Education Association (CLEA) and the Commonwealth Magistrates' and Judges' Association (CMJA) are concerned about the adoption of the Amendment to the Judicature Act reducing the number of Supreme Court Judges from 7 to 5. We are also extremely concerned at the removal of the Chief Justice Ahmed Faiz and Justice Muthasim Adnan by the President on the recommendation of the Judicial Services Commission. This is contrary to Article 154 of the Maldives Constitution which states that:

“154 (b) 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.”

In passing this Act and the subsequent unconstitutional removal of two senior judges, *The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003)*, have been breached. As a result the independence of the judiciary and the Rule of Law have been severely jeopardised. The Principles state that *“Judges should be subject to suspension or removal only for reasons of incapacity or misbehaviour that clearly renders them unfit to discharge their duties”*

They further state that: *“In addition to providing the proper procedures for the removal of judges on grounds of incapacity or misbehaviour that are required to support the principle of independence of the judiciary, any disciplinary procedures should be fairly and objectively administered. Disciplinary proceedings which might lead to the removal of a judicial officer should include appropriate safeguards to ensure fairness”*.

The hasty adoption of this legislation and the subsequent unconstitutional removal of Chief Justice Faiz and Justice Adnan, constitute a clear breach of the Commonwealth Principles to which the Government of the Maldives have subscribed.

The Associations urge the Government and Parliament of the Maldives to respect the independence of the judiciary and to comply with the relevant constitutional provisions, Commonwealth Principles and other relevant international standards.

Commonwealth Lawyers Association (CLA)
Commonwealth Legal Education Association (CLEA)
Commonwealth Magistrates' and Judges' Association (CMJA)

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NOTE TO EDITORS:

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. www.commonwealthlawyers.com

The **Commonwealth Legal Education Association** is an international non-profit organisation which fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK. www.clea-web.com

The **Commonwealth Magistrates' and Judges' Association** is a not for profit organisation, registered in the UK, whose aims are to promote judicial independence, advance education in the law, the administration of justice the treatment of offenders and the prevention of crime in the Commonwealth. It brings together judicial officers of all ranks from all parts of Commonwealth and provides a forum for the promotion of the highest judicial standards at all levels. www.cmja.org