

12 May 2025

LAWASIA STATEMENT OF CONCERN ON THE RECOMMENDATION OF THE JUDICIAL SERVICES COMMISSION OF MALDIVES

LAWASIA expresses significant concern at the recent recommendation of the Judicial Services Commission of Maldives (JSC), wherein it recommended that Supreme Court Justice Dr Azmiralda Zahir and Justice Mahaz Ali Zahir be dismissed. These judges, along with Justice Husnu Al Suood, had been suspended in February earlier this year.¹ The suspension of these judges have thrown into question the adherence to the principles of rule of law, due process and independence of the judiciary in Maldives. LAWASIA joins with the Commonwealth Law Association in expressing its grave concern at the events in the Maldives.

On 18 February 2025, the Supreme Court of Maldives decided to hear a constitutional challenge against anti-defection clauses added to the Constitution of Maldives.² On 24 February 2025, a bill proposing an amendment to the Judicature Act was introduced in the Maldivian Parliament.³

On 26 February 2025, an hour before the Supreme Court was supposed to commence the final hearing in the anti-defection case, the Maldivian Government passed the bill, reducing the bench strength of the Supreme Court from 7 to 5. The new amendment requires that the JSC must retroactively deem two Supreme Court justices to be 'incompetent' within five days of the bill's ratification.⁴ On the same day, the JSC suspended the abovenamed 3 justices, all of whom were supposed to participate in the hearing in the anti-defection case,⁵ citing communication from an anti-corruption watchdog of a criminal investigation.

On 04 March 2025, Justice Husnu Al Suood resigned from the Supreme Court, citing intimidation of all Supreme Court Justices and exertion of influence by President Muizzu.⁶ Subsequently, President Muizzu nominated High Court Chief Judge Hussain Shaheed as a replacement of Justice Al Suood. The nomination has since been confirmed by the Maldivian Parliament.⁷

On 04 May 2025, the JSC recommended the dismissal of Justice Dr Azmiralda Zahir and Justice Mahaz Ali Zahir from the Supreme Court for allegedly exerting influence over a criminal court judge.

¹ <https://maldivesindependent.com/news-in-brief/sunday-may-4-e7a4>

² <https://maldivesindependent.com/morning-brief/supreme-court-proceeds-with-anti-defection-constitutional-challenge-b219>

³ <https://maldivesindependent.com/politics/parliament-shrinks-supreme-court-ahead-of-ruling-on-party-control-of-lawmakers-90a3>

⁴ <https://maldivesindependent.com/politics/parliament-shrinks-supreme-court-ahead-of-ruling-on-party-control-of-lawmakers-90a3>

⁵ <https://theprint.in/world/muizzu-led-maldives-govt-cuts-top-court-to-size-with-suspension-of-3-judges-ahead-of-key-hearing/2512417/>

⁶ <https://raajje.mv/163828>

⁷ <https://maldivesindependent.com/morning-brief/watchdog-questions-suspended-justices-over-2022-verbal-abuse-case-f805>

LAWASIA notes with concern that the recommendation comes after reports had emerged that the counsels of the said Justices were not being given the opportunity to speak at the disciplinary proceedings being conducted⁸ and had initially not even been informed of the exact allegation of misconduct.⁹

On 09 May 2025, members of the JSC voted to deny Justice Azmiralda Zahir the opportunity to defend herself against the JSC's recommendation that she be removed from the bench. It is also relevant here to that the Maldivian Parliament is scheduled to vote on the dismissal of the justices on 12 May 2025.

The lack of transparency by the JSC has drawn significant concern with respect to the adherence to due process and procedural fairness. LAWASIA notes the statements of the Commonwealth Lawyers Association¹⁰ and the Bar Council of Maldives¹¹ issued in this regard. Such actions, if true, would call into question Maldives' commitment to the rule of law and the independence of the judiciary. In the past, LAWASIA has expressed its concern with respect to rule of law and independence of the judiciary in Maldives.¹²

In light of the above, LAWASIA calls upon the Government of Maldives to:

- a. Refrain from proceeding with the matter till the time the concerns raised by the Bar Council of Maldives in its statement are addressed;
- b. Ensure transparency and adherence to due process in relation to any proposed actions against serving judges including justices on the Supreme Court; and
- c. Ensure that the procedure adopted for the removal of judges is credible and comports to essential features of fairness including granting a full and effective hearing.



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⁸ <https://www.ohchr.org/en/press-releases/2025/04/maldives-un-expert-concerned-suspensions-and-proceedings-against-three>

⁹ <https://maldivesindependent.com/morning-brief/watchdog-questions-suspended-justices-over-2022-verbal-abuse-case-f805>

¹⁰ <https://www.commonwealthlawyers.com/statement/statement-on-the-recommendation-of-the-judicial-service-commission-of-the-maldives-for-the-dismissal-of-maldives-supreme-court-justices-dr-azmiralda-zahir-and-mahaz-ali-zahir/>

¹¹ <https://www.plus.mv/english/bar-council-calls-on-parliament-to-ensure-transparency-in-supreme-court-judges-case/>

¹² <https://lawasia.asn.au/sites/default/files/2018-05/Media-Release-LAWASIA-Denied-Entry-to-Maldives-27Feb2018.pdf>