



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



Statement on the recommendation to remove Supreme Court Justices Dr Azmiralda Zahir and Mahaz Ali Zahir from the Maldives

The Commonwealth Magistrates' and Judges' Association (CMJA) is concerned about the removal on 12 May 2025 of Supreme Court Justices Dr Azmiralda Zahir and Mahaz Ali Zahir by the Maldives Parliament following the recommendation by the Judicial Services Commission after their suspension in February under Section 25(p) of the Judicial Service Commission Act, which allows for the automatic suspension of judges based on an ongoing investigation by another authority, (in this case the Anti-Corruption Commission), without affording the judges an opportunity to challenge the decision. The CMJA is concerned that due process and natural justice were not followed and that the judges' legal representatives were not able to speak at disciplinary proceedings nor were the judges or their counsel informed initially of the detailed allegations against the judges. We are also deeply concerned about the reports on 25 May 2025 that an investigation had been launched against two judges who opposed the dismissals of Justices Dr Azmiralda Zahir and Mahaz Ali Zahir.

This follows on from the controversial decision of the government to reduce the numbers of Supreme Court Judges from seven to five. The CMJA is concerned that this is the second time that the numbers have been reduced from seven to five. The first time was in 2014, a decision which was reversed once in 2019. We support the Open Letter to the President of the Maldives issued by the Commonwealth Lawyers Association (CLA), LAWASIA and other Bar Associations on 4 June 2025 and the International Bar Association Human Rights Initiative (IBAHRI) on 9 June 2025.

In passing the Act and the subsequent removal of two senior judges without reference to due process or natural justice, *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 suspension and removal of the two judges 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."

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.

25 June 2025

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NOTE TO EDITORS:

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

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.ac