



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights"

PRESS RELEASE

P
R
E
S
S

R
E
L
E
A
S
E

ICJ urges support for an independent and accountable judiciary in the Maldives

16 September 2010: Male, Maldives. A delegation of the International Commission (ICJ) today met with the members of the media to share preliminary observations following its week-long mission to the Maldives. A full report will be made publicly available.

The ICJ urged collaboration by all political parties and authorities to support the consolidation of an independent, impartial, and competent judiciary. The delegation noted remaining challenges in this regard as well as steps to take the process beyond recent controversies.

Dr. Leandro Despouy, former United Nations Special Rapporteur on the Independence of Judges and Lawyers, has been leading the ICJ delegation, accompanied by Roger Normand, ICJ Asia-Pacific Director, and John Tyynela, ICJ Senior Legal Adviser. The objective of the mission has been to assess progress towards the establishment of an independent, impartial, and competent judiciary, and to make recommendations.

“Recognition is owed to members of both the current and former Governments for the peaceful transfer of power. No political actors are in exile. All those with whom I met in 2007 are today participating through democratic institutions in the task of consolidating these achievements,” stated Dr. Despouy. “An independent judiciary is basic pillar of this transition to democracy, without which there is a risk of reversals.”

The delegation noted that many reforms remain to be carried out, and that while fundamental change does not come overnight, the opportunity to move forward must not be missed. Reform measures still pending include the Judicature Bill, the Penal Code, a Criminal Procedure Code, and the Evidence Bill. One of the most serious challenges faced by the courts is the absence of these bills.

The delegation also took note of concerns related to political tensions that arose at the end of the two-year transitional period in August, during which key legislation, regulations, and judicial appointments were to be completed.

“We heard serious concerns that some political actors took steps contrary to the independence of the judiciary by disregarding judicial orders, as well as reports of threats against judges.” stated Roger Normand. “We were also informed that political factors influenced the recent

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

33, rue des Bains, P.O. Box 216, 1211 Geneva 8, Switzerland
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801 – Website: <http://www.icj.org> - E-mail: info@icj.org

mass reappointment of judges and magistrates.”

The ICJ emphasized that it had not looked at the competence of any particular judge or magistrate, but instead focused on looking forward at ways to strengthen independence, impartiality and competence.

“All judges must be given the opportunity to demonstrate their qualifications and integrity through transparent procedures,” stated Roger Normand. “Procedures to ensure adequate capacity and integrity are fundamental for sustaining its independence. An independent judiciary is a long term goal that requires political commitment and respect in order to achieve the necessary standards.”

The delegation emphasized the important role of the Judicial Services Commission in this regard. It is an institution whose responsibilities can only be fulfilled adequately through the establishment of fair and transparent regulations and procedures. Such a process empowers judges to carry out their responsibilities independently, based only on their competence and integrity. The ICJ will look for ways to assist in the longer term in supporting these objectives.

“The judiciary in a democratic society must not be subordinate to the executive nor to the legislative bodies. All three powers must be able to perform their functions without threat or undue interference and in accordance with the Constitution,” emphasized Dr. Despouy. “This historic moment requires mutual respect and collaboration in the service of democratic governance and the protection of fundamental rights. This is the meaning of democracy and the separation of powers,” he concluded.

For further information, contact Roger Normand (Male) at mobile: +66 84 524 1133.