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Excellency,

Subject: Repressive actions against legal practitioners in the Maldives

We are a national NGO of the Maldives, working to promote free and open democracy in the Republic of Maldives through the protection and promotion of human rights. One of our key focus areas is judicial independence and the rule of law, and we have worked in these areas for the past ten years. We write to bring to your attention to the grave and systematic violation of human rights currently being perpetrated in the Maldives, through repressive and unconstitutional government actions and political violence against lawyers.

A total of six defence lawyers—Hussein Shameem, Ali Nadeem, Mohamed Thalib, Ali Ibrahim and Ali Shah—representing those accused of plotting to assassinate President Abdullah Yameen Abdul Gayoom have had their right of audience in Maldivian courts revoked. Due to the suspension of their practicing license, these lawyers are unable to visit any of their clients in custodial centres, whether or not those clients were detained pursuant to the investigation of the “assassination attempt.” These actions have been taken arbitrarily, and most of the lawyers or even some courts have not been informed, however the suspensions were shared with the local media.

Former President Mohamed Nasheed’s lawyer Hassan Latheef was also suspended in late October for relaying Nasheed’s messages to the Prime Minister of India, Narendra Modi, via Twitter. Latheef has filed a civil lawsuit against the Home Minister for unlawfully suspending his license when the Home Ministry has no constitutional power to take disciplinary action against lawyers.

On 4 September 2015, a member of former President Nasheed's legal team, Mahfooz Ali Saeed was stabbed in the head in broad daylight on a crowded street with multiple CCTV cameras. The attack came a week before Nasheed's international legal team members Amal Clooney and Jared Genser arrived in the Maldives and few days after Saeed made critical remarks at an anti-government rally. Meanwhile Nasheed's legal counsels Hisaan Hussein, Hassan Latheef, Ibrahim Riffath, Ahmed Afeef Abdulla, Safa Shareef and Abdulla Shair continue to criticize government's discriminatory actions preventing Nasheed from the opportunity to meet his family members or lawyers.

Opposition aligned lawyers face different forms of intimidation using contempt of court regulations. The transgressions of the judiciary came to the fore during the run up to the 2013 presidential elections. Supreme Court has no constitutional prerogative to regulate lawyers; however it forced all practicing lawyers to sign a resolution in June 2012 that restricted criticism of the judiciary or face losing their right of audience. Abdullah Haseen who represents a huge number of pro-democracy protestors was suspended in February 2013, for hosting a TV show about constitutional rights and the justice system. In September 2013 lawyer and MDP parliamentarian Imthiyaz Fahmy was prosecuted for contempt of court due to his critical views regarding the judiciary. During the same period, Nasheed's lawyers Hisaan Hussein and Hassan Latheef, as well as former Attorney General Husnu Suood who was representing the Elections Commission were suspended arbitrarily.

We urge the United Nations, and its agencies to make all possible interventions in order to rectify the climate of fear and repression pervading in the Maldives for defence lawyers. UN Special Procedures must take proportionate action and send an urgent and powerful message to the Government of Maldives to uphold its international legal obligations.

Yours sincerely,

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