



Reference No: 09/02/2013

16 February 2013

The MDP Welcomes Calls for Inclusive Elections and Continues to Raise Concerns of a Flawed Judiciary

The Maldivian Democratic Party (MDP) welcomes the calls by the Governments of India, the United Kingdom, United States, the Commonwealth, United Nations and the European Union for a free, fair and inclusive Presidential election in the Maldives. Reiterating the statements made by our development partners, the MDP calls for presidential elections where all parties are able to freely participate with the candidate of their choice.

The MDP remains deeply concerned over the current political situation and strongly believes the status of the judiciary and rule of law in the Maldives is not conducive to ensure a fair trial for President Mohamed Nasheed. The MDP further calls on the international community to be mindful of the status of the Maldivian judiciary which is systematically flawed and biased, as highlighted in numerous international, independent reports by the United Nations Human Rights Committee, International Commission of Jurists, Amnesty International, The Commonwealth Ministerial Action Group.

“As President Nasheed is unable to give public statements, I would like to remind our development partners that despite Constitutional amendments in 2008 which led to separation of powers and the stipulation in the Constitution for an independent judiciary, we inherited a judiciary with most judges handpicked by former President Qayyoom. Many Judges in the Maldives judiciary are under qualified, have criminal convictions, are of dubious moral character, corrupt with political bias, and are unduly influenced by members of the former regime” said Mariya Didi MP, President Nasheed’s spokesperson.

“In many instances, the Supreme Court has undermined the Constitution, acted *ultra vires*, eroded the checks and balance system & have prevented the proper functioning of the independent judicial watchdog, the JSC. Even the Hulhumale Court, which the Parliament ruled should not exist under the law and Constitution has been ruled as a legal Court by the Supreme Court, in a judgment with 3 dissenting which included the Chief Justice and 4 ruling that Hulhumale' Court can exist in law with the majority Judges which included Justice Adam Mohamed who is the President of the JSC which was the appellant and in circumstances where if due process was followed he should have recused himself” Mariya added.

“When international actors refer to rule of law and due process, it is only a presumption that rule of law exists in the Maldives” said Hamid Abdul Ghafoor, MDP Spokesperson.

“When calling for rule of law in the Maldives our international partners must bare in mind the current state of the judiciary, and its ability to conduct a fair trial” Ghafoor added.

ENDS

Hamid Abdul Ghafoor
Spokesperson, International Affairs
Mobile: +9607778285
Tel: +9603340044

