

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Department of Judicial Administration
Supreme Court of the Maldives
Male', Maldives



(Unofficial Translation)

The Supreme Court's Court Order Number: 2018/SC-SJ/01

Whilst Case Number 17/SC-A/2017 of the Supreme Court was a matter referred to by the Attorney General and reviewed by the court to provide a temporary solution to the issue of floor-crossing and changing party membership of parliamentarians until such a time the People's Majlis enacts a law for the purpose, and the Government and the People's Majlis failed to abide by the ruling having 6 months and 20 days passed thereafter whilst the Constitution of the Maldives mandates the State to uphold the ruling on the case, and that the Elections Commission has unseated several members of the People's Majlis who have been elected by popular vote of various constituencies despite the above mentioned law not being enacted, and whereas the Supreme Court has not decided that the seats of members of the People's Majlis have been vacated, the members attempted to enter the premises of the People's Majlis as it is a constitutional right for them to go in and fulfill their constitutional duty, and whilst it is noted that the State, took the actions of the members to be a criminal offence, preferred criminal charges against several members of

the People's Majlis, and whereas in light of the recent unrest being witnessed by the Maldives and upon careful consideration of the fundamental rights and freedoms enshrined in the Constitution and the international human rights covenants and treaties acceded to by the Maldives such actions are believed to cause a loss of public order and diverge the nation from the path of the constitutional system adopted by the people, and therefore pursuant to the powers vested in the Supreme Court as the guardian of the Constitution and the laws and as the highest authority in the administration of justice in the Maldives, and having deliberated on the Article 141 and 145 of the Constitution:

1. The ruling of the Supreme Court, Number 17/SC-A/2017 with respect to floor-crossing, is nullified effective from the date of 01 February 2018,
2. Whereas the constitutional system of the Maldives is established on the separation of powers and the principles of checks and balances are maintained between the three powers of the State and within the parameters of the Constitution and the laws rather than one power exerting influence over the functions of the other, and whereas the Government, the People's Majlis, the Security Forces and the people are obliged to comply with the decisions of the Supreme Court on legal and judicial matters, and whereas any attempt to interfere or influence the functions of a Judge of the Supreme Court would constitute a felonious act to undermine the Constitution and the laws, and although the Judicial Services Commission has within its jurisdiction, the power to review complaints filed against Judges, whereas it is clear from Article 159 (a) of the Constitution which stipulates the powers and responsibilities of the commission, that the commission has

jurisdiction over the Judges of the courts with the exception of the Chief Justice and the Judges of the Supreme Court, and that the Judicial Services Commission has neither power nor jurisdiction to schedule or investigate complaints relating to the Judges of the Supreme Court,

3. It is the responsibility of the Supreme Court, as the highest authority in the administration of justice, to ensure the independence of the Judiciary without any influence and facilitate for the appointment of Judges and therefore no Judge or Chief Judge shall be appointed to a court of the Maldives without a written approval of the Supreme Court,

4. Whereas the legislature, one of the three powers of the State has been suspended and unable to exercise its functions for a long time, and whereas no member of the People's Majlis has legally lost membership of the Majlis since the date of the Supreme Court's ruling on Case Number 17/SC-A/2017, the People's Majlis, including those who remained as members prior to the date of the said ruling, shall in accordance with the Constitution and the law, conduct the first sitting of the first session of the People's Majlis for the year 2018,

1- Upon deliberation of matters petitioned at the Supreme Court under supervisory jurisdiction claiming: criminal proceedings were conducted based on political motivations; and in violation of the Constitution and the international human rights covenants acceded to by the Maldives; and the rulings were given subject to undue influence over judiciary and the prosecutor; and contrary to due process; the court finds these cases require

retrials and judgments pursuant to the law and until a final verdict is reached, the court orders the immediate release of 1-Mohamed Nasheed of G. Kenereege’, 2-Mohamed Nazim of M. Seenukarankaage’, 3-Imran Abdulla of Mal’haaru, Meemu Kolhufushi, 4-Ahmed Adeeb Abdul Gafoor of H. Saamaraa, 5-Muhuthaz Muhsin of Raiymasge’ Gaafu Alifu Maamendhoo, 6-Gasim Ibrahim of M. Maafannu Villa, 7-Ahmed Faris Maumoon of Ma. Kin’bigasdhoshuge’, 8-Ahmed Nihan of Venus Gaafu Alifu Maamendhoo, 9-Hamid Ismail of M. Shuraa Manzil for the provision of investigations and prosecutions in accordance with the Constitution and the laws.

Pertaining to Articles 141 and 145 of the Constitution and Sections 11, 20, 22 and 77 of the Judicature Act of the Maldives, the Justices of the Supreme Court of the Maldives unanimously order the Government of the Maldives, the People’s Majlis, the Security Forces comprising of the armed forces and the police and all relevant authorities and institutions of the State to act upon this Order, and should any party violate or obstruct or is negligent of the Order in any manner or to any extent, the Prosecutor General is hereby ordered to review, investigate and prosecute each case individually and accordingly.

15 Jumadhal-Ula 1439

01 February 2018
