

**Annex I: Statements delivered by the Maldives at the Session**

**Statement by H E Ms Iruthisham Adam, Permanent Representative of  
Maldives: Interactive Dialogue with Special Procedures  
30 May 2011**

Thank you Mr. President,

The Maldives would like to comment on the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the independence of judges and lawyers.

The report of the Special Rapporteur on extrajudicial, summary or arbitrary executions is extremely timely and accurately conveys the difficulties faced by States in trying to ensure the full enjoyment of the right to peaceful protest while also maintaining law and order.

The Maldives believes that the starting point in addressing this issue must be that States must fully respect the right to freedom of assembly, and not use security concerns as an excuse to limit or circumvent the right for example by declaring sweeping emergency laws.

Beyond that starting point, it is clear that the right to protest must be enjoyed responsibly and States have a duty to ensure that assemblies are peaceful and orderly and do not undermine the rights and safety of others in the population. This of course is not always easy and, as the mandate-holder recognizes, much responsibility rests on the police. In that regard, we agree that the challenges facing democratizing States such as the Maldives are particularly acute as such States have less experience in policing demonstrations and in being able to respond to fluid changes in crowd size, movements and actions.

With this in mind, the Maldives would like to ask the Special Rapporteur the following question:

1. What international guidance is available to States to ensure that their domestic laws on the right to freedom of assembly are consistent with both the inalienable nature of that right, and the importance of maintaining law and order and protecting the wider population?
2. What capacity-building support is available to police forces in democratizing States to help them better police assemblies?

Mr. President,

Turning to the Special Rapporteur on the independence of judges and lawyers, I would like to briefly update the mandate-holder on developments in the Maldives.

As the mandate-holder knows, a key difficulty in the Maldives as we continue our democratic transition is to establish a judiciary which is not only strong and independent, but which is also professional and accountable to the population it serves.

The problem we face in the Maldives is that unlike other branches of government, the judiciary has remained largely unreformed since the ratification of the new Constitution and the country's first democratic elections. Because of this, the judiciary is failing to secure the trust of the people.

With this in mind, the Government invited the International Commission of Jurists to visit the Maldives and review the situation. The ICJ's findings were published in February. The Government welcomed the findings and has committed to play its part in their implementation. Unfortunately, since the release of the ICJ report, there has been little change in the underlying problems facing the judicial sector. This was illustrated earlier in May when the Judicial Services Commission decided to completely abolish its Complaints Committee citing "efficiency", removing the only mechanism to ensure accountability. Last year the JSC received 143 complaints concerning the conduct of judges. According to its own statistics, not one of these was ever tabled in the Complaints Commission, and only five were ever replied to.

The Maldives would like to ask the Special Rapporteur to comment on this.

The Maldives would also like to recommend that the Special Rapporteur focus her next report on how States can establish laws, mechanisms and procedures to maintain the full independence of the judiciary while also promoting the accountability, impartiality and professionalism of the judiciary.

Thank you.