



Check Against Delivery

Statement by Honourable Mr. Mohamed Jameel Ahmed
Minister of Justice of the Republic of Maldives

Responding to the Report of Dr. Leandro Despouy, Special Rapporteur
on the Independence of Judges and Lawyers

11 June 2007

Mr. President, Excellencies, Distinguished delegates,

On behalf of the Government of Maldives, I would like to take this opportunity to express our sincere appreciation to Dr. Leandro Despouy, for undertaking his visit to the Maldives in February of this year. The Government warmly welcomes Dr. Despouy's report which comes at a time when the Maldives is taking significant strides in strengthening its legal and judicial sector. The current Agenda for Democracy, Human Rights and Reform was introduced by President Maumoon Abdul Gayoom on 9th June 2004, and aims, *inter alia*, to bring the legal and judicial systems of the country into line with international norms and standards.

Mr. President,

Our objective with the legal and judicial reform programme is clear: A system that respects the three arms of government, and protects individual liberties and fundamental freedoms. Once complete, it is hoped that the legal and judicial system of the Maldives might serve as a model where Islamic principles coexist in harmony with modern legal and human rights norms.

I also applaud Dr. Despouy's report for identifying and encouraging the international community to work with the Maldives in fully realising the recommendations made in the report. This is because:

- The new constitutional and democratic framework of the country must comply with international standards and norms, in harmony with Islamic Shariah and encompassing our societal values.
- Given the limited financial and technical resources of the Maldives, the country needs to rely, to some degree, on outside support and advice.

It is in the context of our efforts to engage with the international community that the Government extended an open invitation to all Special Rapporteurs to visit the Maldives and assist us with our reform goals. Dr. Despouy was the second Special Rapporteur to visit the Maldives in the past 12 months under this invitation. We also hope to shortly receive the Special Rapporteur on Freedom of Opinion and Expression and are awaiting word from his office on suitable dates.

Mr. President,

As recognised by Dr. Despouy in his report, the Maldives, unlike other Commonwealth countries, did not inherit a political and legal system by colonial powers. Therefore, its traditional institutions and legal system, based on a juxtaposition of Shariah and Common Law has borrowed legal principles from different jurisdictions, and has evolved in a unique manner. We agree with Dr. Despouy that the legal system that emerged from this process needs to take several strides to align itself with international standards and to adequately serve the modern demands of the Maldives and its citizens.

Recognising and accepting these problems, the Maldives embarked, as part of the Reform Agenda, on a comprehensive reform programme designed to strengthen the independence of the judiciary and the legal system. The highlight of the aforementioned reforms is the drafting of a new Constitution. I am pleased to state that the chapter on the judiciary has been concluded by the esteemed members of the Constitutional Assembly and that they have opted for a judiciary headed by a Chief Justice, who will also be the head of the Supreme Court. The reforms include, *inter alia*, a new Penal Code, drafted with assistance from UN experts, which attempts for the first time to marry Shari Law and Common Law principles; a Sentencing Bill; a Criminal Procedure Code drafted to incorporate relevant provisions of the ICCPR, and ICESCR; a Bill on Evidence; a Police Bill, and a

Judicature Bill. We are pleased that the Special Rapporteur, in his report, expresses his support for these reforms.

Mr. President,

Turning to Dr. Despouy's recommendations, the Government would like to express its commitment to reviewing these thoroughly over the coming months.

Indeed, important progress has already been made in many of the areas identified by the Special Rapporteur.

For example, a Judicial Services Commission, mandated to advise the President on the appointment and dismissal of judges and to advise the appropriate authority on behavioural standards for judges, has already been established through Executive Decree. All judicial appointments since its establishment have been approved by the Commission. Further, the Constitutional Assembly has concurred on making the Judicial Services Commission an independent body under the new Constitution, and an Act of Parliament on the Judicial Services Commission is also currently being prepared with assistance of the UNDP.

In the area of capacity-building and training, similarly important progress has been made. For example, in May 2005, a total of 18 individuals, half of whom were women, were sent to Malaysia to be trained as judges. In addition, the Ministry of Justice has sponsored 30 students to undergo legal training at the Faculty of Shariah and Law in the Maldives, as part of efforts to strengthen the judiciary. Several in-house programmes to enhance the capacity of the judiciary and the administrative staff are also being continually conducted. Thus far, all magistrates from 16 of the 20 atolls of the Maldives have been trained under the continuing education training programme initiated in 2005, on emerging legal and social

developments, in addition to the weekly lectures and workshops that began this year, to further capacities of judges and lawyers.

I am also pleased to mention our new collaboration with the Subordinate Courts of Singapore, under which the Maldives will shortly, for the first time, introduce pre trial conferences, and utilise other case management tools. In addition, the court administrative staff will be provided opportunities to work with the Subordinate Courts of Singapore, the first batch of the staff will depart to Singapore in a couple of months.

Mr. President

I am delighted to announce today that the Government of Maldives recently nominated the first ever female judges to the Judicial Services Commission. This is a historic milestone for our country and I am confident that it is a step that will be warmly welcomed by the Special Rapporteur.

The remuneration of judges has also been increased and stands more than that of other government employees, with an additional raise in their housing allowances. The Government is also working towards the establishment of a judgment enforcement mechanism and a compensation mechanism.

An Arbitration and Mediation Centre is also to be established to facilitate dispute resolution outside the court. The first draft of the Arbitration Bill, which is in line with UNCITRAL model, is currently being circulated for comments. Further, the option of utilising court-based mediation is also being explored with the expert advise of the Subordinate Courts of Singapore.

Mr. President,

As Dr. Despouy states at the end of his report, the Maldives cannot successfully complete the reform path upon which it is embarked without substantial technical and financial assistance from the international community. This support is especially needed in the areas of capacity-building and training for lawyers, judges and prosecutors, the establishment of a body for legal professionals and a legal aid mechanism.

If these channels of international support are not identified and mobilised, a golden opportunity will be missed to create a strong and independent judiciary in the Maldives.

I would therefore like to take this opportunity to call on Dr. Despouy, the Office of the High Commissioner for Human Rights, the whole UN System, and the international community as a whole, to seize this opportunity and to work with us on this important endeavour.

Mr. President,

In conclusion, Dr. Despouy's report is a very useful and helpful contribution to judicial reform in the Maldives. However, without effective implementation of its recommendations, the report and the effort that has gone into compiling it will prove worthless. I assure you that the Government of Maldives will continue to utilise available resources towards enhancing the independence of judges and lawyers, and state that the Government is ready to engage and play its part in this regard; we hope and trust the international community is ready to do likewise.
