



Public Statement

The Law Society of Upper Canada expresses grave concern about the suspension of 56 lawyers in the Maldives

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the suspension of 56 lawyers in the Maldives.

It is the Law Society's understanding that the suspended lawyers had signed a petition raising concerns about the independence and functioning of the country's justice system. Some of the lawyers had assembled outside the Supreme Court on August 30, 2017, trying to submit the petition and calling for judicial reforms. The Supreme Court immediately rejected the petition without review. This suggests that the Court failed to act with due process.

On September 10, 2017, the Maldivian Department of Judicial Administration published an announcement via Twitter stating that 54 lawyers would be indefinitely suspended from legal practice from that day onwards. It is unclear from the announcement whether the action was carried out by the Department of Judicial Administration or directly by the Supreme Court of Maldives.

Two of the 56 lawyers who signed the petition have been under indefinite suspension from legal practice in the Maldives since November 2015 and August 2016. The incidents or actions that led to their suspension have still not been disclosed to them.

According to reliable information, none of the 56 lawyers have been allowed to exercise the right to defend themselves or be heard before a disciplinary proceeding. As well, we understand that all 56 lawyers have been penalized before an investigation was conducted regarding the allegations.

As stated by the UN Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán, "Just like everyone else, lawyers are entitled to freedom of opinion, expression, association and peaceful assembly... In particular, they have the right to take part in public discussions on matters concerning the law, the administration of justice and the protection of human rights. Mr. García-Sayán also stated that this mass suspension did not abide by international standards regulating disciplinary proceedings against lawyers and protecting their independence. The grounds for the suspension are dubious, and thus far the lawyers have not been granted a fair hearing and have no avenue for appeal.

According to the Special Rapporteur, the suspended lawyers could represent one-third of the lawyers in private practice in the Maldives and more than half of the lawyers licensed to practice before the Criminal Court. These suspensions could have grave consequences not only for the suspended lawyers, but also for the independence of the legal profession as a whole, the

realization of the right to a fair trial and access to justice in the Maldives. The Special Rapporteur noted that “Entire legal teams have been decimated and a number of on-going trials will end up paralysed, to the detriment of the rights of both victims and defendants.”

The Law Society is deeply concerned about this situation and urges Your Excellency to comply with the Maldives’ obligations under international human rights laws, including the United Nations’ *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions.

Furthermore, Article 23 provides:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of the Maldives to:

- a. withdraw the suspensions of the 56 lawyers immediately, including the indefinite suspension of 2 of the lawyers;
- b. provide reasons for the indefinite suspension of 2 of the lawyers that are proportionate to such a severe decision and ensure that such a decision is supported by adequate evidence;
- c. provide clear information to the other 54 lawyers about the reasons for their suspensions;

- d. guarantee all of the procedural rights that should be accorded to the 56 lawyers in accordance with international standards regulating disciplinary proceedings against lawyers;
- e. create an independent and self-regulating bar association to oversee lawyers' affairs, protect lawyers' independence, defend their interests and enforce disciplinary measures;
- f. ensure that the independence of lawyers and the judiciary is protected and promoted;
- g. ensure that all people in the Maldives, including lawyers and judges, are able to exercise freely their freedom of association, peaceful assembly, opinion and expression, including when such expression is critical of the justice system and the administration of justice; and
- h. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.