

Press Release

Bar Council of Maldives Expresses Deep Concern Over the Deterioration of Press Freedom, Freedom of Expression, and Due Process, and Calls to Uphold the Rule of Law and Fundamental Constitutional Rights

The Bar Council of Maldives expresses deep concern regarding recent developments indicating a deterioration of fundamental freedoms relating to freedom of expression, press freedom, due process, and open justice in the Maldives, including the imprisonment of journalists in contempt proceedings before the Criminal Court, the issuance of broad restrictions on public discussion relating to ongoing proceedings, and reports concerning limitations on access to legal representation and open court proceedings.

The Bar Council recognizes the important constitutional role of the judiciary, prosecutorial authorities, law enforcement agencies, and all independent institutions in upholding the rule of law. At the same time, the exercise of State power must remain fully consistent with the Constitution, due process guarantees, and the fundamental rights and freedoms protected under Maldivian law.

Freedom of expression and press freedom are foundational constitutional principles of a democratic society. Any restriction imposed upon these freedoms must satisfy the requirements of legality, necessity, and proportionality. The Bar Council is particularly concerned by reports that the journalists involved in the contempt proceedings were not afforded adequate opportunity to secure legal representation prior to the hearings. Access to competent legal counsel and sufficient time to prepare a defence are essential safeguards of due process and the right to a fair hearing.

The Bar Council further notes concerns raised by members of the legal profession, former judges, constitutional scholars, civil society organizations, and media institutions regarding the breadth of restrictions imposed in relation to ongoing proceedings and the implications such measures may have for media freedom, open justice, and public confidence in independent institutions.

To uphold the Bar Council's obligation to protect and promote the rule of law, the Bar Council has issued formal letters to the Attorney General, the Prosecutor General, and the Criminal Court reminding these institutions of their constitutional obligations relating to due process, prosecutorial and judicial independence, access to legal representation, and constitutional protections afforded to freedom of expression and media freedom. Further, the Bar Council's Executive Committee has unanimously resolved to extend institutional assistance to journalists and media practitioners that may require legal assistance through the Bar Council's Pro Bono Clearing House.

The Bar Council of Maldives calls upon all State institutions to ensure that all actions taken in connection with these matters strictly comply with the Constitution, due process guarantees, and the rule of law.

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