

# The case aimed at barring President Nasheed from 2013 election

## Prosecutor General

President Nasheed is being charged under a Penal Code which was enacted in **1966**.

**No other person** has ever been tried under this particular Article of the Penal Code.

The motive behind this trial is to sentence President Nasheed to ensure that he is **unable to contend** in the upcoming Presidential Election.



## Judicial Services Commission

The Judicial Services Commission is a **party** in the trial.

The Judicial Services Commission is **liable** as it failed to take necessary action against the Judge Abdullah.

President Nasheed's political **opponents** sit on the Judicial Services Commission.



## Problems in the Administration

Some members from President Nasheed's legal team were **barred** from representing him in the trial.

The conflict regarding the appointment of Shiyama Mohamed as a magistrate at Hulhumale' who is the spouse of a member of the Judicial Service Commission was investigated by the **Anti Corruption Commission**.

The team of presiding judges is comprised of **random** judges selected from various island magistrate courts.



## Hulhumale' Magistrate Court

Hulhumale' is a part of Male' City and according to the constitution Male' city "shall" **not have** a magistrate court.

With the regard to the constitution the legitimacy of Judges from **other courts** presiding over a trial held at Hulhumale' magistrate Court is questionable.

Shiyama Mohamed who is a magistrate at Hulhumale' magistrate court is **married** to Ahmed Rasheed who is a member of the Judicial Services Commission.

The International Commission of Jurists has questioned the ability of the Maldivian Judiciary to carry out its functions in an independent and impartial manner.

In the conclusion of the Human Rights report composed by the United Nations it is stated that the ability of the Maldivian Judiciary to carry out a fair trial is uncertain.



## The Legitimacy of the appointed team of Judges

A team of Judges can only preside over a case that is tried in an upper court of law. Hulhumale' magistrate court **is a lower court**.

In lower courts a judge can only be appointed by the **court itself**.

In President Nasheeds case the judges, Hon. Shujau Usman, Hon. Abdul Nasir Abdul Raheem and Hon.Hussein Mazeed were appointed by the **Judicial Services Commission**.

Magistrate Shujau Usman is currently being investigated by the Judicial Services Commission for **corruption and misconduct**.

Shujau Usman studied with and is a **close acquaintance** of Judge Abdullah.

**This case will not be free and fair. President Nasheed should be tried in a free and fair court. This case should not proceed**