

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



**UNOFFICIAL TRANSLATION OF LETTER SENT TO THE
SUPREME COURT OF MALDIVES BY HIS EXCELLENCY
PRESIDENT ABDULLA YAMEEN ABDUL GAYOOM**

Date 5 February 2018

Pursuant to the powers vested in me under Article 115 subsection (a) and subsection (c) of the Constitution of the Republic of Maldives and as Head of State of the Republic of Maldives, I write to you, regarding the Supreme Court Order No. 2018/SC-SJ/01, issued on 1 February 2018, which has resulted in; an encroachment on the regulatory powers of the State, the disruption of the functions mandated to State institutions under the Constitution, and the infringement of national security and public interest, and if implemented, which would potentially lead to an undermining of the supremacy of the Constitution of the Republic of Maldives.

1. Upon the issuance of the aforementioned Supreme Court Order No. 2018/SC-SJ/01, the Attorney General had requested to discuss the matter, and following this request, the Prosecutor General was advised to share their concerns regarding this matter with the Supreme Court;
2. Pertaining to this advice, and your response to the concerns raised by the Prosecutor General noting that there are no issues

obstructing the implementation of the aforementioned Court Order by your Court, the Prosecutor General has appealed to me, to the Head of State, seeking for a legal recourse in the said matter;

3. The Supreme Court Order No. 2018/SC-SJ/01; seeks immediate release of a number of criminal convicts and a re-trial for cases which have exhausted all avenues of appeal without overturning the previous court decision(s); effectively disrupting the constitutionally defined regulatory structures and powers of the courts, whilst disregarding the fact that these cases include persons who are at different stages of the criminal justice system, such as persons convicted of an offence after exhaustion all avenues of appeal, persons currently appealing their cases, and persons currently under investigation, with the possible effect that those convicted of homicide offences, robbery, and child abuse maybe allowed the same privileges owing to the effect of subsection 20 of the Constitution and declares that any person in contravention of it shall be investigated and prosecuted accordingly. Further to this, and because the Prosecutor General is granted specific powers under the Constitution and upon review of the individual cases raised to the Supreme Court in relation to the Court Order No. 2018/SC-SJ/01, it is unlikely that the Prosecutor General can enforce the said Court Order within its Constitutional mandate, thus, kindly review the concerns submitted by the Prosecutor General to resolve the matter as per the Constitution and the relevant laws.
