

Supreme Court to consider UN ruling on Nasheed's imprisonment

The Supreme Court will consider a UN human rights panel ruling on former President Mohamed Nasheed's imprisonment when it hears the opposition leader's appeal of his 13-year jail sentence on a terrorism charge, the foreign ministry said today.

In a [statement](#) welcoming Nasheed's decision to file an appeal, the foreign ministry said that the government has "consistently maintained the position that the former president should seek to argue his complaints before the appropriate judicial body."

"Further, the government has maintained the position that the opinion of the UN Working Group on Arbitrary Detention is one that should be considered by the Supreme Court," the statement continued.

"This will now be done given that the Court has accepted the appeal already filed by the Prosecutor General, with substantive arguments to be heard at a later date."

Nasheed's legal team announced the decision to appeal at the apex court on Saturday. Lawyers said the former president has always called for a "political solution" to his jailing, but President Abdulla Yameen has [repeatedly insisted](#) that Nasheed must exhaust the appeal process to be eligible for a pardon.

The lawyers had previously maintained that Nasheed was deprived the right to appeal after the criminal court refused to provide a full transcript of the trial within a shortened 10-day appeal period.

But the foreign ministry said today that Nasheed "has not at any time been precluded from filing an appeal, and has consistently been reminded of his right to do so, and further, encouraged to embark upon this course of action."

In the face of growing international pressure, the Prosecutor General had appealed the conviction at the High Court in September. But the appellate court refused to hear the case on the grounds that it was submitted by the state and not the former president.

In late November, the Supreme Court [accepted](#) the state's appeal of the High Court decision.

"The appellate courts, including the Supreme Court, are the appropriate forum for the former president's legal arguments concerning his trial and sentence to be made," the foreign ministry said.

"The government of Maldives respects the rule of law, and reaffirms the position that its judiciary is fully independent and impartial. The fact that the former president is now seeking to file an appeal reaffirms this position."

The UN WGAD, a specialised agency comprised of five independent experts, had ruled that Nasheed's imprisonment in March was illegal and politically motivated. But the government called the WGAD judgment "flawed and premature" and said it "will not be made to act on the basis of a non-binding opinion."

The foreign ministry also said that the government anticipates "those calling for sanctions and other such extreme measures will now allow the judicial process to take its natural course, and refrain from seeking to criticise and undermine the process further."

Following the WGAD ruling, Nasheed's high-profile international lawyers Amal Clooney and Jared Genser launched a campaign lobbying world leaders to impose targeted sanctions against senior

officials of the state.

But President Yameen declared he would not bow down to foreign pressure and release Nasheed, whose imprisonment had triggered a political crisis with daily street protests and mass anti-government demonstrations. The UN secretary general and human rights as well as UK Prime Minister David Cameron and several international human rights organisations have called for his release.

The 19-day trial at the criminal court had drawn widespread international condemnation over its apparent lack of due process.

The WGAD had found that the criminal court's refusal to allow Nasheed to call defence witnesses and the absence of legal representation during key points of the trial constituted violations of due process.

The WGAD also said the Maldivian government was unable to demonstrate the legal basis for the terrorism charge. Nasheed was found guilty over the military's detention of a judge in January 2012.