

## JOINT STATEMENT

AI Index: ASA 29/4461/2016

17 July 2016

### **Maldives: Resumption of executions after six decades would be a major setback for human rights**

We, the undersigned organizations, are alarmed at recent statements by members of the Maldives government, including President Abdullah Yameen, indicating that the country will resume executions imminently. We urge the authorities to establish an immediate moratorium on all executions as a first step towards full abolition of the death penalty. The Maldives should maintain its commendable six-decade-long track record of not carrying out any executions.

Since 2012 Maldives has changed its position from voting against UN General Assembly resolutions calling on states to establish a moratorium on the use of the death penalty to abstaining. We hoped that this signalled the beginning of the country's journey to rid itself of this punishment once and for all. This would have been consistent with the global trend towards abolition of the death penalty which continues unabated, despite a recent significant increase in the number of recorded executions in a handful of countries. In 2015, the majority of the world's countries became abolitionist for all crimes following the repeal of the death penalty from national legislation in Congo (Republic of), Fiji, Madagascar and Suriname. Nauru abolished the death penalty this year and abolition processes are being finalized in Guinea and Mongolia.

In Maldives, however, authorities have since 2014 taken steps to resume executions, including by amending national legislation. New regulations, among other steps, have seen the following changes:

- Introduction of lethal injection as the method of execution, which was subsequently changed again to hanging in June 2016;
- Removal of the power from the executive to grant pardons or commutations of death sentences in murder cases, depriving those facing the death penalty of the right to apply for these as guaranteed under the International Covenant on Civil and Political Rights, to which Maldives is a state party; and
- Shortened timeframe for appeals in capital cases, which risks undermining the prisoners' right to adequate time to prepare their appeal.

Government officials have also pledged that executions should happen within 30 days of the confirmation of guilty verdicts by the Supreme Court.

If Maldives resumes executions, it would not only go against the global trend towards abolition of the ultimate cruel, inhuman and degrading punishment, but it would also be in violation of Maldives' obligations under international law. We are concerned that several international and national safeguards that must be observed in all capital cases were breached in the recent case of Hussein Humaam Ahmed, who was convicted for the murder of Dr Afrasheem Ali, a sitting MP, in 2012. Humaam on 24 June 2016 became the first person to have his conviction and death sentence upheld by the Maldives Supreme Court after the recent legal reforms. Our concerns include the fact that Humaam retracted a pre-trial confession, which he has insisted he made due to fear for the

safety of his family members, but the trial court nevertheless took into account this “confession” in its guilty verdict. Furthermore, claims by Humaam and his family that he has a mental disability which directly affected his capacity to support his legal representatives in the overall effectiveness of his defence were ignored during his trials. No independent psychiatric evaluation of Humaam has taken place as far as his family or legal representatives are aware. The Supreme Court upheld his conviction and death sentence on 24 June 2016 despite the victim’s father and brother asking to delay the implementation of the death sentence of Humaam, citing an “incomplete investigation” into the circumstances of his murder. Humaam’s execution may be imminent.

There are at least a total of 17 prisoners on death row in Maldives, all of whose lives are at risk should the authorities resume executions. In early July 2016, the Supreme Court upheld the death sentence of another murder convict, Ahmed Murrath, meaning his execution could also be imminent.

It is also concerning that the Maldivian authorities are citing the resumption of executions as a necessary measure to prevent crime. Studies have consistently failed to show that the death penalty is more of a deterrent to crime than other forms of punishment.

We urge the Maldivian authorities to immediately halt plans to carry out the execution of Hussain Humaam Ahmed and to commute his, and all other, existing death sentences in Maldives. These, together with the establishment of a moratorium on all executions, must be the first, urgent steps towards full abolition of the death penalty.

**Co-signed by:**

Abdorrahman Boroumand Foundation (Iran)  
Amnesty International  
Anti-Death Penalty Asia Network, ADPAN  
Association Justice and Mercy, AJEM (Lebanon)  
Embrey Human Rights Program (Southern Methodist University-Dallas, Texas)  
Fédération internationale des ligues des droits de l’Homme, FIDH  
Foundation for Human Rights Initiative  
German Coalition to Abolish the Death Penalty  
Greater Caribbean for Life  
Hands Off Cain  
Human Rights Law Service (Nigeria)  
International Commission of Jurists (Kenyan section)  
International CURE  
Iran Human Rights  
Italian Coalition Against the Death Penalty  
Lawyers For Human Rights International (India)  
Lutte pour la justice (France)  
Lifespark (Switzerland)  
Malaysians Against Death Penalty and Torture, MADPET  
Ordre des Barreaux francophones et germanophone de Belgique  
Parliamentarians for Global Action  
Reprieve  
Taiwan Alliance to End the Death Penalty, TAEDP

Think Centre (Singapore)  
World Organisation Against Torture, OMCT