

URGENT ACTION

FIRST EXECUTION IN 60 YEARS FEARED IMMINENT

On 24 June the Maldives Supreme Court upheld the conviction and death sentence against 22 year old Hussain Humaam Ahmed for the murder of MP Afrasheem Ali in 2012, despite serious concerns about fair trial proceedings in his case. If carried out, this would be the first execution in Maldives for more than 60 years.

Hussain Humaam Ahmed (Humaam), 22 years old, was convicted of and sentenced to death in January 2014 for the murder of MP Afrasheem Ali in 2012. In September 2015, the High Court upheld the conviction and death sentence and on 24 June 2016 the Maldives Supreme Court confirmed both. Humaam's execution could be imminent as the current government under President Abdulla Yameen has pledged to hang death row inmates within 30 days of the Supreme Court upholding guilty verdicts.

There have been serious concerns about the unfairness of the proceedings against Humaam, several of which have been documented in an exhaustive report by the NGO Maldives Democracy Network. Afrasheem was found dead in his house the night of 1st October 2012. Hours later, Humaam was arrested and charged with murdering Afrasheem with a sharp object. Despite his retraction at trial of a "confession" to the murder, which he insisted he had made while in pre-trial detention after the authorities threatened to harm his family members, the trial court used this "confession" as evidence against him. This violates Article 14 (3) (g) of the International Covenant on Civil and Political Rights (ICCPR), to which Maldives is a state party and which states that no one should be compelled to testify against himself or to confess guilt, as well as Article 52 of the Maldivian Constitution, which only allows statements made in court as admissible evidence at trial.

Humaam and his family also maintain that he has a mental disability and had requested an independent psychiatric evaluation to assess his mental health status during the trial. As far as his legal team and family are aware, no such evaluation has taken place nor were findings from it adduced in court. International law prohibits the use of the death penalty against people with mental disabilities. Furthermore, his family indicated that his mental disability directly affected his capacity to support his legal representatives, which changed several times during the trial, and the overall effectiveness of his defence.

Please write immediately in English, Divehi or your own language:

- Urging the authorities to immediately halt any plans to resume executions and establish an official moratorium on all executions with a view to abolishing the death penalty;
- Calling on the Maldivian authorities to immediately commute the death sentences imposed on Hussain Humaam Ahmed and all other prisoners, including those imposed for crimes committed when they were below 18 years of age, against international law;
- Expressing concerns about Hussain Humaam Ahmed's retracted statement and mental disability claims and urging the authorities to consider whether he should be given a retrial that fully complies with international law and standards, without resort to the death penalty.

PLEASE SEND APPEALS BEFORE 10 AUGUST 2016 TO:

President

Abdulla Yameen Gayoom
The President's Office
Boduthakurufaanu Magu, Male' 20113
Republic of Maldives
Fax: (960) 332 5500
Twitter: @presidencymv
Salutation: President

Foreign Minister

H.E. Ms Dunya Moumon
Ministry of Foreign Affairs,
Boduthakurufaanu Magu, Male' 20077,
Republic of Maldives
Email: admin@foreign.gov.mv
Salutation: Her Excellency

And copies to:

High Commissioner Ahmed Shiaan
High Commission of the Republic of
Maldives
22 Nottingham Place, London W1U 5NJ
United Kingdom
Fax: +44 (0)207 224 2157
a.shiaan@maldiveshighcommission.org
Salutation: His Excellency

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

**AMNESTY
INTERNATIONAL**



URGENT ACTION

FIRST EXECUTION IN 60 YEARS FEARED IMMINENT

ADDITIONAL INFORMATION

If Humaam is sent to the gallows, it would be the first execution in Maldives for more than 60 years. The current government began taking steps to resume executions in 2014, when it introduced regulations to change the method of execution to lethal injection and remove the power of clemency from the President. Humaam's death sentence constitutes an emblematic example of concerns Amnesty International and other organisations have been documenting on the use of the death penalty in Maldives. According to statistics from the Maldives Correction Services, a total of 17 prisoners are currently under sentence of death in the country. Of these, at least five were convicted and sentenced to death for crimes committed when they were below 18 years of age. International customary law and two international treaties to which the Maldives is a state party prohibit the use of the death penalty against juvenile offenders.

In addition to Humaam's case, the Supreme Court has recently finalised hearings in two other murder cases and is expected to deliver its final verdicts soon, opening the door for further executions if found guilty. It is alarming that President Yameen has claimed that the resumption of executions is necessary to maintain public safety and law and order. Studies have consistently failed to show that the death penalty prevents crime more effectively than other punishments. The most comprehensive study carried out by the UN on the relation between the death penalty and homicide rates (E/AC.57/1988/CRP.7) concluded that "research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment. Such proof is unlikely to be forthcoming. The evidence as a whole still gives no positive support to the deterrent hypothesis".

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. The death penalty is the ultimate cruel and inhuman form of punishment, and it violates the right to life.

The last execution in Maldives was carried out over 60 years ago. A resumption of the implementation of death penalty in Maldives would be a seriously retrograde step for the country's human rights record. The world is moving away from the death penalty – today, 140 states are abolitionist in law or practice, and a majority of the world's countries (103) have now abolished the death penalty fully from their legal books. Fiji and Nauru are the latest countries to have abolished the death penalty in the Asia-Pacific region in 2015 and 2016, respectively. The Parliament of Mongolia adopted a new Criminal Code which abolishes the death penalty, effective from September 2016.

Name: Hussain Humaam Ahmed (Humaam)

Gender: m

UA: 153/16 Index: ASA 29/4357/2016 Issue Date: 29 June 2016