

Ref: TG ASA 29/2016/001

Dr. Mohamed Asim
Ministry of Foreign Affairs
Boduthakurufaanu Magu
Male' 20077
Republic of Maldives

26 July 2016

Dear Minister Asim,

RE: OPEN LETTER ON THE UN HUMAN RIGHTS COMMITTEE'S REQUEST TO HALT HUMAAM'S EXECUTION

Amnesty International is writing to express its concern about recent statements made by you, in your role as Foreign Minister of the Republic of Maldives, on the UN Human Rights Committee's (UN HRC) request to halt the execution of Hussain Humaam Ahmed (Humaam). The organization urges the Maldivian authorities to immediately halt plans to carry out the execution of Humaam or any other prisoner and establish a moratorium on the implementation of the death penalty with a view to its abolition.

On 11 July 2016, Humaam's father Ahmed Khaleel submitted an urgent request to the UN HRC to halt his son's imminent execution. This request argued that the Government's announcement that it will carry out executions within 30 days of the death sentence interferes with Humaam's right to petition the UN HRC and seek adequate remedy, as guaranteed under the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), to which Maldives is a signatory. Humaam's father explained in his petition that the accelerated execution procedure denies Humaam and his family the right to engage in mediation with the victim's (Afrasheem) family and seek clemency, which is their right under Islamic Sharia law. Moreover, Humaam's father reiterated his request for an independent psychiatric evaluation of his son who he believes is displaying visible signs of a mental disability. International law prohibits the use of the death penalty against people with mental disabilities.

On 12 July 2016, the UN HRC responded that it had officially registered Humaam's father's request and sent an official communication to the Government of Maldives in accordance with Rule 97 of the Committee's Rules of Procedure. The Committee's response also specified that, under Rule 92 of the Committee's Official Procedure, the Government of Maldives is requested not to execute Humaam while his case is under consideration by the Committee. The Committee's response also went on to state that a final decision regarding maintaining this interim measure will be taken by the Committee after they receive a response from the Government of Maldives.

In a statement on 13 July, we were concerned by your response to the request from the UN HRC to halt Humaam's execution, which stated that: "It isn't an order for the Maldivian

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government to do or not to do anything specific. The government is now studying the content of this note.”¹

However, a request made the UN HRC to the Government of Maldives is legally binding. As a State Party to the First Optional Protocol to ICCPR, we are concerned that your statement apparently suggests differently. Maldives has a duty to adhere to the UN HRC’s request and take active steps to halt plans to execute Humaam.

A resumption of executions in Maldives after more than 60 years would be a seriously regressive step for human rights. Humaam’s death sentence constitutes an emblematic example of concerns Amnesty International and other organizations have been documenting on the use of the death penalty in Maldives, including several serious fair trial concerns.²

We therefore call on the Government of Maldives to respect its international obligations and not seek to downplay the significance of the request from the UN HRC. Amnesty International urges the Maldives authorities to immediately:

- Comply with the UN Human Rights Committee’s request to halt the execution of Humaam;
- Halt any plans to resume executions and establish an official moratorium on all executions, with a view to abolishing the death penalty;
- Immediately commute the death sentence against Humaam and all other prisoners under sentence of death, including those imposed for crimes committed when the prisoners were below 18 years of age;
- In view of the concerns raised about his retracted statement and his mental disability and its potential impact on his ability to defend himself, give serious and thorough consideration to whether Humaam should be given a retrial that fully complies with international law and standards on fair trial standards without, resorting to the death penalty; and
- Amend national legislation to remove provisions that are not in line with international law and standards and abolish the death penalty for all crimes.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime. The world is moving away from the death penalty

¹ Ahmed Naish, “New foreign minister downplays UN request to halt execution”, *Maldives Independent*, 13 July 2016, available at <http://maldivesindependent.com/politics/new-foreign-minister-downplays-un-request-to-halt-execution-125324>

² “Maldives: Halt plans to carry out first execution in more than six decades”, Amnesty International, 30 June 2016, available at <https://www.amnesty.org/en/documents/asa29/4364/2016/en/>

– today, 140 countries 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.

Please be in touch should you have any further queries.

Yours sincerely,

Champa Patel
Director of South Asia Regional Office