



Maldives

Foreign Nationals and the Death Penalty

Death Penalty Overview

The Maldives, a country made up of 185 islands in the Indian Ocean, officially has the death penalty, although they have not executed anyone since 1953. Despite being *de facto* abolitionist, the Maldives continues to sentence individuals to death, and an estimated 20 prisoners are currently being held on death row. Furthermore, the Maldives continue to vote against the UNGA moratorium on the death penalty, most recently in 2022, and numerous human rights violations in the Maldives connected with the death penalty persist (The World Coalition Against the Death Penalty 2019).

The death penalty can be implemented in law for a number of offences, including murder, treason and certain terrorist acts, among others. Several politicians, including presidential candidates have voiced support for harsher drug laws in the country, mirroring the ‘Singapore model’, which allows for the death penalty for drug offences.

The imposition of the death penalty in the Maldives is not mandatory for any crime, with courts having discretion to impose a death sentence even under Shariah law. Unlike in other majority Muslim nations, whilst the heirs of the victim may be sought for a determination of whether or not they wish for a retributive death penalty or pardon, the Supreme Court holds the final say on issuing the sentence.

In 2016, the country came under fire from human rights groups such as Amnesty International when then president Abdulla Yameen announced that the Maldives were planning to resume executions. He referenced rising murder-rates and an increase in drug trafficking as justification for the end to a 60-year moratorium on executions (Aneez 2017). Mohamed Hussain

SOME STATISTICS: (Amnesty International 2022)

	Executions	Death Sentences	Known number on death row
2018	0	0	15
2019	0	2	19
2020	0	0	19
2021	0	1	19
2022	0	1	20

‘+’ indicates that the figure that Amnesty International has calculated is a minimum.

Where ‘+’ is not preceded by a number, this means that Amnesty International is confident that there was more than one execution, but it was impossible to establish a figure

Shareef, senior advisor to Yameen and head of foreign relations for the ruling Progressive Party of Maldives (PPM) further stated public support for the death penalty as reason to resume executions:

'At the moment, overwhelmingly the people of Maldives are in support for implementation. It is a difficult decision for any government. But as a government, you have to safeguard the lives of innocent people.' (ibid.)

The announcement of the resumption of executions was accompanied by the development of an execution chamber in Maafushi Prison, at a cost of over MVR 4 million (£207,000). The construction of a second execution chamber was announced in 2017.

In November 2018, however, the Ministry of Foreign Affairs announced that a 65-year moratorium on the death penalty would be maintained by the new administration under President Ibrahim Mohamed Solih. This

announcement brought significant criticism towards the current government from both religious scholars and the general public, highlighting the lack of public will for the abolition of the death penalty in the Maldives.

The upcoming presidential elections have seen a renewed discussion of the death penalty over recent months. In May 2023, Mohamed Nazim, President of the Maldives National Party, made a statement in which he expressed concern over the declining value of human life within Maldivian society, referencing rising murder rates and subsequent widowed individuals and orphaned children as a 'distressing consequence' of a supposedly dysfunctional justice system. Nazim emphasised the 'imperative of prioritising the safety and well-being of the populace by proposing the implementation of capital punishment' (Jaleel 2023).

It remains to be seen what changes may occur in the next political season.



Maafushi Prison, on Kaafu Atoll (Sun Online)

Foreign Nationals

An estimated 230,000 Bangladeshis work across the Maldives archipelago, including tens of thousands who are undocumented, a remarkable number for a country with a population of around 520,000 (World Bank 2021).

However, until 2022 there had been no documented cases of foreign nationals being sentenced to death in the Maldives.



Case Study 2022 - Shah Alom Mia



In February 2022, Bangladeshi national Shah Alom Mia (Salim) was sentenced to death for the murder of Mahmood Abubakar, a

Maldivian businessman. Salim was sentenced to death in compliance with Islamic Shariah, and under the Act on Prohibiting Threatening and Possession of Dangerous Weapons and Sharp Objects (Abdulla 2022).

It is thought that the murder was related to a robbery. The victim's heirs requested the death penalty under the Shariah principle of retributive *qisas*.

This was the first time that a foreign national had been sentenced to death in Maldives, with all previous sentences being imposed on Maldivians.

Acknowledgements

With special thanks to Francesca Rigg for her assistance with this research in the Maldives.



Death Penalty Research Unit, University of Oxford

For more research see:

foreign-nationals.uwazi.io or tinyurl.com/mappingdeathrow