



## **The Maldives' Compliance with the Convention on the Elimination of All Forms of Racial Discrimination**

### **Suggested List of Themes Relating to: The Death Penalty**

#### **Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

#### **Maldivian Democracy Network**

and

#### **The World Coalition Against the Death Penalty**

**for the 116th Session of the Committee on the Elimination of Racial Discrimination  
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**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The Maldivian Democracy Network** (MDN) is a non-governmental, non-profit organisation advocating for human rights and democracy in the Maldives. MDN was formed in 2004, allowed to register in the Maldives in 2006, and arbitrarily shut down following blasphemy allegations by the Government of Maldives in 2019. MDN currently works in exile.

**The World Coalition Against the Death Penalty** is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and

executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

## **The Maldives fails to uphold its obligations under the Convention on the Elimination of All Forms of Racial Discrimination**

1. The Maldives' last known execution took place in 1954.<sup>1</sup> According to information from a civil society organization based in the Maldives, there are 23 people under sentence of death, three of whom are Bangladeshi foreign nationals.<sup>2</sup>
2. Amnesty International further reports that as of the end of 2024, some people remained on death row for crimes they committed while under the age of 18, and people with “mental or intellectual disabilities” were on death row in the Maldives.<sup>3</sup>

### **I. Unaddressed harassment and violence targeting foreign nationals may lead foreign nationals to come into conflict with the law, placing them at risk of the death penalty (List of Issues paras. 9-10, 12)**

3. In its List of issues prior to the submission of the thirteenth to fifteenth periodic reports of Maldives, the Committee requested information about “steps taken to prevent and punish acts of harassment and violence perpetrated by citizens of Maldives against nationals of other States, including migrant workers,” as well as measures taken to protect migrants from labor exploitation, to prevent and punish mistreatment of non-citizens, particularly migrant workers, and measures taken to prevent the exploitation of female migrant workers.<sup>4</sup>
4. The Maldives' Combined thirteenth to fifteenth periodic reports states that the penal code criminalizes hate speech and that the legal framework has “multiple laws which prohibit and punish acts of harassment or violence.”<sup>5</sup> The report further asserts that authorities investigate “all cases of violence committed against migrant workers and foreigners in the country,” and that the Human Rights Commission of the Maldives “conducts [its] own investigations into claims reported by the migrant workers regarding workplace harassment and violence issues.”<sup>6</sup> The report further states that the “Government considers the issue of welfare of migrant workers as a national priority.”<sup>7</sup>
5. On the topic of access to justice, the periodic report concedes that “there are multiple challenges which migrant workers may face in the process” of attempting to access justice,

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<sup>1</sup> World Coalition Against the Death Penalty, *Maldives*, last visited 30 Mar. 2025, <https://worldcoalition.org/pays/maldives/>.

<sup>2</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>3</sup> Amnesty International, *Death sentences and executions 2024* (2025), at 13, <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

<sup>4</sup> Committee on the Elimination of Racial Discrimination, *List of issues prior to the submission of the thirteenth to fifteenth periodic reports of Maldives*, (13 July 2021), U.N. Doc. CERD/C/MDV/QPR/13-15, ¶¶ 9-10, 12.

<sup>5</sup> Committee on the Elimination of Racial Discrimination, *Combined thirteenth to fifteenth periodic reports submitted by Maldives under article 9 of the Convention, due in 2015*, (6 Oct. 2022), U.N. Doc. CERD/C/MDV/13-15, ¶ 71.

<sup>6</sup> Committee on the Elimination of Racial Discrimination, *Combined thirteenth to fifteenth periodic reports submitted by Maldives under article 9 of the Convention, due in 2015*, (6 Oct. 2022), U.N. Doc. CERD/C/MDV/13-15, ¶¶ 74, 76.

<sup>7</sup> Committee on the Elimination of Racial Discrimination, *Combined thirteenth to fifteenth periodic reports submitted by Maldives under article 9 of the Convention, due in 2015*, (6 Oct. 2022), U.N. Doc. CERD/C/MDV/13-15, ¶ 83.

adding that the government “seeks to address the major challenges faced by vulnerable groups in accessing justice” through “a massive judicial reform agenda.”<sup>8</sup>

6. Regarding domestic violence, the periodic report states that although domestic law does not criminalize domestic violence, “various forms of violence are criminalized under the penal laws of the Maldives.”<sup>9</sup> The report outlines various legal provisions to address sexual abuse and/or harassment in the workplace.<sup>10</sup>
7. Civil society organizations report that the level of xenophobia, particularly against Bangladeshis, is “terrifyingly high.”<sup>11</sup> They observe that violence against such foreign nationals “enjoys impunity from the authorities and the society.”<sup>12</sup> Criminal actors in the Maldives use Bangladeshi nationals for drug trafficking and black market operations, only to abandon them if authorities apprehend them.<sup>13</sup>

## **II. Various barriers, including language barriers, place foreign nationals at risk of the death penalty (List of issues para. 21).**

8. In its List of issues, the Committee requested information about measures taken to ensure that foreign workers do not face discrimination on account of language barriers.<sup>14</sup>
9. In the context of access to justice, the periodic report asserts that “the Department of Judicial Administration (“DJA”) is working to develop a directory of court translators to be used by the courts in criminal cases involving foreigners. This directory will help to ensure that foreigners are provided with translators without delay.”<sup>15</sup> The periodic report later states that the Maldives Police Service “provides paid translators to assist in investigations,” and the Department of Judicial Administration “provide[s] paid translators to assist in trials involving foreign perpetrators as well as foreign victims.”<sup>16</sup>

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<sup>8</sup> Committee on the Elimination of Racial Discrimination, *Combined thirteenth to fifteenth periodic reports submitted by Maldives under article 9 of the Convention, due in 2015*, (6 Oct. 2022), U.N. Doc. CERD/C/MDV/13-15, ¶ 95.

<sup>9</sup> Committee on the Elimination of Racial Discrimination, *Combined thirteenth to fifteenth periodic reports submitted by Maldives under article 9 of the Convention, due in 2015*, (6 Oct. 2022), U.N. Doc. CERD/C/MDV/13-15, ¶ 112.

<sup>10</sup> Committee on the Elimination of Racial Discrimination, *Combined thirteenth to fifteenth periodic reports submitted by Maldives under article 9 of the Convention, due in 2015*, (6 Oct. 2022), U.N. Doc. CERD/C/MDV/13-15, ¶ 113-115.

<sup>11</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>12</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>13</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>14</sup> Committee on the Elimination of Racial Discrimination, *List of issues prior to the submission of the thirteenth to fifteenth periodic reports of Maldives*, (13 July 2021), U.N. Doc. CERD/C/MDV/QPR/13-15, ¶ 21.

<sup>15</sup> Committee on the Elimination of Racial Discrimination, *Combined thirteenth to fifteenth periodic reports submitted by Maldives under article 9 of the Convention, due in 2015*, (6 Oct. 2022), U.N. Doc. CERD/C/MDV/13-15, ¶ 177.

<sup>16</sup> Committee on the Elimination of Racial Discrimination, *Combined thirteenth to fifteenth periodic reports submitted by Maldives under article 9 of the Convention, due in 2015*, (6 Oct. 2022), U.N. Doc. CERD/C/MDV/13-15, ¶ 71.

10. The periodic report also asserts that “State-funded legal aid . . . is available to all foreign adults who have been accused of a serious criminal offence and are unable to afford a lawyer,” adding that “[r]equests for legal aid from adults are only rejected if the accused crime is not a serious criminal offense . . . and/or if the applicant is able to afford a lawyer.”<sup>17</sup> The report also states that civil society organizations and the Advocacy and Legal Advice Centre of Transparency Maldives provide free legal advice to migrant workers.<sup>18</sup>
11. Civil society organizations report that while the interpreter register exists, it is not certain whether everyone receives interpretation services or whether some individuals in conflict with the law may face challenges in accessing interpretation services.<sup>19</sup> Even though the majority of migrant workers are Bangladeshi, no materials about the procedure for accessing interpretation or legal services are available in Bengali.<sup>20</sup>
12. Police do not provide interpretation services at the time of arrest.<sup>21</sup> The time frame is critical; under the Constitution an arrested person must have a remand hearing within 24 hours of arrest, and an interpreter at that stage could assist the person with clearing their name in a timely manner.<sup>22</sup> Instead, authorities interrogate and “investigate” foreign national suspects without interpretation.<sup>23</sup>
13. At the investigation stage, it is unclear whether or how foreign nationals receive notification of their right to receive legal assistance.<sup>24</sup> Typically, people who are arrested receive a document in a local language that includes fine print stating that they can seek legal representation.<sup>25</sup> If the arrested person does not tick the box they will not receive the chance to have a lawyer.<sup>26</sup> Moreover, if they refuse to speak, authorities can charge them with obstruction of police duty.<sup>27</sup>

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<sup>17</sup> Committee on the Elimination of Racial Discrimination, *Combined thirteenth to fifteenth periodic reports submitted by Maldives under article 9 of the Convention, due in 2015*, (6 Oct. 2022), U.N. Doc. CERD/C/MDV/13-15, ¶ 99.

<sup>18</sup> Committee on the Elimination of Racial Discrimination, *Combined thirteenth to fifteenth periodic reports submitted by Maldives under article 9 of the Convention, due in 2015*, (6 Oct. 2022), U.N. Doc. CERD/C/MDV/13-15, ¶ 100.

<sup>19</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>20</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>21</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>22</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>23</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>24</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>25</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>26</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>27</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

14. Migrant workers are typically unable to afford private lawyers and they face limited access to legal aid.<sup>28</sup> Migrant workers may be unaware of civil society organizations providing legal services or they may be unable to access such assistance due to detention conditions.<sup>29</sup>
15. It is unclear whether the Bangladeshi diplomatic mission in the Maldives provides consular services to its nationals who come into conflict with the law. A civil society organization reports that immigration police have said in the past that the Bangladeshi mission does not cooperate in cases of deportation or in providing interpretation during interrogation.
16. Foreign nationals are also at risk of being sentenced to death for offenses they committed when under the age of 18.<sup>30</sup> Employers typically confiscate the documents of the foreign nationals who work for them.<sup>31</sup> One Bangladeshi national was arrested at age 16 at the airport on drug trafficking charges.<sup>32</sup> His employer's agent had given him a packet of clothing and had asked him to bring it into the country, and he stated that he did not know the packet contained drugs.<sup>33</sup> According to a civil society organization familiar with the case, it is unclear how the court sentenced him as a minor, and although the Prison Audit Commission in 2019 recommended that the government review his case, no further information is available.<sup>34</sup>
17. Case studies suggest that foreign nationals in conflict with the law may face intersectional discrimination, particularly if the foreign nationals have psycho-social disabilities. One of the three known Bangladeshi men on death row, S.A.M., was sentenced to death in 2022 for killing a businessperson in a neighboring house. The offender allegedly stabbed the victim 30 times and in a hearing subsequently told the court that he was motivated by the "devil entering his head." He confessed to the murder, stating that Satan influenced him to commit the crime. According to official records from the Maldives Correctional Service, however, this man does not have a disability, is not seeking treatment for a long-term medical condition, and is not seeking treatment from a mental health professional.<sup>35</sup> It is unclear whether S.A.M. received notification of his consular rights. Information from the Maldives Correctional Service states

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<sup>28</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>29</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>30</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>31</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>32</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>33</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>34</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>35</sup> *Bangladeshi sentenced to death for killing businessman in Maldives*, 28 Feb. 2022, Prothom Alo English, <https://en.prothomalo.com/bangladesh/bangladesh-in-world-media/bangladeshi-sentenced-to-death-for-killing-businessman-in-maldives>; Naizak Mohamed, *Migrant who murdered Dhangethi businessman sentenced to death*, 27 Feb. 2022, <https://en.sun.mv/72983>; *Bangladeshi migrant sentenced to death for murder of Dhangethi entrepreneur*, <https://avas.mv/en/114860>; Naizak Mohamed, *Mahmood's murder: High Court upholds Salim's death penalty*, 25 July 2024, <https://en.sun.mv/90823>; *Dhangethi Murder: Migrant worker pleads guilty, heirs seek death penalty*, 19 Jan. 2022, <https://timesofaddu.com/2022/01/19/dhangethi-murder-migrant-worker-pleads-guilty-heirs-seek-death-penalty/>.

that K.I., another Bangladeshi national under sentence of death, is seeking treatment for a long-term psychological condition, but he is not receiving psychotherapy.<sup>36</sup>

18. Local news websites have reported that S.A.M. confessed to the murder, but it is unclear whether he made the confession during an interrogation where he had interpretation services.<sup>37</sup> It is also unclear whether authorities notified him of his right to consular notification.
19. The legal system's determination of an appropriate penalty for murder may increase the risk that foreign nationals will be sentenced to death. Although Islamic Sharia states that the death penalty is a punishment for the offense of intentional murder, whether to sentence a person to death depends on the application of the concept of *qisas* (a life for a life), according to which the heirs of the murder victim must unanimously choose retribution. *Qisas* applies only if the prosecution proves intentional murder, and even then, the death penalty does not apply if even one heir elects to forgive or to demand *diyat* (blood money) instead. Regardless of the heirs' determination, after a court determines that a person is guilty of intentional murder, that person is sentenced to life imprisonment (25 years).<sup>38</sup> Hence, if the heirs unanimously elect *qisas* and do not choose to forgive or to accept *diyat*, the offender will be sentenced to both life imprisonment and the death penalty, raising possible double jeopardy concerns.
20. Two factors increase the likelihood that a foreign national will face a death sentence for intentional murder: First, foreign nationals tend to be low-paid migrant workers who cannot afford to pay *diyat* if the heirs choose that option. Heirs also face obstacles in obtaining *diyat*—they must make a claim at the Civil Court to enforce payment. These obstacles may discourage heirs from pursuing *diyat* as an alternative to the death penalty, particularly if the funds are coming from abroad, as would be the case with most foreign nationals. Second, xenophobia and anti-immigrant bias likely predispose the family members of victims to seek out harsher punishment for foreign nationals rather than granting forgiveness.<sup>39</sup>
21. Moreover, judges who preside over murder cases typically fail to take any initiative to explain how *qisas* works, despite multiple trainings and other efforts at judicial capacity-building, including regarding gender stereotypes. Judges simply ask families “whether they wish for an execution or not.” They do not explain the process, the different types of *qisas* (forgiveness, compensation, execution), or the fact that regardless of the family's decision on *qisas*, a person convicted of murder will receive a sentence of life imprisonment adjacent to any potential

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<sup>36</sup> Email communication with The Advocates for Human Rights, May 7, 2025, on file with The Advocates for Human Rights.

<sup>37</sup> *Bangladeshi sentenced to death for killing businessman in Maldives*, 28 Feb. 2022, Prothom Alo English, <https://en.prothomalo.com/bangladesh/bangladesh-in-world-media/bangladeshi-sentenced-to-death-for-killing-businessman-in-maldives>; Naizak Mohamed, *Migrant who murdered Dhangethi businessman sentenced to death*, 27 Feb. 2022, <https://en.sun.mv/72983>; *Bangladeshi migrant sentenced to death for murder of Dhangethi entrepreneur*, <https://avas.mv/en/114860>; Naizak Mohamed, *Mahmood's murder: High Court upholds Salim's death penalty*, 25 July 2024, <https://en.sun.mv/90823>; *Dhangethi Murder: Migrant worker pleads guilty, heirs seek death penalty*, 19 Jan. 2022, <https://timesofaddu.com/2022/01/19/dhangethi-murder-migrant-worker-pleads-guilty-heirs-seek-death-penalty/>.

<sup>38</sup> Email communication with The Advocates for Human Rights, May 16, 2025, on file with The Advocates for Human Rights. See also Amnesty International, *Maldives: Halt Plans to Carry Out First Execution in More than Six Decades* (30 June 2016), ASA 29/4364/2016.

<sup>39</sup> Email communication with The Advocates for Human Rights, May 16, 2025, on file with The Advocates for Human Rights.

death penalty. They take no initiative to explain or hear evidence of potential mitigating circumstances that might persuade the family to opt out of execution.

22. S.A.M., for example, had sought forgiveness, but the victim's heirs wanted authorities to execute S.A.M. The court therefore rejected S.A.M.'s request for a plea deal.<sup>40</sup>

### III. Suggested questions for the Government of the Maldives

23. The coauthors suggest that the Committee pose the following questions to the Government of the Maldives:

- Do all foreign nationals receive interpretation services during police interrogations and when being questioned by police or prosecutors? Please explain the circumstances in which authorities provide an interpreter prior to trial. Do courts provide interpreters for all pre-trial hearings during which the foreign national defendant is present? Do courts provide interpreters for every stage in criminal proceedings involving a foreign national?
- Please provide detailed information about all foreign nationals who are currently under sentence of death. For each such individual, provide: date of arrest, whether and when authorities informed the person of the right to consular notification, whether and when the person invoked the right to consular notification, date authorities first provided an interpreter, when the individual first received legal representation, name of organization providing legal representation. Please also provide information about the charged offenses, hearing and trial dates, hearing and trial dates when the court provided an interpreter, the date of conviction and crime(s) of conviction, whether the court provided any accommodations for any disabilities, whether the victim's family requested *diyat* and the amount requested. Finally, please provide demographic information for each foreign national under sentence of death, including: date of birth, nationality, race/ethnicity, sex/gender, occupation at the time of arrest, number of dependent children, and relationship to any codefendants or victims.
- Please describe the procedure by which authorities inform foreign nationals in conflict with the law of their right to interpretation and their right to consular notification, including the languages used in any printed materials. At what moments during the criminal legal process do people receive such services (interpretation) and information (about consular notification)?

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<sup>40</sup> *Bangladeshi sentenced to death for killing businessman in Maldives*, 28 Feb. 2022, Prothom Alo English, <https://en.prothomalo.com/bangladesh/bangladesh-in-world-media/bangladeshi-sentenced-to-death-for-killing-businessman-in-maldives>; Naizak Mohamed, *Migrant who murdered Dhangethi businessman sentenced to death*, 27 Feb. 2022, <https://en.sun.mv/72983>; *Bangladeshi migrant sentenced to death for murder of Dhangethi entrepreneur*, <https://avas.mv/en/114860>; Naizak Mohamed, *Mahmood's murder: High Court upholds Salim's death penalty*, 25 July 2024, <https://en.sun.mv/90823>; *Dhangethi Murder: Migrant worker pleads guilty, heirs seek death penalty*, 19 Jan. 2022, <https://timesofaddu.com/2022/01/19/dhangethi-murder-migrant-worker-pleads-guilty-heirs-seek-death-penalty/>.



- What measures are in place to encourage courts to counteract xenophobia and anti-immigrant bias when informing the family members of murder victims of their role in determining the offender's sentence?
- Please describe the conditions of detention for foreign nationals who have been sentenced to death or to other extreme sentences. What measures do prison authorities take to ensure that detention conditions comply with the Nelson Mandela Rules?
- What measures do authorities take to ensure that all foreign nationals charged with capital crimes receive state-funded legal aid? At what stage in legal proceedings does such legal aid typically commence?
- Please provide information about any female foreign nationals who have been in conflict with the law over the reporting period, disaggregated by nationality, year of birth, crime(s) charged, crime(s) of conviction, relationship to any victims or codefendants, occupation at the time of arrest, number of dependent children, access to consular assistance, name of individual or organization providing legal services.