

URGENT ACTION

SRI LANKAN AT RISK OF EXECUTION IN SAUDI ARABIA

After exhausting all of her appeals, Rizana Nafeek is at imminent risk of execution in Saudi Arabia for a crime she allegedly committed while under the age of 18.

Aged only 17 years at the time, Sri Lankan domestic worker **Rizana Nafeek** was arrested in May 2005 on charges of murdering an infant in her care. On 16 June 2007, she was sentenced to death by a court in Dawadmi, a town west of the capital Riyadh. The sentence was subsequently upheld by the Court of Cassation and sent for ratification by the Supreme Judicial Council. However, it was sent back to the lower court for further clarification. The case went back and forth until on or around 25 October 2010, when the Supreme Court in Riyadh upheld the death sentence. The case was then sent to the King for ratification of the death sentence. Recent media reports indicate that the family of the infant who died have refused to pardon her and her execution is now imminent.

Rizana Nafeek had no access to lawyers either during her pre-trial interrogation or at her first trial. She initially “confessed” to the murder during interrogation, but has since retracted this account. Rizana Nafeek says she was forced to make the “confession” under duress following a physical assault. The man who translated her statement was not an officially recognized translator and it appears that he may not have been able to adequately translate between Tamil and Arabic. He has since left Saudi Arabia.

The passport Rizana Nafeek used to enter Saudi Arabia in May 2005 gives her date of birth as February 1982, but her birth certificate states she was born six years later, making her 17-years-old at the time of the infant’s death. According to Amnesty International’s information, she was not allowed to present her birth certificate or other evidence of her age to the court, which relied instead on her passport and so considered her to be 23 years old at the time of the offence.

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

- Urging the King of Saudi Arabia to prevent the execution of Rizana Nafeek, who is believed to have been under 18 at the time of the crime for which she has been convicted;
- Calling on the King to commute her death sentence, particularly given Saudi Arabia’s obligations as a state party to the Convention on the Rights of the Child and taking into account the uncertainty over Rizana Nafeek’s age;
- Reminding the authorities that they should act in accordance with international law, particularly Article 37 of the Convention of the Rights of the Child, and end the use of the death penalty against juvenile offenders.

PLEASE SEND APPEALS BEFORE 18 FEBRUARY 2013 TO:

King and Prime Minister

King Abdullah bin Abdul Aziz Al Saud
The Custodian of the two Holy Mosques
Office of His Majesty the King
Royal Court, Riyadh
Kingdom of Saudi Arabia
Fax: (via Ministry of the Interior)
+966 1 403 3125 (please keep trying)

Salutation: Your Majesty

Minister of the Interior

His Royal Highness Prince Mohammed
bin Naif bin Abdul Aziz Al Saud
Ministry of the Interior, P.O. Box 2933,
Airport Road, Riyadh 11134
Kingdom of Saudi Arabia
Fax: +966 1 403 3125 (please keep
trying)

Salutation: Your Royal Highness

And copies to:

Governor of Riyadh Province

His Royal Highness Prince Sattam bin
Abdul Aziz Al Saud
Riyadh, Riyadh Province
Kingdom of Saudi Arabia
Fax: +966 141 10470

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the fourth update of UA 175/07. Further information:

<http://www.amnesty.org/en/library/info/MDE23/026/2007>, <http://www.amnesty.org/en/library/info/MDE23/006/2008> and

<http://www.amnesty.org/en/library/info/MDE23/012/2010/en>

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ADDITIONAL INFORMATION

Saudi Arabia is a state party to the Convention on the Rights of the Child (CRC), which expressly prohibits the execution of juvenile offenders – those convicted of crimes committed when they were under 18. However, Saudi Arabia does execute juvenile offenders in breach of their obligations under the CRC.

In Saudi Arabia there have been disturbing patterns of discrimination against vulnerable individuals. Many of those executed over the past years were foreign nationals, mostly migrant workers from poor and developing countries. In 2012 Amnesty International has recorded the execution of at least 79 people of which 27 were foreign nationals. In 2011 at least 82 executions took place, including 28 foreign nationals, more than triple the figure of 27 for 2010 including 5 foreign nationals. In 2009, at least 69 people are known to have been executed, including 19 foreign nationals, in 2008 at least 102, including almost 40 foreign nationals, and in 2007 at least 158, including 76 foreign nationals.

Saudi Arabia applies the death penalty for a wide range of offences. Court proceedings fall far short of international standards for fair trial. Defendants are rarely allowed formal representation by a lawyer, and in many cases are not informed of the progress of legal proceedings against them. They may be convicted solely on the basis of “confessions” obtained under duress and/or deception.

Saudi Arabia is a state party to the Convention against Torture, which prohibits the use of evidence extracted under torture or other ill-treatment. Article 15 states: "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."

In a report published in 2008 on the use of the death penalty in Saudi Arabia, Amnesty International highlighted the extensive use of the death penalty as well as the disproportionately high number of executions of foreign nationals from developing countries. For further information please see *Affront to Justice: Death Penalty in Saudi Arabia* (Index: MDE 23/027/2008), 14 October 2008: <http://www.amnesty.org/en/library/info/mde23/027/2008>

The Supreme Court began to function in February 2009 as the final court of appeal. This is part of a new court system introduced by the 2007 Law of the Judiciary. The Court of Cassation, which used to handle appeals, has since been replaced by courts of appeal. The Supreme Judicial Council continues to exist and has been allocated responsibilities such as the supervision of the organization of the Judiciary, including the appointment, promotion and disciplining of judges. For more information regarding the judicial reforms, please see *Saudi Arabia: Affront to Justice: Death Penalty in Saudi Arabia* (Index: MDE 23/027/2008), 14 October 2008 (see above).

Name: Rizana Nafeek

Gender m/f: f

Further information on UA: 175/07 Index: MDE 23/002/2013 Issue Date: 07 January 2013