

No Sri Lankan legal aid for young maid facing death sentence in Saudi Arabia

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Although an appeal has been filed in the Saudi Arabian Supreme Court, the fate of Sri Lankan maid Rizana Nafeek hangs in the balance. She was sentenced to death in June for the murder of her employer's child. The case exposes not only the reactionary character of the Saudi legal system but the failure of the Sri Lankan government to defend hundreds of thousands of contract workers in the Middle East.

Nafeek, 19, arrived in Saudi Arabia two years ago to work as a house maid in Dawadami, but was compelled to look after a baby along with her many other tasks. She had no experience or training in child care. The infant died in May 2005, while Nafeek was bottle-feeding him.

According to Nafeek, she was left alone to feed the child who began to choke. She shouted for help, but before the mother arrived, the infant was dead. The parents accused Nafeek of strangling the child and handed her over to the Dawadami police. Siding with the family, the police pressured the maid into signing a statement confessing to murder.

Nafeek renounced the confession in court in February, declaring that police had threatened her. The Dawadami court ignored her statements and on June 16 sentenced her to death. In Saudi Arabia, executions are carried out by public beheading. The deadline for an appeal was set for July 16.

The Sri Lankan government was completely indifferent to the fate of a young contract worker, leaving her isolated without any legal assistance. It claimed that any aid would amount to contravening the sovereignty of another country.

Foreign employment minister Keheliya Rambukwella told the media that his staff educated potential contract workers in the culture, behaviour and law of the country where they were to work. "But when they get

in trouble, the law of the land will apply," he declared.

Government made no contribution toward the legal fees needed to make an appeal. Riyadh-based attorney at law, Kateb Fahad Al-Shammari, charged 250,000 Saudi Riyals (\$US67,000)—an impossible amount for Nafeek's family. The Asian Human Rights Commission paid an initial sum of 50,000 Saudi Riyals and other donors contributed the remainder.

Al-Shammari told *Arab News* he was "currently preparing a detailed objection to file at court with all the details related to the case." He was seeking to have Nafeek's "confession" set aside because it was obtained under duress. The lawyer was also asking for a reconsideration based on the fact that Nafeek was a minor at the time of the infant's death.

Amid rising concern internationally and at home, the Sri Lankan government could no longer ignore the case. In a hollow expression of support, deputy foreign minister Hussein Bahila finally declared on July 20 with great fanfare that he would take steps to save the girl. He set off to Saudi Arabia with the girl's father, Mohammed Sultan Nafeek, and her mother, Fareena Nafeek, to appeal to the authorities.

Bahila expressed the face-saving character of the exercise in an interview, in which he said: "We can provide consular assistance but there is no provision providing them with financial assistance for legal services." He added: "Right now the government can do little in regard to saving the life of the condemned girl."

Bahila tried to meet Nafeek's employers to plead for clemency but the parents refused to take part. The dead child's father, Naif Jiziyan Khelif Al Otaibo, has so far refused to make any concessions. Nafeek's parents visited their daughter in jail and she pleaded to be permitted to return with them to Sri Lanka. Despite the

lack of any progress, Bahila boasted on his return on July 29: “We have done what is possible and I’m fairly confident that this should bear fruit.”

Instead of seeking to secure Nafeek’s release, Sri Lankan authorities are trying to divert attention into secondary issues. Nafeek was only 17 when she was contracted to work in Saudi Arabia, based on a forged birth certificate showing she was 23. The government is now making a hue and cry about those responsible for hiring underage workers.

On August 2, the cabinet spokesman, Anura Peiyadarshana Yapa, told a press conference: “The authorities are in the process of taking necessary steps against every person involved in the incident starting from the Grama Niladhari [village officer] to the foreign employment agency.” Washing the government’s hands of any responsibility for saving Nafeek, he declared that international human rights bodies were handling her case.

Nafeek’s case underscores the appalling conditions facing foreign contract workers in Saudi Arabia and the Middle East. Employed to carry out menial tasks, they are poorly paid and have few legal rights. Domestic servants in particular are treated as little more than slave labour, forced to work long hours and frequently abused.

Nafeek’s mother told the Associated Press: “I was shocked to hear that my daughter had been implicated in a murder case as she was very innocent and too young even to think of committing such an act. She had written to us several times saying that she had been overworked on a daily basis and she had to get up at three in the morning and work till late at night. She also told us in her letters how she was ill-treated and physically abused by her employer. She was supposed to look after the house she worked in, and not the children. That was not part of her agreement.”

There are about 8 million migrant workers in Saudi Arabia, of whom 400,000 are Sri Lankan. The Saudi Arabian regime has no hesitation in enforcing the country’s draconian laws as a means of suppressing any discontent or opposition among this huge foreign workforce. This year alone, 103 executions have been carried out so far, including a number of foreign workers. Four Sri Lankans were beheaded in February.

The Sri Lankan government’s refusal to aggressively intervene on their behalf stems from its economic

reliance on remittances from the Middle East. Last year, the estimated 1.5 million Sri Lankans working abroad sent \$US2.3 billion back home. During the first five months of this year, remittances brought in \$1.09 billion, up 17 percent compared to the same period last year.

The inflow of foreign earnings has become all the more imperative as President Mahinda Rajapakse has plunged the island back into civil war. The government has made huge purchases of military hardware over the past year and the military budget increased again this year. Rajapakse’s top priority is to maintain the trade in cheap labour to the Middle East, not oppose the exploitative conditions imposed on contract workers. Least of all is the government concerned about the fate of Rizana Nafeek.



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