

Top Saudi court confirms death sentence on Sri Lankan worker

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Saudi Arabia's Supreme Court in Riyadh has rejected an appeal against the death sentence imposed on Rizana Nafeek, a young Sri Lankan woman who was working in the country as a domestic servant. The ruling was handed down in September but Nafeek's lawyers were only informed of the decision last month.

Like thousands of Sri Lankans, Nafeek took a job in Saudi Arabia because she was desperate to earn money for herself and her family. Only 17 at the time, the recruitment agency encouraged her to falsify her age in order to fulfill the requirements for employment. Just weeks later, she was charged with murdering the four-month-old son of the family who employed her as a maid.

From the outset, Nafeek's trial was a travesty of justice. The Dawadami High Court, a three-member panel of judges, ignored her age. She was found guilty on July 16, 2007 and sentenced to death by beheading. The verdict was based on a confession extracted by police. She had been assaulted by police and forced to sign documents written in Arabic that she could not comprehend. She received no legal assistance or competent translation in court.

With the assistance of the Asian Human Rights Commission, a legal appeal was launched. Having been provided with a proficient translator, Nafeek repudiated her confession and denied all charges. She informed the court that the baby's death had been an accident. She had been feeding the infant with a milk bottle at the time but the baby choked and she was unable to save him. She had attempted to get help.

The Supreme Court, which heard the appeal, ignored

the new evidence and refused to overturn the verdict of premeditated murder. The ruling was handed down on September 25, but Nafeek's lawyers only found about it on October 19. The Asian Human Rights Commission learnt of the verdict from the *Arab News*, which made the decision public on October 25.

Sri Lankan President Mahinda Rajapakse has appealed to Saudi King for "clemency" but only as a face-saving gesture after refusing to assist the young woman. When Nafeek's death sentence was imposed in 2007, the Sri Lankan government refused to pay the legal costs of her appeal, saying that would amount to violating the sovereignty of another country.

In reality, the Sri Lankan government was concerned about taking any action that might offend the Saudi Arabian regime and disrupt the trade in human labour to the Middle East. Remittances from overseas workers to Sri Lanka are expected to exceed \$US4 billion this year, up from \$3.4 billion in 2009 and close to half the country's export earnings. Of the total, 85 percent comes from unskilled workers—mainly domestic servants such as Nafeek—working in Middle East countries.

The costs of the appeal process in Nafeek's case were exorbitant—150,000 Saudi Riyals or \$40,000—an astronomical sum in Sri Lankan rupees and impossible for Nafeek's impoverished family to pay. Nafeek comes from the town of Muttur in the Eastern Province, which has been ravaged by civil war for more than two decades. She is the eldest daughter of a woodcutter.

Faced with rising public concern and criticism by human rights organisations over its inaction, the Sri

Lankan government directed its embassy officials to visit Nafeek in jail and organised a trip for her parents to Saudi Arabia. The embassy also attempted to negotiate with Nafeek's employers, who claimed that the young woman had deliberately killed their baby.

However, the Sri Lankan government has done nothing to challenge the repressive regime in

Saudi Arabia, which is heavily dependent on imported cheap labour, mostly from Asia, to fill the most menial jobs. Foreign workers, who constitute nearly a third of the Saudi population, have virtually no legal rights and are often subject to abuse, verbal and physical.

Domestic servants suffer some of the worst treatment. They are regarded as virtual slave labour and forced to work long hours with little sleep or time off. Nafeek was recruited as a cleaner but compelled to take responsibility for the baby, as well as clean, cook, wash and iron. She had no experience and was given no training in looking after an infant.

Like other foreign workers, Nafeek could not seek alternative employment. She faced the constant threat that her contract might be terminated or that she would not be paid. The use of medieval Islamic law, its anti-democratic procedures and its barbaric forms of punishment by Saudi authorities serves a very modern purpose—to terrorise the huge numbers of foreign workers in the country, as well as any domestic dissent.

Under these conditions, abuse by employers, even in extreme cases, is rarely reported. Deaths are not properly investigated by Saudi or Sri Lankan authorities. The Sri Lanka Bureau of Foreign Employment reported 333 deaths of foreign workers in 2009, of which 127 were in Saudi Arabia. While more than 500,000 Sri Lankans work in Saudi Arabia, the majority are young and unlikely to die of natural causes. The number of official complaints from Sri Lankans in Saudi Arabia rose to 5,796 for 2009, of which 4,564 came from female workers.

One particularly gruesome case came to light in August. A female worker, L.P. Ariyawathie, complained that her Saudi employer had driven nails

into her body. Saudi authorities denied the allegations but doctors removed 13 nails and 5 needles from the woman during three hours of surgery when she returned to Sri Lanka. While the widely publicised case outraged workers in Sri Lanka and internationally, the Colombo government only reluctantly took up the case with the Saudi regime.

Following the incident, according to the October 17 *Sunday Times*, the Saudi Chamber of Commerce and Industry and the Kingdom's National Recruitment Committee urged the government to ban the recruitment of Sri Lankan workers. The newspaper reported that a temporary ban is in place, even though Sri Lankan authorities have not been informed of such a decision.

The threat to foreign remittances is the obvious reason for President Rajapakse's muted response to the Saudi Supreme Court's decision to uphold Nafeek's death sentence. International human rights organisations, including the Amnesty International, Human Rights Watch and the Asian Human Rights Commission, have made an urgent appeal to the Saudi king to stop the execution. Petitions are being circulated in several areas in Sri Lanka, including in Trincomalee near Nafeek's home town, appealing for her release.

However, the Saudi regime has ignored such appeals before. Based on Saudi sources, the *Asian Tribune* reported yesterday that the country's interior ministry was reviewing the verdict and would report to the Office of the Cabinet within three weeks. The Cabinet, presided over by the king, will make the final decision on the death sentence.



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