

Continuous intervention needed for Rizana Nafeek's

Asian Human Rights Commission

(This is the edited text of a statement made by the Asian Human Rights Commission: AS-284-2007)

The appeal of Rizana Nafeek continues to be heard in Saudi Arabia's Appellate Court. Rizana Nafeek, who was 17-years-old when she was accused of murdering a four-month-old baby, was sentenced to death by the Dawadami Court, despite her claim of innocence. Rizana claimed that she was an inexperienced teenager who came to work as a cleaner and doing other household chores, but was instead assigned the duty of feeding and looking after the infant, for which she had no experience or training. She claimed that while she was trying to bottle feed the infant without any assistance from any adult, the child choked which resulted in the death. There was no intentional killing and she had only been working in the household for a few days before the incident happened.

After the passing of the death sentence an appeal was filed on her behalf by the legal firm of Kateb Fahad Al-Shammari within the period of appeal and thereafter she has continued to be held in the Dawadami prison while awaiting the outcome; the appeal hearing began last Saturday (8 December 2007).

Although the appeal is being heard, there is still reason for concern as Saudi Arabian law places high value on confessions and whether the confession is obtained through duress does not become the subject matter of a separate inquiry. Under this system a confession obtained through duress is not regarded as inadmissible evidence.

Rizana Nafeek was handed over to the police immediately after the alleged incident and a confession was obtained from her by the use of torture. She later retracted this confession in court and explained the circumstances of the incident; that it was an accident rather than a crime. However, the original court sentenced her to death on the basis of the confession she made at the police station, which is given greater weight than any subsequent explanations.

There is still the possibility therefore, that this legal principle may be applied even at the appeal stage despite there being no collaborative evidence of any sort to indicate there was any intentional murder. There are many persons in Saudi Arabia who have made representations in favour of Rizana Nafeek in this case, and have stated many principles within Shariah Law to the effect that there is good reason in the present case not to attach undue weight to the confession, but rather, that all the circumstances should be taken in their totality to address the case.

Rizana Nafeek's case drew global attention, and thousands of persons have written letters to His Majesty, King Abdullah bin Abdul Aziz Al Saud to pardon the girl. The global media has also highlighted the case consistently. Similarly, there has been great awareness in Sri Lanka regarding this case.

The Asian Human Rights Commission (AHRC) urges all concerned persons to continue to appeal on behalf of Rizana Nafeek to King Abdullah for clemency and pardon. We also urge the media and human rights community to keep up a continuous vigil on this case; it was the support of numerous persons that made it possible for the AHRC to assist in financing the appeal on her behalf to higher courts in Saudi Arabia.

The continuous appeal to King Abdullah is necessary despite the legal efforts, as he has the authority to pardon her.

(For reference to our earlier appeals please see: <http://www.ahrchk.net/ua/mainfile.php/2007/2463/>)

