

MISSION PERMANENT DU ROYAUME  
D'ARABIE SAOUDITE AUPRÈS DES NATIONS UNIES  
GENÈVE



الوفد الدائم للمملكة العربية السعودية  
لدى المقر الأورثني للأمم المتحدة  
جنيف

URGENT

Ref No: 11/25/19

Geneva, 19 January 2013

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to communication No: UAG/SO214 (106-10) G/SO 214(33-27) G/SO 214(53-24) dated 11 January 02013 from the Special-Rapporteur on extrajudicial, summary or arbitrary executions; the Special Repporteur on the human rights of migrants; and the Special Rapporteur on torture and cruel, inhuman or degrading treatment or punishment.

In this connection, the competent authorities in the Kingdom of Saudi Arabia will review the above-mentioned communication and the official response will be forwarded to you as soon as we receive it.

However, the Kingdom of Saudi Arabia has issued additional information concerning the Kingdom's position in regard to the enforcement on Wednesday 27/2/1434'AH {9 Jan 2013} of the death sentence handed down against the Sri Lankan housemaid Rizana Nafeeq.

The Permanent Mission of the Kingdom of Saudi Arabia has the honour to transmit herewith the additional information provided by official sources in the Kingdom of Saudi Arabia concerning the case of the Sri Lankan housemaid convicted of the murder of an infant child.

The Permanent Mission of the Kingdom of Saudi Arabia avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Office of the High Commissioner for Human Rights

Palais des Nations

CH-1211 GENEVA 10

cc: Chief of the Special Procedures Branch, OHCHR



OHCHR REGISTRY

18 JAN 2013

Recipients: SPB  
S. Lidome (Enc.)

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**Additional information concerning the Kingdom's position in regard to the enforcement on Wednesday 27/2/1434 [9 January 2013] of the death sentence handed down against the Sri Lankan housemaid Rizana Nafeeq**

In 2005, the Sri Lankan housemaid Rizana Nafeeq committed the premeditated murder by strangulation of a four-month-old child who had been entrusted to her care by the family for which she was working. After being questioned and charged with this crime, she confessed to strangling the child as a means to take revenge on the child's mother following a dispute that occurred between them. This confession was certified by three judges and submitted to her on two occasions by accredited interpreters. The child's body was subsequently examined by forensic experts who, in their autopsy report, noted the presence of bruises in the lower anterior part of the neck and indicated that death was caused by stoppage of the heart and cessation of breathing as a result of suffocation, which was confirmed by the accused.

She was referred to the judiciary for trial during which she enjoyed all the legal safeguards and rights guaranteed to accused persons by the Kingdom's Code of Criminal Procedure in order to ensure a fair trial in conformity with the legal standards in force. The said housemaid's legal representative, the lawyer Katib bin Fahad Al-Shammari, was present and was able to conduct all the defence, objection and appeal procedures. Interpreters of her own nationality from her country's Embassy also attended and all the stages of the proceedings were monitored by her country's Government and its Embassy in Riyadh. Her country's officials, including the Sri Lankan Attorney General, who visited the Kingdom were informed of all the concomitant circumstances of the case from its inception.

Under the judgement of the General Court, handed down by three judges on 4/6/1428 AH [19 June 2007], the felon was sentenced to capital punishment. The judgement became final when it was upheld by five judges in the Court of Cassation in 1429 AH and by five judges in the Supreme Court on 7/9/1432 AH [7 August 2011]. Following ascertainment of the felon's legal capacity, her attainment of the age of majority, completion of all the elements of the crime and the absence of any impediments to enforcement of the penalty, the sentence was carried out on 27/2/1434 AH [9 January 2013] after all the three stages of criminal procedure had been completed in accordance with the Kingdom's regulations.

The Government of the Kingdom of Saudi Arabia, for its part, made diligent efforts at the highest levels to persuade the child victim's next of kin, in their capacity as the persons primarily entitled to pardon the offender or accept blood money, to waive their right to demand enforcement of the judgement. Most regrettably, however, these efforts proved unsuccessful in view of the next of kin's insistence on enforcing the court judgement and their refusal to waive their right. The Kingdom's Government was highly commended by the Sri Lankan Government for the efforts that it made to obtain a pardon for the housemaid.

With regard to the allegations made in some information media to the effect that the felon was a minor, it was ascertained that her age, as recorded in her passport, was 21 years at the time of the commission of the crime. A passport is universally recognized as constituting an official document issued by the government of the

holder's country. Moreover, the Kingdom's regulations do not authorize or permit the recruitment of under-age labour.

In this connection it is noteworthy that, in the Kingdom of Saudi Arabia, capital punishment is a doctrinal penalty provided for in the Islamic Shari'a and cannot be called into question under any circumstances insofar as it constitutes a criminal penalty for heinous crimes and is intended to protect the rights of victims and society. Moreover, abolition or suspension of capital punishment would deprive governments of an effective means to ensure the triumph of justice, protect society from criminals and requite heinous crimes with a fair penalty appropriate to the crime.

International human rights law affirms that every human being has an inherent right to life, as stipulated in article 6, paragraph 1, of the International Covenant on Civil and Political Rights. This principle is likewise affirmed in the Islamic Shari'a. However, paragraph 2 of the same article indicates that: "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of commission of the crime ...". The crime of murder unquestionably constitutes an extremely serious violation of individual and collective rights.

The Kingdom of Saudi Arabia, while providing these clarifications, wishes to affirm its respect for the sovereignty the law, the independence of the judiciary and all the legislative enactments protecting the rights of citizens as well as foreign residents in its territory in conformity with the provisions of article 46 of the Basic Law of Governance which stipulates that: "The judiciary shall be an independent authority and, in their administration of justice, judges shall be subject to no authority other than that of the Islamic Shari'a". At the same time, the Kingdom wishes to affirm its respect for all its international commitments to safeguard the human rights and dignity stipulated in, and guaranteed by, international instruments and the Islamic Shari'a



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Mission Permanente du Royaume  
d'Arabie Saoudite auprès  
des Nations Unies  
Genève



الوفد الدائم للمملكة العربية السعودية  
لدى المقر الأوربي للأمم المتحدة  
جنيف

Ref. No: 11/25/14



Geneva, 16 January 2013

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit herewith a statement made by an official source in the Kingdom of Saudi Arabia concerning the case of the Sri Lankan housemaid convicted of the murder of an infant child.

The Permanent Mission of the Kingdom of Saudi Arabia avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Office of the High Commissioner for Human Rights  
Palais des Nations  
CH-1211 GENEVA 10

	
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**KINGDOM OF SAUDI ARABIA**  
**Ministry of Foreign Affairs**

**STATEMENT BY AN OFFICIAL SOURCE**

An official source has stated as follows:

~~The Government of the Kingdom of Saudi Arabia regrets the statements made~~  
by the Secretary-General of the United Nations, the Vice-President of the European Commission, the High Representative of the European Union for Foreign Affairs and Security Policy, the spokesman for the Office of the United Nations High Commissioner for Human Rights and a number of foreign bodies and organizations concerning the enforcement of the court judgement handed down against the Sri Lankan housemaid convicted of the premeditated murder by strangulation, approximately one week after her arrival in the Kingdom, of a four-month-old infant who was the only child of the family for which she was working, insofar as those statements contained erroneous allegations that were made without ascertaining the circumstances and concomitants of the case. The Kingdom's Government wishes to provide the following clarifications:

1. The allegations to the effect that the felon was a minor are false. These allegations are clearly and unambiguously disproved by her passport, which records her age as being 21 years at the time of the commission of the crime. A passport is universally recognized as constituting an official document issued by the government of the holder's country. Moreover, the Kingdom's regulations do not authorize or permit the recruitment of under-age labour.
2. Following the establishment of all the legal elements of the crime, she was referred to the judiciary for trial, during which all her rights to official defence were respected and monitored by her country's Embassy. Her country's officials, including the Sri Lankan Attorney General, who visited the Kingdom were informed of all the concomitant circumstances of the case and the trial proceedings from their inception.
3. After the judgement was handed down, the Government made diligent endeavours at the highest levels to persuade the victim's next of kin, in their capacity as the persons primarily entitled to pardon the offender or accept blood money, to waive their right to demand enforcement of the judgement. The Kingdom's Government was highly commended by the Sri Lankan Government for the efforts that it made to obtain a pardon for the housemaid. Most regrettably, however, these efforts proved unsuccessful in view of the next of kin's insistence on enforcing the judgement and their refusal to waive their right.

The Kingdom of Saudi Arabia, while providing these clarifications, wishes to affirm at the same time its respect for the sovereignty of the law and all the legislative enactments and regulations governing protection of all the rights of citizens and foreign residents in its territory. The Kingdom categorically rejects any interference in its affairs or the judgements of its judiciary on any grounds whatsoever.