

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences**

REFERENCE: UA G/SO 218/2 G/SO 214 (3-3-16) G/SO 214 (106-10) G/SO 214 (33-27) G/SO 214 (53-24) G/SO 214 (89-15)  
SAU 4/2014

2 April 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the human rights of migrants; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 24/7, 17/2, 17/12, 17/5, 16/23, and 23/25.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the case of Ms. **Satinah Binti Jumadi Ahmad**, who is reportedly at risk of imminent execution in Saudi Arabia.

According to the information received:

Ms. Satinah Binti Jumadi Ahmad, aged 41, is a migrant from Central Java, Indonesia, who has been working in Saudi Arabia.

She was reportedly sentenced to death in 2010, in Saudi Arabia, for the murder of her employer, Ms. Nura al-Garib, on 26 June 2007 in the province of al-Qassim. It is alleged that Ms. Ahmad confessed to the killing. She claimed however that the killing was committed in self-defense. Allegedly, Ms. al-Garib attempted to beat Ms. Ahmad's head against the wall when Ms. Ahmad struck Ms. al-Garib's neck with a rolling pin, killing her. It is further alleged that Ms. Ahmad had been subjected to physical and emotional abuse from her employer during several months prior to the killing.

It is unclear to what extent the circumstances of the killing committed by Ms. Ahmad were considered during the trial against her in Saudi Arabia.

It is reported that Ms. Ahmad's execution, initially scheduled for August 2011, has been postponed several times. Allegedly, the family of Ms. al-Garib announced in July 2013 that they would grant clemency to Ms. Ahmad if they were paid 7 million riyals of compensation. The deadline for the payment of this compensation was reportedly set for 3 April 2014. Allegedly, Ms. Ahmad's execution will be carried out if the compensation is not paid by that date.

Ms. Ahmad is hence reported at risk of imminent execution, possibly by beheading, from 3 April 2014.

It is further reported that the death penalty is used disproportionately against foreign nationals in Saudi Arabia. Reportedly, half of the individuals executed in Saudi Arabia in 2013 were foreign nationals. In addition, court proceedings in Saudi Arabia allegedly do not meet the international standards of fair trial and due process. It is alleged that defendants in Saudi Arabia are frequently denied formal representation by a lawyer or adequate interpretation assistance, and are not kept informed of the progress of the legal proceedings against them. Reportedly, defendants are frequently convicted in Saudi Arabia solely on the basis of confessions obtained under duress.

Without prejudging the accuracy of the information made available to us, we would like to express concern that the death penalty may have been imposed and be carried out against Ms. Satinah Binti Jumadi Ahmad, after proceedings which did not comply fully with international human rights law standards regarding the imposition of the death penalty in countries which have not yet abolished it. We are also concerned at the number of death sentences imposed against foreign nationals in Saudi Arabia, as well as the reports about the violation of fair trial and due process standards during court proceedings.

In view of the irreversibility of the punishment of the death penalty, we urge your Excellency's Government to take all steps necessary to prevent the execution of Ms. Satinah Binti Jumadi Ahmad, which, if carried out, would be inconsistent with acceptable standards of international human rights law. We call upon your Excellency's Government not to execute Ms. Satinah Binti Jumadi Ahmad, and to commute without delay the death sentence imposed against her.

In this respect, we would like to refer your Excellency's Government to article 3 of the Universal Declaration of Human Rights (UDHR) which guarantees the right of every individual to life, liberty and security. Although international law does not prohibit the death penalty, it nonetheless provides that it must be regarded as an exception to the fundamental right to life, and must as such be applied in the most restrictive manner.

In this regard, we would like to respectfully remind that, “in countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences” (Safeguard 1 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty, approved by Economic and Social Council resolution 1984/50 of 25 May 1984). Further jurisprudence by the United Nations Human Rights Treaty Bodies holds that the “most serious crimes” provision should be understood to mean that only the crime of intentional killing may be punishable by death. A killing committed in self-defense does not meet the threshold of the “most serious crimes” provision under international human rights law.

Furthermore, only full respect for stringent fair trial and due process guarantees distinguishes capital punishment as permissible under international law from a summary execution, which by definition violates international human rights law standards. Article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty provides that capital punishment may only be carried out pursuant to a final judgment rendered by a competent court after a legal process which gives all possible safeguards to ensure a fair trial, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings. In this regard, any decision on executions that are taken, based on the individual willingness to accept or pay financial compensations, are not part of the formal legal process and could render proceedings arbitrary and contrary to international law.

Safeguard 4 further stipulates that “capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts”.

Moreover, we would like to refer your Excellency's Government to article 10 of the UDHR which stipulates: “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.” Article 11 of the UDHR further states that: “(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.[...]”

The rights set out in UDHR, including the right to life, liberty and security and the right to a fair trial, apply to everyone, including migrants. This follows from the principle of non-discrimination set out in article 2.

In this context, we also wish to draw your Excellency's attention to the report of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment to the General Assembly (A/67/279), stating that even if the emergence of a customary norm that considers the death penalty as per se running afoul of the prohibition of torture and cruel, inhuman or degrading treatment is still under way, most conditions

under which capital punishment is actually applied renders the punishment tantamount to torture. Under many other, less severe conditions, it still amounts to cruel, inhuman or degrading treatment.

We would also like to bring to your Excellency's attention Article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms.

The CEDAW Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes, to punish perpetrators and to provide adequate compensation without delay. In general recommendation No. 19, the Committee sets out specific punitive, rehabilitative, preventive and protective measures States should introduce to fulfil this obligation; in paragraph 9, it makes clear that "under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation".

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Ms. Satinah Binti Jumadi Ahmad is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee her right not to be deprived arbitrarily of her liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the UDHR.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Please provide information concerning the legal grounds for the arrest and detention of Ms. Satinah Binti Jumadi Ahmad and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR.
3. Please provide information on the crime that Ms. Satinah Binti Jumadi Ahmad was found guilty of, and sentenced to death. Please clarify how this is compatible

with the aforementioned “most serious crimes” provision under international human rights law. Please specify what was the evidence used, based on which Ms. Satinah Binti Jumadi Ahmad was convicted and sentenced to death.

4. Please provide detailed information on each stage of the judicial proceedings conducted against Ms. Satinah Binti Jumadi Ahmad, and indicate how they comply with the requirement and guarantees of a fair trial and due process under international human rights law.

5. Please explain how the respect of international standards with regard to fair trial and due process guarantees is ensured during court proceedings in Saudi Arabia.

We undertake to ensure that your Excellency’s Government’s response will be available in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency’s Government to take all necessary measures not to execute Ms. Satinah Binti Jumadi Ahmad and to guarantee that her rights and freedoms are respected. We also request that your Excellency’s Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers

François Crépeau  
Special Rapporteur on the human rights of migrants

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Juan E. Méndez  
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