

Saudi Arabia

Foreign Nationals and the Death Penalty

Death Penalty Overview

Amnesty International has consistently ranked Saudi Arabia among the top five global executing states. In 2019, 184 executions - which are carried out by beheading, often in public - were recorded in the country, with the majority of the individuals executed (84) having been convicted for drug-related offences. The broad range of other offences that can be punishable by death includes murder, rape, terrorism-related offences, robbery, apostasy and witchcraft. Depending on the nature of the charges, the imposition of a death sentence may be mandatory under the country's strict Sharia legal system. While against international law to sentence minors to death, Saudi Arabia continues to sentence and execute people for crimes committed whilst they were under the age of 18. These executions are the product of a criminal justice system characterised by secrecy and arbitrariness.

The total number of individuals currently held on death row is unknown, and death sentences have frequently been carried out following trials which did not meet international standards, including cases in which defendants were convicted on the basis of 'confessions' believed to have been obtained under torture. In 2020, the overall number of reported executions dropped notably to 27 (including 9 foreign nationals) - an 85% fall on 2019 figures.

The factors that may have influenced this unexpected decline include the impacts of domestic COVID-19 lockdown measures; the imposition of a de facto moratorium on death sentences for 'discretionary' offences (including drug-related offences); and increased scrutiny surrounding Riyadh's hosting of the G20 summit in November 2020.

Sumartini Binti Galisung



Sumartini, a 33-year-old domestic worker from Indonesia was arrested in 2008 on the charge of witchcraft. Her employer's son had gone missing and she was accused of making him disappear. She was in prison for a year before being sentenced to death. In 2011 she had her sentence commuted to 10 years plus 1000 lashes. After this period was over, she was released. So, for over 11 years before she was eventually released back to Indonesia.

The current Crown Prince Mohammad bin Salman has previously stated his intention to significantly restrict the use of the death penalty, and in August 2020 government sources indicated that a decree formally abolishing the death penalty for drug-related offences was imminent - however whether these promises of reform constitute anything more than attempts to seek positive international publicity remains to be seen.

Foreign Nationals on Death Row

Within this system, it is foreign nationals who are disproportionately at risk of death sentencing and execution, particularly poorer migrant workers. At least 90 of the 184 individuals (49%) who were executed in 2019 were foreign nationals, and nationals of at least 29 countries are known to have been executed in the past. Among the countries whose nationals have been most severely affected is Pakistan, with many more Pakistanis reportedly executed in Saudi Arabia in the past than any other foreign nationality.

The NGO Justice Project Pakistan (JPP) has documented the execution of Pakistani citizens following trials which were solely in Arabic, with no translation. JPP have detailed further fair trial issues faced by many foreign nationals in the country, such as lack of access to legal representation and pressure to sign 'confessions'. It has been noted that Saudi officials rarely meet their obligation under the Vienna Convention to inform consular officials of the detention of foreign nationals. In fact, foreign nationals are often executed without first informing their consulates. NGOs have also stated that they are denied access to prisons to support detainees or offer legal representation.

Tuti Tursilawati

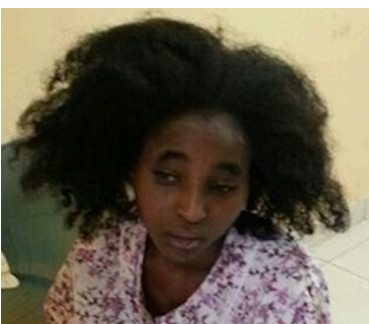


In 2009, 25-year-old Tuti Tursilawati from West Java, Indonesia, left her four-year-old son to travel to Saudi Arabia to work as a maid in order to support her family. According to her account, her employer, a Saudi man, regularly sexually abused her while she lived and worked in his home.

One day in May 2010, when her employer tried to rape her again, Tuti tried to defend herself with a stick and hit him, causing his death. She fled the house and tried to get away to safety. Instead, she was found by a group of nine men who gang raped her. She was arrested by the police one week after her employer died and was sentenced to death for his murder in 2011, despite the circumstances.

After eight years in prison, Tuti was beheaded on 29 October 2018. The Indonesian consulate were not even informed of her execution date until after she was executed. Just one week before, Saudi Arabia's foreign minister Adel al-Jubeir had met with the Indonesian foreign minister Retno Marsudi to discuss migrant workers' rights in the country, including a mandatory consular notification requirement before any planned executions.

Zam Zam Boreek



Zamzam was working in Saudi Arabia as a maid. She was accused of killing her employer's 6-year-old daughter Lamis and burying her body in the garden. Zamzam 'confessed' to the crime stating that she did it because her employer abused her. Her case fuelled an anti-Ethiopian uprising in Saudi Arabia, with many Ethiopian maids raped and killed in retaliation. Ethiopia was forced to repatriate 100,000 workers after the violent period. Zamzam was executed on 26 September 2016 at the age of 26.

Etty Binti Toyib Anwar



Etty Binti Toyib, an Indonesian woman, was sentenced to death in 2001 at the age of 32 after being accused of poisoning her employer. The family of the deceased demanded \$1.3m US dollars. Concerned individuals and organisations managed to raise \$1m for Etty over the years, which was accepted by the family, allowing her to be released aged 51, after 19 years in prison. The nature of the *diya* system, in which a murder victim's family may accept blood money on behalf of the accused in exchange for full or partial clemency, further disadvantages foreign nationals who do not have the social networks or means to meet the family's demands. The victim's family can choose what level of blood money they would accept, and this usually amounts to sums well outside the means of a migrant worker.

The nature of the *diya* system, in which a murder victim's family may accept blood money on behalf of the accused in exchange for full or partial clemency, further disadvantages foreign nationals who do not have the social networks or means to meet the family's demands. The victim's family can choose what level of blood money they would accept, and this usually amounts to sums well outside the means of a migrant worker. Sending countries have made attempts to safeguard the rights of their nationals and in 2011 Indonesia signed a moratorium to stop sending domestic workers to the Gulf state after another Indonesian maid was executed. However thousands still travel there each year as they know their families rely on the remittances sent back home.



Many foreign nationals in Saudi Arabia are there to work on construction projects. Saudi Arabia relies heavily on foreign labour, mainly from South and Southeast Asia for its vast building projects and to provide domestic help for Saudi households.

Acknowledgements

With special thanks to the following organisations and individuals who lent their considerable assistance and expertise towards this research in Saudi Arabia: ESOHR, Eleos Justice, Harm Reduction International, Justice Project Pakistan, Reprieve MENA, P39A, among others.



Death Penalty Research Unit, University of Oxford

For more research see:

foreign-nationals.uwazi.io or tinyurl.com/mappingdeathrow