

DNA Casts Doubt Over Case

By Soniya Kirpalani

October 18th, the ongoing appeal hearing for the 17 Indians on death row for the alleged murder of 1 Pakistani commenced with Judge Al Shamsi leading the bench. This shift of judges didn't seem to hamper the process of the court in any manner. Forensic Laboratory Expert, Dr Mohammed Suleiman Ali, was called in to testify as a witness, at the Sharjah Court of Appeal. Referring to his notes, Suleiman said that he had received a call from the Criminal Investigation Department Sharjah, at 11.30 on November 10th.

Reaching the location, a Steel Mill in Saja'a Sharjah, Suleiman was informed that a fight had broken out between groups of Asian workers. "I, accompanied by the head of the biological analysis section at the forensic laboratory, Ahmed Al Serkal, reached the crime scene. First, we took blood specimens from the sandy area and then I found a torn shirt, a towel, a mattress, two blankets and a shawl with traces of blood on them. These items were found behind a room nearby. We took specimens of the blood traces on a wall which some people had used to climb over".

Suleiman also tested the pickup vehicle in which the deceased Misri Khan was rushed to the hospital along with three more injured. "In addition here were six pieces of fabric, a bed sheet which was brought from the hospital on November 12th. When we checked them, we found mixed blood traces of various blood groups which were included in the reports provided in the court file. We also checked the blood samples of the victims who were brought to the hospital" Suleiman explained. An earlier hearing- October 13th, the court had heard that there was 200 mg of alcohol in the blood of the victim Misri Khan, who is a Muslim.

Suleiman also mentioned that he had taken specimens from the pools of blood found outside, as well as inside the Steel Mill, on the iron door and also the blood visible on the sandy area; he mentioned that the police had sealed the crime scene before their arrival so as to avoid any tampering with evidence. The Defense lawyer, Mohammad Salman asked Judge Al Shamsi to question if DNA / Hair Samples/ Finger Prints or Blood Tests matched with that taken from the 17 suspects. Suleiman replied "Nobody asked me to conduct the DNA tests on the 17 suspects, nor was I asked to match the blood found on the wall".

"Then how do we know that they were the ones who killed the victim?" Judge Shamsi asked. "We do only what we have been asked to do" Suleiman replied. The defense lawyers questioned if the laboratory had checked all blood samples, and whether the blood could have been mixed. Suleiman replied "I took blood specimens found in different places, but I cannot give a clear cut answer if the blood specimens were mixed or not." Evaluations of the evidence were completed in less than 10 days and a report presented police and prosecutors.

The report stated that the victim, Misri Khan had died after receiving a severe beating to most of his body, especially the head. After hearing this defense lawyers quizzed the expert if the lab had conducted tests on the weapons that are said to be used by the accused to hit the victims. The forensic expert clarified that nobody brought those weapons to the forensic laboratory for testing. "The way you collected your evidence is not credible at all," said the defence lawyer who was once a former member of UAE's police force. "You are supposed to prove to us that the evidence collected on the scene matches with the suspects' fingerprints or DNA."

This testimony cast a huge doubt on the methods employed by Sharjah Police and Prosecution. Major Abdul Razzak Asad, Chief Investigating Officer, Sharjah police, who supervised the crime scene took the stand next. Asad was unable to produce images of the crime scene or DVD of footage taken by the police when they recreated the crime at the Al Saja'a area with the 17 suspects in prison uniforms. The defence requested Judge Shamsi to ask the Police to provide the images and DVD along with crime weapon for them to study. The court was adjourned until to provide time to build up defence, until Nov 4th -which coincidentally is Diwali- the holiest day in the Hindu calendar.