

## No Witnesses – No compromise!

By Soniya Kirpalani

The Sharjah Court continued the appeal hearing for the case of 17 Indians on death row for killing a Pakistani on December 16<sup>th</sup>. Abdul Razzak Assad, CID chief and main witness wasn't in attendance for the third time. This upset the judge, who went on record stating that this was a hindrance in the judicial process, issuing a strict warning for their presence at the next hearing. The Defense kicked off this wintery day by requesting the court to view the DVD that had been given to them by the prosecutor's office as evidence. The judge declined saying he couldn't do so without the presence of key witnesses. The defense persisted saying that the said DVD exonerates their clients of this crime. Salmaan stated that the DVD contained footage of reconstruction of the crime scene, rather than the real crime scene, as the 17 accused were seen in prison uniforms. He then requested that further evidence be handed over to them - i.e.:- hair samples, blood stained shirts, hand prints and alleged murder weapons.

Unconvinced the Judge counteracted this request, questioning why the defense felt that the murder weapons needed to be presented in every criminal case. "The prosecution so far has not produced the weapons involved in the case without which the trial is incomplete. The connection between the object (weapon) recovered, the accused and the offence with which the accused is charged must always be established by *"evidence alinude"*. Bindu Chettur the lead advocate from Salmaan's panel explained. For the first time Ramzaan, the representative of the deceased's family, presented his power of attorney. Questioned on what the family of the deceased wanted from the trial; Ramzaan shocked the court by instantly answering 'Badla' (Revenge). Judge Shamshi insisted firmly that this should be thought through carefully with Misiri Khan's family and adjourned the hearing. Ramzaan's denial seemed more than a bit strange; in June 2010 when we interviewed Ramzaan he was negotiating a hefty out of court settlement with Baljeet Singh Khalsa so why did he suddenly want Retribution!!!

**Blood Money Byte** <http://www.youtube.com/watch?v=gjBW80CY0A4>

Blood Money (Diya) is given by the accused to the deceased victim's family; by this act the accused plead guilty and ask for compassion and forgiveness, in return they offer to security for the bereaved family of the victim. It is solely up to the family to forgive them or not, the court applies no pressure. This is an integral part of the Sharia Court's efforts to reach a fair settlement for both victim and family. The Diya money set in courts of UAE is normally US \$ 60,000.00. This is only done if the death of the deceased was an accident. In case of premeditated murders or heinous crimes, the Court can suggest a 'Compromise' and in that case the money amount is solely negotiated between the victim and accused.

Hearing the figures, 2 Million US\$ being 'negotiated' on their behalf, chilled the blood of the 17 accused and their families. But this didn't affect the out of court discussion between Ramzaan and Baljeet. When Ramzaan was quizzed by the local press on why he negated the courts suggestions for compromise, Ramzaan hinted that there would be two settlements - one "out of court" for an amount set between the victims and the 17's negotiators and the other would be after which they would "agree" for an in court settlement but the amount would remain approximately US \$ 2 Million. The date for the next hearing was set for December 30 2010.

Going back into the Labor Camps to meet the colleagues of the 17 who had been trapped; we were pleasantly surprised to see that the Labor Ministry had got the wind of their situation and forced the Camp bosses to end their abuse. The UAE Ministry has decided to set up an Abuse Hotline for Migrant Workers whose rights are being abused. However on the Indian side abuse remains rampant; this dark reality hasn't changed. Everyday lines of workers are tricked into selling their lives, hoping for dreams and ending up entrapped in slavery. Can the largest democracy of the world, which claims to be heading towards becoming a global player continue human trafficking and allow slavery of its nationals?

[http://www.youtube.com/watch?v=I3IZRzJ\\_bRk](http://www.youtube.com/watch?v=I3IZRzJ_bRk)

[The National Articles on Labour Rights Debate and Abuse Hotline](#)