

# The Trauma Continues

By Soniya Kirpalani

*Despite a record amount of blood money payment-approx 1Million US\$- the 17 Indians still languish in UAE Prisons. The final verdict is on Feb 1<sup>st</sup> but their trauma continues, as two Pakistani's allegedly the same incident have filed a Civil Case claiming 400000.00 US\$ compromise.*



Three years since their arrest in Jan 2009 in Sharjah UAE, 17 Indians continue to stand helplessly at the Sharjah Court of Appeal, trying to understand their rather complex and controversial case. Convicted for the alleged murder of Misri Khan, a Pakistani National, their case has gone through a series of dramatic downturns. Having been found guilty of killing Misri Khan during an alcohol turf war in the labor camps of Sajaa, Sharjah 2009, they had been given the death penalty in March 2010.

Following the hue raised by international and local media at this harsh sentence, the men received an appeal April 2010. After Sikh Socio-Political organizations paid approximately 1 Million US\$ in Diya (Blood Money Compromise) to the victim's family, the Appellate Court sentenced them to two years in prison and deportation.

As they had completed this sentence waiting for the completion of their trial, they were ready for release September 21<sup>st</sup>. On the 22<sup>nd</sup> they were re-arrested; technical glitches in the sentencing of the High Court led to landed the case at the Federal Supreme Court in Abudhabi. Two issues hadn't been resolved- the possible compensation for the other three victims injured in the same incident- Mustaq Ahmed, Mohamed Nawaz and Shahid. Additionally the Court hadn't given any sentence given for 'possession, consumption and sale of alcohol' in the Emirate of Sharjah. On December 27<sup>th</sup> the 17 men appeared before UAE's Supreme Court. With no lawyers in attendance, the men defended for themselves and all 17 accused pleaded 'Not Guilty' on both counts. Urging for the Court's mercy, they are said to have humbly requested they be sent back to their home country at the earliest.

The Supreme Court referred the case back to the Sharjah Appeal Court, giving it the power to reopen the case for correcting the technical errors and completing the sentence. On January 11<sup>th</sup>, in a Special Session, the High Court Judge Abdul Rahman Bin Thalaya once again questioned the accused on 'bootlegging and alcohol consumption', all 17 denied these allegations of bootlegging again. Surprisingly no mention was made to the injuries of the other three victims, neither at the Supreme Court, nor in the papers presented to the Court of Appeals by the defense lawyers.



For the first time Mohammed Salmaan, the head of the defence team actually had a chance to provide a counter argument, he said "There is no proof against my clients; there was no alcohol in their system, none was seized nor confiscated from them."



Continuing he explained "Their 'confession' to being bootleggers was recorded at the Court of First Instance but this cannot be upheld as there was no Punjabi translator and they were questioned in Hindi, a language they aren't adept in." Listening to all parties, the Judge announced the final verdict will be delivered on February 1<sup>st</sup>.

Pre-empting this, Mustaq and Shahid, the two men allegedly injured in the same case have filed a separate civil case on September 2011, seeking 1.5 Million AED (approx 400000.00 US\$) compensation. It seemed strange that they were the same hostile witnesses who refused to identify the accused. Mustaq claims "When the 17 men admitted their guilt and paid a hefty blood money compromise to the deceased, I am asking an equal compensation for my injuries that has incapacitated me for life." It seems like nothing really has changed for the 17 Men, who continue to languish in prison.



Watching the 17 men leave the courtroom, I realized that this might actually be the last time I hear their feet drag heavily across the court floors, trapped in heavy chains, if UAE's Courts give them the reprieve they are requesting. A lot has changed in the past two years, it's heartening to see how the Court itself has changed. Earlier when I walked into the reception, it was filled with laborers looking lost and harassed. But January 2012 I noticed that the Sharjah Government has set up the Al Thania Service for employment and rehabilitation of migrant workers; a reprieve

for migrant workers who have been duped by vicious employers. The local police are also working on a migrant awareness programs addressing issue like visa, employment in UAE etc. During the same period, the Indian Embassy has spent tax-payers money on creating an informative website for migrant workers; I wonder how will men labor camps access it!!! The world's largest democracy needs to take a few pages out of the book of UAE's monarchy if they truly want to sow the seeds of change.

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