

IN THE COURT OF APPEALS AT SHARJAH, U. A. E.

IN THE MATTER OF DEATH SENTENCE OF 17 INDIANS

Hon'ble Judge Younus Al Redha
and
Hon'ble Judge Ahmed Yaqoub

- i) Hon'ble Judges, the applicant organization i.e. **Lawyers for Human Rights International** (Regd), postal address # 516, Sector 11-B, Chandigarh 160011, India, through its General Secretary Navkiran Singh Advocate, move this application for seeking permission to intervene in the matter in the interest of justice to assist the Hon'ble Court on Human Rights violations aspects of the 17 Indians who have been given death sentence by the Trial Court and the appeal is pending before Your Hon'ble Court for 16.06.2010.
- ii) With the further prayer that the Hon'ble Court may get the matter enquired/investigated through any agency or authority as the Hon'ble Court may deem fit to enquire into the allegations of Human Right violations of the 17 Indians facing death penalty in the case of murder of Misiri Khan, a Pakistani citizen.

Respectfully showeth:-

1. That the applicant organization is comprised of Lawyers who are practicing in this Hon'ble court as well as the Districts Courts of Punjab, Haryana and Chandigarh. Though the organization has membership throughout the world, however the units of Punjab, Haryana and Chandigarh, INDIA are actively involved in upholding of Human Rights and rule of law through Public Interest Litigations and by providing free legal aid to the persons who are unable to afford litigation. The organization also trains and disseminates Human Rights knowledge through seminars and workshops. The organization does not accept any grants nationally or inter-nationally and the members of the organization make expenditure from their own earnings and make their humble contribution of time.

2. That the applicant organization is part of an International movement, which is campaign against death penalty and is spear-heading a campaign in India to secure release and relief to the victims of the Death Penalty in India and also to ensure that no prisoner of death penalty is confined in solitary confinement.

That in June 2009, the applicant organization was elected on the steering committee of a World Organization by the name of "World Coalition against Death Penalty" in its General Assembly held at Rome in Italy and now the applicant organization is running an international campaign against death penalty alongwith other world acclaimed organizations like Amnesty International.

3. That the news of 17 Indians being sentenced to death by a Shariat Court of Sharjah, U.A.E. spread like a wild fire and there was a great hue and cry in India and resultantly the Prime Minister's office had to instruct Ministry of External Affairs to ensure that effective legal counsel is made available to the victims at the expense of the Indian Government. It appeared in the news papers that the law firm of a senior lawyer namely Mohammad Salman has been engaged by the Indian Government and after finding the details of the law firm from the internet, the applicant organization contacted the lawyers on telephone and verified about the facts of the case.

4. That the applicant organization after talking to the lawyers about the said incident in which the 17 youth were given death penalty due to the killing of one Pakistani youth decided to visit Sharjah to meet the lawyers and the prisoners. The applicant organization decided to send a fact finding mission to Sharjah and the organization was represented by its General Secretary Mr. Navkiran Singh a Lawyer practicing at High Court of Chandigarh since last 24 years and another lawyer of District Courts Chandigarh namely Mr. Gagan Aggarwal who is also a office bearer of the Chandigarh Unit of the organization.

5. That the lawyers of the applicant body met the lawyers of the 17 youth who have been sentenced to death. The lawyers namely Mohammad Salman and Mrs. Bindu Suresh disclosed to the LFHRI team on 13.4.2010 in their Dubai office, that though the judgment of conviction was delivered on 29.3.2010 and the appeal was also filed on 4.4.2010, however they did not have any copy of the judgment or other records with them. The next day on 14.4.2010 the team went to meet the 17 prisoners in Sharjah jail which is in the State of Sharjah one of the seven States of U.A.E. and met the prisoners for around 2 hours.
6. That the meeting with these 17 prisoners revealed that 16 of these prisoners belonged to State of Punjab and one belonged to State of Haryana. One more prisoner namely Mr. Sharma met the team and also reported that there are around 50 Punjabi youths detained in the said jail and besides these 17 youth, there is another young person who has been given death penalty in another case and he alongwith 7 other Punjabi youth are facing murder charges, in which there are chances of being given death penalty.
7. That these 17 Punjabi youth disclosed horrendous tales of torture by the Sharjah police of C.I.D. Branch for 9 continuous days, in which they were given electric shocks and beatings with golf sticks and plastic pipes and they being forced to make confession of the crime. They also reported that their religious symbols of Sikhism were desecrated and they were disrespected, due to their religion being other than Islam. They also reported humiliation and ill-treatment in the jail. The most startling fact was that throughout the police custody and almost till they were convicted i.e. around one year no body from the Indian Consulate ever visited them.
8. That the applicant organization released a detailed report to press and media on 20.4.2010 which contained the details of the 17 prisoners condemned to death and also how the investigation was done in a biased manner and how evidence was manufactured to prejudice the court and how the human rights and religious rights of these individuals were violated. It also revealed that the whole court process took place in Arabic language which is not understood by these individuals and the translator provided to them was translating the court proceedings from Arabic to Hindi, which was partially understood by these rural based Punjabi's. The report also highlighted the callous attitude of the Indian Consulate and it also highlighted what remedial actions could be taken to ensure future occurrence of such arbitrary and discriminatory judicial processes against the citizens of India on foreign soil. The report dated 20.4.2010 running into five pages is being appended herewith as **Annexure P-1**.
9. That the report was widely circulated internationally and the facts revealed in the report forced the "Amnesty International" a Human Rights Watch Dog Organization based in London to release a urgent action in the matter and the said urgent action has brought this incident to the International Attention. A copy of the said urgent action dated 22.4.2010 is being appended herewith as **Annexure P-2**. There after the same was also followed by concern shown by "**World coalition Against Death Penalty**" through its letter dated 28.4.2010, which is being appended herewith as **Annexure P-3**.
10. That the applicant organization had sent two lawyers to attend the court proceedings on 19.5.2010 and after attending the court hearing one of the lawyers also met all the 17 accused in Sharjah Jail on 24.5.2010.
11. That the allegations made by the accused in the present case regarding their human rights violations in the police custody are very serious in nature and are also in contravention to the **Article 26** of United Arab Emirates Constitution, which enshrines a right to personal liberty as well as from being tortured or put to degrading treatment. The said Article 26 is reproduced as under:-
- "Article 26:- Personal liberty is guaranteed to all citizens. No person may be arrested, searched, detained or imprisoned except in accordance with the provisions of law. No person shall be subjected to torture or to degrading treatment."*
12. That **Article 41** also enshrines every person the right to submit complaints to the competent authority, including judicial authorities, concerning the abuse or infringement of the rights and freedoms as stipulated in Part-III of the U.A.E. Constitution.
13. That the allegations made by the accused regarding their being subjected to torture and intolerance shown towards their religious articles of faith also violates **Article 32** of the U.A.E. Constitution. The accused not being allowed to exercise their religious rights in the jail and their religious articles of faith being desecrated amounts to violation of Article 32.

14. That the procedure is the hand maiden of justice. Rule of law and justice to all are the fundamental of the judicial system worldwide. The present application may not be in the format and as required under the Rules or Procedures being adopted by this Hon'ble Court, however the ends of justice require that the matter of violation of the Human Rights of the accused need to be enquired / investigated, in order to ensure that the Majesty of Law is not allowed to be polluted by anyone, however mighty or high one may be. Hence the present application in the interest of justice.

LAWYERS FOR HUMAN RIGHTS INTERNATIONAL
THROUGH ITS GENERAL SECRETARY

NAVKIRAN SINGH

31st May, 2010

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