

**2nd FACT FINDING REPORT OF LFHRI REGARDING THE HEARING IN
CASE SENTENCING OF 17 INDIANS TO DEATH BY THE SHARIAT
COURT OF SHARJAH, UNITED ARABS EMIRATES AND THE ROLE OF
THE INDIAN CONSULATE AT SHARJAH.**

Lawyers For Human Rights International, while playing their role in the campaign being run by International bodies committed to abolishing of Death Penalty from this world had started in its own unique way to help the accused who are facing death penalty. Our body is of the view point that while we campaign against death penalty around the globe through awareness and lobbying, we also must try to provide relief to the victims of death penalty through legal interventions and also attempt to reduce the number of convictions attracting death penalty, in case we are able to provide circumstances where we are able to ensure them a fair trial.

The convictions of 17 Indians on 19th March 2010 for murder of 1 Pakistani youth in Sharjah UAE has attracted the international attention of justice loving people. LFHRI immediately came into action and started searching for human rights lawyer, who are practicing law in UAE and even contacted few of them through e-mails, but none responded. It came as a sigh of relief when the names of two Lawyers appeared in the news papers of UAE, who had been engaged by the Indian Consulate of UAE to file an appeal in the higher court at Sharjah. LFHRI decided to send a team of lawyers to meet the lawyers engaged by the Indian consulate and also to meet the 17 Indians who were detained at Sharjah jail, so that first hand information could be obtained. Both the Lawyers engaged by the Indian Consulate were contacted by the LFHRI and it was informed to them that we intend to visit Sharjah to meet the accused and also to help them in proper defense of the case and it was made clear that the team of **Lawyers of LFHRI would not charge anything from the accused or any other party and it would be an un-conditional help to the team of Lawyers.**

A team of Lawyers from LFHRI, comprising of Advocate Gagan Aggarwal and Advocate Navkiran Singh, met the Lawyers of the 17 Indians on death row on 13th April 2010, in their office at Dubai. The views were exchanged by the team of LFHRI with them and it was disclosed by them that they had not received the copy of the judgment or the legal records and once they get the records they would inform us, the help which they required from

us. Mohammad Salman the UAE counsel and his assistant Ms. Bindu Suresh, Advocate & Consultant were assured again by us that they would be the masters of the case, where as we would be covering the case from Human Rights angles.

On 20th April 2010, LFHRI released its report, which revealed how these 17 Indians were tortured in police custody and how they never got a fair trial and also held the Indian Consulate authorities of UAE to be responsible for negligence to ensure a fair trial to these 17 Indians and our report also held that the Indian Consulate failed to look after the Indians languishing in police stations and prisons of UAE. A public interest litigation was also filed by LFHRI in Panjab and Haryana high court at Chandigarh, where a detailed report was sought from the Indian Consulate as to the number of people detained in police stations and jails of UAE and also to fix the responsibility of the Indian authorities to ensure protection of the rights of the Indian citizens in UAE. As a consequence to the report of LFHRI, Amnesty International issued an urgent Action on 22-4-2010 and the whole International Human Rights community's attention was attracted to the mis-trial of the case. A public interest litigation was also filed by LFHRI in the High Court on 30-4-2010, in order to make the Indian Consulates around the world affective and the same is now listed for 10th Sept 2010.

We kept a close contact with the Indian consulate to UAE Mr. Verma and Ms. Bindu Suresh the Consultant / Lawyer and were also requested for a copy of the judgment of the trial, however both refused to share the judgment with us. The attitude of the Indian consulate changed when they found themselves being questioned by LFHRI for their negligence to protect the rights of the Indians abroad. **Mr. Verma CGI, when requested for a copy of the judgment of the trial court, told Navkiran Singh Advocate on telephone that “ I cannot share the judgment with you as it was not a public document”**. Resultantly the team of LFHRI having no option, starting focusing on Human Rights angle only.

The appeal in case in which 17 Indians who were sentenced to death by a Shariat court in Sharjah was filed and it case up for hearing in the Court of Appeals at Sharjah on the 19th May 2010. A team of Lawyers of Human

Rights International, consisting of its general secretary Navkiran Singh and Yadvinder Singh Dhillon, Advocates, attended the court proceedings. The proceedings were in the Arabic language and the same were also attended by the lawyers representing the accused along with a representative of the Indian Consulate. The members of various local media were also present there. The court during the hearing, put a question to the accused as to whether they had committed the said offence, the question in Arabic was put to the accused after the same being translated in Hindi. The accused did not understand the question and showed their helplessness to answer the same and on this after inquiring, the Hon'ble judge came to know that the accused belonged to Punjab and the language of the land was Punjabi. On coming to know about the same the Hon'ble judge directed the Indian Consulate to provide the court with a Punjabi translator in order to make the accused understand the proceedings of the Hon'ble court. **It is most important to note that the factum of the accused not understanding the Court language was brought to light for the first time in our report dated 20th April 2010. The fact regarding the accused not understanding Arabic OR Hindi was never brought to the knowledge of the Trial Court till 19th May 2010, i.e. date of hearing in the appeal.** Now the accused would be provided with a Punjabi translator in order to understand the proceedings of the court for 16th June 2010.

On 19th May 2010, the members of lawyers for Human Rights International approached the Hon'ble court in order to seek the permission for meeting the accused persons in the court and the same was granted by the court but at the same time the lawyer appointed by the Indian consulate objected to the same and while addressing the court in Arabic he stated that the advocates were members of a political party and they wanted to cash on the issue as there were elections going to be held in India. Not coming to know about the conversation between the lawyer and the Judge, since Mr. Mohammad Salman, though able to speak In English preferred to converse with the court in Arabic language and we not knowing as to what was said in question to the meeting of the lawyers from India, the permission earlier granted was declined by the judge. However the Hon'ble Judge Younus Al Redha who was heading the bench asked the LFHRI team to meet him in his chambers on Sunday the 23rd May 2010. **On 23rd May 2010 the team met the**

Hon'ble judge and it was explained to the Judge, the treatment given to the 17 accused and we conveyed to the Hon'ble Judge about the attention this case had drawn from the International Human Rights community.

The team of lawyers for Human Rights International visited the Central prison at Sharjah on the 23th May 2010 and as the team reached the prison around 1.15pm, they were not permitted to meet the accused as the meeting timings were over and thus they were asked to come again. On 24th May Yadvinder Singh Dhillon Advocate, visited the prison at around 9.15 am and made a request to meet the accused in the said case. The request made by the advocate was allowed and he was allowed to meet the 17 Indians in the case and along with them he met other Indians who have been lodged in the jail since many years. The people whom the lawyer met were as under:

1. Satnam Singh s/o Harbans Singh, Aged 24 yrs, V.P.O. Kuhli Kalan, District Ludhiana, Punjab.
2. Kulwinder Singh s/o Baldev Singh, V.P.O. Bangsipura, Tehsil Jagraon District Ludhiana, Punjab.
3. Navjot Singh s/o Amrik Singh, V.P.O. Raipur District Ludhiana.
4. Taranjit Singh s/o Balbir Singh, Village jagdishpura, P.O. Kultaran, District Kaithal, Haryana.
5. Baljeet Singh s/o Balwinder Singh, village Sangwal, district Jalandhar, Punjab
6. Subhan s/o Pyare Lal, Lohian Khas, district Jalandhar, Punjab.
7. Daljit Singh s/o Malkiat Singh, V.P.O. Aitiana tehsil Raikot, district Ludhiana, Punjab.
8. Kuldeep Singh s/o Suba Singh, V.P.O. District Moga, Punjab.
9. Harjinder Singh s/o Sital Singh, r/o new vishkarma colony, Phagwara, district Kapurthala, Punjab.
10. Arvinder Singh s/o Balraj Singh, village Gokhwal, P.O. Batala, District Gurdaspur, Punjab.
11. Satgur Singh s/o Gurmail Singh, village Ghanua Jattan, District Sangrur, Punjab.
12. Sukhjinder s/o Gurmail Singh, Near guru chand gurdwara, Patti, district Amritsar, Punjab.
13. Kashmir Singh s/o Mohinder Singh, village Ratto Ke gurwara, P.O.

khemkaran, tehsil Patti district Amritsar, Punjab.

14. Ram Singh s/o Malkiat Singh, village Kaweva, P.O. Pareet Nagar tehsil Ajnala, district Amritsar, Punjab.
15. Sukhjinder Singh s/o Mukhtiar Singh, V.P.O. Miani Baghu Puria, tehsil Bhulath, district Kapurthala, Punjab.
16. Dharampal Singh s/o Paramjit Singh, V.P.O. Jhoke Tehal Singh, district Ferozepur.
17. Sukhjot Singh s/o Jagdev Singh, village Sanghera, Barnala, Punjab.

THE ARE ANOTHER SET OF 3 ACCUSED WHO ARE ALSO DETAINED IN SHARJAH JAIL ARE ACCUSED KILLING OF BIKRAMJIT SINGH A RESIDENT OF GURDASPUR , PUNJAB.

18. Tarlochan Singh s/o Surinder Singh, aged 24 yrs, village Sakhudi, district Hoshiarpur.
19. Pardeep Kumar s/o Jat Ram aged 28 yrs, Jagraon.
20. Kashmiri Lal s/o Gurdial Singh aged 24 yrs, village Bhagsar, Phillaur.

These 3 accused were arrested on 6-10-2008 and for the first time the Indian Consulate officials visited them in April 2010. Pardeep Kumar and Kashmiri Lal informed LFHRI lawyer that they are totally innocent and Tarlochan Singh has just had been arrested for the reason that he was having food in the Indian restaurant at the time of their arrest by the Sharjah police. They also apprehend being sentenced to Death.

ANOTHER SINGLE ACCUSED IS RAJBIR SINGH, WHO IS ACCUSED OF KILLING MOHD AMIR ULLAH A PAKISTANI NATIONAL AND HE HAS BEEN GIVEN DEATH PENALTY ON 23RD MARCH 2010. HIS APPEAL IS PENDING.

21. Rajbir Singh s/o Sukhdev Singh r/o village Nijjeran district Jalandhar.

Rajbir was arrested from the Sharjah Airport after he had come back after visiting his wife in India. He said he was totally innocent as had he been

involved in the crime, why would he return back to Sharjah. The only evidence which was available against him was that his finger prints were found on a car which was in possession of the wife of the deceased, who is also an accused in this case.

ANOTHER SET OF 8 INDIANS ALONG WITH 2 PAKISTANIS, WHO ARE ACCUSED OF KILLING A PAKISTANI. OUT OF THEM HARDEV SINGH HAS CONFESSED HIS CRIME, REST ALL ARE INNOCENT.THEIR TRIAL IS GOING ON AND FIXED FOR 14TH JUNE 2010.

22. Sachin kumar Sharma s/o Rajinder Kumar Sharma, village malah, tehsil Guraya.
23. Rakesh Kumar s/o Din Ram, village Makshidan, Jalandhar.
24. Hardev Singh s/o ,village Ramana albel singh, district Faridkot.
25. Charanjit s/o Kundal Lal,village Prala Near Baraam, Pathankot.
26. Sukhpal Singh r/o village burj sim, district Bathinda.
27. Raspinder Singh s/o Shinderpal, village Takhamwad.
28. Amarjit Kumar s/o Avtar Singh, Langaria mohalla, Guraiya.
29. Kuldeep Singh s/o Ram Singh,village meenia, district Moga.

ANOTHER SET OF 3 ACCUSED ARE DETAINED IN THE CASE OF MURDER.OUT THEM HARPAL SINGH COULD ONLY BE INTERVIEWED.

30. Harpal Singh s/o Mehnga singh, village ludha munda district Gurdaspur.

ANOTHER PERSON WHO HAS BEEN GIVEN DEATH SENTENCE IS JASWANT SINGH MANGAT

31. Jaswant Singh Mangat.

ANOTHER ACCUSED IS SANDEEP SINGH SANGRA WHO WAS GIVEN DEATH DEATH SENTENCE, HOWEVER ON APPEAL HIS DEATH SENTENCE WAS CONVERTED TO LIFE IMPRISONMENT FOR 25 YEARS.

32. Sandeep singh Sangra village Khanjura tehsil Phagwara district Kapurthala.

Sandeep reported that though he is detained in the jail since last 3 years, however, the Indian Consulate only met him after the case of these 17 Indians were highlighted by LFHRI. He also mentioned that around 7 months back he had sent a written request to the Indian Consulate to meet him, however nobody came to meet him.

The legal meeting was conducted for almost 2-1/2 hours with these people and it revealed a very sad state of affairs of the justice system prevailing in Sharjah. In the meeting also an issue came up regarding the callous attitude of the Indian consulate in Sharjah as the prisoners who were the Indian citizens were not being taken care of by them. As per the version of the persons met, the highlighting of the case of the 17 Indians was like a gods gift to them as only after the same gathered importance from the various quarters did someone come to see them also. This kind of working of the Indian consulate at Sharjah is highly condemned as if they would have done their duties as they claim to be doing, the state of the Indian citizens in U.A.E. would have been better than what is existing.

LFHRI IS DETERMINED TO ENSURE A FAIR INVESTIGATION AND FAIR TRIAL TO ALL THE INDIANS WHO ARE ACCUSED FOR ANY CRIME IN UAE. INSPITE OF NON COOPERATION OF THE INDIAN CONSULATE WHO ARE TRYING TO BOLT OUT LFHRI FROM ASSISTING THE COURT AT SHARJAH, LFHRI WILL NOT STOP WITH ITS CAMPAIGN AGAINST THE VICTIMS OF DEATH PENALTY AND VOWS TO MAKE THE INDIAN CONSULATES EFFECTIVE AND RESPONSIBLE FOR THE LIFE AND LIBERTIES OF INDIAN CITIZENS LIVING ABROAD.

WE ALSO WISH TO REQUEST THE PEOPLE WHO HAVE BEEN RAKING THE ISSUE OF PAYMENT OF BLOOD MONEY TO THE RELATIVES OF THE DECEASED MISRI KHAN, FOR WHOSE MURDER THESE INDIANS HAVE BEEN CONVICTED, THAT THEY SHOULD REFRAIN FROM MAKING SUCH IRRESONSIBLE SATEMENTS AS THEIR STATEMENTS HAVE ALREADY DONE MUCH DAMAGE TO THE CASE AS THE RELATIVES OF THE DECEASED WHO WERE PRESENT IN THE COURT OF SHARJAH ON 19TH MAY 2010, HAVE TAKEN A STAND BEFORE THE

MEDIA THAT THEY ARE NOT WILLING TO ACCEPT ANY BLOOD MONEY. SECONDLY WHEN WE TALK OF PAYING BLOOD MONEY WE ADMIT THAT THESE 17 INDIANS COMMITTED THE OFFENCE, WHERE AS THE LAWYERS ARE CONFIDENT OF PROVING THE INNOCENSE OF THE ACCUSED IN THE COURT.

**NAVKIRAN SINGH
ADVOCATE
GENERAL SECRETARY
WWW.LFHRI.ORG**

**YADVINDER SINGH DHILLON
ADVOCATE.**

DATED 30TH MAY 2010.