

3RD FACT FINDING REPORT OF LAWYERS FOR HUMAN RIGHTS INTERNATIONAL ON INDIANS DETAINED IN U.A.E JAILS

LFHRI in continuation with its campaign to ensure justice to the Indians detained in U.A.E jails, sent its team of lawyers to Sharjah and Dubai. The team comprising of Navkiran Singh , Advocate and Yadvinder Singh Dhillon Advocate, attended the court hearing at Sharjah on 16th June 2010, in relation to the court proceedings pending against the 17 Indians who have been given death sentence for killing 1 Pakistani national.

The team attended the court proceedings on 16th June 2010 at the court of Appeals at Sharjah. The presiding Judge in the case for unknown reasons has been changed from the earlier Judge A.L Redha to Judge Abdulla Yousuf Al Shamsi The proceedings in the case could not take place as the Consulate General of India, U.A.E , who had undertaken to make available to the court a translator who could translate the court proceedings from Arabic to Punjabi language ,which is the only language understood by the accused, failed to make available such a translator. The counsel for the accused Mr. Mohammad Salman had requested the court to allow the translation to be done by 2 translators, one who will translate from Arabic to Hindi and another who will translate from Hindi to Punjabi. The court disallowed such a request and ordered the prosecution to make available a translator who should be able to translate directly from Arabic to Punjabi an adjourned the case for 14th July 2010.

The most startling fact which is worthy of noting is that all these more than 12 months when these 17 accused were facing the murder charges, no member of the Indian community or the Indian Consulate came forward to help these Indians to prove their innocence. Even after conviction, till the team of Lawyers provided by the Indian Consulate, after public outcry and the high lighting of the case in its 1st Fact finding report by the LFHRI on 20th April 2010, no serious interest was shown by the any one to the case. Now suddenly on 16th June 2010, we experienced that there were at least 3 visible groups, who were vying with each other to strike a compromise with the relatives of the deceased Pakistani.

LFHRI is very categorical with its stand since the very beginning that the case of 17 Indians is a very good case for acquittal. As it was a total mistrial and had the Indian Consulate cared to bother for the fair trial

of these Indians, the conviction could have been avoided. The reasons why we reached to this conclusion was :-

a.

That these accused were never arrested from the spot and were taken in custody after 10 days of the incident and the eye witnesses, who are injured eye witnesses and closely related to the deceased, failed to indentify these 17 accused in the Trial Court on 3 dates. So there is no evidence which could connect the accused with the crime.

b. That the proceedings of the court took place in a language, which was not understood by the accused, neither were they supplied the copy of the charges against them, either in Arabic or Punjabi language ,which is the language which they understood. So they did not get a fair chance to defend themselves and so it was a total mistrial.

LFHRI has been attempted to be kept away from the trial on the directions of the Consulate General of India Office as LFHRI had filed a Public Interest Litigation in the High Court at Chandigarh, where the role of the Indian Consulate has been questioned by us. So for obvious reasons the Indian Consulate does not want to cooperate with the LFHRI. The instructions to the counsel's by the Consulate General of India at UAE to not to cooperate with LFHRI after the release of its 1st report, were accepted by the counsels who are Citizens of UAE ,as they are also not interested to press upon for enquiry into the allegations of torture and Religious discrimination by the CID department of the Sharjah police who investigated the crime, which has been highlighted by LFHRI in its 1st Fact Finding report dated 20th April 2010. However it is also worthy to note that though the counsels are fighting the case on the lines of the 1st fact Finding report of LFHRI, otherwise till that time they were never aware that the accused never understood the court language, still they are choosing to refrain from associating LFHRI in the trial, even though LFHRI had offered unconditional FREE OF COST assistance.

LFHRI feels that now since several private parties, are offering blood money, they are defeating the due process of law. We feel that offering of blood money is against our interests , due to following reasons :-

FIRSTLY The case is a very good case for acquittal on merits, it is in-appropriate to offer blood money at this stage of first appeal. We could have at least waited for the outcome of the First Appeal.

SECONDLY The people who are offering Blood Money are creating a vicious atmosphere in UAE, where the local press has started negative publicity against these innocent Indians, who are being openly reported as if they are criminals. The headlines in the press are worth reporting “ BOOTLEGGERS WANT TO PAY THEIR WAY OUT OF PRISON”. (Copy of the press item attached)

THIRDLY The people who have come forward in large numbers and trying to score a point on the other in getting the deal effected are raising the demands of the family of the deceased. The eye witnesses who have gone on record that they would not accept blood money (refer to their interview on “You tube”, available on our website WWW.LFHRI.ORG) have started demanding money.

FOURTHLY Even if we are able to get the matter compromised, still when we have created a vicious atmosphere in the press by giving offers of Crores of Rupees (refer to statements of one Baljit Singh Khalsa), who started by quoting Rupees 16 Lakhs as the deal amount and has now been reporting it to Crores of Rupees, has created an impression with the people that the Indians can purchase freedom. In this atmosphere it is not impossible that the court may reject such a deal.

FIFTHLY Even if we are able to get the matter compromised after paying compensation to the victim families. Are we not returning back home our 17 Indians with a tarnished and tainted image, as we will have to admit our guilt, only then can we pay compensation.

SIXTHLY Since thousand of Indians are detained in various jails of UAE, are we not setting a bad precedent in a good case, which would lead to victim family’s would starting raising similar demands ,which would be not within the reach of all the accused.

.....SO KEEPING ALL THE ABOVE FACTORS INTO CONSIDERATION WE THROW A QUESTION TO THE GENERAL PUBLICIS PAYING OF BLOOD MONEY IN THE INTEREST OF THE ACCUSED AND NATION ?

.....LFHRI IS COMMITTED TO RESTORE THE HONOUR OF OUR CO-CITIZENS AND ENSURE THAT THE INDIANS RETURN BACK HOME WITH ACQUITTAL FROM THE CRIMINAL CHARGES, WHICH WILL RESTORE THE DIGNITY OF THE ACCUSED AND OF THE INDIAN NATION.

.....LFHRI WANTS THAT NO INDIAN CITIZEN SHOULD BE ILL-TREATED ON FOREIGN LANDS AND IN ANY SUCH EVENTUALITY THE INDIAN EMBASSIES AND CONSULATES MUST PROTECT THE RIGHTS OF THE INDIAN CITIZENS.

.....LFHRI WOULD PURSUE ITS LEGAL REMEDIES ON ITS OWN, INSPITE OF OPPOSITION AND NON COOPERATION OF THE INDIAN CONSULATE OF UAE, AS IT FEELS THAT DIPLOMATIC RELATIONS WITH A COUNTRY ARE NOT MORE IMPORTANT THAN THE LIFE AND LIBERTY OF THE INDIAN CITIZENS.

.....LFHRI ALSO FEELS THAT THE INDIAN CONSULATE OF UAE IS TRYING TO BRUSH UNDER THE CARPET ITS NEGLIGENCE IN PROVIDING ASSISTANCE TO THE INDIAN CITIZENS IN TROUBLE, WHICH IS PART OF THEIR FUNCTIONS AS CLAIMED BY THEM ON THEIR WEB SITE.

NAVKIRAN SINGH

22ND JUNE 2010

ADVOCATE

GENERAL SECRETARY

LAWYERS FOR HUMAN RIGHTS INTERNATIONAL

WWW.LFHRI.ORG

98144-11494large numbers and trying to score a point on the other in getting the deal effected are rai