

**1st FACT FINDING REPORT OF LFHRI OF THE SENTENCING OF 17 INDIANS TO DEATH
BY THE SHARIAT COURT OF SHARJAH, UNITED ARAB EMIRATES.**

The news of sentencing to Death of 17 Indians, accused of killing 1 person by a Shariat court of Sharjah in United Arab Emirates has shook the Indians as well as others around the world. It becoming a national issue, every politician of India and Panjab is trying to score a point on the other. Political mileages are being drawn from a tragedy. Congress Government at the centre as well as the Akalis of Punjab are trying to show and prove that their party is making more efforts than the other in ensuring that these 17 boys who incidentally belong to Sikh faith and are mostly residents of Punjab are properly defended.

Lawyers For Human Rights International an Organisation of Lawyers having its base in Punjab, India, being part of an International movement against Death Penalty, decided to visit Sharjah jail in UAE to meet the 17 prisoners who have been sentenced to Death for killing a Pakistani youth. Two member team comprising of Navkiran Singh a Human Rights Lawyer & Activist from Panjab, practicing in the High Court at Chandigarh and who is the General Secretary of LFHRI along with another Lawyer Gagan Aggarwal, visited Dubai and Sharjah on 13th and 14th of April 2010 and met the Lawyers who have been hired to defend these 17 Indians by the Indian Consulate of UAE and also visited Sharjah jail and met all the prisoners, whose names are :-

1. SATNAM SINGH S/O HARBANS SINGH, AGED 24 YEARS
V.P.O KUHLI KALAN , DISTRICT LUDHIANA. PANJAB, INDIA.
2. KULWINDER SINGH S/O BALDEV SINGH, AGED..... YEARS
V.P.O BANGSIPURA , TEHSIL JAGRAON, DISTRICT LUDHIANA,PANJAB,INDIA.
3. NAVJOT SINGH S/O AMRIK SINGH, AGED.....YEARS.
V.P.O RAIPUR, DISTRICT LUDHIANA, PANJAB, INDIA.
4. TARANJIT SINGH S/O BALBIR SINGH, AGED.....YEARS.
VILLAGE JAGDISHPURA , P.O KULTARAN, DISTRICT KAITHAL. HARYANA,INDIA
5. BALJEET SINGH S/O BALWINDER SINGH, AGED.....YEARS.
VILLAGE SANGWAL, DISTRICT JALANDHAR. PANJAB, INDIA.
6. SUBHAN S/O PYARE LAL, AGED.....YEARS.

- VILLAGE LOHIAN KHAS, DISTRICT JALANDHAR, PANJAB, INDIA.
7. DALJIT SINGH S/O MALKIAT SINGH, AGED.....YEARS.
V.P.O AITIANA TEHSIL RIAKOT, DISTRICT LUDHIANA, PANJAB, INDIA.
 8. KULDIP SINGH S/O SUBA SINGH, AGED.....YEARS.
VILLAGEDISTRICT MOGA, PANJAB, INDIA
 9. HARJINDER SINGH S/O SITAL SINGH, AGED.....YEARS.
NEW VISHKARMA COLONY , PHAGWARA, DISTRICT JALANDHAR,
PANJAB,INDIA.
 10. ARVINDER SINGH S/O BALRAJ SINGH, AGED.....YEARS.
VILLAGE GOKHWAL, P.O BATALA, DISTRICT GURDASPUR. PANJAB,INDIA.
 11. SATGUR SINGH S/O GURMAIL SINGH, AGEDYEARS.
VILLAGE GHANUA JATTAN , DISTRICT SANGRUR, PANJAB,INDIA.
 12. SUKHJINDER SINGH S/O GURMAIL SINGH, AGED.....YEARS.
NEAR GURU CHAND GURUDWARA, PATTI, DISTRICT AMRITSAR,
PANJAB,INDIA.
 13. KASHMIR SINGH S/O MOHINDER SINGH, AGED.....YEARS.
RATTO KE GURUDWARA, P.O KHEMKARAN, TEHSIL PATTI
DISTRICT AMRITSAR, PANJAB, INDIA.
 14. RAM SINGH S/O MALKIAT SINGH, AGEDYEARS.
VILLAGE KAWEVA, P.O PAREET NAGAR TEHSIL AJNALA,
DISTRICT AMRITSAR, PANJAB, INDIA.
 15. SUKHJINDER SINGH S/O MUKHTIAR SINGH, AGED.....YEARS.
V.P.O MIANI BAGHU PURIA, TEHSIL BHULATH,
DISTRICT KAPURTHALA,PANJAB, INDIA.
 16. DHARAMPAL SINGH S/O PARAMJIT SINGH, AGED.....YEARS.
V.P.O JHOKE TEHAL SINGH, DISTRICT FEROZEPUR, PANJAB, INDIA.
 17. SUKHJOT SINGH S/O JAGDEV SINGH, AGED 23 YEARS.
VILLAGE SANGHERA, BARNALA , PANJAB, INDIA.

The meeting was conducted for almost 2 hours, with these 17 young boys who are all aged between 21-25 years and it revealed a very sorry state of affairs. The apathy of the prisoners revealed a total miscarriage of Justice, highhandedness and religious

biasness of the CID branch of Police of Sharjah and a total callous attitude of the Indian consulate towards the Indian citizens who are languishing in jails of UAE. The details are as below:-

- A. **BIASED INVESTIGATION:** The prisoners reported that none of them was arrested from the spot and on their arrest they were brutally tortured by giving beatings to them for continuous 9 days by police men of CID branch. They were beaten with Golf clubs & plastic pipes and were also given electric shocks. They were made to stand on one foot and not allowed to sleep and asked to make confessions to the crime, which as per their version they never committed, however inspite of brutal torture, they never confessed. Some of these prisoners also showed their injuries received by them in the police interrogation and also disclosed that the said injuries are contained in their medical reports.
- B. **BOTCHED EVIDENCE:** The accused reported that after around 30 days of the day of crime they were taken to the scene of crime , while in police custody they were forced to dramatise the beating up of a police man, as if it was the actual crime scene and the deceased was being beaten up before being killed and the whole scene was video graphed. As per the version of the prisoners, the said video was relied upon by the prosecution before the court. The prisoners were also made to thumb mark / sign on documents which were in Arabic language where as none of the prisoners could read / write, speak / understand Arabic.
- C. **RELIGIOUS INTOLERANCE OF THE POLICE :** The accused also reported that they were not only physically tortured by the CID wing of the Sharjah police, but were forced to show disrespect to their religious symbol (KHANDA) which were being worn by some of the accused in gold chains in their necks. Then the accused were asked to step on the KHANDA'S to show disrespect to it. The police men played foot ball with the Khanda in order to desecrate the religious symbol. Their article of faith KARHA (IRON BRACELET) was removed by cutting with hack saw and were thrown into a dustbin. The police officials also kept on taunting the accused by saying, *Who is your God ? Call him. We would like to meet him.* The accused were humiliated to the extreme on the basis of their religion.
- D. **PRINCIPLES OF NATURAL JUSTICE VIOLATED BY THE COURT:** None of the accused was supplied with a copy of the charge sheet. The whole trial process took place

in the Arabic language which the accused never understood or read. In the whole trial process no translator of Arabic language (local language) to Punjabi language (the native language of the accused) was made available. The translator, which was provided was translating Arabic to Hindi (national language of India), where as the accused had little knowledge about Hindi language. So in other words what transpired in the court was never understood by the accused during the trial. Since the charge sheet was never made available to the accused in Arabic or their native language the whole trial is vitiated, as the accused did not get an opportunity to prove their innocence.

In the trial as disclosed by the accused, on the first 3 hearings which the brother of the deceased when asked the question as to whether he recognized any of the accused present in the court, he failed to identify any of them, inspite of his being an injured eye witness.

It is pertinent to note that though the judgment of their conviction was delivered on 29th March 2010, till 14th April 2010, neither the accused or the Lawyers have been made available with the copy of the judgment. It shows the Justice system in UAE to be very much arbitrary and discriminatory.

- E. **RELIGIOUS INTOLERANCE OF THE JAIL STAFF:** The accused disclosed that they are not allowed access to their religious prayer books and have been forced to keep away from their articles of faith. Two of the accused want to grow hair to be true Sikhs, however are not being permitted to do so. In the library of the jail there are no books in Punjabi language literature or of Sikh religion, which can be read by the inmates.
- F. **CALLOUS ATTITUDE OF THE INDIAN CONSULATE:** Including these 17 accused there are around 50 accused who belong to Punjab and there are other accused from various parts of India, however the Indian consulate representative rarely visits any of them in jails of UAE. Other accused reported to us that out of their 9 months incarceration in the jail, only now has the consulate officials started visiting some of them, due to highlighting of these 17 accused case of death penalty. We also bring to the notice of all that besides these 17 Indians, another Indian is also sentenced to Death in another case and 8 more are also apprehending similar decision. So quick action is required at the hands of the

Indian consulate in ensuring that the due judicial process is followed by the courts of Sharjah as per the International standards.

REMEDIAL ACTIONS TO BE TAKEN AT INDIAN GOVERNMENT LEVEL

1. The consulates of India in countries abroad must introduce a mechanism to ensure that the Indian consulates like their counter parts are provided with the information immediately when an Indian national is taken in custody.
2. The Indian consulate must ensure that the Human Rights of its citizens are not violated as per the International conventions and charters.
3. Effective steps should be taken to ensure that there is no torture of its citizens while they are in police or jail custody and that the religious sentiments of each citizen as per his / her faith or religion is respected at all costs.
4. The Indian consulates should be having counselors available in their consulates who can understand and speak languages understood and spoken by the Indians of its various regions.
5. It should be incumbent upon the Indian consulates to maintain a file of each Indian arrested and should visit them in the jails as per the need of each case and the consulates should be access able to the detenus, their relatives/ friends or well wishers for ensuring proper defense of the Indian citizens on foreign soil.
6. The Indian consulates should also educate their counterpart embassies and consulates about the basic knowledge of each religion professed by its citizens in India. So that in the event of any violation of religious rights of an Indian citizen, ignorance should not be an excuse for the violation.

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