



About the Petitioner:

[In sharp contrast with countries abiding by the Rule of Law, those who live and work in United Arab Emirates (UAE) do not have the protection of Law. Those who have access to the corridors of power can violate even the Court Judgments with impunity. Due to various considerations, economic and political, the 'Union government of India' from where a majority of people migrate, does not protect their citizens. It happened in the case of the petitioner. The Police officials of Abu Dhabi colluded with the accused of his civil suit, making a forcible entry into the plaintiff's place (herein mentioned the petitioner), robbed of cash and valuables, and was threatened to withdraw the civil suit.

The petitioner was subjected to the greatest ordeals by being taken to the detention center, mercilessly tortured, beaten to near death thereafter hospitalized on an emergency, and kept in central prison illegally for over a year in total violation of all Human Rights. Untold sufferings were inflicted on the petitioner as an under-trial prisoner. The facts are evident and born-out by the records attached herein].

1. The petitioner was a businessman and investor engaged in the business of 'Trading and General Contracting' in Abu Dhabi, UAE for over 18 years. In 1995, there he had a business contract with a property owner, covering a building proposed to be leased out for a sum of 5,40,000.00 UAE Dirhams for semiannually. When a dispute arose with the said landlord, the petitioner was advised to institute a civil suit in Abu Dhabi Court for settling the issue. The Honorable judge of the civil court consented the related payments to the court's treasury.

2. Though the petitioner had acted only as a law abiding citizen, and in accordance with legal advice secured in that behalf, and had only sought relief from a court of justice, the landlord took it as a personal affront and planned and executed illegal and violent activities against the petitioner defying all legal provisions and principles of fair-play. Taking advantage of the situation prevailing in that country and securing the assistance of Police even by resort to all unfair means, the landlord and his men, ransacked the entire office and robbed of cash and valuables.

3. The petitioner was handcuffed behind his back and literally dragged out of the office and on through the street in the presence of known friends and bystanders. He was confined to a detention center where he was brutally tortured. As a result of



torture, the petitioner became unconscious and soon thereafter he was taken to hospital-emergency. The next day he was taken back to the detention center there he was again subjected to torture, incommunicado detention and other cruel, inhuman treatment. After being held for 21 days with all sorts of malpractices resulting in injury, bodily damage and injury to reputation, the petitioner was taken to Abu Dhabi central prison. It took six months thereafter, for the petitioner to have his first appearance in the Court.

4. The petitioner (the complainant of the civil suit) was framed in a fabricated police case quote "Using force against Government employee and assault" unquote. The mere fact that the court has found the whole case was fabricated and the police was the master brain behind all the manipulations. The Trial Court acquitted the petitioner of all the charges leveled against him and even ordered an enquiry about the conduct of the police officials. The prosecution took up the matter in appeal. The Appellate Court also upheld the finding of the Trial Court and commended adversely and strongly against the illegal and high-handed acts of the officials.

5. The Court observed that all the evidences indicate to the properness of the behavior of petitioner and these findings of fact are conclusive proof of his innocence. The Court's observation of the policeman's disclaim from the complaint only magnified the policeman's notoriety. The Appellate review further reiterated the condemnation of prosecutor, who recklessly and repeatedly broke the rule of law. Ultimately, the Apex Court of Abu Dhabi declared the petitioner was innocent; 'a martyr'. In addition, the Abu Dhabi authorities were directed to restore the victim's dignity, and compensate him for all his losses while pronouncing the final Judgment.

An excerpt from the appellate judgment is as follows:-

"Verily the Islamic law and the entire positive laws have honoured man and protected his freedom, his honour, his property and his soul. Hence, if man was killed while protecting these, he is considered to be a martyr. And limitation of his freedom without any right is an unforgiving crime and the same is mentioned in the provisions of article 2 and 3 of the penal procedure code. And it is proved in this case that the policemen along with the local went to arrest the accused, without any right and curtailed his freedom".

6. In the wake of the concurrent judicial findings of the Court, he should have been restored to his former status and position and adequately compensated for the



mental agony and suffering and pecuniary losses suffered by him. Unfortunately, the Abu Dhabi officials acted in total defiance of the findings and sentiments expressed by the judicial establishments of the country. The victim was detained at further extent without the due respect of the law of the land, re-victimized over and over again in Abu Dhabi, United Arab Emirates. On 28-9-1996, they resorted to the high handed action of deporting the petitioner to India, who had self-sponsorship and own business establishments in the UAE, in total negation of the law, virtually denying all the constitutional rights of non-citizens of that country and all the principles of the international law.

7. After reaching India, the petitioner has made representations to the Union Government of India asking them to grant him leave to institute legal proceedings against the state of UAE. In October 1996 a writ petition was filed by the petitioner before the Hon'ble Supreme Court of India. The Supreme Court of India took cognizance of the case and suggested the Delhi High Court deal with it. The petitioner has thereafter moved the Hon'ble High Court of New Delhi under Article 226 of the Constitution.

8. The Hon'ble High Court of Delhi was pleased to issue a mandamus, vide judgment dated 20-11-1997 to the Government, the Ministry of External Affairs (MEA) to settle the matters within two months of the date of the Judgment. In total negation of such a specific order of the Delhi High Court, the External Affairs Ministry of India, despite the lapse of 16 years of date of the judgment, demonstrated a blatant disrespect to the law of the country. (Copies of Delhi High Court Judgment and letters from the Ministry of External Affairs, the Ministry of Overseas Indians' Affairs, UAE ambassador, the NHRC, the Union Government of India and the RTI authority of Ministry of External Affairs (RTI) & CPIO, including the office of United Nations' High Commissioner for Human Rights, Geneva, are enclosed herewith marked as 'Exhibit series')

Regards

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