

**'Letter to Dr. Shri. Shashi Tharoor Hon'ble Member of Parliament and Chairman of the Parliamentary - Standing Committee on External Affairs'**

Monday 28 Mar, 2016

From  
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To  
Dr. Shri. Shashi Tharoor  
Hon'ble Member of Parliament and Chairman of the Parliamentary -  
Standing Committee on External Affairs  
97, Lodhi Estate, New Delhi - 110 003.

**Sub: "Non-enforcement of Judgments against Arbitrary Detention and Deprivation of Liberty & Fraudulent Deportation in the UAE"**

Respected Sir,

I am an Indian national writing to request your support in a unique case wherein the ruling regime of Abu Dhabi, UAE and Government of India both betrayed me alike, refused to enforce my valuable rights guaranteed by 'Four successive Judgments' both civil and criminal from the Legal Courts of Abu Dhabi, United Arab Emirates (UAE) in 1995 – 1996 in absolute terms in my favour on a landmark case, emanating from a nine-storey building contract and the bizarre twist in the case of police extortion, which clearly established 'arbitrary arrest, detention, torture and deprivation of my liberty and property in all forms.

To avoid honouring its moral obligations and assigned responsibilities, the victim (hereinafter referred as the 'Judgment Creditor') was then re-victimized by the UAE administration, in a manner that was extremely 'libelous' – by a 'fraudulent order of deportation', as if the victim was convicted of a crime by the court of law, and was arbitrarily expelled there from.

I was an investor with own visa status, deeply committed to my engineering profession, running three major business establishments including 'Engineering, Contracting and Trading' in Abu Dhabi, UAE. The value of my business assets stood at a minimum of one Hundred Million

U.S. Dollars when the dreadful tragedy took place in my life. During my tenure for over 18 years, I had greatly contributed to the development of the UAE. The fraudulent and unscrupulous tactics used by the UAE administration to evade the process of law, which totally stalled all my mental, physical and financial survivals.

My case assumes greater relevance on the light of recent decision by the '[Working Group on Arbitrary Detention](#)' (WGAD). "The Working Group on arbitrary detention considers that the various forms of deprivation of liberty to which Julian Assange has been subjected constitute a form of arbitrary detention."

In my case, the 'arbitrary arrest, detention and deprivation of my liberty and property were established on the first stage itself. As indicated above, my dignity, liberty and right to property in all its forms were arbitrarily stalled again, against my will and my freedom of movement had so far been severely restricted as an adverse impacts of a 'fraudulent deportation' during the second stage of victimization by the UAE Administration. It includes:-

(a) The dignity of the 'Judgment Creditor' was not restored by authority as directed by both the Courts, the Court of First Instance and the Apex Court, Abu Dhabi, UAE;

(b) His dignity remained lost; as he was classified again as '[a criminal](#)' and deported him on a 'fraudulent order' issued by UAE Administration to avoid honouring its obligations;

(c) His property remained lost; as he was denied access to his three major establishments including Contracting & Trading that caused 'Multi-billion Dollars' worth of damages;

(d) His dignity and his entire properties remained lost even after two decades of passing the 'Historic Judgments of the Highest Court of Abu-Dhabi, due to non-enforcement of Judgments;

(e) Virtually, the 'Judgment Creditor's 'freedom of movement' continues to be curtailed indefinitely despite his running from pillar to post, to find a way to restore his dignity and respect and to repatriate his assets.

A [brief summary of my case](#) has been attached along with supporting documents as 'Annexure – 1 to 7.

As a 'Chairman of the Parliamentary Standing Committee on External Affairs' and former Union Minister, who are effectively dealing with international issues of the Government of India, I request for your kind cooperation and support towards solving this burning issue.

I would earnestly request you to kindly give me an opportunity of being heard in person. The date, place and time convenient to you may kindly be intimated.

Yours truly

Panikkaveetil K. Jabir

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## **A brief summary of the facts of 'Jabir case' & Supporting documents'**

The following is a brief summary of my case.

I had obtained 4 consecutive Judgments (1 Civil & 3 Criminal Court Judgments) in my favour from the Courts of Abu Dhabi, UAE, emanating from a 'Real Estate Deal' of a nine-storey building contract involving above US\$ 3 lakhs per annum (INR 2 Crores), way back in the year 1995.

In total negation of the first judicial order against the accused, an Emirati landlord, who took it as a revenge and trespassed into my private office along with his accomplice, a 'Policeman' in plain clothes, who held a heavy iron rod of one meter length in one hand and on the other hand a chained handcuff; with which the 'Judgment Creditor' was beaten in cold blood. The policeman forcibly broke open the office locker with the iron rod in his hand and looted US\$ 4 lakhs worth money and valuables.

At this juncture, my younger brother arrived at the office with lunch. As he arrived I asked him "to close the door and call the police". The policeman in plain clothes managed to get out of the office with the stolen money; however, the Emirati was unable to leave. After some

time, the police patrol team arrived at the spot. But instead of protecting the 'Judgment Creditor' from the trespassers, they joined hands with them, acted like mere scavengers and me and my brother were shackled, brutally tortured and were literally dragged out of the office and on through the street in the presence of known friends and bystanders and taken to a secret 'detention centre'.

We had to undergo extremes of '[cruel torture](#)', inflicting permanent physical damages and humiliation from Abu Dhabi Police which no human being can withstand; subsequently I was admitted as unconscious at the hospital emergency, Abu Dhabi. The violation of Human Rights continued unabated as is the general situation in that country; I was held incommunicado for weeks in an underground prison. Later, I was taken to the regime's brutal 'Central Prison' and was arbitrarily detained for over a year. These painful incidents totally destroyed my life, reputation and business in all respects. The 'Duty and Responsibility' of the authority to protect a 'Judgment Creditor' against the threats of violence was left unattended.

We were implicated for 'using force against Government employee and assault'. At the end of the Court proceedings it was revealed and upheld by the full bench of the Apex Court that there was no case existing against us nor was there any complainant proceeding against us. [The Legal Court of First Instance, Abu Dhabi, found that the victims are innocent, the case was wholly false, baseless and that it was fabricated by the policemen for personal gain and hence ordered an investigation against the plaintiffs. The fear of a possible backlash, the case was withdrawn by the plaintiffs, including the policemen, with separate declarations attested by the Notary, Abu Dhabi]. This single point was sufficient to establish the ridiculous mode of functioning of the Abu Dhabi Police and their partner(s) of crime.

The Court ordered immediate release of the victim, restore victim's dignity and compensate him for all his losses while pronouncing its 'Landmark Judgment'. "The Court, the three-judge supreme bench, praised the appropriate conduct and courage of the victim, the 'Judgment Creditor', in their 'Landmark Judgment' and concluded that the victim was innocent; rather 'a martyr. Copy of the both the [Apex Court Judgment](#), and [Legal Court of First Instance](#), translated in English are appended herewith. (Annexure – [2](#) & [3](#)).

Despite all these, the '[Judgment Creditor](#)', who had several business establishments with huge investments in Abu Dhabi, holding own

investor's visa, was expelled from the UAE with 'No entry Seal' on his passport, that too based on a 'fraudulent order of deportation', as if the person had been punished for a crime. The order could be seen as an affront to the whole judicial system. Deporting the 'Judgment Creditor' by a '[fraudulent misrepresentation](#)', solely with the malicious and cowardly intentions of avoiding legal obligations, will lead to serious adverse consequences to the UAE. A copy of administrative order of deportation, translated in English, is also produced herewith. (Annexure – [4](#))

The most anguishing repercussion of this 'extremely fraudulent order of deportation' was that it has arbitrarily deprived of my liberty, dignity and rights in all its forms despite four consecutive judgments in absolute terms in my favour from the different Courts of Abu Dhabi, UAE. The arbitrary deprivation of access to my business properties, my reputation, image and trust earned exclusively through the untiring personal efforts for over 22 years of prime of my life, caused extreme mental depression which has virtually made my life only a vegetable existence.

The UAE Government which owes huge debts to the 'Judgment Creditor' by way of non-enforcement of the Judgments of the Courts of Abu Dhabi, is solely and exclusively responsible for the closure of "my various '[business establishments](#)' in that country, apart from the emotional and psychological trauma as a result of the extraordinarily stressful events that followed". (My younger brother who suffered great physical pain and mental anguish has also taken its toll on his life. The 'fraudulent deportation' by the UAE authority was another setback).

The subject matter of my grave complaints were adjudicated by the Supreme Court of India and the High Court of Delhi as well, which concurrently found the multiple forms of crime taking place under the UAE Administration and subsequently secured two more Judgments from the High Court of Delhi in the year of 1997 and 2007 respectively. Despite the directive of the Delhi High Court, the Government of India has not discharged its duties as indicated in the judicial orders.

My case had been espoused by a great jurist and judge of the Supreme Court of India – Justice V.R. Krishna Iyer and had sent several representations to the Government of India.

(I am attaching a copy of the [Indo-Gulf Reparation Mechanism](#), a representation submitted to the Government of India (preface to which has been given by the late [Justice V.R. Krishna Iyer](#), Judge of the

Supreme Court of India) and also a copy of the 'Judgment Creditor White Paper' along with).

Yours truly

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### **Supporting Links (Updates):-**

1) "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" - Apex Court Judgment, Abu Dhabi, UAE. 'Key excerpts from the Apex Court Judgment, Abu Dhabi, UAE'

[http://www.judgmentforsale.com/excerpts\\_judgment\\_summary\\_abudhabi\\_uae.html](http://www.judgmentforsale.com/excerpts_judgment_summary_abudhabi_uae.html)

2) Judgment (Legal Court of First Instance) of Ministry of Justice, Abu Dhabi, UAE

[http://www.lawyersindia.com/outsourcing/judgment\\_first\\_instance\\_english.html](http://www.lawyersindia.com/outsourcing/judgment_first_instance_english.html)

3) Deportation Order' of General Directorate Police, Abu Dhabi, UAE  
[Arabic & English]

[http://www.lawyersindia.com/outsourcing/deportation\\_order\\_english.html](http://www.lawyersindia.com/outsourcing/deportation_order_english.html)

4) The details of Business Establishments in Abu Dhabi, owned by the Judgment Creditor

<http://www.judgmentforsale.com/articles/85/>

5) Julian Assange arbitrarily detained by Sweden and the UK, UN expert panel finds

<http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17013&LangID=E>

6) 'Judgment Creditor's Booklet to Enforce the UAE Judgment Debts'

<http://www.judgmentforsale.com/blog/judgment-creditors-booklet-to-enforce-the-uae-judgment-debts/>

7) “Marking the 20th Anniversary of the ‘Abu Dhabi Police-Looting’ in Abu Dhabi, United Arab Emirates”  
<http://www.judgmentforsale.com/blog/marking-the-20th-anniversary-of-the-abu-dhabi-police-looting-in-abu-dhabi-united-arab-emirates/>

8) Unique is the case of ‘Judgment Creditor’; disgracefully the perpetrator is the ‘Executive Branch of Abu Dhabi, UAE’ – White Paper  
<http://www.judgmentforsale.com/articles/unique-is-the-case-of-judgment-creditor-disgracefully-the-perpetrator-is-the-executive-branch-of-abu-dhabi-united-arab-emirates-white-paper/>

9) Real-life Judgment Fraud by the UAE Administration Uncovered!  
<http://ireport.cnn.com/docs/DOC-1116765>

10) The Judgment Debtor, the Late Sheikh Zayed bin Sultan Al Nahyan, Former UAE President and Ruler of Abu Dhabi  
<http://ireport.cnn.com/docs/DOC-1157623>

11) A blatant violation of the Article 26 Constitution of the U.A.E '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'.  
<http://reparationlaw.com/caselaw/constitution-of-the-u-a-e/>

12) In 1948, the United Nations General Assembly proclaimed the Universal Declaration of Human Rights (UDHR) for all people and all nations. In the UDHR, the United Nations stated in clear and simple terms rights that belong equally to every person.  
<http://www.un.org/en/universal-declaration-human-rights/>

13) “The Doctrine of State Immunity”  
<http://reparationlaw.com/caselaw/saudi-prince-loses-court-ruling-against-woman-who-claims-she-secretly-married-his-father-king-fahd/>

14) “Decree Holders Entitled to Enjoy Fruits of the Decree Expeditiously” - Says Supreme Court of India!  
<http://reparationlaw.com/caselaw/decreed-holders-entitled-to-enjoy-fruits-of-the-decree-expeditiously-supreme-court/>



15) “How does fraud affect a victim? ‘The impact of fraud on victims’ - Supreme Court of India

<http://reparationlaw.com/caselaw/how-does-fraud-affect-a-victim-the-impact-of-fraud-on-victims-supreme-court-of-india/>

16) For the last two decades the applicant is painstakingly working for the recognition of his individual dignity and justice as well as representing for recognition of the inherent dignity and rights of the ‘Indian Diaspora’ as a whole. 'Indo-Gulf Reparation Mechanisms' Timeline Highlighting Submissions & Responses:-  
<http://www.lawyersindia.com/outsourcing/indo-gulf-reparation-mechanisms-timeline-highlighting-submissions-responses.html>

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<http://www.legalcell.com/shashi-tharoor-chairman-parliamentary-standing-committee-mea.php>

### **Archives:**

- 1) [Ref. Your Letter No.G/3139/2013/MEA \(Gulf Division\) dated 10th October, 2013](#)
- 2) [Vienna Convention on Consular Relations 1963 - Done at Vienna, Austria on 24 April 1963](#)

[N.B. This letter – along with all supporting documents including judgments Arabic and English translations – are available at: ['Legal Cell' Website](#) ]

### **Documents:**

Document Exhibits: [Jabir's Case](#)

Visit Main Section: ['Publications'](#)