



July 16, 2014
Kochi

From
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To
Shri. S. Sarkar,
Section Officer, Gulf Division,
M/S. Ministry of External Affairs, New Delhi.

Ref. Your Letter No.G/3139/2013/MEA (Gulf Division) dated 10th October, 2013

Sub. Reminder to the MEA, in relation with the Representation dated 28-10-2013

Dear Sir,

I invite your kind attention to the letter cited above.

By way of reply, a self-explanatory representation dealing with the various aspects of the case, along with supporting documents had been submitted on 28 October, 2013 to the Government.

Unfortunately, there was neither reply nor even an acknowledgment, in spite of the passage of a long time thereafter.

Despite the intensity of agony and the long pendency of un-redressed grievance, I have been deprived of my valuable rights guaranteed by FOUR successive Judgments (1 Civil & 3 Criminal Court Judgments) from the Legal Courts of Abu Dhabi, United Arab Emirates (UAE); and TWO consecutive Judgments from the High Court of Delhi, after approaching the Supreme Court of India on October, 1996.

I am greatly inspired by the prompt diplomatic move of our new Government which saved the lives of dedicated Indian nurses from the battlefield. The Governmental authorities concerned, especially the Hon'ble Prime Minister, Shri. Narendra Modi and Hon'ble External Affairs Minister, Smt. Sushma Swaraj, are to be saluted in fulfilling their treaty obligations under Vienna Convention, help coordinate consular assistance for the safety and welfare of Indian citizens abroad.

I do not intend to burden this letter with minute details. However, the core grievance is indicated below:

A businessman and investor from India, I was involved in General Contracting and Trading in Abu Dhabi for over 18 years and contributed much to the development of



that country. I was victimized by the officials of Abu Dhabi, UAE, and the subject matter of my grave complaints were adjudicated by the Courts in Abu Dhabi and Delhi which concurrently found the multiple forms of crime taking place under the wings of the Ministry of Interior United Arab Emirates (UAE), such as fraud, forgery, extortion, torture and many other offences.

Both the Courts in Abu Dhabi, the Court of First Instance and the Apex Court were fully satisfied with the highest standard of proof, beyond a reasonable doubt that the Police was guilty. The Court observed that all the pieces of evidence indicated the proper behavior of the victim and held that he is innocent; rather 'a martyr'. The Apex Court comprised of three Judges passed a 'Landmark Judgment' in the history of UAE.

Any civilized Government is bound to implement the verdict of the judiciary, as that is the basic requirement of the Rule of Law. Laws governing the international community do require compliance by the Executive Government, in full measure, with the verdict of the judiciary. This requirement of law was breached by the UAE Government. Instead of enforcing the judgments, the Judgment Creditor was expelled from the country by an arbitrary administrative action, resulting in total destruction of his life, his businesses and his profession.

The administrative action was totally illegal and arbitrary, as the Executive cannot override or overrule a decision of the very Courts of the country that ruled reparation to a victim. The UAE Government owes huge debts to me, solely and exclusively responsible for the closure of 'my various business establishments in Abu Dhabi, United Arab Emirates'.

The Judgment Creditor was entitled to execution of the Judgments on 19/05/1996 and levies the Police Department of Abu Dhabi, worth hundreds of million US Dollars as compensation to restore his life, his dignity and his business establishments.

The debtor in the 'UAE Court Judgments', is the State of UAE whose Ruler at the time was none other than the late Sheikh Zayed himself, the Emir of Abu Dhabi and absolute Ruler of the United Arab Emirates (UAE). It may be recalled that the Emir was blamed of having been instrumental in defrauding and or cheating the Judgment Creditor to avoid honoring his moral obligations and assigned responsibilities.

The recent decision of the London High Court on 'Mrs Harb v Prince Abdul Aziz Bin Fahd, June 09, 2014' has marked a turning point in the doctrine of 'State Immunity' of foreign states. The landmark decision of Royal Courts of Justice, reaffirm the Rights of Judgment Creditor to pursue his enforcement efforts against the UAE debtors!

The Government of India is duty bound to safeguard the interests of its citizen who was victimized by Abu Dhabi, UAE, the receiving state. But even after the lapse of nearly two decades, the Government of India has totally failed to help, implement judicial orders of the UAE and of Delhi High Court. These actions and omissions on the part of the Government is contrary to the 'Vienna Convention on Consular



Relations (VCCR) 1963' particularly Article 5, enforced from 19-3-1967. The extract of the same is given an appendix to this letter.

I may also bring to the notice of the Government the recent judgment of the Supreme Court which casts liability on a Government for the delay in the disposal of the complaints of a citizen, even when the delay is at the instance of a Legal authority or Tribunal.

I have suffered much by the cruel conduct of the previous government. I have legitimate expectations of effective action from the Government **now** dealing with the issue, and hope that it will render justice to a poor citizen, in his attempt to uphold a basic requirement of a State honouring a judicial verdict, as against an executive action.

It is fervently hoped that the new Government will duly consider taking the necessary steps to execute the judgments through all means, including the International Court of Justice (ICJ), the principal judicial body of the United Nations (UN), on behalf of the judgment creditor. The creditor holds full power of the Foreign Courts as well as the Domestic Courts to support his claim and to take debtor's property (lien) in the UAE, where the judgment is recorded, if the obligation is not discharged.

I trust and pray that justice may be done to me with utmost expedition, having regard to the fact that I have been suffering acute agony, financial and mental, throughout the last two decades.

Yours faithfully,

Panikkaveetil K. Jabir

Dated: July 16, 2014

Encl:

- 1) Your Letter No.G/3139/2013/MEA (Gulf Division) dated 10th October, 2013
- 2) Copy of Vienna Convention, Article 5, enforced from 19-3-1967

N.B. This letter – along with all supporting documents including judgments Arabic and English translations – has been published at: <http://www.legalcell.com/founder-ceo.php>

Copy to:

Hon'ble External Affairs Minister of India, Smt. Sushma Swaraj;
Hon'ble Prime Minister of India, Shri. Narendra Modi;
Hon'ble Ambassador of the U.A.E., New Delhi.
