

**"Truth and Justice are being
nakedly sacrificed for UAE's
Reputation"**

LEGAL CELL

Reputation! Reputation! Reputation!

**'Please find the following brief from
behind the scenes' and that's how
the ruling regime of Abu Dhabi
and United Arab Emirates (UAE)
has lost its 'Reputation'!**

**'Reputation is an idle and most false
imposition; oft got without merit,
and lost without deserving'—
William Shakespeare, Othello**

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The Overseas Indians' Legal Cell

On behalf of the petitioner, Mr. P.K. Jabir

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Introductory Note

P.K. Jabir, January 10, 2014

The terrifying real-life experience of the petitioner, an Indian national, will speak about the cruelties of Abu Dhabi, much louder than words.

The Government of India has never risen to occasions against the brutality and humiliation inflicted upon an Indian citizen in UAE despite multiple judgments from that country in his favour.

Under international law, the state is responsible for all actions or omissions of its officials and organs. This is the function of the basic rules of international law concerning the responsibility of States for their internationally wrongful acts and the legal consequences which flow therefrom.

“We therefore specifically demand that all the progressive and democratic governments must adopt a ‘victim-centered approach’ in their criminal justice process and thereby strengthening the Integrity of the Judiciary and people’s confidence in our Justice System”.

“Truth and Justice are being nakedly sacrificed for UAE's Reputation”

Reputation! Reputation! Reputation! ‘Please find the following brief from behind the scenes’ and that’s how the ruling regime of Abu Dhabi and United Arab Emirates (UAE) has lost its ‘Reputation’

(‘Reputation is an idle and most false imposition; oft got without merit, and lost without deserving’ — William Shakespeare, Othello)

(Scene One) Primarily in a civil case, it was for a defeated landlord;

When a dispute arose with a local landlord, the petitioner as on behalf of his contracting firm instituted a civil suit in Abu Dhabi Court for settling the issue. The conspiracy on the part of landlord, to avoid paying debts was one of the important and thrusting points in the civil suit. An interim order was granted by Abu Dhabi Court of Justice in favour of the petitioner.



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The defeated landlord turned against the petitioner and took recourse to all illegal and unethical means to regain his 'Reputation'. The landlord was claiming to be a close associate of the 'Crown Prince' of Abu Dhabi. He abused the acquaintance and intimacy with the office of 'Crown Prince' for making wrongful gain at the expense of the petitioner. Certain corrupt police officials colluded with him. Making a forcible entry into the petitioner's place, the petitioner was threatened to withdraw the Civil Suit.

The petitioner was brutally tortured and literally dragged out of his office along the street in the presence of known friends and bystanders. He was confined to a detention center where he was again tortured in a horrifying manner and rushed the unconscious victim to hospital-emergency. He was subjected to the greatest ordeals by being taken from hospital to the underground lock-up and illegally kept incommunicado in solitary confinement. He was confined to secret detention centers in different days with all sorts of malpractices resulting in injury, bodily damage and injury to his reputation.

The petitioner was threatened with dire consequences if he did not agree to withdraw the civil suit filed against the landlord. But he did not accede to their extortion threats. The dreadful agony and blackmailing was intensified thereupon; he had to undergo extremes of cruel torture and humiliation from Abu Dhabi Police which no human being can withstand. However, he was spared from death. After four months of arrest, a false case was registered against him, alleging "Using force against Government employee and assault". It took six months thereafter, for the petitioner to have his first appearance in Court.

(Scene Two) In the Court of First Instance, it was for the Prosecutor in pursuit of his notoriety and fame;



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The Court listened to the evidences of eye-witnesses from different Nationalities. “The witnesses did not care the threat of State Police and Public Prosecution, and they dared to explain the facts”. Mr. Saleem Raza, a Pakistani who said a policeman was holding an iron bar of one meter length in his hand, threatening anyone who came near the office premises of the accused and was shouting “Indian, Pakistani and Bengalis all are thieves and procurers”.

Mr. Zulfiqar Ali who gave similar statement, moreover he added-that the appellee have neither resisted the police nor they have beaten anyone from the patrolling squad and that the appellee are of good nature “I am a Pakistani and they are Indian, no relations are between us, and my testimony is based on truth only. Further the Court listened to the statement of the 3rd witness Mr. Shirban Kalobar from Iran, whose testimony came similar to the declaration of the first two witnesses.

The innocence of the petitioner had been ultimately upheld by the Hon’ble Judge of Abu Dhabi Legal Court of First Instance. The Court found that, the Prosecutor was guilty of proceeding against the petitioner. The Court acquitted the petitioner of all the charges leveled against him and directed the authorities to prosecute the Policeman involved and also the Landlord – for being guilty of deception.

At this stage, the Prosecutor got offended, and he took up the case further, to regain his ‘false prestige’. The office of the Public Prosecutor, Abu Dhabi filed an appeal against the decree of the legal court of the first instance.

(Scene Three) By losing in the Apex Court of Abu Dhabi, it’s ultimately linked with the Ministry of Interior, United Arab Emirates (UAE) for its grossly inflated ‘Reputation’.

The case finally came up before the Apex Court, comprising the three-judge panel. The petitioner was granted bail on the filing of the appeal. However, despite the bail and sureties he



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was not released from the prison. During the hearing, the Police officer dropped his claim from his complaint with a declaration attested by the Notary Public. Finally, the Landlord and the Prosecutor followed the suit and told that they have absolutely no case against the accused.

The eminent Jurists Panel of Apex Court cross-examined all aspects of the case and found that the accused was innocent; rather 'a martyr'. "The Court observed that all the pieces of evidence indicated the properness of the behavior of victim, the accused. The Court having been convinced about the innocence of the victim quoted the 'Islamic Law' that should be practiced by everyone following the Islam Religion. The case was wholly false, baseless and that it was fabricated by the police for personal gain. The appellate review highlighted the culpability of the policeman and emphasized the notoriety of his actions and violations of Human Rights. "It further reiterated the condemnation of prosecutor". The Court, therefore, ordered restoration of victim's dignity and respect and to compensate for all his losses while pronouncing a 'Landmark Judgment'.

In spite of all that, the UAE Administration, in a supremely foolish and cowardly manner disagreed to execute the orders of the highest Judiciary of that land, as they thought it would affect the UAE's Reputation. To overcome this uncomfortable situation and to uphold their grossly inflated 'Reputation', the Administration deliberately chose to give a fatal blow to the 'Judgment Creditor', who won the lawsuit, with a continued incarceration instead of enforcing the Judicial rulings, the immediate release of the victim and to restore the dignity and respect of the victim.

(Scene Four) New sequence of fatal events by the UAE Administration, the 'Judgment Debtor'

It was only after three months a new sequence of fatal events unfolded by the UAE Administration, who is in fact the 'debtor' in the case against which an unsatisfied court order was awarded. The UAE Administration treated the 'Judgment Creditor' as an offender instead,



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and passed yet another illegal and unconstitutional order of deportation, quoting the very same fabricated charge of "Using force against Government employee and assault" (the charge had been struck down earlier by the Lower Court and the Apex Court of Abu Dhabi by concurring verdicts; on the contrary, it was proved that both the plaintiff and police personals were the aggressors who cruelly assaulted the victim without any provocation) and deported the petitioner to India as if he was punished for a crime'.

**Thus, in this case, the 'Truth and Justice have nakedly been sacrificed for UAE's Reputation'.
The agony of petitioner continues unabated.**

EndNote

As per the Law prevailing in the UAE and its high values reflected by the periodic propaganda through the media, the Executive of the State was duty bound to adhere to the orders of the Judiciary of the land.

It is respectfully submitted that flouting the orders of a judicial body is totally destructive of the Rules of Law and norms internationally upheld for safeguarding Human Rights.

Principal Resources

A Representation to the Government of India

<http://www.reparationlaw.com/news/the-legacy-of-torture-in-the-uae-you-may-have-never-heard-of/>

'Indo-Gulf Reparations' Movement

http://www.reparationlaw.com/statepractices/reparation_mechanisms_india_gulf.php

Document archives:-

<http://www.lawyersindia.com/outsourcing/jabir.html>



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<http://www.judgmentforsale.com/investors.html>

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