



## Open Letter to the UAE Ambassador to India to Claim Damages For Non-Enforcement of Judgments of UAE Courts & Outright Fraud'

20th April, 2018, Kochi.

From

Panikkaveettil K. Jabir, [Petitioner],  
M/S. Overseas Indians' Legal Cell, 501, Metro Plaza Building,  
Market Road, Near High Court, Kochi, Kerala – 682 018.

To

H.E. Dr. Ahmed Al Banna, UAE Ambassador to India,  
12, Chandragupta Marg, Chanakyapuri, New Delhi - 110 021.

## Sub. "Damages For Non-Enforcement of Judgments of UAE Courts & Outright Fraud by UAE Administration"

Dear Excellency,

This 'Open Letter' is a reminder of the previous letter to H.E. Dr. Ahmed Al Banna, UAE Ambassador to India, Dated 28th Feb, 2018. [Full text.](#)

The Petitioner is forwarding herewith a copy of his latest [representation to the Ministry of External Affairs, Government of India](#), dated 09th Feb-2018 for redressal of sufferings and deprivation of all his Rights and assets consequent on his fraudulent and inhuman deportation from the UAE in the year 1996 over-riding the fact that [4 successive Judgments](#) in his favour from Abu Dhabi Courts, finding the UAE officials guilty of the most heinous crimes against him.

The petitioner was closely associated with the Private Departments of (Late) H.H. Shaikh Zayed Bin Sultan Al-Nahyan, from 1982 onwards, the then Emir of Abu Dhabi and also the President of United Arab Emirates, H.H. Sheikh Khalifa bin Zayed Al Nahyan, who succeeded Sheikh Zayed as ruler and many others in the ruling family. He had registrations with all the major Oil & Gas Companies on behalf of his firms General Contracting & Trading Est., with all mandatory Governmental Licences, for bidding/tendering/projects/participations etc., and contributed much to the developments of Abu Dhabi Emirate. The petitioner was one of the first



India-born real estate investors in Abu Dhabi, UAE, which is a multi-trillion US dollar industry today.

This is a case of personal and racially aggravated attack with malicious motives by 'higher officials of Abu Dhabi', UAE, in collaboration with Police, to stop an 'execution of a Decree' awarded by the Civil Court on an Apartment Tower contract in 1995, which involves extortion, trespassing, inhuman torture, illegal detention, criminal conspiracy and fraud against an Indian investor.

**[The following part was a significant turning point in this case, it also exposes the deplorable state of affairs in the Administration of Abu Dhabi Police, during the period of the petitioner's case; in the year 1995].**

"In the instant case, the Abu Dhabi policemen did their atrocious acts towards the petitioner in a terrible manner and were caught red-handed by the Petitioner while committing burglary at his office. Thereby they already lost their face.

The policemen who came responding to the alert of the Petitioner, unjustifiably protected the trespassers who were the law breakers and jointly attacked the petitioner so horribly, worse than death, at the instance of the local Emirati (the friend of 'Crown Prince Mohammed bin Zayed al-Nahyan') for getting illegal gains and to circumvent the Court's order in force against him. The Petitioner and his younger brother were literally kidnapped from their office by the policemen and were held as a shield against their aggravated crimes.

The Criminal Court found the offenders (A group of policemen and the local Emirati) were guilty and, therefore, passed orders to investigate the crime committed by them. Then followed several other Court Judgments and orders in absolute in favour of the petitioner including the highest Court of Abu Dhabi, against the culprits".

An excerpt from the Apex Court Judgment reads 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 a man was killed, while protecting these, he is considered to be a martyr. And limitation of his freedom without any rights is an unforgiving crime and the same is mentioned in the provisions of articles 2 and 3 of the Penal Procedures Code. And it is proved in this case that the policeman along



with the plaintiff went to arrest the accused and to limitate his freedom....” (Apex Court Judgment, 188/1996 dated 19/5/1996 Abu Dhabi, United Arab Emirates).

The enforcement of a Judgment is regarded as an integral part of the fundamental Human Right to a fair trial in a reasonable time. That has been violated. Worst still, the Judgment-debtor, the UAE ruler, bypassed all the laws to commit the offense of defrauding the Judgment Creditor in the most cruel and diabolical manner, to deny him the fruits of the decrees obtained by him, forced him to leave behind his well established three business concerns, real estate properties and other investments, images and reputation in the UAE, hard earned by his blood and sweat and valuable expertise in profession.

After arriving India in 1996, the petitioner had submitted very many representations to your Excellency, as a respondent in the case, detailing his inordinate sufferings due to the patent violations of Human Rights perpetrated against him by your country. Two Judicial Orders were also passed by the High Court of Delhi to you (after approaching the Supreme Court) to settle the case. A period of twenty two years is passed by till date, but there was no response/acknowledgement was received to any of them.

The Petitioner is yet to receive any relief from the country you are privileged to represent in India. In recent times, the scenario in legal area has changed entirely. That a citizen of any country can seek relief from another country (including UAE) has been established, and also acquiesced in by UAE.

The issue of summons to the UAE Ambassador in America, in a Civil Suit instituted in 2009 in a U.S. District Court against UAE (against the top three members of the UAE's ruling family, who were accused of roles in the abduction and torture) has led to this important development. Though the charges and jurisdiction of American Court were questioned initially by UAE, it was conceded as evidenced by settlement reached in between the U.S. citizen and UAE. It is, therefore, open to Indian Courts or authorities to give relief to a person in India, to sue your Government as well in the light of the legal development.

In the present case, UAE Government has additionally made investments in various parts of India. Your Government is also engaging in trading and commercial activities worth billions of US dollars. UAE owns properties in the State of Kerala as well.



Before instituting a Suit against you and your country in the light of subsequent development, the Petitioner felt, and he was advised by the Legal Cell of the Indian Society of Authors (with a former Judge of Kerala High Court as Chairman), and members like Judges of the Mumbai and Kerala High Courts and other Government Lawyers that, it would be desirable to appraise you about his intention to file a Suit in Kerala for securing relief overdue.

The Petitioner would certainly like to avoid a legal battle, wasteful and long drawn out. This letter is to request you humbly, to compensate him for the damages he has sustained under the various counts including violation and deprivation of the Human Rights, and torture and for the deprivation of all his businesses, assets and earnings situated in UAE at the time of his illegal deportation.

The compensation due to him, would be very substantial, aggregating to very many millions of US Dollars. The Petitioner would be only happy in the circumstances, if you could settle his claim, or agree for a settlement by known legal methods including Arbitration as regards quantum of compensation; Arbitration by a mutually agreed authority. He would prefer the direct settlement between the parties.

The UAE is liable to pay the petitioner for all the natural and direct consequences of its wrongful act. Apart from actual loss and exemplary or punitive damages, he is entitled to get compensatory damages for pecuniary and non-pecuniary losses, aggravated damages for pain and sufferings, violation of his dignity, respect and rights, as detailed in the representation filed before the Government of India, towards the price of his business assets, real estate investments left behind in the UAE when he was illegally deported; and the business profits and gains and its market value he would have earned, as well as other expenses for all these years that followed.

There was not merely criminal failure on the part of the authorities in the implementation of a set of Judgements of the Court of Law (in the case relating to aggravated assault, burglary etc.) The authorities are also liable to compensate the petitioner for his intangible injuries as damages suffered from physical and psychological pain as result of the unjust and illegal actions of the authorities, continued up to the deportation and resultant deprivation when he landed in his home land, bereft of any assets whatever.



## **The (irremediable) damages inflicted on Petitioner by UAE authorities and its far-reaching repercussions:-**

Mental distress (by aggravated assault, abduction, detention, extortion, and inhuman torture);

Anguish (resulting from the impact of torture, and deprivation of businesses, investments, company staffs and employees and mental peace of the members of his family and relatives);

Grief (about the state of affairs of himself and the members of his family);  
Anxiety (about his own health, ailments, and worries about his staffs, employees and his family) He had to suffer pancreas disorders, heart ailments, compelling him to be an inpatient in hospitals, and continuing to suffer such ailments requiring constant and massive medication;

Vexation (including that caused by the feelings of agony to himself and the members of his family);

Indignation (against the inhumanities of the administration);

Outrage (about the total lack of Rule of Law, and the feeling that even the judiciary is treated with contempt);

Wounded Pride (in the background of the loss of high esteem and dignity he enjoyed in UAE and his homeland India);

Loss of Faith (regarding the petitioner in friends and colleagues and the like. Such persons included businessmen attached to very prestigious investing establishments).

The petitioner is entitled to compensation for this unique case of repeated defrauding of the 'Judgement Creditor', torturing him to near death, and violating 'Four Judgements of the UAE Courts' in his favour and the like. Having regard to the serious nature of the loss and injuries suffered and continuing to be suffered, he is also entitled to an interim relief, on urgent basis, fixed at 120 million US Dollars [INR.782 crore].

The Petitioner seeks an expeditious remedy, in view of the sufferings undergone by him for a long duration of nearly twenty-two years. As a founder member of 'INSA', (Indian Society of Authors, Kerala Chapter), the Petitioner have already requested 'INSA' to offer him assistance through their Legal Cell, and he expect that, the organization and its Legal Cell



(with very many former Judges of the High Courts and Subordinate Courts and Senior Lawyers) to help him in the just and equitable cause.

The Petitioner expects a response and reply before 14th May, 2018. If there is no response, he will be constrained to resort to legal proceedings, holding you and your country responsible for all the costs and consequences thereof.

Yours faithfully,

Panikkaveettil K. Jabir, [[Petitioner](#)],

Dated 20th day of April, 2018.

**Encl:**

Ref. Letter to Smt. Sushma Swaraj, Hon'ble Minister for External Affairs, dated 09-02-2018.

**Open Letter [Main] to:**

H.E Dr. Ahmed Al Banna, the UAE Ambassador to India, to Claim Damages For Non-Enforcement of a Set of Judgments of UAE Courts & Outright Fraud by the UAE Administration'

**Open Letter [Copies] to:**

- 1) H.H Sheikh Khalifa bin Zayed Al Nahyan, The President of UAE & Ruler of Abu Dhabi.
- 2) H.H Sheikh Mohammed bin Rashid Al Maktoum, Vice-President & Prime Minister of UAE and Ruler of Dubai.
- 3) H.H Sheikh Mohammed bin Zayed Al Nahyan, Crown Prince of Abu Dhabi and Deputy Supreme Commander of the UAE Armed Forces.
- 4) H.H Sheikh Abdullah Bin Zayed Al Nahyan, Minister of Foreign Affairs of UAE and International Cooperation.
- 5) H.H Lt. General Sheikh Saif bin Zayed Al Nahyan, Deputy Prime Minister of UAE and Minister of the Interior.
- 6) H.E Jamal Hussain Al Zaabi, The Consular General of the UAE, UAE Consulate, Thiruvananthapuram, Kerala.

Return to the Legal Cell's Founder CEO ; Exhibits: [UAE.JABIR.NET](http://UAE.JABIR.NET)

## MISSION STATEMENT

**Safeguard the Rule of Law by ensuring Justice, Freedom and Peace in society.**

[CASE LAW](#) | [RESOURCES](#) | [PUBLICATIONS](#) | [SOCIAL MEDIA](#) | [NEWS ROOM](#)