

Mail Mint

From: "Community Affairs" <ca.abudhabi@mea.gov.in>
Date: 29 April 2018 15:43
To: <info@jabir.net>
Attach: MEA-LETTER-WITH-REPLY-12-04-2018.pdf; Annexure-1-Judgment-First.pdf; Annexure-2-Apex-Arabic-Judgment.pdf; Annexure-2-Apex-Eng.pdf; Annexure-3-Deportation-in-Arabic.pdf; Annexure-3-Deportation-in-English.pdf; Annexure-4-Delhi-High-Court.pdf
Subject: Fwd: Kind Attn. Mr. Dinesh Kumar, First Secretary - Ref. No. G-202/05/2017 Dated 02/04/2018 - Submission of Documents – Jabir's Case

Embassy of India
Abu Dhabi

(Community Affairs Wing)

Dear Mr. Jabir. P.K,

Reference your email regarding investments made in UAE. Your petition has examined and found that there is no clear picture about the action to be taken by the Embassy. Hence you are requested to send all the relevant details with clear understanding of required action at the level of Embassy.

Regards,

(Dinesh Kumar)
First Secretary (CA, E&C)

----- Original Message -----

From: JABIR NET <info@jabir.net>
Date: Apr 13, 2018 4:26:20 PM
Subject: Kind Attn. Mr. Dinesh Kumar, First Secretary - Ref. No. G-202/05/2017 Dated 02/04/2018 - Submission of Documents – Jabir's Case
To: fsca.abudhabi@mea.gov.in
Cc: com.abudhabi@mea.gov.in, usgulfl@mea.gov.in, admin@jabir.net

Kochi, 12th Apr, 2018

From

Panikkaveetil K. Jabir (Petitioner)
501, Metro Plaza Building, Market Road,
Near High Court, Kochi, Kerala Pin. 682 018.

To

Mr. Dinesh Kumar
First Secretary (Community Affairs and Economic & Commerce)
Embassy of India, Abu Dhabi, United Arab Emirates.
Email: fsca.abudhabi@mea.gov.in; com.abudhabi@mea.gov.in;

Ref. No. G-202/05/2017 Dated 02/04/2018

Sub. Submission of Documents – Jabir's Case

Respected Sir,

Thank you very much for pursuing the matter with the Mission in Abu Dhabi, United Arab

12-05-2018

Kochi, 12th May, 2018

From

Panikkaveetil K. Jabir (Petitioner)
501, Metro Plaza Building, Market Road,
Near High Court, Kochi, Kerala Pin. 682 018.

To

Mr. Dinesh Kumar,
First Secretary (Community Affairs and Economic & Commerce),
Embassy of India, Abu Dhabi, United Arab Emirates.

Ref. No.G/202/05/2017 Dated 29-4-2018 &
Ref. No. G-202/05/2017 Dated 02/04/2018

Sub. The Settlement of 'Non-Execution of Court-Judgments, Contempt of Courts, Embezzlement of Funds, Defrauding' and other Offenses in UAE.

Respected Sir,

The Embassy can persuade UAE to settle this case of 'Non-Execution of a set of UAE Court-Judgments, the guilty of Contempt of Courts, Embezzlement of Funds, Defrauding' and other offenses pending before the Indian Authorities and UAE itself for about quarter of a century.

Mission in Abu Dhabi may suggest a settlement on the terms herein below, suggested tentatively

(a) an interim relief, followed by (b) final settlement:

The action required by the Mission is initially to bring the offenders before justice, for the damages the Petitioner, an Abu Dhabi based Indian Investor, contractor and supplier, has sustained under the various counts including repeated defrauding of the 'Judgement Creditor', brutal tortures, extortion, framing him false case and arbitrary detention, violating 'Four Judgments of the UAE Courts' in his favour, the guilty of 'Contempt of Courts and the like.

Allow the Petitioner (Judgement Creditor) all the benefits ordered therein, which he had been deprived unjustly and illegally, including making the

best of all his lost business assets and pay him the interim relief pending final settlement of the case.

The petitioner suggests:

(a) Interim Relief – an immediate payment

Having regard to the serious nature of the losses and injuries inflicted upon the Petitioner and resultant deprivation of his assets and other rights and privileges, damages suffered from physical and psychological pain as result of the unjust and illegal actions of the authorities etc., he is entitled to an interim relief, on urgent basis, fixed at 120 million US Dollars [INR.782 crore].

(b) Final Settlement – full payment

Compensation for violation of Human Rights, like illegal incarceration, inhuman tortures (even like ruthless beating, pulling off his nails, torturing his brother in front of him etc.) violation of disobeying the Judicial verdicts of Courts in UAE, on four different types and stages, committed acts such as fraud in connection with Petitioner's deportation, denying his property, fundamental rights and grossly offending the values of his human dignity, a continuing offence of prolonging the agony and anguish of the Petitioner now exceeding 22 years.

The right to live with dignity and personal liberty are guaranteed by the Constitution of India under Article 21 which reads as follows:- 'No person shall be deprived of his life or personal liberty except according to procedure established by law'.

There cannot be any doubt or dispute about the averments of the 'Judgment Creditor', all the claims he had made, as they are fully supported by the orders of Courts both the countries, and the official documents of the governments of India and UAE. The restoration of business loss, the loss of assets and investments of the petitioner while he was under arbitrary detention in UAE, was an active part of the Court Judgments, which the petitioner had been deprived unjustly and illegally.

The Petitioner, as a Judgment Creditor, is legally entitled for his business assets, real estate investments left behind in the UAE when he was fraudulently 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. This deprivation of property of the Petitioner will tantamount to violation of Article 300-A of the Constitution of India.

There was not merely criminal failure on the part of the authorities in the non-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, who had always remained a 'non-offender' by all means (A declaration in the final Judgment by the Apex Court of UAE reads as follows:- 'All the evidences indicates to the properness of the behaviour of the Petitioner') for his intangible injuries as damages suffered from physical and psychological pain as a result of the unjust and illegal actions of the UAE authorities.

The compensation due to him, would be very substantial, aggregating to many hundred millions of US Dollars. The Petitioner would be only happy in the circumstances, for a settlement by known legal methods of arbitration by a mutually agreed authority or approaching the 'International Court of Justice' (ICJ) as regards to the quantum of compensation of this unique and the most barbaric action perpetrated by the head of a civilized nation, Abu Dhabi, UAE, that caused 'Multi-billion Dollars' worth of damages to the Petitioner's business establishments. The 'Laws Governing the International Community' do require compliance by the Executive of the state, in full measure, with the verdict of the Supreme Judiciary; this requirement of law was breached by the UAE Government.

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 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, as well as to the UAE Ambassador to India, dated 28th Feb, 2018.

This is a racially motivated hate crime with assignments of tasks such as extortion, outright fraud etc., by 'higher officials of Abu Dhabi', UAE to stop an 'execution of a Decree' awarded by the Civil Court on an Apartment Tower contract in 1995 against a local Emirati (an associate of 'Crown Prince Mohammed bin Zayed al-Nahyan').

The Petitioner was entirely involved as an instrumental part of the UAE's progressing economy [1979 – 1996] with an enviable business empire of Engineering, Trading & General Contracting, 3 different establishments with all sort of infrastructure including warehouses, fully equipped electro-mechanical lab, workshop, staff quarters and other real estate investments etc., worth US\$100 million apart from work contracts

and reputation, with his prime years, commanding respect of many of his clients and well wishers in the region.

The offenders were caught red-handed by the Petitioner while committing burglary at his office in day light. 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 terribly, and robbed of money and valuables worth .4 million US Dollars, at the instance of the local Emirati 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 callous policemen and was kept them isolated in hellholes in different detention centres before taking him to the notorious Al Wathba Central Prison, and brutally tortured and traumatized. He was continued under detention arbitrarily under squalid conditions, often solitary confinement, in order to humiliate or degrade him and was inaccessible by any of his staff or counsels and were held as a shield against their aggravated crimes.

As a police state, under a military ruler, the state police struggled hard almost seven months to fabricate false evidence, after framing charges against the Petitioner while keeping him incarcerated, but they completely failed in front of jurors. The police dropped charges framed against the Petitioner and plead guilty in the Legal Court after an investigation orders passed against Abu Dhabi policemen.

The investigation order was also approved by the highest Appellate Full-Court. The conduct of the Prosecutor too was condemned. Then followed several other Court Judgments and orders in absolute favour of the petitioner including the order for immediate release of petitioner with compensation for all his sufferings illegally inflicted upon him and to restore other rights and privileges.

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 debtor, the UAE ruler, bypassed all the laws to commit the offense of defrauding the Judgment Creditor in the most cruel and diabolical manner, by deporting him from UAE, thus 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.

Two Judicial Orders were also passed by the High Court of Delhi to the Government of India (after approaching the Supreme Court) to the enforcement of UAE Judgments. The Government of India has colluded with UAE and betrayed, mentally tortured and abandoned the 'Judgment Creditor' for the last 22 years that followed, only to deny him justice, thus, defaming the Judicial organs of both the countries.

The Embassy is duty bound to act in accordance with the Constitution, laws, generally accepted rules of international law and ratified international treaties such as Vienna Convention on Consular Relations (VCCR) 1963 & Vienna Convention on Diplomatic Relations (VCDR) 1961.

We were over-excited and rather too fast to support Devyani Khobragade, an Indian diplomat, indicted for visa fraud in the U.S. Court and we were on the same footing to support Kulbhushan Jadhav, an ex-Naval officer, convicted in a Pak Military Court on the charge of spying.

As you know, Khobragade's arrest in U.S. that led to a diplomatic standoff between the two nations. All activities were interrupted or turned upside down, as a world we have never seen it before. Even bulldozers were pressed into service to remove security barriers outside the US Embassy in Delhi.

In Kulbhushan Jadhav's case, India has moved the ICJ under Article 36(1) of the Court's statute. This provision is independent of the compulsory jurisdiction norm and relies on treaties in which both countries accept the Court's jurisdiction.

It is inconceivable that when anti-social elements hatch a conspiracy and attempt virtual destruction of a continued life, the violators of law in the State are protected by the UAE administration. The situation cannot be allowed to pass unnoticed by a responsible and civilized Governments in India, when the facts and files establish such wanton violations of Human Rights against a citizen. The injustices and cruelties by the UAE administration, against the 'Judgment Creditor', remains a serious case with highest credibility over any other case in India for the World Court.

'The US Authority was keen and honest to take up the case of its citizen with the UAE government and the claim was settled just in 3 years'. The U.S. Human Rights Lawsuit against Abu Dhabi's Crown Prince Sheikh Mohammed bin Zayed Al Nahyan is a living example of successful foreign relations among responsible States who value the dignity of its citizens'.

On the other hand, the Government of India did an unpardonable mistake of dragging the most legitimate case of an Indian investor and trader in UAE for a long period of 22 years to date, despite a portfolio of six legal Judgments from different Courts against the perpetrators, the Executive of Abu Dhabi, UAE, who are also accountable for the guilty of 'Contempt of Courts'.

The Embassy may indicate to UAE that the publication of details of violation of Investor's Rights in UAE, concern over the disregard for Court orders, contempt of Courts, defrauding Judgment creditors etc., will undoubtedly hamper UAE's goal to attract foreign direct investments (FDI), further operation of 'quality investing' in India, particularly having regard to the force of social media (Utmost restraint has been practiced by the petitioner hitherto).

The Embassy can persuade UAE to settle the matter amicably, without any delay whatever. The time is extended for reaching an amicable settlement with UAE or at least an interim payment till 31-05-2018.

All the relevant records had been made available to the Govt. of India, many times, the latest being on 12th April, 2018, however, a set of those documents are attached herewith afresh, for your ready reference.

The petitioner, the undersigned, remain yours in good faith,

Thanking you,

Yours truly,

Panikkaveettil K. Jabir (Petitioner)

Encl:

Your letter dated 29-04-2018 with all relevant documents.

Copy to:

Mr. Bimal Saigal,
Consultant (Gulf), The Ministry of External Affairs,
Patiala House, New Delhi – 110 001.

CASE [TIMELINE] EXHIBITS: <http://www.uae.jabir.net/>