

URGENT ACTION

17 INDIANS TORTURED, SENTENCED TO DEATH

Seventeen Indian migrant workers have been sentenced to death in the United Arab Emirates (UAE), after an unfair trial, for the murder of a Pakistani national. Some of the 17 are said to have been tortured to make them "confess." They may be at risk of further torture.

The 17 Indian men, all from the Punjab region and aged between 21 and 25, were sentenced to death on 29 March, by a lower court in the emirate of Sharjah, for the murder of a Pakistani national, during a fight over the trade in alcohol among migrant workers, in which three other Pakistani nationals were injured. The 17 had been arrested shortly after the killing, in early 2009. Their appeal against the sentence is due to be heard on 19 May.

On 20 April, following a visit to the UAE, lawyers from the Indian NGO Lawyers for Human Rights International (LFHRI) said in a press release that police had tortured the 17 in custody over nine days, beating them with clubs, subjecting them to electric shocks, depriving them of sleep and forcing them to stand on one leg "for prolonged periods" as guards sought to force them to "confess." Soon after their arrest they were taken to the scene of the killing and forced to re-enact it: they were forced to beat up an official, pretending to be the man who was killed. This was filmed, and the film was presented by the prosecution at their trial as authentic CCTV footage of the killing. Under international standards, the 17 should have had access to legal counsel of their choice: they were provided with an Emirati lawyer, who could not speak their native language, Punjabi, and did not refer to the torture in court. Trial proceedings were translated from Arabic into Hindi, which the 17 do not understand. According to the LFHRI, they were held for months before the Indian government was told they had been arrested. On 29 March the lower court in Sharjah sentenced them to death but the verdict was not made known to them until 14 April. According to the LFHRI, officials in Sharjah Jail forcibly removed religious symbolic bracelets and necklaces worn by the men, all but one of whom are Sikhs, and made the prisoners stamp on them, saying "Who is your God? Call him. We would like to meet him."

PLEASE WRITE IMMEDIATELY in English, Arabic or your own language:

- Urging the authorities to ensure that the 17 Indian nationals are protected from further torture and other ill-treatment, and that any evidence obtained under torture is not used in court;
- Calling for an independent and impartial investigation into reports that they were tortured, with the results made public and those allegedly responsible held to account;
- Expressing concern at the unfair trial of the 17, and calling on the authorities to ensure that they are afforded a fair trial on appeal without recourse to the death penalty.

PLEASE SEND APPEALS BEFORE 3 JUNE 2010 TO:

Minister of Justice

Dr Hadeef bin Jua'an Al Dhaheri

Minister of Justice

POB: 260, Abu Dhabi, UAE

Email: fill in relevant fields in:

<http://ecomplaint.moj.gov.ae/WComplaintEnglish.aspx>

Salutation: Your Excellency

Sharjah Judicial Council

Director

Sharjah Judicial Council

Al-Khan neighbourhood

Near the power station,

Beside Port Khalid

Sharjah, UAE

Salutation: Dear Director

And copies to:

Ministry of Interior

Lt-General Sheikh Saif bin Zayed Al

Nahyan

Minister of Interior

Human Rights Directorate

POB: 398, Abu Dhabi, UAE

Fax: +971 4 3981119

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Sharjah is one of the seven semi-autonomous emirates that make up the UAE. The overall population of the UAE is some six million, of whom fewer than 20 percent have UAE citizenship. In 2009 at least three people were sentenced to death by courts in Dubai and Sharjah but no executions were reported. In June 2009, the Supreme Court set aside the death sentence imposed on a US national, Shahid Bolsen, because he had not had access to a lawyer at his lower court trial in Sharjah.

There appears to be a surge in the use of the death penalty in the UAE in 2010. In the month before the 17 Indian nationals were sentenced to death, according to a 22 February article in Abu Dhabi's newspaper *The National*, at least eight men had been sentenced to death in the UAE.

The UN General Assembly called for a moratorium on executions on 18 December 2007, in Resolution 62/149. It also called on those states that still maintain the death penalty to "provide the [UN] Secretary-General with information relating to the use of capital punishment and the observance of the safeguards guaranteeing the protection of the rights of those facing the death penalty." The same call was reiterated by the adoption by the UN General Assembly of a second resolution (63/168), 18 December 2008.

In March 2009, the government pledged to implement 36 of 74 recommendations made in December 2008 after the examination of the human rights record of the UAE in the framework of the Universal Periodic Review within the UN Human Rights Council. These included recommendations relating to women's rights, the rights of migrant workers and the ratification of international human rights treaties. However, the government said it would not abolish the death penalty or allow workers substantive rights, such as the right to form a trade union.

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