

# The court has ignored evidence, says Human Rights Watch

On November 11, Ezhur Kalarikkal Gangadharan will appeal against his death sentence in a court in Abu Dhabi. The 55-year-old school assistant was sentenced to death on charge of raping a seven-year-old Emirati schoolgirl.

Mr. Gangadharan, who is from Malappuram in Kerala, his family and supporters believe that he is the tragic victim of an unfair criminal justice system that has not allowed him to present compelling evidence that would prove his innocence.

Nicholas McGeehan from the international charity, Human Rights Watch, said: "From the information we have received, we have concerns about the fairness of the trial that resulted in the initial death sentence. It is not yet clear if Mr. Gangadharan had proper legal representation either before the trial or during it, and sources close to him have said that he was badly beaten in his initial interrogation."

In the 32 years that Mr. Gangadharan has worked at the Al Rabeeh school in Abu Dhabi, there has never been a complaint against him, says Alicia Kearns, also of Human Rights Watch.

The rape took place during playtime at 11.30 a.m. on Sunday, April 14, 2013, it is alleged. The child's family said she was raped during the mid-morning break in a kitchen that is located between the staff room and the ladies toilets. It accused Mr. Gangadharan of pulling her in and raping her when she had gone downstairs on the orders of a teacher to deliver some papers to the Principal's office.

Ms. Kearns says no accusations were made against him by other children or parents either before or after the alleged act. The parents have changed their story several times.

In court, the police did not give any medical or forensic evidence to support the claim of rape on that day, she says, even though the clothes of Mr. Gangadharan and all the other boys working in the school were DNA-tested.

The police severely beat up and tortured Mr. Gangadharan and all the other Indian men they arrested. Some of those released have still not been given their passports back.

There are several inconsistencies in the evidence presented by the prosecution that would have come up in a normal trial, Ms. Kearns argues.

The lawyer who is representing him speaks Arabic, and the translation facilities provided are poor. For example, the court was told that Mr. Gangadharan confessed to the crime, which he says he never did.

"The Indian Embassies in Abu Dhabi and England have not helped and Human Rights Watch is deeply concerned, as there is no evidence and an innocent man is set to be put to death," said Ms. Kearns. "His appeal is being heard on Monday and we want to encourage British Indians and Asians to write to Indian High Commissioner Ranjan Mathai and M.K. Lokesh, Ambassador to the UAE, and speak out against this gross violation of his human rights."

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