



Daisy Angus Cleared Of Being Drug Smuggler After 4-1/2 Years Imprisonment

By Hans Sherrer

Twenty-two year-old Daisy Angus was arrested on November 21, 2002, while preparing to board a KLM North-West Airline flight from Mumbai (formerly Bombay), India to Berlin, Germany. Angus, a British citizen, and her traveling companion, Israeli citizen Yoram Kadesh, were subsequently charged with attempting to smuggle 10 kilograms (22 lbs.) of cannabis out of the country.

Angus was an experienced international traveler who worked as a senior citizen fitness instructor in England. From the time Angus was a youngster she had visited or lived in Asia, Africa, Europe, Russia and Mexico. As a child she had even lived for five years in Calcutta where her parents worked as volunteers in Mother Teresa's orphanage and home for the elderly.

She met Kadesh over the Internet in 1999. While she was in India on a round-the-world trip they arranged to meet for the first time in person. After they met, Angus' luggage was burglarized and she was left with the money she had on her. She had planned to travel to Australia from India, but Kadesh made her a proposition. He said he had excess baggage for his flight to Germany, so he offered to pay her fare to Germany and then to Australia, if she would help him out by sharing his luggage. She agreed. However, both were arrested at Mumbai's airport when the x-ray of Kadesh's "blue Delsey suitcase" revealed seven bricks of hashish in a hidden compartment.

The two were imprisoned for three years and seven months awaiting their trial for drug smuggling. Mumbai's Byculia jail did not have separate facilities for foreigners or grant them special privileges. Angus was the jail's only female European prisoner, so she taught English and learned Hindi. She was locked for 16 hours a day in a cell 25' x 25' with 20 other women. The cell had one open toilet, a single bucket of water for drinking and sanita-

tion, and the women slept on the floor. Angus was hospitalized several times after she contracted malaria and other infections and illnesses.

Angus' mother and her father, until his December 2005 death from leukemia, publicized her plight, championed her innocence, and traveled from England a number of times to visit her.

During Kadesh and Angus' June 2006 trial in the Sessions Court, her defense was that she had been duped into helping provide cover for Kadesh, by giving him deniability that he was transporting the drugs. Angus claimed the suitcase was Kadesh's, that it was in his possession when it was inspected, and she knew nothing about the hashish. Kadesh claimed just the opposite: the bag was Angus' and he knew nothing about the drugs hidden inside. Kadesh was acquitted on the basis of insufficient evidence and released. Angus was found guilty and sentenced to ten years "rough imprisonment." She was also fined 200,000 rupees (\$6,480), and two years would be added to her sentence if the fine wasn't paid.

Angus rejected the option of transferring to a prison in England to serve her sentence, because it would have required her to give up the right to appeal her conviction. She filed her appeal in October 2006. As she awaited the decision, the international Foreign Prisoner Support Service reported, "Daisy has continued to show remarkable courage throughout her ordeal and though she may be living in very poor conditions, she is holding up remarkably well and hasn't lost any of her fighting spirit. She has faced difficulties but has overcome them and is doing her best to remain positive." ¹

Mumbai's High Court announced its decision during a hearing on April 5, 2007. They determined that Angus' conviction was not consistent with facts disclosed during the trial of her and Kadesh. Particularly, that witnesses testified Angus was only carrying a small shoulder bag and a cloth handbag when she and Kadesh were detained for inspection and questioning by the Indian Air Intelligence Bureau. Consistent with that exculpatory testimony was that the baggage tag for the "blue Delsey suitcase" was attached to Kadesh's plane ticket. Thus the trial evidence was that the suitcase was not in Angus' possession, and consistent with that was the absence of testimony that she had any knowledge drugs were hidden in the

suitcase. The High Court also noted that the direct and circumstantial evidence excluding Angus from involvement in the crime was complimented by the fact that Kadesh and his brother were known drug traffickers, active in the Indian cities of Goa and Manali.

Having found that there was insufficient evidence to support the charges against Angus, the High Court quashed her conviction and ordered her acquittal and release from custody. Angus' mother Nadine traveled to India for the hearing. When the High Court announced its decision she was overcome with emotion, "After nearly five years of litigation, we have finally got justice." ²

Angus' high-profile Indian attorney, Mahesh Jethmalani, said the Court's decision corrected "an unfortunate miscarriage of justice." ³

Three days after the Court's ruling, Angus was released after 4-1/2 years imprisonment. She issued a statement after her release:

"I am over the moon to finally be free. Knowing that I was innocent and that justice would eventually prevail is one of the things I have clung onto during the past five grueling years.

I could not have got through this without the love and support of my family, especially my mum who has stood by me throughout, working tirelessly to get me out and prove my innocence. I just haven't been able to stop hugging her since coming out of jail." ⁴

The now 26-year-old Angus' passport expired while she was imprisoned, so before she was able to return to England she had to wait several days for a replacement to be issued.

Sources and endnotes:
Daisy Angus Case File – 2002-2007, FPSS website, http://www.usp.com.au/fpss/case-daisy_angus.html

- 1 Waking up from a nightmare journey, *Doreset Echo* (Doreset, UK), April 7, 2007.
- 2 It took 5 years to justice - HC rules daisy was erroneously sentenced to 10 yrs', *Daily News and Analysis* (Mumbai, India), April 6, 2007.
- 3 Free of drugs taint, UK backpacker walks free after 5 years, By Sunanda Mehta, *Indian Express Newspapers* (Mumbai, India), April 10, 2007.
- 4 Cleared at last, British girl who spent years in an Indian prison, By Richard Savill and Rahul Bedi in New Delhi, *The Telegraph* (London), April 9, 2007.



The Foreign Prisoner Support Service website is a valuable source of credible information about people imprisoned in foreign countries and the conditions of their confinement. The FPSS website is, www.usp.com.au/fpss

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