

ISSN: 2582 - 2942



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LEGAL JOURNAL

VOL- I ISSUE- V

JUNE 2020

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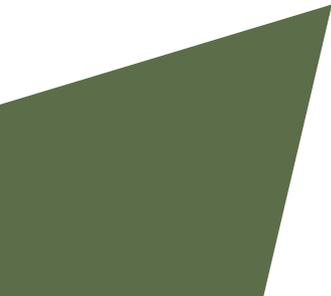
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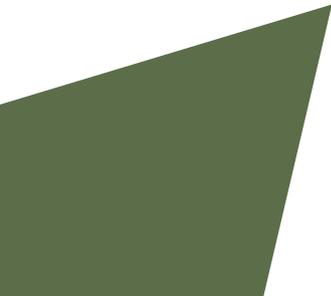
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**India v. Pakistan: The legal battle at the International Court of Justice  
for the scrapping of Kulbhushan Jadhav's Death Sentence**

**Ritwik Marwaha**

## ABSTRACT

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*This dispute of Mr. Kulbhushan Sudhir Jadhav raises important issues of International Law, inter alia, relating to the older declaration subrogated by a newer declaration to explicitly exclude International Court's compulsory jurisdiction, the interpretation of the Vienna Convention on Consular Relations, remedies and jurisdiction that the court is entitled to issue. Under this paper the author attempts to address violation of general legal principles of international law under examination along with the notion and development of compulsory jurisdiction. The author has relied on the verdict given by the International Court of Justice on the same and how court arrived at its verdict based upon the claims set forth by the parties to the dispute. Using the examples set by the court and the existing legal framework, the author examines the maintainability of the submission and its credibility to be in harmony with the International Court. The case regarding Mr. Kulbhushan Sudhir Jadhav which once again raises the tension between India and Pakistan, was submitted by India, the applicant in the current dispute under Article 36(1) of the Statute of the International Court of Justice, on 8<sup>th</sup> May 2017, together with a request for the Indication of the Provisional Measures of Protection. This article briefly describes and comments on the procedure: The Order of the Court and the possible after-effects of the clash of the long-standing rivals: India and Pakistan.*

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**Keywords:** India, International Court of Justice, Jurisdiction, Kulbhushan Jadhav, Pakistan, Vienna Convention.

## INTRODUCTION

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An Indian national, Mr. Kulbhushan Sudhir Jadhav was arrested on 3<sup>rd</sup> March 2016. On 25<sup>th</sup> March 2016, India was informed of this arrest, when the Foreign Secretary, Pakistan raised the matter with the Indian High Commissioner in Islamabad. On that very day, i.e. on 25<sup>th</sup> March 2016, India sought consular access to Kulbhushan Jadhav. Although Pakistan was bound to grant consular access, without delay; India's request did not evoke any response. On 30<sup>th</sup> March 2016, India sent a reminder echoing its request for consular access to Kulbhushan Jadhav, at the earliest. Thirteen reminders were sent by India.<sup>1</sup>

Almost ten months after India's first request for consular access, on 23<sup>rd</sup> January 2017, India received a request from Pakistan claiming to seek assistance in the investigation of what it described as 'FIR No. 6 of 2016'.<sup>2</sup> Under the Pakistan Code of Criminal Procedure, the expression 'FIR' is an acronym for the expression 'First Information Report', which is a report registered when the police is first informed of the commission of a crime. The request pertained to a criminal complaint registered against an Indian National, apparently on 8<sup>th</sup> April 2016, duly noting that the FIR was launched after a month of arrest.

It is significant that this letter acknowledged an 'FIR' had been registered against an Indian national. The nationality of Kulbhushan Jadhav has not ever been in question. On 3<sup>rd</sup> February 2017, India protested in a demarche against the continued denial of consular access, despite Kulbhushan Jadhav's Indian nationality affirmed by Pakistan. India, therefore, raised the concern of Jadhav's well-being, pointing out of his impugned ill-treatment in Pakistan's custody. On 3<sup>rd</sup> March 2017, India reminded Pakistan of its various requests, including its demarche of 3<sup>rd</sup> February 2017, and again requested consular access. India received a *note verbale* dated 21<sup>st</sup> March 2017 from Pakistan.<sup>3</sup> In this *note verbale*, Pakistan asked for help to carry-out all the necessary investigations. India responded to the *note verbale* on 31<sup>st</sup> March 2017 pointing out that, consular access to Kulbhushan Jadhav would be a vital pre-requisite in order to cross-examine the facts and understand the conditions of his presence in Pakistan.<sup>4</sup> Though, through the unofficial channels of communications (that was from the press), India learnt that Kulbhushan Jadhav was tried at the Field General Court Martial (FGCM) under the Pakistan Army Act<sup>5</sup> and was awarded death sentence in a closed trial.

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<sup>1</sup> <https://www.icj-cij.org/files/case-related/168/168-20170913-WRI-01-01-EN.pdf> (Annex 1)

<sup>2</sup> *Ibid.*, (Annex 2)

<sup>3</sup> *Ibid.*, (Annex 3)

<sup>4</sup> *Ibid.*, (Annex 1.2)

<sup>5</sup> <http://nasirlawsite.com/laws/paa1952.htm>

## OVERVIEW OF THE CASE

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On 8<sup>th</sup> May 2017, India filed an application instituting proceedings against Pakistan under Article 36(1) of the Statute of the International Court of Justice<sup>6</sup> in respect of a dispute concerning alleged violations of the Vienna Convention on Consular Relations of 1963<sup>7</sup> in the case of the detention and trial of an Indian national, Mr. Kulbhushan Sudhir Jadhav, who had been sentenced to death by a Field General Court Martial (FGCM) on 10<sup>th</sup> April 2017. India claimed that Pakistan had failed to inform it, about the arrest and detention of its national. It further contended that Kulbhushan Jadhav had not been informed of his rights under Article 36 of the Vienna Convention on Consular Relations, and that India's consular officers had been consistently denied access to Kulbhushan Jadhav while he was in custody of Pakistan. As basis for the International Court's jurisdiction, India referred in its application to Article 36 and Article 1 of the Optional Protocol to the Vienna Convention on Consular Relations<sup>8</sup> concerning the Compulsory Settlement of Disputes.

On the same day, India also filed a request for the provisional measures, requesting the International Court to direct Pakistan to take all necessary measures to ensure that Kulbhushan Jadhav's death sentence is not executed. By an order dated 18<sup>th</sup> May 2017, the International Court directed Pakistan to take all measures at its disposal and to ensure that Kulbhushan Jadhav would not be executed pending a final decision in the case, and to inform the International Court of all the measures taken in implementation of that order.

Public hearings on the merits of the case were held from 18<sup>th</sup> to 21<sup>st</sup> February 2019. In the International Court's Judgment dated 17<sup>th</sup> July 2019, the International Court first charted the background of the dispute, before concluding that it had jurisdiction to entertain India's claims based on alleged violations of the Vienna Convention by Pakistan. The International Court next addressed the three objections to admissibility raised by Pakistan<sup>9</sup>, which were based on India's alleged abuse of process, abuse of rights and unlawful conduct. The International Court concluded that India's application was admissible.

Turning to the merits of the case, the International Court examined in turn each of Pakistan's three contentions concerning the applicability of the Vienna Convention. Having found that none of the arguments raised by Pakistan could be upheld, the International Court concluded that the Vienna Convention was applicable in the case, regardless of the allegations that Kulbhushan Jadhav was engaged in espionage activities.

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<sup>6</sup> <https://www.icj-cij.org/en/basis-of-jurisdiction>

<sup>7</sup> [https://legal.un.org/ilc/texts/instruments/english/conventions/9\\_2\\_1963.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf)

<sup>8</sup> *Ibid.*, p. 15

<sup>9</sup> <https://www.icj-cij.org/files/case-related/168/168-20190717-JUD-01-00-EN.pdf>, para 39-66

The International Court inspected India's claim and noted that Pakistan had violated its obligations under Article 36 of the Vienna Convention, by failing to inform India, without delay, of Kulbhushan Jadhav's detention. The Court observed that Pakistan had not informed Kulbhushan Jadhav of his rights under Article 36, paragraph 1(b), of the Vienna Convention<sup>10</sup>, and thus concluded that Pakistan had breached its obligation under that provision. The International Court then pointed out that Pakistan had informed India of Kulbhushan Jadhav's arrest on 25<sup>th</sup> March 2016, some three weeks after his arrest, taking account of the particular circumstances of the case, the International Court considered that Pakistan had thus neglected its duty to inform the consular post without delay, as required by Article 36, paragraph 1(b), of the Vienna Convention<sup>11</sup>.

The Court then moved to India's third claim *vis-a-vis* Pakistan's alleged failure to allow Indian consular officers to communicate with Kulbhushan Jadhav, recalling in this regard that Article 36, paragraph 1,<sup>12</sup> which creates an individual rights, which, by the virtue of Article 1 of the Optional Protocol,<sup>13</sup> may be raised in the International Court by the national state of the detained person. It being undoubted that Pakistan had not granted any Indian consular officer access to Kulbhushan Jadhav, the International Court was of the view that India's alleged failure to co-operate in the investigation process did not absolve Pakistan of its obligation to grant consular access, and did not justify Pakistan's denial of consular access to Kulbhushan Jadhav by consular officers of India. Further, Kulbhushan Jadhav's representation by a defending officer qualified for legal representation did not dispense with the consular officers' right to arrange for his legal representation. The Court therefore concluded that Pakistan had breached the obligations incumbent on it under Article 36, paragraph 1(a) and (c), of the Vienna Convention<sup>14</sup>, by denying India's consular officers' access to Kulbhushan Jadhav.

While India was entitled to *restitutio in integrum* (restoration of an injured party to the situation which would have prevailed had no injury been sustained), its request for the International Court was to dissolve the decision of the military court and restrain Pakistan from giving effect to the sentence. India further requested the International Court to direct Pakistan to release Kulbhushan Jadhav and provide for his safe passage to India. The International Court found that the submissions made by India could not be upheld. Turning off the last request, the International Court ordered Pakistan to review and reconsider the conviction of Kulbhushan Jadhav, so as to ensure that full

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<sup>10</sup> [https://legal.un.org/ilc/texts/instruments/english/conventions/9\\_2\\_1963.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf), p. 15

<sup>11</sup> *Ibid.*, p. 15

<sup>12</sup> *Ibid.*, p. 15

<sup>13</sup> <https://www.ohchr.org/en/professionalinterest/pages/opccpr1.aspx>

<sup>14</sup> [https://legal.un.org/ilc/texts/instruments/english/conventions/9\\_2\\_1963.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf), p. 15

weight was given to the effect of the violation of the rights stated in Article 36 of the Vienna Convention<sup>15</sup>.

## **A BREIF ABOUT ARTICLE 36 OF THE VIENNA CONVENTION, 1963**

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Article 36(1)(b) of the Vienna Convention<sup>16</sup> confers, in language that admits of no doubt, indefeasible rights to consular access to a national of the sending state, who has been arrested, or committed to prison, or to custody in a pending trial, or detained in any other manner. The Vienna Convention also confers upon the sending state, acting through its consular officers, the right to visit its national in prison, custody or detention, so as to converse with him, and also to arrange for his/her legal representation.

The access to visit, continue to a national of the sending state who is in prison, custody or detention, in pursuance of a judgment. The requirements for compliance with obligations enconced within the Vienna Convention admit of no exception. Article 36 of the Vienna Convention on Consular Relations has progressively been recognised as a vivacious constituent of the overall rubric of due process. Neither the nature of the charges, nor the conduct of the sending state is relevant in examining the allegations of the violation of Article 36. The reason is not far to seek. Although rights are created by a treaty, the remedy for the breach of which may be pursued by the sending state, in parallel recognition has been duly accorded to rights enshrined for the arrested or detained national.

The due process, which was recognised as a facet of the international minimum standard, is also now expressly engrafted in a multilateral treaty – i.e., the International Covenant on Civil and Political Rights,<sup>17</sup> which has been signed and ratified not only by India and Pakistan, but also by a large number of States to the extent its principles are being recognised as general principles of international law, as a code of conduct which must be adhered to by civilised nations. Article 36, in which treaty rights are concealed, has progressed, following a long history of practice. Consular access, all along in the history of diplomatic relations, has been considered to be a vital element in ensuring peace and harmony in the relationships between sovereign states, and one of the important functions of counsels of the sending state has been to assist their nationals in the receiving state who are subjected to arrest or detention and put on trial on criminal charges.

The Vienna Convention of 1963 crystallised existing practices, and elevated this function of consular access to an indefeasible right. The International Court of Justice has taken this right as

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<sup>15</sup> [https://legal.un.org/ilc/texts/instruments/english/conventions/9\\_2\\_1963.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf), p. 15

<sup>16</sup> *Ibid.*, p. 15

<sup>17</sup> <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

being conferred, not merely on the sending state, but also on its nationals, i.e. the individuals of the sending state. The Vienna Convention has been interpreted by this Court *inter alia* in its judgments in the Tehran case<sup>18</sup>, in LaGrand case<sup>19</sup> and in Avena case<sup>20</sup>.

No judgement of the International Court of Justice has so far asked a country to enact legislation, even in similar circumstances; like in the 2001 LaGrand case, where the US imposed the death penalty on 51 Mexicans, and the 2004 Avena case, where two German brothers were sentenced to death and denied consular access. Unfortunately, however there is no way to enforce International Court of Justice's judgement and powerful countries, have defied the International Courts orders. In *Nicaragua v. United States of America*, 1986<sup>21</sup>, USA refused to pay compensation to Nicaragua, even after being held liable for supporting Contra Rebels and mining its harbours.

The rights of consular access and assistance under Article 36 of the Vienna Conventions on Consular Relations have, thus, been recognised as not only vesting in the sending state, but also with the individual who was subjected to arrest, custody, detention or trial without due procedure. There are, in some jurisdictions, opportunities created under independent treaties where the violation of human rights, including rights enshrined under the Vienna Convention, may be asserted, and remedies sought by the national, not being considered. Nevertheless, the International Court had recognised the right of the sending state to seek compensations and remedies on behalf of the individual who has been subjected to arrest and put on trial in breach of the right to consular access and assistance guaranteed under the Vienna Convention.

## PAKISTAN'S VIOLATIONS OF THE VIENNA CONVENTION

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Pakistan's conduct in refusing consular access despite repeated reminders by the sending state, i.e. India, plainly violates obligations under Article 36 of the Vienna Convention on Consular Relations. It is obvious that Pakistan has violated, and continues to violate the Vienna Convention, knowingly and wilfully. In its *note verbale* of 21<sup>st</sup> March 2017,<sup>22</sup> Pakistan expressly stated that the request for consular access would be considered in the light of India's response to the request for assistance and investigation. This establishes that Pakistan was aware of the institution of consular access, but chose to deny it in brazen defiance of the Vienna Convention. Request for assistance

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<sup>18</sup> United States Diplomatic and Consular Staff in Tehran, Judgment, I.C.J. Reports 1980. <https://www.icj-cij.org/files/case-related/64/064-19800524-JUD-01-00-EN.pdf>

<sup>19</sup> LaGrand (Germany v. United States of America), Judgment, I.C.J. Reports 2001. <https://www.icj-cij.org/files/case-related/104/104-20010627-JUD-01-00-EN.pdf>

<sup>20</sup> Avena and Other Mexican Nationals (Mexico v. United States of America), Judgment, I.C.J. Reports 2004. <https://www.icj-cij.org/files/case-related/128/128-20040331-JUD-01-00-EN.pdf>

<sup>21</sup> Nicaragua v. United States of America, Judgement, I.C.J. Reports 1986. <https://www.icj-cij.org/files/case-related/70/070-19860627-JUD-01-00-EN.pdf>

<sup>22</sup> <https://www.icj-cij.org/files/case-related/168/168-20170913-WRI-01-01-EN.pdf> (Annex 3)

in investigation, amongst sovereign states, is the subject of Mutual Legal Assistance Treaty (MLAT)<sup>23</sup>, which are bilateral. India invited Pakistan to enter into a MLAT, but Pakistan has not responded. While the issues relating to the absence of MLAT are irrelevant to the present case, in any event, alleged denial of legal assistance in investigation of crime does not grants the receiving state with the authority to reject requests for consular access under Article 36 of the Vienna Convention. It was India's assertion that in the present case, that the far-reaching consequences of the denial of consular access have been so grave, that the entire trial and conviction of Kulbhushan Jadhav is rendered as a sham, a travesty on account of the blatant violation of the due process.

### **RELEVENCE OF THE 2008 BILATERAL AGREEMENT**

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Pakistan claimed that the 2008 bilateral agreement with India<sup>24</sup>, overrode the Vienna convention, however Article 73 of the Law of Treaties clearly states that no bilateral treaties could dissolve the multilateral convention.<sup>25</sup> Pakistan maintains that it was the 2008 agreement rather than the Vienna Convention on Consular Relations that had governed the question of consular access between India and Pakistan. In Pakistan's view, the nature and circumstances of Kulbhushan Jadhav's alleged espionage and terrorist activities bring his arrest squarely within the national security qualification, contained in point (vi) of the 2008 agreement with India. Thus, Pakistan argued that it was entitled to consider the question of consular access to Kulbhushan Jadhav on its merits in the particular circumstances of this case.

This disputes with the interpretation put forward by India, according to which point (vi) should have been read in concurrence with point (v) concerning the early release and return of persons. In Pakistan's view, point (vi) of the 2008 agreement is fully consistent with Article 73 of the Vienna Convention on Consular Relations<sup>26</sup> and with Article 41 of the Vienna Convention on the Law of Treaties,<sup>27</sup> because the 2008 agreement can properly be seen as 'supplementing' or 'amplifying' the provisions of the Vienna Convention on Consular Relations.

India emphasized that its claims are based solely on the Vienna Convention and maintains that the existence of a bilateral agreement is irrelevant to the assertion of the right to consular access under the Vienna Convention. It contends that bilateral treaties cannot modify the rights and corresponding obligations which are set out in Article 36 of the Vienna Convention. India argues

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<sup>23</sup> [https://en.wikipedia.org/wiki/Mutual\\_legal\\_assistance\\_treaty](https://en.wikipedia.org/wiki/Mutual_legal_assistance_treaty)

<sup>24</sup> <https://treaties.un.org/doc/Publication/UNTS/No%20Volume/54471/Part/I-54471-08000002804b7dde.pdf>

<sup>25</sup> <https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf>, p. 350

<sup>26</sup> [https://legal.un.org/ilc/texts/instruments/english/conventions/9\\_2\\_1963.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf), p. 28

<sup>27</sup> <https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf>, p. 342

that there is nothing in the language of the 2008 agreement which would suggest that India or Pakistan, would ever intend to deviate from Article 36 of the Vienna Convention. India maintains that Pakistan's interpretation was contrary to Article 73 of the Vienna Convention.

As for point (vi) of the 2008 agreement, India takes the view that the phrase 'examine the case on its merits' applies to the agreement to release and repatriate persons within one month of the confirmation of their national status and completion of sentences as provided for in point (v), and that, as an exception to this, India and Pakistan reserve the right to examine on the merits the case for the release and repatriation of persons upon the completion of their sentences when their arrest, detention or sentence was made on political or security grounds.

The International Court recalled that point (vi) of the 2008 agreement provides that in case of arrest, detention or sentence made on political or security grounds, each side may examine the case on its merits. It also recalled that, in the preamble of the agreement, the parties declared that they were 'desirous of furthering the objective of humane treatment of nationals of either country arrested, detained or imprisoned in the other country'. The International Court was of the view that point (vi) of the agreement cannot be read as denying consular access in the case of an arrest, detention or sentence made on political or security grounds.

The Parties had negotiated the 2008 agreement in full awareness of Article 73, paragraph 2, of the Vienna Convention. The International Court examined that agreement and in light of the conditions set out in Article 73, paragraph 2, the International Court was of the view that the 2008 agreement is a subsequent agreement intended to 'confirm, supplement, extend or amplify' the Vienna Convention. Consequently, the International Court considered that point (vi) of that agreement does not, as Pakistan contends, displace the obligations under Article 36 of the Vienna Convention.

## CONCLUSION

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Ajmal Kasab, the 26/11-Mumbai attack<sup>28</sup>, terrorist who killed over 160 people, ironically saved the life of India's Kulbhushan Jadhav. Commander Jadhav, as the Pakistani's call him, was imprisoned by Pakistan since 3<sup>rd</sup> March 2016 and sentenced to death via a closed trial in April 2017, by a military court (FGCM). The sole Mumbai attacker to be captured alive, was tried under India's Code of Civil Procedure (CrPC) and was given the full legal opportunity to defend himself, unlike Kulbhushan Jadhav who has been denied of similar rights, India pointed out the same to the International Court of Justice, in its appeal of 8<sup>th</sup> May 2017, which heard the matter in February and delivered its judgement on 17<sup>th</sup> July 2019.

India's lead counsel at International Court of Justice, Mr. Harish Salve, argued that the Pakistani national and terrorist, Ajmal Amir Kasab was publicly given a legitimate chance to defend himself, where he was represented by Mr. Raju Ramachandran, a former additional solicitor general, in the Supreme Court of India.<sup>29</sup> This argument completely demolished Pakistan's claim at the International Court of Justice that India also used military courts for trials, to which Mr. Harish Salve countered that India uses military court, but they have no jurisdiction over civilians.

The 44-page judgement rules that Pakistan violated Article 36(a) and (c) of the Vienna Convention on Consular Relations, 1963; that, Kulbhushan Jadhav was not informed of his rights; that, India was informed of Kulbhushan Jadhav's arrest after 3 weeks of his arrest i.e. on 25<sup>th</sup> March 2016; that, Pakistan to review and reconsider Kulbhushan Jadhav's conviction and arrest; that, India has rights of consular access and to provide Kulbhushan Jadhav with legal representation.

Pakistan claimed that Kulbhushan Jadhav was arrested, near the Pak-Afghan border of Chaman in Baluchistan, after he illegally entered their country using an alias Hussein Mubarak Patel. India's argument, was that Kulbhushan Jadhav, a retired Commander from Indian Navy was in Iran's Chabahar Port on business, from where he was captured by Jaish-al-adl<sup>30</sup>, a proxy group affiliated to ISI. After his arrest, Pakistan extracted a false custodial confession from under duress without proper representation, that he was a spy. This confession was then circulated to the UN and key countries as a proof that India was fanning terrorism in Baluchistan. International Court of Justice's judgement severely criticised Pakistan's strong-armed tactic against India and referred to article 14 of the International Covenant on Civil and Political Rights<sup>31</sup> which require a prisoner to

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<sup>28</sup> [https://en.wikipedia.org/wiki/2008\\_Mumbai\\_attacks](https://en.wikipedia.org/wiki/2008_Mumbai_attacks)

<sup>29</sup> Reply of The Republic of India in Jadhav Case (India v. Pakistan), p. 6, para 21. <https://www.icj-cij.org/files/case-related/168/168-20180417-WRI-01-00-EN.pdf>

<sup>30</sup> <https://en.wikipedia.org/wiki/Jaish-ul-Adl>

<sup>31</sup> <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

have adequate time and facilities for the defence preparations and not to be compelled to testify against himself or to confess guilt.

Pakistan's defence team at the International Court of Justice repeatedly presented Kulbhushan Jadhav's Indian Passport in several slides, as if that in itself proved that he was a spy. On the contrary, it showed clearly that Pakistan knew that Kulbhushan Jadhav was an Indian and still did not follow the Vienna Convention. The court even said that the Vienna Convention was applicable to Kulbhushan Jadhav regardless of the allegation of being a spy.

The one and only time his family met him in December 2017, a glass door separated them and cameras and microphones captured every word and movement. So paranoid were the Pakistanis that they confiscated footwear of Kulbhushan Jadhav's family members, fearing that the Indians could have hidden recording devices or passed on other coded information<sup>32</sup>. Pakistan spun, a web of deceit and lies to show that the International Court of Justice's judgement on Commander Jadhav (Retd.), was in their favour. On the contrary, it blew a gaping hole in Pakistan's vicious campaign to malign India and severely weakened the case against Kulbhushan Jadhav, were he now to be tried in a civilian court. Pakistan civilian court, unlike India, permit foreigners to argue and Mr. Harish Salve could do an encore by successfully defending Kulbhushan Jadhav in before a Pakistani Civil Court as he did in the International Court of Justice and until such time as the Pakistani civil court reach at a decision, Kulbhushan Jadhav cannot be hanged, though he can be kept in jail for a very long time unless, as India expects, his release is used a diplomatic leverage. Moving to the International Court of Justice, was a calculated move, as lately India has seen success in International Forums like Financial Action Task Force, while Pakistan is now looked upon as a country that supports terrorism as the state policy. Kulbhushan Jadhav's release still looks far away, as it is in Pakistan's interest to keep him alive and use him as a bargaining chip; as a free or dead Jadhav doesn't benefit them in any way. Therefore, they will surely keep him alive. On legal grounds, the Kulbhushan Jadhav's case is a definite victory for India and provides clarity to a country's obligations under the Vienna Convention on Consular Relations. However, the question of its implementation continues to reveal the outcomes in previous Vienna Convention on Consular Relations cases. The safety of Kulbhushan Jadhav has been paramount on the minds of the Indian public owing to the media's intense spotlight over the matter. Though India may be reluctant to do a leveraging diplomatic negotiation, however along with the 'review and reconsider' of Kulbhushan Jadhav's case, it may yield a required solution to this ongoing chronicle.

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<sup>32</sup> <https://www.mea.gov.in/press-releases.htm?dtl/29239/statement+by+the+official+spokesperson+on+shri+kulbhushan+jadhavs+meeting+with+his+family>