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Consular Access: Kulbhusan Jadhav Case

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India has asked Pakistan to grant **full consular access** to Kulbhusan Jadhav at the earliest in "full compliance and conformity" with the **International Court of Justice's** verdict on Kulbhusan jadhav case.

The ICJ in its verdict has ordered Pakistan to make an “**effective review and reconsideration**” of Jadhav’s conviction and death sentence and also grant **consular access**.

Kulbhusan Jadhav (former Indian naval officer) was sentenced to death by a Pakistani military court on the charges of **espionage** and **terrorism**.

Kulbhusan Jadhav Case

- Kulbhusan Jadhav was arrested in March 2016 by Pakistani security forces in Balochistan province after he reportedly entered from Iran.
- He was sentenced to death by a Pakistani military court on the charges of espionage and terrorism in April 2017.
- India has always maintained that Kulbhusan Jadhav is not a spy, and that Pakistan should provide counsellor access to him as his case pertains to abduction from the Iranian territory.
- In May 9, 2018, ICJ has stayed his death sentence after India had moved a petition before the UN body to seek justice for him, alleging violation of the Vienna Convention on Consular Relations by Pakistan.
- During the hearing in the case on February, 2019, India said Pakistan's continued custody of Indian national Kulbhusan Jadhav without any consular access should be declared "unlawful" as it was an egregious violation of the Vienna Convention.
- Harish Salve, who is representing India and Kulbhusan Jadhav in the ICJ, said Pakistan was using the issue of Kulbhusan Jadhav as a "propaganda tool" without even following the due proper procedure.

Consular Access

- India had demanded consular access to Jadhav under the rules of the **Vienna Convention on Consular Relations of 1963**.

- The Vienna Convention on Consular Relations is an **international treaty** that defines **consular relations** between independent states.

A consul, (who is not a diplomat) is a **representative** of a foreign state in a host country, who works for the interests of his countrymen.

- **Article 36** of the Vienna Convention states that foreign nationals who are **arrested or detained** in the host country must be given notice without delay of their right to have their embassy or consulate notified of that arrest.
- If the **detained foreign national** so requests, the police must fax that notice to the embassy or consulate, which can then verify the person.

The notice to the consulate can be as simple as a fax, giving the person's name, the place of arrest, and, if possible, something about the reason for the arrest or detention.

Importance of consular access for India in Jadhav case

- Jadhav was awarded death sentence after a **secret trial** hence there are chances of trial being fake or sham.
- If India gets consular access to Jadhav, it can demolish the Pakistani case by advising Jadhav on the various aspects of the case and can get access to Jadhav's real version of events leading to his arrest.

Source: I.E