



## Kulbhushan Jadhav Case

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### Why in News

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Pakistan has urged India to appoint a lawyer to represent death row convict Kulbhushan Jadhav to implement the verdict of the **International Court of Justice (ICJ)**.

### Key Point

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- **About the Kulbhushan Jadhav Case:**

- Kulbhushan Jadhav was **sentenced to death by a Pakistani military court** on charges of espionage and terrorism **in April 2017**.
- **India approached the ICJ against Pakistan for denial of consular access (Vienna Convention)** to Jadhav and challenging the death sentence.
- **ICJ ruled in July 2019 that Pakistan must undertake an “effective review and reconsideration” of the conviction** and sentence of Jadhav, and also **grant consular access to India** without further delay.

It had asked Pakistan to provide a proper forum for appeal against the sentence given to Jadhav by the military court.

- **Implications of 'Effective Review and Reconsideration' for India:**

- Effective review and reconsideration is a phrase which is different from ‘review’ as one understands in a domestic course.
- It **includes giving consular access and helping Jadhav in preparing his defence**.
- It means that **Pakistan has to disclose the charges and also the evidence** which it has been absolutely opaque about uptill now.
- Pakistan **would also have to disclose the circumstances in which Jadhav’s confession was extracted** by the military.
- It implies that **Jadhav will have a right to defend** whichever forum or court hears his case.

- **Vienna Convention:**

- 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 detained 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.

### **International Court of Justice**

- ICJ is a **principal judicial organization of the United Nations (UN)**. It was established in 1945 by a UN Charter and began working in 1946 as the successor to the Permanent Court of International Justice.
- It **settles legal disputes between member countries** and gives advisory opinions to authorized UN Organs and Specialized Agencies.
- An Indian, Judge Dalveer Bhandari has been a member of the ICJ since April 2012.
- It is **seated in the Peace Palace of Hague, Netherlands**.

**Source: TH**