



# INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: [www.icj-cij.org](http://www.icj-cij.org) Twitter Account: [@CIJ\\_ICJ](https://twitter.com/CIJ_ICJ) YouTube Channel: [CIJ ICJ](https://www.youtube.com/CIJ_ICJ)

LinkedIn page: [International Court of Justice \(ICJ\)](https://www.linkedin.com/company/international-court-of-justice)

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## Press Release

Unofficial

No. 2019/8

21 February 2019

### Jadhav case (India v. Pakistan)

#### Conclusion of the public hearings

#### The Court to begin its deliberation

THE HAGUE, 21 February 2019. The public hearings in the Jadhav case (India v. Pakistan) were concluded today. The Court will now begin its deliberation.

During the hearings, which opened on Monday 18 February 2019 at the Peace Palace, the seat of the Court, the delegation of the Republic of India was led by Mr. Deepak Mittal, Joint Secretary, Ministry of External Affairs, as Agent. The delegation of the Islamic Republic of Pakistan was led by Mr. Anwar Mansoor Khan, Attorney General for Pakistan, as Agent.

The Court's Judgment will be delivered at a public sitting, the date of which will be announced in due course.

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#### Submissions of the Parties

At the end of the hearings, the Agents of the Parties made the following submissions to the Court:

##### For India:

“(1) The Government of India requests this Court to adjudge and declare that, Pakistan acted in egregious breach of Article 36 of the Vienna Convention on Consular Relations, 1963 (Vienna Convention) in:

- (i) Failing to inform India, without delay, of the detention of Jadhav;
- (ii) Failing to inform Jadhav of his rights under Article 36 of the Vienna Convention on Consular Relations, 1963;

- (iii) Declining access to Jadhav by consular officers of India, contrary to their right to visit Jadhav, while under custody, detention or in prison, and to converse and correspond with him, or to arrange for his legal representation.

and that pursuant to the foregoing,

(2) Declare that:

(a) the sentence by Pakistan's Military Court arrived at, in brazen defiance of the Vienna Convention rights under Article 36, particularly Article 36 paragraph 1 (b), and in defiance of elementary human rights of Jadhav, which are also to be given effect as mandated under Article 14 of the 1966 International Covenant on Civil and Political Rights (ICCPR), is violative of international law and the provisions of the Vienna Convention;

(b) India is entitled to restitutio in integrum;

(3) Annul the decision of the Military Court and restrain Pakistan from giving effect to the sentence or conviction in any manner, and

(4) direct it to release the Indian National, Jadhav, forthwith, and to facilitate his safe passage to India;

(5) In the alternative, and if this Court were to find that Jadhav is not to be released, then

(i) Annul the decision of the Military Court and restrain Pakistan from giving effect to the sentence awarded by the Military Court,

or in the further alternative

(ii) direct it to take steps to annul the decision of the military court, as may be available to it under the laws in force in Pakistan,

and in either event

(iii) direct a trial under the ordinary law before civilian courts, after excluding his confession that was recorded without affording consular access, and in strict conformity with the provisions of the ICCPR, with full consular access and with a right to India to arrange for his legal representation."

For Pakistan:

"The Islamic Republic of Pakistan respectfully requests the Court, for the reasons set out in Pakistan's written pleadings and in its oral submissions made in the course of these hearings, to declare India's claim inadmissible. Further or in the alternative, the Islamic Republic of Pakistan respectfully requests the Court to dismiss India's claim in its entirety."

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### History of the proceedings

The history of the proceedings can be found in paragraphs 205-219 of the Court's Annual Report for 2017-2018, available on its website (under the headings "The Court/Annual Reports").

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Note: The Court's press releases are prepared by its Registry for information purposes only and do not constitute official documents. The complete verbatim records of the hearings held from 18 to 21 February 2019 are published on the website of the Court ([www.icj-cij.org](http://www.icj-cij.org)).

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The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the "World Court", it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Court (ICC, the only permanent international criminal court, which was established by treaty and does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an international judicial body with an independent legal personality, established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), the International Residual Mechanism for Criminal Tribunals (IRMCT, mandated to take over residual functions from the International Criminal Tribunal for the former Yugoslavia and from the International Criminal Tribunal for Rwanda), the Kosovo Specialist Chambers and Specialist Prosecutor's Office (an ad hoc judicial institution which has its seat in The Hague), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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### Information Department:

Mr. Andrey Poskakukhin, First Secretary of the Court, Head of Department (+31 (0)70 302 2336)

Ms Joanne Moore, Information Officer (+31 (0)70 302 2337)

Mr. Avo Sevag Garabet, Associate Information Officer (+31 (0)70 302 2394)

Ms Genoveva Madurga, Administrative Assistant (+31 (0)70 302 2396)