



## Jadhav (India v. Pakistan)

**ARGUED: 20 November 2022**

**DECIDED: 21 November 2022**

1 This Dissenting Opinion was signed by and agreed to by Justice Lee of Peru.

2 This Justice agrees with the Summary of the History of Proceedings, Summary of Relevant Facts, Summary  
3 of Jurisdiction, and the Opinion of the Court in its entirety, disregarding all sections citing the International Covenant  
4 on Civil and Political Rights, and any other international treaties not within the Court's jurisdiction.

5 *Summary of Jurisdiction:*

6 This Justice believes that it does not have jurisdiction based on Article 36, section 2 of the Statute of the  
7 International Court of Justice, since even though both India and Pakistan have declared recognition as compulsory  
8 ipso facto the jurisdiction of the Court, however, India has exempted disputes with the Government of any State  
9 which is or has been a member of the Commonwealth of Nations of that obligation, therefore, Article 36, section 2  
10 does not apply in this case.

11 The Court was also asked to examine the applicability of the International Covenant on Civil and Political  
12 Rights (ICCPR). This Justice believes that the ICCPR does not fall within the purview and jurisdiction of this Court,  
13 since the Court's jurisdiction is not specially provided in the ICCPR, and this Justice does not see any jurisdiction  
14 by relation regarding human rights.

15 The Justice's decision to not rule on Pakistan's alleged violation of the ICCPR does not in any way imply  
16 that Pakistan has or has not breached its international obligation in the ICCPR.

17 *Therefore, this Justice orders the following:*

18 First, that Pakistan finds an appropriate remedy for breaching its international obligations under the Vienna  
19 Convention.

20 Second, that Pakistan allows the review and reconsideration of the conviction and sentence, taking into  
21 account the violation of the rights set forth in the Vienna Convention.

22 Third, that Pakistan should provide an assurance to India that it will not repeat its unlawful acts and that,  
23 in any future cases of detention of or criminal proceedings against Indian nationals, Pakistan will ensure in law and  
24 practice the effective exercise of the rights under Article 36 of the Vienna Convention on Consular Relations.

*Signed By*



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Justice Hao-Yu Lee