

THE QATAR DEATH ROW AND INDIA'S OPTIONS

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A glimpse of the exercise Zair-Al-Bahr conducted between the Indian Navy and the Qatar Emiri Navy in the Persian Gulf near Abu Dhabi. | Photo Credit: PTI

On October 26, Qatar's local court handed down the [death penalty to eight former Indian Navy officers](#). The case has garnered international attention.

In August 2022, the eight officers were detained in Doha by Qatari intelligence authorities. They worked for Dahra Global Technologies and Consultancy Services, which served Qatar's defence and security agencies. Legal proceedings encountered delays, including the rejection of the initial bail plea one month after the arrest. The first trial was held in March 2023. In October, consular access was granted, and the Indian Ambassador met the detainees. But the situation took a grim turn on October 26 with the local court's verdict.

The case shares similarities with other incidents involving the arrest of Indian nationals by foreign authorities. For instance, Kulbhushan Jadhav, an Indian national, was sentenced to death in 2017 in Pakistan on charges of espionage and sabotage. Pakistan accused him of acting at the behest of India's intelligence agency, which India denies. The case proceeded in a military court with no transparency. India moved the International Court of Justice (ICJ), which found that Pakistan had breached Article 36 of the Vienna Convention requiring immediate notification of an arrest to the national's consulate. It ordered Pakistan to review the process of Jadhav's trial and conviction, and provide India with consular access.

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In a separate incident, Indian Air Force pilot Wing Commander Abhinandan Varthaman's aircraft was shot down by Pakistani fighter jets after he took down a Pakistani F-16 fighter jet. He was captured on the Pakistani side of the Line of Control, but was released about 60 hours later following intense back-channel communications between India and Pakistan.

In both instances, the individuals involved were reluctant to disclose their identities, mirroring the present situation. India either mitigated their sentences or brought them back to their home country through diplomatic means.

India has the option to initiate legal appeals within the Qatari legal system. As per Article 110 of the Penal Code of Qatar, engaging in espionage is regarded as a serious criminal offence.

Espionage is legally defined as the act of collecting or transmitting confidential information or documents to a foreign state or its agents with the intent to harm Qatar's national security or interests. Penalties can result in imprisonment not exceeding 15 years, depending on the gravity of the offence. During times of war, the punishment may escalate to life imprisonment or the death penalty. It is noteworthy that Qatar has not disclosed information about the verdict. India can pursue a legal battle with the aim of reducing the sentence to imprisonment.

In 2015, India and Qatar signed an agreement pertaining to the transfer of sentenced prisoners. Under the agreement, Indian citizens who are sentenced in Qatar have the choice to serve their prison sentence in their home country. If the legal appeals in Qatar's judiciary do not yield the desired outcome, India could turn to the ICJ as a means of redress. Just as in the Jadhav case, there has been a delay in notifying the Indian embassy here too.

The Vienna Convention on Consular Relations provides the framework for consular relations between sovereign states. Article 36 of the Convention is central to this case, as it deals with communication and contact with nationals of the sending state. The Convention's Optional Protocol grants the ICJ compulsory jurisdiction over disputes arising from its interpretation or application. As mentioned earlier, Article 36 of the Vienna Convention requires immediate notification of an arrest and the right to consulate access.

India has the capacity to initiate diplomatic efforts aimed at resolving the case. The relationship between India and Qatar has yielded significant economic ties. Qatar is the largest provider of liquefied natural gas to India. While India's defence collaboration with Qatar has been somewhat limited, it still offers an avenue for diplomatic engagement. The Indian community represents the largest expatriate group in Qatar. The remittances sent to India by the community amount to an estimated \$750 million annually. Moreover, a steady stream of Indian artists performs in Qatar at events organised by community associations affiliated with the Indian Cultural Centre. By harnessing these robust ties with Qatar, New Delhi can exert pressure on the Qatari government to adopt a more lenient approach towards the detained individuals, potentially offering them some relief.

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Numerous global human rights organisations have been actively combating unlawful imprisonment, capital punishment, and other violations of human rights. Amnesty International, for instance, has consistently championed human rights on a global scale. These organisations also have the potential to mobilise and advocate for the Indian Navy officers who are facing the death penalty.

This is a challenging diplomatic issue that requires careful consideration and strategic action. India's response should take into account the implications of the Vienna Convention on Consular Relations, international precedents, and the broader context of India-Qatar relations. Whether through diplomatic dialogues, political interventions, legal appeals, or a blend of these strategies, India has the potential to seek a resolution.

Hasan Mohammed Jinnah is Tamil Nadu State Public Prosecutor

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