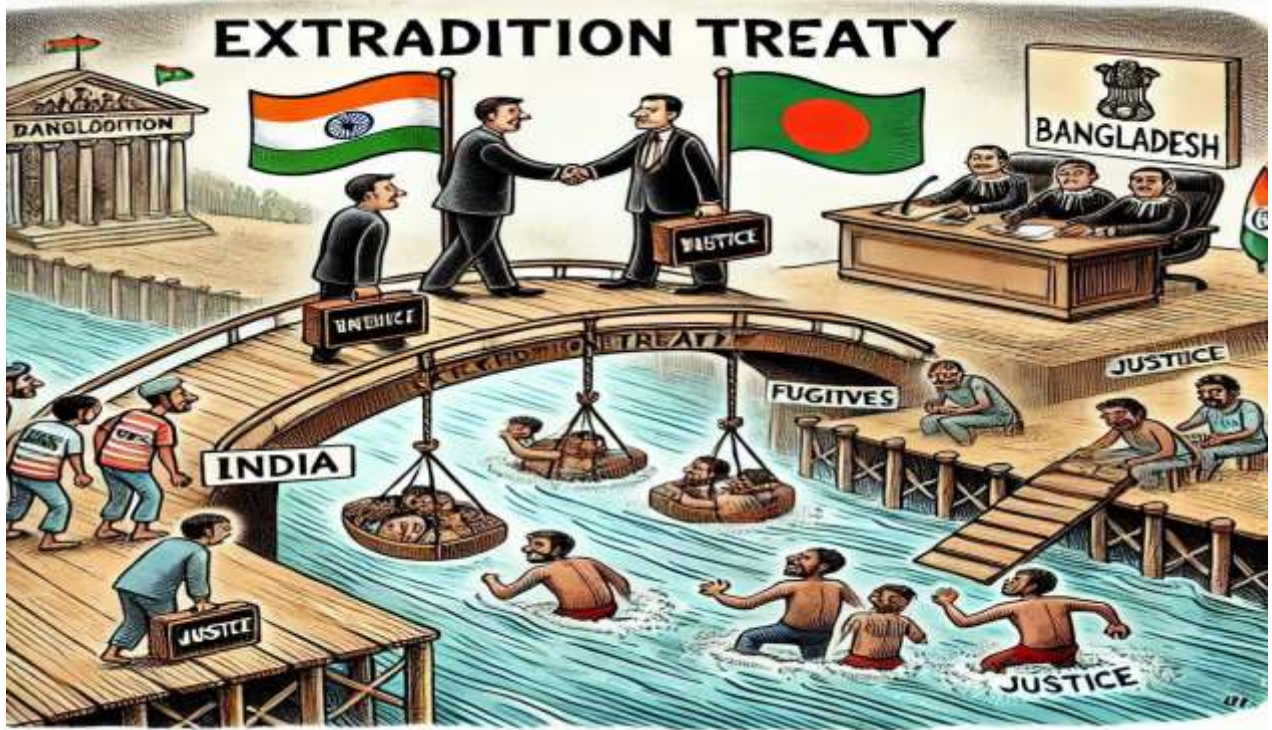




## THE DYNAMICS OF EXTRADITION TREATIES: INDIA-BANGLADESH: INTERNATIONAL RELATIONS: GS - II



### Understanding Extradition Treaties

An extradition treaty is a formal agreement between two nations, under which one state agrees to surrender an individual accused or convicted of a crime in the other state. These treaties facilitate cross-border cooperation to ensure that individuals cannot evade justice by fleeing jurisdictions. Typically, extradition treaties list extraditable offenses and the legal and procedural framework for extradition, along with conditions under which it can be refused.

Extradition treaties are integral to combating transnational crimes such as terrorism, drug trafficking, human trafficking, and financial crimes. They reflect the trust and cooperation between countries in upholding international justice and addressing mutual security concerns.

### Significance of Extradition Treaties

The significance of extradition treaties lies in their role in maintaining global law and order. They:

1. **Foster International Cooperation:** They build trust and strengthen bilateral ties between nations.
2. **Combat Transnational Crime:** Enable the prosecution of crimes that transcend borders, such as terrorism and organized crime.
3. **Support Justice and Rule of Law:** Reinforce the principle that individuals cannot



escape accountability for their actions by fleeing to another jurisdiction.

4. **Protect Sovereignty:** These treaties include provisions to prevent misuse, such as the exclusion of politically motivated accusations.

For India, a country dealing with a range of security concerns, extradition treaties are crucial for ensuring that fugitives and criminal elements cannot exploit international borders to evade justice.

## India's Extradition Treaties

India has signed extradition treaties with several nations, including:

1. **United States:** Facilitates the extradition of individuals charged with serious crimes, including financial frauds.
2. **United Kingdom:** Despite the treaty, extradition is often complex, as seen in the cases of Vijay Mallya and Nirav Modi.
3. **France, Germany, and UAE:** These treaties are focused on ensuring cooperation in tackling organized crime and terrorism.
4. **Bangladesh:** Signed in 2013, this treaty reflects the shared security concerns of the neighboring countries.

India also has extradition arrangements (less formal than treaties) with several countries, enabling mutual cooperation even in the absence of a formal treaty.

## The Indo-Bangladesh Extradition Treaty

The extradition treaty between India and Bangladesh, signed in 2013 and amended in 2016, is an important milestone in bilateral relations. It addresses the shared concerns of fugitives exploiting borders to evade justice.

Key highlights of the treaty include:

1. **Extraditable Offenses:** Covers serious crimes, including murder, terrorism, drug trafficking, and human trafficking.
2. **Exclusions for Political Offenses:** The treaty allows refusal of extradition for offenses deemed "political" in nature. However, crimes like murder and torture are excluded from this category.
3. **Simplification Post-Amendment:** The 2016 amendment eased the process by eliminating the requirement to provide evidence of the alleged offense. Now, a valid arrest warrant suffices.

The treaty has been instrumental in fostering mutual trust, exemplified by the extradition of Anup Chetia, a key leader of the United Liberation Front of Assam (ULFA), to India in 2015.



## Previous Instances of Extradition

India has utilized extradition treaties to bring several fugitives to justice. Notable examples include:

1. **Anup Chetia** (2015): The ULFA leader was extradited by Bangladesh, showcasing effective cooperation under the treaty.
2. **Abu Salem** (2005): The gangster was extradited from Portugal under a treaty, albeit after significant legal and procedural delays.
3. **Christian Michel** (2018): Extradited from the UAE for his alleged role in the AgustaWestland chopper scam.

While these successes highlight the potential of extradition treaties, challenges persist in cases where political, legal, or diplomatic complexities arise.

## The Current Issue: Sheikh Hasina

Sheikh Hasina, the Prime Minister of Bangladesh, faces a contentious situation. Accusations against her include murder, enforced disappearance, and torture, all of which are excluded from the definition of political offenses under the India-Bangladesh extradition treaty.

However, there are multiple nuances to the case:

1. **Warrants Against Hasina:** The extradition request is supported by valid arrest warrants issued by Bangladeshi courts.
2. **Political Implications:** Hasina's case carries significant political weight, given her role in Bangladesh's leadership and her history of political rivalries.
3. **Grounds for Refusal:** India has the option to refuse extradition under Article 8 of the treaty, citing accusations not made in "good faith" or lacking genuine interest in justice.

## India's Grounds for Refusal

India's decision to refuse extradition may be based on the following considerations:

1. **Political Nature of the Accusations:** Despite the treaty's exclusions, India could argue that the charges against Hasina are politically motivated.
2. **Impact on Bilateral Ties:** Extraditing a sitting Prime Minister would have profound diplomatic repercussions, potentially destabilizing relations.
3. **Domestic Security Concerns:** Hasina's leadership is seen as pivotal to maintaining regional stability and combating extremism in South Asia.
4. **Precedents in International Relations:** History offers examples where extradition requests have been denied without significantly affecting bilateral ties.



## Implications of Refusal

India's refusal to extradite Sheikh Hasina could have wide-ranging consequences:

1. **Strained Bilateral Relations:** Bangladesh might perceive refusal as a lack of support, potentially affecting trade, security cooperation, and people-to-people ties.
2. **Regional Stability:** Hasina's leadership is critical in maintaining a stable and progressive Bangladesh, which aligns with India's regional interests.
3. **International Perception:** A refusal might raise questions about India's commitment to extradition agreements, though it could also be viewed as a pragmatic decision to safeguard national interests.

## Way Forward

Navigating this complex issue requires a nuanced approach:

1. **Legal and Diplomatic Engagement:** India should engage with Bangladesh to explain its decision transparently, emphasizing the legal and procedural grounds for refusal.
2. **Strengthening Bilateral Mechanisms:** Both nations could explore alternate mechanisms to address sensitive issues without compromising on justice or bilateral ties.
3. **Regional Cooperation:** India and Bangladesh must continue to prioritize regional stability through joint efforts against extremism and cross-border crimes.
4. **Review of Extradition Policies:** India could consider revising its extradition policies to address ambiguities in handling politically sensitive cases.

## Conclusion

The India-Bangladesh extradition treaty reflects a shared commitment to addressing cross-border crime and fostering justice. However, the Sheikh Hasina case underscores the complexities of implementing such treaties in politically sensitive contexts. While legal frameworks are vital, the decision to extradite often hinges on broader political and strategic considerations.

For India, the choice to refuse extradition, despite the treaty's provisions, appears to align with its critical interests in maintaining regional stability and fostering strong ties with Bangladesh. As the two nations navigate this challenge, mutual understanding and collaboration will be key to ensuring that the extradition treaty continues to serve its intended purpose without undermining bilateral relations.



## Main Practice Question:

Analyze the role and significance of extradition treaties in maintaining international justice and bilateral relations. Discuss the complexities involved in implementing such treaties, using the India-Bangladesh extradition treaty and the Sheikh Hasina case as an example. (250 words)

## Answer Guidelines:

### 1. Introduction (30-50 words):

Begin with a definition of extradition treaties and their primary objective of ensuring that fugitives or accused individuals cannot escape justice by crossing borders. Highlight their importance in fostering global law enforcement cooperation and strengthening bilateral relations.

### 2. Significance of Extradition Treaties (70-80 words):

Explain how these treaties combat transnational crime, uphold the rule of law, and promote trust between nations. Emphasize their importance in addressing crimes such as terrorism, drug trafficking, and human trafficking, while also maintaining international order and mutual security.

### 3. Complexities in Implementation (100-120 words):

Use the India-Bangladesh extradition treaty as a case study. Discuss its provisions, including the exclusion of politically motivated crimes, the 2016 amendment simplifying the process, and the grounds for refusal (e.g., accusations not made in good faith). Reference Sheikh Hasina's case to illustrate the political and diplomatic challenges in implementing such treaties, including balancing legal obligations with strategic and regional interests.

### 4. Conclusion (30-50 words):

Summarize the dual role of extradition treaties as legal tools and instruments of diplomacy. Highlight the need for nuanced decision-making, especially in politically sensitive cases, to ensure justice while preserving bilateral relations and regional stability.

This structure ensures a well-rounded answer, demonstrating an understanding of international law and real-world geopolitical complexities.



## Mind Map

