

IN THE SUPREME COURT OF THE UNITED STATES

No. 24A852

TAHAWWUR RANA, APPLICANT

v.

JAMES ENGLEMAN, INTERIM WARDEN, METROPOLITAN DETENTION CENTER

**SUPPLEMENT TO EMERGENCY APPLICATION FOR STAY PENDING
LITIGATION OF PETITION FOR WRIT OF HABEAS CORPUS**

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit:

In supplement to and further support of petitioner’s emergency application for a stay of his extradition and surrender to India pending litigation (including exhaustion of all appeals) on the merits of his February 13, 2025 petition for a writ of habeas corpus asserting, *inter alia*, that his extradition to India violates United States law, specifically 8 U.S.C. § 1231 implementing the terms of the United Nations Convention Against Torture (“CAT”), petitioner brings to the Court’s attention the judgment issued on February 28, 2025, by the King’s Bench Division of the High Court of Justice in London in the matter of *Sanjay Bhandari v. Government of India*, a copy of which is submitted herewith as Attachment H.

In the *Bhandari* case, the Government of India sought to extradite Mr. Bhandari from the United Kingdom to face charges of money laundering and tax evasion. The District Judge had held that he could be extradited, but on appeal Lord Justice Holroyde and Mrs. Justice Steyn concluded that Mr. Bhandari's extradition would violate U.K. law implementing the CAT (which India *has not* ratified) because, among other reasons, there was a real risk of his being subjected to torture or to inhuman or degrading treatment or punishment. (*See* Attach. H ¶¶ 102-138). The court of appeal's decision was based on a number of reports and statements demonstrating the regular use of torture by the Government of India (often resulting in deaths of those in police custody), including the U.S. State Department's 2021 country report on India, similar reports from the U.K.'s Home Office, other reports and statements from media and groups such as the United Nations Working Group on Arbitrary Detention and the National Campaign Against Torture, and statements from a retired Justice of the 20th Law Commission of India. (*See id.*) Mr. Bhandari's appeal was accepted on the relevant grounds, and he was discharged and not extradited to India.

The *Bhandari* decision underscores the importance of meaningful judicial review of the Secretary of State's purported determination that Rana's extradition to India will not violate the CAT as implemented in the U.S. The *Bhandari* decision demonstrates that petitioner's fears of being subjected to torture, likely to result in death, are well-founded as evidenced by the U.K. courts' refusal to extradite to India an individual charged merely with financial crimes unaccompanied by any high-

profile, overarching religious, ethnic, or national considerations that would make the individual a particular focus of scorn or animus. If Mr. Bhandari could not be extradited to India because he was likely to be tortured, petitioner is even more likely to be tortured and similarly should not be extradited.

Dated: March 2, 2025

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Tillman J. Finley, certify that I have caused to be served a copy of the foregoing Supplement to Emergency Application for Stay Pending Litigation of Petition for Writ of Habeas Corpus and all attachments thereto on the below counsel of record for the United States by first class U.S. mail, postage prepaid and by email where indicated:

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