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Towards Accountability for Mass Crimes

Towards Accountability for Mass Crimes

Report of the
Indian Campaign on International Criminal Court
(ICC-India)

2000-2007
Towards Accountability for Mass Crimes

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On behalf of the Coalition for the International Criminal Court (CICC), I want to express my support to ICC-India for the valuable work that they have been conducting for the past six years. Since 2000, the organization has grown to include 29 human rights organizations, as well as many others in their individual capacities, all of which remain committed to the principles set forth by the Statute and for ensuring that India becomes a State Party to the ICC. This ICC network joins more than 2000 other global civil society advocates working for a fair, effective and impartial International Criminal Court (ICC)

ICC-India has been one of the CICC’s most active partners in the country. Their work has been primarily focused on conducting information dissemination, generating a greater understanding of the mandate and the jurisdiction of the Court, as well as on the importance of the ICC as a groundbreaking international human rights and accountability mechanism.

Individuals who have worked actively with the campaign have made presentations on the ICC throughout India’s many regions, organizing more than 25 public education programs themselves. ICC-India has also produced 7 publications (5 in English and 2 in Hindi) which became important resources and tools to further the campaign nationally.

ICC-India furthermore organized two major events with Parliamentarians, one of which included participation by ICC President Philippe Kirsch and developed into a primer titled “Conversations with Parliamentarians”.

As an important partner for the Coalition in India and in the region, we hope that our relationship with ICC-India will only continue to strengthen. We wish them the best in the upcoming years.

Sincerely,

William R. Pace
Convener
Coalition for the ICC
MESSAGE

It gives me enormous personal pleasure to write this message and to congratulate the ICC-India Campaign for completion of its sixth year. I understand the Campaign will bring out a report on last six years of its activities. I had the privilege and honor to closely work over these years with the Coordinator, ICC-India Campaign Ms. Saumya Uma, who has, almost single handedly, run the ICC campaign in India.

The world community set up the International Criminal Court in response to centuries of impunity to perpetrators of crimes of international concern. The Government of India actively participated in drafting the instrument that established this first permanent global court to investigate international crimes and prosecute.

India is not only a significant Asian country but an important global player too. India’s commitments to democracy are entrenched and widely acknowledged. Justice is also essential component for a democratic society and States are obliged under international laws to prevent commissioning of international crimes and take appropriate measures when committed. These obligations are not limited within national boards but universal. International Justice has thus been an important part of State’s duty.

The ICC-India Campaign, I believe, has undertaken this mission to share information, educate and create awareness about the ICC and at the same time, build opinions and supports for India’s accession to this important international mechanism which majority of States have already done so.

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In Asia, the next on line is Japan, where nearly all formalities have been completed for accession for Japan to become a full member of the Court. The Parliament in Nepal has overwhelmingly endorsed accession to the Statute and has asked the Government to take necessary measures. Afghanistan is already a State Party which Bangladesh has signed. India’s endorsement would be significant for the region and for the world community at large.

The Campaign has devised an active approach to reach out to as many segments of Indian society as possible, with its limited resources. Its strategy is to present issues of international justice in most simple ways.

The other significant aspect of the Indian Campaign has been its successful linking of international legal norms to internal legal orders, which is the objective of the ICC, to enable States to fulfill their responsibilities and only to play a complimentary role.

The ICC-India Campaign has achieved significant success in using the ICC Statute also as a tool for law reforms in many different areas.

As a result, supports for India’s accession to the Statute establishing the ICC has been increasing since, which would also be consistent to India’s international commitments.

This ICC-India Campaign also made important contributions in South Asian campaigns for the ICC as well as to international campaign. ICC-India publications are helpful not only within India but beyond and are highly regarded.
This Campaign could be a model for others to follow and I hope this publication will help not only to get insight into the Indian campaign but also to enable others to get inspiration from.

However, campaign for justice and in particular, international justice is never over. The ICC-India Campaign has still a long way to go, not only until India’s accession, necessary legal reforms but even beyond.

The Campaign in India could continue to count on best wishes of their fellow activists in the region and around the world.

All the best for the Campaign and those dedicated friends behind ICC-India.

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20 June, 2007 Gent, Belgium
Manila, Philippines
20 June 2007

Dear Saumya,

It is with great pride that we endorse this report produced by ICC-India on its six years of campaign work on the International Criminal Court.

The Coalition for the International Criminal Court-Asia (CICC-Asia) has seen the work of ICC-India from its inception in 2000 to the present, paving the way towards better understanding and appreciation of the ICC by the Indian society. Through workshops, seminars, publications and other fora, it has strived to reach out to various constituencies - civil society groups; media; parliamentarians; women and other human rights organizations and engaging them in the campaign towards accession to and implementation of the Rome treaty creating the ICC.

Such a campaign is important not only for India and for South Asia but for the entire Asia-Pacific region. To date, while there are already 104 states parties to the ICC, only 5 are from Asia, making it the least represented region in the ICC. India’s strategic role in the region makes it a major force in rallying Asian countries to join the ICC.

ICC-India is one of the most active coalitions in Asia advocating for an independent and effective International Criminal Court. Its network of legal experts, notably its women advocates have contributed significantly in the regional and global campaign to adopt the Rome Statute establishing the ICC and in ensuring that provisions for gender justice are one of the key elements of the treaty. ICC-India has counterparts in almost all parts of the region, undertaking similar programs and strategies towards a common goal of achieving universal jurisdiction for the ICC and making it an effective mechanism for justice.

We hope that this report will not only serve as a documentation of ICC-India’s past accomplishments but will be an instrument to further mobilize its constituencies to move the process forward in convincing the Indian government to accede and implement the Rome treaty. Considered a landmark in the history of international law and international justice, India’s accession to this treaty will not only benefit the Indian society but all of humanity.

Wishing you good luck and more power in your campaign. We are ever hopeful that sooner or later India and the rest of Asia will be among the ICC’s states parties.

In Solidarity,

EVELYN BALAIS-SERRANO
Coordinator for Asia and the Pacific
Dear Ms. Una,

I would like to express my appreciation to you and ICC-India for the excellent support you provided in relation to my recent trip to India. I feel that this visit provided an important opportunity for the Court to share information regarding its role, purpose and activities with representatives of government, civil society, the legal community and the media. I also appreciated the possibility to discuss further some of the issues India is considering with respect to ratifying the Rome Statute.

Thank you again for your interest in promoting discussion of the International Criminal Court in India and I look forward to our continued contact in the future.

With best regards,

Philippe Kirsch
I. Prefatory
This is a truly remarkable Report. It crystallizes a movement named as the ICC-India campaign. During the last eventful seven years of its existence, it has provided a collective platform for collective human rights leaning/education. The extraordinary feature of this campaign is this: it pursues its commitment to India's eventual and full ratification to the treaty establishing the International Criminal Court via several ways of generating popular and political consciousness about the need for human rights- based law reform in India. In this, the ICC-India campaign constitutes a most unusual endeavour to link innovation in international human rights law with the reform, and even renaissance, of the cultures, structures, and the everyday operations of the Indian criminal law and justice system.

Bringing internationally proclaimed human rights home constitutes the lofty objective of the 1995-2005 United Nations Decade an its Programme of Implementation, under which many initiatives have indeed flourished. I have been privileged to be closely associated with the theory and practice of this movement, primarily via the initiatives of the People's Decade of Human Rights Education (PDHRE) and its charismatic founder Ms. Shulamith Koenig and have prepared (with Kenny Ikeman) A People's Report on Human Rights Learning (see PDHRE.com) Yet, I have not come across worldwide a project so distinctive as the ICC-Indian campaign. I hope that a wider sharing of this Report will contribute to similar initiatives worldwide.

No reader of this Report may fail to be impressed by the methods of spreading human rights education/learning. The ICC-India campaign regards a wide sharing of information about human rights developments; this sharing however does not involve any act of transmission from ‘high above’ but rather constitutes an intensive deliberative and participative venture. Human rights education thus becomes a mode of anti-hierarchic and fully dialogic mode of learning together the ways of localizing the globally enunciated human rights norms and standards.

The campaign has conducted over 50 workshops/seminars/discussion meetings with varied groups of beneficiaries covering 19 states in India; it has also brought out seven 7 publications - five in English, and two translated into Hindi (many of the publications have been reprinted twice or thrice). The campaign has more than 40 human rights group from all over the country as its organizational partners, and many more as individual partners. ICC-India has also been intensely involved in advocacy efforts. It has finely blended participative information and communicative partnerships with the tasks of sustained advocacy. The campaign has already held dialogues and consultative meetings with Indian parliamentarians productive of an overwhelming response from the members of Indian Parliament across party lines; further dialogues with NHRI (National human rights institutions such as the National Human Rights Commission) are under way.

Dialogue with policy-makers entails the responsibility, as it remains always fully called forth, for fully standing up and being counted. The campaign has thus engaged with the bleeding heart of Indian human rights violations—such as communal violence, (especially the implementation of Srikrishna Commission recommendations), the repeal of the draconian Armed Forces Special Powers Act, as well as on the need for a domestic law on genocide. No less spectacularly, it has been engaged with the enterprise of drafting rules on victim/witness protection, within and beyond, South Asian,
Asian and international levels. Further, it has in collaboration with leading Indian Law Schools and the NGO communities, recently commenced a research project on ICC and Indian laws, in which nearly twenty researchers consisting of academics, lawyers, activists have volunteered to study various aspects of Indian laws and analyze the same vis-à-vis international legal standards including the ICC. The Report thus furnishes a remarkable saga and I consider it a singular privilege to have been asked thus to associate myself with its historic mission.

II. India’s Eventual Adherence to the Rome Treaty Regime

The campaign deploys the motif of India’s eventual adherence to the International Criminal Court and the Rome Treaty as a pathway for the renaissance for the futures of human rights-oriented modes of Indian governance. Via this, the campaign signifies the manifold virtues of the celebrated motto: ‘Think globally, act locally.’ It thus speaks to us to the fact that international statements about human rights acquire specific historic meanings only when situated in diverse, and obstinate local contexts. Thus, as I stand now fully informed by the campaign, one of the international resource persons who participated in a Training of Trainers programme on ICC and India some months ago remarked that the campaign events ‘seem to contain 95% Indian law and human rights, and only 5% ICC.’

This ranking of proportion remains in itself important because, I believe, it is the militant local minuscule that often perhaps decisively matters over the global macro-narratives of human rights. Put another way, at stake remain the ways in which the languages of universal human rights are made to perform in the distinctive theatres of the local. I would remain sincerely happy to be proved wrong when I say that the ICC-India Campaign has simply no contemporaneous historical antecedent as an exemplar of unusual grassroots human rights activism directed to programmes of public education towards understanding and confronting the localized, and yet also globalized, arrogance of sovereign immunity and impunity.

Making callous, corrupt and cruel holders, and the brokers, of sovereign power respect the claims of human rights and the calls to justice is a Herculean endeavour spreading over generations and historical epochs. Nor is such an endeavour always assured of any instant, and even long–term, success. Because state managers act primarily to maximize their own specific strategic interests, power needs the best possible incentives to discipline itself in the directions of human rights and global justice. The problem of incentives arises most acutely when these directions seeks to limit and eventually put an end to the claims of sovereign immunity and impunity. The question then is: ‘What political and state actors may stand to gain and loose by conceding such claims?’ All that human rights and justice activists may offer to political classes are the often crucial symbolic (that is legitimacy) gains. The sovereign question here is thus fully posed: How may the campaign, as well other human rights and social movement activist folks, help the political classes and state managers to fully understand the fact that following human rights presents no threats to their powers of domination?

Starkly put, state managers resist the summons of human rights-based law reform out of a primal fear that criminalizing practices of power strikes at the very roots of their capacity and capabilities. They no doubt feel justified in thinking that overall their obligations lie in the direction which services their pursuit of ekta and aakahndata (the unity and integrity of the nation-sate.) The ICC-India campaign does not indeed question this claim; however, it questions the variety of lawless
means adopted to serve this lofty aim by asking a simple-looking, but devastatingly in effect, question: ‘Do the structures of sovereign immunity and impunity actually produce the politically intended effect or indeed contradict these?’ The very act of raising this question matters decisively for the futures of human rights in India, as also elsewhere.

Shorn of all refinement, the campaign suggests that all the politically high-minded claims of sovereign immunity and impunity thus presented, and even dignified, in terms of promotion and protection of ‘the’ invincible public interest or the common good, fail their purpose. Performances of state and regime-sponsored mass atrocities or the practices of political cruelty may not be presented / narrated any more as mere accidents and incidents of governance in an imperfect, sub-ideal world. Democratic politics may not thus constitute any political, and lethally imposed, fate for those governed by it.

This Report remains precious because it seeks to massively dislocate these logics and languages. It speaks to the tasks of the rule of law, nationally as well internationally, simply conceived as an endeavour to make power more accountable, governance increasingly just, and the state incrementally ethical. In speaking thus, it also addresses a growing international ethical sentiment that interrogates the logics of sovereign immunity and impunity and ways of translating this in terms of applied ethical theory. Further, it offers a rich narrative of the ways in which the holders and managers of sovereign power may still remain ethically less incorrigible. The ICC-India campaign thus assumes a form of new social movement inviting a reconstruction of the political classes as important stakeholders for abating (and hoping against hope in eventually eliminating) the practices of politics as perpetuation of mass atrocities in the name, and the title of ‘good governance.’

III. ‘The Road to Rome’ and the Politics of Hope Beyond

The ICC-India campaign or movement takes as a point of departure, as well perhaps the point of arrival, the cause/mission of India’s eventual adherence to the Rome Treaty that finally culminates in the establishment of the International Criminal Court (ICC). It necessarily then follows the common enough dating of the notion penalizing and criminalizing of war crimes, genocide and crimes against humanity (the elements of the fourth rubric – the ‘war of aggression’ yet to be internationally defined).

The campaign, instead of engaging the diplomatic subtleties of India’s reasons for non-adherence to the ICC, moves beyond. Even so, it implicitly at the very least interrogates India’s stance as any assertion of Third World / Global South solidarity gesture: the fact remains that Senegal (in February 2, 1999) becomes the first signatory of the ICC statute - a fact of considerable significance in this context.

The story of the tormenting narrative of the long walk to the ‘Road to Rome,’ which led eventually (in 2002) to the establishment of the International Criminal Court has been often told and invites also continual narration. We know that as far back that as in 1872 Gustav Moynier – among the founders of the International Committee of the Red Cross – proposed a permanent court in response to the crimes of the Franco-Prussian War, although the antecedents of this idea may perhaps even be traced further back, and since then, in time. We all know how this idea was put to use in terms of the ‘victor’s justice,’ beginning with the 1919 Treaty of Versailles that envisaged an ad hoc international court to try the Kaiser and German war criminals and culminating with the Nuremberg and Tokyo trials (the latter provoking still little –read anguished dissenting opinion by Judge Radha Binod Pal.)
To summarize in a brief remark a rather large historical development, during 1949–1954, the International Law Commission’s draft statutes for an ICC stood fully aborted by the proselytizers of the Cold War. It is only with the presentation of 1994 ILC draft statute for the ICC that the General Assembly finally established an ad hoc committee on the ICC to review the draft Statute. This, as is well-known, in turn leads to the formation of an NGO Coalition to coordinate the efforts of human rights organizations (such as Amnesty International, Asociación Pro Derechos Humanos, Fédération Internationale des Ligues des Droits de l’Homme, Human Rights Watch, Lawyers Committee for Human Rights, No Peace Without Justice, Parliamentarians for Global Action, Rights & Democracy and the Women’s Caucus for Gender Justice, and the World Federalist Movement-Institute for Global Policy.)

During June 15–July 17, 1998, 160 countries participated in the UN Diplomatic Conference of Plenipotentiaries on the establishment of an International Criminal Court in Rome, and it happened in May, 1999 that the Coalition for the International Criminal Court launches the Hague-based campaign calling for the world-wide ratification of the ICC Statute, even as the UN Security Council adopted a Resolution 1422 granting U.N. peacekeepers immunity from the jurisdiction of the ICC, retroactively effective as of July 1, 2002 for a renewable one-year period, given the heavy U.S. intimidation to ‘shut down’ the U.N. peacekeeping mission in Bosnia-Herzegovina. Despite the histories of intransigent American exceptionalism, the ICC finally becomes operational with the swearing in of the 18 justices on March 11, 2003, and the appointment of its first Prosecutor (Luis Moreno-Ocampo) on June 16, 2003.

The purpose in revisiting this itinerary is simply here to suggest that fully honoring the legendary of worldwide movement efforts remains an important task on two registers: honoring Third World countries, that unlike India, fully subscribed to the universal treaty regime and naming and shaming the Indian abstention frustrating this remarkable growth of the contributions towards the fabrication of this global subaltern (the global have-nots) ethical sentiment.

By the same token, it remains, I believe, important to rather fully articulate in the performances of public education the all-important ICC treaty jurisdictional exclusion of the owners and managers of global or multinational corporations as owning no responsibility and liability for war crimes and crimes against humanity (and eventually, in the elucidation of ‘crimes of aggression.’) Further, in any such endeavors, it also remains important to bear fully in view the current agenda and operations of the ICC as presently constituted. Already, the prosecutor of the ICC has declined, without cogent reasons, even to investigate the commission of Iraq war crimes by the United Kingdom despite the fullest possible information laid by the PEACERIGHTS (a UK-based human rights organization international tribunal to which I had the privilege to belong.)

IV. A Concluding Remark

This report richly narrates the campaign’s construction of what must be, after all, named as a pioneering innovation of human rights education and learning. Rather than pursuing any single-minded project, constituting a lobbying group for India’s reconsideration of its stance towards the ICC, it cuts wider and deeper. Wider, because this campaign addresses a variety of stakeholders, beyond the constituencies of state managers; and deeper because it aims at the inculcation of some abiding public ethical sentiment against the logics, and languages privileging the dominant notions of sovereign immunity and impunity.
Towards Accountability for Mass Crimes

This campaign thus amazingly makes and marks an important statement towards the practice of human rights education / learning via its construction of the long and short term objectives. The former include: the ‘facilitation of India’s accession to the ICC Treaty, by dialoguing with the government and advocacy efforts,’ to facilitate a compatibility between Indian laws and procedures and international legal standards including the ICC, and towards ending ‘the climate of impunity for mass crimes that exists within the country now, and to promote a culture of accountability.’ The latter notably include the tasks of initiating and sustaining an awareness and advocacy campaign on ICC,’ forming and expanding ‘the support base for the campaign, comprising of like-minded individuals and organizations from civil society’ and towards an integration of the ‘standards of international law, including the ICC, into domestic law reform initiatives,’ all along working ‘in close collaboration with ongoing human rights and anti-impunity campaigns within the country on various issues.’ Both these read together aspire towards the creation and nurturance of some astonishing new civic, human rights, and global justice cultures, within and beyond India. Not merely is the aspiration entirely laudable but also the achievement thus far remains incredibly constructive in terms of politics of human hope and aspiration.

I earnestly commend this Report, in the expectation that all its readers would be animated by the wish most fully to put their shoulder to the wheel.

Upendra Baxi,
University of Warwick
1. OVERVIEW

A. BACKGROUND

The International Criminal Court (ICC) is the first international judicial institution of a permanent nature that is capable of prosecuting individual perpetrators for war crimes, crimes against humanity and genocide when national courts are unable or unwilling to do so. While the international community has been actively campaigning for the creation of an ICC to make individual perpetrators accountable for the most heinous crimes under international law, very little has been written, spoken, discussed or known about the issue in India. The Indian government has certain concerns with regard to the ICC, and is yet to accede to the Rome Treaty creating the ICC.

An awareness and advocacy campaign on ICC, ICC-India, was initiated in the year 2000. From the years 2000 to 2002, it functioned as a loose network of individuals working on the issue within their respective spheres of work, coordinated by a small group of like-minded individuals from their homes. This campaign began to be housed in and function from Women's Research and Action Group (WRAG), a non-governmental organization based in Mumbai, as its project, from November 2002. Since then, the national secretariat of the campaign has been based in Mumbai within WRAG. In 2003, it was integrated as a project of the Justice and Accountability Matters programme of WRAG, focused on legal education, human rights awareness and advocacy on human rights issues including women’s rights and the law.

B. RELEVANCE FOR INDIA

Many believe that India has effective laws to deal with human rights abuses, an efficient law enforcement machinery and an active judiciary, hence dismissing the need for an ICC. However, contrary to this belief, India's history of mass crimes that spans over sixty years, including communal violence, violent repression of political dissent and targeted violence against vulnerable communities, indicates an existence of large-scale impunity. The International Criminal Court (ICC) as a mechanism to counter world-wide impunity for the most heinous crimes under international law, thereby assumes significance in the Indian context.

Further, the ICC-related laws, as the new emerging standard in international law, could be used as a yardstick to critique amendments suggested and effected in Indian criminal law. Some such issues include fair trial standards, victims' right to protection, participation and reparations, witness protection, rules of evidence and sentencing policies. Domestic law reform initiatives would also benefit from recent developments in international law, that are embodied in the statute creating the ICC and the related rules of procedure and evidence.

India being a powerful country in the South Asian region, South Asian and Asian experts reiterate the importance of India’s positive perspective to international justice mechanisms as a persuasive influence on other countries in the region.

C. OBJECTIVES OF THE CAMPAIGN

**Long-term Objectives**
- To facilitate India’s accession to the ICC treaty through a dialogue with the Indian government;
- To facilitate a compatibility between Indian laws and procedures and international legal standards including the ICC;
- To end the climate of impunity for mass crimes that exists within the country now, and to promote a culture of accountability.

**Short-term Objectives**
- To initiate and sustain an awareness and advocacy campaign on ICC;
- To form and expand the support base for the campaign, comprising of like-minded individuals and organizations from civil society;
- To integrate standards of international law, including the ICC, into domestic law reform initiatives; and
- To work in close collaboration with ongoing human rights and anti-impunity campaigns within the country on various issues.

D. CURRENT ACTIVITIES

- **Information Dissemination** - conducting awareness-raising and public education programmes / workshops / discussion-meetings / consultations on the ICC and its relevance to India with varied groups of beneficiaries;
- **Research & Publication** - research on the issue of ICC and its relevance to the Indian context, and publication to support information dissemination activities;
- **Advocacy** - efforts at enhancing the political influence of the campaign, and dialoguing with parliamentarians, policy makers and opinion makers;
- **Media Outreach** - liaison with the media in order to ensure wider and more accurate coverage of the issue in Indian print and electronic media; and
- **Network & Outreach** - forging alliances and collaborations with like-minded individuals, organizations and institutions, both within and outside the country, to expand the civil society support base for the campaign.

**E. WORK METHODOLOGY**

The campaign, in the past seven years of its existence, has had a clear and consistent focus on the relevance of ICC to the Indian context. In addition, while conducting zonal and state-level information dissemination programmes, discussion on the ICC is also linked to the local context. The campaign has firmly believed in research-based advocacy and in collective and collaborative efforts with like-minded individuals and organizations in India. The campaign has also been open to and taken efforts to dialogue with government officials on the issue, and such efforts would be further strengthened in the following years.

**F. ICC-INDIA CAMPAIGN: SOME MILESTONES**

(See Chart on next page)

**G. STRUCTURE OF THE CAMPAIGN**

The campaign has a three tier structure. It consists of a network of over 40 organizations and many like-minded individuals, consisting of lawyers, human rights activists, law students, academicians, social scientists and social workers working on human rights issues throughout the country. These individuals and organizations take initiative, participate, organize and suggest activities to be undertaken by the campaign. The coordinator of the campaign, assisted by staff and consultants, is based in the national secretariat of ICC-India, in Women's Research & Action Group, Mumbai. The coordinator initiates and coordinates activities of the campaign as per the needs expressed by the partner organizations and individual partners. The campaign is guided by a Board of Advisors comprising of eminent persons from India and other South Asian countries, who advise, guide and provide policy directions to the campaign.
ICC- INDIA CAMPAIGN 2000-2007: SOME MILESTONES

- **First consultation meeting on ICC & India organized by the campaign in Mumbai**
- **First experience in having the participation of Judge Philippe Kirsch, President of ICC, in 3 events organized by the campaign over a span of 2 days**
- **ICC-India’s secretariat established in Women’s Research & Action Group**
- **First publication on ICC & India titled ‘Combating Impunity’**
- **First outreach activity with academics, through a 5 hour presentation on ICC to 40 law lecturers from 8 countries in and around South Asia**
- **The campaign commenced engaging with the Communal Violence Bill**
- **Engagement with the issue of victim/witness protection begins**
- **First consultative meeting with Parliamentarians, attended by over 40 MPs of Lok Sabha and Rajya Sabha**

**Overview**

- **Feb 2000**: ICC-India Campaign commenced
- **Jun 2000**: First consultative meeting on ICC & India organized by the campaign in Mumbai
- **Nov 2002**: ICC-India’s secretariat established in Women’s Research & Action Group
- **Apr 2003**: First publication on ICC & India titled ‘Combating Impunity’
- **May 2004**: First outreach activity with academics, through a 5 hour presentation on ICC to 40 law lecturers from 8 countries in and around South Asia
- **Dec 2004**: Engagement with the issue of victim/witness protection begins
- **Jan 2005**: First consultative meeting with Parliamentarians, attended by over 40 MPs of Lok Sabha and Rajya Sabha

- **Aug 2005**: First outreach activity with academics, through a 5 hour presentation on ICC to 40 law lecturers from 8 countries in and around South Asia
- **Dec 2005**: First consultation meeting on ICC & India and the first press conference, both held in Delhi
- **Mar 2006**: First two publications on ICC & India in Hindi
- **Dec 2006**: Campaign gains the support of over 25 organizations, as campaign partners
- **Apr 2007**: ICC-India goes online as the website of Women’s Research & Action Group is constructed
- **Jun 2007**: First Training of Trainers on ICC & India, held, with 31 participants consisting of human rights advocates and activists from 13 states
- **Jul 2007**: First programme on ICC in a government-owned Indian television channel (Lok Sabha TV)
- **Oct 2007**: Campaign invited by law universities to assist in introducing courses in international criminal law
- **Dec 2007**: Campaign launches a study of ICC and Indian laws, with the participation of 19 researchers on 16 topics
H. BENEFICIARIES AND THEIR ROLE

Beneficiaries of the campaign include

- Human rights activists working on varied issues, members of non-governmental organizations working on human rights issues, social scientists, social workers, peace groups and activists;
- Members of civil society who belong to marginalized, minority and vulnerable communities;
- The legal fraternity, consisting of lawyers and judges;
- Students of various disciplines including law, human rights, political science, international relations, social work etc.;
- Academics including faculty members of educational institutions and law researchers;
- Media persons from the Indian press and electronic media;
- Members of national and state commissions on human rights, minorities, children and women;
- Parliamentarians - from Lok Sabha (lower house) and Rajya Sabha (upper house); and
- Policy-makers including government officials and bureaucrats.

Beneficiaries play an important role in shaping the activities of the campaign. Most information dissemination programmes are held through the initiatives of partner organizations / individual partners of the campaign, who then participate in the programme as well. Such state-level, city-level information dissemination programmes are chalked out based on specific inputs given by such individuals and organizations, including topics to focus on, type and size of beneficiaries and length of the programme. Most information programmes have a final session on evaluation and feedback, when many ideas for future activities are shared. The national secretariat incorporates such suggestions into its future work plans. The student internship programme and the first three day Training of Trainers programme on ICC & India organized by the campaign in June 2007 are two such activities that are a direct result of the need felt and communicated by beneficiaries. Research and advocacy activities are sometimes initiated by the beneficiaries, and often undertaken in collaboration with them.

I. FUNDING SUPPORT

The campaign is supported through grants from local and international donor organizations. Past and present donors include the Coalition for ICC, Oxfam (India) Trust and JRD and Thelma J. Tata Trust.
J. BOARD OF ADVISORS

**DR. AHMED ZIAUDDIN** started his career as a lawyer in Dhaka and also practiced at the Brussels Bar. He established the Bangladesh Center for Genocide Studies to research and study the Bangladesh genocide. He is now the Convener of the Asian Network for the International Criminal Court (ANICC), a network of Asian organizations and individuals that campaign for the International Criminal Court (ICC). He has worked with Government of Afghanistan, Laos and Mongolia as Expert Consultant on International Criminal Law and the ICC Statute. He has attended numerous seminars, workshops, conferences and conducted missions for the ICC in as many as twenty-five Asian countries. He is also associated with Faculty of Law, Catholic University Brussels, Belgium.

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DR. SITARAMAM KAKARALA is a renowned academic with a specialization in human rights and international politics. He is the Director and Senior Fellow, Centre for the Study of Culture and Society (CSCS), Bangalore. He has formerly been in the faculty of National Law School of India University (NLSIU), Bangalore, where he taught courses including democracy and questions of critical citizenship, theory and practice of international politics, law in development, international human rights law and human rights responses to ethnic violence both at post-graduate and under-graduate levels. He worked as the Faculty Coordinator for National Institute for Human Rights, a research centre of NLSIU, from 1998 to 2003. He is also a British Chevening scholar in human rights for the year 1995-96. At CSCS, he currently teaches a course on law, rights and culture for the Ph.D. students.

DR. USHA RAMANATHAN is an internationally recognized expert on law and human rights. She is Program Director at International Environmental Law Research Centre, research fellow at the Centre for the Study of Developing Societies, a member of Amnesty International’s Advisory Panel on Economic, Social and Cultural Rights and a member of the Governing Board of the Centre for Equity Studies. Her research work has interrogated and covered human rights issues including displacement, poverty, livelihood, mental health, disability, women, death penalty, torts and environment. She participated in the Preparatory Commission meetings and the 1998 Diplomatic Conference in the lead up to the creation of the statute for an ICC. She has written, spoken and researched extensively on the ICC, mass crimes and justice, focusing particularly on the Indian context. She is a founding member of ICC-India.

VAHIDA NAINAR has been working on women’s rights / human rights issues for the past 18 years. She was the Founder-Director of Women’s Research and Action Group, Mumbai and continues to remain involved as member of the Board of Trustees. She is the former Executive Director of the Women’s Caucus for Gender Justice, New York that worked to include a gender perspective in the International Criminal Court. She has been closely associated with Women’s Initiatives for Gender Justice, The Hague; the Urgent Action Fund for Women’s Human Rights, USA & Kenya and International Solidarity Network of Women Living Under Muslim Laws, London. She was an Adjunct Professor of Law at the International Women’s Human Rights Clinic, CUNY School of Law, New York. She is a life member of the Indian Association of Women’s Studies. She works nationally and internationally on issues of justice, human rights, gender and conflict.

VRINDA GROVER is a Delhi-based advocate and human rights activist. She has represented diverse clients, including, survivors of sexual and domestic violence, communities affected by communal and custodial violence, trade unions, political activists and refugees. She is an active member of the women’s movement, is a founding member of the Citizens Campaign for Preserving Democracy and a member of the All India Committee Against Death Penalty. Her areas of research include the response of the legal system to the anti-Sikh massacre of 1984, in Delhi; an examination of the public prosecution system in India; critical analysis of security laws; addressing urban poverty within the human rights framework; expanding the scope of the Right to Information law to embrace accountability of security forces. She has researched and published a paper on the Communal Violence Bill, comparing its provisions with international legal standards including the ICC.
GEOGRAPHICAL DISTRIBUTION OF ICC-INDIA'S INFORMATION DISSEMINATION ACTIVITIES
2000-2007

Towards Accountability for Mass Crimes
**Towards Accountability for Mass Crimes**

**GRAPH 1: BREAK UP OF INFORMATION DISSEMINATION PROGRAMMES ON ICC & INDIA: 2000-2007**

- By invitation of like-minded groups: 39%
- Organized by ICC-India: 61%

**GRAPH 2: BENEFICIARIES OF INFORMATION DISSEMINATION PROGRAMMES: 2000-2007**

- Direct beneficiaries: 2775
- Indirect beneficiaries: 38760

**GRAPH 3: BREAK UP OF DIRECT BENEFICIARIES OF INFORMATION DISSEMINATION PROGRAMMES: 2000-2007**

- Organizational beneficiaries: 1160
- Individual beneficiaries: 1615


- Number of Programmes per year:
  - Organized by ICC-India
  - By invitation of like-minded groups

Year:
- 2000: 0
- 2001: 1
- 2002: 2
- 2003: 3
- 2004: 4
- 2005: 5
- 2006: 6
- 2007: 7

Number of Programs per year:
- 0
- 5
- 10
- 15
2. INFORMATION DISSEMINATION

The most fundamental rationale in the initiation of the ICC-India campaign in 2000 was the apparent lack of awareness about the ICC in India, together with its relevance for the human rights situation in India. There was a realization that an awareness campaign would have to precede advocacy and building of a national support network.

With this backdrop, conducting of meetings and workshops to disseminate information about the ICC has been one of the key activities of the ICC-India campaign from the time of its inception. Publications have also been utilized for greater outreach. (Please see details in Chapter 3.) In a span of seven years ICC-India has made presentations on ICC in 49 events, out of which 30 of them were organized by ICC-India. These include meetings, workshops and press conferences. As shown in the pie graph below, 61 percent of all information dissemination programmes were organized by ICC-India. In future years, as the campaign’s outreach grows, it is hoped that the percentage of invitations to ICC-India from like-minded groups would increase, conversely decreasing the percentage of events organized by the campaign itself.

In terms of geographical distribution of information dissemination programmes conducted, 19 out of 28 states have had at least a city level workshop. Please refer to Appendix A: List of Information Dissemination Activities. Table 1 on the right gives details of the type of events, number of events and the location. Please refer to Map 1 on page 21 for details as to the geographical distribution of city, state, zonal, regional, national, South Asian and international level events and press conferences.

India being such a large country with vast variations in language, political and historical experiences, the campaign strategically planned state and regional level workshops in different states in collaboration with local organizations. Such organizations would then have the option of becoming a campaign partner and taking up the issue in their own state and neighboring states as well if feasible. Please refer to chapter on Networking and outreach which deals with the expansion of support base for the campaign over the years.

Since inception till date, the campaign’s information dissemination program alone has had an impact on over 2700 direct beneficiaries, and over 38000 indirect beneficiaries, as seen in Graph 2 on page 22.

<table>
<thead>
<tr>
<th>Type of events</th>
<th>No. of events</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Level events</td>
<td>19</td>
<td>Delhi (5), Kolkata, Bhubaneswar (2), Bangalore (2), Pune (2), Mumbai (4), Patiala, Jodhpur, Muzaffarnagar, Hyderabad</td>
</tr>
<tr>
<td>State Level events</td>
<td>3</td>
<td>Gujarat, Tamil Nadu, Maharashtra</td>
</tr>
<tr>
<td>Regional Level events</td>
<td>7</td>
<td>Southern at Bangalore, Western at Mumbai (2), Northern at Chandigarh, North eastern at Guwahati (2), Eastern region at Jamshedpur</td>
</tr>
<tr>
<td>National Level events</td>
<td>11</td>
<td>Delhi (6), Mumbai (3), Hyderabad, Jaipur</td>
</tr>
<tr>
<td>South Asian level events</td>
<td>2</td>
<td>Madurai, Bangalore</td>
</tr>
<tr>
<td>International events</td>
<td>4</td>
<td>Panchgani, Mumbai (World Social Forum), Delhi (2)</td>
</tr>
<tr>
<td>Press conferences</td>
<td>3</td>
<td>Delhi, Guwahati, Bangalore</td>
</tr>
</tbody>
</table>

Graph 3 on page 22 shows the further breakup among direct beneficiaries - in terms of individuals and representatives of organizations / institutions.

While analyzing the information dissemination programmes year-wise, it is found that 2004 and 2006 have seen the maximum number of events - 11 and 13 respectively, out of which a large proportion was by invitations from like-minded groups. 2005 saw a dip as there were three major events organized in Delhi with the participation of President Philippe Kirsch of the ICC, and hence time and effort was directed at these events. In
2007, a major event was conducted - Training of Trainers on ICC - with the participation of 31 activists / lawyers from 13 states. In the first half of 2007, several public meetings, press conferences and consultations on Communal Violence Bill were held, where the campaign sought to apply ICC standards to a domestic law reform process. These factors contributed to the fact that 2007 witnessed a lesser number of events (7 in all) directly on the ICC as compared to earlier years. However, as indicated in Graph 4 on page 22, a positive feature is that nearly 50% of these events have taken place through the invitation of organizations and institutions. This is indicative of the growing recognition of and visibility to the campaign.

With each workshop conducted over the years, the campaign increased its support base and grew. Conducting information dissemination programmes on a continuous basis has helped formalize the basic structure and crystallize key mandatory constituents to be included in workshops. Skills at information dissemination were sharpened and gradually the pool of resource persons to draw from increased. Training tools, including posters, charts, case studies and power point presentations have been developed in order to make the information dissemination programmes effective as well as interesting. In each workshop there was an endeavour to illustrate to the participants the linkages between ICC principles and human rights in India. This not only helped to evolve but also helped to realize how critical it was to do research and have an in depth knowledge of relevance of ICC to India.

Basic constituents in workshops include sessions on historical background and need for the ICC, fundamentals of the ICC (principles, structure, trigger mechanisms, functioning, etc), ICC and human rights, global dynamics, details of India’s position and concerns about the ICC. The Rome statute has some unprecedented gender components and a high level of gender integration. The gender component has formed an integral aspect of all information dissemination programmes. A session on updates with regard to present activities of the ICC, the situations it studies and the persons it has commenced prosecution on have also been included. Apart from these essential components, efforts have been made in each workshop to address local issues related to impunity for mass crimes.

### INFORMATION DISSEMINATION PROGRAMMES ORGANIZED BY ICC-INDIA

The first half day workshop on ICC was held in June 2000 at the India Centre for Human Rights and Law (ICHRL), Mumbai. It was attended by about 30 persons consisting of advocates, criminologists, and human rights activists working on varied issues including women, minorities, police atrocities and globalization. Since the ICC had not yet come into force, it was a major challenge to the resource persons to demonstrate to the participants the relevance of the ICC to their work and for India. The participants had several apprehensions including the autonomous functioning of the court and the ICC’s ability to see the specific political and socio-legal contexts. While agreeing that the ICC was a significant development in international human rights jurisprudence, the participants felt that in India, further discussions on the issue were required in order to have a better understanding of its functioning and implications.

An eight day National Conference on Human Rights, Social Movements, Globalization & the Law was held in Panchgani from 26 December 2000 to 2 January 2001. During this conference a one day workshop was organized in collaboration with the Asian Network for the International Criminal Court (based in Dhaka) on 30 December 2000. This workshop had researchers, human rights advocates, activists and law students. Although few in number, the participants showed immense interest and were convinced about the potential of the ICC in bringing about reform in the national law.

The experience of the Gujarat carnage (27 February 2002 onwards) had kindled the interest of human rights activists in general and women’s rights activists across India in particular, in the ICC. As a consequence, a two day workshop on the ICC was conducted on 15 and 16 April 2003 in Mumbai focusing on the ICC and Women’s rights. It was attended by 30 participants consisting of activists and lawyers from India, with a predominance of women’s rights activists. The workshop focused mainly on gender concerns and included sessions on ICC provisions on sexual and gender-based violence.

On 20 July 2003 a half day workshop on ICC was held in Jamshedpur, co-organised by Free Legal Aid Committee (FLAC). This workshop was held to honour 5 years of Rome Statute and the International Justice Day. Participants included lawyers and activists from the states of Bihar and Jharkand. Even...
prior to the workshop some of the participants had formed a study circle on the ICC, thereby demonstrating a very high interest level in the issue. The half-day workshop was extremely interactive. The participants expressed that a half day workshop was inadequate as they considered the issue to be quite complex and formed a core committee consisting of several lawyers and activists. This committee would collect information and disseminate the same through workshops, discussion groups and study circles. FLAC volunteered to coordinate the ICC campaign in the Eastern Indian states, including Bihar, Jharkand, West Bengal and Orissa. Subsequently FLAC has continued to conduct meetings on the ICC on its own and take the issue forward.

In January 2004 the World Social Forum was organized in Mumbai. Taking advantage of this platform a six hour seminar was planned on 20 January 2004, titled The Globalization of Justice: The International Criminal Court. This seminar was organized by International Federation of Human Rights (FIDH) (based in Paris) in collaboration with ICC-India, Amnesty International, the New York-based NGO Coalition for International Criminal Court and Women's Initiative for Gender Justice based in The Hague. It was divided into two sessions: the first examined the relevance of the ICC to the phenomenon of globalization of justice, and to efforts at ending impunity for grave human rights violation throughout the world, while the second session focused on the relevance of ICC to the Global South. In the second session, speakers from the Indian civil society emphasized the Indian experience and the relevance of ICC to justice and accountability issues in India. The seminar provided an excellent opportunity for members of ICC-India to interact and work closely with international human rights organizations on the issue.

People’s Union for Civil Liberties - Karnataka (PUCL-K) and Alternative Law Forum (ALF), Bangalore co-organized a one day workshop in partnership with ICC-India on 26 May 2004. This workshop had about 35 human rights activists, lawyers and law students. To illustrate the relevance of the ICC and indicate the level of impunity a presentation on genocides in world history was made, which made a significant impact on the participants. An independent session making linkages to specific situations of impunity within the country including Punjab and Gujarat and examining ICC’s role in strengthening domestic legal systems were also incorporated. Some of the participants felt that the issue of ICC should be integrated into discussions and campaigns on other human rights issues, and particularly into the work of organizations that are already using international instruments and accessing international justice mechanisms.

On 3rd July 2004 India Centre for Human Rights and Law (ICHRL) and ICC-India organized a lawyers’ workshop on ICC. In addition to lawyers, several human rights activists from the states of Maharashtra and Gujarat participated in the event. Justice Suresh, retired judge of Bombay High Court and renowned human rights activist, inaugurated the workshop and set the tone of the workshop by highlighting the climate of impunity that exists within the country, and noting the relevance of the ICC in ending impunity for the most serious crimes under international law. Some participants expressed interest in helping to organize ICC workshops in parts of Maharashtra and Gujarat, to undertake research and translation of educational material on the ICC.

A two day workshop titled 'Women’s Rights and International Justice Mechanisms' was conducted in collaboration with North East Network on the 5 and 6 November 2004. This was a regional workshop in which 15 participants from five North Eastern states, namely Assam, Mizoram, Nagaland, Manipur and Meghalaya took part. Immediately following the first session on historical background of the ICC the participants shared with the resource team the human rights situation in their own state and the level of impunity which exists especially with draconian laws such as Armed Forces (SpecialPowers) Act (AFSPA) still in place. The two day workshop was extremely interactive with group activities and case studies. One activity involved discussion on use of ICC standards for law reform with particular reference to the local context, and the use of local media for advocacy on ICC. Hypothetical case studies of women’s rights violations were given and the participants were asked to apply what they had learnt regarding the ICC to those situations. This workshop was a great learning experience for the resource persons as well as they got a rich knowledge of the local context and a better understanding of the relevance of ICC to the situation in these states.

A discussion meeting on ICC was held in collaboration with Manabadhikar Suraksha Mancha (MASUM) on 7 November 2004 in Kolkata. Human rights activists and lawyers associated with MASUM, academicians, students of law and other disciplines as well as human rights activists from Korea and Thailand who were doing their internship with MASUM attended the meeting. The
participants were keen to know about principles related to ICC and their relevance for human rights in India. Presentations on historical development, fundamental principles and India and the ICC were made, followed by a long interactive session. During the discussion, participants enquired about the concerns of the Indian government to the ICC and relevance of ICC to campaigns against impunity, including custodial violence.

Two discussions meetings were hosted in Delhi on 28 July 2005 and 20 September 2005 at the office of Partners for Law in Development, New Delhi. The first meeting was in collaboration with Partners for Law in Development and the second meeting was organized in partnership with Amnesty International - India. These meetings were held primarily with Delhi-based human rights groups to discuss the ICC principles and their relevance to the Indian context. The participants mainly included human rights activists, representatives of non-governmental organizations, lawyers and media persons. These groups showed tremendous interest in the issue and decided to form study circles in Delhi. Some of them agreed to provide administrative and logistical support to the ICC-campaign for its Delhi-based activities and subsequently even became members of a core organizing committee. This committee worked closely with the ICC- India campaign in organizing events during the visit of Judge Kirsch of the ICC in India in December 2005.

A discussion meeting on 'Impunity & The International Criminal Court' was held on 19 November 2005 in Delhi. This event was jointly organized by ICC-India and Human Rights and Law Unit of Indian Social Institute, New Delhi, in association with People's Watch - Tamil Nadu. Strategically the focus of the meeting was broadened from ICC to impunity, with ICC as one of the mechanisms to counter impunity. Other forms of justice including truth and reconciliation commissions were also discussed.

On 8-9 December, 2005 the 1st National Consultation on International Criminal Court and India was held in New Delhi. This event was organized by ICC-India and People's Watch - Tamil Nadu, in association with Amnesty International - India, CISRS, Indian Social Institute, Justice and Peace Commission, The Other Media, Partners for Law in Development, Programme on Women's Economic, Social and Cultural Rights (PWESCR) and various individual partners of the campaign. The event was timed to coincide with the visit of Judge Philippe Kirsch, President of ICC, to Delhi, in order that he could address the participants at the consultation. It was the first time that individuals and non-governmental organizations in India had an opportunity to hear directly from an official of the court. This event had the participation of about 70 persons, consisting of activists, lawyers, academics, law students and media persons, hailing from various parts of the country. The consultation consisted of seven sessions spanning over two days with fourteen resource persons sharing their insights on various topics of the consultation. The two day event helped to increase the profile of the ICC-India campaign among members of civil society. [For more details please see our publication "Report of the 1st National Consultation on International Criminal Court and India"]

A discussion meeting on International Criminal Court & India was held on 18 January 2006 at the Centre for Democracy and Human Rights, Bhubaneswar. The event was hosted by the Post-graduate Department of Psychology, Utkal University and participants included academicians attached to the university, lawyers, human rights activists, representatives of non-governmental organizations, law teachers, students and media persons. Prof. P.K.Sarkar, Head of the Department of Post-graduate Department of Law, Utkal University, presided over the event. The participants asked several questions including possibility of Indians being persecuted, history of the complementarity principle, relevance of ICC to terrorist acts, present status of the court and its investigations, activities of ICC-India campaign and ways in which interested persons could participate in it etc. This was the first workshop on the issue that was held in the state of Orissa. While it was received with enthusiasm, the participants expressed the need for a workshop of a longer duration to acquire an in-depth understanding of the principles of ICC and their relevance for India.
A South Zone Workshop on 'International Criminal Court & India' was held on 30 and 31 January 2006, Bangalore. This event was organized by ICC-India campaign in collaboration with People's Watch - Tamil Nadu. South India Cell for Human Rights Education and Monitoring (SICHREM) facilitated the organizing of the event as a local host. Over 80 persons participated in this two day workshop. There was an overwhelming response from law students in Andhra Pradesh & Karnataka. In this workshop the session on concerns of the Indian government was enhanced by sharing information about the consultative meetings with Indian Parliamentarians. [For more details please refer chapter 3 on Campaign and Advocacy]. Sessions on relevance of ICC to dalit rights and the campaign against torture were also included keeping in mind the background of the participants. The participants of this workshop also came up with several suggestions to take the campaign forward such as making a film on the ICC against the backdrop of the Indian context and a training of trainers (TOT) on ICC. Students' role in the ICC-India campaign was also discussed in depth.

On 3 March 2006 a discussion meeting was held in Guwahati by the ICC-India campaign in collaboration with Citizens' Collective, hosted by University Law College, Guwahati. More than 40 students and faculty members of the College attended the meeting. Dr. Subhram Rajkhowa, President of Citizens' Collective and Reader in Law, Guwahati University & Saumya Uma, Coordinator, ICC- India addressed the meeting. Once again there was an endless stream of questions and a vibrant discussion on several issues such as sovereignty, relevance to India and concerns of the Indian government.

Against the backdrop of International Women's Day, a discussion-meeting on 'Accountability for Mass Crimes Against Women: Relevance of the International Criminal Court' was organized on 13 March 2006 in Delhi. Resource persons included renowned feminists Urvashi Bhutalia, Uma Chakravarti, Farah Naqvi and Usha Ramanathan. The focus of the meeting was on various contexts of mass crimes against women in India, the responses of law, the prevailing impunity and the relevance of international standards including the ICC for ending impunity. The meeting also discussed ways in which ICC definitions of sexual and gender-based violence could be relevant to Indian law reform initiatives. The meeting included a critique of the Communal Violence Bill from the point of view of violence against women, and strategies were formulated to ensure that the Bill included provisions on sexual and gender-based violence committed in times of communal conflict.

For the first time, a workshop on ICC & India was organized in Chandigarh on 25 November 2006 in collaboration with the India chapter of Lawyers for Human Rights International, based in Chandigarh. The main resource persons for the workshop were Adv. Navkiran Singh, Adv. Vrinda Grover, Dr. Usha Ramanathan and Saumya Uma. The workshop focused on the Punjab experience with regard to an absence of accountability for mass cremations, mass crimes in India, obstacles to justice and the relevance of ICC. The workshop had over 50 participants, hailing from the states of Punjab, Haryana and Uttar Pradesh. Apart from academics, law students and partners of ICC-India, a majority of the participants were human rights lawyers working on issues of state accountability for mass crimes.

On 27 November 2006, at the invitation of Dr. Gurjeet Singh, the Vice Chancellor of Rajiv Gandhi National University of Law (RGNUL), Patiala, a half-day workshop on India & the ICC was held with the students and faculty of the university. Apart from about 80 students and faculty members of RGNUL, the participants of the workshop included the faculty of law universities and departments from Amritsar, Patiala and Chandigarh. Presentations included that by Dr. Gurjeet Singh on 'History and Formation of the ICC', Pouruchisti Wadia on 'Fundamental Principles of the ICC', Saumya Uma on 'India and the ICC' and Aditya Swarup on 'Role of Students in the ICC-India Campaign'. Students and faculty members raised many queries with regard to ICC's relevance to India. Students expressed an interest in interning with the campaign's national secretariat in the forthcoming years.

A workshop on 'International Mechanisms for Peace and Justice' was held in Ahmedabad on 21 December 2006. This workshop was organized in collaboration with Ahmedabad-based organizations - PRASHANT – a Centre for Human Rights, Justice and Peace, Social Action Forum Against Repression (SAFAR) and SAHR WARI. The workshop was conducted in Hindi. Resource persons included Adv. Mihir Desai, Adv. Arvind Narrain, Adv. Govind Parmar, Sheeba George, Sophia Khan and Saumya Uma. The pre-lunch session focused on impunity for mass crimes in India and the relevance of ICC. Obstacles to justice, lacunae in Indian criminal law and the need for incorporation of the concept of 'command / superior responsibility' were discussed. The post-lunch session focused on the provisions of
the Communal Violence Bill, a critique of the same and an action plan for engaging with the Bill.

In continuance of the campaign’s engagement with law universities, a full day workshop on International Law, ICC & India’ was held at National Law University, Jodhpur on 8 January 2007. Participants included more than 50 students and faculty members. The workshop was divided into four sessions, namely 1. Development of International Humanitarian Law and its relationship with International Criminal Law; 2. Development of Rome Statute and Establishment of ICC; 3. International Criminal Law: A Third World Perspective; and 4. ICC: The Position of and Implications for India. Resource persons were Prof. V.S. Shastri, Prof. Gurjeet Singh, Alexander Samuel and Saumya Uma. In the concluding session of the workshop, all the speakers responded to the queries of the participants. This workshop has helped strengthen the campaign’s alliance with law students and academics.

Due to the initiative taken by a campaign partner from Uttar Pradesh, a conference on ‘Human Rights and the International Criminal Court’ was held in Muzaffarnagar on 18 January 2007. The event was organized by the District Bar Association with the assistance of ICC-India. Speakers for the event were Adv. Vrinda Grover, Prof. Harpal Singh, Chandramani Sharma, PC Tyagi, Munish Kumar Sharma and Niraj Sharma. At the event, impunity for mass crimes in India, the role of state agencies, obstacles to justice and the need for creating a climate of accountability were discussed. The Hashimpura killings of May 1987 by the state Provincial Armed Constabulary (PAC) was highlighted to illustrate the clear need to end impunity through incorporation of jurisprudence that the ICC statute has established. The event had an overwhelming response as over 200 persons, consisting of lawyers, law students of Din Dayal College of Law, members of the Bar Association, media persons and youth participated in the same. The event was extensively reported in the print media, in at least six local newspapers in Hindi. Please refer to chapter on Media Outreach, where the press reports have been reproduced.

A two day seminar on ICC & India was held at NALSAR University of Law, Hyderabad, on 30 September 2007 and 1 October 2007 as a collaborative activity between Centre for Culture, Law and Society (CCLS) of NALSAR University and ICC-India campaign. The resource persons for the seminar were Adv. Saumya Uma, Ms. Vahida Nainar and Adv. Arvind Narrain. The seminar consisted of 3 sessions: Session 1: Mass Crimes: The International & Indian Contexts; Session 2: International Criminal Court; and Session 3: Combating Impunity for Mass Crimes in India: Campaigns & Strategies. The seminar met with overwhelming response, with more than 100 students participating in the same.

PRESENTATIONS ON ICC & INDIA MADE AT THE INVITATION OF LIKE-MINDED ORGANIZATIONS

In the initial two years the campaign had taken the initiative to disseminate information through an informal email network and by conducting meetings and workshops on the ICC & India. [Please refer to Appendix A - List of Information Dissemination activities organized by the ICC-India campaign and others] After March 2002, there was an influx of queries about the ICC from civil society members, and ICC-India members were invited by organizations to know more about this court of last resort. Such invitations have provided the opportunity for ICC-India to extend its information dissemination activities much beyond its immediate groups of beneficiaries. Academic institutions (mainly law and social work universities) also invited the campaign members to deliver lectures for their students on ICC and its relevance to human rights in India. Such invitations have often been at the behest of a faculty member of the concerned institution, after his / her participation in an event organized by the campaign. Alliance-building with other stake holders in the human rights arena led to the incorporation of sessions on ICC in workshops

ICC-India organized its first Training of Trainers (TOT) Programme on the International Criminal Court (ICC) and India in Mumbai on 8-10 June 2007. The TOT was different from the hitherto organized ICC workshops, as it sought to equip participants with relatively advanced information, tools and skills necessary to conduct short trainings on the ICC and India in their own constituencies, as well as to incorporate the issue into their organizational activities. The four member resource team for the TOT included Dr. Ahmed Ziauddin, Dr. Usha Ramanathan, Adv. Vrinda Grover and Adv. Saumya Uma. The training had five main themes, viz., (1) Impunity & Accountability, (2) Jurisdictional Aspects, (3) Crimes against Humanity, (4) ICC as a standard for domestic law reform, and (5) Development of Criminal Law in India. A total of 31 participants from 13 states participated in the TOT, consisting of lawyers, academics and activists.
and training sessions on other related topics such as International Humanitarian Law, torture and women's rights conducted by academic institutions and other non-governmental organizations. In retrospect, more than one third of all information dissemination programs conducted by the campaign since its inception have been through platforms provided by like-minded individuals and groups.

A. Presentations made at Educational Institutions

- **April 2001** - at SNDT Women's University, Mumbai, in a programme on international humanitarian law, organized by International Committee for Red Cross (ICRC) - South Asian delegation.
- **April 2001** - at St. Xavier's Institute for Communications, Mumbai, in a programme on international law, organized by International Committee for Red Cross (ICRC) - South Asian delegation.
- **September 2001** - at the Institute of Advanced Legal Studies, Pune, for faculty and students. There was an overwhelming participation from over 100 students.
- **March 2004** - at the Nirmala Niketan College of Social Work, Mumbai, for students of masters programme in social work.
- **May 2004** - at the annual South Asian Regional Training Session on International Humanitarian Law and Refugee Law, organized by ICRC - South Asian delegation, held in National Law School of India, Bangalore. Over 40 persons, consisting of academicians teaching international law and related disciplines in universities in India, Sri Lanka, Nepal, Pakistan, Bangladesh, Afghanistan, the Maldives, Bhutan and Myanmar, participated in the Teaching Session.
- **May 2004** - addressed third year law students of National Law School of India, Bangalore - a high-ranking law institution in India, in three one-hour sessions on ICC.
- **February 2006** - Presentation on ICC and facilitation of discussion on ICC’s relevance to South Asia, at an international seminar organized in Delhi by Friedrich Ebert Stiftung (FES India) on the subject: ‘International Law & Jurisdiction in the Era of Globalization’. Most participants were academics teaching in various educational institutions in India.
- **February 2006** - Presentations made by members and advisors of ICC-India in a Roundtable on the International Criminal Court, Delhi, organized by Indian Society for International Law & International Bar Association. The campaign focused on the relevance of standard-setting mechanisms such as the ICC to strengthening the domestic legal machinery.
- **January 2007** - A full day workshop on International Law, ICC & India was held at National Law University, Jodhpur. Participants included more than 50 students and faculty members.
- **December 2007** - ICC-India's members made presentations on the ICC and its relevance to India for about 80 students of undergraduate diploma on human rights, at the Indian Law Society (ILS) Law College, Pune

B. Presentations made at Programmes of Non-governmental Organizations

- **April 2001** - ICC workshop organized by Asmita (Hyderabad) with Women & Media Collective (Colombo).
- **December 2002** - at South Asian Human Rights Training Programme for Activists (SURETHRI), Madurai, organized by People’s Watch. About 35 human rights activists from 5 South Asian countries participated.
- **May 2003** - at a human rights training programme for youth, organized by Documentation, Research & Training Centre (DRTC), Mumbai. Presentation was made in Hindi.
- **May 2004** - on Victims’ Rights in the ICC, at a Training of Trainers' Program for Combating Torture, at Coimbatore, organized by People's Watch. About 70 human rights activists, lawyers, writers, academicians and members of political parties participated in the four day event. Presentation was made in Tamil.
- **October 2004** - A full day presentation on ‘Gender-based Crimes in Special Contexts: Crimes against Humanity, War Crimes and Genocide’ at a five day training programme on Women’s Rights and International Human Rights Law. This event was organized by Partners in Law and Development (PLD) - a Delhi-based non governmental organization working on women’s human rights - in collaboration with IWRAW Asia Pacific.
- **October 2005** - Presentation on Gender & ICC at a training programme on Women’s Rights and International Human Rights Law, orga-
nized by Partners in Law and Development (PLD) and IWRAW Asia Pacific.

- **February 2006** - Presentation on Civil Society Concerns on the ICC, at a meeting organized by International Bar Association with the Bar Association of India.

- **March 2006** - Presentation on International Instruments to Combat Torture, at a Training of Trainers Programme to Combat Torture, organized by People's Watch in Guwahati.

- **January 2007** - Presentation on the potential of ICC as a standard setting mechanism, in a Conference on the ‘ICC: Responses of States in South Asia’. The conference was organized by International Bar Association (IBA), International Committee for Red Cross (ICRC), Bar Association of India, Indian Society of International Law and Criminal Justice Society of India.

- **October 2007** - At the invitation of People's Watch, representatives of ICC-India campaign conducted a session on Victims Rights, Right against Torture & the ICC in a 5 day Training of Trainers' programme to combat torture, held at Jaipur. About 40 persons consisting of national, state coordinators and state legal officers from 10 states where a National Project on Prevention of Torture is being implemented participated in the programme.


Justice H. Suresh (Retd.) delivering the inaugural address at workshop on ‘International Criminal Court & India’, Mumbai, 3 July 2004.


Kirity Roy introducing the ICC at discussion-meeting on the ICC, Kolkata, 7 November 2005.

Towards Accountability for Mass Crimes
Advocate Ashok Agrwaal speaking on ‘Understanding Impunity’; other panelists are Madhu Mehra (centre) and Ravi Nair (left) at discussion-meeting on ‘Impunity and the International Criminal Court’, Delhi, 19 November 2005.

Group photograph of participants with Judge Philippe Kirsch, President of the ICC, at the 1st National Consultation on ICC & India, Delhi, 8-9 December 2005.

Saumya Uma speaking on ‘International Criminal Court & India’; other panelists are Shanti Ranjan Behera (left) and Prof. P.K. Sarkar (right), Bhubaneswar, 18 January 2006.
Session on 'Relevance of ICC to Human Rights in India'. Panelists are (left to right) Arvind Narrain, Saumya Uma, Prof. Hasan Mansur & Henri Tiphagne at South Zone workshop on International Criminal Court & India, Bangalore, 30-31 January 2006.

Farah Naqvi speaking on the 'Communal Violence Bill and Mass Crimes against Women', at a discussion meeting on 'Accountability for Mass Crimes Against Women: Relevance of International Criminal Court', Delhi, 13 March 2006.

Introduction of panelists (left to right) Dr. G.I.S. Sandhu, Pouruchisti Wadia, Dr. Gurjeet Singh & Saumya Uma, at the workshop on ‘India and the ICC’ at Rajiv Gandhi National University of Law (RGNUL), Patiala, 27 November 2006.

Left to right: Aditya Swarup, Saumya Uma, Sheeba George & Sophia Khan in the session on future activities of the campaign, at a workshop on ‘International Mechanisms for Peace and Justice’, Ahmedabad, 21 December 2006.

Left to right: Prof. V.S Shasthri, Saumya Uma, Prof. Gurjeet Singh and Alexander Samuel in the open forum for discussion at workshop on ‘International Law, ICC & India’ at National Law University, Jodhpur, 8 January 2007.

Towards Accountability for Mass Crimes

Participants doing a case study on ICC, at a Training Programme on 'Women's Rights & International Human Rights Law', Delhi, 21 October 2004.

Left to right: Dr. Rod Rastan (Office of the Prosecutor, ICC), Prof. Roy Lee of Columbia University (chair), Saumya Uma (Coordinator, ICC-India) and Prof. V.M. Peshwe (Former Principal, Amalok Chand Law College, Yavatmal, Maharashtra) at the Conference on 'The International Criminal Court: Responses of States in South Asia', Delhi, 13 January 2007.
APPENDIX A

DETAILS OF INFORMATION DISSEMINATION ACTIVITIES THAT ICC-INDIA ORGANIZED / PARTICIPATED IN:
2000 – 2007

1. Discussion meeting on the ICC, co-organized by ICC-India and India Centre for Human Rights & Law, 22 May 2000, Mumbai.


3. Lectures on ICC, organized by International Committee for Red Cross (ICRC) – South Asia delegation at SNDT Women’s University and St. Xavier’s College, 16 and 17 March 2001 respectively, Mumbai.


8. Lecture on ICC in a five day human rights training programme organized by Documentation, Research & Training Centre (DRTC), 1 May 2003, Mumbai.


15. Session on ‘Victims’ rights & the ICC’ in a four day Training of Trainers on Combating Torture, organized by People’s Watch Tamil Nadu, 28 May 2004, Coimbatore.


19. Discussion meeting on ‘International Criminal Court and India’ co-organized by ICC-India and Manabadhikar Suraksha Mancha (MASUM), 7 November 2004, Kolkata.


21. Discussion meeting on ‘International Criminal Court & India’, co-organized by ICC-India and


24. Discussion meeting on 'ICC & Women's Rights' in five day national training on 'Women and International Human Rights Law', organized by Partners for Law in Development, 7-11 October 2005, Delhi.


30. Discussion meeting on 'International Criminal Court & India' co-organized by ICC-India and Martin Luther King Centre for Democracy and Human Rights, hosted by the Post-graduate Department of Psychology, Utkal University, 18 January 2006, Bhubaneswar.


32. South Zone Workshop on 'International Criminal Court & India' co-organized by ICC-India and People's Watch - Tamil Nadu, hosted by South India Cell for Human Rights Education and Monitoring (SICHREM), 30-31 January 2006, Bangalore.


35. Roundtable on the International Criminal Court, co-organized by The Indian Society of International Law (ISIL) and the International Bar Association, 27 February 2006, Delhi.


38. Discussion meeting on International Criminal Court, co-organized by ICC-India and Citizen's Collective, hosted by University Law College, 3 March 2006, Guwahati.


41. Seminar on 'India and the ICC', co-organized by ICC-India and Rajiv Gandhi National University of Law (RGNUL), 17 November 2006, Patiala.

43. Seminar on 'International Law, ICC & India', co-organized by ICC-India and National Law University, 10 January 2007, Jodhpur.

44. Conference on 'Human Rights and the International Criminal Court', organized by District Bar Association with the assistance of ICC-India, 18 January 2007, Muzaffarnagar.

45. Conference on 'ICC: Responses of States in South Asia', co-organized by International Bar Association (IBA), International Committee for Red Cross (ICRC), Bar Association of India, Indian Society for International Law and Criminal Justice Society of India, January 2007, Delhi.

46. Training of Trainers on ICC & India, organized by ICC-India, 8-10 June 2007, Mumbai.

47. Seminar on 'International Criminal Court: Relevance and Challenges for India', co-organized by ICC-India and Centre for Culture, Law and Society, NALSAR University of Law, 30 September – 1 October 2007, Hyderabad.

48. Session on 'Victims' Rights, Right Against Torture and the ICC' in a 5 day Training of Trainers Programme to Combat Torture, organized by People's Watch, 9 October 2007, Jaipur.

49. Seminar on 'International Criminal Court & India' organized by Indian Law Society (ILS) Law College, 18 December 2007, Pune.
3. RESEARCH AND PUBLICATION

ICC-India has always been convinced that research and publication go hand-in-hand with activities on information dissemination and advocacy, and that each set of activities strengthens and complements the other. The campaign's experiences in organizing and conducting workshops brought about a realization that much of the discussion on the relevance of ICC to the Indian context has a larger impact on the participants when it is grounded in law research that focuses on India. To present and demonstrate the relevance of the issue of International Criminal Court in the context of human rights work in India, data and hard facts were required. There was a need to study the legal standards prevailing in the Indian legal system to be able to understand where it stands in relation to international legal standards and norms.

RESEARCH

ICC-India's research activity is intrinsically linked to its advocacy work. One of the recent instances of research for advocacy and campaigning was on the issue of Communal Violence Bill. Since December 2004, ICC-India campaign has collaborated with a small group of like-minded individuals and organizations and advocated for an incorporation of international legal standards and a gender perspective within the Bill, and enactment of the law after a meaningful consultation with survivors of communal violence. It presented a critique of alternative Bills on the issue as well as the present Bill from feminist and international law perspectives. The campaign has also played an active role in drafting a memorandum to the Parliamentary Standing Committee on Home Affairs, giving a feminist critique of the Bill. The consultative meetings and the drafting of memorandum needed to be backed by research, not only of the provisions of the Bill themselves, but also comparing the same with the reality in India in terms of mass crimes against women, the responses of international law in similar contexts, ICC provisions that could be relevant to the law reform initiative and an analysis of provisions that would be appropriate to strengthen Indian law on the issue. For more details, please see chapter on Campaign and Advocacy.

In 2002-2003 one of ICC-India’s founder members and advisors was a key facilitator and a panelist in the research project of International Initiative for Justice in Gujarat titled 'Threatened Existence: A feminist Analysis of the Genocide in Gujarat'. This report apart from looking at the social and political scenario that took place in Gujarat also explicates the legal implications of the program from the point of view of both national and international jurisprudence and the ramifications of future legislation for a similar pogrom.

A research project has been initiated by ICC-India focusing on a comparative analysis of ICC-related laws with Indian laws, as well as ICC's relevance for human rights in India. This project stemmed out of a need to understand, analyze, and articulate more clearly the manner in which the ICC is relevant for the human rights situation prevalent in India. There is a dearth of research on how ICC can impact the rights of women, children, religious minorities, dalits and other disadvantaged groups in India. Further, there has been no research done so far on how the Indian law compares with the ICC-related laws on various aspects. This research would be essential to expose the lacunae present in Indian laws and bolster efforts to strengthen the Indian legal system. This study has been launched by ICC-India in December 2007 and is scheduled to be completed and published in 2008. 19 researchers consisting of a mix of academics, lawyers, law researchers and human rights activists are participating in researching 16 topics that have been identified by the campaign.

PUBLICATIONS

Seven publications have been brought out so far for better outreach and have been used as resource material for workshops. These are:

- ‘Report of the 1st National Consultation on
ICC - India Campaign

Cover pages of Hindi & English publications of ICC-INDIA

Combating Impunity
A compilation of articles on the International Criminal Court and its relevance to India

Compiled by
Vahida Nazari & Saumya Uma

Women's Research & Action Group

Towards Accountability for Mass Crimes

International Criminal Court & India

Some Questions and Answers
Saumya Uma

Women's Research & Action Group (WRAG)
Towards Accountability for Mass Crimes
“All the publications are of immense importance for the campaign towards ratification of ICC. More publications in regional languages need to be produced for better understanding of the ICC statute and the importance as to why India should also be a party to the statute.”
—Soumya Bhaumik
Coordinator - Human Rights Education
Amnesty International - India


COMBATING IMPURITY

ICC-India’s first publication, titled ‘Combating Impunity’, was published in April 2003. The publication is the first attempt at a compilation of published and unpublished articles written on the relevance of ICC for India. Vahida Nainar - an advisor of ICC-India and Saumya Uma - the coordinator of ICC-India, compiled the articles. Apart from assisting the Indian campaign generally, the compilation is intended specifically as a resource material for future workshops on ICC. The English publication was released at a workshop on Women’s Rights & International Criminal Court, held in Mumbai in April 2003. A positive feedback has been received for this publication, as a result of which its translation and publication in Hindi was undertaken in 2006.

Languages: English & Hindi
Pages: 138 & 160 respectively

INTERNATIONAL CRIMINAL COURT AND INDIA: RESPONSES TO QUERIES RAISED BY PARLIAMENTARIANS

In the year 2005, the ICC-India campaign initiated advocacy work with Indian parliamentarians [Please refer to chapter 4 on Campaign and Advocacy for more details]. On 3 August 2005 the first consultative meeting with Indian parliamentarians was held at the Parliament house, Delhi at the behest of Mr. E.M. Sudarsana Natchiappan, Member of Rajya Sabha and the convener of Parliamentary Forum on Human Rights. The ICC- India campaign was invited because the Members of Parliament (MPs) were curious about the ICC and wanted more information. The two-hour meeting had more than 45 parliamentarians’ participation. When the questions continued to pour endlessly, a suggestion was made that the questions be noted and responded to at a later date. These questions were later published as a booklet titled ‘International Criminal Court and India: Responses to Queries raised by Parliamentarians’ and released by Judge Philippe Kirsch, President of the ICC at the second consultative meeting with parliamentarians on 8 December 2005. This book consisting of 39 pages only was intentionally kept as a pocket size booklet (4” x 6”) to facilitate its usage by parliamentarians.

Language: English
Pages: 39
INTERNATIONAL CRIMINAL COURT: CONVERSATIONS WITH INDIAN PARLIAMENTARIANS

A second consultative meeting of Parliamentarians was organized to coincide with the visit of the ICC President Judge Philippe Kirsch on 8 December 2005. The President's address to the Parliamentarians and the discussion that the Parliamentarians had with ICC’s President were documented in the publication titled ‘International Criminal Court: Conversations with Indian Parliamentarians’, published in December 2005. The report contains a transcript of the speech of Judge Philippe Kirsch made at the event, the questions posed to him as well as his responses. The report also contains individual photographs of the MPs who participated in the event, members of the Parliamentarian Forum on Human Rights as well as photographs of the event.

Language: English
Pages: 52

REPORT OF THE 1ST NATIONAL CONSULTATION ON INTERNATIONAL CRIMINAL COURT AND INDIA

The next publication, which was also brought out in December 2005, was a report of the 1st National Consultation of ICC-India which was held in New Delhi on 8 and 9 December 2005 coinciding with the visit of Judge Philippe Kirsch, President of the ICC. The report focuses on the presentations made by fourteen resource persons (including Judge Philippe Kirsch) who shared their insights on various topics and the discussions that followed each presentation. The topics included Introduction to the International

Justice System, Fundamentals, Human Rights Advances in the ICC, ICC: Achievements, Developments and Challenges, Global Dynamics, International Justice from an Indian perspective and Participants’ Perspectives on Relevance of ICC to their work. The event witnessed the participation of more than 70 persons from all over India, who initiated and contributed to a lively discussion following each presentation. The essence of these discussions are invaluable since they highlight several practical aspects related to ICC and its relevance to India, and have been documented in the report.

Language: English
Pages: 56

From the time of the first publication in 2003, the campaign had intended to translate its publications into Hindi and other Indian languages, in order to widen the reach of the campaign. However, the challenges of accurately translating complex legal issues and terms delayed the process. Consequently the first two of ICC-India’s publications were translated and published in Hindi in March 2006. Based on ICC-India’s presentation at an event, People’s Watch- Tamil Nadu (PWTN) took the initiative to bring out a publication on ICC & India in Tamil. This was the first publication on the issue in an Indian language. Some organizations have also shown an interest in translating the publications on ICC into other regional languages.

Besides these publications the members/friends of ICC-India have researched and written articles on

<p>| (AS ON 31 DECEMBER 2007) |</p>
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issues closely related to the ICC such as death penalty, torture, victim and witness protection. These have been published from time to time in mainstream newspapers and journals.

In a span of seven years the campaign has had seven publications including two in regional languages. These publications have been distributed widely in all the information dissemination programs of ICC-India and the circulation of all these books together has crossed 8000 copies. The publications have acted as a catalyst in the campaign's efforts at information dissemination. Positive feedback has been received, encouraging future publications on the issue. Some of ICC-India’s campaign partners including People’s Watch- Tamil Nadu and Free Legal Aid Committee (FLAC), Jamshedpur have translated some of the publications into local languages. 'Combating Impunity' and 'International Criminal Court & India: Some Questions And Answers' had to be reprinted thrice as the first edition was very widely distributed due to the demand. More than 1000 copies of each publication have been distributed. 900 copies of the publication 'International Criminal Court: Conversations with Indian Parliamentarians' were distributed in a span of three months and have been subsequently reprinted. Through a wide dissemination of ICC-India's publications, the campaign has been able to reach out to individuals and organizations in places where it has been unable to conduct information dissemination programmes.
4. CAMPAIGN AND ADVOCACY

The advocacy activities of ICC-India have revolved around efforts at enhancing the political influence of ICC-India. This activity also commenced in the year 2000, when the campaign was initiated in India. The advocacy work consists of the following components:

a. Expansion and consolidation of the support base for the campaign;

b. Engaging with law reform initiatives in India;

c. Dialoguing with parliamentarians, policy makers and others;

d. Participation in other human rights and anti-impunity campaigns; and

e. Media Outreach (for details, please see next chapter).

A. EXPANSION / CONSOLIDATION OF THE SUPPORT BASE FOR THE CAMPAIGN

The support base is crucial for the success of any campaign. ICC-India's support base consists of members from a cross-section of civil society, including human rights activists, representatives of non-governmental organizations, lawyers, judges, law researchers, parliamentarians, social workers, students of law and other disciplines, media persons and academics. Information dissemination activities have played a pivotal role in expanding the support-base, encouraging more and more like-minded individuals and organizations to join the campaign and extend solidarity to its struggle against impunity. A year after the inception of the campaign, a loose network of interested individuals and organizations was formed. The network has subsequently been consolidated and now consists of more than 40 human rights organizations from all parts of India and many more individuals as partners of the campaign. For further details, please see Chapter 6 of this publication on Networking & Outreach.

B. ENGAGING WITH LAW REFORM INITIATIVES IN INDIA

Since the campaign aims to strengthen existing laws and the legal system in India through the use of international standards and principles, engaging with law reform initiatives in India has been imperative. While scope exists for the campaign to engage itself in a variety of issues on which law reform is underway or is being sought, the campaign has closely worked on two issues, detailed below.

Victim and Witness Protection

The higher judiciary in India has been issuing repeated guidelines on witness protection, especially in the context of the Gujarat carnage 2002. Taking a cue from this the Law Commission of India prepared a consultation paper and issued guidelines in this regard. Members of ICC-India had already written articles on this issue as the ICC Statute has exceptional provisions which could be used for setting standards for law reform in the area of victim and witness protection. A one day west zone consultative meeting on Victim and Witness Protection was conducted in Mumbai in collaboration with India Centre for Human Rights and Law (ICHRL) on 30 April 2005. Synthesizing the experiences of other countries, international tribunals and the ICC which have detailed guidelines for victim and witness protection, the consultative meeting primarily sought to prepare the groundwork for a comprehensive legal regime in India on protection of victims and witnesses. About 45 human rights activists, lawyers and media persons from Maharashtra and Gujarat attended the workshop. There were nine resource persons for this workshop including defence lawyers, public prosecutors, women and child rights activists. Members of ICC-India made presentations on the need for victim and witness protection, challenges for India and plans for future course of action. The meeting focused on practical realities in the Indian courts with regard to witness protection and possible rules that could be implemented for giving better protection to the victims and witnesses. The workshop ended on a positive note but it was felt that more future discussions were required on this issue. In 2008, a draft law on witness protection is expected to be proposed by the Indian government. ICC-India campaign looks forward to further engagement on the issue at that point in time.

Communal Violence Bill

In pursuance of its Common Minimum Programme, in June 2005, the UPA government formulated a draft of The Communal Violence (Suppression) Bill. After severe criticisms from the civil society stating that the
Workshop on ‘Communal Violence Bill and Mass Crimes against Women’ held at the Seventh National Conference of Autonomous Women’s Movements in India, Kolkata, 10 September 2006.


Participants and speakers at the first formal discussion meeting on ICC with Indian Parliamentarians, Delhi, 3 August 2005.

EMS Natchiappan, Member of Parliament, Rajya Sabha making the opening remarks at the 2nd Consultative Meeting with Indian Parliamentarians, Delhi, 8 December 2005.

Judge Philippe Kirsch, President of the ICC, addresses Parliamentarians at the 2nd Consultative Meeting with Indian Parliamentarians, Delhi, 8 December 2005.
Bill was toothless, it presented an improved draft of the Bill in the Parliament in December 2005. The Bill was then referred to the Parliamentary Standing Committee on Home Affairs for receiving suggestions for its improvement. The standing Committee tabled its recommendations in the Parliament in December 2006.

ICC-India campaign has engaged with this issue since December 2004, when one of the first NGO consultative meetings was held in Mumbai to formulate the Bill through initiatives of human rights organizations. ICC-India members spoke about gender-related provisions in the ICC statute and the possibility of incorporating some of these into the Bill, as well as the concepts of genocide and crimes against humanity. Subsequently, the campaign has critiqued the Bill that was drafted by the government. In the month of January 2006, many organizations sent their critique of the Bill to the Parliamentary Standing Committee. Some organizations, such as Movement for Peace and Justice, Mumbai-based Initiative on Communal Violence Bill and Delhi-based India Alliance for Child Rights incorporated the critique of and suggestions for amendments to the Bill that were made by members of ICC-India.

In March 2006, ICC-India campaign and Partners for Law in Development in association with People’s Watch - Tamil Nadu organized a half-day meeting titled ‘Accountability for Mass Crimes Against Women: Relevance of the International Criminal Court’ in Delhi. At this event, an attempt was made to critique the Communal Violence Bill through the lens of existing international legal standards and norms. The meeting ended with the formulation of a plan to write to the Parliamentary Standing Committee on Home Affairs, pointing out the flaws in the Bill, and to simultaneously identify the contents of provisions on gender-based violence that a law of this kind ought to incorporate, and garner the support of women’s rights and human rights groups for the same.

As a follow up of this meeting, in the month of June 2006, a group of women’s rights activists, that included members of ICC-India, drafted a memorandum to the Parliamentary Standing Committee on Home Affairs. This memorandum contains specific recommendations for provisions on sexual and gender-based violence as well as incorporation of the concepts of command and superior responsibility, reparations, genocide and crimes against humanity, as well as standards for protection of victims and witnesses, that ought to be included in the Bill. [Please refer to Annexure B for a copy of the same]

Subsequently consultative meetings have been held on the issue in Mumbai, Kolkata, Ahmedabad, Pune, Hyderabad and Jodhpur, with the aim of building a consensus among civil society actors on the need and ways to engage with the Bill. The awareness and advocacy work on the Communal Violence Bill intensified in 2007 with a series of public meetings, press conferences and seminars, which members of ICC-India either conducted or actively participated in. The efforts of the campaign were directed at a meaningful consultation with communities of survivors of communal violence, explaining the provisions of the proposed law to them, and facilitating their voices and concerns over the provisions of the law to be heard by the policy makers in New Delhi. The campaign also looks forward to dialoguing with the Parliamentarians when the Bill gets introduced in the Parliament in the future.

C. ADVOCACY WORK WITH INDIAN PARLIAMENTARIANS

With the change in government (the United Progressive Alliance replacing the right wing BJP in May 2004), the feedback received from our advisors and the support and encouragement received from campaign partners, in 2005 the campaign started to work with a new and important constituency - the Parliamentarians. This was an acknowledgement of the fact that Parliamentarians play a crucial role in shaping the laws and policies, and would be important actors for the campaign. In the past, Parliamentarians such as Fali Nariman, Kapil Sibal, Soli Sorabjee, Dr. Eduardo Faleiro, Prema Cariappa and Alka Kshatriya have raised the issue of ICC and the Government of India’s policy on the same in the
Towards Accountability for Mass Crimes

Parliament. The objective of ICC-India in wanting to engage in a dialogue with Parliamentarians is not to convince or to urge the MPs to take positions, but to disseminate information that would facilitate a discussion on the possible relevance of the ICC to India, situated within Indian context and a global perspective.

Intensive preparatory work was done prior to planning formal consultative meetings with the Parliamentarians. This involved preparatory trips to Delhi, preparation of promotional material and rigorous follow up for appointments. A rapport was built as one to one meetings were organized with several parliamentarians. Promotional material was circulated during these one to one meetings and in-depth discussions were had with parliamentarians who were interested. This exercise was an exceptional learning experience for the campaign. There were a large number of parliamentarians who were extremely curious and interested in learning about the issue.

FIRST FORMAL DISCUSSION WITH INDIAN PARLIAMENTARIANS
- 3 AUG, 2005

The ICC-India campaign initiated the first formal discussion with Indian Parliamentarians on the ICC when the Parliamentarians’ Group on Human Rights convened a meeting in Parliament House, New Delhi, to discuss the issue of ‘International Criminal Court & India’. The meeting was convened at the initiative of Shri. Sudarsana Nachiappan, M.P., Rajya Sabha and Convenor of the Parliamentarians’ Forum on Human Rights (PFHR). The participants consisted of more than 40 Parliamentarians from Lok Sabha and Rajya Sabha (Upper and Lower Houses respectively), belonging to various political parties. Parliamentarians Shri. Sudarsana Nachiappan, Shri. Pawan Kumar Bansal and Smt. Nirmala Deshpande, and Ms. Saumya Uma, Coordinator of the ICC-India campaign, addressed the participants.

The official position of the Indian government and its concerns on the ICC were read out before initiating a discussion. Some of the major concerns expressed during the meeting were the limitations of the ICC in prosecuting only persons highest in the hierarchy who had planned, instigated and were masterminds but not the executors, the role of the USA and the bilateral agreements signed by USA with India and others. Yet others questioned the need for the ICC when we had perfectly sound national laws and the National Human Rights Commission. The legal sanctity and controls the ICC had to compel unwilling nationals to appear before it and non-inclusion of terrorism were also issues on which queries were raised.

This meeting, which was planned as a preliminary discussion, evoked immense interest and curiosity in the issue among the participants. A number of other queries on the ICC and its implications for India were also raised, which were subsequently answered in writing and brought out as a publication by ICC-India. The PFHR expressed a need for a longer and more formal workshop on the issue of the ICC, which could be planned with ICC-India in the future. [For more details please refer to Publication on International Criminal Court and India: Responses to Queries raised by Parliamentarians described in page 28 of this publication.]

EVENT WITH PARLIAMENTARIANS
- 8 DECEMBER, 2005

The second consultative meeting with Parliamentarians was timed to coincide with the visit of Judge Philippe Kirsch - President of the ICC - to India in December 2005. This meeting was organized by the Parliamentary Forum on Human Rights, in association with ICC-India and other partner organizations working on issues of law, justice and human rights.

This meeting gave the parliamentarians an opportunity to receive information, seek clarifications and freely discuss concerns on the issue of the ICC with the President of the ICC. In his address Judge Kirsch spoke about the fundamental principles of the ICC, the need for such a judicial system, the present ratification status of the ICC statute and the crimes for which the ICC could be invoked. He emphasized the role of civil society, including Parliamentarians, in understanding this issue and working for universal ratification and acceptance of the ICC, particularly from Asian countries, where the support to the ICC was weak.

Prior to his presentation Judge Kirsch also released a booklet published by ICC-India clarifying questions posed by the parliamentarians in the meeting organized on 3 August, 2005. More than 50 Parliamentarians, representing all political parties and from both Houses of Parliament attended this meeting and raised several queries. 30 members from the civil society, most of whom were partners and friends of the ICC-India campaign, participated in the event as observers.
The event was able to accomplish its objectives of

- Information dissemination to members of Parliament;
- Initiation of a dialogue on ICC with a small group of Parliamentarians who are interested in human rights issues;
- Raising awareness on their role as Parliamentarians on the issue; and
- Facilitating rapport-building between Parliamentarians interested in human rights with non-governmental organizations working on different human rights issues including the ICC.

**ADVOCACY WITH POLICY MAKERS**

In the year 2005 the campaign also commenced advocacy work with Indian policy makers. Discussion meetings were held with National Human Rights Commission (NHRC), Legal and Treaties Division of Ministry of External Affairs, National Commission for Women, National Commission for Minorities, National Commission for Schedule Castes and National Commission on Minority Educational Institutions. The campaign believes that it is imperative to continue dialoguing with policy makers in order to address some of the concerns that they might have, and to pave way for working together on the issue.

**D. PARTICIPATION IN OTHER HUMAN RIGHTS & ANTI-IMPUNITY CAMPAIGNS**

One of the objectives of ICC-India campaign is to work in close collaboration with ongoing human rights and other anti-impunity campaigns. To this end, some activities that the campaign has participated in recent times are as follows:

- Campaign urging Maharashtra state government to implement the recommendations of Srikrishna Commission report that inquired into communal violence in Mumbai 1992-93 and to make perpetrators (including politicians and police personnel) accountable, 2007 onwards;
- Campaign for implementation of Sachar Committee recommendations on social, economic and educational status of Muslim community in India, December 2006 onwards;
- Participation in National Conference against Fascism, Terrorism and Fake Encounters in Ahmedabad, September 2007;
- Participation in the campaign against Indo-U.S. Nuclear Deal, September 2007;
- Participation in conference in Delhi on ‘State Violence & Women: Survivors, Defenders & Leaders’, in July 2007, thereby extending solidarity to the issue of adverse impact on women through militarization and accountability to perpetrators of violence;
- Participation in Campaign Against Use of Narcotics as Interrogation Techniques, July 2007;
- Participation in discussions on Model Police Act and Police Reforms, May 2007 onwards;
- Support to letter campaign on Kausar Bi’s and Sohrabuddin’s extra-judicial killings in Gujarat, May 2007;
- Participation in Human Rights Assembly preceding the 14th South Asian Association for Regional Cooperation (SAARC) Summit, April 2007;
- Rally against rape and murder of a dalit family in Khairlanji, Maharashtra, December 2006 - January 2007;
- Endorsement of clemency petition to the President of India against death penalty awarded by Supreme Court to Afzal Guru, October 2006;
- Endorsement of statement to repeal the draconian Armed Forces Special Powers Act 1959, October 2006; and
- Support to clemency petition to President of India on harsh punishment of Zahira Sheikh, victim of Gujarat carnage, for contempt of court, March 2006.
APPENDIX B

MEMORANDUM TO
THE PARLIAMENTARY STANDING COMMITTEE ON HOME AFFAIRS
ON GENDER-RELATED PROVISIONS OF COMMUNAL VIOLENCE
(Prevention, Control & Rehabilitation of Victims) BILL, 2005
July 15, 2006

To,

Honorable Members of the Parliamentary Standing Committee on Home Affairs

We, as representatives of women's organizations, civil society groups, and as activists committed to women's rights, are writing to you to convey our concerns and suggestions with regard to the Communal Violence (Prevention, Control & Rehabilitation of Victims) Bill 2005, in specific reference to gender-based sexual violence.

At the outset, we are happy that a need has been felt to enact a law on communal violence, and we share the commitment of the Hon'ble Members of Parliament in taking the initiative towards this Bill and for inviting suggestions from members of civil society in order to make the Bill as comprehensive as possible.

A historic neglect has existed in making persons accountable for mass crimes against women in India. In the context of the Partition, gender-based violence against women, though individual in character, was mass in scale. However, justice for the crimes against women became impossible because many perpetrators were across the border, and the needs of women survivors came to be accorded a low priority. Mass crimes against women were also committed in the context of the anti-Sikh massacre in Delhi in 1984. The struggle for justice has extended beyond two decades, with little justice being meted out. Even sixteen years later, survivors of sexual violence hoped for justice when the Nanavati Commission was appointed in 2000. Five specific affidavits on sexual violence were filed. However, when the Government's Action Taken Report on the Sikh massacre was debated in Parliament in 2005, there was a suggestion by our Political leadership that the nation forgive these violations and move on. This only bestows impunity on all crimes and indeed contributes to the growing climate of impunity for perpetrators of these crimes, including mass crimes against women during communal violence. In 1992, subsequent to the destruction of Babri Masjid, communal violence erupted in many parts of the country, including in Mumbai and Surat, where again, women were targeted for specific kinds of brutalities. During the Gujarat carnage of 2002, gender-based violence and sexual violence was widespread. While there have been examples of women survivors' struggle for justice, the most recent being that of Bilkis Yakub Rasool, you would agree that for every woman survivor who speaks out, there are hundreds and thousands more who have suffered in silence and who have been unable to demand justice for the violations inflicted on them. Lack of political will to prosecute perpetrators, inadequacy of laws and procedures to deal with mass crimes, lack of impartial investigation and prosecution of such crimes and a lack of sensitivity to victims' experiences and needs have been among some of the major hurdles in women's access to justice in the context of mass crimes.

Unfortunately, the Communal Violence (Prevention, Control & Rehabilitation of Victims) Bill 2005 does not acknowledge, address or remedy the major hurdles that have contributed to women's poor access to justice in the context of communal violence. The Bill has dealt with gender-based violence in general, and sexual violence in particular, in a callous and casual manner, despite the fact that gender-based violence has played a fundamental role as an engine for mobilizing hatred and destruction against religious minorities in recent times.

RECOMMENDATIONS

In consonance with the provisions and spirit of the Indian Constitution, judgments and directives of the Supreme Court of India, recommendations of the Law Commission of India, provisions of international conventions that India has ratified as well as the generally-accepted standards of international human rights, we make the following recommendations:
a. Include new crimes within the Bill rather than work within the framework of the penal provision on rape. Given the type of violence against women that has been documented in recent times in India, of sexual crimes such as public and mass acts of sexual violence including cutting off breasts and uterus, forced nudity, stripping and parading women naked, forcible pregnancy, exhibiting sexual organs in the presence of women and mutilation of women’s genital organs, we submit that incorporating rape alone as a crime would be grossly inadequate and would not capture the various kinds of violence inflicted on women in communal situations.

- We therefore recommend inclusion of a new crime - Sexual Violence
- And within the category of Sexual Violence, to redefine the crime of Rape

(Please find suggested definitions in Annex A to this memorandum)

b. In relation to the crime of RAPE, a new definition rather than the existing IPC definition to be used in the Bill. This is because the present definition of ‘rape’ as stated in S. 375 of the Indian Penal Code has been inadequate to respond to crimes against women committed in recent incidents of communal violence. We reject the said definition, as it is grossly inadequate even to respond to sexual violence in ‘normal, peacetime’. Women’s organizations, National Commission for Women and the Law Commission of India have been debating revisions in the IPC definition of rape. A Draft Sexual Assault Bill that provides for an expanded definition of Rape is under consideration and debate.

(Please find suggested definitions in Annex A to this memorandum)

c. Include genocide & crimes against humanity as crimes, in keeping with recent developments in international human rights standards and norms, and India’s commitment under The Genocide Convention. (Please find suggested definition of crimes against humanity and genocide in Annex A to this memorandum. The definition of genocide has been taken verbatim from the UN Convention on the Prevention and Punishment of the Crime of Genocide, 1948 which India ratified in 1959)

d. Recognize explicitly that genocide and crimes against humanity could be committed through gender-based violence and sexual violence.

e. Include crimes against women that have been documented in other parts of the world. These include sexual slavery, enforced prostitution, forced pregnancy and enforced sterilization. Although occurrence of these crimes in India may not have been documented, these could occur in India in future. Prohibition of ex-post facto law (subjecting a person to a criminal law created after the commission of crime) is a basic and well-recognized principle of criminal law. Hence we strongly recommend that the crimes, whose suggested definitions are listed in Annex B to this memorandum, be included in the present Bill in forethought so as to enable the state to make persons accountable for such crimes, if and when they are committed in India in future.

f. Develop evidentiary standards appropriate to the context of a communally charged and violent situation for proving sexual violence. This is particularly in view of the fact that in situations of communal violence, women’s access to police stations (for lodging FIR), government hospitals (for medical examinations) and the confidence/ability to pursue legal procedures is substantially reduced during the period of the violence and till the return to a safe and non-hostile environment for the survivors of the violence. Hence, appropriate evidentiary and procedural standards are imperative and should include the following:

- All investigation should be conducted in a gender-sensitive manner;
- Medical evidence should not be insisted upon as a corroborative evidence;
- Uncorroborated victim’s testimony could form the basis for conviction provided it inspires the confidence of the court;
- Delay in lodging an FIR should not impact the case in any manner;
- Consent to sexual act as a defense to the perpetrator should be specifically excluded
- Admission of evidence of prior or subsequent sexual conduct of a victim of sexual violence should be explicitly prohibited
- Sexual violence in a communal situation should be equated to custodial rape as mob exercises complete control and is in a position of authority. Hence, the Bill should provide for enhanced punishment and also shift the burden of proof from the victim to the perpetrator
g. **Incorporate the principle of command and superior responsibility.** These are well-established principles in international law standards, which pin criminal liability to the person, civilian or military, under whose command the crimes occurred.

*(Please find suggested definitions in Annex C to this memorandum).*

h. **Incorporate comprehensive provisions on protection of victims and witnesses, in consonance with recent Supreme Court judgments and directives.** Such provisions should respond to safety, physical and psychological well-being, dignity and privacy of victims and witnesses, particularly in cases of sexual or gender violence. The provisions should include medical assistance, counseling and psychological support, protection of the identity of victims and witnesses, ensuring a congenial atmosphere in the open court for the woman to give her testimony (while providing her with the option of an in camera trial), and stringent punishment for persons who intimidate / coerce a woman to give a false testimony.

i. **Include concept of 'Reparations', which is broader than the concept of 'compensation' or 'relief'.** The Bill must cease to use the language of voluntary aid (assistance, aid, and relief), and instead use the language of obligation and entitlement (reparation). No specific assessment of impact of gender-based and sexual violence on each individual can or should be made for purpose of reparations. Each category of crimes within sexual violence should be treated as a single category of crimes for the purpose of reparation.

*(Please find suggested definition of Reparation in Annex C to this memorandum).*

j. **Include a generic non-discrimination clause to the end of the Bill that could read as follows:** “The application and interpretation of this law must be consistent with the provisions and spirit of the Indian Constitution, internationally recognized human rights, and be without any adverse distinction founded on grounds such as gender, age, race, colour, caste, language, religion or belief, political or other opinion, national, ethnic or social origin, wealth, birth or other status.”

k. **Include specific provisions for participation of human rights groups, women's rights groups, and NGOs in helping survivors of communal violence and of gender-based attacks in accessing their right to reparation and in ensuring access to the criminal justice system.**

**GENERAL CRITIQUE OF THE BILL**

In addition to the specific recommendations that we have made with regard to sexual violence, we endorse the overall critique of the Bill that has been expressed to you by other members of civil society and non-governmental organizations, including the following:

a) The Bill empowers the state and its agencies rather than the victim and civil society; there exists the possibility of expanded state powers being further used to harass and intimidate minorities.

b) The Bill has no focus on state accountability; the Bill is unwilling to recognize acts of omission and commission by the state agencies and build into the Bill mechanisms of accountability in relation to that.

c) The non-mandatory nature of power of state government to declare a place as “communally disturbed” dilutes state accountability for communal violence;

d) The basis for such a declaration is very restrictive limited to death and destruction of property. It does not take into account the use of sexual violence. It also fails to recognise a whole range of discriminatory and communal acts, including social and economic boycott.

e) The Bill fails to provide for specific provisions which can make inroads into the complete impunity that state agencies enjoy for misdeeds of omission and commission, because of the requirement of prior sanction from the government for prosecution. Therefore, State agencies will continue to enjoy immunity even after the passing of the Bill, thus nullifying the Bill’s own stated commitment to the principle of State accountability.

f) The presumption that the public officials acted in good faith in the light of their proven complicity repeatedly in situations of communal violence is incomprehensible

g) Victims' right to rescue, relief and rehabilitation have been diluted and made heavily bureaucratic
h) Measures for protection of victims and witnesses have been dealt with in a perfunctory way.

i) The Bill fails to create new offences and new procedures, although existing substantive and procedural laws have proved inadequate time and again in providing justice for victims of communal violence.

We sincerely hope that the suggestions and recommendations made by us will be taken into consideration and incorporated into the amended version of the Bill.

Yours sincerely,

(On behalf of Women Groups, Civil Society Groups and Concerned Citizens Listed in Appendix D)
ANNEX A

SUGGESTED DEFINITIONS OF CRIMES THAT HAVE BEEN DOCUMENTED IN INDIA

1. **Sexual violence** - The perpetrator committed an act of a sexual nature against one or more women or caused such woman or women to engage in an act of a sexual nature of force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a woman incapable of giving genuine consent. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Crimes of sexual violence include (but are not limited to) rape, forced nudity, exposure of male sexual organs in front of women, parading women naked in public, enforced sterilization, forced pregnancy, mutilation of reproductive organs, sexual slavery, enforced prostitution and gender-based persecution.

2. **Rape** - The perpetrator invaded the body of a woman by conduct resulting in penetration, however slight, of any part of the body of the woman or of the perpetrator with a sexual organ, or of the anal or genital opening of the woman with any object or any other part of the body.

   ▪ The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such woman or another person, or by taking advantage of a coercive environment, or the invasion was committed against a woman incapable of giving genuine consent.

Note: It is understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.

3. **Gender-based persecution** - “Persecution” on the basis of gender means the intentional and severe deprivation of fundamental rights contrary to international law on the basis of gender.

4. **Genocide** - The following five acts, if committed with the intention to destroy all or part of a national, ethnical (linguistic & cultural), racial or religious group, may constitute genocide:
   - Killing members of the group
   - Causing serious bodily or mental harm to the members of the group.
   - Deliberately inflicting on a group, conditions of life calculated to bring about its physical destruction.
   - Imposing measures intended to prevent births within a group;
   - Forcibly transferring children of a group to another group.

   Note: Encouragement to, assistance in and attempts to commit genocide are also acts of genocide.

5. **Crimes against humanity** - Crimes against humanity means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: murder, extermination, enslavement, imprisonment or other severe deprivation of physical liberty, torture, sexual violence, gender-based violence, enforced disappearance of persons and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or mental or physical health.
ANNEX B

SUGGESTED DEFINITIONS OF CRIMES AGAINST WOMEN THAT HAVE BEEN DOCUMENTED IN OTHER PARTS OF THE WORLD & THAT COULD OCCUR IN INDIA IN FUTURE

1. Sexual slavery -
   - The perpetrator* exercised any or all of the powers attaching to the right of ownership over one or more women, such as by purchasing, selling, lending or bartering such a woman or women, or by imposing on them a similar deprivation of liberty.**
   - The perpetrator caused such woman or women to engage in one or more acts of sexual nature.
   * Given the complex nature of this crime, it is recognized that its commission could involve more than one perpetrator or as a part of a common criminal purpose.
   ** It is understood that such deprivation of liberty may, in some circumstance, include exacting forced labour or otherwise reducing a person to servile status as defined in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956. It is also understood that the conduct described includes trafficking in women and girl children.

2. Enforced prostitution -
   - The perpetrator caused one or more women to engage in one or more acts of sexual nature by force, or by threat of forced or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such woman or women or another person, or by taking advantage of a coercive environment or such woman's or women's capacity to give genuine consent.
   - The perpetrator or another person obtained or expected to obtain pecuniary or other advantage in exchange for or in connection with the acts of a sexual nature.

3. Forced pregnancy - The perpetrator confined one or more women forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of law.

4. Enforced sterilization -
   - The perpetrator deprived one or more women of biological reproductive capacity.*
   - The conduct was neither justified by the medical or hospital treatment of the woman or women concerned nor carried out with their genuine consent.**
   * The deprivation is not intended to include birth-control measures, which have a non-permanent effect in practice.
   ** It is understood that “genuine consent” does not include consent obtained through deception.
ANNEX C

SUGGESTED DEFINITION OF CONCEPTS

**Command or Superior Responsibility** - Both in the context of military and civilian authority, the military commander or person effectively acting as a military commander and/or civilian superior shall be criminally responsible for crimes committed by forces / subordinates under his or her effective command / authority and control, as a result of his or her failure to exercise control properly over such forces / subordinates, where

a) The civilian and/or military commander / superior either knew, or consciously disregarded information which clearly indicated, that the forces / subordinates were committing or about to commit such crimes;

b) The crimes concerned activities that were within the effective responsibility and control of the civilian and/or military commander / superior; and

c) The military commander / superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission, or to submit the matter to the competent authorities for investigation and prosecution.

Thus, in the event of failure to prevent a mass crime, everyone in the chain of command right from the Police Constable to the Chief Minister of a State can be held accountable.

**Reparation** - The terminology of Reparation in international law is understood as the effort to repair damages suffered by victims as a result of State failure and normally includes restitution (restoration of victims to the circumstances before the violation), compensation (provision of any assessable damages, both material and emotional, for the physical, psychological, direct and indirect harm suffered by the victim), rehabilitation (provision of medical, psychological, legal and social services including education and training on the means to develop new livelihoods) and satisfaction (a public acknowledgement of the wrong and promises of non-repetition with steps to restore the confidence and relationship between and within communities and the State.)
5. MEDIA OUTREACH

ICC-India campaign’s media outreach activities started in the year 2005. Prior to this, there had been no conscious attempt on the part of the campaign to invite members of the media to its events and activities. However, the campaign was aware that from time to time, there were a few reports/articles that appeared in national dailies with regard to the ICC, some of which contained inaccurate information. Moreover, information dissemination being the backbone of the Indian campaign, it was felt strongly that the media could be a partner in this process. Media outreach activities related to ICC-India’s work hence aimed at:

- building partnerships with media persons for information dissemination on the issue;
- increasing visibility to the issue; and
- ensuring that information on the ICC and its relevance to India brought out through the print and electronic media is accurate and up-to-date.

DISSEMINATION OF PRESS REPORTS AND ARTICLES

Whilst media outreach was an activity that was initiated only in the year 2005, the campaign has always kept a close watch on press reports on ICC and India. Indian media’s coverage of and interest in the ICC and the position of the Indian government to the institution has been less than adequate. Nevertheless whenever there was an accurate press report on the ICC the campaign would ensure that it was widely disseminated through its network.

PRESS RELEASES

The campaign has kept abreast of current events, trends and activities of states so as to respond as and when required in the interest and benefit of the campaign. Some of the press statements issued by the campaign in this regard are as follows:

- In the wake of the Gujarat carnage of Muslims in Gujarat, ICC-India initiated a letter campaign in May 2002, urging the Indian government to ratify the ICC Treaty. [Please refer to Appendix C for a copy of the same].
- On 10 July 2002 the United States made an attempt to exempt all peacekeeping operations of the UN from the jurisdiction of the ICC through an open debate in the Security Council. India was the only country which supported this. On 12 July 2002 the ICC-India campaign issued a press statement titled ‘Shocking Move by the Indian Government’ condemning this move. [Please refer to Appendix D for a copy of this Press Statement]. The statement helped highlight the negative role of the Indian government in ensuring accountability of peace keepers for violations that could be committed by them.
- In December 2002, the Indian government signed a bilateral immunity/non-surrender agreement with the United States that would ensure that Indian and American nationals accused of crimes of genocide, war crimes and crimes against humanity will not be surrendered to the ICC. ICC-India released a press note titled ‘India Joins the United States in its War Against the ICC’ dated 2 January 2003, voicing serious concerns about the Indian government’s support to the United States in undermining the ICC. [Please refer to Appendix E for a copy of the press note.]

LETTERS TO THE EDITOR

In the year 2004 there were two articles written in the Times of India which had several inaccuracies. The campaign responded to both of them through a letter to the editor highlighting these. On 6 September 2004, The Times of India published an article on the ICC titled ‘UNSC’s role in ICC Charter Objectionable’. The article had several inaccuracies, including an allegation that the ICC Treaty had dubious legality. ICC-India disseminated this article widely through its network, resulting in some members of ICC-India sending letters to the editor in response to the same. ICC-India’s secretariat also sent a letter to the editor, highlighting the inaccuracies. However, none of these were published. The letter was also sent to the reporter who had prepared the report. [Please refer to Appendix F for a copy of the letter in response which was sent by the ICC-India’s secretariat but was not published].

On 29 November 2004 the Times of India published an article titled ‘International Court needs to come out of UN control’. This was a second article within a span of six months on the International Criminal Court which was found to have inaccurate statements. The campaign responded to this article and its letter to the editor was published on 11 December 2004 after considerable follow-up. [Please refer to Appendix G for a copy of the letter to the editor].
PRESS CONFERENCES

November 2004

In mid-November 2004, the President of ICC, Mr. Philippe Kirsch, visited Delhi to deliver a keynote address at the annual conference organized by Indian Society of International Law. The campaign found this an excellent opportunity to do media outreach. Hence, the members of ICC-India made efforts at organizing a press conference in collaboration with Delhi-based individuals, organizations, institutions and the Coalition for the International Criminal Court (CICC). ICC-India members from Delhi played an active role in organizing a press meet at the lawns of the India International Centre. The publications brought out by ICC-India were distributed to key officials and the press during this meet. The campaign members also subsequently became aware that the ICC President, Judge Philippe Kirsch, planned to revisit Delhi in December 2005. This provided the campaign with an impetus to do intensive media outreach to ensure a wider coverage of the issue in the following year.

Preparation for the Public Seminar/Press Conference December 2005

This being the campaign's first experience in holding a major press conference, preparation commenced by contacting campaign partners based in Delhi who had a number of media contacts along with experience in doing media outreach. These partners shared valuable inputs on the ideal days and time to have any event with the media.

One of the main preparatory activities for the press conference/public seminar consisted of making one to one contacts with media persons in Delhi, and evoking their interest in the issue of ICC and its relevance to India. Armed with the media contacts shared by campaign partners, the media persons were approached telephonically for appointments. Among the print media, persons in The Hindu, The Asian Age, Indian Express, Times of India, Hindustan Times, The Telegraph, The Tribune, Frontline, Statesman, Tehelka, Deccan Herald, Daily News & Analysis (DNA), The Pioneer as well as freelance journalists were contacted. Members of the Press Trust of India, Women’s Feature Service and Indo Asian News Service were also contacted. Outreach of members of the electronic media extended to Sahara, NDTV, India TV, IBN, Doordarshan, Zee News and Aaj Tak. The other preparatory activities included drafting and circulating press invites, compilation of material for press kits, coordination with the office of President, ICC, in The Hague, and preparing press releases. The rapport-building efforts with Delhi-based media persons working on covering issues such as human rights, law and geo-politics contributed not only to the success of the press conference held in December 2005, but also to future media outreach on the issue.

Press conference and Public Seminar on ICC & India, 9 December 2005, Delhi

This press conference was held in association with partner organizations working on issues of law, justice and human rights. Judge Philippe Kirsch, presiding judge of the ICC, situated in The Hague, The Netherlands was the main speaker for the event. He spoke about the need for the International Criminal Court, the features of the Court which make it well-suited to meet that need, the challenges that the Court faces in carrying out its mandate, the present situations that the court is studying and what will be required for the ICC to succeed. His speech was followed by questions and answers on issues including the location of the ICC, whether it would respect the principle of sovereignty, the status of the ICC under international law, role of the United States with regard to the ICC, the purpose of his visit to India, special provisions for rights of accused, victims, women and children and the geographic representation in the ICC. Subsequently, two speakers - Ms. Vahida Nainar and Dr. Usha Ramanathan - outlined the efforts to integrate a gender perspective into the statute creating the ICC, the significance of ICC in providing justice for grave violations of women's rights, and the significance of the standards on human rights that the ICC statute has set. Reasons for India's abstention on the ICC Statute in Rome, its misguided fears with regard to the ICC, and the potential that lies with India to contribute to this important international judicial institution were also discussed. This was followed by a round of questions. This press conference had the participation of over fifteen media persons representing mainstream newspapers and the electronic media, as well as several advocates of the Supreme Court, and representatives of non-governmental organizations.

This press conference gave the ICC-India campaign an excellent opportunity and context by which its media outreach activities could be commenced.

The press conference was reported by The Press Trust of India, The Hindu, The Times of India, Hindustan Times, The Telegraph and The Statesman on 10
December 2005, an exclusive interview with President Kirsch that was facilitated by ICC-India was published in *The Hindu* on 12 December, another interview with President Kirsch was published by *The Times of India* on 15 December. Reproduced below are some of the reports of this press conference.

One of the immediate follow up activities undertaken was to collect and compile the press reports of the event, and also to establish contacts with participants who had attended the event. The first engagement of the ICC-India campaign with the print and electronic media has infused confidence in media outreach, leading to a continued association with the media for strengthening the campaign and extending its activities related to information dissemination.

**Press Conferences and Meetings held in 2006**

**Orissa**

On 18 January 2006, a discussion-meeting on ICC & India was organized at Utkal University, Bhubaneshwar. [For details please refer chapter two] Subsequent to the meeting, an informal discussion with press persons from three local newspapers was held, following which they carried a write up on the issue in the subsequent days.

A seminar on Media & Human Rights was organized by the Post-graduate Department of Journalism & Mass Communication of the Academy of Management and Information Technology, Bhubaneswar on 24 January 2006. Saumya Uma, Coordinator of ICC-India was invited as a resource person. Participants included students and faculty members of the department. The discussion on media and human rights was followed by a screening of the film 'If Hope Were Enough', followed by a discussion of the ICC & its relevance to human rights in general and women's rights in particular. Although this was not a press conference, media outreach for the event was immense, especially since the event was organized by an institution working on journalism and mass communication. The event was covered by E TV, a television channel. It was also covered by several local newspapers in English and Oriya.

**Bangalore**

On 31 January 2006 a press conference on International Criminal Court and India was held at the Bangalore Press Club in collaboration with People’s Watch Tamil Nadu and South India Cell for Human Rights Education & Monitoring (SICHREM). Vahida Nainar, Advisor of ICC-India and Saumya Uma, Coordinator of ICC-India, addressed the media at this event. The speakers highlighted the following aspects: what is the ICC, what it sought to do, the crimes it sought to prosecute and its present status of ratification / global support. They then elaborated on the integration of a gender perspective, which is historic, as well as the international campaign on the issue. In response to questions from the media persons, the exact procedure that the ICC would follow, the manner in which the ICC would complement the Indian legal system, the basic...
Living up to the legacy of Nuremberg

With 100 countries on board, the International Criminal Court is slowly negotiating the hurdle of universality. But with countries like the United States (and India) outside its purview, how effective will it be in dealing with war crimes, aggression, and terror? In an exclusive interview to The Hindu, ICC president Philippe Kirsch speaks about the court’s limitations but stresses the work has got off to a good start. Excerpts:

Siddharth Varadarajan

In a recent speech on the 60th anniversary of the Nuremberg trials, you said the international community has failed to live up to the “accumulated will” of all other crimes. Isn’t the absence of aggression from the mandate at least till 2005, if not later—a fatal flaw?

The Nuremberg trials were a response to crimes committed on a massive scale, which had tremendous consequences not only on individuals but on international peace and stability. It became clear you need to have a mechanism when national institutions were unable to try those most serious criminals, and while some individuals were opposed, for example, to a whole population. That idea led to the thought that if further crimes were not to be committed, it would be good to have a permanent institution. The Rwanda and Yugoslavia tribunals showed international criminal justice could work, but they had inherent limitations. They were created for a particular situation, they were retrospective. In any event, those tribunals could not achieve what is one of the aims of international justice, the creation of a culture of deterrence. Eventually, that led to the creation of the ICC. It was created by treaty and there was no question of it being imposed, it is prospective and not retrospective, it is not specifically directed to any particular situation, and it is open, it is available, it does not depend on any political decision of a few states at the time.

Aggression, as you know, is listed among the crimes, but is not yet operational because it has not been accepted. It’s absence today is a lack, but I don’t think the jurisdiction is defined clearly for that reason. First, aggression implies an international act, an attack by one state on another.

When you see the situation of Rwanda, or Cambodia, or the situation within former Yugoslavia, in many cases there was no political decision. You might not have aggression, but they were committed and national systems did not function at all. The second point is that an attack is committed by a state against another, and even if the attack is not covered, all the crimes that may come with an attack—war crimes, almost always, crimes against humanity, systematically—are covered under the statute.

So an attack of the kind that took place on Iraq, say, would be covered by the kind of situation you are talking about?

As a judge of the ICC, I cannot comment on specific situations. I am bound to deal in concepts.

You have described the ICC as an independent body and impartial tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR). One of the key elements of the ICTY was the seemingly political manner of the conduct of its operations. Are we seeing the same thing? For example, its refusal to take up the case of the killing of Yugoslav journalists by NATO when the state was a benevolent TV station in 1999. What is different about the ICC’s system of taking up cases that could not be pursued by the prosecutor on the grounds that the crimes were not right, or the timeframe was not right, or that the situation involved involved no state party. So there is already a clear decision to stick to the statute. Now the case hypothesis—case you are raising—is a real case. The only hypothesis is his decision to move the ICC.

Right, the kind of case you are raising involves a situation where all states are parties where, technically, the court has jurisdiction. But then comes the element of gravity. Take crimes against humanity, you have a list of crimes, starting with murder. Now, any murder is not a crime against humanity. For a murder to be a crime against humanity, it has to be committed in the context of a systematic, widespread attack against a civilian population, and that attack has to be in application of a policy of a state or organization, and the perpetrator has to know that. That is an extremely high threshold. The business of the ICC is not to take up isolated issues like this. One of the aims of the ICC is to prevent genocide, war crimes, crimes against humanity—they all reflect crimes of a widespread nature. If the ICC began to deal with isolated incidents, it would not only be a mistake, it would be against its mandate, its mandate being the high-level commission of crimes.

Do you think the fact that major countries like the U.S., India, China are not signatories affects the credibility of the court?

I have always been convinced the aim of the ICC has to be to reach universality. It is a matter of principle and a practical matter, because you have constraints over its jurisdiction that eliminate certain situations if states are not a party. Now, there are a number of states that have not been as convinced as the 180 ratifiers that the legal foundation of the system is insuperable. I think if states want to wait, it is their national decision, but that would not be the answer to this by any way the ICC behaves. If the ICC behaves in an absolutely and exclusively judicial way, without any trace of politicisation, at that point, support for the ICC by states which are hesitant, is bound to increase.

The U.S. is one of those countries that feel the process could be political, it is signing agreements with parties to ensure its citizens are never brought before the court. Is there a danger that in your concerns to do this, you are undermining your original target? The U.S. and the court and its system will receive partial cases that are not under the mandate but where the U.S. would take an adversarial view, such as the case I mentioned of Mr. al-Marri? This is not an isolated case as you seem to suggest, but part of a host of existence in the last two to three years of the customary norm against torture being violated by the U.S. You have official memos that advocate a certain interrogation system to those not isolated instances.

We are not trying so hard to convince the Americans we are not political. The court behaves in a judicial way because that’s its job. To be political would be against its mandate. It is not a matter of diplomacy but of judicial administration. For the broader point you are raising, as I see it, first, the ICC cannot intervene in situations which concern non-state parties. But second, the ultimate criticism for anything the ICC does now is gravity.

But if I may interject, the allegations of torture or torture involving flights to and/or torture in countries that are signatories, which would suggest geographical jurisdiction would not be so much of a problem. And the fact that is, is not just one incident but many would suggest these are not isolated instances.

I cannot substitute myself for what the prosecutor is doing. The prosecutor has received four situations formally and has his hands full. As a result of these 1600 communications, he is also monitoring eight other situations that are not public, that are not known to me. There is a separation of powers. But certainly I can see that there is a great deal of confusion over the policy so far, which is, that he focuses his efforts on the gravest situations, how that will be applied to situations I cannot say.

On jurisdiction, Afghanistan is a signatory. If Afghan citizens make allegations against soldiers from other countries, there would be no problem of physical jurisdiction, right?

Yes. And notwithstanding any immunity agreement the Afghan government may sign, with these coalition countries, I can’t talk about that. That’s the kind of question that may come before the court for decision. I cannot give an opinion on that now.

Earlier this year, the Iraqi government revoked their intentions to join the ICC. What arguments would you like to make to tell the Iraqis they should be part of the ICC?

I cannot comment on any specific situation on any specific state. I think...

What are the Iraqi objections?

I have not heard anything. All I heard was that they were going to ratify the week later they said they were not going to.

What do you think happened in that week? I don’t know. Ask the Iraqis. (laughs)
principles related to its functioning, concerns of the Indian government and work of the Indian campaign on the issue were highlighted. The event was attended by eleven media persons and was covered in at least two local newspapers. The conference generated interest among media persons on the issue of ICC and its relevance to India and was an opportunity to disseminate information on the issue among media persons, particularly those based in Karnataka.

Guwahati

On 3 March 2006, a press conference on ‘Setting New Standards for Mass Crimes: Relevance of International Criminal Court’ was held in Guwahati by the ICC-India campaign in collaboration with Citizens’ Collective, Guwahati. Dr. Subhran Rajkhowa, President of Citizens’ Collective and Reader in Law, Guwahati University and Saumya Uma, Coordinator of ICC-India, addressed the media at this conference. Dr. Subhran Rajkhowa commenced the press conference by appraising the

The International Criminal Court, based in The Hague, has more than 100 countries as members, including practically the whole of Europe. Yet, India and the US, the two largest democracies, have kept away from this court set up in 2002 to deal with mass crimes. Phillipe Kirsch, president of the ICC, speaks to Manoj Mitta on how it is in India’s interest to become a member:

- Has the ICC been able to live up to the expectations with which it was founded?
  
  The ICC was created to bring the perpetrators of the worst crimes such as genocide and crimes against humanity to justice. Three and a half years after its establishment, the ICC is a fully functional court. Three countries have brought situations on their territories before the court — Uganda, Democratic Republic of Congo and the Central African Republic. The Security Council has referred the situation in Darfur (Sudan) to the ICC. The court has issued its first arrest warrants against five leaders of a rebel group in Uganda. The next step is to put the indicted persons on trial. In order to do so, we now need cooperation from states to arrest them.
- Will the jurisdiction of the ICC clash with the powers of sovereign nations?
  
  The jurisdiction of the ICC is limited. The court can only prosecute crimes committed on the territory of a state party or by a national of a state party. In addition, states retain all their rights to prosecute such crimes. The ICC will only take up a case if a state does not act. The ICC is a court of last resort and does not infringe on sovereign rights of states. The statute of the court is also drafted in such a manner as to exclude any possibility of politically-motivated prosecutions. There are numerous checks and balances to ensure that the court will only deal with the most serious crimes. There are also comprehensive rules to protect the rights of the accused and any state which may have an interest.
- How do you think India will benefit by joining the ICC?
  
  The ICC contributes to deter crimes committed on a very large scale. In doing so, the ICC will contribute to stability and security. This is certainly in India’s interest as an important power. Only states that have joined the court can play an active role in its development. For example, member states will have to decide in the coming years whether crimes such as terrorism and drug-trafficking can be punished by the ICC. With its rich legal tradition, India would be in an ideal position to contribute to the court and its development.
participants on the ICC, its significance, the crimes it prosecuted, and how a situation could be referred to it. Saumya Uma then talked about the relevance of this institution to human rights in India, as well as the Indian government's concerns with regard to the ICC. In response to questions from media persons, linkages were made between challenges and issues faced in the North Eastern states, particularly with regard to impunity for mass crimes, the effort to repeal the Armed Forces (Special Powers) Act and the ICC. Saumya Uma elaborated on the definitions of war crimes and crimes against humanity, as stated in the Rome Statute creating the ICC, and illustrated the need for incorporating these into the Indian legal system. Discussion also focused on laws and rules related to non-international armed conflict, and how they would benefit civilians by regulating behaviour of both warring groups. Participants were also keen to know the work of civil society on the issue, and the achievements and challenges faced by the ICC-India campaign. One significant aspect of this press conference was that from the eighteen media persons who attended, a majority of them were from the local (Assamese) press. The press conference provided an excellent platform to take the issue of ICC and its role as a standard-setting mechanism for mass crimes, to media persons situated in and covering human rights issues pertaining to the North Eastern states of India.

PRESS REPORTS OF INFORMATION DISSEMINATION PROGRAMMES OF ICC-INDIA

A Report of the first event with parliamentarians, organized by the campaign, was included in ICC Monitor - a newsletter brought out by the Coalition for the International Criminal Court (CICC), with a readership that spans across the world.

Subsequently, the success of the press conferences organized by ICC-India gave the campaign the impetus and confidence to invite media persons to information dissemination programmes conducted by it. Please find below press reports of workshops on ICC held at Ahmedabad and Chandigarh in 2006 and Muzaffarnagar in 2007.

CHANDIGARH TRIBUNE 19-01-2007

Chandigarh, November 25
A workshop on "The International Criminal Court: relevance and challenges for India" was held at ICCSR Complex, Punjab University, here today. The workshop was organised by the Indian campaign on International Criminal Court (ICC) in association with the Lawyers for Human Rights International, a Chandigarh-based human rights organisation.

The main speakers were ICC-India Campaign Coordinator Saumya Uma, lawyer researcher Dr Usha Ramathan, Vindra Grover and Navkiran Singh.

Navkiran Singh highlighted the Punjab experience with regard to absence of accountability for mass cremations.

The next session discussed the accountability for mass crimes in India, wherein Saumya Uma, Vindra Grover and Dr Usha Ramathan talked about the history of mass crimes, current legal framework, challenges being faced and relevance of the ICC in the face of these mass crimes.

Loopholes in the current legal system that helped perpetrators to remain accountable for their crimes were discussed.

It was expressed that the ICC-India campaign, commenced six years ago, focuses primarily on information dissemination, research and publication.
Left to right: Judge Philippe Kirsch, presiding judge of the ICC, Ms Vahida Nainar and Dr. Usha Ramanathan - advisors and founder members of the ICC-India campaign, addressing a press conference, Delhi, 9 December 2005.

Participants at the press conference and public seminar on ICC and India, Delhi, 9 December 2005.

Saumya Uma talking to the media after the discussion meeting on 'International Criminal Court and India', Bhubaneswar, 18 January, 2006.

Towards Accountability for Mass Crimes
Saumya Uma presenting to students and faculty of the Academy of Management and Information Technology, Bhubaneswar, 24 January 2006.

Saumya Uma (left) and Vahida Nainar, speakers for the Press Conference on 'International Criminal Court and India', Bangalore, 31 January 2006.
कानून में बदलाव की सख्त जस्तूट

मुझसफरनामा। ‘मानवाधिकार एवं अंसारीत दर्पण न्यायालय’ विवाद पर चर्चा करते हुए अधिकारियों ने इस कानून में बदलाव की सख्त जस्तूट कही। मुख्य अधिकारियों एवं उच्चस्तर न्यायालय के अधिकारियों का अनुमति प्रदान करने पर मानवाधिकार के उल्लंघन का एक ज्यादा समर्थन करा दिया।

गृह नाटक का निर्देशक ने आरक्षी लिखी, जिन्हें जान से ही घटना का ही ध्यान रखा गया। समाज को इस हाल में जिन्होंने सिखाया एक सेंसेशन बार एकीकरण के तत्वांतरण में सेमिनार का आयोजन किया है। बुध दिन ने हलनुमा काफी कहा, आसाम में हिंदी भाषा के नरसंहार शर्म और पुलिस अधिकारियों की ओर से गंभीरता ने लिया भूल। जब नवासर एवं नागरिक दंगों में हुए नरसंहार, उन्होंने नरसंहार के लिए प्राविधिक अधिकारियों की मानसिकता और न्याय के मिलन लाते उसके लिए उत्साहित किया।

इस लेख पर प्रोफेसर हरमल सिंह, चंद्रगुप्त शर्मा, पीरोस लामिया, मुम्बई कूटने कूटने, नीरज शासि ने अपने विचार रखे। समीक्षा में दीनदयाल कॉलेज आकादल के छात्र कसमखाना में उपस्थित हो रहे कार्यकर्ताओं के आयोजन और परिचालन में दादर सिद्धार्थ दिनसेंगा।

Media Outreach
Ever since the commencement of media outreach, the campaign has engaged with the electronic media, both during the press conferences it has conducted and the information dissemination programmes organized by it. The first press conference organized by the campaign in Delhi in December 2005, titled 'The International Criminal Court: Contributions India Can Make', was aired in television channels including CNN-IBN. In the subsequent year, a discussion meeting on ICC & India was held at Bhubaneswar under the auspices of Utkal University. The event as well as an interview of panelists was aired on Doordarshan (national) on 19 January 2006 at prime time, as well as by Orissa television (OTV) - a state level media channel. A subsequent event in Bhubaneswar on 'Media and Human Rights' on 24 January 2006, which involved a discussion on the ICC, was aired in ETV - another state level media channel in Orissa.

On 17 July 2007, against the backdrop of the World Day for International Justice, a one hour programme on ICC was aired live in an Indian television channel called Lok Sabha TV. Dr. Usha Ramanathan (law researcher, Delhi) and Vrinda Grover (human rights advocate & activist, Delhi) were the panelists for the programme and elaborately talked about the ICC as a mechanism for international justice, the context which necessitated its creation, its relevance in today’s world, the Indian government’s concerns and ICC’s relevance to the human rights context in India. Saumya Uma (Coordinator, ICC-India, Mumbai) was contacted by telephone. She spoke on the importance of awareness-raising in India and the objectives and activities of ICC-India campaign, which were more than only ensuring the accession of India to the ICC Statute. She emphasized the need to use ICC as a standard-setting mechanism to strengthen the domestic legal system.

Other persons whose short interviews featured in the programme include O P Vaish (Senior Advocate, Supreme Court), Harsh Dobhal (Managing Editor, Combat Law) and Mr. Surat Singh. The programme included a video presentation about the ICC, interview of laypersons to gauge the level of awareness about the issue among Indians, and a facility for viewers to make phone calls and ask questions to the speakers.

The one-hour programme is the first of its kind squarely on the ICC in an Indian television channel, and is a major milestone for the ICC-India campaign in its seven years’ effort at improving the visibility of the issue in the Indian media. The achievement is augmented by the fact that it was aired in Lok Sabha TV - a dedicated satellite channel owned by the government to telesat live proceedings of Lok Sabha (lower House of Parliament). It airs programmes of national interest when the parliament is not in session. Since it is not a commercial channel, its viewership consists of people who are interested in national and international issues of importance.
APPENDIX C

A LETTER CAMPAIGN AFTER THE GUJARAT CARNAGE

14 May 2002

Dear friends,

Sub: Gujarat & ICC: A Letter Campaign

The recent violence in the state of Gujarat in West India, where members of the Muslim minority have been targeted, has shocked the world community and has left a deep scar in the history of secular India.

On Feb 27, 2002, 58 people, including activists and supporters of the Vishwa Hindu Parishad (VHP) died when a bogie of a train, Sabarmati Express, was set on fire in Godhra, Gujarat. VHP is a Hindu fundamentalist outfit. The perpetrators were allegedly Muslims who were provoked and harassed by supporters of the VHP in the preceding days. The Godhra massacres were followed by a spate of violence that has been unleashed on Muslims throughout the state. The violence includes killings, sexual violence, arson and lootings, all aimed at the Muslim religious minority within the state. From the reports prepared by various groups, it is clear that the violence unleashed is the execution of a systematic, planned, state-sponsored programme of carnage. For more details of the attacks, please find attached detailed reports on the violence. The report of the Human Rights Watch “We Have No Orders to Save You” can be accessed at www.hrw.org/reports/2002/india

The National Human Rights Commission called upon the government of Gujarat to submit a report on the violence within three days on March 1, 2002. A report was received from the state government on March 11, 2002 but was rejected by the NHRC as “perfunctory.” A satisfactory report was submitted more than three weeks later on March 28, 2002. In responding to the blatant violation of human rights, the Gujarat government has set up an enquiry commission headed by a retired High Court judge. However, the secular credentials of the judge are being questioned by several persons and organisations. Independent reports indicate that the police force which has to carry on investigations into the violence for effective prosecutions to take place, is biased, communal, has acted in a partisan manner, and is itself guilty of participating in the attacks. The state complicity in the carnage and the partisan nature of the police has undermined the faith in prosecuting the perpetrators through the Indian legal system.

Many of us within India, who are determined to make the perpetrators accountable for the crimes, are worried that they may not be effectively prosecuted within the Indian legal system. Domestic legal sanctions do exist to punish perpetrators and deter future perpetrators of heinous acts such as those committed in Gujarat. However, persons who have massacred minority communities within India, namely the Sikhs in 1984, Muslims after the demolition of Babri Masjid in 1993 and Christians in the last few years, have escaped the clutches of domestic law due to state complicity in the crimes. These instances illustrate the Indian government’s unwillingness and inability to prosecute the offenders time and again.

The violent acts in Gujarat attract the definitions and ingredients of “genocide” and “crimes against humanity” stated in the Rome Statute quite clearly. The reports of fact-finding missions substantiate this. In 1998, the Indian government abstained from voting on the Rome Treaty establishing the ICC. Subsequently, there has been no apparent move to ratify the Treaty. The Indian government has haughtily brushed aside legitimate international concern towards the situation in Gujarat. However, India, in principle, recognises that there are some actions that necessarily invite international scrutiny. It is apt here to mention that the Indian government ratified in August 1959 the UN Convention on the Prevention and Punishment of the Crime of Genocide, 1948 (which contains a similar definition of genocide). In fact, it was one of the prime movers of the Convention in 1948. It is therefore additionally duty-bound to prosecute and punish the offenders, irrespective of their position.

There is an urgent need to persuade the Indian government to prosecute all offenders as well as to accede to the Treaty establishing the ICC, especially in the wake of the Gujarat violence. It is clear that the ICC statute will have no retrospective jurisdiction, and hence will not directly impact the prosecution of offenders in the Gujarat carnage. However, many of us in India are convinced that the wave of awful violence that has swept Gujarat can spread elsewhere in India too. It is important to have international legal mechanisms, such as
the ICC, in place in order to terminate the culture of impunity within the country. Please write to the Indian government and express your concerns in this regard. Your letters would go a long way in supporting the Indian campaign on the ICC. The addresses of persons to whom you can send the letter are stated below.

In solidarity,
Saumya Uma
Coordinator, ICC-India

Persons to whom the letters can be directed:
Mr. Atal Bihari Vajpayee,
Prime Minister of India
Prime Minister’s Office
South Block, New Delhi 110001
Email: pmosb@pmo.nic.in

Mr. L.K. Advani
Minister,
Ministry of Home Affairs
North Block, Central Secretariat,
New Delhi - 110 001

Mr. Arun Jaitley
Minister,
Ministry of Law, Justice & Company Affairs
4th Floor, A-Wing, Shastri Bhavan
New Delhi - 110 001

Sonia Gandhi,
Leader of the Opposition
10, Janpath,
New Delhi 110001.

Mr. Justice J.S. Verma
Chairperson,
National Human Rights Commission
Sardar Patel Bhavan,
Sansad Marg, New Delhi-110001.
email: chairnhrc@nic.in

Dr. Poornima Advani
Chairperson,
National Commission for Women
4, Deen Dayal Upadhayaya Marg,
New Delhi-110 002.
email: member_secretary@ncw-india.org

Justice Mohamed Shamim
Chairperson,
National Commission for Minorities
5th Floor, Loknayak Bhawan,
Khan Market,
New Delhi - 110 003,
email: aoncm@ncm.delhi.nic.in

This letter was sent by email to supporters of the ICC campaign as well as human rights activists worldwide.
APPENDIX D

ICC-INDIA’S PRESS STATEMENT, 12 JULY 2002

ICC-INDIA: THE INDIAN CAMPAIGN ON INTERNATIONAL CRIMINAL COURT

PRESS STATEMENT, 12 July 2002

SHOCKING MOVE BY THE INDIAN GOVERNMENT

While the ICC Statute has come into force with effect from 1st July 2002, after reaching sixty ratifications within an overwhelmingly short period of time, the United States has been involved in an attempt to exempt all peacekeepers involved in peacekeeping operations of the United Nations from the jurisdiction of the ICC undermine the ICC.

In its latest attempt to seek such an exemption, through an open debate in the Security Council on 10th July 2002, it was supported by a single country – India. Though India has not signed the ICC Treaty, and is not yet convinced of the urgent need for an ICC, it was expected to do so with a passage of time. At the very least, it was not expected to hamper the effectiveness of the ICC, which has receiving overwhelming international support.

The Rome Statute of the ICC provides jurisdiction over some of the most serious crimes of concern to the international community. These crimes are so serious that the drafters of the Rome Statute consciously excluded immunities, even for Head of State or official acts. This basic and important principle should then not be corrupted in practice with respect to UN peacekeepers. Such an exemption would seriously undermine the legitimacy and credibility of the future Court, and its effectiveness in investigating heinous crimes that would otherwise be within its jurisdiction.

The United States is the only country that has been making several attempts to exclude its own peacekeepers from the jurisdiction of the ICC. Despite signing the Treaty last year, the US government recently sent a letter to the UN to indicate it will not become a party to the ICC treaty and considers that it no longer has obligations arising from the Statute.

It has also attempted passing a strong anti-ICC legislation in its Senate, and threatened to cut off military aid to countries that ratify the ICC treaty and would prohibit US cooperation even in a case of international terrorism. Given this recent history of the United States in its engagement with the ICC, it is appalling and shameful that India, which apparently stands for justice and rule of law, would join hands with it and be its sole supporter in undermining the efficacy of the ICC.

India’s shocking support to the US weakens the ability of the ICC to truly make a difference in preventing the commission of horrific crimes and providing justice in a fair and impartial manner when crimes do occur. ICC-India strongly condemns the act of the Indian government. Further it hopes that India will rethink further support for such a move, which would undoubtedly alienate it from the global community and question its commitment to human rights.
At a time when eighty-seven countries around the world have shown their support for establishing the International Criminal Court (ICC), India has moved a giant step backwards. On 26th December 2002, it entered into an agreement with the United States not to extradite each other’s nationals to "any international tribunal without the other country’s express consent." The agreement has been signed at the initiative of the United States and gives a tremendous boost to the US efforts at sabotaging the establishment of the Court.

On 10th July 2002, India was the only country to enthusiastically support an American resolution in an open debate in the Security Council at the United Nations aimed at exempting its peacekeepers from the jurisdiction of the ICC. The debate ended with the Security Council passing a resolution that exempts all peacekeepers from the jurisdiction of the ICC for a renewable period of one year. With peacekeepers already exempt, one is left to question India’s motive to enter into such an agreement as expressed by the Indian Foreign Office spokesman—that India has concerns relating “to its Army personnel involved in international peacekeeping operations.”

The anti-ICC efforts of the US government have invited sharp criticism from the international community. The European Union has denounced the American “impunity agreements” as inconsistent with international law. Despite the arm-twisting tactics used over less than two years, the United States has managed to secure such agreements from only sixteen countries. However, the agreement with India is its major victory as all other agreements have been with small and economically developing countries.

Human rights defenders from India advocating for the ICC reacted strongly against the agreement. Vahida Nairn, a lawyer and activist involved in a larger effort to integrate gender concerns in the ICC for the past four years said, “The agreement marks an unprecedented shift away from India’s emphasis on justice, human rights and rule of law in global politics. It is deplorable to watch India wear the imaginary garb of a superpower and align itself with the US interests.”

“ICC-India”, which initiated the Indian campaign on ICC two years ago, today finds growing support from the Indian human rights movement towards ratification of the ICC Treaty. Mihir Desai, Executive Director of India Centre for Human Rights and Law, Mumbai, said: “India's ratification of the ICC Treaty is a way of creating an international obligation for criminal acts committed by persons within the country.” Henri Tiphagne, Executive Director of People’s Watch – Tamilnadu, comments: “The urgent need for a campaign on the ICC in India arises from the need for accountability, justice and rule of law.”

The recent International Initiative for Justice in Gujarat has demanded in its interim report that India accedes to the Rome Treaty of the ICC and simultaneously introduces its provisions in domestic law. Ms. Nairn continued, “Seen in the context of the genocidal pogrom unleashed against the minorities in Gujarat since February this year, the agreement is an effort to avoid applicability of international jurisdiction for the most heinous crimes, one of the fundamental principles of customary international law, over its nationals, particularly those with political clout and patronage.”

ICC-India: The Indian Campaign on International Criminal Court, Post Box 6830, Santacruz (E), Mumbai 400 055

Tel: (022) 26100400 / 26155031 email: iccindia@indiainfo.com Contact person: Saumya Uma
RESPONSE SENT BY THE ICC-INDIA CAMPAIGN

13 September 2004

To
Letters
C/o The Resident Editor
Times of India
D.N.Road, Mumbai 1

Dear editor,

I am writing in response to the article ‘Security Council role in ICC working opposed’ (7 September 2004). The article carries inaccurate statements about the functioning of the International Criminal Court, which ICC-India: the Indian campaign on ICC, wishes to counter.

- The article says the ICC Statute “gives the council a role in terms that violate international law” and that the UN Charter “did not give the Council the power to set up international criminal courts”. The fact is that the ICC has NOT been set up by the Security Council. The ICC is a treaty-based body – an independent judicial institution, and hence is not a part of the U.N.

- The article also says that the “council has often tried to block or bind non-state parties through the court.” This is surprising, as the ICC has begun functioning only recently and is yet to try its first case. So there exists no history of the Security Council doing so in reality.

- The article further states that the ICC has violated the Vienna Convention on the Law of Treaties by binding non-states parties. This is a fundamentally flawed argument. First, the UN Charter, and thus the Chapter VII powers of intervention (for maintenance of international peace and security), have the authority of universality at customary international law. Secondly the authority afforded the Security Council by the Statute has already been exercised in the establishment of the ad hoc International Criminal Tribunals, the ICTY and ICTR, under Article 42 of the Charter in order to protect international “peace and security”. Thirdly, it is incorrect that the ICC would exercise absolute jurisdiction over individuals whose nationality is that of a non-state party to the treaty. In cases other than those referred to the ICC by the Security Council, the Court is empowered to exercise its jurisdiction by Article 12 either with the consent of a State in whose territory the crimes were committed or of the State of nationality of the accused.

Incidentally, the ‘ICC Treaty violates states parties’ consent’ is an argument that the United States has used to exempt itself from the rule of law. We in India should not be using this argument when we want to make the powerful countries accountable for the heinous crimes they commit.

The article ends with an acknowledgment of the fact that India does not have a fair justice delivery system, and further comments that it would be an embarrassment to India if we get model dispensation of justice from the ICC. If it would cause India embarrassment to wash its dirty linen in public, it should make sure its own laundry systems are sound. Dispensing justice domestically in a fair, efficient and impartial manner is the best safeguard against being made accountable in any international forum, including the ICC. Perhaps we should channel our efforts into improving the Indian justice system. Lastly, parts of the article are repeated verbatim from the concerns expressed by the head of the Indian delegation, Mr. Dilip Lahiri, at the Rome Conference on 17th July 1998. We wonder if the Indian mindset has remained static from 1998 to 2004, while the international community has taken giant leaps forward and endorsed the ICC as a welcome step to end impunity worldwide for heinous crimes?

Saumya Uma,
Coordinator, ICC-India
To 
Letters 
C/o The Resident Editor 
Times of India 
D.N.Road, Mumbai 1 

Dear editor,

We are writing in response to the article ‘International court needs to come out of UN control’ (Nov. 29). We at ICC-India: the Indian Campaign on ICC, are concerned that within a span of three months, this is the second article (the first was ‘Security Council role in ICC working opposed’, Sept 7) wherein the premise that ICC is under UN Control is flawed. On July 17, when the US voted against the Rome Stature along with six others, 120 nations voted in favour of the International Criminal Court.

ICC is an independent judicial institution bound not by the UN Charter but by its own statute. The article goes on to say that it cannot move on its own and that it has to be approached by two authorities—the Security Council or its prosecutor. It also states that the ICC cannot take up individual complaints if they are made from countries which have an established justice delivery system. However, whilst the Security Council may refer a situation to the ICC, investigations and prosecutions can also be initiated by:

a) Referral to the court by the state parties themselves.

b) The prosecutor can initiate an investigation into a crime that has been brought to his or her attention. This in itself is the court's inherent jurisdiction. The office of the prosecutor is an independent organ of the court with powers to receive information on crimes within the jurisdiction of the court.

Moreover, the ICC stature does not bar individuals in countries with an established justice delivery system from sending the chief prosecutor information of alleged crimes within the jurisdiction of the court.

— Vahida Nainar and Pouruchisti Wadia, ICC-India
6. NETWORKING AND OUTREACH

Networking and outreach has been an important activity of the ICC-India campaign, aimed at alliance-building and expanding the support base for the campaign. In the last seven years of its existence, the campaign has worked in collaboration with many like-minded individuals, organizations and institutions, in its efforts to create a platform for discussing the ICC and its relevance to India, particularly in the context of impunity for mass crimes.

COLLABORATIVE ACTIVITIES WITH LIKE-MINDED ORGANIZATIONS

The campaign has been able to conduct its information dissemination, research and advocacy-related activities in different parts of the country and with varied groups of beneficiaries, through collaborative activities with like-minded organizations. By doing so, the campaign has drawn upon the wide experiences, expertise, contacts, insights and initiatives of other organizations and networks, and integrated the same with the campaign. A list of some organizations and institutions that the campaign has collaborated with or is in contact with for future collaborations is given below:

NON-GOVERNMENTAL ORGANIZATIONS (EXCLUDING CAMPAIGN PARTNERS)

Asmita (Secunderabad), PUCL-Karnataka, Commonwealth Human Rights Initiative (New Delhi), Haq Centre for Child Rights (New Delhi), National Campaign for Dalit Human Rights (New Delhi), The Other Media (New Delhi), South India Cell for Human Rights Education and Monitoring (SICHREM) (Bangalore).

EDUCATIONAL INSTITUTIONS

St. Xaviers’ Institute of Communications (Mumbai), Research Centre for Women’s Studies, S.N.D.T. Women’s University (Mumbai), College of Social Work Nirmala Niketan (Mumbai), I.L.S. Law College (Pune), National Law School of India (Bangalore), Rajiv Gandhi National University of Law (Patiala), National Law University (Jodhpur), University Law College (Guwahati), Department of Journalism & Mass Communication, Academy of Management & Information Technology (Bhubaneswar), Post-graduate Department of Psychology, Utkal University (Bhubaneswar), National Academy of legal Studies and Research, (NALSAR) School of Law (Hyderabad), National University of Juridical Sciences (NUJS), (Kolkata).

OTHERS

International Committee for Red Cross – South Asian delegation, Indian Society for International Law, Bar Association of India, Muzaffarnagar District Bar Association, Parliamentarian Group on Human Rights.

CAMPAIGN PARTNERSHIPS

In 2005, the campaign started enlisting partnerships from like-minded organizations and individuals, in an effort to formalize the loose network of organizations that has been supportive of the campaign. The partners of ICC-India are of two types: individuals and organizations, including non-governmental organizations and activist groups working on various issues of human rights, based in several parts of the country. By becoming a partner of the ICC-India campaign, the organizations have expressed their concern for growing impunity for mass crimes within India, support to the ICC principles, acknowledge the need for an awareness and advocacy campaign in India, and undertake to contribute to and participate in the activities of ICC-India within the capacities of such individuals and organizations. Many of the partner organizations have helped collaborate with the secretariat of ICC-India in organizing and conducting information dissemination programmes and press conferences, either prior to or subsequent to their partnership. [Please refer to Appendix H for a profile of organizational campaign partners.]

ALLIANCES AND ASSOCIATIONS AT REGIONAL AND INTERNATIONAL LEVELS

1. The Coalition for International Criminal Court (CICC) – is an umbrella organization consisting of more than 2000 organizations from all parts of the world. ICC-India campaign is a member of the CICC, based in New York. The Indian campaign works closely with the CICC headquarters in sharing resources and information with regard to the campaign at the international and Indian spheres.
2. **International Federation on Human Rights (FIDH)** - is a Paris-based international human rights organization that has engaged with the ICC since prior to the Rome Conference in 1998. It is a member of the Steering Committee of CICC. In 2004, when the World Social Forum was held in Mumbai, FIDH organized a workshop titled “Globalization of Justice: The International Criminal Court”. ICC-India co-organized the event along with FIDH and other human rights organizations, and particularly contributed to conducting the panel discussion on India & the ICC.

3. **Parliamentarians for Global Action (PGA)** - PGA is a dynamic network of more than 1300 legislators from 117 parliaments engaged in a range of action-oriented initiatives that pro-mote democracy, peace, justice and development throughout the world. It is based in New York and is a member of the Steering Committee of CICC. ICC-India has been in close contact with the PGA particularly with regard to its information dissemination and outreach activities with Indian parliamentarians.

4. **Women’s Caucus for Gender Justice** - It is a network of organizations and individuals in existence from the years 1997 - 2003 to advocate for a gender perspective in the negotiations toward the ICC. Its work in gender mainstreaming in an international treaty is exemplary. In 2001, it conducted a 3 week Trainers’ School on Gender and International Justice Mechanisms in Amsterdam, which the Coordinator of ICC-India had the opportunity to participate in. A substantial part of the training program was focused on the ICC. Since the training was received at a formative stage of the Indian campaign, the insights derived from the training infused a much-needed perspective to the campaign.

5. **CICC’s Regional Program for Asia Pacific** - ICC-India has been closely associated with the Asian chapter of the CICC, based in Manila, Philippines, for the past five years. The association has been both in terms of sharing resources and information with regard to the international and Indian campaigns. Members of ICC-India have participated in regional consultations on the ICC organized by the same.

6. **Asian Forum for Human Rights and Development** - Popularly known as Forum Asia, it is a Bangkok-based regional human rights organization with 40 member organizations in 15 states in Asia. It was founded in 1991. It has co-organized annual regional consultations on the ICC. The campaign has had close interactions with Forum Asia during two regional consultations on ICC that were held in Bangkok in 2003 and 2005, which members of ICC-India participated in.

7. **Asian Network on ICC (ANICC)** - ANICC is a network of Asian organizations and individuals that campaign for the ICC. Based in Brussels, the network coordinates advocacy efforts in South Asian and Asian countries. The convenor of ANICC, Dr. Ahmed Ziauddin, is a member of the Board of Advisors of ICC-India. The Indian campaign has received continued support, encouragement and guidance from ANICC throughout its years of existence.

8. **Odhikar** - Odhikar is a Dhaka-based human rights organization in existence since 1994, focusing on monitoring and awareness-raising on violations of civil and political rights. It is the focal organization for the ICC campaign in South Asia. It has organized two South Asian consultations on the ICC, in 2004 and 2005, in which the ICC-India campaign participated actively. Through these consultations, Odhikar helped broaden the perspective of the participants to view the country campaigns in the light of the human rights situation, regional dynamics and challenges faced in the South Asian region as a whole.

"From its very inception MASUM has fought against all forms of torture & impunity, we are willing to carry forward the work of ICC-India campaign and try to strengthen this network with its small strength but rock-solid commitment. We on behalf of our organization appreciate the campaign with a network for India’s ratification of ICC. We stand strongly with other campaign partners for India's immediate ratification of the Rome statute on International Criminal Court."

– Kirity Roy,
President, Banglar Manabadhikar Suraksha Mancha (MASUM)
9. **Other organizations spearheading ICC campaigns in South Asia** - During the South Asian consultations on the ICC held at Dhaka, members of ICC-India interacted with other organizations spearheading the country campaigns in South Asia. These include Amnesty International and Society for Prevention of the Rights of the Child (SPARC) - an advocacy group on child rights based in Pakistan, Afghan Professional Alliance for Minority Rights (APAMR) based in Afghanistan and Informal Sector Service Centre (INSEC) based in Nepal. By way of an interaction with such South Asian organizations working on the ICC, ICC-India has benefited through a sharing of resources, perspectives and campaign strategies.

### PARTICIPATION IN REGIONAL AND INTERNATIONAL CONFERENCES

Acknowledging the need to do in-depth work in India but with regional alliances and contexts, members of the campaign have participated in conferences and consultative meetings at three levels - South Asian, Asian and international levels. Some of these are as follows:

- **ICC-India's founder members and advisors** participated in the Rome Conference on the ICC in June-July 1998, as well as two Preparatory Commission meetings for International Criminal Court, held under the auspices of the United Nations, New York, in March 2000 and April 2001. The participation in these meetings and deliberations gave an insight into advocacy work on the ICC at the international level. The experience derived from these meetings facilitated the initiation of the ICC-India campaign, and strengthened the resolve to work on the issue within the country.

- **ICC-India members attended and participated** in a three-week Trainer's School on Women's Rights and International Justice Mechanisms, Amsterdam in July 2001. This programme was organized by the New York-based Women's Caucus for Gender Justice, and helped build the capacities of ICC-India members in initiating ICC-related programmes on women's rights issues within the country.

- The coordinator of ICC-India was invited to participate in the 3rd Asian Regional Coordinators' Meeting and Experts Study Session on Implementation Issues, organized by Forum Asia and CICC-Asia at Bangkok, 7-10 July 2003. The meeting brought together national coordinators of campaigns in various Asian countries, such as Nepal, Bangladesh, Mongolia, Japan, Philippines, Indonesia, East Timor and Thailand. It facilitated an exchange of information and campaign strategies, and built the capacities of country coordinators to perceive the national campaigns within larger Asian and South Asian geo-political contexts.

- **Members of ICC-India** participated in an ICC workshop in Dhaka, organized by Odhikar – a Dhaka-based human rights organization, 28 April - 2 May 2004. The programme also included a South Asian strategy-sharing meeting among the country coordinators. Both the workshop and the meeting were beneficial to the Indian campaign, in terms of networking and outreach activities among South Asian countries. The programme also gave inputs for an annual work plan for ICC-India campaign to be chalked out.

- **Members of ICC-India also took part** in events and meetings around the Third Session of Assembly of States Parties (ASP) of the ICC, held in The Hague on 6 - 10 September 2004. The ASP meets annually, and convenes representatives of all States Parties to the Rome Statute as well as observers to discuss the progress of the ICC and other relevant issues. NGO strategy meetings held prior to the ASP were also attended. The participation helped gain insights into the strategies used and challenges faced in other countries, and to share information on the ICC-India campaign, thereby increasing the visibility of the campaign at an international level. An outcome of the meetings was a resolve to forge stronger links among the ICC campaigns in Asian countries.

- **In September 2004, ICC-India members** were invited to a two-day discussion meeting on 'Criminal Responsibility for Torture: A South Asian Perspective'. The meeting was organized by Odhikar in Dhaka. Though not directly on the issue of ICC, this event was linked closely to issues of impunity, rule of law, justice and accountability and hence the ICC. This meeting was beneficial to the Indian campaign in more ways than one. Firstly, it provided an opportunity to meet and interact with persons working on torture and impunity in other South Asian countries, including Sri Lanka, Nepal and Pakistan. Secondly, the programme resulted in the revival of a 'South Asian Network on Torture and Impunity' (SANTI), of which members of ICC-India form a part.

- **ICC-India members participated** in the South Asian Conference on 'International Criminal
Towards Accountability for Mass Crimes

At the strategy meeting organized by the Coalition for International Criminal Court (CICC) to discuss the progress made during the Preparatory Commission, New York, March 2001.

An informal meeting of Asian participants at the Preparatory Commission (PrepCom) meetings, to evaluate the Asian countries’ participation at the PrepCom, New York, April 2000.

At the Trainers’ School on Gender and International Justice Mechanisms, Amsterdam, July 2001.
ICC - India Campaign

At the 3rd Regional Experts Meeting on the ICC, Bangkok, 7-8 July 2003.

Representatives of ICC campaigns in Asian countries, at the Third Session of Assembly of State Parties (ASP) of the ICC, the Hague, September 2004.

Saumya Uma presenting a country paper on India in Regional Conference on ICC, Dhaka, April 2004.

Towards Accountability for Mass Crimes
Discussion meeting on ‘Criminal Responsibility for Torture: A South Asian Perspective’, Dhaka, September 2004. Left to right: Saumya Uma (ICC-India), Kirity Roy (MASUM, India), Sushil Pyarukel (National Human Rights Commission, Nepal), Muhammad Masood Ghani (Advocate, Pakistan) and Basil Fernando (Asian Human Rights Commission, Hong Kong).

At the 4th Regional Experts Meeting on the ICC, Bangkok, March 2005.

At the Asia Experts Session and Regional Meeting, Guiyang, China, March 20-21, 2006. Photo Credit: CICC’s Regional Program for Asia Pacific.
"A true learning experience' is what I got at ICC- India. Before joining I was under the impression that I'd just be given clerical work as in other NGOs and get over with it, but things turned out to be different here. My judgment was trusted and the areas of responsibility were diverse. I was treated as a colleague and not an intern. In the two months that I worked with the Secretariat, I was involved in preparing modules, keeping in contact with other NGOs, helping organize two workshops and research on the International Criminal Court. In the end, I gained a different perspective on human rights and international law which even today helps me in my studies at law school. I haven't seen an organization that is more hospitable and homely than WRAG. The people are extremely courteous and resourceful. ICC- India is one big family and I sure am glad to be a part of it.”

- Aditya Swarup,
III Year student,
NALSAR University of Law,
Hyderabad

"I went to work for the ICC-India campaign's secretariat in Mumbai in May 2007 for a period of four weeks. Working with ICC-India campaign was an extremely rich experience as I was exposed to the intricacies of international criminal law and their potential influence on Indian domestic law. I assisted Ms. Saumya Uma, Coordinator, ICC-India campaign in holding the Training of Trainers programme on ICC and India. The programme itself was an overwhelming experience and I was completely taken with the scale of human rights work ICC-India campaign has undertaken. The campaign, as was evident from my experience at the programme, has had far-reaching influence on human rights campaigns in India and is bound to make a positive impact on Indian domestic law reform. I have learnt a lot in the four weeks I was with the ICC-India campaign, and wish to contribute in whatever way I can to this undertaking.

- Srinidhi Kulkarni,
II Year student,
NALSAR University of Law,
Hyderabad

"Interning with the ICC-India campaign was really an eyeopener for me. It made me aware of various developments in the field of law and the changes and reforms that domestic laws are in need of. It also opened my horizons towards the various international standards of law that the world has incorporated to create a place in which international justice and peace would be of prime importance. I also gathered information and knowledge about the various possible solutions to the modern criminal activities which are not only limited to law of a particular country but are a threat to the whole world. In short, it was my honour to be a part of the campaign that is working towards creation of a world in which law, justice and peace will prevail in the global society."

- Bhavit Sharma,
II Year student,
Rajiv Gandhi National University of Law,
Patiala

Towards Accountability for Mass Crimes
Court: Campaigns, Prospects and Challenges' in Dhaka, 12-13 February, 2005. This meeting provided a platform to share the achievements of national campaigns, identify challenges and areas for collaborative activities among the South Asian campaigns. At this meeting, members of ICC-India presented a paper on the Indian campaign.

- The 4th Regional ICC meeting was held in March 2005 in Bangkok. The coordinator of ICC-India participated in this meeting and made a presentation on the campaign in India.

- The Indian Society of International Law organized an international conference on 'The Emerging Trends in International Criminal Jurisprudence' in Delhi in December 2005. ICC-India members actively participated in the same.

- Members of ICC-India were invited to participate in a Roundtable on the International Criminal Court, organized by International Bar Association and Indian Society of International Law, held in Delhi on 27 February 2006. Presentations were made on the relevance of ICC to the human rights context in India.

- Members of ICC-India were invited to participate in an international seminar on 'International Law & Jurisdiction in the Era of Globalization', where members of the campaign made a presentation and facilitated a discussion on the subject 'International Criminal Court & India: Official Concerns & Civil Society Initiatives'. This seminar was organized by Freidrich Ebert Stiftung (FES), New Delhi in February 2006.

- Members of ICC-India also participated in an Asian Regional Coordinators’ Meeting on ICC in Guiyang, China, 5-6 March 2006. At this meeting, a paper was prepared and presented on the achievements and challenges faced by the ICC campaign in India. This meeting facilitated a sharing of information on the national campaigns in Asian countries, and to formulate a common work plan and strategies for action.

- Members of ICC-India also presented a paper on Indian perspectives on the ICC, in a conference titled 'International Criminal Court: Responses of States in South Asia'. This was organized by ICRC, International Bar Association, The Bar Association of India, Indian Society of International Law and Criminal Justice Society of India, at Delhi on 12-13 January 2007.

- The coordinator of ICC-India participated in the 6th Session of Assembly of States Parties of the ICC, held in New York, 30 November - 14 December 2007. The participation helped understand the current issues, challenges and dilemmas faced by the ICC, as well as the role of NGOs in addressing the same in collaboration with the ICC. Through strategic planning meetings with members of the Coalition for ICC (CICC), campaign strategies and country developments on the ICC were shared and the future course of action planned.

**INTERNSHIP PROGRAMME**

ICC-India members have been interacting with law students for the past several years, partly through assisting students with moot court problems related to the ICC, and partly through the students’ involvement in the information dissemination and research activities conducted by ICC-India. With the purpose of strengthening the students’ engagement with the issue of ICC and its relevance to India, the national secretariat of ICC-India commenced an internship programme in 2006. Till date, three law students from two reputed national law universities in India have interned with the secretariat. The internship period is for an average of 5-6 weeks, during which time the interns help in organizing and participate in events held in any part of India and also undertake independent research on aspects of ICC and its relevance to India. Given on page 82 is the feedback from the interns.

**CONSTRUCTION OF THE WEBSITE**

When the website of the parent organization Women's Research and Action Group was constructed and launched in March 2007, ICC-India went online. Its publications and promotional material are now available online at http://www.wragindia.org/campa_icc.html. This would increase the visibility of the campaign and improve access to information about the same.
APPENDIX H

Profiles of Organizational Partners of ICC-INDIA Campaign
(AS ON 1 OCTOBER 2007)

1. Alternative Law Forum (ALF), based in Bangalore, Karnataka: ALF is a collective of young lawyers doing alternative practice of law that responds to issues of social and economic justice. In addition to being a legal service provider, ALF also undertakes critical research and sustained interventions on socio-legal issues. ALF has been an active partner of the ICC-India campaign, and co-organized a workshop on ICC and India in Bangalore in 2004. Its members have participated in other information dissemination programs of the campaign as resource persons, and in research initiatives.

2. Aman Biradari, based in Ahmedabad, Gujarat: Aman Biradari is a people’s campaign for a secular, peaceful, just and humane world. It aspires to build local level institutions mainly of youth and women, of diverse faith, caste and gender, at village and district levels to strengthen mutual bonds of tolerance, fraternity, respect and peace between people of different religious groups, caste and language groups, to promote equal citizenship, justice, communal harmony, peace, and the celebration of our social and cultural diversity.

3. Amnesty International (India) based in Delhi: Amnesty International is a renowned international human rights organization. It has been supportive of the ICC and has been actively involved in the issue since the time prior to the Rome Conference on ICC in 1998. The Indian office has been an active partner of the ICC-India campaign. It was a member of the organizing committee that helped conduct the 1st National Consultation, a consultative meeting with Parliamentarians and a press conference in Delhi in December 2005, when President Kirsch of the ICC visited India.

4. Association for Socio-Cultural & Environmental Development (ASCED) based in Guwahati, Assam: This non-governmental organization works on socio-economic issues, including on HIV/AIDS. It became a partner of the campaign subsequent to participating in an ICC workshop conducted in Guwahati in 2004.

5. Awaaz-e-niswan (AEN) based in Mumbai, Maharashtra: AEN is an organization working for women’s rights, particularly those belonging to minority communities. In recent years, the organization has engaged itself with issues of justice for women in situations of communal violence, particularly the Gujarat carnage 2002.

6. AARZOO, based in Ahmedabad, Gujarat: AARZOO is an education center for the underprivileged children in Behrampur, Ahmedabad. Arzoo provides basic education to the children in the surrounding slums, and awards the students who perform well as a part of providing encouragement to the students. The organization also engages in paper-making and making paper products so that the proceeds from them can fund the children's education while unearthing their creative potential. Aarzoo engages with human rights campaigns in India.

7. Banglar Manabadhikar Suraksha Mancha (MASUM) based in Kolkata, West Bengal: MASUM is a human rights organization that works on monitoring and making legal interventions on violations of human rights. It works on issues including police atrocities, custodial violence and torture. It organized a discussion-meeting on ICC & its relevance to India in Kolkata in November 2004. It has remained an active partner of the campaign thereafter, including in research initiatives of the campaign.

8. Bombay Urban Industrial League for Development (BUILD) based in Mumbai, Maharashtra: BUILD is an organization working on urban development and human rights issues. It also works on rights of adivasis, women and minorities. Members of BUILD have actively participated in events organized by ICC-India.

9. Citizens’ Collective based in Guwahati, Assam: Citizens’ Collective is a network of human rights organizations based in various north eastern states. The Collective co-organized a workshop on ICC & India for the students of University Law College, Guwahati and a press conference on the issue in Guwahati in 2006. Its members have participated in both information dissemination and research activities of the campaign.

10. Dalit Women Forum (DWF) based in Secunderabad, Andhra Pradesh: DWF works among dalit women and children, focusing on empowering them in social, economic, cultural and political spheres. The organization works to
organize municipal sweepers, domestic helps and drainage workers collectives, building dalit rights-based associations at ward, mandal, circle and zonal levels, equip and strengthen the capacities of dalit leadership, especially women, in local organizations.

11. Joint Women’s Programme – a programme of Christian Institute for the Study of Religion and Society (CISRS), based in Delhi: It is a women’s organization that was commenced in 1977. It was a member of the organizing committee that helped conduct the 1st National Consultation, a consultative meeting with Parliamentarians and a press conference in New Delhi in December 2005.

12. Documentation, Research & Training Centre (DRTC) based in Mumbai, Maharashtra: DRTC is an organization focusing on documentation, research and training activities on human rights issues. The organization has conducted ICC workshops in Hindi for activists and youth in Mumbai, and has participated actively in information dissemination programs organized by the campaign.

13. EKTA Committee for Communal Amity based in Mumbai, Maharashtra: EKTA works on issues related to communal harmony, justice for victims of communal violence and rights of religious minorities.

14. Forum Against Oppression of Women (FAOW) based in Mumbai, Maharashtra: FAOW is an activist, autonomous women’s group, formed in 1979. It works on campaigns related to women’s rights, including on law reform initiatives. It was a co-organizer of the International Initiative for Justice in Gujarat subsequent to the Gujarat carnage 2002, and helped produce the report ‘Threatened Existence’ on the issue. Chapters of the report dealt with an application of the concepts of crimes against humanity and genocide to the Gujarat carnage.

15. Free Legal Aid Committee (FLAC) based in Jamshedpur, Jharkhand: FLAC works on issues related to legal literacy and awareness, campaign against witch hunting, legal support to women and law reform initiatives. It collaborated with the campaign in conducting an information dissemination programme on the ICC & its relevance to India in 2003 in Jamshedpur.

16. Human Rights Cell of Behavioral Science Centre (BSC), based in Ahmedabad, Gujarat: BSC works to promote and strengthen within the human rights framework, people’s organizations and movements of the marginalized / discriminated / excluded to achieve social justice and dignity. It has adopted a preferential option for women, dalits, tribals, ‘backward’ castes and minority communities. It has Your browser may not support display of this image.made human rights interventions in Anand, Banaskantha and Kutch districts. The work of BSC revolves around taking up issues of murder, rape, harassment, domestic violence, untouchability at public places and also on issues relating to reservation issues (positive affirmation). BSC also provides assistance to local organizations in legal interventions such as in initiating public interest litigation, particularly under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

17. Human Rights and Law Defenders (HRLD), based in Pune, Maharashtra: HRLD is the legal wing of Sahyog Trust. Its work is focused on awareness-raising, legal interventions, documentation, monitoring and media advocacy of human rights violations, as well as capacity-building of human rights lawyers. The beneficiaries it works with include commercial sex workers, persons with HIV / AIDS, physically and mentally challenged persons, prisoners, child offenders and survivors of violence against women. It attempts to reframe the law from a socio-legal perspective and is deeply involved in campaigns on human rights, justice and accountability in India.

18. Human Rights Watch (India) based in Mumbai, Maharashtra: Human Rights Watch is an international human rights organization. In accordance with its support for the ICC at the international level, the Indian chapter has become a partner of the ICC-India campaign.

19. Hukook-e-Niswan, based in Mumbai, Maharashtra: Hukook–e–Niswan is a federation of more than 30 community-based organizations working on issues of justice and accountability for violation of rights, especially pertaining to women from the Muslim community. They have been instrumental in providing legal aid to scores of Muslim women and thus paved the way for bringing about reforms in Muslim family law. The federation represents the voice of grassroot Muslim women in its quest for legal justice and is thus representative of the vast majority of Muslim women who are demanding a life of dignity and self-respect. The federation has been actively involved in the campaign on Communal Violence Bill, where it sought a meaningful consultation with survivors and an integration of gender issues.

20. India Centre for Human Rights & Law (ICHRL) based in Mumbai, Maharashtra: ICHRL works on various human rights issues including on criminal justice, gender issues, child rights and rights of gays, lesbians, bisexuals and
transgenders. It is also involved in conducting trainings on human rights and the law. It has co-organized events on the ICC in 2000, 2004 and 2005.

21. Indian Social Institute (ISI) based in Delhi: ISI, since its inception, has functioned as a support centre, providing space for people's participation and mobilization, and alternative forms of development. ICC-India campaign has worked closely with the Human Rights Cell of the ISI in organizing a discussion meeting on Impunity & the ICC, in November 2005 in Delhi. It was also a member of the organizing committee that helped conduct the 1st National Consultation, a consultative meeting with parliamentarians and a press conference in Delhi in December 2005.

22. Institute of Human Rights Education (IHRE), based in Madurai, Tamil Nadu: The IHRE focuses on human rights education in schools and colleges. It is a programme of People's Watch.

23. Jananeethi Institute based in Thrissur, Kerala: Jananeethi is a people's initiative for human rights, working on legal aid and assistance, negotiation and settlement of disputes and law reform campaigns. The Institute focuses on human rights education, research and development. Jananeethi has been an active member of the ICC-India campaign. Its staff has participated in information dissemination programmes organized by the campaign. It has showed a willingness to organize a workshop on ICC & India for non-governmental organizations based in Kerala.

24. Lawyers for Human Rights International (India chapter) based in Chandigarh, Punjab: LHRI is an organization consisting of lawyers, focusing on free legal aid to victims of state repression. It co-organized an information dissemination programme on ICC & India at Chandigarh in November 2006.

25. Legal Management Group, based in Muzaffarnagar, Uttar Pradesh: The organization is a group of lawyers who provide legal aid to marginalized sections of the society, focusing specially on women and children. The group works in Muzaffarnagar, Meerut, Saharanpur and Uttaranchal. In February 2007, the group took the initiative to organize a workshop on human rights and ICC in Muzaffarnagar, which had an overwhelming response from more than 200 people and press coverage by more than 7 local newspapers. Its members have participated in the Training of Trainers programme on the ICC and have taken the initiative to take forward information dissemination activities on the ICC in U.P.

26. Manavatavadi Vishwa Sansthan - The International School of Humanitarian Thought & Practice based in Kurukshetra, Haryana: The organization works for a non-violent, war-free, just social order, focusing its work on rights of women, children, minorities, dalits and adivasis. It had written a letter to the President of India soon after the Rome Treaty was adopted, urging India to become a signatory to the same. Members of the organization have participated actively in information dissemination programmes conducted by the campaign.

27. Marathmoli based in Marathwada & Mumbai, Maharashtra: An organization in existence since 2001, it supports the growth of local leadership by building capacities of existing local non-governmental and community-based organizations to use information and communication technology to advance their work in gender empowerment. It has been particularly interested in translating ICC-related material into Marathi for wider dissemination among Marathi-speaking communities.

28. Martin Luther King Centre for Democracy & Human Rights, based in Bhubaneswar, Orissa: It is a human rights organization working on varied issues such as peace and security, police reform, prison reform, child soldiers, small arms, right to land and food sovereignty and starvation deaths. It co-organized a consultative meeting with lawyers, academics and activists on the ICC & its relevance to India at Utkal University in 2006. It had also organized a press conference on the issue in Bhubaneswar. It is an active member of the ICC-India campaign.

29. National Commission for Justice, Peace & Development, based in Delhi: It is an initiative of Catholic Bishops’ Conference of India (CBCI) and a member of the international network of commissions on justice and peace. Its work focuses on child rights, rights of dalits, advisasis and other marginalized communities, and training on rights-based education. It works mainly with catholic organizations and religious leaders. It was a member of the organizing committee that helped conduct the 1st National Consultation, a consultative meeting with Parliamentarians and a press conference in New Delhi in December 2005.

30. North East Network (NEN), based in New Delhi, Guwahati, Shillong & Imphal: North East Network has its branch offices in many North-Eastern states, where it works on issues of women's rights and armed conflict. It co-organized a 2 day information dissemination programme along with the secretariat of ICC-India on Women's rights & International Justice Mechanisms in Guwahati in 2004. It has initiated a process of translating fact
Several organizations have become ICC-India’s campaign partners subsequently.

31. **Partners for Law in Development (PLD)**, based in Delhi: PLD is a resource group on human rights and the law, working to promote social justice for marginalized groups, with a focus on women’s rights. It is an active partner of the ICC-India campaign and has hosted several discussion meetings on ICC & India within its office premises in Delhi. It was a member of the organizing committee that helped conduct the 1st National Consultation, a consultative meeting with Parliamentarians and a press conference in New Delhi in December 2005.

32. **People’s Watch**, based in Madurai, Tamil Nadu: It is a human rights organization that is actively engaged in protection and promotion of human rights in the state of Tamil Nadu since 1995. In recent years, it has expanded its concerns throughout the country. It works on monitoring human rights violations particularly violence in police custody, torture, extra-judicial killings, as well as human rights education and campaigns on human rights and the law. It has been an active partner of ICC-India, with its staff participating in ICC-India’s information dissemination programmes, both in the capacities of participants and resource persons. It has also co-organized a two day residential South Zone workshop on ICC & India and a press conference, held in Bangalore in 2006.

33. **PRASHANT Centre for Human Rights, Justice & Peace**, based in Ahmedabad, Gujarat: PRASHANT is a Jesuit centre working on issues of human rights, justice and peace. It co-organized workshops on peace and justice in Ahmedabad, in which the ICC was discussed, in December 2006 and February 2007.

34. **Programme on Women’s Economic, Social & Cultural Rights (PWESCR)**, based in Delhi: It is an international initiative focusing on social, economic and cultural rights by bringing a gender framework to policy, law and practice. It was an active member of the organizing committee that helped conduct the 1st National Consultation, a consultative meeting with Parliamentarians and a press conference in New Delhi in December 2005.

35. **SAHR WARU**, based in Ahmedabad, Gujarat: It is a women’s action and resource unit. Its activities include community-based programs with women, youth reconciliation and peace programs that build bridges between youth of different castes and religions. Its work ranges from information dissemination and documentation to advocacy and networking on issues related to women’s rights. It co-organized workshops on peace and justice in Ahmedabad, in which the ICC was discussed, in December 2006 and February 2007.

36. **SANGATH**, based in Bardez, Goa: The Sangath Society is a non-governmental organization working for the welfare of children, young people and their families in the area of developmental, emotional and behavioral health. Its programs include child development and learning, adolescent and family health, psycho-social and public health and the partnerships program. It is also engaged with human rights issues in India.

37. **Social Action Forum Against Oppression (SAFAR)** based in Ahmedabad, Gujarat: SAFAR is an organization working on issues of human rights, justice and peace, especially pertaining to rights of women, religious minorities and other marginalized groups. It has participated actively in information dissemination and research activities of the campaign.

38. **Society for Promotion of Integrated Rural Development (SPIRD)**, based in Hyderabad, Andhra Pradesh: SPIRID works towards the development of rural downtrodden sections of the community in general, dalits and the minorities in particular. The organization has extensively worked on issues such as child labour, health (HIV/AIDS), domestic violence) and atrocities against dalits. SPIRD is also a member organization of a regional level network of non-governmental organizations called ‘Telangana Development Forum (TDF)’. This network consists of over 50 organizations working on issues including health, education and superstitions.

39. **St. Xaviers’ Social Service Society (SXSSS)**, based in Ahmedabad, Gujarat: Since its inception in 1976, SXSSS has been involved in grass root development work in the slums of Ahmedabad and through its outreach programme in the rural areas of Gujarat. The vision of St. Xavier’s Social Service Society (SXSSS) is to work for a more humane and just society through the empowerment of the poor and the marginalized people, especially women and children. It aims to help facilitate the development, organization and empowerment of the poorest of the poor without any distinction of caste and creed, focusing on the four interrelated dimensions of education, health, environment and community organization. SXSSS works closely with other NGOs and individuals and also collaborates with the government.

Please note that the above-given information is based on list of campaign partners as on 1 October 2007. Several organizations have become ICC-India’s campaign partners subsequently.
7. LOOKING BACK, LOOKING AHEAD

This chapter is an attempt to look back at the achievements, analyze the challenges faced, consolidate the learnings as well as outline the future plans of the campaign.

SOME ACHIEVEMENTS

ICC-India has made modest achievements in the last seven years of its existence, including the following:

- Featured on national television in a one hour exclusive programme on the ICC & India in the government-owned Lok Sabha TV;
- Conducted the first Training of Trainers on ICC & India, with 31 participants from 13 states;
- Conducted three major events with the participation of President Philippe Kirsch of the ICC - a press conference, a national consultation and a consultative meeting with parliamentarians;
- Engaging in nation-wide legal education by conducting over 49 information dissemination programmes covering 19 states (out of a total of 28 states), reaching out to over 2700 direct beneficiaries;
- Conducted two major consultative meetings with parliamentarians, with the participation of over 45 parliamentarians, which have evoked their interest in the ICC;
- Established contact with over 100 parliamentarians across political parties, belonging to Lok Sabha (lower House) and Rajya Sabha (upper House);
- Brought out 7 publications on ICC and its relevance to India, including 2 in Hindi, all of which have been widely disseminated; 2 publications have been reprinted thrice;
- Held 5 press conferences and invited the media to events of ICC-India, resulting in more than 20 reports in English and regional language newspapers;
- Active participation in the campaign on Communal Violence Bill from 2004 onwards;
- Efforts at integrating the ICC into work of groups working on women's rights, child rights, victims' rights, rights of religious minorities, campaign against torture, death penalty and other human rights issues;
- Creation of a support base for the campaign, consisting of over 40 partner organizations and many more individual partners;
- Expanded and self-sufficient pool of resource persons who cater to the needs of the campaign for its information dissemination programs; and
- Active participation in human rights and anti-impunity campaigns on more than 20 issues, extending solidarity and support to the same.

KEY LEARNINGS AND CHALLENGES

Information dissemination on the issue of the International Criminal Court, with a particular relevance to India, has been a challenging but not a daunting task. Given the context of a lack of interest in, awareness of and a suspicion in international law and mechanisms, the campaign has had to direct its efforts constantly at illustrating the relevance of ICC principles to the Indian context. Each of the 30 workshops that the campaign has conducted has been different from the other, as participants' profile and interests, political and historical contexts vary with each region, state and city. The campaign has experimented with the structure and focus of each workshop. Developing tools for information dissemination has been an ongoing process in order to make the ICC seem less distant, more 'real' and relevant to the work of beneficiaries in India. Demystifying and evoking interest in the ICC among persons with little knowledge of law, and conducting workshops in regional languages have been other challenges faced by the campaign. In addition to the use of English as the medium of communication, sessions in Hindi, Tamil, Gujarati and Assamese have been conducted. Campaign members have also had to learn the appropriate language to be used for advocacy work with Parliamentarians and policy makers, as well as for media outreach.

In research and publication, one of the challenges has been in translating ICC-related information into local languages, including an accurate translation of legal / technical terms. The other challenge has been to ensure a wide dissemination of the publications through means other than ICC workshops conducted by the campaign. Other distribution channels had to be explored and utilized, including academic institutions and court libraries.

Advocacy work with policy makers remains at a stage of infancy. The campaign's efforts at dialoguing with the National Human Rights Commission, National Commission for Minorities and National Commission for Women have been commenced, which would need to be taken forward. Contacts have been made in the relevant ministries, quazi-governmental organizations and rapport established with individuals working in the same.
The campaign has made considerable progress in its work with Indian parliamentarians. Interacting with parliamentarians was a new learning experience for the campaign as a whole. Learnings in this regard were many - including skills in identifying parliamentarians to work with, understanding the functioning of the parliament and the work schedule of the parliamentarians, understanding the best time and people to contact for appointments with parliamentarians, the language to speak in and skills at articulating the relevance of ICC and the need to take it up as an issue. Most of these learnings have been by trial and error, as the campaigners did not commence the advocacy work with any prior knowledge or skills in working with parliamentarians.

Although media outreach has been a relatively recent activity of the campaign, significant strides have been made towards building alliances with the media and using the media as an excellent medium of information dissemination on ICC and its relevance to the Indian context. The visit of Judge Philippe Kirsch, president and presiding judge of the ICC to Delhi in December 2005 gave the campaign the context and the impetus required for commencing this activity in a comprehensive manner. Consequently, in 2006 press conferences and media related events were held in three states (Karnataka, Assam and Orissa). These events have sharpened the skills of the campaign at media outreach. Press coverage of information dissemination programmes of ICC-India has further given the campaign the visibility and recognition that are imperative for the success of any campaign.

Challenges to India’s accession to the ICC Treaty have also been a challenge to the campaign’s advocacy activities. These include:

- Perception of the ICC as an infringement on national sovereignty;
- Indian government’s fear of embarrassment in the international community;
- Reluctance to open India’s human rights situation to international scrutiny;
- Human rights violations in situations of internal armed conflict, particularly in North Eastern states and Jammu and Kashmir, and a lack of effective justice mechanisms for such violations;
- Non-ratification of the U.N. Convention Against Torture;
- Large scale caste-based violence, and a lack of effective redress mechanisms;
- Impunity for past incidents of large-scale communal (religion-based) violence;
- Nuclearization and militarization;
- India’s relationship with other countries in the regional, sub-regional and international spheres including the United States; and
- Lack of awareness about the ICC among policy makers, parliamentarians and bureaucrats.

POSSIBLE WORK FOR THE FUTURE

The issues highlighted in this section are tentative in nature, and will be discussed in greater detail and decided upon collectively by the Board of Advisors and the campaign partners at a national consultation scheduled to be held in 2008.

- Dialoging with victim / survivor communities: The campaign has little experience in dialoging with communities of victims / survivors of mass crimes, on the issue of ICC. The campaign’s experience in association with victim / survivor communities has been through the Communal Violence Bill campaign. The expertise gained through the association has to be taken forward. For the campaign to succeed in expanding its support base, having a discussion on impunity, justice and accountability and the relevance of ICC with such communities is imperative.

- Supporting the students’ initiative: A student campaign on the ICC and India has commenced in 2007 and is ready to chalk out its own activities. Facilitated by a student coordinator, and boosted by the ICC workshops conducted in law schools all over the country, the student supporters to the campaign have been increasing steadily. An activity that the initiative is particularly keen to take on is an e-newsletter on ICC and India, apart from discussion forums which are already being conducted. There is a need to support such activities of students and to extend solidarity to the same.

- Initiating / encouraging research and writings: A comparative research on the ICC, Indian laws and human rights in India has commenced in December 2007, initiated and coordinated by ICC-India. A major part of 2008 would be spent in implementing this project, culminating in a publication of the research papers. Such research could give valuable inputs to domestic law reform campaigns. Writing and publication on the ICC and its relevance to India is an activity to be encouraged and supported in every way possible, in order that the ICC finds a place in major discourses on human rights in India.

- Expanded work with academics and academic institutions: Similarly, the campaign has made only a few presentations in seminars that have had a participation of academics. Some academ-
ics, particularly law teachers, have been expressing a need for a workshop to build their capacities to teach the subject of ICC and the Indian context in the classrooms. Further, some teachers have successfully incorporated ICC into their teaching syllabus on subjects including international law, international humanitarian law and international politics. There is a need to create a platform for sharing such experiences and exploring strategies for incorporating ICC into the syllabus of educational institutions where this has not been done so far.

- **Expanded work with lawyers:** Among the varied beneficiaries for the campaign, outreach has been predominantly with human rights activists and non-governmental organizations. Although lawyers have been participating in the city/state/zonal level workshops on ICC, there is a need to conduct more such programmes with bar associations at the state and district levels, in order to involve more lawyers into the discussion on the issue.

- **Furtheing the work with parliamentarians:** The head start made in the work with parliamentarians in 2005 needs to be consolidated and taken forward. Capacity-building activities with a smaller group of parliamentarians could be planned in future.

- **Dialoging with policy makers:** Furthering contacts and building rapport with persons at national commissions and the ministries, are activities that are pre-requisites to any sustained dialogue with policy makers.

- **Expanded work with the media:** Over the years, the campaign has developed skills in conducting press conferences and liaison with the media. Media’s potential role in furthering the campaign cannot be underestimated. ICC-India’s media outreach has been largely with English dailies and English/Hindi channels. The campaign could consider expanded work with the media, particularly newspapers and channels in regional languages. Production of audio-visual material such as documentaries on ICC and the Indian context could also help boost the legal education efforts of the campaign.

- **Demystifying the ICC and translating into regional languages:** The last seven years has been spent in demystifying the complex notion of the ICC and explaining the same in a simple language. Yet, the work is only half-done. The concept needs to be further demystified for persons without any knowledge of law. Handouts, factsheets and other such material also need to cater to lay persons without a law background. Translations of factsheets into regional languages could further the cause of information dissemination to a great extent.

The focus of the campaign, in the seven years of its existence, has been on information dissemination, and alliance-building through information dissemination. The most significant achievement of the campaign has been in the area of law education, through formal and informal means. Having established a support-base for the campaign, the campaign could move onto a next phase, where the focus could shift from information dissemination to other activities such as research and/or advocacy. However, there are many constituencies yet to whom information dissemination activities require to be extended. This could be sustained by the partners of ICC-India, the expanded pool of resource persons as well as 31 trainers whose capacities have been developed recently by the campaign. It is time for the campaign to re-think its focus, assess the extent to which its short-term and long-term objectives have been met and chalk out a work plan for the future. A vision for the future of the campaign would, undoubtedly, take into consideration the present human rights and political contexts at the national, regional and international levels.
OTHER RELATED PUBLICATIONS

ENGLISH PUBLICATIONS

Report of the 1st National Consultation on International Criminal Court & India
Published by Women's Research & Action Group and People's Watch - Tamil Nadu, 2005

International Criminal Court: Conversations with Indian Parliamentarians
Published by Women's Research & Action Group and People's Watch - Tamil Nadu, 2005

International Criminal Court & India: Responses to Queries Raised by Parliamentarians
by Saumya Uma
Published by Women's Research & Action Group and People's Watch - Tamil Nadu, 2005

International Criminal Court & India: Some Questions and Answers
by Saumya Uma
Published by Women's Research & Action Group, 2004

Combating Impunity
A compilation of articles on International Criminal Court and its relevance to India
Compiled by Vahida Nainar & Saumya Uma,
Published by Women's Research & Action Group, 2003

HINDI PUBLICATIONS

International Criminal Court & India: Some Questions and Answers
(अंतरराष्ट्रीय दंड न्यायालय और भारत: कुछ सवाल जवाब)
by Saumya Uma
Published by Women's Research & Action Group and People's Watch - Tamil Nadu, 2006

Combating Impunity
A compilation of articles on International Criminal Court and its relevance to India
(दंड-मुक्ति की विरोध: अंतरराष्ट्रीय दंड न्यायालय और उसका भारत के लिए महत्व इस विषय पर लेखों का संग्रह)
Compiled by Vahida Nainar & Saumya Uma,
Published by Women's Research & Action Group and People's Watch - Tamil Nadu, 2006

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