Advocating Socio-Economic Justice: Some Experiences of the ICC-India Campaign and the Potential for a Law Clinic

Saumya Uma
Independent Consultant on Gender, Law and Human Rights
Former National Co-ordinator
Indian Campaign on the International Criminal Court (ICC-India)
saumyuma@gmail.com

Abstract
The purpose of clinical legal education is not merely to equip the law student with lawyering skills to further the interests of his/her client; lawyers are also campaigners of socio-economic justice, policy makers, architects and influencers of law and policy, educators, counsellors and a voice for those whose human rights are trampled upon. The Indian campaign on the International Criminal Court (ICC-India campaign) is an anti-impunity campaign that worked in collaboration with various human rights groups, lawyers, law universities, academics, media persons and other like-minded individuals and groups to further socio-economic justice for marginalised sections of the society affected by mass crimes, through the use of international legal standards, from the years 2000 to 2010. Thereafter, key personnel of the erstwhile campaign, including members of its Board of Advisors as well as the present author, have continued the work of the campaign in their individual capacities. In this article, the experiences of the campaign in interacting with law students through its internship programme is extrapolated to examine the potential for a law clinic on the ICC.

Keywords
International Criminal Court, ICC-India, socio-economic justice, accountability, human rights, impunity, clinical legal education
Clinical legal education (CLE) has gathered importance internationally due to its potential to bridge the gap between theory and real-life practice of the law as well as the environment in which law operates. One of the ways in which CLE is defined is that it is ‘essentially a multi-disciplined, multipurpose education which can develop the human resources and idealism needed to strengthen the legal system… a lawyer, a product of such education would be able to contribute to national development and social change in a much more constructive manner’ (Kaur, 2009 as quoted in Durge, 2010). The basic model of clinical legal education promotes professional skills training and law school involvement in social justice (Bloch & Prasad, 2006). Three key elements in CLE include professional skills training, learning through experience and imparting professional and ethical values. CLE is a term which encompasses learning which is focused on enabling students to understand how the law works in action (Durge, 2010). CLE in India offers an opportunity to make integrative transformation of legal education and at the same time, make the legal profession socially relevant (Ranganath, 2010). It assumes more importance in India as law graduates enter the legal profession without further training, thereby placing the onus on law schools for skill-building of lawyers.

This article attempts to document the experiences of a social justice initiative called the ICC-India campaign (Indian campaign on the International Criminal Court) with law students, during and subsequent to student internships during the years 2000 to 2010 and to draw upon such experiences in examining its potential for a law school clinic.

Introduction to ICC-India Campaign

ICC-India campaign was an anti-impunity campaign that used standards of international law in the context of mass crimes. The focus of the campaign was to promote justice and accountability for mass crimes in India, through the use of international standards and principles, particularly those set by the international criminal court (ICC). It engaged with the domestic legal mechanisms for justice delivery and advocated ways in which the substantive, procedural and evidentiary law could be strengthened within the country in order that justice to victim-survivors of mass crimes becomes a reality. In the words of Prof. Upendra Baxi, 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 (Baxi, 2008).

As an awareness and advocacy campaign, ICC-India was initiated in the year 2000. The campaign believed that the ICC statute has established innovative normative standards that are relevant to the Indian context of law, justice and accountability in the context of mass crimes. Therefore the campaign’s primary objective was to make a concerted effort in integrating such standards

and concepts within Indian law reform campaigns and justice and accountability initiatives. For this reason, a majority of ICC-India’s work was carried out in close collaboration with human rights and social movements within the country that engage with justice processes for mass crimes. The campaign was housed in and integrated into the programmes of Women’s Research and Action Group, a Mumbai-based non-profit organisation.

**Rationale behind Involvement of Students in the Campaign**

The campaign’s interactions with law students commenced with and were facilitated by invitations to key personnel in the campaign to deliver lectures on the subject in law schools. Such interactions provided a foundation for the campaign’s initiative in involving students in the campaign’s activities. The interactions made us realise that the undermining of human dignity, the extent of discrimination, exploitation, deprivation, oppression, fear and violence faced on an everyday basis by the poor and marginalised sections of society did not seem to inform the typical student’s understanding of law and its functionalities. From our observation, while the students were well-versed with legal theory, jurisprudence and discourses around the same, people’s lived realities in contexts of rampant human rights violations was an area that was beyond an average law student’s immediate consciousness. We further deduced that mainstream lawyering seemed more attractive and lucrative than alternative lawyering that integrated a concern for and commitment to human rights. If law is to be a tool for social justice, it is inevitable that social justice campaigns engage with and involve law students in their work. In addition, the campaign was motivated to draw upon the theoretical knowledge, dynamism and enthusiasm of law students to complement the limited human resources available to carry on the campaign’s activities.

Hence the involvement of law students in the work of ICC-India campaign had the following objectives:

- Strengthening and honing of students’ perspectives and skills in law and social justice
- Bridging the gap between legal theory and ground reality, so as to equip students to further social, economic, political and legal justice
- To help create a body of young lawyers who are motivated to pursue justice and accountability on behalf of poor, marginalised and underprivileged communities

**Activity #1: Law Research**

The campaign undertook research on human rights law for two purposes: (a) for information dissemination; and (b) for campaign and advocacy initiatives. Law
students engaged in research for both these purposes. Since law students often stepped into the internship equipped with research skills, research on relevant law and human rights issues is an activity that students found interesting and beneficial to their learning process.

In order to disseminate information on the ICC and its relevance to the Indian context, the campaign needed to research on the history of mass crimes in India, specificities of each such context and an analysis of the same from the perspectives of gender, human rights, justice and accountability. While the student may be familiar with some such contexts such as the partition, revisiting the same incident from a new perspective required some unlearning and re-learning, and in the process, becoming familiar with the ground reality. I recall the shock that some students felt, while engaged in this research, when they realised that in incident after incident of mass crimes, there was an absence of justice and the existence of rampant impunity.

Students were also engaged in understanding international legal concepts and standards and explaining these in simple, non-legal language for the purpose of information dissemination, along with illustrative examples drawn from the Indian context. While students found research on international law concepts such as command and superior responsibility, reparations, genocide and crimes against humanity interesting, they found the process of rewording/explaining in ordinary language to be challenging. Due to their law training, it was difficult for them to avoid using legal jargon. However, with practice, some students acquired this skill. When they participated in information dissemination programmes organised by the campaign with activists, social scientists, media persons and others without a formal education in law, they realised the importance of demystifying important yet unfamiliar concepts and also understood how this was implemented by the campaign’s personnel through illustrative examples grounded in the Indian context.

Law research for purposes of campaign and advocacy initiatives involved a study of topics such as definition of various crimes (crimes against humanity, war crimes, genocide, sexual assault, enforced disappearances, torture and so on) in international law and in domestic laws of other countries. Other topics included legal standards and practices with regard to victim witness protection, concept of victims’ rights and its development and types and extent of immunities in domestic laws of other countries as well as in international law and in the jurisprudence developed by international tribunals. Students’ involvement in such research strengthened the campaign’s understanding of international jurisprudential developments and their relevance to domestic law reform initiatives.

Activity #2: Writing and Publication

Law students contributed to and assisted in writing and publication activities of the campaign. One aspect of writing where students enthusiastically immersed themselves is in the preparation of a report of an information dissemination
programme conducted by the campaign. Writing of a report often reflected on the student’s understanding and interpretation of the deliberations and provided us with important opportunities to engage in discussions with the students on the said programmes. Students also provided technical/logistical/editorial assistance to publications, including in proof-reading and translations.

**Activity #3: Information Dissemination and Capacity Building**

Conducting information dissemination and capacity building programmes in various parts of the country was the backbone of the campaign’s work. Law students showed much enthusiasm in preparatory activities for such programmes, as well as in participating and in the follow-up work. Since the internship programmes were designed and decided upon at least three months in advance, the campaign was able to schedule workshops and information dissemination programmes during the period of internship. Students have benefited from the exposure to these programmes in more ways than one—the programmes demonstrated the methodology and strategies used by the campaign in disseminating information on the ICC and international law as well as their relevance to the Indian context. In addition, the programmes also illustrated to the law students how a campaign based on international legal standards could influence law discourses within the country despite the fact that the Indian government has not given the official nod to the same through accession to the treaty.

An activity that enthused students and motivated them to even burn the midnight oil is the content development and preparation of training tools including power point presentations, posters, flyers and leaflets. The topics and contents of training tools pertain to various aspects of the ICC and its relevance to India such as genocide, war crimes, crimes against humanity, jurisdiction of the ICC, trigger mechanisms, international standards related to witness protection, victims’ rights, women’s rights, child rights, myths and realities about the ICC, ICC’s relevance to India, history of mass crimes in India and some useful concepts in international law. The preparation of posters with the active involvement of students formed an important resource for the campaign’s information dissemination activities.

Based on the students’ level of understanding and calibre, the campaign invited students to present on specific topics during the information dissemination programmes. The outcome of such efforts was positive as it boosted the confidence of students and strengthens their engagement with international law standards.

**Activity #4: Campaign and Advocacy on Law and Policy Reform**

Law students engaged with three aspects of the campaign and advocacy-related activities: interactions on the ICC with parliamentarians, critiquing bills and proposals for law reform, and media advocacy.
Interactions with Parliamentarians

The campaign’s advocacy work with Members of Parliament (MPs), undertaken in the years 2005–06, was of immense interest to law students. It was explained to the students that the objective of ICC-India in wanting to engage in a dialogue with MPs was 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 the Indian context and a global perspective (Uma and Wadia, 2008). Students were involved in a variety of activities such as identifying parliamentarians to work with, setting up one-to-one meetings with them, preparing short notes on the ICC and India for distribution to them, learning the procedures in Lok Sabha and Rajya Sabha for meeting the MPs, organising two round-table discussions with them, taking minutes of the deliberations, publication of the same and distribution of the publications.

In the second consultative meeting, we were able to bring in Judge Philippe Kirch—the erstwhile president of the ICC—for deliberations with the MPs in December 2005. This generated tremendous excitement and enthusiasm among the students who were associated with the campaign. Students benefited by observing ICC-India personnel’s interactions with MPs. One observation made by students was that they were learning a different ‘language’ altogether—the language of diplomacy and persuasion. Some of them also expressed that their pre-conceived notions about MPs was challenged, as some of the Parliamentarians we interacted with were committed to human rights and interested in learning about international law standards.

Legislative Advocacy

Legislative advocacy was another important activity of the campaign. Undertaking research and critiquing current, pending and required legislations and policies is an onerous task even for experienced lawyers engaged in human rights work. Hence, while being fully aware that this would be a challenging activity for students, we felt it imperative that the students were exposed to this aspect of the campaign’s work. From our interactions with law students and lawyers, we observed that many of them are trained into accepting the existing law implicitly and in an unquestioning manner. In contrast, the campaign’s endeavour was aimed at understanding why there was rampant impunity for mass crimes in India and the gaps in existing law and its implementation that contributed to such a climate of impunity.

Hence this activity helped students to think beyond the law as it exists and question the same from a constitutional, human rights and feminist viewpoint and propose possible law reform measures to ensure that the legal provisions serve the ends of justice. In addition, it demonstrated to the students the dynamics, processes, stages, myriad efforts and players involved in the making of a law and in carrying out legislative amendments, particularly in the context of social legislations. Work on legislative advocacy that law students were involved in included researching on legal standards and practices in other jurisdictions (domestic and
international), analysis of pending bills from the viewpoints of gender, human rights and secularism, writing up advocacy reports to circulate to Parliamentarians, media advocacy and organising and participating in public meetings in order to mobilise and make visible the civil society’s viewpoints on the laws/bills.

(a) Communal Violence Bill: One of the law reform proposals that students engaged with through the campaign’s work was the Communal Violence Bill. A government draft of the bill attributed excessive powers to public officials without adequate provisions on responsibility, and the campaign, along with many other groups, individuals and movements, opposed the same. Students’ engagements in this process helped them understand the nature of the state’s powers, the manner in which they manifest themselves and the repercussions of the same. It also helped question assumptions that students had made with regard to minority communities and state agencies as protectors of minorities in contexts of communal violence.

(b) Repeal of Armed Forces (Special Powers) Act: Similarly, students were also involved with the ICC-India campaign in its participation of a nationwide initiative demanding a repeal of the Armed Forces (Special Powers) Act (AFSPA). Key personnel in the campaign discussed with the law students consequences of provisions that grant power to Indian armed forces to shoot to kill civilians on suspicion of committing specified offences, to destroy any property suspected to be used by insurgents, to arrest any person without a warrant and to enter and search any premises at any time of the day or night without any search warrant. Such discussions provided an opportunity to law students to understand how a repressive law works in practice, its implications on human rights and to critique the role of the state in such contexts.

(c) Law reform initiatives on sexual assault: Engagement with the women’s movement’s efforts at the Criminal Law (Amendment) Bill 2010 exposed the students to a feminist legal perspective. The 2010 bill, which was initiated by the government to amend the criminal law on sexual assault, provided an opportunity to address some of the glaring loopholes in rape law. The law reform initiative on the issue has been largely fuelled by the 172nd report of the Law Commission of India, prepared in 2000, which called for a complete overhaul of rape laws. Civil society groups have critiqued the proposed amendment Bill, and also wrote an open letter to the union law minister, Dr. M. Veerappa Moily, in January 2010, highlighting some of the major obstacles to justice as discussed above for sexual assault, in order to inform the law reform process. Law students were engaged in studying the report of the Law Commission, participated in the efforts to critique, discuss and formulate new standards on sexual assault through the proposed bill.

(d) Advocacy on standards for victim/witness protection: In August 2004, the Law Commission of India prepared and circulated a consultative paper
titled ‘Witness Identity Protection and Witness Protection Programmes’, and invited responses from civil society. Key personnel of the campaign had discussions on the paper and responded to the same. In the published responses to the Law Commission’s paper, the need to spell out rights of the victim to dignity, privacy and respect, the right to psychological protection, to adequate support services and the right to counsel when deposing as a witness were emphasised. Law students also participated actively in the campaign’s effort to organise a one day consultative meeting in Mumbai on Victim and Witness Protection in April 2005. Synthesising 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. Students benefited from interactions with about 45 human rights activists, lawyers and media persons from Maharashtra and Gujarat who participated in the workshop. The campaign’s advocacy work on the issue of witness protection and integration of a victim’s perspective into Indian criminal law provided the students with insights on newer discourses in victimology and evolving standards on witness protection in international law.

**Media Outreach and Advocacy**

The campaign’s work on media outreach and advocacy aimed at (a) building partnerships with media persons for information dissemination on the issue; (b) increasing visibility to the issue; and (c) 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. Students’ work in media advocacy typically involved activities such as the preparation of media invitations and announcements, compilation of media kits related to the ICC and other standards of international law, drafting and dissemination of press releases and reports, drafting letters to the editor and logistical assistance prior to, during and after press conferences.

**Activity #5: Alliance-building, Networking and Outreach**

Networking and alliance-building are essential activities of any campaign. ICC-India was no exception. In this regard, students engaged in preparation and maintenance of a data base of ICC-India’s partner organisations and individual supporters, preparation and dissemination of regular updates on the campaign through a list-serve and communicating with partners and supporters as and when required (particularly prior to an event). Some student interns who had the opportunity to travel across various law schools along with the campaign’s team, started building alliances with students of other universities and colleges, and encouraged by the
response, a students’ initiative was commenced. Students have initiated and organised events and programmes in their respective institutions, such as film screenings, discussion forums and essay competitions, with the joint guidance of campaign personnel and concerned faculty members.

As Professor Javed Alam mentioned in his inaugural address of the Clinical Legal Education workshop, legal clinics are intended ‘basically to make people who are doing law connect with different popular movements of rights’.23 The ICC-India campaign certainly provided such an opportunity to students. Apart from the law students’ own initiatives during and subsequent to the internship period, the students also benefitted by interacting with persons from various non-profit organisations, movements and campaigns across the country. Such interactions helped the students understand the range and enormity of activities undertaken by them, the strategies employed and the challenges faced by them. Often the students observed, with amazement, the grit and determination of activists and human rights defenders who fought for the cause of justice, alongside the victim–survivors, despite threats and intimidation of various kinds and from various sources. The students learnt to value the very important contributions made to human rights, social justice, secularism and equality by such organisations and movements.

**Activity #6: Interactions with Affected Persons**

During the course of ICC-India’s work, the students also interacted with victim–survivors of various contexts of mass crimes. These include those affected by the communal violence in Mumbai 1992–93 and Gujarat carnage 2002, as well as women from Kashmir whose husbands had been allegedly tortured and killed or disappeared by members of the armed forces. Students had an opportunity to interact with affected persons at the People’s Tribunal on Torture, where key personnel of the campaign participated as members of the jury.24 The students’ participation at the proceedings of the Tribunal provided them an opportunity to hear victim–survivor testimonies on the torture inflicted on them and their loved ones by joint special task forces of Karnataka and Tamil Nadu that had been established in the 1990s to nab the sandalwood smuggler Veerappan, and that of victim–survivors of custodial torture by the police. Such interactions were eye-openers for the students on ground realities, particularly the challenges faced by survivors in obtaining justice and how they perceived the legal system. On one hand, the frustration that such victim–survivors felt with the legal system (particularly the criminal justice system), made students realise the nature of state power and the failings of the legal system. On the other hand, the victim-survivors’ persistent and continued struggle for justice against all odds such as poverty, isolation, ridicule within the community and threat and intimidation from external sources, motivated the students to continue their engagement with law and the legal system, in order to use law as a tool for social justice.
Some Interactions with Students during the Internships

The internship provided the students with ample opportunities to interact with the campaign’s personnel. Such interactions typically involved questions relating to the ground realities that the campaign dealt with. It was not surprising that much of popular (anti-marginalised people) propaganda on issues such as rights of religious minorities, casteism, terrorism, Naxal violence, insurgency, separatist movements and militarisation had been imbibed by the students. The interactions provided an opportunity for us to challenge some of these and trigger the students’ thought process in a new direction. On the other hand, the interactions also helped the campaign tremendously, as the questions posed by the students helped the campaign personnel articulate their viewpoints better and helped in honing our persuasive skills in this regard.

A topic on which animated discussions were held was in relation to violations by armed forces in North Eastern states and the state of Jammu and Kashmir. The concept of sovereignty and its scope and place in the realm of human rights was another topic that lent itself to animated discussion, particularly in view of a strong sense of nationalism that some law students had imbibed through the process of socialisation. The role of the state in protecting the human rights of the people and the misuse of its power were also issues that were intensely discussed.

The work of ICC-India clearly illustrated to the students the limitations of law—the lacunae in existing law, the absence of political will to prosecute key persons in contexts of mass crimes and the weak implementation leading to a scuttling of justice. Particularly in the context of mass crimes where complicity of the state is largely present, the assumption of law that the state is the protector of the people was questioned by the students themselves. The futility of justice in such contexts, with state agencies conducting the investigation and prosecution and the need for an alternative non-state centric paradigm of law to address situations of mass crimes came to be discussed quite often. The limitations of law in terms of its reach and the complementary aspects of other social and political processes alongside legal processes became evident through the students’ observations of the campaign’s strategies. This was reinforced through group and one-to-one discussions with students during the period of internship.

Feedback from Students

A feedback from law students after their internship with the campaign highlighted the following ways in which the students benefited:

- Awareness of various developments in the field of law and the changes and reforms that domestic laws are in need of
- An understanding of 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

• Information and knowledge about the possible ways to ensure justice for crimes committed across different jurisdictions, affecting humanity as a whole
• Acquisition of a different perspective on human rights and international law, grounded in harsh realities of marginalised and underprivileged people
• Exposure to the intricacies of international criminal law and their potential influence on Indian domestic law
• Understanding of the scale of human rights work undertaken by the campaign and issues raised by the human rights movements
• An insight on how a campaign on an issue of international law can influence human rights campaigns, initiatives for justice and accountability and domestic law reform processes in India
• Motivation from being part of a campaign that worked towards creation of a world in which law, justice and peace will prevail

A Law School Clinic on International Criminal Court: Possible Potentials and Challenges

The purpose of clinical legal education is not simply to give the lawyer the knowledge and lawyering skills to further the interests of his or her client; lawyers are also campaigners of socio-economic justice, policy makers, architects and influencers of law and policy, educators, counsellors and a voice for the weaker and marginalised sections of society. A law school clinic on the ICC and other developments in international jurisprudence and their relevance to India could be one of the myriad ways in which law schools serve India’s social justice needs. It could be an in-house clinic that is based in the law school, with the active involvement of key personnel of the erstwhile campaign. It could have the following components:

• **Information dissemination and awareness-raising:** including developing training tools such as audio-visual material, contributing to organising information dissemination programmes and making presentations in such programmes; law students could be engaged in information dissemination programmes held with lawyers in particular;

• **Research & writing:** Research on human rights and the law could be an essential component of the proposed clinic. This could include a study of mass crimes in India, specificities of each such context and an analysis of the same from the perspectives of gender, human rights, justice and accountability, as well as the reports of Commissions of Inquiry held for the same and an analysis of the extent to which the recommendations of such Commissions were implemented. In addition, research on developments in Indian jurisprudence through case law, and developments in international jurisprudence, particularly that of the International Criminal Tribunal for
Former Yugoslavia (ICTY), International Criminal Tribunal for Rwanda (ICTR) and the ICC as well as the emerging jurisprudence of other international tribunals and hybrid courts, could also be undertaken;

- **Field work/exposure visits:** The field work/exposure visits are aimed at strengthening the law student’s understanding of how the law and justice mechanisms work within the country in the contexts of mass crimes. Such an understanding would form the basis for integrating international law concepts, principles and practices into domestic law. Such field work could include visits to courts or Commissions of Inquiry where hearings on mass crimes are ongoing, participation in fact-finding initiatives on mass crimes including custodial torture and extra-judicial killings, participation in public hearings and people’s tribunals where justice and accountability for mass crimes is the core issue, and participation in people’s movements, popular demonstrations and protests related to issues of law and justice.

- **Interactions with victim-survivors of mass crimes:** This is an essential component to enable the student to understand the harsh realities on the ground—it could be for the purposes of documenting their violations, understanding their aspiration for and concept of justice, their experiences with the legal system and an analysis of how law responds to the demand for justice and accountability by such victim–survivors;

- **Legislative advocacy:** This could include two activities: critiquing repressive laws that violate Constitutional guarantees and established international law standards; and participation in legislative drafting processes where scope exists for introducing concepts and standards of international law;

- **Media outreach and advocacy:** This could entail the preparation of media invitations and announcements, compilation of media kits related to the ICC and other standards of international law, drafting and dissemination of press releases and reports, drafting letters to the editor and logistical assistance prior to, during and after press conferences on the ICC and its relevance to India. Law students could also assist in capacity building programmes for media persons on issues pertaining to international law and human rights if and when such programmes are held.

While the possible components of the clinic have been outlined above, this would have to be more specifically fine-tuned through the collaborative efforts of the faculty of law schools and key personnel of the erstwhile campaign, who continue the work of the campaign in their individual capacities based on the context and exigencies on the situation prevalent at the relevant point in time.

**Pre-conditions and Challenges**

One of the first challenges to be addressed is the notion of a law clinic as a place where only skills such as preparing briefs, formulating arguments, client
counselling and negotiation are taught. Since lawyers are also campaigners of socio-economic justice and change-makers in society, the role of lawyers is much more expansive and clinical legal education would need to respond to such a role. In addition to skills involved in court room lawyering, it is essential for law students to develop skills at critiquing laws and understanding their human rights implications, ways of engaging in law and policy reform, research on human rights and law, training skills on international and Indian human rights law, as well as skills in interacting with victim–survivors of human rights violations. An exposure to various strategies used by the human rights movements in the country for justice and accountability, including but not limited to the law, is also essential to any lawyer engaged with socio-economic justice, in order to understand the limitations of law and to situate the use of law within a larger framework of democratic, political and social processes.

Professional ethics and methodology related to research would have to be explained to the students, particularly before they embark upon any research based on field-work. In particular, law students would require a briefing on ways in which interactions with victim–survivors ought to be carried out, with due respect to their dignity, privacy, autonomy, transparency and participatory decision-making. In order that law students reap benefits from the field work/exposure visits, collaboration between the faculty and key personnel of the erstwhile campaign is essential. Methods would have to be devised for students to express their observations and learning points subsequent to such visits, and for the same to be integrated into the curriculum of law schools. Clear links would have to be drawn between substantive courses in human rights, international law, international humanitarian law, refugee law and international criminal law and the work done through the proposed clinic. Supervision and assessment of students is an issue that requires to be specifically addressed. Aspects of the clinic that involve field work/exposure visits/interactions with victim–survivors could be supervised by key personnel of the erstwhile campaign in collaboration with the faculty. Checks on the quality of work done would need to be carefully chalked out.

**Conclusion**

Lawyers can make people aware of their legal rights and duties and they can bring public opinion to bear on law making, thus helping make the law more responsive to national concerns (Bloch & Prasad, 2006). Clinical legal education could be a tool for motivating young lawyers to work for the public good. A law clinic on the ICC and other developments in international jurisprudence and their relevance to India would be successful only if it served multiple purposes—it should be useful for students in perspective and skill-building, satisfying to the faculty in complementing classroom teaching, beneficial to the cause, strengthen the victim-survivors’ struggle for justice and, at the same time, add impetus to the overall cause of countering impunity and promoting accountability for mass crimes. The
proposed clinic has the potential to enable law students to forge links with persons from marginalised and underprivileged communities, human rights groups, civil liberties and other social movements. Such a clinic could also enable the students to synthesise theoretical learning of law with an application of the same to ground realities in an informed and humane manner. The ultimate aim of such a clinic would be to contribute, in a small way, to making law students more politically conscious, socially responsible and to inspire them to use law as a tool for achieving socio-economic justice.

Notes

2. The All India Bar Examinations, conducted by the Bar Council of India each year, commencing with December 2010, attempt to test the advocate’s ability to practice the profession of law in India. For further details, see the notification bringing the All India Bar Examination into force, passed by the Legal Education Committee and the members of the Bar Council of India at duly constituted meetings on April 10, 2010 and April 30, 2010. Available at http://www.barcouncilofindia.org/about/first-all-india-bar-examination/ (Last accessed on 14 October 2012).
3. In this article, the terms ‘campaign’, ‘internship’ and ‘clinic’ are used, all of which have different meanings. ‘The campaign’ refers to the ICC-India campaign, unless otherwise stated, while ‘internship’ refers to the campaign’s student internship programme. ICC-India campaign’s activities extended from information dissemination, research and publication, campaign and advocacy to media outreach and alliance-building. Internship was one aspect of the campaign’s work. ‘Clinic’ is used in this article in the context of exploring the potential for a clinic on international law.
4. Mass crimes include multiple incidents of heinous crimes in a given context, crimes committed in a widespread manner, crimes committed in a prolonged manner over a given area or those with a systematic/common/consistent pattern. While the essence of such crimes is captured by the term ‘crimes against humanity’ in international law, the term ‘mass crimes’ is more popularly used within India. Distinguishing features of mass crimes as opposed to crimes against individuals is more elaborately discussed in Uma (2011) at pp. 215–216.
5. The ICC is the first international judicial institution of a permanent nature that is capable of prosecuting individual perpetrators for war crimes, crimes against humanity, genocide and aggression when national courts are unable or unwilling to do so. The ICC was established through an international treaty called the Rome Statute. For more details about the ICC, see www.iccnow.org and www.icc-cpi.int, accessed on 10 May 2012.
7. The term ‘alternative law practice’ is used in this article as a practice of law that positively and proactively responds to and engages with issues of social and economic justice.
injustice. For further discussion on alternative law practice, see Khanna, 2001; Khaitan, 2002; Narrain, 2009; and Narrain et al., 2001.

8. For more details of research activities undertaken for information dissemination and campaign and advocacy, see Uma (2009: 46–54); Uma and Wadia (2008: 40–45).

9. The campaign made presentations on the ICC and its relevance to India in at least 49 events between 2000 and 2007, including 30 workshops organised by the campaign. As many as 19 out of 28 states in the country have had at least a city level workshop during the seven year period. All such activities were backed by law and human rights research. For more details, see Uma and Wadia (2008: 23–30).

10. For details, see Uma and Wadia (2008).

11. In 1998, the Indian government abstained from voting on the Rome Treaty establishing the ICC. Thereafter there has been no positive move towards ratification/accession to the Treaty. For an understanding on the Indian government’s position on the ICC, see Uma (2004a: 28).

12. The campaign held two consultative meetings with MPs in 2005, and several months of preparatory work and follow up work with individual MPs. The first meeting had the participation of more than 40 MPs from both the Lok Sabha and Rajya Sabha, across all political parties, while the second consultative meeting, addressed by the erstwhile President of the ICC, Judge Philippe Kirsch, had the participation of more than 50 MPs representing various political parties, and also 30 representatives of civil society. For more details of the campaign’s advocacy work with Parliamentarians, please see ICC-India (2005) and Uma (2005a).

13. For details of the publications brought out on the campaign’s interactions with Parliamentarians, see ibid.

14. For an analysis on this, see Nainar and Uma (2003).

15. The civil society, including the campaign, has engaged with government efforts at enacting a Communal Violence Bill, since 2004. A range of organisations and individuals have made oral presentations, written detailed critiques of versions of government drafts and presented alternative draft Bills to the government. In July 2010, the National Advisory Council established a Working Group on Communal Violence Bill, and convened a Drafting Committee and an Advisory Committee, consisting of government officials and members of civil society. Key personnel of the campaign participated in both the Committees as members. The NAC’s draft can be accessed at http://nac.nic.in/communal/com_bill.htm. An alternative draft titled ‘The Communal Crimes Bill’, prepared by civil society members including key personnel of the campaign, is available at http://www.wragindia.org/pdf/campaigns/Communal%20Crimes%20Bill,%202008.pdf, accessed on 13 November 2010.

16. AFSPA is a draconian law that has been in operation since 1958. For more details on the national campaign for its repeal, see ‘AFSPA: 50 Years of Human Rights Violation’, The Morning Express, 22 May 2008; and Laishram (n.d.).


19. For more details of the campaign’s work on victim/witness protection and domestic law reform, see Uma and Wadia (2008: 46).


21. For more details on the campaign’s work on media outreach and advocacy, see Uma and Wadia (2008: 59–69).
22. For more details of the campaign’s work on networking and outreach, see Uma and Wadia (2008: 76–83).
23. The workshop was organised by the Chityala Ailamma Centre for Interdisciplinary Research on 27–28 June 2010 in Hyderabad. For a report of the same, see Paltrowitz and Gullapalli (2010: 4).
24. People’s Watch, Madurai, initiated a National Project on Preventing Torture in India since 2006 with a deliberate focus on torture practices routinely employed by the police. The project focuses especially on safeguarding groups on the margins of the Indian society, such as scheduled caste and scheduled tribes, minorities, women and children. As part of the project, the People’s Tribunal for Torture was held in Madurai in May 2008 and in Bangalore in August 2008. All documents, data and reports generated in the course of this project are available in file with the organization, and at http://www.pwtn.org/preventing_torture.
25. State complicity and connivance in contexts of communal violence have also been dealt with in the reports of many Commissions of Inquiry established by the government. Their features have been summed up by the Supreme Court in 


26. For a reproduction of the feedback given by some law students, see Uma and Wadia (2008: 82).
27. Commissions of Inquiry held on the Gujarat carnage Kandhamal violence and the trial for Hashimpura killings that has been held in a sessions court in Delhi are some such examples. The Hashimpura case involves communally motivated custodial killings of 42 Muslim youth by Provincial Armed Constabulary—a section of the police, in Meerut, U.P. in May 1987. The trial was commenced in Ghaziabad (U.P.) and transferred to Delhi’s Tees Hazari (Sessions) court in September 2002 after petitioning the Supreme Court. For more information, see Ansari, 2006.
28. An example of a fact-finding initiative is that of the double rape and murder of Asiya and Nilofer, in Shopian, Kashmir, on 29 May 2009. For more details, see Independent Women’s Initiative for Justice (2009).
29. One such tribunal was the National People’s Tribunal for Kandhamal, held on the communal violence in Kandhamal, Orissa, on 22–24 August 2010 in Delhi. For more details, see National Solidarity Forum (2011).
30. Protests such as that against the nuclear project in Koodankulam, Tamil Nadu, are potential opportunities for law students to be exposed to, for understanding the dynamics between the state machinery and people’s movements for human rights, as well as the impact of law and policy on the lives and rights of ordinary people. For more details, see Report of the jury on public hearing on Koodankulam and state suppression of democratic rights (2012), retrieved from http://www.dianuke.org/koodankulam-documents-justice-a-p-shah-committees-report/

References

Advocating Socio-Economic Justice


