

REPORT OF A DISCUSSION-MEETING ON INTERNATIONAL CRIMINAL COURT & INDIA

(Held on 28 July 2005, New Delhi)

A discussion-meeting on International Criminal Court & India was held on 28 July 2005 in New Delhi, India. The workshop was organized by ICC-India, a project of Women's Research & Action Group (WRAG), Mumbai, in collaboration with Partners for Law in Development (PLD), New Delhi. *ICC-India* is a premier project started in 2000 for carrying out an awareness and advocacy campaign in India on the issue of International Criminal Court. It is an activity of Justice and Accountability Matters (JAM), a programme of Women's Research and Action Group (WRAG), Mumbai. PLD is a legal resource group working on women's rights.

This meeting is a part of a series of programmes that ICC-India is organizing in various states, aimed at disseminating information on the ICC and its relevance to India. The objectives of the event were: a) to understand the concept, principles and functioning of the ICC; b) to understand its implications for human rights generally; c) to explore the specific relevance of ICC for human rights issues and campaigns within India; and d) to strategise on strengthening the ICC campaign within the country. The participants for this discussion-meeting included human rights activists, lawyers and mediapersons. In addition, members of Delhi-based non-governmental organizations including Nirantar, CREA, Haq, Partners for Law in Development, Programme for Women's Economic, Social and Cultural Rights, Justice and Peace Commission, Indian Social Institute and Amnesty International – India participated in the workshop.

The resource persons for the workshop were **Ms. Pouruchisti Wadia**, Assistant Coordinator, ICC-India; **Mr. Joydeep Sengupta**, Outreach Liaison, NGO Coalition for International Criminal Court and **Ms. Saumya Uma**, Coordinator, ICC-India.

Ms. Amita Punj of Partners for Law in Development welcomed the participants and introduced the topic of ICC to them. Mr. Joydeep Sengupta traced the history relating to the ICC, the context in which a necessity for such an institution was felt and the present need for the ICC. He also talked about the deficiencies of International Criminal tribunals for former Yugoslavia and Rwanda and how the ICC was a step in the right direction in terms of prosecution of individuals for grave crimes. Ms. Pouruchisti Wadia talked about the fundamentals of the ICC, such as the underlying principles and philosophy behind creation of the ICC, the trigger mechanisms, the structure of the court and completed her presentation by highlighting the crimes covered under the ICC. Ms. Saumya Uma shared with the participants the concerns of the Indian government, its role and position from the 1990s till date and the relevance of ICC to the Indian human rights situation. She also outlined the activities of ICC-India, its present focus on work with Parliamentarians, policy-makers and media persons. She highlighted the future plans of the ICC-India campaign, and invited Delhi-based individuals and organizations to join the campaign.

The presentations were followed by a discussion that included the following questions and comments:

- If India has not ratified & an Indian commits an ICC crime outside the country, can there be prosecution in the ICC?
- Why was there a campaign to ensure women judges in the ICC?
- What is the role of civil rights groups in the United States on the ICC?
- If the United States government cannot be held accountable for its grave violations in Iraq and Afghanistan, what is the relevance of an international mechanism such as the ICC?
- How would the ICC help in proper implementation of domestic laws, in the light of the fact that what is needed for India is not new laws but better implementation of existing laws?
- What is the response of Indian Parliamentarians?
- What is expected of campaign partners of ICC-India?
- How can Delhi-based organizations contribute to the ICC-India campaign?

In the final session on strategies for future campaign within the country, the participants showed immense interest in actively participating in the activities of ICC-India. Some of the suggestions they made are as follows:

- Form a study group to study the ICC and its relevance to various human rights issues within the country;
- Organizations agreed to support (within their own capacities) in terms of logistics (such as booking venue, contacting media persons, arranging equipment etc.) for any ICC events that may be held in Delhi in future, including ICC-India's activities with Parliamentarians and policy-makers;
- In the context of the EU-India Summit scheduled for 7 September, Delhi-based organizations agreed to think of whether any small event on ICC is possible or if not, if information material on ICC & India can be disseminated;
- Participation in a proposed event around the visit of President Kirch in December 2005;
- Active participation in the proposed Roundtable with NGOs, planned to be co-organized by ICC-India and FIDH, possibly in Sept 2005;
- Suggest names and forward contact details of persons who could join the ICC-India's Board of Advisors or could endorse the campaign to increase credibility of the campaign;
- The participants agreed to take back the information on the ICC to their respective organizations, and to discuss the prospect of joining as campaign partners.

Report prepared by ICC-India, 30 July 2005

For comments and further information, please write to iccindia@indiainfo.com / wrag@vsnl.com