

From Wrongful Prosecutions to Rightful Reparations: Addressing State Accountability towards Victims – A Dialogue (NLUD & Innocence network)

The Dialogue could be located within a *victim centric, restorative Justice Framework*. While primarily underlining lived experience of injustice faced by exonerees, the consultation needs to focus on some of the ways different components of the Criminal Justice System contribute in the making of injustice and the ways we can improve upon it. The Role of different stakeholders- Police System/ Investigating agencies, Judicial System, Prison, Social Institutions- needs to be discussed, and the scope of possible reforms in each of these institutions outlined.

Hence, we have thought of a two day program, where the first day focuses on listening to victims, while the second would be closed door, roundtable consultation with representatives from all stakeholders.

Sub Themes & Panels (1st day)

1. Policing, surveillance and torture in terror cases: This session will focus on the starting of *the process and the institutions (police system) involved-* the arrest, detention and custody. This can be the broadest and most far reaching theme that includes everything from the process of illegal detention to experiences of torture, methods of investigation, harassment of family members, continuing surveillance even after acquittal and other areas. This session can have the largest number of testimonies covering the whole range of the issue.

Victim testimonies: 3-5 (10m each)

Moderator (technical expert): 1 (10m)

2. Bar and bench in terror trials: This session will look at the role of the judiciary. Some of the aspects that it will bring within its purview will be: courtroom experiences in terrorism trials for innocents, courtroom experience for lawyers, quality and standards of evidence, the attitude of judges, tweaking of procedural protections to accused denial of bail, among other issues.

This session can have two panels- one with the innocents, and the other with their lower court lawyers highlighting the issues they faced at the lower court level

Victim testimonies: 3 (10m each) Lawyer testimony: 3

Moderator (technical expert): 1 (10m)

3. Media, civil society, and Justice: This session looks at the stakeholders, especially the media and the role they play in making the collective consciousness about the victims. This would include the treatment meted out by these institutions to both the victims and their families and will also focus on post-acquittal scenarios. While outlining the subtle way these institutions contribute to the larger environment around guilt and innocence, this session will seek to find ways to effectively restore justice.

Victims and Panelists: We are looking at about 12-15 victim testimonies that will cover the entire gamut of issues that we seek to bring out. Each testimony, belonging to a specific panel, will be groomed to fit within the purview of the panel. This will be an effort to move a step higher to the innocent's tribunal (*and the general practice*) where free flowing testimonies have been the norm. We will work with the victims to explain the criminal justice viewpoint, as well to tailor testimonies to suit the needs of experts (judges, lawyers, policy people, government representatives) and the ask them to focus specifically on certain sets of issues.

Roundtable National Consultation (2nd day)

The second day of the program can consist of two closed door consultation sessions and one final concluding session.

1. Reform (criminal Justice): Identifying scope of intervention and recommendations for systemic reform. Submission from different stakeholders.

Target Stakeholders: Law commission, sitting and ex judges, lawyers, public spirited government and political party representatives, field practitioners, experts from Police / Judicial systems and academics who have stakes and experience of working on the issue.

2. Support, Campaign, and Advocacy: This sessions to look at the issue of rehabilitation of innocent exonerees as well as the need to explore possible channels of creating awareness and advocacy, including Legal Advocacy, Political Advocacy, Media Advocacy and Academic Advocacy , etc.

Target stakeholders: INGO's, Media heads, NGO's, community organizations, and Social activists

Each consultation session can begin with a very brief presentation of the summary of previous days testimonies and the different issues that need to be kept in mind before making concrete suggestions.

The concluding session of the program can serve to bring together the proceeds of the entire program and possibly also include a keynote address by an eminent member of the judiciary or the academia.