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Interview with Radha D'Souza

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Abstract

In this interview with Pedro Urano, Radha D'Souza outlines the origins of the *CICC* and its underlying conceptual framework, as well as the thematic concerns that animate the different iterations of the project. In the course of the conversation, the discussion addresses themes such as the preparatory research that goes into each manifestation of the *CICC*, the role of the Public Jury, the reasoning behind the court's proposition to put the law itself trial, as well as questions around reparation.

Keywords: Court for Intergenerational Climate Crimes; Jonas Staal; Radha D'Souza

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Interview with Radha D'Souza

Pedro Urano



Interview conducted by Pedro Urano (pedro@pedrourano.com) on 13 April 2025.

On a spring afternoon in London, I met with Professor Radha D'Souza – activist, legal scholar and co-founder (with artist Jonas Staal) of the *Court for Intergenerational Climate Crimes* (*CICC*), where she serves as Presiding Judge. A former barrister at the High Court of Bombay and Professor of Law at the University of Westminster, D'Souza reflected on the Court's provocative work: holding corporations and states accountable for socio-environmental violence.

Her incisive analysis reveals how legal systems codify colonial and extractivist logics, while the *CICC*'s innovative format – blending performance, testimony and adjudication – creates alternative frameworks for social and climate justice. The conversation offered rare insight into how radical legal imagination might confront our planetary crisis.

Pedro Urano: I served on the Public Jury during the first session of London's *CICC* trial, and what struck me most was how the trial framework organised such complex socio-environmental narratives into a coherent synthesis, structured through logical connections – making sense of the case. This made me wonder: how exactly did the Advocates and Witnesses prepare for the trial? Were they already experts on

the issues in question, or did they have to conduct their own research after being invited to the *CICC*? Could you shed light on how this pre-trial process works?

Radha D'Souza: Yes, they do conduct significant independent research, but the process doesn't begin by simply inviting Witnesses to court. It starts with concept development – that's the most foundational stage. The key question is: what is the core concept underpinning the trial?

PU: You mean that each iteration requires its own distinct conceptual framework?

RDS: To clarify, I'm speaking not of the philosophical or legal framework – which remains consistent – but rather the *thematic core* of each trial. This is where the conceptual preparation becomes foundational. The critical question is: how do we identify and articulate the unique theme of a given case and then align it with the broader philosophical and legal principles we aim to communicate? In other words, how do we adapt these universal frameworks to the specific narrative and context of the trial? That, to me, is the essence of effective trial preparation.

In the London trial, the focus was on intergenerational crimes – specifically, how harms committed four or five centuries ago perpetuate across generations. While we might broadly attribute this to colonialism, the critical question was: how does this transmission occur? Today, we label it neocolonialism, but what mechanisms sustain it? And crucially, how does it persist despite centuries of resistance, rebellion and relentless contestation? This was the heart of our examination.

And thus, as the Court will take place in London, we decided to focus on the East India Company – that's really where all this entanglement of corporate and state power started. The East India Company created the systems of corporate governance, the way corporations and governments work together, setting up this relationship between private companies and the British Crown.

That's exactly why London made so much sense for a *CICC* trial on intergenerational aspects of climate crimes. It's a perfect location to look at how – when governments and corporations got all tangled up together, how does that entanglement became this machine that keeps passing down harm, like a carrier for intergenerational crimes. Because it's not just about things that happened in the past – it's about how the legal systems, the institutions, even the way we think about things, keep that history alive today. Obviously, 2024 isn't the same as 1600 or 1492. But here's the thing – the systems they created back then, they never really went away. The frameworks created in 1492 continue to govern our current systems. That's what we're really trying to get at.

PU: The past shapes our present…

RDS: …and the present will shape the future! So that's what we wanted to look at, also to examine how these systems endure. That was the core challenge – and the most foundational part of our work. How do we connect all these threads?

That's why we needed experts who could answer what exactly did the East India Company do? What systems did they create? How did the British Crown enable this through their agreements? And crucially – how does this still play out today? Because if we're arguing that these structures persist, we have to prove it. We had to ask: What's happening now? And how do we trace the unbroken line from past to present? That was the heart of it – linking history to today, showing how the old machinery still operates.

Once we had the concept clear, the next step was finding the right people. Normally, we don't use many academics as Witnesses – in fact, in our first case, we hardly had any. But this time was different. Our first Witness had to be an academic – specifically, a historian who could speak about the Crown's original relationship with the East India Company.

Then we needed specialists for the other key elements: one historian focused on indigo (a major colonial cash crop) and another on indentured labour systems (which the East India Company basically invented). Each expert had to connect their piece to the bigger story we were building.



Figure 1: Historian James Vaughn, acting as Witness, answers questions from the Public Jury. Image credit: Pedro Urano.

PU: This brings us to indentured labour, a system of contract-based exploitation. Given its brutal realities, why did the East India Company pioneer this model? Was it merely a strategic rebranding of slavery for a post-abolition era, or something more institutionally sinister?

RDS: The long-standing debate over whether indentured labour was slavery is itself revealing. The very existence of this question exposes the systemic logic at work. Chattel slavery – the outright buying and

selling of human beings – was never a sustainable model for perpetual exploitation. There were obvious limits: how many generations could this continue before entire continents were depopulated?

What emerged was a more sophisticated system of coercion. Indentured labour became colonialism's 'upgraded' model, perfected to sustain intergenerational extraction after slavery's formal abolition. This transition was never about morality; it was logistical. Indigenous populations resisted exploitative labour conditions on their own lands – where they retained agency to refuse. But transport people thousands of miles from home, strip them of community and legal standing, and resistance becomes nearly impossible.

Thus, it was slavery with a veneer of legality. Contracts replaced whips, debt replaced chains, but the outcomes mirrored slavery's core function: supplying disposable labour to build colonial wealth.

PU: With the conceptual framework ready and having selected the Witnesses and Advocates team, how do you finally work with them for the trial?

RDS: This iteration required extensive collaboration with the Witnesses due to the way it is structured. We began by outlining our objectives and expectations individually, with each Witness. Once they were prepared, we brought all three together to ensure coherence – given the vast scope of the subject matter, it was crucial to align their testimonies and identify key intersections. We then conducted rehearsals to refine their delivery. The process demanded significant preparation, essential for building a unified narrative.



Figure 2: Witness Andy Rowell gives testimony. Image credit: Pedro Urano.

PU: Thus, there were three cases and three historians in each case. Each session has a different Advocate as well. But you were the President of the Jury in every *CICC*, right?

RDS: Yes, I'm always there, as we require someone to coordinate. It was a question of applying the Act [the *Intergenerational Climate Crimes Act* of 2021] and then afterwards writing the verdict. I needed to be there for the continuity.

PU: The Judges also remained the same throughout the three cases. What were the criteria for choosing them?

RDS: Our criteria were clear: we sought seasoned activists and social justice campaigners with decades of frontline experience. Take Sharon H. Venne, for instance – she's dedicated her life to working with the Cree Nation in Canada and other Indigenous communities. Similarly, Ramón Vera-Herrera's work spans Mexico and across Latin America, thanks to the pan-regional reach of the journal he publishes. His background includes extensive advocacy for Honduran migrants, among other causes. In short, we prioritised individuals whose lifelong commitment matched the depth of the issues we were addressing.

PU: How did the concept for the *CICC* originate? Was it through your collaboration with Jonas in the Netherlands? Could you share how this initiative first took shape?

RDS: We didn't start in the Netherlands. The first one was in the Netherlands, but we started talking about it after my book (D'Souza 2018) came out. Jonas read the book. I mean, we knew each other because of the Kurdish solidarity movements. Both of us work for some of the Kurdish solidarity issues. So that's how we had known each other.

After my book was published – and after he read it – that's when everything began. I'll admit, I was sceptical at first: who actually reads academic books? I'd written it for activists and scholar-activists, precisely because I felt we were failing to address a critical gap: the problem of legal imaginaries.

When Jonas finished reading, he said, 'Right, let's do something about this'. That's how the conversation started. We began brainstorming ways to dramatise the idea, and I proposed, 'Why not put the concept of legal personality on trial?' Let's take the law at its word – pretend these corporations are real people, since that's what the law claims. And that was the genesis of it all.

Of course, wherever we work, we adapt the project to local contexts. In the Netherlands, the focus was obvious: as the first major colonial capitalist power, it's where these legal systems originated – the root of so much we're challenging today.



Figure 3: Advocate Swati Srivastava lays out the case for prosecution. Image credit: Pedro Urano.

PU: You mean the Dutch East India Company?

RDS: No, it was not on the Dutch East India Company. The Amsterdam trial deliberately diverged from the historical focus of London's proceedings. There, we examined the contemporary entanglement of modern states and transnational corporations – not as a historical legacy, but as an active, collusive system operating in our lifetime.

Our aim was to expose how the Dutch state consciously constructs legal infrastructures – conduit states, letterbox companies, tax havens – that corporations like Unilever and Airbus exploit globally. The pattern is clear: extract resources from the Amazon, pillage coal in Indonesia, profit from migrant surveillance systems, from conflicts in Yemen and Libya… while the state shares in the spoils. It's a ruthlessly efficient partnership.

Amsterdam's trial wasn't about colonial history. It was about documenting today's crimes: how sovereign states and corporations now function as co-conspirators, their collaboration masked behind the respectable veneer of legal frameworks. The trial made visible what newspapers only hint at: the deliberate architecture of impunity.

PU: And what about the trials held in Korea and Finland, countries without a colonial past?

RDS: Every iteration of the tribunal is distinct – each with a new theme, subject and context. Only the underlying philosophy remains constant. Take Korea, for instance. The Korean Peninsula has endured a century under the spectre of war. the Korean War alone claimed a staggering 25% of the population – a trauma that still shapes the region today. South Korea, in practical terms, functions as a US military base, with all the geopolitical tensions that entails. Now, as tensions escalate with China, this military dependency becomes even more volatile.

Unlike the Netherlands – a historical imperial power – Korea's position is different. Here, we chose to focus on the military-industrial complex precisely because it exposes how war economies entrench themselves in neo-colonial contexts. This isn't about past empires but about present-day systems of militarised control.

In Korea, we scrutinised the symbiotic relationship between the Korean state and its corporations in sustaining a military-industrial complex for US interests. These entities don't merely participate – they actively maintain this system through manufacturing, legal frameworks and infrastructure. This focus marked a deliberate departure from the London and Amsterdam trials.

Here, the core thesis was explicit: all wars are extinction wars. Every conflict erases both human and natural life – bombs obliterate ecosystems alongside communities. By centring on Korea's peninsula and its corporations, we exposed how even neo-colonial states become complicit in global war economies, accelerating cycles of destruction under the guise of security or progress.

Helsinki was an entirely different iteration – a musical procession inspired by political demonstrations. We distilled the core principles of the *CICC* into lyrics, then collaborated with singers representing the city's diverse cultural fabric: a Sámi artist, an Arab singer (reflecting Finland's largest migrant community) and a Finnish-Swedish performer. Initially, we doubted whether these distinct musical traditions could harmonise – but they came together beautifully.

This iteration was our tribute to protest's cultural heartbeat – we wanted to honour the tradition of protest. Across the world, movements march to drums, anthems and poetry, yet this artistry is often dismissed as mere 'noise'. Helsinki reclaimed that truth: resistance is beautiful: a chorus of solidarity, not chaos.

We marched from the Finnish Parliament to the city square, where a tower had been erected. The three singers ascended it and delivered a powerful live performance. Finland presented a unique challenge – unlike London's focus on the East India Company, the Netherlands' transnational corporations, or Korea's war economy, we needed a distinct approach. This musical procession became our solution.

This underscores a fundamental principle: each iteration demands fresh thinking. The planning, conceptualisation and visualisation must adapt entirely. No two tribunals are alike – the plant and animal witnesses vary, the format shifts, and the themes evolve to resonate with local contexts.

PU: The East India Company – or rather, its legacy – was never afforded the opportunity to defend itself during the trial. One might argue this replicates the very exclusionary practices the Court seeks to critique. Was this a deliberate symbolic choice, or a necessary contradiction when putting historical systems on trial?

RDS: The East India Company couldn't be given a right of reply for the simple reason that it ceased to exist 176 years ago. One can hardly summon a defunct entity from the grave – nor, frankly, would we want to. This is precisely why we established a Special Court under the *CICC*'s authority. As the documentation shows, we devised a legally sound framework for this inquiry, modelled on the investigative courts and commissions on inquiry governments routinely convene – like the UK's ongoing COVID-19 inquiry.

The distinction with Unilever is instructive: unlike the East India Company, Unilever retains a corporate existence. We could serve them formal summons, we could say: 'come and defend yourself'. But with a long-dissolved entity, a conventional trial was impossible. Our Special Court allowed us to scrutinise this historical relationship while adhering to legal principles. The goal was never performative punishment, but rigorous examination of systems that outlive their creators.

PU: There were two distinctive aspects of this court I'd like you to address. First, at the hearing's opening, you emphasised we (the audience transformed to members of the Jury), we weren't merely spectators but active participants in the trial. Could you expand on this deliberate choice? It's a remarkably effective approach – by redefining the audience's role, you fundamentally shift their engagement. When people know they'll ultimately share responsibility for the verdict, it demands a deeper level of attention, doesn't it?

RDS: This goes beyond mere attentiveness – it's about active commitment. When you raise your hand, you're declaring: 'I stand by a certain understanding of justice', and that pledge travels with you beyond this room.

What we categorically rejected was the model of the art gallery, where visitors admire the spectacle – 'Oh, so beautiful!' – and then go away. We refused to let this become another subjective aesthetic experience, where engagement ends with contemplation. Too often, people view exhibitions on slavery or climate crisis with detached fascination, then resume business as usual. No transformation occurs; it remains an intellectual exercise.

Our aim was to bridge the gap between head and heart. However fleeting or imperfect the commitment may prove, that moment when someone says, 'I've pledged myself to this', fundamentally alters their relationship to the work. It ceases to be observation and becomes participation.



Figure 4: Jonas Staal tallies the votes from the Public Jury. Image credit: Pedro Urano.

PU: The second aspect I'd like you to explore is your declaration at the close of the first session: 'Here, the law itself is on trial'. Could you unpack the implications of this framing? It strikes me as a radical inversion of conventional jurisprudence – not merely applying legal standards, but interrogating their very foundations. How does this critique of legal structures as complicit systems, rather than neutral arbiters, shape the tribunal's methodology?

RDS: Precisely – we placed the law itself on trial. This wasn't about targeting individuals – not a 'bad CEO' who could be replaced, nor an inadequate Prime Minister or President who might be voted out. We have centuries of experience with that cyclical process of swapping figureheads while maintaining the status quo.

The critical issue is systemic. The structures themselves – the legal frameworks and institutional architectures – perpetuate harm regardless of who occupies positions of power. This is what demanded scrutiny: not the actors, but the stage upon which they perform.

Our methodological device – our strategic intervention – is to take legal fiction at its word: if the law insists that corporate entities are 'legal persons' entitled to the same rights as natural persons, then we shall hold these artificial persons to the same standards of accountability.

Let us play this game to its logical conclusion. If a corporation truly possesses personhood before the law, then it must equally be capable of standing trial, of being judged, and of bearing responsibility for its actions.

This is the paradox we weaponise: by literalising the law's own constructs, we expose the absurdity of privileging artificial entities with rights while insulating them from commensurate duties.

PU: Finally, let's address reparations – the inevitable culmination of this accountability process. If your court indeed proves systemic legal complicity in historical and ongoing harms, what concrete mechanisms do you propose for redress? How might reparations transcend mere financial compensation to address the epistemological, ecological and intergenerational violence embedded in these structures?

RDS: The question of reparations did not come up in the hearings, and so it is not really something that the *CICC* has dealt with thus far. But this begs a deeper question: what could reparations even entail for intergenerational crimes? How does one quantify redress for the transatlantic slave trade? The economic devastation inflicted on the African continent, the systematic erasure of Indigenous societies, the exploitation of enslaved labour – let alone the ecological toll on plant and animal life – these are historical wounds that defy monetary calculus.

Yet if we reduce reparations to financial transactions alone, we replicate the very logic of extraction we seek to condemn. True reparation demands systemic transformation: corporations and states must cease their predatory practices. In this light, the tribunal's work – exposing these structures and compelling accountability – becomes, if people take it seriously and if there is genuine change, a form of reparative justice in itself.

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About the author

Pedro Urano is a filmmaker-researcher. Holds an MSc in History of Sciences, Techniques, and Epistemology from the Federal University of Rio de Janeiro (HCTE-UFRJ) and a PhD in Communication and Culture from the School of Communication of the same university, which included a period as visiting researcher at CREAM at the University of Westminster (funded by a PDSE/CAPES scholarship). Urano is the director of the documentaries *Royal Road of Cachaça* (2008) and *HU Enigma* (2011), the television series *Inhotim Arte Presente* (2016), the feature fiction film *Subterranea* (2021), and the short films Homage to Matta-Clark (2015) and *The Bushmen of Rio Bonito de Cima* (2023), among others.