

COURSE UNIT (MODULE) DESCRIPTION

Course unit (module) title	Code
Learning to live together: transitional justice after violent ethnic conflict	PELA3126

Lecturer(s)	Department(s) where the course unit (module) is delivered
Coordinator: assist. Lina Strupinskiene	IIRPS, Department of Political Theory

Study cycle	Type of the course unit (module)
First	Elective

Mode of delivery	Period when the course unit (module) is delivered	Language(s) of instruction
In class and homework assignments	6	English

Requirements for students	
Prerequisites: Sufficient level of English (B2)	Additional requirements (if any): None

Course (module) volume in credits	Total student's workload	Contact hours	Self-study hours
5	130	32	98

Purpose of the course unit (module): programme competences to be developed

The purpose of this course is to provide students with an advanced understanding of various strategies that post-conflict / transitional societies use in order to confront past human rights violations by providing a detailed introduction into the theory and practice of transitional justice attempting to balance academic reflection and questions of relevance to practitioners. In addition, the course aims to develop students' abilities to conduct an independent analysis of transitional justice policies, assess their strengths and weaknesses as well as further implications.

This course aims to develop subject specific competences, such as, ability to understand the main concepts and theories of transitional justice and reconciliation, ability to apply theories of transitional justice and reconciliation to a wide range of problems arising after violent ethnic conflict, capacity to undertake a critical analysis of the relationship between theory and practice. In addition, generic competences are being developed: ability to gather and evaluate information critically, ability to respond promptly and comprehensively, ability to discuss relevant issues in the field of conflict studies and transitional justice, ability to work in a team.

Learning outcomes of the course unit (module)	Teaching and learning methods	Assessment methods
Students will be able to understand the main concepts and theories of transitional justice and reconciliation	Lecturing, individual consultations, group discussions, individual assignments	Assessment of work during seminars, seminar papers, exam
Will be able to apply theories of transitional justice and reconciliation to a range of problems arising in post-conflict societies	Group discussions, simulation game, individual assignments	Assessment of work during seminars (simulation game), seminar papers, movie review, exam
Will be able to undertake a critical analysis of the relationship between theory and practice	Lecturing, group discussions, individual assignments	Assessment of work during seminars (simulation game), seminar papers, movie review, exam
Will be able to gather and critically evaluate academic literature working in a team and individually	Group discussions, individual assignments	Assessment of work during seminars, seminar papers

Content: breakdown of the topics	Contact hours	Self-study work: time and assignments
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	Lectures	Tutorials	Seminars	Contact hours	Self-study hours	Assignments
1. Introduction to Transitional Justice.	2			2		Defining the course objectives, introducing the main topics and evaluation methods. Introducing the course programme.
2. Introduction to Transitional Justice. Transitional justice as a field of theory and practice. Introducing the main concepts and theories of transitional justice.	1		1	2	5	Reading the assigned literature: Ruti G. Teitel, Transitional Justice Genealogy, Harvard Human Rights Journal 16, 2003, pp. 69-94 / Report of the UN Secretary-General, The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, UN Doc. S/2004/616 (2004), pp. 1-24
3. Dilemmas of Transitional Justice: Peace vs. Justice and beyond	1		1	2	1	Students will be divided into 3 groups and watch the film from a perspective of: victim, perpetrator, human rights lawyer. Preparation for the discussion. Film: Death and the Maiden, Roman Polanski (103 min)
4. Dilemmas of Transitional Justice: Peace vs. Justice and beyond	1		1	2	5	Discussion of the film. Students will present their ideas on justice from the previously assigned perspectives. Ideas of abandoning justice for the sake of peace and vice versa will be discussed. Reading the assigned literature: Michael P. Scharf, Trading Justice for Peace: The Contemporary Law and Policy Debate, pp. 246-265/ Alexandra De Brito, Introduction, the Politics of Memory, Oxford, University Press, 2001, pp. 1-39
5. Nuremberg's legacy. Presenting the first international military trials, explaining the concept of a military trial.	1		1	2	2	Viewing and analysis of a BBC documentary "Nuremberg series: Nazis on Trial (Herman Goering)". Reading the assigned literature: Robert Jackson, Opening Statement at the Nuremberg trials, 21 November 1945, http://avalon.law.yale.edu/imt/chap_05.asp
6. International Criminal Court. Brief introduction into the instruments of international criminal law. Justice as prosecution.	1		1	2	5	Reading the assigned literature: Miriam J. Aukerman, Extraordinary Evil, Ordinary Crime: A Framework for Understanding Transitional Justice, Harvard Human Rights Journal, Vol. 15, Spring, 2002 / Questions and Answers about the ICC.
7. International Criminal Tribunal for Former Yugoslavia (ICTY). The Local Perception of International Criminal Tribunals.	1		1	2	5	Reading the assigned literature: Janine Natalya Clark, The Limits of Retributive Justice: Findings of an Empirical Study in Bosnia and Herzegovina / Donna E. Arzt, Views on the Ground: The Local Perception of International Criminal Tribunals in the Former Yugoslavia and Sierra Leone, The ANNALS of the American Academy of Political and Social Science, 603, January 2006, pp. 226-239.
8. International Criminal Tribunal for Rwanda (ICTR). Role of the Defense Council.	1		1	2	5	Readings: David M. Paciocco, Defending Rwandans Before the ICTR: A Venture Full of Pitfalls and Lessons for International Criminal Law, in The Highway to the International Criminal Court, Montreal, 2003, pp. 99-131.
9. Special courts & hybrid tribunals. Sierra Leone. Prosecuting Head of State.	1		1	2	5	Readings: David M. Crane, Dancing with the Devil: Prosecuting West Africa's Warlords – Current Lessons Learned and Challenges, pp.

						133-141 / Ellen Emilie Stensrud, New Dilemmas in Transitional Justice: Lessons from the Mixed Courts in Sierra Leone and Cambodia, Journal of Peace Research, 2009, 46 (5).
10. Simulation game: International Criminal Tribunal for BACTERIA			2	2	8	Preparation for the simulation game. Students will be assigned certain roles representing the parties involved in a typical court-room hearing.
11. Understanding Truth Commissions: South African Truth and Reconciliation Commission (SA TRC). Facts & Fiction – what to expect from a Truth Commission?	1		1	2	5	Readings: Priscilla Hayner, Unspeakable Truths, New York: Routledge, 2001, What Is the Truth? / Mark Freeman, Priscilla Hayner, Truth Telling in Reconciliation After Violent Conflict: A Handbook, Stockholm, Institute for Democracy, 2003, pp. 52-90.
12. Simulation game: Truth Commission of DOBADO			2	2	8	Preparation for the simulation game. Students will be conducting a „mock“ truth commission in order to understand the functioning and the parties involved in the activities of a TRC. Each student is going to have an assigned role and take part in the simulation of a public hearing.
13. Re-invention of traditional justice. Gacaca system – “Justice on the grass”	1		1	2	5	Readings: Gerald Gahima, Alternatives to Prosecution: The Case of Rwanda, pp. 159-178 / Amnesty International, “Rwanda: Gacaca - gambling with justice”, 19 June 2002.
14. Reparations. Reparatory justice, compensating the victims.	1		1	2	5	Readings: Carla Ferstman, Procedural and Substantive Obstacles to Reparations for Women Subjected to Violence through Judicial and Administrative Forums (Panel discussion) / Hao Duy Phan, Reparations to Victims of Gross Human Rights Violations: the Case of Cambodia, East Asia Law Review, Vol. 4, Issue 2, 2009.
15. Forgive and forget? Granting amnesty – moral and legal dilemmas. Commemorating past atrocities and building memorials.	1		1	2	5	Readings: Kent Greenwalt, Amnesty’s Justice, pp. 189-204 / Rachel Irwin, Velma Saric, Calls for War Memorials Divide Bosnia, Institute for War and Peace Reporting, http://iwpr.net/report-news/calls-war-memorials-divide-bosnia
16. Transitional Justice in the Baltics. Comparing the Lithuanian, Latvian and Estonian experience with Lustration.	1		1	2	5	Readings: Vello Pettai, Dealing with the Soviet past: Explaining divergent lustration policies in the Baltic States’(conference paper – in the course reader).
Seminar paper					10	Preparation of two seminar papers or one seminar paper and one movie review. Seminar paper (1200-1500 words) – a brief analytical essay that will explore a theme, review an argument presented, or discuss a topic covered in the assigned reading. At the end of the essay, at least three questions for discussion will be proposed that explores a tension or point made in one of the readings. These questions will be then discussed in class, and their purpose is to provide structure to that discussion. Movie review – a critical review of the film considering the following questions: What are the key questions raised by the film? How are these questions resolved? What lessons might be learned from the film?
Written examination	15		17	32	14	Analysis of the course literature and notes. Preparation for a final open-book exam consisting of two essay questions (out of a choice of three).
Total	15		17	32	98	

Assessment strategy	Weight, %	Deadline	Assessment criteria
Active and high quality participation	20%	During the semester	Active participation in the class discussions (5%), Ability to come up with relevant examples (5%), Ability to refer to assigned academic literature (5%), Critical thinking and well-structured argumentation (5%)
Exam	50%	During the exam session	Comprehensiveness of the answers (15 %) Ability to base the answers on the academic literature that was provided throughout the course (10%) Critical thinking (10%) Style: clearness, consistency, academic vocabulary (5%)
2 Seminar papers OR 1 Seminar paper and 1 Movie review	30% (15 % each)	During the semester	<i>Seminar papers will be evaluated based on the following criteria:</i> Ability to deconstruct the argument of the author (research question, research problem, research design, conclusions) Ability to critically evaluate the arguments of the author Style: structure, coherence, usage of analytical language, correct citation (5%) <i>Movie reviews will be evaluated based on the following criteria:</i> Ability to point out the key questions raised in the film and explain how they were resolved (5 %) Ability to link the movie to broader issues in the field of Transitional justice studies (5 %) Style: structure, coherence, usage of analytical language, correct citation (5%)

Author	Year of publication	Title	Issue of a periodical or volume of a publication	Publishing place and house or web link
Compulsory reading				
Ruti G. Teitel	2003	Transitional Justice Genealogy	16	Harvard Human Rights Journal
The UN	2004	Report of the UN Secretary-General "Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies"	UN Doc. S/2004/616	
Michael P. Scharf	2007	Trading Justice for Peace: The Contemporary Law and Policy Debate in "Atrocities and International Accountability: Beyond Transitional Justice" (ed. William Schabas)		United Nations University Press
Alexandra De Brito	2001	Introduction, the Politics of Memory		Oxford, University Press
Justice Robert Jackson	1945	Opening Statement at the Nuremberg trials		http://avalon.law.yale.edu/imt/chap_05.asp
Miriam J. Aukerman	2002	Extraordinary Evil, Ordinary Crime: A Framework for Understanding Transitional Justice	15	Harvard Human Rights Journal
Janine Natalya Clark	2009	The Limits of Retributive Justice: Findings of an Empirical Study in Bosnia and Herzegovina		Journal of International Criminal Justice
Donna E. Arzt	2006	Views on the Ground: The Local Perception of International Criminal Tribunals in the Former Yugoslavia and Sierra Leone	603	The ANNALS of the American Academy of Political and Social Science

David M. Paciocco	2003	Defending Rwandans Before the ICTR: A Venture Full of Pitfalls and Lessons for International Criminal Law		Montreal
David M. Crane		Dancing with the Devil: Prosecuting West Africa's Warlords – Current Lessons Learned and Challenges		http://www.unict.org/Portals/0/English%5CNews%5Cevents%5CNov2004%5CCrane.pdf
Ellen Emilie Stensrud	2009	New Dilemmas in Transitional Justice: Lessons from the Mixed Courts in Sierra Leone and Cambodia	46 (5)	Journal of Peace Research
Priscilla Hayner	2001	Unspeakable Truths		New York: Routledge
Mark Freeman, Priscilla Hayner	2003	Truth Telling in Reconciliation After Violent Conflict: A Handbook		Stockholm, Institute for Democracy
Gerald Gahima	2007	Alternatives to Prosecution: The Case of Rwanda in "Atrocities and International Accountability: Beyond Transitional Justice" (ed. William Schabas)		United Nations University Press
Amnesty International	2002	Rwanda: Gacaca - gambling with justice		
Carla Ferstman		Procedural and Substantive Obstacles to Reparations for Women Subjected to Violence through Judicial and Administrative Forums		Panel discussion
Hao Duy Phan	2009	Reparations to Victims of Gross Human Rights Violations: the Case of Cambodia	4 (2)	East Asia Law Review
Kent Greenwalt	2000	Amnesty's Justice in "Truth vs. Justice: The Morality of Truth Commissions" (ed. Robert I. Rotberg & Dennis Thompson)		Princeton University Press
Rachel Irwin, Velma Saric		Calls for War Memorials Divide Bosnia		Institute for War and Peace Reporting, http://iwpr.net/report-news/calls-war-memorials-divide-bosnia
Optional reading				
Lara J. Nettelfield	2012	Courting Democracy in Bosnia and Herzegovina: The Hague Tribunal's Impact in a Postwar State		Cambridge University Press
South African Truth and Reconciliation Commission		Final Report		http://www.info.gov.za/otherdocs/2003/trc/
Luc Huyse, Mark Salter	2006	Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences		Stockholm, IDEA.