SOAN 245/324B1
Seminar in
Transitional Justice
Dealing with the Legacies of Past Human Rights Abuse

For Graduate and Undergraduate Students

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Professor

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Monday 12:00-2:30, Nicely 108

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I. Course Description

Should societies confront the legacies of past human rights abuse or atrocities? If so, how? The field of transitional justice seeks to answer these questions.

The seminar is an exploration of the strategies and courses of action for the post conflict societies. Consistent with the perspectives and premises of transnational justice, the seminar examines the ways in which states and the international community attempt to achieve justice in periods of political transition. Some of the leading theories and applied dimensions will be critically assessed in the light of the operation of international and domestic criminal justice, historical and administrative justice.

II. Objective

Upon completion of the course, students will be able to:

1. Analyze problems related to the past abuse of human rights in post-conflict societies;
2. Understand main theories of human rights and transitional justice;
3. Apply theories of transitional justice to a wide range of problems arising in societies that are undergoing dramatic transformation;
4. Undertake a critical analysis of the relationship between theory and practice;
5. Undertake research which requires the application of theories of transitional justice to concrete problems.

III. Format

The course will be held in the form of a seminar, including lectures and class discussions.

Participation and Seminar Presentation

a) It is expected from the students to actively engage in the class and contribute with personal reflections or additional material that they see fit. It is also expected that the students come prepared to class, having read the material and/or seen the movie, and be able to discuss them thoroughly. Students will bring the assigned readings and prepare some quotes to be discussed in the class.

b) In groups of two, students are required to give an oral presentation on a chosen topic before class. The presentation should be no more than 20-25 minutes. Presentation will be based on the assigned readings (with *) and the other readings. Presenters will provide a synthesis of the assigned readings and raise questions, counterarguments and connections to other theoretical issues, or comparisons with other places and times. Each group should prepare 8 to 12 small piece of papers that contain each a question and to be distributed to the students. Each student should read the question and answer it.

Memos

Students will submit a 600-900 word memo each week, to be submitted on Moodle each Sunday at 5 PM. They present your reaction to your mandatory weekly readings. They are not a summary of the readings but an analytical account of them. You should understand the place of the reading in the theme covered and critically reflect on the thesis behind the readings.

Research Essay

The 2500-5000 words paper will explore one of the themes of this seminar. It will also critically review the way that transitional justice processes have been put in place, taking care to allow for lessons learnt to come out of the reflection. Paper will be based on book review, reading and/or interviews with concerned people, taking care to follow professional standards of social science methodologies. Student will send me one or two paragraph in how s/he will approach the topic and the suggested bibliography, to be approved by me. The paper must follow normal standards of an essay with proper MLA referencing, and an introduction, discussion and conclusion. Final version of the paper is to be submitted through moodle no later than May 1, 2018.

Course Policies
1- You are strongly encouraged to participate in the discussion periods during classes and indeed beyond the classroom. It will make the classes more interesting and vibrant, and it helps in learning and understanding this course.

2- You should have a sense of responsibility. Class attendance is required and assessed. Coming late is not permitted without a proper justification. In case you are absent, you should send a memo of the reading before the following class.

4- It is strictly prohibited to use laptop or use or show mobile during the course.

IV. Assessment

1. 25% Class Attendance, class presentation and participation
2. 30% memos
3. 45% Research paper (Due May 1)

V. Topics and Readings

“*” in front of the reading means that these readings are required for all the students. They are supplementary readings for the student who presents the specific topic and for those who are interested in the topic.

1. Introduction to Transitional Justice: History and Theory (Feb. 5)
Confronting the legacies of past human rights abuse and the Rule of Law in Transition
  - Alex Boraine, Janet Levy, and Ronel Scheffer (eds), “Dealing with the Past” pp. 1-19; 33-105.

2. Prosecution (Feb. 12)
Legal accountability for past abuse: prosecutions, trials, and civil action in courts
  * - Nino, Carlos Santiago (1996) Radical evil on trial, Chapter 1
  - Louis Joinet's Principles on Impunity. (Moodle)
3. Truth-Seeking Models (Feb. 19)

Understanding different models, truth commissions/TRCs, commissions of inquiry, fact-finding missions,


- Morocco IER report and Finding.


4. Memory and Memorialization (Feb. 26)


5. Reparations (March 5)


- KENYA “To Live as Other Kenyans Do”: A Study of the Reparative Demands of Kenyan Victims of Human Rights Violations Simon Robins

6. Vetting, and Demobilization, Disarmament and Reintegration (DDR) (March 12)


7. Dealing with the Trauma (March 19)

Film: *Death and the Maiden*, Roman Polanski (103 minutes)

8. Transitional Justice in Post Arab Uprisings: Case Study (March 26)


- Report from a regional TJ conference that the ICTJ had in Tunisia soon after the uprisings began
- Proposed draft TJ law just submitted in Tunisia
- A draft of proposed TJ law in Yemen
- Tunisia fact-finding mission report

9. Lebanon in Transition (April 16)

Long session will be held in UMAM
* UMAM, Memory at Work: A Guide for Lebanese on Peace and War: introduction (6 pages)


* Kheirallah, Daoud, Transitional justice: with or against the Arab world. *Al-safeer* (7 June 2011) (Arabic)


- Jurdi, Nidal (forthcoming) Falling Between the Cracks: The Special Tribunal for Lebanon’s Jurisdictional Gaps as Obstacles to Achieving Justice and Public Legitimacy.
10. Transitional Justice post Arab Uprisings: Some Conclusions (April 23)


- Report from a regional TJ conference that the ICTJ had in Tunisia soon after the uprisings began


11. Transitional Justice, Culture, and Religion (April 30)


12. Reconciliation (May 7)


### VII. Bibliography

#### Databases

The University of Wisconsin has launched a Transitional Justice Database, which you can find here

<http://www.polisci.wisc.edu/tjdb/bib.htm>. It is generalist in nature, rather than region-specific, but there are references to materials of interest on a broad range of subjects and covering all regions of the globe.

Umam, a Lebanese organization, has been working called Memory at Work <http://www.memoryatwork.org/index.asp>. This may interest those of you engaged in memory work in particular.

#### Other


http://www.bepress.com/cgi/viewcontent.cgi?article=1096&context=til


William A. Schabas, Introduction to International Criminal Court; Cambridge University Press, 2001

VIII. Other materials

<table>
<thead>
<tr>
<th>Title</th>
<th>Director</th>
<th>Theme</th>
<th>Year</th>
<th>Country</th>
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<tr>
<td>Confronting the truth</td>
<td>Neil Kritz</td>
<td>Truth - TRCs</td>
<td>2007</td>
<td>Multiple</td>
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<td>The killing fields</td>
<td>Roland Joffé</td>
<td>Mass violence</td>
<td>1984</td>
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<td>Rithy Pan</td>
<td>Dealing with the past</td>
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<td>Victim-perpetrator</td>
<td>2003</td>
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<td>The fluter player</td>
<td>Jocelyne Glatzer</td>
<td>Violence</td>
<td>2003</td>
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<td>The act of killing</td>
<td>Joshua Oppenheimer</td>
<td>SSR</td>
<td>2012</td>
<td>Indonesia</td>
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<td>My neighbor my killer</td>
<td>Anne Aghion</td>
<td>Gacaca</td>
<td>2009</td>
<td>Rwanda</td>
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<td>2002</td>
<td>Rwanda</td>
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<td>In my country</td>
<td>John Boorman</td>
<td>TRC</td>
<td>2004</td>
<td>South Africa</td>
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<td>La nuit de la vérité</td>
<td>Fanta Regina Nacro</td>
<td>Truth</td>
<td>2004</td>
<td>Africa</td>
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<td>Costa Gavras</td>
<td>Disappeared</td>
<td>1982</td>
<td>Chile</td>
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<td>Patricio Guzman</td>
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<td>Sabrina Subasic</td>
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<td>Disappeared</td>
<td>1998</td>
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<td>Disappeared</td>
<td>2000</td>
<td>Lebanon</td>
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<td>Daniele Arbid</td>
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<td>2008</td>
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<td>Al Jazeera</td>
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<td>2011</td>
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<td>Elyane Raheb</td>
<td>Disappeared</td>
<td>2013</td>
<td>Lebanon</td>
</tr>
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</table>

- Film: "For you whenever you are" Borhan Alaouiyé 2000 (52 min)
- Film "Facing the enemy" by Paul McGuigan, 2001 (66 min)
Film “Gacaca, living together again in Rwanda?” by Anne Aghion, 2002 (55min)
- Film "In my Country" by John Boorman, 2005 (103 min)
- Film “The Flute Player” by Jocelyn Glatzer, 2003 (53 min)
- Film "Confronting the Truth" by Steve York and Neil J. Kritz, 2007 (73 min)
- Film “If the People One Day” by the Citizen Movement (26 min)
- Film Bringing down a dictator / a production of York Zimmerman, Inc. in association with WETA-TV, Washington D.C.; produced, written and directed by Steve York; managing producer, Miriam Zimmerman