CLASS VENUE AND TIME
This seminar consists of thirteen two hour classes. Class will be held every Tuesday from 7:55-9:55 pm in McDonough Hall 220.

COURSE OBJECTIVES
This course will introduce students to what it means to work in the field of transitional justice. As the name suggests, this course aims to give participants a solid understanding of the history and theories that underlie transitional justice; the constituent elements/mechanisms/tools that transitional justice employs to achieve its goals (criminal justice, truth, reparations, and guarantees of non-recurrence); and the key issues and challenges related to the design and implementation of these mechanisms. This course also aims to put this knowledge in a practical context to build students’ skill sets that practitioners of transitional justice regularly employ. The course will therefore heavily focus on participants learning, processing, and analyzing information and then putting concepts to use in scenarios that simulate the work of transitional justice professionals and the variety of audiences with whom transitional justice professionals engage. This will include conducting independent research, writing clearly and persuasively for different stakeholders, making presentations to victims and civil society groups, and conducting negotiation on technical issues.

The course objectives are:

1) Participants understand the basics of transitional justice including its goals, challenges, and mechanisms.

2) Participants are equipped to conduct their own independent research to learn about transitional justice experiences in a variety of country contexts and situations.

3) Participants can utilize their understanding of transitional justice and independent research to communicate effectively with a variety of audiences through brief writing, presentations, and negotiations.
ASSESSMENT AND GRADING

The good news is that this course will not have a final exam or a final paper. This will free up a significant amount of the students’ time at the end of the semester to focus on other exams and final papers. However, students will be required to put in the time normally spent at the end of the semester preparing for an exam or final paper to prepare for class discussions and assignments which will be spread out across the semester. Information about the assignments will be handed out in separate documents and posted on the course website.

Student grades will be calculated as follows:

- Briefing Memo to the Secretary of State or Foreign Minister (2 pgs) about a specific TJ mechanism in a specific place (20%) – Due November 13.
- Presentation to civil society and victims groups (15 mins) about a specific TJ mechanism in a place where TJ is relevant (20%) – Date dependent on topic.
- Concept memo (2-3 pgs) applying TJ to current situation (20%) – Due December 4.
- Participation in 2 in-class TJ exercises (15%)
- General class participation (25%)

CLASS ATTENDANCE AND PARTICIPATION

General Disclaimer: Pursuant to the 2014-15 Georgetown Law Student Handbook of Academic Policies, “[r]egular and punctual attendance at all class sessions is required of each student... A student who, even though registered for a course, has not regularly attended, participated, or otherwise met class requirements may, at the professor’s option be withdrawn, excluded from attending class sessions... or receive a lowered grade in the course. Even if a student has passed all examinations, academic credit will not be awarded and no student will be advanced, nor will a degree be conferred, if attendance or participation is unsatisfactory.”

Given the focus on participation and classroom scenarios, advanced preparation for each class, attendance, punctuality, and participation is essential for this seminar and will be a key component of your grade. Participant participation should focus on the quality of interventions, as well as active listening and responding thoughtfully and respectfully to your fellow class participants.

Out of respect for your fellow participants, please be sure to arrive to class with enough time so that we can start on time at 7:55pm. Clearly, emergencies come up, so if you have to miss class or you know you will have to arrive late, please email me prior to the class. Since we only have 13 classes, missing more than 2 classes or arriving late on a regular basis will
likely affect your final grade, and missing more than 4 classes may cause you to be withdrawn from the class.

I also realize that many people like using laptops to take notes during class. If you choose to do so please refrain from doing anything other than taking notes during the seminar meetings. Also please silence your mobile phones during class, and leave them in your bags.

OFFICE HOURS

I do not have an office on campus and thus do not have formal office hours. However, do feel free to contact me via email if you have questions. If you would like to meet to discuss an issue related to the class, please reach out and we can try to find a mutually agreeable time.

FEEDBACK

Your feedback about the course is important. Several opportunities will be given for you to formally provide feedback, but students should feel free to contact me at any time outside class to provide constructive feedback on the course.

COURSE WEBSITE

This syllabus, the course materials, and assignments will be posted on the course website on Canvas [https://georgetownlaw.instructure.com/](https://georgetownlaw.instructure.com/). We may also use Canvas to continue class discussions online using the “discussions” tab or “chat” function.

COURSE MATERIALS

The essential readings and materials for each class will be available online via links within the syllabus and/or through the course website on Canvas. Other recommended readings and materials may also be available online but where there is no link in the syllabus and it is not on Canvas you will need to locate the materials yourself either online or with the help of the library.

Students will be required to conduct their own independent research to prepare for many of the assignments over the semester. Learning to locate relevant information from primary and secondary sources is an essential skill for a TJ practitioner. The syllabus contains a list of good initial resources to get students started in their research. The list is not exhaustive, and students should not copy information from such sources without proper reference/citation.

CLASS STRUCTURE AND READINGS

The class structure and required readings are subject to adjustment over the course of the semester. I will give participants at least a week’s notice of any changes if not more.

PLEASE NOTE: Due to the nature of this course and the focus on redressing atrocity crimes, some of the materials (readings, videos, etc.) and discussions may include disturbing images or accounts. Please let me know privately if you have concerns about reading, viewing, or engaging with such material and I will work with you to find an appropriate accommodation.

Transitional Justice (TJ): Background and Structure

Class 1: Introductions and TJ Background (Sept 1)

This class will include: personal introductions; an introduction to the course; a baseline assessment.

Questions to consider in preparation for class:

- Why are you interested in taking this class and what are you hoping to learn?
- What is TJ?
- Why do we need TJ?
- What types of situations was TJ originally designed to address?
- Are these the same situations that TJ is currently looking to address?
- What are the main goals of TJ?

Required Readings:


Also please review the following news articles and watch the related videos (not available on Canvas)

- No Fire Zone trailer (just watch the video trailer): [http://nofirezone.org/watch](http://nofirezone.org/watch)
Class 2: Overall Structure of TJ  (Sept 8)
Questions to consider in preparation for class:
• What are the main pillars/tools/mechanisms that TJ utilizes?
• Is engaging one of these mechanisms enough? Why? Why not?
• Who are the key actors and stakeholders that TJ is trying to engage/help?
• How do we ensure that all of these stakeholders are considered from the outset?

Required Readings:
• Pablo de Greiff, UN Special Rapporteur on Truth, Justice, Reparations, and Guarantees of Non-Recurrence, Report to the Human Rights Council, 2012 A/HRC/21/46 (on a comprehensive approach)

The "Pillars" of TJ

Class 3: Criminal Justice (Sept 15)
Questions to consider in preparation for class:
• What are the crimes that TJ is focused on prosecuting? Why?
• What is the goal of criminal prosecutions as part of TJ?
• How does the goal of criminal prosecutions affect court mandates?
• What are the challenges and limitations of criminal trials for atrocity crimes?
• What are the different models/options for prosecuting atrocity crimes and what are the benefits and limitations of each?

Required Readings:


Additional Resources


Class 4: Criminal Justice (cont’): The Duty to Prosecute, Amnesties, and Prosecutorial Strategies (Sept 22)

Questions to consider in preparation for class:
• Is there an obligation to investigate and prosecute all atrocity crimes? If so is it universally recognized?
• What are the benefits of amnesties? What are the drawbacks?
• What other tools can be used to get some of the benefits and limit the drawbacks?
• What is the difference between amnesties and prosecutorial prioritization?

Required Readings:

**Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Article 6(5)**, available at [http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolII.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolII.aspx). *(not on Canvas)*


**Additional Resources**


**Class 5: Criminal Justice: Group Exercise: How to design the rules of an international criminal tribunal/ 1 hour of presentations (Sept 29)**

Questions to consider in preparation for class:

- How are the structure of a tribunal and its rules of procedure and evidence interrelated?
- How do you craft rules of procedure and evidence to balance the rights of the accused, the pursuit of justice, and the needs of victims?
- Should rules of procedure and evidence be different for a court dealing with atrocity crimes vs. regular everyday crime? If so, how so? And why?

**Required Readings:**

- *See handout*

**Additional Resources**

Questions to consider in preparation for class:

- What is a truth commission?
- What are the goals of a truth commission?
- What do truth commissions do? What are the key activities and components?
- What advantages do truth commissions have?
- What are some key differences between different truth commissions?
- Should truth commissions be able to provide amnesty?

Required Readings:

- Watch Film: Confronting the Truth (available on Canvas)

Additional Resources:


Class 7: Truth (cont’): Other Fact-Finding bodies, and Documentation / 1 hour of presentations (Oct 20)

Questions to consider in preparation for class:

- How are a Commission of Inquiry or a Disappearance Commission different from a Truth Commission?
- Why do documentation?
- How can documentation support other TJ mechanisms? What are some of the challenges of documentation?

Required Readings: *(not on Canvas)*


• Syria Justice and Accountability website specifically read the “About” and “What we do” sections and peruse the “Resources” and “Updates and Events” sections. [http://syriaaccountability.org/](http://syriaaccountability.org/)

• The Documentation Center of Cambodia website: [http://www.dccam.org/](http://www.dccam.org/)

• Digital Archive of the Guatemalan National Police Historical Archive website homepage and watch video: [https://ahpn.lib.utexas.edu/](https://ahpn.lib.utexas.edu/) and read - *From Silence to Memory: Revelations of the AHPN*, (only the Forward, Preface to the English Translation, and Preface, pgs xiii-xv, and Prologue, pgs xxix-xxxiii) [https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/12928/ahpn_final_20130620.pdf?sequence=3&isAllowed=y](https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/12928/ahpn_final_20130620.pdf?sequence=3&isAllowed=y)

Class 8: Reparations and Memorialization/ 30 mins presentations (Oct 27)

Questions to consider in preparation for class:

- What are reparations?
- What types of reparation are there?
- Who is responsible for providing reparation?
- What are the challenges of designing and implementing a reparation program?
- What is a memorial?
- What makes something a site of conscience?

Required Readings:


Additional Resources


**Class 9: Guarantees of Non-recurrence / 30 mins of presentations (Nov 3)**

Questions to consider in preparation for class:

• Are there different types of guarantees of non-recurrence?
• What is the difference between lustration and a purge?
• What types of institutional reforms would be helpful to prevent recurrence?
• What can communities do without formal government action to promote non-recurrence?

**Required Readings:**


Additional Resources


• Magarditsch Hatschikjan, Dusan Reljic and Nenad Sebek (eds.), Disclosing hidden history: Lustration in the Western Balkans - A Project Documentation Thessaloniki, 2005.


Key Challenges
Class 10: Implementation challenges/ 30 mins of presentations (Nov 10)
Questions to consider in preparation for class:
• What is the relationship between the different TJ mechanisms and their aims?
• Is there an ideal sequence or order to implementing different TJ mechanisms?
• What different types of expertise are needed to design and implement each type of TJ mechanism?
• How long does each mechanism take to implement and how much money does each cost? Who should pay the bill?
• How do you safeguard the independence, impartiality, and transparency of each TJ mechanism?
• How does anyone know what these mechanisms are doing?
Required Readings:
• TBD

Class 11: Peace and Justice / 1 hour of presentations (Nov 17)
Questions to consider in preparation for class:
• Is there a tension between achieving peace and achieving justice? If so how do you resolve this tension?
• How do you negotiate TJ into peace agreements when one or multiple parties to the agreement are implicated in abuses?

Required Readings:
• TBD

Class 12: Relationship to other fields and why it matters / 1 hour of presentations (Nov 24)
Questions to consider in preparation for class:
• What other fields of study and practice does TJ overlap with?
• What are the relationships between TJ and these fields?
• Why does it matter?

Required Readings:
• TBD

Class 13: Assessing impact: Does it work (Dec 1)
Questions to consider in preparation for class:
• Does TJ work? How do we know?
• What measure/indicators can we use to measure the impact of TJ mechanisms?
• Do some TJ mechanisms or combination of mechanisms work better than others? Why or why not?
• Why does assessing impact matter?

Required Readings:
• TBD
ADDITIONAL TEXTS AND USEFUL WEBSITES

Supplemental texts are listed below for the benefit of students who wish to have a deeper grounding in the subject matter more generally. Supplemental materials on specific topics are indicated below on the day those topics are discussed.

Legal Instruments

The following legal instruments are useful background readings for topics discussed during the course:

- **1948 Convention on the Prevention and Punishment of the Crime of Genocide**
- **1948 Universal Declaration of Human Rights**
- **1949 Geneva Conventions their Additional Protocols, and their Commentaries**.
- **1950 European Convention on the Protection of Human Rights and Fundamental Freedoms**
- **1966 International Covenant on Civil and Political Rights**
- **1966 International Covenant on Economic, Social and Cultural Rights**
- **1969 American Convention on Human Rights**
- **1984 African Charter on Human and People’s Rights**
- **1984 Convention against Torture and Other Cruel, Inhuman and Degrading Treatment**
- **1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power**
- **1998 Rome Statute of the International Criminal Court**
- **2006 International Convention for the Protection of All Persons from Enforced Disappearance**
- **2006 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**

Journals

Human Rights Quarterly

The International Journal of Transitional Justice (Oxford: Oxford University Press),

Select UN Publications

United Nations Office of the High Commissioner for Human Rights, Rule-of-law tools for Post-Conflict States, HR/PUB/06/1, 2006; HR/PUB/06/2, 2006; HR/PUB/06/3, 2006; HR/PUB/06/4, 2006; HR/PUB/06/5; HR/PUB/08/1; HR/PUB/08/2; HR/PUB/08/2, access via www.unhchr.org.


Select List of Non-governmental Organizations

Center for Justice and Accountability: www.cja.org


International Center for Transitional Justice: www.ictj.org

International Federation for Human Rights: www.fidh.org

REDRESS: www.redress.org

United States Institute for Peace: www.usip.org

Select List of Academic Centers

Center for Civil and Human Rights, University of Notre Dame: http://law.nd.edu/center-for-civil-and-human-rights/

Human Rights Center, University of California at Berkeley: http://www.law.berkeley.edu/HRCweb/index.html

Transitional Justice Institute, University of Ulster: http://www-transitionaljustice.ulster.ac.uk/

Transitional Justice Research Group, Katholieke Universiteit, Leuven: www-transitionaljustice.be

War Crimes Research Office, American University, Washington College of the Law: http://www.wcl.american.edu/warcrimes/


Other websites

Website of the Mandate of the Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence:


Other Helpful Books


