

University of Illinois - Chicago
INTERNATIONAL JUSTICE
Political Science 494– Fall 2013
M, W, F, 1:00-1:50pm, BSB 1115
Office Hours: Wednesdays 11:00am-12:00pm
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Course Overview

This course is an introductory course to international justice. This course seeks to explore how societies come to terms with the aftermath of mass violence and atrocities. Some of the questions that are pertinent in our discussion of post-conflict transitions to peace are: How do societies transition out of an environment of violence and societal conflict? Is it important to hold perpetrators responsible? Why is that so? Do victims play a role in the justice system or are they spectators in the process? What kind of role might victims play? Is punishment the solution to seek justice or should we look into other ways to promote healing? Why is community or societal healing important for transitions out of conflict and into the establishment of lasting peace?

Legal and political theorists have developed many ideas and models about the meaning of justice and how justice should work. In exploring the difficulty of reconciling traditional and non-traditional models of justice we will examine how important it is to “shape” justice according to cultural and local traditions. Throughout the course we will learn of countries and communities that have gone through conflict and have gone through the process of seeking the truth of the violence in order to achieve peace and justice.

Course Materials

The required texts are: *Peace and Justice: Seeking Accountability After War*, Cambridge: Polity Press, 2007. The *Peace and Justice* book is available at the UIC bookstore. The *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence*, edited by Alexander Laban Hinton will be provided electronically via blackboard according to the reading schedule. Any further required readings will be provided in electronic format via blackboard. All students will be responsible for keeping up with the required supplemental readings.

Course Requirements and Grading

Given the interactive nature of the course, attendance and meaningful participation takes a central role in the learning process. All students will be required to read all materials before attending class, participate in the individual and group exercises, and discussions. It will be assumed that students will have thoroughly completed the readings, taken notes, prepared the assignments, and will contribute meaningfully to the daily discussion.

Class discussion will center around the course topics and outside relevant materials and sources. It is also important to note that we will be discussing some potentially controversial topics. It is expected that all students will be respectful of others, and that the discussions will be based on the legal and political arguments discussed within the particular topic(s). As part of our need to have an engaged

class, there will be no cell phone usage or surfing the internet during class. Attendance to this course is required.

All written submissions must be original thought and all sources used must be clearly cited and referenced. It is therefore unacceptable to submit any work that is in part or in full, plagiarized. Any student who plagiarizes will be subject to the UIC Student Disciplinary Policy.

All papers are required to have 1-inch margins, 12-point and Times New Roman font. All papers are to be submitted electronically via blackboard. Tardy papers will not be accepted, except for a medical or otherwise justified and documented reason.

The course grading will be as follows: the daily participation (class discussion) and in class group exercises will represent 25%, four reaction papers will represent 30% (total), and the final paper will represent 35%, all totaling 100%.

Grade percentages and letter grades

100% - 97% = A+

96% - 94% = A

93% - 90% = A-

89% - 87% = B+

86% - 84% = B

83% - 80% = B-

79% - 77% = C+

76% - 74% = C

73% - 70% = C-

69% - 67% = D+

66% - 60% = D

59% - 0% = F

Students with disabilities who require accommodations for full access and participation, please contact me or speak with me and we will make the appropriate arrangements.

Week 1: No Scheduled Classes

- I. *Assignment:* Research an unresolved current situation in which atrocities are being committed. Describe the current situation, explain the possible roots of the conflict, and briefly, the potential problems that you understand are obstacles to peace. This introductory research project should be 3-4 pages, Times New Roman, 12-font point, and double-spaced. All sources must be cited.

Week 2: Introduction to the Course

- I. *Readings:* "Peace and Justice: An Introduction", *Peace and Justice: Seeking Accountability After War*, p. 1-17.
- II. *Discussion:*
 - a. Introductory remarks about the course
 - i. What will students learn from the course, the course objectives and the methods employed.
 - ii. Review of the syllabus, assignments, in class exercises, presentations and grading policy.

- b. Introduction to our study of international justice with a transitional justice focus.
- c. Discussion of research papers.

Week 3: Why Transitional Justice?

- I. *Readings:*
 - a. “Introduction: Toward an Anthropology of Transitional Justice”, *Transitional Justice*, p. 1-17.
 - b. “Chapter 2: The Nuremberg Legacy”, p. 18-28, *Peace and Justice: Seeking Accountability After War*
- II. *Discussion:*
 - a. Brief explanation between International Criminal Law, Humanitarian Law, and Human Rights Law.
 - b. What happened that gave rise to the Tokyo trials?
 - c. What happened that gave rise to the Nuremberg tribunal?
 - d. Why do we look into the tribunals at Nuremberg and Tokyo? What is their importance?
 - e. Why do we discuss the difference between “universal” justice and “local” justice?
- III. *Assignment:* Reaction paper discussing the readings and your point of view of what sources of law are particularly important for a justice framework. In addition, discuss how justice is conceptualized differently in an international criminal law, humanitarian law, and human rights justice context. 4 pages, include citations.

Week 4: Frictions in Justice

- I. *Readings:*
 - a. Ch. 1: “Identifying Srebrenica’s Missing,” *Transitional Justice*, p. 25-48
 - b. Ch. 2: “The Failure of International Justice in East Timor and Indonesia,” *Transitional Justice*, p. 49-66.
- II. *Discussion:*
 - a. Why do we discuss “return, reconstruction, recognition, reparation”?
 - b. What happened in Srebrenica?
 - c. What Instruments of Transitional Justice does Wagner discuss?
 - d. Beyond accountability, why are the instruments of transitional justice important for healing?
 - e. How does Drexler discuss the concept of “international justice”?
- III. *Assignment:* Briefly research the terms “justice” and “reconciliation”. Bring your findings to class for discussion.

Week 5: The International Criminal Tribunals

- I. *Readings:*
 - a. Ch. 2: “Ad Hoc International Tribunals: The ICTY and ICTR,” *Peace and Justice: Seeking Accountability After War*, p. 30-54.
 - b. Ch. 6: “Engendering Genocide: The Akayesu Case Before the International Criminal Tribunal for Rwanda” *Human Rights Advocacy Stories*.
- II. *Discussion:*
 - a. What are the ICTY and ICTR? Why are they so important?
 - b. What happened in the Akayesu Case?

- c. Why do we look at gender crimes and crimes of sexual violence within the context of international criminal law?
- III. *Assignment:* Reaction Paper: Discuss the importance of the ICTY and ICTR. Why were they created? Discuss the Akayesu case and the role of gender violence in international criminal law. 4 pages, include citations.

Week 6: Internationalized Courts

- I. *Readings*
 - a. Ch. 4: “The ‘Internationalized’ Courts,” *Peace and Justice: Seeking Accountability After War*, p. 80-103
 - b. Ch. 7: “The Story of Samuel Hinga Norman in Sierra Leone: Can Truth Commissions and Criminal Prosecutions Coexist After Conflict?” *Human Rights Advocacy Stories*
- II. *Discussion:*
 - a. What are “hybrid,” “mixed,” “internationalized” courts? What are differences between internationalized courts and international tribunals?
 - b. What is the importance of having an internationalized court? What advantages do they provide?
 - c. What is post-conflict justice? What do Kerr and Mobekk say about post-conflict justice in Ch. 4?
- III. *Assignment:* Reaction Paper: Discuss the importance of hybrid or internationalized courts. Discuss the following questions:
 - a. What happened in Sierra Leone? Why was the Special Court created and why not an ad hoc international tribunal? What is the relationship between the Special Court for Sierra Leone and the Truth and Reconciliation Commission? Do they serve different roles? What is post-conflict justice? How does post-conflict justice play a role in reconciliation? 4 pages, include citations.

Week 7: The International Criminal Court

- I. *Readings:*
 - a. Ch. 3: “The International Criminal Court”, *Peace and Justice: Seeking Accountability After War*, p. 58-77.
 - b. Ch. 2, “Justice in Conflict? The ICC and Peace Processes,” *Courting Conflict? Peace and the ICC in Africa*, p. 13-20
- II. *Discussion:*
 - a. What is the ICC? Why was it created?
 - b. What is the role of the prosecutor?
 - c. What is the ICC’s relationship to the Security Council? Why is that relationship important?
 - d. What roles has the ICC played in the peace process in Africa?

Week 7: The International Criminal Court continued – Student-Led Debate

- I. *Readings:*
 - a. “Darfur and the Genocide Debate,” Scott Straus, *Foreign Affairs*, Vol. 84, No. 1 (Jan.-Feb., 2005), pp. 123-133.
 - b. “Genocide in Darfur,” *The Nation*, by Salih Booker and Ann-Louise Colgan, available at: <http://www.thenation.com/article/genocide-darfur#>

- II. *In-Class Debate:*
 - a. The class will be divided into two groups. Each group will represent a side on behalf of groups in favor of calling the atrocities genocide, and the other will argue against it. It will be beneficial to research: the ethnic-conflict, the players in the conflict, the position of the international community, and/or other interest groups.
 - b. Day 1: divide group, entire class must have done the readings and will divide sub-roles, and arguments.
 - c. Day 2: work in groups to develop arguments, order of presentation of debate, and formulate possible questions of other side.
 - d. Day 3: Debate. Time will be provided for each side to present cohesive arguments by each participant on each side, then time will be provided to ask challenge questions to other side with time to answer.

Week 8: Domestic Remedies

- I. *Readings:*
 - a. Ch. 5: “Domestic Trials”, *Peace and Justice: Seeking Accountability After War*, p. 104-126.
 - b. “The Iraqi High Criminal Court: controversy and contributions,” Michael Newton, *International Review of the Red Cross*, Vol. 88, No. 862, June 2006, *available at*: http://www.icrc.org/eng/assets/files/other/irrc_862_newton.pdf
- II. *Discussion:*
 - a. What are domestic trials in the post-conflict context?
 - b. What benefits to domestic trials provide? What criticisms have domestic trials faced?
 - c. What was the Supreme Iraqi Criminal Tribunal?
 - d. Why is the Supreme Iraqi Criminal Tribunal criticized? What role did it play in international and domestic justice?
- III. *Assignment:* Reaction Paper: Discuss the above questions and conduct additional research on the legality of the Saddam Hussein Trial at the Supreme Iraqi Criminal Tribunal. 4 pages, including citations.

Week 9: Truth and Reconciliation Commissions

- I. *Readings:*
 - a. Ch. 6: “Truth Commissions”, *Peace and Justice: Seeking Accountability After War*, p. 128-149.
 - b. “The Contributions of Truth to Reconciliation: Lessons from South Africa”, *The Journal of Conflict Resolution*, p. 409-432
- II. *Discussion:*
 - a. What are Truth and Reconciliation Commissions? What role do they play in transitional justice and post-conflict justice?
 - b. What are healing and retraumatization and why are they important?
 - c. Discuss the TRC in South Africa and El Salvador.
- III. *Assignment:* Reaction Paper: discuss the above questions. Focus your discussion on the importance of TRC as an alternative instrument of justice or complimentary to judicial mechanisms.

Week 10: Non-Judicial and Other Justice Mechanisms

- I. *Readings:*
 - a. Ch. 7: “Traditional Informal Justice Mechanisms,” *Peace and Justice: Seeking Accountability After War*, p. 151-172
 - b. “Local Justice and Legal Rights among the San and Bakgalagadi of the Central Kalahari, Botswana”, *Transitional Justice*, p. 157-176
- II. *Assignment:* Final Paper Proposals

Week 11: Reconciliation

- I. *Readings:*
 - a. Ch. 8: “Testimonies, Truths, and Transitions of Justice,” *Peace and Justice: Seeking Accountability After War*, p. 179-205
- II. *Discussion:*
 - a. What happened in Argentina and Chile?
 - b. What is the importance of testimonies in reconciliation and transition to justice?
- III. *Assignment:* Reaction Paper: Discuss the reading and what happened in Argentina and Chile. Research and discuss the history of the atrocities and what transitional justice mechanisms were established. As part of your paper, research at least one testimony (not included in the assigned readings), and discuss what happened. 4-6 pages, include citations.

Week 12: Reconciliation continued

- I. *Readings:*
 - a. Ch. 10: “Building a Monument: Intimate Politics of “Reconciliation” in Post-1965 Bali,” *Transitional Justice*, p. 227-248
- II. *Discussion:*
 - a. What happened in Bali?
 - b. Why did Bali go through a transitional justice process?
 - c. What was the role of the Truth and Reconciliation Commission?

Week 13: Last week of In-class lectures and Submission of Final Paper Drafts

- I. *Readings:*
 - a. Conclusion, *Peace and Justice: Seeking Accountability After War*, p. 173-182
- II. *Assignment:* Submissions of Final Paper Drafts

Week 14: Final Papers Due

- I. Final Paper Instructions will be provided via blackboard.

Week 15: Finals – No Class