

**Transitional Justice 3001G/
Political Science 3001G
Studies in Transitional Justice and Post-Conflict Reconstruction**

Winter Term 2022

Instructor: Dr. Samar El-Masri

Time: Mondays 1:30-3:30

Location: To be Assigned

Course Delivery:

This course will be delivered in-person. The hope is that by January 2022, the COVID19 crisis will be behind us. However, the class will be moved to Zoom (on OWL) if the university decides to shut down in-person classes due to a spike in COVID19 cases.

Course Description

This course explores issues inherent to regions facing the aftermath of large-scale events of social violence, including war, genocide, and authoritarian rule, with an emphasis on questions of justice and post-conflict reconstruction. Students will examine specific cases to help them understand issues that are tightly related to the success or failure of the TJ process (ex. civil societies and grassroots activism, political will), and to discuss responses to address past harm, their effectiveness, the challenges that they faced, and possible solutions.

Course Materials

Because the field of transitional justice and post-conflict reconstruction is new, and because it involves different areas and disciplines, there will be no one textbook that is required for this course. Instead, the reading list will involve academic articles, book chapters, and technical reports, that you will find in the “Course Readings” on this course OWL’s page. You are responsible for accessing them yourself.

Important Notice re: Prerequisites/Antirequisites

Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees if you are dropped from a course for failing to have the necessary prerequisites.

How to think about this course

This course is designed to reinforce ideas and theories in the field of transitional justice and post-conflict reconstruction. Cases from different regions are used not only to examine the major debates, approaches and issues in the field, but also to show how these have been applied in practice.

The assignments and your evaluation in this course are designed to help you develop your critical thinking skills in ways that relate to your interests in specific areas or theories in the field of transitional justice and post-conflict reconstruction. We will cover a range of debates and issues, and while you may not agree with all of them, you should be able to discuss all of them intelligently. Your ability to accomplish these objectives will be assessed using the assignments and work outlined below.

Since the field of transitional justice is inter-disciplinary, your classmates will most likely come from different scholarly traditions and disciplines. This presents us with an exciting opportunity to look at different issues and events through the eyes of all of those traditions and disciplines.

Objectives & Learning Outcomes

1. Discuss and deepen the student's understanding of the different approaches to transitional justice and post-conflict reconstruction.
2. Help students assess how these theories/perspectives/tools were used in practice.
3. Describe the key components of the field.
4. Evaluate the effectiveness of a transitional justice and post-conflict reconstruction response.
5. Understand the importance of looking at issues that may not be part of the TJ process but that may have a great impact on its success or failure.
6. Discuss a current transitional justice and post-conflict reconstruction issue in historical context.
7. Analyze a current policy and political issues in transitional justice and post-conflict reconstruction.

Course Content Note

The field of transitional justice and post-conflict reconstruction deals with disturbing events like war crimes, crimes against humanity, and genocide, and sometimes we will be discussing historical events that some students may find troubling. If you think specific material could be emotionally challenging for you, I would be happy to discuss any concerns you may have before the subject comes up in class. And if you ever wish to discuss your personal reactions to course material with the class or with me individually afterwards, I welcome these discussions as an appropriate part of our scholarly work.

If you ever feel the need to step out of the classroom during a class discussion, you may always do so without academic penalty. You will, however, be responsible for any material you miss. If you do leave the room for a significant time, please make arrangements to get notes from another student or see me individually to discuss the situation.

Non-medical and medical accommodation

Western University requires documentation from the medical community for students who require academic accommodation due to medical illness—even accommodation for medical illness of work worth less than 10% of the total course grade. Students are required to have their physician or health care provider fill out the Student Medical Certificate. Medical certificates will only be considered for students seriously affected by illness, who can not reasonably be expected to meet his/her academic responsibilities. Medical certificates may NOT be issued for minor illness like colds, non-acute vomiting or diarrhea, menstrual cramps, insomnia or for past illnesses.

If the requested accommodation is related to a death in the family, please see your Academic Counsellor directly.

Non-medical absences from lectures and tutorials will be noted. Absences will affect students' performance in the course, specifically the participation grade.

If documentation is required for either medical or non-medical academic accommodation, then such documentation must be submitted by the student directly to the appropriate Faculty Dean's office and **not** to the instructor. It will be the Dean's office that will determine if accommodation is warranted.

For further information, please see the Policy on Accommodation for Medical Illness at <https://studentservices.uwo.ca/secure/index.cfm>.

Methods of Evaluation

Participation	20%
Presentation	20%
Essay (February 14)	40%
Advocacy Assignment (March 21)	20%

Participation (20%)

This assessment will be based on regular contributions to the class discussion, reflecting some grasp of the relevant materials and some analytical abilities in applying those materials in the discussion. Although the overall mark will factor in your attendance, you will be mainly evaluated on your in-class discussion and participation. Students should consult the handout "Student Participation" below, for criteria.

Presentation (20%)

Each week, one or two students will present the main theme and arguments pertaining to that week's case study. Whether there are one or two presenters, there will only be one presentation

that week. Each week's presentation should be approximately 20 minutes in length, and must include a one-page, single-sided hand-out for students in the class as well as questions for discussion. As the presentation is expected to be a joint project between the students involved, all students in the group will receive the same grade. See the rubric for participation at the end of the syllabus.

Essay (40%)

You will be required to write one essay of 2250-2500 words (excluding footnotes and bibliography), presented as typed, double-spaced pages, using 12-point Times New Roman font with one-inch margins. **The topic of the paper must be selected in consultation with, and with the approval of, the instructor.**

Late Penalty

The completed paper must be submitted **at the beginning of class on the assigned due date. A late penalty of 10% per day will be applied to papers submitted at any point after that.**

Turnitin

Essays must be submitted to Turnitin.com, using the "Assignments" link on OWL.

Citation Style

Citations **must** be formatted using Chicago-style footnotes, **not in-text citations**. Students are advised to consult a writer's handbook when composing their essays in order to see how to format things like bibliography and footnotes. One excellent handbook is *A Manual for Writers of Term Papers, Theses, and Dissertations* by Kate L. Turabian. A useful link may be found at the following url: <http://www.wisc.edu/writing/Handbook/DocChicago.html>.

Spelling and Grammatical Errors

Grammatical, spelling, and other errors are not acceptable. You are responsible for your own work, and, as such, you must be careful to proofread your work before turning it in.

Bibliography

You must attach a Bibliography to your essay. Your bibliography must include a minimum of four academic sources (consult a librarian for clarification on what counts as an academic source (e.g. newspapers, magazines, and encyclopedias do not count). **Failure to include at least four academic sources will result in a grade of "F"**. The highest grades in this course typically go to students that consult a large number of high-quality source materials. Consulting more than six sources is highly recommended.

Advocacy Assignment (20%)

Students will prepare a 1000-word brief to Amnesty International on the Rohingya crisis in Myanmar. In their capacity as scholars of the subject of transitional justice and post-conflict reconstruction, students are expected to draw on the lessons learned throughout the term, and, using examples from each of the cases studied in class, to make a forceful argument for what

should be done in this case. At the end of the assignment, students may choose to send their assignment to Amnesty International.

Turnitin

All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>).

Attendance

A student who, in the opinion of the instructor, is absent too frequently from class will be reported to the Dean of the Faculty of Social Science after due warning has been given.

Completion of Course Components

Students who fail to complete all evaluation components of the course without supporting medical documentation or justifiable and documented extenuating circumstances will be disqualified from appealing the course's final grade.

Etiquette

Discussion and debate are an important component of this course. However, at times, we will be dealing with sensitive and controversial topics. Therefore, our interactions in each forum must be guided by an ethic of respect. Uncivil, disrespectful, abusive, or other inappropriate behaviour will not be tolerated.

Electronics

- All cellphones (and similar technologies) must be turned off, or set to silent 'vibration' mode during the duration of the class. The instructor reserves the right to ensure that you are not text-messaging, surfing the internet, or distracting any students; spot-checks may be conducted during class time.
- No digital taping (either voice or image) of the lectures is allowed.
- Disruptive behavior will be dealt with on a case-by-case basis.

Academic Dishonesty

Many different types of actions may be considered academically dishonest. These might include, although not exhaustively, the following: cheating, submission of work not authored by you, double submission, fabrication, plagiarism. Scholastic offences are taken seriously, and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence at www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf. You are advised to familiarize yourself with the guidelines set out in the Academic Handbook, Rights and Responsibilities, Scholastic Discipline - Undergrad.

Students are also advised to utilize the Library's tools on plagiarism:
<http://www.lib.uwo.ca/tutorials/plagiarism/index.html>

Students with Disabilities

Any student with a disability is advised to contact the Coordinator for Services for Students with Disabilities in order that arrangements can be made through them to accommodate that student. The Centre for Student Development is located in UCC Suite 210; they can be reached by telephone at (519)661-2147, by email at ssc@sd.uwo.ca, or on the web at <http://www.sdc.uwo.ca/ssd/>

Mental/Emotional Distress

Students who are in emotional/mental distress should refer to Mental Health@Western <http://www.uwo.ca/uwocom/mentalhealth/> for a complete list of options about how to obtain help.

Other Resources

There are many resources at Western designed to assist you in your learning. You are strongly advised to utilize these services. The Student Development Centre offers many services, including Effective Writing Programs and Learning Skills Services. The Student Development Centre is located in UCC Suite 210; they can be reached by telephone at (519)661-2147, by email at exams@sd.uwo.ca, or on the web at <http://www.sdc.uwo.ca/>. You should also become familiar with the services offered by the University Library System. The D.B. Weldon Library may be contacted by telephone at (519)661-3162 or by email at dbwref@lib.uwo.ca, or on the web at <http://www.lib.uwo.ca/weldon/#>.

Course Outline by Topic

January 3 **Introduction**
(No reading required)

January 10 **Rwanda**

Roméo Dallaire, *Shake Hands with the Devil* (Toronto: Random House Canada, 2003), chapters 3 and 4.

United Nations Department of Peacekeeping Operations and Department of Field Support, “Capstone Doctrine: UN Peacekeeping Operations: Principles and Guidelines,” (2008), 1-58; available from [https://www.unocha.org/sites/dms/Documents/DPKO%20Capstone%20doctrine%20\(2008\).pdf](https://www.unocha.org/sites/dms/Documents/DPKO%20Capstone%20doctrine%20(2008).pdf)

January 17 **Arab Spring**

Line Khatib “Challenges of Representation and inclusion: A Case study of Islamist groups in Transitional justice,” in *Transitional Justice and the Arab Spring*, Eds Kristen Fisher and Robert Stewart (Eds) (Oxen, Routledge: 2014)

Hugo Van Der Merwe “Transitions in the Middle East and North Africa: New Trajectories and Challenges for Transitional Justice?” in *Transitional Justice and the Arab Spring*, Eds Kristen Fisher and Robert Stewart (Eds) (Oxen, Routledge: 2014)

January 24 **Post-War Germany**

David Cohen, “Transitional Justice in Divided Germany after 1945,” in *Retribution and Reparation in the Transition to Democracy*, ed. Jon Elster (New York: Cambridge University Press, 2006), 59-88.

January 31st **ISIS**

Samar El-Masri, “Prosecuting ISIS for the sexual slavery of the Yazidi women and girls,” *The International Journal of Human Rights* 22.8 (2018): 1047-1066.

Coalition for the International Criminal Court, “Sexual and Gender-Based Crimes,” available from <https://coalitionfortheicc.org/sexual-and-gender-based-crimes> (**read all drop-down menu pieces**).

February 07 **Uganda**

Tristan Ann Borer, "Truth Telling as a Peace-Building Activity," in *Telling the Truths: Truth Telling and Peace Building*, ed. Tristan Ann Borer (Notre Dame, Indiana: Notre Dame University Press, 2006), 1-58.

Joanna R. Quinn, "Constraints: The Un-Doing of the Ugandan Truth Commission," *Human Rights Quarterly*, 26.2 (May 2004): 401-427.

February 14 **Argentina**

Naomi Roht-Arriaza, "Reparations Decisions and Dilemmas," *Hastings International and Comparative Law Review* 27.2 (2003-2004): 157-220.

Sveaass Nora, Anne Margrethe Sooneland, and Judith L Gibbons "Dealing with the past: Survivors' perspectives on Economic Reparations in Argentina," *International Perspective in Psychology* 4(4) 2015; 223-238.

**** ESSAY DUE AT BEGINNING OF CLASS ****

February 19-27 **Reading Week**

February 28 **Canada**

Luc Huyse, "Chapter Two: The Process of Reconciliation," in *International IDEA Handbook on Reconciliation After Violent Conflict*, eds. Stef Vandeginste, David Bloomfeld, Teresa Barnes, Desmond Tutu (Stockholm: International IDEA, 2003).

Truth and Reconciliation Commission of Canada, "Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada," (Ottawa: Truth and Reconciliation Commission of Canada, 2015). Pages 1-35

HIGHLY RECOMMENDED READING:

Finish reading the final report of the truth and reconciliation commission of Canada (the document above)

March 7 **Nepal**

Tazreena Sajjad, "Heavy Hands, Helping Hands, Holding Hands: The Politics of Exclusion in Victims' Networks in Nepal," *The International Journal of transitional Justice* 10 (2016) 25-45.

Daniel Aguirre and Irene Pietropaoli, "Gender Equality, Development and Transitional Justice: The Case of Nepal," *International Journal of Transitional Justice* 2.1(2008): 356-377.

March 14 **Colombia**

Kieran McEvoy and Lorna McGregor, "Transitional Justice from Below: An Agenda for Research, Policy and Praxis," in *Transitional Justice from Below: Grassroots Activism and the Struggle for Change*, eds. Kieran McEvoy and Lorna McGregor (Portland, OR.: Hart Publishing, 2008).

Catalina Diaz, "Challenging Impunity from Below: The Contested Ownership of Transitional Justice in Colombia," in *Transitional Justice from Below: Grassroots Activism and the Struggle for Change*, eds. Kieran McEvoy and Lorna McGregor (Portland, OR.: Hart Publishing, 2008).

March 21 **** ADVOCACY ASSIGNMENT ****

March 28 **Concluding Discussion**

United Nations Secretary General, S/2004/616, *Report of the Secretary General: The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, 2004.

United Nations Secretary General, S/2011/634, *Report of the Secretary General: The rule of Law and Transitional Justice in Conflict and Post-Conflict Situations*, 2011.

ESSAY GRADING GUIDE

Argument	
Organization of the Essay	
Quality of evidence	
Communication Skills	
Use of quotations and footnotes	
Other Comments	
Grade	

Student Participation
Participation Grading Guide:

Grade	Attendance	Discussion	Reading
20	Always	Excellent: leads debate; offers analysis and comments; always has ideas on theme of reading; takes care not to dominate; asks questions	Clearly has done and prepared questions on virtually all readings; intelligently uses this understanding and these questions in discussion
15-19	Almost always	Very Good: thoughtful comments and questions for the most part; willing, able and frequent contributor	Has done most readings; provides competent analysis of reading when prompted by others
10-14	Frequent	Good: has basic grasp of key concepts and occasional ideas on the main theme of the reading; arguments are sporadic and at times incomplete or poorly supported; unwilling to ask questions	Displays familiarity with most readings, but tends not to analyze them or to relate them to the course material
5-9	Occasional	Somewhat Poor: remarks in class marred by misunderstandings of key concepts; seldom contributes effectively to discussion of the main theme; often digresses in unhelpful ways; sporadic	Actual knowledge of material is outweighed by improvised comments and remarks
0-4	Rare	Poor: rarely speaks; parrots text or comments of others	Little or no apparent familiarity with assigned material

Student Presentation
Presentation Grading Guide:

Grade	Presentation style	Presentation content	Post-presentation discussion
20	Excellent presentation of the material. Always clear. Always engaging the listeners	Excellent: covered and explained all the important points in the readings. Went above and beyond to ensure that the issue is covered from all sides. Used various sources from outside the reading list.	Clearly has done and prepared questions to be discussed in the class. Did an excellent job in leading the discussion and intelligently kept the class engaged and the discussion flowing.
15-19	Very good and clear presentation	Very Good: covered and explained most of the important points in the readings. Used some outside sources.	Clearly prepared questions to be discussed in class. Showed a very good ability to lead the discussion and was able to keep the discussion flowing.
10-14	Good presentation that covered the major points in the readings with a decent ability to relay the information to students	Good: has basic grasp of key concepts and ideas of the reading; arguments are sporadic and at times incomplete or poorly supported; did not use outside sources	Provided questions. Basic ability to initiate a discussion.
5-9	Somewhat poor presentation. Some unclear thoughts and confusing explanations.	Somewhat Poor: misunderstood many of the issues in the reading.	Provided poor questions. Unable to lead a discussion.
0-4	Poor presentation, confusing and vague.	flawed understanding of the readings.	Provided no questions. Unwilling or unable to lead a discussion.