

University of California, Berkeley, School of Law

TRANSITIONAL JUSTICE

LAW 264.3

Provisional Syllabus – Fall 2013

Tuesdays and Thursdays, 2:10-3:25 p.m.
115 Boalt Hall
3 units

Jamie O'Connell
444 North Addition
joconnell@law.berkeley.edu

Assistant: Cynthia Palmerin,
cpalmerin@law.berkeley.edu

Office hours: To be announced. Sign up sheet
linked from main "Resources" page on course
website.

COURSE OVERVIEW

The political, social, and legal problems confronting societies after periods of mass human rights violations or war have attracted increasing attention from policymakers and scholars in the last two decades. South Africa's Truth and Reconciliation Commission; the prosecution of Chile's former dictator, Augusto Pinochet; Argentina's reparations to victims of its military regime; and the International Criminal Tribunal for the former Yugoslavia are among the best-known policy responses to those problems. In this seminar we will examine the legacies of such abuses and the institutions and processes that governments most often use to address them, comparing the approaches of countries in Latin America, Africa, and Europe. We also will assess the field of transitional justice itself, asking whether these countries' problems are similar enough that they should be treated with the same sorts of policies.

A series of case studies forms the bulk of the course. We will look at countries after transitions from authoritarianism: post-World War II Germany, Spain in the 1970s, Argentina and Chile from the 1980s through the dramatic changes that have occurred to the present, Eastern Europe in the early 1990s, and South Africa after *apartheid*. The two case studies that follow examine the aftermath of violence that was arguably more chaotic, in the former Yugoslavia and Rwanda. We will spend the course's last sessions pulling together the case studies, identifying general insights about the effects of mass violence, policies that address them, and transitional justice as a field of inquiry.

COURSE REQUIREMENTS

Much of the intellectual value of this course arises from **discussion** in class. My goal is to create a comfortable and energetic forum for intellectually creative exchange from which we all learn. Attendance and participation in our deliberations therefore are essential. Participation entails active, thoughtful listening as well as speaking, of course. I may sometimes call on people to encourage the broadest participation.

If you must miss or be late to any class, please notify me by email as soon as possible, and in advance if the absence is anticipatable. The class participation component of your grade takes into account both that absences are sometimes necessary and that they inevitably reduce the intellectual quality of the seminar as a whole. An absence is excusable if it is for a reason you cannot reasonably control, such as sickness, a family emergency, or a job interview. One excusable absence does not affect your class participation grade. Additional excusable absences will count as if you were present, but silent. Unexcused absences will diminish your class participation grade significantly.

It is essential that you do all assigned **reading** carefully before class. Most of our intellectual progress will come through building on earlier weeks' material and integrating it with the current week. If an emergency prevents you from preparing, please inform me of it at the beginning of class. Because the course is highly cumulative, you will need to catch up by the next class, as you will if you are absent.

A **short paper on a film** dealing with transitional justice-related topics will be due **[FALL 2013 DUE DATE TO BE DETERMINED]** Papers must be emailed to me. The paper should run approximately 800 to 1,000 words. It should include a brief synopsis (plot summary) of not more than about 25% of the paper, but should focus on analyzing the transitional justice issues raised in the film. The paper will be graded on:

- how clearly you connect the film to the issues we address in the course (which will depend in part on what the film covers, so choose your film sensibly),
- how clearly you organize the paper and express your ideas, and
- how insightfully you analyze the transitional justice issues that the film addresses (the film's underlying subject matter – e.g., the emotional dynamics of the kidnapping of babies in Argentina, if you reviewed “The Official Story”) and/or the ways in which the film itself explores those issues (how the film itself works – e.g., how the film conveys its point of view on the issues to the viewer. If you consider the latter issues – the film as film – then make sure that you stay quite close to the subject matter of transitional justice, rather than writing a film studies paper!

Of course, you will not have space to analyze the film completely, and it is better to explore less of the film insightfully than more of it shallowly. I will post some lists of films you might watch, but inclusion on those lists does not ensure the film will work well for this assignment – if you do not know the film you choose to watch, you should read a bit about it beforehand to determine whether transitional justice is important enough to it. I am happy to consult with you briefly about whether a particular film might be a good choice.

The bulk of your grade will be determined by a 12-hour, take-home **final examination**. It will be limited open-book, meaning that you can consult any source except through the internet. This is a procedural, not substantive, requirement: you cannot use Google, Westlaw, Lexis, human rights organization websites, etc., but materials previously printed or downloaded from any of those sources are fine. I intend the exam to function as a vehicle for learning as well as a tool for evaluation and will design it accordingly and give more details near the end of the semester.

A limited number of students may substitute a 20-30 page analytic paper for the final examination, with my permission. The paper would be due at the end of exam period. If you are interested in writing one, please email me two or three paragraphs on your possible topic by Friday, September 2. (If you are considering several topics, write two or three paragraphs on each.) This will allow me to assess the topic's feasibility.

GRADING

Class participation	20%
Movie analysis	10%
Final examination or paper	70%

READINGS

There is no textbook for this course. Readings draw from academic monographs and articles, by social scientists as well as legal scholars; reports by public policy institutes, international institutions, and non-governmental organizations (NGOs); newspaper and magazine articles; and legal documents.

The majority of the readings are free to you, either as a member of the public (e.g., NGO reports) or as a student with access to the UC Berkeley libraries' electronic resources. You can access those easily through the course website. Excerpts from books that are not available free in electronic form are contained in a reader available from Copy Central. You can purchase the one required book, Thomas C. Wright, *State Terrorism in Latin America: Chile, Argentina, and International Human Rights* (2007), at the Boalt bookstore or on Amazon.com.

All of our sessions suggest far more questions than we can possibly discuss. You are welcome to raise any of these in class, but I will focus our discussions on a few to allow us to consider them in some depth. By each Saturday night, I will post reading questions for the following week on the course website. These direct you to the issues in the readings that are most important for the course. You will be well prepared for class if you arrive ready to discuss them.

TRANSITIONAL JUSTICE NEWS SOURCES

There is more going on in transitional justice around the world than anyone can keep track of, but I encourage you to follow developments in this and related areas, such as human rights, democratization, and post-conflict reconstruction, to enrich your experience of the course and inform our discussion. Plenty of information is available free online. The International Center on Transitional Justice's monthly email newsletter, "ICTJ World Report," is especially valuable (subscribe and view current and past issues at <http://ictj.org/newsletter-archive>). For tracking political developments in troubled countries more generally – including some related to transitional justice – the monthly 12-page digest *Crisiswatch* of the International Crisis Group (ICG) is invaluable (view current issue at <http://www.crisisgroup.org>, in upper right corner). ICG's in-depth reports on many of these situations are also on its website. More general sources include Human Rights Watch (<http://www.hrw.org>), *The Economist* (some articles at <http://www.economist.com>), *The New York Times* (<http://www.nytimes.com>), and the British Broadcasting Company's news site (<http://news.bbc.co.uk>). The United Nations' Integrated Regional Information Network's Reliefweb (<http://www.reliefweb.int>) is a superb resource for closely tracking particular countries or areas currently in or emerging from humanitarian crises – including war. It compiles dispatches from wire services, UN agencies, and NGOs for each country or supranational crisis area (e.g., the Great Lakes region of Africa). Finally, the *New Yorker* (<http://www.newyorker.com>) and *New York Review of Books* (<http://www.nybooks.com>) sometimes publish stories on transitional justice; these are often top-notch as well as highly readable. The UC Berkeley libraries provide access to electronic versions of those publications' archives.

CLASS SESSIONS AND READINGS

Date	Topic	Readings
1. Thu., Aug. 22	Introduction	International Center for Transitional Justice, “What is Transitional Justice?”, Dec. 2008. [website] [For Fall 2013: Readings on current examples of transitional justice to be selected over summer and distributed by email.]
I. Cases		
A. Transitional justice after authoritarian rule		
2. Tue., Aug. 27	Post-War Germany: Breaking with the Past?	NEIL J. KRITZ ED., 2 TRANSITIONAL JUSTICE (1995). Read: 1-2. [website] JOHN MERRIMAN, MODERN EUROPE: FROM THE RENAISSANCE TO THE PRESENT (1996). Read: 1287, 1292-1293, 1297-1299. [website] Map: Germany after the Second World War (showing occupation zones and changes to German territory made by victorious powers at end of war). [website] David Cohen, <i>Transitional Justice in Divided Germany after 1945</i> , in RETRIBUTION AND REPARATION IN THE TRANSITION TO DEMOCRACY 59 (Jon Elster ed., 2006). [website] TONY JUDT, POSTWAR: A HISTORY OF EUROPE SINCE 1945 (2005). Read: 52-62. [website] NEIL J. KRITZ ED., 2 TRANSITIONAL JUSTICE (1995). Read: 40-43. [website]
3. Thu., Aug. 29	Post-War Germany: Does “Never Again” Mean “Never Forget”?	NEIL J. KRITZ ED., 2 TRANSITIONAL JUSTICE (1995). Read 63-69. [reader or website] IAN BURUMA, THE WAGES OF GUILT: MEMORIES OF WAR IN GERMANY AND JAPAN (1995). Read: 202-19, 232-38 (excerpt from “Memorials, Museums, and Monuments”). [reader or website] Nicolai Ouroussoff, <i>The pillars of soul-searching in Germany</i> , N.Y. TIMES, May 9, 2005. [website] Roger Cohen, <i>Germany and the Cup: A liberating normality</i> , INT’L HERALD TRIB., June 17, 2006, at 2. [website] Nicholas Kulish, <i>Germany Confronts Holocaust Legacy Anew</i> , N.Y. TIMES, Jan. 29, 2008. [website]

4. Tue., Sep. 3	Spain: Dictatorship to Democracy	JOHN MERRIMAN, <i>MODERN EUROPE: FROM THE RENAISSANCE TO THE PRESENT</i> (1996). Read: 1226-29. [reader] NEIL J. KRITZ ED., 2 <i>TRANSITIONAL JUSTICE</i> (1995). Read: 297-298. [reader] Madeleine Davis, <i>Is Spain Recovering its Memory? Breaking the Pacto del Olvido</i>, 27 HUM. RTS. Q. 858 (2005). Read: 860-862. [website] TONY JUDT, <i>POSTWAR</i> (2005). Read: 516-525. [reader] NEIL J. KRITZ ED., 2 <i>TRANSITIONAL JUSTICE</i> (1995). Read: 321-322. [reader] Terry Lynn Karl, <i>Dilemmas of Democratization in Latin America</i>, 23 COMP. POL. 1, (1990). Read: 8-12. [website] Paloma Aguilar, <i>Justice, Politics, and The Memory of the Spanish Transition</i>, in THE POLITICS OF MEMORY: TRANSITIONAL JUSTICE IN DEMOCRATIZING SOCIETIES 92 (Alexandra Barahona de Brito, Carmen González-Enríquez & Paloma Aguilar eds., 2001). Read: 92-104. [reader]
5. Thu., Sep. 5	Spain: Forgetting and Memory	Giles Tremlett, <i>Spain's civil war comes back to life</i>, GUARDIAN, Mar. 8, 2003. [website] Josep María Tamarit Sumalla, <i>Transition, Historical Memory and Criminal Justice in Spain</i>, 9 J. INT'L CRIM. JUST. 729 (2011). Read: 737-744. [website] Georgina Blakeley, <i>Digging Up Spain's Past: Consequences of Truth and Reconciliation</i>, 12 DEMOCRATIZATION 44 (2005). [website] LARRY DIAMOND, <i>DEVELOPING DEMOCRACY: TOWARD CONSOLIDATION</i> (1999). Read: 7-17, 64-77, 112-115. [reader] <u>Recommended</u> In English: Government of Spain, Map of mass graves from Civil War and Franco dictatorship, at http://mapadefosas.mjjusticia.es/exovi_externo/CargarInformacion.htm [website] In Spanish only: Government of Spain, Memoria Histórica website, at http://www.memoriahistorica.gob.es/ [website]
6. Tue., Sep. 10	Argentina: Dictatorship and Repression	THOMAS C. WRIGHT, <i>STATE TERRORISM IN LATIN AMERICA: CHILE, ARGENTINA, AND INTERNATIONAL HUMAN RIGHTS</i> (2007). Read: 95-127 (Optional: notes on 127-37). [book] NATIONAL COMMISSION ON THE DISAPPEARED, <i>NUNCA MÁS: THE REPORT OF THE ARGENTINE NATIONAL COMMISSION ON THE DISAPPEARED</i> 1986). Read: 39-43. Note: You may wish to skip this reading, which consists of vivid accounts of torture that surely will upset you. Please consider how you personally respond to accounts of horror and whether knowing some of the worst of what the dictatorship inflicted is likely to deepen your understanding of this case. [reader] Mort Rosenblum, <i>Terror in Argentina</i>, N.Y. REV. BOOKS, Oct. 28, 1976. [website]

7. Thu., Sep. 12	Argentina: Transition and the TRC	International Museum of Women (online), My Child Is Your Child: The Mothers of Argentina's Plaza de Mayo (n.d.). Read text and watch video. [website] LUIS RONIGER & MARIO SZNAJDER, THE LEGACY OF HUMAN RIGHTS VIOLATIONS IN THE SOUTHERN CONE: ARGENTINA, CHILE, AND URUGUAY (1999). Read: 55-64 (excerpt from Ch. 2, "Argentina: The Progressive-Regressive Cycle"). [reader] Jorge Correa Sutil, <i>Dealing with Past Human Rights Violations: The Chilean Case after Dictatorship</i>, 67 N.D. L. REV. 1455 (1992). Read 1474 (Part IV.A.)-1485. [website]
8. Tue., Sep. 17	Argentina: Justice and Peace	LUIS RONIGER & MARIO SZNAJDER, THE LEGACY OF HUMAN RIGHTS VIOLATIONS IN THE SOUTHERN CONE: ARGENTINA, CHILE, AND URUGUAY (1999). Read: 64-75 (excerpt from Ch. 2, "Argentina: The Progressive-Regressive Cycle"). [reader] THOMAS C. WRIGHT, STATE TERRORISM IN LATIN AMERICA: CHILE, ARGENTINA, AND INTERNATIONAL HUMAN RIGHTS (2007). Read: 156-160 (Optional: notes on 175-76). [book] Jose Zalaquett, <i>Balancing Ethical Imperatives and Political Constraints: The Dilemma of New Democracies Confronting Past Human Rights Violations</i>, 43 HAST. L.J. 1425 (1992). Read: 1426-1435. [website] LAWRENCE WESCHLER, A MIRACLE, A UNIVERSE: SETTLING ACCOUNTS WITH TORTURERS (1998). Read: 243-245. [reader]
9. Thu., Sep. 19	Chile: Transition and Constraint	LUIS RONIGER & MARIO SZNAJDER, THE LEGACY OF HUMAN RIGHTS VIOLATIONS IN THE SOUTHERN CONE: ARGENTINA, CHILE, AND URUGUAY (1999). Read 14-16, 26-28. [reader] <i>The end of Allende</i>, ECONOMIST, Sep. 15, 1973. [website] Cynthia Brown & Aryeh Neier, <i>Pinochet's Way</i>, N.Y. REV. BOOKS, June 25, 1987. [website] THOMAS C. WRIGHT, STATE TERRORISM IN LATIN AMERICA: CHILE, ARGENTINA, AND INTERNATIONAL HUMAN RIGHTS (2007). Read: 179-200 (Optional: notes on 215-20). [book] LUIS RONIGER & MARIO SZNAJDER, THE LEGACY OF HUMAN RIGHTS VIOLATIONS IN THE SOUTHERN CONE: ARGENTINA, CHILE, AND URUGUAY (1999) Read: 100-102. [reader] <u>Recommended</u> Sting, "They Dance Alone (Cueca Sola)" with images of dictatorship. [website]
10. Tue., Sep. 24	Argentina and Chile: A New Era	THOMAS C. WRIGHT, STATE TERRORISM IN LATIN AMERICA: CHILE, ARGENTINA, AND INTERNATIONAL HUMAN RIGHTS (2007). Read: 160-171 (optional: notes on 176-78). [book] THOMAS C. WRIGHT, STATE TERRORISM IN LATIN AMERICA: CHILE, ARGENTINA, AND INTERNATIONAL HUMAN RIGHTS (2007). Read: 200-215 (optional: notes on 215-224). [book] HUMAN RIGHTS WATCH, 2011 WORLD REPORT (2011). Read: 204-05, 224-25. [website] <i>Democratic at last</i>, ECONOMIST, Sep. 15, 2005. [website]

11. Thu., Sep. 26	Eastern Europe: Communism and Transition	Constitutional Rights Foundation, “Life Under Communism in Eastern Europe” (read to just before “The Collapse of Communism.” [website] NEIL J. KRITZ, 2 TRANSITIONAL JUSTICE (1995). Read: 533. [reader] TINA ROSENBERG, THE HAUNTED LAND: FACING EUROPE’S GHOSTS AFTER COMMUNISM (1995) (Vintage Books ed., 1996). Read: 8-9. [reader] TIMOTHY GARTON ASH, THE USES OF ADVERSITY: ESSAYS ON THE FATE OF CENTRAL EUROPE (1989). Read: 256-60. [reader] TINA ROSENBERG, THE HAUNTED LAND: FACING EUROPE’S GHOSTS AFTER COMMUNISM (1995) (Vintage Books ed., 1996). Read: 10-13. [reader] JANINE WEDEL, THE PRIVATE POLAND (1986). Read: 86-89, 149-52. [reader] TIMOTHY GARTON ASH, THE USES OF ADVERSITY: ESSAYS ON THE FATE OF CENTRAL EUROPE (1989). Read: 7-11, 61-65. [reader] Václav Havel, “An Open Letter to Dr. Gustáv Husák, General Secretary of the Czechoslovak Communist Party,” 1975. Read beginning through “This advice is heeded. That people need to make a living is, after all, . . .” (roughly first third of letter). [website] JOHN MERRIMAN, MODERN EUROPE: FROM THE RENAISSANCE TO THE PRESENT (1996). Read: 1375-79, 1383-91. [reader]
12. Tue. Oct. 1	Eastern Europe: The Lilliputian Threads	View film (individually or in evening viewing to be scheduled): “The Lives of Others” Re-read from last class first partial para. on p. 1379 in JOHN MERRIMAN, MODERN EUROPE: FROM THE RENAISSANCE TO THE PRESENT (1996) – on Charter 77. [reader for previous class] Václav Havel, “The Power of the Powerless,” 1978. Read: Parts III-VII, XII (excerpt), XV. Recommended: Excerpts from Parts XVII and XIX. [website] <u>Recommended</u> Charter 77, Jan. 1, 1977. [website]
13. Thu. Oct. 3	Eastern Europe: Thick Line or Expiation?	Timothy Garton Ash, <i>The Truth about Dictatorship</i>, N.Y. REV. BOOKS, Feb. 19, 1998. [website] TINA ROSENBERG, THE HAUNTED LAND: FACING EUROPE’S GHOSTS AFTER COMMUNISM (1995) (Vintage Books ed., 1996). Read: 67-75, 85-107 (lustration in Czechoslovakia/Czech Republic). [reader] TINA ROSENBERG, THE HAUNTED LAND: FACING EUROPE’S GHOSTS AFTER COMMUNISM (1995) (Vintage Books ed., 1996). Read: 320-29 (lustration with respect to East Germany). [reader]

14. Tue., Oct. 8	South Africa I: Apartheid and Responsibility	ALISTAIR SPARKS, <i>THE MIND OF SOUTH AFRICA</i> (1990). Read 136-43, 177-81, 187-192, 194-208, 215-229. [reader] PAUL MAYLAM, <i>SOUTH AFRICA'S RACIAL PAST: THE HISTORY AND HISTORIOGRAPHY OF RACISM, SEGREGATION, AND APARTHEID</i> (2001). Read: 179-187. [reader] KADER ASMAL, LOUISE ASMAL & RONALD SURESH ROBERTS, <i>RECONCILIATION THROUGH TRUTH: A RECKONING OF APARTHEID'S CRIMINAL GOVERNANCE</i> (1996). Read: 143-146, 152-159, 164-166 (excerpts from Ch. 14: "Facing up to Collective Responsibility"). [reader] <u>For reference</u> Adapted from BBC News (online), Timeline of South African history. [website]
15. Thu. Oct. 10	South Africa II: Transition and a Bargain	Richard A. Wilson, <i>Justice and Legitimacy in the South African Transition</i>, in <i>THE POLITICS OF MEMORY</i> 190 (2001). Read: 190-211. [reader] Promotion of National Unity and Reconciliation Act of 1995, art. 3. [website] TRUTH AND RECONCILIATION COMMISSION, 1 TRUTH AND RECONCILIATION COMMISSION OF SOUTH AFRICA REPORT (1998). Read: 117-123 (Ch. 5, ¶¶53-73). [website] Susie Linfield, <i>Trading Truth for Justice? Reflections on South Africa's Truth and Reconciliation Commission</i>, BOSTON REV., Summer 2000. Read: Section VII. [website] Hugo van der Merwe & Audrey R. Chapman, <i>Did the TRC Deliver?</i>, in <i>TRUTH AND RECONCILIATION IN SOUTH AFRICA: DID THE TRC DELIVER?</i> 241 (Audrey R. Chapman & Hugo van der Merwe eds., 2008). Read 250-251. [reader] Audrey R. Chapman & Hugo van der Merwe, <i>Reflections on the South African Experience</i>, in <i>TRUTH AND RECONCILIATION IN SOUTH AFRICA: DID THE TRC DELIVER?</i> 280 (Audrey R. Chapman & Hugo van der Merwe eds., 2008). Read 284-285. [reader] JEREMY SARKIN, <i>CARROTS AND STICKS: THE TRC AND THE SOUTH AFRICAN AMNESTY PROCESS</i> (2004). Read: 155-158, 164, 192-194. [reader]
16. Tue., Oct. 15	South Africa III: Truth	TRUTH AND RECONCILIATION COMMISSION, 1 TRUTH AND RECONCILIATION COMMISSION OF SOUTH AFRICA REPORT (1998). Read: 131-134 (Ch. 5, ¶¶101-111). [website] Hugo van der Merwe & Audrey R. Chapman, <i>Did the TRC Deliver?</i>, in <i>TRUTH AND RECONCILIATION IN SOUTH AFRICA: DID THE TRC DELIVER?</i> 241 (Audrey R. Chapman & Hugo van der Merwe eds., 2008). Read 241-254, 260-263. [reader] Richard A. Wilson, <i>Justice and Legitimacy in the South African Transition</i>, in <i>THE POLITICS OF MEMORY</i> 190 (2001). Read: 51-54. [reader] Mahmood Mamdani, <i>Amnesty or Impunity?: A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa</i>, 32 <i>DIACRITICS</i> 33 (2002). Read: 36-47. [website]

17. Thu. Oct. 17	South Africa IV: “Revealing is Healing”: Victims and the TRC	FIONA C. ROSS, BEARING WITNESS: WOMEN AND THE TRUTH AND RECONCILIATION COMMISSION IN SOUTH AFRICA (2003). Read: 11-15, 80-93. [reader] MARTHA MINOW, BETWEEN VENGEANCE AND FORGIVENESS (1998) (excerpt from Ch. 4, “Truth Commissions”). Read: 66-74. [reader] Jamie O’Connell, <i>Gambling with the Psyche: Does Prosecuting Human Rights Violators Console Their Victims?</i>, 46 HARV. INT’L L.J. 295 (2005). Read: Subsections III.A.1, III.A.3, III.B.2. [reader] Hugo van der Merwe & Audrey R. Chapman, <i>Did the TRC Deliver?</i>, in TRUTH AND RECONCILIATION IN SOUTH AFRICA: DID THE TRC DELIVER? 241 (Audrey R. Chapman & Hugo van der Merwe eds., 2008). Read 269-272. [reader]
18. Tue., Oct. 22	Reconciliation in South Africa and Beyond	Yasmin Sooka, <i>Apartheid’s Victims in the Midst of Amnesty’s Promise</i>, in PROVOCATIONS OF AMNESTY, MEMORY, JUSTICE, AND IMPUNITY 309 (Charles Villa-Vicencio & Erik Doxtader eds., 2003). [reader] MARTIN MEREDITH, NELSON MANDELA: A BIOGRAPHY (1998). Read: 526-531. [reader] BRANDON HAMBER, TRANSFORMING SOCIETIES AFTER POLITICAL VIOLENCE (2009). Read: 154-159. [reader] Hugo van der Merwe & Audrey R. Chapman, <i>Did the TRC Deliver?</i>, in TRUTH AND RECONCILIATION IN SOUTH AFRICA: DID THE TRC DELIVER? 241 (Audrey R. Chapman & Hugo van der Merwe eds., 2008). Read: 254-263, 272-279. [reader] James L. Gibson, <i>Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Commission Process</i>, 48 AM. J. POL. SCI. 201 (2004). Read: 201-202, 202-208 (end just before “Alternative Explanations of Truth and Reconciliation”), 215-216. [website] <u>Recommended</u> “Invictus” (movie: Clint Eastwood, dir.; Matt Damon, Morgan Freeman).

B. Transitional justice after mass violence

19. Thu., Oct. 24	Former Yugoslavia: Ethnic Conflict	STUART J. KAUFMAN, MODERN HATREDS: THE SYMBOLIC POLITICS OF ETHNIC WAR frontspiece (“The Seven Rules of Nationalism”), (2001). Read: 1-13, 165-193 (except blocked out portions on 176-77 and 181-82), 198-201. [reader] <u>Recommended</u> Map of ethnic distribution in former Yugoslavia (from 1991 census data, before massive ethnic shifts that occurred during the wars). [website] Maps comparing ethnic distribution in Bosnia in 1991 and 2000, on John O’Loughlin et al., The Dynamics of Civil War Outcomes in Bosnia and the North Caucasus of Russia (poster) – see lower left corner of poster. [website]
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20. Tue., Oct. 29	Former Yugoslavia: A Court and a Theory	International Criminal Tribunal for the former Yugoslavia, “About the ICTY: Establishment,” n.d., accessed Mar. 18, 2010. [website] International Criminal Tribunal for the former Yugoslavia, “About the ICTY: Mandate and Jurisdiction,” n.d., accessed Mar. 18, 2010. [website] UN Security Council Resolution 827 (1993). [website] Aryeh Neier, <i>Rethinking Truth, Justice, and Guilt after Bosnia and Rwanda</i>, in HUMAN RIGHTS IN POLITICAL TRANSITIONS: GETTYSBURG TO BOSNIA 39 (Carla Hesse & Robert Post eds., 1999). [reader] Ruti Teitel, <i>Bringing the Messiah Through Law</i>, in HUMAN RIGHTS IN POLITICAL TRANSITIONS: GETTYSBURG TO BOSNIA 177 (Carla Hesse & Robert Post eds., 1999). [reader] Regina Waugh, <i>What Can Internationally-Supported Courts Achieve?</i>, in INTERNATIONAL COURT MONITORING HANDBOOK (draft 2009). [website]
21. Thu., Oct. 31	Former Yugoslavia: The Impact of the ICTY	International Criminal Tribunal for the former Yugoslavia, “About the ICTY: Achievements,” n.d., accessed Mar. 18, 2010. Note: In the section “Establishing the facts,” you can skip the details from the third paragraph to the end of the section. [website] DIANE F. ORENTLICHER, SHRINKING THE SPACE FOR DENIAL: THE IMPACT OF THE ICTY IN SERBIA (2008). Read: 11-23. [website] DIANE F. ORENTLICHER, THAT SOMEONE GUILTY BE PUNISHED: THE IMPACT OF THE ICTY IN BOSNIA (2010). Read: 11-21. [website] Tim Judah, <i>The Fog of Justice</i>, N.Y. REV. BOOKS, Jan. 15, 2004. [website] Mirko Klarin, <i>The Impact of the ICTY Trials on Public Opinion in the Former Yugoslavia</i>, 7 J. INT’L CRIM. JUST. 89 (2009). [website] THIERRY CRUVELLIER, FROM THE TAYLOR TRIAL TO A LASTING LEGACY: PUTTING THE SPECIAL COURT MODEL TO THE TEST (2009). Read: 4, 28-30. [website] <u>Recommended</u> Dan Bilefsky & Marlise Simons, <i>Serbia Says Jailed Mladic Will Face War Crimes Trial</i>, N.Y. TIMES, May 26, 2011. [website] Marlise Simons, <i>Serbia Arrests Its Last Fugitive Accused of War Crimes</i>, N.Y. TIMES, July 20, 2011. [website]
22. Tue., Nov. 5	Cambodia: Justice or Political Tool?	Duncan McCargo, <i>Politics by Other Means? The Virtual Trials of the Khmer Rouge Tribunal</i>, INT’L AFFAIRS 613 (2011). [website]

23. Thu., Nov. 7	Rwanda: Genocide and Responsibility	Maps of Rwanda and Burundi and Central Africa. [website] Lars Waldorf, <i>Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice</i>, 79 TEMPLE L. REV. 1 (2006). Read: 26-28 including note 141. [website] ALISON DESFORGES, <i>LEAVE NONE TO TELL THE STORY: GENOCIDE IN RWANDA</i> (1999). Read: 36-37, 8-17 (subsequent “Numbers” section is optional). [website] BILL BERKELEY, <i>THE GRAVES ARE NOT YET FULL: RACE, TRIBE, AND POWER IN THE HEART OF AFRICA</i> (2001) Read: 266-270 (excerpt from Ch. 6, “The Defendant”). [reader] Peter Uvin, <i>Reading the Rwandan Genocide</i>, 3 INT’L STUD. REV. (2001). Read: 79-87. [website] SCOTT STRAUS, <i>THE ORDER OF GENOCIDE: RACE, POWER, AND WAR IN RWANDA</i> 7-10 (2006). [reader] René Lemarchand & Maurice Niwese, <i>Mass murder, the politics of memory and post-genocide reconstruction: the cases of Rwanda and Burundi</i>, in <i>AFTER MASS CRIME: REBUILDING STATES AND COMMUNITIES</i> (Béatrice Pouligny, Simon Chesterman & Albrecht Schnabel eds., 2007). Read: 169-172. [reader] Filip Reyntjens, <i>Rwanda, Ten Years On: From Genocide to Dictatorship</i>, 103 AFR. AFF. 177 (2004). Read: 177-181pt 184-185pt, 187-188 194-197, 204-205, 208-210. [website] <u>Recommended (help keep track of events mentioned in reading)</u> <i>Rwanda: Timeline</i>, BBC NEWS (online) (excerpt with annotations). [website] <i>Burundi: Timeline</i>, BBC NEWS (online). Note events from 1916 to 1995, and main events after that related to ethnic tensions. (There’s much, much more detail from 1995 onward than we need.) [website]
24. Tue. Nov. 12	Rwanda: Legal Responses	Timothy Longman, <i>An Assessment of Rwanda’s Gacaca Courts</i>, 21 PEACE REV. 304 (2009). Read: 304-308. [website] Mark Drumbl, <i>Law and Atrocity: Settling Accounts in Rwanda</i>, 31 OHIO N.U. L. REV. 41 (2005). Read: 53-59. [website] Christopher J. Le Mon, <i>Rwanda’s Troubled Gacaca Courts</i>, 14 HUM. RTS. BRIEF 16 (2007). [website] Susan Thomson & Rosemary Nagy, <i>Law, Power & Justice: What Legalism Fails to Address in the Functioning of Rwanda’s Gacaca Courts</i>, 5 INT’L J. TRANSITIONAL JUST. 11 (2011). Read: 11-12, 17-28. [website] For reference on numbers and timing of gacaca trials: HUMAN RIGHTS WATCH, <i>JUSTICE COMPROMISED THE LEGACY OF RWANDA’S COMMUNITY-BASED GACACA COURTS</i> 22-26 (2011). [website]
25. Thu., Nov. 14	Rwanda: History and Identity	Timothy Longman & Théoneste Rutagengwa, <i>Memory, Identity & Community in Rwanda</i>, in <i>MY NEIGHBOR, MY ENEMY: JUSTICE AND COMMUNITY IN THE AFTERMATH OF MASS ATROCITY</i> 162 (Eric Stover & Harvey M. Weinstein eds., 2004). [reader] Chi Mgbako, <i>Ingando Solidarity Camps: Reconciliation and Political Indoctrination in Post-Genocide Rwanda</i>, 18 HARV. HUM. RTS. J. 201 (2005) (various excerpts). [website]

II. Synthesis: Between Global and Local

26. Tue., Nov. 19	The International Criminal Court in Northern Uganda	Lucy Hovil, <i>A Poisoned Chalice? Local Civil Society and the International Criminal Court's Engagement in Uganda</i> , INT'L REFUGEE RIGHTS INITIATIVE DISCUSSION PAPERS (2011). [website]
27. Thu., Nov. 21	Global Imperatives and Local Adaptation	Rosalind Shaw, <i>Memory Frictions: Localizing the Truth and Reconciliation Commission in Sierra Leone</i> , 1 INT'L J. TRANSITIONAL JUST. 183 (2007). [website] Laura Arriaza & Naomi Roht-Arriaza, <i>Social Reconstruction as a Local Process</i> , 2 INT'L J. TRANSITIONAL JUST. 152 (2008). [website]
28. Tue., Nov. 26	Conclusion	
