

## **PACS6927 TRANSITIONAL JUSTICE AND PEACEBUILDING**

**Postgraduate Program in Peace and Conflict Studies, University of Sydney  
Winter School 2011**

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**Guest Lecturer:** Professor Leigh Payne  
University of Oxford

**Dates and Themes:** Thursday 30 June *Defining Transitional Justice*  
Monday 11 July *Justice Cascade: From Nuremberg to The Hague*  
Tuesday 12 July *Truth Commissions, Evaluation and Impact*  
Wednesday 13 July *Traditional Indigenous Approaches to Justice*  
Thursday 14 July *Justice by Whom and for Whom?*  
Friday 15 July *Designing a Transitional Justice Process*

**Location:** Mackie Building, Seminar Room 114  
Centre for Peace and Conflict Studies  
Arundel St, University of Sydney

**Times:** 10.00 am – 5.00 pm (including 1 hour lunchbreak each day)

## OVERVIEW

Transitional justice is a rapidly growing interdisciplinary field of study focusing on processes dealing with past human rights violations and the transition to a more peaceful and more democratic state. Much of the transitional justice discourse and practice reflects international legal and human rights perspectives on the goals of transitional justice which prioritise accountability and deterrence. In this unit of study we view transitional justice as being concerned primarily with fostering sustainable peace and reconciliation in communities recovering from mass violence and violations of human rights.

We will explore the evolution of transitional justice theory and practice, including a critical examination of truth commissions, criminal trials and traditional indigenous justice practices. Transformative justice is proposed as a concept to encapsulate the dynamic and holistic nature of transitional justice which addresses the past with a view to transforming relationships and structures in the future, and which incorporates psychosocial, socioeconomic and political as well as legal aspects of justice.

Case studies to be discussed include the transitions in Argentina and post-apartheid South Africa; post-genocide Rwanda and Cambodia; the new state of Timor Leste; and post-civil war Mozambique, Liberia and Sierra Leone. We will also look at countries affected by International Criminal Court investigations and indictments, including Kenya, Northern Uganda, Sudan/Darfur and Libya. On the final day students will participate in a role play simulation of designing a transitional justice process, and we will consider transitional justice prospects in countries such as Sri Lanka and Burma.

Cases have been selected to highlight themes and key issues of transitional justice theory and practice consistent with the overarching theme of the course: justice by whom and for whom? These include the apparent contradictions between pursuing justice and reconciliation, or retributive and restorative justice; the interaction between introduced or imposed transitional justice mechanisms and traditional, indigenous approaches; the perceived dilemmas of pursuing justice or peace during ongoing violence; gender perspectives, civil society and diaspora participation in transitional justice; measuring impact and evaluation of transitional justice; and the tensions between outside interveners, governments and local communities in the design and implementation of transitional justice mechanisms.

## AIMS & OUTCOMES

It is expected that students will:

- develop an awareness of the evolution of transitional justice theory and practice, with particular reference to truth commissions, criminal tribunals and traditional indigenous approaches
- develop an understanding of how transitional justice can contribute to reconciliation and sustainable peace
- learn to analyse the complexities and apparent contradictions sometimes involved in the pursuit of transitional justice, including the challenges of balancing peace with justice
- develop skills in critically assessing the design and impact of transitional justice mechanisms and approaches with reference to both theory and practice.

## RESOURCES

There is one recommended textbook and one recommended reader for this course:

Text: Rachel Kerr & Eirin Mobekk, *Peace and Justice: Seeking Accountability After War*, Cambridge, UK: Polity Press, 2007.

Reader: Chandra Lekha Sriram & Suren Pillay (eds), *Peace versus Justice? The Dilemma of Transitional Justice in Africa*, Scottsville, South Africa: University of KwaZulu-Natal Press, 2009 OR Oxford: James Currey, Oxford, UK, 2010.

Further key readings are listed for each session and will be provided either as hardcopy or softcopy on the Blackboard eLearning site or via Fisher Library online services. These key readings are sufficient for class preparation but will generally not be sufficient for assignments. Additional readings are also listed for each session. For the final essay students are required to conduct wider research and to consult these additional readings and library resources including journals, many of which are available electronically via the Fisher Library catalogue. A list of relevant books for further reading and research is provided at the end of this course outline.

Useful books, journal articles and other resources are available for student consultation in the CPACS Resource Centre class resource boxes and the personal library of the Coordinator (located in Room 103). These include the course outline, reader and file of online resources for PACS6927 from previous years, as well as previous years' course outlines, readers and the class resource boxes for PACS6902 Reconciliation and Conflict Transformation. Please note that these resources may not be borrowed but must be used in the Resource Centre within the Centre for Peace and Conflict Studies. Photocopying facilities are available for student use for a charge of 10 cents per page.

#### Useful Journals

*International Journal of Transitional Justice*

*Ethics and International Affairs*

*Journal of International Criminal Justice*

*Human Rights Quarterly*

In general, any human rights, international law, international relations or peace and conflict studies journal may include relevant articles.

#### Useful Websites

African Transitional Justice Research Network	<a href="http://www.transitionaljustice.org.za/">http://www.transitionaljustice.org.za/</a>
Centre for the Study of Violence and Reconciliation	<a href="http://www.csvr.org.za">http://www.csvr.org.za</a>
Institute for Justice and Reconciliation	<a href="http://www.ijr.org.za/">http://www.ijr.org.za/</a>
International Center for Transitional Justice	<a href="http://www.ictj.org">http://www.ictj.org</a>
Oxford Transitional Justice Research	<a href="http://www.csils.ox.ac.uk/otjr.php">http://www.csils.ox.ac.uk/otjr.php</a>
Project on International Courts and Tribunals	<a href="http://www.pict-pcti.org/index.html">http://www.pict-pcti.org/index.html</a>
Reconciliation Resource Network	<a href="http://www.idea.int/rn/">http://www.idea.int/rn/</a>
Transitional Justice Institute (University of Ulster)	<a href="http://www.transitionaljustice.ulster.ac.uk/">http://www.transitionaljustice.ulster.ac.uk/</a>
United States Institute of Peace	<a href="http://www.usip.org">http://www.usip.org</a>

## OUTLINE OF SESSIONS

### **Day 1, Thursday 30 June – Defining Transitional Justice**

Dr Wendy Lambourne

- Session 1      Introductions and Course Overview**  
**Session 2      History and Approaches to Transitional Justice**  
**Session 3      Transitional Justice and Peacebuilding: Core Concepts and Goals**

The first day will begin with introductions and an overview of the course including aims and outcomes, course outline, resources and assessment. Students will be introduced to the concept of transitional justice and how it has evolved both in practice as a field of study. We will look at the processes and mechanisms pursued as part of transitional justice, including amnesties, lustration, institutional reform and reparations as well as criminal trials, truth commissions and traditional indigenous approaches. The first day will also provide an opportunity to explore the complex and sometimes contested meanings and relationships between the core concepts and goals associated with transitional justice, including justice, reconciliation, truth, accountability, healing and peace.

#### Key readings:

<b>HISTORY AND APPROACHES TO TRANSITIONAL JUSTICE</b>
Bell, C. (2009) “Transitional Justice, Interdisciplinarity and the State of the ‘Field’ or ‘Non-Field’”, <i>International Journal of Transitional Justice</i> , 3:1, pp. 5-27.
Boraine, A. (2006) “Defining Transitional Justice: Tolerance in the Search for Justice and Peace” in Boraine, A. & Valentine, S. (eds) <i>Transitional Justice and Human Security</i> . Cape Town: International Center for Transitional Justice, pp. 22-37.

<b>TRANSITIONAL JUSTICE AND PEACEBUILDING</b>
Kerr, R. & Mobekk, E. (2007) “Peace and Justice: An Introduction” in <i>Peace and Justice: Seeking Accountability After War</i> . Cambridge, UK: Polity Press, pp. 1-17.
Lambourne, W. (2009) “Transitional Justice and Peacebuilding After Mass Violence”, <i>International Journal of Transitional Justice</i> , 3:1, pp. 28-48.

#### Additional readings:

Arthur, P. (2009) “How ‘Transitions’ Reshaped Human Rights: A Conceptual History of Transitional Justice”, <i>Human Rights Quarterly</i> , 31:2, PP. 321-367.
Bloomfield, D. (2003) “Justice” in <i>Reconciliation After Violent Conflict: A Handbook</i> . Stockholm: International IDEA, pp. 97-115. PACS6927 READER 2009
Bloomfield, D. (2006) <i>On Good Terms: Clarifying Reconciliation</i> , Berghof Report No. 14, Berghof Research Center for Constructive Conflict Management, Berlin, October 2006.
Borer, T. A. (ed.) (2006) “Truth Telling as a Peace-Building Activity” in <i>Telling the Truths: Truth Telling and Peace Building in Post-Conflict Societies</i> . Notre Dame, Indiana: University of Notre Dame Press, pp. 1-57. PACS6927 READER 2009
Gloppen, S. (2005) “Roads to Reconciliation: A Conceptual Framework” in Skaar, E., Gloppen, S. & Suhrke, A. (eds) <i>Roads to Reconciliation</i> . Lanham, Maryland: Lexington Books, pp. 17-50. PACS6927 READER 2009

Hamber, B. (2009) <i>Transforming Societies After Political Violence: Truth, Reconciliation, and Mental Health</i> . Dordrecht: Springer Verlag.
Hazan, P. (2010) <i>Judging War, Judging History: Behind Truth and Reconciliation</i> . Stanford, California: Stanford University Press.
Kritz, N. J. (ed.) (1995) <i>Transitional Justice: How Emerging Democracies Reckon with Former Regimes</i> , 3 vols. Washington, DC: United States Institute of Peace Press.
Lambourne, W. (2004), "Post-Conflict Peacebuilding: Meeting Human Needs for Justice and Reconciliation", <i>Peace, Conflict and Development</i> , 4, April 2004.
Lambourne, W. (2006) "Justice in the Aftermath of Mass Crimes: International Law and Peacebuilding" in Dolgopol, U. & Gardam, J. (eds) <i>The Challenge of Conflict: International Law Responds</i> . The Hague: Martinus Nijhoff, pp. 261-279. PACS6927 READER 2009
Mani, R. (2002) "The Three Dimensions of Justice in Post-conflict Peacebuilding" in <i>Beyond Retribution: Seeking Justice in the Shadows of War</i> . Cambridge, UK: Polity Press.
Mani, R. (2005) "Balancing Peace with Justice in the Aftermath of Violent Conflict", <i>Development</i> , 48:3, pp. 25-34.
Orentlicher, D. (2007) "'Settling Accounts' Revisited: Reconciling Global Norms with Local Agency", <i>International Journal of Transitional Justice</i> , 1, pp. 10-22.
Parmentier, S. (2003) "Global Justice in the Aftermath of Mass Violence. The Role of the International Criminal Court in Dealing with Political Crimes", <i>International Annals of Criminology</i> , 41:1/2, pp. 203-223. PACS6927 READER 2009
Roht-Arriaza, N. (2006) "The New Landscape of Transitional Justice" in Roht-Arriaza, N. & Mariexcurrena, J. (eds) <i>Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice</i> . Cambridge, UK: Cambridge University Press, pp. 1-16. PACS6927 READER 2009
Sooka, Y. L. (2009) "The Politics of Transitional Justice" in Sriram, C. L. & Pillay, N (eds), <i>Peace versus Justice? The Dilemma of Transitional Justice in Africa</i> . Scottsville, South Africa: University of KwaZulu-Natal Press, pp. 21-43.
Sriram, C. L. (2009) "Transitional Justice and the Liberal Peace" in Newman, E., Paris, R. & Richmond, O. P. (eds) <i>New Perspectives on Liberal Peacebuilding</i> . Tokyo: United Nations University Press, pp. 112-129.
Teitel, R. (2000) <i>Transitional Justice</i> , Oxford University Press, Oxford.
Teitel, R. (2003) "Transitional Justice Genealogy", <i>Harvard Human Rights Law Journal</i> , 16, pp. 69-94.
United Nations Security Council (2004), Report of the Secretary-General, "The rule of law and transitional justice in conflict and post-conflict societies", S/2004/616, 23 August 2004.
Weinstein, H. M. & Stover, E. (2004) "Introduction: Conflict, Justice and Reclamation" in Stover, E. & Weinstein, H. M. (eds) <i>My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity</i> . Cambridge, UK: Cambridge University Press, pp. 1-26.

## Day 2, Monday 11 July – Justice Cascade: From Nuremberg to The Hague

Dr Wendy Lambourne

- Session 1** Introduction to International Criminal Justice  
**Session 2** Rwanda: International and Domestic Prosecutions  
**Session 3** International Criminal Court in Africa

Day 2 will focus on the evolution of international criminal justice in the context of transitional justice and peacebuilding, including the establishment of *ad hoc* international tribunals, hybrid or internationalised courts, and the world's first permanent International Criminal Court. We will

also consider the role of domestic trials and the application of universal jurisdiction as mechanisms for ensuring criminal accountability for war crimes, crimes against humanity and genocide.

Rwanda will be used as a case study to explore some of the issues associated with these different forms of criminal accountability, including perceptions of ‘victor’s justice’ and the challenges of prosecuting large numbers of alleged perpetrators. Following the Rwandan genocide in 1994, both the international community and the new Rwandan ‘government of national unity’ prioritised criminal justice through an international tribunal and domestic trials. The Belgian government also prosecuted individuals accused of genocide in Rwanda. Subsequently the Rwandan government introduced a modified form of the traditional justice process of *gacaca* to deal with the crimes of the genocide, which will be examined in more detail on Day 3.

In the afternoon we will turn to an assessment of the International Criminal Court and its first investigations and indictments in a number of African countries, with a particular focus on Northern Uganda. We will look at the challenges which have emerged in the ICC’s pursuit of justice when the violence is ongoing and there is no peace agreement, and the implications of a case being referred by a government also accused of human rights violations. The politics and impact of the selection of cases by the ICC will also be examined, along with the problems of obtaining custody of indicted war criminals; controversies over complementarity; and tensions between international norms, national interests and local priorities which may include traditional indigenous processes in place of international criminal justice.

#### Key readings:

##### INTRODUCTION TO INTERNATIONAL CRIMINAL JUSTICE

Kerr, R. & Mobekk, E. (2007) “The Nuremberg Legacy”, “Ad hoc International Criminal Tribunals”, “The International Criminal Court”, “Internationalized Courts” & “Domestic Trials” in *Peace and Justice: Seeking Accountability After War*. Cambridge, UK: Polity Press, pp. 18-127.

##### RWANDA: INTERNATIONAL AND DOMESTIC PROSECUTIONS

Schabas, W. A. (2008) “Post-Genocide Justice in Rwanda: A Spectrum of Options” in Clark, P. & Kaufman, Z. D. (eds), *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*. London: Hurst and Co, pp. 207-227.

##### INTERNATIONAL CRIMINAL COURT IN AFRICA

Waddell, N. & Clark, P. (eds) (2008) *Courting Conflict? Justice, Peace and the ICC in Africa*. London: Royal African Society.

#### Additional readings:

##### INTERNATIONAL CRIMINAL JUSTICE

Ambos, K. & Othman, M. (eds) (2003) *New Approaches in International Criminal Justice: Kosovo, East Timor, Sierra Leone and Cambodia*. Freiburg: Edition Iuscrim.

Cassese, A. (2008) *International Criminal Law*, 2<sup>nd</sup> edn. Oxford: Oxford University Press.

Horowitz, S. (2006) “Transitional Criminal Justice in Sierra Leone” in Roht-Arriaza, N. & Mariexcurrana, J. (eds) *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*. Cambridge, UK: Cambridge University Press, pp. 43-69. PACS6927 READER 2009

Kritz, N. (1996) “Coming to Terms with Atrocities: A Review of Accountability Mechanisms for Mass Violations of Human Rights”, *Law and Contemporary Problems*, 59:4, pp. 127-152.

Lutz, E. & Sikkink, K. (2001) "The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America", <i>Chicago Journal of International Law</i> , 2:1, pp.
Roht-Arriaza, N. (1999) "Institutions of International Justice", <i>Journal of International Affairs</i> , 52:2, pp. 473-491.
Romano, C. P. R., Nollkaemper, A. & Kleffner, J. K. (eds) (2004) <i>Internationalized Criminal Courts and Tribunals: Sierra Leone, East Timor, Kosovo, and Cambodia</i> . Oxford: Oxford University Press.
Schabas, W. A. (2004) "A Synergistic Relationship: The Sierra Leone Truth and Reconciliation Commission and the Special Court for Sierra Leone", <i>Criminal Law Forum</i> , 15, pp. 3-54.
Tejan-Cole, A. (2009) "Sierra Leone's 'not-so' Special Court" in Sriram, C. L. & Pillay, N (eds), <i>Peace versus Justice? The Dilemma of Transitional Justice in Africa</i> . Scottsville, South Africa: University of KwaZulu-Natal Press, pp. 223-247.

<b>RWANDA (and FORMER YUGOSLAVIA)</b>
Des Forges, A. & Longman, T. (2004) "Legal Responses to Genocide in Rwanda" in Stover, E. & Weinstein, H. M. (eds) <i>My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity</i> . Cambridge, UK: Cambridge University Press, pp. 49-68.
Fletcher, L. E. & Weinstein, H. M. (2004) "A World Unto Itself? The Application of International Justice in the Former Yugoslavia" in Stover, E. & Weinstein, H. M. (eds) <i>My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity</i> . Cambridge, UK: Cambridge University Press, pp. 29-48.
Jones, N. A. (2010) <i>The Courts of Genocide: Politics and the Rule of Law in Rwanda and Arusha</i> . New York: Routledge.
Kamatali, J. M. (2003) "The Challenge of Linking International Criminal Justice and National Reconciliation: the Case of the ICTR", <i>Leiden Journal of International Law</i> , 16, pp. 115-133.
Moghalu, K. C. (2005) "Conclusion: The Impact of the Arusha Tribunal" in <i>Rwanda's Genocide: The Impact of Global Justice</i> . Basingstoke, Hampshire: Palgrave Macmillan, pp. 201-207. PACS6927 READER 2009
Mwangi, W. (2009) "The International Criminal Tribunal for Rwanda: Reconciling the Acquitted" in Sriram, C. L. & Pillay, N (eds), <i>Peace versus Justice? The Dilemma of Transitional Justice in Africa</i> . Scottsville, South Africa: University of KwaZulu-Natal Press, pp. 262-274.
Neuffer, E. (2002) <i>The Key to My Neighbour's House: Seeking Justice in Bosnia and Rwanda</i> . London: Bloomsbury.
Oomen, B. (2009) "Justice Mechanisms and the Question of Legitimacy: The Example of Rwanda's Multi-layered Justice Mechanisms" in Ambos, K., Large, J. & Wierde, M. (eds) <i>Building a Future on Peace and Justice</i> . Dordrecht: Springer Verlag, pp. 175-202.
Reyntjens, F. & Vandeginste, S. (2005) "Rwanda: An Atypical Transition" in Skaar, E., Gloppen, S. & Suhrke, A. (eds) <i>Roads to Reconciliation</i> . Lanham, Maryland: Lexington Books, pp. 101-127. PACS6927 READER 2009
Uvin, P. & Mironko, C. (2003) "Western and Local Approaches to Justice in Rwanda", <i>Global Governance</i> , 9, pp. 219-231.

<b>INTERNATIONAL CRIMINAL COURT IN AFRICA</b>
Allen, T. (2006) <i>Trial Justice: The International Criminal Court and the Lord's Resistance Army</i> . London/New York: Zed Books.
Clarke, K. M. (2009) <i>Fictions of Justice: The International Criminal Court and the Challenge of Legal Pluralism in Sub-Saharan Africa</i> . Cambridge, UK: Cambridge University Press.
Finnström, S. (2010) "Reconciliation Grown Bitter? War, Retribution, and Ritual Action in Northern Uganda" in Shaw, R. & Waldorf, L. with Pierre Hazan (eds) <i>Localizing Transitional</i>

<i>Justice: Interventions and Priorities After Mass Violence</i> . Stanford, California: Stanford University Press, pp. 135-156.
Goldstone, R. J. (1998) "Bringing War Criminals to Justice during an Ongoing War" in Moore, J. (ed.) <i>Hard Choices: Moral Dilemmas in Humanitarian Intervention</i> . Lanham, Maryland: Rowman & Littlefield, pp. 195-210. PACS6927 READER 2009
Hazan, P. (2010) "Uganda: Traditional Justice vs the International Criminal Court" in <i>Judging War, Judging History: Behind Truth and Reconciliation</i> . Stanford, California: Stanford University Press, pp. 128-149.
Ntsebeza, D. B. (2009) "The International Criminal Court in Darfur" in Sriram, C. L. & Pillay, N (eds), <i>Peace versus Justice? The Dilemma of Transitional Justice in Africa</i> . Scottsville, South Africa: University of KwaZulu-Natal Press, pp. 331-346.
Schabas, W. A. (2007) <i>An Introduction to the International Criminal Court</i> , 3 <sup>rd</sup> edn. Cambridge, UK: Cambridge University Press.
Schiff, B. N. (2008) <i>Building the International Criminal Court</i> . Cambridge, UK: Cambridge University Press.
Sriram, C. L. (2009) "The International Criminal Court Africa Experiment" in Sriram, C. L. & Pillay, N (eds), <i>Peace versus Justice? The Dilemma of Transitional Justice in Africa</i> . Scottsville, South Africa: University of KwaZulu-Natal Press, pp. 317-330.
Unger, T. & Wierda, M. (2009) "Pursuing Justice in Ongoing Conflict: A Discussion of Current Practice" in Ambos, K., Large, J. & Wierde, M. (eds) <i>Building a Future on Peace and Justice</i> . Dordrecht: Springer Verlag, pp. 263-302.

### **Day 3, Tuesday 12 July – Truth Commissions, Evaluation and Impact**

Professor Leigh Payne, University of Oxford

#### **Session 1: Introduction to Truth Commissions**

#### **Session 2: Unsettling Accounts: Argentina and South Africa**

#### **Session 3: The Justice Balance: Evaluation and Impact of Transitional Justice**

Day 4 will begin with an overview of truth commissions, the principles they encompass, the goals they pursue and the variety of examples which have evolved in practice. This general introduction will be followed by a critical examination of two of the most significant truth commissions – Argentina and South Africa – the first and most famous truth commissions respectively. The South African Truth and Reconciliation Commission was established to deal with the crimes of apartheid. With its emphasis on forgiveness and reconciliation, it has been held up as a model of restorative justice for transitional societies dealing with past human rights violations. In the afternoon session we will discuss the challenges involved in evaluating transitional justice, with a particular emphasis on empirical studies showing the impact of different mechanisms on the promotion of democracy and human rights

#### Key readings:

<b>TRUTH COMMISSIONS</b>
Kerr, R. & Mobekk, E. (2007) "Truth Commissions" in <i>Peace and Justice: Seeking Accountability After War</i> . Cambridge, UK: Polity Press, pp. 128-150.
Sooka, Y. L. (2009) "The Politics of Transitional Justice" in Sriram, C. L. & Pillay, N (eds), <i>Peace versus Justice? The Dilemma of Transitional Justice in Africa</i> . Scottsville, South Africa: University of KwaZulu-Natal Press, pp. 21-43.

## EVALUATION AND IMPACT

Olsen, T. D., Payne, L. A. & Reiner, A. G. (2010) "The Justice Balance: When Transitional Justice Improves Human Rights and Democracy", *Human Rights Quarterly*, 32, pp. 982-1009.

Additional readings:

## TRUTH COMMISSIONS

Borer, T. A. (ed.) (2006) *Telling the Truths: Truth Telling and Peace Building in Post-Conflict Societies*. Notre Dame, Indiana: University of Notre Dame Press.

Dal Secco, A. (2008) "Truth and Reconciliation Commissions and Gender Justice" in Pankhurst, D. (ed.) *Gendered Peace: Women's Struggles for Post-War Justice and Reconciliation*. New York: Routledge, pp. 65-106. PACS6927 READER 2009

Ekiyor, T. (2009) "Reflecting on the Sierra Leone Truth and Reconciliation Commission: A Peacebuilding Perspective" in Sriram, C. L. & Pillay, N (eds), *Peace versus Justice? The Dilemma of Transitional Justice in Africa*. Scottsville, South Africa: University of KwaZulu-Natal Press, pp. 153-170.

Freeman, M. (2006) "Truth Commissions" in *Truth Commissions and Procedural Fairness*. Cambridge, UK: Cambridge University Press, pp. 3-40. PACS6927 READER 2009

Hayner, P. B. (1999) "In Pursuit of Justice and Reconciliation: Contributions of Truth Telling" in Arnson, C. J. (ed.), *Comparative Peace Processes in Latin America*. Washington, DC: Woodrow Wilson Center Press, pp. 363-383.

Hayner, P.B. (2010) *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2<sup>nd</sup> edn, London/New York: Routledge.

Meintjes, S. (2009) "Gender and Truth and Reconciliation Commissions" in Sriram, C. L. & Pillay, N (eds), *Peace versus Justice? The Dilemma of Transitional Justice in Africa*. Scottsville, South Africa: University of KwaZulu-Natal Press, pp. 96-112.

Moghalu, K. C. (2009) "Prosecute or Pardon? Between Truth Commissions and War Crimes Trials" in Sriram, C. L. & Pillay, N (eds), *Peace versus Justice? The Dilemma of Transitional Justice in Africa*. Scottsville, South Africa: University of KwaZulu-Natal Press, 69-95.

Payne, L. A. (2008) *Unsettling Accounts: Neither Truth nor Reconciliation in Confessions of State Violence*. Durham, NC: Duke University Press.

Porter, E. (2007) "Memory and Truth" in *Peacebuilding: Women in International Perspective*. London/New York: Routledge, pp. 127-151.

Rotberg, R. I. & Thompson, D. (eds) (2000) *Truth v. Justice: The Morality of Truth Commissions*. Princeton, NJ: Princeton University Press.

Schabas, W. A. & Darcy, S. (2004) *Truth Commissions and Courts: The Tension Between Criminal Justice and the Search for Truth*. Dordrecht: Kluwer Academic Publishers.

## ARGENTINA

Humphrey, M. & Valverde, E. (2008) "Human Rights Practice and Injustice: Transitional Justice in Argentina and South Africa", *International Journal of Transitional Justice*, 2, pp. 83-105.

Sikkink, K. & Booth Walling, C. (2006) "Argentina's Contribution to Global Trends in Transitional Justice" in Roht-Arriaza, N. & Mariexcurrena, J. (eds) *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*. Cambridge, UK: Cambridge University Press, pp. 301-324.

Skaar, E. (2005) "Argentina: Truth, Justice, and Reconciliation" in Skaar, E., Gloppen, S. & Suhrke, A. (eds) *Roads to Reconciliation*. Lanham, Maryland: Lexington Books, pp. 157-176.

SOUTH AFRICA
Boraine, A. "South Africa's Truth and Reconciliation Commission from a Global Perspective" in Sriram, C. L. & Pillay, N (eds), <i>Peace versus Justice? The Dilemma of Transitional Justice in Africa</i> . Scottsville, South Africa: University of KwaZulu-Natal Press, pp. 137-152.
Finca, B. (2006) "They treat the wounds of my people cheaply" in Boraine, A. & Valentine, S. (eds) <i>Transitional Justice and Human Security</i> . Cape Town: International Center for Transitional Justice, pp. 56-72. PACS6927 READER 2009
Gobodo-Madikizela, P. & Van Der Merwe, C. N. (eds) (2009) <i>Memory, Narrative and Forgiveness: Perspectives on the Unfinished Journeys of the Past</i> . Newcastle upon Tyne: Cambridge Scholars Publishing.
Graybill, L. (2002) <i>Truth and Reconciliation in South Africa: Miracle or Model?</i> Boulder, Colorado: Lynne Rienner Publishers.
Hamber, B. (2009) <i>Transforming Societies After Political Violence: Truth, Reconciliation, and Mental Health</i> . Dordrecht: Springer Verlag.
Ross, F. C. (2010) "An Unacknowledged Failure: Women, Voice, Violence, and the South African Truth and Reconciliation Commission" in Shaw, R. & Waldorf, L. with Hazan, P. (eds), <i>Localizing Transitional Justice: Interventions and Priorities After Mass Violence</i> . Stanford, California: Stanford University Press, pp. 69-91.
Tutu, D. (1999) <i>No Future Without Forgiveness</i> . London: Rider.
Villa-Vicencio, C. (2001) "Restorative Justice in Social Context: The South African Truth and Reconciliation Commission" in Biggar, N. (ed.) <i>Burying the Past: Making Peace and Doing Justice after Civil Conflict</i> . Washington, DC: Georgetown University Press, pp. 207-222. PACS6927 READER 2009
Villa-Vicencio, C. (2009) "Inclusive Justice: The Limitations of Trial Justice and Truth Commissions" in Sriram, C. L. & Pillay, N (eds), <i>Peace versus Justice? The Dilemma of Transitional Justice in Africa</i> . Scottsville, South Africa: University of KwaZulu-Natal Press, pp. 44-68.
EVALUATION AND IMPACT
Backer, D. (2002) "South Africa's Truth and Reconciliation Commission and its Impact on the Political Attitudes of Victims of Gross Human Rights Violations", Paper presented to the Midwest Political Science Association Annual Meeting, Chicago, Illinois, 26 April 2002.
Brahm, E. (2005) "Patterns of Truth: Examining Truth Commission Impact in Cross-National Context", Paper presented to the International Studies Association Annual Meeting, Honolulu, Hawaii, 1-5 March 2005.
Dancy, G. (2010) "Impact Assessment, Not Evaluation: Defining a Limited Role for Positivism in the Study of Transitional Justice", <i>International Journal of Transitional Justice</i> , 4, pp. 355-376.
Lie, T. G., Binningsbø, M. & Gates, S. (2006) "Post-Conflict Justice and Sustainable Peace", paper presented to the Annual Meeting of the American Political Science Association, Philadelphia, PA, 31 August-3 September 2006.
Olsen, T. D., Payne, L. A. & Reiner, A. G. (2010) <i>Transitional Justice in Balance: Comparing Processes, Weighing Efficacy</i> . Washington, DC: United States Institute of Peace Press.
Stover, E. & Weinstein, H. M. (eds) (2004) <i>My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity</i> . Cambridge, UK: Cambridge University Press.
van der Merwe, H., Baxter, V. & Chapman, A. R. (eds) (2009) <i>Assessing the Impact of Transitional Justice: Challenges for Empirical Research</i> . Washington, DC: United States Institute of Peace Press.

**Day 4, Wednesday 13 July – Traditional Indigenous Approaches to Justice**

Dr Wendy Lambourne

**Session 1: Rituals, Reintegration and Healing in Post-War Mozambique****Session 2: Community Reconciliation and *Nahe Biti* in Timor Leste****Session 3: Rwanda and Gacaca Community Justice for Genocide**

On Day 3 we will explore some of the traditional indigenous practices which have been applied and adapted to deal with human rights atrocities in transitional justice contexts, including in Mozambique, Timor Leste and Rwanda. We will look at what we can learn from these experiences about different cultural concepts of justice and reconciliation, and how restorative and retributive elements can be integrated in the one transitional justice mechanism.

We will start with an examination of Mozambique, where instead of pursuing an international or national transitional justice process after the civil war ended, local communities relied on traditional indigenous methods of spiritual healing and social regeneration in order to build peace, create healing and attain justice. This discussion will be continued in the afternoon sessions with reference to the Timorese Commission for Reception, Truth and Reconciliation (CAVR) which included community reconciliation processes using the traditional *nahe biti* justice mechanism, and the Rwandan experiment of adapting the traditional *gacaca* community justice system to deal with the crimes of the 1994 genocide.

Key readings:

<b>TRADITIONAL APPROACHES</b>
Kerr, R. & Mobekk, E. (2007) “Traditional Informal Justice Mechanisms” in <i>Peace and Justice: Seeking Accountability After War</i> . Cambridge, UK: Polity Press, pp. 151-172.
<b>MOZAMBIQUE</b>
Igreja, V. (2009) “The Politics of Peace, Justice and Healing in Post-war Mozambique” in Sriram, C. L. & Pillay, N (eds), <i>Peace versus Justice? The Dilemma of Transitional Justice in Africa</i> . Cape Town: University of KwaZulu-Natal Press, pp. 277-300.
<b>RWANDA</b>
Lambourne, W. (2010) “Transitional Justice After Mass Violence: Reconciling Retributive and Restorative Justice” in Irving, H., Mowbray, J. & Walton, K. (eds), <i>Julius Stone: A Study in Influence</i> . Sydney: Federation Press, pp. 214-237.

Additional readings:

<b>MOZAMBIQUE</b>
Bartoli, A. (2002) “Forgiveness and Reconciliation in the Mozambique Peace Process” in Helmick, R. G. & Petersen, R. L. (eds) <i>Forgiveness and Reconciliation: Religion, Public Policy and Conflict Transformation</i> . Philadelphia: Templeton Foundation Press.
Cobban, H. (2007) <i>Amnesty After Atrocity? Healing Nations After Genocide and War Crimes</i> . Boulder, Colorado: Paradigm Publishers.
Hirsch, J. L. (2009) “Peace and Justice: Mozambique and Sierra Leone Compared” in Sriram, C. L. & Pillay, N (eds), <i>Peace versus Justice? The Dilemma of Transitional Justice in Africa</i> . Scottsville, South Africa: University of KwaZulu-Natal Press, pp. 202-219.
Honwana, A. M. (1997) “Healing for Peace: Traditional Healers and Post-War Reconstruction in Southern Mozambique”, <i>Peace and Conflict: Journal of Peace Psychology</i> , 3:3, pp. 293-306.

Honwana, A. (2005) "Healing and Social Reintegration in Mozambique and Angola" in Skaar, E., Gloppen, S. & Suhrke, A. (eds) *Roads to Reconciliation*. Lanham, Maryland: Lexington Books, pp. 83-100.

#### TIMOR LESTE

Babo-Soares, D. (2005) "*Nahe Biti: Grassroots Reconciliation in East Timor*" in Skaar, E., Gloppen, S. & Suhrke, A. (eds) *Roads to Reconciliation*. Lanham, Maryland: Lexington Books.

Burgess, P. (2004) "Justice and Reconciliation in East Timor: The Relationship Between the Commission for Reception, Truth and Reconciliation and the Courts", *Criminal Law Forum*, 15, pp. 135-158.

Burgess, P. (2006) "A New Approach to Restorative Justice – East Timor's Community Reconciliation Process" in Roht-Arriaza, N. & Mariexcurrena, J. (eds) *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*. Cambridge, UK: Cambridge University Press, pp. 176-205. PACS6927 READER 2009

Lambourne, W. (2010) "Unfinished Business: The Commission for Reception, Truth and Reconciliation and Justice and Reconciliation in East Timor" in Lilian A. Barra & Steven D. Roper (eds), *Development of Institutions of Human Rights*, London: Palgrave Macmillan, pp. 195-207.

#### RWANDA

Clark, P. (2005) "When the Killers Go Home", *Dissent*, Summer 2005.

Clark, P. (2007) "Hybridity, Holism, and 'Traditional Justice': The Case of the *Gacaca* Courts in Post-Genocide Rwanda", *George Washington International Law Review*, 39:4, pp. 765-837.

Clark, P. (2008) "The Rules (and Politics) of Engagement: The *Gacaca* Courts and Post-Genocide Justice, Healing and Reconciliation in Rwanda" in Clark, P. & Kaufman, Z. D. (eds), *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*. London: Hurst and Co, pp. 297-319.

Clark, P. (2010) *Power, Politics and Justice in Post-Genocide Rwanda*. Cambridge, UK: Cambridge University Press.

Harrell, P. E. (2003) *Rwanda's Gamble: Gacaca and a New Model of Transitional Justice*. New York: Writers Club Press.

Lambourne, W. (2006) "Justice After Genocide: The Rwandan Experiment with *Gacaca* Community Justice", Paper presented to the Conference 'Social Justice and Human Rights in the Era of Globalisation', Katholieke Universiteit Leuven, August 2006.

Scanlon, H. & Motlafi, N. (2009) "Indigenous Justice or Political Instrument? The Modern *Gacaca* Courts of Rwanda" in Sriram, C. L. & Pillay, N (eds), *Peace versus Justice? The Dilemma of Transitional Justice in Africa*. Scottsville, South Africa: University of KwaZulu-Natal Press, pp. 301-314.

Uvin, P. & Mironko, C. (2003) "Western and Local Approaches to Justice in Rwanda", *Global Governance*, 9, pp. 219-231.

Waldorf, L. (2006) "Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice", *Temple Law Review*, 79:1, pp. 1-87.

Waldorf, L. (2010) "'Like Jews Waiting for Jesus': Posthumous Justice in Post-Genocide Rwanda" in Shaw, R. & Waldorf, L. with Pierre Hazan (eds) *Localizing Transitional Justice: Interventions and Priorities After Mass Violence*. Stanford, California: Stanford University Press, pp. 183-202.

## Day 4, Thursday 30 September – Justice By Whom and For Whom?

Dr Wendy Lambourne and James Tonny Dhizaala, PhD Candidate, Centre for Peace and Conflict Studies, University of Sydney

**Session 1: Liberia, Transitional Justice and the Diaspora**

**Session 2: Transformative Justice, Local Ownership and Civil Society Participation**

**Session 2: Victim Participation and Outreach in Cambodia**

Day 5 will start with an exploration of the political challenges encountered in the pursuit of justice and reconciliation in Liberia, with a focus on the establishment and outcomes of the Truth and Reconciliation Commission for Liberia. The discussion will be framed around questions of ‘justice by whom?’ and ‘justice for whom?’, and the groundbreaking inclusion of Liberian diaspora communities in the hearings of the TRC.

This will be followed by a theoretical discussion of the concept of transformative justice and principles of civil society participation and localisation of the design and implementation of transitional justice. We will focus on understanding how a holistic, participatory and transdisciplinary model of transformative justice can support peacebuilding by taking into account the needs and priorities of affected communities. This model will be compared with Rama Mani’s conceptualisation of reparative justice as an alternative means of expanding the legal, human rights framing of transitional justice.

As part of the discussion, students will be introduced to the concept of ‘inreach’ to complement the growing emphasis of transitional justice on local empowerment and outreach mechanisms which seek to promote community participation. Cambodia will be used as a case study to illustrate and critique victim participation and outreach in the context of the Extraordinary Chambers of the Courts of Cambodia which is currently trying the former leaders of the Khmer Rouge regime.

### Key readings:

<b>LIBERIA</b>
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Pajebo, E. (2007) “Civil Society and Transitional Justice in Liberia”, <i>International Journal of Transitional Justice</i> , 1:2, pp. 287-296.
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<b>TRANSFORMATIVE JUSTICE</b>
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Lambourne, W. (2009) “Transitional Justice and Peacebuilding After Mass Violence”, <i>International Journal of Transitional Justice</i> , 3:1, pp. 28-48.
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<b>CAMBODIA</b>
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Lambourne, W. (2011) “Outreach, Inreach and Civil Society Participation in Transitional Justice” in Phil Clark et al (eds) <i>Taking Stock of Transitional Justice</i> . Antwerp/Oxford: Intersentia.
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### Additional readings:

<b>LIBERIA</b>
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Jalloh, C. & Marong, A. (2005) “Ending Impunity: The Case for War Crimes Trials in Liberia”, <i>African Journal of Legal Studies</i> , 2, pp. 53-79.
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Lamin, A. R. “Truth, Justice and Reconciliation: Analysis of the Prospects and Challenges of the Truth and Reconciliation Commission in Liberia” in Agboaye, F. & Bah, A. M. S. (eds), A
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<i>Tortuous Road to Peace: The Dynamics of Regional, UN and International Interventions in Liberia</i> . Pretoria: Institute for Security Studies, pp. 229-247.
Lamin, A. R. (2009) "Charles Taylor, the Special Court for Sierra Leone and International Politics" in Sriram, C. L. & Pillay, N (eds), <i>Peace versus Justice? The Dilemma of Transitional Justice in Africa</i> . Scottsville, South Africa: University of KwaZulu-Natal Press, pp. 248-261.
Young, L. A. & Park, R. (2009) "Engaging Diasporas in Truth Commissions: Lessons from the Liberia Truth and Reconciliation Commission Diaspora Project", <i>International Journal of Transitional Justice</i> , 3:3, pp. 341-361.

<b>LOCAL OWNERSHIP, CIVIL SOCIETY PARTICIPATION AND OUTREACH</b>
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Crocker, D. (2000) "Truth Commissions, Transitional Justice, and Civil Society" in Rotberg, R. I. & Thompson, D. (eds) <i>Truth v. Justice: The Morality of Truth Commissions</i> . Princeton, NJ: Princeton University Press, pp. 99-121. PACS6927 READER 2009
Culbertson, R. & Pouligny, B. (2007) "Re-imaging Peace After Mass Crime: A Dialogical Exchange Between Insider and Outsider Knowledge" in Pouligny, B., Chesterman, S. & Schnabel, A. (eds) <i>After Mass Crime: Rebuilding States and Communities</i> . Tokyo: United Nations University Press, pp. 271-287.
Goetz, M. (2008) "The International Criminal Court and its Relevance to Affected Communities" in Waddell, N. & Clark, P. (eds) <i>Courting Conflict? Justice, Peace and the ICC in Africa</i> , London: Royal African Society, pp. 65-72.
Lambourne, W. (2006) "Justice in the Aftermath of Mass Crimes: International Law and Peacebuilding" in Dolgopol, U. & Gardam, J. (eds) <i>The Challenge of Conflict: International Law Responds</i> . The Hague: Martinus Nijhoff, pp. 261-279. PACS6927 READER 2009
Lundy, P. & McGovern, M. (2008) "The Role of Community in Participatory Transitional Justice" in McEvoy, K. & McGregor, L. (eds) <i>Transitional Justice from Below</i> . Oxford/Portland, Oregon: Hart Publishing, pp. 99-120. PACS6927 READER 2009
McGregor, L. (2008) "International Law as a 'Tiered Process': Transitional Justice at the Local, National and International Level" in McEvoy, K. & McGregor, L. (eds) <i>Transitional Justice from Below</i> . Oxford/Portland, Oregon: Hart Publishing, pp. 47-73.
Mani, R. (2002) "The Three Dimensions of Justice in Post-conflict Peacebuilding" in <i>Beyond Retribution: Seeking Justice in the Shadows of War</i> . Cambridge, UK: Polity Press.
Mani, R. (2005) "Building an Inclusive Political Community After War", <i>Security Dialogue</i> , 36:4, pp. 511-526.
Pentelovitch, N. (2008) "Seeing Justice Done: The Importance of Prioritizing Outreach Efforts at International Criminal Tribunals", <i>Georgetown Journal of International Law</i> , 39, pp. 445-494.
Peskin, V. (2005) "Courting Rwanda: The Promises and Pitfalls of the ICTR Outreach Programme", <i>Journal of International Criminal Justice</i> , 3, pp. 950-961.
Shaw, R. & Waldorf, L. (2010) "Introduction: Localizing Transitional Justice" in Shaw, R. & Waldorf, L. with Pierre Hazan (eds) <i>Localizing Transitional Justice: Interventions and Priorities After Mass Violence</i> . Stanford, California: Stanford University Press, pp. 3-26.
Tripone, A. & Pearson, S. (2010) "What Do You Think Should Happen? Public Participation in Transitional Justice", <i>Pace International Law Review</i> , 22:1, pp. 103-144.
Weinstein, H. M. et al (2010) "Stay the Hand of Justice: Whose Priorities Take Priority?" in Shaw, R. & Waldorf, L. with Pierre Hazan (eds) <i>Localizing Transitional Justice: Interventions and Priorities After Mass Violence</i> . Stanford, California: Stanford University Press, pp. 27-48.

<b>CAMBODIA</b>
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Chhang, Y. (2007) "The Thief of History: Cambodia and the Special Court", <i>International Journal of Transitional Justice</i> , 1, pp. 157-172.
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Ciorciari, J. D. (ed.) (2006) <i>The Khmer Rouge Tribunal</i> . Phnom Penh: Documentation Center of Cambodia.
Etcheson, C. (2005) "Documenting Mass Murder" in <i>After the Killing Fields: Lessons from the Cambodian Genocide</i> . Westport, Connecticut: Praeger, pp. 53-76. PACS6927 READER 2009
Fawthrop, T. & Jarvis, H. (2005) <i>Getting Away with Genocide? Elusive Justice and the Khmer Rouge Tribunal</i> . Sydney: UNSW Press.
Hirsch, S. (2005) "Justice Delayed", <i>National Journal</i> , 7/2/05, pp. 2122-6.
Lambourne, W. (2009), "The Khmer Rouge Tribunal: Justice for Genocide in Cambodia", <i>Whither Human Rights</i> , 25 <sup>th</sup> Annual LSAANZ International Conference, University of Sydney, 10-12 December 2008. <a href="http://ses.library.usyd.edu.au/handle/2123/4042">http://ses.library.usyd.edu.au/handle/2123/4042</a>
Linton, S. (2004) <i>Reconciliation in Cambodia</i> . Phnom Penh: Documentation Center of Cambodia.

## Day 5, Tuesday 21 July – Designing a Transitional Justice Process

*Dr Wendy Lambourne*

### Session 1: Role Play Simulation

### Session 2: Reflection and Discussion of Role Play

### Session 3: Future of Transitional Justice

Students will be asked to prepare for and participate in a role play simulation in which conflict participants and outside interveners collaborate to design a transitional justice process. The goal is for students to engage in the dynamics of a conflict and the dilemmas of designing a transitional justice process. The simulation will be based on a hypothetical conflict scenario and transitional context. Further details about the role play simulation and assessment process will be provided in class.

Following reflections and discussion of the role play, we will consider the future of transitional justice and the prospects for countries such as Burma and Sri Lanka where there is a need to deal with past (and current) human rights violations but there is no 'transition'.

#### Key readings:

Kerr, R. & Mobekk, E. (2007) "Conclusion" in <i>Peace and Justice: Seeking Accountability After War</i> . Cambridge, UK: Polity Press, pp. 173-182.
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#### Additional readings:

Falvey, P. (2010) "Local Transitional Practice in Pretransition Burma", in Shaw, R. & Waldorf, L. with Pierre Hazan (eds) <i>Localizing Transitional Justice: Interventions and Priorities After Mass Violence</i> . Stanford, California: Stanford University Press, pp. 253-274.
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Lutz, E. (2006) "Transitional Justice: Lessons Learned and the Road Ahead" in Roht-Arriaza, N. & Mariexcurrena, J. (eds) <i>Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice</i> . Cambridge, UK: Cambridge University Press, pp. 325-341. PACS6927 READER 2009
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Muttetuwegama, R. (2006) "Sri Lanka" in Boraine, A. & Valentine, S. (eds) <i>Transitional Justice and Human Security</i> . Cape Town: International Center for Transitional Justice, pp. 213-217.
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## ASSESSMENT

### 1. Class Participation, including role play simulation (25 %)

Students will be assessed on their **participation in class discussions** including evidence of reading and thoughtful reflection on key issues and themes (10%). Key recommended readings have been identified and listed for each session. Students are expected to read at least one of the key readings for each session prior to the class. Additional references for each session have been listed for those interested in pursuing particular topics, and as a resource for assignments.

Student **participation in a role play simulation** involving the design of a transitional justice process will also be assessed based on 1) evidence of preparation and creative engagement in the role play simulation and 2) intelligent and thoughtful reflections and discussion of the simulation in class **on Day 6, Friday 15 July** (15%). More details will be provided in class.

### 2. Assignment 1: Reflection Exercise (20%)      1200 words      DUE MONDAY 25 JULY

For this assignment you are required to reflect on your experience of the role play simulation on the final day of class, with reference to your participation and the experiences of others, what you learnt and the key issues which arose. Reference to relevant transitional justice and peacebuilding theory is expected, but a formal list of references is not required. Assessment criteria will include your ability to express your ideas clearly and fluently and an emphasis on reflective analysis rather than on description.

### 3. Assignment 2: Essay (55%)                      3500 words      DUE MONDAY 22 AUGUST

For this assignment students are required to **write a scholarly essay critically analysing the theory and practice of transitional justice focussing on either:**

**1) a particular conflict, country or context**

*or*

**2) a particular type of transitional justice method comparing two case studies**

You may choose to base your essay on a country or case study covered in class, such as the truth commissions in South Africa, East Timor or Liberia; traditional indigenous approaches in Mozambique; international tribunal or *gacaca* in Rwanda; hybrid tribunals in Sierra Leone or Cambodia; or the ICC in Northern Uganda. Alternatively, you may choose to focus on transitional justice in historical, current or prospective cases such as post World War II, Northern Ireland, Argentina, Peru, Guatemala, Chile, Bosnia, Iraq, Afghanistan, Solomon Islands, Aceh, Nepal, Sri Lanka or the Philippines.

**YOU ARE REQUIRED TO CONFIRM YOUR ESSAY TOPIC  
WITH DR WENDY LAMBOURNE IN WRITING BY MONDAY 1 AUGUST.**

Criteria for assessment:

- evidence of research and understanding of the transitional justice mechanism/s or approach/es chosen for analysis
- ability to identify relevant theories, models and ideas relating to transitional justice and to critically assess how transitional justice mechanisms have or have not been, or could be , implemented in the particular context chosen
- evidence of creative application of theory to practice by suggesting improvements or alternative approaches to enhance the contribution of transitional justice processes to peacebuilding
- ability to express ideas clearly, fluently and intelligently
- ability to develop and present a coherent argument within the required word limit
- evidence of reflective and critical wider reading and research, with full reference list of sources

Assessment Guidelines

Further details regarding referencing styles, presentation and submission of assignments can be found in the **CPACS Assignment Presentation and Assessment Guidelines**.

Please note that students are required to attach an **Assignment Cover Sheet** to all work submitted and to sign the **Plagiarism Compliance Statement** before assignments can be marked. Assignments should normally be submitted in person to the CPACS Administration Office, but where this is not possible (i.e. if you live outside Sydney), assignments may be submitted via email to the Coordinator, Dr Wendy Lambourne.

**Extensions** should be requested in advance where possible using the online Special Consideration system. **Late submission** of assignments will attract a penalty, except when an extension has been granted on medical or other emergency grounds. Written work that exceeds the **word limit** may also incur a penalty.

You will be notified via email when marked assignments are available for collection from the CPACS Administration Office. Please provide a stamped, self-addressed envelope if you require assignments to be returned by post (this does not apply if you are studying MPACS by distance).

**Students must pass all three sections of the assessment (class participation/role play simulation, reflection exercise and essay) for successful completion of the course. Failure to attend at least 80% of classes without reasonable cause is grounds for failure.**

## KEY TEXTS AND READERS

Most of these books are available in the University of Sydney Library, CPACS Resource Centre and/or the personal collection of the Coordinator, Dr Wendy Lambourne.

### Textbooks & Handbooks

Chandra Lekha Sriram, Olga Martin-Ortega & Johanna Herman, *War, Conflict and Human Rights: Theory and Practice* (London/New York: Routledge, 2010)

Rachel Kerr & Eirin Mobekk, *Peace and Justice: Seeking Accountability After War* (Cambridge, UK: Polity Press, 2007)

Charles Villa-Vicencio, Paul Nantulya & Tyrone Savage, *Building Nations: Transitional Justice in the African Great Lakes Region* (Cape Town: Institute for Justice and Reconciliation, 2005)

Charles Villa-Vicencio & Erik Doxteder, *Pieces of the Puzzle: Keywords in Reconciliation and Transitional Justice* (Cape Town: Institute for Justice and Reconciliation, 2004)

David Bloomfield, Teresa Barnes, & Luc Huyse (eds) *Reconciliation After Violent Conflict: A Handbook* (Stockholm: International IDEA, 2003)

### Monographs

Phil Clark, *Power, Politics and Justice in Post-Genocide Rwanda* (Cambridge, UK: Cambridge University Press, 2010)

Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2<sup>nd</sup> edn (London/New York: Routledge, 2010)

Pierre Hazan, *Judging War, Judging History: Behind Truth and Reconciliation* (Stanford, California: Stanford University Press, 2010)

Nir Eisikovits, *Sympathizing with the Enemy: Reconciliation, Transitional Justice, Negotiation* (Dordrecht: Republic of Letters Publishing, 2010)

Brandon Hamber, *Transforming Societies After Political Violence: Truth, Reconciliation, and Mental Health* (Dordrecht: Springer Verlag, 2009)

Ernesto Vedeja, *Unchopping a Tree: Reconciliation in the Aftermath of Political Violence* (Philadelphia: Temple University Press, 2009)

James DeShaw Rae, *Peacebuilding and Transitional Justice in East Timor* (Boulder, Colorado/London: FirstForumPress/Lynne Rienner, 2009)

Mark Freeman, *Necessary Evils: Amnesties and the Search for Justice* (Cambridge, UK: Cambridge University Press, 2009)

Elisabeth Porter, *Peacebuilding: Women in International Perspective* (London/New York: Routledge, 2007)

Helena Cobban, *Amnesty After Atrocity? Healing Nations After Genocide and War Crimes* (Boulder, Colorado: Paradigm Publishers, 2007)

Mark A. Drumbl, *Atrocity, Punishment and International Law* (Cambridge, UK: Cambridge University Press, 2007)

Trudy Govier, *Taking Wrongs Seriously: Acknowledgement, Reconciliation, and the Politics of Sustainable Peace* (Amherst, NY: Humanity Books, 2006)

Chandra Sriram, *Confronting Past Human Rights Violations: Justice vs Peace in Times of Transition* (London/New York: Frank Cass, 2004) [e-book]

Rama Mani, *Beyond Retribution: Seeking Justice in the Shadows of War* (Cambridge, UK: Polity Press, 2002)

Martha Minow, *Breaking the Cycles of Hatred: Memory, Law, and Repair* (Princeton, NJ: Princeton University Press, 2002)

Andrew Rigby, *Justice and Reconciliation: After the Violence* (Boulder, Colorado: Lynne Rienner, 2001)

Ruti G. Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2000)

Martha Minow, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence* (Boston, Massachusetts: Beacon Press, 1998)

#### Edited Volumes

Tricia D. Olsen, Leigh A. Payne & Andrew G. Reiter (eds), *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, DC: United States Institute of Peace Press, 2010)

Sharanjeet Parmar (ed.), *Children and Transitional Justice: Truth-Telling, Accountability and Reconciliation* (Cambridge, Massachusetts: Harvard University Press, 2010)

Alex Laban Hinton (ed.), *Transitional Justice: Global Mechanisms and Local Realities After Genocide and Mass Violence* (New Brunswick, NJ: Rutgers University Press, 2010)

Rosalind Shaw & Lars Waldorf, with Pierre Hazan (eds), *Localizing Transitional Justice: Interventions and Priorities After Mass Violence* (Stanford, California: Stanford University Press, 2010)

Hugo van der Merwe, Victoria Baxter & Audrey R. Chapman (eds), *Assessing the Impact of Transitional Justice: Challenges for Empirical Research* (Washington, DC: United States Institute of Peace Press, 2009)

Kai Ambos, Judith Large & Marieke Wierde (eds), *Building a Future on Peace and Justice* (Dordrecht: Springer Verlag, 2009)

Chandra Lekha Sriram & Suren Pillay (eds), *Peace versus Justice? The Dilemma of Transitional Justice in Africa* (Scottsville, South Africa: University of KwaZulu-Natal Press, 2009)

Joanna R. Quinn (ed), *Reconciliation(s): Transitional Justice in Postconflict Societies* (Ottawa, Canada: McGill-Queen's University Press, 2009)

Phil Clark & Zachary D. Kaufman (eds), *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond* (London: Hurst and Co, 2008)

Nicholas Waddell & Phil Clark (eds), *Courting Conflict? Justice, Peace and the ICC in Africa*. (London: Royal African Society, 2008)

Kieran McEvoy & Lorna McGregor (eds), *Transitional Justice from Below: Grassroots Activism and the Struggle for Change* (Oxford & Portland, Oregon: Hart Publishing, 2008)

Edel Hughes, William A. Schabas & Ramesh Thakur (eds), *Atrocities and International Accountability: Beyond Transitional Justice* (Tokyo: United Nations University Press, 2007)

Beatrice Pouligny, Simon Chesterman & Albrecht Schnabel (eds), *After Mass Crime: Rebuilding States and Communities* (Tokyo: United Nations University Press, 2007)

Naomi Roht-Arriaza & Javier Mariezcurrena (eds), *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice* (Cambridge, UK: Cambridge University Press, 2006)

Alex Boraine & Sue Valentine (eds), *Transitional Justice and Human Security* (Cape Town: International Center for Transitional Justice, 2006)

Tristan Ann Borer (ed.), *Telling the Truths: Truth Telling and Peacebuilding in Post-Conflict Societies* (Notre Dame, Indiana: University of Notre Dame Press, 2006)

Elin Skaar, Siri Gloppen & Astri Suhrke (eds), *Roads to Reconciliation* (Lanham, Maryland: Lexington Books, 2005)

Amy Benson Brown & Karen M. Poremski (eds), *Roads to Reconciliation: Conflict and Dialogue in the Twenty-First Century* (Armonk, NY: M.E. Sharpe, 2005)

Eric Stover & Harvey M. Weinstein (eds), *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (Cambridge, UK: Cambridge University Press, 2004)

Erik Doxtader & Charles Villa-Vicencio (eds), *Through Fire with Water: The Roots of Division and the Potential for Reconciliation in Africa* (Claremont, South Africa: Institute for Justice and Reconciliation, 2003)

Nigel Biggar (ed.), *Burying the Past: Making Peace and Doing Justice After Civil Conflict* (Washington, DC: Georgetown University Press, 2001)

Mohammed Abu-Nimer (ed.) *Justice, Reconciliation, and Coexistence: Theory and Practice* (Lanham, Maryland: Lexington Books, 2001)

Neil J. Kritz (ed.), *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, 3 vols. (Washington, DC: United States Institute of Peace Press, 1995).