

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

Winter Term 2025

Instructor: Dr. Samar El-Masri

I-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. The course starts with discussing when and how humanitarian intervention is applied, asking whether it is an appropriate method to end civil wars, before moving to talk about transitions and desirable outcomes, including reconciliation. The bulk of this course, however, will be dedicated to examining the application of various transitional justice (TJ) mechanisms, including prosecution, truth commissions, reparations and amnesties in various cases around the world. Students will also engage in discussions about key factors influencing the success or failure of the TJ process. These include the importance of internal and external political will, the nature and the extent of civil society engagement, and the need for a gender-sensitive TJ framework.

II-HOW TO THINK ABOUT THIS COURSE

Transitional Justice can be defined as “the range of judicial and non-judicial mechanisms dealing with a legacy of large-scale abuses of human rights and/or violations of international humanitarian law.” As such, its mechanisms range from prosecutions, truth commissions, and reparations to amnesty, lustration and customary practices. This course takes a deeper dive into that universe, by focusing every week on a different mechanism or a certain aspect that greatly impact the process and discuss them through the lens of one specific case study.

Choosing case studies from around the world has various benefits: It ensures that students understand the challenges as well as the potential flexibility and adaptability of these mechanisms; it helps them recognize the unique contextual setting of the cases; and it allows them to identify patterns, and common lessons.

The assignments and the evaluations in this course are designed to help students develop their critical thinking skills in ways that relate to their interests in specific areas or theories in the field of transitional justice and post-conflict reconstruction. Here, it is important to note that having classmates from different scholarly traditions and disciplines will present us with an exciting opportunity to look at issues and events from various and interesting perspectives. Our class discussions are often rich and thought-provoking.

III-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.

IV-IMPORTANT NOTICE RE: PREREQUISITES/ANTIREQUISITES

You are responsible for ensuring that you have successfully completed all course prerequisites, and that you have not taken an Antirequisites course. Lack of prerequisites may not be used as a basis for appeal. If you are found to be ineligible for a course, you may be removed from it at any time and you will receive no adjustment to your fees. This decision cannot be appealed. If you find that you do not have the course requisites, it is in your best interest to drop the course well before the end of the add/drop period. Your prompt attention to this matter will not only help protect your academic record but will ensure that spaces become available for students who require the course in question for graduation.

Office of the Dean, Faculty of Social Science

V-METHODS OF EVALUATION

Participation	20%
Presentation	20%
Essay (Proposal due February 24; Essay due April 4)	40%
Advocacy Assignment (due March 21)	20%

1-Participation (20%)

- Participation is an important part of this course. You will be marked based on your regular contribution to the class discussion, and your ability to reflect and analyze the relevant material. Although the overall mark will factor in your attendance, you will be mainly evaluated on your in-class discussion and participation. **In other words, attendance alone will not guarantee you a good mark.** Students should consult the handout "Student Participation" below, for criteria.
- If for any reason, you feel that you are not able to participate as you like, then you are more than welcome to send me a written response to some of the questions that we pose in class, which will then be corrected and counted towards your participation mark.
- All discussions and debates should be always guided by an ethics of respect. Uncivil, disrespectful, or inappropriate behavior of any kind will not be tolerated.

- As some of the issues that we deal with in this class are extremely disturbing, I encourage students who may have any concerns about a specific topic to discuss them with me before the subject comes up. I will also understand if some students choose to step out of the class as a result. While they will NOT be academically penalized, they will be responsible for any material missed.

2-Presentation (20%)

This semester, we will have **group presentations**. These are the guidelines:

- i. **Selection:** During our first class, each group should select one of the weekly topics (see section VII below). A list of presentation topics will be posted on OWL's "Course Content" for guidance.
- ii. **Composition:** Each group will be composed of 2 to 4 participants.
- iii. **Roles:** Each member should have a clear role or section of the presentation. This division ensures that all members are actively involved and allows individual assessment based on their specific contribution.
- iv. **Format:** The length of each individual presentation should not exceed 10-15 minutes. In other words, group presentations may range from 20 to 60 minutes, depending on the number of participants.
- v. **Groups are required to include an interactive component in their presentation.** In the previous years, I asked for class discussion questions at the end of presentations. But groups can also include things such as Q & A sessions or debate questions. It is up to the groups to decide whether these interactive components are added after the end of each of the participant's presentations, or after the group's presentation. Make sure that each participant has the opportunity to lead and engage in such class discussions....
- vi. **Grading:** While this is a group effort, grading is individualized. Each student will be assessed individually based on criteria such as preparation, content knowledge, clarity of delivery, and engagement with the class. This encourages accountability within the group. Please see the rubric for further guidance.
- vii. **Sources and referencing:** The presentation should be based on the readings and other academic sources. Each group should use sources accurately and transparently.
- viii. **YOU ARE REQUIRED TO EMAIL ME YOUR PRESENTATIONS 24 HRS BEFORE YOUR DUE DATE.** It will be then posted on OWL before class, with your permission.

3-Essay (40%)

This mark will be divided as such:

- Essay proposal (5% of the mark) **due February 24 at midnight** will go towards an essay proposal: I expect to see a thesis statement and explanation of what is it that you are trying to do and a basic outline. **This should also be accompanied by three annotated bibliographic citations.** When handed in to me, this proposal must contain both your name and student number.

An annotated bibliography is a **list of citations to books, articles, and documents**. Each citation is followed by a brief (usually about 150 words) descriptive and evaluative paragraph, the annotation. The purpose of the annotation is to inform the reader of the relevance, accuracy, and quality of the sources cited.

- Essay (35 %) **due April 4 at midnight**. 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.

AI Tools:

AI tools are discouraged. But, if a student decides to use these tools when writing the essay, that use should remain limited. For example, a student may use it in the initial stage to generate an outline, organize thoughts and concepts...etc. However, in all cases, the student is expected to submit with the assignment an appendix to explain how the AI tool was used, or harsh penalties will be applied.

Deadline:

You can submit your essay at any time, **but the deadline is April 4**. Since the timeframe submission of **the essay is very flexible and since you are able to submit this assignment at any time between January 10 and April 4**, an instructor may deny academic consideration in this case. So please organize your time wisely.

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**. In other words, I am looking for FOOTNOTES AND NOT ENDNOTES. Students are advised to consult a writer’s handbook when composing their essays 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>.

Bibliography

You must attach a Bibliography to your essay. Your bibliography must include a minimum of five 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 five ACADEMIC sources will result in a grade of “F”**. The highest grades in this course typically go to students that consult many high-quality source materials. Consulting more than seven sources is highly recommended.

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.

Turnitin

Essays must be submitted in a pdf format to Turnitin.com, using the “Assignments” link on OWL.

4-Advocacy Assignment (20%)

Each semester, students are asked to prepare a 1000-word brief to Amnesty International making a forceful argument about an assigned case study by drawing on the lessons learned throughout the term, and, using examples from each of the cases studied in class. This semester you will be asked to write about Ukraine and the appropriate measures that can be used in this case once the war is over. The details of this assignment will be discussed fully in the first week of the semester.

DO NOT use google searches, ChatGPT or any other AI tool to answer the question. Your answer should depend on the readings, the lecture, and class discussion. If you are going to use an academic source about the case study, make sure to site it accurately.

This is a **“designated assignment”** as such you cannot use your **“undocumented absence”** in the **“reason”** column of the **Student Absence Portal**. If you have a reasonable reason for missing this assignment, make sure to talk to your academic counsellor about it.

VI-MISCELLANEOUS:

1-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.

2-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.

3-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>

4-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/>

5-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.

6-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/#>.

VII-COURSE OUTLINE BY TOPIC

January 10 **Introduction**
(No reading required)

January 17 **Darfur and Humanitarian Intervention**

Jack Donnelly, "Humanitarian Intervention Against Genocide" *Universal Human Rights in Theory and Practice*, 3rd ed (Cornell University Press, 2013) 254-273.

Alex J. Bellamy and Tim Dunne "R2P in theory and practice" in *The Oxford Handbook of the Responsibility to Protect*, Oxford Handbooks (2016; online edn, Oxford Academic, 3 Aug. 2016), <https://doi-org.proxy1.lib.uwo.ca/10.1093/oxfordhb/9780198753841.013.38>

Jess Gifkins, 'Darfur', in Alex J. Bellamy, and Tim Dunne (eds), *The Oxford Handbook of the Responsibility to Protect*, Oxford Handbooks (2016; online

edn, Oxford Academic, 3 Aug. 2016), <https://doi-org.proxy1.lib.uwo.ca/10.1093/oxfordhb/9780198753841.013.38>,

January 24 Arab Spring: Is transitioning to democracy a common goal?

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 31 Post-War Germany (The birth of international criminal law, courts used, changing methods of prosecution)

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.

February 7 ISIS (How to prosecute Sexual and Gender Based Crimes?)

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.

Rosenthal, Indira, Valerie Oosterveld, and Susana SáCouto, 'What Is ‘Gender’ in International Criminal Law?', in Indira Rosenthal, Valerie Oosterveld, and Susana SáCouto (eds), *Gender and International Criminal Law* (Oxford, 2022; online edn, Oxford Academic, 18 Aug. 2022), <https://doi-org.proxy1.lib.uwo.ca/10.1093/oso/9780198871583.003.0002>

February 14 Uganda and Truth Telling

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 15-23 Reading week

February 28 **Argentina and Reparations**

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.

March 7 **Lebanon (Amnesty as a TJ mechanism)**

Charles IV Thrumbull. “Giving Amnesties a Second Chance,” *Berkeley Journal of International Law* 25, no 2 (2007): 284-345

Samar El-Masri “The Importance of Modifying the Context Before Introducing Amnesty and prosecutions: The Case of Lebanon” in *Transitional Justice in Comparative Perspective: Preconditions for Success* (ed.) Samar El-Masri, Tammy Lambert and Joanna R. Quinn. (Springer International Publishing, 2020)

March 14 Canada (And reconciliation)

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 21 **Advocacy Paper**

March 28 **Nepal: A cautionary tale for NGOs**

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.

Simon Robins. "Transitional justice as an elite discourse: Human rights practice between the global and the local in post-conflict Nepal." A paper presented at the ISA Annual Convention 2010.

April 4

Colombia: Challenging impunity from below

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).

Essay Rubric

THE ESSAY RUBRIC (please see tips on writing the essay in Course Content!)

Grade	0-8	9-12	12-17	17-20
Thesis	<ul style="list-style-type: none"> -It is very hard to identify the thesis statement in the introduction. -The reader may reach the conclusion without understanding what the argument really is. - The topic may be inappropriate for this assignment. 	<ul style="list-style-type: none"> -The thesis may or may not be in the introduction, but it is hard to identify. -it is slightly inappropriate for the assignment 	<ul style="list-style-type: none"> -The thesis is written in the introduction -Although the introduction is present in the intro, it may need further development -It is appropriate for the assignment. 	<ul style="list-style-type: none"> -The thesis is skillfully incorporated in the introduction -It is easily identifiable, clear, concise, and insightful -The issue that is chosen is appropriate and directly relates to what we have been studying in the course.
Historical and theoretical background (lit review)	<ul style="list-style-type: none"> -No historical and theoretical background. Or irrelevant to the essay. 	<ul style="list-style-type: none"> -Some sort of historical and theoretical background. -lots of historical errors -Some misunderstanding of the literature 	<ul style="list-style-type: none"> -Good theoretical and historical background although further clarification may be needed. 	<ul style="list-style-type: none"> Great theoretical (lit review) and historical background.
	<ul style="list-style-type: none"> -The argument is unclear and weak 	<ul style="list-style-type: none"> -The argument is evident but may 	<ul style="list-style-type: none"> -The student has not talked about counterarguments 	<ul style="list-style-type: none"> -Clearly defines the issue

Argument	<ul style="list-style-type: none"> -The student is unable to support the thesis with appropriate evidence -The quality of the evidence is lacking. The argument is based on pure opinion... 	<ul style="list-style-type: none"> not be defined clearly. -The claims are unevenly supported, with weak or unsubstantiated evidence. -Not all of the claims as they appear in the thesis statement are discussed. 	<ul style="list-style-type: none"> in the theoretical background. -The claims are well supported but may not be completely convincing. -Some unclarity in the argument. -Or some parts of the argument are nicely written, but not others. 	<ul style="list-style-type: none"> - Fully supports the thesis statement with sound reasons and evidence -effectively responds to counterarguments
Style	<ul style="list-style-type: none"> -Too many errors regardless of how strong the argument is. -The student does not follow the referencing style that is required in this assignment. -The formatting of the essay is incorrect (with respect to spacing, font style and size, page numbers... 	<ul style="list-style-type: none"> -The piece is readable but the various mistakes in grammar, punctuations, or design “begin to create static in the reading experience.” -The student may follow the referencing style but with too many errors. -Some errors with respect to formatting. 	<ul style="list-style-type: none"> -mostly correct, easy to read, rare errors that do not affect the reading experience. -sentences could be more concise -The student follows the referencing style but with some errors. -Mostly follow the formatting required in this assignment 	<ul style="list-style-type: none"> -correct, easy to read, no errors, concise clear sentences. -The student fully follows the referencing style with no errors. -Follows the formatting specification required.
Organization (how the essay flows)	<ul style="list-style-type: none"> Unfocused title, boring introduction, unclear topic sentences and weak transitions. The article does not flow. 	<ul style="list-style-type: none"> -okay title. -Introduction is too broad, even though the focus is seen later on. -conclusion is not focused, may be unrelated to the main idea. 	<ul style="list-style-type: none"> -title works well. -good introduction but without catching our attention. -Conclusion summarizes the argument but without recommending or talking about the implications of the argument. -clear topic sentences but may not clearly contribute to an understanding of the overall argument. -Generally speaking, the essay flows well. 	<ul style="list-style-type: none"> -clever title -effective introduction -great conclusion with a clear answer to the “so what” or “So what now” question. -Clear transitions, and topic sentences... -The essay flows very well.

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 -The presentation flows nicely, and repetition avoided.	Excellent: covered and explained all the important points in the readings that correspond to the individualized topic/issue picked. Went above and beyond to ensure that the issue is covered from all sides. Used various sources from outside the reading list.	The interactive component was done nicely. 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 (or other interactive components) 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 or somehow unsuccessful choice of an interactive component. Unable to lead a discussion.

0-4	Poor presentation, confusing and vague.	flawed understanding of the readings.	Provided no questions or interactive components. Unwilling or unable to lead a discussion.
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