

Course manual
Joint Master's Programme in
International Humanitarian Action

University of
Warsaw

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Reconciliation in a post-conflict society

Semester 2

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Przedmieście 26/28, Main Campus

office hours: Monday 11.30-13.00

Credits awarded: 3 ECTS, equivalent to 75 work hours (1 ECTS = 25 hours)**Period:** Second semester**Venue & hours:** Collegium Iuridicum III, Room 312, Monday 9.45-11.15 (from third week room 1.2. Collegium Iuridicum II, room 1.2, Lipowa 4).

1. Introduction

The module is a requirement for obtaining the NOHA Master's degree.

The overall objective of the course is to introduce students to the concept of reconciliation, justice. Students will learn about definitions of international crimes, criminal jurisdiction, international tribunals. They will learn how to apply legal sources to facts and they will discuss the possibility of reconciliation

2. Learning outcomes

After finishing the course, a student:

Knowledge:

- Has a thorough knowledge of the main institutions of international system of justice, describes principles of their functioning and analyses their legal basis.
- Has a critical understanding of the various models of reconciliation in post-conflict societies, including threats and opportunities related to them, and their possible impact on the needs and rights of crisis-affected people.

Skills:

- Has proven to be able to identify and critically analyse problems associated with the execution of justice in the cases of violation of international obligations, and formulate adequate recommendations for response.
- Has the ability to solve the legal case studies concerning the liability of both the individuals and the state and non-state actors with a clear application of humanitarian standards and principles as well as respect for the needs of crisis-affected people.

Social competences:

- Has shown to be able to transfer acquired knowledge to real life situations, in particular in a form of largely self-directed short research project.
- Compares different models of justice and their impact on reconciliation, is able to critically assess their results within a given society, formulates opinions on models of reconciliation with reference to lessons learned in other countries.

3. Course material

[Provide over here a bibliography of the books/reader used in the course with price estimates and (if necessary) advice where to buy it, as well as a listing of all other types of material that will be

used in the module. Please specify explicitly which readings are obligatory and which should be considered suggested readings. Alternatively, you can keep the information general over here and specify the obligatory and suggested readings by page numbers in the programme schedule. If you put obligatory or suggested course material on NOHA Blackboard (e.g. videos), alert the students on this over here.]

Students will be provided with detailed bibliography a week in advance for each lecture. All literature which students are requested to read in order to prepare for the course will be put in the Blackboard.

In addition, The students are recommended to use any International Criminal Law Handbook which they find suitable for them. You can choose e.g. from:

- I. Bantekas, S. Nash, International criminal law.
- M. Ch. Bassiouni, International criminal law.
- K. Kittichaisaree, International criminal law.
- W. Schabas, An Introduction to International Criminal Court
- W. Schabas, Routledge Handbook of International Criminal Law

4. Teaching and learning methodology

The course is a combination of lectures and classroom. Students will be requested to take part in discussion and work within the group in order to defend their position in the debate at the end of the course.

5. Programme and training activities

[Over here a (detailed) programme can be outlined, including planned lectures, tutorials, assignments, deadlines, etc.]

Week 1 - 23.02.2017

Introduction:

- history of international criminal law (ICL),
- main sources of ICL,
- relation between ICL and international humanitarian law, human rights law, refugee law
- Concept of justice (restorative, retributive justice) and reconciliation

Week 2 – 27.02.2017

International crimes:

- Aggression
- War crimes
- Genocide
- Crimes against humanity

Week 3 – 06.03.2017

International crimes:

- Slavery,
- Torture,
- Apartheid,
- Enforced disappearance
- Terrorism,
- Piracy and other transnational crimes

Week 4 – 13.03.2017

Individual responsibility – principles:

- Irrelevance of immunities
- Command/superior responsibility
- Question of responsibility of legal entities

Forms of participation in crimes:

- aiding and abetting,
- ordering,
- planning,
- preparation,
- instigation,
- joint criminal enterprise,
- conspiracy,
- commission through another person,
- international corporate criminal responsibility

Week 5 – 20.03.2017

Defences:

- superior order,
- duress,
- necessity,
- self-defence,
- intoxication,
- mistake of fact,
- mistake of law,
- mental incapacity

Week 6 – 27.03.2017

Test 1 (about 20-30 minutes)

National and international jurisdiction:

- National criminal jurisdiction (incl. universal jurisdiction)
- aut dedere aut iudicare principle
- international jurisdiction

Week 7 - 3.04.2017

Procedure of international criminal courts:

- participants of international criminal proceeding,
- basic guarantees of fair trial,
- evidence,
- stages: investigation, pre-trial, trial, appeal, execution of verdicts

Week 8 – 10.04.2017

The impact of national and international tribunals on reconciliation within societies:

- Nuremberg and Tokyo case
- WWII national trials legacy

Week 9 – 24.04.2017

The impact of national and international tribunals on reconciliation within societies:

- ICTY

Week 10 – 8.05.2017

The impact of national and international tribunals on reconciliation within societies:

- ICTR

Week 11 – 15.05.2017

The impact of the ICC on reconciliation.

- African Union debate

Week 12 – 22.05.2017**Test 2 (20-30 minutes)**

The impact of national and international tribunals on reconciliation within societies:

- ECCC (Cambodia)

Week 13 – 29.05.2017

Alternative or supplementary forms of justice:

- Amnesties
- Truth commissions (South African, Uruguay, Argentina etc.)
- Lustration process (Eastern Europe)

Week 14 –5.06.2017

Bashir debate (students' groups presentations)
Evaluation

6. Workload

The module will involve 28 hours of lectures/classroom. Students are expected to also learn individually (mainly on the provided literature in the Blackboard) in order to be prepared for each class.

7. Assessment methods

30 % - Activeness (presence, discussion, group presentation)
70 % - two written tests (open and closed questions)

8. Assessment criteria

The exam will try to assess the passive knowledge of the contents of the course, and also the applicability of this knowledge in a practical situation.

9. Appendices

[Any supporting documents to explain parts of the module more in detail.]