

Course manual  
Joint Master's Programme in  
International Humanitarian Action

University of  
Warsaw

*February 2018*

# Reconciliation in a post-conflict society

Semester 2

**Module coordinator:**

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office hours: Monday 08.30-09.30

**Credits awarded:** 3 ECTS, equivalent to 75 work hours (1 ECTS = 25 hours)

**Period:** Second semester

**Venue & hours:** Collegium Iuridicum II, Lipowa 4, Room 3.6, Monday 9.45-11.15

## 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 and alternative tools facilitating reconciliation. They will learn how to apply legal sources to facts and they will discuss in what way law can support reconciliation and why e.g. UN attaches such a great importance to prosecution of international crimes.

## 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, 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**

- Lecture
- Q&A
- Workgroup
- Role's playing
- Discussion

#### **5. Programme and training activities**

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

**THE COURSES ON RECONCILIATION AND PREVENTION ARE COMPLEMENTARY. THE CONTENT OF BOTH COURSES WAS CONSULTED AND THEREFORE INFORMATION FROM EACH COURSE CAN AND WILL BE USED DURING BOTH COURSES; IN ORDER TO NOT REPEAT THE SAME INFORMATION, IN PRINCIPLE DIFFERENT CASES WILL BE DISCUSSED BUT ALL CASES ARE RELEVANT FROM THE PERSPECTIVE OF BOTH COURSES!**

**Week 1 - 19.02.2018**

**Global Health Week (there is no Reconciliation in post-conflict course)**

**Week 2 – 26.02.2018****Introductory terms:**

- Concept of justice (restorative, retributive justice) and reconciliation
- history of international criminal law (ICL),
- main sources of ICL,
- relation between ICL and international humanitarian law, human rights law, refugee law
- Division between responsibility of different subjects (states, individuals, legal entities)

**Week 3 – 05.03.2018****International crimes:**

- Aggression
- War crimes
- Genocide
- Crimes against humanity
- Ethnic cleansing
- Slavery,
- Torture,
- Apartheid,
- Enforced disappearance
- Terrorism

**Week 4 – 12.03.2018****Principles of individual responsibility**

- Forms of participation in crimes (aiding and abetting, ordering, planning, preparation, instigation, joint criminal enterprise, conspiracy, commission through another person, international corporate criminal responsibility)
- Defences (superior order, duress, necessity, self-defence, intoxication, mistake of fact, mistake of law, mental incapacity)
- Irrelevance of immunities
- Command/superior responsibility

**Week 5 – 19.03.2018****National and international jurisdiction**

- National criminal jurisdiction (incl. universal jurisdiction)
- aut dedere aut iudicare principle
- international jurisdiction
  - ad hoc tribunals (ICTY, ICTR), Residual Mechanism
  - hybrid tribunals



**Week 6 – 26.03.2018****The ICC struggle for global jurisdiction:**

1. **battle with African Union**
2. **rivalry between ICC and other international tribunals**

- **Sudan (Darfur situation) (Al Bashir)**
- **Kenya**
- **CAR**

(this class has as its aim to summarise knowledge and prepare you for a test)

**Week 7 - 2.04.2018****EASTER HOLIDAY****Week 8 – 09.04.2018****Test (about 30 minutes)**

Q&A session

**Execution of justice (procedure issues):**

- Rights of victims
- Rights of offenders
- Collection of evidence
- Cooperation between states

**Week 9 – 16.04.2018**

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

- **Nuremberg and Tokyo and WWII national trials legacy**
- **Case study on crimes committed during Warsaw Uprising 1944**

**Week 10 – 23.04.2018**

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

- **Cambodia**

**Week 11 – 30.04.2018**

### **Classes cancelled due to the decision of the Dean (re-scheduled to 10.05.2018)**

#### **Week 12 – 07.05.2018 and 10.05.2018**

##### **7.05.2018 Truth commissions:**

- South Africa
- Guatemala

##### **Additional Classes on 10.05.2018 at. 9.45**

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

##### **UKRAINE (STUDENTS' REPLIES TO THE QUESTIONS DISTRIBUTED EARLIER)**

#### **Week 13 – 14.05.2018**

##### **Amnesties:**

- Sierra Leone

#### **Week 14 –21.05.2018**

##### **Lustration process:**

(Eastern Europe)

- Poland
- Germany
- Czech Republic

#### **Week 15 –28.05.2018**

##### **Reparations**

#### **Week 16 –4.06.2018**

Evaluation

### **6. Workload**

The module will involve 28 hours of lectures in a 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

70 % - one 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.]*