

---

THE GEORGE WASHINGTON UNIVERSITY

---

THE ELLIOTT SCHOOL  
OF INTERNATIONAL AFFAIRS

---

# TRANSITIONAL JUSTICE IN AFRICA

## SYLLABUS: COURSE INFORMATION, SCHEDULE, AND ADDITIONAL RESOURCES

Credits: 3.0 / Department: IAFF / Course Number: 3189 / Section Number: 10 / CRN: 36264

Fall 2012 Semester: Tuesday, August 28 until Friday, December 7, 2012<sup>1</sup>

Room 105, Bell Hall (2029 G Street, NW, Washington, DC)

Wednesdays, 7:30 PM until 9:30 PM<sup>2</sup>

Maximum Enrollment: 20 students

**Dr. Zachary D. Kaufman**

Office Hours: By appointment.

Phone: 203-809-8500

Email: [zachary.kaufman@aya.yale.edu](mailto:zachary.kaufman@aya.yale.edu)

Website: [www.zacharykaufman.com](http://www.zacharykaufman.com)

### TABLE OF CONTENTS

#### **I. Course Information**

- A. Course Description and Goals
- B. Learning Outcomes
- C. Weekly Topics
- D. Grade Computation
- E. University Resources and Policies
- F. Reading Materials

#### **II. Schedule**

#### **III. Additional Resources**

- A. Journals
- B. Films
- C. Organizations and Electronic Listservs

---

<sup>1</sup> The rest of the Fall 2012 Semester's Academic Calendar is as follows: Make-Up Day on Monday, December 10, 2012; Reading Days on Tuesday, December 11 – Wednesday, December 12, 2012; and Final Examinations on Thursday, December 13 – Friday, December 21, 2012.

<sup>2</sup> Please note the unusual time period.

## **I. COURSE INFORMATION**

### **A. COURSE DESCRIPTION AND GOALS**

Given the extent and persistence of atrocities (e.g., genocide, war crimes, crimes against humanity, terrorism), it is extremely important, relevant, and appropriate to study “Transitional Justice.” Transitional Justice refers to both the process and objectives of societies employing judicial and/or non-judicial mechanisms to address past or even ongoing atrocities and other serious human rights violations. The tools available (e.g., prosecution, amnesty, truth commission, exile) to those seeking and implementing Transitional Justice are numerous and varied. In addition, the tense and shifting international landscape has both promoted and impaired international cooperation regarding these important issues, as many members of the international community have agreed in principle that they must individually and collectively do more to prevent and stop atrocities, but have disagreed about how to accomplish that goal in practice.

This course provides students with an introduction to the field of Transitional Justice, with a specific focus on sub-Saharan Africa. The course presents the major concepts, objectives, options, and tensions of Transitional Justice, and other issues historically and currently animating the field. These issues include the origins, operations, successes, failures, problems, and potential of Transitional Justice. Through analysis of key case studies, students will learn why, how, and when various Transitional Justice mechanisms have been pursued and will compare their designs and evaluate their benefits and drawbacks. The course covers some material beyond sub-Saharan Africa to provide a more complete historical and comparative consideration of Transitional Justice. Student evaluation will be based on a combination of participation and papers.

In addition to the readings marked required in this syllabus (of which there are approximately 75-100 pages per class), students may find the recommended “further reading,” journals, films, and organization and electronic listservs helpful in exploring a particular topic or as sources for researching the final paper. Students should keep up-to-date with current events in Transitional Justice—particularly as it concerns sub-Saharan Africa—through the leading international periodicals, such as the New York Times, the Washington Post, the Wall Street Journal, the Economist, the Financial Times, and the International Herald Tribune.

### **B. LEARNING OUTCOMES**

By the end of the course, students will:

- Appreciate the literature on transitional justice generally and specifically relating to sub-Saharan Africa;
- Grasp and be able to critically analyze the key concepts and debates in the field of transitional justice;
- Understand and have evaluated, compared, and contrasted selected case studies from sub-Saharan Africa;
- Be able to apply their skills and knowledge to other case studies within the region and beyond; and
- Have practiced and developed their research, written, and oral communication skills.

**C. WEEKLY TOPICS**

<b>Session</b>	<b>Date</b>	<b>Topic</b>
1	Wednesday, August 29	Transitional Justice: Concept, Objectives, and Options
2	Wednesday, September 5	Nuremberg Tribunal and Tokyo Tribunal
3	Wednesday, September 12	Peace v. Justice
4	Wednesday, September 19	Democratic Republic of Congo
5	Wednesday, September 26	Transitional Justice in Ongoing Conflict
	Wednesday, October 3	NO CLASS (I will be in Rwanda.)
6	Wednesday, October 10	Rwanda / Gacaca
7	Wednesday, October 17	Peace and Justice in Contemporary East and Central Africa: The Cases of Sudan/Darfur and Uganda
	Wednesday, October 17	Deadline for Final Paper Proposals
8	Wednesday, October 24	International Criminal Court (ICC) and Africa
9	Wednesday, October 31	Transitional Justice and Social Entrepreneurship
10	Wednesday, November 7	Transitional Justice and the Responsibility to Protect (R2P)
11	Wednesday, November 14	Rwanda / United Nations International Criminal Tribunal for Rwanda (ICTR)
	Wednesday, November 21	NO CLASS (Thanksgiving Break)
12	Saturday, December 1 <sup>3</sup>	Sierra Leone / Special Court for Sierra Leone (SCSL) and Other Hybrid War Crimes Tribunals
13	Wednesday, December 5	Presentations
14	Monday, December 10 <sup>4</sup>	Presentations (during Make-Up Day)
	Monday, December 17	Deadline for Final Papers

<sup>3</sup> We will meet on Saturday, December 1, at 1:00 PM in Duques Hall room 250.

<sup>4</sup> We will meet on Monday, December 10, at 7:30 PM in Monroe Hall room 352.

#### **D. GRADE COMPUTATION**

- Grading: The final grade for this course will be based on 30% participation and 70% written work.
  - This is a seminar, not a lecture course. Student contributions are thus essential. Participation grades will be based on the following:
    - Attending all classes and arriving on time. If you must miss a class, a written excuse from an appropriate agent is required. Unexcused absences and repeated tardiness will be penalized.
    - Being “on call” 3 times during the semester during dates for which students will sign up during the first class session. Being “on call” entails:
      - Posing 2-3 discussion questions to the class for 3 classes. These questions must be circulated via email to the class by midnight two days before the class itself. (In other words, given that our usual class meeting day is on Wednesday, the questions must be circulated by midnight on the previous Monday evening.) Also, please coordinate with other students who are on call for the same class session so that your group minimizes overlap of the material assigned for that class.
      - Being prepared to be called upon during 3 classes to summarize “Required Reading,” answer questions about “Required Reading,” etc.
    - Presenting the final research topic at 1 of the final 2 classes.
    - Actively participating in discussion during each class. Students are required to have read at least the materials listed under “Required Reading” prior to each class.
  - Written work grades will be based on a final paper, the subject of which is to be decided upon in consultation with me.
    - Proposal:
      - Due Date: The final paper proposal is due at the start of the seventh session of classes (Wednesday, October 17), although earlier submissions are welcomed and encouraged in order to maximize time available for researching and writing the final paper.
      - Length and Formatting: The final paper proposal should have 3 components: (1) a description of no more than 350 words summarizing the proposed final paper, (2) an outline of the proposed final paper, and (3) a list of at least 7 sources to be used in the proposed final paper. The final paper proposal should include a cover page and should be double-spaced, typed in 12-point, Times New Roman font, with 1-inch margins all around and page numbers centered at the bottom.
      - Submission Process: The final paper proposal should be BOTH (1) emailed to me AND (2) submitted to me in hard copy at the start of the seventh session of classes (Wednesday, October 17). I will confirm receipt of the electronic submission. If I have not, it

is the student's responsibility to follow-up with me to ensure that I receive the proposal electronically. Only after I approve the proposal should the student commence work on the final paper.

- Final Paper:
  - Due Date: The final paper is due by Monday, December 17 (the first day of final examinations).
  - Length and Formatting: The final paper should be approximately 7,000 words, including footnotes and an executive summary (of no more than 200 words) but excluding the bibliography. The final paper should include a cover page that lists the total word count (minus the bibliography) and should be double-spaced, fully justified, and typed in 12-point, Times New Roman font, with 1-inch margins all around and page numbers centered at the bottom. Given that these formatting parameters generate approximately 350 words per page, the final paper should be approximately 20 pages in length.
  - Submission Process: The final paper should be BOTH (1) emailed to me (in a single file) AND (2) submitted, in a sealed envelope with both your name and my name on it, to the Elliott School's Dean's office by 5:00 PM (Eastern Daylight Time) on Monday, December 17. I will confirm receipt of the electronic submission. If I have not, it is the student's responsibility to follow-up with me to ensure that I receive the final paper electronically.
- Presentation: The final two sessions of class—Wednesday, December 5, and Monday, December 10—are reserved for in-class presentations of final papers. Each student will summarize his or her final paper's topic, argument, and findings in a 7-minute presentation to the class. You are encouraged to use Powerpoint and/or other multi-media tools. Presentation dates will be filled on a first-come, first-served basis. Students should email me with their preferred date. The final paper presentation will serve as a component of the overall participation grade.
- No Final Exam: This course will not have a final exam.

## **E. UNIVERSITY RESOURCES AND POLICIES**

For university teaching policies: <http://www.gwu.edu/~academic/Teaching/main.htm>

### 1. Religious Holidays

Students should notify me during the first week of the semester of their intention to be absent from class on their day(s) of religious observance, and I will extend to these students the courtesy of absence without penalty on such occasions.

### 2. Academic Integrity

Academic dishonesty is defined as cheating of any kind, including misrepresenting one's own work, taking credit for the work of others without crediting them and without appropriate authorization, and the fabrication of information. For the remainder of the code, see: <http://www.gwu.edu/~ntegrity/code.html>.

### 3. Support for Students Outside the Classroom

#### a. Disability Support Services (DSS)

Any student who may need an accommodation based on the potential impact of a disability should contact the DSS office at 202-994-8250 in the Marvin Center, Suite 242, to establish eligibility and to coordinate reasonable accommodations. For additional information, see: <http://gwired.gwu.edu/dss/>.

#### b. University Counseling Center (UCC)

The UCC offers 24/7 assistance and referral to address students' personal, social, career, and study skills problems. Services for students include: crisis and emergency mental health consultations; confidential assessment, counseling services (individual and small group), and referrals. For additional information, contact the UCC at 202-994-5300 and see: <http://gwired.gwu.edu/counsel/CounselingServices/AcademicSupportServices/>.

### 4. Security

In the case of an emergency, the class should shelter in place if at all possible. If the building that the class is in is affected, follow the evacuation procedures for the building. After evacuation, seek shelter at a predetermined rendezvous location.

## **F. READING MATERIALS**

### 1. Texts for Purchase

There is no single book that covers all of the material in this course; you need to read widely. However, you will likely want to purchase the following 3 books (all of which I have ordered to be available at the GW Bookstore), as we will read substantial portions of them:

- AFTER GENOCIDE: TRANSITIONAL JUSTICE, POST-CONFLICT RECONSTRUCTION, AND RECONCILIATION IN RWANDA AND BEYOND (Phil Clark & Zachary D. Kaufman eds., 2009).
- SOCIAL ENTREPRENEURSHIP IN THE AGE OF ATROCITIES: CHANGING OUR WORLD (Zachary D. Kaufman ed., 2012).
- GARY JONATHAN BASS, STAY THE HAND OF VENGEANCE: THE POLITICS OF WAR CRIMES TRIBUNALS (2000).

You may also wish to purchase the following 2 books, as they regularly appear on this syllabus:

- HOWARD BALL, PROSECUTING WAR CRIMES AND GENOCIDE: THE TWENTIETH CENTURY EXPERIENCE (1999).
- YVES BEIGBEDER, JUDGING WAR CRIMINALS: THE POLITICS OF INTERNATIONAL JUSTICE, (1999).

### 2. My Publications

All of my publications (except books) can be downloaded from my personal website ([www.zacharykaufman.com](http://www.zacharykaufman.com)).

### 3. Blackboard

Most of the reading materials (both those that are required as well as those that are optional) listed below are electronically available through this course's Blackboard page (<http://blackboard.gwu.edu>). See the "Electronic Reserves" folder. Materials are grouped by class session.

### 4. Reserve

I have ordered the following books to be kept on reserve in GWU's Gelman Library. Because of the number of students in the class, books on reserve are for 2-hour library use only.

- AFTER GENOCIDE: TRANSITIONAL JUSTICE, POST-CONFLICT RECONSTRUCTION, AND RECONCILIATION IN RWANDA AND BEYOND (Phil Clark & Zachary D. Kaufman eds., 2009).
- HOWARD BALL, PROSECUTING WAR CRIMES AND GENOCIDE: THE TWENTIETH CENTURY EXPERIENCE (1999).

- GARY JONATHAN BASS, *STAY THE HAND OF VENGEANCE: THE POLITICS OF WAR CRIMES TRIBUNALS* (2000).
- YVES BEIGBEDER, *JUDGING WAR CRIMINALS: THE POLITICS OF INTERNATIONAL JUSTICE* (1999).
- PHIL CLARK, *THE GACACA COURTS, POST-GENOCIDE JUSTICE AND RECONCILIATION IN RWANDA: JUSTICE WITHOUT LAWYERS* (2010).
- *THE CRIMINAL LAW OF GENOCIDE: INTERNATIONAL, COMPARATIVE AND CONTEXTUAL ASPECTS* (Ralph Henham & Paul Behrens eds., 2007).
- JON ELSTER, *CLOSING THE BOOKS: TRANSITIONAL JUSTICE IN HISTORICAL PERSPECTIVE* (2004).
- *SOCIAL ENTREPRENEURSHIP IN THE AGE OF ATROCITIES: CHANGING OUR WORLD* (Zachary D. Kaufman ed., 2012).
- *TRANSITIONAL JUSTICE: HOW EMERGING DEMOCRACIES RECKON WITH FORMER REGIMES: VOLUME I: GENERAL CONSIDERATIONS* (Neil J. Kritz ed., 1995).
- *TRANSITIONAL JUSTICE: HOW EMERGING DEMOCRACIES RECKON WITH FORMER REGIMES: VOLUME II: COUNTRY STUDIES* (Neil J. Kritz ed., 1995).
- *TRANSITIONAL JUSTICE: HOW EMERGING DEMOCRACIES RECKON WITH FORMER REGIMES: VOLUME III: LAWS, RULINGS, AND REPORTS* (Neil J. Kritz ed., 1995).



## II. SCHEDULE

This syllabus is based on 14 classes. The approximate number of pages for each reading assignment is noted in parentheses after each listing.

### **SESSION 1**

Date: Wednesday, August 29

Topic: Transitional Justice: Concept, Objectives, and Options

Required Reading:

- Phil Clark, *Establishing a Conceptual Framework: Six Key Transitional Justice Themes*, in AFTER GENOCIDE: TRANSITIONAL JUSTICE, POST-CONFLICT RECONSTRUCTION, AND RECONCILIATION IN RWANDA AND BEYOND 191-205 (Phil Clark & Zachary D. Kaufman eds., 2009) (15).
- Phil Clark, Zachary D. Kaufman & Kalypso Nicolaïdis, *Tensions in Transitional Justice*, in AFTER GENOCIDE: TRANSITIONAL JUSTICE, POST-CONFLICT RECONSTRUCTION, AND RECONCILIATION IN RWANDA AND BEYOND 381-91 (Phil Clark & Zachary D. Kaufman eds., 2009) (10).
- JON ELSTER, CLOSING THE BOOKS: TRANSITIONAL JUSTICE IN HISTORICAL PERSPECTIVE, at 47-78 (2004) (Chapter 3 on “The Larger Universe of Cases”) (31).
- Zachary D. Kaufman, *The Future of Transitional Justice*, 1 ST. ANTONY’S INT’L REV. 58-81 (2005) (23).
- Zachary D. Kaufman, Op-Ed, *Liberia: Charles Taylor's Exile, Disappearance, Arrest, and Transfer*, LIBERIAN TIMES, May 20, 2006 (2).

Further Reading:

- GARY JONATHAN BASS, STAY THE HAND OF VENGEANCE: THE POLITICS OF WAR CRIMES TRIBUNALS, at 3-36 (2000) (chapter 1 on “Introduction”) (30).
- JON ELSTER, CLOSING THE BOOKS: TRANSITIONAL JUSTICE IN HISTORICAL PERSPECTIVE, at 79-135 (2004) (Chapter 4 on “The Structure of Transitional Justice”) (56).

### **SESSION 2**

Date: Wednesday, September 5

Topic: Nuremberg Tribunal (International Military Tribunal (IMT)) and Tokyo Tribunal (International Military Tribunal for the Far East (IMTFE))

Required Reading:

- HOWARD BALL, PROSECUTING WAR CRIMES AND GENOCIDE: THE TWENTIETH CENTURY EXPERIENCE, at 62-93 (1999) (Chapter 3 on “World War II in Asia, the Far East Tribunal, and Postwar Developments in International Law”) (30).
- GARY JONATHAN BASS, STAY THE HAND OF VENGEANCE: THE POLITICS OF WAR CRIMES TRIBUNALS, at 147-205 (2000) (chapter 5 on “Nuremberg”) (60).
- Zachary D. Kaufman, *The Nuremberg Tribunal v. The Tokyo Tribunal: Designs, Staffs, and Operations*, 43 J. MARSHALL L. REV. 753-68 (Symposium issue on “International Law in the 21st Century: The Law and Politics of the International Criminal Court”) (2010) (17).

- Zachary D. Kaufman, *Transitional Justice Delayed Is Not Transitional Justice Denied: Contemporary Confrontation of Japanese Human Experimentation During World War II Through a People's Tribunal*, 26 YALE L. & POL'Y REV. 645-59 (Spring 2008) (15).
- Zachary D. Kaufman, *No Right to Fight: The Modern Implications of Japan's Pacifist Postwar Constitution*, 33 YALE J. INT'L L. 266-73 (Winter 2008) (7).

Further Reading:

- HOWARD BALL, PROSECUTING WAR CRIMES AND GENOCIDE: THE TWENTIETH CENTURY EXPERIENCE, at 35-61 (1999) (Chapter 2 on "World War II in Europe and the Nuremberg Tribunal") (25).
- YVES BEIGBEDER, JUDGING WAR CRIMINALS: THE POLITICS OF INTERNATIONAL JUSTICE, at 1-26 (1999) (Chapter 1 on "Humanitarian Law: From Normative Thrust to Criminal Enforcement") (25).
- YVES BEIGBEDER, JUDGING WAR CRIMINALS: THE POLITICS OF INTERNATIONAL JUSTICE, at 27-49 (1999) (Chapter 2 on "The Nuremberg Precedent") (25).
- YVES BEIGBEDER, JUDGING WAR CRIMINALS: THE POLITICS OF INTERNATIONAL JUSTICE, at 50-75 (1999) (Chapter 3 on "The Tokyo Trial") (25).
- YVES BEIGBEDER, JUDGING WAR CRIMINALS: THE POLITICS OF INTERNATIONAL JUSTICE, at 125-36 (1999) (Chapter 6 on "Impunity, National Justice, and Foreign Courts") (10).

**SESSION 3**

Date: Wednesday, September 12

Topic: Peace v. Justice

Required Reading:

- Payam Akhavan, *Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?*, 95 AM. J. INT'L L. 7-31 (2001) (24).
- David Backer, *The Layers of Amnesty: Evidence from Surveys of Victims in Five African Countries*, 5 GLOBAL STUD. REV. (2009) (12).
- David Backer, *Watching a Bargain Unravel? A Panel Study of Victims' Attitudes about Transitional Justice in Cape Town, South Africa*, INT'L J. TRANSITIONAL JUSTICE 1-14 (2010) (14).
- Zachary D. Kaufman & Pierre-Richard St. Hilaire, *The Competing Values of Retribution and Forgiveness, in RWANDA AND SOUTH AFRICA IN DIALOGUE: ADDRESSING THE LEGACIES OF GENOCIDE AND A CRIME AGAINST HUMANITY* 41-45 (Charles Villa-Vicencio & Tyrone Savage eds., 2001) (5).
- Jack Snyder & Leslie Vinjamuri, *Trials and Errors: Principle and Pragmatism in Strategies of International Justice*, 28:3 INT'L SECURITY 5-44 (Winter 2003-04) (39).

Further Reading:

- Diane F. Orentlicher, *Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime*, in 1 TRANSITIONAL JUSTICE 375-416 (Neil J. Kritz ed., 1995) (condensed version of Diane F. Orentlicher, *Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime*, 100 YALE L.J. 2537 (1990)) (40).

## SESSION 4

Date: Wednesday, September 19

Topic: Democratic Republic of Congo

### Required Reading:

- James Thuo Gathii, *Armed Activities on the Territory of the Congo*, 101 AM. J. INT'L L. 142-49 (2007) (8).
- HUMAN RIGHTS WATCH, UNFINISHED BUSINESS: CLOSING GAPS IN THE SELECTION OF ICC CASES 1-22, 46-48 (2011) (25).
- CONGRESSIONAL RESEARCH SERVICE, INTERNATIONAL CRIMINAL COURT CASES IN AFRICA: STATUS AND POLICY ISSUES 1-5, 22-28 (2011) (12).
- The Lubanga Trial, <http://www.lubangatrial.org/>: Reports of:
  - July 10, 2012 (“Lubanga Given 14-Year Jail Sentence”),
  - July 16, 2012 (“14 Years: Too Much or Not Enough?”),
  - July 24, 2012 (“Issues of Reparations in the Lubanga Case: An Interview with a Local Activist”),
  - August 2, 2012 (“Will Ethnic Allegiances Protect Bosco Ntaganda?”), and
  - August 10, 2012 (“ICC Issues Guidance on Reparations for Victims of Lubanga’s Crimes”).
- Mac McClelland, *To Catch a Warlord*, MOTHER JONES, Sept.-Oct. 2011, at 52-59, 71 (9).

### Further Reading:

- ICC cases in DRC: <http://www.icc-cpi.int/menus/icc/situations%20and%20cases/situations/situation%20icc%200104/situation%20index?lan=en-GB>
- ICJ – DRC v. Uganda: <http://www.icj-cij.org/docket/index.php?sum=643&code=co&p1=3&p2=3&case=116&k=51&p3=5>
- International Center for Transitional Justice (ICTJ), Democratic Republic of the Congo, <http://ictj.org/our-work/regions-and-countries/democratic-republic-congo-drc>

## SESSION 5

Date: Wednesday, September 26

Topic: Transitional Justice in Ongoing Conflict

### Required Reading:

- Ashley Leonczyk, *Peacekeeping and Counterinsurgency: How a U.S. Military Doctrine Can Improve Peacekeeping in the Democratic Republic of the Congo*, 204 Mil. L. Rev. 66-143 (78).
- The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, Report of the Secretary General, UN Doc S/2004/616 (Oct 13, 2004) (24 pages), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/395/29/PDF/N0439529.pdf?OpenElement>.
  - Note: If you have trouble accessing this document using the direct link, go to <http://www.un.org/Docs/sc/sgrep04.html> and click on “S/2004/616”.
- Sarah Sewall, Counterinsurgency Field Manual, introduction, "Peace vs. Justice," xxxix-xl (2).

Further Reading:

- SARAH DAREHSHORI, SELLING JUSTICE SHORT: WHY ACCOUNTABILITY MATTERS FOR PEACE (2009), available at [www.hrw.org/sites/default/files/reports/ij0709webwcover\\_1.pdf](http://www.hrw.org/sites/default/files/reports/ij0709webwcover_1.pdf) (123).

**I WILL BE IN RWANDA (No Class)**

Date: Wednesday, October 3

**SESSION 6**

Date: Wednesday, October 10

Topic: Rwanda / Gacaca

Required Reading:

- Phil Clark, *Introduction*, in THE GACACA COURTS, POST-GENOCIDE JUSTICE AND RECONCILIATION IN RWANDA: JUSTICE WITHOUT LAWYERS 1-28 (2010) (28).
- Phil Clark, *Moulding Tradition: The History, Law and Hybridity of Gacaca*, in THE GACACA COURTS, POST-GENOCIDE JUSTICE AND RECONCILIATION IN RWANDA: JUSTICE WITHOUT LAWYERS 47-80 (2010) (33).
- Phil Clark, *Interpreting Gacaca: The Rationale for Analysing a Dynamic Socio-Legal Institution*, in THE GACACA COURTS, POST-GENOCIDE JUSTICE AND RECONCILIATION IN RWANDA: JUSTICE WITHOUT LAWYERS 81-97 (2010) (16).
- Phil Clark, *The Gacaca Journey: The Rough Road to Justice and Reconciliation*, in THE GACACA COURTS, POST-GENOCIDE JUSTICE AND RECONCILIATION IN RWANDA: JUSTICE WITHOUT LAWYERS 98-131 (2010) (33).

Further Reading:

- AMNESTY INTERNATIONAL, RWANDA: GACACA: A QUESTION OF JUSTICE (2002) (49).
- Phil Clark, *The Rules (and Politics) of Engagement: The Gacaca Courts and Post-Genocide Justice, Healing, and Reconciliation in Rwanda*, in AFTER GENOCIDE: TRANSITIONAL JUSTICE, POST-CONFLICT RECONSTRUCTION, AND RECONCILIATION IN RWANDA AND BEYOND 297-319 (Phil Clark & Zachary D. Kaufman eds., 2009) (23).
- Helena Cobban, *The Legacies of Collective Violence: The Rwandan Genocide and the Limits of Law*, BOSTON REV., Apr.-May 2002 (30).
- Martin Ngoga, *The Institutionalisation of Impunity: A Judicial Perspective of the Rwandan Genocide*, in AFTER GENOCIDE: TRANSITIONAL JUSTICE, POST-CONFLICT RECONSTRUCTION, AND RECONCILIATION IN RWANDA AND BEYOND 321-32 (Phil Clark & Zachary D. Kaufman eds., 2009) (11).
- Kenneth Roth & Alison DesForges, *Justice or Therapy?*, BOSTON REV., Summer 2002 (3).
- William A. Schabas, *Post-Genocide Justice in Rwanda: A Spectrum of Options*, in AFTER GENOCIDE: TRANSITIONAL JUSTICE, POST-CONFLICT RECONSTRUCTION, AND RECONCILIATION IN RWANDA AND BEYOND 207-27 (Phil Clark & Zachary D. Kaufman eds., 2009) (20).
- Lars Waldorf, *Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice*, 79 TEMP. L. REV. 1 (2006) (87).

## SESSION 7

Date: Wednesday, October 17

Topic: Peace and Justice in Contemporary East and Central Africa: The Cases of Sudan/Darfur and Uganda

### Required Reading:

- General:
  - Nicholas Waddell & Phil Clark, *Introduction*, in *COURTING CONFLICT? JUSTICE, PEACE AND THE ICC IN AFRICA* 7-12 (Nicholas Waddell & Phil Clark eds., 2008) (6).
  - Nick Grono & Adam O'Brien, *Justice in Conflict? The ICC and Peace Processes*, in *COURTING CONFLICT? JUSTICE, PEACE AND THE ICC IN AFRICA* 13-20 (Nicholas Waddell & Phil Clark eds., 2008) (8).
  - Phil Clark, *Law, Politics, and Pragmatism: The ICC and Case Selection in Uganda and the Democratic Republic of Congo*, in *COURTING CONFLICT? JUSTICE, PEACE AND THE ICC IN AFRICA* 37-45 (Nicholas Waddell & Phil Clark eds., 2008) (9).
- Sudan
  - OMER ISMAIL & LAURA JONES, *NEGLECTING DARFUR* (2010) (17).
  - JOHN NORRIS, DAVID SULLIVAN & JOHN PRENDERGAST, *THE MERITS OF JUSTICE* (2008) (6).
  - INTERNATIONAL CRIMINAL COURT OFFICE OF THE PROSECUTOR, *TWELFTH REPORT OF THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT TO THE UN SECURITY COUNCIL PURSUANT TO UNSCR 1593 (2005)* (2010) (15).
  - Thabo Mbeki, Chairperson, African Union High-Level Panel on Darfur (AUPD), *Speech at the Summit Meeting of the African Union Peace and Security Council (AU PSC)* (Oct. 29, 2009) (7).
- Democratic Republic of Congo and Uganda
  - LEDIO CAKAJ, *THE LORD'S RESISTANCE ARMY OF TODAY* (2010) (24).
  - JOHN PRENDERGAST, *CONGO'S ENOUGH MOMENT: THE CASE FOR CONFLICT MINERALS CERTIFICATION AND ARMY REFORM* (2010) (10).
  - Kenneth Roth, *A Plan B for President Obama: Get Tough on Human Rights*, *FOREIGN POL'Y*, Nov. 2010 (4).
  - *Analysis: Rebel Leader's Arrest Just One Step in Fight Against Impunity in DRC*, *IRIN*, Oct. 21, 2010 (3).

### Further Reading:

- BARACK OBAMA, *STRATEGY TO SUPPORT THE DISARMAMENT OF THE LORD'S RESISTANCE ARMY* (2010) (36).
- Maria Luiza Ribeiro Viotti, *Letter Dated 15 November 2010 from the Chair of the Security Council Committee Established Pursuant to Resolution 1533 (2004) concerning the Democratic Republic of Congo Addressed to the President of the Security Council*, U.N. Doc. S/2010/596 (Nov. 29, 2010) (191).
- UNITED NATIONS OFFICE OF THE HIGH COMM'R FOR HUMAN RIGHTS, *DEMOCRATIC REPUBLIC OF THE CONGO, 1993-2003: REPORT OF THE MAPPING EXERCISE DOCUMENTING THE MOST SERIOUS VIOLATIONS OF HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW COMMITTED WITHIN THE TERRITORY OF THE DEMOCRATIC REPUBLIC OF THE CONGO BETWEEN MARCH 1993 AND JUNE 2003* (2010) (566).

- AFRICAN UNION, REPORT OF THE AFRICAN UNION HIGH-LEVEL PANEL ON DARFUR (AUPD) (2009) (145).

## SESSION 8

Date: Wednesday, October 24  
Topic: International Criminal Court (ICC) and Africa

### Required Reading:

- YVES BEIGBEDER, JUDGING WAR CRIMINALS: THE POLITICS OF INTERNATIONAL JUSTICE, at 186-99 (1999) (Chapter 10 on “The Slow Birth of an International Criminal Court”) (15).
- John R. Bolton, *The Risks and the Weaknesses of the International Criminal Court from America’s Perspective*, 64 LAW & CONTEMP. PROBS. 167-80 (2001) (15).
- Jack L. Goldsmith, *The Self-Defeating International Criminal Court*, 70 U. CHI. L. REV. 89-104 (2003) (15).
- Stephanie Hanson, *Africa and the International Criminal Court*, COUNCIL ON FOREIGN RELATIONS, July 24, 2008, [http://www.cfr.org/publication/12048/africa\\_and\\_the\\_international\\_criminal\\_court.html](http://www.cfr.org/publication/12048/africa_and_the_international_criminal_court.html). (3).
- *The International Criminal Court: Why Africa Still Needs It*, ECONOMIST, June 5, 2010 (2).
- Zachary D. Kaufman, *Sudan, the United States, and the International Criminal Court: A Tense Triumvirate in Transitional Justice for Darfur*, in THE CRIMINAL LAW OF GENOCIDE: INTERNATIONAL, COMPARATIVE AND CONTEXTUAL ASPECTS 49-60 (Ralph Henham & Paul Behrens eds., 2007) (10).
- David J. Scheffer, *Staying the Course with the International Criminal Court*, 35 CORNELL INT’L L.J. 47-100 (2001-02) (50).
- Ruth Wedgwood, *Fiddling in Rome: America and the International Criminal Court*, FOREIGN AFF., Nov.-Dec. 1998, at 20-24 (5).

### Further Reading:

- ALEXIS ARIEFF, RHODA MARGESSON & MARJORIE ANN BROWNE, INTERNATIONAL CRIMINAL COURT CASES IN AFRICA: STATUS AND POLICY ISSUES (2010) (30).
- David J. Scheffer, *U.S. Policy and the International Criminal Court*, 32 CORNELL INT’L L.J. 529-34 (1999) (5).
- David J. Scheffer, *The United States and the International Criminal Court*, 93 AM. J. INT’L L. 12-22 (1999) (10).
- David J. Scheffer, *A Negotiator’s Perspective on the International Criminal Court*, 167 MIL. L. REV. 1-19 (2001) (20).

## SESSION 9

Date: Wednesday, October 31

Topic: Transitional Justice and Social Entrepreneurship

### Required Reading:

- Bill Drayton, *Foreword*, in SOCIAL ENTREPRENEURSHIP IN THE AGE OF ATROCITIES: CHANGING OUR WORLD xxxiii-xxxvi (Zachary D. Kaufman ed., 2012) (4).
- Amy Chua, *Preface*, in SOCIAL ENTREPRENEURSHIP IN THE AGE OF ATROCITIES: CHANGING OUR WORLD xxxvii-xxxix (Zachary D. Kaufman ed., 2012) (3).
- Zachary D. Kaufman, *Social Entrepreneurship in the Age of Atrocities: Introduction*, in SOCIAL ENTREPRENEURSHIP IN THE AGE OF ATROCITIES: CHANGING OUR WORLD 1-19 (Zachary D. Kaufman ed., 2012) (19).
- Zachary D. Kaufman, *Social Entrepreneurship in a Post-Genocide Society: Building Rwanda's First Public Library*, in SOCIAL ENTREPRENEURSHIP IN THE AGE OF ATROCITIES: CHANGING OUR WORLD 58-82 (Zachary D. Kaufman ed., 2012) (25).
- Zachary D. Kaufman, *Social Entrepreneurship in the Age of Atrocities: Lessons Learned and Conclusion*, in SOCIAL ENTREPRENEURSHIP IN THE AGE OF ATROCITIES: CHANGING OUR WORLD 189-221 (Zachary D. Kaufman ed., 2012) (33).
- Cheryl L. Dorsey, *Afterword*, in SOCIAL ENTREPRENEURSHIP IN THE AGE OF ATROCITIES: CHANGING OUR WORLD 222-24 (Zachary D. Kaufman ed., 2012) (3).

### Further Reading:

- SOCIAL ENTREPRENEURSHIP IN THE AGE OF ATROCITIES: CHANGING OUR WORLD (Zachary D. Kaufman ed., 2012) (rest of book).

## SESSION 10

Date: Wednesday, November 7

Topic: Transitional Justice and the Responsibility to Protect (R2P)

### Required Reading:

- THE INTERNATIONAL COMMISSION ON INTERVENTION AND STATE SOVEREIGNTY (ICISS), THE RESPONSIBILITY TO PROTECT (2001). Read pp. vii-viii, xi-xiii (5). Skim ¶1.37-1.38 (p. 8), pp. 11-12, ¶3.23 (p. 23), ¶3.28-3.30 (p. 24), ¶4.1-4.2 (p. 29), ¶5.13-5.14 (pp. 41-42).
- REPORT OF THE UN SECRETARY GENERAL, IMPLEMENTING THE RESPONSIBILITY TO PROTECT (2009). Read pp. 1-2, 4-10, ¶17-19 (pp. 11-12), ¶53-54 (pp. 23-24) (10). Skim rest.
- Nicholas J. Wheeler & Frazer Egerton, *The Responsibility to Protect: 'Precious Commitment' or a Promise Unfulfilled?*, 1 GLOBAL RESPONSIBILITY TO PROTECT 1, 114 (2009). Read pp. 114-24, 131-32 (13).
- Aidan Hehir, *The Responsibility to Protect: 'Sound and Fury Signifying Nothing'?*, 24 INT'L. RELATIONS 2, 218 (2010). Read pp. 218-21, 233-35 (6). Skim rest.
- Mahmood Mamdani, *Responsibility to Protect or Right to Punish?*, 4 J. OF INTERVENTION & STATEBUILDING 1, 53 (2010). Read pp. 53-65 (13).
- Kwesi Aning & Samuel Atuobi, *Responsibility to Protect in Africa: An analysis of the African Union's Peace and Security Architecture*, 1 GLOBAL RESPONSIBILITY TO PROTECT 1, 90 (2009). Read pp. 90-95, 108-113 (12).

- International Crisis Group (ICG), *Sudan: Justice, Peace and the ICC*, ICG AFRICA REPORT 152 (Jul. 2009). Read pp. i-ii, 15-30 (17).
- James Traub, *Unwilling and Unable: The Failed Response to the Atrocities in Darfur*, GCR2P OCCASIONAL PAPER (2010). Read pp. 15-17, 21-23, 26 (7).

Further Reading:

- Alex J. Bellamy & Paul D. Williams, *The new politics of protection? Côte d'Ivoire, Libya and the Responsibility to Protect*, 87 INT'L AFF. 4, 825 (2011).
- GARETH EVANS, THE RESPONSIBILITY TO PROTECT: ENDING MASS ATROCITY CRIMES ONCE AND FOR ALL (2008).
- Edward C. Luck, *The Responsibility to Protect: The First Decade*, GLOBAL RESPONSIBILITY TO PROTECT 3 (2011) 387–399.
- MAHMOOD MAMDANI, SAVIORS AND SURVIVORS: DARFUR, POLITICS AND THE WAR ON TERROR (2009).
- Thomas G. Weiss, *Halting Genocide: Rhetoric versus Reality*, 2 GENOCIDE STUD. & PREVENTION 1, 7 (2007).
- Jennifer M. Welsh & Maria Banda, *International Law and the Responsibility to Protect: Clarifying or Expanding States' Responsibilities?*, 2 GLOBAL RESPONSIBILITY TO PROTECT 3, 213 (2010).
- Paul D. Williams, *Keeping the Peace in Africa: Why "African" Solutions Are Not Enough*, 22 ETHICS & INT'L AFF. 3, 309 (2008).
- Kenneth A. Rodman, *Darfur and the Limits of Legal Deterrence*, 30 HUM. RTS. Q. 3, 529, 540-560 (2008).

Notes:

- For UN documents, *see*:
  - Office of the UN Secretary-General's Special Advisor on the Responsibility to Protect, *available at*: <http://www.un.org/en/preventgenocide/adviser/edwardluck.shtml>.
  - UN Office of the Special Advisor on the Prevention of Genocide, *available at*: <http://www.un.org/en/preventgenocide/adviser/index.shtml>.
- For civil society research reports, news articles, and recent developments, *see*:
  - The Global Centre for the Responsibility to Protect (GCR2P), *available at*: <http://globalr2p.org/>.
  - International Coalition for the Responsibility to Protect (ICRtoP), *available at*: <http://responsibilitytoprotect.org/>.
  - Asia-Pacific Center for the Responsibility to Protect (APCR2P), *available at*: <http://www.r2pasiapacific.org/>.
- Other resources:
  - FRONTLINE VIDEO: ON OUR WATCH (2007) (60 min. video, transcripts, interviews), *available at*: <http://www.pbs.org/wgbh/pages/frontline/darfur/>.



## **SESSION 11**

Date: Wednesday, November 14

Topic: Rwanda / United Nations International Criminal Tribunal for Rwanda (ICTR)

### Required Reading:

- YVES BEIGBEDER, JUDGING WAR CRIMINALS: THE POLITICS OF INTERNATIONAL JUSTICE, at 169-85 (1999) (Chapter 9 on “The International Criminal Tribunal for Rwanda”) (15).
- Phil Clark & Zachary D. Kaufman, *After Genocide*, in AFTER GENOCIDE: TRANSITIONAL JUSTICE, POST-CONFLICT RECONSTRUCTION, AND RECONCILIATION IN RWANDA AND BEYOND 1-19 (Phil Clark & Zachary D. Kaufman eds., 2009) (20).
- Zachary D. Kaufman, *The United States Role in the Establishment of the United Nations International Criminal Tribunal for Rwanda*, in AFTER GENOCIDE: TRANSITIONAL JUSTICE, POST-CONFLICT RECONSTRUCTION, AND RECONCILIATION IN RWANDA AND BEYOND 229-60 (Phil Clark & Zachary D. Kaufman eds., 2009) (30).
- Zachary D. Kaufman, *The United Nations International Criminal Tribunal for Rwanda*, in THE ENCYCLOPEDIA OF TRANSITIONAL JUSTICE (Lavinia Stan & Nadya Nedelsky eds., forthcoming 2012) (10).
- Zachary D. Kaufman, Book Review, 32 YALE J. INT’L L. 294-97 (2007) (reviewing NAOMI ROHT-ARRIAZA, THE PINOCHET EFFECT: TRANSNATIONAL JUSTICE IN THE AGE OF HUMAN RIGHTS (2005)) (4).
- Zachary D. Kaufman, Book Review, 11 YALE HUM. RTS. & DEV L.J. 200-06 (2006-07) (reviewing STEVEN D. ROPER & LILIAN A. BARRIA, DESIGNING CRIMINAL TRIBUNALS: SOVEREIGNTY AND INTERNATIONAL CONCERNS IN THE PROTECTION OF HUMAN RIGHTS (2006)) (7).

### Further Reading:

- HOWARD BALL, PROSECUTING WAR CRIMES AND GENOCIDE: THE TWENTIETH CENTURY EXPERIENCE, at 155-87 (1999) (Chapter 6 on “Machete Genocide in Rwanda and the International Criminal Tribunal”) (30).
- Phil Clark & Zachary D. Kaufman, *Rwanda: Recent History*, in AFRICA SOUTH OF THE SAHARA 2013, 984-92 (Iain Frame ed., 2012) (9).
- Hassan Bubacar Jallow, The Contribution of the United Nations International Criminal Tribunal for Rwanda to the Development of International Criminal Law, in AFTER GENOCIDE: TRANSITIONAL JUSTICE, POST-CONFLICT RECONSTRUCTION, AND RECONCILIATION IN RWANDA AND BEYOND 261-79 (Phil Clark & Zachary D. Kaufman eds., 2009) (18).

## **THANKSGIVING BREAK (No Class)**

Date: Wednesday, November 21

## SESSION 12

Date: Saturday, December 1  
Time: Starting at 1:00 PM  
Location: Room 250, Duques Hall (2201 G Street, NW)  
Topic: Sierra Leone / Special Court for Sierra Leone (SCSL) and Other Hybrid War Crimes Tribunals

### Film Screenings and Discussion:

- [Beyond the Gates](#) (also known as Shooting Dogs)
- [War Don Don](#)

### Required Reading:

- David Cohen, “Hybrid” Justice in East Timor, Sierra Leone, and Cambodia: “Lessons Learned” and Prospects for the Future, 43 STANFORD J. INT’L L. 1-38 (2007) (38).
- Laura Dickinson, *The Promise of Hybrid Courts*, 97 AM. J. INT’L L. 295-310 (April 2003) (15).
- William A. Schabas, *The Relationship Between Truth Commissions and International Courts: The Case of Sierra Leone*, 25 HUM. RTS. Q. 1035-66 (2003) (31).

## SESSION 13

Date: Wednesday, December 5  
Topic: Conclusions and Oral Presentations of Final Research Papers

### Required Reading:

- GARY JONATHAN BASS, STAY THE HAND OF VENGEANCE: THE POLITICS OF WAR CRIMES TRIBUNALS, at 276-310 (2002) (chapter 7 on “Conclusion” and chapter 8 on “Epilogue: Do War Crimes Tribunals Work?”) (34).

## SESSION 14

Date: Monday, December 10  
Topic: Oral Presentations of Final Research Papers  
Location: Room 352, Monroe Hall (2115 G Street, NW)  
Required Reading: None.

### **III. ADDITIONAL RESOURCES**

#### **A. JOURNALS**

Below is a selected list of journals related to this course.

- *African Affairs*
- *Africa Confidential*
- *African Research Bulletin*
- *African Security Review*
- *African Studies Quarterly*
- *American Journal of International Law*
- *Criminal Law Forum*
- *Development and Change*
- *European Journal of International Law*
- *Foreign Affairs*
- *Foreign Policy*
- *Genocide Studies and Prevention*
- *Holocaust and Genocide Studies*
- *Human Rights Law Review*
- *Human Rights Quarterly*
- *International Affairs*
- *International Criminal Law Review*
- *International Journal of Human Rights*
- *International Journal of Transitional Justice*
- *International Justice Tribune*
- *International Organization*
- *International Security*
- *Journal of Asian and African Studies (after 2002, African and Asian Studies)*
- *Journal of Conflict and Security Law*
- *Journal of Conflict Studies*
- *Journal of Contemporary African Studies*
- *Journal of Genocide Research*
- *Journal of Human Rights*
- *Journal of International Criminal Justice*
- *Journal of Modern African Studies*
- *Review of African Political Economy*
- *Survival*
- *Third World Quarterly*
- *Transitional Justice Review*
- *World Politics*

**B. FILMS**

Below is a selected list of films related to this course. Portions of some of these films will be shown in class.

<b>Topic</b>	<b>Film Title</b>	<b>Film Year</b>
Germany / Nuremberg Tribunal (IMT)	Good Evening, Mr. Wallenberg	1990
	Judgment at Nuremberg	1961
	Nuremberg	2000
	Nuremberg: Its Lesson for Today	1946 (restored in 2010)
	Nuremberg – Tyranny on Trial (History Channel)	1995
	Nuremberg Trials	1947
	Schindler’s List	1993
Japan / Tokyo Tribunal (IMTFE)	Men Behind the Sun	1989
Cambodia / Extraordinary Chambers in the Courts of Cambodia (ECCC)	Biography – Pol Pot: Secret Killer	2006
	The Killing Fields	1984
	S-21: The Khmer Rouge Killing Machine	2002
Yugoslavia / UN International Criminal Tribunal for the former Yugoslavia (ICTY)	Behind Enemy Lines	2001
	Bringing Down a Dictator	2001
	The Death of Yugoslavia	1995
	Welcome to Sarajevo	1997
Rwanda / UN International Criminal Tribunal for Rwanda (ICTR)	100 Days	2001
	Beyond the Gates (also called Shooting Dogs)	2005
	The Dead Are Alive: Eyewitness in Rwanda	1996
	Earth Made of Glass	2011
	Gacaca, Living Together Again in Rwanda?	2002
	Ghosts of Rwanda (PBS)	2004
	God Sleeps in Rwanda	2005
	Hotel Rwanda	2004
	The Last Just Man	2002
	In Rwanda We Say... The Family that Does Not Speak dies	2004
	Munyurangabo	2008
	My Neighbor, My Killer	2009
	The Notebooks of Memory	2009
	Shake Hands with the Devil	2010
	Shake Hands with the Devil: The Journey of Romeo Dallaire	2005
Sometimes in April	2005	

	A Sunday in Kigali	2006
	The Triumph of Evil (Frontline)	1999
International Criminal Court (ICC)	The Reckoning: The Battle for the International Criminal Court	2009
Sierra Leone / Special Court for Sierra Leone (SCSL)	War Don Don	2010
South Africa / Truth and Reconciliation Commission (TRC)	Confronting the Truth: Truth Commissions and Societies in Transition	2007
	Long Night's Journey into Day	2000
	Red Dust	2004
	Where the Truth Lies	1999
Sudan	The Devil Came on Horseback	2007
	Darfur Now	2007
	God Grew Tired of Us	2005
	Lost Boys of Sudan (POV)	2003
Uganda	The Last King of Scotland	2006

## **C. ORGANIZATIONS AND ELECTRONIC LISTSERVS**

Below is a selected list of organizations related to this course, many of which host electronic listservs to which you can subscribe.

### 1. Governmental and Inter-Governmental

- United States Department of Justice
  - Human Rights and Special Prosecutions Section
  - Office of Overseas Prosecutorial Development, Assistance, and Training
- United States Department of State
  - Bureau of African Affairs
  - Bureau of Democracy, Human Rights, and Labor
  - Office of Global Criminal Justice
- United Nations
  - Special Adviser on the Prevention of Genocide and Mass Atrocities, Office of the Secretary-General
  - High Commissioner for Human Rights
  - High Commissioner for Refugees

### 2. Non-Governmental

- Africa Action
- American Bar Association
  - Center for Human Rights
  - Rule of Law Initiative
  - Section of International Law
- Amnesty International
- Bill & Melinda Gates Foundation
- Carnegie Endowment for International Peace
- Carter Center
- Center for Strategic and International Studies
- Clinton Foundation
- Coalition for the International Criminal Court
- Committee on Conscience, United States Holocaust Memorial Museum
- Council on Foreign Relations
- Enough: The Project to End Genocide and Crimes Against Humanity, Center for American Progress
- Genocide Intervention Network (merging with Save Darfur)
- Genocide Watch
- Global Rights
- Human Rights First
- Human Rights Watch
- Humanity United
- International Association of Genocide Scholars
- International Committee of the Red Cross
- International Crisis Group
- International League for Human Rights

- Institute for War and Peace Reporting
- Open Society Institute
- Physicians for Human Rights
- Save Darfur (merging with Genocide Intervention Network)
- Search for Common Ground
- United States Institute of Peace
- War Crimes Tribunal Watch
- WITNESS