

Transitional Justice and Peace Processes: the Aftermath of Atrocity

Name of the Instructor: Alejandro Lerena García

Type of Class Arrangement: A, B, C or D

Course Description and Objectives:

- Transitional justice is a rapidly emerging interdisciplinary field of study, focused on processes dealing with widespread past human rights violations and the transition to more peaceful and democratic states. New democratic governments in the aftermath of a situation of armed conflict, military rule or authoritarian regime, dispose of different strategies and mechanisms to re-establish the rule of law and build sustainable peace. Some of these mechanisms can include, truth commissions, pardons and amnesties, apologies and forgiveness, international and regional criminal courts and tribunals, among many others.
- The course will first introduce and define the field of transitional justice, looking into its historical evolution and addressing the rationales underlying it. Then, the different strategies and mechanisms available to new democratic governments in the aftermath of a situation of massive violations of human rights will be examined, as well as their potential to contribute to (or jeopardize) sustainable peace. As well, the effectiveness of different strategies to break cycles of violence, bring reconciliation and prevent future violations will be discussed. Special attention will be paid to criminal prosecutions, truth commissions, programs aimed at individual and collective reparation, and measures of constitutional, legal and institutional reform. Other issues to be discussed are the apparent contradictions between pursuing justice and reconciliation, and the challenges of balancing justice and peace; gender perspective; and the tensions between government, civil society, local communities in designing and implanting transitional justice mechanisms.
- The course will complement theory with practical examples of current, recent, or paradigmatic peace processes. Case studies have been selected to highlight key themes and issues of transitional justice theory and practice. Worldwide cases will be covered, and special attention will be paid to transitional justice processes in Latin America and Spain.

Topics: Transitional Justice, International Criminal Law, Human Rights

Teaching Methods:

Several reading materials will be studied in class, and a short documentary will be used to make the subject matter of this course more accessible and less abstract. As well, students will face practical exercises, linking theory and practice.

Assessment:

In a final assessment on a practical case, students will be asked to develop a transitional justice policy, analyzing and evaluating the best mechanisms to be applied in a practical situation, addressing their convenience and short, mid and long term outcomes.

Required and/or Recommended Readings:

- Haider, H. 2016. *Transitional Justice: topic guide*, Birmingham, UK: GSDRC, University of Birmingham.
- Lutz, E. (2006). *Transitional justice: lessons learned and the road ahead. Transitional Justice in the Twenty-first Century*. Roht-Arriaza and Mariezcurrena. Cambridge, Cambridge University Press
- Olsen, T. D., Payne, L. A., & Reiter, A. G. (2010). *The justice balance: When transitional justice improves human rights and democracy*. *Human Rights Quarterly*, 32(4), 980–1007.
- Reátegui, F (Editor), 2011, *Transitional Justice: Handbook for Latin America*. Brasilia and New York. International Center for Transitional Justice
- Sikkink, K. y Joon Hun, K., 2013. *The Justice Cascade: The Origins and Effectiveness of Prosecutions of human Rights Violations*. *Annual Review of Law and Social Science*, 9, pp.269-285