



COURSE UNIT DESCRIPTION

Course unit (module) title	Code
Transitional Justice: Protection of Human Rights	

Lecturer(s)	Department(s) where the course unit (module) is delivered
Coordinator: Dr. Nika Bruskina	Department of Public Law, Faculty of Law, Vilnius University Saulėtekio av. 9, Building 1, Room 405, LT-10222, Vilnius tel. (8 5) 2366175, e-mail: vtkatedra@tf.vu.lt

Study cycle	Type of the course unit (module)
First	Optional

Mode of delivery	Period when the course unit (module) is delivered	Language(s) of instruction
Face-to-face	Spring semester	English

Requirements for students	
Prerequisites: none	Additional requirements (if any): none

Course (module) volume in credits	Total student's workload	Contact hours	Self-study hours
5	130	32	98

Purpose of the course unit (module): programme competences to be developed		
<p>Currently, more and more States (e.g. certain European States after the Nazi and the Communist regimes, the conflicts in the Balkans, Cyprus–Turkey conflict, the Northern Ireland conflict as well as certain African and Latin American States) are dealing with the legacies of gross violations of human rights committed during the armed conflict, authoritarian or totalitarian regime. Therefore, over the past decades transitional justice has attracted extremely high interest both among scholars and practitioners. Both the victims and perpetrators claim alleged violation of their human rights while the States are implementing their transitional justice policy.</p> <p>The purpose of the course is to gain comprehensive knowledge about the concept and the goals of transitional justice and international human rights standards while taking transitional justice measures (criminal prosecution, truth-telling, reparation programs (restitution, compensation), commemoration and guarantees of non-repetition as well as institutional reform (lustration/vetting)). The course mainly focuses on the practice of the European States while coming to terms with the serious human rights abuses.</p> <p>Particular attention is paid to the soft law (e.g. Van Boven/Bassiouni principles), the case-law of the international human rights institutions (e.g. the United Nations Human Rights Committee, the European Court of Human Rights, the Inter-American Court of Human Rights) and scholarly literature. Programme competences to be developed: to form the abilities to understand and interpret the sources of international and domestic law in the field of transitional justice; to apply appropriately the sources of international law to current human rights issues arising in the States in transition; compare and evaluate different domestic transitional justice policies through the lens of international protection of human rights; on the basis of theoretical knowledge of goals of transitional justice, to compare and evaluate different international approaches to transitional justice; as well as to develop analytical and critical thinking, interpersonal and communication skills.</p>		
Learning outcomes of the course unit (module)	Teaching and learning methods	Assessment methods
Students will get to know the sources of	Lectures, seminars, individual work	Discussion questions, case study, quizzes.

international law and domestic law of different States in the field of transitional justice		
Students will be able to understand and interpret the sources of international and domestic law in the field of transitional justice as well as apply them appropriately to concrete current human rights problems arising in States in transition	Lectures, seminars, individual work	Discussion questions, case study, quizzes.
Students will be able to compare different transitional justice mechanisms established under domestic law and evaluate them in the light of the relevant international human rights standards, which exist in the transitional justice field	Lectures, seminars, individual work	Discussion questions, case study, quizzes.
Students will be able to single out more appropriate, effective transitional justice mechanism established under domestic law having regard to the international human rights standards and the goals of transitional justice	Lectures, seminars, individual work	Discussion questions, case study, quizzes.
Students will be able to compare and evaluate different international approaches to transitional justice	Lectures, seminars, individual work	Discussion questions, case study, quizzes.
On the basis of the theory of transitional justice and the analysis of the practice of international and domestic institutions (courts, administrative institutions), students will be able to express their own ideas and thoughts in an argumentative, critical and logical way both verbally and in written form.	Lectures, seminars, individual work	Discussion questions, case study, quizzes.
Students will learn to work individually and use legal information databases as well as other sources necessary to deepen their knowledge in the protection of human rights in the field of transitional justice.	Lectures, seminars, individual work	Discussion questions, case study, quizzes.

Content: breakdown of the topics	Contact hours							Self-study work: time and assignments	
	Lectures	Tutorials	Seminars	Exercises	Laboratory work	Internship/work placement	Contact hours	Self-study hours	Assignments
1. Transitional justice: general issues (the concept, historical background, classification and goals of transitional justice; main transitional justice measures; main sources of domestic and international law related to transitional justice)	2						2	8	Scientific analysis of literature. Discussions
2. Criminal justice: general issues (the concept; definition of international crimes; the aims of the	2						2	10	Scientific analysis of literature.

investigation into the past violations and prosecution of the criminals; different levels of investigation and prosecution (domestic courts, international and hybrid tribunals)								Discussions
3. Criminal justice: the investigation/prosecution of the past violations and international human rights standards (State's obligation to conduct effective investigation, procedural guarantees of the accused; legal obstacles to investigation and prosecution (e.g. amnesty, pardon, immunity of State officials, a statute of limitations, non-retroactivity of criminal law))	3		2			5	14	Scientific analysis of literature. Discussions. Case study. Quiz. Group work (presentation of the case)
4. Lustration, vetting, purge: general issues (the concept; historical overview; advantages and disadvantages; main relevant sources)	2					2	8	Scientific analysis of literature. Discussions
5. Lustration: international human rights standards	2		1			3	12	Scientific analysis of literature. Discussions. Case study. Quiz. Group work (presentation of the case)
6. Truth-telling: general issues (knowing the truth as a human right; the aims of establishing the truth; Truth and reconciliation commissions (the concept, evolution, aims, powers, challenges); access to archives as a tool to seek for the historical truth)	2					2	8	Scientific analysis of literature. Discussions.
7. Truth-telling and commemorations: international human rights standards and main challenges	3		2			5	12	Scientific analysis of literature. Discussions. Case study. Quiz. Group work (presentation of the case)
8. Reparation: general issues (the concept, historical background; grounds for reparation; victim definition, subjects providing reparation)	2					2	8	Scientific analysis of literature. Discussions.
9. Reparation: (in)admissibility of the victims' claims for compensation/restitution and international human rights standards	4		2			6	12	Scientific analysis of literature. Discussions. Case study. Quiz. Group work (presentation of the case)
10. Reparation: how to make it effective (international human rights standards)	2		1			3	6	Scientific analysis of literature. Discussions. Case study. Group work (presentation of the case)
Total	24		8			32	98	

Assessment strategy	Weight, %	Deadline	Assessment criteria
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Independent scientific research work (presentation of one case)	10	During semester	During the course students will carry out an independent research (present their papers) on one case in the practice of international institutions, connected with the protection of human rights in the field of transitional justice
Giving solutions to quizzes	20	During semester	During the course students will have some very short quizzes
Written examination	70	During exam session	Students will provide answers to 30 Multiple Choice test questions and answer to one simulation case.

Author	Year of publication	Title	Issue of a periodical or volume of a publication	Publishing place and house or web link
Compulsory reading				
1.		Scientific articles, the case-law of the International Court of Justice, the United Nations Human Rights Committee, the European Court of Human Rights as indicated during the lectures		
2. Buyse, Antoine and Hamilton, Michael (Eds)	2011	Transitional Jurisprudence and the European Convention on Human Rights: Justice, Politics and Rights.		Cambridge: Cambridge University Press
3. Simič, Olivera (ed.)	2017	An Introduction to Transitional Justice		Abingdon, Oxon; New York: Routledge
4. Sweeney, James A.	2013	The European Court of Human Rights in the Post-Cold War Era. Universality in Transition		Abingdon, Oxon; New York: Routledge
Optional reading				
1. Bassiouni, M. Cherif (Ed.)	2010	The Pursuit of International Criminal Justice: A World Study on Conflicts, Victimization, and Post-Conflict Justice, Vol. 1.		Antwerp: Intersentia
2. Closa Montero, Carlos.	2010	Study on how the Memory of Crimes Committed by Totalitarian Regimes in Europe is Dealt with in the Member States, Institute for Public Goods and Policy Centre of Human and Social Sciences, CSIC, Madrid, Spain, January 2010		Available at: < http://www.ipp.csic.es/sites/default/files/IPP/proyectos/pdf/STUDY.pdf >
3. De Feyter, K.; Parmentier, S.; Bossuyt, M. and Lemens, P. (Eds)	2005	Out of the Ashes. Reparation for Victims of Gross and Systematic Human Rights Violations		Antwerpen: Intersentia
4. De Greiff, Pablo (Ed.)	2006	Handbook of Reparations		New York: Oxford University Press Inc
5. Hayner, Priscilla B.	2011	Unspeakable Truths: Transitional Justice and the Challenge of Truth		New York: Routledge, 2011, 2nd edition

		Commissions		
6. Stan, Lavinia; Nedelsky, Nadya (Eds.)	2013	Encyclopedia of Transitional Justice, Vol. 1, Vol. 2, Vol. 3		Cambridge University Press