



COURSE UNIT (MODULE) DESCRIPTION

Course unit (module) title	Code
TRANSITIONAL JUSTICE: PROTECTION OF HUMAN RIGHTS	

Lecturer(s)	Department(s) where the course unit (module) is delivered
Coordinator: assist. dr. Nika Bruskina Other(s):	Department of Public Law, Faculty of Law, Vilnius University Saulėtekio av. 9, Building 1, Room 405, LT-10222, Vilnius tel. (85)2366175, e-mail: vtkatedra@tf.vu.lt

Study cycle	Type of the course unit (module)
Second	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: -	Additional requirements (if any): -

Course (module) volume in credits	Total student's workload	Contact hours	Self-study hours
5	133	32	101

Purpose of the course unit (module): programme competences to be developed		
<p>The purpose of the course is to gain comprehensive knowledge about the concept and the goals of transitional justice as well as to systemically analyze the international human rights standards, set forth in the case-law of the international human rights institutions and the soft law, the European States shall or should apply while taking transitional justice measures; to form the abilities to critically assess and apply the sources of international human rights law and domestic law, as well as policies of European States in the field of transitional justice; 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 be able to thoroughly explain and systemically interpret the sources of international human rights law and domestic law of the European States in the field of transitional justice as well as apply them appropriately to concrete current human rights problems arising in European States in transition	Lectures (problem-based teaching), practical sessions (comparative assessment and systemic analysis of legal norms, presentations, group discussion, the analysis of problematic issues, case studies), individual work (search of information, analysis of the relevant legal framework, policy and case-law, reading of academic literature)	Discussion questions, case study, Multiple choice test, exam
Students will be able to compare and single out more appropriate, effective transitional justice mechanism established under domestic law of the European States having regard to the international human rights standards and the goals of transitional justice	Lectures (problem-based teaching), practical sessions (comparative assessment and systemic analysis of legal norms, presentations, group discussion, the analysis of problematic issues, case studies), individual work (search of information, analysis of the relevant legal framework, policy and case-law, reading of academic literature)	Discussion questions, case study, Multiple choice test, exam
Students will be able to compare and evaluate	Lectures (problem-based teaching), practical	Discussion

international human rights standards developed by the different international human rights institutions in the field of transitional justice	sessions (comparative assessment and systemic analysis of legal norms, presentations, group discussion, the analysis of problematic issues, case studies), individual work (search of information, analysis of the relevant legal framework, policy and case-law, reading of academic literature)	questions, case study, Multiple choice test, exam
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.	Practical sessions (comparative assessment and systemic analysis of legal norms, presentations, group discussion, the analysis of problematic issues, case studies), individual work (search of information, analysis of the relevant legal framework, policy and case-law, reading of academic literature)	Discussion questions, case study, Multiple choice test, exam
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.	Practical sessions (comparative assessment and systemic analysis of legal norms, presentations, group discussion, the analysis of problematic issues, case studies), individual work (search of information, analysis of the relevant legal framework, policy and case-law, reading of academic literature)	Discussion questions, case study, Multiple choice test, exam

Content: breakdown of the topics	Contact hours							Self-study work: time and assignments	
	Lectures	Consultations	Seminars	Practical sessions	Laboratory activities	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. Preparation for discussions
2. Criminal justice: general issues (the concept; definition of international crimes; the aims of the investigation into the past violations and prosecution of the criminals; different levels of investigation and prosecution (domestic courts, international and hybrid tribunals))	2						2	10	Scientific analysis of literature. Preparation for 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	13	Scientific analysis of literature. Preparation for discussions and case study.
4. Lustration: general issues (the concept; historical overview; advantages and disadvantages; main relevant sources)	2						2	8	Scientific analysis of literature. Preparation for discussions
5. Lustration: international human rights	2			1			3	14	Scientific analysis of

standards									literature. Preparation for discussions and case study. Preparation for the multiple choice test.
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. Preparation for discussions
7. Truth-telling and commemorations: international human rights standards and main challenges	3			2			5	13	Scientific analysis of literature. Preparation for discussions and case study.
8. Reparation: general issues (the concept, historical background; grounds for reparation; victim definition, subjects providing reparation)	2						2	8	Scientific analysis of literature. Preparation for discussions
9. Reparation: (in)admissibility of the victims' claims for compensation/restitution and international human rights standards	4			2			6	13	Scientific analysis of literature. Preparation for discussions and case study. Preparation for the multiple choice test
10. Reparation: how to make it effective (international human rights standards)	2			1			3	6	Scientific analysis of literature. Preparation for discussions and case study.
Total	24			8			32	101	

Assessment strategy	Weight, %	Deadline	Assessment criteria
Participation in class activities	30	During semester	<p>Assessment of participation in class activities consists of:</p> <ul style="list-style-type: none"> - <i>Two Multiple choice tests</i> (each test – 15 questions) on the topics discussed during the lectures before (the students will be asked to select a correct answer from the three choices offered as a list and/or the students will be asked to insert a necessary word in the sentence). - <i>Discussion questions and case-study</i>: The assessment will also be based on the capability to effectively orally present and discuss the jurisprudence of the international human rights institutions, to raise important questions, to provide own legal insights and arguments in a logical and structured manner, to critically assess the discussed legal issues, to provide other critical remarks as well as to contribute to other participants' ideas.
Written examination	70	During exam session	<p>Assessment of written exam consists of:</p> <ul style="list-style-type: none"> - 50 % - Students will provide answers to 25 Multiple Choice test questions (the students will be asked to select a correct answer from the three choices offered as a list and/or the students will be asked to insert a necessary word in the sentence). The completion of multiple choice test questions will reflect student's advanced knowledge in the problematics of protection of human rights in the field of transitional justice, conceptual understanding and critical assessment of related issues. - 20 % - Students will answer to one simulation case in writing (two questions will be posed in the simulation case). The assessment of simulation case will be based on the student's capability to provide arguments in a clear, structured, logical manner, to base his/her arguments on relevant legal provisions and case-law, to explain possibly different opinions of the academic debate, to provide his/her own insights and to base them on his/her own reasonable and convincing argumentation.

Author	Year of publication	Title	Issue of a periodical or volume of a publication	Publishing place and house or web link
Compulsary reading				
		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		
Buyse, Antoine and Hamilton, Michael (Eds)	2011	Transitional Jurisprudence and the European Convention on Human Rights: Justice, Politics and Rights.		Cambridge: Cambridge University Press
Simič, Olivera (ed.)	2017	An Introduction to Transitional Justice		Abingdon, Oxon; New York: Routledge
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				
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
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 >
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
Hayner, Priscilla B.	2011	Unspeakable Truths: Transitional Justice and the Challenge of Truth		New York: Routledge, 2011, 2nd edition
Caroli, Paolo	2018	The Thin Line between Transitional Justice and Memory Activism: The Case of the German and British ‘Pardons’ for Convicted Homosexuals	<i>International Journal of Transitional Justice</i> , Vol. 12(3), pages 499–514	
Ó Fathaigh, Ronan; Voorhoof, Dirk	2019	Article 10 ECHR and Expressive Conduct	<i>Communications Law</i> , 2019, Vol. 24 (2), 62-73	