

Course manual
Joint Master's Programme in
International Humanitarian Action

University of
Warsaw

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Reconciliation in a post-conflict society

Semester 2

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Credits 4 ECTS, equivalent to 100-120 work hours (1 ECTS = 25-30 hours)

Period: Second semester

Venue TBC

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, international criminal justice. Students will learn about definitions of international crimes, criminal jurisdiction, international tribunals, as well as alternative option for criminal prosecution (e.g. amnesty). They will learn how to apply legal sources to facts and they will discuss the possibility of reconciliation

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 on Brightspace. All literature which students are requested to read in order to prepare for the course will be put on Brightspace.

In addition, the 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

The course is a combination of lecture, discussion, work in the groups, role playing, Q&A sessions.

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!

Class 1

Introduction:

- history of international criminal law (ICL),
- main sources of ICL,
- relation between ICL and international humanitarian law, human rights law, refugee law

- Concept of justice (restorative, retributive justice) and reconciliation
- Division between responsibility of different subjects (states, individuals, legal entities)

Class 2

International (core)crimes:

- Aggression
- War crimes
- Genocide
- Crimes against humanity

Class 3

International crimes (continuation):

- Slavery,
- Torture,
- Apartheid,
- Enforced disappearance
- Terrorism,
- Piracy and other transnational crimes

Class 4-5

Individual responsibility – principles:

- Irrelevance of immunities
- Command/superior responsibility
- Question of responsibility of legal entities

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

Class 6

WWII cases

Class 7

EXAM

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
 - ICC

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

- ICTY
- ICTR

Class 8

The ICC - struggle for global jurisdiction:

Explanation of procedure issues:

- participants of international criminal proceeding,
- basic guarantees of fair trial,
- evidence,
- stages: investigation, pre-trial, trial, appeal, execution of verdicts

Class 9-10

ICC (students' presentations)

Class 11

Intro to Hybrid Tribunals

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

- Cambodia
- Lebanon
- Senegal
- Sierra Leone
- East Timor
- Kosovo
- CAR
- South Sudan

Class 12 Lustration, Amnesties, Truth Commissions

Lustration process:
(Eastern Europe)

- Poland
- Germany
- Czech Republic

Truth commissions and Reparations

Amnesties as an alternative to criminal justice

Class 13

EXAM

Class 14

Peace v. Justice debate/between Ukraine and Gaza

Class 15

Evaluation

6. Workload

The module will involve 30 hours of lectures/classroom (15 x 2 academic hours). Students are expected to also learn individually (mainly on the provided literature by the lecturer) in order to be prepared for each class.

7. Assessment methods

30 % - Activeness (presence, discussion, group presentation)
70 % - written exams

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

NA

