

Course Outline

COURSE:	LAWS 4603 B – Transitional Justice		
TERM:	Winter 2026		
PREREQUISITES:	LAWS 2908 or PAPM 3000 and fourth-year Honours standing.		
CLASS:	Day&Time:	Tuesdays 11:35 AM – 2:25 PM	
	Room:	Check Carleton Central to confirm	
INSTRUCTOR:	Dr. Elham Gharji		
CONTACT:	Office Hrs:	By appointment	
	Email:	ElhamGharji@cunet.carleton.ca	
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/home/366370		

CALENDAR COURSE DESCRIPTION

Legal and ethical responses to human rights violations in the transition to democracy. Dilemmas of the rule of law; truth and reconciliation; prosecution and punishment; amnesty; retribution and revenge; restorative justice; administrative remedy; reparations; International case studies. Theoretical arguments about justice in context of country.

COURSE DESCRIPTION

This course explores ethical-philosophical and political debates on justice, peace and reconciliation in societies emerging from conflict and/or authoritarian rule. It examines how nations address legacies of mass human rights violations while navigating fragile transitions toward peace and democracy. Students will engage in theoretical and political debates pertaining to peace and justice and critically assess key mechanisms of transitional justice such as truth commissions, trials, reparations, memorialization, and institutional reforms. Building on human rights and a rich interdisciplinary literature on conflict, peace and justice, the course assesses legal, political and practical debates on justice and accountability for mass violation of human

rights, and the challenges of building democratic institutions in contexts marked by violence, instability, societal divides, historical and structural injustices. By combining theoretical frameworks with case studies from diverse countries, the course equips students with analytical and critical tools to assess moral and political choices that different societies make to come to terms with legacies of war and mass violation of human rights and move towards a peaceful and democratic future.

LEARNING OUTCOMES

By the end of this course, students will be able to:

- Demonstrate knowledge of the legal and political theories related to justice and peacebuilding in conflict-affected societies.
- Demonstrate an understanding of the fundamental concepts and various elements of transitional justice such as criminal justice and accountability, truth and reconciliation, reparation, institutional reform, and memorialization, and how they relate to one another from theoretical and policy perspectives.
- Understand the challenges and complexities of balancing the need for peace and demand for justice and accountability in conflict-affected societies.
- Demonstrate an understanding of the legal and political dimensions of transitional justice, including the role of international and domestic legal mechanisms, civil society and NGOs in addressing war crimes, crimes against humanity, genocide and other international crimes.
- Identify the existing conceptual and practical limitations of transitional justice theory and practice.

REQUIRED TEXTS

Weekly reading materials will be provided electronically on the course's Brightspace page.

Students are not required to purchase textbooks or other learning materials for this course.

SUPPLEMENTARY TEXTS

Simić, O. (Ed.). (2020). *An introduction to transitional justice*. Taylor & Francis Group.

Teitel, R. G. (2002). *Transitional justice* (1st pbk. ed.). Oxford University Press.

Brodsky, R., Godole, J., Hoeres, P., Knabe, H., Merwe, H. van der, Metekia, T. S., Strassner, V., & Viebach, J. (2023). *After Dictatorship : Instruments of Transitional Justice in Post-Authoritarian Systems* (P. Hoeres & H. Knabe, Eds.). De Gruyter Oldenbourg. <https://doi.org/10.1515/9783110796629>

EVALUATION

Students' performance will be assessed along the following assessment components:

- 1. Attendance and participation: (30%)** – Attendance in this seminar is mandatory. Students will be marked against their weekly attendance and active participation in the class discussions. It is expected that students will complete the reading materials every week and come to class prepared with questions and comments to share during the class discussions.
- 2. In class group presentation: (20%)** - Students will be graded for delivering a presentation covering a weekly reading of their choice, starting from the third week of the term. A presentation sign-up sheet is posted on the course' Brightspace page, where students can choose a theme/topic from the course calendar to prepare a 20-30-minute in-class presentation, highlighting key points and arguments of the reading materials as well as a few questions to facilitate class discussions. Students can work in teams or prepare individual presentations, but they will need to coordinate with anyone else presenting in the same week. In the case of group presentation, every member of the team should equally contribute to the preparation and presentation of materials.
- 3. cuPortfolio assignment: (25%)** – This is an assignment that is developed throughout the course to document your learning and reflection on weekly basis. cuPortfolio is a Carleton digital platform with multimedia functionalities that allow students to engage in reflective learning and showcase their academic progress and skills. A technical demonstration of the cuPortfolio and how to use the platform and its capabilities will be offered in the first week of the class. A written guide on using the cuPortfolio, as well as the instructions for this assignment, including its components can be found in the Assignment Section on Brightspace. The cuPortfolio assignment is due on the last day of class April 7, 2026.
- 4. Final Exam: (25%)** – There will be a formally scheduled final exam in this course. The final exam will consist of short-answer questions and an essay question assessing students' theoretical knowledge and analytical skills. Students will develop these skills throughout the course and most importantly through their cuPortfolio assignment.

Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is at the discretion of the instructor, who will confirm whether an extension is approved and its duration. A late submission penalty of 2 points deduction per day will apply to each late submission for which an extension has not been approved.

For information about requesting short-term or long-term extensions, deferrals for final exams, or academic consideration due to illness, injury, or other extraordinary circumstances, please visit the Academic Consideration Policy page and complete the relevant forms as required. All requests must be submitted to the instructor before the assignment due date or, in the case of exam deferrals, directly to the Registrar's Office. Full details and instructions can be found here: <https://carleton.ca/registrar/academic-consideration-policy/>.

Class rules and expectations

- Students are expected to follow students' code of conduct and refrain from behaviors that disrupt the teaching processes. This includes using devices for purposes other than learning during class hours.
- Given the nature of the topics covered in this course, discussions at times could be sensitive, attracting divergent views based on different experiences and even identities. It is expected that students express their views freely while remaining respectful to other views and experiences.
- In compliance with intellectual property rights and to respect everyone's safety and privacy, recording of teaching sessions and their circulation in any format is completely forbidden.
- Attendance and participation in the seminar is mandatory and students are expected to complete the weekly reading materials prior to coming to class.

CLASS SCHEDULE

Week 1 (January 6): Introductions

Presentation of the course outline and class requirements, followed by an introductory lecture on the theory and politics of transitional justice.

Week 2 (January 13): What is Transitional Justice?

Required readings:

Mihr, A. (2020) An introduction to transitional justice. In Simić, O. (Ed.). *An introduction to transitional justice* (2nd ed., pp.1-28). Taylor & Francis Group.

Reiter, G. A. (2020) The development of transitional justice. In Simić, O. (Ed.), *An introduction to transitional justice* (2nd ed., pp.29-48) Chapter 2. Taylor & Francis Group.

Week 3 (January 20): Transitional Justice: origins, debates, and practice

Required readings:

Ruti G. Teitel, (2003). Transitional Justice Genealogy, *Harvard Human Rights Journal*, 16, 69–94.

Paige A. (2009) How ‘Transitions’ Reshaped Human Rights: A Conceptual History of Transitional Justice. *Human Rights Quarterly*, 31, 321–67.

Gissel, Line E. (2022) The Standardisation of Transitional Justice. *European Journal of International Relations*, 28, 859–84.

Week 4 (January 27): (Transitional) Theories of justice

Required readings:

Clark, Janine N. (2008). The Three Rs in Transitional Justice: Retributive justice, restorative justice, and reconciliation, *Contemporary Justice Review*, 11(4), 331–350

Allais, L. (2011). Restorative Justice, Retributive Justice, and the South African Truth and Reconciliation Commission. *Philosophy & Public Affairs* 39(4), 331–63.

Archibald, B. and Llewellyn, J. (2006). The Challenges of Institutionalizing Comprehensive Restorative Justice: Theory and Practice in Nova Scotia. *Dalhousie Law Journal* 29, 297-343. Available at SSRN: <https://ssrn.com/abstract=2120718>

Week 5 (February 3): Criminal justice and accountability

Kerr, R. (2020) International criminal justice. In Simić, O. (Ed.), *An introduction to transitional justice* (2nd ed., pp.49-72). Taylor & Francis Group.

Kim, H., & Sikkink, K. (2010). Explaining the deterrence effect of human rights prosecutions for transitional countries. *International Studies Quarterly*, 54(4), 939–963
<https://doi.org/10.1111/j.1468-2478.2010.00621.x>

Gutiérrez-Rodríguez, C. (2023). International Criminal Court Standards in a Context of Transitional Justice. *Journal of International Criminal Justice*, 21(3), 579–601.
<https://doi.org/10.1093/jicj/mqad033>

Week 6 (February 10): International justice and universal jurisdiction

Langer, M. (2015). Universal jurisdiction is not disappearing. *Journal of International Criminal Justice*, 13(2), 245-256.

Leyh, B. M. (2022). Using strategic litigation and universal jurisdiction to advance accountability for serious international crimes. *International Journal of Transitional Justice*, 16(3), 363–379. <https://doi.org/10.1093/ijtj/ijac020>

Moita, L. (2015). Opinion Tribunals and the Permanent People’s Tribunal. *JANUS.NET ejournal of International Relations*, (6) 1. Available online at
www.permanentpeopletribunal.org/wp-content/uploads/2023/07/Articolo-Moita-EN.pdf

Week 7 (February 17): WINTER BREAK. NO CLASS

Week 8 (February 24): Truth and Reconciliation

Required readings:

Fijalkowski, A. (2020). Truth and reconciliation commissions. In Simić, O. (Ed.), *An introduction to transitional justice* (2nd ed., pp.97-122). Taylor & Francis Group.

Gutmann, A., & Thompson, D. (2000). The Moral Foundations of Truth Commissions. In Thompson, D. & Rotberg, R. I. (Eds.), *Truth v. Justice: The Morality of Truth Commissions* (Vol. 20, pp. 22–44). Princeton University Press.
<http://www.jstor.org/stable/j.ctt7t4sd.5>

Mamdani, M. (2002). Amnesty or Impunity? A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa (TRC). *Diacritics*, 32, 33–59.

Week 9 (March 3): Reparation and Reporative Justice

Required readings:

McCarthy, C. (2009). Reparations under the Rome Statute of the International Criminal Court and Reporative Justice Theory. *International Journal of Transitional Justice*, Volume 3, Issue 2, Pp. 250–271. <https://doi.org/10.1093/ijtj/ijp001>

de Greiff, P. (2006). *Justice and reparations*. In de Greiff, P. (Ed.), *The handbook of reparations*. Oxford Academic. <https://doi.org/10.1093/0199291926.003.0013>

Moffett, L. (2016). Reparations for ‘guilty victims’: Navigating Complex Identities of Victim-Perpetrators in Reparation Mechanisms. *International Journal of Transitional Justice*, 10(1), 146-167

Week 10 (March 10): Memorialization

Required readings:

Clark, J. N. (2020). Re-thinking memory and transitional justice: A novel application of ecological memory. *Memory Studies*, 14(4), 695-712.
<https://doi.org/10.1177/1750698020959813> (Original work published 2021)

Karl, S. (2014). Rehumanizing the Disappeared: Spaces of Memory in Mexico and the Liminality of Transitional Justice. *American Quarterly*, 66(3), 727–748.

Orange, J. (2018). The Work That Remains: Continuing the Reconciliation Work of Legal Tribunals through Museums. *Canadian review of comparative literature*, 45(4), 597–613.

Week 11 (March 17): Institutional Reform and Transformative Justice*Required readings:*

Molloy, S. (2022). Conceptualising the transformative justice potential of peace processes. *The International Journal of Human Rights*, 27(2), 307–334. <https://doi.org/10.1080/13642987.2022.2109017>

Dáire McGill. (2017). Different Violence, Different Justice? Taking Structural Violence Seriously in Post-Conflict and Transitional Justice Processes. *State Crime Journal*, 6(1), 79–101.

Evans, M. (Ed.). (2019). Transitional and transformative justice: Critical and international perspectives. In Evans, M. (Ed.). (2019). *Transitional and transformative justice : critical and international perspectives*. Routledge. <https://doi.org/10.4324/9781351068321>

Week 12 (March 24): Women and Gender Issues in Transitional Justice*Required readings:*

Lambourne and Carreon (2016). Engendering Transitional Justice: a Transformative Approach to Building Peace and Attaining Human Rights for Women, *Human Rights Review*, 17 (1) 71-93.

Aoláin, F. N. (2009). Women, Security, and the Patriarchy of Internationalized Transitional Justice. *Human Rights Quarterly*, 31(4), 1055–1085.

Luoma, C. (2021). Closing the cultural rights gap in transitional justice: Developments from Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls. *Netherlands Quarterly of Human Rights*, 39(1), 30-52. <https://doi.org/10.1177/0924051921992747>

Week 13 (March 31): Truth and Reconciliation in non-transitional contexts*Required readings:*

Honoring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada. Introduction (2015): 1-25.

Nagy, R. (2014). The Truth and Reconciliation Commission of Canada: Genesis and Design, *Canadian Journal of Law and Society*, 29, 199–217.

Vanthuyne, K. (2021). “I Want to Move Forward. You Can Move Forward Too” Articulating Indigenous Self-determination at the Truth and Reconciliation Commission of Canada. *Human Rights Quarterly*, 43, 355-377

Week 14 (April 7): End of the term wrap-up discussion

University and Departmental Policies

ACADEMIC INTEGRITY

It is expected that, as members of Carleton University, students fully comply with and respect Carleton’s *Academic Integrity Policy* (Available here: www.carleton.ca/senate/senate-policies/) in conducting their academic work, including in their written assignments. In that regard, the following practices are prohibited in this class:

- a. Permissibility of submitting substantially the same piece of work more than once for academic credit.
 - Although this is not a violation of the Academic Integrity Policy, students are prohibited from re-using their own work from a different course/assignment to fulfill the requirement for this course. However, students are allowed to use any arguments or findings from of such assignments provided that they are acknowledged and properly cited.
 - If you are planning to use segments from your previous assignments and have questions about what constitutes ‘substantially the same piece of work’, please seek the instructor’s advice.
- b. Permissibility of group or collaborative work.
 - Students may work in teams to produce a collaborative content e.g. seminar presentation. In such cases, each student should demonstrate that they have equally contributed to the production and presentation of such assignment as evidenced through peer-evaluation (the instructor will provide the evaluation form to those choosing to work in teams).

c. Permissibility of the use of generative artificial intelligence tools (e.g. ChatGPT).

- Any use of generative AI tools to produce assessed assignment in this course is considered a violation of academic integrity standards. Assignments suspected to have been produced by generative AI will be investigated according to Carleton's Academic Integrity Policy on plagiarism, and the assignment will not receive a grade if found to have been generated by AI (e.g. ChatGPT) and the student will be referred to the academic integrity office for disciplinary action.
- Please seek the instructor's advice if you are in doubt about using AI tools as research or writing aid e.g. editing, visualization, etc.

COOPERATION AND COLLABORATION

Collaboration is permitted in specific instances where the instructor allows it e.g. class presentation, in which case students are encouraged to work together and divide the tasks evenly. In all other cases students must complete their work independently.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one's own.*” This includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://wellness.carleton.ca/get-help-now/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (<https://students.carleton.ca/course-outline>).

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

Pregnancy and Family-Status Related Accommodations

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details about

the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

Academic Accommodations for Students with Disabilities

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).