

LSJ 491: International Justice on Trial

Autumn 2018

Tues & Thurs 2:30-4:20, LOW 111

Instructor: Emily Willard (eawill@uw.edu)

Office Hours: Tuesdays and Thursdays 1-2pm, Smith M263

Class Canvas website: <https://canvas.uw.edu/courses/1222732>



Messages of wishes for peace tied to a tree (left) near the Peace Palace (right), home of the International Court of Justice, The Hague, The Netherlands in 2014.

One message reads: "I wish that my children will be able to live in a world filled with less hate than now."

Course Introduction

This class will examine human rights civil and criminal trials at the domestic, transnational, and international levels, focusing specifically on how trials can be used as a tool of transitional justice and advance human rights, as well as the limits of trials in achieving justice. Topics explored will include the principle of universal jurisdiction, the right to information, immigration fraud cases, and what types of evidence present the strongest cases, among other topics. Students will gain an understanding of these issues through various case studies of disappearances and massacres in Latin America, and genocide in Rwanda and Bosnia, and immigration fraud trials in the United States. This course meets the LSJ seminar and "rights" subfield requirement and serves as a writing credit.

The goal of the class is expose students to the variety of ways that judicial proceedings can be used to address human rights violations in attempt to achieve a sense of justice. Students will also be able to deeply interrogate the concept of justice itself, considering a multitude of ideas

about what justice even is, and the strengths and limitations to using civil and criminal judicial proceedings to achieve these forms of justice.

Students are encouraged to think through the concept of justice, what justice means, and to whom. Students will analyze strengths and weaknesses of the international and state-level judicial systems, as well as explore alternative approaches to justice. This course is not designed to point you to any one “right” answer, but to provide you with tools to engage critically in the world around you, and to develop your own ideas and opinions.

Regardless of your political orientation, class background, profession, religious or ethnic identity, or citizenship status, *you are welcome in this class*. Please let me know how I can best foster an environment in which you feel comfortable participating as much as possible. Ideas of justice and how to address mass atrocity, human rights violations, and genocide are some of the most difficult questions our society faces, and I do not believe any one (political, cultural, ethnic, or occupational) group holds the answers for how to solve them. We need a variety of voices and perspectives to join the conversation, and I will do my best to facilitate an open discussion, though I need your participation to help make this happen.

Requirements and Grading Policy

All students are expected to attend class meetings, complete all assigned readings, complete weekly online prompts, write a final paper, and participate actively in discussions in class. Your course grade will be assessed as follows: 30% participation in class discussions and weekly writing prompts; 30% midterm; and 40% final paper.

All written assignments will be posted on canvas, and must be turned in via canvas, however “canvas wasn’t working” is not an excuse for having turned an assignment in late. If canvas is not working, please inform me ahead of time if possible, and email me your assignment.

30% of Grade: Participation

- *10% In-Class Discussion (out of 40 possible points)*

To get full credit, you must participate in class discussion. Aim to share at least one thoughtful comment per class period. This is a discussion seminar! It is understood that people have different communication skills, so I will offer a variety of ways to participate, but it is your responsibility to speak up. If you have concerns about this please speak to me. Each week is out of 4 points.

- *20% Weekly Assignment: Writing Prompts based on Readings (out of 80 possible points)*

Each week, students will be required to respond to a prompt about course readings on the canvas discussion page and include a question they had about the readings. Students must submit the reflection and question(s) by 9am the day of class, unless otherwise noted. Please pay attention to word count requirements for each prompt, they vary. To get full credit, you must include a word count at the end of each prompt.

When a prompt refers to the “How to read an academic paper” Schema, it is referencing [THIS](#) which we review the first day of class (available in “files” on canvas). If you don’t understand or are unclear about how to fill this out, see me BEFORE it is due. If you cannot access canvas for whatever reason, email it to me your response to the weekly prompt. “Canvas was not working” is not an excuse to turn weekly assignments in late. “I didn’t understand” is also not an excuse. Do your best and we will review everything in class. Copying each other’s work is not tolerated. If you copy each other’s reflection assignments, you are cheating yourself out of a learning opportunity.

30% of Grade: Midterm Rough Draft/Plan for Final Paper Assignment DUE Sunday 11/4 at 5pm on canvas (out of 120 possible points) *You must have your topic approved ahead of time, due via canvas by 10/25. You should not wait until this time to begin. You should be thinking about your topic and researching from the beginning of class.*

You must write a 1000-word plan for your final paper assignment that includes the following (consider this a grading rubric, it must have each of these components):

- Identification and brief summary of selected case
- What additional sources will you use, specific to your case? (Provide at least 5 annotated bibliography entries.*)
- What is your main argument? (What is your answer to the central prompt question?)
- What pieces of evidence do you anticipate using to make this argument? (Provide at least 5 pieces of evidence.)
- What are your preliminary (brainstorming) ideas for alternative approaches to justice?

You may also use the “how to read an academic paper” schema or an “outline” format to help you plan out your paper.

*An annotated bibliography summarizes the main points, research question, and conclusion of the source, and explains how it relates to your own argument.

40% of Grade: DUE 12/7 at 4pm in LSJ office in *hard copy*, Smith Hall M253 (out of 160 possible points)

Final Paper Assignment 10-12 pages, double spaced (3,500 words) not including footnotes/bibliography answering the following two-part question:

1. **To what extent do the use of criminal and/or civil trials in achieve “justice” in human rights cases?** To answer this question, you must choose one case study* and explore the strengths AND weaknesses of the use of criminal and/or civil trials in this case. You must make a solid argument about the effectiveness in using criminal and/or civil trials in order to achieve justice in this case. In order to make a solid argument, you need to define what you think justice is, you need to argue your viewpoints, but you also need to identify and refute the arguments of the other side will use in making its own case.

2. Secondly, **are there approaches to achieving justice beyond criminal and civil trials that you believe could be effective?** What recommendations do you make? This should address the weaknesses you identified in use of criminal and/or civil trials. You should identify alternatives discussed in class and think creatively about other ideas. You should use primary sources and secondary sources as evidence to make your case.

****You cannot choose Rwanda, Guatemala, El Salvador or Bosnia as your case study as we've discussed them extensively in class, unless you want to deeply explore an aspect we have not discussed in class and conduct additional research on this other aspect - see me for approval of your final paper topic. Possible topics include: Cambodia, Sudan, Syria, United States, Argentina, Chile, Honduras, Northern Ireland, Iraq (see Samantha Power's book "[A Problem from Hell: America in the Age of Genocide](#)" for other ideas). **Your topic is due for approval via canvas on Thursday, October 25th.****

Additional Notes

Class Bulletin Board: On canvas, there is a general posting board for you to share interesting, course-related information with your classmates. You can share events, news articles, resources, inspiring stories, links to movies or questions for your fellow classmates, for example.

Getting in contact with me: while Canvas may have a feature to send messages, I don't always get a notice if you send me a message, so the best way to contact me is by email: eawill@uw.edu, or to come see me in office hours

Word counts: Assignments are given in page numbers and word count requirements, you must include a word count at the end of each assignment. Points will be taken off if you do not include a word count. For the midterm and final, you may go over or under the word count by 20 or so words, but more than that will result in points taken off. Weekly writing assignments, the word counts are a minimum. So you have to have "at least" that number of words, but you are allowed to go over. It is important for academic and general life skills to be able to write concisely and clearly and follow instructions.

Citations: You must always provide citations for information and words that are not your own ideas, including primary and secondary sources, as well as class discussions. You must choose a citation format and use it consistently, including page numbers. If you do not know how to cite a particular source, please consult me, or a reference librarian. You can use footnotes OR in-text citations with a bibliography.

Due dates: Late assignments will not be accepted for any reason except medical emergencies supported by doctor's notes. If there are ongoing health issues that will impact your ability to turn work in on time, it is recommended that you consult [Disability Resources for Students \(DRS\)](#) to make formal arrangements.

Outside help: While each student must turn in unique assignments, representing only their own work, and plagiarism will not be tolerated, talking to a classmate about their ideas is encouraged,

as is seeking guidance from the writing center to ensure you are expressing your ideas as clearly and strategically as possible.

Resources

For help researching your long paper, please visit Emily Keller the Human Rights librarian at the UW library. For more information and to make an appointment with her, see:

<http://guides.lib.uw.edu/research/emkeller>

Any student who has a need for special accommodation(s) in this class should contact the Disability Resource Center (<http://depts.washington.edu/uwdrs/>) and/or speak with me privately to discuss the specific situation.

Course Outline and Readings

All readings are available on Canvas under course files, and via links on the syllabus. All audio-visual materials are provided as links on the syllabus. Students are not required to purchase any texts for this class. You should bring a copy of the readings to class to reference during discussion. Paper copy is ideal, but electronic is also permitted, though if it appears that people are doing other things with their electronic devices, they will be prohibited during class time.

**Weekly assignments and readings subject to change. You will be notified of any changes through canvas, email, and/or announcement in class. **

NOTE: Some of the material presented in this class may be disturbing. It is impossible to come to grips with the search for justice in response to human rights violations, mass atrocity, and genocide without delving into accounts of torture, rape, and other violent acts. I understand that this can be particularly difficult for survivors of trauma. If you have been diagnosed with PTSD, you may want to consult me for advance warning as to which readings, discussions, and films might include material you may find difficult. Please feel free to approach me about these concerns.

WEEK 1: Course Introduction

9/27: Introductions, how to read academic texts, review syllabus and class expectations

Readings: none

Assignments: none

Weekly Learning objectives: [how to read academic texts](#), prepare for course requirements and expectations, understand syllabus

WEEK 2: What is justice and why are trials important?

10/2: Case of Dos Erres - *Finding Oscar*

Readings: [Minow \(1998\) *Between Vengeance and Forgiveness*, Introduction and Chapter 2 \(pgs. 1-24\)](#)

10/4: What is justice?

Readings: [Minow \(1998\) *Between Vengeance and Forgiveness*, Chapter 3 \(pgs. 25-51\)](#)

Assignment: Reflect on weekly readings and discussion. See canvas for prompt. Due 10/4 by 9am on canvas discussion board.

Weekly Learning objectives: critical analysis, demonstrate understanding of basics of concept of justice, and trials as a mechanism of justice.

WEEK 3: Civil versus Criminal - How to Achieve Justice?

10/9: Civil Trials

Readings: [Sikkink and Kim \(2013\) "Justice Cascade"](#)

Doyle (2017) ["Creative Justice: Behind the battle to make U.S. courtrooms sites of accountability for Latin American human rights atrocities"](#)

10/11: Criminal Trials

Reading: [Taylor \(2003\) *The Archive and the Repertoire*, Chapter 6](#)

Assignment: "How to read an academic paper" Schema, fill out for Sikkink and Taylor readings. Due 10/11 by 9am on canvas discussion board.

Weekly Learning Objectives: Understand the difference between civil and criminal approaches to human rights issues; think critically about concept of justice and how criminal and civil cases address it differently. Demonstrate understanding of concept of "justice cascade."

WEEK 4: Domestic Trials

10/16: Guatemala Genocide Case

Readings:

- Burt (2016) [“From Heaven to Hell in Ten Days”](#)
- [Radio Caput “Children of the Genocidaires”](#)
- Goni (2017) [“Sins of the Father”](#)
- McLean (2013) [“Guatemala’s Constitutional Court Overturns Rios Montt Conviction”](#)
- *New York Times* Editorial Board (2013) [“Justice Interrupted in Guatemala”](#)
- Letters to the Editor, *New York Times* (2013) [“The Trial of Guatemala’s Former Dictator”](#)

Recommended Readings: |

Simmons (2018) [Domestic Origins of Human Rights Trials](#)
Center for Justice and Accountability [“Justice in Guatemala”](#)

(You should already be thinking about your midterm/final paper topic.)

10/18: United States - Immigration Fraud

Readings: News media on immigration fraud cases

- Muyenyezi Case, McPhee (2015) [Boston Magazine](#)
- Muyenyezi Case, (2013) [Dept of Justice Press Release](#)
- Jordan Case, (2010) [Dept of Justice Press Release](#)
- Jordan Case, Doyle (2010) [“Wrenching Testimony and a Historic Sentence”](#)
- Montano Case, Willard (2012) [“El Salvador Ex-Military Pleads Guilty”](#)
- Montano Case, (2017) [Dept of Justice Press Release](#)

Recommended reading: [United States vs. Muyenyezi court decision \(2015\)](#)

Assignment: Writing assignment for Role Play - 500 words, due 10/22 at 5pm, bring a paper copy with you to class on Tuesday.

Weekly Learning Objectives: critical thinking about what justice is, and from perspectives of perpetrators, family members, victims, international community, and bystanders.

WEEK 5: Transnational Human Rights Cases - Trials in a Global Political Context

10/23: Are Perpetrators Savages?

Reading: [Mutua \(2001\) “Savages, Victims, Saviors”](#) - Excerpt ([full article HERE](#) is optional)

Submit final paper topic for approval, via canvas on 10/25. DO NOT WAIT UNTIL NOW TO START WORKING ON YOUR MIDTERM!

10/25: Case study of the Jesuit Case - Universal jurisdiction

Reading: Roht-Arriaza (2005) *The Pinochet Effect*, [preface](#) and [Chapter 1](#)

Assignment: “How to read an academic paper” schema, fill out for Roht-Arriaza readings and reflection question on canvas. Due 10/25 at 9am.

Weekly Learning Objectives: critical thinking about what justice is, and from different perspectives, reinforce justice cascade

WEEK 6. International Courts of Justice or Injustice?

10/30: ICTR, ICTY, ICC and their limitations

Readings:

Samantha Power (2001) “[Bystanders to Genocide](#)” in *The Atlantic*

Watch the following Tribunal Voices interview excerpts and pick at least 3 additional ones to watch. (They are short, almost all are 2 minutes or less.) Available from:
<http://www.tribunalvoices.org/voices/>

- Roland Adjori, Senior Legal Advisor: [“the Tribunal’s quest for justice”](#)
- Alessandro Caldarone, Senior Officer: [“the victims of the Genocide”](#)
- Adama Dieng, Registrar: [“retributive and restorative justice”](#)
- Avp Fadugba, Chief of Information & Evidence: [“emotional reaction to the evidence”](#) and [“the role of the evidence section in the terms of exculpatory material”](#)
- Philippe Larochelle, Defense Counsel: [“rationale for the ICTR”](#) and [“missed opportunities to fight a culture of impunity”](#)
- Beth Lyons, Defense Counsel: [“one-sided justice”](#) and [“lack of principle at the prosecution office”](#) and [“definitions of genocide”](#)
- Francois Bembatoum, Chief Interpreter: [“the difficulty of giving faithful renditions of witness testimony”](#)
- Colette Ngoya, Translator: [“the tribunal’s existence as progress”](#)
- Alfred Kwende, Chief of Investigations: [“the challenges of investigating genocide”](#)
- Dennis Byron, President and Judge: [“factual historical record”](#)
- Angeline Djampou, Chief Librarian: [“empowering people with information”](#)

11/1: International Criminal Tribunal for the former Yugoslavia - Is this justice?

(Please note, this section of readings and videos concern suicide and includes footage that may disturbing for some people)

Readings: news media coverage and video clips of Mladic and Praljak tribunals in ICTY

- [Summary of Mladic Case](#) (for more information, see ICTY website [here](#))
- Mladic Trial, [Mladic Trial Judgment Highlights](#) (5 minutes)
- [“Mladic refuses to testify in war crimes trial”](#) Al Jazeera Coverage of Mladic testimony in Karadzic trial (3 minutes) (note: Karadzic was Mladic’s boss, both were on trial)
- [Karadžić - Testimony of Ratko Mladić \(Part 2/2\) - 28 January 2014](#) (watch at least first 10 minutes or so)
- Praljak Case in ICTY - [“U.N. tribunal seeks answers after stunned by courtroom suicide”](#) *Reuters*, November 30, 2017

Assignment: See short reading reflection prompt on canvas.

Weekly Learning Objectives: Gain an understanding of international criminal court and tribunals, think critically about what justice is and how these international mechanisms achieve justice or not, and for whom.

Midterm Rough Draft/Plan for Final Paper Assignment DUE Sunday 11/4 at 5pm on canvas.

WEEK 7: Access to information - The FOIA, Declassified Documents, and evidence in cases of forced disappearance

11/6: FOIA and Guatemala’s Death Squad Diary

Readings: Watch *To Eco the Pain of the Many*, a film by Ana Lucia Cuevas, <https://vimeo.com/37979362>

Recommended Reading:

Grinberg Pla (2016) ["Filming Responsibly: Ethnicity, Community, and the Nation in Ana Lucía Cuevas’s *El eco del dolor de mucha gente*"](#)

Doyle (2011) [“Remains of two of Guatemala’s Death Squad Diary victims found in mass grave”](#)

EXTRA CREDIT: complete reading schema for Grinberg Pla reading in 150 words. Due via canvas on 11/6 at 12 noon.

11/8: Cases of forced disappearance

Reading: Kovras (2017) *Grassroots Activism and the Evolution of Transitional Justice*, [Chapter 4](#) and [Chapter 5](#) (pgs. 84-126)

Recommended Reading: [Kovras \(2017\) *Grassroots Activism and the Evolution of Transitional Justice*, Chapter 3](#)

Assignment: “How to read an academic paper” schema for Kovras, due 9am 11/8.

Weekly Learning Objective: Gain an understanding of the relationship between the crime of forced disappearances and access to information.

WEEK 8: Evidence - Documents and Eyewitness Testimony

11/13: U.S. Declassified Documents and Guatemala’s Genocide

Reading: [Stoler \(2006\) “Colonial Archives and the Art of Governance” \(pgs. 267-279\)](#)

11/15: Eyewitness Testimony

Reading: [Vizenor \(2009\) *Native Liberty*, Chapter 6: Genocide Tribunals \(pgs. 131-157\).](#)

Assignment: Complete “How to read an academic paper” schema for Stoler, and prompt for Vizenor reading (see canvas) due 11/15 9am.

Weekly Learning Objective: Able to critically engage declassified government documents, and understand how both documents and eyewitness testimony can serve as evidence in human rights trials.

WEEK 9: Evidence - DNA and Satellite Images

11/20: DNA and Satellite Images

Readings:

- Maron (2017) [“How Satellite Images Can Confirm Human Rights Abuses”](#)
- Snow (2012) [“Pentagon Satellite Images”](#)
- Eric Benn Expert Witness Testimony, [Trial Transcript, February 29, 2012](#) (focus on pgs. 17-35)
- Eric Benn Expert Witness Testimony, [Trial Transcript, February 12, 2013](#) (focus on pgs. 39-53)
- NGA Satellite Images ([exhibits in Benn Testimony](#))

- Snow, Stover, and Hannibal (1989) [“Scientists as Detectives Investigating Human Rights”](#)

Recommended Reading: Hamilton (2011) [“U.S. Opposition to International Criminal Court in 2004-2005 Held Up Peacekeeping, Slowed Justice for Genocide Perpetrators”](#)

11/22: Thanksgiving - No class

Assignment: None

Weekly Learning Objective: Understand the role that satellite images and DNA can serve as evidence in human rights trials

WEEK 10: Diverse Narratives of Justice and Evidence

11/27: Other Kinds of Evidence

Reading: Anker (2005) [“The Truth in Painting: Cultural Artifacts as Proof of Native Title” - excerpt](#) (pgs 145-166) ([full article HERE](#) optional)

11/29: Returning Archives and Land

Reading: Wareham (2008) [““Our Own Identity, Our Own Taonga, Our Own Self Coming Back”: Indigenous Voices in New Zealand Record-Keeping”](#)

Recommended Reading: Tuck and Yang (2012) [“Decolonization is not a metaphor”](#)

Assignment: “How to read an academic paper” schema for Wareham and Anker, due 9am 11/29.

Final Paper: DUE 12/7 at 4pm in LSJ office IN HARD COPY, Smith Hall M253 - you may submit online through canvas, but you *MUST* also submit a hard copy in the LSJ office.