

## SYLLABUS DE COURS

Intitulé du cours : **Transitional Justice and Democracy**

Nom de l'enseignant : **PHILIPPE**

Prénom : **Xavier**

Périodicité : Annuel

Semestriel (1)

Semestriel (2)

Niveau d'enseignement concerné :

1<sup>ère</sup> année

2<sup>ème</sup> année

4<sup>ème</sup> année Master 1

5<sup>ème</sup> année Master 2

Cours spécifique étudiants internationaux

Conférence de Méthode

Cours Magistral

### Objectifs pédagogiques du cours :

This course focuses on the presentation and study of the issue of "justice in post-conflicts environments". It deals with the specific challenges that justice faces in post-conflicts situations and especially through non-judicial channels. At the eve of the third millennium, political and legal transitions from authoritarian and dictatorial regimes to the establishment of democracy, Constitutional State and the respect for the rule of law are a worldwide dimension phenomenon. In most cases, political regimes prior to the establishment of democracy were characterized by grave violations of human rights and humanitarian law. Political and legal answers to these past violations represent a key test for the trust and reliability of the new political democratic regime. Faced to this opposition between peace and justice, the transitional process has to respond to enormous challenges. Students will be exposed to these issues in a transversal manner

### Contenu / descriptif du cours :

All countries in transition process shall resolve similar problems : Can they or should they punish violations of human rights committed -most of the time- on a large scale basis when these violations happened under a previous regime in a context of war or major crisis? Should amnesty be granted? In the affirmative, under which conditions such measures of pardon can be granted? Is amnesty an unavoidable solution due to the peace necessity and the establishment of a new democracy? Is the Society in itself faced to the necessity of recognizing the errors of the past? Should public administration and political sector be completely be cleaned from those who were in charge during the crisis or armed conflict period? How victims of violations can be helped and their dignity restored? To what extent private properties seized during the conflict or the crisis can be restituted to their former owners?

### Indications bibliographiques :

1. Transitional Justice: How Emerging Democracies Reckon With Former Regimes: Country Studies by Neil J. Kritz (Editor), Paperback: 832 pages, Publisher: United States Institute of Peace; ISBN: 1878379445; (October 1997)
2. Truth v. Justice by Robert I. Rotberg (Editor), Dennis Thompson (Editor), Paperback: 296 pages ; Publisher: Princeton Univ Pr; ISBN: 0691050724; (September 15, 2000)
3. Terror and Atrocity by Priscilla B. Hayner, Hardcover: 340 pages, Publisher: Routledge; ISBN: 0415924774; (December 2000)
4. Transitional Justice by Ruti G. Teitel, Hardcover: 308 pages ; Publisher: Oxford Univ Pr; ISBN: 0195100646; (May 2000)
5. Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence by Martha Minow, Paperback: 224, Publisher: Beacon Press; ISBN: 0807045071; (November 1999)