



UNIVERSITY "UKSHIN HOTI" PRIZREN
International Summer School (ISS) 2022 Edition
Faculty of Law

SYLLABUS					
Academic unit / faculty:	Faculty of Law		ISS edition:	2022	
Course title:	Transitional Justice in Kosovo: The Pursuit of Justice through Courts and Tribunals				
Course status:	Obligatory	Code:		ECTS credits:	4
Teaching days/weeks:	14 days / 2 weeks	Teaching hours:	Lectures:	Exercises:	
			3	1	
Office hours:	Daily (Monday-Friday, 2 Weeks)				
Course professor 1. / Supervisor:	Abdulla Azizi	E-mail:	a.azizi@seeu.edu.mk		
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COURSE DESCRIPTION:					
<p>Transitional Justice in Kosovo includes several mechanisms which fit within the broader framework in addressing human rights violations and mass atrocity crimes committed in Kosovo during the war in 1998-1999. The focus of this course includes efforts to address Kosovo's wartime past, through criminal justice. This is because the greatest efforts of transitional justice in Kosovo have gone through the court and tribunal mechanisms rather than the efforts in other transitional justice mechanisms to support in moving towards a more peaceful future. A number of different judicial mechanisms have adjudicated various crimes committed during the war in Kosovo, by domestic courts in both Serbia and Kosovo, including trials by international organizations with judicial mandates within Kosovo United Nations Mission in Kosovo and European Union Rule of Law (UNMIK and EULEX). These trials were conducted within the Kosovo judicial system composed of foreign judges and prosecutors within UNMIK and EULEX. Thus, in addition to these trials, two other mechanisms are very important. First, The International Criminal Tribunal for the former Yugoslavia (ICTY) was a United Nations (UN) court of law that dealt war crimes that took place in the Balkans during the 1990s, including those that occurred in the conflict in Kosovo. This court in some cases provided victims the opportunity to express the horrors they witnessed and experienced and the suspected of bearing the greatest responsibility for atrocity crimes during armed conflicts can be called to account. Also, this course will be focused on the effectiveness of domestic courts and the ICTY tribunal in the pursuit of criminal justice in Kosovo, did or did not meet with expectations of the victims and to gain the trust of citizens to restore trust justice processes. Second, after all these mechanisms, the last judicial mechanism, ad-hoc hybrid tribunal was established in 2015 by the Assembly</p>					

<p>of the Republic of Kosovo which adopted the constitutional amendments and the Law on Specialist Chambers and Specialist Prosecutor's Office, (Kosovo Specialist Chambers). The Specialist Court, a court of Kosovo, but located in The Hague (Netherlands). The Kosovo Specialist Chambers has just begun its prosecutions, and the role and contribution to transitional justice remains to be seen in the future.</p>		
<p>Course objectives:</p> <ul style="list-style-type: none"> - Understanding key concepts of transitional justice (TJ) - Analysis of transitional justice in Kosovo through courts and tribunals - Evaluating responsible mechanisms and institutions of the TJ - Critical overview of the international and domestic trials, truth and reconciliation commission, hybrid institutions and reparation 	<p>Course learning outcomes:</p> <ul style="list-style-type: none"> ▪ At the end of the course, students will be able to: <ul style="list-style-type: none"> - understand the principles and ethics of dealing with the past and transitional justice in Kosovo; - develop an integrated knowledge base to take initiatives and use existing mechanisms for specific sectors of transitional justice in Kosovo; - apply the instruments of transitional justice; - adjudicate processes on international law and raise responsibility for transitional justice and reparation from past cases; - assist in system reform and contribute to the development of transitional justice strategies. 	
<p>TEACHING METHODS:</p>		
<p>Lectures, exercises, discussions, course projects, homework, office hours (consultations) etc.</p>		
<p>CONDITIONS FOR COURSE IMPLEMENTATION:</p>		
<p>Classroom equipped with computer, projector and other IT devices.</p>		
<p>STUDENT EVALUATION METHODS AND GRADING SCALE:</p>		
<p>The course is subject to continuous evaluation. At regular intervals we also ask students to participate in a more comprehensive evaluation. Student evaluation is done by exam, and the final grade consists of the following components:</p> <ul style="list-style-type: none"> ▪ Regular and active attendance: 10%, ▪ Midterm exam: 20%, ▪ Course project: 10%, ▪ Final exam: 60%, 	<p>GRADING SCALE</p>	
	<p>Evaluation in %</p>	<p>Final grade</p>
	<p>91 – 100</p>	<p>10 (ECTS – A)</p>
	<p>81 – 90</p>	<p>9 (ECTS - B)</p>
	<p>71 – 80</p>	<p>8 (ECTS - C)</p>
	<p>61 – 70</p>	<p>7 (ETCS - D)</p>
	<p>51 – 60</p>	<p>6 (ETCS - E)</p>
<p>0 – 50</p>	<p>5* (ETCS – FX)</p>	
<p>LANGUAGE OF EXAMINATION:</p>		
<p>The examination tests are provided in English language, and students submit response in English.</p>		
<p>STUDENT DUTIES AND OBLIGATIONS:</p>		
<p>Lectures</p>	<p>Exercises and other study activities</p>	
<ul style="list-style-type: none"> ▪ Regular and active lecture attendance ▪ Active participation in discussions ▪ Respect of the University Code of Ethics etc. 	<ul style="list-style-type: none"> ▪ Regular attendance of exercises and study activities ▪ Respect of the University Code of Ethics etc. 	

STUDENT WORKLOAD:			
Activity	Hours	Days	Total hours
Lectures	3	10	30
Exercises	1	10	10
Field work visits	3	4	12
Reading (Own study time)	3	10	30
Assignments (project, presentation, homework)	2	10	20
Total student workload:			102
Note: 1 ECTS credit = 25 hours, for example if the course has 4 ECTS credits a student must have workload of at least 100 hours during the International Summer School (ISS).			

DAY	LECTURES		EXERCISES	
	Topic	Hours	Topic	Hours
1.	The origin and historical aspect of transitional justice Access to transitional justice Types of transitional justice. Brainstorming	3	Exercise topic 1. Discussion and distribution of the course project topics.	1
2.	Dealing with the past Principles for dealing with the past through transitional justice Conceptual framework for dealing with the past Types of truth Introduction to the new topic, Discussions on the previous topic, Brainstorming	3	Exercise topic 2. Assignments, quizzes and case studies related to the topic of the first day lecture.	1
3.	Judicial mechanisms of transitional justice Courts after World War II (Nuremberg Tribunal, Tokyo Tribunal, International Criminal Court); Finding the Facts: Truth Commissions and Conciliation Commissions; Compensation for victims (reparations) Transnational Justice in the UN system Introduction to the new topic, Brainstorming, Quiz, and Case study	3	Exercise topic 3. Assignments, quizzes and case studies related to the topic of the second day lecture.	1
4.	Non-judicial mechanisms of transitional justice Amnesty Institutional reform	3	Exercise topic 4.	1

	<p>Lustration and vetting Reform in the security sector, justice, media and education.</p> <p>Discussions on the previous topic; Introduction to the new topic, SWOT analysis, Brainstorming, Interactive learning</p>		<p>Assignments, quizzes and case studies related to the topic of the third day lecture.</p>	
5.	<p>Treating the Past in Kosovo Transitional Justice in Kosovo Institutions and reconciliation initiatives in Kosovo</p> <p>Discussions on the previous topic; Introduction to the new topic, SWOT analysis, Brainstorming, Exchange of experiences, Quiz, and Case study</p>	3	<p>Exercise topic 5.</p> <p>Assignments, quizzes and case studies related to the topic of the fourth day lecture.</p>	1
6.	<p>Towards a more efficient strategy for transitional justice in Kosovo European Union support for transitional justice; The EU's Policy Framework on support to transitional justice National transitional justice strategy</p> <p>Discussions on the previous topic; Introduction to the new topic, Case study</p>	3	<p>Exercise topic 5.</p> <p>Assignments, quizzes and case studies related to the topic of the fifth day lecture.</p>	1
7.	<p>Public perceptions of transitional justice</p> <p>Discussions on the previous topic; Introduction to the new topic, SWOT analysis, Brainstorming, Interactive learning / exchange of experiences, Quiz, and Case study</p>	3	<p>Exercise topic 7.</p> <p>Assignments, quizzes and case studies related to the topic of the sixth day lecture.</p>	1
8.	<p>Hybrid and internationalized tribunals International Criminal Tribunal for the former Yugoslavia (ICTY); Special Tribunal for Sierra Leone; Special Tribunal for Lebanon; War Crimes Chamber of the Court of Bosnia and Herzegovina; Kosovo Specialized Chambers & Specialist Prosecutor's Office War Crimes Trials Held in Kosovo</p> <p>Discussions on the previous topic; Introduction to the new topic, SWOT analysis, Brainstorming, Quiz</p>	3	<p>Exercise topic 8.</p> <p>Assignments, quizzes and case studies related to the topic of the seventh day lecture.</p>	1
9.	<p>Public perception in Kosovo about transitional justice Education on transitional justice; Civil society and transitional justice</p> <p>Discussions on the previous topic;</p>	3	<p>Exercise topic 9.</p> <p>Assignments, quizzes and case studies related to the topic of</p>	1

	Introduction to the new topic, Brainstorming, Interactive learning, Quiz, and Case study		the eighth day lecture.	
10.	<p>Transitional justice in the Western Balkans</p> <p>War crimes trials before local courts; Witness protection; Resolving the fate of missing persons; Reconciliation and transitional justice Alternatives to transitional justice in the Western Balkans Need for institutional reforms to guarantee non-repetition</p> <p>Discussions on the previous topic; Introduction to the new topic, Brainstorming, Interactive learning and Case study</p>	3	<p>Exercise topic 10.</p> <p>Assignments, quizzes and case studies related to the topic of the ninth day lecture.</p>	1

LITERATURE:

Books:

- Alma Zadic, Transitional Justice in Former Yugoslavia, Wien, 2017
- Cheryl Lawther; Luke Moffett; Dov Jacobs, Research handbook on transitional justice, Cheltenham, UK : Edward Elgar Publishing, [2017].
- Hehir, A. and Sheremeti, Furtuna (ed.) 2021. Kosovo and Transitional Justice: the Pursuit of Justice After Large Scale-Conflict. London Routledge.
- Kai Ambos, The Legal Framework of Transitional Justice: A Systematic Study with a Special Focus on the Role of the ICC, Institute of Criminal Law and Criminal Justice, University of Gottingen, 2009.
- Mirjana Adamović, Anja Gvozdanović, Marko Kovačić, Process of Reconciliation in the Western Balkans and Turkey: A Qualitative Study. Banja Luka / Zagreb, 2017
- Paul Seils, Handbook on Complementarity: An Introduction to the Role of National Courts and the ICC in Prosecuting International Crimes, International Centre for Transitional Justice, 2016
- Remzije Istrefi, EUROPEAN UNION SUPPORT AND TRANSITIONAL JUSTICE PROCESSES IN KOSOVO, EUROPOLITY, vol. 11, no. 2, 2017
- Susanne Buckley-Zistel, Tresa Koloma Beck, Christian Braun, Friederike Mieth “Transitional Justice Theories”, Routledge, 2014
- Valeska Esch & Viktoria Palm, SUPPORTING RECONCILIATION PROCESSES IN THE WESTERN BALKANS, Aspen Institute, Berlin 2021

Compendium reading list:

- Law ON SPECIALIST CHAMBERS AND SPECIALIST PROSECUTOR’S OFFICE, 2015.
- United Nations, UPDATED STATUTE OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, September 2009.
- CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA AND BEYOND, UNISCI Discussion Papers, N° 18, October 2008
- Ilir Dugolli & Ilire Agimi, Transitional Justice in Kosovo, KIPRED, 2008
- Draz’an Đukic, Transitional justice and the International Criminal Court – in the interests of justice, Tilburg University and the University Centre for International Humanitarian Law, Geneva, Volume 89 Number 867 September 2007
- Report-after the ICTY: Accountability, truth and justice in the former Yugoslavia, BIRN, 2018
- Fionnuala Ní Aoláin, Transitional Justice and the European Convention on Human Rights, Academy briefing n°10, OCTOBER 2017
- Martina Fischer & Ljubinka Petrović-Ziemer, Dealing with the Past and Peacebuilding in the Western Balkans, Berghof Report No. 18, 2013

- Martina Fischer, Transitional Justice: Lessons from the Western Balkans, Berghof Policy Brief 05, 2016
- Nora Ahmetaj & Thomas Unger, Korniza e Kosovës Për Trajtimin e Të Kaluarës Në Një Pikë KThese, 2017
- Teitel, Ruti (2005) "The Law and Politics of Contemporary Transitional Justice," Cornell International Law Journal: Vol. 38: Iss. 3
- Tom Perriello & Marieke Wierda, Qendra Ndërkombëtare për Drejtësinë Tranzicionale, Mars 2006

REMARKS FOR STUDENTS:

- Student should be aware of and respect the institution and Code of ethics.
- Student should respect the schedule of lectures, exercises and other study activities.
- Student should possess and show student ISS ID card during exam.
- Student course project/presentation/homework must comply with professor instructions.
- During the exam is strictly forbidden to use of mobile phone devices.