

Course Description

Title: Transitional Justice and War Crimes Trials: Case Studies from Singapore and Asia

Module Description:

War crimes trials are commonly used to address mass violence and facilitate political transition. This course examines the potential and limits of war crimes trials as transitional mechanisms, comparing them with non-legal complements and alternatives. What transitional objectives do these trials seek to achieve and how do these trials contribute to a society's political transition? Given the many pressing and conflicting needs of post-war societies or societies in transition, should the organisation of such trials be prioritised? What are possible alternative transitional measures? What role should the law play, if at all? Using Singapore's Second World War experience as a central case study, this module will explore the challenges faced by societies undergoing political transition and the different legal and non-legal measures adopted.

Students should come to class having done the readings and ready to take part in critical discussions. Copies of readings will be made available on IVLE.

Syllabus

Unit 1: Introduction to transitional justice as an idea and theoretical framework; module requirements/assessments

Seminar themes: What is transitional justice? How does it differ from ordinary justice? What are the common legal and non-legal mechanisms used by societies to achieve transitional justice?

Unit 2: Key case study Singapore – the Double Tenth Spy Trial and public depictions of justice

Seminar themes: How was the trial similar to a drama/show? Who were the trial's audience? What was the drama being told? How successful was the trial as drama?

Unit 3: Key case study Singapore – the 2000 Women's Tribunal and victim reparations

Seminar themes: What reparative measures were put in place after WWII? What were the organisers of the Women's Tribunals trying to achieve? How did they use the law? What did victims want? To what extent were the trial's organisers and victims successful in achieving their objectives?

Unit 4: Cambodia case study - victim trial participation at the Khmer Rouge Tribunal (ECCC) and public outreach

Seminar themes: How did victims view trial participation? Were their expectations met? How effective were the outreach videos you watched in the seminar? What were the motivations of those creating these videos?

Unit 5: Indonesia/Timor Leste case study – truth and reconciliation

Seminar themes: What does reconciliation mean as an alternative to trials? Is reconciliation and forgiveness possible for gross atrocities? How does reconciliation relate to justice? Which should take priority?

Unit 6: Cambodia case study – selective justice at the ECCC and case No 001

Seminar themes: How would you describe the defendant Duch? Was he a scapegoat or representative defendant? Why was he chosen? How does his responsibility compare with other Khmer Rouge members? With subsequent defendants brought before the KRT?

Unit 7: Bangladesh case study – delayed justice at the International Crimes Tribunal (ICT) and historical crimes

Seminar themes: Why do some societies choose to hold delayed war crimes prosecutions? How do courts ‘prove’ historical crimes? How do courts choose which version of history to apply? Should there be a limit to how far back courts can go to prosecute atrocities? Should there be statutes of limitations for gross atrocities?

Unit 8: Closing discussions

What is the ‘transition’ in transitional justice? Is the transitional justice framework a useful one? How?

Assessment:

Class participation: 20% (assessed on individual basis)

Class presentations: 20% (assessed on individual basis)

Final group project: 60% (30% assessed on individual basis; 30% assessed on group basis)