

ELECTIVE SEMINARS - Syllabi

LEADER: Prof. Asim Mujkić, University of Sarajevo

1. GENOCIDE AND GENOCIDAL ATROCITIES IN THEORY AND INTERNATIONAL LAW
dr. phil, Dennis Gratz
2. THE RIGHTS OF REFUGEES UNDER INTERNATIONAL LAW
Prof. dr. Lisa Heschl
3. LIFE STORIES AND DIALOGUES
PhD, Nejra Nuna Čengić

Each year, ERMA Programme offers 3 elective seminars to the students, out of which they are to choose one that will officially be noted in the transcript.

Each elective seminar lasts for 12 hours and carries 1 ECTS. Students can attend more than one elective, but only one will be specified in the transcript of records. As with all other teaching components, students have to attend 80 % of the seminar. The description of each elective course can be found below.

1. GENOCIDE AND GENOCIDAL ATROCITIES IN THEORY AND INTERNATIONAL LAW

Lecturer: Dr. phil. Dennis Gratz

COURSE DESCRIPTION

The course examines the concept and phenomenon of genocide, its origins and mechanisms of prevention and punishment.

Following a brief general introduction to the history of genocide science and more specifically the development of international criminal law, students will be familiarized with the main forms of genocidal atrocities on the basis of historical events and occurrences. The students shall in particular analyze the Armenian genocide, Holocaust, Rwandan genocide and Cambodian Mass Killings. Following that, legal definitions and understanding of the crimes against humanity, war crimes and genocide as established in the UN Convention on Prevention and Punishment of the Crime of Genocide will be discussed, compared and analyzed, both from the legal and theoretical point of view. Specific legal terms such as *intent*, *motive*, *genocide-in-part* etc. shall be introduced and thoroughly discussed.

The second part of the course will be dedicated to the introduction to different aspects of genocide science, including the theoretical approaches from a historical, cultural, social and economic perspective, as well as some recent developments in the field of prevention and punishment of the crime of genocide.

The last part shall cover the specific forms of genocidal crimes, their circumstances of occurrence and their consequences for the victim population. The students shall reflect upon terms such as ethnic cleansing, gendercide, elitocide, war amongst the people etc. Within this part, the students shall learn about the recent conflict in Bosnia and Herzegovina and the special importance of the ICTY verdict on the proven genocide in Srebrenica for the international prevention and detection mechanisms.

COURSE AIMS

At the end of the Course, students should be able to:

1. Demonstrate a clear grasp of key concepts and issues related to the legal understanding of the crime of genocide, war crimes and crimes against humanity.
2. Demonstrate understanding of the main contemporary theories of genocide and genocidal atrocities (mass murder, democide, elitocide, etc.)
3. Demonstrate comprehension of rough institutional design and functioning of ICJ, ICC ICTY and ICTR.
 4. Construct theoretical and empirical substantiated arguments on current issues and processes related to historical events of mass murder, their perception and treatment within international law

COURSE STRUCTURE

Hours 1-4: Definition of genocide, CPPCG-Definition and its history, analysis of prevention and punishment system within the international law;

Hours 4-8: Genocide theories, characteristics, sociology of genocide, stages of mass murder;

Hours 8-12: Genocide and other systematic mass atrocities (*gendercide*, mass rape, *elitocide*, ethnic cleansing. Closing remarks: Srebrenica fieldtrip preparations.

MANDATORY READINGS

Chorbajian, Levon / Shirinian, George (ed.). „*Studies in Comparative Genocide*“, Houndmills: Macmillan Press Ltd., 1999.

Fein Helen. „*Genocide and Other State Murders in Twentieth Century*“, October 24, 1995.

Lemkin, Raphael. „*Genocide*“, American Scholar, Volume 15, no.2 (April 1946).

Lemkin Raphael. „*Genocide-A Modern Crime*“, Free World, April 1945.

Lemkin, Raphael. „*Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*“, Washington D.C.: Carnegie Endowment for International Peace, 1944.

Prosecutor vs. Krstic, ICTY IT-98-33-T (2 August 2001).

Santon, J Gregory. „*The Eight Stages of Genocide*“, Washington: Genocide Watch, 1998.

Weitz, D. Eric. „*A Century of Genocide. Utopias of Race and Nation*“, Princeton: Princeton University Press, 2003.

Recommended readings:

-Allen, Beverly. „*Rape Warfare. The Hidden Genocide in Bosnia-Herzegovina and Croatia*“, Minneapolis: University of Minnesota Press, 1996.

-Bassiouni, M. Cherif (ed.). „*International Criminal Law*“, Second Edition, Volume I: New York: Transnational Publishers, Inc., 1999.

-Freedman, Warren. „*Genocide: A People’s Will to Live*“, Buffalo: William S. Hein & Co, Inc. 1992.

-Gellately, Robert / Kiernan, Ben (ed.). „*The Specter of Genocide: Mass Murder in Historical Perspective*“, Cambridge: Cambridge University Press, 2003.

-Jones, Adam (ed.). „*Gendercide and Genocide*“, Nashville: Vanderbilt University Press, 2004.

-Rosenbaum, S. Alan (ed.). „*Is the Holocaust Unique?*“ Boulder, Colorado: Westview Press, 1996.

-Staub, Erwin. „*The Roots of Evil: The Origins of Genocide and Other Group Violence*“, Cambridge: Cambridge University Press, 2000.

-Valentino, A. Benjamin. „*Final Solutions. Mass Killing and Genocide in the 20th Century*“, Ithaca and London: Cornell University Press, 2004

STUDENTS’ RESPONSIBILITIES

The students, organized in groups, shall analyze a specific mass murder that occurred in the past. They shall examine it from a strict legal point of view, deciding and explaining why that crime constitutes or does not constitute genocide pursuant to the conventional definition. The students should also offer possible prevention mechanisms within the international system of human rights protection.

SHORT BIOGRAPHY

Dr Dennis Gratz was born in 1978 in Sarajevo. He graduated from the Law School of Sarajevo University in 2001 and received his MA degree in Democracy and Human Rights at the Center for Interdisciplinary Postgraduate Studies of Sarajevo University and University of Bologna in 2002. In 2003 he passed his bar examination and started to work as an attorney at law in Sarajevo, specializing in family law, copyright law and the law on media and freedom of press. In 2008-2009 he worked as a coordinator of the regulation work group with the DTT Forum of the Communications Regulatory Agency of B&H.

Dr. Gratz was awarded a PhD degree from the University of Hamburg, Faculty of Social Sciences. His thesis dealt with systematic war crimes committed during the war in Bosnia 1992-1995, with a specific focus on elimination of local elites (theory of *elitocide*).

Dr. Gratz published several scientific studies and essays on the topic of war crimes, constitutional issues, human rights protection and implementation, and was engaged as lecturer and panelist on many international and domestic scientific conferences and symposia. He is currently lecturing as associate professor at the Center for Interdisciplinary Postgraduate Studies of the University in Sarajevo and the Sarajevo School of Science and Technology. From 2009 to 2010, Dr. Gratz was admitted as a Fulbright visiting scholar at the Columbia University of the City of New York, conducting a postdoctoral research on sociology of genocide. In the winter semester 2010 he conducted a series of lectures on war crimes in the former Yugoslavia as a guest professor at the Institute for Peace Research and Security Studies with Hamburg University, Germany. Since 2016, Dr. Gratz has been a member of EGAM (European Grassroots Antiracist Movement) and Elie Wiesel Network of Parliamentarians of Europe for the Prevention of Mass Atrocities and Genocides and against Genocide Denial.

Dr. Gratz is the co-founder of *Naša stranka*, a socio-liberal, multi-ethnic political party from Bosnia and Herzegovina. He was the chairman of the party from 2011 to 2015, in which period *Naša stranka* doubled its election results. In the 2014 October elections he was elected a Member of Parliament of the Federation of Bosnia and Herzegovina. He is currently serving as head of the party's Main Board. In the 2016 local elections the party again doubled its results becoming the second strongest political force in the Sarajevo region. He is also a published novelist. His works have found critical acclaim both in Bosnia and the SEE region.

2. THE RIGHTS OF REFUGEES UNDER INTERNATIONAL LAW

Lecturer: Lisa Heschl, European Training and Research Centre for Human Rights and Democracy, University of Graz (UNI-ETC)

DESCRIPTION OF THE COURSE

The course offers students an overview of the key principles, concepts and instruments aimed at protecting the rights of refugees at the international level. It will introduce to students the legal framework at the international level and the relevant jurisprudence by international courts (in particular the European Court on Human Rights). Students will furthermore be familiarised with general applicable principles for asylum procedures and will also work in groups on asylum cases.

AIMS AND PURPOSES OF THE COURSE

To provide students with an overview over the applicable international law and encourage them to critically reflect on contemporary migration control schemes and their implications on the rights of refugees.

STRUCTURE OF THE COURSE

Block 1 (3 hrs)

1. Introduction to the course Refugee Human Rights Protection / Conceptual and Theoretical Background Migration

The human rights of refugees and the obligations states have in this regard cannot be understood without knowledge of the broader context from which the contemporary rules on the protection of refugees have emerged. Accordingly, this introduction session aims to provide students a context by familiarizing them with the main concepts, theories and fundamental terms of references necessary to understand the complexities of international migration and the protection of the rights of refugees. Learning about theoretical approaches towards migration and refugees will enable students to contextualize the current public debates and critically follow and reflect on them. This session lays the foundation for the rest of the course and leaves the in-depth examination of the protection of the rights of refugees to other classes.

2. Legal framework for the protection of migrants

The international legal norms concerning refugee protection derive from the well-known sources of international law: international conventions, international custom, and generalized principles found in major legal systems around the world. This session surveys the fundamental legal sources where norms for the protection of migrants and refugees stem from. Special emphasis is placed on human rights law and certain human rights provisions protecting the rights of migrants and refugees will be analysed. The second part focuses on the development of the international refugee law system with the Geneva Refugee Convention at its core.

Block 2 (6 hrs) The protection of Refugees

Before being able to talk about the rights of refugees one has to know who is a refugee. The Geneva Refugee Convention is at the core of the international system for the protection of refugees. It defines who is a refugee, who is excluded from refugee status and who ceases to be a refugee. The following lectures will deal in detail with the provisions of the Geneva Refugee Convention. By means of case law the qualification criteria of the GRC will be discussed. In the end of the section students will work in groups on cases presenting their findings to the other students.

The GRC in Art 1 A 2 defines who is a refugee by establishing six criteria that have to be fulfilled. All the criteria – alienage, well-founded fear, persecution, grounds, need of protection, will be discussed by referring to relevant case law.

However, not every person in need of protection will qualify as refugee under the Geneva Refugee Convention due to particular circumstances of the case. The principle of non-refoulement is at the core of the international system to protect refugees and persons in need of protection and enshrines that no state must send back persons in need of protection to their country of origin or other countries in which they would be at risk. The principle of non-refoulement is closely connected to the concept of “complementary protection” which basically is the human rights extension of the principle of non-refoulement. Especially in Europe, through the interpretation of the European Court on Human Rights complementary protection is of utter importance for the protection of persons in need of it. Recent case law will be used to illustrate how the interpretation by the ECtHR have shaped the prohibition of refoulement and complementary protection in Europe.

Block 3 (3 hrs)

Students will be split in groups and will work on asylum cases. Based on everything they have learned so far and materials provided, the groups will discuss the cases deciding whether the seekers should be granted asylum or another form of protection or not.

LEARNING OUTCOMES OF THE COURSE

1. To understand the main concepts and principles relevant for the protection of refugees and persons in need of international protection. Additionally students will have acquired knowledge about the most important legal rules and frameworks relevant for the protection of refugees and persons in need of protection at the international and regional level.
2. To measure the diversity of the sources, master the main legal instruments and work with the doctrines and jurisprudence related to refugees and asylum.
3. Understand contemporary issues and challenges related to international refugee law and in particular its relations to international human rights law.

MANDATORY READINGS

Demuth Andreas, Some Conceptual Thoughts on Migration, in: Agozino Biko (ed.) *Theoretical and Methodological Issues in Migration Research*, Aldershot: Ashgate (2000), 21-28.

Fitzpatrick Joan, The Human Rights of Migrants, in: Aleinikoff T.A. and Chetail V. (eds.), *Migration and International Legal Norms*, The Hague: T.M.C. Asser Press (2003), 169-183

Hathaway James, Refugees and Asylum, in: Opeskin Brian et al. (eds.), *Foundations of International Migration Law*, New York: Cambridge (2012), 177-204.

Storey Hugo, What Constitutes Persecution? Towards a Working Definition, *International Journal of Refugee Law*, 2014, Vol. 26, No. 2, 272–285.

Hathaway James, Serious Harm, in *International Refugee Law*, pp 182-208.

Duffy Aoife, Expulsion to Face Torture? Non-refoulement in International Law, *Int J Refu-gee Law* (2008) 20 (3): 373-390.

ECtHR, Asylum, Brief, 2016.

SUGGESTED READINGS

G. S. Goodwin-Gill, The UN Audiovisual Library of International Law: 'International Migration Law: General Introduction, http://legal.un.org/avl/ls/Goodwin-Gill_IML.html

G. Loescher, 'The Origins of the International Refugee Regime', in *Beyond Charity: Interna-tional Co-operation and the Global Refugee Crisis* (Oxford: Oxford University Press, 1993), pp. 32–55.

Chetail Vincent, Are Refugee Rights Human Rights? An Unorthodox Questioning of the Relations between Refugee Law and Human Rights Law, in: Rubio-Marin Ruth, *Human Rights and Immigration*, Oxford: Oxford University Press (2014), pp. 19-72

Cathryn Costello, Safe Country? Says Who?, *International Journal of Refugee Law*, 2016, Vol. 28, No. 4, 601–622.

Brid Ni Ghrainne, The Internal Protection Alternative Inquiry and Human Rights Considera-tions – Irrelevant or Indispensable?, *International Journal of Refugee*

SHORT BIOGRAPHY

Lisa Heschl is Post-Doc research and teaching fellow at the European Training and Research Centre on Human Rights and Democracy at the University of Graz (UNI-ETC). She received her Ph.D. in law from the University of Graz and holds a European Master Degree in Human Rights and Democratization (E.MA). She has been a Marie Curie visiting research fellow at the University of Deusto, Bilbao and is a visiting lecturer at the University Oldenburg and the University of Padua. Her research focuses on the European migration and asylum policy and legislation, the extraterritorial application of international and European refugee and human rights law and its relation to European border policies. Her most recent publication is, L. Heschl, *Protecting the Rights of Refugees beyond European Borders. Establishing Extraterritorial Responsibilities*, Cambridge/Antwerp/Portland, Intersentia, 2018.

SEMINAR “LIFE STORIES AND DIALOGUES“

Lecturer: Nejra Nuna Čengić, PhD

Contact hours: 12

Additional hours: 12

Seminar description:

All around us we find stories. Through stories we express, constitute and reconstitute our selves: our attitudes, values, belongings, emotions. Through stories we communicate and learn about others. This multidialogic narrative activity expresses our sense of time, meanings we ascribe to the world and relationships towards others. This seminar aims to provide students with knowledge of the 'life story telling model', a great resource for the exploration of social phenomena through lived life experience. We will approach personal narratives as socially situated practices (Dunn 2017), which in general have potentiality

both to reinforce dominant social structures and/or to disturb them, disclosing silenced voices and offering an alternative perspective on events. While storytelling is today used for a variety of purposes, this seminar will approach it in three specific, but interrelated ways: as a research method, a dialogue/empowerment tool, and a tool for seeking social and political changes.

The concept will be introduced through an eclectic body of theoretical approaches from the field of philosophy, anthropology, critical literary theory, memory studies, gender studies, also incorporating documentary films and existing/published/exhibited life stories as tools for work and discussion. In this way the seminar offers the possibility to address ERMA subject themes (e.g. socialism/communism and its end, conflict, transition(s), nationalism, migrations, gender relations, etc.), from the perspective of “ordinary” people and also enables personal reflection on those phenomena. Finally, throughout the seminar it will be shown how in the context of diverse transitions and conflicts in South-East Europe, and particularly the 1990s conflicts in the former Yugoslav region, individual stories may help us go beyond paradigmatic competing narratives and offer relevant insights and an alternative vision on events, a source of resistance and an inspiration for social and political change.

Lectures will address some of the following issues:

- How do we remember certain events and how do we experience time?
- What are the politics of memory and how do they function?
- To what extent can words (language) reflect our experience?
- Why are societies silent on certain issues?
- How to recognize socially silenced stories?
- What does narrative asymmetry mean and what are its implications?
- How life story telling model can be used for peace building initiatives and empowerment of disadvantaged groups?

Expected learning outcomes:

Upon completion of this seminar, students will be able to:

- demonstrate a solid knowledge of the storytelling model, its advantages and limitations
- identify basic structures of relevance for telling stories
- improve their knowledge of qualitative research methods
- upgrade the understanding of some topics taught within ERMA Program
- analyse how the life story telling model can be used in a chosen context
- consider initial applications of the life story as a method for their own purposes

Students' responsibilities:

Students are expected to participate actively in the work of the seminar, which will take the form of a workshop. Alongside lectures, there will be discussion of life stories from available books and films and other artistic works. Within seminar students will exercise how to conduct biographical (life story) interview conducting a short interview with an ‘external person’, a colleague from the seminar/ERMA group, or making the personal reflection to a life story interview available in book/film/video art (each student will choose one of these options). Core readings will be compiled into a reader and made available to the students in advance.

Literature

Albeck, J.H., Adwan, S. & Bar-On, D. (2002). "Dialogue groups: TRT's guidelines for working through intractable conflicts by personal storytelling in encounter groups". (Working paper), later published in *Peace and Conflict: Journal of Peace Psychology*, 8, 4, 301-322.

Assmann, J. (2008). „Communicative and Cultural Memory“ in Erll, Astrid and Ansgar Nunning (eds.) *Cultural Memory Studies. An International and Interdisciplinary Handbook*, Walter de Gruyter Berlin New York, 109-118.

Bar-On, D. (1995). *Fear and Hope*. Cambridge, MA: HUP. Appendix, 353-362.

Brockmeier, J. (2008): "Autobiographical Time" in: Harrison, B., (eds.), *Life Story Research*, Sage, London, 346–365.

Chaitin, J. (2002). "How Do I Ask Them About the War? Collecting and Understanding Life Stories of Soldiers and Victims of War". IACM 15th Annual Conference Paper

Dunn, C. D. (2017). "Personal Narratives and Self-Transformation in Postindustrial Societies", *Annual Review of Anthropology*, 46:65–80.

Harrison, B. (2008). "Editors' Introduction: Researching Lives and the Lived Experience", in: Harrison, B., eds., *Life Story Research*, Sage, London, xxi–xlvi.

Jackson, M. (2002). *Politics of Storytelling: Violence, transgression and intersubjectivity*. Copenhagen: Museum Tusulanum Press (Preface, I part), 11-64.

Josselson, R. (1995). "Imagining the Real: Empathy, Narrative, and the Dialogic Self" in Josselson, Ruthleen&Amia Lieblich (eds.). *Interpreting Experience: The Narrative Study of Lives*, Vol. 3., Sage Publications, London New Delhi: 27-44.

Ricoeur, P. (1991). "Narrative Identity", in: Wood, D., eds., *On Paul Ricoeur: Narrative and Interpretation*, Routledge, London, 188–199.

Ross, F. (2003): "On Having Voice and Being Heard. Some After-effects of Testifying before South African Truth and Reconciliation Commission", *Anthropological Theory*, 3:3, 325–341.

Lecturer: Biographic statement

Nejra Nuna Čengić holds a PhD in the Anthropology of Everyday Life from Institutum Studiorum Humanitatis (ISH), Ljubljana, Slovenia. She accumulated most of her working experience in different positions and at different programmes at the Centre for Interdisciplinary Postgraduate Studies of the University of Sarajevo. She gained extensive knowledge of storytelling as a research and dialogue/empowerment tool primarily through participation in the three-year Storytelling in Conflict Training Programme in Hamburg (2006 – 2008). Accordingly, from the academic year 2007/2008 she started teaching the elective course entitled 'Life Stories and Dialogues' at the University of Sarajevo. Gradually, she started to employ this knowledge in the civil society sector too, particularly in the form of courses/trainings for peacebuilding and women's associations and for individual research projects. The most extensive individual research project where she employed this method is her doctoral research (published as a book in 2017) about the relationship between speech and violence, dealing specifically with how Sarajevo people verbally articulate their war experience and integrate it into their overall life experience. She is the author of co-authored book, book chapters, academic articles and book reviews. Broadly speaking, Nejra Nuna Čengić's research interests concern social memory, storytelling, violence, work, peace and gender relations. She made an important contribution to establishment of the Gender

Studies Programme at the University of Sarajevo. Currently, she is a Visiting fellow at the Goldsmiths, University of London, and the Lead Consultant on the project dealing with translation into BHS of professional literature about far right populism, ethno-national and religious radicalisation and extreme violence.

A selection of her publications dealing with, or using, the life story model include: "Lest We Forget? Speech and Non-speech in Post-war Sarajevo, in Gržinić, M. and Uitz, S., eds., *Genealogy of Amnesia: Rethinking the Past for a New Future of Conviviality*. Cambridge Scholars Publishing (2019); *Desilo se to što se desilo. Govor, život i vrijeme nakon opsade u Sarajevu*. Orion Art, Beograd (2017); "Integrating 'During the War' in 'After the War': Narrative Positionings in Post-War Sarajevo", in: Jansen, S., Brković, Č. and Čelebičić, V., eds., *Negotiating Social Relations in Bosnia and Herzegovina. Semiperipheral Entanglements*, Routledge, London and New York, 60–73 (2016); "Noise, Silence, Voice. Life Stories of Two Female Peace Activists from BiH", in: Jambrešić Kirin, R., Prlenda, S., eds., *Women Narrating their Lives and Actions. Feminisms in Transnational Perspective*, Centar za ženske studije i Institut za etnologiju i folkloristiku, Zagreb, 69–87. (2013).