

Transitional Justice and Human Rights

Francisco Villamil

War, peace, and political violence

UC3M, Fall 2023

**WEATHER**

WEDNESDAY—Cloudy.
THURSDAY—Fair.
Full Report, Page 8

The Boston Daily Globe

Reg. U. S. Pat. Off.

BOSTON, WEDNESDAY MORNING, AUGUST 15, 1945—EIGHTEEN PAGES

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THREE CENTS

No. 100-10000
In Mass. Registered
to Electors

PEACE AT LAST



TRUMAN'S VICTORY GRIN—President is in jubilant mood as he holds Japanese surrender message received at 6:17 p. m., EWT, yesterday.

Truman Accepts Jap Unconditional Surrender Ending Bloody Pacific War—Gen MacArthur to Receive Nippon's Capitulation for Allies; Joyous Hysteria Sweeps the United Nations

By ERNEST BARCELLA

WASHINGTON, Aug. 14 (UP)—Peace came to the world tonight when President Truman announced that Japan has accepted unconditional surrender and Allied forces have been ordered to cease firing.

Gen Douglas MacArthur, "the man who came back," was named Supreme Allied Commander to receive the formal Japanese surrender.

World War II—bloodiest conflict in all of human history—was at an end, except for the formality of signing surrender documents.

Aspects of TJ

- Criminal trials



Nuremberg Trials

- First *international war crimes* tribunal in history

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- New ideas: crimes against humanity, crimes against peace
 - Different from old *jus in bello*

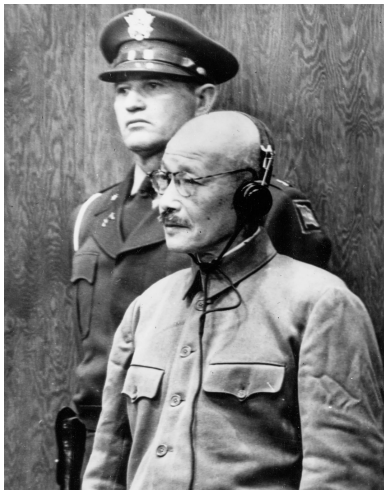
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- Importance of the Holocaust
- Context: interstate war, military defeat

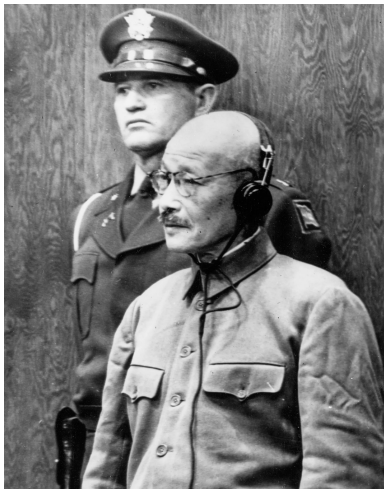
Tokyo Trials



Hideki Tojo, 1948

Tokyo Trials

- Same as Nüremberg?
- Yosuke Matsuoka
- FYI, 'What the Tokyo Trial Reveals About Empire, Memory, and Judgment'



Hideki Tojo, 1948



[illegible]

A FILM BY SANTIAGO MITRE

[illegible]

prime video



- Trial of the Juntas
- Early example of *domestic* human rights prosecution
 - Not the first though (Greek junta trials)



Aspects of TJ

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Aspects of TJ

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- Others:
 - Institutional reform, gender-specific TJ, ...

Slobodan Praljak suicide: War criminal 'took cyanide' in Hague court

🕒 1 December 2017



| Slobodan Praljak drank a small vial of liquid after his prison sentence was upheld

Bosnian Croat war criminal Slobodan Praljak died after taking potassium cyanide in The Hague's courtroom, Dutch prosecutors say, citing the results of a preliminary post mortem examination.

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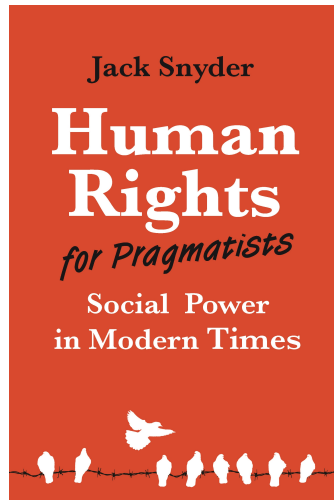
- We live in a world where human rights are the **norm**
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 - What is the process that explains the expansion of human rights norms and institutions to enforce them, both at the domestic and international level?

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 - Why this is important: can we actually *promote* human rights?

Power leads, rights follow

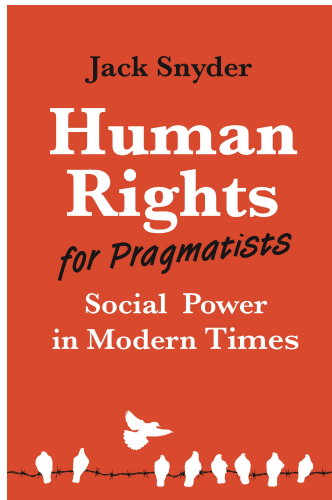
- Human rights are all about liberal modernity



Jack Snyder (2022)

Power leads, rights follow

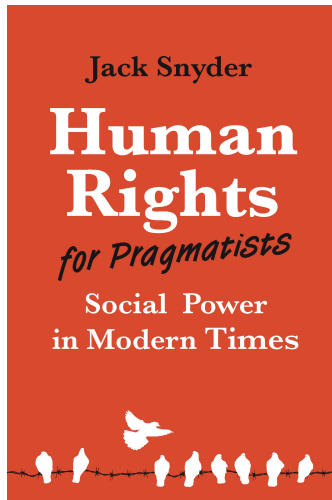
- Human rights are all about liberal modernity
- Only when **middle classes** emerge and become strong, forming **winning coalitions**
 - Historical role of the emergence of a trading class in Northern Europe and Protestant Reformation
 - Setbacks during the 20th Century



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- **Liberal** and **realist** theories of HR?



Jack Snyder (2022)

Snyder (2022) theses

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4. Promotion as part of an ideology and culture
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5. This is all a gradual process
 - there are no short-cuts

Snyder (2022)

- Ideas about this argument?
- According to it, how can we promote human rights internationally?
And what are the odds that we'll be successful?