

Committee: Social, Humanitarian & Cultural Committee (GA3)

Issue: Right to the Truth

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INTRODUCTION

The Right to the Truth was based on the right to know, which obliged states to fulfill their obligations concerning the victims of human rights violations, while focusing mainly on the rights of families to know the fate of their relatives. In recent years, the Right to the Truth further expanded from referring only to the closest of relatives of the victims, to spanning all members of society.

The Right to The Truth, as a relatively new concept, implies the right of victims of human rights violations and their families to know the complete truth about violations that took place, the persecutors that took part in them and the reason behind them.

The importance of finding out the truth is that victims could be relieved, while it could also contribute to the process of healing after the devastating events that took place.

Such atrocities and gross human rights violations could include enforced disappearances, torture, extradition executions, war crimes or even genocide. Taking into consideration that such atrocities are considered to be a violation of the International Humanitarian Law, it is the state's obligation to its citizens, to respect and promote the right to the truth. States must conduct effective investigation to discover the truth and later publish it. Strong emphasis should be given to the fact, that the Right to the Truth relates to the state's responsibility to protect the human rights of its citizens, thus proving its importance.

DEFINITION OF KEY TERMS

Eastern Mediterranean Countries

Truth-seeking¹

¹ United States Holocaust Memorial Museum, United States Holocaust Memorial Museum, www.ushmm.org/genocide-prevention/simon-skjodt-center/work/ferencz-international-justice-initiative/transitional-justice/truth-seeking.

“Truth-seeking measures aim to encourage societies to develop and agree upon a shared history or collective memory of a period of widespread conflict or violence. Truth-seeking efforts can take many forms but truth commissions are the most common. Truth commissions are temporary bodies established to research and investigate what happened during a specific period of violence or conflict by conducting public hearings, taking statements from victims and witnesses, and carrying out independent research”. Truth-seeking is a process, which allows societies to create an agreed and well-respected shared history by examining past crimes and atrocities.

Transitional Justice²

Transitional justice refers to the ways countries emerging from periods of conflict and repression address large-scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response.

Enforced disappearances³

“Victims of enforced disappearance are people who have literally disappeared, from their loved ones and their community. They go missing when state officials (or someone acting with state consent) abduct them from the street or from their homes and then deny it or refuse to say where they are. Sometimes disappearances may be committed by armed non-state actors, like armed opposition groups. And it is always a crime under international law”. Generally, Enforced Disappearances are described as secret abductions of individuals that have been conducted either by the state itself or by a third party supported by the state.

International Humanitarian Law⁴

² “What Is Transitional Justice?: ICTJ.” *International Center for Transitional Justice*, 24 May 2018, www.ictj.org/about/transitional-justice.

³ “Everything You Need to Know about Enforced Disappearances and Human Rights.” Disappearances | Amnesty International, www.amnesty.org/en/what-we-do/disappearances/.

⁴ Hans. “International Humanitarian Law.” European Civil Protection and Humanitarian Aid Operations - European Commission, 23 July 2020, ec.europa.eu/echo/what/humanitarian-aid/international-humanitarian-law_en.

“International Humanitarian Law (IHL) is a set of rules that seek to limit the effects of armed conflict. It lays out the responsibilities of states and non-state armed groups during an armed conflict. This set of rules defines, among others, the rapid and unimpeded passage of humanitarian relief in armed conflict, the freedom of movement of humanitarian relief personnel, the protection of civilians (including medical and humanitarian workers), and the protection of refugees, prisoners, the wounded and sick”.

Impunity⁵

“Impunity has been defined by the international legal community, including the United Nations and the International Criminal Court, as being ‘exempt from punishment’, and thus the implication is that when the perpetrator is not brought before justice and exempted from punishment based on law, then the victim and his/her kin are denied due process and justice too”.

Atrocities⁶

“Atrocity crimes are considered to be the most serious crimes against humankind. Their status as international crimes is based on the belief that the acts associated with them affect the core dignity of human beings, in particular the persons that should be most protected by States, both in times of peace and in times of war”.

Rule of Law

Rule of Law is a term that could be interpreted in a variety of ways, based on the context. One interpretation is to rule according to law. For instance, no citizen should suffer any kind of punishment, unless that comes under well established and clearly defined law. Moreover, the term rule of law could mean rule under law. With that being said, no government can act without respecting the law, since no government is above it.

⁵ Admin. “Impunity: Legal, Social/Political, Personal.” Focus on the Global South, 1 Aug. 2016, focusweb.org/impunity-legal-social-political-personal/.

⁶ Additional information Funding This work was supported by the Japan Society for the Promotion of Science (JSPS) [Project Number: 17F17780]. Acknowledgments The authors wish to acknowledge the assistance of Sam Oum of the CMAA. “Exploring the Link between Mine Action and Transitional Justice in Cambodia.” *Taylor & Francis*, www.tandfonline.com/doi/abs/10.1080/14781158.2019.1608939?af=R&journalCode=cpar20.

War Crimes

War crimes are considered to be a serious violation of both human rights and international law. Even though the term “war crimes” is hard to define, there are numerous violations and crimes that are considered to be war crimes, like attacks on civilians, forcing children to join military forces and the destruction of educational and religious principles.

BACKGROUND INFORMATION

The importance of recognizing and protecting the Right to Truth

To fully understand the importance of the Right to the truth, one has to take into serious consideration the effects the truth could have not only on the victims and their families but also on society as a whole. Victims of atrocities and their relatives are required to know the complete truth concerning the abuses they suffered and the identity of perpetrators. When it comes to society, the truth can assist the whole community in the process of understanding the causes of past abuses, while it can also help in realizing their outcomes, to prevent their repetition.

Atrocities and Gross Human Rights Violations

The Right to the Truth is commonly conjured in the context of certain breaches of humanitarian law, atrocities or other gross human rights violations. Examples of such atrocities and gross human rights violations are the following:

Enforced Disappearances

Sadly, victims of enforced disappearances are often never released, often tortured or even killed, thus leaving their fate completely unknown. Enforced Disappearances spread not only terror but also feelings of anxiety not only to the families of the victims but also to the whole community.

Torture

Even though any form of torture, both psychological and physical, is prohibited under International Humanitarian Law (IHL), torture is still practised today. When it comes to victims of Enforced Disappearances, torture is a common phenomenon. The reason behind this is that

a disappeared person cannot be protected by law, since victims of enforced disappearances do not have access to any legal remedies, thus leaving them completely vulnerable.

Extrajudicial Executions

Victims of extrajudicial executions are mainly “threats” to the government by being opposing political figures, members of trade unions, religious or political figures, or by simply opposing the government or its policy. Like many other forms of atrocities or gross human rights violations, extrajudicial executions have been used to spread fear across the population. Extrajudicial executions are a clear violation of international law and it is the state’s duty, under the right to the truth, to discover the perpetrators, inform the relatives of the victim and finally to bring the persecutors to justice.

Genocide

The crime of genocide has a lot of negative consequences. Apart from severe environmental damage, the crime of genocide has a negative outcome for the community as well. Taking into consideration that the crime of genocide has been committed to destroying a civilization, the victims or the survivors of the crime of genocide feel the need to know the truth about the fate of their relatives. The right to the truth could prove to be essential in the healing process as well.

Linked Rights

Due to the importance of the Right to the Truth, a lot of experts have characterized other human rights as “linked” with it, since such rights share the same goals and principles with the right to the truth:

Freedom of Information (FOI)

The Freedom of Information (FOI), commonly known as the right to information, could be interpreted as the right to access information held by public bodies. The FOI has been connected with the right to freedom of expression, thus proving its importance. This right has been characterized as crucial to respect other human rights and all states are obliged to respect it. Even though the importance of this right has been accepted, not all states have adopted efficient laws and legislation to support and protect it, thus undermining the right to

the truth and further prohibiting citizens from having access to information held by public bodies.

The Right to an Effective Investigation

The Right to an Effective Investigation calls states to respect their duty concerning documenting and investigating, in the most efficient way, atrocities and other gross human rights violations like torture. This right aims to clarify the truth behind human rights violations and expose the State's responsibility concerning them. Undeniably, without the Right to an Effective Investigation, finding the truth behind atrocities and gross human rights violations committed by states could not be justified, thus undermining the right to the truth.

The Right to Reparation

The Right to Reparation in International Law for Victims of Armed Conflicts refers to the process of remedying the damage caused to victims of violations of international human rights, while also restoring the integrity and dignity of victims. In transitional justice, the right to reparation is considered to be a series of measures taken by the state that directly addresses the situation of victims. To play a key role in the healing process of victims, reparations can take a variety of different forms, like public apologies for violations committed by the state or social commitment to respond to former abuses. It has been estimated the reparations are essential in building trust between the government and civil societies, therefore all states are urged to obtain some forms of reparations for the victims.

The Right to Mourn the Dead

Even though the right to Mourn the Dead is not justified or mentioned in International Humanitarian Law, such a right could be deduced from the right to the truth. Only individuals that are able to find the truth about their relatives' fate can practise their right to mourn. The principle of this right is that relatives of the victims should be given the opportunity of remembering and honoring their lost ones in the way they desire. The right to mourn the dead is a great opportunity for the relatives to restore the victim's dignity in their spiritual way.

State responsibility

As it was previously mentioned, governments must respect, promote and uphold the Right to the Truth, since it has been linked to the principle of good governance and has proven

to be essential for the workings of democratic systems. States have the obligation to respect the right of victims to an effective investigation by discovering the truth and further respecting their right to information by publishing it. The Right to the Truth about gross human rights violations and serious violations of human rights relates to the state's responsibility to protect and guarantee human rights for its citizens. Therefore, the state must always respect the right of victims to effective remedies and reparations.

Truth-seeking

By publishing reports as a result of investigations carried out by truth-seeking mechanisms, societies establish a long-lasting impact, which helps expose violations committed and their perpetrators. This helps significantly since it has been justified that achieving the truth in personal and communal healing. Truth-seeking is mainly carried out by civil society organizations, NGOs and governments.

Truth Commissions

To achieve truth-seeking, a variety of tactics, commonly known as truth-seeking mechanisms, must be followed. Such truth-seeking mechanisms are the protection of evidence, access to state information and the like. Commonly, these tactics have been conducted by Truth Commissions. Typically, such Commissions are considered to be Non-Governmental Organizations (NGOs) and have the purpose to serve as a voice of the victims, while also carrying out investigations to find the truth. Furthermore, Truth Commissions provide international guidance and supervision to governments for them to take the right steps in succeeding in reparation of victims.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

Syria

After declaring its independence from France in 1946, Syria's history has been marked by a series of wars and coups. During those conflicts, it has been estimated that there have been numerous abuses and violations committed by past governments. Enforced disappearances, torture and imprisonment have been used by the regime to spread fear, while the truth behind those violations, the reasons they were committed or their perpetrators have been kept a secret from the relatives and the victims themselves, thus

clearly violating their right to the truth. By acknowledging the importance of the right to the truth, the Syrian movement was created. The Syrian movement for more rights and freedom was created in 2011 as an act of rejection towards the regime and effort to establish the principle of truth as a right.

Sri Lanka

Over the last 26 years, Sri Lanka has experienced a devastating civil war (1983-2009) that led to serious political repression. Massive human rights violations have been reported, like extrajudicial executions, torture and most importantly enforced disappearances. Bearing in mind that the number of missing and disappeared persons in Sri Lanka is the highest in the world, the UN has noted the importance of uncovering the truth behind those cases, while also developing strategies to obtain redress for the victims. Having the responsibility to address the UN's recommendations, the government of Sri Lanka announced in 2015 its goal to address the issue. Despite creating the Office of Missing Persons (OMP) (the first permanent body to address the issue of missing persons within the state) one year later, as a form of reparation for the victims, the government of Sri Lanka has failed in creating any other form of transitional justice processes, thus resulting in the loss of public trust.

Argentina

During the period of military rule in Argentina, that took place between 1976 and 1983, thousands of people were abducted by the security forces, while there were many reports of torture and executions as well. Like the government of Sri Lanka, the government of Argentina had to take immediate action on the matter as well, based on the recommendation made by the Inter-American Commission. Argentina has generally emphasized and further promoted the importance of the Right to the Truth, when it comes to the individuals that were victims of enforced disappearances during the military dictatorship.

Amnesty International (AI)

Amnesty International is a Non-Governmental Organization (NGO) that was founded in 1961. Amnesty International focuses on protecting human rights in over 150 countries, by undertaking research and action concerning human rights violations. When it comes to protecting the right to the truth, Amnesty International's work has proven to be essential. Its reports and work all around the globe have exposed a series of gross human rights violations

and atrocities. By campaigning and by taking advantage of its worldwide influence, Amnesty International can press governments to respect human rights.

The International Center for Transitional Justice (ICTJ)

The International Center for Transitional Justice, commonly known as ICTJ, was created in 2001 as a Non-Governmental Organization (NGO), focusing on transitional justice. Unlike Amnesty International, which mainly focuses on exposing and denouncing human rights violations, the International Center for Transitional Justice has the primary goal to assist societies in the process or recovering from gross human rights violations and atrocities, by fighting impunity, establishing accountable institutions and restoring respect for the rule of law.

Human Rights Watch (HRW)

Since 1978, the Human Rights Watch (HRW) has been conducting investigations on human rights abuses, as a Non-Governmental Organization (NGO). Like Amnesty International, the Human Rights Watch focuses on exposing gross human rights violations to the public and then pressure governments and regimes to respect the right.

Inter-American Commission on Human Rights (IACHR)⁷

“The Inter-American Commission on Human Rights (IACHR, or the Commission) is one of two bodies in the Inter-American System for the promotion and protection of human rights. The Commission's main function is to monitor compliance with and defence of human rights in the Americas. The Commission's powers are derived from the Charter, but other Inter-American human rights conventions and protocols have authorised the Commission to monitor States' compliance with their obligations regarding these conventions”.

⁷“Inter-American Commission on Human Rights.” CRIN, archive.crin.org/en/guides/un-international-system/regional-mechanisms/inter-american-commission-human-rights.html.

TIMELINE OF EVENTS

Date	Description of the Event
1948	The Universal Declaration of Human Rights (UDHR) was adopted, which outlines every right that an individual is entitled to, including the right to the truth.
1949	The Geneva Convention was established. Which first put the foundation for the protection of all persons from enforced Disappearance. It established the right to know the fate of missing and dead relatives.
1961	Amnesty International (AI) was founded.
1977	The Additional Protocol I to the Geneva Convention was created. Strong emphasis should be given to the act that it established the right to know the fate of missing and dead relatives.
1978	Human Rights Watch was established.
1995	The issue of the right to the truth was first mentioned, when the Inter-American Commission for Human Rights prosecuted the state of Ecuador for violating its duty to provide the truth.
1996	The International Commission on Missing Persons (ICMP) was established to address the

	issue of missing persons as a result of armed conflicts.
1998	In a report of the Inter-American Commission, it was recognized for the first time that every society has the right to know the complete truth about past events and human rights violations.
2005	The OHCHR contacted states and NGOs requesting their views on the issue, to gather useful information.
2007	The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPEP) was adopted by the UN General Assembly.
2010	The ICPPEP was put into force.
2017	The Office on Missing Persons (OMP) was created in Sri Lanka, as a government department with the responsibility to deal with the issue of the enforced disappearances in Sri Lanka after the civil war.
2020-2025	The European Commission established its first EU Strategy on Victims' Rights.

UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS

United Nations Human Rights Council resolution 9/11

Adopted in 2006, this Human Rights Council Resolution recognized the importance of respecting and ensuring the Right to the Truth to end impunity and further promote human rights.

United Nations Human Rights Council resolution 21/7

Adopted in 2012, by recognizing the importance of the right to the truth, this Human Rights Council Resolution further proposed several States of specific judicial and non-judicial mechanisms, to restore the right to the truth.

United Nations General Assembly resolution 55/89

Adopted on 4th December, this General Assembly resolution further proposes and promotes the need for effective investigations and documentation of human rights violations.

Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights (UDHR) is a document that outlines all rights that every individual is entitled to. It was adopted in 1948 and it has been elaborated in other subsequent international treaties and human rights instruments as well. More specifically, article 19 of the Declaration guarantees access to information, which includes the truth about past human rights violations as well.

The Geneva Convention

The Geneva Convention was created in 1949 and it established the standard of international law concerning humanitarian treatment during armed conflicts and war. The Geneva Convention and their Additional Protocols mainly focus on protecting civilians and aid workers or the wounded and sick. Concerning the issue, articles 32, 33 and 34 of the Additional Protocol I to the Geneva Convention first laid the foundations for the protection of all persons from enforced disappearance. It established the right to know the fate of missing and dead relatives. However, it should be taken into consideration that their application was limited to armed conflicts.

International Day for the Right to the Truth

In 2010, the UN General Assembly marked 24th March as the International Day for the Right to the Truth concerning gross human rights violations and the dignity of the victims. By doing so, the UN is honoring the victims of gross human rights violations and further promotes the importance of the right to the truth. Moreover, the International Day for the Right to the Truth has also been seen as a way to acknowledge the individuals who devote their lives to promote and protect human rights for all. It also pays tribute to the memory of Monsignor Oscar Arnulfo Romero, who was murdered in 1980 because of his acts in denouncing violations of human rights in El Salvador.

United Nations Human Rights Council (UNHRC)

The United Nations Human Rights Council, also known as UNHRC, is a United Nations body, that has the responsibility to protect and further promote human rights, while also investigating alleged breaches of human rights in UN member states.

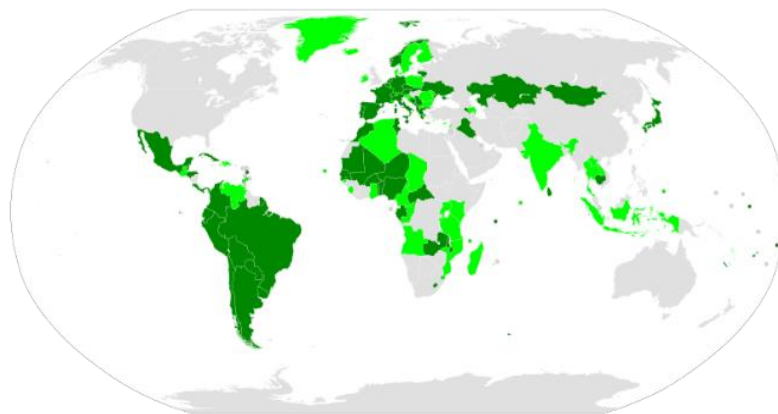
PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

International Commission of Missing Persons (ICMP)

The International Commission of Missing Persons (ICMP) is an international organization that deals with the issue of missing persons due to armed conflicts. The ICMP was created for successful cooperation with governments, to guide them and further assist them in dealing with this issue. Apart from helping governments to develop legislation to protect the right of families of the victims, the International Commission of Missing persons has also helped the government to locate missing persons, and discover the truth about their past.

International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)

The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) was signed and ratified in 2006 to create an international framework as an act of prevention of enforced disappearances. As an international human rights instrument, ICPPED is used to end impunity for this human rights violation.



Parties and signatories to the ICAPED:
Dark Green: signed and ratified
Light Green: signed but not ratified
Grey: neither signed not ratified⁸

⁸"File: ICAPED Members.svg." Wikipedia, Wikimedia Foundation, en.wikipedia.org/wiki/File:ICAPED_members.svg.

EU Strategy on Victims' Rights

The EU Strategy on Victims' Rights is an act of ensuring the rights of victims. The strategy mainly focuses on two issues. Namely, to assist victims in the process of reporting crime, while also helping them recover from it. To do so, the EU Strategy has created a series of measures that should be accepted and followed by all EU Members. First and foremost, the strategy plans on developing effective communications with victims by providing a safe environment, in which victims can report crime without being feared. Moreover, the Strategy will create a campaign concerning the issue, to succeed in raising awareness about the right of the victims and further promote their protection.

POSSIBLE SOLUTIONS

Over the past centuries, significant developments have been made. However, to this day, the right to truth is not recognized and respected as it should be, thus proving its complicated nature. While finding possible and helpful solutions on the matter, one has to take every aspect into serious consideration.

First and foremost, it has been concluded that a variety of nations have not created or followed any kind of National Strategy concerning the right steps that should be followed to promote and protect the right to the truth. Without a National Strategy, nations are not prepared to deal with issues related to the assistance that should be provided to victims. Therefore, nations should be highly encouraged to either create one or follow the example of the EU Strategy on Victim's Rights, to create a framework that could successfully tackle the issue.

Moreover, governments should be generally encouraged to further develop their cooperation with local NGOs, the ICMP and other organizations working to protect the Right to the Truth. By doing so, they will have the opportunity to work with representatives of civil society, thus ensuring that their demands, voice and needs will be heard, while also being able to be guided by the supervision of international organizations like the ICMP.

Another still unsolved factor is the lack of truth-seeking mechanisms and the poor development of the right to reparation that some nations face. Without these basic principles, nations completely fail in finding information or carry out effective investigations pertaining to the truth, while also being completely incapable of handling the process of remedying the

damage caused to victims. States should take immediate action on the issue by creating or further developing already existing truth-seeking mechanisms, like truth commissions.

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