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RCGI, 22 February 2018

**Right to Truth, Truth(s) through Rights:  
Mass Crimes Impunity  
and Transitional Justice**



Right to Truth(s)  
through  
Rights

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# Right to Truth, Truth(s) through Rights

## Mass Crimes Impunity and Transitional Justice

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### Presentation of the research project

Right to Truth(s)  
through  
Rights

The "fight against impunity" for mass crimes, which emerged as a result of the ravages of the 20th century, aims primarily to promote peacemaking and peacekeeping, security and democracy in the wake of extreme political violence. In the framework of transitional justice, the right to truth constitutes the first pillar of this "fight against impunity". But what is the right to truth and how is it implemented in contexts of persistent impunity?

The right to truth is increasingly claimed by victims or their families as a new right against the state and is enshrined in UN law and international human rights law, yet it remains underexplored *per se* in legal literature. When it is studied, it is never specifically analyzed in contexts of persistent impunity, which are the result of, for example, the maintenance of amnesty laws, state denial, systematic practices for the disappearance of bodies, or, simply, the death of those responsible. This research project hence addresses the following question: if the right to truth constitutes the first pillar of the "fight against impunity" and supposes a state obligation to investigate, what meaning(s) and what function(s) does it have in contexts of *a priori* irreversible impunity?

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 **Last Tweets**

We recommend the book "Derecho a la Verdad y Derecho Internacional en relación con graves violaciones de los Derechos Humanos" (Berg Institute) by Jorge Rodríguez Rodríguez <http://www.marcialpons.es/libros/derecho-a-la-verdad-y-derecho-internacional-en-relacion-con-graves-violaciones-de-los-derechos-humanos/9788494309748/> ... via @marcialpons

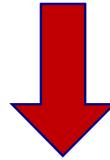
New film #TheSilenceOfOthers by @AlmuDocu about #ArgentineLawsuit and the fight for justice of victims of Francoist violence in Spain will premiere at Berlinale [https://www.berlinale.de/en/programm/berlinale\\_programm/datenblatt.php?film\\_id=201815206#tab=video2](https://www.berlinale.de/en/programm/berlinale_programm/datenblatt.php?film_id=201815206#tab=video2) ... via @berlinale

right-truth-impunity.ch

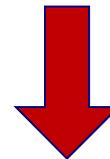
@RTTRimpunity

## **Right to truth (right to know)**

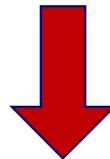
= first pillar of the  
“fight against impunity”



- 1. Right to truth**
2. Right to justice
3. Right to reparation
4. Right to a guarantee of non recurrence

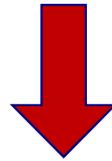


Indivisible from criminal justice

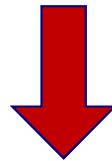


# Question

the right to truth implies a state obligation to investigate and represents the first pillar of the “fight against impunity”



what meaning and what function  
does it have  
when  
**criminal justice is inaccessible?**

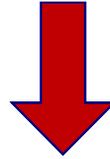


# **Blind spots of the “fight against impunity”**

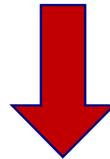
1. Maintaining of amnesty laws
2. Denial of justice / judicial failings
3. State denial / policies of systematic disappearance
4. Death of those responsible

# Working hypothesis

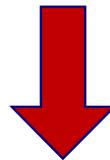
cognitive function of law

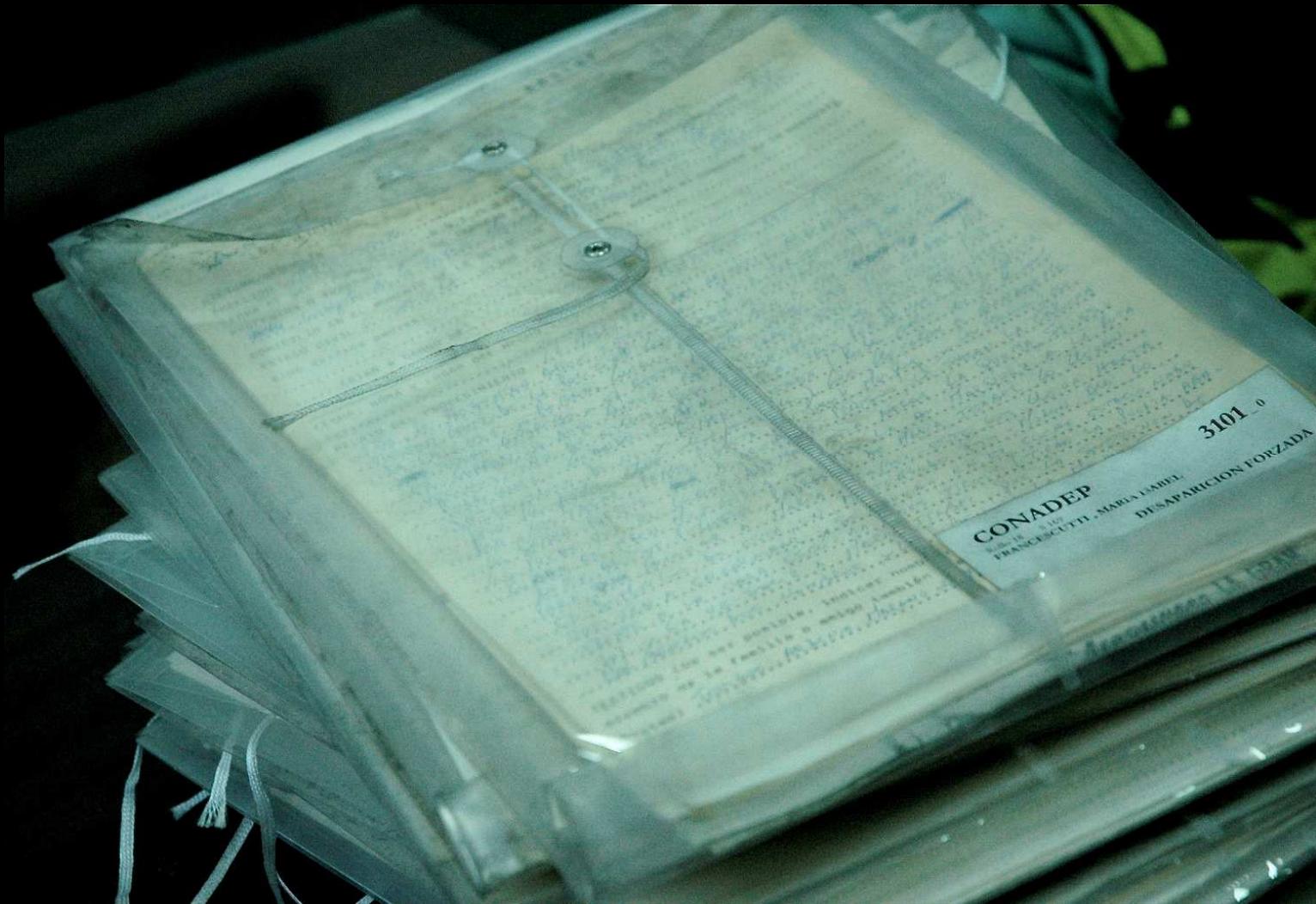


new paradigm:  
“the fight against denial”



critical analysis of the law addressing  
3 types of topical evidence





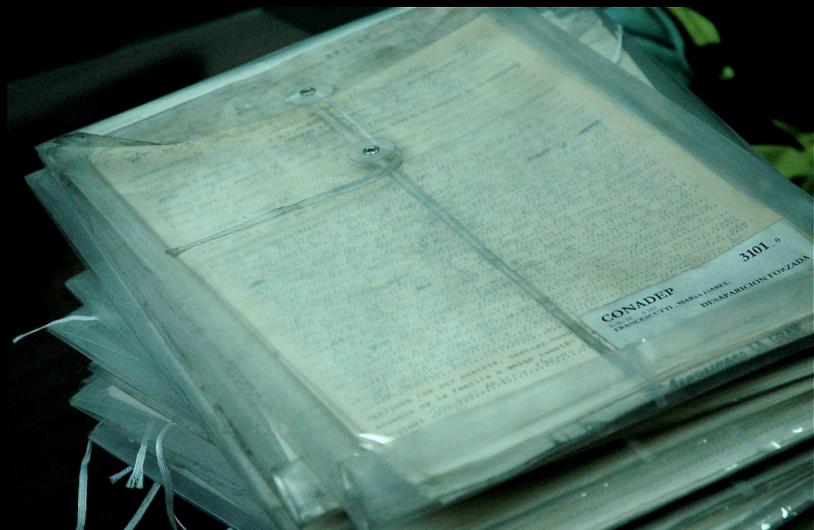
The testimony



The archive



The human remains



Testimonies



Archives



Human remains

Les cadavres dans les génocides  
et les violences de masse

**La mort  
du bourreau**  
Réflexions interdisciplinaires  
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**Sévane GARIBIAN (dir.)**

Préface d'Antoine GARAPON

Éditions **PETRA**



World Histories of Crime, Culture and Violence

**PRODUCING HISTORY  
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*From the Archive to the Grave*

Zahira Aragüete-Toribio

