The right to truthful information on human rights violation in unrecognized territories

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International law provides for the human right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas 'of all kinds' through any media of one's choice. It does not mention truthfulness of information as a possible condition of the right. Just on the contrary, it speaks against instituting, 'on the international level, a procedure for verifying the accuracy of a report which might lead to the imposition of penalties for the publication of false or distorted reports'.

Even in the wake of the current omnipresent spread of disinformation used for propaganda reasons, intergovernmental institutions and courts state that freedom of information applies 'irrespective of the truth or falsehood of the content' and that the right 'does not prohibit discussion or dissemination of information received even if it is strongly suspected that this information might not be truthful'. That means that there is no international right to truth or to truthful information.

Still there is a very important caveat, that has been developed in the past 35 years. The 'right to the truth' first appeared in the international courts' judgements, thus becoming an emerging principle of international law. Starting with the *Velásquez Rodríguez v. Honduras* (1988) decision, the Inter-American Court of Human Rights (IACtHR) pointed to the right to know the truth on the earlier practices of enforced disappearances by the Latin American governments that were targeting their political opponents. In *Rivera v. Peru* (2013), this Court called for 'an investigation of an enforced disappearance to be conducted effectively and with due diligence' while 'ensuring the rights of access to justice and to the truth.' Such a right was

eventually enforced in the UN's *International Convention for the Protection of All Persons from Enforced Disappearance* (2006).

The European Court of Human Rights followed with expanding the right to the truth to a wider context, than set by the IACtHR and the UN, in *El-Masri v. the former Yugoslav Republic of Macedonia* (2012), *Association "21 December 1989" and others v.* Romania (2011), and *Kenedi v. Hungary* (2009).

A study conducted in 2006 by the Office of the UN High Commissioner for Human Rights suggested that the right to the truth means knowing the full and complete truth as to the human rights violations, including their specific circumstances, their reasons and the names of those who participated in them.

Our case study focuses on the specificity of finding and publicizing the truth on gross and systematic human rights violations in Crimea, that has been widespread with its illegal annexation by Russia. They are disappearances of Tartar and pro-Ukrainian activists, gross violations of media freedom, persecution of Ukrainians' education and culture efforts. It analyzes the efforts to monitor the situation in the field and disseminate the truth, exemplified by the forced expulsion of the UN special envoy and an OSCE team in March 2014 (of which the author was a member), Russia's revenge on the heads of the two institutions (the High Commissioner on National Minorities and ODIHR) for their joint reports on human right situation in Crimea in 2014 and in 2015 in Crimea, 'follow-up' activity by UNESCO, etc.