Geneva International Centre for Justice

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TRANSITIONAL JUSTICE UNDER ATTACK



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I. Executive Summary

When a state denies the crimes of its past, victims lose their history a second time. Denialism does not merely dispute facts; it dismantles truth commissions, censors education, glorifies perpetrators and re-traumatizes survivors, striking at the inalienable right of victims and societies to know the truth about serious human rights and humanitarian law violations.

The Special Rapporteur (SR) on the promotion of truth, justice, reparation and guarantees of non-recurrence, presented his report on 16 September 2026 during the 63rd session of the Human Rights Council. The report documents denialism mainly as a post-transition phenomenon, including the discrediting of authoritative accounts and dismantling of transitional justice institutions in Latin America and the Western Balkans, the mimicry of transitional-justice language to formalise state impunity and the misuse of memory laws to suppress legitimate expression. Heavy-handed state responses are themselves a risk: counter-denial measures must remain necessary, proportionate and non-discriminatory so that fighting denial never becomes a cover for censorship. Education, memorialization, access to archives and free expression are identified as the essential tools against denialism.

The presentation of the report was followed by the interactive dialogue, during which the SR warned that denialism by state officials and politicians is actively eroding the pillars of transitional justice and violating victims' inalienable right to accurate accounts of violations. Group statements by Estonia on behalf of the Nordic Baltic states, the European Union, Sierra Leone, on behalf of the group of friends of R2P, and Kenya, on behalf of the African Group, converged on the need for transparency, education, victim-centred approaches and proportionate responses. Statements from Ukraine, Ireland, Rwanda and Afghanistan illustrated how denialism justifies ongoing crimes, restricts victims' access to truth and justice, and re-traumatizes survivors, with Afghanistan calling for the operationalisation and adequate resourcing of the Independent Investigative Mechanism for Afghanistan. UN Women and the University for Peace stressed inclusive, gender-responsive and victim-centred processes, while civil society speakers unanimously endorsed the report's diagnosis and its double caution on freedom of expression. In his concluding remarks, the SR noted the near-unanimous support for the report, urged states to implement its recommendations, and

announced that his next report, due on October 16, would address new technologies and transitional justice.

Geneva International Centre for Justice (GICJ) welcomes the report by the SR, expresses deep concern over the growing wave of denialism, revisionism and negationism, and calls on all states to implement the report's recommendations, ensure transparency in the preservation of and access to historical records, and counter denial and distortion of the past in order to build democratic and peaceful societies founded on truth and justice.

II. Background

The field of transitional justice was created in the 1980s to answer the need for mechanisms that could address the legacies of widespread human-rights violations and violence that accompany political transitions. The core paradigm posits that for a society to move toward a peaceful and just future, it must first provide recognition of and accountability for past wrongs, thereby breaking cycles of violence and disrupting dynamics that lead to authoritarianism or conflict. This includes judiciary and non-judiciary measures resting on five main pillars: truth, justice, reparations, guarantees of non-recurrence and memorialisation.

However, transitional justice processes have been put at stake by the advent of denialism, negationism and revisionism of human rights violations and humanitarian law. Although closely related, these three terms carry their own specificities. Denialism refers to the deliberate act of literal denial, interpretative denial (where the facts are conceded but their characterisation as human rights violations is rejected) or implicatory denial, meaning that the suffering caused is acknowledged but its implications are denied. Negationism can encompass all forms of denial and is now used to describe acts that deny established international crimes or genocides, such as the Rwandan genocide, the Holocaust and the atrocities committed in former Yugoslavia. Finally, revisionism can be understood as the intentional and politically orchestrated reworking of the past in favour of new narratives, whether by fabricating ad hoc facts or decontextualising genuine ones.

III. Summary of the Expert's Report

The current post-truth society has given rise to post-truth populism, which has been characterised by the shift away from the notion of “truth” for evidence-based

decision-making and accountability to narratives charged with pathos, leading to social polarisation. For this reason, the report highlighted how contemporary forms of denialism threaten the five foundational pillars of transitional justice processes: they block the right to truth, obstruct justice, undermine reparation, violate memorialisation duties and erode guarantees of non-recurrence. Furthermore, the report warned that heavy-handed state responses, such as criminalising opinions about historical facts, can violate freedom of expression, which, together with education and access to information, are essential tools against denialism.

The report examined different forms and examples of denialism in the contemporary world. First, it drew attention to the discreditation of authoritative accounts. The report highlighted how many of the most prominent trends of denialism do not arise in the moment of transition but rather afterwards by delegitimising established truth, glorifying perpetrators and removing memorial symbols. For instance, in Latin American countries such as Argentina, Peru and Brazil, the current and recent governments have limited access to archives, dismantling transitional justice institutions for the search of disappeared persons, stigmatisation of discourse against victims and glorification of perpetrators. Similar patterns have been documented by the previous SR during his country visit in Serbia, Croatia and Bosnia and Herzegovina. Also, in Indonesia state officials have expressed revisionist and denialist statements and have put forward initiatives to glorify the former president Soeharto, considering him a “national hero”.

Furthermore, the report acknowledged the increasing use of transitional justice-style language by state officials as a means of formalising state impunity. This trend has been documented, for instance, in Bosnia and Herzegovina, where such language has been used to negate the findings of the International Tribunal for former Yugoslavia regarding the genocide in Srebrenica. In addition, the report shed light on the reverse trend: very few countries have enacted dedicated legislation to tackle denialism, and many instead rely on the prohibition of discrimination and on memory laws. However, as noted above, the increasing imitation of memory laws can impair freedom of expression, suppressing critics who speak out about past or ongoing abuses. The report expressed concern, for instance, about Israel's Prohibition of Denial of Massacre Incidents of October 7, 2023 Law (5785-2025), since it could restrict freedom of opinion by imposing a state-approved interpretation of "truth".

The amplification of certain narratives to the detriment of others can be enhanced by the concentration of power in a small number of technology companies that can use their

leverage in the communication sphere to advance denialist narratives. This is what happened for instance in Sudan, where accounts affiliated to both warring parties have published contents on platforms such as Telegram and X dehumanising opposing ethnic communities and justifying violence. Indeed, the report points out that often denialism's purpose is to obstruct future accountability efforts. For instance, the Russian Federation has attempted to deny its responsibility for war crimes in Ukraine by claiming that the images of dead bodies were "faked". Indeed, the deepfakes represent another challenge for transitional justice processes since they can suggest that fictional events really occurred and create distrust among the public.

Denialism has also been used by states when adopting amnesties or pardons to grant impunity for past human rights and humanitarian law violations. This was the case, for instance, in Spain, where amnesties for those who had collaborated with the Franco dictatorship were framed as "national reconciliation." Such denial of past atrocities has also been a source of polarisation in many countries, shifting the focus away from the fact that transitional justice is primarily concerned with addressing gross human rights violations. The polarisation generated by denialism further contributes to perpetuating the logic of exclusion of marginalised groups. In Guatemala, for instance, past crimes and genocide targeting primarily Indigenous Peoples continue to be denied. Furthermore, environmental harms have traditionally not featured in attempts to map the violations committed during armed conflict, particularly where the abuses affected Indigenous Peoples and other groups subjected to marginalisation.

The report highlights that there is a clear difference between a legitimate debate around past abuses and the dismissal of authoritative accounts for ideological or political advantage. Thus, it is the states' duty to promote truth about past violations, ensure accountability and prevent recurrence. To this end, education holds a pivotal role, as well as cultural rights and freedom of expression. The report highlights that also the previous mandate holder expressed the relevance of memorialisation practices. Indeed, said practices can foster critical thinking, promote spaces for different narratives and ensure an understanding of the challenges posed by exclusion. An important role is also played by technology companies in preserving potential evidence of human rights violations by ensuring access to national and international accountability mechanisms.

The report concludes that there can be no stepping back from the truth: denying atrocities such as the Holocaust and other genocides, or glorifying the regimes that committed them, is incompatible with transitional justice, since denial corrodes its very foundations of truth, justice, reparation, remembrance and guarantees of non-repetition, and feeds renewed cycles of violence. This challenge has become more urgent in the digital age, when populist "post-truth" politics, social media and artificial intelligence allow false narratives to spread, gain influence and even be monetised, so that facts established by courts, truth commissions and memorialisation are increasingly questioned or displaced.

Crucially, the report shows that denial rarely disappears once the historical record is settled: years later, it can resurface through leaders who promote distorted accounts, discredit the institutions that documented abuses, manipulate memory laws or glorify perpetrators, while victims are stigmatised and education and remembrance initiatives are weakened. The response of states carries its own dangers. When measures against denial are misused or overextended, they can themselves restrict freedom of expression and become instruments of denial, which is why any prohibition must remain strictly necessary, proportionate and consistent with international human rights standards, so that fighting denial never becomes a cover for censorship.

The conclusion is therefore that confronting denialism demands a comprehensive, principled and forward-looking strategy grounded in international law, sustained political will, strong institutions, inclusive participation and a protected civic space. Transitional justice must be seen as a long-term, intergenerational commitment, watched over constantly in the spirit of non-regression: protecting the truth of the past is ultimately the way to safeguard the future, keep victims recognised, and remove the conditions in which abuses could happen again.

IV. Exhaustive Summary of the Interactive Dialogue

1. Opening Remarks by the Special Rapporteur

The SR presented his report on denialism, negationism and revisionism of serious violations of human rights and humanitarian law in transitional justice contexts. The Dialogue opened with the alarming warning from the SR regarding the waves of denialism statements of serious human rights and humanitarian law violations stemming from state officials and politicians that are undermining the pillars of transitional justice: truth, justice, reparations,

memorialisation and guarantees of non-recurrence. Denialism has been described as the "active effort to establish accounts of past violations with new narratives that serve narrow political or ideological interests". Especially in a post-truth world, the SR expressed concern over the possibility of denialism eroding democratic institutions, violating the inalienable rights of victims, their families, and the obstruction of society to accurate, comprehensive, and publicly accessible accounts of serious violations established through independent and impartial transitional justice processes. Furthermore, denialism is amplified by recent technological, cultural, social and political developments, including social media, digital technologies and artificial intelligence. The SR pointed out that state responses, particularly memory laws and security laws, have too often themselves become tools of restriction and denial; while states have a duty to prohibit advocacy of hatred constituting incitement to discrimination, hostility or violence, such measures must strictly comply with the principles of legality, necessity, proportionality and non-discrimination, and combating denialism must never serve as a pretext for censorship or repression.

He concluded with one clear message: there can be no regression or reversal. The denial of extermination policies, genocides, ethnic cleansing and crimes against humanity, as well as the glorification of those responsible, must be unequivocally rejected and actively countered by all states, domestically and internationally. Urging states to remain alert to politicians and corporate actors who weaponise freedom of expression, manipulate history, incite violence and silence dissent, he reiterated that the present as a dangerous time in which human rights, accountability and the rule of law must serve as guides rather than become the first casualties, and expressed his hope that the report would strengthen the Council's work on transitional justice.

2. Statements on Behalf of Group of States

Republic of Estonia on behalf of the Nordic Baltic states



The representative of Estonia on behalf of the Nordic-Baltic states opened her statement with the remark that denial of serious violations of human rights and humanitarian law has long been a feature of repressive regimes. She shared the concern of the SR's report over the wave of denialism and the amplification of it by digital technology undermining the sustainability and effectiveness of transitional justice processes. She also shared the report's position on the relevance of transparency, access to knowledge and education as tools to counter denialism.

European Union



The representative of the European Union (EU) pointed out that EU peace is founded on the principles of democracy and rule of law, and thus he recognised the historic importance of preserving memory. Moreover, he stressed that distortion or denial of human rights violations negatively affects the victims' rights and weakens guarantees of non-recurrence. For this reason, across Europe there are continued efforts to preserve accurate accounts of the Holocaust, crimes against humanity and other grave human rights violations. However, echoing the SR's concerns, he reiterated that all efforts to counter denialism must respect freedom of expression and principles of proportionality, necessity and legality.

Republic of Sierra Leone on behalf of the group of friends of R2P



The representative of Sierra Leone emphasised the importance of the role of the SR in shaping a common understanding of accountability as a continuous process encompassing truth, justice, reparations and guarantees of non-recurrence. He pointed out that accountability holds an important role and stated that when cycles of impunity endure, so does the risk of renewed atrocities. The statement closed by recalling the 2005 World Summit commitment on protecting populations from war crimes, ethnic cleaning, crimes against humanity and genocide. Lastly, he addressed a question to the SR on how the Council can better place the guarantees of non-recurrence at the heart of its efforts.

Republic of Kenya on behalf of the African Group



The representative of Kenya on behalf of the African Group stressed that denialism is not only a distortion of the past but a phenomenon that undermines accountability, eroding trust in institutions and marginalising victims. Furthermore, the intervention addressed the importance for Africa to have a victim-centred and national-owned approach that could address structural and historical inequalities. While expressing concern over the role of new technologies in amplifying denialist practices, the representative of Kenya also highlighted the importance of safeguarding freedom of expression and civic space.

3. Relevant Oral Statement by Other Delegations

Ukraine



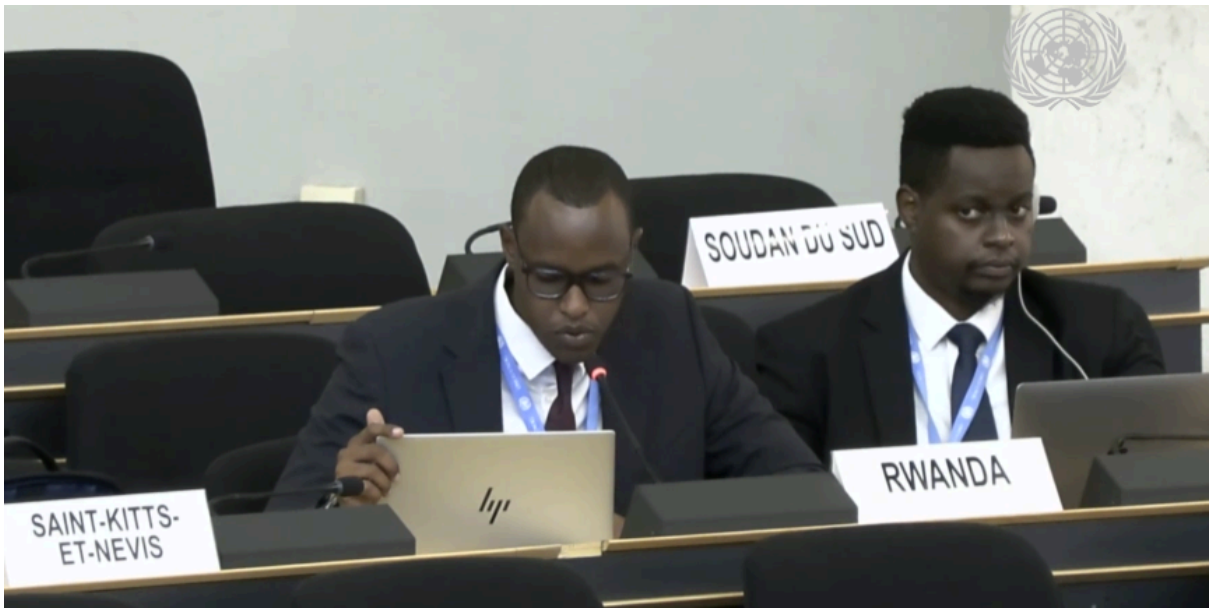
The Ukrainian representative opened his statement by highlighting that denialism and revisionism are not just attempts to distort the past but can also be used to justify ongoing violations and prepare the ground for new crimes. This statement wanted to shed light on the ongoing violations that are being denied by Russian authorities during the Russian-Ukrainian conflict. The representative stressed thus that truth and accountability are not just essential to ensure justice, but also to prevent recurrence. Indeed, he wanted to highlight how Ukraine has been a victim of longstanding historical falsification and denial of the Ukrainian nation itself. He concluded the statement by stressing that denialism and historical revisionism have been used, and are still used, to conceal past crimes and to justify repetitions of violations.

Republic of Ireland



The representative of the Republic of Ireland expressed alignment with the statement of the EU and thanked the SR for the report. The statement shared the report's findings on the impact of denialist narratives on victims and survivors as well as on accountability and reconciliation processes. The representative stressed the importance of inclusive transitional justice processes and responsive practices to structural inequalities to avoid the perpetration of exclusion of marginalised groups. Furthermore, he expressed concern over the UK's 2023 legacy legislation, specifically over provisions restricting the existing pathways undermining victims' access to justice and truth.

Republic of Rwanda



The representative of the Republic of Rwanda thanked the SR for addressing genocide denialism, negationism, and revisionism. The statement stressed that drawing on its experience of the 1994 genocide against the Tutsi, Rwanda has established a legal framework criminalising genocide ideology and genocide denial as part of its commitment to prevention and to the guarantee of non-recurrence. The representative pointed out that genocide denial is not merely a distortion of history: it undermines established truth, re-traumatises and re-victimises survivors, and can create conditions for renewed hatred and violence. Thus, Rwanda expressed concern over the persistence of genocide ideology and denial speech in the region, which underscores the ongoing need for vigilance, prevention, and accountability. The representative encouraged stronger national and international responses, including through education, accountability, and greater engagement with digital platforms, while upholding applicable international human rights standards.

Islamic Republic of Afghanistan

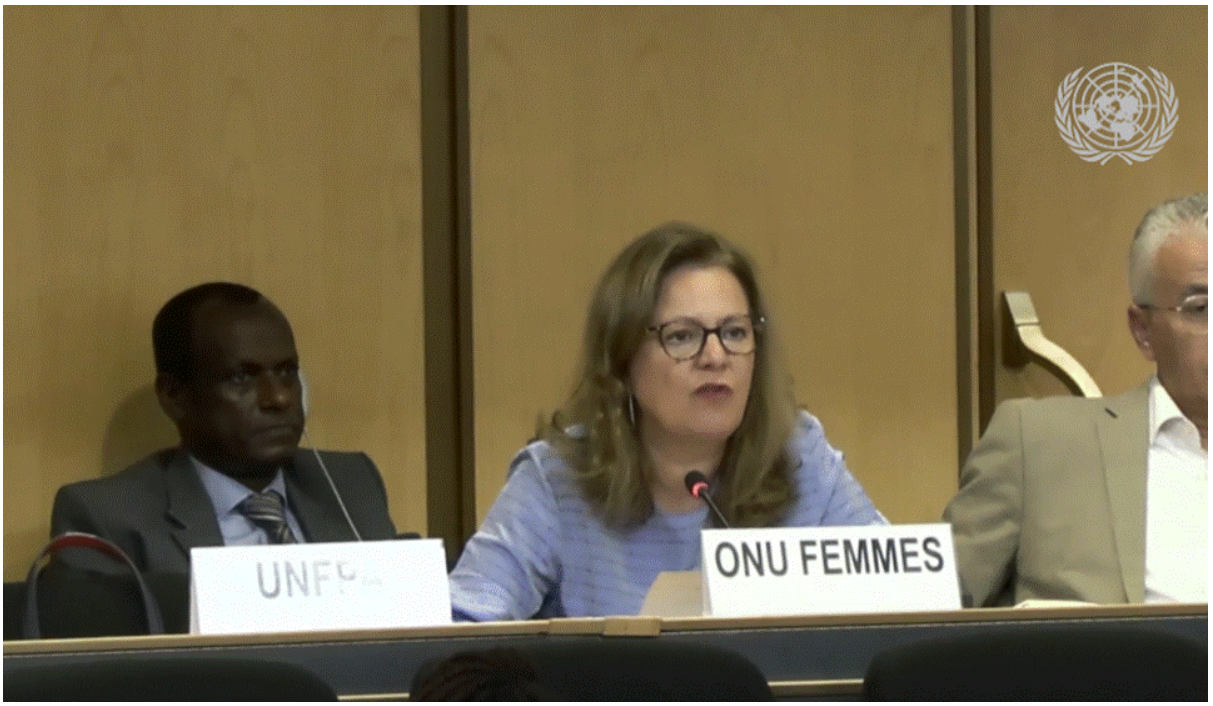


The representative of the Islamic Republic of Afghanistan opened the intervention by thanking the SR for his report and remarking that the Taliban continue to deny the grave violations they commit on a daily basis by manipulating religion, culture, and language. He observed that this recasting of atrocities through deceptive language is a reminder that the struggle for truth is, in the first instance, a struggle over words. He further noted that the Taliban's denial continues through the replacement of independent media with a propaganda apparatus of their own that rejects any narrative departing from what the Taliban deem to be true.

The representative then argued that countering denialism and revisionism begins with preserving an authoritative record, which is why the Independent Investigative Mechanism for Afghanistan is crucial. He outlined its value across all four pillars of transitional justice: on truth, it creates the record that is the precondition for any future truth-telling process; on justice, it is designed to prepare case-ready files that prosecutors can use; on reparation, the record is a prerequisite for any future program; and on the guarantee of non-recurrence, ending impunity deters future violations. On this basis, he closed the statement by calling for the mechanism to be operationalised and adequately resourced.

4. Statements by UN Agencies

UN Women



The representative of UN Women welcomed the SR's recognition that denialism can obscure the nature and extent of gender-based violence, ignore enabling factors and perpetuate gender gaps in accountability and reparation. The statement pointed out that transitional justice processes that exclude women and marginalised groups reproduce exclusion and leave violations unacknowledged, creating space for denialism. Key safeguards should thus be dedicated to gender expertise and meaningful participation of women, in particular indigenous women, women discriminated against based on work and descent, women with disabilities, and survivors and women human rights defenders.

University for Peace



The representative of University for Peace welcomed the report, stressing that sustainable peace cannot be built without truth and that memorialisation is both moral reparation and part of the right to truth. It called for victim-centred, participatory memorialisation while keeping the state's primary duty to investigate and prosecute intact. It expressed deep concern at regressive measures (legislative amnesties, statutes of limitations for gross violations, funding cuts to memorialisation and investigative bodies), harassment and reprisals against civil society, lawyers and families, and urged states to halt such measures, safeguard archives, and keep education, memorialisation and institutional reform at the core of non-recurrence strategies.

5. GICJ Written Statement - Jurf al-Sakhr, Twelve Years of Displacement, Denial of Return and Collective Punishment

The written statement addressed the SR on truth, justice, reparation and guarantee of non-recurrence concerning the inhabitants of Jurf al-Sakhr, displaced during military operations against ISIS in October 2014. Nearly twelve years on, the area remains largely closed to its original civilian population, turning what began as a temporary security measure into an open-ended denial of return, that the statement characterizes as collective punishment.

Displaced families are scattered across several governorates, facing depleted savings, disrupted education, lost livelihoods and particular barriers for older persons, persons with disabilities, women and children. IOM assessments have repeatedly identified blocked returns. Residents report extensive destruction, looting and unauthorized use of homes and farmland, contrary to Article 23 of Iraq's Constitution and international human rights law. The statement also documents stigmatizing rhetoric and threats against residents by provincial officials and armed groups operating outside effective state control.

The statement calls on Iraq to permit immediate return, establish a housing, land and property mechanism, create an independent investigative mechanism, protect residents and defenders from reprisals, and provide assistance until durable solutions are achieved, urging the Human Rights Council to monitor implementation against measurable benchmarks.

6. Statements by CSOs

NGOs and civil society interventions at the Interactive Dialogue endorsed the SR's report, and especially its diagnosis that denialism, negationism and revisionism are not mere distortions of the past but active attacks on all five pillars of transitional justice. They also accepted, with no dissent, the report's double caution: that counter-denial measures must respect freedom of expression and legality, necessity, proportionality and non-discrimination. On remedies there was likewise convergence: transparency, access to archives and information, evidence-based education, digital literacy, victim-centred memorialisation, and support for civil society and human rights defenders as the most effective responses, with regulatory pressure on technology companies under the UN Guiding Principles on Business and Human Rights. Furthermore, several speakers stressed that processes which exclude women, minorities or survivors leave violations unacknowledged, and these very gaps create the space denialism exploits. A recurring call on states was that, to counter denialism, archives must be safeguarded and evidence preserved. Particularly on the memorialisation, it was argued that there is a direct, reciprocal link between denialist discourse and the material dismantling of memory policy, each legitimising and reinforcing the other.

7. Concluding Remarks by the Special Rapporteur

The SR concluded the Interactive Dialogue by thanking the delegations and noting that the support expressed for the report signals its relevance. His central message was that, given this

consensus, states should implement the recommendations formulated. He also thanked the delegations that had shared a vast and diverse set of good practices and examples of domestic and international measures to address denialism and revisionism, noting that these answered in part some of the questions raised during the dialogue.

Turning to the questions raised, he summarised that many dealt with good practices for fighting denialism and revisionism, and he reiterated the report's recommendations and the need to support and protect the integrity of factual truth established by truth commissions and tribunals, including international ones. He called on states to counter hate speech, discriminatory discourse, and incitement to violence that feed division and polarisation. He further stressed the need to promote robust public information and transparency processes contributing to the establishment of truth and not to invoke secrecy or national security laws to prevent transparency of information related to transitional justice except in conformity with international human rights law. He further urged states to strengthen memorialisation efforts and to take robust measures to ensure that technology companies do not contribute to denialism or feed the growing skepticism about truth. He concluded the interactive dialogue on this note by announcing that his next report, due on 16 October, would address new technologies and transitional justice specifically.

V. Position of Geneva International Centre for Justice

Geneva International Centre for Justice (GICJ) welcomes the report of the SR and expresses deep concern over the growing wave of denialism, revisionism and negationism in transitional justice processes. Such conduct denies victims their right to the truth and perpetuates impunity. **GICJ** further echoes the Special Rapporteur's concern that transitional justice mechanisms themselves can obscure and perpetuate the systemic exclusion faced by marginalized groups, and stresses that confronting this form of denial requires inclusive, intersectional processes.

At the same time, **GICJ** underscores the report's warning that combating denial must never become a pretext for censorship. Any restriction must satisfy the principles of legality, necessity, proportionality and non-discrimination, in line with the Rabat Plan of Action.

Finally, **GICJ** calls on all states to implement the report's recommendations, to ensure transparency in the preservation of and access to historical records, and to counter denial and distortion of the past to build democratic and peaceful societies founded on truth and justice.



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