

**DISSOLUTIONS AND ASSUMPTIONS CLOSE
TO FAKE NEWS OVER EVIDENCE
SUGGESTING WAR CRIMES IN UKRAINE.
CASE STUDY: AMNESTY INTERNATIONAL
REPORT**

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***Summary:** War propaganda is often fuelled by a range of information, either exaggerated or even false. This study uses, as an example, the reactions provoked by Amnesty International's report on Ukrainian combat tactics and the influence that the study of alleged fake news can have on judicial activities to investigate war crimes.*

***Keywords:** war crimes; Ukraine; Amnesty International report; presumption of innocence; proof beyond reasonable doubt*

I. Preliminaries

The scenarios of armed conflict in Ukraine have brought with them numerous counter claims from many international actors, the most legitimate of which are probably Ukraine and the Russian Federation, states directly involved in this armed conflict. War is also inherently based on propaganda, and propaganda is often fueled by a range of information, either exaggerated or even false. One of the most important claims is that of compliance with the rules of international humanitarian law and the legal accountability of those who have seriously violated these rules, infringing the fundamental rights of individuals. In this study, we try to highlight the influence that media propaganda has on the procedural activities that seek to hold those responsible accountable. In other words, in a broader sense, we will address the influence of the duplicitous context

Qualifications as fake news are an extremely important test for a judicial system based on international human rights standards and focused on scientific truth-telling. On the one hand, the phenomenon of fake news is disadvantageous because of the effects it has on a society, but for the judiciary it must be controlled extremely well and detected on the basis of evidence. Existing in the media, even if a piece of information is labelled as fake news, it should not be ignored from the outset by the investigative bodies, as it could lead both to the construction of relevant prosecution versions and, above all, to the obtaining of evidence.

The test of excluding prosecution versions on the basis of evidence is a forensic investigation procedure that can ensure a fair trial for those accused, which is ultimately a benefit, as it allows decisions to be taken whose verdict and reasoning are not in doubt.

Regarding the Amnesty International report, the allegation that it is fake news is, in our view, unsubstantiated and more partisan. In a more scientifically rigorous approach it would have been useful to point out that the allegation is only a conclusion, as a result of the interpretation of information, without claiming to be a correct conclusion. This can be countered by arguments of interpretation of the same research material that formed the basis of that conclusion, but also by other evidence leading to its dismissal.

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