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Mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Questionnaire

Transitional justice measures to address the legacy of serious violations of human rights and humanitarian law committed in colonial contexts

Within the framework of Human Rights Council resolution 45/10, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence has been mandated to “*identify, exchange and promote good practices and lessons learned, and to identify potential additional elements with a view to recommending ways and means to improve and strengthen the promotion of truth, justice, reparation and guarantees of non-recurrence.*”

In compliance with this mandate, the Special Rapporteur decided to devote his report to the 76th session of the General Assembly, in October 2021, to examine the question of the adoption of transitional justice measures to address the legacy of serious violations of human rights and humanitarian law committed in colonial contexts.

In order to obtain a broad representation of views to inform the thematic report, the Special Rapporteur is seeking written contributions by Member States, civil society and other relevant stakeholders through responses to the questionnaire below.

In particular, the Special Rapporteur would appreciate receiving specific examples regarding the design and implementation of measures in the field of truth, justice, reparation, memorialization and guarantees of non-recurrence to address gross human rights violations and serious violations of international humanitarian law committed in colonial contexts, or the considerations that prevented their adoption, and the legal and institutional frameworks underpinning those measures or lack thereof. In this regard, the Special Rapporteur is particularly interested in identifying challenges and lessons learned, good practices and existing or emerging opportunities, as well as relevant national, regional and/or international jurisprudential developments.

Please note that you can choose to answer all or some of the questions below

Questionnaire

1. Please indicate which mechanisms have been established in the concerned country to **hold accountable** persons accused of committing or bearing responsibility for gross violations of human rights and serious violations of international humanitarian law in colonial contexts. If such mechanisms were not adopted, please explain why. Please indicate the challenges and

opportunities encountered in investigating, prosecuting and sanctioning such crimes.

2. Please indicate which measures have been established in the concerned country to inquire on and **establish the truth** about gross violations of human rights and serious violations of international humanitarian law committed in colonial contexts. If such mechanisms were established, please indicate how was the outcome of the inquiries made public and conveyed to victims and civil society in the affected country as well as to civil society in the former colonizing power. If such mechanisms were not adopted, please explain why. Please indicate the challenges and opportunities encountered in this regard, whether victims and affected communities have been effectively consulted in the design and implementation of these measures, and whether a gender perspective was adopted.
3. Please indicate which measures have been established in the concerned country to **provide reparation** to victims of gross violations of human rights and serious violations of international humanitarian law committed in colonial contexts. If such processes were established, please indicate which type of reparation was provided to victims (for example: restitution, compensation, satisfaction, and /or rehabilitation). If such measures were not adopted, please explain why. Please indicate the challenges and opportunities encountered in this regard, whether victims and affected communities have been effectively consulted in the design and implementation of these measures, and whether a gender perspective was adopted.
4. Please indicate which measures have been established in the concerned country to **memorialize** the gross violations of human rights and serious violations of international humanitarian law committed in colonial contexts. If yes, please indicate whether memorialization processes were established in the affected country and /or in the former colonizing power. If such measures were not adopted, please explain why. Please indicate the challenges and opportunities encountered in this regard, whether victims and affected communities have been effectively consulted in the design and implementation of these measures, and whether a gender perspective was adopted.
5. Please indicate which measures have been established in the concerned country to **guarantee non-recurrence** of the gross violations of human rights and serious violations of international humanitarian law committed in colonial contexts. If such mechanisms were not adopted, please explain why. Please indicate the challenges and opportunities encountered in this regard, whether victims and affected communities have been effectively consulted in the design and implementation of these measures, and whether a gender perspective was adopted.

Given the timeline for the preparation of the thematic report, we kindly request that written contributions be sent in Word format to srtruthcalls@ohchr.org by **7 May 2021**. We would also welcome any other document, report or article providing further information on this topic in the country concerned.

Please limit your contributions to a maximum of 750 words per response and attach annexes, where necessary. Your responses may be published on the website of the Office of the High Commissioner for Human Rights.

Should you not wish to have your response published on the website, please indicate so in your response.

We thank you in advance for your cooperation, and for your responses.