

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

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

***Call for inputs***

**Minimum international legal standards underpinning the duties of States and the rights of victims in the fields of truth, justice, reparation, memorialization and guarantees of non-recurrence**

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 decided to devote his report to the 54th session of the Human Rights Council to thoroughly reviewing the minimum international legal standards underpinning the duties of States and the rights of victims in the fields of truth, justice, reparation, memorialization and guarantees of non-recurrence. The report will review the relevant national and international legal framework, the jurisprudence of national, regional and international tribunals and human rights mechanisms, as well as the conceptual framework and academic literature regarding the scope of the legal obligations and rights underpinning the five pillars of transitional justice.

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.

We kindly request that written contributions be sent in Word format to orhchr-srtruthcalls@un.org **by 15 January 2023**. Please limit your contributions to a maximum of 1500 words per question and attach annexes, if necessary. We would also welcome any other document, report or article providing further information on this topic.

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 it in your response.**

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

**Questionnaire**

*(You can choose to answer all or some of the questions below)*

***1. Truth***

*Please indicate which legal framework (laws, decrees or other legal sources) underpins truth-seeking procedures undertaken as part of transitional justice processes in the country where you work. What are the main characteristics of this framework? If Truth Commissions or independent fact finding bodies are involved in the truth seeking process, please indicate how is their independence, impartiality, and competence guaranteed? Please make reference to examples where such legal framework is applied and indicate if there are obstacles to its implementation. Do you consider that the national legal framework takes into account international legal standards?*

***2. Justice***

*Please indicate which legal framework (laws, decrees or other legal sources) regulates criminal accountability procedures for serious human rights violations undertaken as part of a transitional justice process in the country where you work. How are criminal penalties, amnesties and pardons for gross violations of human rights and serious violations of international humanitarian law regulated in the context of transitional justice? Please make reference to examples where such legal framework is applied and indicate if there are obstacles to its implementation. Do you consider that the national legal framework takes into account international legal standards?*

***3. Reparations***

*Please indicate which type of reparations, be them individual or collective, are afforded to victims of gross violations of human rights and serious violations of international humanitarian law in the country where you work, and the legal framework (laws, decrees or other legal sources) regulating them. What are the procedures, operational parameters or criteria applied to determine victims’ eligibility, the type of reparation to be provided in each case, and victims’ participation in the procedures? Please make reference to examples where such legal framework is applied and indicate if there are obstacles to its implementation. Do you consider that the national legal framework takes into account international legal standards?*

***4. Guarantees of non-recurrence***

*Please indicate what measures were put in place in the country where you work to advance institutional and legal reform to ensure non-recurrence of past violations in the context of transitional justice processes, and the legal framework (laws, decrees or other legal sources) regulating them. Please refer to reform measures in all branches of government, including the armed forces. In your experience, which guarantees of non-recurrence proved most effective at preventing gross violations of human rights and serious violations of international humanitarian law, and how does the applicable legal framework facilitate such processes?*

***5. Memorialization***

*Please indicate which legal framework (laws, decrees or other legal sources), if any, regulates memorialization processes undertaken as part of transitional justice in the country where you work, and its main characteristics. Please make reference to examples where such legal framework is applied and indicate if there are obstacles to its implementation. Do you consider that the national legal framework takes into account international legal standards?*