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

Questionnaire

The roles and responsibilities of non-state actors in transitional justice processes

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, Fabian Salvioli, has decided to devote his report to the 51st session of the Human Rights Council, in September 2022, to examine the question of the roles and responsibilities of non-state actors (NSAs) in transitional justice processes.

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 inputs regarding the roles and degree of involvement of non-state actors (armed groups or other NSAs who have been directly or indirectly involved in serious violations of human rights and international humanitarian law committed in conflict and authoritarian settings) in the implementation of measures in the field of truth, justice, reparation, memorialization and guarantees of non-recurrence adopted to address those violations, or the obstacles that prevented their involvement.

We kindly request that written contributions be sent in Word format to ohchr-srtruthcalls@un.org by **14 January 2022**. Please limit your contributions to a maximum of 750 words per response 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, please clearly indicate it in your response.**

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

All Permanent Missions to the United Nations Office and Observers Missions at Geneva

Questionnaire

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

1. Please inform about instances in which non-state actors (armed groups or other NSAs who have been directly or indirectly involved in serious human rights violations in conflict or authoritarian settings) have participated in or assisted the mechanisms created to **hold accountable** the persons accused of committing, or bearing responsibility, for the aforementioned violations and provide the relevant details. This may include engagement with national or international justice systems or 'internal' efforts by non-state armed groups themselves to hold accountable those guilty of violations of humanitarian law or human rights laws. Please indicate the challenges and opportunities encountered in non-state actor's engagement in accountability processes.

Please see attached report (*Responsabilidad de Actores Económicos en procesos de Memoria, Verdad y Justicia en América Latina*, by Andhes, el Centro de Estudios Legales y Sociales (CELS), Corporate Accountability Lab (CAL), el Centro de Estudios de Derecho, Justicia y Sociedad (Dejusticia), la Fundación para el Debido Proceso (DPLF), University of Virginia International Human Rights Clinic, and the Advancing Human Rights Accountability Initiative of the Latin American Centre at the University of Oxford.

2. Please inform about instances in which those non-state actors have participated in or assisted **the truth-seeking processes established in connection** to the aforementioned violations, and provide the relevant details. This may include processes of engagement with international or national institutions designed to facilitate truth recovery or 'internal processes' wherein non-state actors have established their own truth recovery processes. Please indicate the challenges and opportunities encountered in this regard.

Please see attached report.

3. Please inform about instances in which those non-state actors have participated in or assisted mechanisms established to **provide** either practical or symbolic **reparations** to victims (e.g., compensation, apologies, de-mining, acknowledgement, efforts to locate 'disappeared' bodies) of the aforementioned violations, and provide the relevant details. Please indicate the challenges and opportunities encountered in this regard.

Please see attached report.

4. Please inform about instances in which those non-state actors have assisted or participated in mechanisms created to **memorialize and to guarantee non-recurrence** of the aforementioned violations, and provide the relevant details. This may include practical steps such as engagement in processes of disarmament, demobilization and reintegration, as well as formal declarations regarding non-recurrence. Please indicate the challenges and opportunities encountered in securing credible guarantees of non-recurrence.

Please see attached report.

5. Please indicate categories **of interlocutors** which have engaged with those non-state actors in your local context in order to assist their engagement with transitional justice processes (e.g. state agencies, churches, international institutions, tribal leaders, victim leaders, external facilitators etc.)? What are the broader lessons as to who is best suited to facilitate the engagement of non-state actor engagement in transitional justice processes?

Please see attached report.

6. If those non state actors have engaged differently at different stages of transition, please explain the possible variables. What are the **factors which encourage or impede non-state actor's engagement** with transitional justice processes.

Please see attached report.