# **QUESTIONNAIRE**

## **APOLOGIES IN TRANSITIONAL JUSTICE CONTEXTS**

In the framework of Human Rights Council Resolution 36/7, the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence has been mandated “[t]o identify, exchange and promote good practices and lessons learned.” To this end, he will undertake research and analysis to identify practices and lessons learned in relation to **the adoption of apologies for gross human rights violations and serious violations of international humanitarian law**. The research will inform his thematic report to the 74nd session of the General Assembly in October 2019.

In order to obtain a broad representation of views to inform this 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, he would like to identify specific examples that illuminate the components necessary for the design and implementation of an effective apology.

We wish to thank you in advance for your cooperation, and for your responses to ***all or some* of the below questions**.

* When we refer to ‘your country’ we denote the country or jurisdiction in which you live and / or work.
* This report will focus primarily on public apologies. However, if there are examples of private apologies which have had an important impact on dealing with past human rights violations in your country please provide relevant details, including why they had a meaningful impact.

## **Background Information on Important Public Apologies**

Please provide information on any notable public apologies that have been adopted and implemented in your country as a means of providing effective redress to victims of gross human rights violations in a political transition (from an authoritarian and/or conflict situation)? These should include apologies from state institutions and from non-state actors (e.g. pro or anti state armed groups, churches, business etc.).

## **Apologies and Motivation**

Please explain why these organisations apologised in your country? What were the motivating factors (e.g. mobilisation by victims, legal imperative, media pressure)?

## **Apologies and the Law**

Please describe the role of law, if any, in shaping the construction, delivery and reception of apologies in your country. To what extent were organisations that apologised influenced by legal considerations (e.g. framed in a way to avoid legal liability or financial compensation)? Did victims or other groups use legal remedies to seek apologies?

## **Apologies and Accountability**

Were apologies in your country linked to other retributive or restorative sanctions? Were they linked with criminal prosecutions for past human rights violations? To what extent did they trigger accountability for past abuses? Is an apology itself a form of accountability?

## **Apologies and Responsibility**

Did the apologizing individual or organization take full responsibility for the violations being apologised for? Were the past human rights violations clearly identified? Were all those affected by the past violations clearly recognized by the apology/apologies? Were indirect victims, such as family members, acknowledged by the apology?

## **Apologies and Truth**

Please explain if apologies were linked with a truth recovery process and how they affected its outcome. To what extent have apologies fostered or hindered truth recovery in your country? Did the apology/apologies have a truth recovery function themselves? Have apologies ever been used to deny or hide the truth of past human rights violations?

## **Apologies and Reparations**

Please inform if apologies adopted in your country were combined with any other form of redress, such as individual, collective, material or symbolic reparations? How were they implemented (jointly, separately)? Did the apology/apologies in your country constitute an effective mean of redress for victims? Please elaborate.

## **Apologies and Timing**

Please describe the sequencing of apologies in your country. Did they take place before, during or after other transitional justice measures such as criminal prosecutions or truth recovery mechanisms? Based on your experience or knowledge, should they be linked with other events (e.g. anniversary, commemoration, truth commission report or completion of major trial?) Were particular seminal apologies preceded by other less fulsome apologies or statements of acknowledgement?

## **Apologies, Preparation and Choreography**

Who were the main stakeholders involved in the design, set up and delivery of apologies in your country (e.g. government, army, police forces, armed groups, private corporations, civil societies organisations)? How was the text of the apology/apologies drafted and agreed upon? How was the apology/apologies delivered (e.g. public statement, media broadcasting, radio/TV statement)? How important was this form of delivery of the apology/apologies to its reception?

## **Apologies and the Involvement of Victims**

Please indicate if the apologies adopted in your country were based on effective consultation with victims in the design, set up and delivery. What role, if any, did interlocutors (e.g. Church figures) play? Please provide examples of good and effective practices in this regard. What was the impact of the consultation with victims for the apology process? Did victims endorse or reject the final apology?

## **Apologies, Leadership and the Management of Organisation or Constituency**

Please describe the status of individuals who made the apologies and who they were representing. How did they prepare their organization, supporter or constituency? How were dissenting voices (e.g. those opposed to apologising) managed?

## **Apologies and Audience**

Please explain which audiences the apologies addressed (e.g. victims, apologising organisations’ support base, general public etc.)? How were particular audiences targeted?

## **Apologies and Legitimacy**

Please indicate, based on your experience or knowledge, what were the key elements which either contributed to or undermined the perceived legitimacy of apology/apologies in your country?

## **Apologies, Reconciliation and Follow-through**

Please describe the role of apologies, if any, in reconciliation (individual or collective) in your country. Please provide information on any follow-up processes to apologies that were aimed at reconciliation. Please indicate if subsequent to the adoption of public apologies, the apologising institution’s (state or non-state) approach to the issue remained the same, regressed or moved forward.

## **Apologies and Gender**

Did some apologies in your country specifically address gendered harms (e.g. gender-based sexual violence, forced abortion, removal of children)? Did the gender of either the apologiser(s) or the victim(s) affect the impact of the apology/apologies?

## **Apologies and Non-recurrence**

Please indicate if apologies had a particular effect regarding the non-recurrence of similar violations.

## **apologies and local context**

What are the key factors (political, religious, economic, cultural) that either encourage or hinder the issue of public apologies for past human rights violations in your country?

From your perspective, what are the key elements to an appropriate or sincere public apology?

* Given the timeline for the preparation of the thematic report, we kindly request that written contributions be sent in a Word document to srtruth@ohchr.org no later than 17 May 2019. We would also welcome any other document, report, article (PDF/Word) providing further information about the domestic reparation programmes in your country.
* 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. Please let us know if you **do not** wish your response to be published.