

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.

**To begin with, as director of the Master of Arts in Holocaust and Genocide Studies program at Kean University (one of three in the USA), I have created and taught graduate courses in transitional justice (TJ) and restorative justice (RJ). What is becoming more and more apparent is the paucity of US mechanisms for responding to gross violations of human rights prerogatives. I am therefore calling your attention to recent endeavors in the United States to catch up with initiatives in other countries. Though the US does not provide a formal example of a “colonial context,” the truth is vulnerable groups in the US live in colonial circumstances. As Isabel Wilkerson (*Caste*) most recently argued, for all the achievements toward equality and equity the US should be proud of, Blacks, Latinx, Asians, Indigenous, and Appalachian Whites live in hierarchical conditions. While the TJ and RJ movements have taken global root over some 30 years, we are observing the birth of formative grassroots organizations in the US just seven years ago with the rise of the Black Lives Matter movement. These organizations constitute the mechanisms that are mainly dedicated to “bridging divides” in an attempt to form coalitions for holding persons and institutions accountable for wrongdoing. Contentiously, the target at the moment is the police and tendentious incarceration. It is vital to note that the record of criminal justice exhibits considerable merits but it is also important to assert that demands for accountability are exerting pressure on decision-makers to transform criminal justice with trust-restoring measures.**

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.

**The US has adopted two truth commissions – paltry by international standards: in North Carolina and in Maine. One more is emerging after the George Floyd incident in Minnesota. The one in Minnesota appears promising for generating public and civic awareness, primarily because of the current Black Lives Matter megaphone. But given the record so far it is just as likely that public concern will dim. Blacks in NC and MN and the indigenous in Maine have been and are instrumental in the design of these commissions. I have not seen an explicit or defining gender perspective.**

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.

**Reparations is a consistent proposal but has not yet been adopted in the US as a commitment to correction. The precedence of reparations for US Japanese citizens interned during WWII is notable, as is allocation of resources to Native Americans, but resistance to providing material or symbolic post-conflict support prevails and, certainly in the case of Native Americans, distorts correction. The most significant measures are taking place in US schools where restorative practices is taking root and curriculum revision is illustrating historical injustices and corrective interpretations, but it's too early to determine if education is translating into civic action.**

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.

**The nascent stages of mitigation is the razing of memorials to confederate leaders who represent one summit in the throughline from antebellum slavery to Jim Crow statutory segregation to incarceration. While the erection of a monument in honor of Richmond, VA, native Arthur Ashe represented a response to confederate monuments on Richmond's Monument Avenue, the most promising development in memorialization is a global movement known as "counter-monuments" or "counter-memorials" that summon spectators interaction and inspires their awareness of responsibility. Evidence of this development has yet to materialize in the United States; it would be requisite to engage a gender perspective.**

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.

**From the preceding it is apparent that the US RJ movement has not matured to the point of consolidating measures guaranteeing the non-recurrence of gross human rights violations. The present realities of systemic racism, restrictions on life for Native Americans, raw resentments of Appalachian Whites, the Covid-related persecution of Asian-Americans, and the endemic plight and demonization of undocumented people establish an agenda for restorative justice in the United States. Current signs suggest that the first stage of the process – awareness and civic pressure – is preparing the way for subsequent measures, including truth commissions, reparations, and memorialization, let alone the guarantee of non-recurrence, but given ahistorical inclinations of most US residents, it is not at all certain that citizen activism will crystallize.**

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](mailto: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.