
**THE TRUTH, RECONCILIATION AND NATIONAL UNITY
COMMISSION ACT, 2018**

GUIDELINES AND PROCEDURES ON AMNESTY

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PREAMBLE

The Truth, Reconciliation and National Unity Commission,

Recognising that the inherent dignity and equal and inalienable rights of all human beings is the bedrock of justice and peace;

Reaffirming the duty of every state under international law to respect and protect human rights and take effective measures to combat impunity,

Recalling the principles set forth in the United Nations (UN) Charter, Universal Declaration of Human Rights, Belfast Guidelines on Amnesty and Accountability, and the “UN Updated Set of principles for the protection and promotion of human rights through action to combat impunity,”

Bearing in mind the amnesty provisions as set out in Section 12 of the Truth, Reconciliation and National Unity Commission Act, 2018, and in Rules 42 through 48 of the Commission’s Rules of Procedure and Evidence,

Cognisant of the fundamental and complementary needs for justice and accountability, protection of the right to truth and other human rights, and the importance of peace, reconciliation, reparation and remedy, forgiveness, and guarantees of non-recurrence in the transitional justice process,

Also cognisant, therefore, that conditional and selective amnesty can play a role in the truth and reconciliation process, in particular when combined with strategies to ensure those most responsible for serious crimes are meaningfully held to account,

Mindful of the need for transparency in the granting of amnesty, of ensuring victims’ voices are heard and considered in relation to potential amnesties, and of clear public communication on the criteria for amnesty and rationale behind decisions,

Considering that in some instances throughout history, grants of amnesty may have resulted in impunity for serious crimes causing recurrence of abuse or further victimisation of victims by acting to deny their experiences and suffering,

Further considering the painful events of the Coup d'état of 1977 in Seychelles, and the need to bring healing, closure, and understanding to deal with the yet lingering effects,

Agrees to be bound by the following guidelines and procedures in the granting of any amnesty:

PART I

PRELIMINARY

Title

1. These principles and procedures may be cited as the Guidelines and Procedures on Amnesty.

Entry into force

2.(1) The Guidelines and Procedures on Amnesty (“Amnesty Guidelines” or “Procedures”) are adopted pursuant to Section 8(1) of the Truth, Reconciliation and National Unity Commission Act, 2018 (“Act”), and shall take effect upon adoption by the Commissioners appointed pursuant to the Act.

(2) These Procedures are derived from the provisions of the Act and are to be interpreted consistent with the Act and the Constitution of the Republic of Seychelles, 1993.

Definitions

3. In these Procedures, unless the context otherwise requires, the following terms shall mean—

Act: The Truth, Reconciliation and National Unity Commission Act, 2018.

Agreement: An understanding or accord reached by the perpetrator(s), victim(s), and/or Commission for purposes of mediation, conciliation, amnesty, or reparation.

Amnesty: An official act barring prosecution or civil liability of an individual for a specific act or omission, resulting in immunity from civil or criminal liability.

Commissioner: A member of the Commission and includes the Chairperson and Vice-Chairperson.

Commission: The Truth, Reconciliation and National Unity Commission established by the President pursuant to the Act.

Complainant: A person who is a victim, a representative of a victim or close surviving relative of a deceased victim.

Impunity: The impossibility in law or fact of bringing perpetrators of human rights violations to account under legal proceedings or reparations mandates, often originating from a failure by the state to investigate, prosecute, and punish violations or to ensure that victims have access to effective remedies, fulfilment of their right to truth, or reparations for injuries suffered.

Perpetrator: A person who the Commission has found was more likely than not to have committed any violation as defined in the Act and includes a person who has given an order or is otherwise implicated through superior responsibility, or materially assisted someone, to commit a violation.

Rehabilitation: The psychological, mental, or physical support offered to both victims and perpetrators in need of such support, with a view to their achieving complete closure and reparations, including restoring their credibility in society.

Reparation: The restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition, as understood in the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (2005), which are made to individuals and/or communities affected by human rights violations in acknowledgment of the harm(s) they suffered.

Suspect: A person who is suspected of having committed any violation as defined in the Act and includes a person who is suspected of giving orders or otherwise implicated by virtue of superior responsibility, or materially assisting someone, to commit a violation.

Victim: A person who has suffered any harm or detriment as a result of any violation as defined in the Act.

Violation: Any human rights abuse committed during or in relation to the Coup d'état of 5 June 1977 as set out in Section 2(8) of the Act, including any violations prior to or after that time period where the Commission is satisfied that violation(s) is of direct relevance to that period.

PART II

GENERAL

Values of the Commission

4. In dealing with any matter relating to amnesty, the Commission, its sub-committees, members, staff, interns, consultants, and volunteers shall act in accordance with and promote the following values and principles—

- (a) respect for the human dignity of all persons;
- (b) respect for the truth and the upholding thereof;

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- (c) equality and the advancement of human rights and freedoms;
 - (d) accountability, accessibility, and openness;
 - (e) earnest and methodical inquiry and due process;
 - (f) integrity, resoluteness, independence, impartiality, and the highest standard of professional ethics.

Cooperation with other bodies

5. (1) In the exercise of its functions under these Procedures, the Commission may cooperate and collaborate with organisations and persons that are concerned with post-conflict accountability and justice, healing, and reconciliation.

(2) Such cooperation shall be had with organisations and persons in Seychelles, such as national courts, police investigations, ombudsman offices, human rights commissions, hospitals, mortuaries, future truth-seeking bodies, and legal and community leaders, as well as with organisations and persons outside of Seychelles, such as civil society, the United Nations human rights framework and applicable procedures, the African Commission on Human and Peoples' Rights and other regional processes, and other international accountability mechanisms in line with the international commitments of Seychelles.

Handling of victims and survivors

6. The handling of victims and survivors of human rights violations shall be conducted following the provisions of these Guidelines and Procedures and in accordance with the following principles:

- (1) respect for dignity;
- (2) non-discrimination;
- (3) protection of privacy;
- (4) respect for diversity of languages and cultural values;

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- (5) respect for informal mechanisms for dispute resolution, including mediation and reconciliation measures; and
 - (6) procedures shall be fair, transparent, expeditious, inexpensive, and accessible.

PART III

GUIDELINES ON AMNESTY

Guideline 1: Context and threshold considerations

(1) The Commission realises it operates in an overall climate of historical public mistrust and human rights abuses. It thus undertakes to, *inter alia*,

- (a) review every amnesty petition on a case-by-case basis, reserving the right to group certain amnesties together in its deliberations where the factual circumstances, perpetrators, or victims are related; and
- (b) involve victims and the public to a high degree, including building considerations on reparations and reconciliation into the conditions for any grant of amnesty.

(2) In this context, this section contains basic guidelines, principles, and best practices that will inform the work of the Commission when considering any amnesty. These guidelines differ from the below procedures as they are less technical or procedural and more of a foundational grouping of considerations aimed at enhancing the legitimacy of the amnesty process and contributing to truth, accountability, and reconciliation.

Guideline 2: Basic understandings and aims

(1) In the spirit of the Preamble and Guideline 1 above, the Commission agrees to abide by the following considerations:

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- (a) There shall be no blanket amnesties extending to multiple perpetrators without due consideration of each individual case;
 - (b) Any grant of amnesty is, by nature, extraordinary, heavily conditioned, and offered only upon a significant concession or benefit to the victim or public in return, including after thorough inquiry, full and effective investigation, and all legal requirements being met;
 - (c) Any grant of amnesty shall be designed to further justice and accountability, trust-building, and reparative measures, and to promote peace and reconciliation;

(2) Amnesties shall be without effect as to victims' and communal rights to reparation.

Guideline 3: Crimes ineligible for amnesty

(1) No grant of amnesty shall be made for acts or omissions other than those amounting to violations under Section 2(8) of the TRNUC Act.

(2) Notwithstanding the nature of the offence, crimes effectuated by those who acted out of personal gain or malice, ill-will, or spite shall be ineligible for amnesty, unless the petitioner can provide a good-faith showing of remorse.

(3) If more information subsequently comes to light after a grant of amnesty was awarded that would have rendered the petitioner ineligible for amnesty, such amnesty shall be reconsidered and may be revoked by the Commission during its mandate or by a court of Seychelles after the closure of the Commission.

Guideline 4: Scope of grants of amnesty

Pursuant to its mandate under the TRNUC Act, the Commission shall not consider for amnesty offences falling outside the legal and political scope of its mandate as related to the Coup d'état of 1977, and such offences shall remain liable for prosecution.

Guideline 5: Legal effects of amnesty

(1) Pursuant to the TRNUC Act, a perpetrator or other petitioner who has been granted amnesty in respect of a violation shall not be criminally or civilly liable in respect of the acts or omissions that were part of the disclosure and apology.

(2) A grant of amnesty shall not affect any recommendation by the Commission for remedies, reparations, or rehabilitation.

(3) Notwithstanding any written law, a criminal investigation or criminal or civil prosecution shall not be commenced or shall be discontinued, as the case may be, in respect of any matter for which an amnesty has been sought, until the final determination thereof by the Commission.

(4) Notwithstanding subsections (1) and (2), investigations to further truth and reconciliation, such as by ombudsman offices or other truth-seeking processes, or investigations related to a prosecution later made possible by a breach of the amnesty conditions shall be unaffected by these Procedures.

Guideline 6: Amnesty preconditions and conditions

(1) Where perpetrators or petitioners seeking amnesty fail to comply fully with applicable preconditions or conditions, no amnesty shall be granted and any benefits conferred may be revoked.

(2) Preconditions: As per the Act, a petitioner seeking amnesty must provide a full and frank disclosure of their culpable acts or omissions and knowledge of events in relation to any violation and must offer sincere apologies to the victim(s). In addition, the Commission may require the fulfilment by perpetrators or amnesty petitioners of such other preconditions as it considers necessary, including the act or agreement to

- (a) submit individual petitions, applications, and any other evidence required for full deliberation of amnesty;
- (b) testify before the Commission with victims present;
- (c) participate in traditional or restorative justice processes;
- (d) contribute materially and/or symbolically to reparations as provided by the Act; or
- (e) perform any other act of a similar nature as agreed between the TRNUC, perpetrator or petitioner, and victims based on the circumstances of the case.

(3) Conditions: The Commission may recommend the fulfilment of particular conditions by perpetrators or amnesty petitioners, including the act or agreement to

- (a) not breach the preconditions in subsection (2) on which the amnesty was granted;
- (b) refrain from committing new offences under the TRNUC Act or any other type of criminal activity;
- (c) not stand for election or public office or serve in the police, armed forces, or government, at least for periods of time as determined by the Commission; or

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- (d) perform any other act of a similar nature as agreed between the TRNUC, perpetrator or petitioner, and victims based on the circumstances of the case.

Guideline 7: Proportionality principle

In making decisions about amnesty, the Commission shall take into account the proportionality principle, which involves ascertaining whether the ends justified the means; apply an objective, “ordinary person” sense of fairness; and consider whether the act or omission for which amnesty is sought was proportionate to the claimed political objective under the TRNUC’s mandate, whether the conduct carries a sense of shock to the ordinary person, and whether the offence breached the bounds of what a democratic society may tolerate in light of all the circumstances.

Guideline 8: Notifying the public

As laid out in these Guidelines and Procedures, the Commission shall make additional good-faith efforts to notify victims and their representatives and families, perpetrators or petitioners and their representatives, the President, the National Assembly, and the public at large about any event of consequence relating to amnesty, including the commencement of individual amnesty proceedings, opportunities to be heard, conclusion of such proceedings, any findings of Commissioner conflicts of interest, and any decisions or recommendations of the Commission.

Guideline 9: Public hearings

- (1) In line with Section 5 above, amnesty proceedings by the Commission shall be public, except where
 - (a) there is a likelihood that harm may ensue to any person; or
 - (b) the interests of justice so require.

(2) The Commission may invite experts to its meetings and hearings to assist it, but the Commission shall not be bound to accept the opinion of such experts.

Guideline 10: Transparency and sharing truth with nation

(1) In line with the spirit of Guidelines 8 and 9, the Commission shall undertake to act with transparency at every level and stage of any amnesty proceeding, shall make itself available as the need arises for public comment, and shall enact such outreach strategies necessary to inform the nation of its operations.

(2) The Commission's website shall include a page devoted to the amnesty process which shall provide the following:

- (a) background to and justification for the amnesty process;
- (b) description of the amnesty process, including—
 - (i) regulations and international law dealing with amnesty;
 - (ii) how to apply for an amnesty;
 - (iii) criteria that may be applied in the making of decisions;
 - (iv) written determinations of the Commission, including reasons;
 - (v) ultimate grants or decisions made and any reasons provided.

(3) Applications for amnesty shall be published on the website, with the redaction as the Commission deems appropriate of sensitive information such as contact details and identifying details of children or victims of sexual violence.

PART IV

PROCEDURES FOR AMNESTY

Procedure 1: Context and threshold considerations

(1) Pursuant to Section 12 of the TRNUC Act, a person may via the prescribed form make an application for consideration of amnesty to the Commission for any act or omission which constitutes a matter to be investigated under the Act, and the Commission may grant a conditional amnesty to any person liable to any penalty for the commission of any of the offences enumerated in the Act.

(2) In order to facilitate this process under Seychellois constitutional law and international legal principles, this section contains mandatory procedures that the Commission shall follow in determining whether to grant any amnesty.

Procedure 2: Petitioning for amnesty and justice recommendations

(1) Pursuant to the Rules of Procedure and Evidence, any person who wishes to apply for amnesty in respect of any act or omission as per the TRNUC Act shall

- (a) within 30 months from the commencement of the mandate of the Commission, or
- (b) within such extended period as may be prescribed,

file a petition for amnesty with the Commission in the prescribed form.

(2) Petitions for amnesty may be submitted in English, Creole, or the petitioner's native language.

(3) In accordance with Procedure 6 *infra*, the Commission may reject the petition on the papers where it does not meet the basic requirements, and the petitioner may subsequently resubmit the petition with more information alleged.

Procedure 3: Requirements for an amnesty

(1) Pursuant to the TRNUC Act and Rules of Procedure and Evidence, petitioners seeking amnesty must accept responsibility for the act or omission applied for, demonstrate that the offence falls under the Commission's mandate, and provide a full, verifiable disclosure of the facts underpinning the petition and reason(s) for amnesty.

(2) In particular, petitions for amnesty must allege, *inter alia*,

- (a) a full account of the factual circumstances of the events, including the context in which they occurred, the names of any other persons involved in the events, and a full recounting of the individuals' actions and participation, as per Procedure 4 *infra*;
- (b) the motive of the person who committed the act or omission, including whether the act or omission was committed at the behest of or pursuant to the orders of another person or of an organisation or government, and whether the perpetrator was a member of such body;
- (c) the legal and factual nature of the act or omission, including the scene of the incident, a detailed description and dates of the incident, any known loss

suffered by any person, and the gravity of the events in question;

- (d) the object or objective of the act or omission, including whether the act or omission was primarily directed against a particular party, individual, or group;
- (e) the relationship between the act or omission and the objective pursued; and
- (f) a sincere apology or apologies to the victim or victims, which may be repeated at the Commission's direction in a public forum with the victim(s) present.

Procedure 4: Full disclosure

(1) In order for the facts in an amnesty petition to be deemed a full account under Procedure 3(2), the petitioner must make detailed allegations that are sufficiently verifiable, disclosing, in addition to the requirements of Procedure 3, such information as

- (a) names of any accomplices or co-conspirators;
- (b) details of any instructions or commands given, and names or descriptions of the individuals alleged to have given them;
- (c) dates or temporal approximations of when the events occurred;
- (d) events that transpired after the act or omission occurred, including steps taken to cover up the offence; and
- (e) any other information requested by the Commission.

(2) Subject to the provisions of Guideline 10 and Procedures 12 and 14, steps shall be taken to ensure appropriate levels of confidentiality as to personal contact information submitted to the Commission.

Procedure 5: Administrative checking and record-keeping

(1) The Vice-Chairperson shall check each petition form to ascertain whether it is properly completed, signed, and attested to, and if not, the Commission shall return the petition to the petitioner to be rectified.

(2) The Commissioners and anyone else involved in the amnesty investigations, proceedings, or deliberations shall

- (a) keep a proper record of all relevant actions throughout the course of the amnesty process per petitioner, and maintain records in accordance with the Commission's record-keeping policies; and
- (b) preserve documents, materials, testimony, or other evidence received in regard to amnesty proceedings in accordance with its policies on evidence.

Procedure 6: Preliminary analysis and determination of eligibility

(1) Pursuant to Procedure 7 and the Rules of Procedure and Evidence, upon receipt of a petition for amnesty the Commission shall conduct a preliminary examination to determine whether the petition is *prima facie* eligible for amnesty. An amnesty petition shall be inadmissible when it concerns events that the Commission determines are manifestly outside the scope of its mandate.

(2) If the Commission determines that the offence does not fall under its mandate, the Commission shall refuse the petition and inform the petitioner of such decision, including the basis of the decision.

(3) In appropriate cases the Commission may grant the petitioner an opportunity to make a further submission or petition for reconsideration

under Procedure 8 where the petitioner can demonstrate that a material factor was overlooked.

(4) Where it is not possible for the Commission to make a decision *prima facie* without further investigation, the petition shall be referred to the Investigation Unit with directions on what must be investigated.

Procedure 7: Administering amnesties

(1) Taking into account the procedural rights of victims, perpetrators, and amnesty petitioners, upon receipt of a petition for amnesty and after administrative checking the Commission may

- (a) give such directions as may be necessary in order that the application is completed and properly submitted, or
- (b) request that the petitioner provide further information as the Commission may consider necessary.

(2) The Commission shall review the amnesty petition in light of Procedure 6 *infra* and make such enquiries and investigations as it deems necessary.

(3) After an investigation is completed under subsection (2), the Commission shall hold an amnesty hearing, and then may

- (a) grant the petition for amnesty;
- (b) inform the petitioner that the application does not qualify for amnesty;
- (c) afford the petitioner the opportunity to make a further submission;
- (d) reject the petition and inform the petitioner accordingly.

(4) Upon the completion of an amnesty hearing, the Commission shall determine whether and when to grant amnesty and inform the petitioner and, if possible, any victim of the decision to grant amnesty to such person in respect of a specified act or omission.

(5) If the Commission conducts a hearing for amnesty under this section, the Commission shall notify the petitioner and any victim or person implicated of the hearing and of their rights to be present and to testify.

(6) If the Commission refuses a petition for amnesty, it shall as soon as practicable provide notice of its decision in writing, giving the reasons for its refusal, to the person who applied for amnesty and any person who is in relation to the act or omission concerned a victim. As with decisions to grant amnesty, the Commission shall also publish this decision to reject an amnesty on its website.

Procedure 8: Making of decisions

(1) In making decisions as to amnesty, while it is preferable to rely on more than one direct and credible source of evidence before deciding questions of individual responsibility or amnesty, the standard of proof shall be that used by the Commission as per its Act and Rules of Procedure and Evidence, namely a balance of probabilities;

(2) In order to grant an amnesty under Procedure 7, the Commission must be satisfied that a petitioner has met all the requirements as set out in these Procedures. In particular, upon a consideration of all documents submitted, all investigations undertaken, and all reports by legal staff or consultants, the Commission shall

- (a) conclude whether reasonable steps were taken to contact victims and interested parties;
- (b) direct any remedial action it determines to be necessary;

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- (c) direct investigative staff to obtain further information required for its decision;
 - (d) make a decision after a careful weighing of all relevant facts and circumstances in order to reach a just and fair conclusion.

(3) Where a petition for amnesty has been denied, the petitioner and any relevant victims shall be notified of the denial in writing and the following provisions shall come into effect:

- (a) a victim or perpetrator whose petition for amnesty has been denied may seek reconsideration of that denial before the Commission within 14 days of notification of the decision by filing a petition for reconsideration on provision of additional evidence or demonstration that a material factor was overlooked;
- (b) if the reconsideration petition is subsequently rejected or the petitioner receives an unfavourable decision, the petitioner may appeal that decision to independent courts as per the TRNUC Act and Constitution of Seychelles;
- (c) where amnesty is denied the Commission may alert the prosecutorial authorities.

Procedure 9: Victim support and role at hearings

(1) Victims who testify at hearings, or their families or legal representatives where applicable, shall be invited in a timely manner to all amnesty hearings, including closed amnesty proceedings, to which they are an essential party as determined by the Commission based on the victims' previous involvement in hearings and investigations. In order to encourage victim participation, victims shall be provided:

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- (a) the date and location of the hearing, as well as other relevant details to coordinate their attendance;
 - (b) the opportunity to apply to the Commission for financial support for travel or other related expenses that are necessary for their presence and participation; and
 - (c) where appropriate, medical, psychological, or emotional support services to help them testify effectively.

(2) The Commission shall follow up with victims after their public testimony to assess whether their wellbeing was compromised as a result of testifying, and if so, to provide necessary counselling.

(3) The Commission may refer victims to alternative forms of assistance, such as religious or spiritual support by clerics or elders, self-help support groups, and special community or family support arrangements.

(4) During each hearing where it is determined the victim or their family would be affected by a decision on amnesty, the victim shall be invited not only to testify but also to share their input with the Commission publicly or privately in determining whether an amnesty should be approved. The Commission shall take this input into account during deliberations.

Procedure 10: Protection of victims' rights

(1) At amnesty proceedings, victims shall be afforded the opportunity to submit allegations and/or a full case against perpetrators during amnesty proceedings. If a victim chooses not to do so personally, they may instead submit their case through a personal or legal representative of their choosing.

(2) In addition, victims shall be notified of their following basic rights, including but not limited to the following:

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- (a) right to be heard, including the right to testify against perpetrators and the opportunity to respond before the Commission in public or private hearing;
 - (b) right to counsel, including the provision of legal counsel for indigent victims in appropriate circumstances as determined by the Commission; and
 - (c) right to appeal, including asking for reconsideration by the Commission as contemplated by these Procedures or petitioning independent courts to review the final decision of the Commission.

(2) The Commission shall, having regard to its available resources, arrange measures to protect the physical safety of anyone who testifies publicly, or who cooperates with the Commission, and who faces significant and demonstrable security threats to their safety on account of evidence provided.

(3) Applications for protection may be made to the Commission and such applications shall be considered in private by the Commission, who shall have the discretion to provide or deny protective measures in accordance with established and published criteria.

(4) Protective measures may include but shall not be limited to—

- (a) physical protection;
- (b) relocation;
- (c) non-disclosure of identities and personal details;
- (d) use of pseudonyms or expungement of name and other identifying information from public records of the Commission;
- (e) limits on who may attend a hearing; and

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- (f) reasonable restrictions on public reporting of hearings.

Procedure 11: Due process rights of perpetrators and witnesses

(1) Pursuant to the TRNUC Act, Rules of Procedure and Evidence, and Seychelles Constitution, the Commission shall recognise and ensure the protection of the procedural rights of any individual who files a petition for amnesty and all others testifying before it.

(2) Specifically, as regards amnesty proceedings, perpetrators, witnesses, and any individual who submits an amnesty petition shall be notified of their following basic rights, including but not limited to the following:

- (a) right to be heard, including the right to notice of allegations against the individual, the opportunity to respond before the Commission in public hearing, and any relevant protective measures as may be necessary;
- (b) right to counsel, including the right of individuals to select and bring with them the legal representation of their choice, or where an individual is not represented by counsel the right to notice of the implications of proceeding *pro se*; and
- (c) right to appeal, including asking for reconsideration by the Commission as contemplated by these Procedures or petitioning independent courts to review the final decision of the Commission.

Procedure 12: Information on possible consequences of giving a statement

(1) The Commission shall inform a petitioner who is about to testify in an amnesty proceeding of all the possible subsequent uses of his or her statement for purposes that are consistent with the Commission's mandate, including but not limited to the following:

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- (a) listing the petitioner’s name in the Final Report;
 - (b) citing all or part of the petitioner’s statement in the Final Report;
 - (c) forwarding the statement to investigators subject to the provisions of the Act and Rules of Procedure and Evidence; and
 - (d) permitting public access to review the statement, evidence, and all other aspects of the amnesty petition except for personal contact information, including ongoing access after the mandate of the TRNUC.

Procedure 13: Memoranda of Understanding for protection or support of victims

The Commission may, with the approval of the victim in question, enter into a Memorandum of Understanding with any civil society organisation, state agency, or international partner that the Commission believes can provide protection or support beyond that which the Commission itself can provide.

Procedure 14: Preservation of and access to archives of violations and amnesties

(1) For purposes of these Guidelines and Procedures, the term “Archives” refers to any collection(s) of documents pertaining to violations or amnesties from sources (or being kept in sources) such as

- (a) national governmental agencies, particularly those that significantly played roles or housed main actors in relation to human rights violations;

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- (b) local agencies, such as police stations, that were involved in human rights violations;
 - (c) State agencies, including the office of the prosecutor, Attorney-General, and judiciary, that are involved in the protection of human rights; and
 - (d) materials collected by the Commission and other truth-seeking or investigative bodies as shall be created to support ongoing transitional justice processes.

(2) Upon the winding up of operations of the Commission, archival data as to amnesties shall be preserved in accordance with the general procedures of the Commission, complete with penalties put in place to prevent the removal, destruction, concealment, or falsification of archives.

(3) All persons shall be entitled to have access to such amnesty archives, subject to reasonable restrictions to safeguard privacy and security of victims and other individuals.

(4) All persons shall be entitled to know whether their name appears in state amnesty archives and, if it does, to challenge the validity of information concerning them in line with their right to truth.

(5) Notwithstanding anything in this section to the contrary, courts and non-judicial commissions of inquiry, including investigators reporting to them, shall have full access to relevant archives upon assurances of confidentiality to victims and appropriate respect for privacy. Access may not be denied on grounds of national security unless imposed by law in exceptional circumstances, the Government demonstrates the restriction is necessary in a democratic society to protect a legitimate national security interest, and the denial or restriction is subject to independent judicial review.

MADE this day of, 2021.

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CHAIRPERSON OF THE COMMISSION

ANNEX

Amnesty Petition
MOU for protection/support of victims