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Dialogue on

Amnesty and Reconciliation

**Organized by
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Summary Report

Dialogue on Amnesty and Reconciliation

Introductory remarks

Over the last five years the political awareness amongst people has increased. People have debated and discussed current affairs extensively. In these five years Thai society has also become highly divided and factionalized. People have been pushed to take sides and a question that looms over us is whether Thai society can recover from this division or whether we would remain entrapped in it.

The divisions in society have resulted in violence and all parties have played a role in it. The conflicting parties have taken turns in holding administrative power. Thus the conflict is not between the 'state' and the people but about cross-cutting issues across the political spectrum.

With the recent general elections in Thailand, the conflict has somewhat cooled down. However, the problems remain to be addressed. Diversity and difference in opinion are characteristics of a complex society. But violence is something that needs to be addressed. The political crisis has also raised questions about our understanding of 'equality'. Apart from inequalities in income, political inequalities can also cause conflict in a society. Many questions are being asked about the meaning of justice? We need to pay attention to the sentiments of the people who have suffered from the conflict. How can they overcome their bitter memories? At the moment, the trust in the political system and amongst different groups is at its lowest point. How can trust be restored?

We believe that talking about lessons learnt can help us to move forward. The theme of our dialogue today is amnesty and reconciliation. I believe that this is one of the issues that would enable us to embark on a new path of post-conflict society. The questions we raise deal with whether the amnesty would lead through reconciliation or not and what conditions should be taken into account while considering amnesty.

Mr. Ari Bassin¹

Outline of the discussion

- *Meaning of transitional justice, its context and importance.*
- *Meaning of amnesty and the different kinds of amnesty provisions, the rationale behind granting amnesty and the problems associated with granting amnesty.*
- *The framework that should be given consideration while contemplating granting of amnesty in relation to reconciliation.*

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Transitional Justice

To talk about transitional justice, I would like you all to think about a situation where mass human rights violations are taking place, such as killings, torture, rape, burning of houses, displacement of people, etc. Perhaps it is because of an armed conflict, or perhaps it is the result of an oppressive regime. Now imagine that this conflict or state repression comes to an end and there is a desire to move towards a peaceful and democratic society.

In such context, there is a choice about how human rights violations that occurred in a mass scale should and can be addressed. We may choose to try to forget, do nothing and move forward. Or we may choose to investigate what happened and try to uncover the truth, prosecute those most responsible, offer reparation to victims, and reform institutions the sanctity of which had been destroyed.

These choices are what transitional justice is all about.

Transitional justice refers to judicial and non judicial mechanisms implemented in countries that are dealing with legacies of mass atrocities and human rights violations. These mechanisms include criminal prosecutions, truth seeking, reparation programs and institutional reforms. Transitional justice is about a holistic approach to justice and the goals are to recognize the rights of the victims, to promote civic trust and strengthen rule of law.

The question is why the issue of justice is important after massive human rights abuses because, as we said before, we have a choice of doing nothing. Justice is important because human rights violations clearly affect victims and victim's families. Human rights abuses on a large scale also affect the society as a whole. It affects society's trust and faith in the State and public institutions. If there is a failure to address these abuses then there may be a further erosion of trust in the State and other institutions. Questions will also be raised about the country's commitment to rule of law.

The Khmer Rouge trials in Cambodia, the war crime tribunal set up in Bangladesh to address abuses that happened 40 years before, the ruling by the Dutch Court in 2011 requiring the Dutch government to pay damages to survivors for a massacre during the Indonesian War of Independence, are just some examples that illustrates that the question of justice in post conflict societies refuses to go away. So, it is very important for countries to think about how to address this issue.

Is the transitional justice framework applicable to the context in Thailand?

I would like to raise few questions that might help us to think about the answer.

- Is Thailand in transition? If so, what is it transitioning out of and what is it transitioning into?
- Have there been large scale human rights violations in Thailand? Has there been justice to account for the abuses?
- Has there been a complete loss of trust or faith in the government or State institutions or between different groups in Thailand?

Amnesty

Amnesty is a term that is often raised in countries that are seeking to pursue peace, reconciliation and truth. Peace negotiators want to use all available tools for ending conflict and there is a wide belief that if amnesty is provided then peace and reconciliation can be

achieved, and truth will be easier to discover. However, does amnesty always lead to reconciliation and peace in a society emerging from a conflict?

What is amnesty? How do we define it?

The Rule of Law Tools for Post Conflict States, developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR), defines amnesty as legal measures that have the effect of:

- a. Barring future criminal prosecution and, in some cases, civil actions against certain individuals or categories of individuals in respect of specified criminal conduct committed before the amnesty's adoption; or
- b. Retroactively nullifying legal liability previously established.

There are some important points. First, amnesties are always about conduct that that happens before an amnesty is given and do not prevent legal liability for conduct that has not yet taken place. Second, amnesties are legally distinct from pardons. Often people use these terms interchangeable, however in legal sense, these two terms have different meanings. **Pardons** refer to official acts (normally exercised by a head of state acting under prerogative or constitutional power) that exempt a convicted criminal from serving his or her sentence, in whole or in part, without expunging the underlying conviction. On the other hand, amnesty not only expunges convictions but also prevents future legal action. (Note: in some countries a head of state can grant a 'free pardon' which does extinguish a conviction. This normally happens when information emerges which points to innocence).

There are four different types of amnesty.

Self Amnesty

Self amnesty as the name suggests, is when the perpetrator gives himself /herself immunity from prosecution. The authoritarian regime under Alberto Fujimori passed two self-amnesty laws. In the case of *Barios Altos v. Peru*², the Inter American Court of Human Rights declared the laws to be incompatible with the American Convention on Human Rights as they were intended to prevent the investigation and punishment of those responsible for serious human rights violations such as torture, extrajudicial, summary or arbitrary execution and forced disappearance, all of which were non-derogable rights recognized by international human rights law.

Blanket Amnesty

Blanket amnesties exempt broad categories of serious human rights offenders from prosecution and/or civil liability without the beneficiaries' having to satisfy any preconditions. An example of such kind of amnesty was seen in the Lomé peace agreement (1999) that ended the civil war in Sierra Leone. The peace agreement stated that no action would be taken against any combatant or collaborator with respect to anything done by them during the conflict in pursuit of their objectives. However, the UN stated that the amnesties granted under the Lomé peace agreement would not prevent the international

² *Barios Altos vs. Peru*, Judgment of March 14 2001, The Inter American Court of Human Rights. From 1980 to mid 1990s, Peru went through a period of internal armed conflict.

prosecution of those responsible for the most serious crimes. As a result the Special Court of Sierra Leone, established by an agreement between the United Nations and the Government of Sierra Leone, ended up prosecuting a number of persons involved in the Sierra Leone conflict for such serious crimes.

Conditional Amnesty

Conditional amnesty is amnesty that requires perpetrators to satisfy certain conditions before he or she is granted that amnesty. An example of this kind is the amnesty offered by the Truth and Reconciliation Commission of South Africa. As part of their mandate, the Commission could grant amnesty to individuals who fully disclosed their involvement in political motivated crimes³. While many point to truth for amnesty program with the South African TRC as a paradigm, it has actually been widely criticized by many experts as being a failure in practice. There are also questions as to whether it would be considered legal under international law because it allowed for potential amnesty for international crimes.

Defacto (or effective) Amnesty

In such case, the law, decree or regulation does not explicitly rule out criminal prosecution or civil remedies, but has the same effect as an explicit amnesty law. For example, in Argentina, a law was passed which set a 60 day limit on the initiation of new criminal complaints relating to Argentina's 'Dirty War'. Such a law effectively prevents prosecutions and is known as de-facto amnesty. The law in Argentina was subsequently as it was held to be violating the American Convention on Human Rights⁴.

Amnesty is a tool that international peace negotiators and national peace negotiators like to use. However there are some concerns which we should be aware of;

- ***Whether amnesties have legal validity under the national laws?*** If this question is examined in the Thai context, under Article 32 of the Thai Constitution, every person has the right to life and liberty. If these freedoms are violated, then a person has the right to seek protection from the court. In a context like this, an amnesty law would violate the Constitution. Also the Thai Constitution requires the state to be bound by the obligations inherent in the international treaties it has ratified.

³ There were specific requirements for the procedure under which amnesty was granted. The essential criteria were: 1) amnesty applicants had to submit individual applications, 2) the acts for which they applied had to have a political objective and 3) they were required to give full disclosure of the relevant facts of the incidents for which they had applied amnesty.

⁴ Alicia Consuelo Herrera et al. v. Argentina, Inter-American Commission on Human Rights

- ***Do amnesties have legitimacy under international law?*** Under various sources of international law, amnesties are impermissible if the actions relate to war crimes, genocide, crimes against humanity or gross violations of human rights⁵.

Some international treaties include a duty to prosecute violations included in the treaty, i.e. the Geneva Conventions, the Genocide Convention, the Convention against Torture, and the Convention on Enforced Disappearances. Other international human rights treaties explicitly obligate a state to “ensure” the rights enumerated within them and provide an “effective remedy” to those whose rights and freedoms have been violated under the treaty. This has been interpreted by bodies charged with interpreting these treaties to include an obligation for State parties to conduct an effective investigation, and, if warranted by the results of the investigation, to ensure prosecution of violations.

- ***Are amnesties sustainable?***

In the international arena amnesties have been consistently overruled as soon as the countries have stabilized after the conflict, such as the case in Argentina, Peru and Sierra Leone.

Amnesty has a link with the needs and interests of the victims and survivors. Imagine someone tortured your mother, killed your father, raped your sister, burned down your house, how would you feel about that person being given amnesty? Often times, the people in power who are part of the decision making do not take into account the interest of one of the key stakeholders in a conflict – the victims/survivors. The victims/survivors do not forget and keep fighting for justice. It is for this reason amnesties are generally not sustainable in the long run.

- ***Effect on the rule of law?***

Another issue that is important to consider is the effect of amnesty on people’s truth in the government and those in power. Amnesties often send the message that the law does not apply equally to everyone. This can have a negative impact on the pursuit of lasting peace and stability.

Is the framework of amnesty applicable to the context in Thailand? In order to answer this question we need to reflect on:

- ***What is the crime for which amnesty is being considered? Would amnesty for such crime be legal under the national and international law?***

⁵ Amnesties provided for actions such as genocide, crimes against humanity, war crimes and gross violations of human rights (including torture) would be considered to be inconsistent with the State’s obligations under customary international law. States have a responsibility to ensure that victims of such crimes have the right to an effective remedy.

If people have been imprisoned because of being member of a political group, or for exercising their right to free speech and criticizing the government, then the conviction and imprisonment itself may be violation of their human rights. In cases like these, amnesties may be granted. For example, Aceh in Indonesia was going through 30 years of civil war. Under the Indonesian law, being member of the rebel group GAM was a crime. People were arrested and detained for being members of GAM. At the time of the peace agreement in 2005 it was agreed that those arrested for political crimes would be given amnesty. However this amnesty was not extended to those members of GAM who had been held responsible for committing offences such as torture, extra-judicial killings or rape.

- ***What effect would amnesty have on overall reconciliation?***

What effect would amnesty have on the Thai people's respect for public institutions and rule of law? If amnesty is granted, will people think that law applies equally to everyone in Thailand or will people think the law applies selectively to certain people only? How will the victims and survivors feel about amnesty? Would they feel that justice has been denied to them? What implications would amnesty have for long term reconciliation in Thailand?

- ***Is amnesty necessary for reconciliation or are there other options?***

In recent history countries have used other options such as reduced sentencing in place of amnesty. In Columbia, the Justice and Peace Law offered substantial reduction in sentences to paramilitaries.

In Timore Leste, the Commission for Reception, Truth and Reconciliation (CAVR) was set up to undertake truth seeking for the period 1974-1999 and also facilitate community reconciliation for less serious crimes. The Commission's main reconciliation initiative at the grassroots level was its program on the Community Reconciliation Process (CRP). It aimed to achieve reconciliation through reintegrating people who had become estranged from their communities by committing politically-related, "less serious", harmful acts during the political conflicts in Timor-Leste. Accordingly, the Commission organized community-based hearings. At the hearing the perpetrator was required to admit fully his participation in an abuse. Victims and other members of the public were then given the opportunity to ask questions and make comments on the perpetrator's statement. Hearings were often an extremely emotional experience for the participants and could continue all day and into the night. After all relevant actors had spoken, the panel brokered an agreement in which the perpetrator consented to undertake certain actions. These could include community service or the payment of reparations to victims. In return for performing these actions the perpetrator was reaccepted into the community.

Another possibility could be allowing re-trials for persons who have been convicted of political crimes during the conflict period, as there could be fears that such persons did not receive fair trials in the past.

Question and Answer Session

In a conflict situation how do we draw the different between political crimes and human rights violations? How do we determine what is the truth?

How does the independence of judge or the judiciary affect the context of amnesty and reconciliation?

Response:

In most transitional societies, societies having conflict or in repressive state regimes, a big challenges to achieving justice is that the judiciary is not independent. During a conflict the repressive State tries to destroy the independence of the judiciary so that it cannot be held accountable for its actions. During the time of transition, the biggest challenge is not only to reform the important state institutions but also to create new institutions. The judiciary and the law enforcement institutions are important ones. Transitional justice is also about institutional reforms. This would mean dealing with the people who are alleged to have committed human rights violations in the past, setting in place recruitment procedures so that people who are involved in past abuses are not promoted in the future. In many transitional societies, international or mixed hybrid tribunals are set up because of fears of independence of judiciary. One example is the international tribunal in Cambodia in which international judges and national judges are working side by side.

In Thailand there is a lot of discussion about amnesty and reconciliation process. But who should be the stakeholders? If the public are very emotionally involved with the human rights violations that happened, then can the public be also identified as stakeholders? The emotions of the public, especially in Bangkok affects the reconciliation process in the country, sometimes even acting as an obstacle.

'Truth' is an important factor in determining the amnesty and reconciliation. But how can we determine the truth?

Response

It is necessary to identify stakeholders in order to achieve reconciliation.

Transitional justice includes criminal prosecutions (retributive justice) as well as truth seeking, which is about reparative justice. Often times when we talk of transitional justice we have discussions about how to sequence truth seeking, criminal prosecution, reparation and institutional reform. Each country does it according to its own context. However it is often helpful to conduct truth seeking early in the process. The mandate of a truth and reconciliation commission is usually to provide an overview of the entire situation – what are the things that need criminal investigation, who are all the stakeholders, what happened, who did it happen to, who is responsible for the happenings, etc and make recommendations to the government based on its findings. There is never one 'truth' behind a conflict. Everyone experiences the incidents in their different ways and have their version of the incident which is the 'truth' for them. A truth and reconciliation commission has to gather all these experiences together to paint a picture of a mosaic about what happened, and provide recommendations. Recommendations can be of different nature

such as – recommending to that certain people or groups of people should be prosecuted for their actions, to conduct further investigation into certain criminal activities, to provide reparations to victims, or to reform institutions in certain ways. All these recommendations have to be based on the public accounting of the incidents.

Does it matter when the truth is being reviewed? What happens if truth takes 20-30 years to unfold?

Response

The sooner you can have the truth, the better. People's memories and people themselves tend to disappear all the time. The judicial process is not always a good way of arriving at the truth. The judicial process determines culpability. Truth commissions are able to arrive at the aggregate truth.

For example, in the context of Indonesia and Timor Leste, Timor Leste was under the occupation of Indonesia for more than 25 years. In 1999, Timor Leste had a referendum which led to its independence. In the day following the announcement of the results there was a massacre in which many people were killed. The Indonesian government insisted that its forces were not responsible for the massacre. The Indonesian state and the military had the power of resources to defend those who were accused. The CAVR enquired into the same events. It collected thousands of statements where stakeholders narrated their stories of the massacre. Overwhelming majority of the statements pointed to violations committed by the Indonesian forces. Faced with such evidence, it was very difficult for the Indonesian government to deny their role and say that all those thousands of the statements were lies.

Thus the truth commission can play a very valuable role in finding the truth in an aggregate sense, more so in cases where the criminal justice system may not be able to function well. In cases of sexual violence, survivors are often not very comfortable about going to the court and narrating that which happened to them. They are more comfortable to give statements when their identity is protected, as before the truth commissions. There have not been many trials involving sexual violence. However many survivors have come forward before the CAVR and given statements. CAVR has also been able to recommend projects and reparations for the women who have survived sexual violence.

Aren't developments in transitional justice overshadowed by the double standards that prevail? The big powers will never be held responsible for their roles in gross human rights violations. Does that not threaten the legitimacy of the whole concept of transitional justice? Isn't there de-facto amnesty in the southern provinces of Thailand?

Response

Yes, one cannot deny that there are double standards. However, it is equally accepted that 'torture' is a crime and people need to be protected from it and the perpetrators should be made accountable for their actions. The US or any of the big powers have not provided amnesties for people who have committed such crimes. There may be impunity and the persons responsible may not be getting prosecuted as they should be. Impunity is different from amnesty as amnesty forecloses the possibility of instituting cases against the perpetrators.

With regard to the south of Thailand – is it in transition or is it still in conflict?

When is a country in transition? Can we say that Thailand really in transition? Aren't the divisions in Thai society still very deep? Isn't the society still in conflict? Is transitional justice applicable to Thailand?

Response

There is no easy answer to that question. The concept of transition is very fluid and transition can be understood in different ways. For example, there are many who do not think that Burma is in transition. But it could be said that Burma is at a point in the course of transition because the nation is trying to move forward towards peace.

The questions that we can ask are:

- What is the country transitioning out of? What is the country transitioning into?
- 'Have they been human rights violations on a large scale in Thailand? If so, have people been held accountable for such human rights violations? If not, is there any move towards making people accountable, which may suggest a transition? Is there an issue with public trust in capacity of State institutions to address these violations?

If these elements exist in Thai society, then the tools of transitional justice may be helpful.

As we understand, South African Truth and Reconciliation Commission (TRC) was the only TRC that had power to grant amnesty. What were the achievements of the South African TRC?

Response

The TRC in South Africa had the powers to give amnesty. The 'truth for amnesty' provisions were included with the hope that it would be an incentive to senior public officials to come forward and disclose the truth. However, in reality very few senior officials came forward, and most of the information the commission collected was a result of its own investigations. Around 7000 applications for amnesty were received by the TRC. In the end, only a very small percentage of those people actually received amnesty. Yet the TRC had to invest considerable resources (money, manpower and time) – all of which might have been better spent elsewhere - to conduct these amnesty hearings. So in the end the truth for amnesty program didn't really achieve its goals and ended up eating up a tremendous amount of limited resources.

In general when a proposal for amnesty is made, it includes a silent promise that prosecutions would be instituted against those who do not qualify for the amnesty that has been promised. In South Africa, very few people who were refused amnesty were prosecuted. Thus victims were left with a sense of betrayal as they felt that the perpetrators disclosed the whole truth nor were they held accountable before the courts of law.

This is an important consideration for Thailand, especially since questions about independence of judiciary has been raised. If amnesty is promised, would the judiciary be able to respect the silent promise of prosecuting the people who are refused amnesty?

Does imposing martial law violate international human rights? If it does constitute a violation, should the government be held accountable for its actions during the riots of May 2010?

Response

It is difficult to answer if the government violated its obligations or not. Imposing martial law is not a violation in itself. A government can take action against protestors, but such action has to fulfill the requirements of legality, proportionality and necessity which are prescribed in Thai national laws and international human rights treaties. And the work of the TRC in Thailand will be useful in uncovering information about the deaths of medical staff, journalists and civilians who were not engaged in the conflict.

Has amnesty being implemented successfully anywhere and if yes, how was it done?

Response

In terms of amnesty being 'implemented successfully', it depends how you define success? Amnesties given for 'political crimes' that were actually human rights violations have been upheld and can be considered successful. The blanket amnesty granted in Sierra Leone could also be considered successful to some extent as it helped to end the civil war. Aspects of that amnesty were ignored afterwards but at that point in time, provision of amnesty in the peace agreement, helped to end the conflict in society and bring peace.

Releasing the people from prisons who have been convicted for political crimes – is it called giving 'pardon' or is it providing 'amnesty'?

Response

If the underlying conviction is overturned so that they have no criminal record against them anymore, then it is providing amnesty. For example, in relation to Aceh in Indonesia there were many people who were in prison because of their membership in GAM. After the peace agreement, these people were given amnesty and the underlying conviction against them was expunged. However there are still members of GAM who are in prison. These members are in prison not for 'being members of GAM' but because of their actions in relations to violent crimes. The peace agreement did not allow amnesty for criminal offences.

How are 'apologies', cultural and religious belief related to amnesty?

Response

Transitional justice involves; criminal justice, truth seeking, reparation and institutional reform. Mostly apologies are part of the reparation process. Reparation is not just about giving monetary compensation to the people. Apologies are another way of providing reparations as it involves acknowledging a wrong. Apologies prove to be very valuable in the path towards reconciliation.

Cultural and religious beliefs have played an important role in many truth commissions. In South Africa, Archbishop Desmond Tutu played a very important role in the whole process. Cultural and religious beliefs can help people in communicating the idea of transitional justice with the people and help the people understand it.

Is amnesty only given to political prisoners and for political crimes? In Thailand, there are many villagers who have been prosecuted in relation to conflicts between state and the people regarding natural resources. Can amnesty be provided to such people?

Is amnesty legitimate only if it is given for political offences? What about the actions of the State against the students of Thammasat University in 1976? The actions of the State were not within the boundaries of law. Through an emergency decree, amnesty was granted to all those who were involved in the bloodshed and use of force in the May 1992 incident. Subsequently the House of Representatives overwhelmingly rejected the Emergency Decree granting amnesty. However the Constitutional Judicial Council still held the decree to be valid. This kind of practice has been repeated by the Thai state many number of times.

Response

Often times laws itself are passed because of political reasons and thus offences under that law may appear to be political offences. However there can be other options to address such convictions, such as:

- Does the law or actions of the government violate any of the fundamental rights as guaranteed in the Constitution and international human rights law? If yes, can the law or actions of the government be challenged under the existing mechanisms?
- If it is felt that convicted persons did not get a fair trial because of political reasons, can the trial be challenged under national and international law? Is it possible to have a retrial?

Comment from the floor

Amnesty in Thailand has so far been used by the State to absolve itself of all responsibility. It has never been used for social cohesion. After the May 1992 incident an amnesty law was passed and all perpetrators were pardoned. This tradition is being followed. It is very difficult to obtain retrial. In Thailand there is the practice of amnesty and pardoning. Giving pardons is mainly a prerogative of the monarch. Amnesty is usually for political crimes.

Can amnesty be made applicable to non political crimes such as crimes which have public policy implications? For example at present there is a case of villagers who during their protest against a development project forcefully entered a government building by blocking the road and destroying the fences around the building. Legal cases have been filed against these villagers. The actions of these villagers were similar to the actions of the protesters during May 2010. Can these protestors also request for amnesty?

Response

In this case, it does it is unclear whether there is a group of victims or stakeholders other than a few people who have been criminalized. In such case, is it possible to consider other legal options to challenge the legal cases filed against them?

Nowadays there is a lot of discussion about amnesty. There were members of parliament who took part in the protests and there are criminal cases against them. Thus politicians are trying to push forward the idea of amnesty. In cases like this what are the considerations that should be taken into account?

Response

The legitimacy of blanket amnesty has come into question repeatedly. Blanket amnesties do not distinguish between political offences and violations of criminal law. Thus it is very important to think about – who is to be given amnesty and for what?

If persons have been convicted only because they took part in a peaceful protest or because of their membership in a political party, then their conviction is violation of their rights under the Constitution as well as international human rights treaties ratified by Thailand. Amnesty for this type of an offence may be acceptable as it also helps in achieving reconciliation. However if persons have been convicted because of destruction of public property or arson, then it is different because it involves violation of the criminal law. There can be cases where a person has been convicted for taking part in a protest and killing a police officer. In a case like this it may be acceptable to give amnesty with respect to taking part in the protest, but should amnesty be given for violating the criminal law? In cases like this, the guiding issues are;

- Who are the victims of such actions? How will amnesty given to the wrong doers affect the victims?
- What impact would amnesty have on the rule of law?
- Would amnesty have a negative impact on people's trust in the State?

In Thailand the reconciliation process in reality is guided by the interests of the different political factions. In such scenario will amnesty really help in bringing reconciliation? How can we ensure that amnesty helps to move the country forward by bringing about social cohesion?

Response

This is one of the key issues related to amnesty. Taking the example of Sierra Leone, the peace agreement was discussed and agreed upon by the conflicting parties. The perpetrators came together and agreed to provide amnesty. The victims and survivors did not have any voice. Did the victims and survivors want the perpetrators to be given amnesty? Once the civil war ended, questions regarding justice were raised leading to the disregard of certain amnesty provisions.

Similarly in Thailand, who are the actors who are leading the discussions on amnesty? Do all the different stakeholders have a voice in such discussions? Amnesty is not going to lead to reconciliation if the voices of the people who have been hurt by the actions of the conflicting parties are not heard. Amnesty that just takes into consideration the interest of

political leaders may lead to discontent in society as people will feel that there is no respect for the rule of law and that law does not apply equally to all people.

Conclusion

The discussion today has helped to highlight the fact that amnesty is not a panacea to all problems. Human rights and participation of the stakeholders have to given a lot of importance while considering amnesty. Amnesty has to be made into a public issue. Then only it may help in bringing reconciliation.