



# ZIMBABWE INDEPENDENT

## **Transitional justice essential for healing**

**Charles Ray**

**May 13, 2010**

AFTER any conflict, whether it is civil war or an independence struggle, there will be unresolved grievances and schisms that require healing.

Whether an unintended consequence of combat operations, or a deliberate act, harm will be inflicted upon innocent victims and crimes will be committed. The damage and loss of life and property cries out for justice.

Life, however, is never simple. The passions and schisms that exist after a conflict, particularly when there is a follow-on struggle for control and power, make getting absolute justice (if, in fact there is such a thing) problematic. This, I believe, is where the concept of transitional justice plays a critical role.

I must first make it clear, I am not a development or legal expert, so my definition of transitional justice will probably differ from theirs. I am not addressing this to experts, though, but to average people like me who just want the world to make sense; who want to be able to get on with life without the burden of unresolved grievances pressing down upon them.

So, what do I mean by “transitional” justice? I believe the situation in post-Khmer Rouge Cambodia best illustrates it.

During the rule of Pol Pot’s Khmer Rouge, millions of Cambodians were taken from their homes and forced to work under abysmal conditions without adequate food or medical attention. Those seen as enemies of the “state” were imprisoned and often brutally executed for no reason other than wearing glasses. Millions died, either from execution or starvation. The institutions that people depended upon were destroyed or debased, and the bonds of trust that hold a society together were severed.

If ever there was a situation that cried out for justice, this was it. The practical reality, however, made it impossible. A long war between the Khmer Rouge and the government in Phnom Penh was ended only when it was agreed that this murderous band of thugs would be incorporated into the nation and the rank and file would not be prosecuted. Subsequently, many years of negotiations were required to come up

with the Khmer Rouge tribunal which is underway. Purists would argue that this is not enough.

The people of Cambodia who suffered might disagree. Seeking to prosecute everyone responsible for a crime during the Khmer Rouge period would plunge the nation into civil war and more suffering. By creating a tribunal designed to hold those most responsible accountable, the people at long last received official and formal acknowledgement of their suffering. They have been able to tell their stories, and those stories have become a part of the official historical record. A healing catharsis is underway and beginning to reconstruct the trust people have in their government and each other.

The Truth and Reconciliation Commission in South Africa at the end of apartheid is another example of transitional justice. Transitional justice, in my layman's view, is not about punishing those who have committed wrongs. It is about acknowledging that a wrong has been done; about allowing the victim a voice, and perhaps the opportunity to forgive his or her transgressor. It is also about allowing the transgressor to acknowledge that he too is a victim of his own misdeed.

If a post-conflict society is ever to put itself back together and move on to peace and prosperity, it will not be the experts who do it. It will be every man, woman and child who has suffered or who has inflicted suffering, deciding to acknowledge the past, and resolve to make a better future.

**Charles Ray,  
US Ambassador to Zimbabwe**