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POST-CONFLICT APPLICATIONS OF RESTORATIVE JUSTICE

06/11/2017

Dr Kenny Lynch – University of Gloucestershire
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Dr Brian Payne – Ulster University
Case study 1: Post-conflict practice in Sierra Leone

Case study 2: Community Restorative Justice in West Belfast
Post-conflict practice in Sierra Leone

Dr Kenny Lynch – University of Gloucestershire
OUTLINE

RJ in post-conflict contexts

Example in land conflict in Sierra Leone

Some conclusions
RJ IN POST-CONFLICT CONTEXTS

• Emphasis on *restoration* of justice after conflict
• Focus on national restoration, but:
“In the early hours of 27 May 1997, the town of Karina (Biriwa Chiefdom, Bombali District) was attacked by RUF / AFRC forces carrying guns and other weapons. Soldiers surrounded the central mosque and killed 10 civilians celebrating the Muslim feast of “Jonbedeh”… An unknown number of people were injured trying to escape. RUF/AFRC forces raped an unknown number of women, and abducted 30 young civilian men and women. During the attack, numerous houses were burned down.”

(Smith et al, 2004; p. 133)
• 10-15,000 children were abducted
• 30-40% were females subjected to rape, forced marriages
• Often drugged, forced to commit murder or atrocities against relatives or neighbours
• 27,000 people disabled through maiming or amputation
• Adults and children forced into diamond mining labour
• +1 million people displaced from their homes
• >50,000 people killed
RECONCILIATION

WE LOST OUR HOMES, WE LOST OUR HANDS, WE LOST OUR LIMBS, WE LOST OUR LOVED ONES. WE ALMOST LOST THIS LAND. NEVER NEVER AGAIN WHATSOEVER PARTS OF US THAT FUNCTION WILL BE USED WITH VIGOUR TO PREVENT HISTORY REPEATING ITSELF. HIGHER HEIGHTS WE SHALL WE RAISE OUR SLEOVED COUNTRY: SIERRA LEONE.
FAMBUL TOK

‘a restorative practice, based on restoring dignity, and making communication between the community and individual victims or perpetrators possible.’

Involves:

• mediation between victims, perpetrators, communities
• ‘confession’ of victim and perpetrator in front of community members at a large bonfire
• Ritual sacrifices for reconciliation with the community, traditions and the ancestors
SUMMARY
More pictures and explanations:

Kenny’s Flickr Album

See also Fambul Tok
Community Restorative Justice in West Belfast

Dr Jon Hobson – University of Gloucestershire
Dr Brian Payne – Ulster University
RJ to aid a transition from conflict to peace
CONTEXT: THE NORTHERN IRELAND CONFLICT

- The fall out from almost 30 years of violent conflict
- 3524 killed, including 1857 civilians
- Over 35,000 injured
- A nation divided along sectarian lines
- Deep divides between police and communities
- The maintenance of brutal informal justice practices
Anglo-Irish Civil War 1916-21

Partition May 1921
Violent conflict
Social Divide

IRELAND A NATION IRISH AND FREE
IRISH NATION UNFREE SHALL NEVER BE AT PEACE
PREPARED FOR PEACE
READY FOR WAR
The beginning of the Peace Process
Reconfiguring the Political and Social Landscape
Enduring Traditions
THE PROBLEM: VIGILANTE JUSTICE VS COMMUNITY JUSTICE
• Lack of acceptance of the legitimacy of the Royal Ulster Constabulary

• The use of local Criminals as informers during the conflict

• A lack of ‘normal’ policing

• Pressure on paramilitaries to “do something” in response to anti-social and criminal activity

• Swift and visible dispensation of justice was highly popular

• Led to the maintenance of punishment violence long after the ceasefires and the subsequent peace process.

(McEvoy & Mika, 2002)
A COMMUNITY-BASED SOLUTION?

“Community-based justice refers to practices that are not associated with the state, that take place in the community, that involve the participation of the community as a whole, and which, at least in part, emerge, endogenously within a community, notwithstanding external assistance, cooperation, or collaboration” (Park, 2010).

• Overcoming paramilitary violence through dialogue and respect for human rights required:
  • organisational self discipline and commitment of the paramilitaries to implement and enforce such changes
  • A range of restorative justice interventions that could be utilised
  • The creation of the necessary political environment to do so

(SEE: McEvoy & Mika, 2002)
COMMUNITY-LED RESTORATIVE JUSTICE
• Community Mediation
• Offender Reintegration
• Youth intervention
• Family group conferencing, victim offender mediation, and shuttle negotiation.
• Punishment interception
THE CHALLENGES OF TRANSITION

i. Questions of legitimacy
ii. Identifying the ‘community’
iii. The role of the state

(McEvoy and Eriksson, 2007; 2008)
THE QUESTION OF LEGITIMACY (STATE & COMMUNITY)
IDENTIFYING THE COMMUNITY
THE ROLE OF THE STATE
SUCCESS?

• In 2013 CRJI worked on a total of 1806 cases,
  • Suicide intervention, support and advice (14%)
  • Neighbourhood disputes (12%)
SUMMARY
QUESTIONS?

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