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EPrint URI: <https://eprints.glos.ac.uk/id/eprint/5112>

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POST-CONFLICT APPLICATIONS OF RESTORATIVE JUSTICE

06/11/2017

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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

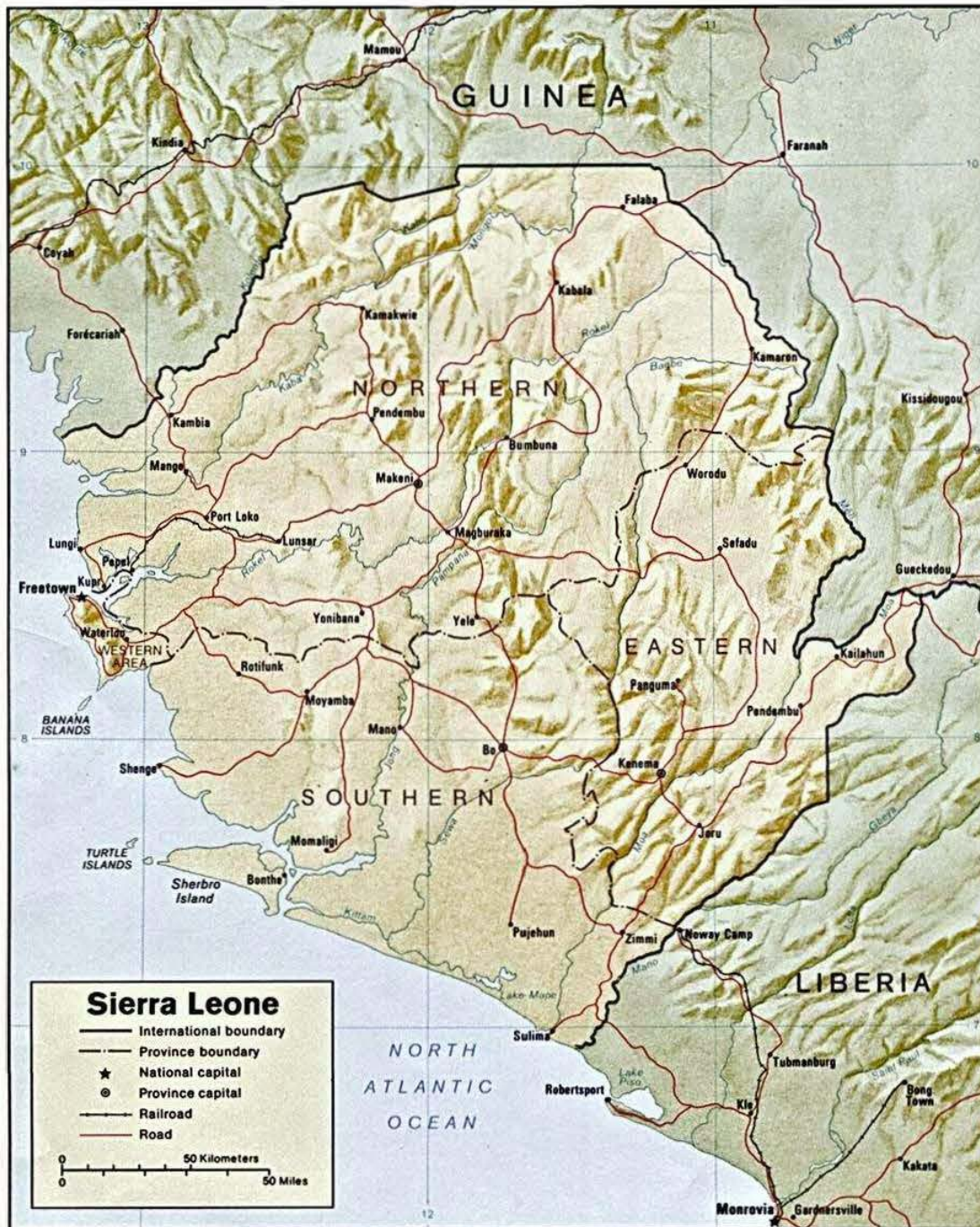
RJ in post-conflict
contexts

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:



GoogleMap



“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)



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- 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









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RECONCILIATION

WE LOST OUR
HOMES. WE LOST
OUR HANDS WE LOST
OUR LIMBS WE LOST
OUR LOVED ONES WE AL-
MOST LOST THIS LAND NEVER
NEVER AGAIN! WHATEVER
PARTS OF US THAT FUNCTION
WILL BE USED WITH VIGOUR TO
PREVENT HISTORY REPEATING
ITSELF. HIGHER HEIGHTS
SHALL WE RAISE OUR
BELOVED COUNTRY
SIERRA
LEONE

INDUSTRIAL UNITS OF
SIERRA LEONE
THIS FACT
ANOTHER
LIONS

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



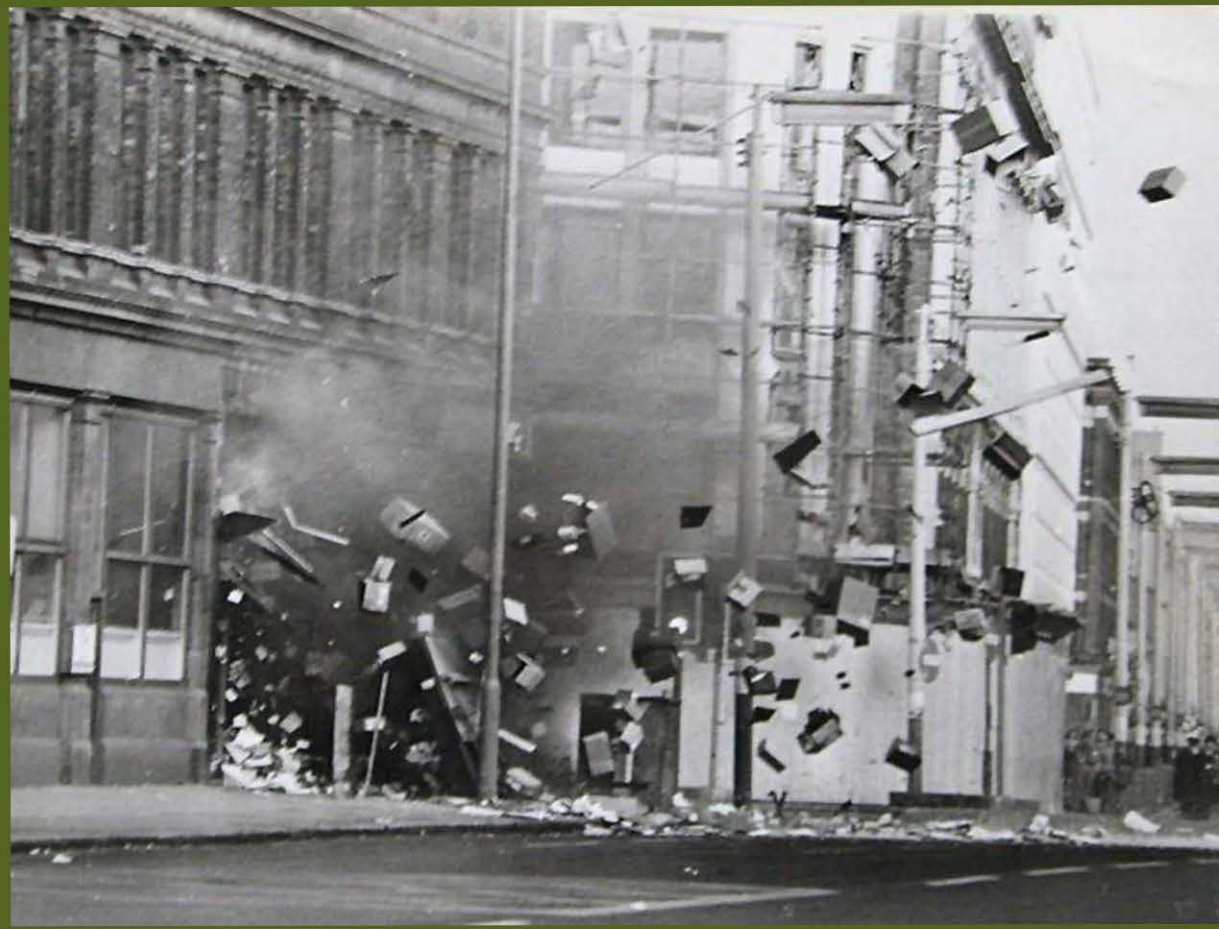
Anglo-Irish Civil War 1916-21



Partition May 1921



Violent conflict



Social Divide



The beginning of the Peace Process



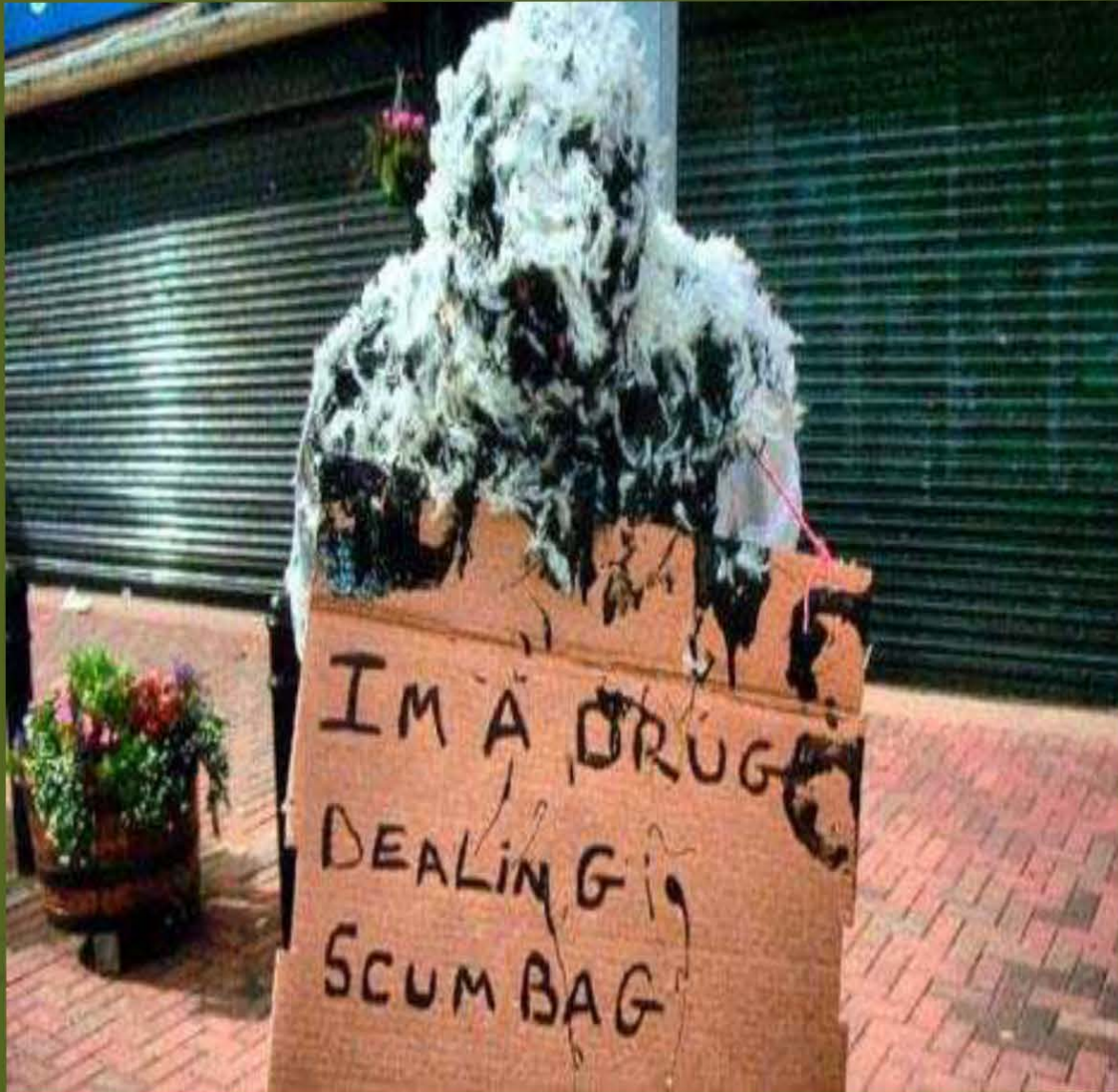


Reconfiguring the Political and Social Landscape

Enduring Traditions



THE PROBLEM: VIGILANTE JUSTICE VS COMMUNITY JUSTICE



THE PROBLEM OF PUNISHMENT VIOLENCE

- 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

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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