

Editorial

Dear readers,

Our editor, Kerry Clamp, is expecting a new baby, and we in the rest of the Editorial Committee have pulled our resources together for this issue. Therefore, instead of 'Hi!' from coolish Sydney, in this issue you are getting 'Bok' from a very warm Croatia.

You are receiving this issue later than usual because the EFRJ biennial conference was held at the end of June in Leiden, Netherlands, and it seemed like a good idea to provide an update to all of those who could not be there with us.

More details on the conference contributors and the issues examined will be published in the next issue of the newsletter. Here, we have some news from the Annual General Meeting where new members were elected to serve on the EFRJ Board for the next six years.

At a reception in Leiden City Hall, the Restorative Justice Award was received by John Blad; as our vice-chair Annemieke Wolthuis said, it was appropriate at this conference in the Netherlands to have a Dutch winner, but one who also has an international outlook. Her speech conferring the award and John Blad's thanks are brought to you in this issue.

We also include three articles by authors from post-Yugoslav countries in which armed conflict occurred: Bosnia and Herzegovina, Croatia and Kosovo. I hope they will provide some of the possible explanations to the questions I often get from members of the RJ community: *what it would take for communities to heal from destruction and atrocities and how can restorative practices contribute?* Two mediation enthusiasts and one scholar with extensive field experience provide their insights into the underlying issues behind the lack of visible results of restorative processes, that occur only sporadically and are based on nothing more than the good will of individuals and of their small and weak community organisations.

Jasminka Drino-Kirlić is one of the first community mediators from Bosnia and Herzegovina. In the years after the war, she facilitated meetings of family members looking for their missing members and transferred conflict resolution skills to young people and to the youth workers in her divided hometown. Duško Kostić is using mediation skills to connect people from his Roma community with their non-Roma neighbours and with the institutions responsible for Roma integration. Gylbehare Bella Murati is a scholar focusing on transitional justice, with a good insight into the civil society development and human rights issues in her native Kosovo.

In a way, Jasminka and Duško are talking about the power of mediation and Bella is explaining why their ways are not seen and accepted by the wider community, by professionals and by policy makers.

Last but not least, the author of this issue's book review is a recent addition to the restorative forces in the post-Yugoslav region. Adepeju P. Solarin, born in the US of Nigerian parents and educated in Germany, has written about Tinneke Van Camp's *Victims of violence and restorative practices: finding a voice*.

As always, the Editorial Committee is happy to receive your suggestions and comments on the newsletter's content and format. Please, do get in touch with your feedback!

Warm greetings,

Branka Peurača

Guest Editor

branka_peuraca@yahoo.com

Who's Who on the EFRJ Board

This year, four EFRJ Board members have ended their six year terms: Bruno Caldeira (Portugal), Beata Beata Czarnecka-Dzialuk (Poland), Karolien Mariën (Belgium) and Annemieke Wolthius (Netherlands). As their terms of office were drawing to an end, the selection committee consisting of Marta Ferrer (Spain), Siri Kemény (Norway) and Frauke Petzold (Germany) sought and approved the nomination of candidates and prepared and managed the elections.

Prior to the biennial conference in Leiden, the EFRJ held its Annual General Meeting on 21 June, 2016 and the seven candidates got an opportunity to present themselves and what they would bring to the Board for the next six years, some of them in person and some of them through their statements read at the AGM. EFRJ members with voting rights elected four of them.

Annemieke Wolthius was re-elected to the board for the next six years, together with three new members: Brunilda Pali (KU Leuven, Belgium), Bart Claes (University of Sheffield, UK) and Lars Otto Justad (National mediation Service, Norway).

Brunilda Pali is truly international: born and raised in Albania, she also studied in Turkey, Hungary and Italy and then settled in Leuven, where she is finishing her PhD on *Restorative justice between justice and security in intercultural Europe*. Her research and work on various projects bridge theory and practice, thanks to the many contacts she has with practitioners all over Europe.

Bart Claes is a criminologist and VOM mediator who obtained his PhD with an ethnographic study on

daily life in prison and restorative justice practices. He moved from Belgium to Sheffield on a research project with professor Joanna Shapland regarding desistance from crime and restorative justice practices in prisons in Belgium and England and Wales.

Lars Otto Justad is an advisor at the Norwegian Mediation Service with a background in social psychology and sociology and holds a Masters degree in Peace and Conflict Studies from the University of Oslo, where his thesis focused on peace building in civil society and on applying restorative justice. His interests are quite unique among restorative justice circles; his recent studies include the fields of decision making, strategy and leadership.

The newly elected members will join the members staying on the Board: **Tim Chapman** (Northern Ireland), **Vicky De Souter**, Secretary (Belgium), **Aarne Kinunen** (Finland), **Michael Kilchling**, Chair (Germany) and **Roberto Moreno** (Spain).

Oration to mark the Restorative Justice Award to John Blad: June 2016

Dear all,

For the award we received several interesting suggestions. From different European angles groups as well as individuals were nominated by fellow colleagues or countrymen and women. One person was mentioned several times and that is why this year's award is for ... [Fanfare!]

...

John Blad!

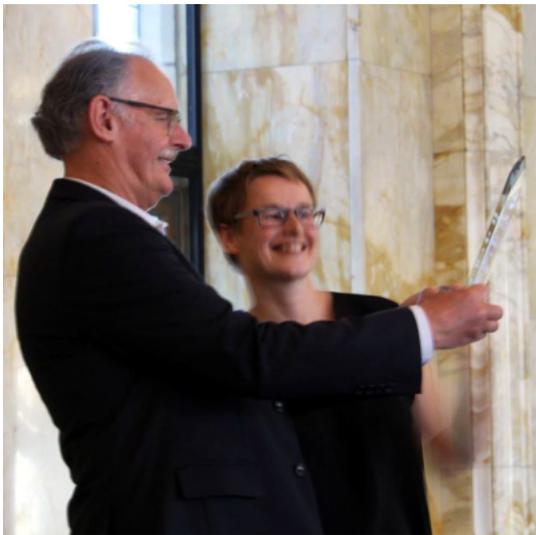
A Dutch winner while we are in the Netherlands! I am proud to hand over this award to you, John, as I think you are the first and foremost RJ person in our country. You are respected so much for your academic contributions which combine attention to practice, looking beyond borders in many ways. Your articles and books have their origins in the Loek Hulsman period at your university, but you developed your own way which became very much a restorative one.

Recently you said goodbye to your formal career at Erasmus University where you worked for 35 years. I got some useful information from your colleagues, Rene

van Swaaningen and Michiel van de Wolf. Even though you were a fantastic associate professor and inspiring for students, we regret that you never became the first Dutch professor of RJ.

By this award we do want to give you an even much more internationally oriented honour because, not only are you a national hero, you were able to look beyond borders, working with colleagues in Leuven, the UK (Martin Wright and David Cornwell, for example) and elsewhere. At your farewell party you had Shadd Maruna among the presenters.

Your career started as a social worker and became more academic later on. The activism you had at that time (note for the audience: yes he had a beard and looked like a hippie) is still in you. You took the initiative to found the Dutch Forum for RJ (*Nederlands Forum voor Herstelrecht*) back in 2000 and the Dutch/Flemish *Journal for Restorative Justice* (*Tijdschrift voor Herstelrecht*) and you drew up the *Manifesto on Mediation in Criminal Cases*. Next to your intellectual work, you have always supported and initiated practical initiatives, for example, the projects on neighbourhood mediation and now on mediation in detention, supporting structural change in this setting. For your initiatives and actions you got in 2015 the Bianchi award, named after Herman Bianchi who also inspired many of us and who was still with us on that occasion.



John Blad and Annemieke Wolthius

For me you are a pioneer, an ideologist with in depth knowledge about human beings, the law and context; you are also a very warm person who likes to enjoy life and share that with others (I recall some nice parties, also with your wife, Cora); you are a singer and a performer and a warm family man.

Congratulations, but before I give you the award itself I do want to share some quotes that colleagues gave me about you (you may want to guess who said what — but, no worries, I will give you this speech on paper too):

- ‘He’s a very upright academic and a very gentle, modest person who strongly believes that the criminal justice system needs to be civilised in order to meet the ethical standards which should underlie human relationships;
- ‘the one thing that upsets John is when he feels that individuals are treated with disrespect;
- ‘he’s a family man and a very proud father;

- ‘he never ceased to show a genuine interest in his students;

‘John’s academic profile is unique; within the Dutch discourse he has build a body of thought that on the one hand respects the work of true abolitionists such as Hulsman and Bianchi but who — on the other hand — has been capable of modifying the underlying assumptions. In doing so, he created an opportunity to implement these RJ related thoughts in today’s criminal justice discourse, notwithstanding the mainstream instrumentalist perspective’ ([Renée Kool, Utrecht University](#)).

‘The RJ-award for John Blad is very much deserved. His moral commitment, his theoretical reflection and his engagement in all sorts of practice has made him one of the leading European pioneers in the search for a better and more civilised way of doing justice. I am especially impressed by his very intelligent reflection on the juridical framing of restorative justice, and his remarkable leadership in organising [Tijdschrift voor Herstelrecht](#). It is a true pleasure and honour to have John Blad as a very wise, intelligent and pleasant “*compagnon de route*” with great integrity’ (Lode Walgrave).

‘He is a passionate contributor to RJ, both in theory and in practice. He is one of the few scientists that is able to bridge the gap between science and practice. He is a very good systemic RJ thinker. One example are his ten principles for a system of restorative detention’ (Gert Jan Slump, [Restorative Justice Netherlands](#)).

‘He is a sharp thinker and a committed academic with an edge for details. He helped pointing lawyers at their own morality: “*bekennen is de politie verwennen*”’ ([Janny Dierx, mediator](#)).

‘An original thinker, a diehard, a builder (there are enough breakers in the world), someone who is nuanced, but also dares to think beyond the horizon, but above all an amiable and good human being’ ([Jacques Claessen, Maastricht University](#)).

‘John has always been an excellent academic, very much committed to, and concerned about, his research work and his students. I have always known him as a very honest person, who is thinking and acting in a very consistent way, in all modesty, and with a lot of understanding towards colleagues and other people general. Most important: he has always followed his deep beliefs and convictions and did not “bend with the wind” when new and more easy topics appeared on the academic horizon. His role in the Low Countries — and beyond — has been considerable. He has been the driving force of the Dutch/Flemish *Journal on Restorative Justice* for many years, and he is an active Editorial Board member of [Restorative Justice: An international journal](#) (see his editorial last year, where he proposed to create an international (world wide) organisation on RJ). His modesty, his ideas, the consistency

in his thinking and acting, and his understanding of people make him a great human being' ([Ivo Aertsen, KU Leuven](#)).

We are happy that on Friday you will share some of your thoughts on RJ and where we should be heading to in the plenary, together with Christa Pelikan, the

previous winner. Congratulations again on behalf of the whole EFRJ Board and team. We will toast you together now: cheers!

Annemieke Wolhuis

Vice-chair, European Forum for Restorative Justice
AWolhuis@verwey-jonker.nl

A word of thanks

I am very grateful for receiving this Award, which is a great surprise to me. This is a wonderful week because yesterday I have become a grandfather!

I would like to accept the Award as a recognition of all the editorial teams of the Dutch-Flemish [Tijdschrift voor Herstelrecht](#) (*Journal for Restorative Justice*) with whom I have worked with since the year 2001 when it was founded.

Making this journal with them has been so stimulating and I have learned so much from all my co-editors — and from the contributing authors — that I can say that my intellectual career has been a wonderful journey so far and it still continues to be. So thank you all ...

I have just finished reading a collection of essays by Vasili Grossman [English version: Beevor, 2005], the Russian author who became famous with his great novel *Life and Fate* (1985). The translated title of the collection of essays in Dutch is *Een klein leven* (*A small life*) and the book holds a very moving essay entitled 'The Hell of Treblinka.' From the end of this essay I translated (from the Dutch) a passage that strikes me as very topical for the themes of our conference here. At the end of his description of the Treblinka concentration camp Grossman writes:

The heart shrinks together and seems to stop beating: so much suffering, so much grief, so much sadness a man cannot endure ...

Scholars, sociologists, criminologists, psychiatrists and philosophers have studied the reasons for what happened. Was it a matter of natural, inborn qualities, of education, environment, external circumstances, of historical destination or of criminal intentions of German leadership? How could this have happened?

The rudimentary racist traits, which seemed comical in the expressions of second-rate professor-like charlatans and the miserable provincial theoreticians of Germany's 19th century — the contempt of the petty bourgeois for the 'Russian Pigs,' 'Polish Cattle,' 'Jews stinking of garlic,' 'Perverted French,' 'English Grocers,' 'Greek Poseurs,' and 'Czech Rattle-brains' — all this small-minded talk, all that

cheap bragging about superiority ... above other people ..., kind-heartedly mocked by journalists and humoristic writers — all that suddenly, in the course of a few years, changed from childish nonsense into a deadly threat to humanity, to life and liberty, and became a source of unimaginable and so far unknown suffering, bloodshed and evil. Enough food for thought/reflection (2015, p. 161–162).

I can only agree with the implicit warning that Vasili Grossman has given here and that is so up-to-date. In the Netherlands there is a social style called 'No Style,' which actually means 'no need to be polite; it is okay to be rude, no arguments are needed' and racism, and even fascism seems to be back in many European countries.

Therefore I hope that Restorative Justice – with its fundamental values of respect and personal encounter – will be able to contribute to a stronger culture of peace, reciprocal understanding, humanity and civilisation. RJ is not a luxury, it is a necessity.

Thank you

John Blad

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Mediation in the life of a schoolteacher from Bosnia and Herzegovina

My hometown, Gornji Vakuf, is a small community that was developing well before the war broke out in the 1990s. People had jobs; their economic power grew. Many events were organised thanks to the local library and the very dedicated librarian; every month we had a cultural event, Sarajevo Philharmonic, different exhibitions and visiting writers. The sea was close and in one day we would go to the shore to swim and return home.

I would prefer to skip the war, but I cannot skip it since I took part in it. My active participation included a lot of swearing; that way I coped easier. My apartment was on the third floor, and we hid from the shooting in the basement; so every day I was crawling on my knees up to the apartment to cook something. All the windows were smashed and, instead of the glass, I inserted my books in the window frames. Each time I climbed up, I counted new bullet holes. The firing came from all the sides. I still keep a bullet trapped in a book.

Books saved me from the hatred around me. I lost my eyesight from all the reading by candlelight. When the war started in 1992, I was in my forties and I was old enough not to buy the hatred and not to be carried out by evil fairies. As soon as the fights between Bosniaks and Croats ended in 1994, I crossed the line dividing the Bosniak held part of town from the Croat held part to see my friend's daughter. Soldiers told me I was doing it on my own responsibility. As if that was some responsibility, I thought; if I survived your madness, I can take responsibility for that little love I maintained.

As soon as we had picked up the pieces of what remained of myself and of the others, as soon as we improvised some roofs to keep us from getting wet from the rain, life appeared infinitely useless and miserable. I had so much time that I could have gone around the world and back.

My town came out of war divided into two parts and remains divided today. Its official name now is Gornji Vakuf-Uskoplje. Life is somehow getting regenerated, but its consequences remain. Two communities now live completely separate lives. In an administrative sense, the town is one municipality. However, those common, tiny human connections that constitute life and safety in the community were not re-built, or occur very rarely and far between. What hurts me the most is the fact that we have completely separate, ethnically clean education and two separate schools operating under the same roof.¹ I taught in one of them.

In 1994, international relief workers initiated a library reconstruction project and I became active there.² At that time, 'project' was an unusual word that was used only in construction. Since I believed that the books had saved me in the war, I thought that the books will be able to bridge our divisions, which did not

happen. I buried my belief in big projects and turned to the small lives of those whose smile remained frozen in the war. In 1996 we started a Youth Centre and since then I consider myself the oldest of the children gathering there. I promised to myself that I should never forget my inner child. As we were starting the Youth Centre, I got an invitation to my first conflict resolution and mediation training course which was organised in Hungary. Leaving for that course was my first departure from Gornji Vakuf since the war. On my way to Hungary I made a stop in Zagreb in order to continue the journey with a woman who was part of the training team and whom I didn't know. After four years of a hermit's life and of total isolation in a terrible war, I got stuck in the elevator on the way to her apartment. It turned out that the elevator did not malfunction; I just got frozen by fear. When I unfroze, and by that 'repaired' the elevator, I rang at her door; it was 5:30 in the morning and there was a smile waiting for me, the smile I lost somewhere and forgot it existed. A woman smiling — that exists in this world!

During the course, I felt like a first-grader. After I returned home, I fell ill and got a fever. At the course, I went through a culture shock; I shook from the inside. I got scared of myself; I got worried because I was not sure I was able to do it. I crumbled; everything I knew started being questioned. I felt like a country just going out of war. I was wondering, what now? There is no return; this gives me new opportunities. What should I do now? What should I repair first? Which steps will I make? Where am I the strongest? Where is my balance? Where is my strong point? Somehow I knew the answers and the literature has taught me: it is important what I say and how I say it. A word is too strong: it could kill, and it could also revive, to make one regain breath, to open . . .

So I started to learn again my language which I learned so long ago. The words were the same, but were said in different way. I am still learning it. It was not easy. In 1996 I was 47. I am proud of myself and of my choice to participate in something that was offered by friends. I am focusing my energy on young people and I have never regretted it. Hundreds of them have passed through the Youth Centre in these 20 years and I am proud of them.

Since I entered an area entirely unknown to me, since I started learning to speak again, since I started

¹More on divided schools and their impact on students in the [UNICEF report](#).

²More on innovative approaches to social reconstruction of Gornji Vakuf-Uskoplje in the [USIP report](#).

to speak in different language, I clearly heard myself speaking about my own needs, and disagreeing with someone without denigrating him. By listening to the others, by understanding the others, I was discovering myself. I was watching across the room people who are human beings like me, who have their own fears and worries, and I saw myself in their faces. Listening, listening, it was important listening, and not giving advice. It was important to see opportunities, but not to offer anything. It was important to seek joint solutions. One should not create chasms between people just because of disagreement.

By listening to the people, I faced avalanches of fear that was blocking people and preventing them from developing their potential. Patience, I kept telling myself. Let the people get empowered. That enabled me to distance myself from the conflict I was involved with. That set me free and that purified me. One needs a lot of skills to persevere. Neutrality has the same importance, if not more than that.

Through the Youth Centre, I got the opportunity to work beyond the borders of my community. Many organisations in Bosnia and Herzegovina looked up to the Youth Centre and its success in working with young people, and they sought my skills to support their work. For eight years, I was facilitating dialogues of the families from all sides seeking their members disappeared during war. The International Committee for Missing Persons invited me to work with the most sensitive group of people in my country and I consider it the ultimate confirmation of my value.

Unfortunately, my views are not shared by my community. It is either deliberate ignorance, or a feeling of danger, or threat for those who think the time is not right for encounters and for dialogue.

But I am patient. I transfer my knowledge and skills to others. I keep in continuous touch with people and I believe I am helping, because the people seek me out, and ask me questions. Dialogue is important, and the number of those willing to change is growing. I was ready to engage in dialogue with others, with whom I did not share the same values. What makes me happy, what gives me strength is the fact that, when you are not disputing people's values that are different from yours and when you accept people, they see your strength and they respect it. Through all these years, I was never afraid to work on peace and to be consistent, to live every day what I preach. Operating that way, I gained many friends.

Although in a divided country there is a huge need for mediation and for mediation centres, they did not flourish here. Such places would threaten those who monopolised the right to the only truth. In our society, the prevailing attitude is that it is not the right time yet; we should not make a fuss; it is up to the politicians to make moves, and not us, small people. I keep hearing those words. There is lot of fear from confronting ourselves and others, and fear that people

will break up. People still do not have enough information about mediation, about the gains of the process in which people are directly involved. In my opinion, the biggest obstacles for the potential parties to consenting to participate in a mediation process is their fear of encounters, the pressure of the people around them and the lack of good will of the structures responsible for processing war crimes and for creating a framework for confronting the past and for peace building. In addition, there is lack of trust in others.

Schools could be great places for mediation. There is a lot of violence and it escalates frequently. However, school staff are afraid of speaking up about the problem. When I volunteer to facilitate a meeting with the parties involved, with the aim of jointly seeking a solution, it often happens that the school staff decline, finding an excuse in lack of time, their low salaries or school policies.

We have never had peer-mediation programmes in schools, except for the students involved in informal education, in conflict resolution and communication skills. The reasons are various:

- lack of awareness as regards the value of mediation in violence prevention;
- fear of new value systems and a clash with the traditional and well established value systems;
- the ways of managing schools and of making decisions in educational institutions;
- fear of loss of power with mediation that includes active participation.

Two schools operating under the same roof have great potential as concerns mediation, since those schools are a huge burden for our society. By organising classes in two separate shifts, without any contact between their students and their staff, dialogue is implicitly prohibited. These schools are outcomes of political decisions and agreements and it is difficult to encourage encounters. The only opportunities for students to meet the others is when they take part in education outside the school buildings and school jurisdiction.

We in the Youth Centre never got the support of the school management, and we did our work on empowering young people in mediation and dialogue in a quiet, low key way. We never got an opportunity to present our conflict resolution and mediation programmes in schools. In addition, it is very difficult to convince school staff that young people can take responsibility for their own conflicts, without interference from the adults. It is very difficult for the staff to change their habits of communicating from a position of power in their profession or from their experience. Therefore, even those students that got trained that way were not able to practise their skills in the schools, since they were harassed and called traitors.

We in the Youth Centre have a group of young activists trained in peer mediation. However, their friends and teachers in school disdain their skills and this inhibits peer mediators significantly in their efforts. Had there been more understanding, this and other schools could have opened and facilitated dialogue and prepared young people for reconciliation and for peace.

Under these circumstances, I do what I can and how I can. I don't maintain the formalities. I live non-violence every day. I speak openly about the problems and, whenever I can speak in public, I do it. I participate in a way that whatever I do includes elements of peace. I am often subversive in a non-violent way. I dream of a day when the Youth Centre will provide

a space and mediators for people willing to deal with their problems and with their conflicts and to encourage their active participation. I wish we could regain the power we gave to the others who make decisions for us. I dream of a day when non-violence and peace will become a way we live our lives.

Translated by Branka Peurača

Jasminka Drino Kirlić

Retired teacher and community mediator

namik_ki@bih.net.ba

<http://www.omladinski.org>

Mediating in the Roma community

My hometown, Beli Manastir, is situated in the plains near the Danube river, on the border with Hungary and Serbia. Before the war broke out, many ethnicities lived there in peace: Croats, Serbs, Hungarians, and my co-nationals, Roma. When they were expelled from Romania several centuries ago, the Roma found a home in the rural areas of Eastern and Northern Croatia where they settled and made a living as craftsmen. There were, and still are, strong prejudices against them. However, in comparison with the Roma who moved to big cities in the 1970s and 1980s from Kosovo and from Macedonia, the Roma in Beli Manastir were better integrated. Children attended schools and adults held seasonal jobs in agriculture and in construction. Those Roma men who held permanent jobs were mostly employed by the municipality of the nearby city Osijek, where they collected communal garbage and swept the streets.

During the war I was attending high school, which was fortunate for me: I was too young to be drafted into the army. Many Croats fled at the beginning of war in 1991 and many Serbs fled at the end in 1995. Many people were displaced and many properties were occupied by the refugees from other parts of Croatia. There were many resentments in the community towards the people who made the different choices of fleeing or staying: towards people who left without saying goodbye to their neighbours or towards the newcomers who occupied the houses of those who fled.

After I graduated from high school, I worked in construction and in agriculture until 1998 when I became a volunteer in the [Center for Peace, Non-violence and Human Rights](#), a grassroots NGO from Osijek that promoted dialogue and peacemaking in Eastern Croatia. This widened my horizons. I attended many workshops organised by the Center and I discovered so many new things on volunteering, community organising, integration of ethnic minorities, human rights, work with children and young people . . . So I started transferring the skills I had acquired to the Roma children and young people and to the children in foster care. At the same time I started to empower their parents in their attempts to rebuild their lives in the new circumstances,

with all the traditional jobs held by Roma gone, even those of garbage collection; since, during the war, their daily commute to Osijek was not possible, their jobs were lost.

As working with children and their parents took more and more of my time, I tried to learn as much as possible about how to work with them. In order to learn how to support young people and motivate them to stay in school instead of dropping out, I attended several 'training for the trainers' seminars. On one of those seminars, I met a participant who was a mediator and what she told me about the skills and processes seemed so appropriate for the needs of my community. At that time, people still suffered from the war and trust and relationships among people were severely damaged, especially among neighbours. I thought that with mediation skills I would have been in a much better position to help them and I was so happy when, a couple of years later, the Center for Peace, Non-violence and Human Rights organised training in community mediation led by Katharina Sander from Germany. That training was something completely new, something that did not exist in Croatia before, and it attracted like-minded people with whom I became friends and who later supported me in my work in

Beli Manastir after I founded the Association of Roma Friendship “LUNA” which became a place where children, young people and their families gathered and where Roma and non-Roma met. I often get asked how come so many Roma folk dancers from “LUNA” are blond, and I answer that they are not Roma; they just enjoy dancing and getting together. In my view, working with everyone is the best way to decrease discrimination and prejudice.

After the training I started applying the approach and communication skills in my everyday contacts with people. Before the training, I was uncomfortable with conflict and I thought that aggression was the only way to defend one’s interests but I hated aggressive behaviour around me and didn’t want to do the same. Therefore, I tried to avoid conflicts and I withdrew from them. The mediation training I had attended provided me with new insights into new ways of communicating that did not require me to push for my own solution, but allowed me to be in a role that will facilitate their communication and help them to figure out their own solutions.

After the training, the Center had a follow-up project in Beli Manastir with three volunteers who attended their mediation training. I was one of the volunteers; the other two were a young unemployed woman and an employee of the local court. We had good media coverage, that not only advertised our mediation centre, but also portrayed people who referred cases; for example, a newspaper wrote a story about a young employee of Beli Manastir whose tasks included responding to various grievances, from dogs barking too loud to irregularly parked cars, who was very happy to refer the neighbourhood disputes to the mediators.

Unfortunately, despite the fact that we mediated without financial compensation, administration and management of the mediation centre required some resources, which were not available after the first year of operation. Moreover, the Center for Peace, Non-violence and Human Rights abandoned community projects and focused more on direct human rights protection and advocacy. This, combined with the turnover very common for the poorly funded local NGOs in Croatia, left me to my own devices. I continued to practice mediation in “LUNA.” One typical example of conflict is a neighbour dispute between two families, one Roma and one non-Roma that shared the fence between their gardens. The non-Roma family complained about the garbage lying around and then being burned, which caused an unpleasant smell and smoke. During the mediation, the Roma family members told about their growing up in provisional shacks without utilities, where ‘letting be and than burning’ was the only way of getting rid of the garbage. This made the non-Roma neighbours understand the inhu-

man conditions in which their neighbours were raised, and the Roma neighbours realised what kinds of consequences burning garbage had for their neighbours’ family. They promised to start collecting and disposing of garbage according to the municipal rules. Since the mediation, they did not have other conflicts — or they were able to solve them without me.



*In 2011 Duško Kostić was the first European to receive the Student Peace Prize awarded biennially on behalf of Norwegian students
(Source: <http://foto.samfundet.no/>)*

In the meantime, I enrolled in the University of Osijek Faculty of Teacher Education and, after completing a five year program, I got a master’s degree in primary education. It was not easy to go back to school in my late thirties but studying at the university gave me great joy. I was the first Roma in Beli Manastir and in its surroundings to get higher education. I am proud to see several young Roma following my steps. And I am also proud to see that my shuttling back and forth among the young Roma women who dropped out of school, their parents and the schools they just left, and my attempts to hear their fears and hopes, resulted in their agreement on the way that they would support the girls when they returned to school. In three years, fifteen girls went back to school. In a Roma community with a little over 400 members, that is a very significant number.

The way people perceive me in the community has changed since I first became a volunteer. Whenever I need to talk to someone in the welfare centre, in one of the local schools or in the employment office, I always find that people are willing to listen and to cooperate. I think they see me as the one that connects people, and that is persistent in that work, regardless of the difficulties.

Translated by Branka Peurača

Duško Kostić
dulekostic@yahoo.com

Paving the way for a restorative justice in Kosovo

Seventeen years have been passed since Kosovo's conflict. The country has undergone a major political transformation, from an internationally administered territory to a declared independence that still waits recognition from almost half of the UN nations. Yet the country continues to remain under strong control of the international community.

The international community has become very active not only in resurrecting public institutions and establishing democracy, but also in providing direct services with regards to the implementation of international standards of transitional justice within domestic jurisdictions. Currently, there are three judicial mechanisms that operate in Kosovo. The [International Tribunal for Former Yugoslavia \(ICTY\)](#), international courts (hybrid courts, [UNMIK/EULEX](#)) that date from the time of UN administration and a recent one, the so-called [Special Court for Kosovo](#). The continued involvement of the international judges/prosecutors into post-war Kosovo came as a result of the common perception among the international community that local judicial structures lacked the capacity and impartiality to conduct fair trials, in particular in serious cases involving war crimes and cases involving ethnic crimes.

This Special Court was established in 2015, with a mandate to try serious crimes committed by the Kosovo Liberation Army during and in the immediate aftermath of the Kosovo war.

It is not an international tribunal, but a Kosovan national court, composed of international prosecutors and judges that will administer justice outside Kosovo. The court is still not operational yet.

However, it remains to be seen whether this newest layer of justice will prove successful.

My main concern regarding this court is its capacity to search for justice after seventeen years. Most cases involving eyewitness testimony depend on accuracy of long-term memory. Testimonies that have been taken later in legal proceedings are very often filled with half-truths and, all too often, outright lies. So, in this regard, one may have difficulty in accepting as accurate the testimony of witnesses after such a long period of time knowing that their memory may have faded over time.

In addition, a Special Court is seen with suspicion by a majority in Kosovo. There is a common opinion that it will share the same destiny as the hybrid courts in Kosovo which have been surrounded by a range of shortcomings, lengthy procedures, interferences of external factors that resulted in selectiveness of justice and subsequently have limited their contribution to truth, justice, and reconciliation.

Yet despite the incapability of the international justice mechanisms to properly deal with the atrocities committed in the past, there is a strong desire for re-

tributive justice in Kosovo society. As a consequence, the engagement of responsible authorities in the area of restorative justice remains elusive.

Whom to blame?

I would say both. On the one hand, national and international actors (UNMIK and EULEX) failed to identify the past abuses that need to be restored. Taking into consideration the mandate of international actors, they should have been equally engaged in restorative justice, in particular with regard to the need to clarify the fates of missing persons and deal with sexual violence cases and material reparation in order to help prosecutions as well as criminal justice trials complete their tasks. On the other, the Kosovan government should have been more active and more demanding towards the international community, instead of relying and placing all hopes on international actors.

What has been done so far?

Only in 2011 did the Kosovan authorities promulgate the Law on Missing Persons. However, the law failed to impose upon all competent organs in Kosovo the obligation to provide assistance and available information to family members searching for their missing relatives 'under threat of sanctions.' The main competency has been vested in the hands of a government unit composed of various government agencies.³ Moreover, the law fails to empower victims to demand compensation for the harm suffered. Overall, this law may give some hope to the relatives of the individuals that went missing as a consequence of crimes committed by members of the Kosovo Liberation Army, but regrettably not to the relatives of the Albanian victims. At the moment, they are left in the dark as to the whereabouts and condition of their relatives, as this information remains in the hands of the Serbian government. Taking into consideration the political constraints between Kosovo and the Serbian government, it is doubtful whether this issue can be advanced without external political pressure.

The first move has been undertaken with regards to the issue of sexual violence that occurred during the conflict. Unfortunately the issue of sexual violence remained a totally detached subject for a very long time. The victim-survivors refused to talk for a long time and consequently have been left without protection. Even

³Article 9 para. 1 of the Law on Missing Persons

today, many of them refuse to talk about their past because of fear of being marginalised. They continue to be under constant pressure. Last year, all of a sudden, interest in raising awareness about sexual violence became part of Kosovo's political agenda. It came as a result of an artistic installation 'Thinking of you' by artist Alketa Xhafa-Mripa and producers Anna di Lelio and Fitim Shala, who organised a collection of clothing around the country (women's dresses and skirts) to pay tribute to the inhumane treatment committed against the women. The aim was to open a debate about sexual violence against women and encourage them to speak out. This was a big challenge for patriarchal structures. Subsequently, the journalists got mobilised and as such managed to move an unheard issue to regular and very constructive reporting.

The former President Atifete Jahjaga took part in the campaign and promised adequate institutional support for the victims of rape. This in turn has encouraged the [Kosovo Women's Network](#) to be more persistent in their claims for obtaining compensation for wartime rape victims.

However, it is necessary to stress that little has been done with regard to material reparations such as financial compensation and restitution. Neither responsible international structures nor domestic ones found themselves responsible for setting up a reparation programme, in particular with respect to restitution and compensation. Given the fact that the most serious atrocities were committed by the previous Serbian regime, it is largely considered that such a responsibility attaches to the current Serbian government. However, it should be noted that given the present political circumstances in Serbia it is unlikely that it will be achieved in the near future. The Serbian government continues to use the same rhetoric and tries at all cost to obstruct Kosovo in becoming a functional state within the international arena.

Although there have been ongoing negotiations between Serbia and Kosovo since 2012, unfortunately no major results have been achieved.

Is Kosovo's civil society capable of serving as facilitator for reconciliation?

The involvement of Kosovo's civil society in the transitional justice process is very limited. So far the issue of missing persons was the only subject that would be discussed and that was mainly initiated by the family associations of missing persons.

Kosovo's civil society continues to be divided into sharp ethnic lines. A small number of civil society organisations insist on maintaining links within and outside borders and working towards inter-ethnic dialogue.

Among them, the [Youth Initiative for Human Rights](#) organised an informal dialogue between Albanian and Serbian young people living in Kosovo in 2011 by trying to challenge the participants with sets of issues

arising from different topics such as freedom of expression, freedom of movement, inter-ethnic prejudices, etc. Moreover, [Community Building Mitrovica](#), a Mitrovica based NGO, has worked on several projects to facilitate inter-ethnic dialogue.

Since 2012, [Interfaith Kosovo](#), a civil society initiative supported by Kosovo's Ministry of Foreign Affairs and several international agencies operating in Kosovo, has organised a range of events on religious dialogue, tolerance and reconciliation, providing a platform for the promotion of harmony and coexistence between different faith communities in Kosovo. Although its particular focus is religious tolerance and mutual acceptance, it can, however, serve as a good example to those who bear the primary responsibility for promoting justice and reconciliation in and after the war in Kosovo.

At the moment the [Humanitarian Law Centre](#) retains the most important role in the area of transitional justice, raising awareness regarding both retributive and restorative justice.

It is considered that the aim of restorative justice is to identify obligations and propose solutions, and in this way promote dialogue and mutual agreement between former enemies (Zehr, 1990, pp 80–81). This in turn may lead to our desired goal, the reconciliation. I would say that 'restorativeness' can open a door to reconciliation. In this context, taking into consideration the current political climate between Kosovo and Serbia, the chances of identifying possible obligations and solutions of restorative justice between former enemies are small. Such a situation makes it difficult for other actors, namely non-governmental actors, to engage in promoting restorativeness in society.

Never too late

The responsible authorities should continue to initiate credible prosecutions and as such focus on producing a sense of justice in society because the slow pace of the trials has significantly undermined the perception that justice is being done. Consequently, the entire society is steeped in polarised thinking and mutual grievance. This has narrowed the chances for civil society to promote the parties' 'obligations' and suggest solutions for restoring the past and, most importantly, open a debate on reconciliation.

For the long time all the hopes were placed on the international community, hoping that political pressure exercised by relevant international entities might oblige the Serbian authorities to be more responsive towards justice.

At the beginning, I saw the negotiations between the Kosovan and Serbian governments as an opportunity for initiating 'restorativeness;' however, taking into consideration the circumstances that followed the negotiating process, there is little hope that the issue of restoration will ever be on the negotiating table.

As a consequence, the cultural preference for retributive over restorative justice will become ‘a dominant preference’ and as such close the door on any debate that may call for reconciliation of our divided society.

Gjylbehare Bella Murati

Lecturer in Law, University of Business and Technology (UBT) in Pristina, Kosovo

Post-doctoral researcher at the Human Rights Centre, Faculty of Law, Ghent University, Belgium

Bellamurati2@gmail.com

gjylbehare.murati@ugent.be

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Book Reviews

Van Camp, Tinneke (2014) *Victims of violence and restorative practices: finding a voice* London and New York: Routledge ISBN: 978-0-415-85615-7 (hbk) ISBN: 978-0-203-72785-0 (ebk)

As a recovering-RJ-over-enthusiast,⁴ it was hard not to get too excited about a seemingly one-up-contribution in favour of the credibility of restorative justice. But as a recovering-enthusiast, I was all the more measured in my reading of the data, the method and its assessment. Overall, I found Van Camp’s work credible and her efforts — particularly on the intercontinental analyses — laudable. I do have some reservations about aspects of the book, but that will be for later. I start with the strong points of the book, move to its weaker points, and provide a one-paragraph conclusion on its relevance to the Forum’s newsletter readership.

Van Camp’s efforts and subsequent findings are commendable especially as she provides a consequential difference between procedural justice (PJ) and restorative justice (RJ), something which remains missing in the field (Tyler, 2006). That difference is *a form of restorativity*. And Van Camp’s book makes me question if the RJ field (to our detriment) has been outlining too narrowly the terms restorativity or restorativeness. For one, critical RJ-thinker, Kathy Daly, defines restorativeness as ‘the degree to which the offender was remorseful, spontaneously apologised to the victim, and understood the impact of the crime on the victim; the degree to which victims understood the offender’s situation; and the extent of the positive movement between the offender, victim, or their supporters’ (2006, p. 139). These three indicators for the victim and the offender were included as measures for restorativeness in her South Australia Juvenile Justice project. While in Stefanie Tränkle’s two country comparison, she concludes that the aims of restorative might ‘not

[be] plausible for the parties’ (2007, p. 407). Both Daly and Tränkle present an argument that RJ may actually be less than its hype on the matter of restorativity, and focus more on the procedural aspects which RJ can be shown to implement or produce. It seems the real problem might be with what is conceptualised as restorative versus its manifestation. True prominent RJ advocates have characterised RJ meetings as transformative, with victims, offenders and their communities much more satisfied that with the prevailing criminal justice system. However, they have also noted that there are other instances with less transformation, with such stakeholders just being satisfied, no more no less (Zehr, 2014). What Van Camp’s findings tell us may not be terribly different from what Daly and Tränkle found — in terms of the prevailing understanding of restorativeness. But it does suggest a different way of understanding the term so that we can fully appreciate the findings: ‘all of the respondents ... were highly satisfied *with their participation in a restorative intervention*,’ however, not all outcomes were favourable (p. 63, emphasis added).

It might be more useful to consider restorativeness as a continuum or two sides of a coin, one side ‘transformative’ and the other ‘closure.’ Transformative is the one that is often claimed. It is inspiring and it can be credited for giving RJ the visibility it has now. Closure is probably what happens more often. People come to an agreement on the nature and content of the meeting or just one side finds value in the RJ meeting. In both situations, at least one party is able to ‘move on with their lives’ (Buntix, 2014; Zehr, 2014). What Van Camp’s work suggests is that restorativeness should not be limited to the one dimension (of transformation). In assessing if RJ is just a really good application of PJ or offers more, Van camp provides us with a new way to think about restorativeness.⁵ In proving the latter, she employs a considerable part of the book (about 20 percent) to demonstrate it to her readers. See chapter

⁴I am still enthusiastic about RJ, but my enthusiasm is more tempered with the reality that RJ cannot and should not be a cure-all for everything that ails the criminal justice system or our contemporary social challenges.

⁵Actually, this insight was less the focus of the study, and more my personal takeaway. Pro-social benefits or its effects and the flexibility feature of RJ are what she focuses on.

5 and significant parts of the Conclusion.

As to the drawbacks, parts of the prose were a bit problematic, contributing to several re-reads and even one fact-finding email to verify a statement. In the end, it was more about how Van Camp presented the statement than if the information was incorrect. Another drawback was the manner in which she presented her data sample in chapters three through five. Her penchant for using varied 'n's was initially confusing. I understand that this was a demonstrated effort at transparency and significance of findings within the global sample of respondents. However, this confusion could easily have been avoided with a sentence or two on her use of 'n's and N (tacked on to chapter 1). This review does not doubt her findings; I just found the presentation problematic as it necessitated several re-reads for clarity. Not all parts of the book necessitated this, and maybe that was the challenge. For example, the first chapter was written with simple efficacy. I even enjoyed her study design and sample sections (pp. 23–29). It was the middle that would catch me off guard with some convoluted sentences (or paragraphs). Nevertheless, I commend (and admire) her for converting tedious but useful documentation into a mostly-readable and enjoyable prose.

Finding A Voice ultimately shows that voice and makes a strong argument for why another book about restorative justice and procedural justice is relevant, and less about one-upmanship — as one might be tempted to think when scanning through its subject matter. With its new insights (pp. 137, 159, 173, 177) on restorativeness and the 'diverse motives' (p. 109) of victims (of violent crime) the book positions itself as a useful contribution to the field. And lastly, its finding that RJ practitioners are central to the sustainability of RJ-

strengths/benefits is a nice touch — one that I think will be much appreciated by the Forum's readership (pp. 68–73, 123–129)!

Adepeju O. Solarin

Researcher, Max Planck Institute for Foreign and International Criminal Law

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Calendar

World Mediation Organization *The language of peaceful communication and conflict resolution* 23–26 August 2016, Dusit Thani Hotel, Bangkok Further information from [World Mediation Organization](#)

European Forum for Restorative Justice Restorative Justice Week 2016 *Inspiring innovation* 20–27 November 2016 Further information from the [EFRJ](#) nearer the time.

Criminal Justice Platform Europe Expert meeting on the *Victims Directive* 7–8 December 2016, Brussels, Belgium. Further information from the [EFRJ](#) nearer the time.

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Secretariat of the European Forum for Restorative Justice Hooverplein 10 • 3000 Leuven • Belgium •
T +32 16 32 54 29 www.euforumrj.org

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