



RE-JUSTICE

Judicial Training in
Restorative Justice

Annex 14

Case studies



Case study 1

Type of restorative justice practice: Family Group Conferencing

Country: New Zealand

Context: Judicial context

Case: Family Group Conferencing in New Zealand

"The following story is about a 16-year-old boy who was charged with "rape times three" on the same victim, a 13-year-old girl.

As is so often the case, the offender – I'll call him Robert – had himself been the victim of pedophiles from the age of five. His mother would take him to meetings of pedophiles and participate in their activities.

Joanna, his victim, had also been a victim previously.

Robert and Joanna ended up living in the same home as longer-term plans were being made for their care.

After hearing her rights, Joanna said she wanted to view the Conference but not be in the same room as the offender. Joanna proposed that her caregiver represents her at the Conference while she observed, with an adult woman and her social worker.

During the meetings, Joanna sent three powerful letters from outside the room for her representative to read. In the first letter she directly challenged Robert, the offender, saying he was not taking enough responsibility for what happened. As a result, Robert apologized and took full responsibility.

In the second letter she stated that she did not want Robert to lose his job so that he could pay for the self-defense lessons she wanted to take. In the third letter, she expressed her concern that she not run into him during the early stages of her recovery. The Conference worked out a plan that met all of Joanna's requests.

[After the conference] the caregiver said, "When we got home, Joanna walked in the door and said, 'I don't need to wear this coat anymore'...she slipped it off and let it drop to the floor." Joanna had worn that coat ever since she was abused. The day after the Conference met, "She was present in a different way than I had ever seen her before. She looked as if an incredible weight had been lifted from her, and she was full of smiles and energy."

Robert completed all his obligations. He faced the fact that he did not have the right to victimize others while acknowledging that he needed help to live successfully and positively within the community. This plan pushed boundaries: typically, the boy would have gone to jail. And that would likely have led to his committing further offenses, eventually destroying any hope of his living successfully within the community.

The potential outcome for this case was so ground-breaking that the police were not willing to shoulder responsibility for it alone. They wanted a judge to take that responsibility. The judge agreed, and she was given no cause for regret.

Joanna, although only 13 years old, was a very strong person who used the Conference to meet her own needs for healing.

I learned that even very young victims need to have a voice...overprotecting can be disempowering. A young person like Joanna can know what she needs for her own well-being and can initiate healing through the Conference process."

This story is taken verbatim from Allan MacRae in Allan MacRea & Howard Zehr, "The Little Book of Family Group Conferences New Zealand Style, in Zehr, Howard, Amstutz, Lorraine, MacRae, Alan, Pranis, Kay, The Big Book of Restorative Justice. Four Classic Justice & Peacebuilding Books in One Volume, New York, Good Books, 2015, location 2398 of 429

Case Study 2

Type of restorative justice practice: Restorative Circles

Country: Brazil

Context: Judicial context

Case: A Restorative Circle

"One circle I remember because of the powerful impact it had on me and on the participants. It was one in which a fourteen-year-old boy had killed his girlfriend and had then hidden her body. About six months or a year into the boy's detention in prison, the father of the young woman came to the court to find out if the boy was fulfilling his sentence. We offered him restorative justice and I did the pre-circle

with him and the mother. The mother wanted to participate, but the father chose not to. So we held the circle with the boy and his family and the mother of the girl and a supportive friend of hers. I was the facilitator.

It was really rich for everyone. The mother asked questions and he answered them all. Both families had held onto many doubts, the pain and confusion of not knowing what had happened. The mother could not understand why because the couple was happy together and she knew they both liked each other.

The youth shared freely about what had led to his girlfriend's death. He explained that they had gotten into a fight in the kitchen and the girl had picked up a knife. In the ensuing struggle he

accidentally killed her. The boy shared about his feelings and grief because he had loved her.

However, he blocked and his feelings overcame him when it came to talking about him hiding the body and burying it under the house. I think it was because of the guilt and of his conscience. Because the death itself had been an accident, but the hiding of the body was a choice he made. He wrapped her body in a carpet and buried under the house.

We held a second circle which was very tense and emotional. The boy shared some things about what had happened and why he had done what he did. It was very emotional for everyone. The mother cried. It was very emotional for me. But it was worth it. The participants were satisfied. They saw the need to go through the emotion and the tension; not to go on with the shadow and each person chose how they wanted to move forward.

This example was given in an interview in 2016 with a facilitator of Restorative Circles for the 1st Pilot Project in Porto Alegre, Brazil, Justiça pelo Século 21 2005–2008, researcher Christina De Angelis

Case Study 3

Type of restorative justice practice: Restorative Circle

Country: Brazil

Context: Judicial context

Case: A different way

“Deivid is a postman in Rio and also a composer of Samba in the Mangueira district of the city. One day in 2015, as he was sitting on the bus after work in the city centre looking at his phone ; a young man suddenly grabbed the phone out of his hand through the window.

Deivid – “I looked at him and he said ‘Come on, come and get it.’ So I did.”

As he was following the youth, people suddenly started yelling at the youth, calling him *ladrão*, thief, and they started to beat him.

Youth – “The people, like, when they got me. Lots of things happened. I was punched in the face. I was kicked many times. I got really scared because I’d never been through that before.”

The aggression could have led to death, not an uncommon occurrence. Instead, Deivid got into the action to protect the young man.

Deivid – “People were saying, ‘But he robbed’. I said “He robbed from me. Calm down. We will take him to the police and make sure he does not get away, but we won’t beat him or hurt him”.

I asked him ‘Where do you live, man?’ And he said, ‘In the Mangueira.’ I said, ‘What, in the Mangueira? I’m a composer and I play in the Mangueira.”

Youth – “He looked at me with a smile. He did not look at me with a nasty face as if ‘Ah, he robbed me. He’s a *ladrão*, a thief. He smiled at me. He tried to help me.”

Deivid – “I asked him why he didn’t play in the Mangueira band, why he is not at school or in a job. He said he had no father or mother and no one would give him a job. He started crying and asked if I could let him go. I said “Look if you don’t want to get arrested then you had better not steal. If you robbed, you did something wrong, I can even help you. But you need to pay for what you did, man.”

Deivid took the boy to the police station but left with his head full of ideas and plans.

Deivid – “I know for certain that he has known hate, he has known exclusion, prejudice. He has missed out on knowing love, charity, compassion. That is what I want to introduce him to. »

Deivid put his reflections on Facebook, saying he wanted to help the boy out, help him get a job or a chance to play in the Mangueira band. He wrote that he had decided to adopt “his bandit.” The posting was a hit, with 30,000 likes, 5,000 shares and lots of comments.

The two met again during the court hearing. Deivid discovered that the boy’s parents were assassinated when he was four years old and pleaded for him with the judge.

The youth was convicted and sentenced to detention in a semi-open unit that would allow him to go to school, find work, and even go home on weekends.

They met again during a Restorative Circle organised by the youth’s defense lawyer. During the circle both shared openly with each other.

Youth – “What I have to say to you is thank you for everything you are doing for me. Because you believe I can change.”

Deivid – “You can relax. I’m not going to give up on you. Even if you give up.”

Youth – “He’s going to be for me now the father I never had. A motivator.”

The youth shared that no one had ever spoken to him like that before; only Deivid.

Deivid – “When you manage to recover a youth like this you are not only saving his life, but the lives of all those around him.”

Compiled from an interview with the youth’s defence lawyer in Rio, a clip in the TV program, Fantastico “<http://globoplay.globo.com/v/4642333/>” which narrated the event, and from Deivid’s post on Facebook. <https://www.facebook.com/deivid.domenico/posts/1195941547088146>. Research and translation by Christina De Angelis

Case Study 4

Type of restorative justice practice: Apologies / indirect meeting

Country: Italy

Context: Judicial

Case: First offender

Giovanni is a 19-and-a-half-year-old university student.

He has always been diligent at school, sporty and active in volunteering.

On a Friday evening, after passing a university exam with a good grade, he goes to the disco with some new friends.

He is not familiar with super alcoholic and for the first time in his life he gets seriously drunk and with his friend he starts provoking a group of thirty-somebods at the table next to him.

When those people leave the table and go dancing, leaving some bags at the table, he takes one of the wallets and – to show off – he takes out two 50-euro bills.

While he still has the wallet in his hand, he is seen by the security of the dancing club, who approaches and stops him.

The owner of the wallet, Filippo, aged 32, also arrives and raises his voice against Giovanni, who instead remains speechless after the security intervention.

After a few days, Giovanni is called by a policeman, who informs him that the Prosecutor has initiated a criminal proceeding against him and invites him to appoint a defence attorney.

Giovanni is shocked and full of shame towards his parents, who have always known him as a good boy.

At the first meeting with his defence attorney, Giovanni explains her that it was an isolated episode, that he would do his best to repair in some way, and that he really wants to explain to Filippo and to the Prosecutor that he understood how wrong was to behave like that just to impress new friends and that he will never do anything like that again. Giovanni wants to make it clear that he is a person who cares and has always tried to be of help to others.

The defence attorney goes to talk to the Prosecutor.

Since Giovanni is no longer a minor, according to national legislation the fact that he is a first offender, and the tenuity of the episode could not be enough to get a dismissal.

The Prosecutor listens carefully to the attorney representing Giovanni's feelings and intentions and decides to take them in due consideration. The defence attorney reports it to Giovanni.

Giovanni then writes a very heartfelt apology letter to Filippo, asking him instructions on how to take action to demonstrate that he has understood his mistake and that he is deeply sorry.

Filippo is impressed by the 19-years-old's letter and responds equally heartily, suggesting that Giovanni goes on with volunteering and giving him advice to face university life without excessive anxiety but also without making stunts to pour out anxiety.

Giovanni is very relieved and motivated by Filippo's answer and he asks Filippo's permission to show both letters to the Prosecutor. Filippo gives his permission.

After reading the letters, the Prosecutor decides to dismiss the case, arguing that it was an attempted crime and not a committed crime and, therefore, the fact would have been punishable with a minor sanction, such as to allow the filing of the fact for tenuity even in the case of an adult / no longer a minor offender.

Inspired by a real case (UCSC)

Case study 5

Type of restorative justice practice: VOM

Country: Any

Context: Judicial

Case: Assault causing Harm, producing a Weapon, Violent Disorder, Threats to Kill

This case arose from a violent confrontation on the main street of a town on a weekend afternoon and was referred to the Probation Service by a Circuit Court Judge. Three men were before the courts. A father and his son pleaded guilty to offences of assault causing harm, inflicting serious injury in the course of a dispute, and violent disorder. A third man, on the other side of the violent dispute, pleaded guilty to violent disorder and threats to kill. All parties received injuries requiring medical treatment; one person had been stabbed and was hit on the head and body.

Furthermore, the three parties had experienced ongoing psychological and physical harm from the conflict surrounding the violence, over many years. These offences arose out of an ongoing issue between the identified parties and their extended families. In addition to the harm of the above-mentioned physical confrontation, the three men told their probation officers about the negative impact upon them of this conflict. The father stated that he had experienced 'years of hell'. He lived in constant fear of attack and of his home being targeted and had concerns for the safety of his family and the effect of the situation on his daughter. He reported that he had even dreamt of the other man attacking him.

Following reports to the Court, it was suggested that the case might benefit from mediation. The case was adjourned and referred to the Probation Service. Following further review by the probation services, it was decided that a restorative justice approach was potentially suitable. This decision was made through consultation between the local manager and the Probation Service's Restorative Justice and Victim Services Unit. It was considered that restorative justice might help those involved realise that their actions hurt others, take responsibility for their actions and be held accountable, with the ultimate aim of enabling those involved to reflect on how they behaved and agree a plan to prevent further harm and conflict. Early indications were that all parties were open to mediation, encouraged by the Judge and the potential for lengthy custodial sentences if they failed to do so.

A Senior Probation Officer and Probation Officer from the Restorative Justice and Victim Services Unit facilitated the process. All three men before the courts agreed to participate in victim-offender mediation (VOM). In this particular case, the offenders were also victims. The aim of the process was to provide an opportunity for those involved to meet in a safe, controlled setting, with the facilitators.

After preparing for the meeting separately with each party, the Probation Officers facilitated a discussion between the parties to address and repair the harm caused and agree on a plan on how to avoid further conflict. This took place over a number of sessions in the local Probation Service office. As mentioned earlier, besides the incident pertaining the Court case, there had been numerous incidents between these three men, ranging from name-calling to threats of physical harm, in person and over social media. The mediation process allowed all parties to verbalise the impact of the feud upon them and others, such as other family members and the public. It also helped put a mirror up to them, reflecting back to them the impact of their own actions.

It emerged that none of the parties were aware of how or why the feud began or how they became involved. Meanwhile, many other individuals were operating at the side-line of the conflict and encouraging it to continue at their own expenses. All parties spoke of a desire for the feud to cease and a chance to apologise for their actions, while expressing doubts about the other side's genuine commitment to the process, in light of the Court case as a motivating factor for engagement.

As such, the face-to-face meetings were key to the ultimate success of this process. The final meeting was preceded by four long preparatory meetings with each party. The success of the process was certainly due to the amount of preparation undertaken. The ground rules and agenda were jointly agreed beforehand and, before meeting, both sides had agreed on what the best outcome would be and developed a plan to achieve it.

The final meeting allowed the parties to verbalise the hurt and harm caused to them and to express remorse for what happened. All parties agreed and signed the following contract:

Not to engage in any further acts of physical violence, threats, intimidation or verbal abuse towards each other

- ▶ Not to engage in any acts of provocation, such as posting on social media, spreading gossip or rumours, or attempting to influence others to engage in unacceptable behaviour toward each other
- ▶ To avoid contact with others who are intent on provoking conflict and report any unlawful activities to the police
- ▶ To be respectful to each other in all circumstances and situations
- ▶ To share the content of this agreement with their respective Probation Officers
- ▶ That anything said during this process will remain confidential as agreed
- ▶ To comply fully with all of the above

The Judge was informed, by way of Probation Reports, that all parties were deemed to have co-operated and engaged in the process. Over the course of the long adjournment period, there had been no more issues between the parties involved. This matter was finalised by way of suspended sentences with conditions attached. There were reports that the parties had had contact with each other in the town and that this contact had been cordial.

Preparation by the facilitators was identified as a key element in enabling the participants to benefit and take ownership of the mediation process. In addition to the ongoing support of the line manager, the manager of the Restorative Justice and Victim Services Unit provided appropriate supervision and assistance.

Case study 6

Type of restorative justice practice: VOM

Country: Any

Context: Judicial

Case: rape

A female victim of sexual violence was informed by the Irish Prison Service Victim Liaison Officer that the perpetrator of the offences against her, a close family member, was due for release in the coming months. A conversation ensued regarding the services available to her, including restorative justice. With her consent, her contact details were forwarded to the Probation Service's Restorative Justice and Victim Services Unit. The Coordinator of the Unit then contacted the victim in response to her request to explore restorative justice, and allocated her case to a Probation Officer to progress.

The offender was convicted of the rape and sexual assault and was sentenced to several years in custody. The harm he had caused to the victim in this case was physical, emotional, psychological and mental. It impacted her daily life, her education and her capacity to live freely as she had before these offences. She found it difficult to engage with other services and suffered from anxiety and fear. The extended family were secondary victims.

In the initial meeting with the Probation Officer, the victim indicated that she wished to meet the offender in person before he was released from custody as she had questions she wished to ask him. She wished to request that he not return to where she lived as the impact of this crime was devastating for her and her family. She wanted to ask him, face-to-face, why he had raped her, and to show him that she had moved on with her life. In keeping with good practice and with consent, contact was made with services providing support to the victim, who expressed the view that this process would be of benefit.

As part of the preparatory work, the Probation Officer met with nominated members of the victim's extended family and they expressed their concerns for her and indicated their willingness to support her through the process. After further consultation with the Victim Services Coordinator, and based on the victim's request, it was agreed to proceed to the next stage of preparation for victim-offender mediation.

Several meetings took place with the victim and, separately, the offender to prepare them for the facilitated conversation. The Probation Officer worked jointly with another Probation Officer in facilitating those meetings, on some occasions meeting one of the parties together, on other occasions meeting a party one-to-one. They held discussion with prison staff regarding the logistics of the meeting. All planning was undertaken in line with agreed arrangements that exist between the Irish Prison Service and the Probation Service for the management of restorative justice

requests. The people to be involved on the day of the meeting were the lead and co-facilitators, the victim, a victim support person, the offender and the Probation Officer who was based in the prison.

The date was set and one facilitator met with the victim and her support person to travel to the prison. The facilitator sought to support the victim through her anticipated feeling of distress as she neared the destination. The co-facilitator was waiting at the prison to ensure that there were no barriers to access and the smooth running of the meeting.

The victim wished to enter the room first and did so, followed by the offender, who took a short time to compose himself. The process was then reiterated and agreed to and, as per the victim's request, the offender spoke first. The offender spoke respectfully, accepting full responsibility for the rape and sexual assault. He offered his explanation as to why the abuse had occurred. At this point, the victim asked for a short break, and this was facilitated.

The meeting resumed, and the victim asked her prepared questions. She began by asking why he abused her, to which he gave his prepared answer. As the conversation developed, she explained the severe impact the attacks had on her and how he had blamed her throughout the Court case. He acknowledged that he had blamed her and expressed regret for his actions and the harm he had caused. The victim then discussed her personal safety concerns, and he assured her that he would not return to the area. As the meeting ended, the victim said that she would never forgive him. He accepted this statement, apologised and asked her to forget about him and live her life.

The victim initially required time to process the meeting. She said that if she had not engaged in restorative justice, she would still be traumatised and worried about meeting him in public. She said that she felt that 'she had a voice' throughout the process which she did not have during the trial. Prison staff supported the offender, and he expressed his hope that the victim would be able to recover and move forward with her life having listened to his explanations and apology – in the room, it seemed that healing had begun as the harm caused was acknowledged and closure commenced.

In relation to cases involving serious crime, such as this case, specific training is required to ensure that facilitators have sufficient knowledge of the criminal justice system and sexual offending, and understand the impact and trauma caused by sexual abuse. It is essential that preparation is sufficiently long and flexible to meet the needs of both victims and offenders. Facilitators must have the ability to manage and respond sensitively to emotions and distressing content. The awareness of cues agreed codes for breaks and supportive follow-up with both individuals is also a crucial element of the process and essential to the healing journey.

This case clearly illustrated how assessment, preparation, analysis, support, critical reflection and debriefing are key components to facilitate a meeting. Ongoing training and development in this area is required, along with shared learning with others.

Case study 7

Type of restorative justice practice: VOM

Country: Any

Context: Judicial

Case: Burglary

A 20-year-old man broke into the apartment of a couple (the wife is a school professor and the husband a cafe owner) in the middle of the night. He was searching for money due to the difficult economic situation of himself and of his father (his mother died when he was 2 years old). The couple heard the noise, and the husband (40 years old) went to the living-room to see what was happening. He was seriously injured by a furniture pushed by the offender as he was trying to escape. The wife (38 years old) was not present at this "accident" because she stayed in the bedroom. When the offender escaped from the house, she went to the living room, and when she found her husband unconscious on the floor she started screaming. A 30-year-old neighbour of the couple heard her screaming and helped her to call the ambulance.

The offender was arrested a few days later. In fact, he was recognized by a 45-year-old neighbour, housewife and mother of 3 children. The offender was a first-time offender, and he did not deny the facts when arrested by the police. The offender was informed by the prosecutor about the possibility of meeting his victims in the frame of the restorative justice. He was interested about a restorative justice encounter because of the prosecutor mentioning that, in case of a successful restorative justice process and achievement of a restorative agreement, the case would be closed without being brought to court.

The victims were both informed by the prosecutor about the restorative justice services and, despite reluctance from the husband, they agreed to see the facilitator and to learn more about what restorative justice could offer in their case.

During their first meeting, the facilitator explained to the offender the principles of the restorative justice process and the purpose of restorative justice. The offender mentioned that he wanted to apologize to the victims. During the victims' meeting with the facilitator, the husband hesitated about this encounter, while the wife mentioned she had already heard about the possibility of restorative justice from a friend, and she was curious to know more. The husband was very reluctant and would have preferred that the offender faced a prison sentence. He was however convinced to try this opportunity because the prosecutor said that restorative justice might be faster than the traditional criminal procedure. After having received more information by the facilitator, they agreed to participate in a restorative justice encounter with the offender.

The facilitator contacted the offender again and during their talk (s)he also informed him that his father can be present during the meeting if he wished to, but first the victims had to agree on this.

The victims agreed to the participation of the father, and it is also agreed that the 2 neighbours involved in the case would participate. So, the stakeholders participating in this restorative justice conference were the young offender with his father, the couple (victims), the 45 years old neighbour who saw the offender escaping the house of the couple and recognized him at the police, and the 30 years old neighbour who helped the shocked woman to call the ambulance.

The restorative justice encounter: The facilitator launched the discussion by reminding everyone about the general rules of the process that they already agreed upon and then the procedure began. The facilitator started with a question to the offender about the basic facts of the case and then mentioned that the referral was done by the prosecutor.

Then (s)he asked the offender and the victims what they expected of this encounter and the discussion went on to what led the offender to commit the crime, what happened during the break-in (how the husband was injured, the immediate aftermath of the act, etc...), the harmful consequences of the acts to each of the stakeholders [for the victims: injuries (the husband was undergoing physiotherapy and was unable to return to his normal work activities), fears (due to their home invasion), a miscarriage (due to the shock of her husband's injuries), economic difficulties (due to the husband's injury); for the offender: fear for a prison sentence, relationship break, stigma as an offender, economic difficulties due to crisis and inability to find work because he never finished school, etc)].

The father of the offender and the 2 neighbours also shared their perspectives, both on the events and on the other issues (such as the fear of crime in the neighbourhood). At the end of the restorative justice conference, the facilitator discussed with the parties what kind of restorative agreement they would find satisfactory. The offender wanted to "make it up" to his victims; his father thought that he should pay them or offer to work for them, and the victims agreed that prison might not be the best idea for the offender. The husband proposed that the offender should work for two years without money at his café because after the lockdown he needed help to make it work again. The wife thought that this is too much, and she proposed that the offender should work for free at her husband's café for one year under the condition that he would finish his education and obtain his diploma.

The restorative agreement was filed to be validated by a magistrate, who would check the legality of the conditions, the terms of execution of the agreement, etc. The facilitator would be responsible for the following up and the compliance to this agreement in collaboration with the magistrate.

Case study 8

Type of restorative justice practice: VOM

Country: Greece

Context: Judicial

Case: Domestic violence

A young woman, living in a village, was physically abused and humiliated by her husband. She filed for a divorce, but he did not desist his abuse. The woman took their child and went to her parents' house, while also asking for a restriction order against him. The case was referred to social services, the husband had the certificate he went to the necessary number of sessions, but there was no follow up to his stance. Meanwhile, he went to her parents' home, where the wife was staying, and threatened them. Despite reporting the incidents to the local police station, it was dismissed as "family matters" and no action was taken against him. Before the restriction order was discussed in court, the husband went again to his wife's family home, found her there and stabbed her along with her brother. They were fatally injured. Her parents and child were not at home at the time of the act. The man is facing a possible life sentence. It is reported that the whole community was aware of the abuse taking place and of the offender's attitude.

Matter for reflection: during her filing for restriction order or for divorce, the case could have been referred to a social worker/psychologist for mediation between the two stakeholders, but it was not. Discussion of a possible different outcome in case of restorative justice referral to a specialized agency/facilitator with the participation of the stakeholders, family and the community.

Inspired by a recent case in Greece (AUTH)

Case study 9

Type of restorative justice practice: Identifying stakeholders of restorative justice and their interests towards restorative tools

Country: Any

Context: Different procedural contexts

Case: 3 brief cases regarding the identification of the stakeholders and their interests and needs

- ▶ Around midnight, in the city of Florence (Italy), two young people (15 and 16 years old, respectively) decided to commit a theft against a citizen. They were looking for a woman who could be easily stolen or a person with disabilities as the possibility to commit the crime without being caught is easier. They saw a woman walking in the street, Antonella (35 years–old) with reduced mobility (she had to walk with crutches as she broke her leg by falling by her home stairs), unaccompanied, and with no possible witnesses near her. The two boys decided eventually to commit their planned crime against Antonella. Moreover, she had no chance of calling for help or being assisted and she spent two hours on the ground until a passer-by assisted her.
The victim received support by a victims' assistance office where she received psychological support and information about traditional criminal procedure and restorative justice. In this case, the perpetrators committed a robbery without violence in which they stole 600 euros, a mobile and a gold ring. Antonella decided to report the events to the Police after speaking with a grandson who was really worried about what happened. After several weeks since the report, the authorities managed to arrest the two robbery suspects. Police was able to identify the perpetrators through a video camera of a bank located in the same street where the robbery took place. Once the case reached to the public prosecutor, she considered that it was feasible to refer the case to a restorative justice process. Both victim and aggressors freely agreed to start this process.

- ▶ Nicolas, a 17-year-old teenager, had his motorbike stolen in the city of Buenos Aires. Two weeks later, the police, due to a routine control in the streets of the Barracas neighbourhood, arrested a 15-year-old boy, Richard, who was driving Nicholas' motorbike.

On the one hand, the victim, Nicolas, did not want neither the motorbike nor money. In fact, the victim had only one interest in relation to the case: to know who had stolen his motorbike and what had happened. Nicolas' parents continuously supported their son in his quest to get information about what happened, although they did not want to go to criminal proceeding that could be detrimental to the child offender. In order to avoid this procedure, Nicolas' parents gathered information from a restorative justice centre, where they were informed about all the implications regarding this procedure. They decided that it could be the best option to obtain information as well as to talk with the offender about what happened.

On the other hand, the teenage offender, Richard, felt labelled like a thief in his neighbourhood as everyone knew what he did and no one had ever expected this behaviour as everyone would know him as a good and respectful person towards everyone. In the restorative process, Richard informed Nicolas that he had stolen his motorcycle because some friends encouraged him and, after the robbery, he sold some original parts of the motorcycle to get some money. The victim expressed that he did not want any money, but that the offender would participate in a bike repair workshop for disadvantaged children who cannot afford a bike.

- ▶ Diana was 10 years–old when she was sexually abused by her cousin, Rodrigo, who was 14 years–old at the time of the abuse. For 2 weeks every summer, the cousins were left in the care of the grandmother while the parents worked. They normally lived in different parts of the country. Therefore, it was the only time the cousins would see each other. The children were left to play in the garden unsupervised for the whole day, only needing to come inside for lunch and dinner. The abuse started with Rodrigo encouraging Diana to play a game where he was the daddy and she was the mummy, and they pretended to be a couple with their own children. As part of the game, he suggested that they should kiss. Diana did not want, but he said she had to. Over the course of the 2 weeks holidays, the ‘game’ escalated. By the start of the second week, Rodrigo was regularly penetrating Diana with his fingers and forcing her to masturbate him. Diana never told anyone what had happened. Later that year, Rodrigo’s parents moved away. When Diana was planning her wedding 30 years later (currently, she is 40 years–old), there was an expectation that Rodrigo and his family would be invited to the wedding. Diana did not want this situation to occur and began reflecting on what had happened to her, realising that she still needed some resolution. She knew that there would be no evidence for the police to work on and, also, the crime could have lapsed. Furthermore, she did not want to be part of a criminal traditional procedure. She thus decided that a restorative justice process may be a good option.

- ▶ Cecilia, 14, was learning how to drive a car in her home neighbourhood of Bosa located in the city of Bogota (Colombia). Her father was sitting next to her in order to teach her how to do it. Along the way, Cecilia ran over and killed a woman, Martina, who was passing through a crossing and was 40 years old.

- ▶ Martina was a well-known person in the Bosa neighbourhood due to her work as a volunteer helping the most disadvantaged people. Everybody loved her for the outstanding social and humanitarian work she did for her neighbours. Because of this situation, many people in Bosa, as well as Martina's own family members, wanted to lynch both Cecilia and her family for the accident. For several weeks after the accident, there was a high level of social tension in the neighbourhood between the relatives of the victim and the offender.

The authorities decided to initiate a restorative justice procedure between the victim and her family and Martina’s family. However, they did not know whether to initiate a criminal mediation or if there were other restorative services that could have been applied.

Proposed questions to guide the discussion

- ▶ Could these cases be referred to restorative justice? Why / Why not?
- ▶ What are the main stakeholders involved in each of the cases? What are their priorities towards restorative justice?
- ▶ What other actors could be involved in the cases further than the ones mentioned in the cases? Why these actors could be involved in this type of restorative processes?
- ▶ What do you think are the possible interests and needs of the main parties involved?
- ▶ And the community's one?