

CRIMXXIEDITIONS

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VIRGINIA DOMINGO DE LA FUENTE (SPAIN):

‘... it is possible to build a better world, making peace in the one we have and generating values that we have lost or forgotten such as the empathy and the empowerment... and the Restorative Justice can contribute to that, we just have to bet on it’

MARIAN LIEBMANN (UNITED KINGDOM)

‘A Restorative City is a city in which organisations and institutions are all trying to resolve conflict in a restorative rather than a punitive way...’



Greetings from the director to the readers:

Summer is approaching and with it all our desire to have fun and enjoy time on the beach, mountain, traveling, and... Why not? With criminological reading of our newsletter.

We often see the perspective of criminology from the punishment of the offender or the protection of the victim, even from the rehabilitation of offenders, but very few people raised the problem that maybe it's the overall system that fails to combat the crime. I mean, if we sail to the past in history, we realize that older systems and even today most current primitive cultures pose a legal system that compensates more than the 'entrenched' current legal machinery of the West.

This week I returned to witness another kafkaesque legal situation when the family of Soledad Donoso, killed in Cordoba in 1992, a crime that I got reopen now almost three years ago, get in return the body of Sole to re-bury the remains, and at which we find that: 80% of the bones are missing, the court and the police didn't know *a priori* where they were, the intention was to bury a box with convincing material to be the body, pass the bill of the second burial to the family, and all this with sisters, cousins, mother and friends prepared to attend a mass right there. Most amazing of all was the realization that an hour later when the sisters of Soledad ask the court a 5 minute interview with the judge, to give them a minimum explanation of where the remains were and what steps were going to be taken to trace them, they were thrown out of the court and threatened of being evicted from policing. If that is not secondary victimization, Ezzat Fatah should come and see it.

It is clear that the system is not working, that's why in this issue Virginia Domingo and Marian Liebmann, propose a radical change in the way of facing justice, which now should be called injustice.

Félix Ríos

Criminólogo y Perfilador. Director de la Editorial CRIM XXI.

Virginia Domingo de la Fuente

(Spain)

She has been a substitute judge in several courts of Burgos especially minors, preliminary investigation and criminal. She is currently coordinator of the Penal Mediation Service of Castilla and Leon - Amepax.

- Professor of mediation and conflict resolution, social and educational intervention of offenders, general and special criminal law in the International University of La Rioja.
- She is president of the Scientific Society of Restorative Justice. She has also participated both nationally and internationally in various congresses. She is an international consultant in Restorative Justice. She also gives training in RJ. www.justiciarestaurativa.es
- She has several articles and research papers and has published several books. She also has a personal blog: <http://blogdelajusticiarestaurativa.blogspot.com.es/>

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Virginia we would like to know how and when Restorative Justice (RJ) became part of your professional life?

I was acting as a substitute judge, and began to see how I did not like the functioning of justice especially in criminal matters, and because of coincidences of life I came across a book by Howard Zehr, "The Little Book of Restorative Justice". This book and the disappointment to see how the criminal justice system is rigid,

bureaucratic and not very close to the street people led me to investigate and look at what could Restorative Justice be translated in, this was back in 2004.

Do you think that it's compatible the paradigm of RJ with the current criminal justice system and prison force in Spain or is it a possible evolution of this?

There are abolitionist tendencies that advocate in replacing the traditional criminal system and change it by Restorative Justice. However, I believe that Restorative Justice is not a panacea but is intended to cover legal and emotional gaps in the current criminal justice system. Traditional justice is cold and bureaucratic away from the real needs of the victims, if we introduce this restorative approach we'll succeed to make a more human justice and especially addressing the emotional dimension of crime and not just the public aspects, within this more human criminal justice, restorative meetings will be the ideal stage of the most effective and healing restorative formula. The Statute of the victim achieved this since it gives more voice to the victims, they will be heard throughout the process and recognizes their right to access restorative justice services. But there is still missing a prison rule that could similarly enhance the accountability of the offender for his conduct and his will to repair the damage. All this is possible and so we argue from the scientific society because the current retributive justice and restorative justice are not radically different, but share a common goal to reduce crime and its impact, the difference is that traditional justice does cause a damage equivalent to the offender, with the punishment provided for it in the laws, and restorative tries to return something good for the evil done by encouraging reparation to the victim as a priority.

Under what circumstances a case reaches your service of criminal mediation and how do you proceed from AMEPAX?

Well now thanks to the statute of victims we can finally say that it will be a officially service of Restorative Justice, ie we do not stick exclusively to criminal mediation as a restorative tool, it will depend on the case and the people affected by crime. We like to talk about restorative meetings rather than a restorative tool, for example in an injury case in which the attacker attacked are two young people whose motores know eachother, we know that criminal mediation and victim-offender meeting would not be appropriate because it would leave out others affected by the offense, so for the mothers we would use a different formula meetings, conferences... You can call it whatever you want but always take into account the values and principles of Restorative Justice. We have an agreement with the prosecution, matters come to us mainly from prosecutors and a judge who collaborate with us. Once we receive the case, we try to reduce the maximum bureaucracy because it would lose the essence of this justice and that is precisely the freshness and flexibility, so that's why we try to contact the suspect by phone or letter to arrange the first briefing, we do it this way because we want to disturb the victim as little as possible. If the offender accepts, we do the same with the victim.

Spain has reached the 'boom' of mediation, but as an international consultant, is mediation being practiced by well trained persons and in the right circumstances?

Mediation is actually in fashion just as restorative justice, however I've heard people talking many times about it without knowing what the difference is between mediation,

criminal mediation and restorative justice. There are lots of agreements that ultimately results in very little practical effect. In restorative justice and penal mediation there are very few good courses in Spain, because in the end everything is focused on mediation while for being a penal mediator or facilitator of restorative justice you need to have a specific knowledge of dynamics and other related to the trauma and the feelings that are generated in the victims after the crime. The criminal mediator is not like a mediator in other areas, and I've noticed that criminal mediations are being done or so it is said, by people who have received little training in restorative justice. Besides this, criminal mediation and other restorative tools should be offered as a free and stable public service and be offered certainly throughout a professional college is not as beneficial for victims, since they need time and dedication so there have to be persons dedicated exclusively to these functions.

Next year, 2016, will take place in Burgos the next edition of the International Congress of RJ that you have been preparing for some years, can you anticipate us some exclusive? Any professional that you can already reveal to the readers?

If all goes as it seems it would be the 17th and 18th of March, 2016 and the most important novelty is that it will include a specific workshop of practical training on how to facilitate restorative conferences, a tool of restorative justice that goes beyond simple criminal mediation. Our delegate of the Scientific Society in Mexico (Coahuila) will also be there, and we'll bring real experiences from other places such as Costa Rica and Mexico and other Latin American countries.

Is today's criminologist an appropriated professional to work with from the paradigm of RJ?

I'm convinced of it in Spain, lawyers believe that they are adequate, psychologists, etc... but I think criminologists for its multidisciplinary training are the most qualified, I always tell my students of criminology when I speak of restorative justice. If it is true that they need to know this view of justice and banish misconceptions because many times the press and general theoretical experts who are not really experts, confuse and make mistakes about what restorative justice is and other institutions such as mediation and this impact on the work of those who are dedicated to it and who also try to teach other future professionals.

What role do criminologists developed in the field of RJ internationally, as far as you know?

Well at least there has been a criminologist who was crucial in the current restorative justice, Nils Christie, who died recently, speaking in the seventies that the State steals the conflict and everything is managed by professionals leaving out the citizens. This extrapolated to criminal matters is a reality, victims are just witnesses, in something that affects them so directly as suffered damage. In other places there is no specific profession that defines the professional figure of restorative justice, for example, Howard Zehr considered the grandfather of restorative justice studied history.

While it is true that there is interest in the world of the criminologists to know more of restorative justice in order to apply it, in fact Mexico it's going well, in January I had the

opportunity to participate in a Congress on Criminology and Forensic Science in Veracruz and people were excited about this justice and it's different practices.

What role or roles could a criminologist play at the level of the RJ in Spain?

Well, assuming that anyone with specific training in this area can be a facilitator of restorative justice I consider it important that at least in these future restorative justice services that speaks the Statute of the victim and the European directive of 2012, one of the members of these services should be a criminologist. Its global and multidisciplinary vision of crime and their training and knowledge such as clinical criminology will allow them complementary courses to be excellent restorative justice facilitators in meetings but also in the different individual sessions with both the victims and the offender.

What message would you give to the world?

That it is possible to build a better world, making peace in the one we have and generating values that we have lost or forgotten such as the empathy and the empowerment... and the Restorative Justice can contribute to that, we just have to bet on it.



Marian Liebmann

(United Kingdom)

Dr. Marian Liebmann, is an international leader in Restorative Justice.

- She has worked at a day centre for ex-offenders, with Victim Support, and in the probation service.
- She was director of Mediation UK for 4 years and projects adviser for 3 years, working on restorative justice. She now works as a freelance restorative justice consultant and trainer in the UK and overseas, in several African and East European countries.
- She has given presentations at UN Crime Congresses. She is also an art therapist and runs 'Art and Conflict' and 'Art and Anger Management' workshops.
- In 2013 she was awarded an OBE for services to social justice through art therapy and mediation. She is very involved in helping Bristol to become a restorative city.
- She has written/ edited 10 books, including *Restorative Justice: How It Works*.

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Marian we would like to know how did Restorative Justice came in to your life

I worked with offenders for 5 years, and then with victims of crime for 5 years – but there seemed to be no crossover. Then someone told me about a mediation course and I immediately went on it. All the lights went on in my head, here was a way forward. At that time (1984) mediation services were mostly victim-offender mediation services.

While at the day center for ex-offenders, What role did you play? What kind of activities did you perform for them?

I was in charge of education. That included setting up a literacy scheme to teach people to read (many of them could not read or only to a very basic level), also maths. We did role plays and filmed them so that people could learn interview skills. We did art and craft work and art therapy (but we didn't call it that). I was also involved in large and small group meetings, helping members to do community work for others, also we produced a magazine. It was run on therapeutic community lines, with everyone learning together.

You conducted an extensive study from 1999-2011 about RJ experiences gathered inside prisons. What kind of restorative programs have worked better?

The restorative programs that worked better were those where there were staff champions and support from the top. With this in place, several kinds of programs worked well:

- victim-offender meetings, if victim and offender had been well prepared
- victim-offender groups (e.g. burglary victims and burglars, but not of the same actual crime)
- reparation, doing things for victims and other vulnerable people (e.g. mending bikes to send to Africa, making toys for disabled children)
- resolving conflicts and harms in prison, using mediation or restorative conferences

Inside prisons you have undertaken several projects to help offenders to direct their lives. Could you tell us about the project you developed in Bristol prison 'Victim impact groups'?

This was a course for prisoners in Bristol Prison, to help them understand the harm they had caused to their victims. The exercises were compiled from various sources by my colleague Lindy and myself, and we led the first one together, after which Lindy continued on her own, with help from prison staff. The course consisted of 3 sessions within a week, as prisoners were often moved to other prisons at short notice. The sessions were:

1. Victims
2. Family, friends and community
3. Me and my victim (even if you think you haven't got any) and the way forward

Each session contained participative exercises and discussions, designed to give the prisoners some insight into the harm suffered by victims of crime. We thought it would be hard to persuade prisoners to do the course, but there was a waiting list of those wanting to do it. It was supposed to lead on to restorative justice and meetings between victims and their offenders, if victims wanted this, but the funding was cut just as we were about to start that phase..

You have also taken courses for prison staff. What kind of training did you offer to them? What perception usually have, in your experience, on the JR prison staff?

I have done several trainings in victim-offender mediation and restorative conferencing for staff in prisons – in the UK, in Serbia and in Hungary. In each case the staff were enthusiastic about the possibilities, and in Serbia and Hungary, managed to put their skills into practice with cases in their prisons. In the UK the funding of that project was cut so that staff were not able to proceed (but now there are quite a few prisons where meetings

between victims and offenders are happening).

I also trained some chaplaincy teams working in different prisons, with my colleague Lindy, to run the SORI (Supporting Offenders through Restoration Inside) course. This was similar to the Victim Impact Course, with the addition of a victim-offender group meeting and preparation leading up to this.

From your time as a mediator, could you tell us some special case in which you have mediated?

A middle-aged alcoholic man who was a builder by trade hired some equipment. He then sold it to get some money for drinking. He went to prison for a year. I asked if he would be willing to meet the victim of his crime, the hire company, and he agreed. I contacted the director of the hire company who keen to meet the offender. The meeting took place in a nearby prison, and all seemed to go really well. The offender apologised, and the director gave him his card so that he could continue to hire equipment when he was released from prison.

When the offender was released from prison, all went well for a while. Then he got into debt and started drinking again. Soon he re-offended in exactly the same way! He was quite sorry afterwards, as he said, 'That man was good to me, why am I doing this again?' Just as we were discussing what to do, the phone rang. It was the director of the hire company. 'I thought we did a mediation!' he said, clearly very angry, 'I want to see him again and tell him a few things!' So we held another meeting, in a different prison. This time the two men had a long and serious conversation. The director said, 'You must find another way of dealing with your problems. If we were not in a recession, I would give you a job, but I can't because I am having to get rid of people.'

This time the offender took it properly to heart and tried much harder to stay out of trouble, debts and alcohol. Sometimes it takes more than one go!

You have been in Uganda, among other countries, training people in RJ. How did you do with that experience? In your opinion, as an expert, What vision do they have in Africa about RJ? Was it easy to establish RJ in Africa? Why?

It is quite challenging training in Uganda because first you need enough money to pay for everything. In Europe participants pay a fee for workshops, but in most African countries, people have no money. They can only come if all the costs are paid – the trainer's fee, materials, food, pens, notebooks, bus fares, and accommodation if it is residential. Fund-raising for this can take a long time, as very few British funders will pay for projects overseas.

The next challenge is that people do not arrive on time. Many workshops are scheduled to start at 9.30 a.m., but no one has arrived by that time. People arrive in dribs and drabs, and maybe there are enough to start by 11 a.m.

But once everyone is there, the workshops are a joy to teach. The ideas and concepts of RJ seem to fit in better to African society than European society, and there are restorative practices in traditional justice processes. Africans also seem to enjoy role play very much.

But it is difficult to get any project going because there is no funding. Even a simple meeting to share experiences usually needs funds for travel and for refreshments. So implementing a scheme can be very difficult.

Your last and recently intervention in the XIII United Nations Congress on Crime Prevention and Criminal Justice deals with the 'Building the City of Restorative Justice'. What is a 'Restorative City' and how it works?

A Restorative City is a city in which organisations and institutions are all trying to resolve conflict in a restorative rather than a punitive way, by using mediation and other restorative practices. Some cities, such as Hull, approach this by training ever wider circles of professionals working in the city, who then adopt restorative ways of working. Other cities, such as Bristol (my city) bring together existing restorative projects and services to adopt a more coherent restorative philosophy.

You are an art therapist and you have applied this technique with people who had difficulty with anger management. What impact has caused art therapy in their lives?

Art therapy can help people with anger problems in several ways. Working on something visual uses different parts of the brain from words, and one can put down several ideas (even contradictory ones) at the same time. And doing art work slows the process down, and this gives people time to think and reflect, and begin to see where the anger comes from. Then they can often do something about it.

Have you worked with criminologists during your experience in the intervention with offenders and victims? How does Criminology work in the UK?

I haven't worked with criminologists much and I don't know how it works in the UK. I think it's quite a popular subject at university, but it may be difficult to get jobs in the field unless you have experience. Last autumn I was doing some restorative justice training for volunteers in London, and many of them were young criminology graduates looking for suitable jobs, but unable to find them.

What message would you like to give to the world?

It's time to cooperate rather than compete!

It's possible to work with anger, to mediate conflicts and to repair harás – we should do more of it!

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