



Newsletter of the European Forum for Victim-Offender Mediation and Restorative Justice

Editorial

In this issue you will read about the recent advances in victim-offender mediation and restorative justice in Europe.

In Slovakia, further steps for the development of restorative justice were successfully taken. In Bulgaria, the long-expected Mediation Act was finally approved by the Bulgarian Parliament at the end of 2004. A seminar on restorative justice in Varna resulted in the establishment of the first victim-offender mediation centre in this Bulgarian city. In February, a conference on restorative justice in Kiev resulted in the adoption of a Resolution on Necessary Actions for the Implementation of Restorative Justice Programmes within the Criminal Justice System in Ukraine. Interesting conferences on the relation between restorative justice and peacemaking, and on reparation in cases of serious human rights violations were organised.

This is all good news since restorative justice continues to be in need of new evidence for its relevance and applicability. The success and recognition that the restorative justice ideas, models and programmes have won so

far are the only (or the best) way to receive public credibility and funding.

Establishing and maintaining new models of justice is a hard, time- and effort-consuming job that is not always rewarding. Working for this cause is sometimes a risky adventure where gaining opponents often prevails considerably over gaining fellows. This holds true above all for the so-called countries in transition. That is why we have to celebrate even the small successes.

The success itself is maybe the best impetus for further actions, the engine for development and perfection. Only those who work, fight and believe in themselves can succeed. At the same time, quite often one and the same battle has to be waged more than once. Success is never final, failure is not always fatal - what matters is the courage to go ahead.

All these developments are relevant to the world of restorative justice. Nevertheless, let the thirst for one more restorative justice success always exist ...

Dobrinka Chankova, Bulgaria

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Probation and mediation in the Slovak Republic

This article presents a short overview of the development of the probation and mediation service in Slovakia.

The Slovak republic became an independent state on 1 January 1993 after the division of the former Czechoslovak Federative Republic. The probation and mediation service in Slovakia started to function in 2002. In the past, some of the tasks of probation officers were in the competence of 'social curators'. Social curators concentrated mainly on assistance to conditionally released offenders. This system was placed at a local level and it was administered by the Ministry of Labour and Social Affairs. The network of curators is still functioning without major changes.

Fundamental transformation of the entire

society after 1989 resulted in progressive changes in the Slovak criminal justice system. A pilot project of mediation and probation was launched in April 2002 based on the intention of the Slovak government to change the overall philosophy of penal policy with the emphasis on the introduction of alternative sanctions and diversion. It was planned that the probation and mediation service would create conditions for the application of such procedures in the criminal justice system. In April 2002, three probation officers started to work at three district courts: Nové Zámky, Spišská Nová Ves and Bratislava IV. Their role was to test various forms and methods of probation work in the Slovak criminal law system so that practical experience would contribute

to drafting the Act on Probation and Mediation Officers. During the pilot project, probation officers dealt with 182 cases in probation and 61 cases in mediation.

Probation

The replacement of the purely formal supervision that was in place in Slovakia until recently by the more active supervision of a probation officer has proved to be well justified. The probation officer not only controls but he/she also assists offenders to fulfil the tasks assigned by the court. In the beginning it was crucial to intelligibly explain the convicts the meaning and purpose of probation. This was the first step to create confidence in a new service. In some cases a client needs help with fundamental problems related to accommodation, employment or consulting on family problems.

Being employed and having regular income are basic assumptions for leading an ordered life without anti-social behaviour.

In order to provide effective assistance to clients, probation officers have started to co-operate with non-governmental organisations and to involve offenders in some of the NGO programmes oriented on gaining new working skills, for example sewing or woodworking.

Probation as a system of supervision, guidance, help and support of an offender is of a great significance for our society. Members of community, especially offenders' families, appreciate the new service and they often co-operate with the probation officer to achieve the service aim - reintegration of an offender into society.

Another aspect of the probation service is to assist victims and injured parties. Conditionally sentenced people often present a will to compensate a victim and repair damage. They are willing to pay an indemnity, but their financial situation does not allow it. The intervention of a probation officer can mediate an agreement between both parties and the offender can work off his debt.

Probation officers prepare reports for prosecutors and judges in a trial period and in some cases they can suggest to law enforcement agencies conditions for alternative sentences in the pre-trial period.

Mediation

The mediation service has been progressively developed. Throughout the pilot project we dealt with 61 cases of mediation; in ten months of 2004 we dealt with more than 463 cases. The effectiveness of mediation (reaching an agreement) during the pilot

project was about 85 percent. We worked on following types of mediation: victim-offender mediation with physical persons, legal entities and members of the minority. Initial concerns and uncertainty was transformed to a trust in mediation. Nowadays we ensure that if mediation is well prepared and we are able to follow the rules, the mediation is usually successful. We consider mediation as a useful solution for the cases where the parties are peers, neighbours and people who will remain in contact in the future. Mediation is a process that offers space for problem solving and explaining difficulties to prevent subsequent misunderstanding and conflict.

When the agreement is signed during mediation and the offender is in a trial period, the probation officer works with the offender in order to supervise the fulfilment of the agreement. The highest satisfaction for a probation and mediation officer is the contentment of both parties involved in mediation and also they trust that mediation is a mean to solve problems.

The highest importance of mediation is that it has been proved to be a successful approach not only for offenders but also for victims and the law enforcement agencies.

The results of the pilot project led to the approval of the Act on Probation and Mediation Officers on 28 October 2003, effective as of 1 January 2004, which provides a legal framework for our work. Since 1 January 2004 seventy-seven probation and mediation officers have been hired at every district court in our country. Currently there are more than 2 000 people assigned to probation.

The establishment of the probation and mediation service in Slovakia encountered difficulties. We have to explain to the public and professionals the purposes and goals of the service. Our current experiences firmly justify the importance of probation and mediation for our society.

The tasks and competencies of the probation and mediation officers are defined in the Act on Probation and Mediation Officers, but they are subordinated to the Penal Code and the Code of Criminal Procedure. Recently, the Parliament is negotiating the new proposals of both Codes including also new forms of alternative sanctions. The approval of these new laws would represent a further development of probation and mediation in the Slovak Republic.

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Bulgarian Mediation Act - A delayed start of a new Velvet Revolution in the justice system

The year 2004 ended happily for the mediation society in Bulgaria: on December 2nd, the Bulgarian Parliament finally adopted the long expected Mediation Act. The Act was promulgated in State Gazette N 110 on 17 December 2004 and enforced on 20 December 2004. Considering that the pre-enforcement history of the law was wrought with hurdles, this was definitely a huge success.

Although in the last decade mediation (in all fields - civil, penal, labour matters, etc.) has had numerous proponents among academics and NGOs, it attracted the attention and support of policy makers and members of the Parliament rather late, and not without a push from outside. There was, and I am afraid, there still exists, strong opposition in the judiciary society, because of fear that legal practitioners will lose territory and power. The Recommendations of the Council of Europe on mediation in penal, civil, family and administrative matters, as well as the regular progress reports of the European Commission on judicial reform in Bulgaria while on its way to join the EU, no doubt accelerated the process. However, the draft-law was exclusively developed by the academics and some NGOs who had already done considerable research work and started pilot projects and training in a situation of legislative vacuum and resistance of professionals. While developing the draft, the experts worked entirely on voluntary basis in a period of 3 months. The contribution and support of the American Bar Association Central and Eastern Europe Legal Initiative and the European Forum for Victim-Offender Mediation and Restorative Justice should also be recognised.

The Mediation Act is an enabling, organisational act - it opens the window for mediation in many fields of the Bulgarian legal system. Moreover, according to article 1, "The Act shall apply to mediation as an alternative method of resolving legal and non-legal disputes". Article 3 defines the subject matter of mediation; this method can be used in "civil, commercial,

labour, family and administrative disputes, related to consumers' protection rights as well as other disputes involving natural and/or legal persons. Mediation may be used also in cases provided under the Code of Criminal Procedure".

While according to the operative civil, commercial, labour and family law mediation could be immediately applied, even without extra legislative interventions, mediation in penal matters cannot be applied just now and we have to wait for further amendments to the Code of Criminal Procedure (in my opinion, some amendments should be inevitably introduced in the Penal Code as well). In fact the situation became even more complicated with the recent statement of the Vice-Prime Minister who promised an entirely new Code of Criminal Procedure to be worked out and submitted to Parliament before the end of its mandate - April 2005. Having in mind the forthcoming (June 2005) Parliamentary Elections, the necessary legal provisions will most likely become a fact not earlier than the end of 2005 (at best). So, the revolution in the penal law again will be postponed.

However, this time could and, hopefully, will be used efficiently in favour of mediation in Bulgaria. The Act comes short with respect to the regulation of mediation principles (voluntariness and equal opportunities, neutrality, impartiality, confidentiality), mediator's status, mediation procedure and agreement, and leaves space for by-law acts, namely Educational Standards for Mediators and Procedural and Ethical Rules for mediators. These subsequent acts have to be adopted within 6 months by the Minister of Justice responsible for the implementation of the law. The Minister should also set up and keep the Unified Mediators' Register, as only registered mediators will be entitled to practice mediation. Let us hope that the good times for mediation in Bulgaria will indeed come soon.

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Newsflash

- The Council of Europe book "Rebuilding community connections - mediation and restorative justice in Europe" (I. Aertsen, R. Mackay, C. Pelikan, J. Willemsens and M. Wright) has been translated into Russian. An electronic copy of the Russian translation can be obtained from the Secretariat (info@euforumrj.org).
- The next General Meeting of the Forum will take

place on 1 October 2005 in Sofia, Bulgaria, right after the closing event of the AGIS 2 project on introducing restorative justice in Central and Eastern Europe. More info available soon.

- On 17-19 March 2005, the second expert meeting in the framework of the AGIS 2 project was organised in Chisinau, Moldova. A report of this meeting will be available on the Forum website soon.

Readers' Corner

- *Punishment, Restorative Justice and the Morality of Law*, by E. Claes, R. Foqué and T. Peters (eds.) (2005), ISBN 90-5095-423-5. Critics take the unclear status of restorative justice as a clear invitation to fundamental questioning of the legitimacy of these practices. Supporters consider the experiment of restorative justice as a platform for questioning criminal punishment and for rethinking the legitimacy of orthodox legal reasoning. To what extent are fundamental rights and principles of the rule of law sufficiently reflected in the practices of restorative justice? How are these practices to be related to the criminal justice system according to the normative aspirations of a democratic constitutional state? To what degree can current penal practices be made continuous with these aspirations? These fundamental questions formed the framework for the 10th Aquinas Conference on 'Punishment, Restorative Justice, and the Morality of Law', the proceedings of which are published in this book.
- *Restorative justice: helping to meet local needs*, by Criminal Justice System (2005) and published by the Home Office. Criminal Justice System (CJS) is the name used by the Home Office, the Crown Prosecution Service and the Department of Constitutional Affairs. A National Criminal Justice Board and Local Criminal Justice Boards (LCJB) have been formed in England and Wales to oversee the work of criminal justice. The publication contains sections on: What is RJ and how can it help meet CJS priorities, such as fear of crime and reducing anti-social behaviour? What should a member of a LCJB be doing about it? It also contains sources of support and guidance for implementation. It is based on the English system, but may have relevance in other countries.
- *Best practice guidance for restorative practitioners and their case supervisors and line managers*, by Criminal Justice System (2005) and published by the Home Office. It includes conclusions and recommendations of the Training and Accreditation Working Group. It includes detailed lists of basic skills needed, extra skills for sensitive and complex cases, and other special skills.
- *Restorative justice: family group conference project. Research outcomes and lessons learned*, by N. Judge, R. Mutter, T. Gillett, J. Hennessy and J. Mauger (2002). After a review of the literature, the evaluation methodology is described, and practitioners reflect on two years' experience in Essex (UK), including why FGCs may not be effective in all cases. Interviews and written feedback explore why victims participate and how offenders are reintegrated. Reoffending for young people who attended conferences went down from 31.6% in Year 1 to 7.1% in Year 2. Most of the new offences were less serious than the initial offence. Results of questionnaires about young people's attitudes are reported. This report is available from Julia Hennessy, Service Manager, Family Group Conferences, 20a Coggeshall Road, Braintree, Essex CM7 9BY, England.
- *Critical issues in Restorative Justice*, edited by Howard Zehr and Barb Toews (2004). This publication is trying to explain how - by moving beyond its origins in the criminal justice arena - restorative justice is nowadays applied in schools, homes, and the work place. The authors argue that in a mere quarter-century, restorative justice has grown from a few scattered experimental projects into a worldwide social movement, as well as an identifiable field of practice and study. The book is composed of 31 chapters from different authors and all these chapters confront the key threats to the "soul" of this emerging international movement. The contributing authors are long-term advocates and practitioners of restorative justice from North America, Europe, Australia/New Zealand and South Africa. For more information on this book go to the Willan Publishing website: www.willanpublishing.co.uk or visit the website of Criminal Justice Press: www.criminaljusticepress.com, ISBN: 1-881798-51-8.

Not a member of the European Forum yet? Become a member in order to support restorative justice developments in Europe and to benefit numerous advantages: three newsletters a year, newsflashes with interesting information, reduced conference fees, networking possibilities, and so on.

For more information, please visit our website <http://www.euforumrj.org> or e-mail info@euforumrj.org.

Bulletin Board

- May 9-12, 2005, a four day programme with visits to different projects in the field of mediation in criminal matters and restorative justice in Belgium. The main languages will be English and French. For more information please go to <http://www.suggnome.be/word/tourdebelgique.doc> or contact An Marchal at an.marchal@suggnome.be.
- June 8-11, 2005, Long Beach, CA, USA, American Humane's National Center on Family Group Decision Making (FGDM), 2005 Conference and Skills-Building Institute on FGDM "One Family, One Community, Many Voices - Rediscover the Village". More info: <http://www.fgdm.org>.
- June 14-17, 2005, Brasilia, Brazil, "Participative Justice in Brazil: Toward a Juster Justice for All?", hosted by the Secretary of Judiciary Reform of the Brazilian Ministry of Justice, in collaboration with the United Nations Development Program. The conference will be structured along two main conceptual axes: 1) civil mediation and 2) restorative justice. Social scientists, criminologists and social and legal practitioners with an expertise or experience in restorative justice and/or mediation that would be interested in participating in the conference are invited to submit an abstract for a paper. For more information please contact Renato Campos Pinto De Vitta at renato.vitto@mj.gov.br or Catherina Slakom at Catherine.slakom@umontreal.ca.
- June 29-July 3, 2005, Pilsen, Czech Republic, European Forum Summer School on training for victim-offender mediation and restorative justice, organised by the European Forum for Victim-Offender Mediation and Restorative Justice. By the time of publication of the newsletter, registrations will be closed.
- August 7-11, Philadelphia, PA, USA, the 14th World Congress of Criminology. The general topic is "Preventing Crime & Promoting Justice: Voices for Change". The deadline to introduce proposals for papers, plenary speeches, etc. has been extended until 15 June. For more information, please visit <http://www.worldcriminology2005.org/>
- August 31-September 2, 2005, Sheffield, UK, "Transforming Conflict into Collaboration?", Conference of the Conflict Research Society. For more information, please e-mail conference21@shu.ac.uk.
- September 23-24, 2005, Fresno, CA, USA, "The Changing Criminal Justice System: Transforming Practice Through Restorative Justice Legislation", 11th Restorative Justice Conference at Fresno Pacific University, Pre-conference training on 22 September 2005. More information on <http://peace.fresno.edu/rjp>.
- October 24-25, 2005 (changed date!), Philadelphia, PA, USA, VOMA Conference. More information on <http://www.voma.org/conf05.shtml>.
- November 9-11, 2005, Manchester, UK, "The Next Step: Developing Restorative Communities", the Seventh International Conference on Conferencing, Circles and other Restorative Practices of the International Institute for Restorative Practices (IIRP). Pre-conference workshops: 7 and 8 November 2005. For more information, please go to <http://www.iirp.org/man05/index.html>.
- **June 15-17, 2006, Barcelona, Spain, bi-annual conference of the European Forum for Victim-Offender Mediation and Restorative Justice. Please already now mark the date in your agendas. More information about the topic of the conference will be announced as soon as it is available.**

Forming a Ukrainian model of restorative justice

Restorative justice was introduced in Ukraine in 2004 through a pilot programme run by the Ukrainian Centre for Common Ground (UCCG) in Kiev. The pilot programme succeeded in establishing a working partnership with the judicial system, developing a mechanism for co-operation with the courts and training a cadre of specialists in victim-offender mediation (VOM). Due to the achievements made during the pilot programme, the UCCG was encouraged by representatives of the legal system and non-governmental organisations (NGOs) to

expand the project to other regions of Ukraine. Since the summer of 2004, VOM programmes have been developed in five regions of the country. Co-operating with state and legal institutions in each region, Ukrainian NGOs have developed a variety of mechanisms to implement restorative justice programmes. These activities have had a significant impact.

An international conference on the formation of a Ukrainian model of restorative justice took place in Kiev on 10-11 February 2005, to analyse the various

experiences of restorative justice programmes in Ukraine and systematise the processes used. The conference culminated in the definition of the Ukrainian model of restorative justice. It was organised by the UCCG with support from the Supreme Court and the Academy of Judges of Ukraine. Funding for the conference was provided by the European Commission, the International Renaissance Foundation, the Institute for Sustainable Communities and USAID. The aim of the conference was to develop and strengthen social partnerships for the implementation of restorative justice in Ukraine.

Conference participants included project partners, representatives from the Supreme Court, district courts, prosecution offices, the Ministry of Justice, the Ministry of Internal Affairs, Juvenile Affairs Services, deputies from the Supreme Council, academics and practitioners. In an effort to include perspectives on the implementation of restorative justice programmes from other countries, the UCCG also invited experts from Moldova (the Institute for Penal Reform), Poland (the Polish Centre for Mediation) and Russia (the Centre for Legal and Judicial Reform). In addition, Martin Wright, joint Vice-Chair of the Restorative Justice Consortium, and

Marek Safjan, President of the Polish Constitutional Tribunal, participated as special guests at the conference.

The conference programme was designed to explore Ukrainian and foreign experiences with restorative justice, analysing and evaluating various implementation strategies. Participants discussed the need to develop a legal basis for restorative justice programmes in Ukraine. As a result, representatives of the legal system and NGOs drafted a Resolution on Necessary Actions for the Implementation of Restorative Justice Programmes within the Criminal Justice System in Ukraine. The resolution was endorsed by the conference council and received support from the majority of conference participants.

Conference participants remarked on the significant impact of the conference on the development of restorative justice in Ukraine. Participating NGOs noted the particular contribution made by the representatives of the legal system, stating that the collaboration between civil society and state actors was vital for the humanisation of justice in Ukraine.

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Setting up of Victim Offender Mediation Centre in Varna

A training seminar for mediators and criminal justice practitioners took place in Varna (Bulgaria) on 2-3 December 2004. It was the third of a series of events, organised by the Help Foundation - a local Bulgarian NGO working in the field of crime prevention and rehabilitation of ex-offenders. The event was financially supported by the Council of Europe within the framework of Integrated Projects 2 - "Responses to Violence in Everyday Life in a Democratic Society".

The organisers wanted to work further on the positive results from an earlier seminar held in May 2002 in Varna which focused on raising public awareness. It had provoked discussions with Bulgarian professionals from the criminal justice system on alternative resolution of criminal conflicts in society. There was also a subsequent study visit to Belgium in December 2003 when eight legal practitioners from Varna had the opportunity to observe and learn from Belgian good practice in victim-offender mediation. The participants had the opportunity to take home ideas that could be implemented both immediately, within the existing legal framework, and after appropriate legislative changes, in the longer-term.

The aim of the seminar this time was to bring together legal practitioners from Varna, representing different

levels of the criminal justice system, and invite them to open discussion on the interaction between penal mediation and criminal justice proceedings. Another objective was to select and train around 10 potential mediators from Varna, or nearby regions, in the legal framework of mediation in different countries of Europe and in the possibilities and prospects for interaction and co-operation with the criminal justice system, where mediation services may be appropriate.

The organisers from Help Foundation hoped to achieve agreements at different levels of the criminal justice and penitentiary systems towards adopting practical steps to move forward the implementation of the idea of victim-offender mediation and restorative justice, and to develop a referral scheme for directing offenders to the mediation process.

An important objective was to set up a Victim-Offender Mediation Centre in Varna and to register the service with the court in order to be able to further train mediators and offer services to the public with a view to enhancing the functioning of the new Bulgarian Law on mediation (see elsewhere in this Newsletter). This was achieved and the Chair of the Varna Court of Appeal and member of the Supreme Judicial Council Judge Violeta Boyadjieva

was elected Honorary Chair of the Varna Victim-Offender Mediation Centre.

The Centre will function structurally within the Help Foundation and the necessary documents are being prepared for court registration. The following immediate tasks of the centre have been identified:

1. Develop standards for training of mediators and for the application of the service.
2. Organise the training of 10 mediators in victim-offender mediation skills in Varna.
3. Organise the training of 5 mediators and 5 legal practitioners in a western country.
4. Receive customers and evaluate the experience.

Now that the new law on mediation is a fact, its implementation is strongly dependent on changes in the Penal Code and the Code of Criminal Proceedings. It was generally agreed that penal mediation should

International conference “The Right to Reparation for Victims of Serious Human Rights Violations”, Brussels, 25 February 2005

This international conference, organised by the universities of Leuven and Antwerp (Belgium), was set up to give a broad overview of all the aspects that need to be taken into account when discussing the right to reparation for victims of serious human rights violations. What is the relation with other issues such as truth, accountability and reconciliation? During the conference four dimensions were brought to the attention by a diverse international group of expert speakers amongst whom were Prof. E. Barkan, Prof. D. Cassel, Dr. P. De Greiff, Prof. J. Sarkin and Prof. T. van Boven.

First, the dimension of the right to reparation as a fundamental right was presented. Though under international law a ‘right’ is not explicitly recognised, at least not in general terms, this does not mean that such a right cannot be derived from the existing body of law. In this light the main findings of the research project carried out by the universities of Leuven and Antwerp were presented. The project, focussing on gross and systematic violations of human rights, aimed at providing an analysis of the phenomenon of reparation. The researchers debated the existence of an international right and the question of what fair reparation could mean.

In the second and third part of the conference, the socio-political dimension of reparation versus the legal framework and the victim’s perspective on reparation were discussed. What do we mean when we talk about transitional societies? During these sessions it was stressed that reparation must be seen as a process, where the victim’s expectations, needs and perspectives should form the centre of attention.

Lastly, reparation in international and domestic

be statutory and cases referred to mediation centres by the courts. Due to the lack of legal framework any referral scheme at this point will be mainly on the theoretical level. Therefore, changes of legal base should be primary to the introduction of the service.

Information about the event was published in the local media. A special edition, focusing on mediation, of our monthly Newsletter Bridges has been distributed to all prisons in the country and we are expecting feedback from prisoners on their willingness to participate in a mediation session with the victims of their crime.

To conclude, the seminar was a significant practical step towards the introduction of VOM and RJ in the region of Varna and in Bulgaria.

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courts was reviewed. In this session the situation in Latin America, some truth commissions and earlier experiences with reparation were discussed. The co-existence of different forms of reparation was illustrated in the framework of the International Criminal Court and the establishment of its trust fund for reparation. Attention was also paid to the problem with domestic courts, for they are often not geared sufficiently towards change or still form part of the old regime, leaving the victims on a national level with no means to reach regional or international courts if available.

Concluding the conference, Prof. Van Boven ended with looking ahead, expressing expectations and hope that the draft UN Principles and Guidelines on the right to reparation would be adopted by the UN.

This concluded an extremely interesting expert meeting with lively floor debates in which it was pointed out that the right to reparation is not just financial reparation, but a very complex and multi-levelled matter, consisting of a judicial, social, medical, psychological, symbolic dimension and functioning on an individual or community level, etc. This left us all with thoughts on the most pressing questions: How to repair?; Judicial or non-judicial?; By whom: the new regime which might not have the monetary means or through international funds?; For whom?; Who is the victim?; and, What can be considered fair reparation? But most importantly, the conference left us convinced of the international importance of the matter.

For more information about this conference, please contact: Leen.Stroobants@Law.kuleuven.ac.be

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Restorative justice and peacemaking in Colombia

I really want to tell very briefly my friends and colleagues in the European Forum of the recent experience I had participating in the 'II Foro Nacional: Iniciativas Universitarias por La Paz' in the city of Cali in Colombia. It was to a considerable part dedicated to the theme of restorative justice in the context of peacemaking efforts in Colombia, and I was asked to talk about restorative justice within the United Nations and within the Council of Europe.

I had, in fact, declined the first request to go to Colombia because I did not feel competent at all to make a useful contribution to the question of peacemaking in a country and a society torn by violent conflict. But Manuel Noguera, the academic advisor of FIPAZ (the Foundation for University Peace Initiatives), the Colombian NGO organising the event, persuaded me in the end and I feel grateful to him for doing so.

One has to know that there was a large and important event, an 'International Symposium on Restorative Justice and Peace in Colombia', taking place at the Javeriana University in Cali in February 2005. It was marked by the participation of a large South-African delegation led by Archbishop Tutu and it had inspired hope of achieving real peace and real justice by choosing the 'restorative' path. (Dan van Ness, who was present at this event, has written a very good report which can be found on the website <http://www.restorativejustice.org>). Now, FIPAZ had also succeeded in inviting some of the paramilitaries that have already been demobilised as well as several of those congressmen/women who have submitted proposals for establishing procedures for dealing with these groups in a restorative way. The two-day event in Cali was to provide a forum for the discussion of these initiatives. Mark Umbreit was there as a keynote speaker on Restorative Justice and Peacemaking. Until today the

political implications still remain unintelligible, puzzling and disturbing to me. But what I came to understand in the course of the Forum, assembling more than 2 000 mostly young people from all over Colombia, was the strong longing for peace and reconciliation and for a future without violence. It became evident that, exactly because Colombian society is faced with these most severe crimes and has to 'do justice' to them, the conventional criminal law system appears inadequate. It becomes visible that force is feeble. This is where restorative justice might come in.

What I tried to tell the auditory (and I had to be brief with only consecutive translation available, albeit done beautifully by Johanna Lozada) about the European experience, the UN Basic Principles on Restorative Justice and about the inner dynamics of a restorative process, met with such a wonderful warm response that I felt quite overwhelmed. It was most touching to hear from two young men, ex-convicts, that are now active in a reinsertion programme for young offenders, that was I had described about restorative processes corresponds exactly with their way of working within their programme. The atmosphere of hope was there - tangible, joyful even. But I learned two days later that negotiations between the government and representatives of different paramilitary groups were again on the verge of breaking up. Peace and reconciliation are still far away.

Therefore, for me, what remains, is to repeat the sentence I had concluded with - the only one I had learned to say in Spanish: *Les deseo, a Ustedes Colombianos, con todo mi corazón, que obtengan la paz, que tanto anhelan* (I wish you, the people of Colombia, from all my heart, the peace that you long for so much).

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