



# The potential of restorative justice in cases of violent extremism and terrorism

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Restorative justice, understood as a set of values, principles and resulting practices, offers many opportunities for preventing and countering violent extremism (P/CVE). These depend on the exact objectives set for each process and the given context: the type of crime, the development and stage of the conflict, the parties affected and the consequences of the harm. Restorative justice promotes actions co-created by its participants, adapted to their specific needs and expectations – and therefore offers a prime opportunity for repairing the harm caused to victims of terrorism. It can be implemented for a wide range of complex violent crimes, as it is not necessary for the encounters between the individuals who harmed and those who have been harmed to be focused on ideological details and justifications for the conflict. In cases of violent extremism, restorative justice has been used to provide concrete responses to the direct parties affected (e.g. victim-offender mediation), and sometimes to support the wider peacebuilding process in a certain community or country (e.g. through restorative circles). To ensure the success of the restorative justice process, good practice principles are required: voluntariness, preparation and safety, among others. When based on these principles, restorative justice promises many opportunities for future application in P/CVE, in offender rehabilitation and in victims support.

## 1. Introduction

Restorative justice presents an opportunity for victims, offenders <sup>(1)</sup> or others affected by a (violent) crime to engage in a communication process. Programme types typically include victim-offender mediation, conferencing and circles, but other forms of (direct or indirect) storytelling and dialogue processes are practised as well, depending on the specific needs of the parties involved. Restorative justice is based on a series of assumptions generally accepted by restorative justice scholars and practitioners.

- **Crime originates as a consequence of specific social conditions and broken relationships:** the justice procedures must be adapted to individual cases and needs.
- **Crime prevention is the responsibility of communities:** its members play a role in making sure that the social conditions leading to crime are removed or at least reduced.
- **Crime harms societies but firstly harms the individuals directly affected by it:** the consequences of crime are to be resolved through the active participation of the parties involved, i.e. by the perpetrator of harm expressing repentance and taking responsibility, and the victim fulfilling his/her needs and feeling empowered through the (direct or indirect) encounter <sup>(2)</sup>.

A number of different objectives can be achieved through restorative justice:

- understanding the underlying causes of the criminal or violent behaviour;
- expressing feelings and needs, as well as sharing personal stories and truths;
- encouraging offenders to acknowledge the consequences of their actions and take responsibility for the harm caused;
- creating a safe space for victims to reflect on what happened and seek answers to unanswered questions;
- identifying acts of reparation of the harm, as far as possible.

In recent years, restorative justice has been implemented within and beyond the criminal justice system, also to address serious and complex crimes and violent conflicts. Participants (victims, offenders, their supporters and community members) expressed satisfaction with the encounter and its outcomes <sup>(3)</sup>. **The experience of restorative justice in violent extremism cases is quite limited but extremely powerful, teaching**

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<sup>(1)</sup> A small note on terminology: restorative language attempts to avoid labels, such as “victims” and “offenders”, replacing them with “parties affected by the crime or conflict” or, more specifically, “the person harmed by crime and the person responsible for the harm”. In this paper, for ease of reading, the traditional labels are used.

<sup>(2)</sup> See Christie, Conflicts as property, whose arguments gave a boost to restorative justice in Europe. See also Vanfraechem, Pemberton et al., Justice for Victims. Perspectives on rights, transition and reconciliation, to know more about the relevance of the victims’ rights movement in restorative justice.

<sup>(3)</sup> EFRJ, Effectiveness of restorative justice practices. An overview of empirical research on restorative justice practices in Europe.

**valuable lessons on how best to use restorative justice for preventing and countering violent extremism (P/CVE).** For these reasons, according to the European Forum for Restorative Justice (EFRJ), every person should have the right to access restorative justice in any type of crime and at any stage of the criminal procedure in order to provide the opportunity to meet with the other party and engage in a dialogue in a safe space.

This overview seeks to address the following questions.

- How have different forms of the restorative justice process been used in the context of ‘regular’ violent crimes?
- How have restorative justice measures been used in the context of terrorism and violent extremism to date, and what contemporary examples exist?
- What are the benefits of restorative justice processes for the rehabilitation of violent extremists, including right-wing extremism (RWE) and Islamist extremism (IE) in EU Member States (EU MSs)?
- How can restorative justice processes benefit victims of terrorism and which rules need to be followed to ensure such benefits?
- Can the more widespread application of restorative justice measures (including in the area of regular crime) contribute to the prevention of (further) radicalisation and extremism-related offences? What needs to be considered to increase the application of restorative justice measures across the EU?

## 2. Restorative justice: what, why, how?

This section explores various definitions of restorative justice, and presents its objectives and the different types of methods used in practice. It also includes experiences and motivations for victims and offenders participating in a restorative justice process. This will set the scene for the exploration of its potential in cases of complex serious crimes such as violent extremism and terrorism.

### Restorative justice: definitions

In March 2020, a new edition of the *UNODC Handbook on Restorative Justice Programmes* was published, offering a complete and clear definition of restorative justice:

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*"Restorative justice is an approach that offers offenders, victims and the community an alternative pathway to justice. It promotes the safe participation of victims in resolving the situation and offers people who accept responsibility for the harm caused by their actions an opportunity to make themselves accountable to those they have harmed. It is based on the recognition that criminal behaviour not only violates the law, but also harms victims and the community."* <sup>(4)</sup>

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Over the years, restorative justice has been defined in different ways, calling into question the term's interpretation. A principal difference across definitions lies in whether the process (and the values and principles relevant to face-to-face encounters) or the outcomes (and the values and principles relevant to restoring a sense of justice) are prioritised. **Process-oriented definitions describe restorative justice as a method for decision-making and problem-solving, based on the parties' free consent to participate.** In practice, this is envisaged as a face-to-face meeting including the victim, the offender and others affected by the conflict or crime, in the presence of a neutral party (i.e. the mediator or restorative justice facilitator). **Outcomes-oriented definitions stress the reparation of harm caused by the conflict or crime and opportunities for "undoing the injustice".** In practice, this allows the term restorative justice to be extended to more practices, even when the victim is absent or represented by a surrogate victim, as long as the parties consent freely to participate in the process and the goal is to repair the harm suffered. In this

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<sup>(4)</sup> UNODC, *Handbook on Restorative Justice Programmes: Second Edition*.

case, the focus is on the expected outcomes (such as restoring feelings of justice and safety in society) and not specifically on practices and methods.

In recent years, restorative justice also has a place in international instruments which influence the granting of better access to restorative justice services to the parties involved in a crime (EU Victims Directive 2012 <sup>(5)</sup>, Council of Europe Recommendation 2018 <sup>(6)</sup>).

## Restorative justice: values

Restorative justice has its roots in the following fundamental human values – and it attempts to reconnect people by embodying these values <sup>(7)</sup>:

- **Justice:** restorative justice is a response to the harm occurring from an injustice. It provides a safe space for people to explain their needs and express what is just, fair and safe to them.
- **Solidarity and responsibility:** restorative justice methods value the diversity of people and strengthens social relationships, allowing people to connect and listen to each other's needs and to contribute to each other's sense of comfort, safety and well-being.
- **Respect for human dignity:** restorative justice offers an inclusive and participatory approach to decision-making and problem-solving, creating a safe and respectful space for everyone to share and be responsible for their lives.
- **Truth:** restorative justice allows everyone's own truth to be heard and respected, even when this is not experienced in the same way by all parties affected by a crime or conflict.

Understanding the existence of “different truths” is crucial in encountering and meeting “the other”. Different types of truth are to be acknowledged when bringing people together to share their stories and memories of what happened: **forensic truth** refers to the measurable facts of what occurred in a given situation; **narrative truth** refers to the unique story of suffering experienced by each person who lived that same situation; **dialogical truth** arises when the parties engage in a dialogue to share true facts (history) and subjective experiences (memories); **transformative truth** may occur as a consequence of such dialogue, to transform the future resulting from this experience. While the narrative truth is important in restorative justice processes, “this is not the complete truth: for that, you need another story to be told” <sup>(8)</sup>. Restorative justice creates the space for meeting the other party and bringing to life a common shared truth originating from the dialogue.

The restorative justice literature includes other values guiding the existing practices of restorative justice, such as reparation, inclusion, empowerment, safety, transformation, etc. These are essential practice guidelines to keep in mind when preparing a restorative justice process and encouraging participation of parties affected by a crime or conflict.

## Restorative justice: objectives

The main objective of restorative justice is to engage all (or some) of the people affected by crime or conflict in the restoration of the harm, and in “doing justice”, in the form that this resonates with them. This perspective is unique also in the way the harm to society is addressed. In all justice processes, the social aspect is considered relevant for understanding and responding to a certain criminal act. In restorative justice, however, the harm to society is secondary to the harm suffered by the victim, and it is addressed in a concrete way through tangible actions and resolutions.

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<sup>(5)</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>

<sup>(6)</sup> Recommendation CM/Rec(2018)8 of the Committee of Ministers to Member States concerning restorative justice in criminal matters: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016808e35f3](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016808e35f3)

<sup>(7)</sup> EFRJ, Connecting people to restore just relations: Practice guide on Values and Standards for restorative justice practices.

<sup>(8)</sup> Tim Chapman, as cited in Biffi, The role of restorative justice in preventing and responding to violent extremism.

Table 1 highlights the **main differences between the retributive <sup>(9)</sup> and restorative justice models** in the ways crime is understood, justice is achieved, control is managed, responses to crime are provided, and victims and communities are present in the justice process. While the retributive justice model focuses on what happened in the past to identify and punish the person responsible for the crime, restorative justice seeks to accompany the parties affected by the crime to understand their needs of justice, respect, safety and truth.

**Table 1: Main differences between retributive and restorative justice**

	Retributive justice	Restorative justice
<b>Crime</b>	<b>Against the state</b> <ul style="list-style-type: none"> <li>violation of the law</li> <li>abstract idea as defined in criminal law</li> <li>individual act with individual responsibility</li> </ul>	<b>Against the person and the community</b> <ul style="list-style-type: none"> <li>rupture of relationships</li> <li>concrete act harming people</li> <li>individual act with social responsibility</li> </ul>
<b>Justice</b>	<b>Focus on the past and on culpability</b> <ul style="list-style-type: none"> <li>conflicting relationship</li> </ul>	<b>Focus on the future and on the consequences of the act</b> <ul style="list-style-type: none"> <li>dialogue and negotiation</li> </ul>
<b>Control</b>	<b>Criminal justice system</b> managed by professionals	<b>Community</b> <ul style="list-style-type: none"> <li>parties supported by professionals</li> </ul>
<b>Response</b>	<b>Sanction and punishment</b> <ul style="list-style-type: none"> <li>sense of guilt and culpability</li> <li>treatment/re-education of the offender removal of obstacles for reintegration</li> </ul>	<b>Repair</b> <ul style="list-style-type: none"> <li>recovery (reconciliation?) of the victim-offender relationship</li> <li>consolidation of the rights, obligations and responsibilities between citizens</li> </ul>
<b>Victim and community</b>	<b>Peripheral role</b> <ul style="list-style-type: none"> <li>as witnesses</li> </ul>	<b>Central role</b> <ul style="list-style-type: none"> <li>direct involvement</li> </ul>

## Restorative justice: types of measures

Restorative justice practices may take different forms, depending on the specific needs and requests of the parties involved. In general, these are expressed through communication processes bringing together the victim, the perpetrator and possibly their supporting person(s) and other people affected by the crime. These communication processes are well-prepared and facilitated by trained mediators or restorative justice facilitators. They are either direct (e.g. face-to-face meetings) or indirect (e.g. via letters or shuttle mediation <sup>(10)</sup>).

The most common restorative justice practice models adopted (also in cases of serious violent crimes) are:

- **Victim-offender mediation**, when the parties involved in a crime meet (in person or indirectly) to discuss what happened, share emotions and concerns and finally reach agreement.
- **Conferencing**, when a large group of people affected by a crime meet to discuss what happened and find solutions for the future.
- **Circles**, when a group of people engages in a structured dialogue to address a specific conflict and strengthen relationships and communities.

<sup>(9)</sup> Retributive justice refers to the “classical” criminal justice system, where the person who breaks the law is punished as a form of deterrence from committing further crimes and possibly rehabilitated for re-entry into society.

<sup>(10)</sup> The so-called shuttle mediation refers to those encounters facilitated by a mediator, without the parties being present in the same room for the meeting. In practice, parties may be present in adjoining rooms, or talk via video calls or through the mediator visiting their homes and referring (back and forth) the questions and answers to the other party.

According to McCold and Wachtel (2002), **practice models may be distinguished as partly, mostly or fully restorative**, depending on the involvement of the parties <sup>(11)</sup>. Fully restorative processes are those where victims, offenders and communities meet. Partly and mostly restorative processes include either one or two stakeholders, respectively. This model presents a variety of measures under the umbrella term “restorative justice” victim awareness programmes, community services, offender family services.

A similar but alternative model is proposed by Tim Chapman, in response to concerns that the definitions of “fully, mostly or partly” restorative processes might create a sort of hierarchy of practices. Chapman recommends that each restorative justice process should be judged on its suitability for the specific context, the harm, the characteristics of the participants and the culture of the country.

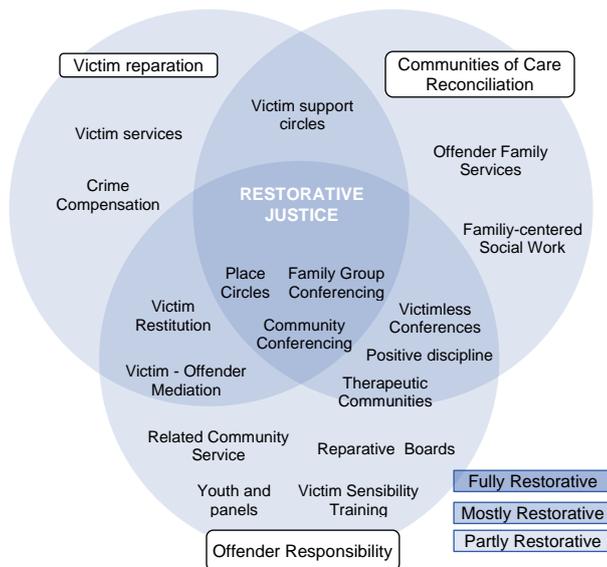


Figure 1: McCold and Wachtel's model, © Paul McCold and Ted Wachtel

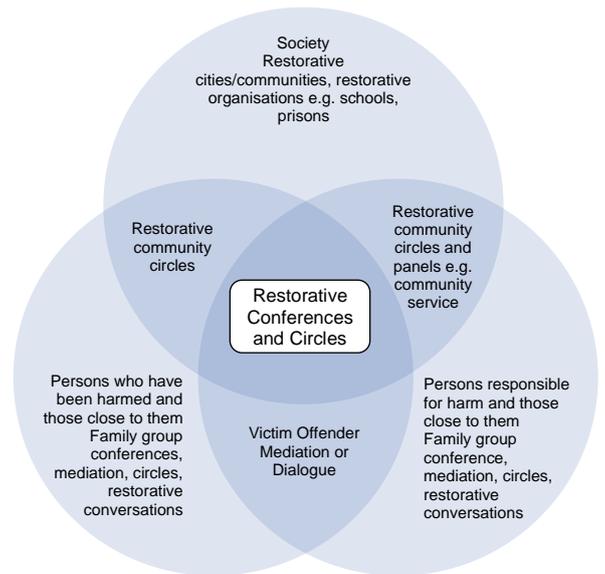


Figure 2: Chapman's model, © Tim Chapman

## Restorative justice: basic practice principles

Certain basic practice principles apply to all restorative justice practices.

- **Voluntary participation:** free consent of is the primary criterion for initiating a restorative justice process.
- **Facilitator role:** mediators or facilitators are not mere “impartial third parties” during the encounter; rather, they are trained to support all sides for a more balanced multipart approach.
- **Safe space:** supported by the facilitator, participants are invited to maintain a non-judgmental attitude and a willingness to listen during the process.
- **Language:** the language adopted avoids labelling participants (as victims and offenders), allowing them proximity and humanity in their individual roles.
- **Preparation:** once the parties agree to participate in a restorative justice process, much time is dedicated to preparing the parties, understanding their needs and clarifying expectations.
- **Training:** in order to offer high-quality services, restorative justice practitioners must receive appropriate training on the specific aspects of given cases (e.g. sexual harm) or parties’ vulnerabilities (e.g. child victims).
- **Flexibility:** the restorative justice process is flexible, tailor-made to parties’ needs and expectations.

(11) McCold & Wachtel, Restorative justice theory validation.

- **Closure:** restorative justice processes normally end with an agreement that includes a common understanding of what happened and possible (material or symbolic) actions to repair the harm done to the victim and the community.

Most of these practice principles are relevant for other justice processes too (e.g. sufficient preparation and training). Other principles should be practised to promote a restorative culture within different settings (e.g. rehabilitation programmes for former offenders). This refers, for example, to the importance of non-judgmental and open attitudes, the importance of terminology and labels when addressing people and the importance of co-creating a programme which is tailor-made to the needs of the people involved.

## Victims' experiences of restorative justice

One of the main arguments behind restorative justice is the opportunity to give victims a voice in perceiving and achieving justice in the aftermath of a crime. Within criminal justice procedures, victims are often the “forgotten parties”, appreciated in the role of witnesses to the crime and in terms of their victimisation experience. However, victims have many needs that the criminal justice system may not consider – this is where restorative justice can play a role. These needs extend beyond the medical, psychological, material or financial assistance provided by other services (such as victim support, healthcare or funds for victims).

**The categories of “minor” or “serious” offences as defined by law should not be the only criteria for judging the effects of an offence on a victim and anticipating their potential needs.** Restorative justice practice demonstrates that each individual is affected differently, based on various factors (previous experience, social conditions, etc.). This is also relevant when presenting the option of restorative justice to victims of serious violent crimes such as extreme violence and terrorism.

When taking into account how restorative justice is experienced by its participants, the different phases of the entire process should be considered <sup>(12)</sup>. In general, many **victims appreciate the offer of restorative justice** <sup>(13)</sup>. Typically, various professionals in the criminal justice system (e.g. police officers, prosecutors and judges) refer the case to the restorative justice service, which gets in touch with the parties. Importantly, the offer should come from a restorative justice practitioner, trained to adopt a restorative approach and language, who is also best placed to address questions on the process itself. At this stage, victims can explain their needs, clarify the goals of the encounter and assess if this would be useful to them or not, and if so, under which circumstances. Starting from the offer itself, restorative justice creates a safe space for the parties to decide what is best for them and to feel empowered in their decision-making and participation in the justice process.

At this stage, **the restorative justice facilitator assesses the potential motivation for participating in the process.** Often, victims wish “to let the offender know how you felt, to get answers from the offender and to receive an apology” <sup>(14)</sup>. In some cases, especially when restorative justice is offered as a diversion measure for a young offender, the victim may opt for this option to avoid court proceedings. In other cases, victims are motivated by the possibility of receiving compensation, not merely for its financial aspect, but mostly because this represents a sort of symbolic reparation in which the offender recognises the harm caused <sup>(15)</sup>. It is worth noting that several victims’ motivations for participating do not differ from the offenders’ motivations (see above). The restorative justice facilitator plays a fundamental role, not only in assessing motivation but also in clarifying expectations and truthfully preparing victims (and offenders) for the meeting.

**Victims also appreciate the restorative justice process per se, i.e. the (direct or indirect) opportunity to engage into a dialogue with the offender** <sup>(16)</sup>. At this stage, the restorative justice facilitator, having sufficiently prepared both parties, almost becomes “absent”, allowing the dialogue between the parties to take centre-stage and intervening only if needed, e.g. to initiate and conclude the process. Throughout the process, it is imperative that victims feel they have the choice to withdraw at any point.

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<sup>(12)</sup> Vanfraechem, Bolivar et al., *Victims and Restorative Justice*.

<sup>(13)</sup> EFRJ, *Victims and Restorative Justice: An empirical study of the needs, experiences and position of victims within restorative justice practices*.

<sup>(14)</sup> *Ibid*, p. 136.

<sup>(15)</sup> Shapland et al., *Restorative Justice in Practice: Evaluating what works for Victims and Offenders*.

<sup>(16)</sup> EFRJ, *Victims and Restorative Justice: An empirical study of the needs, experiences and position of victims within restorative justice practices*.

**As regards the outcomes of the process, most victims agree that restorative justice should be offered to other victims** <sup>(17)</sup>. Studies consistently find that about 85 % of victims express satisfaction after a restorative justice process and that they would invite other victims to participate. When this is not the case, it is possible that the preparation phase (evaluating motivations and expectations) was not handled well <sup>(18)</sup>. It is important to recognise that restorative justice cannot address all aspects of victimisation – this service is intended to be provided in cooperation with others such as victim support and therapy, where needed.

## Offenders' experiences of restorative justice

The aspects considered satisfactory by offenders concerning restorative justice are reflected in their motivations to participate. Within the restorative justice process, offenders are given a voice, they are listened to, they are treated respectfully and fairly, and they are not judged. Also, they find it easier to talk with the restorative justice facilitator or mediator and to understand the process and its objectives <sup>(19)</sup>. Offenders may be motivated by an inward-oriented (to the offenders themselves) or outward-oriented (to the victims) purpose. The motivation will have a different weight and meaning based on whether the victim and offender had a relationship prior to the criminal act or they were strangers. **These types of motivation are also relevant for violent extremists.**

- The offender may wish to get in touch with the victim and **take responsibility**, understand the consequences of the offence, explain their side of the story, share emotions such as remorse or maybe even apologise for the harm caused.
- The offender may wish to **show support to the victim**, answer questions, listen to the other's story and seek to repair the harm done, through material or symbolic means.
- The offender may wish to gain a sense of closure regarding what happened and **leave this story behind**.

**A crucial task of the restorative practitioner is to evaluate the motivations behind an offender's decision to meet and engage into a dialogue with the victim. This is even more important in cases of violent extremism** where offenders may admit their responsibilities without showing any remorse, convinced about their behaviours and actions in name of the ideology, or they may feel an honest remorse but fear revenge and pressure from the organised group <sup>(20)</sup>. This assessment is necessary not only in order to better understand the expectations, but also to prevent victims' dissatisfaction, and maybe even re-victimisation, with the restorative process.

It is important to bear in mind that restorative justice does not have the primary objective of achieving the recovery, rehabilitation and reintegration of the offender. The restorative justice movement has always been committed to guaranteeing that **restorative justice is a balanced approach to justice, where all parties are equally involved in the reparation of harm and are equally supported in their individual needs**. This is crucial to prevent the victim or other parties affected by the crime from taking responsibility in supporting the offender to desist from criminal behaviour: while this may be a result of a restorative justice process, it is not its only goal. Instead, the following should be considered:

- The dialogue with the victim is an opportunity to better understand the real impact of the offence, to encourage empathy and also to explain the other's side of the story and express regret;
- The process and its outcomes offer a sense of relief and pride in having the courage to participate and meet the victim.

Also, research on desistance suggests that restorative justice can be considered one of the supporting factors (such as employment, financial and material means, intimate and peer relationships) that can set in motion a behavioural change in the criminal path of an offender. It is not realistic to imagine that a limited intervention such as victim-offender mediation could have enormous impact on the offender's process of

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<sup>(17)</sup> Vanfraechem, Bolivar et al., Victims and Restorative Justice.

<sup>(18)</sup> EFRJ, Effectiveness of restorative justice practices. An overview of empirical research on restorative justice practices in Europe.

<sup>(19)</sup> Lauwaert & Aertsen, Desistance and restorative justice: Mechanisms for desisting from crime within restorative justice practices.

<sup>(20)</sup> Varona Martínez, What Different ETA Terrorism Victims Fear of Restorative Encounters in Spain and How they Find Diverse Experiences of Justice.

desistance. **As with all other factors, restorative justice holds potential for reducing crime if integrated with other practices and dynamics.** It is crucial to bear in mind that the experiences of desistance and restorative justice are deeply personal and cannot be generalised for different individuals.

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*“[...] the restorative justice processes helped desisters to deal with emotions of shame, blame, guilt and culpability. They instilled hope, provided an opportunity to find closure or to confirm the desister’s prosocial identity. In specific situations the restorative justice process helped repairing relationships.” (21)*

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In cases of persistent violent behaviours, or where victims cannot be identified or do not wish to participate, the restorative justice practice may be “partly restorative” (see above). The focus should remain on disapproving the act and not the person, and on repairing the harm.

### 3. Restorative justice and violent extremism

Restorative justice practices have been applied to address harm in different conflict areas such as justice, education, peacebuilding, families, organisations and communities (22). Research has demonstrated that restorative justice is applicable, and even more successful, in serious and complex cases (such as sexual harm, homicide and child abuse) compared to petty conflicts or crimes (23). In recent years, unique experiences of restorative justice in the context of violent extremism and terrorism have become known to the wider public. Application to these crimes has caused controversy, as restorative justice is often considered a “soft” response to crime, and thus not applicable to serious acts of extreme violence. However, this argument neglects the fact that restorative justice is not necessarily an alternative to retributive justice, especially in serious and complex cases such as violent extremism. Instead, it provides an additional service and it challenges offenders to be truthfully responsible for their harmful actions against their victims.

In reality, restorative justice is a difficult choice, because it entails meeting (directly or indirectly) the person whose life is often devastated as a consequence of the violent act committed (for offenders), or the person who devastated that life (for victims). Participants in restorative justice encounters in the aftermath of extreme violence and terrorism can be found in the Basque Country, in Italy and in Northern Ireland, three countries that suffered decades of armed conflict, political violence and domestic terrorism. **In the aftermath of these violent conflicts, these three countries experienced different justice responses, a mix of criminal justice, transitional justice and restorative justice methods.**

This section contains a brief summary of these experiences as well as a case study of victim-offender mediation facilitated some years after the train bombings in Madrid. These are “European experiences”, in the sense that the parties involved in the restorative justice encounters lived in the same country and spoke the same language – although each considered the others to be fundamentally different. Some additional practical challenges may need to be considered in cases of RWE and IE, where the parties may occasionally have (at least in theory) more points of difference (cultural aspects, potential language barriers, etc., depending on the context of the crime). For restorative justice, these remain purely “practical challenges” to be considered when offering and implementing the programme, but definitely not obstacles to people meeting and finally identifying commonalities, instead of differences, in their personalities.

### Restorative justice experiences in the context of violent extremism & terrorism in Europe

A short summary of these experiences has been included in RAN’s recent works and publications (24). Table 2 summarises when, where and how the restorative encounters took place and who the parties involved were. It does not represent the amount of work and time that restorative justice facilitators invested

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(21) Lauwaert & Aertsen, Desistance and restorative justice: Mechanisms for desisting from crime within restorative justice practices.

(22) See Mannozi, The emergence of the idea of a ‘restorative city’ and its link to restorative justice.

(23) See research findings published by the EFRJ: <http://www.euforumrj.org/en/resources>

(24) Biffi, The role of restorative justice in preventing and responding to violent extremism. Table 2 is reproduced from this RAN paper.

in preparing parties for the restorative encounters. Every case is unique and involves several parties, and thus it is impossible to quantify the time invested in the preparation phase in each country (e.g. in Italy, this was about 2 years and it was initiated almost 30 years after the violent conflict).

**Table 2: Restorative justice experiences in the Basque Country, Italy and Northern Ireland**

Basque Country <sup>(25)</sup> 1959-2018	Italy <sup>(26)</sup> 1969-1988	Northern Ireland <sup>(27)</sup> 1968-1998
2011, Prison of Nanclares de Oca	2005-2007, preparation 2007-2014, encounters	Since 2000, Belfast and Derry-Londonderry
20 prisoners – no penitentiary benefits	From 9 to 60 people, including facilitators, <i>witnesses</i> (victims, former combatants, family members), <i>guarantors</i> (or wise people), <i>first third parties</i> (young people)	More than 100 community members, prisoners, activists (UU)
Institutional support (Spanish Minister of Interior; Basque Direction of Victims' Support)	Private and secret	Institutional support Academics, activists and practitioners
14 victim-offender encounters; workshops of coexistence; Glenree reconciliation initiative; practices of commemoration	100 restorative encounters: restorative justice practices (mediations, circles), other restorative initiatives (collective visits to memorial places) and informal approaches (residential setting)	Few victim-offender encounters; many community projects to challenge culture of violence and train in restorative practices; victim awareness programmes with prisoners
2013, book <i>Los Ojos del Otro</i>	2015, book <i>Il libro dell'incontro</i>	Several academic publications

These three countries have a great deal in common regarding the type of conflict and violence suffered and the restorative justice response provided <sup>(28)</sup>.

In terms of **conflict and violence**:

- harm was justified by a clear political ideology and strategy, supported by group solidarity;
- the role of individuals changed over time (from victims to offenders and vice versa) and the “other” was an objectified target chosen by chance;
- the consequences of the conflict had individual, collective, and social dimensions to be tackled, but the highly punitive security response failed to treat the wider trauma created by the perpetuated violence.

In terms of **restorative justice**, the following key lessons have been identified:

- An exhaustive preparation phase, to understand each party’s motivation to meet, and to ensure the voluntary nature of the participation and the ability to leave the programme (if needed), is a key basic practice principle on the application of restorative justice in all types of crimes.
- Treating these cases as serious and complex acts of violence carried out by offenders on victims is unique in the context of violent extremism to encourage individual (not only collective) responsibilities.

<sup>(25)</sup> See: Olalde, Restorative Encounters in Terrorist Victimization in Spain: Theoretical Reflections and Practical Insights from Social Work; Pascual Rodriguez, *Los Ojos Del Otro: Encuentros restaurativos entre víctimas y ex miembros de ETA*; Varona Martínez, Chapter 14: Restorative processes in the context of ETA terrorist victimisations.

<sup>(26)</sup> See: Bertagna et al., *Il libro dell'incontro Vittime e responsabili della lotta armata a confronto*; Braithwaite, Understanding terrorism through restorative justice; Ragazzi, Restorative Justice and Political Violence in Democratic Societies: Book review.

<sup>(27)</sup> See: Chapman, “Nobody has ever asked me these questions”: Engaging restoratively with politically motivated prisoners in Northern Ireland; Eriksson, Justice in Transition: Community restorative justice in Northern Ireland.

<sup>(28)</sup> Biffi, The role of restorative justice in preventing and responding to violent extremism.

- The value of bottom-up initiatives arising from individual needs and the value of physical contact for breaking down barriers between parties is important to evaluate personal motivations and change the belief of the “other” as an objectified enemy.
- The common understanding of the existence of different truths of the same story is important in cases of violent extremism, as personal stories are influenced by additional sources (the organised group, media and politics).
- A focus on the future to prevent violence from reoccurring is typical also in ordinary crimes, but it gets even more weight when reflecting on the impact of violent extremism in society and over generations.
- A general rule, applicable to restorative justice in general – and not only to cases of violent extremism – is that the process is unique and the path travelled by its participants cannot be anticipated or reproduced in other settings and with other people, which makes it impossible to develop a “toolkit of best practices” for using restorative justice in cases of violent extremism.

### Victim-offender encounter following 11-M in Madrid (29)

On 11 March 2004 (so-called 11-M), Madrid suffered a series of almost simultaneous bombings in 3 local stations in the city that killed 193 people and injured about 2 000 more. Investigations revealed that the attacks were coordinated by an al-Qaeda terrorist cell. The Spanish miners who sold the explosives were also arrested. Among them was José Emilio Suárez Trashorras, who was sentenced to 34 715 years in prison for facilitating the 11-M attacks by selling 200 kilograms of explosives to the terrorists, who used them to blow up the trains in Madrid. On 1 February 2013, Trashorras met with one of the victims, former president of the “11-M Afectados por el Terrorismo” association, Jesús Ramírez, who was travelling to work on the morning of the bombing attacks and was seriously injured by the explosions, falling into depression afterwards. This 3-hour-long restorative encounter was held in the El Dueso prison in Santoña (Cantabria) in cooperation with the prison director.

#### Preparation phase: meeting with the perpetrator

Restorative justice facilitators (Julián Carlos Ríos Martín and Esther Pascual) were informally contacted to facilitate this restorative encounter by colleagues following the case of Trashorras. They prepared the face to face meeting for 4 months in the El Dueso prison. Trashorras had been reflecting on his personal responsibility in the bombing attacks for 2 years; this inner change was triggered by the fact that his mother had to undergo a serious medical operation. In this period, the facilitators assessed Trashorras’ motivations, presented the questions that Ramírez planned to ask him and simulated the actual meeting.

#### The offer of restorative justice: meetings with the victim

Ramírez was first informed about the possibility of meeting Trashorras by phone. A preparatory meeting took place at a café close to his home in October 2012. This meeting was held to ensure that Ramírez was ready to hear the truth of someone responsible for the attacks, and also to express what these attacks meant for him, his life, his family and his work. Ramírez had many questions, that psychiatrists, lawyers and judges could not respond to. At the café, Ramírez told his story and spoke of his needs, his questions, his suffering and his hopes, as well as those of his family.

#### Just before the restorative encounter

The two restorative justice facilitators and Ramírez travelled together by car to the El Dueso prison. During the 4-hour drive, they talked about families, politics, sports and hobbies. They had lunch in a small bar in Santoña, some kilometres away from the prison, and walked by the sea before going into the prison for their meeting. These were important moments for Ramírez, who needed reassurance from the facilitators.

(29) This encounter was similar to others held between ETA members and their victims. The details were reconstructed based on the two restorative justice facilitators’ reports of the encounter. The report is also published in Ríos Martín, *Biografía de la reconciliación. Palabras y silencios para sanar la memoria*. An article is published in La Nueva España, *Trashorras, a una de sus víctimas: «Lamento el dolor, es algo con lo que tendré que vivir»*. The translation from Spanish to English was made informally by the author of this paper.

Once at the prison, the three of them were welcomed by the prison director, who also participated in the restorative encounter. One facilitator (Pascual) stayed with Ramírez and together they went to the meeting room. The other one (Ríos Martín) was accompanied to pick up Trashorras. The meeting room had five chairs positioned in a circle and water bottles available on a table nearby. Ramírez and Trashorras sat opposite each other.

### **The restorative encounter**

The facilitators initiated the meeting by setting the ground rules of the encounter (honesty, truth and sincerity) and thanking the parties for attending. They invited Trashorras to share his motivation to meet Ramírez (“Assume my responsibility and repair the damage, as far as I can”). He also wanted and needed to know the extent of the damage caused, not by the newspapers, but by someone who had suffered it and expressed it out loud. Immediately after, Trashorras had the opportunity to explain his side of the story, reflected on what happened after the attacks and tried to apologise.

In response, Ramírez shared his life experiences before, during and after the attacks. Nothing could have repaired the harm done: he spent two months in the intensive care unit, lost part of his ear, had three operations on his shoulder, his legs were burned and every time he smelled sulphur, or saw something that reminds him of that day, all his nerves are upset. He used to be an athletic person, loved his work and volunteered with young people in a neighbourhood association in which he participated. Now, he suffers from post-traumatic stress, receiving treatment from three psychologists and a psychiatrist.

When needed, facilitators supported them by asking some concrete questions. The communication process between the two lasted 3 hours, and they covered practical information on the attacks as well as shared feelings and emotions. Both could recognise each other’s suffering. At the end, the facilitators thanked the two participants and the prison director and all stood up and shook hands.

On the way back to Madrid, Ramírez “felt that what he had lived constituted the end of an itinerary, until then incomplete, of legal, political and collective recognition. With this personal recognition, the most intimate, the one that cannot be replaced by any other, he had all the elements and data to successfully close his mourning and recognise and recover his vital needs again. He had obtained a recognition that removed him definitively from the role of victim and connected him, again, with life.”

## **4. Restorative justice and rehabilitation of violent extremists**

This section presents how restorative justice contributes to the desistance process including some restorative focused programmes which may support the rehabilitation and re-entry of violent extremists into society. As always in restorative justice, these programmes are voluntary and have been co-created with the parties in order to guarantee the best possible results.

### **Rehabilitative and restorative models**

The experience of reintegrating politically motivated prisoners in Northern Ireland showed how the rehabilitative model’s principles are at odds with the characteristics of offenders belonging to an organised group and committing crimes in the name of their ideology:

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*“[...] victim empathy and personal responsibility do not apply to acts of extremist violence. The challenges are twofold: to find an approach that enables politically motivated prisoners to examine their behaviour critically and to develop a method of facilitation that will engage them in this critical reflection.” (30)*

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(30) Chapman, “Nobody has ever asked me these questions”: Engaging restoratively with politically motivated prisoners in Northern Ireland.

Certain conceptual and practical issues need to be considered when promoting the rehabilitative model to encourage desistance from crime, including extreme violence. Indeed, often rehabilitation programmes:

- are initiated following a risk assessment focused on the needs linked to offending;
- assume that the offender does not take responsibility for the harm caused, and that they may not be able or willing to change;
- assume that the offender lacks the values or skills for desisting from crime;
- assume that the offender must comply with the authority of the expert who proposes the rehabilitation plan.

The restorative justice model focuses on the ability of offenders to make a change and repair the harm done, taking responsibility and being proactive in giving a new purpose to their lives. Also, in cases of serious crimes, offenders are to be supported to find solutions to repair the harm and take responsibility, instead of simply complying with predefined rehabilitation programmes which may make little sense to them. Understanding the specific characteristics of violent extremist offenders is needed to identify the difficulties and challenges in proposing any type of support programme (Table 4). **What is unique about the transformative process of individuals who committed an extreme act of violence is that in some cases, violent extremists have become wounded healers and even mediators in their communities** <sup>(31)</sup>.

**Table 3: Characteristics and challenges of violent extremist offenders**

Characteristics of violent extremist offenders	Difficulties and challenges
<b>Denial of individual responsibility:</b> they share collective responsibility for their violent actions, which strengthen loyalty, commitment, solidarity with the group, and they do not identify with the label “offender”.	That they develop individual responsibility for their actions.
<b>Denial of the harm:</b> they have a clear ideology and strategy to support and justify their initiatives, violence and harmful consequences, and they are able to explain their views in a clear and convincing tone.	That they understand the consequences of their actions.
<b>Denial of the victims:</b> they believe victims are their enemies and they justify the use of violence to achieve their goals.	That they develop empathy for their victims.
<b>Denial of the authority:</b> they adopt an antagonistic stance to authorities.	That they accept to participate in a programme delivered by the authority that they oppose.

## Restorative-focused tools and deradicalisation

Before looking at (fully or mostly) restorative justice programmes in cases of violent extremism, it is worth considering the possible contribution of restorative justice approaches to the deradicalisation process. A theoretical research based on (de)radicalisation, desistance of crime and restorative justice literature <sup>(32)</sup> states that **restorative focused tools will help reintegrate former radicalised individuals into the community, and that more generally, these tools will contribute to the restoration of community and wider society in the deradicalisation context**. Deradicalisation programmes with a restorative focus are voluntary, tailor-made, targeted to individual and social needs and involve the participation of relevant social networks (e.g. family members) and former violent extremists. This last point is particularly significant for promoting a sense of connectedness and reconstructing a new prosocial identity, as individualistic programmes do not solve the problem of social isolation. A “strengths-based” paradigm <sup>(33)</sup>, or restorative re-entry approach, allows individual strengths (instead of risks and weaknesses) to be assessed and further

<sup>(31)</sup> This happened in Northern Ireland as a consequence of the restorative-oriented reintegration work done with politically motivated offenders. See Chapman, “Nobody has ever asked me these questions”: Engaging restoratively with politically motivated prisoners in Northern Ireland.

<sup>(32)</sup> Alves Pereira, Imagining a restorative approach to individual reintegration in the context of (de)radicalisation.

<sup>(33)</sup> Maruna & Lebel, 2003, as cited in Alves Pereira, Imagining a restorative approach to individual reintegration in the context of (de)radicalisation.

developed, to reinforce the opportunity to (re)build a positive self-identity and (re)develop prosocial behaviour<sup>(34)</sup>. Two practical approaches are considered below.

### Practice example: Restorative support circles to re-entry

Support circles to re-entry are set up for two main reasons: 1) to ensure that the person knows that they are supported and cared for; and 2) to ensure that the supporting people know what the person's needs are<sup>(35)</sup>. The only example of support circles relevant in the context of deradicalisation is the **Huikahi restorative circle** developed in the Waiawa Correctional Facility in Hawaii<sup>(36)</sup>. This is "a completely voluntary group dialogue process for imprisoned individuals, their communities of care (frequently their family) and prison staff"<sup>(37)</sup>. It prioritises rehabilitation through core restorative principles such as inclusion, participation and accountability.

Different aims can be identified within this practice, providing some practical ideas for a restorative focused re-entry programme for former extremists, as described below.

- Focus on **strengths**: the facilitator (in this case called circle keeper) invites the ex-offender to list their achievements since their entry in prison; afterwards, the keeper invites all other participants to list the strengths of the ex-offender.
- Focus on **responsibility**: the keeper invites the ex-offender to consider all who have been harmed by their behaviour (victims, families and communities) and how. This phase includes a specific set of questions posed by the keeper:
  - Who was harmed by your past behaviour?
  - How were they harmed?
  - Back when you did those things, what were you thinking?
  - What do you think now about what you did back then?
- Focus on **repair**: the keeper invites all members of the community of care present in the circle to share how they have been affected by the ex-offender's behaviour and to propose actions to repair this harm.
- Focus on **reconciliation**: the keeper invites everyone in the circle to reflect on the victims (their needs, harm suffered and possibilities for reparation).
- Focus on **action**: the keeper proposes to develop a detailed action plan for the ex-offender preparing to leave the prison, including practical issues such as housing and employment.

While the Huikahi restorative circle is not necessarily focused on former extremists, it provides ideas on how to build a rehabilitation programme **with** ex-offenders, and not simply **for** or **to** them. Even if it does not include the victims directly affected by the offence, it still creates room for reflection about the other and for proposing steps to repair the harm. Another noteworthy outcome of this practice is that it strengthens communities and contributes to crime prevention<sup>(38)</sup>. A new challenge would be to include in the circle not only the community of care of the ex-offender, but also representatives of the wider community. For example, in the case of IE, it is relevant to include Muslim and non-Muslim community members who can raise questions about underlying intergroup conflicts and focus on commonalities as strengths and differences as opportunities.

An additional practical idea is featured in the **Circles of Support and Accountability (COSA)** models, typically created to support the reintegration of high-risk sex offenders into their communities. The COSA models include two different circles of support, one comprising volunteers who have created a first social

<sup>(34)</sup> Similarly, Weirböck and Chapman looked at the potential of restorative justice elements for exit workers, which create opportunities for prisoners in the pre-release, reintegration (e.g. including families and community members), and post-release phases (e.g. engaging in a dialogue with victims).

<sup>(35)</sup> Ehret et al., 2013, as cited in Alves Pereira, Imagining a restorative approach to individual reintegration in the context of (de)radicalisation.

<sup>(36)</sup> Alves Pereira, Imagining a restorative approach to individual reintegration in the context of (de)radicalisation.

<sup>(37)</sup> Walker, 2016, as cited in Alves Pereira, Imagining a restorative approach to individual reintegration in the context of (de)radicalisation.

<sup>(38)</sup> Fellegi & Szegö, 2013, as cited in Alves Pereira, Imagining a restorative approach to individual reintegration in the context of (de)radicalisation.

network for ex-offenders finding their way out of prison, and one comprising professionals who are present in case further support (e.g. for psychologists) is needed. Circles are organised each week (in the first 1 or 2 months, or until it is needed) and may include anyone interested in supporting the ex-offender in their re-entry process. One of the volunteers takes the lead in getting in touch more regularly with the ex-offender. COSA are also helpful for preventing communities from stigmatising ex-offenders, something which may apply for former violent extremists too.

Other interesting practices have been based on “**Reintegrative Shaming Theory**”<sup>(39)</sup>, such as those involving the offender’s communities of care (e.g. family members, friends) expressing disapproval and pain for the act committed while still showing respect and love for the person who did it. These experiences, even if not “fully restorative justice” (because of the absence of direct victims), still include (some of) the people affected by a criminal act, with a positive attitude towards the future.

## The restorative power of the *wounded healer* and formers

Former offenders can play a powerful role in the process of desistance of crime of other ex-offenders. Their contribution takes the form of restoration-focused mentoring intervention provided by so-called wounded healers<sup>(40)</sup>. In the context of radicalisation, many former extremists (see, for example, in the Basque Country, Italy and Northern Ireland) express a need to give back something to society after the extreme violence committed, to regain a sense of purpose in their lives<sup>(41)</sup>.

This practice has the following two main benefits.

- For the **wounded healer**, this is an opportunity to show their strengths and achievements, and further work on identity reconstruction, building connections, “repairing the harm” by restoring their role as a citizen, and supporting the peace-making efforts in their community;
- For the **ex-offender** in the rehabilitation and re-entry programme, hearing about the experiences of the wounded healer can provide them with concrete images of themselves in the future.

From a restorative justice perspective, the wounded healer meets the core principles and objectives: empowerment, focus on the future, responsibility, solidarity and truth sharing. A concrete experience was initiated thanks to the action research in Northern Ireland of the project “ALTERNATIVE”<sup>(42)</sup>, dedicated to identifying restorative justice approaches to encourage justice and security in intercultural settings. Indeed, Ulster University has trained over 80 ex-combatants (i.e. people formerly involved in the political violence) in restorative practices and awarded them university certificates. These people are now using restorative practices in their own communities to reduce violence and resolve conflict<sup>(43)</sup>.

In other cases, former violent extremists have become involved in peace-making initiatives to prevent young people or other community members from engaging in radical groups (e.g. the Fighters for Peace in Lebanon and the Codex Foundation in Poland). Similarly, former combatants in Italy and Northern Ireland made their story public, for example by presenting their criminal career of violence and consequent transformation, to students in schools<sup>(44)</sup>.

Guidelines<sup>(45)</sup> were published by RAN in 2017 for those working with former violent extremists. One interesting feature is that there are examples of former right-wing extremists cooperating to counteract IE, and vice versa. This is possible because the processes of radicalisation and disengagement may be quite similar, regardless of ideology and background.

<sup>(39)</sup> Braithwaite, Crime, Shame, and Reintegration.

<sup>(40)</sup> Maruna, 2014, as cited in Alves Pereira, Imagining a restorative approach to individual reintegration in the context of (de)radicalisation.

<sup>(41)</sup> The opportunity to engage former violent extremists in the deradicalisation process is supported by international instruments such as the Rome Memorandum on Good Practices for the Rehabilitation and Reintegration of Violent Extremist Offenders (2012) and the Council of Europe Guidelines for Prison and Probation Services regarding Radicalisation and Violent Extremism (2016).

<sup>(42)</sup> The EU-funded project ALTERNATIVE (2012-2016) includes action research in intercultural contexts in Austria, Hungary, Northern Ireland and Serbia. See <http://www.alternativeproject.eu/>

<sup>(43)</sup> See Chapman & Campbell, 2016; Chapman, 2018; Chapman et al., 2018.

<sup>(44)</sup> See Biffi, The role of restorative justice in preventing and responding to violent extremism.

<sup>(45)</sup> RAN, Dos and don'ts of involving formers in PVE/CVE work.

## Training exit workers in restorative justice

Developing the following restorative-focused skills will aid exit workers (i.e. practitioners occupied in deradicalization processes) in their work <sup>(46)</sup>.

**Focus on putting restorative values into practice.** Exit workers should reflect on what it means to engage with people who committed extreme violence on the basis of **respect** for their human dignity. They are also asked to reflect on the different **truths**, including those believed to be “wrong” or not true, and what it means to accept them. They are also asked to think about relationships and the **responsibilities** these entail, especially in the aftermath of violent extremism.

**Develop models to engage people in the process – even if this is outside their usual comfort zone.** Chapman proposes the use of techniques under the model of Motivational Interviewing: Open Questions, Affirmation, Reflective Listening, and Summary Reflections (OARS). This promotes empathy and stimulates confidence, to effect a behavioural change. Other skills can be inspired by Nonviolent Communication (NVC) models.

**Make sure all stories are heard.** It is crucial that offenders are permitted to focus on personal details and share their personal narratives, so as to move beyond their perception as “monsters” to that of human beings. This is linked to the sharing of different truths, to the realisation that these are often incomplete or exclude other realities.

**Provide a safe space for encountering other parties.** Getting to know the “other” has also a great impact on the behavioural change of offenders. These encounters can be facilitated in different formats (e.g. dialogues and circles) and can include different parties as “others” (victims, community members and families). Exit workers may also be invited in train in these methods.

## 5. Supporting victim recovery through restorative justice

As explained already, **one of the main characteristics of restorative justice is that it stands evenly between the parties involved.** The restorative justice facilitator is trained to support both sides in the same way in the dialogue process, ensuring that both feel respected, heard and empowered. Depending on the jurisdiction, some restorative justice services may be more offender-oriented, for example when these are integrated into probation services or deal with juvenile justice cases. At other times, **restorative justice services may have a more victim-oriented approach. This is essential when addressing the harm provoked by violent extremism and terrorism** <sup>(47)</sup>.

This section is dedicated to victims’ needs and specificities in the aftermath of serious and complex crimes such as violent extremism and terrorism. It also presents victims’ individual experiences of resilience and empowerment as well as with restorative justice.

### Specifics of victims of violent extremism and terrorism

For the restorative justice process, listing the different types of victims and victimisation experiences is significant, in order to better understand needs and expectations and provide appropriate services. This does not apply exclusively to cases of small-scale or large-scale acts of terrorism (i.e. targeting one selected individual or targeting the wider community), but is a common practice in cases of ordinary crimes. Indeed, despite the particularity of terrorism and extreme violence, research shows that **the impact of terrorist acts on direct victims and their needs in the aftermath of the act is similar to that in cases of serious violent crimes** <sup>(48)</sup>. This includes financial, psychological, medical and physical assistance, as well as respectful treatment, information on and participation in their case, reassurances of safety, and limiting feelings of anger and anxiety.

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<sup>(46)</sup> Weilnböck & Chapman, Chosen restorative justice elements/ methods for exit workers.

<sup>(47)</sup> Biffi, The role of restorative justice in preventing and responding to violent extremism.

<sup>(48)</sup> Pemberton, Needs of Victims of Terrorism.

In terms of terrorist victimisation, primary, secondary and tertiary victims are distinguished as follows <sup>(49)</sup>.

- **Primary victims** are those directly affected by the act of terror, such as:
  - the **targeted victims**, specifically selected as enemies of the terrorist group and targeted for what they represent (e.g. politicians or state representatives);
  - the **vicarious victims**, seemingly chosen at random to create terror and fear, often finding themselves in the “wrong place at the wrong time”.
- **Secondary victims** are the closest community of care of the primary victims (e.g. family members) and the first responders to acts of terrorism.
- **Tertiary victims** are ordinary people, members of the community exposed to threats and acts of terrorism.

Tertiary victims, even when not present at the site of the attack, may suffer from post-traumatic stress disorders and express anger attacks towards people whom they perceive or assume to have similar features to the attackers (e.g. against the wider Muslim community, in the case of IE). A main difference with victims of regular serious crimes is that primary victims of terrorism, by definition, are (or at least should be) **attacked as representatives of a larger group**.

From a restorative justice perspective, some victims are not explicitly mentioned in these three victim categories: these are the **community of care of the offenders** (e.g. their family members) as well as the **community members of the belief represented by the offender** (e.g. the Islamic community, in the case of Islamic terrorism). These groups are also affected by the terrorist act committed, suffering isolation, shame, guilt, discrimination and/or prejudice <sup>(50)</sup>.

## Vengeful victims?

The myth of the vengeful victim seems not to fit all victims’ profiles, as already suggested by victimologists. Indeed, research indicated that victims of crime are not more punitive than others who did not suffer victimisation experiences; another finding is that victims may prefer compensation, support or a sincere apology from the offender, instead of punishment <sup>(51)</sup>. Victims wish to have their voice heard in their justice process, and to ask questions about the offence that can only be answered by the perpetrator (e.g. Why me? Why my loved one? Why did you do it?). The basic principles of restorative justice (i.e. respect, truth and responsibility) and a well-trained facilitator can create the space for victims to understand more about the causes of their harm and reflect on the options for gaining a sense of closure to this chapter of their lives.

Some victims of recent terrorist attacks have shown resilience and sought not to use hate as a response to extreme violence. From a restorative perspective, these victims may act as wounded healers, supporting other victims to escape the cycle of anger and fear initiated by the terrorist attack. It is important to go beyond the myth of vengeful victims and give a voice to stories of empowerment and resilience. The following testimonies may serve as examples of resilient persons, who, after having become victims of terrorism, consciously decided to look beyond vengeance.

### Inspiring testimonies from resilient victims of the 2016 Brussels bombings

On 22 March 2016, Brussels suffered 3 coordinated suicide bombings, claimed by Daesh, which killed 35 people and injured 300 more.

- Among the victims was Loubna, the young wife of Mohamed El-Bachiri, who was left to bring up their three sons on his own. Instead of responding to violence with hate, Mohamed wrote a book asking for

<sup>(49)</sup> EFRJ, Victims of Terrorism: Towards European Standards for Assistance.

<sup>(50)</sup> See cases of restorative justice responses to hate speech and hate crime originated as a consequence of terrorist attacks. For example, the victim-offender mediation after hate speech following the Turku attacks (Koivisto, Face-to-face with a man who wished an asylum seeker would kill my family: The scariest thing is he’s just a regular Finnish guy) or the restorative community dialogue after 9/11 hate crime in the US (Umbreit et al., A community response to a 9/11 hate crime: Restorative justice through dialogue).

<sup>(51)</sup> APAV, IVOR – Implementing victim-oriented reform of the criminal justice system in the European Union.

tolerance and compassion, and reflecting on how to live together despite cultural, ideological or religious differences. See the **book *A Jihad for Love*** (2017).

- Another victim was Johan, the young husband of Kristin Verellen, who is the initiator of a voluntary citizens' initiative that organises circles for sharing and connecting with different individuals and communities in Brussels. Circles aim at creating a space for countering polarisation, extremism and violence through solidarity and dialogue. See the **initiative "Circles: We have the Choice"** at <http://www.wehavethechoice.com/>.

### Inspiring testimonies from resilient victims of the 2015 Paris attacks

On 13 November 2015, Paris suffered a series of coordinated terrorist attacks, claimed by Daesh, which killed 130 people and injured 413 more.

- Among the victims was H el ene, the young wife of Antoine Leiris, and mother to a 17-month-old boy. Antoine became popular because of his open letter to the terrorists, published on Facebook. He wrote: "You want me to be scared, to see my fellow citizens through suspicious eyes, to sacrifice my freedom for security. You have failed. I will not change." See the **book *You Will Not Have My Hate*** (2016, original title: *Vous n'aurez pas ma haine*).
- Another victim was Lola, the daughter of Georges Salines, a man who engaged in a dialogue process with Azdyne Amimour, father of Samy, one of the three attackers of the Bataclan shot by the police during the attacks. See the **book *We Still Have Words: A lesson in tolerance and resilience*** (2020, original title: *Il nous reste les mots*).

## Restorative justice with victims of terrorism

The use of restorative justice with victims of terrorism is quite a controversial topic. However, research and practice show that restorative justice is also successful in complex and serious violent crimes. It is most likely that this is a controversial subject because terrorism is commonly considered a special category of crime, and because restorative justice is often wrongly perceived as a "soft" response to crime. Also, as in other cases of serious violent crimes, sincere remorse and an ideal act of reparation are considered an unlikely outcome – and thus, the fear of re-victimising the victim prevails.

In the Basque Country, Italy and Northern Ireland, much effort was put into **treating the acts of terrorism and extreme violence as "ordinary" crimes from individual offenders to individual victims**. As restorative justice aims at bringing together the individuals involved in and harmed by an offence, it was important to focus on the effects of the conflict at the micro-level, while keeping an eye on the bigger picture, including the macro-level aspects of the conflict. The three experiences, quite unique in their background and approaches, relied on research and practice in other cases that could be compared in part to violent extremism and terrorism. This included restorative justice approaches in cases of large-scale conflicts and gross human rights violations, in cases of serious violent crimes, in cases of intergroup conflicts and hate crime, and in cases of structural social injustices.

As with victims of serious violent crimes, certain elements of restorative justice are key to achieving a sense of closure and healing in the aftermath of a terrorist act. These include the following.

- **The dialogic process with the offender, and the opportunity to ask questions.** If a direct face-to-face encounter with the offender is not possible, alternatives are found (e.g. shuttle mediation via the facilitators, letters and videos). Also, in cases where the offender is unknown or dead, victims can meet with a "surrogate offender", someone who committed a similar act of violence (or another member of the terrorist group) and who has agreed to participate in the process <sup>(52)</sup>.

<sup>(52)</sup> Staiger, Restorative Justice and Victims of Terrorism.

- **Circles or conferencing practices may be adopted to address the wider community affected.** Because of the specificity of the violence and consequent harm, attention must be paid to the concept of truth (individual, collective, mediatic, political truths) and the importance of memorialisation practices. Similar interventions have been used also as a response to large-scale conflict situations through processes of transitional and restorative justice <sup>(53)</sup>.

## 6. Reflections & recommendations

Based on the previous sections, the following list of recommendations is intended for practitioners and programme managers willing to further explore the potential of restorative justice in P/CVE.

### Key messages

**Restorative justice is a flexible and tailor-made approach to justice.** There is no standardised procedure nor a best practice that can be put forward as a ready-made programme to bring victims, offenders and communities into a process of dialogue.

**Restorative justice must be co-created together with the people interested in pursuing it:** it relies on the collective intelligence and wisdom of human beings to manage their conflicts, make decisions and solve problems. The same holds true – and may be even more valid – when considering the possibility of applying restorative justice in cases of violent extremism and terrorism.

**Practitioners and programme managers who support victims and offenders involved in this type of crime are invited to promote a restorative culture within their work.** This means using non-judgmental language, remaining open to listen to and accept the different truths and narratives they may hear from their clients, and treating others with respect and a spirit of enquiry. This is the weapon with which to disarm violent extremists and subvert/reject their attack and defence mechanisms of hate and violence.

### Key actions on restorative justice

**Provide access to restorative justice services** → It is vital that victims and offenders be presented with the opportunity to participate in a restorative justice process, and can make an informed choice on whether to participate in this programme.

**Ensure the quality of restorative justice services** → Facilitators and mediators must receive the appropriate training, and must also be informed on the specificities of the parties they work with (e.g. children or migrants) and of the crime or conflict (e.g. child abuse or intergroup conflict).

**Implement effective multi-agency cooperation** → In order for restorative justice to reach interested parties and succeed in its purpose, multi-agency cooperation is needed. This will also bring together different types of expertise around the case, providing a better tailor-made service for victims, offenders and communities.

**Encourage a restorative culture** → It is not always necessary to bring together the parties affected by harm, to promote restorative justice: language and attitudes, based on values of respect and solidarity, can form the basis for launching a restorative approach within all work dealing with people and relations (not necessarily only in cases of crime and violence).

**Focus on individual and social differences** → Facilitators and mediators should be aware of differences (such as age, gender, language and education) which may affect the restorative justice experience and the reparation of harm, as needs and expectations differ according to these individual and social differences.

**Believe in the power of stories** → Generally speaking, restorative justice methods allow for stories to be shared with others. It is essential to recognise that different truths exist and also to acknowledge any

<sup>(53)</sup> Weitekamp et al., How to deal with mass victimization and gross human rights violations. A restorative justice approach.

ambivalence or contradictions in one's story. A safe space for personal narratives to be shared includes open questions, intense listening and a focus on strengths.

## Challenges for restorative justice in cases of RWE and IE

**Lack of specific training for restorative justice practitioners** → To date, we are not aware of specific training programmes for facilitators or mediators working on cases of RWE and IE; likewise, there are no specific practice experiences we may refer them to.

**Lack of diversity among practitioners** → This applies not only for restorative justice facilitators and mediators but also for other practitioners (e.g. probation officers, prison staff and victim support) who may not represent the cultural background of one of the parties, especially if they belong to a minority group.

**Sociocultural differences** → It is possible that the parties involved in the restorative justice process have different understandings of values such as justice and safety, based on their personal experiences and traditions; additional training is needed to support practitioners in understanding these differences – as well as their own biases.

**Language barriers** → If the parties involved in these crimes do not speak the same language, simultaneous or consecutive translation should be planned to be in place for the preparation phase, and most importantly, for the face to face encounter.

**Integration of other justice practices** → Especially in cases involving parties with a different cultural background (e.g. Muslims in a Western context) it may be worth identifying relevant justice practices more fitting for the context. For example, in some communities, the presence of older people, or the support of one's own community of care, is beneficial for a better understanding of the pitfalls of one's ideology and the consequences of the harm caused.

## Future opportunities for restorative justice and violent extremism

**Consider the different levels of victimisation and trauma** → In cases of violent extremism and terrorism, victims include those directly affected by harm, their community of care and their wider community, as well as the perpetrators' community of care and wider community. All these parties are to be offered the possibility to participate in a restorative justice process, or at least a circle for sharing emotions and stories (even in the absence of the perpetrator).

**Consider the different levels of violence and hate** → For victims, perpetrators may not be only those who directly perpetuated the violence and intimidation (e.g. bombers), as they may belong to organised groups and also to "wider offender communities" (e.g. hate crime and hate speech). All these parties are to be offered the possibility to repair the harm and engage in a sincere dialogue with their victims.

**Reflect on the different truths and narratives** → Restorative justice practitioners are used to facilitate communication between parties who disagree, but in cases of violent extremism, the additional challenge is that the truth emerges from additional sources, beyond the parties directly affected (e.g. media and politics).

**Build on existing restorative experiences** → The Basque, Italian and Northern Irish experiences have been documented by well-known academics in the field of restorative justice, victimology, criminology and social justice. These may serve as a source of inspiration, not only to propose concrete processes, but also to promote a restorative culture in this area.

**Improve crime prevention and community well-being** → Restorative justice approaches can be adopted at community level (in neighbourhoods, schools and workplaces) to encourage citizens to foster values of solidarity and connectedness, which will contribute to the well-being of all individuals, including those usually marginalised, and prevent (the escalation of) conflicts.

**Reflect on the need for security vs. justice responses** → Restorative justice has a role to play in prevention and after violence has occurred. At moments of extreme violence, police are called upon to restore order by promoting a sense of safety in the community. Restorative justice plays a part in restoring relationships and peace, and its timing traces the needs of individuals and groups.

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