

## Criminal Justice Platform Europe

### Criminal Justice Summer Course

Barcelona, 3rd to 6th July 2018

#### WORKSHOP REPORT

<b>Workshop Title:</b>	<b>Reimagining Violent Extremism (restoratively)</b>
<b>Moderator:</b>	Emanuela Biffi, Italy
<b>Leader 1:</b>	Gemma Varona, Spain
<b>Leader 2:</b>	Claudia Mazzucato and Guido Bertagna, Italy
<b>Participants:</b>	12 participants from 4 countries (Belgium, France, Germany, United Kingdom)
<b>Notes:</b>	Emanuela Biffi

**Impression:** These series of workshop sessions have been definitely “radical”, in the sense that they presented innovative and unorthodox experiences to deal with violent extremism. In particular, as promised by one of our workshop leaders on the first day, these workshops “may not have always touched subjects relevant for our professional lives, but surely for our personal lives.” Participants were deeply surprised by the experiences lived in Italy and the Basque country and by the way the workshop leaders looked at the situation with an holistic approach, involving victims, offenders and communities in dealing with their past for creating a new future.

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#### Introduction

These series of workshops were divided into two (complementary and interlinked) parts. The first 3 sessions were led by Gemma Varona, lecturer in Victimology and Criminal Policy at the University of the Basque Country and senior researcher at the Basque Institute of Criminology. Gemma focused on the Basque experience of encounters between victims and members of the ETA separatist group: after giving participants a general framing on restorative justice and terrorism, Gemma presented the actual experience looking at the different roles (including the facilitators and the community) and the art practices of commemoration initiated in the Basque country. The last 3 sessions were led by Claudia Mazzucato and Guido Bertagna, respectively Associate Professor of Criminal Law in the Faculty of Political and Social Sciences of the Università Cattolica del Sacro Cuore in Milan and Jesuit priest with an extensive experience working in prisons with juvenile and adult offenders in support of their rehabilitation, both victim-offender mediators. Claudia and Guido shared their 10 years’ experience as facilitators of a group of victims and former combatants of the armed struggle of the 1970-1980s’ Italy, making participants’ experience the challenges and intensity of such encounters as well as the process of radicalization and exit as lived by the former combatants.

**Workshop Methods** (Detailed programme at Appendix 1)

## Summary of Presentations

**Session 1** - Framing restorative justice in terrorist victimization: the Basque experience (Gemma Varona).

Gemma opened these serious of workshops by explaining the methodology of these sessions (open conversations, active listening, talking about complex and sensitive stories of people). In order to introduce the topic, Gemma presented different definitions of RJ and discussed its principles (e.g. participation, harm, reparation, voluntariness, respect, dialogue, equal consent, procedural fairness) including the problematic ones like "neutrality", "satisfaction", "vulnerability". A discussion followed, with mayor focus on the role of victims in the aftermath of a serious crime and in a RJ process. It was said that victims cannot be instrumentalised for promising the offender's rehabilitation and reintegration in society, nor for promising a more punitive criminal law ("today there's still a manipulation of politicians using victims' sufferings"). Victims have their own needs, such as the fact that what happened to them will not be repeated to others and that their anger and hate will not transmitted to the next generations: this is particularly crucial in cases of violent extremism, as victims are to be empowered instead of being trapped in their suffering and revenge. Attention was given to violent extremists to understand their side of the story and needs. They may have been victims before (e.g. of torture by the police, of isolation and victimisation in prison), or they had the strong belief to make a better society (from Gemma's interviews: "We were not monsters, we were youngsters believing in the freedom of the Basque country"). In RJ we create a space for everyone's stories to be told: the restorative encounter simply creates a new phase, which is unpredictable despite all the preparations a facilitator may do. In Gemma's terms: "We do it in another way: we take it serious, even if we talk about restoration". The session ended by watching a TEDx talk by Gill Hicks: "I survived a terrorist attack" (May 2016 Sydney, Australia).

**Session 2** - Travelling in time through deep communication: the facilitators' roles (Gemma Varona).

Gemma started the day by asking the group to create a question mark (?), to avoid simplifications that forget human nature and to prepare to listen to the other side of the story. In 2006, Amor Oz wrote about the 3 ingredients for responding to fanatics: 1. Humour, 2. Reading good literature, 3. Listening to others. From this, Gemma told the experience of about 20 formers (expelled from ETA) that started a literature group in the 1990s in prison and decided to meet their victims: only 15 encounters took place (end 2010-2012) and 1 encounter after the 1/03 attacks in Madrid, facilitated by 7/8 facilitators (experienced in serious crime, specifically trained for this) willing to travel around the country, coordinated by Esther Pascual (background in law). For many victims time has stopped: RJ is not in a hurry, it is more modest, it criticises the idea of progress to "turn the page" and move on. When sitting with them, facilitators travel back in time (e.g. in a case of sexual abuse which happened long time before, you still meet the child, not the adult victim). Why did victims want to participate?

- to meet the other: there is a need to re-humanise the author even when the fact is not human, as often victims believe that the other was a monster and make traumatic links in their dreams
- to ask questions to the offender, as the judicial trial doesn't allow it and the lawyer decides what people can say or not (and some victims feel that the state wasn't doing enough). Questions like why me, why you, why did you get into it, what did you think on that day when you woke up that day, what did you do after, did my husband suffer? Until we are victims we don't understand these questions: the important thing is not the answer but asking the question, as in any case responses cannot help to make sense of what happened
- to help (especially with juveniles)

- to see if they can do it, as it may be challenging to meet the offender
- to get the truth, although this is difficult to find
- to make sense of what happened (although it is difficult to hear an offender saying: "I was wrong, I shouldn't have done it")
- to express feelings (angry, loneliness) and do something with them

A criticism to RJ: it promises victims that offenders will be sincere and will not get penitentiary benefits but the truth is that sometimes this is not the case and this is to be clarified with them to avoid misunderstandings. For example, in 2003 there was change in Spanish legislation to make it more difficult for offenders to get sentence reduction (promoted by a victims' association). It says they must disconnect from violence, ask for forgiveness and collaborate with the judicial system as confession (influenced by Italian legislation on collaborators of justice). Two issues:

- how can we rule forgiveness in the criminal code? In 2013, advised by the lawyers, offenders wrote their apologies in bureaucratic way: "I ask for forgiveness because it is obliged by the law". Also forgiveness is a personal thing and it is easier to get from someone we have a relationship with
- how to deal with stigmatisation of being a betrayer for collaborating with the criminal justice system? You can live with the stigma for being a terrorist, but not with stigma of been a snitch/ spy): victims must be explained that that step is too difficult (e.g. victim asking who exactly killed her father) and also that the organisation is secret even among the members

Interesting for RJ: what to do with cases not resolved? Victims may not be interested in the sentence but they appreciated if they can get some answers to their questions, e.g. offenders writing diaries that will be published only once they died, or the responsible person died, but this may be unfair for victims who need to know when lifetime is short.

**Session 3** - Facilitating the art of reparation as a never-ending and creative work: harm, communities, forgiveness (Gemma Varona).

"For all things that are irreparable we have memory": this session started with Gemma's reflections on restorative memory. Anna Bull said we have 3 kind of memories: 1. Antagonistic (bad/good; winner/loser), 2. Cosmopolitan (based on the idea of human rights), 3. Agonistic (you don't have to agree on what happened but you create a space for debate, discussing ethical values important in democracy like right to life, freedom of expression, exclusion from poverty). Restorative memory is in line of agonistic memory: recognising harm (in violent extremism, this is personal, interpersonal, social, political harm) and doing something with what happened.

Practices of memorialisation and using arts (with artists, offenders, students):

- Walking restoratively: project proposing victims and community members to walk with offenders to places which were traumatic or meaningful to them, because walking allows to travel in time and gives the idea of progress but also because walking allows the brain to think about other pathways (especially for offenders). Not much response yet.
- Theatre piece "La Mirada del otro": pedagogical project, based on RJ real case conversations, represented in jail too.
- Collaborative art project: adiorik gabe/ sin adios (Donostia 2016). Open to wider public; victims wanted to celebrate life and liked personalised memorialisation in the public event.

Gemma proposed these different levels of restorative interventions (one to one encounters, restorative walks, theatre, collaborative art projects): what is the impact within the Basque society? Do citizens know about it? Gemma responded that restorative works are still a marginal thing (for law students, some criminal justice professionals), also because of the importance of

time within RJ, because of people's fears and lack of awareness, and because politicians and professionals must be courageous to make it happen in practice. Still, being marginal is better as it allows to go out of the script and propose victims and offenders an experience tailored to their needs.

**Session 4** - The Italian experience of the Group of the Encounter: radicalization process and exit strategies (Mazzucato & Bertagna).

Claudia and Guido shared the incredible experience they witnessed for about 10 years in Italy: the restorative encounters between victims and former combatants of the 1970s-80s Italy. This experience was interesting to understand why people became violent for different reasons and why they went out. One of the reasons for rejecting violence was the encounters with the victims. There are two sets of responses to violent extremism: 1. Mimicry: it uses violence against violence, but we learnt that this doesn't break the cycle of violence; 2. the unexpected responses (like in the encounters). The Italian experience is an identical experience in words, situation, methods, etc. as in the Basque country: this is the evidence that there is something universal in what happened between people. The Italian group worked on a voluntary basis, self-funded, sharing travel expenses, in secret for 7 years: "you don't need much more than the will to meet towards the most difficult other." When the group decided to communicate what happened between them to the outside world they realised they could not make a circle with 60 million Italians, so they wrote a book. The selling of the book goes to the path of memory in Brescia (bombings in '78). The writing process was not simple, but fascinating and part of the experience. The group meets in residential accommodations in nature because "there is a lot to be shared and nature and daily life activities are mediators". The group is composed by:

1. Witnesses (victims and offenders who directly experienced the violence and their children)
2. Mediators (three facilitators randomly chosen, as this was not a project)
3. First third parties (from 2010, young people: these people want to make sure there is no repetition)
4. Guarantors (prosecutors, movie director, judges, writers, journalists, etc. as a sort of scientific committee to protect the authenticity of this path, testifying that what was happening was true)

The group used all RJ programmes:

1. Mediation (especially between former combatants)
2. Conferences with the group
3. Community circles for open public (in schools, through the book, parliament)

The rules followed were the same as in RJ: respect, voluntariness, confidentiality, active listening, etc. This was important, especially because some violent questions were asked to the offenders: "do you realise what you did? Can you live with the consequences of what you did?" You can be a former terrorist but you can never be a former murderer: this is your skin, you cannot be liberated from it, it is more painful than prison. RJ is about explaining without justifying because "the crime separates, it is a scar but it unites people in the same biography, although we cannot put memory in common as experiences are different." Other tools were also used: narratives, truth telling (parrhesia: to be frank when being frank is costly, not to tell what is pleasant to say), encounters (with people and with places, e.g. visiting the spots where people were killed or buried). All was initiated by literature that makes us close to life concepts, like death, life, etc. There were some problems within these encounters, e.g. trust issues (towards mediators), effects of past traumas, some people left, mediators lost impartiality, some suffered burnout, the fear of public exposure.

How did offenders enter violence and become radicalised? Similar ways:

- Issue of injustice: the world needed to be changed, inspired by partisans resisting during WWII, cycle of violence with state (what now the state is doing with today's terrorists). Ideals became a one way thinking.
- Polarisation between friend/ enemy, loved/ hated ones, "those ones for whose life I am ready to die and those ones for whose death I am ready to live".
- Dehumanisation of targets: during the encounters, for formers it was difficult to respond "why my father?", and say simply "I could have chosen anyone else in his position".
- The ways to violence are depicted as epic: full of fascination, where you find love, recognition, brotherhood.

How did offenders leave violence and disengage? Different ways:

- Some started to collaborate with the justice system
- Some felt desperate and attempted suicide: they failed everything because they killed and did not change the world). "Returns are not glorious nor epic."
- Some felt supported by their family/community: "you are my child even if you killed", "your life matters to us".

How do we respond to radicalisation? With a cycle to violence based on the idea that justice is retaliation. Criminal justice is a legitimate and justified use of violence, but this confirms the perspective of the extremist that the state is the enemy and it is not just. "There is a contradiction to call violence justice and justice violence: it is mimetic and somehow similar." What really disarmed them is the unexpected response of those ones that said that their life mattered.

What motivations have the offenders to participate in an encounter? "We paid, served prison for 20-25 years but we didn't find a sense of what we did and we cannot find peace in ourselves"; "You cannot erase, forget, behave like if nothing happened"; "I want to prove that I can change and I need others to believe in it".

**Session 5 (started at 16.40) - Imaging violence, extremism and deradicalization (Mazzucato & Bertagna)**

"Arts can make us feel different, beyond our culture. Especially cinema." With these words Guido introduced this session based on the movie "Clockwork Orange" (Kubrick, 1971). Guido selected a series of scenes presenting the head of a gang, Alex, and showing the way he has been treated after conviction and imprisonment, under the so-called "Ludovico therapy": while Alex's body cannot move, keeps his eyes wide open and he is shot an injection to make him feel sick, the doctors screen a series of violent scenes to make him associate the experience of terror with being sick (Pavlov's conditioning theory). His imagination is kidnapped and he is forced just to see what he did. "Today's society is like Alex: still and with the eyes wide open": on media, we see a spectacle of violence, it is difficult to distinguish reality and it is difficult to read and listen about different interpretations of radicalisation. In all film, no one is interested in Alex himself, either they want a society free of crime, or they want people to have freedom of choice. We do not argue that authorities do things badly, but only that it is risky when the response is mechanical and creates a vicious cycle of violence (i.e. in prison, as a treatment, from victims). Also, quick solutions for change and disengagement do not leave room and time for expressing needs, evaluating experiences, listening and living encounters. To finish more optimistic, we watched the speech of Robert Kennedy after Martin Luther King's assassination.

**Session 6 -** The challenge of dealing with violent extremism in a restorative way: victims and communities (Mazzucato & Bertagna)

This session was divided into two parts: 1. "closure to open up": we listened to stories of people that must have compassion and love to survive, e.g. South Africa and Israel/Palestine; 2. what can be done restoratively facing violent extremism?

The South African experience was used here as a "laboratory for democracy", a place for diversity with several ethnic groups, languages, religious beliefs, etc. The apartheid was formally defined in a legally binding way as crime against humanity, but the idea of justice is based on unity after separation, on admitting that what happened was wrong and reconciliation is needed to move on. Human right activist Albie Sachs used the term "soft vengeance" to refer to the achievement of democracy in South Africa. We watched part of his contribution during an event at Cattolica university in Milan and watched also sections of the documentary "One day after peace" (2012) on a South Africa anti-apartheid activist meeting the parents 'circles of the Israeli-Palestinian conflict.

After this, we did a group work: what would you do if Barcelona municipality will contact you to organise an event of memorialisation in August 2019? The group was divided in 3: the RJ Team, the victim support services' team and the professionals working on deradicalisation mainly with the offenders. The task was to propose something concrete and meaningful for the city, the people, etc. See group feedback below:

1. Victim support: the group thought about a meeting in the Ramblas (circle, conference) where the victims and family members can share their testimony of their suffering after the attack.
2. Experts working with radicalisation: the group thought to engage their clients with a group letter expressing hope instead of categories (e.g. explaining the full personality of the offenders, not simply labelling them as terrorists), but mentioned that it was a difficult task as they felt this space was more for the victims' side than for them. It was also suggested a collective project, e.g. a book for regular people to express their feelings (not only victims and offenders) or painting (e.g. of hands)
3. RJ team: the group felt it was too soon to organise encounters between victims and offenders, so they proposed other initiatives encouraging the sharing of emotions (e.g. through arts, like a collaborative exhibition made by the visitors), not necessarily in the Ramblas but in other key points in the city. They propose to ask the municipality not to have time limits to finalise the art project, not to impose people to feel ready just because there is a yearly celebration

**Summary of Group Outcomes**

"Sentences are intellectual, words reach out more." in one word, how did you feel in these sessions and what will you bring home?

- I feel: lucky, inspired, interested, human, emotional, enlightened, motivated, challenged, empowered, to be creative, optimistic, touched by the human message, good, worried and concerned to engage society on this, grateful for this gifts, grateful, happy, willing to share, too many questions in my head, hopeful (by the potential of humanity), nourished (in emotions and mind), passionate, positive, like in a sailing boat that follows winds and go after people's needs without anticipating them, serene
- I bring home: empathy, hope, humanity, concreteness, humanity, another way, new angle, discovery, universality, questions for future, strong emotions, inspiration for future, concept of time,

## **Key Learning Points**

The workshop's key learning points were:

1. Victims have needs and questions which may not be fulfilled by the criminal justice system which often instrumentalises them to be more punitive and justify its violence;
2. Victims often have prosocial behaviours, meeting "the other" to avoid repetition and make sure that hate will not be brought to next generations;
3. Offenders have been often kidnapped in a cycle of violence which justified their acts, blurred the reality, dehumanised targets and made them see only "one way" to create a just world;
4. Offenders, even after serving their sentence in prison, may feel desperate because of their failures to create a better world and because of the crimes committed; also, the punitive approach used against them risks to create more victimisation, humiliation, stigmatisation and polarisation;
5. During the encounters, real facts may not be important for victims and offenders (as these are already discovered through investigations): victims have other questions that only offenders can respond (or not, but asking questions is often enough);
6. The encounters can be one of the reasons helping offenders to disengage, and encounters can be with people as well as with places relevant for what happened.

## **Key Practice Issues for the Future**

1. Traditional RJ practices (e.g. mediation, circles, conferences) can be integrated with other techniques (e.g. reading literature, walking in nature, collaborative art projects) which help to share emotions and memories;
2. There is no standardised best way to work restoratively, but the Italian and Basque experiences show that another way exists and it can be repeated (universally).

## **Appendices**

See EFRJ website to download the appendices:

1. Outline of the workshop sessions including for additional reading materials
2. Notes of Gemma Varona
3. Presentations of Claudia Mazzucato and Guido Bertagna