

Speaker Prof. Dr. Weitekamp / Moderator Prof. Dr. Christoph Safferling
Presentation on “Restorative Justice for Victims of Mass Violence” and Discussion
Thursday, December 3, 2009- 3:30 pm- TZZ

Mr. Weitekamp started his presentation by outlining the key issues and their challenges in a transitional justice process. These are truth, accountability, reconciliation and reparation which are all intertwined. Mr. Weitekamp then differentiated between “four notions of truth”:

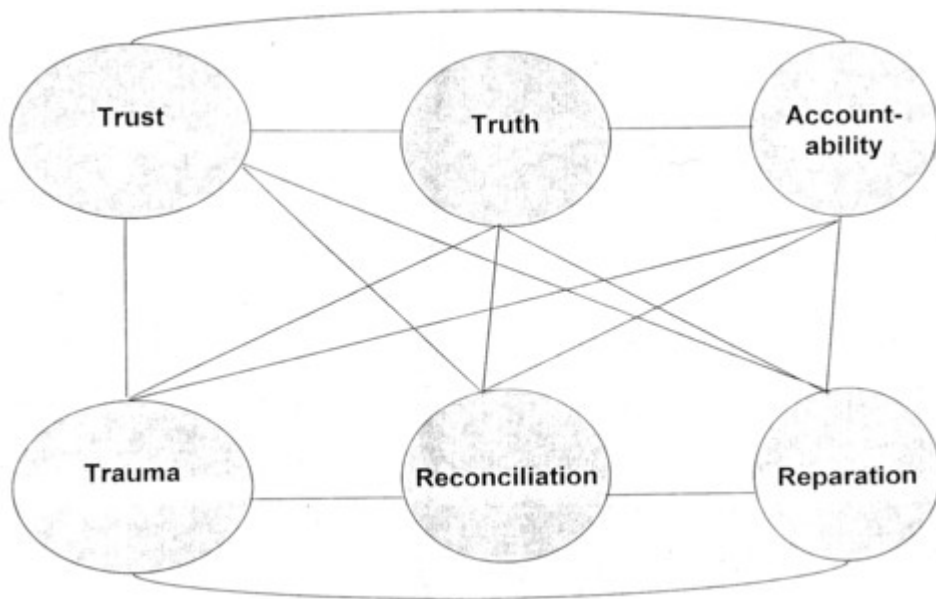
1. Factual or forensic truth, meaning the evidence obtained and corroborated through reliable procedures
2. Personal or narrative truth, meaning the many stories that individuals tell about their experiences
3. Social or dialogue truth, established through interaction, discussion, and debate
4. Healing and restorative truth, meaning the truth that places facts and their meaning within the context of human relationships

He claimed that new ways are to be explored on the road to global justice. Also, traditional retributive (judicial) approaches to justice should be considered when setting up transitional justice measures. Mr. Weitekamp made a case for restorative justice through listing the problems of (international) criminal justice mechanisms. The latter are based on a Western intervention model and implemented through top-down processes. They focus on punishment and only have short-term vision regarding society and its needs. Restorative justice, on the contrary, focuses on the victim and also tackles the underlying problems. It follows six key principles:

1. Bringing victims and offenders together
2. Focusing on the harm that has been caused by the crime
3. Holding perpetrators responsible for their acts
4. Meeting the needs for victims' redress
5. Promoting the reintegration of both victims and perpetrators
6. Preventing future harm by building on the strengths of the community and government

Restorative justice is process oriented (Marshall) and goal oriented (Bazemore and Walgrave). It is “a process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future (Marshall, 1996)”. Further, “every action that is primarily oriented towards doing justice by repairing the harm that has been caused by the crime” (Bazemore and Walgrave, 1999) may be called restorative justice.

Mr. Weitekamp proceeded to present a restorative justice model for post-conflict situations that he developed together with Stephan Parmentier in 2007. He made the point to further extend the four key notions of transitional justice with “trust” and “trauma”.



Through peace circles, or healing circles, people would be able to be part of a dialogue and thus a trust building process.