

Opportunities to use Restorative Justice in the Moroccan Criminal Justice Process

SEARCH FOR COMMON GROUND-MOROCCO

Opportunities to use Restorative Justice in the Moroccan Criminal Justice Process

SEARCH FOR COMMON GROUND-MOROCCO

By Ian Marder, for Search for Common Ground Morocco

Opportunities to use Restorative Justice in the Moroccan Criminal Justice Process

Copyright © 2014 Search for Common Ground

All rights reserved. No part of this report may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of Search for Common Ground. For permission requests, please write to the address below.

Noufal Abboud – Country Director nabboud@sfcg.org

Search for Common Ground- Morocco

Villa N°39 – Lot Hanaa, El Nahda II

Souissi, Rabat, Morocco

Tel: +212 537 651



Contents Page

Abstract	1
Introduction	2
What is restorative justice?	4
What might be the benefits of a restorative approach to crime?	7
Restorative justice historically and internationally	12
ADR, restorative justice, Islam and Morocco.....	14
Transition, crime and restorative justice in Morocco	15
Implementing restorative justice	18
Implementing restorative justice in Morocco: opportunities and challenges	22
Conclusion	25
Bibliography	26
About the Author	38

Abstract

This paper, written for Search for Common Ground Morocco, explores some of the ways in which Morocco might benefit from integrating restorative justice into its criminal justice process. It argues that the aims and values of restorative justice are consistent with those of the Islamic and customary justice processes relevant to this jurisdiction. After describing the array of restorative models and the different points in the criminal justice process at which they can be used (from a UK perspective), the paper considers some of the challenges associated with designing, implementing and evaluating a restorative project in Moroccan Child Detention Centers.

Introduction

The purpose of this paper is to contribute to the work done by Search for Common Ground Morocco on mediation and other forms of Alternative Dispute Resolution (ADR) in Morocco by exploring the opportunities to use restorative justice in the Moroccan criminal justice process. Restorative justice is a way of responding to crime and conflict, and is defined by the Restorative Justice Council as “processes which bring those harmed by crime or conflict, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward”.¹ It can be used in schools, communities, prisons, care homes, post-conflict societies or indeed in any situation where a non-adversarial or out-of-court approach to crime, harm and conflict might help to satisfy the needs and interests of those stakeholders most closely involved.

The focus of this paper is on the use of restorative justice in the criminal justice process, which most often takes the form of indirect or direct communication between the victim(s) and offender(s) involved in a particular offence. Indirect communication may include the writing of apology letters or the asking of questions through shuttle mediation, while direct communication is usually achieved through mediation, conferencing or sentencing circles, the second and third of which often involves supporters of either party and representatives of the community as participants. In a direct process, the facilitator invites the participants to discuss their perspectives on the incident, how it has affected them, who was harmed and in what way they were harmed. This is followed by the collective design by all participants of an outcome agreement, which may include reparative, rehabilitative or reintegrative elements. Furthermore, it is vital that any party’s participation should be voluntary and fully informed, and any restorative process should be conducted by a trained and skilled facilitator whose job it is to guide the participants through the process, while ensuring and preserving a safe and secure environment.

The first section of this paper explores in detail the key tenets of restorative justice and the importance of the voluntary nature of this and other ADR processes. The paper then analyses the potential benefits of using restorative justice in criminal justice and its role in criminal justice processes historically and contemporarily, both in Islamic and non-Islamic societies. Next, Morocco’s experience with ADR is examined, followed by an insight into the nature crime in Morocco and the restorative aspects of the Equity and Reconciliation Commission (known as the IER: *Instance Équité et Réconciliation*). Finally, different models of restorative justice at different stages of the criminal justice process are assessed, before the papers looks at how restorative justice might be piloted in Morocco, specifically outlining its potential to transform conflicts and bring together victims and offenders in the context of the Moroccan Child Detention Centers.

¹ Restorative Justice Council (2013).

It is essential to state from the outset that this author is not an expert in Moroccan or Islamic culture, law and politics. Rather the background of this author is in criminology and research, specifically the studying of crime, criminal justice policy and restorative justice in the UK. It is therefore important that the analysis made and recommendations given henceforth should be read with this in mind. Still, the ultimate aim of this paper—to start a debate on how restorative justice might be integrated into the criminal justice process in Morocco—is achievable, and it is hoped that these efforts will make a worthwhile contribution to this end.

What is restorative justice?

As noted earlier, restorative justice can be defined as:

[any process which] *brings those harmed by crime or conflict, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward.*²

This definition is useful because it covers the three central tenets of a restorative process:

- communication between harmed and harmer;
- participation in the process by everybody affected;
- and a focus on repairing the harm that was done.

To speak of “restorative justice” however, is also to speak of a variety of principles which can be applied when responding to crime or conflict. According to Johnstone,³ the essence of a restorative approach to crime can be understood with reference to the following principles:

- A criminal offence tends to involve a violation of one person by another person, rather than simply a violation of the criminal law. This means that the victim is a key stakeholder to any offence and should be treated as such in the course of the justice process through the facilitation of their participation and a concerted effort to satisfy their needs and interests.
- Criminal justice should be concerned with making offenders understand the harm they have caused and their obligation to repair such harm, as well as ensuring that further offences be prevented.
- Justice processes should bring together victims, offenders and communities, who, through a constructive dialogue, can collectively decide on reparation and/or other positive ways of moving forward from the incident.
- Efforts should be made to reconcile or improve the relationship between the victim and the offender, while reintegrating both parties back into the community.

Johnstone does well to outline the central aims of the restorative justice movement, showing how the priorities of restorative justice are much broader than the largely punitive paradigm that has steered criminal justice policy in countries such as the US and UK in recent decades. However, one further notion should be added to this list of

² Restorative Justice Council (2013).

³ Johnstone (2008).

restorative principles as a fundamental aspect of reducing and repair harm in this way: as with mediation and other forms of ADR, involvement in restorative justice should always be strictly voluntary for all concerned.⁴ No party can be coerced into participating and their informed consent needs to be attained prior to (and maintained throughout) the process.

The need for participation in restorative justice to be voluntary stems from the fact that all criminal cases differ in their context and in the characteristics of the stakeholders, meaning that the criminal justice process must retain enough flexibility to respond appropriately to each case. For example, while restorative justice might often be effective in cases of burglary, there are many burglaries for which a meeting (or even indirect contact) between parties is neither safe nor desirable, such as cases with particularly vulnerable victims or offenders, or with a pre-existing imbalanced power relationship between the two parties. While some commentators contend that offenders should be forced to participate and apologize on the basis of their moral obligation to do so,⁵ the reality is that forcing an offender who does not yet accept responsibility for their actions to communicate with their victim can be highly risky and counterproductive, as they may further victimize that person by denying that harm was done or by refusing to apologize.⁶ Equally, a particularly vulnerable victim may also be unable to participate safely in a face-to-face meeting,⁷ as their fear of or anger at the offender could result in further psychological damage. This means that participation in a restorative process cannot be mandatory, and is why all cases must go through, firstly, a review of their suitability for restorative justice by the prospective facilitator and, secondly, a careful and detailed preparatory process in which the stakeholders are fully advised as to what the process entails and informed consent is obtained.

*If processes are to be restorative for either party, any direct participation must be willing and free, with respect accorded to each, so that they feel committed to an outcome that they feel they have had a full part in determining, and so that they feel the process has been fair and considerate.*⁸

Voluntariness in restorative justice is therefore important from both an ethical and practical point of view. Coercing people to participate in such a process would serve to negate its consensual nature, affecting how the parties behave during the process, as well as how they understand and experience it. For the offender, it is likely that coercion or the perception of being pressured to participate would lead to resistance and feelings of victimization, thus blocking their ability or desire to empathize with

⁴ Llewellyn and Howse (1998).

⁵ Zehr and Mika (2003).

⁶ Latimer *et al.* (2005); Strang (2002).

⁷ Restorative Justice Council (2012).

⁸ Marshall (1999, p.24). See also Roche (2003).

their victims, as well as reducing their commitment to the outcome agreement.⁹ For victims, feelings of coercion or pressure would defeat the purpose of restorative processes, which is to ensure that their views, needs and interests are considered. To show how these issues may overlap, one could imagine a victim who is unsure about attending but feels pressured to go, facing an offender who does not want to be there and thus has no intention of apologizing. In such a case, it is likely that the result would be further victimization and negative experiences for all concerned. Thus, in order to achieve the best outcomes from restorative justice, it is important to minimize such risks as much as possible. Moreover, voluntariness does not have to come at the expense of high participation rates. A significant proportion of victims and offenders voluntarily agree to participate, ranging from 48% in programs where the offering process was heavily criticized,¹⁰ to 77% in cases involving adult offenders and 89% in cases involving young offenders in a much more carefully planned and delivered restorative process.¹¹

To elaborate on the issue of voluntariness in the context of ADR, the primary consideration must again be that, among the conflicts which might be eligible for ADR, there will always be some cases in which one or more participants require the various protections afforded to individuals by the courts. Thus, the issue with a system in which any form of ADR is mandatory is that cases which are not suitable for ADR would still be forced to participate, impeding access to justice and possibly causing significant harm to those involved. Moreover, it is almost impossible to codify in either statutory or non-statutory guidelines every single potentially inappropriate case that should be exempted from the process.

England and Wales' approach to ADR exemplifies this issue well. In recent years, mediation has become increasingly institutionalized in the civil legal process. Changes to the Civil Procedure Rules and the Practice Direction on Pre-Action Conduct in 2006 mean that virtually all disputants are now required by law to attempt ADR prior to litigation, or else face the risk of being given cost penalties for "unreasonable conduct".¹² Thus, the UK has what could be considered a coercive approach to ADR because it encourages the uptake of ADR via the threat of sanction.

Although there is some attempt to outline the types of cases in which ADR may be dangerous for participants and in which cost penalties for non-participation would therefore not be applied, lawmakers have not been able sufficiently to codify the cases which should fall into this category. For example, Annex C of Practice Direction 3A outlines the types of cases in family law whereby failure to mediate cannot be considered as "unreasonable conduct", one group of which is cases that

⁹ Zernova (2007).

¹⁰ Sherman *et al.* (2008).

¹¹ Restorative Justice Council (2009).

¹² Civil Procedure Rule 44.5.

involve domestic violence.¹³ Or, at least, so it may seem; the practice direction actually states:

[One is not required to attempt mediation if] *any party has, to the applicant's knowledge, made an allegation of domestic violence against another party and this has resulted in a police investigation or the issuing of civil proceedings for the protection of any party within the last 12 months.*¹⁴

The aim of this provision is clear: to avoid the use of informal processes where domestic violence is present, thus preventing abusers from causing further psychological harm to their victims and affording victims the protection of court proceedings. This clause is wholly insufficient to achieve this, however, as criminological research shows that only a fraction of domestic violence cases are reported, and even fewer result in police investigations or civil proceedings.¹⁵ In fact, there is a further, seemingly quite arbitrary restriction imposed, which states that any police investigation or legal proceedings must occur within the previous 12 months of a reported case. On what basis, it must surely be asked, was it decided that ADR is appropriate 13 months after a recorded case of domestic violence but not 11 months?

The point is that every case is unique and it is important to ensure that the law is flexible enough to meet the context-specific needs of the parties involved in a dispute, which may include the need to receive the protection offered by the courts. It is therefore essential that both ADR and restorative justice—though they may have the ability to improve outcomes and access to justice in many cases—must always be strictly voluntary for all parties.

What might be the benefits of a restorative approach to crime?

The proponents of restorative justice often claim that modern approaches to criminal justice place too much emphasis on imposing punitive measures at the expense of other, potentially constructive and more positive aims and outcomes.¹⁶ More specifically, they argue that restorative practices may be able to satisfy some of the needs and interests of the key stakeholders to a conflict, which, in their dogmatic pursuit of punishment, retributive justice processes tend to ignore.

¹³ Ministry of Justice (2011).

¹⁴ *Ibid.* (p.6).

¹⁵ Felson *et al.* (2002).

¹⁶ Christie (1977); Braithwaite (1989); Schiff (2007).

There is evidence to suggest that restorative justice can be valuable at each stage of the justice system and with virtually all types of crime, from the minor, violent and property offences¹⁷ to sexual crimes,¹⁸ murder¹⁹ and even genocide.²⁰ In terms of its use in the criminal justice process on a day-to-day basis, the potential benefits of using restorative justice instead of or alongside a punitive approach to crime can be split into four key areas:

1) Lower reoffending rates when compared to punitive sentencing: In recent years, there has been an increasing emphasis among researchers and policymakers on the ability of restorative justice to reduce reoffending.²¹ Several empirical studies have investigated the links between restorative justice and reoffending in the UK and elsewhere.²² Shapland et al., for example, found that the use of restorative conferencing in three locations in England and Wales resulted in an average reduction in reoffending of between 14% and 27%, when compared with a control group.²³ These results seem to resonate with evidence from other conferencing programs, such as that in New Zealand, in which those completing conferences in 2009 had a reoffending rate 20% lower than that of a similar group of offenders who did not participate.²⁴ Though many studies have measured reoffending in the context of a restorative project, these two studies are often seen as some of the most reliable due to their employment of a randomised control test.

Moreover, the theoretical and empirical literature on the subject point to six ways in which restorative practices can reduce reoffending, which have been summarised by Crawford.²⁵ These are:

- Allowing the victim to explain the suffering they have experienced to the offender, thus encouraging the offender to recognize and take responsibility for the harm, as well as breaking down their ability to deny and ignore the harm caused by their actions.
- Helping to build or repair relationships and social bonds where these are lacking, thereby increasing the offender's feelings of care and support.
- Combining direct accountability to the victim with reintegration through processes of "reintegrative shaming" (i.e. maintaining that what the offender did may have been bad, but that does not mean that they are a bad person).

¹⁷ Meadows *et al.* (2012).

¹⁸ Daly (2002; 2006).

¹⁹ Umbreit and Vos (2000).

²⁰ Findlay and Henham (2005).

²¹ Robinson and Shapland (2008).

²² Maxwell and Morris (2001); Miers *et al.* (2001); Luke and Lind (2002); Hayes and Daly (2003); Hayes and Daly (2004); Tyler *et al.* (2007).

²³ Shapland *et al.* (2008).

²⁴ New Zealand Ministry of Justice (2011).

²⁵ Crawford (2010). Robinson and Shapland (2008) state that restorative practices can serve either as "a trigger for desistance" or a "potentially significant 'stepping stone' on a journey towards desistance on which they have already embarked".²⁵

- This allows the offender to join participants in the agreement that the behavior was wrong, while concurrently being made to feel more a part of, rather than increasingly shunned by, his or her community.
- Helping to cement a new, more positive internal narrative, in which offending behavior is recognized as both undesirable and avoidable, thus serving as a turning point for the offender after which they may be more motivated to engage with rehabilitation services and desist from crime.
- Prioritizing consent, cooperation and participation, thus encouraging offenders to conform to behavioral contracts and engage fully with the reparative and rehabilitative activities to which they have agreed.
- Building a sense of self-worth, self-confidence and self-esteem, where lacking.

In 2010, Morocco had a reported national recidivism rate of 40% for youth prisons and 63% for adult prisons.²⁶ Thus, it might be worth considering if the use of restorative practices can make a positive contribution to desistance and reducing recidivism among Moroccan offenders.

2) Higher victim and offender satisfaction when compared to court: A highly professionalized and adversarial court system, such as that which exists in the United States and United Kingdom, can marginalize both the victim and offender, suppressing their desires to express their emotions, get their point of view across and participate in the decision-making process.²⁷ This leads to participants feeling that their views were held to be secondary to those of the professionals and state representatives involved.²⁸ Christie contends that, for a victim, the prosecution and sentencing of a person who has offended against them may be “one of the more important ritual encounters in life”, and thus it is significant that they are hardly afforded the opportunity to participate in the process, which potentially has a more “crippling effect” on the victim than the crime itself.²⁹ This leads to a kind of double victimization, where the victim is harmed initially by the offender, and subsequently by the court.³⁰ Proponents of restorative justice would argue that this is in contrast to restorative processes, which give both victims and offenders a platform on which to express their views and feelings, as well as participate in decision-making. Commentators tend to point to these factors when explaining the high variation in self-reported satisfaction between victims who had been through a restorative process, and those whose cases had only been through the courts. Strang points to 42% victim satisfaction with courts, compared with 70% satisfaction in her study of restorative processes;³¹

²⁶ See US Department of State (2010) and Passive Progressive (2010), respectively – though neither references where it found these statistics, nor the time period represented by the reoffending rates.

²⁷ Christie (1977); Crawford and Newburn (2002).

²⁸ Van Ness (2002).

²⁹ Christie (1977, p.3).

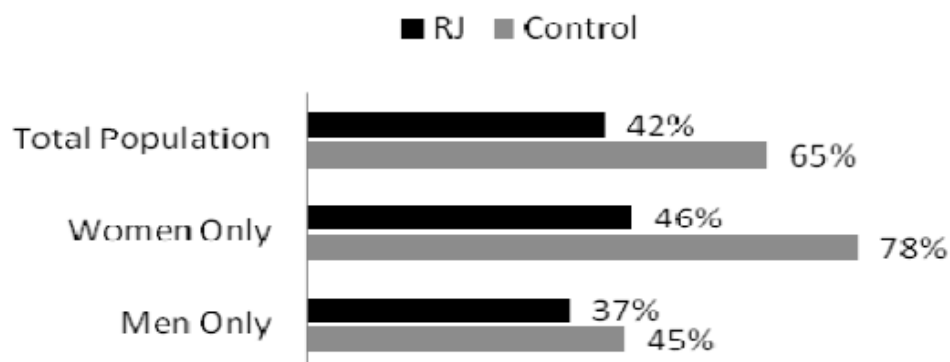
³⁰ Van Ness and Strong (2010).

³¹ Strang (2002).

research by Shapland et al. found 85% victim satisfaction with restorative processes,³² and an evaluation of the Northern Irish Youth Conferencing Service found that 81% of victims preferred restorative conferencing to the court process, as did 91% of offenders.³³

3) Lower levels of post-traumatic stress symptoms (PTSS) and other crime-related psychological problems among victims: Being victimized, whether violently or by acquisitive crime (burglary, robbery, etc.), can have significant and lasting psychological damage to both direct and indirect victims. Those victims who are severely affected can have problems with sleeping, eating or concentration, and can suffer from hyper-vigilance, stress, outbursts of anger and other trauma-related emotional and psychological issues; anger towards and fear of the offender (and of revictimization) can also prevent a person from moving on from the incident and leading a normal life. Further, PTSS can cause long-term health problems and has been linked, among other things, to coronary heart disease.³⁴ Yet, as noted earlier, retributive justice processes tend to ignore the needs and interests of victims, including their need for different types of psychological and emotional support in the short, medium and long term.

Several studies have suggested that, by giving victims a platform on which to share their experience, discuss their feelings, and ask questions of and confront their offender, participation in restorative justice can help victims move on from an incident and reduce levels of PTSS. Taken from a study by Angel et al.,³⁵ the graph below (entitled: *Participants with PTSS above Sub-Clinical Level*) suggests that participating in restorative justice reduced levels of PTSS above sub-clinical levels by 23 percentage points overall, when compared with a control group.



Furthermore, in four separate studies detailed by Strang *et al.* (including the research mentioned above), it was found that, on average, the percentage of victims who were scared of the offender fell by 18.5 percentage points following restorative

³² Shapland *et al.* (2007).

³³ Campbell *et al.* (2005).

³⁴ Angel *et al.* (2006).

³⁵ *Ibid.* (p.10).

conferencing, while the percentage of victims who were angry at the offender following restorative conferencing at the four sites fell by an average of 37.25 percentage points.³⁶ Based on these findings, it certainly seems possible that participation in a restorative process can help victims to recover from some of the psychological and emotional problems they might face.

4) Long term economic benefits to societies and governments: Although it would require investment in the short term to raise public awareness and train the individuals involved in the referrals process or delivery of restorative justice, the increased use of restorative justice can produce significant cash savings for both the state and wider society in the medium and long term. This is for two reasons: firstly, by reducing reoffending, restorative justice saves money by preventing future victimization and reducing the amount of cases coming into the criminal justice process; secondly, when used as an alternative to prosecution or punitive sanctions, restorative justice can save significant amounts of time and human and financial resources for the courts, police, probation and prison system.

This notion is supported by an economic analysis by Matrix Evidence, which looked at the savings that would be made by diverting all offenders in England and Wales aged 18–24 who are usually sentenced to community orders in Magistrate’s courts for non-violent offences, to pre-court restorative conferencing schemes. They found that such diversions would likely produce a “net benefit to society” of over £1bn (\$1.6bn USD) in the first 10 years, while the state would likely recoup its investment in training within the first 12 months.³⁷ Yet, their fairly narrow analysis excludes both child offenders and offenders aged 25 years and over, as well as violent offenders of any age, all of whom may be suitable for a restorative rather than (or as well as) a punitive intervention. In fact, the Restorative Justice Council and Victim Support suggest that using restorative justice in just 70,000 cases with adult offenders in England and Wales would produce cost-savings for the state of around £185mn (\$309mn USD) over two years,³⁸ while an evaluation of a major restorative project in Massachusetts found that restorative justice was on average six times more cost effective than traditional criminal justice methods.³⁹ Overall, while studies in this area do tend to make a significant amount of assumptions when calculating potential savings, and while this evidence is from an entirely different context to that of Morocco, it does seem that the increased adoption of restorative practices has the potential to result in financial savings.

³⁶ Strang *et al.* (2006).

³⁷ Matrix Evidence (2009).

³⁸ Restorative Justice Council (2013b).

³⁹ Furman (2012).

Restorative justice historically and internationally

*It is a very anthropological question to ask: Is justice universal and indivisible? Are rights and wrongs judged similarly in vastly different societies?*⁴⁰

One of the most fascinating aspects of restorative justice is its basis in ancient and indigenous forms of justice. For example, restitution was a central tenet of the Codes of Ur-Nammu and Hammurabi in ancient Sumer and Babylon respectively, while indigenous communities in the Americas and Australasia often practiced (and still practice, to the extent that the central authorities allow) restorative circles and other forms of peacemaking and conflict resolution as their primary method of responding to a variety of what we would consider to be civil and criminal harms.⁴¹ Although some commentators accuse others of exaggerating these aspects of ancient and indigenous justice (and thus understating their punitive elements) for ‘romantic’ effect,⁴² there is still plenty of historical and contemporary evidence to suggest the widespread presence of compensatory, conciliatory and non-bureaucratized forms of justice in these cultures.⁴³ Moreover, while there is no modern state in which restorative justice fully integrated into the criminal justice process, there are many jurisdictions in which progress has been made to this end, including New Zealand, Northern Ireland, Canada, Australia and Belgium and elsewhere in Northern, Central and Western Europe,⁴⁴ as well as Lesotho, South Africa, Thailand and many other developing countries.⁴⁵

Furthermore, there are several examples of restorative and restorative-style processes being used in Islamic societies:

- In Bangladesh, the Muslim Family Laws Ordinance (1961), the Village Court Ordinance (1976) and the Conciliation of Disputes Ordinance (1979) outline processes whereby civil disputes and petty criminal offences can be resolved using a community-based, informal dispute resolution practice known as *shalish*.⁴⁶
- In Pakistan, work has been done by Just Peace International to integrate restorative principles into community justice through the local *jirgas*—tribal assemblies of elders which make decisions by consensus—and through the establishment of *Musalihati* (reconciliation) committees.⁴⁷

⁴⁰ King-Irani (2004, p.378).

⁴¹ Van Ness and Strong (2010).

⁴² Sylvester (2003).

⁴³ Thompson (1992).

⁴⁴ Miers (2007).

⁴⁵ Skelton *et al.* (2007).

⁴⁶ Golub (2003).

⁴⁷ Ahmed (2010).

- There have been attempts in recent years to integrate victim-offender mediation into the Turkish criminal justice process.⁴⁸ The new Code of Criminal Procedure introduced in 2005 established the legal basis for this.⁴⁹
- In rural Yemen, police officers are said often to defer responsibility for conflict resolution to local elders and religious leaders, who both facilitate restorative-style processes and lobby government officials to show clemency on those who have undertaken this successfully.⁵⁰

*Indigenous cultural resources must not be overlooked by foreign mediators, local government officials, and non-Western professionals who are seeking to promote social change. If used creatively, traditional models for reconciliation can contribute directly to the collective empowerment of communities of citizens in coordination with religious leaders and local notables attached to particular communities and tribal groups. Such developments are essential if there is to be a chance to break cycles of violence and create movement toward visions of peace that incorporate elements of equity and reconciliation.*⁵¹

It is true that there has been some distrust in the Islamic world of what has been termed “Western conflict resolution techniques”,⁵² with some commentators arguing that the many Western-trained theoreticians and practitioners have long failed to recognize “the importance of sensitivity to indigenous ways of thinking and feeling, as well as to local rituals for managing, reducing and resolving conflicts”.⁵³ However, it is the similarities between the principles and methods of restorative justice and those of the aforementioned local customs and traditions which provide considerable hope for the future of restorative justice in the legal processes of such countries.⁵⁴ Indeed, it seems that the ethos of restorative justice is a common denominator among a variety of cultures, and that its high flexible models can be responsive to local needs, knowledge and issues.

Restorative justice is not just about victims and offenders. Its indigenous and religious roots indicate that there is a community responsibility to address wrongdoing and the harm it causes and be involved in making things as right as possible. This is done to help restore, if possible, the

⁴⁸ United Nations Development Programme (2009).

⁴⁹ Coronas (2006). In addition, Article 171 of the Code of Criminal Procedure gives prosecutors the authority to defer prosecution for up to three years if a series of conditions are met or if appropriate compensation is offered, a process known as “negotiating and settling” (UNICEF, 2009). The act of giving compensation alone cannot be considered restorative justice (although it can of course be part of a restorative agreement), but the discretion to defer prosecution or sentencing could be used to allow restorative justice to take place at the pre-prosecution or pre-sentence stage.

⁵⁰ Morris and Trammell (2011).

⁵¹ Irani and Funk (2000, p.27).

⁵² Irani and Funk (2000, p.2).

⁵³ *Ibid.* (p.2).

⁵⁴ Hart and Saed (2010).

*broken relationship between victims and offenders in order to maintain harmony and a well-functioning community... Such an ethic is at the heart of restorative justice and points to similarities in customary law principles and practices.*⁵⁵

ADR, restorative justice, Islam and Morocco

While contemporary Western justice processes often conceive of ADR as being of use in civil case and restorative justice as being of use in criminal cases, this distinction does not tend to be as relevant where customary law trumps or precedes a centralized justice system. As was the case in countries such as the UK prior to the imposition of a centralized justice system,⁵⁶ the distinction between criminal and civil cases is often not made in customary legal practices in rural or traditional communities in the Muslim world. For example, the concept of *suhl*, which loosely translates as “settlement”⁵⁷ and under which two conflicting parties negotiate compensation or another solution, is seen as being as applicable to penal codes as it is to civil codes.

To further support the argument that the principles of restorative justice converge with Islamic principles, Laala gives as evidence the references to *suhl* in the Ottoman and pre-modern Egyptian legal systems, as well as the following passage from the Qur’an, which implies that conciliation can legitimately be used as an alternative to the imposition of punishment:

*We must behave appropriately towards him to whom his brother has forgiven a part of the debt and he himself has compensated in the best way possible. This is a lightening of the load and a mercy given to you by your Lord.*⁵⁸

Similarly, the customs of *suhl* and also *musalaha* (loosely translated as “reconciliation”) are undertaken in order to prevent cycles of revenge and blood feuds, which may otherwise significantly destabilize communities. They still hold weight in many countries today, including Lebanon and Jordan; in the latter, it is recognized in statute.⁵⁹ Some commentators see these concepts as being roughly analogous to *ubuntu* in Southern Africa, while also drawing parallels with traditional

⁵⁵ Hart and Saed (2010, p.16).

⁵⁶ Fattah (1997).

⁵⁷ Laala (2013).

⁵⁸ The Holy Qur’an (2:179).

⁵⁹ Irani and Funk (2000).

Christian and Jewish customs.⁶⁰ Again, this shows that some of the central tenets of restorative justice, including reconciliation and symbolic reparation, are present in a variety of cultures and can be said already to play key roles in Islamic countries.

Furthermore, mediation and other forms of ADR have been gradually institutionalized in the Moroccan civil justice process. Various organizations, including the Centre for Effective Dispute Resolution, Search for Common Ground Morocco, the US Agency for International Development, the International Finance Corporation and the ADR Centre have contributed to these efforts, culminating in the implementation of a national ADR strategy and the training of hundreds of professional mediators, prison officers, young people and even prisoners in mediation.

Most importantly, 2007 saw the adoption of Conventional Mediation Law no. 08.05, which amends Chapter VIII, Title V of the Code of Civil Procedure. The salient Article is 327-55, which states:

So as to prevent or settle a dispute, the parties may agree on the appointment of a mediator whose mission consists of facilitating the conclusion of a settlement agreement putting an end to the dispute.

Parties to Moroccan civil claims are not legally compelled to consider mediation, apart from in divorce cases, where “mediation or conciliation” procedures are mandatory.⁶¹ For Grillo, however, the policy of mandatory mediation in some American states for family disputes is a negative development, given that the use of ADR in these cases has the potential to traumatize participants, a risk to which vulnerable female participants might be particularly susceptible.⁶² It may be of interest to socio–legal and other researchers in Morocco to collect and analyze data on the extent to which mediation is used, the kinds of cases in which it is used and the outcomes of such cases in this jurisdiction. Still, even without a systematic analysis of such data, evidence from both the customary dispute resolution practices and the use of mediation in civil cases strongly suggest that ADR and ADR-type processes and principles continue to play a significant role in Moroccan justice.

Transition, crime and restorative justice in Morocco

As noted earlier, restorative approaches can be used in transitional justice contexts, as was the case with the Truth and Reconciliation Commission in South Africa, the *gacaca* courts in Rwanda and, indeed, with Morocco’s Independent Arbitration Commission (IAC) and Equity and Reconciliation Commission (IER), set up in the

⁶⁰ Barkan and Karn (2006).

⁶¹ Herbert Smith Freehills Dispute Resolution (2013).

⁶² Grillo (1991).

wake of political oppression and human rights abuses throughout the 1960s, 70s and 80s. The mandate of the IER, established in 2004, was to uncover the truth about past violations, provide reparations to victims and families and recommend measures to prevent future conflicts. According to the International Centre for Transitional Justice,⁶³ the IAC compensated more than 7,000 people with around \$100m (USD) over a period of four years from 1999 to 2003. The IER recommended a further substantial round of reparations (\$85m USD of which was paid to 9,000 victims by 2009). Yet, what made this process particularly restorative was its effort to involve victims, not just in terms of its investigations but also by creating a platform on which victims could come and give their testimony in public.⁶⁴

Victim participation in such schemes can be vital to the healing process, helping to relieve any feelings of isolation and helplessness as well as allowing victims' suffering to be publicly acknowledged.

*It's a mistake to assume that the justice system is the best way to handle past abuses....In court, the victim is there as a party. But for us, the victim is the hero of the story.*⁶⁵

While some significant issues have been identified within the mandate and scope of the IER,⁶⁶ it is certainly positive to see both the Monarchy and civil society put such emphasis on victim participation and truth-telling; this bodes well for the future use of restorative practices in Morocco. The need to reintegrate and offer psychological assistance to victims, as per Article 9.5 of the King's 2004 decree, was also outlined in the IER's mandate.

It is in this context that support for the use of restorative justice in the criminal justice system of Morocco could be attained. Following the IER, and with the support of *la Fondation Mohamed VI pour la Réinsertion des Détenus* and other political, administrative and civil society bodies, it seems possible that Moroccans of all ages, ethnicities, religions and social standings can grow to support the increasing prioritization of the principles of restorative justice above those of retributive justice.

How might the implementation of restorative justice in the criminal justice process directly benefit Moroccan society? As noted earlier, it can reduce reoffending, increase levels of participation in and satisfaction with the criminal justice process,

⁶³ International Centre for Transitional Justice (2009).

⁶⁴ Many advocates of restorative justice would argue that without direct victim participation in a process, the process cannot be called "restorative justice", meaning that the giving of compensation or reparation in itself is not expressly restorative. Others, however, suggest that restorative-style processes which do not include the victim can still be referred to as "restorative approaches".

⁶⁵ Driss Benzekri, former President of the IER (2005), in Human Rights Watch (2005b).

⁶⁶ Human Rights Watch (2005a). These included, according to Human Rights Watch, arbitrary limits on the types of human rights violations considered and the inability of the IER to compel public bodies to cooperate with investigations.

reduce PTSS among victims and save significant amounts of money in the medium and long term. Indeed, there is no reason why each of these potential benefits, based on research from other countries though they may be, would not be applicable to the Moroccan context. Although a UNODC report from 2003 reported relatively low levels of acquisitive and violent crime in Morocco,⁶⁷ there have been some claims that crime rates have risen since then, including a reported 2% rise in 2006⁶⁸ and a 3.46% rise in 2009.⁶⁹ Still, whether crime is rising or falling, the use of restorative justice could contribute towards improved rates of recidivism among participant offenders. Moreover, in spite of the opportunities to participate in the justice process afforded to victims of state crime in Morocco, there seems to be little in the way of similar provisions for victims of everyday criminal offences. Indeed, as the Moroccan economy continues to grow at a healthy rate despite the global economic crisis, and as public officials, voters and civil society clamor for reform in all areas of public policy (not least in criminal justice), there could not be a better opportunity to invest in restorative justice.

One more example of how restorative justice might benefit Morocco is that it could be used as an alternative to imprisoning more offenders (particularly youths, young adults and non-violent offenders) in the already overcrowded prisons. According to data collected by Search for Common Ground, as of October 2011, the 61 prisons in Morocco with a capacity of 40,000 were holding over 65,000 inmates, 55% of which were under the age of 30. As can be seen from the US experience,⁷⁰ significant levels of overcrowding can result in the prevention of any useful rehabilitation, education or other productive programs from being completed, whilst simultaneously fostering a violent, disease-ridden⁷¹ and generally deleterious environment. Indeed, such overcrowding certainly impedes any efforts to help individuals reintegrate into society and runs counter to the idea that human rights must be respected among those deprived of their liberty. As the King himself has contended, prisoners are citizens, not just criminals, and taking away their liberty does not mean taking away their citizenship.

⁶⁷ UNODC (2003).

⁶⁸ Magharebia (2006).

⁶⁹ Magharebia (2010). To conclude whether crime has risen or not in Morocco would require access to much more comprehensive data than that which is currently in the public domain.

⁷⁰ Drucker (2011); Spencer (2012); Salins and Simpson (2013).

⁷¹ See Christie (2000) for a well-written overview of how overcrowding in Russian prisons contributed to the tuberculosis epidemic that occurred in the 1990s. Also, see Baussano *et al.* (2010) for a global review of this problem.

Implementing restorative justice

As outlined elsewhere,⁷² restorative justice can be used at any stage of the criminal justice process, including:

- with “nuisance” or “anti-social” incidents (or community disputes), which may not involve crime, but which the police may be expected to respond to anyway
- as an alternative to arrest, when an offence has been committed
- as an alternative to charge or prosecution, or as part of a deferred prosecution
- at the pre-sentencing stage (i.e. following conviction, but prior to sentencing as part of a deferred sentence)
- as part of a sentence, such as a community or suspended sentence
- or at the post-sentence stage (i.e. during or following a court-ordered sentence, such as before or after release from a prison).

Policymakers who wish to begin a restorative pilot project or introduce legislation to underpin the use of restorative justice must first consider at what stage of the criminal justice process they want the intervention to take place. This must be decided in collaboration and consultation with criminal justice agencies because the practitioners involved and the aims and possible outcomes of the project will differ depending on the stage at which restorative justice is being used. For example, introducing a system of deferring sentencing to allow restorative justice to take place at the pre-sentencing stage would require the cooperation of prosecutors and judges, and would allow victims and offenders a say in sentencing outcomes. Conversely, offering restorative justice in cases where the offender is already imprisoned would not have any impact on sentencing, but would focus on the rehabilitation of the offender, the participation of the victim and the reintegration and reconciliation of both parties. Its use at this stage would likely require the cooperation of the prison governor and prison officers.

There are a multitude of other factors to consider when making the arrangements for a pilot project or otherwise building the capacity to deliver restorative justice in a given area. These include:

- by whom and what process will cases be referred to the project
- by whom and what process will victims and offenders be invited to participate so that they do not feel pressured to do so
- whether the resources exist in a given local area to implement rehabilitative and reparative elements of outcome agreements. For example, victims and

⁷² Marder (2013).

offenders might be disappointed if they agree that the offender's drug abuse must be tackled, but there is no practical support available locally to aid this

- whether the development of partnerships (such as between police, local employers, educational or training institutions and NGOs or civil society organizations) might aid a project's delivery
- whether the resources exist to administer restorative justice safely and effectively, including a commitment to train practitioners appropriately and to allocate the time and resources to allow for the proper assessment, preparation, facilitation, follow-up, and monitoring and evaluation.

Thus, for service managers wishing to utilize restorative justice, there are many considerations, but also several existing delivery models on which a new restorative service can be based. The following discussion is based on this author's knowledge of the implementation of restorative justice, and is therefore primarily focused on the UK context.

The UK is split into three separate jurisdictions for much of its criminal justice policy: Scotland, Northern Ireland, and England and Wales. Interestingly, Northern Ireland, which has recently undergone a transition from civil conflict to relative peace, offers one of the best examples of a well-integrated referral process for restorative justice with young people. Following a young offender's conviction, but prior to the passing of sentence, there is a statutory requirement for judges to refer almost all cases⁷³ to the dedicated Youth Conferencing Service. Their job is to enquire as to whether victims and offenders wish to participate in a restorative conference, and then to prepare, facilitate and follow-up on these conferences, which usually involve offenders, direct or indirect victims and supporters of both parties. The judge then has the power either to sign-off the subsequent outcome agreement as the sentence, or to make amendments to or reject the agreement and impose a traditional sentence, the latter of which only happens in a small number of cases. It is well documented that conferences at this stage result in positive outcomes both in terms of reoffending rates and victim satisfaction; additionally victim participation for both minor and serious crimes are quite high.⁷⁴ There was a 94% offender satisfaction rate with conferences between 2006 and 2008,⁷⁵ while victim satisfaction in 2008-2009 was 89%, with 90% saying they would recommend the conference process to another victim.⁷⁶

Of equal importance are the low non-compliance rates with agreements made in conferences. One evaluation by Criminal Justice Inspection Northern Ireland found that, as of June 2007, only 13 of the 796 agreements made in 2006 had been

⁷³ Apart from offences which would require a compulsory life sentence upon conviction.

⁷⁴ Campbell *et al.* (2005); Jacobsen and Gibbs (2009).

⁷⁵ Youth Justice Agency (2009).

⁷⁶ Jacobsen and Gibbs (2009).

revoked by the courts or returned to the Public Prosecution Service for Northern Ireland due to non-compliance.⁷⁷ Victim participation rates are also at a high of 70%,⁷⁸ while evidence of better reoffending rates is also growing; in 2006, these stood at 37.7% for youth conferences, compared to 52.1% for community sentences and 70.7% for those released from custody (though these offenders might not necessarily be directly comparable). Northern Ireland also uses diversionary conferencing for young offenders, with approximately half of young offenders and victims being offered the opportunity to participate in a restorative conference prior to or instead of prosecution.⁷⁹

One model which has become increasingly popular among police forces in England and Wales is the Restorative Disposal. This is used as an alternative to prosecution for minor offences and involves the offender admitting guilt as well as both the victim and offender consenting to participate. In areas where this system is in use (such as Thames Valley, Dorset and Sheffield), police officers have the option of setting up an “on-the-spot” restorative conference between the victim and the offender or, alternatively, to arrange a more formal conference shortly thereafter. In either case, the idea is that the conference is an alternative to prosecution and thus averts the need for the offender to enter into the criminal justice system. Typically, this would be used for relatively minor, first offences only. A classic example of where this approach might be appropriate would be a child caught stealing some confectionary from a store. Following the child admitting their guilt, the arresting police officer can ask both the child and the store owner whether they consent to a restorative conference. Whether this conference takes place immediately or at a later date, the victim has a chance to explain the impact of theft to the child and receive an apology, while the child is spared the highly damaging (and, arguably, disproportionate) punishment of being given a criminal record along with other punitive measures usually meted out. The police officer then informs the local Youth Offending Team that the Disposal has taken place, which empowers the Team to contact and offer further support to the young person to prevent an escalation of offending behavior.

As is always the case with restorative justice, one key advantage is the perceived legitimacy of the process because participation is voluntary and both parties have an input in the outcome. Qualitative research has indicated improved perceptions of the police and of the criminal justice process more broadly among participant victims.⁸⁰ Another study of four of the eight police forces who piloted the Restorative Disposal for young offenders found high levels of support for the process among the police: it was seen as saving their time, improving public confidence in the police and allowing them to use their discretion, which had been increasingly limited in recent years due

⁷⁷ Criminal Justice Inspection Northern Ireland (2008). This number may have since increased, as around two-fifths of plans were still ongoing at the time this report was written.

⁷⁸ Restorative Justice Council (2011).

⁷⁹ Restorative Justice Council (2011).

⁸⁰ Meadows *et al.* (2012).

to centrally mandated policing targets.⁸¹ The main concern with this model of restorative justice is that the police officer has somehow to avoid putting too much pressure on the offender to plead guilty and participate; after all, they will not necessarily have had access to a lawyer at this point.

There are also many ways to implement restorative justice within youth and adult prisons. For example, restorative conferencing can be used to respond to conflicts between inmates, or between inmates and prison officers, much in the same way that mediation in such cases has already been encouraged and implemented by Search for Common Ground Morocco, but with more of a focus on the harm done by an incident and how relationships between individuals can be reconciled. There are in fact several ways to hold restorative dialogues between incarcerated offenders and their victims. These can range from the fairly straightforward (for instance, victims and offenders exchanging letters or being offered a restorative conference once the offender is in prison or at a later point in their sentence), to some of the more innovative techniques used by civil society organizations around the world. One such example is the Sycamore Tree Project run by Prison Fellowship International (PFI) in the United States. For this project, PFI recruits small groups of incarcerated offenders and unrelated victims (that is, victims of crimes committed by other people) who then have a series of facilitated sessions in which all parties discuss their experiences of offending or being victimized. Research has suggested that this process can be cathartic for victims, while promoting a change in mentality among offenders by exposing them to the severe emotional impact their actions can cause.⁸²

Another innovative in-prison restorative program is the Forgiveness Project, which operates in both the UK and the US. Its aim is to facilitate reconciliation and promote behavioral change by holding restorative conferences with victims and incarcerated offenders; it also collects and distributes stories of forgiveness. One study of its use in Ashfield Young Offenders Institute, Bristol found that it developed empathy, self-agency, reflexivity and motivation to change among participant offenders.⁸³ Another evaluation produced similar findings, but also focused on the ability of this project to improve victim awareness, maturity and calmness among offenders.⁸⁴

Some have even gone so far as to contemplate a fully restorative prison. According to Andrew Coyle, ex-Governor of Brixton Prison in England, a restorative prison would aim to:

- create more awareness among convicted prisoners of the impact of crime on victims and implement programs of direct mediation, conferencing and indirect communication between victims and offenders as standard

⁸¹ Rix *et al.* (2011).

⁸² Prison Fellowship International (2009).

⁸³ Straub (2013).

⁸⁴ Adler and Mir (2012).

- create a new direction for activities within prisons so that prisoners would spend some of their time working for the benefit of others
- remodel the way disputes are settled within the prison, incorporating restorative principles into grievance and disciplinary procedures
- build a new relationship with the community outside the prison to emphasize the need for prisoners to be reconciled with the wider society and be received back into it (i.e. resettlement programs).⁸⁵

These are just a few examples of the many restorative practices and conferencing projects which have taken place in prisons in the UK and elsewhere. Indeed, there are many other models that Morocco could attempt to emulate or build upon. For example, pre-sentence restorative justice can take place in prisons when offenders are on remand,⁸⁶ while a recent review of restorative justice in the prison system in England and Wales was recently undertaken by the Joint Inspectorates, and found a wide variety of tactics and methodologies being used across the country.⁸⁷ Indeed, there are many examples of restorative practices being used in European prisons in countries such as Belgium, Slovenia and Hungary,⁸⁸ and it seems highly likely that those who deliver and implement such policies would be willing to share their experiences and expertise with Moroccan criminal justice policymakers and practitioners who wish to attempt such projects.

Implementing restorative justice in Morocco: opportunities and challenges

This section will focus on Child Detention Centers as a potential entry point at which a restorative pilot project could take place in Morocco. This is because both diversionary restorative justice and restorative justice with adult offenders might be more difficult to sell to skeptical policymakers or members of the public without prior confirmation of its application in the Moroccan context. Restorative justice within Child Detention Centers would not displace punitive sentencing, nor would it result in reduced sentences for participant offenders. Rather, it would aim to assist in the maturation, desistance and reintegration processes of young offenders, while simultaneously affording their victims an opportunity to ask questions about the offence and express their views and emotions. It is therefore realistic to say that a restorative pilot project of direct and/or indirect communication between victims and offenders could take place in these Centers.

⁸⁵ Coyle (2001). A literature review, which contains data of the extent of each such feature in England and Wales can be found in Margaret Carey Foundation (2011, pp. 3-9).

⁸⁶ Shapland (2008).

⁸⁷ HM Criminal Justice Joint Inspectorates (2012, pp.49-56).

⁸⁸ Marien *et al.* (2010).

In Morocco, there are three classes of Child Detention Center: the National Juvenile Centers reserved for serious young offenders, the Centers for the Safeguarding of Childhood which handle those convicted of lesser offences and also houses a social services section which receives and protects children at risk, and the Centers for the Preparation of Reintegration which offer post-incarceration programs for social reintegration. Restorative justice could be introduced at any of these institutions with a view to facilitating indirect or direct dialogue between offenders and victims (or, as in the case of Sycamore Tree, with surrogate victims). Equally, restorative justice could be used to transform the response to resident–resident, staff–resident or staff–staff conflicts in any of these institutions in much the same way that Search for Common Ground has used techniques of mediation in Moroccan prisons to these ends. Irrespective of which approach is taken, such a project would have the potential to benefit the employees and residents of any such institution, as well as their families, victims and Moroccan society as a whole.

If implemented carefully, resourced properly and delivered by trained and skilled facilitators, restorative practices in these contexts could improve victim recovery and satisfaction with the criminal justice process, while also reducing reoffending, violence and opportunities for extremist recruitment through the promotion of reintegration, maturity and positive goal setting among young participants. Moreover, such a project could easily be framed as building on the successes of the recent project by Search for Common Ground Morocco and *la Fondation Mohamed VI pour la Réinsertion des Détenus*, in which 197 juvenile detainees were trained in methods of conflict resolution. In fact, *la Fondation*, with its focus on reintegration, education, training and jobs, would make the perfect partner for such a project; restorative justice is undoubtedly most effective on offenders when it is coupled with proactive attempts to help these individuals with education, skills and employment.

If the pilot project were to focus on instigating direct and indirect restorative dialogues between young offenders in Child Detention Centers and their victims (rather than on the transformation of conflicts within the Centers), then this would require:

- A carefully considered referral process. A participating Center could publicize the project internally and wait for offenders to ask to take part, work with a local police force or media publication to publicize the project among victims of crime, or ask internal staff to identify potentially suitable cases. It is also vital to have a high-quality and nuanced set of procedures in place for asking victims if they want to participate, which should be done face-to-face and framed as an attempt to hold offenders directly accountable to their victims.
- Trained and skilled facilitators, which would involve hiring an outside body with experience in training criminal justice practitioners in restorative processes to conduct the training. The facilitators, which could be volunteers, social workers or criminal justice practitioners, would require

sufficient time and resources to prepare, deliver, record and follow-up on restorative justice—particularly where conferencing is involved, preparation can be up to 90% of the workload—as well as a safe and secure location for any conferencing to take place (i.e. within the Center if necessary).

- The capacity to deliver locally anything which makes up part of an outcome agreement, such as drug or alcohol treatment, reparation, education or training. Outcomes from restorative conferences should be “SMART”, by which means that they should be “Specific, Measurable, Agreed by all parties, Realistic and Time-limited”.
- The collection of baseline, monitoring and evaluative data from a variety of stakeholders, including participant victims, offenders and criminal justice professionals. A Center could partner with a university or another research organization to collect and analyze these data (which ideally would be both quantitative and qualitative), while the results and methodologies of these studies should be made publicly available.
- The flexibility and capacity to offer indirect restorative approaches, such as victim awareness, shuttle mediation and letter writing, in cases where assessments show a full conference not to be the best option.
- Acceptance by and support from the staff, management and leadership of a Center, as well as other relevant criminal justice practitioners and Ministry of Justice or Ministry of the Interior policymakers, including possibly the General Direction of the Prisons Administration and Reinsertion (DGAPR) and the Cabinet of the Prime Minister. This could be achieved through open engagement, the holding of purposeful debates and raising awareness among these individuals of the benefits of restorative justice. Ideally, restorative justice would also have the support of the general public, and could again be framed as a method of holding offenders directly accountable to their victims in order to achieve this support.
- The accompaniment of a broader system of rehabilitation and reintegration programs. Restorative justice is most effective when coupled with education, training, employment and broader help and support, rather than when used in isolation. One such example is the Intensive Alternatives to Custody project in the UK, which uses restorative justice as part of a much wider array of supervision and requirements.⁸⁹

⁸⁹ Hansbury (2011).

Conclusion

Restorative justice is a unique and innovative way of responding to crime and conflict. By emphasizing respect, participation in mutual dialogue and collaborative decision making, restorative justice can satisfy many of the needs and interests of victims, offenders and communities which are all too often ignored by criminal justice processes in the pursuit of blame, stigmatization and punishment. Among its many potential benefits are lower rates of reoffending, higher rates of victim satisfaction, reductions in PTSS among victims and significant savings for the state and society in the medium and long term. It must, however, be entirely voluntary for all parties as a strict condition of its use, while adhering to the broader principles which underpin restorative justice.

In Morocco, it would be possible to build on and learn from the ways in which other Islamic and non-Islamic societies have used restorative justice with crime. It would also be pertinent to examine the Moroccan experience of ADR and the Equity and Reconciliation Commission. Moreover, it is important to recognize the significance of cultural differences in the way that justice is both perceived and done, but not to exaggerate such differences, instead placing emphasis on commonalities and utilizing flexible and responsive techniques, of which restorative justice is just one example. This way, all interested parties might come together to achieve the ultimate goals of respect for human rights, security and a decent standard of living for all Moroccans. This author believes restorative justice to be a particularly interesting and worthwhile area to examine because it transcends time and space; its values of mutual respect, dialogue and the communal ownership of conflicts and their resolution appears to be something that is shared by many nations, societies and cultures.

Overall, given the mandates, past experiences and successes of Search for Common Ground Morocco, *la Fondation Mohamed VI pour la Réinsertion des Détenus*, the Ministry of Justice and other partners involved in penal reform and the transformation of conflicts within the Moroccan penal estate, it can be stated with confidence that a restorative pilot project could be successfully established within Moroccan Child Detention Centers, or at an alternative point of or location within the Moroccan criminal justice process. Furthermore, if implemented with due care and attention, the successes of such a project can be used to gain political and public support with the ultimate aim of further integrating restorative justice into the Moroccan criminal justice process, and into Moroccan public policy more broadly. It is true that there are many challenges for those in charge of designing, implementing and evaluating such a project. These are by no means insurmountable, however, and much can be learned from the experiences and research of those who have already started along this path. Indeed, it can be stated with near certainty that those involved in attempting to make restorative justice work in Morocco will always be able to rely on the help and expertise of others in this vast global practice.

Bibliography

ACPO, 2012a. *Guidelines on the use of Community Resolutions Incorporating Restorative Justice*, London: ACPO.

ACPO, 2012b. *Restorative Justice Guidelines and Minimum Standards*, London: APCO.

Adler, J. & Mir, M., 2012. *Evaluation of the Forgiveness Project Within Prisons*. [Online]
Available at: https://eprints.mdx.ac.uk/9401/10/adler_full_report.pdf
[Accessed 14 08 2013].

Aertson, I., 2009. Restorative police practices in Belgium: A research into mediation processes and their origin. *Journal of Policing Studies*, 2(11), pp. 65-82.

Ahmed, Z., 2010. *Combining Modern and Traditional Justice Techniques: The Jirga in Pakistan*. [Online]
Available at: <http://www.insightonconflict.org/2010/08/jirga-restorative-justice/>
[Accessed 05 08 2013].

Angel, C. et al., 2006. *Effects of Restorative Justice Conferences on Post-traumatic Stress Symptoms Among Robbery and Burglary Victims: A Randomised Control Trial*. [Online]
Available at:
http://www.campbellcollaboration.org/artman2/uploads/1/Angel_restorative_justice.pdf
[Accessed 05 08 2013].

Audit Commission, 2010. *Sustaining value for money in the police service*. [Online]
Available at: <http://www.lgcplus.com/Journals/3/Files/2010/7/20/20100720policevfmreportfull.pdf>
[Accessed 21 03 2014].

Barkan, E. & Karn, A., 2006. Group Apology as an Ethical Imperative. In: E. Barkan & A. Karn, eds. *Taking Wrongs Seriously: Apologies and Reconciliation*. Stanford: Stanford University Press, pp. 3-32.

Baussano, I. et al., 2010. Tuberculosis Incidence in Prisons: A Systematic Review. *PLoS Med*, 7(12).

BBC News, 2013. *West Midland Police restorative justice scheme wins £500k*. [Online]
Available at: <http://www.bbc.co.uk/news/uk-england-birmingham-25009330>
[Accessed 17 03 2014].

Beesley, A., 2013. *Cabinet to Discuss Proposals for Restorative Justice - Irish Times*. [Online]
Available at: <http://www.irishtimes.com/news/politics/cabinet-to-discuss-proposals-for-restorative-justice-1.1678453>
[Accessed 10 02 2014].

Bowcott, O., 2013. *Restorative Justice Funds to be Boosted by Fines and Confiscations - The Guardian*. [Online]
Available at: <http://www.theguardian.com/law/2013/nov/19/restorative-justice-programmes-fines-confiscations>
[Accessed 29 11 2013].

- Braithwaite, J., 1989. *Crime, Shame and Reintegration*. Cambridge: Cambridge University Press.
- Cake, C. & Cooper, K., 2011. *Restorative approaches can make a difference in the relationship between local government bodies and the communities they serve*. [Online]
Available at: http://eprints.lse.ac.uk/38011/1/blogs_lse_ac_uk-Restorative_approaches_can_make_a_difference_in_the_relationship_between_local_government_bodies_and_.pdf
[Accessed 17 03 2014].
- Campbell, C. et al., 2005. *Evaluation of the Northern Ireland Youth Conference Service*, Belfast: Queens's University.
- Cheshire Constabulary, 2014. *Restorative Justice*. [Online]
Available at: <https://www.cheshire.police.uk/advice--information/restorative-justice.aspx>
[Accessed 25 03 2014].
- Christie, N., 1977. Conflicts as Property. *British Journal of Criminology*, 17(1), pp. 1-15.
- Christie, N., 2000. *Crime Control as Industry: Towards Gulags, Western Style*. Abingdon: Routledge.
- Coronas, C., 2006. *Promoting the Practice of Victim-Offender Mediation in Turkey*. [Online]
Available at:
<http://www.law.kuleuven.be/linc/english/research/researchvictimoffendermediationturkey.html>
[Accessed 05 08 2013].
- Coyle, A., 2001. *Restorative Justice in the Prison Setting - A Paper Presented at the Conference of the International Prisons Chaplains' Association*. s.l.:s.n.
- Crawford, A., 2010. *Conceptual Links and Policy Challenges (Restorative Justice and Crime Prevention: Presenting a Theoretical Explanation, an Empirical Analysis and the Policy Perspective)*. [Online]
Available at:
http://euforumrj.org/assets/upload/Restorative_Justice_and_Crime_Prevention_Final_report.pdf
[Accessed 30 10 2013].
- Crawford, A., 2010. *Restorative Justice and Crime Prevention: Presenting a Theoretical Exploration, an Empirical Analysis and the Policy Perspective - Conceptual Links and Policy Challenges*. [Online]
Available at:
http://euforumrj.org/assets/upload/Restorative_Justice_and_Crime_Prevention_Final_report.pdf
[Accessed 19 08 2013].
- Crawford, A. & Newburn, T., 2002. Recent Developments in Restorative Justice for Young People in England and Wales - Community Participation and Representation. *British Journal of Criminology*, Volume 42, pp. 476-495.
- Criminal Justice Inspection Northern Ireland, 2008. *Youth Conference Service - Inspection of the Youth Conference Service in Northern Ireland*. [Online]
Available at: <http://www.cjini.org/CJNI/files/f3/f3cad34a-3f8f-49ef-8e02-131d85fa0ff4.pdf>
[Accessed 20 02 2013].

- Crown Prosecution Service, 2013. *Restorative Justice as Part of Conditional Cautioning*. [Online] Available at: http://www.cps.gov.uk/legal/p_to_r/restorative_justice/#an03 [Accessed 30 01 2013].
- Daly, K., 2002. Sexual Assault and Restorative Justice. In: H. Strang & J. Braithwaite, eds. *Restorative Justice and Family Violence*. Cambridge: Cambridge University Press, pp. 62-88.
- Daly, K., 2006. Restorative Justice and Sexual Assault: An Archival Study of Court and Conference Cases. *British Journal of Criminology*, 46(2), pp. 334-356.
- Davenport, J., 2014. *Police officers meet their accusers as Met tries to improve 'rude' image*. [Online] Available at: <http://www.standard.co.uk/news/london/police-officers-meet-their-accusers-as-met-tries-to-improve-rude-image-9148815.html> [Accessed 17 03 2014].
- Dignan, J., 2007. Juvenile Justice, Criminal Courts and Restorative Justice. In: G. Johnstone & D. Van Ness, eds. *Handbook of Restorative Justice*. Cullompton: Willan Publishing, pp. 269-291.
- Drucker, E., 2011. *A Plague of Prisons: The Epidemiology of Mass Incarceration in America*. New York: The New Press.
- Fattah, E., 1997. *Criminology: Past, Present and Future - A Critical Overview*. Basingstoke: Macmillan Press Ltd.
- Fellegi, B., 2005. *State of Affairs of Restorative Justice in Hungary*. [Online] Available at: http://www.fellegi.hu/files/AGISReport_Hungary.pdf [Accessed 10 02 2014].
- Felson, R., Messner, S., Hoskin, A. & Deane, G., 2002. Reasons for Reporting and Not Reporting Domestic Violence to the Police. *Criminology*, 40(3), p. 617-648.
- Findlay, M. & Henham, R., 2005. *Transforming International Criminal Justice: Retributive and Restorative Justice in the Trial Process*. Portland: Willan Publishing.
- Furman, J., 2012. *An Economic Analysis of Restorative Justice*. [Online] Available at: <http://restorativejusticecollaborative.files.wordpress.com/2013/03/umass-rj-exec-summary.pdf> [Accessed 13 08 2013].
- Gavrielides, T., 2007. *Restorative Justice Theory and Practice: Addressing the Discrepancy*. Helsinki: European Institute for Crime Prevention and Control.
- Gavrielides, T., 2012. *Waves of Healing: Using Restorative Justice with Street Group Violence*. London: Independent Academic Research Studies Publications.
- Golub, S., 2003. *Non-state Justice Systems in Bangladesh and the Philippines*. [Online] Available at: <http://gsdrc.org/docs/open/DS34.pdf> [Accessed 05 08 2013].

Grillo, T., 1991. The Mediation Alternative: Process Dangers for Women. *The Yale Law Journal*, 100(6), pp. 1545-1610.

Hansbury, S., 2011. *Evaluation of the Intensive Alternatives to Custody Pilots*. [Online]

Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/217372/intensive-alt-custody-research-summary.pdf

[Accessed 18 08 2013].

Hart, B. & Saed, M., 2010. Integrating Principles and Practices of Customary Law, Conflict Transformation and Restorative Justice in Somaliland. *Africa Peace and Conflict Journal*, 3(2), pp. 1-17.

Hayes, H. & Daly, K., 2003. Youth Justice Conferencing and Reoffending. *Justice Quarterly*, 20(4), pp. 725-764.

Hayes, H. & Daly, K., 2004. Conferencing and Re-offending in Queensland. *The Australian and New Zealand Journal of Criminology*, 37(2), p. 167–191.

Herbert Smith Freehills Dispute Resolution, 2013. *Alternative Dispute Resolution in Africa (Part 4)*. [Online]

Available at: <http://hsf-adrnotes.com/2013/05/01/alternative-dispute-resolution-in-africa-part-4/>

[Accessed 06 08 2013].

Herrington, V., May, T. & Warburton, H., 2007. *From Informal to Local Resolution: Assessing Changes to the Handling of Low-Level Police Complaints - A Report for The Police Foundation and the Independent Police Complaints Commission*. [Online]

Available at:

http://www.ipcc.gov.uk/sites/default/files/Documents/research_stats/accessing_changes_-_lr1.pdf

[Accessed 17 03 2014].

HM Criminal Justice Joint Inspectorates, 2012. *Facing Up to Offender: Use of Restorative Justice in the Criminal Justice System*. [Online]

Available at:

http://www.hmcpai.gov.uk/documents/reports/CJJI_THM/VWEX/RJ_CJJI_rpt_Sept12.pdf

[Accessed 15 08 2013].

Home Office, 2013. *A Revised Framework For Recorded Crime Outcomes*. [Online]

Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/157796/consultation-response.pdf

[Accessed 17 03 2014].

Hoyle, C., 2008. Restorative justice, victims and the police. In: T. Newburn, ed. *Handbook of Policing*. Cullompton: Willan Publishing, pp. 794-823.

Hoyle, C., Young, R. & Hill, R., 2002. *Proceed With Caution: An evaluation of the Thames Valley Police initiative in restorative cautioning*. [Online]

Available at: <http://www.jrf.org.uk/sites/files/jrf/1859353819.pdf>
[Accessed 17 03 2014].

Human Rights Watch, 2005a. *Morocco*. [Online]
Available at: <http://www.hrw.org/reports/2005/morocco1105/2.htm>
[Accessed 07 08 2013].

Human Rights Watch, 2005b. *Morocco*. [Online]
Available at: <http://www.hrw.org/reports/2005/morocco1105/6.htm>
[Accessed 07 08 2013].

Insurance Institute of London, 2011. *Alternative Dispute Resolution in Practice*. London: Insurance Institute of London.

International Centre for Transitional Justice, 2009. *Truth and Reconciliation in Morocco*. [Online]
Available at: <http://ictj.org/sites/default/files/ICTJ-Morocco-TRC-2009-English.pdf>
[Accessed 07 08 2013].

Irani, G. & Funk, N., 2000. *Rituals of Reconciliation: Arab-Islamic Perspectives*. [Online]
Available at: http://www.academia.edu/352902/Rituals_of_Reconciliation_Arab-Islamic_Perspectives
[Accessed 05 08 2013].

Irving, S., 2013. *Workshops on Restorative Justice Designed for 3,000 Police Officers*. [Online]
Available at: <http://jis.gov.jm/workshops-restorative-justice-designed-3000-police-officers/>
[Accessed 12 03 2014].

Jacobsen, J. & Gibbs, P., 2009. *Making Amends: Restorative Youth Justice in Northern Ireland*. [Online]
Available at: http://www.prisonreformtrust.org.uk/uploads/documents/making_amends.pdf
[Accessed 05 02 2013].

Jacobsen, J. & Gibbs, P., 2009. *Making Amends: Restorative Youth Justice in Northern Ireland*. [Online]
Available at: http://socialwelfare.bl.uk/subject-areas/services-client-groups/young-offenders/prisonreformtrust/1508242009_making_amends.pdf
[Accessed 16 08 2013].

Johnstone, G., 2008. *Restorative Justice: Ideas, Values, Debates*. Cullumpton: Willan Publishing.

King-Irani, L., 2004. To Reconcile, or to be Reconciled? Agency, Accountability and Law in Middle Eastern Conflicts. *Hastings International and Comparative Law Review*, Volume 369, pp. 369-386.

Laala, H., 2013. *Mediation in Modern Morocco: The Realities and the Challenges Following the National Reconciliation of 2001*. Rabat: Search for Common Ground.

Larsen, A., 2014. *Restorative justice in the Australian criminal justice system (Australian Institute of Criminology)*. [Online]

Available at: http://www.aic.gov.au/media_library/publications/rpp/rpp127.pdf
[Accessed 29 03 2014].

Latimer, J., Dowden, C. & Muise, D., 2005. The Effectiveness of Restorative Justice Practices: A Meta-analysis. *The Prison Journal*, 85(2), pp. 127-144.

Llewellyn, J. & Howse, R., 1998. *Restorative Justice: A Conceptual Framework*. Ottawa: Law Commission of Canada.

Luke, G. & Lind, B., 2002. *Reducing Juvenile Justice: Conferencing versus Court*. [Online]
Available at:
[http://www.professionalstandardscouncil.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/CJB69.pdf/\\$file/CJB69.pdf](http://www.professionalstandardscouncil.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/CJB69.pdf/$file/CJB69.pdf)
[Accessed 13 02 2013].

Magharebia, 2006. *Rising Crime Rate in Morocco*. [Online]
Available at: <http://magharebia.com/fr/articles/awi/newsbriefs/general/2006/11/23/newsbrief-04>
[Accessed 08 08 2013].

Magharebia, 2010. *Morocco Crime Rate Leaves Women on Edge*. [Online]
Available at: http://magharebia.com/en_GB/articles/awi/features/2010/06/21/feature-01
[Accessed 08 08 2013].

Manchester City Council Communities Scrutiny Committee , 2013. *Restorative Justice - December 11th 2013*, Manchester: Manchester City Council.

Marder, I., 2013. *Restorative Justice for Young Adults: Factoring in Maturity and Facilitating Desistance*, London: Barrow Cadbury Trust.

Margaret Carey Foundation, 2011. *Restorative Practice in Prisons: Assessing the Work of the Inside Out Trust*. [Online]
Available at: <http://www.margaretcareyfoundation.org.uk/wp-content/uploads/2011/11/ARCS-research-report.pdf>
[Accessed 15 08 2013].

Marien, K., Friscovec, R. & Gyokos, M., 2010. *European Best Practices of Restorative Justice in the Criminal Procedure - Conference Proceedings*. s.l., s.n.

Marshall, T., 1999. *Restorative Justice: An Overview*. London: Home Office.

Marshall, T., 1999. *Restorative Justice: An Overview*. [Online]
Available at:
<http://webarchive.nationalarchives.gov.uk/20110218135832/http://rds.homeoffice.gov.uk/rds/pdfs/occ-resjus.pdf>
[Accessed 04 12 2012].

Matrix Evidence, 2009. *Economic Analysis of Interventions for Young Offenders*. London: Barrow Cadbury Trust.

Maxwell, G. & Morris, A., 2001. Family Group Conferences and Reoffending. In: G. Maxwell & A. Morris, eds. *Restorative Justice for Juveniles: Conferencing, Mediation and Circles*. Portland: Hart Publishing, pp. 243-264.

May, T., 2013. *Police and Crime Commissioners, one year on: warts and all*. [Online]
Available at: <https://www.gov.uk/government/speeches/police-and-crime-commissioners-one-year-on-warts-and-all>
[Accessed 21 03 2014].

McCold, P., 1998. *Police Facilitated Restorative Conferencing: What the Data Show (International Institute for Restorative Practice)*. [Online]
Available at: <http://www.iirp.edu/pdf/policeconferencing.pdf>
[Accessed 03 28 2014].

McMahon, T., 2013. The Sinister Side of Restorative Justice. *Criminal Law and Justice Weekly*, Volume 177, p. 705.

Meadows, L., Albertson, K., Ellingworth, D. & Senior, P., 2012. *Evaluation of the South Yorkshire Restorative Justice Programme*, Sheffield: Hallam Centre for Community Justice.

Meadows, L., Albertson, K., Ellingworth, D. & Senior, P., 2012. *Evaluation of the South Yorkshire Restorative Justice Programme*, Sheffield: Hallam Centre for Community Justice.

Mercopress, 2014. *Uruguay police officers training in 'restorative justice' methods in Cambridge*. [Online]
Available at: <http://en.mercopress.com/2014/01/17/uruguay-police-officers-training-in-restorative-justice-methods-in-cambridge>
[Accessed 12 03 2014].

Metropolitan Police Authority, 2011. *Update on the development and delivery of restorative justice within the MPS*. [Online]
Available at: <http://policeauthority.org/metropolitan/committees/sop/2011/0407/11/index.html>
[Accessed 17 03 2014].

Miers, D., 2007. The International Development of Restorative Justice. In: G. Johnston & D. Van Ness, eds. *Handbook of Restorative Justice*. Cullompton: Willan Publishing, pp. 447-467.

Miers, D. et al., 2001. *An Exploratory Evaluation of Restorative Justice Schemes*. [Online]
Available at: http://kar.kent.ac.uk/2115/1/Uglow_exploratory_evaluation_2001.pdf
[Accessed 13 02 2013].

Ministry of Justice, 2010. *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. [Online]
Available at:
<http://webarchive.nationalarchives.gov.uk/20120119200607/http://www.justice.gov.uk/consultations/docs/breaking-the-cycle.pdf>
[Accessed 26 02 2014].

Ministry of Justice, 2011. *Pre-Application Protocol for Mediation Information and Assessment - Practice Direction Part 3A*. [Online]

Available at: http://www.justice.gov.uk/courts/procedure-rules/family/pdf/practice_directions/Web_pd_part_03a.pdf

[Accessed 23 04 2012].

Ministry of Justice, 2012. *Restorative Justice Action Plan for the Criminal Justice System*. [Online]

Available at: <http://www.justice.gov.uk/downloads/publications/policy/moj/restorative-justice-action-plan.pdf>

[Accessed 20 11 2012].

Ministry of Justice, 2013. *2013 Restorative Justice Action Plan for the Criminal Justice System*, London: Ministry of Justice.

Morris, T. & Trammell, R., 2011. Formal and Informal Justice and Punishment: Urban Law and Rural Mediation Rituals in Yemen. *Race and Justice*, 1(2), pp. 131-153.

Muntingh, L., 2005. Alternative Sentencing in South Africa: An Update. In: T. Maepa, ed. *Beyond Retribution, Prospects for Restorative Justice in South Africa: Monograph 111*. Pretoria: Institute for Security Studies, pp. 104-119.

New Zealand Ministry of Justice, 2011. *Reoffending Analysis for Restorative Justice Cases: 2008 and 2009 - A Summary*. [Online]

Available at: <http://www.justice.govt.nz/publications/global-publications/r/reoffending-analysis-for-restorative-justice-cases-2008-and-2009/summary>

[Accessed 19 02 2013].

NOMS, 2012. *NOMS Commissioning Intentions (2012-2013) Version 2*, London: NOMS.

North Devon Journal, 2013. *Devon and Cornwall police will be given £300,000 to deliver Restorative Justice*. [Online]

Available at: <http://www.northdevonjournal.co.uk/Devon-Cornwall-police-given-300-000-deliver/story-20098614-detail/story.html>

[Accessed 12 03 2014].

O'Mahony, D. & Doak, J., 2004. Restorative Justice – Is More Better? The Experience of Police-led Restorative Cautioning Pilots in Northern Ireland. *The Howard Journal of Criminal Justice*, 43(5), p. 484–505.

Passive Progressive, 2010. *Legal Research in Morocco: One Big Traffic Jam*. [Online]

Available at: <http://passiveprogressive.wordpress.com/2010/11/18/legal-research-in-morocco-one-big-traffic-jam/>

[Accessed 30 03 2014].

Paterson, C. & Clamp, K., 2012. Exploring recent developments in restorative policing in England and Wales. *Criminology and Criminal Justice*, 12(5), pp. 593-611.

Patterson, C., 2013. *Restorative Justice Programme Strengthened - Jamaica Information Service*. [Online]

Available at: <http://jis.gov.jm/restorative-justice-programme-strengthened/>
[Accessed 10 02 2013].

Prenzler, T. & Hayes, H., 1998. Victim-offender mediation and the gatekeeping role of the police. *International Journal of Police Science and Management*, 2(1), pp. 17-32.

Prison Fellowship International, 2009. *Sycamore Tree Project*. [Online]
Available at: <http://www.pfi.org/cjr/stp>
[Accessed 14 08 2013].

Restorative Justice Council, 2009. *What Does the Ministry of Justice Research Tell Us?*, London: Restorative Justice Council.

Restorative Justice Council, 2011. *A New Way of Doing Justice: The Response of the Restorative Justice Council to the Sentencing Green Paper - Breaking the Cycle, March 2011*, London: Restorative Justice Council.

Restorative Justice Council, 2012. *Henry's Story: Facing the Music*. [Online]
Available at:
http://www.restorativejustice.org.uk/resource/henrys_story_facing_the_music/#.UgjVI5K1EaA
[Accessed 12 08 2013].

Restorative Justice Council, 2012. *Legislation Introducing Restorative Justice for Victims of Adult Offenders Announced*. [Online]
Available at: <http://www.restorativejustice.org.uk/news/rjlaw/#.UL3sUqx96jg>
[Accessed 04 12 2012].

Restorative Justice Council, 2013b. *What is Restorative Justice?*. [Online]
Available at: http://www.restorativejustice.org.uk/what_is_restorative_justice/#.Uf0G0pK1EaA
[Accessed 03 08 2013].

Restorative Justice Council, 2013. *Restorative Justice Works*. [Online]
Available at: http://www.restorativejustice.org.uk/restorative_justice_works/#.Uglb2ZK1EaA
[Accessed 07 08 2013].

Restorative Justice Council, 2013. *What is Restorative Justice?*. [Online]
Available at: http://www.restorativejustice.org.uk/what_is_restorative_justice/#.Uf0G0pK1EaA
[Accessed 03 08 2013].

Restorative Justice Council, 2014. *The need for the RSQM*. [Online]
Available at: http://rsqm.org.uk/find_out_more/aims/
[Accessed 17 03 2014].

Rix, A. et al., 2011. *Youth Restorative Disposal Process Evaluation*. [Online]
Available at: <http://yjbpublishings.justice.gov.uk/en-gb/Resources/Downloads/Youth%20Restorative%20Disposal%20Process%20Evaluation.pdf>
[Accessed 14 08 2013].

- Robinson, G. & Shapland, J., 2008. Reducing Recidivism: A Task for Restorative Justice?. *British Journal of Criminology*, 48(3), pp. 337-358.
- Roche, D., 2003. *Accountability in Restorative Justice*. Oxford: Oxford University Press.
- Salins, L. & Simpson, S., 2013. Illinois Symposium: Note: Efforts to Fix a Broken System: Brown v. Plata and the Prison Overcrowding Epidemic. *Loyola University Chicago Law School Journal*, Volume 44, pp. 1153-1200.
- Schiff, M., 2007. Satisfying the Needs and Interests of Stakeholders. In: G. Johnstone & D. Van Ness, eds. *Handbook of Restorative Justice*. Cullumpton: Willan Publishing, pp. 228-264.
- Shapland, J., 2008. *Restorative Justice and Prisons*. [Online]
Available at: http://www.foresee.hu/uploads/media/Paper_by_Joanna_Shapland.pdf
[Accessed 15 08 2013].
- Shapland, J. et al., 2007. *Restorative Justice: The Views of Victims and Offenders - The Third Report from the Evaluation of Three Schemes*, London: Ministry of Justice.
- Shapland, J. et al., 2008. *Does Restorative Justice Affect Reconviction? The Fourth Report from an Evaluation of Three Schemes*, London: Ministry of Justice.
- Shapland, J. et al., 2004. *Implementing Restorative Justice Crimes (Crime Prevention Programme): A Report on the First Year*. [Online]
Available at: <http://library.npia.police.uk/docs/hordsolr/rdsolr3204.pdf>
[Accessed 19 11 2012].
- Sherman, L., Strang, H. & Newbury-Birch, D., 2008. *Restorative Justice*. [Online]
Available at: <http://www.justice.gov.uk/downloads/youth-justice/yjb-toolkits/victims/keep-rj-source-document.pdf>
[Accessed 12 08 2013].
- Shewan, G., 2010. *A Business Case for Restorative Justice and Policing*, London: ACPO.
- Skelton, A., Wang, P., Di, X. & Wan, K., 2007. Regional Reviews. In: G. Johnstone & D. Van Ness, eds. *Handbook of Restorative Justice*. Cullompton: Willan Publishing, pp. 468-533.
- Spencer, L., 2012. A State of Emergency in Alabama Prison Overcrowding. *SAGE Open*, 2(3), pp. 1-5.
- Stahlkopf, C., 2009. Restorative Justice, Rhetoric, or Reality? Conferencing with Young Offenders. *Contemporary Justice Review*, 12(3), pp. 231-251.
- Stewart, A. & Smith, F., 2004. Youth justice conferencing and police referrals: The gatekeeping role of the police in Queensland, Australia. *Journal of Criminal Justice*, Volume 32, pp. 345-357.
- Strang, H., 2002. *Repair or Revenge: Victims and Restorative Justice*. Oxford: Oxford University Press.
- Strang, H. et al., 2006. Victim Evaluations of Face-to-Face Restorative Justice Conferences: A Quasi-Experimental Analysis. *Journal of Social Issues*, 62(2), pp. 281-306.

Strang, H. et al., 2013. *Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review*, Oslo: The Campbell Collaboration.

Straub, C., 2013. *Embedding RESTOR into the Fabric of YOI Ashfield: Qualitative Analysis of Impact and Effectiveness*. [Online]

Available at: <http://theforgivenessproject.com/wp-content/uploads/2013/06/Evaluation-Report-YOI-Ashfield.pdf>

[Accessed 14 08 2013].

Sylvester, D., 2003. Myths in Restorative Justice History. *Utah Law Review*, Volume 1, pp. 471-522.

Taylor, R., 2013. *Update on Cambridgeshire Police use of restorative justice*. [Online]

Available at: <http://www.rtaylor.co.uk/cambridgeshire-police-restorative-justice.html>

[Accessed 17 03 2014].

Thompson, E., 1992. *Customs in Common*. London: Merlin Press.

Tyler, T. et al., 2007. Reintegrative Shaming, Procedural Justice, and Recidivism: The Engagement of Offenders' Psychological Mechanisms in the Canberra RISE Drinking-and-Driving Experiment. *Law and Society Review*, 41(3), p. 553–586.

Umbreit, M. & Vos, B., 2000. Homicide Survivors Meet the Offender Prior to Execution: Restorative Justice Through Dialogue. *Homicide Studies*, 4(1), pp. 63-87.

UNICEF, 2009. *Assessment of Juvenile Justice Reform Achievements in Turkey*. [Online]

Available at: http://www.unicef.org/ceecis/UNICEF_JJTurkey08.pdf

[Accessed 05 08 2013].

United Nations Development Programme, 2009. *Mediation Practice in the Criminal Justice System*.

[Online]

Available at: <http://www.undp.org.tr/Gozlem2.aspx?WebSayfaNo=1849>

[Accessed 05 08 2013].

UNODC, 2003. *Country Profile, Drugs and Crime: Morocco*. [Online]

Available at: http://www.unodc.org/pdf/egypt/country_profile_morocco.pdf

[Accessed 08 08 2013].

US Department of State, 2010. *2010 Human Rights Practices: Morocco*. [Online]

Available at: <http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154468.htm>

[Accessed 30 03 2014].

Van Ness, D., 2002. The Shape of Things to Come: A Framework for Thinking About a Restorative Justice System. In: E. Weitekamp & H. Kerner, eds. *Restorative Justice: Theoretical Foundations*. Portland: Willan Publishing, pp. 1-21.

Van Ness, D. & Strong, K., 2010. *Restoring Justice*, New Providence: Matthew Bender & Company, Inc..

Wang, J., 2008. Victims of Crime in Taiwan's Criminal Justice System. In: W. Chan, ed. *Support for Victims of Crime in Asia*. Abingdon: Routledge, pp. 222-239.

West Midlands Police, 2013. *Victims praise new West Midland approach to justice*. [Online] Available at: <https://www.youtube.com/watch?v=sZp9BNN-3Ro> [Accessed 17 03 2014].

Wilcox, A. & Hoyle, C., 2004. *The National Evaluation of the Youth Justice Board's Restorative Justice Projects*. [Online] Available at: [file:///C:/Users/Ian%20Marder/Downloads/4hlv the national evaluation of the youth justice boards restorative justice projects.pdf](file:///C:/Users/Ian%20Marder/Downloads/4hlv%20the%20national%20evaluation%20of%20the%20youth%20justice%20boards%20restorative%20justice%20projects.pdf) [Accessed 28 03 2014].

Wiltshire Police, 2014. *Local Resolution - dealing with offenders of low level crime and anti-social behaviour in the community*. [Online] Available at: <http://www.wiltshire.police.uk/index.php/information/safety-advice/local-resolution> [Accessed 17 03 2014].

Young, R., 2001. Just cops doing "shameful" business? Police-led restorative justice and the lessons of research. In: A. Morris & G. Maxwell, eds. *Restorative Justice for Juveniles: Conferencing, Mediation and Circles*. Oxford: Hart Publishing, pp. 195-226.

Young, R., Hoyle, C., Cooper, K. & Hill, R., 2005. Informal resolution of complaints against the police: A quasi-experimental test of restorative justice. *Criminal Justice*, 5(3), pp. 279-317.

Youth Justice Agency, 2009. *Youth Justice Agency: Annual Report and Accounts 2008-9*. London: The Stationary Office.

Zehr, H., 1990. *Changing Lenses: A New Focus for Crime and Justice*. Scottsdale: Herald Press.

Zehr, H. & Mika, H., 2003. Fundamental Concepts of Restorative Justice. In: E. McLaughlin, R. Fergusson, G. Hughes & L. Westmarland, eds. *Restorative Justice: Critical Issues*. London: SAGE Publications Ltd, pp. 40-43.

Zernova, M., 2007. *Restorative Justice: Ideals and Realities*. Aldershot: Ashgate Publishing Ltd..

Zernova, M., 2007. *Restorative Justice: Ideals and Realities*. Aldershot: Ashgate Publishing Limited.

About the Author



***Ian Marder** is a Ph.D. student and Graduate Teaching Assistant at the Centre for Criminal Justice Studies, University of Leeds. He is trained in the facilitation of restorative processes and has previously conducted research for organisations in the not-for-profit and international governance fields of disarmament, restorative justice and social finance. He is also a consultant at the Buró de Política Anticrimen.*