

Restorative justice plan takes shape

February 23 2007 at 11:22AM

By Wendy Jasson da Costa

The National Prosecuting Authority says it is not going "soft on crime" despite its attempts to introduce restorative justice and community prosecution to South Africa.

The process takes place outside the formal legal system and it means coming face to face with the person against whom you committed a crime, or vice versa, and then reaching agreement on the kind of punishment that should be handed out.

The NPA says while under increasing pressure to find innovative ways of dealing with crime, it introduced nine pilot sites in various areas throughout the country in April last year.

Head of the project Advocate Shamila Batohi says it will run for 18 months until a decision is made on whether or not it should be implemented across the country.

"The idea is not to go soft on crime... we are targeting petty offences. It is not meant to replace the traditional prosecution model, but rather to support it," she said.

Head of the National Prosecuting Service Advocate Mokotedi Mpshe says the process brings victims and offenders together and the offender then has to "restore and repair" the harm done in a mutually accepted manner.

Mpshe says these measures would deal with problems like vandalism, drug dealing, prostitution, illegal shebeens, public drinking and disorderly conduct.

He said the point was to avoid sending petty offenders to jail, where they might become hardened criminals.

Mpshe said as an example if someone was guilty of petty theft, then a community prosecutor assisted by NGOs and other bodies could convene a meeting between the victim and the offender.

Based on what the offence was, an agreement would be reached on how the offence could be "repaired" and the offender could, for example, end up being fined a cow.

Experts say it could be the answer to South Africa's battle against violent crime and overcrowded prisons.

Already New Zealand has seen a 17 percent decrease in the number of people going to prison and at least a 90 percent reduction in the number of repeat offenders where those guilty have been through the system.

According to New Zealand Judge Frederick McElrea, a guest speaker at the NPA's conference on restorative justice in Cape Town, it was only murder and homicide which was excluded from this system in that country.

"Where the offender can see the human face of crime they can't simply rationalise it as just a property crime or (think) the insurance will pay," he said.

McElrea said with every confrontation between victim and offender there was "nearly always" some form of apology and reconciliation and a discussion on how to prevent it from happening again.

He said the system had also been used to deal with rape cases there, but only years later because it was difficult for victims to face their rapists.

He said South Africa's violent crime problem could be dealt with very effectively because: "The more serious

However, the crime has to be admitted, both persons must want to meet and it can only be done on a consensual basis, said McElrea.

He pointed out that while the society at large had accepted the system, the media was its harshest critic because it enjoyed drama and conflict.

"It's hard to make a story out of peace; it's easy to make a story out of war," he said.

McElrea said most NZ political parties had the concept of restorative justice as part of their justice policies.

- **This article was originally published on page 2 of [Daily News](#) on February 23, 2007**



E-MAIL STORY



EASY PRINT



SEARCH



NEWSLETTER

RSS FEEDS AVAILABLE