

'He must buy what he stole and then we forgive: restorative justice in Rwanda and Sierra Leone', *Acta Juridica*, Dec 2007, 171-192.

Abstract:

In the face of civil and criminal disputes, most Africans use informal justice. As a result most Africans use restorative justice. Whether in customary courts, justice community-based organisations (CBOs), local government structures, work committees, or informal anti-crime groups, a degree of restorative justice is followed. The paper examines, in particular, the Rwanda local government structures; the Rwandan genocide courts; the Sierra Leone chieftaincy courts; and more briefly, a justice CBO in Sierra Leone and work-based associations in Rwanda and Sierra Leone. All use restorative justice methods of dispute resolution, including facilitation, negotiation, mediation and reparation. For each example, an evaluation is offered based on answering seven questions: how do the public and the formal justice system assess it?; are the victims and perpetrators (and community) brought together voluntarily?; is the process conducted with equity and transparency?; is the offender encouraged to accept responsibility for harm caused and liability to repair such harm?; does the process seek an agreement not to repeat the offence and establish measures to prevent re-offending?; does it reject disrespectful and degrading punishment?; and do the participants adhere to the agreement? The paper concludes with an assessment of the potential and limitations of a restorative approach to crime in Rwanda and Sierra Leone in particular and Africa more generally.