

Thursday, June 19, 2014, by Alistair Millar

Justice and the rule of law

While newspaper headlines offer graphic reports of the disturbing slew of savage terrorist attacks from Nigeria, eastward to Kenya, Iraq, Syria and beyond, this week Malta is at the centre of a long-term effort to help Africa and the Middle East to strengthen their efforts to bring violent extremists to justice.

For the last 18 months, a group of governments, including the US, Turkey and the Netherlands, and the European Union have worked with criminal justice experts from around the world to support the establishment of the International Institute on Justice and the Rule of Law, which opened in Valletta yesterday.

The new institute will offer rule of law-based training to parliamentarians, the police, prosecutors, judges, prison officials and other criminal justice actors on effectively bringing transnational criminals and terrorists to justice. Its initial focus will be on assisting countries in the Middle East and North Africa, East Africa and the Horn as well as West Africa and the Sahel.

Terrorism is a tactic to achieve political change through intimidation and violence against innocent people. It is used to undermine public confidence in the State's ability to protect society.

A well-functioning criminal justice system, by contrast, safeguards individual rights and strengthens public confidence in the State but that justice has to be effective, impartial and credible.

In the aftermath of the 9/11 attacks, US President George W. Bush had publicly condemned the attacks and "directed the full resources of [America's] intelligence and law enforcement communities to find those responsible and to bring them to justice".

A decade later, the Associated Press used freedom of information queries to obtain law enforcement statistics on terrorism arrests and convictions from 66 countries, accounting for 70 per cent of the world's population. Although some countries refused to provide information, the AP found that 119,044 anti-terror arrests resulted in 35,117 convictions at a rate of nearly 30 per cent. However, many people question whether justice is served in many of these cases.

Credible reports that detail how governments have been using anti-terrorism laws to crack down on non-violent, lawful political opponents and evidence of widespread disregard for basic human rights, including the use of torture and extrajudicial killings, have contributed to a lack of confidence in criminal justice systems around the world. For states to address the threat of terrorism and govern effectively and justly, adherence to the rule of law is essential.

The idea behind the international institute in Malta is a good one: to help professionals across the entire system – from lawmakers to law enforcement officials, prosecutors, judges and prison administrators – do their jobs better by bringing terrorists to justice while strengthening good governance and democratic institutions.

Training of this sort is difficult even for high-income countries and is particularly challenging in countries transitioning to democracy. The circumstances that make the need for capacity building so urgent in many transitioning countries can also impede the delivery of safe and effective training and constrain the ability of officials to practise new skills within their own borders.

A new institute is not a panacea but it will be a valuable resource for officials from countries that aspire to have more effective criminal justice systems and for those with expertise and experience to offer in kind. That said, the benefits should not be confined to the institute's classrooms in Malta. Participating officials should be encouraged to share newly-acquired knowledge and skills with their colleagues back home as well as with their counterparts in neighbouring countries.

An important lesson from the struggle against terrorism is that the benefits of justice and the rule of law are not only a bulwark against fear and oppression, they also have a proven track record of working when applied effectively and fairly. Al-Qaeda cannot compete with that.

Alistair Millar is the founder and executive director of the Global Centre on Cooperative Security in Washington, DC.

<http://www.timesofmalta.com/articles/view/20140619/opinion/Justice-and-the-rule-of-law.524036>