

The Need for a Culture of Justice

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Important steps have been taken, but the Iraqi authorities must place a higher priority on confronting impunity and professionalising its approach to human rights.

Accountability is not strong in Iraqi society. Words like transparency and good governance are simply non-existent in our political dictionary. The culture of human rights is the culture of justice, but creating this environment is going to take time.

The legacy of three and a half decades of dictatorship is severe. Over several wars and genocides, and the most brutal internal repression, 2 million people were killed, 1.5 million disabled, 1.5 million internally displaced and 3 million made refugees.

Personal security and savings were devastated. While a small sector of society flourished, hundreds of thousands of wives became widows, and countless numbers were impoverished, with tens of thousands of people becoming homeless.

It is simply not possible to change that culture of human treatment overnight. In the struggle to find justice for these millions of victims, it is unfortunate but inevitable that vengeance and vendetta will take place.

The execution of the former president is the most obvious case in point.

As a human rights activist, I have fought all my life against the death penalty. I was the only minister in the cabinet at the time of the creation of the Special Tribunal who did not sign on the reinstatement of the death penalty. My position has always been clear.

Yet Saddam Hussein paid the price for what he did. The government introduced the ultimate sanction with popular support, and it was carried out. However rough the justice, this is the example of accountability in the extreme.

The process through which it took place was unfortunate. Saddam's trial and treatment should have been better, but they were a big step up from what he meted out to others. Indeed, he was executed in the very same room where he held executions, twice a week, on Mondays and Wednesdays, for decades. Families often did not receive the bodies of their loved ones and were not allowed to mourn. Where guns were used, invoices were sent to the bereaved for the bullets.

Europe should also reflect on its own past. Commentators and human rights groups from the West have criticised the hanging and said that in its demonstration of brutality the current government is likened to the regime it has replaced. But Europe, now a proud champion against the death penalty, only abolished the practice itself relatively recently.

And for decades the world community was silent as Saddam executed our loved ones.

This is not to make excuses, but to introduce a sense of understanding. In fact, despite the chaotic situation, and the images of bloodshed, violence and terrorism, I see reasons for hope. Significant steps have been taken, and we hope they are not in vain.

There are the obvious events, particularly several elections resulting in a representative government. We have also produced a constitution - hardly perfect but completed in a very short timeframe.

In a country where no independent institutions and no civil society existed, the judiciary is formally independent and finding its feet. We have a public integrity commission and a supreme audit board. We have introduced the office of the inspector general and, the position I held, a minister for human rights. All of these institutions have a huge need for training and modernisation. But the process has begun.

Freedom of expression is also enshrined in the constitution. The explosion of broadcast and print media, including satellite television, news agencies and websites, may appear chaotic, and the quality needs to improve. But after decades of total state control, this access to information, especially the internet, is a revolution in the mindset of Iraqis.

Under Saddam, you could be executed for having a Thuraya satellite phone. Now millions of Iraqis have their own computers and are online. Mobile phones are everywhere, and satellite dishes have mushroomed. The exposure of Iraqis to the thousands and thousands of foreign civil servants in the country is also opening minds and teaching new approaches.

Of the 18 governorates or provinces in Iraq, five or six are in an extremely bad situation. This is to be deplored. But it also means that the remaining dozen, while beset with problems, are relatively stable. The Kurdish areas are more secure even more than Jordan and Saudi Arabia.

During my time in the transitional government, we built a ministry from scratch and tried to make a real difference in human rights. For example, we established a monitoring group of 20 people with the right to go to any prison, without the need to give advance warning, to inspect conditions and the treatment of inmates - and make improvements. It was a modest start but an important one.

Many mistakes were made, however. There are people with the old mentality, especially in bureaucratic areas essential to government. They are dinosaurs, working with old techniques and old ideas, and unresponsive to fresh energy and new concepts. They undermine the process of change.

The international community is also responsible. It does not have a rapid justice response mechanism, so everything takes too long and is overcome by events.

From my perspective, I would cite three main areas of insufficient progress: the failure to initiate the special tribunal quickly enough and with enough consideration for procedures and support for its work; the failure to establish a truth and reconciliation commission and learn the lessons from South Africa and other transitional societies; and the failure to launch a serious national dialogue campaign to engage all communities throughout the country.

The legacies of these failings will clearly be with us for a long time. Due to a sustained and systematic attack on the country, Iraq is experiencing a period of extreme violence and human rights have seen an enormous regression. People are in peril, and when they go off to their schools, jobs or shops, they do not know whether they will come back.

In this everyone has been affected, from government officials, judges and journalists to academics and doctors, to activists and professionals, to barbers and bakers. In the worst areas, everyone is now at risk, and we are talking not just about human rights, but also about the primordial right to life.

Security is essential but I believe that if the government had spent 20 per cent of those funds on the social welfare of the people, the country would be much more stable. An investment in poverty reduction and employment would be more cost-effective than only barbed wire, walls and barriers.

Beyond that, if the government wants to honour the victims of the past regime, and those who have suffered now, it should recommit itself to international standards of human rights, and demonstrate that the people's suffering will be met with justice not just power struggles.

This should include continuing the process of professionalising human rights mechanisms, in particular removing the human rights ministry from any party control and ensuring that it is in the hands of a credible and truly independent personality.

The priority is to demonstrate opposition to any torture, kidnapping or killing - whoever may be the culprit - and to replace the culture of impunity with a culture of justice. But it will not happen overnight.

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