



Universal Jurisdiction Kingston, Jamaica March 2008

Message to Our Supporters

Dear Friends:

Over spring break, six Fordham Law students had the wonderful opportunity to volunteer with two organizations in Kingston, Jamaica. Two students, Sarah Morris and Lynn Schmidt, worked for Jamaicans for Justice (JFJ) under the guidance of Shawn Wilkinson. JFJ is a non-profit, non-partisan, non-violent, volunteer citizens' rights action group, founded in 1999. It advocates for fundamental change in all spheres of Jamaican life - judicial, economic, social and political - in order to improve the lives of Jamaican citizens.

The four other students, Corey Calabrese, Nadine Etienne, Gidon Nam, and Nicolas Roy-Bonde, worked for the Independent Jamaican Council for Human Rights (IJCHR) under Nancy Anderson. Nancy was also the main contact and guide for the UJ Team. IJCHR is a non-governmental human rights organization that for the past 39 years has advocated for constitutional and legislative human rights reform in Jamaica and provided legal representation before the courts in cases that fall within its merit. We want to thank all of our donors and supporters for making this experience possible. Please enjoy these stories of our work.

Thank you,
Corey, Nadine, Sarah, Gidon, Nicolas, and Lynn

Coroner's Court

Two UJ team members, Sarah and Lynn, accompanied Jamaicans for Justice (JFJ) counsel to the Coroner's Court, where they observed proceedings in several cases. The Coroner's Court of Jamaica hears matters in which a person dies under suspicious circumstances. The court is not a criminal court, but instead holds inquests to determine if a person or persons should be charged with a crime arising out of the death in question. Many cases before the Coroner's Court involve police shootings, which accounted for nearly 20% of homicides in Jamaica from 2005 to 2007, according to a report co-authored by JFJ and the George Washington University Law School. Many of these killings are unlawful, but less than 1% of arrests of police officers result in conviction. Police corruption, bribery of juries, and intimidation and bribery of witnesses are often of concern in cases heard before the Coroner's Court.

JFJ generally represents the families of the deceased in these matters. JFJ strives to provide justice to these families, who may not otherwise be able to afford an attorney to represent them. UJ team members heard and transcribed testimony in two cases where the death occurred after a struggle with the police. JFJ counsel

examined police officers involved in the incidents as well as other witnesses and family members of the deceased. While neither case has been resolved, the experience provided team members with insight into Jamaica's judicial process, including its flaws and the agents advocating for change.



Sarah and Lynn in front of Jamaicans for Justice

Jamaican Woman Needs Representation

On the first day of work with the Independent Jamaican Council for Human Rights, two team

members, Nicolas and Corey, interviewed a client in need of legal assistance in the United States. IJCHR's client is a Jamaican woman who gave birth to twins in New York while living with her aunt, a US citizen. The twins hold US citizenship by virtue of their birth in the US. Because the client was under the age of 18 at the time of the twins' birth, her aunt was granted joint custody of the children. The client overstayed her visa, and the Department of Homeland Security asked her to leave the country. Her aunt erroneously told her she could leave the country and later return on a new six-month visa. Unfortunately, once a visitor has overstayed his or her visa, the visitor is not allowed back into the US. The aunt has since cut all ties with the client, who now seeks to have her children returned to her so that they may live with her and her family in Jamaica.

The UJ team is currently working to find this client suitable legal representation in New York.



Nicolas, Corey, Nadine, and Gidon at IJCHR

Norman Manley Annual Lecture

The UJ team attended a lecture given by Courtenay Griffiths QC, who is presently defending Charles Taylor before the Special Court for Sierra Leone sitting in The Hague. The lecture is an annual event that memorializes Norman Manley, one of Jamaica's national heroes and prominent statesmen. A native of Kingston who has led a successful career in criminal justice, Mr. Griffiths was a particularly appropriate speaker to honor Manley's legacy.

Taylor, the former president of Liberia, is charged with crimes against humanity and other crimes arising out of Sierra Leone's 1991-2000 civil war. Mr. Griffiths' speech revealed his skill as an advocate as well as the myriad issues associated

with international criminal tribunals, and the Special Court for Sierra Leone in particular. For the UJ team, the speech was an illuminating insight into international law and international public opinion regarding US foreign policy. Much of Mr. Griffiths' speech revolved around US participation in the United Nations and the International Criminal Court.

Hosted by the Norman Manley Law School of the University of the West Indies, the event also afforded Fordham students the opportunity to meet many members of Jamaica's legal circles. Fordham students met the Hon. Zaila McCalla, Chief Justice of Jamaica, His Excellency Sir Kenneth Hall, Jamaica's governor general, as well as a judge from the Inter-American Court of Human Rights, the principal of the Norman Manley Law School, and many practicing lawyers and fellow law students. The attendees warmly welcomed the UJ team and graciously took the time to answer questions about the Jamaican legal landscape. The Jamaican law students were particularly friendly and confirmed for the Fordham students that law school is demanding across borders!

Tower Street Prison

On the second day at the Independent Jamaican Council for Human Rights (IJCHR), Nadine and Gidon accompanied IJCHR counsel to Tower Street Correctional Facility, one of the three prisons in Jamaica. Tower Street houses about 1,500 prison inmates whose charges range from theft to murder and whose sentences range from several years to the death penalty. Team members observed several differences between Tower Street and American prisons, including that there are no prison uniforms, the guards carry batons but no guns, and prisoners on good behavior or about to be released on parole are able to walk freely around the prison.

The visit was a follow-up of the first assignment given to the team members, which was to reply to prison inmates' letters with appropriate legal advice. Some of the inmates had requested legal aid from the Council, mostly in their appeals. Others wanted to petition for a new trial or to petition for release for those being held at the Court's Pleasure (formerly the Governor-General's Pleasure). Being held at the Court's Pleasure refers to a special sentence given to a criminal who is found guilty of murder, and also found to be insane or a minor. These inmates are held for an indeterminate time until the court

finds that they have served their sentence. Because these inmates often don't understand the charges against them or the legal system, and frequently lack representation, many get "lost" in the system, remaining in prison longer than equitable.

Based on their reading of the letters, each of the UJ members interviewed prisoners who required an in person follow-up. The interviews, a long-awaited chance on the part of the inmates to give account of their side of their story, lasted for about half an hour each. The UJ members were then able to provide the prisoner with advice and referrals or in special instances, the IJCHR took their cases over.

The visit to Tower Street Correctional Facility was a remarkable experience for the UJ team members. Through the interviews, they witnessed the need for reform in the legal system, especially for those being held at the Court's Pleasure who become lost in the system. UJ members also realized that no amount of help is too small for both the inmates and IJCHR. Due to the high volume of inmates who have no legal aid, IJCHR always finds itself short-staffed while inundated with requests for help.



Nicolas, Sarah, Corey, Nancy Anderson, Lynn, and Nadine overlooking Kingston.

Mental Health, Human Rights, and Legislation Conference

All members of the UJ team had a chance to participate in a workshop arranged by the Pan American Health Organization (a branch of the World Health Organization) and the Jamaican Ministry of Health and Environment on Mental Health, Human Rights, and Legislation.

The workshop sought to review Jamaica's mental health legislation and determine a process and timeframe for completing a revision. Participants included judges, psychiatrists, government officials, representatives from the police force and correctional facilities, as well as international participants. Ms. Nancy Anderson, legal officer of the Independent Jamaica Council for Human Rights, was a keynote speaker at the conference.

Apart from listening to the very interesting and informative presentations made at the conference, two members of the team, Corey and Nicolas, participated in cross-disciplinary working groups aimed at presenting solutions to some of the present Gordian knot-like problems the Jamaican mental health service presently faces. Many of those people suffering from mental illness are living in small communities. The government does not currently have the resources to fund services in these small communities. Therefore, these people are placed in a large institution, often far from families. This institution is facing difficulties itself, having little resources and insufficient staff to care for the mentally ill population.

Participating in the workshop gave team members an understanding of the problems surrounding the protection of fundamental human rights in mental healthcare and especially the problems facing a country like Jamaica, where good intentions are often severely inhibited by a lack of resources.

Cultural Tour of Kingston

The volunteers working at the Independent Jamaican Council for Human Rights had the opportunity to participate in a "cultural tour" of the city on their last afternoon of volunteering. The tour consisted of visits to the Institute of Jamaica, the National Art Gallery, the Jamaican Bar Association, the Ward Theatre, and Liberty Hall (Marcus Garvey Multi-Media Museum).

The Institute of Jamaica and the National Art Gallery were participating in a two-part exhibit titled *Materialising Slavery: Art, Artefact, Memory and Identity*. The Institute of Jamaica displayed a history of slavery in the West Indies, while the National Art Gallery represented slavery through different artistic mediums. This exhibit marked the 200th anniversary (1807-2007) of the abolition of the Trans-Atlantic Slave Trade.

At the Jamaican Bar Association, which houses

the offices of the General Legal Counsel and the Public Defender, the team was able to ask questions about admittance into the Jamaican Bar. Unlike in the United States, there is no "bar examination." Rather, a lawyer must pass the courses and exams offered at Norman Manley Law School before applying for the Jamaican Bar.

On the way to Liberty Hall, the group stopped at Ward Theatre. Ward Theatre was built in 1912 and is the largest theatre in the English-speaking Caribbean. During the 1920's, it was a stopping point for Broadway shows, which upon returning to the US would tout themselves as "fresh from a triumphant run in Kingston, Jamaica."

The last stop was Liberty Hall, a museum dedicated to the life and work of prominent civil rights leader Marcus Garvey. Marcus Garvey founded the Universal Negro Improvement Association (UNIA) in Kingston in 1914, and Liberty Hall served as the group's meeting place. In 1916, Marcus Garvey moved to Harlem and founded a UNIA chapter in the US, which at its peak comprised four million members. While in the US, Garvey moved to the forefront of the American Civil Rights Movement, traveling across the US on speaking tours until his return to Kingston in 1927. Today, the hall contains a multi-media museum honoring Marcus Garvey and functions as a public venue for symposia.

All in all, the afternoon offered a unique glance into Jamaica's artwork, architecture, national heroes, and history, and the UJ team was grateful for this complement to their legal work.

Other Activities and Events

- On Monday night, the UJ team was warmly welcomed with a dinner sponsored by Nancy Anderson, our host and Executive Director of the IJCHR. Attendees of the dinner included a representative from the U.S. Embassy in Jamaica, the head of the Office of the Public Defender, and law students from Norman Manley Law School.
- Gidon and Corey prepared research for IJCHR's upcoming report on parole board reform. One of the report's important recommendations is that the parole board interview prisoners applying for parole, in addition to merely reviewing their paper applications.

- Nadine worked on research for a human rights manual for police officers intended to serve as a quick reference of the human rights protected under Jamaican and international law. The manual will be disseminated to police officers to be kept on-hand at all times, with the goal of promoting protection of human rights and decreasing instances of police abuse of human rights.
- Nicolas interviewed a Jamaican prisoner who claimed he was unable to appeal his decision because the Court of Appeals had lost his documents. After much persistence, Nicolas was permitted to conduct research at the court clerk's office and confirmed the prisoner's account. The clerk's office is now working to locate the documents.
- The entire UJ team had the opportunity to attend a session of Jamaica's Drug Court. The Drug Court provides people charged with drug possession or petit larceny an alternative to incarceration through completion of a drug treatment program. The participant must have a drug addiction to be admitted into the program. Once admitted, the participant is closely monitored by the court and medical clinicians. The program has a low recidivism rate. Participants are honored at a graduation ceremony upon successful completion.



The UJ team at Kingston's Drug Court

Universal Jurisdiction is a student group dedicated to giving Fordham law students hands-on human rights experience by providing direct legal aid to countries in need. Universal Jurisdiction is administered by students and sponsored by Fordham Law School's Public Interest Resource Center and the International Law Journal. Universal Jurisdiction sponsors two student service trips a year. For information regarding Universal Jurisdiction or the service trips, please email UJ at:

fordhamuj@gmail.com