

Jamaica-Born Lawyers Feature In Landmark UK Hillsborough Inquest

Livern Barrett, Senior Gleaner Writer

Two Jamaica-born attorneys are being highlighted for their leading roles in the landmark Hillsborough Inquest in the United Kingdom (UK).

In its verdict delivered yesterday, a nine-member jury found that the 96 victims were unlawfully killed on April 15, 1989 following numerous failings by the police and match organisers in a game of the Football Association Cup between Liverpool and Nottingham Forest at the Hillsborough Stadium.

Clarendon College past student Marcia Willis-Stewart was the lead solicitor for the 76 families represented at the inquest into the incident described as the worst sporting disaster in the UK's history.

Thalia Maragh, a graduate of the Norman Manley Law School at the University of the West Indies, Mona was also on the team.

"It is a proud moment for us as Jamaicans and Jamaican lawyers in that we are representing the country in such as a historic case," Maragh told The Gleaner via phone from the UK.

While noting that there are not many Jamaican attorneys practicing in the UK, Maragh said the result of the inquest and the roles she and Willis-Stewart played could place more Jamaicans at the forefront of the profession there.

"When on my feet presenting the evidence... my accent comes out and it is very distinct and people ask 'Where are you from?' and people talk about Jamaica and it puts Jamaica on the map in that context," she said.

"I am Jamaican grown," said Maragh, who migrated to the UK in 2006.

"I studied and qualified in Jamaica so in that sense it's also a positive for us as Jamaican lawyers," added Maragh, a former junior to local attorney Jacqueline Samuels-Brown.

Jamaican-born English football star John Barnes was a member of the Liverpool squad at the time of the 1989 disaster.

The inquest which ran for two years was the longest jury proceeding in British history.

Jaevion Nelson: Budgetary Allocation And The Justice System

The Gleaner

Successive governments have failed miserably to budget effectively to facilitate increased access to and secure justice, especially for the most marginalised and vulnerable in our society. What will it take for us to realise that the impunity perpetrators of crime and violence enjoy, which, in part, is a result of the present and continued low funding for justice, only breeds more killing?

One would think that by now, with over 1,500 homicides per year and scores of cases in backlog contributing to the arguably high levels of impunity, our parliamentarians would have recognised that the justice system needs to be well resourced for it to be effective and efficient.

We need to be serious about justice if we are indeed working towards making a 'safe, cohesive and just society' (Vision 2030).

The 2016-2017 budgetary allocation for the Ministry of Justice is \$5.9 billion, which represents a three per cent decrease in the allocation when compared to the 2015-2016 financial year. This is frighteningly low! I remember making a recommendation to an official from the ministry for a project recently, and the individual quickly reminded me that there is very little left to do anything after all the staff are paid.

The justice ministry is one of the least- resourced ministries, despite the critical functions it is expected to perform and the symbiotic relationship it has with the Ministry of National Security to fight crime and violence. Between 2010 and 2017, the Ministry of Justice would have received an average of about \$4.86 billion per year or a total of \$34 billion for the period. The largest allocation in the last seven years was in 2015-2016 with \$6.1 billion.

A cursory reading of the 2012 Caribbean Citizen Security and Justice Report and the 2012-2013 Jamaica National Crime & Victimization Survey points very clearly to some of the challenges that we are facing.

The Jamaica Civil Society Coalition (JCSC), in a publication entitled A Civil Society Perspective on the Jamaican Budget Process (2013), argues that there is a 'dominant focus on national security over justice in policy emphasis creates a [...] bias which favours law enforcement, including policing, maintaining law and order, fighting "urban terrorism" and gang warfare.'

DEBT SERVICING

One can safely assume that this must be the reason why the budget for the Ministry of National Security enjoys an increase every financial year. Its budgetary allocation for this year is \$55.7 billion, up from \$54.3 billion in 2015-2016 - representing a three per cent increase. In 2010/2011 it received \$37.1 billion, \$44.4 in 2011-2012, \$47 in 2012-2013 and \$50 billion in 2014-2015. In 2012-2013, about half of the national Budget was allocated for debt servicing. Education, national security and justice accounted for 14%, 8% and 1% of the Budget, respectively. Health

(6%), transport, water and housing (3%), climate change (1%), and finance and planning (7%) accounted for the remaining 27% of the Budget.

JCSC (2013) further argues that 'The inter-related areas of gender-based violence, child abuse; community exposure to violence are not strategically prioritised in policy direction, articulation and inclusion. The result of this means that key gender and child-related issues are not given equal priority as critical aspects of community and human security, which are components of national security.'

We have to show greater appreciation for the critical role a well-resourced justice system plays in reducing crime and violence, securing justice and improving our economy. We need to begin to demand that governments demonstrate their expressed commitment in this regard through increased focus and allocation to improve the justice system. I'm aware that there are initiatives being implemented as a part of the justice reform efforts, but there is a clear need for much more to be done immediately.

Can you imagine the significant impact five per cent of the Ministry of National Security's budget could have on the justice system for our country if we reallocated it? This could be used to increase the number of court rooms, install technological infrastructure, improve the legal aid services, reduce case backlog or enhance the programmes of the Drug Court.

I hope good sense will prevail and that our parliamentarians will spend some time to resolve/correct what must have been a mistake in reducing the justice ministry's budget and even go as far as increasing the allocation above \$6.1 billion.

It is time we take a more serious and purposeful approach to justice.

- Jaevion Nelson is a youth development, HIV and human rights advocate. Email feedback to columns@gleanerjm.com and jaevion@gmail.com.

Building Stable Families, Building Stable Nations

The Gleaner

THE EDITOR, Sir:

Since his appointment, Education Minister Ruel Reid, like his two immediate predecessors to varying extent, has been talking a lot about the importance of the family to the education sector particularly, but to the country generally. There has been enough talk, so the attendant actions are now required.

There is no denying that family life in Jamaica has been in crisis for some time now, with the agents of socialisation miserably failing. With the family needing attention, the other institutions of socialisation, including the community, Church and school, must recapture their significance and influence in helping to reorder our society.

It does not help that allegedly over 85 percent of our children are being born out of wedlock, with the fathers absent from most of our homes and our children's lives. No society can progress meaningfully by such a reality.

Our nation's deadbeat fathers must not be allowed to continue to refrain from exercising their parental responsibilities in helping to properly guide and shape the lives of their children. We must send a strong message to the deadbeats that things will not continue as usual.

It is foolhardy, however, to incarcerate them for refusing to pay child support as ordered by the Family Court, especially since any such imprisonment is not likely long term and may blight their prospects for obtaining gainful employment. If they are to be incarcerated, let it be as a last resort and let them at least engage in some prison-work programme, so they earn to help pay child support and to cover their basic prison expenses.

Deadbeat fathers should be denied passports and driver's licences, unless needed for their means of employment, and their wages or bank accounts should be garnished. Certain assets, if it comes to it, should be seized or have liens attached. If they happen to participate in any of our work-abroad programmes, agreements should be struck with their employers to ensure money is deducted from their pay for child-support purposes.

We have child-support reciprocal agreements with some foreign jurisdictions to obtain child support from fathers residing in those overseas jurisdictions. Are the arrangements working? Have we been using them? Are our people sufficiently aware of such existence? Have we been seeking to enter into such agreements with other jurisdictions?

SEXUALLY RESPONSIBLE

Importantly, however, we need a serious culture shift so that our people can understand the importance of building stable families, which does not come from our women mothering a child with every man who passes by or for our men to believe that his siring children with as many women as possible is any great feat to celebrate. Naturally, our women must likewise become more sexually responsible and more sensibly enter into such relationships.

Traditional marriages, and not the meretricious common-law relationships offensively sanctioned with traditional marriage benefits by our misguided legislators, should be highly encouraged to help fix family life in Jamaica.

While obtaining financial support for our children is important, there is nothing like the fathers playing their full parental role in raising their children. Thus, our tax laws and social-benefits programmes, like the Programme of the Advancement Through Health and Education, among other such initiatives, could be used to help achieve such an objective.

Given the necessity of the Government lending importance to fixing family life in Jamaica, perhaps Prime Minister Andrew Holness should consider giving Senator Reid a revamped 'ministry of education and the family'. The prime minister would then appoint a press secretary

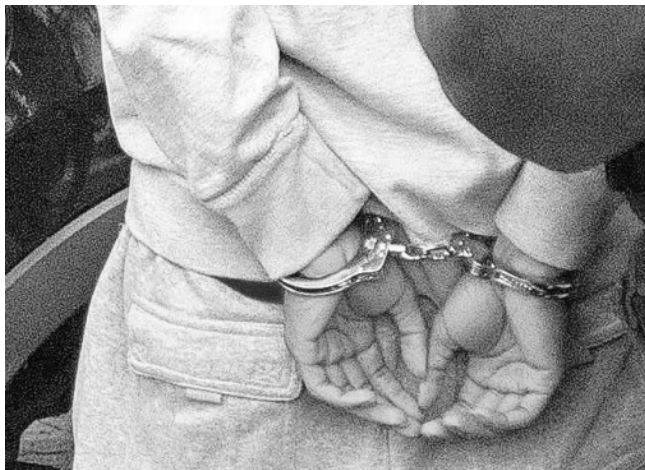
or assign the information portfolio to one of the ministers operating out of the Office of the Prime Minister, to the extent such an assignment would not interfere with said minister's other portfolio responsibilities.

KEVIN K.O. SANGSTER

sangstek@msn.com

Accused lottery scammers again remanded

The Observer



A police constable and seven civilians accused of being involved in lottery scamming were again remanded after their extradition hearing was adjourned until May 24 in the Kingston and St Andrew Parish Court.

The matter was postponed yesterday in order for the Crown to make full disclosure to defence counsellors, and also for the unrepresented accused to settle legal representation.

Constable Jason Jahalal, Alrick McLeod, Dahlia Hunter, O'Neil Brown, Xanu Ann Morgan, Dario Palmer, Karae Gray and Kimberly Hudson have each been indicted on one count of conspiracy and attempting to commit wire fraud, 48 counts of wire fraud, 15 counts of mail fraud, and one count of money laundering in the state of North Dakota in the United States.

They are alleged to be part of a criminal organisation — Labrick Willock — that manifested in 2009 in Jamaica and elsewhere.

The organisation is alleged to have bilked more than 80 people in the US and elsewhere of US \$5.6 million.

It is alleged that the money was sent to middlemen in the US, who then moved it via bank cheques, wire transfer, mail, or courier.

It is further alleged that Hudson's role was to make calls to the victims informing them that the victims had won the lottery, and that they were to send money to pay the taxes.

Allegations in respect to Jahalal are that he collected US\$35,000 through the scheme. It is alleged that Jahalal travelled to Florida in the US and collected US\$30,000 through telephone calls and wire transfer.

The court was told that Labrick Willock allegedly instructed Jahalal how to use his Blackberry cellular phone to transfer funds and how to pick them up in Jamaica.

It is alleged that Jahalal collected another US\$2,500 via a money transfer service on August 2012 and another US\$2,500 subsequently.

Attorney Bert Samules is representing Hudson; Philmore Scott is representing Jahalal; Christopher Townsend is representing Brown and Palmer; while Tom Tavares-Frinson is representing Hunter, Grey and McLeod. The other accused is unrepresented.

— Tanesha Mundle

Interview May Cost Lawyer Job As Brazil Justice Minister

The Observer

Brazil's Vice-President Michel Temer attends an interview with journalists on the impeachment process of Brazil's President Dilma Rousseff, in Brasilia, Brazil, on Wednesday, April 27.

A lawyer being considered as Brazil's next justice minister may have lost his appointment because of an interview he gave.

The office of Vice-President Michel Temer, in line to become Brazil's chief of state if President Dilma Rousseff is impeached, said that Antonio Claudio Mariz de Oliveira had been a possible candidate to head the Justice Ministry. But Temer's office would not comment on reports that said de Oliveira was no longer in the running because of an interview he gave to the Folha de S. Paulo newspaper that was published on Wednesday.

De Oliveira said in that interview that the Federal Police should focus on something other than the fight against corruption, fuelling fears that Rousseff's impeachment could undermine the investigation of corruption at state-owned oil company Petrobras.

"Besides combating corruption, the Federal Police must have other priorities, like fighting organised crime and the inability of local police departments to contain its expansion," de Oliveira said in the interview.

Citing unnamed members of Temer's staff, the Folha de S. Paulo said he could not have a cabinet member who has criticised the investigation into corruption at Petrobras.

Earlier this year, de Oliveira signed a manifesto criticising the investigation describing it as an "inquisition".

Staffers told the newspaper that Temer could not have anyone doubt his "commitment to the investigation".

Top Colombia court legalises same-sex marriage

The Observer



BOGOTA, Colombia (AFP) — Colombia's constitutional court definitively legalised same-sex marriage in a ruling on Thursday, the fourth South American country to allow it.

"The judges affirmed by a majority that marriage between people of the same sex does not violate constitutional order," presiding Judge Maria

Victoria Calle told the court.

"The current definition of the institution of marriage in civil law applies to them in the same way as it does for couples of the same sex."

Under previous rulings, gay couples could formalize their unions before notaries and judges but it had remained a legal gray area and appeals had been launched against it.

The constitutional court had on April 7 dismissed a petition against equal marriage rights for heterosexual and homosexual couples.

That paved the way for Thursday's ruling, which definitively establishes that such equality is guaranteed by the constitution, giving gay couples the legal right to marry.

In July 2010, Argentina became the first Latin American country to legalize same-sex marriage, followed by Uruguay.

Brazil has de facto authorized same-sex marriage since May 2013.

In Mexico, gay marriage is legal in the capital and a handful of states. The Supreme Court there has also ruled that that it is unconstitutional for Mexican states to ban same-sex marriage.

The End