

# Chicago Lawyer

## An International Perspective: The politics of justice

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Last summer the world saw the poignant images of American journalists Laura Ling and Euna Lee being reunited with their families after spending 140 days of a 12-year sentence in a North Korean jail.

The severity of the journalists' sentence connoted a crime much more heinous than illegally crossing the China-North Korea border while investigating a story, evidence to many that the women were being used as political pawns by the North Korean government amid growing tensions over North Korea's nuclear program. The Obama administration saw the same thing and, after much deliberation, former President Clinton privately traveled to North Korea to negotiate the journalists' release with North Korean leader, Kim Jong-il.

As American Amanda Knox sits in an Italian jail serving a 26-year sentence for the murder of her British roommate, Meredith Kercher, her family and many observers in the United States, including a U.S. senator, are seeking similar government intervention, calling for the intercession of the U.S. government and U.S. Secretary of State Hillary Clinton to overturn the verdict reached by the Italian jury.

As a child of a culture that espouses a strict belief in punishing those responsible for committing crimes against society - a belief so ardently held within Ghanaian culture that those caught stealing are frequently violently beaten before being handed over to the police, if they are still alive - the concept of a government intervening on behalf of one of its citizens found guilty of committing a crime abroad baffled my foreign mind. Aside from enabling those who have perpetrated crimes against society to escape the punishment society has deemed appropriate for them, doesn't government intervention patronize and devalue the judicial processes of other nations? Yet, upon reading about the case of Amanda Knox, even my culturally hardened heart began to question whether the U.S. government should step in.

Accused of murdering her British roommate during a drug- and alcohol-filled orgy gone wrong, Knox's trial featured allegations that Knox was coerced into signing a false confession, fragmented and flawed DNA forensic evidence, and a chief prosecutor who wavered over Knox's motive during the trial. As if this were not enough, Knox was also forced to



fend off anti-American sentiment and the sotto voce of the Italian media that portrayed Knox as a wild child and a femme fatale, referring to her as the "Foxy Knoxy," and leaking such confidential information as Knox's diary and photos of the victim's body.

The argument that the right of government to intervene in the judicial process is a necessary humanitarian requirement - as stressed by the White House during its attempts to release Lee and Ling - makes complete sense. This axiom was most recently demonstrated in China as the British Foreign Office tried to prevent the execution of Akmal Shaikh, a mentally ill British man who was sentenced to death by the Chinese government after being convicted of drug smuggling.

Despite frantic appeals from the British Foreign Office, amid claims from Shaikh's family and supporters that he was tricked into carrying the 4kg of heroin with promises of an opportunity to record a song for world peace, Shaikh was still executed by lethal injection last December.

But in cases in which such severe, and arguably inhumane, punishment like that faced by Akmal Shaikh is not at stake, should governments get involved?

Despite the legal irregularities at her trial highlighted by American lawyers and legal analysts, Knox was still found guilty of the crime for which she was tried. Whether these legal irregularities played into the jury's verdict is over my fragile, second-year removed from law school brain, but in my humble opinion, it isn't relevant. Knox committed her crime in Italy, a country in which the ban on the publication of police investigative reports, court records or such other information as Knox's diary or photos of the victim's body during trial is not strictly upheld. Although a synopsis of Knox's trial may scream injustice on this side of the Atlantic, who's to say that the next Italian would not be forced to suffer a similar trial?

This, to me, is the elephant in the room. The alleged injustice that many believe was committed against Amanda Knox was not just her supposedly unfair trial, but the fact that she was tried at the hands of a legal system that does things very differently from the United States. Whether we admit it or not, it is hard to live in a nation as powerful and influential as the United States without developing a warped sense of how things should be done. But the sheer diversity of cultures that exist in our world should remind each of us that every country is going to do things differently, whether we think it's the right way to do things or not.

There will clearly always be a need for our governments to protect us from unjust punishment when we are unable to protect ourselves or are merely being used as part of a political game.

However, there should never be a need for our governments to needlessly devalue the judicial systems of other nations because they differ from their own, no matter how unfair the punishment may seem.

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