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REPORT No. 54/24
PETITION 1464-22
REPORT ON INADMISSIBILITY

GRANDY NANNY CLAN OF ARAWAK-MAROONS OF JAMAICA
JAMAICA

Approved electronically by the Commission on May 3, 2024.

Cite as: IACHR, Report No. 54/24, Petition 1464-22. Inadmissibility. Grandy Nanny Clan of Arawak-Maroons of Jamaica. Jamaica. May 3, 2024.

I. INFORMATION ABOUT THE PETITION

Petitioners:	Under confidentiality according to the Rules of Procedure
Alleged victims:	Grandy Nanny Clan of Arawak-Maroons of Jamaica, Lomorra Dillon, Annette Aaron, Charles Aaron, Elaine Anderson, Kimberley Harris, Chevauné Moore-Minott, Ricardo Robinson, Deshawn Robinson, Alex Moore-Minott [all individual members of the Grandy Nanny Clan]
Respondent State:	Jamaica
Rights invoked:	Right to juridical personality, Right to freedom from slavery, Right to personal liberty, Right to a fair trial, Right to freedom of association, Right to property, Right to progressive development of economic, social and cultural Rights, Right to the benefit of culture ¹

II. PROCEEDINGS BEFORE THE IACHR²

Filing of the petition:	August 1, 2022
Notification of the petition to the State:	June 14, 2023
State's first response:	November 1, 2023

III. COMPETENCE

Competence <i>Ratione personae</i>:	Yes
Competence <i>Ratione loci</i>:	Yes
Competence <i>Ratione temporis</i>:	Yes
Competence <i>Ratione materiae</i>:	Yes, American Convention on Human Right ³ (deposit of instrument of ratification made on August 7, 1978)

IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

Duplication of procedures and International <i>res judicata</i>:	No
Rights declared admissible	Article 8 (right to trial) and Article 25 (right to judicial protection) of the American Convention.
Exhaustion of domestic remedies or applicability of an exception to the rule:	No, in terms of Section VI
Timeliness of the petition:	N/A

¹ The petition did not specify any international instrument (such as the American Convention).

² The observations submitted by each party were duly transmitted to the opposing party.

³ Hereinafter, the "American Convention" or the "Convention."

V. ALLEGED FACTS

The petitioners

1. The petition is brought on behalf of the Grandy Nanny Clan of Arawak-Maroons (hereafter “the Clan” or “the alleged victims”), who identify as a tribal/indigenous people based in Portland, Jamaica. Generally, the petition alleges that the State of Jamaica has failed to recognize the Clan’s identity as a tribal/indigenous people, resulting in violations of various rights, including the right to fair trial, the right to juridical personality, the right to property, and the right to liberty.

2. According to the petition, the Clan has existed since the 17th century and comprises both descendants of enslaved Africans (who escaped from plantations) as well as Lokono Arawak indigenous people. The petition indicates that the Clan was initially established while Jamaica was a colony of Spain, and continued to exist after Jamaica became a colony of Britain in 1655.⁴

3. The petition broadly claims that when Britain colonized Jamaica, “it immediately sought to extinguish not just the land ownership of indigenous people, but the identity of indigenous people by calling them all either British subjects or slaves”. The petition further submits that when Jamaica became independent in 1962, that the new Constitution of Jamaica prescribed that “Every person born in Jamaica shall become a citizen of Jamaica⁵...” According to the petitioners, this provision “completely extinguishes our right to an identity from first life event, and disenfranchises us from our birthright, the archipelago of Jamaica as indigenous people”. The petitioners also argue that the Constitution contains no provisions that specifically recognize the right of indigenous/tribal peoples to their lands.

4. The petition mentions that in 2017, the State passed legislation known as the National Identification and Registration Act.⁶ According to the petitioners, they formally objected to the legislation (prior to its passage), principally, because it did not consider the petitioners right to their tribal/indigenous identity.” The petitioners maintain that Parliament ignored their objection in passing the legislation. According to the petitioner, the passing of the National Identification and Registration Act demonstrates the intent of the Government of Jamaica to assimilate all tribal identities into Jamaica nationality, and to totally disregard the petitioners’ right to an identity as indigenous and tribal people.

5. The petition also submits that the laws of Jamaica still recognize slavery. The petitioners claim that the laws provide for the keeping and recording of slaves under Section 19 of the Records Office Act (enacted in 1879).⁷ According to the petitioners, they are “afraid that they are being recorded as slaves in the Island Records Office and therefore being deprived of their rights as free human beings, possibly by way of the birth certificate.”⁸

⁴ The information in the petition on the history/background of the Clan is somewhat disjointed and difficult to follow. Further the claims made in the petition are generally presented in a somewhat disjointed manner, making them also difficult to follow.

⁵ The petition indicates that this provision is contained Section 3B in Chapter II of the Constitution.

⁶ The petition provides little or no information on the nature and purpose of this legislation or how its provisions indicate a legislative intent to assimilate all tribal identities into Jamaican nationality.

⁷ According to the petitioners Section 19 of the Records Office Act provides: “Before any such transcript is made the Deputy Keeper shall go carefully through the records contained in the volume to be transcribed, and shall, as regards all or any of the following classes of records or parts of records contained therein, that is to say-

(a) **Agreements or documents or parts of the same relating to slaves;** [petitioners’ emphasis]

(b) Assignments of personal property

(c) Leases for a term which has expired

(d) Articles of partnership; or

(e) Covenants for title,

Direct that, instead of transcribing the same, the copyist shall, in the appropriate place in the volume where such record or part of a record would, if copied, appear, write a description of the character of the said record or part of a record; and in case it is a whole record or part of a record; and in case it is a whole record that is thus described instead of being transcribed, the date thereof and names if the parties thereto shall be entered in such form as the Deputy Keeper of the records shall direct.”

⁸ The petition provides no documentary evidence to indicate that any of the petitioners have been recorded as slaves.

6. The petition indicates that the Government of Jamaica recently created a new Ministry of Legal and Constitutional Affairs to focus on “Legislative Agenda, Legal and Constitutional Reform.” The petition further asserts that, according to the Jamaica Information Service, the Prime Minister recently announced intention to pass legislation that would empower the Government to appropriate private lands found to have “assets” such as forests, gold, etc. The petitioners claims that this announcement has generated a fear that they will be deprived of private property rights, concerning ancestral lands (and other lands purchased by tribal/indigenous people). The petitioners also claim that they foresee the possibility of Jamaicans having a referendum to decide whether Maroons should be completely erased, and their lands appropriated by the State.⁹

7. Generally, the petitioners submit that the State “does not recognize our autonomy in our territories nor that we have a separate identity from the rest of Jamaican citizenry, which also completely ignores our rich history and the sacrifice of our ancestors in maintaining ownership of our traditional lands and freedom being our heritage”. The petition also claims that it “is impossible to bring Maroon related cases to court because the Government refuses to recognize Maroons as a separate people with a separate complex of rights associated with our history and birth as descendants of the first peoples of Jamaica.”

8. The petitioners submit that on November 22, 2019, that they filed suit before the Supreme Court of Jamaica seeking declaratory relief concerning their legal and national status (as a tribal/indigenous people). According to documentation submitted by the petitioners, the suit sought various declarations including: the right of indigenous people to be recognized as a separate identity distinct from Jamaican citizens; the right of indigenous people to autonomy/self-government; and the right of indigenous people to own land collectively. According to the petitioners, the Supreme Court has adjourned the hearing of suit several times; and has so far declined to give a definitive date for the hearing the suit.

9. The petitioners state that in October 2021, they also attempted to apply for recognition of indigenous status in the Portland Parish Court,¹⁰ however the Clerk of the Court refused to accept the application, claiming that the Court lacked jurisdiction to entertain it.¹¹

10. Given the foregoing, the petitioners submit that there has been delay in procuring a judicial resolution of their claims or that alternatively, they have exhausted domestic judicial remedies.

The State

11. Generally, the State submits that the petition is inadmissible (pursuant to Article 47 of the American Convention) because: (a) it does not state facts that tend to establish a violation of the rights guaranteed by the American Convention; and (b) the petition is manifestly groundless or obviously out of order.

Preliminary considerations

12. The State acknowledges that the American Convention protects the rights of persons, but that in this matter, the petitioners have failed to provide any evidence to establish violations of any individual. Further the State submits that while the Inter American Court of Human Rights has applied the Convention to collective rights of indigenous or tribal peoples, the petition has failed to demonstrate that any such collective rights were violated.

13. As a preliminary consideration, the State submits that insofar as far as the petition asserts that the Grandy Nanny Clan of Arawak-Maroons are indigenous peoples or tribal peoples of Jamaica, that the that

⁹ The petition does not provide any direct evidence to indicate any intention by the State to appropriate lands held by Maroon peoples.

¹⁰ In terms of judicial hierarchy, Parish Courts in Jamaica are inferior to the Supreme Court, and exercise limited statutory jurisdiction.

¹¹ The petitioners submit some court documentation regarding this suit before the Parish Court. However, the documentation is obscure and difficult to follow. It appears that the suit is not identical to the suit filed before the Supreme Court. It appears that the suit relates to a completely different claim – i.e., recognition of the petitioners as American Indians (and not as Maroons).

the issue of indigenous peoples or tribal peoples in Jamaica is not settled. The State refers to an excerpt from a submission made to the Commission on July 10, 2023, that indicates:

To date, the Government of Jamaica has maintained that no group or community in Jamaica meets the classification of indigenous peoples. Whether persons claiming Taino heritage can so be classified will need to be addressed through dialogue. Additionally, the core issue of whether any group or community in Jamaica can be classified as tribal peoples requires more detailed evidence and studies, dialogue and assessment by the Government and the relevant groups or communities. Therefore, no determination on this issue can be made at this point and the Commission is urged to so find.¹²

14. The State also takes issue with the *locus standi* of the persons who filed the petition on behalf the Grandy Nanny Clan of Arawak-Maroons. According to the State, they have provided no information or documentation to show that they are authorized to bring this petition on behalf the Grandy Nanny Clan of Arawak-Maroons or even any information on them. The State submits that any persons seeking to file a petition on behalf of a group of persons must show that they are authorized to do so. At the same time, the State acknowledges that this is not an express requirement under the American Convention.

Claims regarding lack of recognition of identity

15. The State rejects the petition's claims concerning alleged lack of recognition of identity under both the Constitution of Jamaica and the National Identification and Registration Act 2017. Regarding the Constitution, the State rejects the petitioners' claim that the constitutional provision that "[e]very person born in Jamaica shall become a citizen of Jamaica" extinguishes their "right to an identity from first life event, and disenfranchises [them] from [their] birthright..." The State argues that the petitioners appear to be arguing (erroneously) that the "failure to create a legal distinction to protect the right to an identity from birth [...]" is a breach of a right under the Convention. In this regard, the State further submits that (a) the petition fails to identify which Convention right is allegedly violated by the Constitutional provision that all persons born in Jamaica are citizens of Jamaica; and (b) the petition fails to recognize the distinction between nationality/citizenship and ethnicity or indigenous/tribal status. Ultimately, the State considers that the Constitutional provision on citizenship do not impinge on or violate any right to identity (such as the right to identify as indigenous/tribal). The State therefore concludes that the assertions made by the petition in this regard are manifestly groundless and without merit.

16. The State rejects the petition's claim that the passage of the National Identification and Registration Act 2017 and [its] implementation demonstrates an intent by the Government of Jamaica's dedication to assimilate all tribal identities into Jamaica nationality; and to disregard the petitioners' right to an identity as indigenous and tribal people. In this regard, the State makes the following observations. Firstly, the State submits that the petition refers to an outdated version of the National Identification and Registration Act. Secondly, the State indicates that this legislation has been superseded by the National Identification and Registration Act, 2021. Thirdly, that the National Identification and Registration Act, 2021, sets out a national identification system ("NIDS") which seeks to facilitate functional identification of Jamaicans and non-Jamaicans residing in Jamaica. Fourthly, the State asserts that prior to the passage of the National Identification and Registration Act, 2021, there was a consultative process where the public was invited to make submissions before a Joint Select Committee (of Parliament) and that all submissions were given due consideration. Fifthly, the State submits that enrollment in NIDS is voluntary, and such enrollment does not affect nationality, indigenous or tribal identity. Accordingly, the State concludes that the petition's claims regarding the National Identification and Registration Act are without merit.

¹² Response of the Government of Jamaica to Allegations on "the Human Rights Situation of Jamaica's Indigenous Peoples in the Context of Resource Exploitation and the Threat of Militarized Policing" 271-22/CIDH/SE/MPCT-AU ("Jamaica's Submissions of July 10, 2023").

Claims regarding alleged breaches of freedom from slavery

17. The State dismisses the petition's allegation that the laws of Jamaica (specifically the Records Office Act) still recognize slavery. The State further rejects the petition's claim that the Grandy Nanny Clan of Arawak-Maroons "are afraid that they are being recorded as slaves in the Island Records Office and therefore being deprived of their rights as free human beings, possibly by way of the birth certificate."

18. Generally, the State submits that slavery was abolished in Jamaica by the Slavery Abolition Act of 1833; and that further, the system of slavery would be wholly contrary to the provisions of the Constitution of Jamaica.

19. Regarding the petition's submission on the Records Office Act, the State submits that the petitioners have misinterpreted section 19 (of the Records Office Act). According to the State, read together, sections 18 and 19¹³ of the Records Office Act concern the transcription of existing records (that are described in section 18). The State submits that these sections do not concern the making of new records but only address the preservation of old records that are kept at the Island Records Office.

20. The State also indicates that birth certificates are issued based on the submission of certain information on the child to be registered under the Registration (Births and Deaths) Act. The required information for the registration of a birth does not include information on whether the parents, grandparents were enslaved, and this type of information has been done away with since the abolition of slavery.

21. Based on the foregoing, the State submits that no Jamaican or person in Jamaica can be recorded as slaves and birth certificates are not connected with this issue at all. Accordingly, the State rejects the petition's claims on the issue as manifestly groundless.

Claims regarding alleged lack of legal personality

22. The State rejects the petitioners' claim that they have been deprived of legal personality (for the purpose of litigating their claims before the courts). The State notes that the petitioners currently have a lawsuit for declaratory relief pending before the Supreme Court. The State asserts that this contradicts the petitioners' claims that: "It is impossible to bring Maroon related cases to court because the Government refuses to recognize Maroons as a separate people with a separate complex of rights associated with our history and birth as descendants of the first peoples of Jamaica". The State generally asserts that the petitioners exhibit

¹³ The State cites sections 18 and 19 of the Records Office Act as follows:

18. The Deputy Keeper of the Records shall from time to time with the sanction of the Minister, and under the direction of the Keeper of the Records, cause the contents of any register book or of any index that from age, use or other causes, has become decayed and unserviceable, with the omission, only in the case of any register book more than sixty years old, of such matters as, under the provisions hereinafter contained, may lawfully be described instead of being transcribed, to be transcribed into a new book to be provided for that purpose. In making any such transcript one book only shall be appropriated to the transcription of the records contained in one register book, and the original paging of each register book shall be preserved.

19. Before any such transcript is made the Deputy Keeper shall go carefully through the records contained in the volume to be transcribed, and shall, as regards all or any of the following classes of records or parts of records contained therein, that is to say-

- (a) agreements or documents or parts of the same relating to slaves;
- (b) assignments of personal property;
- (c) leases for a term which has expired;
- (d) articles of partnership; or
- (e) covenants for title,

direct that, instead of transcribing the same, the copyist shall, in the appropriate place in the volume where such record or part of a record would, if copied, appear, write a description of the character of the said record or part of a record; and in case it is a whole record that is thus described instead of being transcribed, the date thereof and names of the parties thereto shall be entered in such form as the Deputy Keeper of the records shall direct.

It shall also be lawful for the said Deputy Keeper (subject to the approval of the Keeper of the Records) from time to time to prescribe short forms of words, to be used in making such transcripts as aforesaid, to describe probates and receipts.

Provided always that it shall be lawful for the Keeper of the Records, subject to the approval of the Minister, from time to time to make and revoke or vary rules as to the classes of records, in addition to those enumerated in this section, which, in making any such transcripts as aforesaid, may be described instead of being copied as aforesaid.

a misunderstanding of the law and judicial processes. In this regard, the State notes that the petitioners filed a claim in the wrong domestic court (Parish Court), and that they now have a suit pending before the Supreme Court. The State indicates that the Attorney General applied to join the suit before the Supreme Court as an interested party on August 21, 2023, but that a date has not yet been set to hear this application.

23. The State also indicates also indicates that the petitioners' claim (regarding lack of access to the courts) is also controverted by the fact that court proceedings have successfully been initiated recently (in a different matter) by another group of Maroons (the Accompong Maroons)¹⁴. Accordingly, the State concludes that the petitioners' allegations should be dismissed as being manifestly groundless.

Other general observations

24. The State generally rejects the petitioners' claim that the government of Jamaica intends to pass legislation to enable the appropriation of private lands (that contain assets such as forests, gold, etc.); or to apply such legislation to deprive the petitioners of their private property rights concerning ancestral and other lands. The State also rejects the petitioners' claim that referendum may be used to decide whether Maroons should be "completely erased" and their lands appropriated by the State.

25. According to the State, these claims by the petitioners are general and bald assertions which lack any rational or coherent basis. The State also submits that these allegations do not speak to specific alleged violations of the Convention against individuals or the Grandy Nanny Clan of Arawak-Maroons in particular. The State concludes that these allegations are manifestly groundless.

26. Generally, the State submits that it has sought to protect, preserve, and promote the self-determination, culture, institutional structures, distinctive customs, traditions, procedures, and practices of the Maroon and Taino communities of Jamaica, and will continue to do.

VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

27. As a preliminary consideration, the Commission notes the State's contention that the petitioners have not demonstrated that they are authorized to file a petition on behalf of the Grandy Nanny Clan of Arawak-Maroons; and that they accordingly lack locus standi to file the petition. For the State any persons seeking to file a petition on behalf of a group of persons must show that they are authorized to do so. However, the Commission affirms that Article 44 of the American Convention, provides that "Any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Commission containing denunciations or complaints of violation of this Convention by a State Party. In this regard, the Commission note that this provision does not require that the petitioners have authorization (from the alleged victims) before filing a petition. Accordingly, the Commission concludes that the petitioners do have locus standi to bring a petition before the Commission, and do not require authorization to do so.

28. The Commission reaffirms that the requirement of prior exhaustion of domestic remedies is intended to allow domestic authorities to hear the alleged violation of a protected right and, if applicable, settle the issue before it is brought before an international body.¹⁵

29. According to the record, the petitioners filed suit before the Supreme Court of Jamaica on November 22, 2019, that they filed suit before the Supreme Court of Jamaica seeking declaratory relief concerning their claims relating to their legal and national status (as a tribal/indigenous people). The petitioners assert that the hearing of this suit has not been completed, having been adjourned numerous times.

¹⁴ The State does not provide any details on the nature or chronology of this litigation.

¹⁵ IACHR, Report No. 82/17, Petition 1067-07. Admissibility. Rosa Angela Martino and Maria Cristina González. Argentina. July 7, 2017, para. 12.

In its observations, the State appears to confirm the status of the litigation, indicating that there is a pending application (since August 2023) for the Attorney General to be added to the suit as an interested party.

30. The Commission observes that the need for previous exhaustion of local remedies does not apply when there has been unwarranted delay in rendering a final judgment under the remedies. There are no specific provisions in the Convention or Rules of Procedure that define the length of time that constitutes “unwarranted delay,” meaning that the Commission evaluates each case to determine whether a delay exists.¹⁶

31. The IACHR also notes in this regard that the Inter-American Court of Human Rights has held that the prior exhaustion rule must never “lead to a halt or delay that would render international action in support of the defenseless victim ineffective.”¹⁷

32. In the present matter, the Commission notes that the lawsuit initiated by the petitioners has been pending for over four years. However, without further information or context, the Commission is unable to determine whether the period that has elapsed amounts to an unwarranted delay that warrants an exception to the rule on exhaustion of domestic remedies.

33. Considering the foregoing and of the information contained in the record, for the purposes of admissibility the Commission concludes that there are not grounds to conclude that the petitioners pursued and exhausted domestic remedies; or whether there are any circumstances that warrant an exemption from the requirement to exhaust domestic remedies. Accordingly, the Commission considers this petition to be inadmissible for failure to comply with the requirements of Article 31 (1) of the Commission’s Rules of Procedure.

34. The Commission notes that the petitioners also filed a lawsuit before the Portland Parish Court in 2021, which was alleged rejected by the Clerk of the Court. However, as indicated before, the nature of this litigation appears to be deal with a wholly different claim (request to be recognized as American Indians), and therefore appears unrelated to the claims contained in the petition. Accordingly, the Commission does not consider it necessary to consider this legal proceeding as part of the analysis of exhaustion of domestic remedies.

VII. ANALYSIS OF COLORABLE CLAIM

35. Whereas the foregoing conclusion on the issue of domestic remedies is sufficient to dispose of this petition, the Commission nevertheless wishes to make some observations regarding the allegations advanced by the petitioners.

36. The Commission notes that the petition contains a number of complaints relating to the alleged failure of the State to recognize or protect multiple rights emanating mainly from the identity of the Granny Nandy Clan as an indigenous/tribal people. For the most part, these claims are set out in a manner that is general, with few, if any specifics about how actions (or omissions) of the State have directly impinged on the rights of the petitioners.

37. The petitioners allege that their right to identity/right to juridical personality, has been violated by the State particularly by the Constitution of Jamaica and the National Identification and Registration Act 2017.

38. Regarding the Constitution, the petitioners claim that the provision relating to citizenship serves to “extinguish our right to an identity from first life event, and disenfranchises us from our birthright, the archipelago of Jamaica as indigenous people.”¹⁸ In response, the State has submitted that the petition fails

¹⁶ IACHR, Report No. 14/08, Petition 652-04. Admissibility. Hugo Humberto Ruiz Fuentes. Guatemala. March 5, 2008, para. 68.

¹⁷ IACHR, Report No. 71/12, Petition 1073-05. Admissibility. Inhabitants of the “Barão De Mauá” Residential Complex. Brazil. July 17, 2012, para. 22.

¹⁸ The provision cited by the petition is Section 3B of the Constitution which states (inter alia): “Every person born in Jamaica shall become a citizen of Jamaica...”

to recognize the distinction between nationality/citizenship and ethnicity or indigenous/tribal status. Ultimately, the State considers that the Constitutional provision on citizenship do not impinge on or violate any right to identity (such as the right to identify as indigenous/tribal. On review of this provision, the Commission finds itself in agreement with the State, and finds, that this provision does not, prima facie, establish any violation of the petitioners' right to identity or right to juridical personality.

39. Regarding the National Identification and Registration Act 2017 the petitioners claim that this legislation signals the intent of the State to assimilate all tribal identities into Jamaica nationality; and to disregard the petitioners' right to an identity as indigenous and tribal people. The Commission notes initially, that the petitioners do not identify any specific provisions of the legislation to corroborate their claim. The Commission notes that in response to the petitioners, the State indicates firstly, that the petition refers to an outdated version of the National Identification and Registration Act. Secondly, the State indicates that this legislation has been superseded by the National Identification and Registration Act, 2021. Thirdly, that the State submits that the National Identification and Registration Act, 2021, sets out a national identification system ("NIDS") which seeks to facilitate functional identification of Jamaicans and non-Jamaicans residing in Jamaica. In this regard, the State submits that enrollment in NIDS is voluntary, and such enrollment does not affect nationality, indigenous or tribal identity. The petitioners have not rebutted the State's observations, nor have they identified any provisions in the National Identification and Registration Act, 2021 that might have the effect of violating their right to identity or right to juridical personality. In the circumstances, the Commission considers that the allegations of the petitioners in this regard are manifestly groundless.

40. With reference to the Records Office Act, the petitioners claim that the laws of Jamaica (specifically the still recognize slavery. The petitioners also claim that "are afraid that they are being recorded as slaves in the Island Records Office and therefore being deprived of their rights as free human beings, possibly by way of the birth certificate". In its response to the petitioners, the State indicates firstly, that slavery has been abolished in Jamaica since the passage of the Slavery Abolition Act of 1833. The State also indicates that the system of slavery would be wholly contrary to the provisions of the Constitution of Jamaica. The State contends that the petitioners have misinterpreted the Records Office Act (particularly sections 18 and 19) and that ultimately, these provisions concern the transcription of old/existing records; and do not concern the making of new records (including birth certificates). The State indicates that that birth certificates are issued based on the submission of certain information on the child to be registered under the Registration (Births and Deaths) Act; and that this information does not include data on whether the parents, grandparents were enslaved.

41. The petitioners have not rebutted the State's observations in this regard. The Commission considers that these submissions appear to be well-founded, and that the petitioners have failed to state facts that tend to establish a violation of their right to freedom from slavery.

42. The petitioners' claim that that they have been deprived of legal personality; and that" it is impossible to bring Maroon related cases to court because the Government refuses to recognize Maroons as a separate people with a separate complex of rights". However, as the State notes, this claim appears to be controverted by the fact that the petitioners currently have litigation pending before the Supreme Court (in their capacity of Maroons/indigenous/tribal people.¹⁹ Given the foregoing, the Commission similarly concludes that the petitioners have failed to state facts that tend to establish a violation of their right to legal personality.

43. The petitioners also allege that the State intends to pass legislation that is deprivation of aimed at the appropriation of private lands (that contain valuable assets such as forests and gold). In this regard, the petitioners assert that this measure could lead to the deprivation of their private property rights concerning ancestral and other lands. The petitioners further allege that they foresee the possibility of Jamaicans having a referendum to decide whether Maroons should be completely erased, and their lands appropriated by the State. Generally, the Commission notes that the petitioners' claims appear to be speculative and unsupported by any specific, cogent evidence. In this regard, the Commission notes that the petition fails to provide any

¹⁹ The State also mentions that another Maroon group (Accompong Maroons) also have pending litigation before the Supreme Court.

documentary or other evidence to demonstrate any intention by the State to pass the alleged legislation. Further, the petition fails to demonstrate how this alleged legislation would directly affect their right to property or any other associated right (such as the right to identity). Similarly, the Commission considers that the petitioners' claim about a possible referendum (and its impact) also appears to be speculative and unsupported by any evidence.

44. Accordingly, the Commission considers that the petitioners' claims regarding the alleged legislation and the possible referendum fail to state facts that tend to establish a violation of their right to property or any associated right such as the right to identity.

45. In summary, the Commission considers that the allegations contained in this petition they fail to state facts that tend to establish any violation of any other rights under the American Convention; or are otherwise manifestly groundless.

VIII. DECISION

1. To find the instant petition inadmissible;
2. To notify the parties of this decision; and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 3rd day of the month of May, 2024.
(Signed:) Roberta Clarke, President; Carlos Bernal Pulido, Vice President; Arif Bulkan and Gloria Monique de Mees, Commissioners.