



**ORGANIZATION OF AMERICAN STATES
WASHINGTON, D.C. 20006 USA**

January 20, 2012

**RE.: Case 12.608
Liakat Ali Alibux
Suriname**

Mr. Secretary,

On behalf of the Inter-American Commission on Human Rights, I am pleased to address you in order to submit to the jurisdiction of the Inter-American Court of Human Rights the case 12.608 *Liakat Ali Alibux* against the Republic of Suriname (hereinafter “the State” or “Suriname”), related to the investigation of and criminal proceedings against Mr. Liakat Ali Alibux - former Minister of Finance and former Minister of Natural Resources - who was sentenced on November 5, 2003 for the crime of forgery, in accordance with the procedures provide for in the Indictment of Political Officials Act. In its report on the merits, the Commission concluded that within the framework of that process the State of Suriname is internationally responsible for violating the rights to a fair trial, to judicial protection, to freedom from ex post facto laws, and to freedom of movement and residence, as set forth in Articles 8, 25, 9, and 22 of the American Convention on Human Rights. Specifically, the Commission found that Mr. Alibux did not have a remedy to appeal his conviction; that he did not have access to the courts to challenge the constitutionality of the Act under which he was tried; that said Act was applied ex post facto; and that the restriction on his ability to leave the country was disproportionate.

The State deposited its instrument of accession to the American Convention, and accepted the Court’s jurisdiction, on November 12, 1987.

The Commission appoints Commissioner Dinah Shelton and Executive Secretary Santiago A. Canton as the delegates in this case; and Deputy Executive Secretary Elizabeth Abi-Mershed, and Specialists Silvia Serrano Guzmán, Mario López-Garelli, and Hilaire Sobers, as legal advisors.

Mr. Pablo Saavedra Alessandri, Secretary
Inter-American Court of Human Rights
Apartado 6906-1000
San José, Costa Rica

Enclosures

Pursuant to Article 35 of the Rules of Procedure of the Court, the Commission encloses herewith a copy of report 101/11 prepared under Article 50 of the Convention, together with a copy of the entire record of the proceedings before the Inter-American Commission (Appendix I) and the annexes used in the preparation of report 101/11 (Annexes). The State of Suriname was notified of the above report on the merits by means of a communication dated October 20, 2011 (sent on October 21, 2011), wherein it was given two months to report on steps taken to implement the recommendations. The State of Suriname did not furnish the report requested by the Inter-American Commission. Accordingly, the Commission submits the instant case to the jurisdiction of the Inter-American Court in view of the need to obtain justice for the victim, in light of the failure to carry out the recommendations.

The Inter-American Commission submits to the jurisdiction of the Court all of the facts and human rights violations described in the merits report 101/11 and requests that the Court find and declare that the State of Suriname bears international responsibility for violation of the rights to a fair trial, freedom from ex post facto laws, freedom of movement and residence, and judicial protection, enshrined in Articles 8, 9, 22, and 25 of the American Convention on Human Rights, taken in conjunction with the obligations set forth in Articles 1(1) and 2 of that treaty, to the detriment of Mr. Liakat Ali Alibux.

Therefore, the Commission requests that Inter-American Court order the following reparation measures:

1. Take the measures necessary to nullify the criminal process and conviction imposed on Mr. Alibux.
2. Grant adequate reparation to Mr. Alibux for the violations declared in the report.
3. Take the non-repetition measures necessary so that high officers prosecuted and convicted for acts performed in their official capacity may have access to an effective remedy to request the review of such convictions. Also, adopt legislative or other measures that may be necessary to guarantee an effective mechanism of review of constitutional matters.

Besides the need to secure justice for the victim, the IACHR notes that this case includes issues of inter-American public order.

Firstly, the case raises a new aspect of law in terms of the scope of the provision on freedom from ex post facto laws, established in Article 9 of the American Convention with regard to procedural rules which may have substantive effects. The case represents an opportunity for the Court to rule on the foreseeability of criminal prosecution under the American Convention. In addition, as noted in the report on the merits, the violations of the right to a fair trial and judicial protection stemmed from enforcement of the rule establishing the prosecution of senior officials in a single instance and the failure to implement the constitutional norms governing constitutional control and providing for the creation of a Constitutional Court. Although the first aspect was amended in 2007, a mechanism to provide for constitutional control has still not been established. In that sense, an Inter-American Court ruling on this case could promote access to justice in Suriname, specifically with regard to constitutional control.

In view of the foregoing, pursuant to Article 35.1 f) of the Rules of Procedure of the Inter-American Court the Commission would like to offer the following expert testimony:

1. Héctor Olasolo Alonso, who will testify about the scope of the principle of non ex post facto application of criminal law under international human rights law. The expert witness will provide the Inter-American Court with elements to rule on this principle with regard to a variety of norms, including procedural rules that could substantially affect the exercise of punitive power by the state. The expert witness will analyze how this issue has been handled in other human rights protection systems, as well as the application of the foreseeability test in criminal prosecution.

The *curriculum vitae* of the expert proposed will be included in the annexes to report on merits 101/11.

The Commission wishes to advise the Court that Mr. Liakat Ali Errol Alibux has represented himself in the instant case. The contact information in the possession of the Commission is as follows:

Liakat Ali Errol Alibux



Please accept the renewed assurances of my highest regards.

(Spanish version signed)
Santiago A. Canton
Executive Secretary