

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS*MARCH 9, 2020**

***CASE OF LIAKAT ALI ALIBUX V. SURINAME*
MONITORING COMPLIANCE WITH JUDGMENT**

HAVING SEEN:

1. The Judgment on preliminary objections, merits, reparations and costs (hereinafter “the Judgment”) delivered by the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “the Court”) on January 30, 2014,¹ in which the Court declared the international responsibility of the Republic of Suriname (hereinafter “the State” or “Suriname”) for the violation of the rights to appeal a judgment to a higher court and the freedom of movement and residence due to the prevention from leaving the country without complying with the principle of legality, to the detriment of Liakat Ali Alibux, former Minister of Natural Resources and Minister of Finance of Suriname between September 1996 and August 2000. These violations were declared in relation to the criminal proceedings initiated in January 2002 and the subsequent conviction of Mr. Alibux in November 2003 for the crime of forgery for events that took place in 2000 when he occupied the aforementioned office of Minister of Finance. Mr. Alibux was tried and convicted by the High Court of Justice in accordance with the procedure set forth in the Indictment of Political Office Holders Act. Given that there was no review proceeding before the High Court of Justice, the Court verified that Mr. Alibux did not count on the possibility of appealing his conviction, regardless of the rank or position held and regardless of the jurisdiction established as competent for his trial. Moreover, the Court established that, while the criminal proceedings against Mr. Alibux were underway, the State prevented him from leaving the country, without demonstrating that there was a clear and specific regulation establishing the legality of the restriction on the freedom of movement in this case. The Court determined that said Judgment constitutes by itself a form of reparation and, additionally, ordered the State certain reparation measures (*infra considerandum* 1).

2. The report submitted by the State on May 12, 2015.

3. The observations presented by the Inter-American Commission on Human Rights on July 30, 2015.

4. The notes sent by the Court’s Secretariat (hereinafter “the Secretariat”) between July 2015 and August 2017,² on the instructions of the Presidency of the Court, reminding the victim’s representative³ that the term to submit his observations

* Judge Eduardo Vio Grossi and Judge Humberto Antonio Sierra Porto did not participate in the deliberation and signing of this Resolution for reasons of *force majeure*.

¹ Cf. *Case of Liakat Ali Alibux v. Suriname. Preliminary objections, merits, reparations and costs*. Judgment of January 30, 2014. Series C No. 276. The complete text is available at: http://www.corteidh.or.cr/docs/casos/articulos/seriec_276_eng.pdf. The Judgment was notified on March 21, 2014.

² Notes of July 13 and August 3, 2015, December 21, 2016 and August 9, 2017.

³ Mr. Irvin Madan Dewdath Kanhai.

on the said State's report (*supra* having seen paragraph 2) had expired and requiring him to present these observations as soon as possible.

5. The note of the Secretariat of the Court of September 27, 2017, through which, on the instructions of the Presidency of the Court, the State was asked to submit documentation that would allow the Court to verify the assertions made in its May 2015 report regarding compliance with the reparations ordered in the Judgment (*infra considerandum* 3), as well as the note of the Secretariat of the Court of August 23, 2018, reiterating this request to the State.

6. The note of the Secretariat of the Court of October 8, 2019, through which the State was informed that, during the 131th Regular Session, the Court was informed that, up to that date, the State had not submitted the report required by said note of the Secretariat of September 2017 (*supra* having seen paragraph 5). In said note, following the instructions of the Plenary of the Court, said request was reiterated.

7. The reports presented by the State between December 2019 and January 2020, in response to the requests made by the Court and its Presidency through the notes of the Secretariat of the Court (*supra* having seen paragraphs 5 and 6). These reports contained, *inter alia*, a statement made by the victim regarding compliance with the Judgment (*infra considerandum* 3).

CONSIDERING THAT:

1. In the exercise of its jurisdictional function of monitoring compliance with its decisions,⁴ the Court has been monitoring compliance with the execution of the Judgment delivered in this case in 2014 (*supra* having seen paragraph 1). In this ruling, the Court ordered three reparation measures: (i) publish and disseminate the Judgment and its official summary; (ii) pay the victim the compensation for non-pecuniary damage, and (iii) reimburse costs and expenses (*infra consideranda* 4 and 7).

2. Pursuant to Article 68(1) of the American Convention on Human Rights, "[t]he States Parties to the Convention undertake to comply with the Judgment of the Court in any case to which they are parties." This obligation includes the State's duty to inform the Court of the steps taken to comply with each measure ordered, which is essential in order to evaluate the status of compliance with the judgment as a whole.⁵ The States Parties to the Convention must ensure compliance with the provisions of the Convention and their practical effects (*effet utile*) in their respective domestic laws. These obligations must be interpreted and applied so that the guaranteed protection is truly practical and effective, recalling the special nature of human rights treaties.⁶

3. In its report of May 2015, the State asserted that the payment of the amounts ordered in the Judgment had been made and that Mr. Liakat Ali Alibux "ha[d] indicated not to attach further interest in the implementation" of the other measures ordered in the Judgment. Even though the victim's representative has repeatedly been asked to

⁴ A prerogative that also arises from the provisions of Articles 33, 62(1), 62(3) and 65 of the American Convention on Human Rights and 30 of the Court's Statute, and that is regulated in Article 69 of its Rules of Procedure.

⁵ Cf. *Case of the Five Pensioners v. Peru. Monitoring compliance with judgment*. Order of the Inter-American Court of Human Rights of November 17, 2004, *considerandum* 5, and *Case of Artavia Murillo et al. (in Vitro Fertilization) and Case of Gómez Murillo et al. v. Costa Rica. Monitoring compliance with judgment*. Order of the Inter-American Court of Human Rights of November 22, 2019, *considerandum* 2.

⁶ Cf. *Case of Ivcher Bronstein v. Perú. Jurisdiction*. Judgment of the Inter-American Court of Human Rights of September 24, 1999. Serie C No. 54, para. 37, and *Case of Artavia Murillo et al. (in Vitro Fertilization) and Case of Gómez Murillo et al. v. Costa Rica, supra* note 5, *considerandum* 2.

present observations on this report, he has not remitted any communication to this Court (*supra* having seen paragraph 4). Subsequently, in September 2017, the President of the Court required the State to provide documentation that would allow the Court to verify the assertions made in its May 2015 report⁷ (*supra* having seen paragraph 5). Between December 2019 and January 2020, Suriname sent certain documents, including a note dated January 10, 2020, signed by the victim of this case, Mr. Liakat Ali Alibux, addressed to the President of the Inter-American Court. In this communication, the victim expressed his views on compliance with the reparations ordered in the Judgment⁸ (*infra consideranda* 5 and 8) and indicated that “it would be advisable that [this] case be closed”. Next, the Court will assess the information presented in regard with the three reparations ordered and will determine the degree of compliance by the State. To this end, particular importance shall be placed in the aforementioned note signed by the victim of this case.

A. Publication and dissemination of the judgment

A.1. Measures ordered by the Court

4. In the seventh operative paragraph and in paragraph 147 of the judgment, the Court established that “the State must, within six months of notification of this Judgment, publish the following: a) the official summary of the [...] Judgment developed by the Court in English, which must be translated to Dutch at the expense of the State, published in both languages, once in the official gazette and once in a national newspaper with widespread circulation; and b) the [...] Judgment in its entirety in English, on an official website of the State, and remain available for a period of one year”.

A.2. Considerations of the Court

5. Mr. Alibux explained in the note addressed to the Presidency of this Court (*supra considerandum* 3) the “personal and professional” reasons why he considers that the execution of this reparation measure would cause him harm, and why he would prefer for the publication and dissemination of the Judgment not be made⁹. The State indicated that it “agrees” with the will of the victim¹⁰.

⁷ The State was required to present “copy to the Court of any proof regarding the payment of ‘non-pecuniary damage and [the reimbursement of] costs and expenses’ and ‘if available, any documentation that supports the State’s affirmayion that ‘Mr. Liakat Ali Alibux has indicated not to attach further interest in the implementation’ of the remaining reaparations ordered by the Court”.

⁸ Cf. Copy of the note of January 10, 2020, signed by the victim Liakat Ali Alibux, and addressed to the Presidency of the Inter-American Court of Human Rights (annex to the State’s report of January 9, 2020).

⁹ Mr. Alibux referred to the negative effects of the media coverage and the public attention of the proceedings and the execution of the judgment of the Supreme Court of Suriname. He explained that said proceedings had a “tremendously negative impact on [his] family and [himself]”, and that, over the years, they had “gradually [been] able to cope with this and move on to normality in [their] personal and professional lives.” For this reason, he indicated that “a renewed attention regarding [his] case could give rise to a renewed process of stigmatization again [him] in the Surinamese society” based on “a verdict [...] that was] executed more than sixteen years ago.” He added that this could even mean that he was “being punished for a second time for the same offense,” which would harm his “human dignity, [his] professional life and the protection and defense of [his] political and civil rights.” Cf. Copy of the note of January 10, 2020, *supra* note 8.

¹⁰ Cf. State’s report of January 8, 2020.

6. In the same way that the Court has proceeded in other similar situations¹¹, taking into consideration the will of the victim in this case not to comply with the reparation measures relating to the publication and dissemination of the Judgment and its official summary (*supra considerandum 5*), the Court considers that the State does not have to comply with these measures and concludes the monitoring of the seventh operative paragraph of the Judgment.

B. Compensations for non-pecuniary damage and reimbursement of costs and expenses

B.1. Measures ordered by the Court

7. In the eighth operative paragraph of the Judgment, the Court established that the State had to pay the amounts stipulated in paragraphs 157¹² and 165¹³ of the Judgment, as compensation for non-pecuniary damage, and to reimburse costs and expenses. In paragraph 166, the Court stipulated the method of compliance with these payments, establishing that they should be made directly to Mr. Alibux, within one year from the date of notification of the Judgment.

B.2. Considerations of the Court

8. The State indicated that the payments ordered in the Judgment had been made and, to prove this, provided a copy of the bank statement of Mr. Alibux¹⁴. Furthermore, Mr. Alibux maintained in the note he addressed to the Presidency of this Court (*supra considerandum 3*), that “payment of the compensation for non-pecuniary damage and reimbursement of costs and expenses in the amount of USD 13,364.00, was made on August 28, 2017, by the Ministry of Finance of the Republic of Suriname”, and attached a copy of the same bank statement that the State had already submitted.

9. Taking into account the foregoing, the Court finds that Suriname has paid the victim the amounts established in the Judgment as compensation for non-pecuniary damage and for the reimbursement of costs and expenses. Since Mr. Alibux has expressed his agreement with the payment made and indicated that he “has no additional interest in the implementation of the remaining reparations ordered in the Judgment of the Inter-American Court”, this Court considers that the State has

¹¹ In this regard, see: *Case of Fernández Ortega et al. v. Mexico. Monitoring compliance with judgment.* Order of the Inter-American Court of Human Rights of November 25, 2010, *considerandum 6*; *Case of Rosendo Cantú et al. v. México. Monitoring compliance with judgment.* Order of the Inter-American Court of Human Rights of November 25, 2010, *considerandum 6*; *Case of Kawas Fernández v. Honduras. Monitoring compliance with judgment.* Order of the Inter-American Court of Human Rights of October 23, 2012, *considerandum 8*; *Case of Mohamed v. Argentina. Monitoring compliance with judgment.* Order of the Inter-American Court of Human Rights of November 13, 2015, *considerandum 9*; *Case of the Human Rights Defender et al. v. Guatemala. Monitoring compliance with judgment.* Order of the Inter-American Court of Human Rights of August 29, 2017, *considerandum 6*; *Case of Vélez Restrepo and family v. Colombia. Monitoring compliance with judgment.* Order of the Inter-American Court of Human Rights of August 30, 2017, *considerandum 5*, and *Case of Luna López v. Honduras. Monitoring compliance with judgment.* Order of the Inter-American Court of Human Rights of November 14, 2017, *considerandum 7*.

¹² In paragraph 157 “the Court [...] fixes, in equity, the sum of U.S. \$10,000.00 (ten thousand dollars of the United States of America) by the way of compensation for non-pecuniary damage suffered by Mr. Alibux”.

¹³ In paragraph 165 “the Court award[ed] the sum of U.S. \$3,364.00 (three thousand three hundred and sixty-four dollars of the United States of America)” to reimburse costs and expenses.

¹⁴ Cf. Copy of the bank statement of Mr. Liakat Ali Alibux (annex to the State’s report of December 12, 2019).

complied fully with the reparation measures ordered in the eighth operative paragraph of the Judgment.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

by virtue of its authority to monitor compliance with its own decisions and pursuant to Articles 33, 62(1), 62(3), 65, 67 and 68(1) of the American Convention on Human Rights, Articles 24, 25 and 30 of the Statute of the Court, and Articles 31(2) and 69 of its Rules of Procedure,

DECIDES:

1. To declare, in accordance with *consideranda* 5 and 6 of this Order, that the monitoring of compliance with the reparation measures relating to the publication and dissemination of the Judgment and its official summary has concluded (*seventh operative paragraph of the Judgment*).
2. To declare, in accordance with *consideranda* 8 and 9 of this Order that the State has fully complied with the reparation measures relating to the payment of the amounts established in the Judgment as compensation for non-pecuniary damage and reimbursement of costs and expenses (*eighth operative paragraph of the Judgment*).
3. To conclude the case of *Liakat Ali Alibux*, given that the Republic of Suriname has complied with the provisions of the Judgment on preliminary objections, merits, reparations and costs issued by the Court on January 30, 2014.
4. To communicate this order to the General Assembly of the Organization of American States in the 2020 Annual Report of the Inter-American Court of Human Rights.
5. To archive the file of the *Case of Liakat Ali Alibux v. Suriname*.
6. To require the Secretariat of the Court to notify this order to the State, the victim and his representative, and the Inter-American Commission on Human Rights.

I/A Court H.R. *Case of Liakat Ali Alibux v. Suriname. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of March 9, 2020.

Elizabeth Odio Benito
President

L. Patricio Pazmiño Freire

Eduardo Ferrer Mac-Gregor Poisot

Eugenio Raúl Zaffaroni

Ricardo C. Pérez Manrique

Pablo Saavedra Alessandri
Registrar

So ordered,

Elizabeth Odio Benito
President

Pablo Saavedra Alessandri
Registrar