

PART 1

Plea in case 12.608 of alleged victim ALIBUX, Liakat Ali Errol vs. the State of Suriname, before the Inter-American Court of Human Rights, on February 06, 2013, in San José, Costa Rica.

Honourable President and Members of the Court,

In the light of the provisions of the Inter-American Convention of Human Rights, in particular the provisions under **Article 41, paragraph f and Article 44 of this Convention**, to which the Republic of Suriname is a State Party through its signature and ratification on 12 November 1987, as well as in the light of the provisions concerning the fundamental rights and freedoms of citizens, as stipulated in the Constitution of 30 October 1987 of the Republic of Suriname, my client Alibux, Liakat Ali Errol, a citizen of Suriname, born in Paramaribo-Suriname on 30 November 1948, by profession a sociologist/civil servant, former Prime-Minister, former Minister and Ambassador, has lodged on July 20, 2003 a complaint at the Inter-American Commission of Human Rights against the State of Suriname, particularly the judicial authorities, i.e. the Court of Justice of Suriname, - currently the highest Court of the Republic of Suriname -, as well as the then Acting Public Prosecutor of the Republic of Suriname.

In a judicial process against my client, the alleged victim Alibux, as former Minister of Finance of Suriname, which judicial proceedings lasted from 16 April 2003 till 05 November 2003 at the Court of Justice of Suriname, , the Acting Public Prosecutor as well as the Court of Justice of the Republic of Suriname, have acted against **Article 8 “Right to a Fair Trial”, paragraph 1 and 2 and especially paragraph 2h**, stipulating **“the right to appeal the judgement to a Higher Court”**, as well as against **Article 9** of the Inter-American Convention on Human Rights: **“Freedom from Ex-Post Facto Laws”**. Other Articles of mentioned Convention which are applicable for substantiating Mr. Alibux’ complaint against violation of his human rights by the State of Suriname in the trial against him, are: **Article 11 “Right to Privacy”, Article 22,**

paragraph 2: "Freedom of Movement and Residence" and Article 25:"Right to Judicial Protection."

Honourable President and Members of the Court,

Paying attention to the merits of the case, we can conclude that there was no case at all. For long, during executive Governments, there is a lack of space to decently accommodate a great part of the Ministries. This was also the situation during the administration in which Mr. Alibux, - under President Jules Wijdenbosch 1996 – 2000 -, served as a Minister of Finance and as Deputy Chairman of the Council of Ministers. This administration decided to purchase a complex of buildings in the capital city of Paramaribo, at a specific amount of money agreed to between the Government and the owner of these buildings. The agreed amount was in line with two valuations from recognized assessors. The valuations were: USD.1.2 million and USD.928.000,- The buildings were bought in July 2000 for USD.900.000,-, so for a price within the appraised values, although a valuation **is not compulsory dictated by law!** Nothing wrong, Honourable President.

(**N.B.:** In October 2000 a third valuation, on instruction of the **new** Government-Venetiaan, of around SRD.801.000,- (around USD. 450.000,=), was done by the Government assessor, thus **after** resignation of the Wijdenbosch Government, and thus also **after** that the price of purchase of the complex of buildings by Mr. Alibux, was already broadly broadcasted by this new Government!).

The decision to purchase the complex of buildings, was taken in the highest institution of the Government, that will say, in the **Government Meeting**, which is being **directed and chaired by the President of the Republic**. This institution (of a Government Meeting), is the highest institution of the Executive State Power, as regulated by the Constitution of October 1987 of the Republic of Suriname (**See Articles 99, 110, esp. 110 a, b, d, e, f and g, 116, paragraphs 1 and 2, 119 paragraphs 1,2 and 3, Article 122 and Article 123, paragraph 2, of this Constitution**). This **Government Meeting** consists of the President, the Vice-President and the Ministers of Cabinet. There is also, in the Executive State Power, the **Meeting of the Council of Ministers** under Chairmanship of the Vice-President (**without the President**). Every decision of this Meeting of the Council of Ministers need **ultimate consent of the**

President, as is laid down in the Constitution of 1987 in **Article 110: "Powers (of the President) with regard to other institutions" paragraph g:**"to suspend decisions of the Council of Ministers and of the Ministers." Now that the Vice-President at that time (Mr. P.Radhakishun) was lengthened absent because of illness, the **Deputy Chairman of the Council of Ministers, Mr. Alibux**, - who was since the start of this Cabinet-Wijdenbosch appointed as such - , was therefore automatically authorized to sign all the decisions taken (called Missives) by the Council of Ministers (See Constitution of Suriname: **Article 119, paragraph 3**). The decision to purchase the complex of buildings, was taken in the **Government Meeting** on June 19, 2000 and the Minister of Finance, Mr. Alibux, was instructed by the President to arrange the Missive in the coming Meeting of the Council of Ministers and to implement this decision by purchasing mentioned building. In the following **Meeting of the Council of Ministers** on 23 June 2000, - called by the Secretary of this Council on instruction of Mr. Alibux as Deputy Chairman -, the latter once again went through the proceedings regarding the decisions of mentioned last Government Meeting, with the majority of Ministers present at this Meeting of the Council, and then gave instruction to the Secretary of this Council, Mrs. Ormskirk, to draw up **as usual**, the necessary Missives on this date of 23 June 2000. These Missives have always been signed by the Chairman of the Council (the Vice-President) and at his absence, by the Deputy-Chairman of this Council, being Mr. Alibux. (**Note**: Given the practice of the years that passed since October 1987 with the new Constitution, it has been laid down in the Procedures of the Council of Ministers of **16 June 2011**, that there will be from this day forward, also a **Government Missive**, for decisions taken in the Government Meeting, so that decisions of this Meeting need not be taken to the Council of Ministers Meeting to, once again pass through the proceedings, just for the issuing of a Missive; this all is in full accordance with the regulations of the Constitution of October 1987, especially considering the Powers of the President of the Republic. (**See Articles 99, 110, 116, 119, 122 and 123 of this Constitution**).

Former President, Mr. Wijdenbosch, as witness, declared under oath at the Court of Justice that the decision of the purchase of the buildings, was taken in the Government Meeting under his Chairmanship in June 2000, - some days before the Meeting of the Council of Ministers, with its Missives -, and that he as President had, according to the Constitution, the power to do such. He also declared that it is a matter of every State Power itself, with exclusion of the other State Powers, to determine independently, the way the internal order of taking decisions will be organised. Again Honourable President and Members of the Court, nothing wrong! On the contrary, we experienced arbitrariness of the judiciary by the **evidently false accusation** from the Acting Prosecutor-General, as if Mr. Alibux, former Minister and Deputy Chairman of the Council of Ministers, falsely signed a Missive to purchase a complex of buildings for the Government.

Even Mrs. Ormskirk, Secretary of the Council of Ministers, declared under oath at the Court of Justice in Suriname, that there was no Meeting of the Council of Ministers on 23 June 2000! This was the only incriminating declaration against Mr. Alibux, out of the **nine witnesses** that appeared before Court.

And what happened at Court of Justice in Suriname, Honourable President of the Court: Mr. Alibux came with the proof that there indeed was a Meeting of the Council of Ministers, by showing **13 other Missives** of decisions, taken on 23 June 2000!

The Acting Prosecutor-General, Mr. S. Punwasi, showed the Secretary of the Council of Ministers these Missives, all signed by Mr. Alibux on that day and asked Mrs. Ormskirk, still under oath, to look at them and say if they are authentic. She looked at all these Missives and said that they are all authentic! Question: did she lie all the time that there was no Meeting of the Council of Ministers? Because it is this lie of this Secretary of the Council of Ministers, on which the whole case against Mr. Alibux has been falsely built up! See the verdict as proof herefor!! This Secretary thus committed, - instructed or not -, perjury?!

And with this new clarity of the 14 Missives, again Honourable President, the case had to be ended, because there was no case at all! And what happened: exactly at this very clear point of the correct Missive of the Council of Ministers to purchase the buildings, Mr. Alibux has, unjust and unfair, been condemned!!

What a subjective appliance of Law! And then, very remarkable Honourable President and Members of the Court, without further examining the perjury of Mrs.Ormskirk, neither by the Court of Justice in Suriname nor by the Acting Procurator-General! Is this not questionable?

Were these judicial authorities apparently only driven by jailing Mr. Alibux at any cost?!

Another striking fact, Honourable President of the Court.

In Mr. Alibux' summons it was stated that he "jointly and in conjunction with three other suspects" committed forgery.

Only Mr. Alibux has been prosecuted and sentenced and nobody else: none of the three other suspects has ever been brought to the District Judge, as is the rule in Surinamese Law! (This can also be read in the answers of declarant, Punwasi, in his affidavit to Your Honourable Court).

Unimaginable how far the Suriname judicial authorities, - with these same Officials (Judge and Acting Prosecutor) till date in charge (!) -, could have gone, with the infringement of national legislation and of violation of regulations of International Treaties!

Again, Honourable President, there was no case at all!

Finally, Honourable President, regarding violation of regulations of national legislation by the State of Suriname, particularly the judicial authorities i.e. the Court of Justice as well as the Acting Public Prosecutor, I take the liberty to present to you the following.

The trial against Mr. Alibux was a fake and ended in a flimsy verdict. Therefore I, as Legal Representative of Mr. Alibux, went into summary proceedings against this verdict on May 14, 2004. It is very contradictory in the ruling of the Constitutional State of Suriname, that I had to approach the same Court of Justice that sentenced Mr. Alibux, to judge if the verdict is unfair and flimsy!! Honourable President of the Court, the judgment passed and pronounced by the Court of Justice (in the criminal division of the Court on 5 November 2003), in no way complies with the imperative legal stipulations. I stated, in Summary Proceedings, as **defective** in aforementioned judgment, that:

a. the verdict is contrary to the law, namely contrary to article 342 and 343 of the Code of Criminal Procedure. The reasons for the facts that led to the proven statement were not indicated.

- b. the proven statement is not included in the judgment, but in an annex which is further not signed.
- c. as evidence was brought forward the complete statement of the suspect and the witnesses, while those statements contain denials and confessions.
- d. the judgment was not pronounced in the presence of the prosecution official, see article 349, paragraph 1 and 2, such on penalty of invalidity.
- e. it is not stated in the judgment that the verdict was given in the presence of the prosecution official.
- f. none of the deletions are provided with initials.
- g. It is not indicated which offence was committed, reference is made only to this summons, and in that summons the offences, - has forged or has drawn up falsely, had it falsified or had it drawn up falsely, - are as criminal offences.

Honourable President, - only after three months -, on 10 August 2003, three days before expiration of the imprisonment of Mr. Alibux on 13 August 2003, the President of the Court of Justice, Judge Von Niesewand LL.M., who also Chairs the Summary Proceedings (!), declares, **“in name of the State of Suriname, the Cantonal Judge of not having jurisdiction to take cognizance of the demands of petitioner in summary proceedings”**.

Honourable President of the Court, it is again more than evident, that Mr. Alibux was deprived by the State of Suriname of all his human and civil rights and could go nowhere in this State to find his rights: he was entirely at the mercy of the judiciary!

Honourable President and Members of the Court, above all these infringements of National Law by the State of Suriname, this State ruthlessly violated regulations of the International Treaties, i.e. regulations of the Inter-American Convention in the trial against Mr. Alibux.

- 1) Mr. Alibux was empathically excluded from the **“right to appeal his judgement to a higher Court” (Article 8 paragraph 2h of the Inter-American Convention)**. Empathically, because I raised preliminary objections at this and other points at the Court of Justice in Suriname, on the very first public hearing in this case, on 16 april 2003. And the then Acting Public Prosecutor, Mr.S. Punwasi LL.M., persisted in

defending his point of view, that the State of Suriname need not to abide to the regulations of the Convention, even though this Convention was signed and ratified by this State in November 1987, **without any reservation!** By the interlocutory judgement on 12 June 2003, the Court of Justice, presided by Mrs.Valstein-Montnor, relentlessly rejected my preliminary objection at this point.(and at the same time all other preliminary objections). This is unimaginable how the then Acting Public Prosecutor (using all his utmost endeavours to be appointed definite by President Venetiaan as Prosecutor-General!) and the Court of Justice of Suriname, have violated international Law and disrespected herewith, international community!

- 2) For a further substantiation of the violation of the human rights of alleged victim, mentioning will be made of facts, which constitute an infringement of his human rights under **Article 8, paragraph 2 (presumption of innocence)** of the Inter-American Convention as well as **Article 11** of this same Convention, i.e. **his right to privacy**.

Prior to the submission of the first legal request to prosecute Mr. Alibux of the Acting Procurator General via the Minister of Justice and the President of the Republic, Mr.Venetiaan, to the National Assembly on August 15, 2001, this legal request was shown at a public political meeting in the district of Commewijne to the masses gathered at this meeting, while very negative and insulting comments were made by the then President of the Republic of Suriname, Mr.Venetiaan, on the person of Mr. Alibux, which surely is an unlawfull attack on the honour and reputation of Mr. Alibux. Numerous, extremely conceited, humiliating and ungrounded accusations against alleged victim, were also made in public by other high-ranking Political Office Holders (among others by Members of the Coalition-Venetiaan in Parliament), hereby causing unjust and longlasting harm to the good reputation and honour and improper social stigmatization to the alleged victim, while attempting to influence/intimidate the society and the judicial authorities in a cunningly manner, hereby violating Alibux his rights to humane treatment and to privacy (**against Article 11 of the**

Convention). In addition, by these acts, the possibilities of the defense of Alibux has been subverted. One thing and another has been broadly captured and reported by journalists on the radio, television and in newspapers, which has tarnished the good name, honour and dignity in society of Mr. Alibux. Through all these actions, Alibux was, even far before his trial, declared “guilty” which is a violation of **Article 8, paragraph 2** of the American Convention (**presumption of innocence!**).

- 3) Violation by the State of Suriname of **Article 9 of the Convention: “Freedom from Ex-Post Facto Laws”**. The purchase of the complex of buildings, took place in **July 2000**. The first legal demand of the Acting Prosecutor-General to prosecute Mr. Alibux, has been sent longer than a year later, through the Minister of Justice on **09 August 2001**, who sent it on **10 August 2001** to the President of the Republic, Mr. Venetiaan. This latter sent this legal demand on **15 August 2001** to the National Assembly. There appeared to be **no implementation Act of Article 140** of the Surinamese Constitution, so neither indictment nor prosecution of Former Political Office Holder, Alibux, was possible! The National Assembly, in this case, had to communicate, - in a decent Constitutional State -, to the President of the Republic, that there is no implementation Act to indict Political Office Holders and then the President had to answer negative to the legal demand of the Procurator-General! But exactly then the **retroactive proceedings** of the State of Suriname, were firmly continued. The State of Suriname **hastily** drafted an Act of Indictment of Political Office Holders and on 02 October 2001, two months later, the first public discussion of this draft Act took place in the National Assembly, continued on 04 October 2001, the draft was adopted and became the **Act of 18 October 2001** with the signing by the President Venetiaan and its promulgation on 25 October 2001. And then, Honourable President of the Court, the Acting Procurator-General has submitted a **second** legal demand on **January 4, 2002**, and now not to the Head of State, but directly to the Speaker of the House, Mr. Ramdien Sardjoe,

upon explicit request of this Speaker, done in a letter to the Acting Procurator-General of **27 November 2001!** (Why did the Procurator-General awaited a request, - or should we say an instruction of the Speaker(?!) -, whilst by **Article 145 and 146. 1 of the Constitution of Suriname**, *only* the Public Prosecutions Department is responsible, *with the exclusion of all others*, for the investigation and the prosecution of all punishable acts!).

On the first legal demand of the Acting Procurator-General, Honourable President, a decision has never been taken, even not after discussion thereof by the highest authority of the State, the National Assembly, and this very first legal demand was supposed to be dismissed due to lack of a legal base! Finally, the retroactive effect also pinpoints to the fact that a statutory regulation, i.e. the Act of 18 October 2001, is **posterior** to the initial submission of the request of the Acting Procurator-General via the President of the Republic to the National Assembly for the indictment of Mr. Alibux, such also regarding the second and renewed request for this purpose (**after request/instruction** of the Speaker of the Parliament to Mr. Punwasi, the Acting Procurator-General), that has not been based on the **Constitution (Article 145)** and needed to be considered as invalid and/or non-existent.

- 4) The seriousness of arbitrariness of the judiciary can also be demonstrated by the following occurrences, which are an infringement of **“the right to freedom of movement”**, as stipulated in **Article 22, paragraph 2 of the Convention**. The alleged victim was to travel abroad for a couple of days, on 03 January 2003. At the International Airport of Suriname, the Military Police, at the entering of the departure Hall, notified him, that he (the Military Police Official) just received by phone an order of the Acting Procurator-General, Mr. Punwasi, that Mr. Alibux is not allowed to leave the country! Thus a travelling restriction, of which alleged victim had no prior knowledge at all, had been imposed on him. The strange nature of this matter, is that this measure had not been presented to the alleged victim neither to me as his Legal Representative, as it should take place as a rule. This restriction is another example of

arbitrariness and thus of the unlawfulness of the State of Suriname, i.e. the prosecution authorities.

- 5) Also **Article 25 of the Convention: “the Right to Judicial Protection”** has been violated. It was necessary to approach the Constitutional Court, as is named in the **Constitution of the Republic of Suriname in Article 144, paragraph 2 and 3**, now that one of its tasks is to put to the test, Acts and regulations of applicable international agreements (treaties) against the Constitution. I as Legal Representative of the alleged victim referred to this Court and to the fact that I needed to approach this Court, but could not do such, now that it did not exist (until today such is the case!). The Court of Justice did not hesitate to wave aside objections and everything, with the only goal, to, - no matter what -, continue the unfair trial and at all costs, reach the verdict, read: the imprisonment of Alibux! And the State of Suriname did so: Mr. Alibux was sentenced to (one year) imprisonment, as was prognosed and expected, because of the unfair trial and everything unfair here before and during the trial.
- 6) As conclusion, Honourable President, the State of Suriname failed to give effect to those rights and freedoms mentioned in **Article 1** of the Inter-American Convention and thus has violated **Article 2 of this Convention: “Domestic Legal Effects.”**

Honourable President and Members of the Court, the State of Suriname has ratified the basic United Nations Covenant and the Inter-American Human Rights Convention and as such should observe and guarantee the practice of rights, at all levels. In the case of Mr. Alibux, the State has violated the universal “right to appeal judgment to a higher Court”, “Freedom from Ex-Post Facto Laws”, “right to a Fair Trial”, “right to equal protection”, “right to judicial protection”, “right to privacy”, “right to humane treatment”, as guaranteed in the American Convention on Human Rights. Honourable President and Members of the Court, I believe that the State of Suriname should recognize beyond reasonable doubt, to have illegally acted against Mr. Alibux, more than once. Furthermore, the State of Suriname should acknowledge that it has unfairly taken action against Mr. Alibux - before, during and

after his trial - and evidently showed to have neglected c.q. misjudged concepts like "fairness", "privacy", "respect", "integrity", "dignity", "honour", "reputation", "personal liberty and security" and "right to leave the country freely".

The State of Suriname, Honourable President, has been violating the Inter - American Convention on Human Rights all the time and has always continued trying to do so in the case of Mr. Alibux. By violating the Inter-American Convention on Human Rights by the State Suriname, Mr. Alibux has been irreversibly stigmatized (not only in the Surinamese society but also abroad), even at a time when there still was no legal process and without evidence of guilt, with profound and far reaching and possibly lasting societal consequences for him and his family.

The State of Suriname has caused him and his family considerable emotional pain, sorrow and misery; his good name and honour have been thrown away by unlawful actions against himself and unmistakably against Human Right Treaties and Conventions.

This State has refused Mr. Alibux consciously a fair trial and pushed for execution of his sentence, at any cost. This execution and everything relevant in connection herewith, could (psychologically) hardly be undone!

In this respect, the State of Suriname has inflicted immoral human and social damage, including financial loss upon Mr. Alibux!

The State of Suriname would be better off showing the American Member States, to take Human Rights and thus the American Convention seriously enough and that its citizens whose rights need to be guaranteed, are to notice such! This would improve the concept of Constitutional State and the confidence in the administration of justice in the Republic of Suriname: certainty of the Law has to be highly obvious!

This State should accordingly be held accountable for rehabilitation of Mr. Alibux, for reparation and for compensation.

This State, Honourable President and Members of the Court, should refrain from efforts of any kind to escape its Treaty obligations regarding harmony of legislation and/or in case of committed human rights violations, to escape reparation and compensation, neither of immaterial nor of material nature!

PART 2

Honourable President and Members of the Inter-American Court,

Regarding **rehabilitation, reparation and compensation**, on behalf of the alleged victim, Alibux, I may inform you as follows.

First of all, Honourable President, Mr. Alibux fully agrees with the recommendations made by the Highly Esteemed Commission on Human Rights to the Inter-American Court in its communication of March 2011 (received in June 2011).

At the same time, Mr. Alibux should like the State of Suriname to be ordered to make **public apologies** to him through all the **mass media**:

- in all the news papers in a full one-page announcement during three consecutive days, at a prime page in capital letters;
- this same announcement to be fully read on all radio-stations during three consecutive days, in prime time;
- and to be shown and read on all TV-stations, with the heading: "Breaking News"; also during three consecutive days in prime time;
- also via the **social media**, i.e. via Face Book, Twitter and LinkedIn,

in order to create conditions for his national and international societal rehabilitation.

This announcement has to be formulated by Mr. Alibux or by the State of Suriname, and shall only be announced after consent of Your Honourable President or of Mr. Alibux or of his Legal Representative.

Further, Mr. Alibux should like to be **rehabilitated, in his function as an Official at the Ministry of Foreign Affairs**.

This means the annulment of his dismissal so that, as from the date of his dismissal on August 13, 2004 up until November 30, 2008, the day he reached his retirement age of 60, he must formally be put in charge again, with the payment retrospectively of his monthly salary, with 10% interest per year.

Also there has to be made retrospectively payment of the monthly salary to Mr. Alibux (see below on page 15), during six of the seven months of his unjust imprisonment, with 10% interest per year.

Also the correction, - due to the annulment of his dismissal -, of his pension, and the payment of all this (see details hereof, below on page 15), with 10% interest per year.

Honourable President,

Mr. Alibux has been in detention from January 12, 2004 up to and including August 13, 2004, which makes 215 days.

Deprived of one's freedom during these 215 days, especially in his case of a politician/political leader (he has been the Chairman of an opposition Party in Parliament), who is 24 hours in service of (at least available) for his country, for his people and for his Party, regarding unlimited facets of social and political life.

He is also academic qualified and having an academic degree being Master of Science (in Dutch: doctorandus, drs.) in (Development) Sociology, the value in payment per day is at least worth/comparable, - in respect of the workload, its complexity, its impacts, its seriousness -, to that of a consultant/counselor. Consultants/counselors earn their fee per hour; I will try to calculate this in a soft valuation per day, to give a realistic indication of Mr. Alibux his value **in freedom**.

Assuming eight (8) hours of working per day, which is a normal standard in society in general. That means in average a claim of USD 150,= per hour (which again is far beneath the average fee!) and thus a claim of USD 1.200,= per day, which is the equivalent of **U\$1.200 x SRD.3,35 x 215 days**. (The exchange rate for 1 USD = SRD 3,35=).

Especially I would like to call Your attention, Honourable President and Members of the Court, to the fact of stigmatization because of sentence and detention and the destroying social effects of this all, the fall in disrepute for the society and consequently unprecedented frustration of one's opportunities for the future!! This negative effect for life, should also be calculated in the materialization of the reparation of the consequences of subjective, unfair and unjust legal proceedings, sentence and detention, which even not has been passed along by me in this calculated "daily payment"!!

Furthermore, Honourable President, I like to refer to the communication of 05 September 2005 of Mr. Alibux (**Encl. 1**) and

that of 24 August 2007, page 7 (Encl. 2). I will quote from the second paragraph of page 1 of the communication of 24 August 2007:"that this Government has not yet started to pay the penalty set by the Judge of the Summary Proceedings (Encl.3), with reference to the 80 days delay concerning execution of judgement as of 23 January 2003. 80 days delay! The penalties were 1.000.000 Surinamese Florins (SF). Your Honourable President, all this results in: $80 \times 1.000.000$ per day = SF 80.000.000, equivalent of **SRD 80.000,=**, with an interest of 10% per year, which the State of Suriname owes Mr. Alibux.

Also You may find, Honourable President and Members of the Court, that the State of Suriname still owes Mr. Alibux another penalty, because of delay of payment of salary during 14 months and nine days, as from 26 May 2005 (sentence in Summary Proceedings in Encl. 4), with a penalty of Surinamese Dollars (**SRD) 10.000,= per day**, for not executing mentioned judgement until 04 August 2006.

At this date, - 04 August 2006 -, the Administrative Court (presided by J.von Niesewant LL.M., Acting President of the Court of Justice), rejected my claim against all logics in justice, to definitely rehabilitate Mr. Alibux as an official, according to the judgement done in the Summary Proceedings of 26 May 2005! **Contrary** to the Judgement of the Summary Proceedings!!

In the name of Mr. Alibux, since July 2005 I approached - thus immediately after the sentence of the Judge in Summary Proceedings of 26 May 2005!-, the Administrative Court against dismissal of Mr. Alibux. (Remarkable: at the Administrative Court in Suriname, there is also no possibility of appeal !!).

Approaching the Administrative Court immediately (within six weeks after judgement of 26 May 2005), demonstrates that Mr. Alibux did everything in the right constitutional way, without any "undue delay" on his behalf, because his motivation was to be rehabilitated as an official the soonest possible. This demonstrates that it was not his intention to walk upon the path of penalties to be paid by the State of Suriname, as the Judge sentenced very correctly, on 26 May 2005! **It is the State itself, Honourable President**, that *wilfully* went on that path of *ignoring* the sentence and it is also the judicial (mal)practice in Suriname, that gave acces

to that path. Honourable President and Members of the Court, the State of Suriname, who has to be an example, a role-model for the society, certainly in obeying the Laws and under all circumstances obeying to verdicts of the Judge, is very shamelessly behaving on the contrary!! The right way for the State should be to obey to the verdict of the Judge to rehabilitate Mr. Alibux and pay him his salary, and if it refuses to do such, then the State itself applied for this situation to pay Mr. Alibux the penalties imposed by the Judge!! **By not obeying to the sentence**, the State of Suriname is practising unlawful behaviour, bad governance and arbitrariness! The State has negelected the sentence, and refused to execute it, leaving Mr. Alibux without salary again, which lasted more than a year: is this fair justice, Honourable President and Members of the Court, for not executing a sentence and then for so long (!), not paying salary, nor penalties set by the Judge? And at the same time the State manifestates that it is acting without any responsibility by letting these penalties mount up enormously! It may be wondered greatly, why the State of Suriname has been behaving so "reckless"! **Has this State been so convinced, in advance, of a subjective, rewarding sentence for itself?!**

The Judge really rewarded the State of Suriname to dismiss Mr. Alibux as an official in civil service, notwithstanding the argument of me as lawyer at the Administrative Court , that Mr. Alibux has not committed any crime as an official in civil service and above all that, there is no reason to punish Mr. Alibux once more in quite another function for the same, in which function moreover one becomes "non-active" for the time one becomes a Political Office Holder! (for your information, Honourable President, Mr. Alibux has been an official in civil service from October 1973, till August 2004, when he was unlawfully dismissed).

Unbelievable facts?

Indeed, Honourable President, but not completely astonishing, given the consequent unfair behaviour of the State of Suriname during the course of legal proceedings starting from year 2000 against Mr. Alibux!

Remarkable Honourable President and Members of the Court, this unfair sentence of the Judge in Administrative Court, Mr.J.von Niesewant LL.M. - **once again, contrary to the previous judgement in Summary Proceedings** -, has put Mr. Alibux unjustified again in

a situation of inhumanity for many years thereafter, from February 2004, in the time of his imprisonment (because in January 2004 he received in jail his last monthly salary from Government) till his sixtieth birthday on November 30, 2008?!

Anyhow, Honourable President, given the sentence of the Judge for Summary Proceedings on 26 May 2005 (this sentence was: "**immediately enforceable**"!), and *thanks to the State itself*, this State owes Mr. Alibux, fairly, legally, logically and morally: 14 (fourteen) months, that is: 435 days x SRD 10.000 = **SRD 4.350.000,=**, with an interest of 10% per year.

Only from the moment of the judgement of 04 August 2006, the execution of the previous verdict (of 26 May 2005), came to an end.

And the State has rudeness neither complied to the sentence nor has the State paid its penalty, for committing this criminal offence of not obeying to the verdict of the Judge!

Not obeying to the Law and to the verdict, is a punishable act: the punishment are the penalties to be paid, which were very well known by the State from the very beginning on!! *Knowingly and willingly the State insisted in disobedience!* Is there then a valid reason to let the State with its malbehaviour, escape from paying these penalties?

Above all, the sentence of the Judge at the Administrative Court of 04 August 2006, do not say absolutely anything about the verdict in the Summary Proceedings of 26 May 2005, regarding the consequences of not having obeyed to this verdict in paying of the penalties, if not complied to that verdict by the State of Suriname!!! *On the Contrary: the Administrative Court itself has delayed its verdict with more than 14 months and indeed knowing about the verdict of 26 May 2005 and the daily penalties imposed on the State of Suriname!*

You will find, Honourable President in the **Encls. 5, 5A and 5B**, invoices of the Lawyer, Mr. I.D. Kanhai LL.M., of respectively SRD. 3.780 + 3.780 + 25.920, which makes a total of: **SRD 33.480,=**, with 10% per year.

In Encls. 6 and 6A, Honourable President, You will find respectively the total amount of salaries of Mr. Alibux (included Holiday allowances) which have been withheld by the State from February 2004-30 november 2008 (the day he turned 60, the age of retirement), due to his detention and his illegal and unfair sentence and dismissal: **SRD 285.931,13 + 10% interest per year.**

Regarding his pension, Honourable President, You will read in **Encl.6A**, that if Mr. Alibux was not dismissed, he would have received a monthly pension of SRD. 3.439,08, while he is receiving now, - because of being dismissed in 2004 and thus (by judicial enforcement) made less years in service -, only SRD 2.116, 42 per month. This is a difference, to his disadvantage of SRD 1.322,66 per month, started on 30 November 2008 and which will continue as long as this situation of his unlawful and unfair dismissal will last. **So, longer than four years and so many months.** Add to this, 10% interest per year.

By dismissing him, he also lost his right on the Governmental medical insurance so he had to insure himself at a private insurance Company named Self Reliance (**Encl. 7**).

In this enclosure you will see the premies payed by his wife (Mrs.E. Bronstein and he himself) In the case of the medical insurance, expenses only for his insurance count (not that for his wife). So here has been adding up the expenses of the yearly medical insurance-premies from 15/9/ 2004— 15/9/2008, including premium for dentistry.

(Please notice: In November 2008, he turned 60, reached the age of pension and could be part again of the Governmental medical insurance).

In total he himself thus paid to the medical insurance Company: **USD. 3.636,= + 3% interest per year.**

Honourable President, adding up the Invoices for translations (from Dutch to English of his observations) and Fedex and DHL-costs (**see Encl. 8 up to and including Encl. 8 G**), it is a total amount of: **USD.6.044.92 + 3% interest per year.**

The DHL-costs and the costs of translations of this actual communication, has to be added to, at the end.

Finally, Honourable President, there are the costs of this trip of Mr. Alibux and me as his Legal Representative, from Paramaribo to San José vice versa, included payment of hotels, which are **USD. 3.364,= (Encl.9)** and daily expenses during four days of **USD.200=** per diem for both of us, which sums up to **USD.1.200,=+ 3.364 = USD.4.564,= + 3% interest per year.**

As a notice, I hereby inform You on behalf of Mr. Alibux, Honourable President, that he, calculated in Surinamese Dollars that which he paid in this currency (SRD.) and that he calculated in American Dollars (U\$), that which he paid in this currency.

PART 3**Honourable President and Members of the Court,**

May I continue with general remarks about that what has been brought to the fore by the Agent and by the State of Suriname per affidavit i.c. answers of the declarant S. Punwasi, during the public hearing at the Inter-American Court on 06 February 2013.

Regarding the solution of the problem of space for the Ministries of the Government of Suriname.

Honourable President and Members of the Court, given the structural problem of enough space c.q. accommodation for all her civil servants, consecutive Governments tried to solve this problem by buying and/or building of new (big and modern) edifices for several Ministries.

Renting of a lot of small and diffused locations for tens of years, - and confronted with ever rising rents - had become an enormous burden for the Governmental budget.

This has been the case too during the Wijdenbosch-Government of August 1996 - August 2000, where Mr. Alibux was Minister of Natural Resources and during the last nine months of this term, also Minister of Finance.

Especially the Ministries of: 1) Foreign Affairs, 2) Transport, Communication and Tourism (TCT), 3) Regional Development, 4) Natural Resources, were in great need of bigger and better accommodations.

The situation for the Ministry of Regional Development was worsened, because this Ministry was not only too small and in great need of renovation, but its location in an area in the centre of the city of Paramaribo, had been destined in 1998 by the Minister of TCT as "**Recreational Area**". This Ministry then formally became an "unintended island" (an enclave) on this location. This area in the heart of the city, consists of only the biggest hotels and casino's of Suriname, all kinds of restaurants, pubs, bars, pancake-café, discotheques, coffee-houses, souvenir-shops, flowerbooths etc. The old and outdated Ministry of Regional Affairs, stands here alone and "out of place" in this sparkling area for the many

tourists and the outgoing youth and many other citizens of Suriname, that are seeking for pleasure.

Honourable President and Members of the Court, the Government is **one and undivided**. The subdivision of the Government in Ministries all over the world, is just for organanizational reasons of suitability and effectiviness. (Suriname has 17 seventeen Ministries).

If a decision is taken in the Government Meeting (and even a second time in the Meeting of the Council of Ministers), - as is the case with the decision of the purchase of the complex of buildings -, then the purchased building is **property** of the Government of Suriname and *not* of a Ministry. It is the Government (read: the President) that **allocates** the property to one or another Ministry. And if an allocation have to be changed, then the President has to be approached with this request and the President ultimately takes a decision. So if the Minister of Regional Development, - **given the highest priority in the Government for her Ministry to move** -, still finds this purchased building not ideal to her Ministry and for this reason does not agree with the allocation of the purchased building to her, then she herself can approach the President of the Republic directly or as she did, inform the Minister of Finance about this, so that the latter can approach the President in written about this matter. It is then the President who decides, if this allocation will be changed to another Ministry that is in need of more space, or if this allocation will (for the present ?) not be changed. This is a very normal and logical way of decision-making and there is nothing wrong herewith. The presence of the Minister of Regional Development in the Government Meeting or the Meeting of the Council of Ministers for the taking of this decision to purchase the building(because of being in the interior or being abroad), was not necessary: the majority of the Ministers were there under Chairmanship of the Executive President of the Republic discussing a matter of purchase of a property which will be owned by the Government (the State of Suriname), and not by a particular Ministry! Because of the highest priority, this property had been allocated by this Government Meeting to the Ministry of Regional Development.

Honourable President and Members of the Court, please allow me to inform You of the following. After the year 2000, when the Venetiaan- Government replaced the Wijdenbosch-Government, this Venetiaan-Government succeeded in arranging for the building of a new edifice for the Ministry of Foreign Affairs (plus its entire inventory), a grant of the Government of the People's Republic of China of USD.5.000.000,= (Five Million USD, officially signed and published), which took place around 2003/2004.

The Venetiaan-Government bought a new building for the Ministry of Transport, Communication and Tourism (TCT), around 2006/2007. (Unofficial: for USD.900.000=).

And one more new building has been bought by the Suriname Government for the Ministry of TCT, around 2010, in fact prepared by the previous Government and bought by the actual Government. (Unofficial: for USD.1.3 million).

The Ministry of Public Works has been partly renovated in 2011 by the actual Government. (Unofficial: for USD.650.000=).

The Offices of the actual Vice-President has been entirely rehabilitated and renovated in these days, 2011/2012. (Unofficial: for USD.1.5 million). Etc, etc.

Although we do know the (approximate) amounts of these bought edifices, renovations etc., we do not speak about it, because we do not have the official documents at our disposal at the moment to give Your Honour proof of it. What we just want to demonstrate herewith, Honourable President and Members of the Court , is that the purchase of real estate, the building of Government edifices, rehabilitation, renovation and enlargements of properties of the Government etc., in order to gain space and quality accommodation, is necessary and above all, " business as usual" for every Government, given the current circumstances. It is also remarkable that the costs (the prices) of all these purchases etc., are at least comparable , - often even higher - to the price of the complex of buildings which were purchased during the Wijdenbosch-Government, by Minisiter of Finance at that time, Mr. Alibux: this purchase was nothing exceptional compared with the other purchases, renovations, enlargements etc., during all the consecutive Governments of Suriname.

Regarding the phenomenon of the three other suspects that committed the supposed criminal offences “jointly and in conjunction with Alibux”.

Not long after the unfair trial against the victim Alibux and his imprisonment, Mr.S. Punwasi, has been promoted and appointed by the then President Venetiaan as the definite Prosecutor-General of the Republic of Suriname. I am now quoting what the declarant Punwasi answers the Attorney on 24 January 2013 on page 3 in Re.9, last sentence: **“During the hearing in court of the High Court of Justice it appeared that there was no proof in respect of the other persons. For that reason the High Court of Justice considered it proven that only Alibux perpetrated the offence. So there were no grounds for prosecuting the other persons.”**

Honourable President and Members of the Court, the declarant Punwasi is telling, via the Attorney of the State of Suriname, , - shamelessly -, a *BIG LIE!* This is unbelievable to read such a Big Lie of such a high judicial authority, and actually addressed to one of the highest Courts of the World Community!

Today, even after ten years, Mr. Punwasi still has the “courage” to cover violation of National Law and having stage-managed unfair justice against regulations of International Treaties and Conventions, with such *BIG LIES!* Or shall we say that this is the most evident proof for his bad practice in Suriname and the worst in the case of victim Alibux?

In his answer to the Attorney Sewcharan (24 January 2013) the declarant writes on page 1, second paragraph: **“ Within the criminal law system in Suriname every person for any criminal offence whatsoever is brought in first instance before the sole judge (the *unus iudex*, the District Court).”**

Honourable President and Members of the Court, the other three suspects, were never summoned to appear before the District Court, where every person for any criminal offence is brought to, in first instance (as correctly stipulated here by the declarant himself). Further, these persons can never appear at the Court of Justice in first instance! Since October 2001 only Political Office Holders should appear in first instance at the Court of Justice in Suriname! **The other three persons (not being Political Office Holders) had to appear before the District Court! Only here at**

this Court they could have proven their innocence in first instance and only *hereafter* they could have filed an appeal at the Court of Justice in Suriname! Above all, how is the Court of Justice in Suriname able to judge over suspects without hearing them in Court ? And if this should indeed have been the case (this would then certainly have been again a violation of Law by the Acting Prosecutor-General and by the Court of Justice in Suriname!), then where are the summons of these three other suspects to appear before the Court of Justice? Where is this ruling of the Court of Justice about these three suspects? When has this trial taken place in public and its ruling been pronounced by the Court? An unimaginable and incorrigible *BIG LIE* of the Prosecutor-General, Punwasi!

Honourable President and Members of the Court, that the three other suspect has **not** been brought to the District Court by the then Acting Prosecutor-General, is essential and decisive to conclude that the State of Suriname, explicitly this Acting Prosecutor-General, is very badly faking with the Law and with judiciary as a whole in Suriname and at the same time is fooling the Inter-American Court and the international community!

Regarding the possibility of “appeal to a higher Court”, as stipulated in the Inter-American Convention in Article 8, paragraph 2h.

Honourable President and Members of the Court, the State of Suriname wilfully violated the Inter-American Convention on this point, because I as Legal Representative of the victim Alibux, have exhaustively shown the Acting Procurator-General Punwasi as well as the Court of Justice in Suriname, Presided in this case by Mrs.Valstein-Montnor LL.M., since the first day of the public hearings on 16 april 2003 in the preliminary objections, that the “Act of Indictment of Political Office Holders of 18 October 2001”, is violating article 8, 2h of the Inter-American Convention on Human Rights. They, the Acting Procurator-General, Mr.S.Punwasi, as well as the Acting President of the Court of Justice of Suriname and President in this lawsuit, Mrs. Valstein-Montnor, *persisted in not abiding* by mentioned regulation of the Inter-American Convention! This is a notorious violation of a regulation of an

International Treaty, which the State of Suriname has signed unconditionally (*“without any reservation”*).

Although the **Constitution of the Republic of Suriname** of October 1987, as stated in **Article 106 (Encl.: 10)**: “Legal regulations in force in the Republic of Suriname shall not apply if such regulations should be incompatible with provisions of agreements which are directly binding on anyone and which were concluded either before or after the enactment of the regulations”, demonstrates that in Suriname we have a *monistic legal system*, whereby signed and by the President ratified international agreements, shall directly be accepted as being integral part of the Surinamese Law system and are immediately applicable in Surinamese legal practice!

Even if the then Acting Procurator-General argues that Suriname has just a **moderate** monistic Law system, then he is hypocritical, because from November 1987, - when the Inter-American Convention came into force in Suriname Legislation -, until April 2003, when I as Legal Representative of Mr. Alibux raised this exception at the public hearing at the Court of Justice of Suriname, more than **fifteen (15) years** has passed. Then how can you persist in stating that Suriname has a **moderate** monistic system?! How many more years does the State of Suriname then need to align international legislation with national legislation? This is corruptive and a “anti- human rights” behaviour of this Acting Prosecutor-General. The same counts for the Acting President of the Court of Justice, Mrs.Valstein-Montnor, when she most astonishingly argues in her **interlocutory verdict of June 12, 2003 (Encl. 11)** about this subject of appeal, on the whole of page 3 and most striking argues in the last sentence of this page: “ **That after all, the national judge cannot establish provisions of appeal, which are not recognized by the national legislation.**” (In italics by Mr. Kanhai).

And she says this, knowing too that more than fifteen (15) years before this trial of 2003, the Inter-American Convention on Human Rights was ratified by the Republic of Suriname, namely on 12 November 1987.

Honourable President and Members of the Court, the State of Suriname itself admitted to have violated article 8, 2h of the Inter-American Convention, by the very addition on 27 August 2007

(Encl.12A - 12B) of the possibility of appeal to the “Act of Indictment of Political Office Holders” of 18 October 2001. **Six (6) years later, and only after the Report on the Merits of the Highly Esteemed Commission on Human Rights, dated March 2007 and received in Suriname in June 2007**, the State of Suriname was *affected* to add this possibility of appeal in the “Act of Indictment of October 2001”. Because in its Report, the Commission on Human Rights concluded straightforward, that **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.**

In the **Explanatory Memorandum of this Act of 27 August 2007**, in the third paragraph of its first page, the State of Suriname declares:

Quote: “These special regulations for political office holders in article 140 of the Constitution provision, however in practice encounters problems in the sense that a remedy is lacking.....According to this provision, a person convicted of a crime has the right that his conviction and sentence is being reviewed again by a higher tribunal according to the law.” **End of Quote.** The State of Suriname unequivocally admits to have violated article 8, paragraph 2h of the American Convention and article 14, paragraph 5 of the International Covenant on Civil and Political Rights.

And **four (4) years** after having unfairly sentenced the victim Alibux on 05 November 2003, the State of Suriname wants him to apply for appeal at a time when his judicial case, **was already definitely and forever closed in August 2007**: his imprisonment was definitely expired **on August 13, 2004** and his **side-verdict** of prohibition of holding the Office of Minister for three (3) years, **had also been expired on November 5, 2006!** The State of Suriname can never declare that victim Alibux neglected to apply for this added appeal, because in every civilized legal system **“Every Lawsuit has an end”**: **“Litis Finiri Oportet”** and such counts indeed for Mr. Alibux. Besides, how would the judiciary in Suriname i.e. the Prosecutor-General then open the **(closed!)** case of Mr. Alibux again for appeal? He then would be violating the **“Ne Bis In Idem”** principle against Mr. Alibux !!

During his whole counter-pleading for the State of Suriname, the Agent Mr. Sewcharan LL.M., has put forward very strange ideas and/or untrue facts, similar to this one of the possibility of appeal for Mr. Alibux. Another example for “strange ideas”: how can this Agent argue that **there is no necessity of appeal in a Law** (or words of the same purport), because the suspect can also be absolved, so he will not need this appeal and thus the possibility for appeal in a Law is not necessary!! Another strange idea of this Agent was his assertion of how the Commission on Human Rights could have admitted the case of Mr. Alibux, now that the Inter-American Court, in her entire existence have only dealt with murder- cases! Does the Agent really think that violation of the Inter-American Convention can only occur in a murder? What an absurdity!

Regarding the violation of the prohibition of ex-post facto laws, such as the “Act of Indictment of Political Office Holders” which has been retroactively applied against Mr. Alibux, I have already elaborated in my pleading, still I should like to refer to some verdicts of International Courts, as jurisprudence, regarding retroactive laws. I refer to : (see resp. **Encls. 13 A, B, C**)

- the case of Kokkinakis against Greece, 25 may 1993.
- the case of Jamil against France.
- the case Peter Welch against The United Kingdom, 15 october 1993.

Regarding the approaching of the Constitutional Court in Suriname, I can refer to my exception at Court of Justice in Suriname (**Encl. 14: Juridical-Technical arguments, I.E. Formal Objections : See page 4, paragraph 1, 1st sentence**) Quote: “ Both Suriname and the Netherlands are recognizing the right to judicial review of Acts and the Constitution, to International treaties.....The legal claim – as referred to in article 2, paragraph 1- consists of a short factual description of the punishable Act or punishable acts, for which the political office regulations or treaty law provisions, whereby or in pursuance whereof that act or those acts is/ are made punishable.” Un-Quote. Honourable President, it is the Constitutional Court, mentioned in **Article 144 of the Constitution of Suriname**, that

has the powers to do this judicial review as mentioned above and that is what I did presented in Court in 2003 in the trial of Mr. Alibux. In my exceptions, the defects of this trial has been amply illustrated and has been one by one put against regulations of International Treaties!

It is curious in this respect, to inform you, Honourable President and Members of the Court, that in a lawsuit in Suriname for which the trial is still going on nowadays, the Court of Justice, Presided in this case by the same Mrs. Valstein-Montnor as Judge, she, on suggestion of the Public Prosecutions Department of the same Mr. Punwasi, **suspended** this trial, in order to wait on the answer of a juridical question, raised during this trial, whereby this question *has to be submitted* to the **(non-existent!)** Constitutional Court!! Even though nobody knows when this, in the Constitution of 1987 of Suriname named Constitutional Court, will be settled and will come into operation, **this trial has been suspended for indeterminate time** (postponed indefinitely) till the Court of Justice will have received the answer of the Constitutional Court! (**Note:** The National Assembly approved in June 2012 a Law of Amnesty, while the proceedings against the suspects in this Lawsuit, is still pending in Court and is still going on now for more than six years before the Court of Justice. The judicial question here is: has the National Assembly *interfered* with the approval of this Amnesty Law in an ongoing trial? If so, this would be against the Constitution of Suriname, Article 131, paragraph 3! If not, then a consequence of this new Law, will be to immediately close this trial and to grant amnesty, according to this new law, to the suspects. And for the answering of this judicial question, the Judge, on advise of the Prosecutions Department, *suspended* the trial to await the answer of the Constitutional Court, which is still *non-existent!*).

Honourable President and Members of the Court, in the case of Mr. Alibux, *I obtained no hearing of the Court of Justice* when it was argued by me, that for the question of the incompatibility of national laws, - in this case the "Act of Indictment of October 2001" -, with regulations of International Treaties, - as for instance Article 8, 2h, Article 9 and other provisions of the Inter-American Convention -, and with the question of the direct binding of provisions of the Inter-American Convention in Surinamese

legislation, we in Suriname do lack the view of the Constitutional Court, which to us was evidently indispensable! **The Court of Justice disregarded my intervention on this point!**

The trial was not suspended as has now happened in the actual trial mentioned above! What an unrealistic (not-existence) and unequal application of Law in Suriname! The trial against Mr. Alibux normally continued as if nothing was wrong with the order of the trial and Mr. Alibux was sentenced! Once again, Honourable President and Members of the Court, Mr. Alibux was fully at the mercy of the Court of Justice and the Acting Prosecutor-General. Alibux had, at all cost, to be sentenced!!

What a contradictory and subjective appliance of Justice in Suriname, despite the ratification of International Treaties!

Regarding the point of different Political Office Holders that has been sentenced.

The Agent again is distorting things. Mr. Alibux has never said that he is the only Political Office Holder that has ever been sentenced! Mr. Alibux argued that *since October 1987*, with the **new** Constitution of Suriname, with **Article 140 herein**, and with the prescription by this Article of an Implementation Act, no Political Office Holder was yet prosecuted neither sentenced, until 2003. The example of former Minister W. Soemita is false, because this Political Office Holder was sentenced under the rules of **the old Constitution of 1975**, in which we had the **same** Article 140, but then in Article 144, but *without the requirement of an Implementation Act!* Then in 2008, after the adding in August 2007 of the possibility of appeal in the Act of Indictment of October 2001, Minister Balessar was prosecuted and sentenced. But what Alibux said, is that since October 1987, even though there were at least two Ministers (after 1987!) that have supposedly committing crimes during their Office-Holding, but the Implementation Act prescribed in Article 140 of the Constitution of 1987, had neither been drafted nor been sent by the Government to Parliament for approval, despite these “two opportunities”! The Government did not act as the Consitution has prescribed, she just gave these two Ministers (Minister C.Pigot of Education and Minister R. Dragman of Trade and Industry, resp. in 1992 and 1998) the opportunity to voluntarily resign, what happened in

these cases). Why since then the “Act of Indictment of Political Office Holders” has not been immediately arranged and those Ministers has not been prosecuted? Why just when the case of Minister Alibux was there in 2000, the Government (Venetiaan) hastily and retro-actively made this “Act of Indictment of Political Office Holders” to especially prosecute and sentence Mr. Alibux, and remarkable, Honourable President and Members of the Court, on the basis of a stage-managed and indeed falsely constructed case?! This is what victim Alibux had argued in his communications to demonstrate, also along these lines, the subjective appliance of justice and the unfair trial against him by the State of Suriname, particularly by the then Acting Procurator-General, Punwasi, and the President of the Court of Justice in this trial, Judge Mrs. Valstein-Montnor!

Regarding Article 5 of the “Act on Indictment of Political Office Holders”:

“The National Assembly does **not** enter into the evaluation of the validity of considering the political office holder or former political office holder as a suspect in the sense of Article 10 of the Code of Criminal Procedure, but **only** evaluates whether his or her indictment should be considered, from a political administrative perspective, to be in the general interest”.

Mr. Alibux was invited by The National Assembly to appear before her, in order to have a hearing with him regarding the request of the Acting Procurator-General, Mr. Punwasi, to prosecute him for committing criminal offences during his holding of Political Office. He had to appear on 17 January 2003, before a Special Commission of the National Assembly. On this same date the Acting Prosecutor-General sent extended parts, if not the entire Report of the Fraud/Economic Offences Division of the Judicial Department of the Police to The National Assembly, to be studied by the fifty-one (51) Members of Parliament, so to “enable” them to indict or not to indict Mr. Alibux. The indictment by Parliament then (automatically) took place, just **some hours later on that same day of 17 January 2001**, in the called public meeting of The National Assembly! Very clear again, everything happened in a big haste against Mr. Alibux! Besides, Honourable President and Members of the Court, it was forbidden by Law, for the Acting

Prosecutor-General to send the entire or nearly the entire Police Report of inquiries of the whole case to The National Assembly! **Article 3** of the “Act on Indictment of Political Office Holders”, Quote: “The action as referred to in Article 2, Paragraph 1, contains a **short factual description of the criminal offence** or offences.....to which said criminal offence or offences are considered actionable offences.” (Unquote). (Bolding by Mr. Kanhai). The Acting-Prosecutor-General **violated** this Article 3 of the mentioned “Act on Indictment” and created herewith a tendency against Mr. Alibux, very shortly before the meeting of the National Assembly to vote for his indictment. The Acting Procurator-General thus clearly tried to affect (to “force”) the Members of Parliament as well as the coming voting in the National Assembly! But what also happened, Honourable President and Members of the Court, this Police Report immediately after being received in Parliament from the Acting Prosecutor-General and being deposited in the Parliament-building in multiple for the Members of Parliament, came into the hands of the journalists, gathered at the Assembly building. Immediately hereafter, on this same day, the contents of this Police Report had been widely broadcasted throughout the whole country and abroad by internet, and by all radiostations, TV-stations and daily journals: it became “**the talk of the town**” in the whole country, from this day on and continued not only till the trial and during this trial against Mr. Alibux, but also after the trial, the sentencing and the imprisonment of Mr. Alibux. The contents of this Police Report (so at that time NOT YET EXAMINED BY THE JUDGE!!) is even following him till date! Intoxication herewith of nearly the whole society took place, included of the very Members of Parliament, - as already said -, but most probably also of parts of the judiciary, now that they are also normal human beings as all of us and thus, - in a small society as Suriname -, also can/may be affected somehow or the other (especially when this all is being supported by the then President and his Government)! With this violation by the Acting Procurator-General of Article 3 of the mentioned “Act of Indictment”, he violated also the good reputation of many innocent citizens whose names have been stated in this Police Criminal Report, now that their good names have been associated herewith, with having something to do with

committed criminal offences and/or complicity in it: the Acting Prosecutor-General also violated their good reputation and also their privacy!! Police Reports are confidential and secret and not for throwing roughly in the society!! And this violation-behaviour of the Prosecutor-General is being continued till date, because even now after ten (10) years, he is committing the same "error" by again sending (a relatively big part) of the mentioned (confidential) **Police Report**, to the international community, with several names of good Suriname citizens to the Honourable Court of Human Rights, and again here he tries to create grave against Mr. Alibux to the cost of well reputated civilians and their privacy! This was above all not even required from the declarant!

There were nine witnesses before the Court of Justice in Suriname during the public trial and the Procurator-General must know, that he is permitted to mention only the names of these nine people that have been heard in public by the Court of Justice, otherwise he is still not behaving with the necessary responsibility!

These **nine witnesses** were: 1. the Secretary of the Council of Ministers, Ms. Ormskerk 2. the Secretary of the Minister of Finance, Minister Alibux, Mrs. Degenaar-Lemmers 3. the Secretary of the Minister of Natural Resources, Minister Alibux, Mrs. Strijdhartig 4. the owner of the purchased building, Mr. Wilsterman 5. the Head of the Department of the Treasury, Mr. Resida, 6. the lawyer of the Ministry of Finance, Mr. Parohie, 7. the Head of the International Division of the Central Bank of Suriname, Mr. Lachmising, 8. Official of the Central Bank of Suriname, Mr. Soehawan and 9. the then President, as Head of Government to whom all the Ministers are answerable according to the Constitution, Article 123, paragraph 2, Mr. J. Wijdenbosch.

PART 4

Honourable President and Members of the Court,

Your Honour, President of the Inter-American Court, has requested the Missives (14) of the Meeting of the Council of Ministers of June 23, 2000 in English, which we have added here in PART 4 A.

Your Honour requested too, the Standing Orders of the Council of Ministers in English, which we have added in PART 4 B.

Assuring You, Honourable President and Members of the Court of Human Rights, of our highest esteem,

Irvin Madan Dewdath Kanhai, LL.M.

List of Enclosures :

- 1) From the communication of 05 September 2005
- 2) From the communication of 24 August 2007
- 3) Verdict of 23 January 2003 in Summary Proceedings
- 4) Sentence of 26 May 2005 in Summary Proceedings
- 5) 5, 5A and 5B, invoices of Lawyer I.D. Kanhai
- 6) 6 and 6A, amount of salaries and pension of Mr. Alibux
- 7) Payment to the medical insurance Company by Mr. Alibux
- 8) 8 up to 8G, Invoices for translations and DHL-costs
- 9) Travel- and hotelcosts from Suriname – Costa Rica v.v.
- 10) Constitution of 30 October 1987 of the Republic of Suriname
- 11) Interlocutory verdict of June 12, 2003
- 12) 12 A and 12 B, Act on Indictment of Political Office Holders, 2001 and its Amendment in 2007
- 13) 13 A, B, C, International Jurisprudence regarding retroactive laws
- 14) Juridical-Technical arguments, I.E. Formal Objections