



**CORTE INTERAMERICANA DE DERECHOS HUMANOS
COUR INTERAMERICAINE DES DROITS DE L'HOMME
CORTE INTERAMERICANA DE DIREITOS HUMANOS
INTER-AMERICAN COURT OF HUMAN RIGHTS**



I/A COURT HR_PR-03/14 ENGLISH

PRESS RELEASE

**JUDGMENT ON THE SCOPE OF THE RIGHT TO FREEDOM FROM EX POST FACTO LAWS AND
THE RIGHT OF HIGH-RANKING OFFICIALS TO APPEAL THE JUDGMENT IN SURINAME**

San José, Costa Rica, March 24, 2014. – March 21, 2014, the Inter-American Court of Human Rights served notice of the Judgment on Preliminary Objections, Merits, Reparations, and Costs in the case of *Alibux Liakat Ali v. Suriname*, filed before the Court by the Inter-American Commission on Human Rights on January 20, 2012. The full text of the judgment and its official summary can be found at the following link: <http://www.corteidh.or.cr/index.php/en/decisions-and-judgments>.

Mr. Liakat Ali Alibux held the positions of Minister of Finance and Minister of Natural Resources from September 1996 to August 2000. On October 18, 2001, the Indictment of Political Office Holders Act (hereinafter "IPOHA") was adopted, in accordance with Article 140 of the Constitution of Suriname, for the purpose of establishing regulations for indicting those who hold and have held political office for alleged criminal acts in the discharge of their capacities. An investigation was carried out against Mr. Alibux in connection with the purchase of a complex of buildings between June and July 2000 while in his capacity as Minister of Finance, and he was subjected to a proceeding before the National Assembly and tried before the High Court of Justice of Suriname as the court of first and only instance. In addition, on January 3, 2003, Mr. Alibux was not allowed to travel out of the country on a personal trip. On November 5, 2003, Mr. Alibux was convicted of the crime of forgery, sentenced to one year of imprisonment, and banned from holding the position of Minister for three years. On August 27, 2007, an appeal procedure was established in Suriname for proceedings carried out on the basis of Article 140 of the Constitution; however, Mr. Alibux did not make use of this remedy.

In its Judgment, the Inter-American Court concluded that Suriname was not responsible for the alleged violations of the right to freedom from ex post facto laws and judicial protection. However, it declared a violation of the right to appeal the judgment to a higher court and the right of freedom of movement and residence.

Specifically, the Court found that because in the proceeding is a sequence in constant motion, the application of a regulation governing procedure that comes into force after the alleged commission of a punishable act does not contravene *per se* the principle of legality. Based on the foregoing, the Court found that at the time the punishable acts were committed by Mr. Alibux, the crime was established by law and Article 140 of the Constitution established the basis of the procedure for trial, and thus the immediate application of IPOHA did not affect the classification of the offense or the severity of the penalty. The Court concluded that the State of Suriname did not violate, to the detriment of Liakat Ali Alibux, the right to freedom from ex post facto laws, established in Article 9 of the American Convention.

In addition, the Court determined that the designation of the highest judicial body for the purposes of the criminal prosecution of high-ranking public officials is not in itself contrary to the right to appeal a judgment to a higher court. However, in this case, there was an absence of a judicial remedy to guarantee Mr. Alibux his right to appeal the conviction at the time of judgment, and when that judicial remedy was created in 2007, the entire sentence had been fulfilled. Thus, the remedy lacked effectiveness. By virtue of the foregoing, the Court concluded that the State of Suriname violated Article 8(2)(h) of the American Convention.

With regard to the alleged violation of the right to judicial protection, the Court noted that by way of the Interlocutory Resolution of June 12, 2003, the High Court of Justice ruled on the interlocutory objections filed by the legal representative. In addition, although the Court acknowledged the importance of the Constitutional Tribunals as protectors of constitutional mandates and fundamental rights, the American Convention does not establish a specific model for judicial review and control for conformity with the Convention, which is the responsibility of State bodies. Therefore, the State did not violate, autonomously, the right to judicial protection.

With regard to the restriction on Mr. Alibux from leaving the country, on January 3, 2003, the State did not prove the existence of a clear and specific regulation that serves to determine the legality of the restriction of freedom of movement in this case, and therefore it failed to comply with the provisions of Article 22, paragraphs 2 and 3 of the American Convention.

In light of these violations, the Court ordered the State to adopt specific measures of reparation.

The Inter-American Court will monitor compliance with the Judgment and will close the case once the State has fully complied with the provisions thereof.

The composition of the Court upon issuance of this Judgment: Humberto Antonio Sierra Porto, President; Roberto F. Caldas, Vice President; Manuel E. Ventura Robles, Judge; Diego García-Sayán, Judge; Alberto Pérez Pérez, Judge; Eduardo Vío Grossi, Judge, and Eduardo Ferrer Mac-Gregor Poisot, Judge.