

IN THE CARIBBEAN COURT OF JUSTICE
Original Jurisdiction

CCJ Application No. TTOJ2024/001

Between

DEREK ANAND RAMSAMOOJ

Claimant

And

THE STATE OF SURINAME

Defendant

NOTICE OF FILING OF ORIGINATING APPLICATION

(Rule 10.3(2) of the Caribbean Court of Justice (Original Jurisdiction) Rules, 2024)

TAKE NOTICE that pursuant to the Order of the Court made on 10 October 2024 granting the Claimant special leave to commence proceedings and to appear as a party to the proceedings, an Originating Application has been filed by the Claimant against the State of Suriname on 16 October 2024.

The subject matter of this application relates to a claim brought by the Claimant pursuant to Articles 7, 8, 9, 28(1) and 45 of the Revised Treaty of Chaguaramas ('the RTC').

The Claimant seeks the following relief in his application:

- (1) A declaration that the Defendant infringed the Claimant's right to freedom of movement.
- (2) A declaration that the Defendant infringed the Claimant's right to provide services.
- (3) A declaration that the Defendant infringed the Claimant's right not to be discriminated against on the ground of his nationality.
- (4) A declaration that the Defendant breached its obligations under Article 9 of the RTC in failing to ensure that the Claimant was not subjected to arbitrary imprisonment and/or denial of Counsel and/or denial of adequate medical attention and/or

discrimination on the ground of nationality and/or the several rights identified in the Charter of Civil Society.

- (5) A declaration that the Defendant has breached its obligations under Article 9 of the RTC in failing to facilitate the achievement of and/or jeopardizing the attainment of the objectives of the RTC namely the objective of improved standards of living and work and enhanced functional co-operation by way of the advancement of the social development of the peoples of the Community.
- (6) A declaration that upon a proper interpretation of the RTC, CARICOM citizens are entitled to the benefit of the rights accorded by the Charter of Civil Society when they exercise any of the rights accorded by the RTC, or alternatively;
- (7) A declaration that upon a proper interpretation of the RTC the rights therein provided (and which enure to the benefit of community citizens) are exercisable without violation of the human rights of those citizens which are part of a peremptory norm of general international law.
- (8) A declaration that the device referred to as the “Beperking” and codified in Section 40 Code of Criminal Procedure of Suriname is, upon its true interpretation, incompatible with the rights accorded to CARICOM citizens under the RTC, or alternatively;
- (9) A declaration that the device referred to as the “Beperking” and codified in Section 40 of the Code of Criminal Procedure of Suriname is, by reason of the manner of its use in practice in Suriname, incompatible with the rights accorded to CARICOM citizens under the RTC.
- (10) A declaration that the denial of basic human rights to CARICOM citizens by a Member State is incompatible with the RTC upon its proper interpretation.
- (11) A declaration that it is incompatible with the RTC for a Member State to adopt a policy, being “Beperking”, which in its practice denies relevant CARICOM citizens the right to Counsel for extended periods of time.
- (12) A declaration that the criminal justice system in the State of Suriname is open to political influence and that in the events which have happened the claimant is the victim of political victimization which is incompatible with the RTC.
- (13) Damages.
- (14) Costs.

TAKE NOTICE ALSO that a Member State, the Community or any person who wishes to intervene in the proceedings must file an application for leave to intervene within six (6)

weeks of notification of the filing of the originating application pursuant to Rule 17.3(1)(a)(i) and (ii) of the Caribbean Court of Justice (Original Jurisdiction) Rules, 2024.

Dated 17 October 2024

Deputy Registrar and Marshal
Caribbean Court of Justice