



## CARIBBEAN COURT OF JUSTICE

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**MEDIA RELEASE**  
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### **CCJ FINDS SURINAME BREACHED RTC RIGHTS OF A CARICOM NATIONAL BY DENYING ACCESS TO A LAWYER**

**Port of Spain, Trinidad and Tobago.** On Monday, 25 May 2026, the Caribbean Court of Justice (CCJ) sitting in its Original Jurisdiction, held in *Derek Anand Ramsamooj v The State of Suriname and the Caribbean Community [2026] CCJ 2 (OJ)* that Suriname breached the treaty right to freedom of movement of a Trinidadian national, Mr Derek Anand Ramsamooj, by denying him direct access to a lawyer during pre-trial detention under restriction orders (*beperking*) made under article 40(2) of the Surinamese Code of Criminal Procedure. The Court awarded Mr Ramsamooj USD 30,000 in damages.

Mr Ramsamooj, a Trinidadian political consultant, had travelled regularly to Suriname since 2014 to provide consultancy services. On 6 October 2020, the police seized his passports and he was detained the next day in connection with an investigation into alleged fraud by the previous Surinamese Government for which he had worked. He was held without direct access to a lawyer under two consecutive eight-day *beperking* orders, interrogated in Dutch through a translator, and signed a Dutch-language statement later used in court as his confession. He remained in pre-trial detention until 22 December 2020, when he was released because of his deteriorating health. His passports were returned only in September 2022.

With the special leave of the Court, Mr Ramsamooj brought proceedings against Suriname in the Original Jurisdiction, contending that his detention without access to counsel was incompatible with the rights to freedom of movement and to provide services accorded to CARICOM nationals under the Revised Treaty of Chaguaramas (RTC). Suriname denied that the Court had jurisdiction over alleged human rights violations, asserted that the Charter of Civil Society for the Caribbean Community (the Charter) was non-binding, and submitted that the restrictions were, in any event, justified under article 226(1)(a) of the RTC for the protection of public morals and the maintenance of public order and safety. The Caribbean Community participated as *amicus curiae* (friend of the court).

The Court established that the Treaty rights of CARICOM nationals (including freedom of movement and the right to provide services) must be exercised against a background of minimum human rights standards, without which those rights would be deprived of their

effectiveness. The right of an accused person to have access to a lawyer of his or her choice was found to be one such minimum standard, being entrenched in the constitution of every CARICOM Member State. The Charter, though not itself binding, serves as an aid in interpreting the RTC and in identifying general principles of Community law.

Turning to the *beperking*, the Court found that as applied to Mr Ramsamooj, it deprived him of access to a lawyer at three critical stages: during police interrogation, during any challenge to the *beperking* order itself, and during any challenge to the lawfulness or continuation of his detention. The Court concluded that article 40 of the Surinamese Code of Criminal Procedure, in so far as it permits deprivation of access to counsel at the investigative stage without sufficient safeguards, falls below the minimum human rights standard required by Community law and unlawfully impedes free movement. In those circumstances Mr Ramsamooj did not need to establish discriminatory treatment based on nationality, and Suriname could not rely on article 226(1)(a) of the RTC to justify a domestic law that itself fell below that minimum standard.

The Court declined to award damages for medical expenses or to make a declaration in respect of the right to provide services, being unsatisfied on the evidence in each respect. However, accepting unchallenged expert evidence that Mr Ramsamooj had sustained a coronary event, a stroke, and a significant progression of his coronary artery disease during his detention, to which the conditions of detention would certainly have contributed, the Court awarded USD 30,000 in non-pecuniary damages. The Court further declared that any reliance in any criminal proceedings on any admission or confession obtained from him during his unlawful detention would itself breach Community law, although Suriname remains free to pursue proceedings on the basis of evidence obtained independently of, and untainted by, the unlawful detention. Costs were awarded to the Claimant.

The members of the CCJ panel were CCJ President, the Honourable Mr Justice Anderson, Justices Rajnauth-Lee, Barrow, Jamadar, and Ononaiwu. Mr Justin Phelps, SC, Mr Navindra Ramnanan, Mr Milton Castelen, and Mr Chase Pegus appeared for the Claimant. Mr Hans Lim A Po appeared for the Defendant. Ms Lisa Shoman, SC, Ms Radha Permanand, and Mr O'Neil Francis appeared for the Caribbean Community.

The full CCJ judgment is available on its website at [www.ccj.org](http://www.ccj.org).

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#### About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Winston Anderson. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to

enable the CCJ to perform that role. At present, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana, and Saint Lucia. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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