

# Justin Phelps

*Inner Temple, London*



Wednesday 15<sup>th</sup> May, 2024.

**CARICOM Secretariat**

Headquarters  
Turkeyen Georgetown,  
Guyana.

**Office of Trade Negotiations Barbados**

Barbados Office

BY E-MAIL

Dear Sir/Madam,

**Re: Mr. Derek Ramsamooj**

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1. I act for Mr. Derek Ramsamooj. Mr. Navindra Ramnanan and Mr. Chase Pegus assist me.
2. I have been in correspondence since 2022 with the State of Suriname (as well as office holders in other Caricom Member States) regarding the politically controlled prosecution of my client in Suriname which has involved serious violations of international law.
3. The background to this unlawful treatment of my client is important.
4. Mr. Ramsamooj is a regional political scientist. He holds dual citizenship, being a citizen of the United Kingdom (by birth) and a citizen of Trinidad and Tobago (by parentage). He has advised political parties across the region for over 25 years.
5. In 2015 Mr. Ramsamooj provided his professional services to the National Democratic Party (NDP) in Suriname. That party formed the government during the period 2015-2020. During this period Mr. Ramsamooj was retained by Surinamese government agencies to provide consultancy services.
6. At the election on May 25, 2020, the Government in Suriname changed, with the result that the political party opposed to the NDP (for which Mr. Ramsamooj had worked) took office. Mr. Chan Santokhi became the President of Suriname.

7. Mr. Santokhi is both a former chief of police and Minister of Justice and Police in Suriname.
8. Following a working visit in early 2020 my client's departure from Suriname was delayed due to the Covid 19 pandemic. In late 2020, two days before he was expected to depart Suriname, my client was detained at his hotel and told that he had been placed on a "no-fly" list as a witness in connection with fraud allegedly committed by the NDP government.
9. My client was interrogated about the work he had done for the previous government. He was thereafter held without access to a court or counsel for 18 days, and for a further 57 days without charge after access to counsel was permitted.
10. The political prosecution of my client by the Santokhi regime has involved serious violations of my client's basic human rights and international law. He has been denied counsel, proper medical treatment, access to the courts and a fair and impartial judicial tribunal. He was forced to place his signature on documents in the Dutch language (which he does not understand), subjected to prolonged detention without being taken before a court of law or being charged, was detained in conditions unfit even for animals and subjected to lengthy interrogation without the provision of basic human amenities such as food, medicine and sleep.
11. The acts attributable to the State of Suriname include the fabrication of charges against my client, motivated by the fact that he had worked for a rival political party.
12. The context in Suriname at the present time is also of importance. The country's election is to be held on May 25<sup>th</sup> 2025, and the election campaigns are therefore underway.
13. The authorities in Suriname have for more than two years had in their possession documentary evidence proving my client's innocence beyond any doubt and exposing the charges as utterly contrived and baseless. In fact, those documents were produced by my client promptly after his initial detention, that is to say, before he was charged. It is clear and obvious that the gross abuses of international law inflicted upon my client have been motivated by a desire to use the criminal process in Suriname to advance the political agenda of the Santokhi regime.
14. The undeniable influence of politics in this case is more alarming still due to the structural flaws which exist within the constitutional framework in Suriname.
15. The justice system in Suriname is congenitally flawed. Judges of the constitutional court are appointees of Mr. Santokhi, the President. The police and the public prosecutor's office are directly administered by the Ministry of Justice and Police.
16. These concerns about the fragility of the institutions in Suriname are not new. The international community has expressed concern about the independence of the Surinamese justice system in the past.

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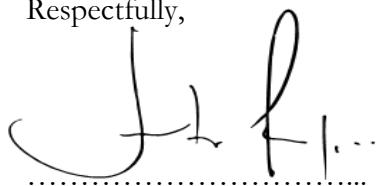
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17. In its report on Governance in Suriname prepared in April 2001 the Inter-American Development Bank (IDB) carefully considered the judicial infrastructure in Suriname. That report noted that the judiciary had little budgetary independence and that budgets for courts, prosecutors, police and prisons were subject to control by the Ministry of Justice and Police.
18. Most concerning was the IDB's observation that the Ministry of Justice and Police "*oversees the police and prisons*".
19. The IDB concluded that the system of justice in Suriname was "*inefficient, and hobbles both independence and accountability of the institutions of justice.*"
20. It observed that Suriname was "*on the low end of the scale*" on the "*rule of law*" index and attributed this to the fact that it was plagued by "*general concerns about favoritism and corruption in public sector decision making processes.*"
21. In short, the State of Suriname has a tradition of political control over the judiciary and the IDB observed that the set-up "*makes it possible for political influence to be exercised by the executive*".
22. There is therefore an independent and objective basis for the conclusion that, as the subject of a politically motivated prosecution, it is impossible for my client to get a fair and impartial trial in Suriname.
23. The structural flaws in the Surinamese system and the political impetus behind the unlawful treatment of my client amount to a violation of international law. It is logical, right and just that those acts should also amount to a violation of regional law.
24. In 1997 the Conference of Heads of Government, the supreme organ of the Caribbean Community, adopted the Charter of Civil Society which purports to afford basic rights to Caribbean citizens.
25. However, the facts of my client's case show that the criminalization of political differences can still happen within the Caribbean despite the terms of that Charter.

26. In the contemporary international context, the acts of the State of Suriname can only be described as the acts of a rogue state engaged in primitive “cloak and dagger” politics and the prosecution of political rivals in order to control the outcome of elections.
27. As a regional matter, where there are Member States lurking in the shadows of the ideal of Caribbean integration, prepared to violate minimum international human rights standards for political advantage, the Community is hindered in the achievement of its objectives. Such a circumstance is impermissible under Article 9 of the Revised Treaty of Chaguaramas.
28. These events have implications for international investment not only in Suriname but in the entire region and are bound to impact the reputation of the Community on the international stage. This hinders the “*accelerated, co-ordinated and sustained economic development*” which is one of the primary objectives of the Community.
29. My client has medical evidence that his treatment in Suriname has resulted in irreversible deterioration to his health. He suffered a stroke in Suriname which went undiagnosed. As I have tried to explain above, it is impossible for him to have a fair trial in Suriname. His regional good reputation has been put at risk. In short, the unlawful conduct of the State of Suriname threatens to lead to the ruination of all facets of my client’s life.
30. In these circumstances, my client proposes to challenge the conduct of the State of Suriname both regionally and internationally if necessary.
32. In that connection, I am to respectfully request that you furnish me with a list and copies of all records of the Community which contain the policy direction/s for the Community determined and provided by the Conference of Heads of Government under Article 12 (2) of the Revised Treaty of Chaguaramas.
33. In the alarming circumstances described herein, I would be obliged for your earliest possible reply.

Respectfully,

A handwritten signature in black ink, appearing to read 'Justin Phelps', written over a dotted line.

Justin Phelps  
Attorney-at-Law