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Title/Style of Cause: Sheldon Roach and Beemal Ramnarace v. Trinidad and Tobago
Doc. Type: Decision
Decided by: President: Juan E Mendez;
First Vice-President: Marta Altolaguirre;
Second Vice-President: Jose Zalaquett;
Commissioners: Robert K. Goldman, Julio Prado Vallejo, Clare K. Roberts.
Dated: 27 February 2002
Citation: Roach v. Trinidad and Tobago, Petition 12.346, Inter-Am. C.H.R., Report No. 17/02, OEA/Ser.L/V/II.117, doc. 1 rev. 1 (2002)
Represented by: APPLICANT: the law firm of Collyer-Bristow
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I. SUMMARY

1. On November 27, 2000, the Inter-American Commission on Human Rights (the “Commission”) received a petition from the London, United Kingdom law firm of Collyer-Bristow against the Republic of Trinidad and Tobago (“Trinidad and Tobago” or “the State”) on behalf of Sheldon Roach, a death row inmate in the Republic of Trinidad and Tobago. Subsequently, on April 2, 2001, the Commission received a petition from the London law firm of Oury Clark against the Republic of Trinidad and Tobago on behalf of Beemal Ramnarace, also a death row inmate in Trinidad and Tobago.

2. Both petitions allege that the State jointly tried and convicted Mr. Roach and Mr. Ramnarace under Trinidad and Tobago’s Offences Against the Person Act[FN1] for the July 1993 murder of Ian Wayne Poon and sentenced them to death by hanging on December 16, 1998. These were the alleged victims’ second convictions for this crime, their first convictions having been quashed on appeal on July 2, 1997. The petitions also allege that the State is responsible for violating the rights of Mr. Roach and Mr. Ramnarace under Articles I, II, XVIII, XXV and XXVI of the American Declaration on the Rights and Duties of Man (the “American Declaration” or the “Declaration”) and Articles 4, 5, 7 and 8 of the American Convention on Human Rights in connection with the criminal proceedings against them, based upon the following grounds:

[FN1] Offences Against the Person Act, (3 April 1925), Laws of Trinidad and Tobago, Ch. 11:08. Section 4 of the Act prescribes the death penalty as the mandatory punishment for the crime of murder, providing that “[e]very person convicted of murder shall suffer death.”

- (a) violations of Articles I, XVIII and XXVI of the American Declaration and Articles 4 and 5 of the American Convention, relating to the mandatory nature of the death penalties that were imposed upon Mr. Roach and Mr. Ramnarace;
- (b) violations of Article XXVI of the American Declaration and Article 8(3) of the American Convention, based upon the manner in which statements of confession were taken from Mr. Roach and Mr. Ramnarace;
- (c) violations of Articles XXV and XXVI of the American Declaration and Articles 7(5) and 8(1) of the American Convention, relating to the delays in trying Mr. Roach and Mr. Ramnarace;
- (d) violations of Article XXVI of the American Declaration and Article 5 of the American Convention, relating to treatment and conditions of Mr. Roach and Mr. Ramnarace while in detention;
- (e) violations of Articles XVIII and XXVI of the American Declaration and Articles 4, 5 and 8 of the American Convention, relating to the manner in which the joint trial and appeal of Mr. Roach and Mr. Ramnarace were conducted.

3. The following additional allegations were raised in Mr. Ramnarace's petition:

violations of Articles 7(3) and 7(4) of the American Convention relating to the procedures followed during Mr. Ramnarace's arrest;

(b) violations of Article 8(2)(f) of the Convention relating to Mr. Ramnarace's alleged inability to cross-examine a witness during his second trial.

4. The following additional allegations were raised in Mr. Roach's petition:

(a) violations of Articles XVII and XXVI of the American Declaration and Articles 24 and 25 of the American Convention, relating to the denial of access to court and to an effective domestic remedy for violations of Mr. Roach's human rights.

5. As of the date of this report, the Commission had not received any information or observations from the State regarding Mr. Roach and Mr. Ramnarace's petitions.

6. Upon reviewing the two complaints, the Commission decided to join the petitions and process them together pursuant to Article 29(1)(d) of the Commission's Rules of Procedure, on basis that the complaints in both petitions arose out of the same criminal proceedings and therefore addressed similar facts, involve the same persons, and reveal the same pattern of conduct.

7. As set forth in this report, having examined the contentions of the parties on the question of admissibility, and without prejudging the merits of the matter, the Commission has decided to admit the claims in both petitions in respect of Articles 1, 2, 4, 5, 7, 8 and 25 of the American Convention and Articles I, II, XVII, XVIII, XXV and XXVI of the American Declaration and continue with the analysis of the merits of the consolidated case.

II. PROCEEDINGS BEFORE THE COMMISSION

A. Petitions and Observations

8. Following receipt of Mr. Roach's petition, the Commission transmitted the pertinent parts of the petition to the State by note dated December 1, 2000. The Commission requested the State's observations on the petition within 90 days as established in the Commission's former Regulations.[FN2] Similarly, following receipt of Mr. Ramnarace's petition, the Commission transmitted the pertinent parts of his petition to the State by note dated April 19, 2001, with a request for information on the petition within 90 days.

[FN2] During its 109th special session in December 2000, the Commission approved the Rules of Procedure of the Inter-American Commission on Human Rights, which replaced the Commission's prior Regulations of April 8, 1980. Pursuant to Article 78 of the Commission's Rules of Procedure, the Rules entered into force on May 1, 2001.

9. By note dated December 14, 2000, which was received by the Commission on December 18, 2000, the State acknowledged receipt of the Commission's communication dated December 1, 2000 respecting Mr. Roach's petition. Likewise, by note dated May 9, 2001, which was received by the Commission on May 14, 2001, the State acknowledged receipt of the Commission's communication dated April 19, 2001 regarding Mr. Ramnarace's petition.

10. In a communication dated June 6, 2001, which was received by the Commission on June 12, 2001, the Petitioners for Mr. Roach submitted additional information pertaining to Mr. Roach's complaint, namely a copy of the November 2, 2000 order of the Judicial Committee of the Privy Council dismissing Mr. Roach's Petition for Special Leave to Appeal.

11. As of the date of this report, the Commission had not received response from the State to the Commission's request for information regarding the petitions of Mr. Roach and Mr. Ramnarace.

B. Precautionary Measures

12. Contemporaneously with the transmission of the pertinent parts of Mr. Roach and Mr. Ramnarace's petitions to the State, the Commission requested the State to take precautionary measures pursuant to Article 29 of its former Regulations to stay the executions of Mr. Roach and Mr. Ramnarace pending the Commission's investigation of the allegations in their complaints. This request was made on the basis that if the State executed the alleged victims before the Commission had an opportunity to examine their complaints, any eventual decisions would be rendered moot in terms of available remedies and Messrs. Roach and Ramnarace would suffer irreparable harm. The Commission did not receive a response from the State to its requests for precautionary measures.

C. Provisional Measures

13. In light of the absence of any response from the State to the Commission's requests for precautionary measures, by application dated October 18, 2001 the Commission requested pursuant to Article 63(2) of the American Convention and Article 25 of the Rules of Procedure of the Inter-American Court of Human Rights (hereinafter "the Court") that the Court amplify its provisional measures in the James et al. Case to encompass Mr. Roach and Mr. Ramnarace.

14. On October 25, 2001, the President of the Inter-American Court decided to order Trinidad and Tobago to take all necessary measures to preserve the lives of Mr. Roach and Mr. Ramnarace so that the Court could examine during its LIII Regular Session the pertinence of the Commission's request. Subsequently, by Order dated November 6, 2001, the Inter-American Court during its LIII Regular Session decided to ratify the President's Order dated October 25, 2001 and to require Trinidad and Tobago to adopt all measures necessary to preserve the lives and personal integrity of Sheldon Roach and Beemal Ramnarace so as not to hinder the processing of their cases before the inter-American system for the protection of human rights.

III. POSITIONS OF THE PARTIES

A. Position of the Petitioners

1. Background to the Complaints

15. According to the records in these complaints, Sheldon Roach and Beemal Ramnarace were arrested on August 2, 1993 for the July 1993 murder of Ian Wayne Poon. They were tried together with their co-defendant Aroon Mohammed and convicted on April 25, 1996. On appeal to the Trinidad and Tobago Court of Appeal, the three convictions were quashed and a new trial was ordered. The three defendants were then re-tried in November and December 1998 and were again convicted and sentenced to death on December 16, 1998. The three defendants again appealed their convictions and sentence and in a decision dated November 3, 1999, the Trinidad and Tobago Court of Appeal quashed the conviction of Aroon Mohammed on the basis that a confessed statement taken from him should not have been admitted at the trial. No re-trial of Mr. Mohammed was ordered. The appeals of Mr. Roach and Mr. Ramnarace were dismissed.

16. Both Mr. Roach and Mr. Ramnarace then petitioned for Special Leave to Appeal the Court of Appeal's decision to the Judicial Committee of the Privy Council, which dismissed their petition on November 2, 2000.

17. The murder of Ian Wayne Poon arose out of an attempted robbery of a fast food outlet in Tunapuna where Mr. Poon was a supervisor. The prosecution alleged that the three defendants perpetrated the robbery and murder, where the cause of death was asphyxia from the deceased's face having been immersed in a bucket of water while he was gagged. \$10,000.00 T&T was missing from the outlet's vault, together with 50 numbered tickets to an August 1993 Steel Pulse concert. The prosecution relied on statements given by each of the defendants on the day of their arrests, which were alleged to implicate the three defendants in a plan to rob the convenience store. The prosecution also relied upon a watch found with Mr. Ramnarace which was

subsequently identified as having belonged to the deceased. The only evidence implicating Mr. Roach was the statement he gave to the police following his arrest.

18. In their defense, Mr. Roach and Mr. Ramnarace contended that their written statements were inadmissible because they were fabricated by the police or were made in circumstances amounting to oppression. Attempts to exclude the statements at trial were unsuccessful. The defendants also objected to the evidence of Sergeant Sealey, an investigating officer in the Tunapuna Homicide Squad who had died between the defendants' two trials and whose evidence from the first trial was nevertheless used during the second trial.

2. Petitioners' Positions on Admissibility

19. In relation to the admissibility of their complaints, the Petitioners for Mr. Roach and Mr. Ramnarace provided information indicating that the alleged victims unsuccessfully appealed their second conviction to the Trinidad and Tobago Court of Appeal, which dismissed their appeal on November 3, 1999. They subsequently sought Special Leave to Appeal as Poor Persons to the Judicial Committee of the Privy Council, the highest appellate body in Trinidad and Tobago, which denied their petition on November 2, 2000.

20. The Petitioners also indicate that neither Mr. Roach nor Mr. Ramnarace have pursued Constitutional Motions in the domestic courts of Trinidad and Tobago because they are indigent and because legal aid is not available for such motions in Trinidad and Tobago.[FN3]

[FN3] In support of their position that Constitutional Motions need not be pursued in the alleged victims' circumstances, the Petitioners cite the decisions of the U.N. Human Rights Committee in *Little v. Jamaica*, Communication N° 283/1988, U.N. Doc. N° CCPR/C/43/D/283/1988, *Reid v. Jamaica*, Communication N° 725/1987, U.N. Doc. N° CCPR/PR/C/39/D/725/1987; *Collins v. Jamaica*, Communication N° 356/1989, U.N. Doc. N° CCPR/C/47/D/356/1989, *Smith v. Jamaica*, Communication N° 282/1988, U.N. Doc. CCPR/C/47/D/282/1988, *Campbell v. Jamaica*, Communication N° 248/1987, U.N. Doc. N° CCPR/C/44/D/248/1987, and *Kelly v. Jamaica*, Communication N° 253/1987, U.N. Doc. N° CCPR/C/41/D/253/1987.

21. In addition, the Petitioners in both complaints have indicated that the subject matter of the complaints has not been submitted for examination under any other procedure of international investigation or settlement to any other international organization.

3. Petitioners' Positions on the Merits

22. Insofar as it is pertinent to evaluate the admissibility of the present petitions, the Commission notes that the Petitioners in each complaint have presented five similar claims:

(a) the State is responsible for violating Mr. Roach and Mr. Ramnarace's rights under Articles I, XVIII and XXVI of the American Declaration and Articles 4 and 5 of the American Convention, because of the mandatory nature of the death penalties that were imposed upon Mr.

Roach and Mr. Ramnarace. In particular, the Petitioners argue that by requiring the death penalty to be imposed on every person convicted of the crime of murder, the law in Trinidad and Tobago fails to reserve the penalty for the most serious offenses, produces arbitrary results, and is cruel and inequitable;

(b) the State is responsible for violating Mr. Roach and Mr. Ramnarace's rights under Article XXVI of the American Declaration and Article 8(3) of the Convention, because the statements taken from Mr. Roach and Mr. Ramnarace following their arrests were coerced from them by the police but were nevertheless used against them in the trial that resulted in their convictions;

(c) the State is responsible for violating Mr. Roach and Mr. Ramnarace's rights under Articles XXV and XXVI of the American Declaration and Articles 7(5) and 8(1) of the American Convention, because of the 5 year and 3 month delay between their August 2, 1993 arrests and the start of their second trial in November 1998;

(d) the State is responsible for violations of Mr. Roach and Mr. Ramnarace's rights under Article XXVI of the American Declaration and Article 5 of the American Convention, based upon their treatment and conditions of detention. These include allegations that for extended periods of time the alleged victims were subjected to crowded and unhygienic conditions in poor facilities with inadequate food and medical treatment. The Petitioners for Beemal Ramnarace also allege that he has been the subject of verbal and physical abuse by prison guards;

(e) the State is responsible for violations of Mr. Roach and Mr. Ramnarace's rights under Articles XVIII and XXVI of the American Declaration and Articles 4, 5 and 8 of the American Convention, as a consequence of the manner in which their joint trial and appeal were conducted. They contend in particular that the trial judge failed to conduct a full inquiry into the alleged bias on the part of the jury, that the trial judge made errors in his summing up of the law and evidence to the jury, and that the Court of Appeal, having found the statement of Aroon Mohammed to be inadmissible, failed to consider the impact of such inadmissible evidence on the course of the trial and in particular its adverse effects on Mr. Roach and Mr. Ramnarace. The Petitioners for Mr. Ramnarace also challenge the dismissal by the Court of Appeal of the prejudicial effect of wrongfully led evidence relating to the deceased's watch.

23. It was also contended on behalf of Mr. Ramnarace that:

(a) the State is responsible for violations of Mr. Ramnarace's rights under Articles 7(3) and 7(4) of the American Convention, on the basis that at the time of his arrest Mr. Ramnarace was not cautioned or told of the reasons for his arrest or of his right to consult with an attorney while in custody;

(b) the State is responsible for violations of Mr. Ramnarace's right under Article 8(2)(f) of the Convention to examine witnesses present in court and to obtain the appearance, as witnesses, of experts and other persons who may shed light on the facts, based upon his inability during his second trial to cross-examine Sergeant Sealey, who had died between their first and second trial.

24. In his petition, Mr. Roach also alleges that the State is responsible for violations of his rights under Articles XVII and XXVI of the American Declaration and Articles 24 and 25 of the American Convention, based upon the State's alleged failure to provide Mr. Roach with effective access to Constitutional Motions before the Courts in Trinidad and Tobago for the protection of his domestic and international human rights. He alleges in particular that Article 14 of the Trinidad and Tobago Constitution provides individuals with the legal right to bring a

Constitutional Motion in the High Court, but that this right is not effective because the proceedings are extremely expensive and beyond Mr. Roach's means and because no legal aid is available for these motions.

B. Position of the State

25. As indicated above, the Commission transmitted the pertinent parts of Mr. Roach and Mr. Ramnarace's petitions on, respectively, December 7, 2000 and April 19, 2001, with requests that the State provide information relevant to the Petitioners' complaints within 90 days. Despite these requests, as of the date of this report, the Commission had not received any information or observations from the State concerning the alleged victims' petitions.

IV. ANALYSIS

A. Joinder of the Petitions

26. The facts alleged in the petitions lodged on behalf of Mr. Roach and Mr. Ramnarace, as described above, indicate that both alleged victims were co-defendants in a criminal proceeding relating to the death of the same individual. The facts also indicate that the claims of Mr. Roach and Mr. Ramnarace before the Commission relate to their treatment by the State in the course of this criminal proceeding and allege several of the same violations of the American Convention and the American Declaration in relation to that treatment. The Commission therefore considers that the petitions of Mr. Roach and Mr. Ramnarace address similar facts, involve the same persons, and reveal a similar pattern of conduct. Consequently, the Commission has decided pursuant to Article 27(1)(d) of its Rules of Procedure to join and process together the petitions of Sheldon Roach and Beemal Ramnarace.

B. Competence of the Commission

27. The Republic of Trinidad and Tobago became a party to the American Convention on Human Rights when it deposited its instrument of ratification of that treaty on May 28, 1991.[FN4] Trinidad and Tobago subsequently denounced the American Convention by notice given one year in advance on May 26, 1998 in accordance with Article 78 of the American Convention on Human Rights, which provides as follows:

[FN4] Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L/I.4 rev.8 (22 May 2001), p. 48.

78(1) The States Parties may denounce this Convention at the expiration of a five-year period from the date of its entry into force and by means of notice given one year in advance. Notice of the denunciation shall be addressed to the Secretary General of the Organization, who shall inform the other States Parties.

(2) Such a denunciation shall not have the effect of releasing the State Party concerned from the obligations contained in this Convention with respect to any act that may constitute a violation of those obligations and that has been taken by that state prior to the effective date of denunciation.

28. By the plain terms of Article 78(2), States Parties to the American Convention have agreed that a denunciation taken by any of them will not release the denouncing state from its obligations under the Convention with respect to acts taken by that state prior to the effective date of the denunciation that may constitute a violation of those obligations. A state party's obligations under the Convention encompass not only those provisions of the Convention relating to the substantive rights and freedoms guaranteed thereunder. They also encompass provisions relating to the supervisory mechanisms under the Convention, including those under Chapter VII of the Convention relating to the jurisdiction, functions and powers of the Inter-American Commission on Human Rights.[FN5] Notwithstanding Trinidad and Tobago's denunciation of the Convention, therefore, the Commission will retain jurisdiction over complaints of violations of the Convention by Trinidad and Tobago in respect of acts taken by that State prior to May 26, 1999. Consistent with established jurisprudence,[FN6] this includes acts taken by the State prior to May 26, 1999, even if the effects of those acts continue or are not manifested until after that date.

[FN5] See similarly I/A Court H.R., *Baruch Ivcher Bronstein v. Peru*, Jurisdiction, Judgment (24 September 1999), para. 37 (noting that the obligations of States Parties to the American Convention on Human Rights to guarantee compliance with its provisions applies both to the substantive and procedural norms under the treaty).

[FN6] According to the jurisprudence of the Inter-American Court and Commission and that of other international human rights tribunals, human rights instruments may properly be applied in respect of acts that arose prior to the ratification of those instruments but which are continuing in nature and whose effects persist after the instruments' entry into force. See e.g. I/A Court H.R., *Blake Case*, Preliminary Objections, Judgment of July 2, 1996, Series C No. 27, paras. 33-34 and 46; IACHR, *João Canuto de Oliveira v. Brazil*, Report N° 24/98, Annual Report of the IACHR 1997, paras. 13-18. See similarly Eur. Court H.R., *Papamichalopoulos et al. v. Greece*, June 24, 1993, Series A N° 260-B, pp. 69-70, 46.

29. In respect of acts taken by the State wholly after May 26, 1999, the State remains bound by the American Declaration of the Rights and Duties of Man and the Commission's authority to supervise the State's compliance with that instrument, having deposited its instrument of ratification of the OAS Charter on March 17, 1967 and thereby becoming an OAS member state.[FN7]

[FN7] Article 20 of the Statute of the IACHR provides that, in respect of those OAS member states that are not parties to the American Convention on Human Rights, the Commission may examine communications submitted to it and any other available information, to address the government of such states for information deemed pertinent by the Commission, and to make recommendations to such states, when it finds this appropriate, in order to bring about more

effective observance of fundamental human rights. See also I/A Court H.R., Advisory Opinion OC-10/89 Interpretation of the American Declaration of the Rights and Duties of Man Within the Framework of Article 64 of the American Convention on Human Rights, July 14, 1989, Ser. A N° 10 (1989), paras. 35-45; I/A Comm. H.R., James Terry Roach and Jay Pinkerton v. United States, Case 9647, Res. 3/87, 22 September 1987, Annual Report 1986-87, paras. 46-49.

30. In the present case, the information available indicates that a preponderance of the events complained of by Mr. Roach and Mr. Ramnarace are alleged to have occurred wholly prior to May 26, 1999, but that some events nevertheless may have occurred prior to May 26, 1999 but continued or had their effects manifested after that date. Still other acts may have been taken wholly after May 26, 1999. These circumstances raise the possible application of either or both the American Convention and the American Declaration to the claims raised by Mr. Roach and Mr. Ramnarace in their petitions.

31. In light of the nature of the Petitioners' allegations, the Commission considers that it is only through the analysis of the merits of the Petitioners' claims that it may properly determine the nature and extent of any acts for which the State may be responsible and accordingly ascertain the applicability of the American Convention or the American Declaration to those acts. The Commission therefore finds that it is competent to consider the complaints of Mr. Roach and Mr. Ramnarace under both instruments, and will join to the merits of the case determination of the specific applicability of either or both the American Convention or the American Declaration to each of the claims raised by the alleged victims.

C. Admissibility

1. Duplication

32. Article 46(1)(c) of the American Convention and Article 33(1) of the Commission's Rules of Procedure provide that the Commission shall not consider a petition if its subject matter is pending settlement pursuant to another procedure before an international governmental organization of which the State concerned is a member, or if it essentially duplicates a petition pending or already examined and settled by the Commission or by another international governmental organization of which the State concerned is a member.

33. The Petitioners for both Mr. Roach and Mr. Ramnarace have indicated that the claims raised in their complaints have not been submitted for examination by any other procedure of international investigation or settlement. The State has not contested the issue of duplication. The Commission therefore finds no bar to consideration of the complaints of Mr. Roach and Mr. Ramnarace under Article 46(1)(c) of the American Convention or Article 33(1) of the Commission's Rules of Procedure.

2. Exhaustion of Domestic Remedies

34. Article 46(1)(a) of the Convention and Article 31(1) of the Commission's Rules of Procedure specify that, in order for a case to be admitted, remedies of the domestic legal system

must have been pursued and exhausted in accordance with the generally accepted principles of international law. The jurisprudence of the inter-American system makes clear, however, that the rule which requires the prior exhaustion of domestic remedies is designed for the benefit of the State, because the rule seeks to excuse the State from having to respond to charges before an international body for acts imputed to it before it has had an opportunity to remedy them by internal means. According to the Inter-American Court, the requirement is thus considered a means of defense and, as such, waivable, even tacitly. Further, a waiver, once effected, is irrevocable.[FN8] In the face of such a waiver, the Commission is not obliged to consider any potential bars to the admissibility of a petitioner's claims that might have properly been raised by a state relating to the exhaustion of domestic remedies.

[FN8] I/A Court H.R., Loayza Tamayo Case, Preliminary Objections, Judgment of January 31, 1996, Series C No. 25, para. 40.

35. In the present case, the State has failed to provide any observations or information respecting the admissibility of the alleged victims' claims. The Commission therefore finds that the State has implicitly or tacitly waived its right to object to the admissibility of the petitions based upon the exhaustion of domestic remedies requirement. Accordingly, the Commission finds that the Petitioners' claims are not barred under Article 46(1)(a) of the Convention or Article 31(1) of its Rules of Procedure.

3. Timeliness of the Petition

36. In accordance with Article 46(1)(b) of the Convention and Article 32(1) of the Commission's Rules of Procedure, the Commission shall consider those petitions that are lodged within a period of six months from the date on which the complaining party was notified of the final judgment at the domestic level.

37. In the instant case, the Commission has established that the Republic of Trinidad and Tobago waived its right to argue that domestic remedies were not exhausted, and so the requirement contained in Article 46(1)(a) of the American Convention and Article 31(1) of the Commission's Rules does not apply. However, the requirement that domestic remedies be exhausted is independent of the requirement that a petition be lodged within six months following the judgment exhausting domestic remedies. The Commission must therefore decide whether these petitions were submitted within a reasonable period of time. In this regard, the Commission notes that the Judicial Committee of the Privy Council dismissed Mr. Roach and Mr. Ramnarace's petition for Special Leave to Appeal on November 2, 2000, that Mr. Roach's petition was lodged with the Commission on November 27, 2000, and that Mr. Ramnarace's petition was lodged with the Commission on April 2, 2001. In light of the particular circumstances of these petitions, the Commission holds that they were submitted within a reasonable period of time.

4. Colorable Claim

38. Article 47(b) of the Convention and Article 34(a) of the Commission's Rules of Procedure require a petition to be declared inadmissible if it does not state facts that tend to establish a violation of the rights guaranteed by the Convention or other applicable instruments. Article 47(d) of the Convention and Article 34(b) of the Commission's Rules of Procedure deem inadmissible any communication where the statements of the petitioner or the State indicate that the petition is manifestly groundless or out of order.

39. The Petitioners in the present complaints have alleged that the State has violated the rights of Mr. Roach and Mr. Ramnarace under Articles 4, 5, 7, 8, 24 and 25 of the American Convention and Articles I, II, XVII, XVIII, XXV and XXVI of the American Declaration. Based upon the information provided by the Petitioners, as summarized in Part III of this report, and without prejudging the merits of the matter, the Commission finds that the Petitioners' petitions contain factual allegations that, if proved, tend to establish violations of the rights guaranteed by either or both the American Convention or the American Declaration, and that the statements of the Petitioners are not on the information provided manifestly groundless or out of order. Consequently the claims in the petitions are not barred under Article 47(b) and 47(c) of the Convention and Article 34 (a) and (b) of the Commission's Rules of Procedure.

V. CONCLUSIONS

40. The Commission concludes that it has the competence to examine the Petitioners' complaints, and that the claims in their petitions are admissible in accordance with Articles 46 and 47 of the Convention and Articles 31 to 34 of the Commission's Rules of Procedure.

41. On the basis of the findings of fact and law set forth above, in light of the particular temporal occurrence of the events alleged in the petitions as described above, and without prejudging the merits of the matters,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

DECIDES:

1. To join and process together the petitions of Sheldon Roach and Beemal Ramnarace.
2. To declare admissible the claims of Mr. Roach and Mr. Ramnarace in respect of Articles 4, 5, 7, 8, 24 and 25 of the American Convention and Articles I, II, XVII, XVIII, XXV and XXVI of the American Declaration.
3. To give notice of this decision to the State and to the Petitioners;
4. To continue with the analysis of the merits of the case.
5. To publish this Report and include it in the Annual Report to the OAS General Assembly.

Done and signed at the headquarters of the Inter-American Commission on Human Rights in the city of Washington, D.C., on the 27th day of the month of February, 2002. (Signed): Juan E. Méndez, President; Marta Altolaguirre, First Vice-President; José Zalaquett, Second Vice-President; Robert K. Goldman, Julio Prado Vallejo and Clare K. Roberts, Commissioners.