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Title/Style of Cause: Takoor Ramcharan v. Trinidad and Tobago
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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,
Susana Villaran.
Dated: 9 October 2002
Citation: Ramcharan v. Trinidad and Tobago, Petition 12.400, Inter-Am. C.H.R.,
Report No. 49/02, OEA/Ser.L/V/II.117, doc. 1 rev. 1 (2002)
Represented by: APPLICANT: the law firm of Ashurst Morris Crisp
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I. SUMMARY

1. On March 26, 2001, the Inter-American Commission on Human Rights (the “Commission”) received a petition from the London, United Kingdom law firm of Ashurst Morris Crisp (the “Petitioners”) against the Republic of Trinidad and Tobago (“Trinidad and Tobago” or “the State”) on behalf of Takoor Ramcharan, a death row inmate in the Republic of Trinidad and Tobago.

2. The petition alleged that the State tried Mr. Ramcharan under Trinidad and Tobago’s Offences Against the Person Act[FN1] for the May 14, 1994 murder of his wife, Neleen Ramcharan, and that he was convicted of this crime and sentenced to death by hanging on May 28, 1999. The petition also alleged that the State is responsible for violating Mr. Ramcharan’s rights under Articles I, II, XVII, XVIII, XXV and XXVI of the American Declaration on the Rights and Duties of Man (the “American Declaration” or the “Declaration”) and Articles 1, 2, 4, 5, 7, 8, 24 and 25 of the American Convention on Human Rights, based upon errors and irregularities in his pre-trial, trial and post-conviction proceedings. These included allegations that upon his arrest, Mr. Ramcharan was not informed of the reasons for his detention or the charges against him or of his right to an attorney, that the State failed to bring Mr. Ramcharan promptly before a judge, and that a statement had been taken from Mr. Ramcharan by deception and had subsequently been entered into evidence against him at his trial. The Petitioners also contend that Mr. Ramcharan was not tried within a reasonable time, that the jury before which Mr. Ramcharan was tried was biased and was not properly instructed by the trial judge, and that Mr. Ramcharan was wrongly sentenced to a mandatory death penalty. Further, the Petitioners claim that Mr. Ramcharan has been subjected to improper pre-trial and post-conviction

conditions of detention and that he has been denied access to court and to an effective remedy for the alleged violations of his rights.

[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."

3. As of the date of this report, the Commission had not received any information or observations from the State regarding Mr. Ramcharan's petition.

4. As set forth in this report, having examined the contentions of the Petitioners on the question of admissibility, and without prejudging the merits of the matter, the Commission has decided to admit the claims in Mr. Ramcharan's petition in respect of Articles 1, 2, 4, 5, 7, 8, 24 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 case.

II. PROCEEDINGS BEFORE THE COMMISSION

A. Petitions and Observations

5. Following the lodging of Mr. Ramcharan's petition, the Commission acknowledged receipt of the petition in a note to the Petitioners dated March 28, 2001 and indicated that the petition was under study in accordance with the Commission's Rules of Procedure. In a communication dated April 24, 2001, the Petitioners submitted to the Commission additional documentary evidence in support of Mr. Ramcharan's petition. Subsequently, the Commission transmitted the pertinent parts of the petition and the additional evidence to the State by note dated May 11, 2001. The Commission requested the State's observations on the petition within two months as established in the Commission's Rules of Procedure.

6. By note dated May 18, 2001, which was received by the Commission on May 23, 2001, the State acknowledged receipt of the Commission's note dated May 11, 2001 respecting Mr. Ramcharan's petition.

7. As of the date of this report, the Commission had not received any observations or information from the State concerning Mr. Ramcharan's petition.

B. Precautionary Measures

8. Contemporaneously with the transmission of the pertinent parts of Mr. Ramcharan's petition to the State, the Commission requested the State to take precautionary measures pursuant to Article 25 of its Rules of Procedure to avoid irreparable harm to Mr. Ramcharan's life until the Commission decided upon the claim filed on his behalf. Although the Commission requested an urgent response to its request for the adoption of precautionary measures, the Commission did not receive a response from the State.

C. Provisional Measures

9. In light of the absence of any response from the State to the Commission's request 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. Ramcharan and four other alleged victims with petitions before the Commission.

10. 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 life of Mr. Ramcharan so that the Court could examine during its LIII Regular Session the pertinence of the Commission's request. Subsequently, by Order dated November 26, 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 life and personal integrity of Mr. Ramcharan so as not to hinder the processing of his case 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

11. According to the record in this complaint, Takoor Ramcharan was arrested on May 16, 1994 for the May 14, 1994 murder of his wife, Neleen Ramcharan. He was committed to stand trial on March 12, 1997 and was subsequently tried for capital murder between May 20 and May 28, 1999. Mr. Ramcharan was convicted of capital murder and sentenced to death by hanging on May 28, 1999. He appealed his conviction and sentence and in a decision dated November 12, 1999, the Trinidad and Tobago Court of Appeal refused Mr. Ramcharan's application for leave to appeal. Mr. Ramcharan then petitioned for Special Leave to Appeal as a Poor Person to the Judicial Committee of the Privy Council, which dismissed his petition on February 20, 2001.

12. At the time of Neleen Ramcharan's death, Mr. Ramcharan and the deceased were married but separated. According to the prosecution, on May 8, 1994, Mr. Ramcharan went to the house where the deceased was living and ordered her to return to him. When she refused, Mr. Ramcharan threatened to "chop" her and then left. Subsequently, in the evening of May 14, 1994, the deceased's mother, while on her way to the deceased's house, found Mrs. Ramcharan screaming and covered in blood with chop marks on her body, and saw Mr. Ramcharan approximately 20 to 25 feet away with a cutlass in his hand. The deceased was taken to the Mayaro Hospital where she died soon after. A post mortem examination conducted on May 16, 1994 revealed that she had suffered 11 injuries, including several chop wounds, and that she had recently ingested cocaine and alcohol. Also on May 16, 1994, the police went to Mr. Ramcharan's house where, on being cautioned, he was said to have made a potentially incriminating oral statement. He also handed to the police the clothing he had been wearing and

the cutlass he had used and said that he wanted to make a statement in writing. Mr. Ramcharan was then taken to the police station where he gave a written statement to the police, which was later authenticated by a Justice of the Peace. In his written statement, Mr. Ramcharan indicated that he had caught the deceased with another man and that his wife indicated that she preferred him to Mr. Ramcharan. Mr. Ramcharan also indicated that on May 14, 1994 he went to the deceased's house with a cutlass and called out to her. He heard her coming down the steps and when she saw him she threw herself on the ground, whereupon he gave her about three "chops."

13. In his defense, Mr. Ramcharan contended that he did not kill his wife. He claimed that he had seen his wife for the last time on May 8, 1994 and that she had cursed him and told him that she had another man who she preferred to him. He denied having seen her on May 14, 1994. Mr. Ramcharan also denied having given his clothes or cutlass to the police or having dictated a statement to the police. According to Mr. Ramcharan he had gone to the police station as a result of a telephone call saying that his wife had been wounded after a fight with his mother, and that when he arrived he could see his mother handcuffed to a scale in a room opposite to his. Mr. Ramcharan claimed that the police brought out documents for him to sign and told him they were bail for his mother, that he signed as directed, and that his mother was then released. Shortly afterwards, another police officer said that Mr. Ramcharan's wife had just died and that he would be charged with murder. Mr. Ramcharan also claimed that he did not see a Justice of the Peace.

2. Petitioners' Position on Competence

14. In relation to the Commission's competence to address Mr. Ramcharan's claims, the Petitioners recognize that on May 26, 1998 Trinidad and Tobago gave notice one year in advance to the Secretary General of the OAS of its denunciation of the Convention under Article 78 of the Convention. The Petitioners contend, however, that pursuant to Article 78(2) of the Convention, if a petition is submitted to the Commission alleging violations of Convention rights committed by the State prior to the effective date of a denunciation, in the present case May 26, 1999, then the State remains the subject of the entire scheme of obligations under the Convention in respect of the violation, including the authority of the Commission to determine the alleged violations.

15. The Petitioners also argue that the State remains subject to the obligations under the Convention in relation to acts or omissions which have continuous effects beyond the effective date of denunciation, where such acts or omissions occurred or were incepted prior to the date of denunciation. With regard to violations occurring after May 26, 1999, the Petitioners contend that these acts and omissions constitute violations of the American Declaration of the Rights and Duties of Man, with respect to which the Commission has competence and jurisdiction to consider pursuant to the OAS Charter and the Commission's Statute and Rules of Procedure.

3. Petitioners' Position on Admissibility

16. In relation to the admissibility of Mr. Ramcharan's complaints, the Petitioners provided information indicating that Mr. Ramcharan unsuccessfully appealed his conviction to the Trinidad and Tobago Court of Appeal, which dismissed his appeal on November 12, 1999. He subsequently sought Special Leave to Appeal as a Poor Person to the Judicial Committee of the

Privy Council, the highest appellate body in Trinidad and Tobago, which denied his petition on February 20, 2001.

17. The Petitioners also indicate that Mr. Ramcharan has not pursued a Constitutional Motion in the domestic courts of Trinidad and Tobago because he is indigent and because legal aid is not effectively available for such motions in Trinidad and Tobago.[FN2] They claim in particular that legal aid is not awarded for Constitutional Motions on a mandatory basis and, in practice, is rarely, if ever, granted to pursue Constitutional Motions in relation to death sentences and related issues.

[FN2] In support of their position that Constitutional Motions need not be pursued in the alleged victims' circumstances, the Petitioners cite, inter alia, the admissibility decision by the Inter-American Commission in the case of Peter Blaine v. Jamaica, Case 11.827, Report N° 96/98 (17 December 1998), in which the Commission found that the non-award of legal aid effectively barred the applicant from exercising his constitutional right to seek redress for violations of his rights.

18. In addition, the Petitioners contend that Mr. Ramcharan's petition was submitted within 6 months of the dismissal by the Judicial Committee of the Privy Council of his petition for Special Leave to Appeal on February 20, 2001 and therefore was filed in a timely manner in accordance with Article 48(1)(b) of the Convention and Article 38 of the Commission's Rules of Procedure.

19. Finally, the Petitioners indicate that the subject matter of the complaint is not pending in another international proceeding and has not previously been determined or examined by the Commission or any other international governmental organization of which the State is a member.

4. Petitioners' Position on the Merits

20. Insofar as it is pertinent to evaluating the admissibility of the present petitions, the Commission notes that the Petitioners have presented 16 claims relating to the pre-trial, trial and post-conviction stages of Mr. Ramcharan's criminal proceedings.

21. With respect to Mr. Ramcharan's pre-trial proceedings, the Petitioners claim that the State is responsible for the following violations, in conjunction with violations of Article 1(1) of the Convention:

- (a) violations of Articles XVIII and XXV of the American Declaration and Article 7(4) of the American Convention, by failing to inform Mr. Ramcharan of the reasons for his detention or charge against him on his arrival at the Rio Claro Police Station;
- (b) violations of Articles XVIII and XXV of the American Declaration and Articles 7(4) and 8(2)(d) of the American Convention, by failing to inform Mr. Ramcharan of his right to an

attorney on his arrest and prior to making him sign a statement and admitting that statement as evidence against him at trial;

(c) violations of Articles XXV and XXVI of the American Declaration and Articles 5(1), 5(2), 7(5), 7(6) and 8(1) of the American Convention, by reason of the 2 year and 10 month delay in committing Mr. Ramcharan for trial and the 5 year and 4 day delay in bringing Mr. Ramcharan to trial. As a consequence of these delays, the Petitioners claim that Mr. Ramcharan was not brought promptly before a judge to determine the legality of his arrest and charge, was not tried within a reasonable time, was not afforded a fair trial, and was subjected to cruel, inhuman or degrading treatment;

(d) violations of Articles XVIII and XXVI of the American Declaration and Article 8(2)(f) of the American Convention, by failing to inform Mr. Ramcharan of his right to call witnesses during his preliminary inquiry;

(e) a violation of Article 2 of the American Convention for failing to provide for the right to be tried within a reasonable time under its domestic law, together with a violation of Article 25 of the American Convention by failing to provide recourse to a competent court or tribunal for protection against acts that violate the right to be tried within a reasonable time;

(f) violations of Article XXV of the American Declaration and Articles 5(1) and 5(2) of the American Convention by reason of Mr. Ramcharan's conditions of detention while on remand from May 17, 1994 to May 28, 1999;

(g) violations of Article XVIII of the American Declaration and Article 8(1) and (2) of the American Convention by allowing a statement obtained by trickery to be admitted as evidence against him at trial.

22. With respect to Mr. Ramcharan's trial, conviction and sentencing proceedings, the Petitioners claim that the state is responsible for the following violations, in conjunction with violations of Article 1(1) of the Convention:

(a) violations of Article XXVI of the American Declaration and Articles 8(1), 8(2) and 4(2) of the American Convention, by denying Mr. Ramcharan the right to be presumed innocent as long as his guilt has not been proven, by virtue of irregularities in his trial;

(b) violations of Articles XVIII and XXVI of the American Declaration and Articles 8(1), 8(2)(c) and 8(2)(e) of the American Convention, by failing to adequately advise the jury as to the proper rules of law applicable to the defense case;

(c) violations of Articles XVIII of the American Declaration and Article 8(1) of the American Convention by failing to guarantee Mr. Ramcharan trial by a jury free from bias and by failing to ameliorate the continuing effect of this violation by refraining from investigating properly the allegation of jury bias;

(d) violations of Articles I and XXVI of the American Declaration and Articles 4(1), 5(1), 5(2), 8(1) and 24 of the American Convention by sentencing Mr. Ramcharan to a mandatory death penalty.

23. With respect to Mr. Ramcharan's post-conviction proceedings, the Petitioners claim that the state is responsible for the following violations, in conjunction with violations of Article 1(1) of the Convention:

- (a) violations of Article XVIII of the American Declaration and Articles 8 and 25 of the American Convention, due to inadequacies in Mr. Ramcharan's legal representation during his appeal, and by failing to make legal aid effectively available to Mr. Ramcharan to pursue a Constitutional Motion in domestic courts in connection with his criminal proceedings;
- (b) violations of Article XXV of the American Declaration and Articles 5(1) and 5(2) of the American Convention by reason of Mr. Ramcharan's conditions on death row since May 28, 1999;
- (c) violations of Articles II, XVII and XXVI of the American Declaration and Articles 24 and 25 of the American Convention by denying Mr. Ramcharan access to court and to an effective remedy of violations of his human rights.

B. Position of the State

24. As indicated above, the Commission transmitted the pertinent parts of Mr. Ramcharan's petition to the State on May 11, 2001, with a request that the State provide information relevant to the Petitioners' complaints within 2 months. Despite this request, as of the date of this report, the Commission had not received any information or observations from the State concerning the claims in Mr. Ramcharan's petition.

IV. ANALYSIS

A. Competence of the Commission

25. 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.[FN3] 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:

[FN3] 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.

26. As concluded by the Commission on previous occasions,[FN4] States Parties to the American Convention have, by the plain terms of Article 78(2), agreed that a denunciation taken to the Convention 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 Convention's supervisory mechanisms, including those under Chapter VII 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.

[FN4] See e.g. Case 12.342, Report N° 89/01, *Balkissoon Roodal v. Trinidad and Tobago*, Annual Report of the IACHR 2001, para. 23.

[FN5] See similarly I/A Court H.R., *Baruch Ivcher Bronstein v. Peru*, Jurisdiction, Judgment of September 24, 1999, Ser. C N° 54, 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 system 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. 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. Moreover, in the case of a denunciation of the Convention, Article 78(2) explicitly provides the Convention with continuing application beyond the effective date of the denunciation in relation to potentially violative acts taken before that date.

27. 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 See 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.

28. In the present case, the facts alleged, if true, indicate that certain of the events complained of by Mr. Ramcharan occurred wholly prior to May 26, 1999, while other events 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 of the American Convention and the American Declaration to the claims raised by Mr. Ramcharan in his petition.

29. 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 Mr. Ramcharan's complaints 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 victim.

C. Admissibility

1. Duplication

30. 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.

31. The Petitioners have indicated that the claims raised in Mr. Ramcharan's complaint are not pending in another international proceeding and have not previously been determined or examined by the Commission or by another international governmental organization of which the State is a member. The State has not contested the issue of duplication. The Commission therefore finds no bar to consideration of Mr. Ramcharan's complaints 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

32. 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 N° 25, para. 40.

33. In the present case, the State has failed to provide any observations or information respecting the admissibility of Mr. Ramcharan's claims. The Commission therefore finds that the State has implicitly or tacitly waived its right to object to the admissibility of the claims in the petition based upon the exhaustion of domestic remedies requirement. Accordingly, the Commission finds that Mr. Ramcharan's 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

34. 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.

35. 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 Mr. Ramcharan's petition was timely filed. In this regard, the Commission notes that the Judicial Committee of the Privy Council dismissed Mr. Ramcharan's petition for Special Leave to Appeal on February 20, 2001 and that Mr. Ramcharan's petition was lodged with the Commission on March 26, 2001. The Commission therefore finds that Mr. Ramcharan's petition was lodged in a timely manner.

4. Colorable Claim

36. 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.

37. The Petitioners in the present complaints have alleged that the State has violated Mr. Ramcharan's rights under Articles 1, 2, 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' petition contains 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 petition 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

38. The Commission concludes that it has the competence to examine Mr. Ramcharan's complaint, and that the claims in his petition are admissible in accordance with Articles 46 and 47 of the Convention and Articles 31 to 34 of the Commission's Rules of Procedure.

39. 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 declare admissible the claims in Mr. Ramcharan's petition in respect of Articles 1, 2, 4, 5, 7, 8, 24 and 25 of the American Convention and Articles I, II, XVII, XVIII, XXV and XXVI of the American Declaration.
2. To give notice of this decision to the State and to the Petitioners;
3. To continue with the analysis of the merits of the case.
4. 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 9th day of the month of October, 2002. (Signed): Juan E. Méndez, President; Marta Altolaguirre, First Vicepresident; José Zalaquett, Second Vicepresident; Robert K. Goldman, Julio Prado Vallejo, Clare K. Roberts and Susana Villarán, Commissioners.