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Title/Style of Cause: Liakat Ali Alibux v. Suriname
Doc. Type: Decision
Decided by: President: Florentin Melendez;
First Vice-President: Paolo Carozza;
Second Vice-President: Victor Abramovich;
Commissioners: Evelio Fernandez Arevalos, Clare K. Roberts, Paulo Sergio Pinheiro, Freddy Gutierrez.
Dated: 9 March 2007
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I. SUMMARY

1. On August 22, 2003, the Inter-American Commission on Human Rights (“the Commission” or “the IACHR”) received a petition by Mr. Liakat Ali Alibux (hereinafter “the Petitioner”), a national of the Republic of Suriname (“Suriname” or “the State”) and a former cabinet Minister of the Government of Suriname.
2. According to the Petitioner, he served as Minister of Finance and Minister of Natural Resources between 1996 and 2000. The Petitioner claims that in his capacity as Minister of Finance, he implemented a July 2000 decision of the Suriname government to purchase a complex of buildings to house various Government ministries and departments.
3. According to the Petitioner, he was indicted by the Venetiann Government in January 2002 pursuant to Suriname’s Indictment of Political Office Holders' ('the Act') for certain criminal offences arising out of the purchase of the complex of buildings. According to the Petitioner, the Act was passed in October 2001 and applied retroactively to him.
4. According to the Petitioner, during the course of the ensuing criminal proceedings, his rights to a fair trial were violated.
5. Based on the foregoing, the Petitioner complains that the State violated Articles 5(1), 7, 8, 9, 11, 22(2), 24, and 25 of the American Convention on Human Rights (“the American Convention” or “the Convention”).

6. The State acknowledges that the Petitioner was prosecuted, but denies that it violated the rights of the Petitioner as alleged. The State contends that the petition represents an attempt to obtain a 'fourth instance judgment' from the Commission. Further the State argues that the Petitioner failed to exhaust domestic remedies prior to lodging his petition or to state any facts capable of characterizing violations of the American Convention.

7. As set forth in this Report, having examined the contentions of the Petitioner and the State on the question of admissibility, and without prejudging the merits of the matter, the Commission has decided to: (a) admit the claims in the present petition with respect to Articles 5, 7, 8, 9, 11, 22, and 25 of the American Convention, but not with respect to Article 24 of the American Convention; (b) transmit this Report to the parties; (c) continue with the analysis of the merits of the case and; (d) publish this Report and include it in its Annual Report to the General Assembly of the Organization of American States.

II. PROCESSING BY THE COMMISSION

8. On August 22, 2003, the Commission received the Petitioner's petition dated July 20, 2003. By letters of November 24, 2003 and February 4, 2004, the Petitioner submitted further information on his petition to the Commission. By letter of October 6, 2004, the Commission requested the Petitioner to provide further information, which the Petitioner provided by letters of November 8, 2004 and November 17, 2004.

9. By letter of April 18, 2005, the Commission transmitted the pertinent parts of the Petitioner's petition to the State, and requested the State to respond within two months. By communication of June 10, 2005, the State requested an extension of three months to respond. By letter of June 15, 2005, the Commission granted the State an extension to July 18, 2005 to respond. By letter of the same date, the Commission advised the Petitioner of the extension granted to the State.

10. By note of July 18, 2005, the State submitted its official response to the petition, the pertinent parts of which were transmitted to the Petitioner by letter of July 21, 2005. The Commission requested the Petitioner to respond within a month. By letter of July 27, 2005, the Petitioner requested an extension of one month to reply, which was granted by the Commission by communication of August 17, 2005.

11. By letter of September 8, 2005, the Petitioner submitted his observations on the State's response. By note of November 29, 2005 the Commission transmitted the pertinent parts of the Petitioner's observations to the State, requesting a response within a month. By note of December 29, 2005, the State requested an extension of two months to respond. The Commission granted the requested extension by note of January 5, 2006.

12. By communications of March 3, 2006 and April 7, 2006, the State submitted its response as requested. By letter of April 18, 2006, the Commission transmitted the pertinent parts of the State's response to the Petitioner, who responded by letter of May 9, 2006. The pertinent parts of the Petitioner's response to the State were transmitted to the State by the Commission by note of

June 12, 2006, to which the State responded by communications of July 7, 2006 and July 10, 2006.

III. POSITIONS OF THE PARTIES

A. The Petitioner

13. The Petitioner was the Minister of Natural Resources and Minister of Finance of Suriname (1996-2000). He claims that in his capacity as Minister of Finance, he implemented a July 2000 decision of the Suriname Government to purchase a complex of buildings to house various Government ministries and departments.

14. In August 2000, (after demitting office) the Petitioner was indicted under Suriname's Indictment of Political Office Holders Act ('the Act'), for allegedly:

- a) purchasing the building complex at an excessive price;
- b) purchasing the building complex without obtaining the approval of the Council of Ministers;
- c) violating Surinamese foreign currency laws by paying a portion of the purchase price in foreign currency.

15. The Petitioner was tried in the Court of Justice of Suriname between January 2002 and November 2003. He was convicted of the crimes for which he was indicted and sentenced to one year's imprisonment. He was also banned from holding public office for a period of three years. The Petitioner states that he has already completed his prison sentence.

16. According to the Petitioner, the Act was passed in October 2001 by Suriname's National Assembly to implement Article 140 of the 1987 Suriname Constitution. This Article prescribes that political officials may be prosecuted for 'punishable acts' committed in the discharge of their duties.

17. The Petitioner complains that the Act has been applied retroactively and therefore he has been accused of offences that did not exist at the time of their alleged commission. On this basis, the Petitioner launched multiple interlocutory objections (November 11, 2002, April 16, 2003 and June 12, 2003) to the Court of Justice (during his trial) that it lacked the legal or constitutional jurisdiction to try him. According to the Petitioner, these objections were dismissed.

18. The Petitioner contends that his right to a fair trial was unduly prejudiced by adverse public comments by the current Suriname President (at a public meeting in 2001); by members of Suriname's National Assembly; and by adverse media coverage of his indictment and court proceedings.

19. The Petitioner states in respect of this adverse publicity, that he also made multiple objections to the Court, that this prejudiced his right to a fair trial and that this publicity also violated his right to reputation and dignity.

20. According to the Petitioner, the Court of Justice dismissed all of these preliminary objections, and ultimately convicted and sentenced him for the offences for which he had been charged.

21. According to the Petitioner, Article 144 of Suriname's Constitution prescribes the creation of a Constitutional Court but this body has not yet been established. The Petitioner therefore claims that there are no further national judicial remedies to exhaust. In response to the State's contention that he could have invoked Article 137 of the Suriname Constitution (to challenge his conviction), the Petitioner contends that Article 137 may only be invoked before the Constitutional Court, which is not yet in operation. Ultimately, the Petitioner claims that upon the dismissal of his interlocutory objections, he effectively exhausted domestic remedies as there were no other available means by which he could contest the jurisdiction of the High Court of Justice to prosecute (and ultimately convict) him.

22. The Petitioner also complains that he was prohibited from traveling out of Suriname on January 3, 2003 by Suriname's Military Police, without legal justification in violation of his right to freedom of movement. He states that during the preceding year, he had frequently traveled outside of Suriname for medical treatment and had always returned. On January 3, 2003, while he was about to board a flight to St. Maarten for a four-day trip, he was advised by an immigration official/Military Police that the Acting Procurator General had given instructions for him (the petitioner) to be prohibited from traveling out of Suriname. The Petitioner alleges that the official did not have a letter to confirm these instructions.

23. He also complains that the duration of the criminal proceedings (from April 2001 to July 2003) constitutes an unwarranted delay and therefore violates his right to fair trial and to judicial protection.

24. In summary, the petitioner's complaint revolves around:

- a) prosecution for offences which allegedly did not exist at the time that they were purportedly committed;
- b) the alleged lack of any judicial means of challenging the constitutionality of the legislation creating the offences (in the absence of the constitutionally prescribed Constitutional Court.
- c) the alleged undue delay by the State in completing the Petitioner's trial;
- d) the alleged violation of his right to fair trial by reason of adverse public statements/commentary from major political figures and the media.

B. The State

25. The State contends that the petition is inadmissible because:

- a) the petition is tantamount to a request for the Commission to exercise 'fourth instance' judgment on the verdict of the Suriname High Court of Justice.

- b) The petitioner has failed to exhaust domestic remedies prior to lodging the petition; and that his petition is accordingly premature and/or has not been lodged in accordance with the six-month rule;
- c) the petition is manifestly unfounded and/or fails to disclose any prima facie violations of the American Convention.

26. In respect of the first contention, the State claims that the petitioner is asking the Commission to “give a judgment on the matters relating purely to the content in respect of the criminal trial against him ...such as the consideration and the judgment of the High Court of Suriname.”[FN1] The State acknowledges that the High Court had given interlocutory judgment on the objections raised by the petitioner in June 2003 but that the substantive judgment was not rendered until November 2003.

[FN1] Official response of the State, July 18, 2005. Page 2.

27. The State contends that the petitioner failed to exhaust domestic remedies, given that criminal proceedings were still pending (in the High Court of Suriname) when he lodged his petition in July 2003. These proceedings, according to the State, were not completed until November 2003. The State further contends that the petitioner only elected to pursue ‘criminal remedies’, in terms of the objections prior to and during the criminal remedies. The State claims that the petitioner invoked these remedies but in a ‘wrong manner’. The State also contends that the petitioner has civil remedies available to him that he failed to exercise. In this respect, the State claims that the petitioner could have invoked Article 137 of the Constitution of Suriname to challenge (the application of) the Act on Indictment of Political Office Holders but “failed to do so”. The State further contends that the petition is not valid as it was filed in June 2003 prior to final judgment of the High Court of Suriname in November 2003.

1. Merits of petition/failure to disclose colorable violations

28. The State acknowledges that the petitioner was indicted, tried, and convicted of offences committed in his capacity as Minister of Government in a previous administration. The State confirms that the petitioner was indicted under the Act on Indictment of Political Office Holders (“the Act”) for the offences of forgery, fraud (under the Penal Code), and violation of the Foreign Exchange Act (in conjunction with the Act on Economic Offences). The State submits that these “punishable acts” have been offences in Suriname for many decades, in some cases, up to almost 100[FN2] years. The Act was passed in 2001 to implement Article 140 of the Suriname Constitution. Article 140 provides for the prosecution of current or past holders of political officers for “punishable acts” committed in the discharge of their official duties. According to the State, Article 140 provides:

- Those who hold political office shall be liable to trial before the Court of Justice, even after their retirement, for punishable acts committed in the discharge of their official duties.
- Proceedings are initiated against them by the Procurator-General after they have been indicted by the National Assembly in a manner to be laid down by law. It can be determined by

law that members of the High Councils of State and other officials shall be liable to trial for punishable acts committed in the exercise of their functions before the Court.[FN3]

[FN2] According to the State, the Penal Code dates back to 1910, while the Act on Economic Offences and the Foreign Exchange Act date back to 1986 and 1947 respectively.

[FN3] State's response of July 18, 2005, paragraph 26, page 10.

29. The State explains that while the Procurator General could indict ordinary citizens *ex officio*, an indictment under the Act on Indictment of Political Officers could only be laid with the permission of the National Assembly of Suriname under Article 140 of the Constitution of Suriname. The State further confirms that this provision became effective on October 18, 2001, after the National Assembly passed the Act. The National Assembly subsequently indicted the petitioner on January 17, 2002 at the request of the Procurator-General.

30. The State denies that the Act was applied to the petitioner *ex post facto*. The State contends that the prosecution of the petitioner occurred strictly in accordance with the constitutionally mandated procedure for indicting a (former) political office-holder. The State contends that in prosecuting the petitioner, it observed the 'legality principle' enshrined in its Code of Criminal Procedure. In this regard, Article 1 provides that "Criminal procedure only takes place in the manner provided by law". The State thus argues that the prosecution of the Petitioner took place "in the manner provided by law". The State acknowledges that while it is true that the punishable acts were committed before the passage of the Act, the indictment and prosecution of Alibux occurred after the Act was law. The State further contends that the Act is only a regulatory mechanism for the prosecution of 'punishable acts', and accordingly, the State concludes that it is "incorrect to state that (the Act) was applied *ex post facto*" to the petitioner.

31. The State further argues that the prosecution of the petitioner is in keeping with its international obligations under the Inter-American Convention Against Corruption. The State points out that it ratified this Convention on March 29, 1996, well before the Petitioner was prosecuted for what it considered acts of corruption.

2. Constitutional Court

32. The State acknowledges the absence of a functioning Constitutional Court as alleged by the petitioner. However, the State argues that Article 144 of the Suriname Constitution does not grant any power to the Court to "act as an instance of appeal in respect of judgments of another judicial body." According to the State, "the tasks" of the Constitutional Court are limited to the following:

- a) to verify the purport of Acts or parts thereof against the Constitution, and against applicable agreements concluded with other states and with international organizations;
- b) to assess the consistency of decisions of governmental institutions with one or more of the constitutional rights mentioned in Chapter V.

33. Accordingly, the State concludes that the judgment/verdict of the High Court of Justice of Suriname is not amenable to review by the Constitutional Court.

3. Freedom of Movement

34. The State denies the petitioner's claim that his right to freedom of movement under Article 22 of the Convention was violated. The State contends that after serving the petitioner with a 'memorandum of prosecution', it came to the attention of State prosecutors that the petitioner was "making preparations to leave the country". Based on this information, the State, through its Public Prosecutions Department ordered the petitioner not to leave the country. Accordingly, the petitioner was not permitted to leave the country in January 2003, as claimed by the petitioner. The State contends that Convention recognizes limitations on freedom of movement in the interest of "public order, public morals, and to prevent crime". In the circumstances, the State contends that it was justified in this action to prevent the petitioner from evading criminal proceedings against him.

4. Violation of Articles 8 and 11 of the Convention

35. The State denies the Petitioner's claim that certain public statements by the President of Suriname prejudiced his right to a fair trial and impugned his dignity. The State contends that the petitioner's claims in this respect "are against the right to free speech and freedom of the press." For the State, if the President "committed an unlawful act" against the petitioner, the petitioner "can always submit this to the Court on a national level." [FN4] Further, the State contends that "the evaluation of the acceptability of activities of the President on a political podium falls outside the competence of the Surinamese judiciary, unless on the basis of the law some action can be taken against it with a judicial body." The State also contends that an evaluation of this matter "falls outside the competence of your Honorable Commission." [FN5]

[FN4] Para. 110, page 43, State's official response of July 18, 2005.

[FN5] Id.

5. Delay in criminal proceedings/ violation of Article 25

36. The State rejects the Petitioner's claim that the trial proceedings were unduly delayed, claiming that the Petitioner himself was "summoned several times and he did not appear in court or could not be reached." The State further contends that the petitioner "reported ill more often (sic) at the Trial", and that the "lawyers also have reported ill from time to time and asked for postponement of the Trial." Essentially, the State contends that the length of the proceedings are attributable to the conduct of the petitioner, and not to the State.

IV. ANALYSIS OF ADMISSIBILITY

A. The Commission's competence *ratione personae*, *ratione loci*, *ratione temporis* and *ratione materiae*

37. Upon considering the record before it, the Commission considers that it has the competence *ratione personae* to entertain the claims in the present petition. Suriname is party to the American Convention, having deposited its instrument of accession thereto on November 12, 1987. The Petitioner has *locus standi* to submit petitions to the IACHR, in accordance with Article 44 of the Convention. The petition identifies as the alleged victim Mr. Alibux, a person, whose rights under the Convention the State of Suriname is committed to respect and ensure.

38. The Commission has competence *ratione loci* to take cognizance of this petition, since it alleges violations of rights guaranteed by the American Convention that purportedly occurred in the territory of a State party.

39. The Commission has competence *ratione temporis*, since the events alleged in the petition took place at a time when the duty to respect and ensure the rights enshrined in the Convention was in force for the State.

40. Finally, the Commission has competence *ratione materiae*, since the petition alleges violations of human rights protected by the American Convention.

41. Accordingly, the Commission finds that it is competent to address the claims raised in the petition.

1. Exhaustion of domestic remedies

42. Article 46(1)(a) of the Convention provides that the admissibility of a petition submitted to the Commission is subject to the requirement that remedies within the domestic jurisdiction be exhausted, in accordance with generally recognized principles of international law. The preamble to the Convention states that it grants international protection to support or complement the protection provided by a State's domestic laws.[FN6] The rule of prior exhaustion of domestic remedies allows the State to resolve the problem according to its internal law before facing an international proceeding, which is particularly valid in the international jurisdiction of human rights.

[FN6] See second paragraph in fine of the Preamble to the American Convention.

43. The requirement of prior exhaustion applies when domestic remedies are available in practice within the national system, and would be adequate and effective in providing a remedy for the alleged violation. In this sense, Article 46(2) specifies that the requirement is not applicable when the domestic legislation does not afford due process for the protection of the right in question; or if the alleged victim did not have access to domestic remedies; or if there was unwarranted delay in reaching a final judgment in response to the invocation of those remedies. As indicated by Article 31 of the Commission's Rules of Procedure, when a petitioner alleges one of these exceptions, it then falls to the State to demonstrate that domestic remedies have not been exhausted, unless that is clearly evident from the record.

44. In this context it is appropriate to clarify the remedies available under domestic law that should be exhausted in each particular case. The Inter-American Court of Human Rights has indicated that only those remedies that provide appropriate remedy for the violations that are alleged to have taken place should be exhausted. As the Court observed:

Adequate domestic remedies are those which are suitable to address an infringement of a legal right. A number of remedies exist in the legal system of every country, but not all are applicable in every circumstance. If a remedy is not adequate in a specific case, it obviously need not be exhausted. A norm is meant to have an effect and should not be interpreted in such a way as to negate its effect or lead to a result that is manifestly absurd or unreasonable. [FN7]

[FN7] I/A Court H.R., Velásquez Rodríguez Case. Judgment of July 29, 1988. Series C, No. 4, paragraph 64.

45. In this case, the Petitioner argues that he has exhausted domestic remedies as there is no option for him to appeal. The Act under which he was convicted provides that charges under said Act must be heard in the High Court of Justice, which is the highest court in Suriname. Similarly, the Petitioner's interlocutory challenges were also heard in the Court of Justice. The Petitioner complains that the non-operation of the Constitutional Court of Suriname made it impossible for him to challenge the constitutionality of the Act or the proceedings initiated against him thereunder. On the other hand, the State contends that the petitioner failed to exhaust domestic remedies, given that criminal proceedings were still pending and that there were other (civil) remedies that the petitioner could have invoked to challenge the application of the Act against him. In particular, the State contends that the Petitioner could have invoked Article 137 of the Suriname Constitution. In response, the Petitioner contends that only the Constitutional Court of Suriname has jurisdiction to act under this provision, an argument that remains unaddressed by the State. Further the State has not refuted the Petitioner's allegation about the non-operational status of the Constitutional Court. However, the State argues that in any event, the complaints of the Petitioner relating to the Act and the proceedings thereunder are outside of the jurisdiction or constitutional mandate of the Constitutional Court.

46. In the Commission's view, the State has failed to meet its burden of demonstrating the availability of appropriate, effective domestic remedies that the Petitioner has failed to exhaust. The Commission notes that the Petitioner's complaints relate to criminal proceedings, which are not, on the face of it, remediable by civil proceedings. In any event, the State has not essentially denied the Petitioner's claim that he lacked any domestic forum to appeal his conviction or to contest its constitutionality. In the light of these considerations, the Commission concludes that the Petitioner exhausted domestic remedies as prescribed by Article 46(1)(a) of the American Convention.

2. Timeliness of the petition

47. Article 46(1)(b) of the American Convention prescribes that a petition must be presented in a timely manner to be admitted, namely, within six months from the date on which the complaining party was notified of the final judgment at the domestic level. The six-month rule ensures legal certainty and stability once a decision has been taken.

48. The Petitioner contends that he effectively exhausted all available domestic remedies after the dismissal of his final interlocutory objection in June 2003. Having regard for the Commission's finding on the exhaustion of domestic remedies, the Commission concludes that the petition was presented in a timely manner in accordance with Article 46(1)(b) of the Convention.

3. Duplication of proceedings and *res judicata*

49. There is nothing in the record to suggest that the subject matter of the petition is pending in another international proceeding for settlement, or is substantially the same as one previously studied by the Commission or by another international organization. Therefore, the Commission concludes that the requirements established in Article 46(1)(c) are met.

4. Characterization

50. The parties have joined issue on the question of whether the petition discloses colorable claims. To determine admissibility, the Commission must decide whether the petition describes facts that could tend to establish a violation, as required by Article 47(b) of the American Convention. As a preliminary consideration, the Commission notes that the Petitioner has not advanced a *prima facie* case to support his general claim that the State violated his rights under Article 24 of the American Convention. Having regard for the record before it, the Commission considers that the petitioner has not presented any colorable violation of Article 24 of the American Convention.

51. The standard of evaluation regarding the admissibility of a petition is different from that which applies in deciding on the merits of a complaint. The Commission must conduct a *prima facie* assessment to determine whether the complaint entails an apparent or potential violation of a right protected by the Convention and is not at this stage establishing the existence of such a violation. This examination is a summary analysis that neither prejudices nor offers an opinion on the merits.

52. The claims alleging violations of the American Convention revolve around the prosecution and conviction of Mr. Alibux after indictment by the National Assembly. Principally, the Petitioner contends that he was prosecuted under an *ex post facto* law, and that he was denied any recourse to challenge the law or the ensuing criminal proceedings. Concomitantly, the Petitioner contends that his right to fair trial was prejudiced by certain public utterances by the President of Suriname. He also contends that his freedom of movement was violated when he was prevented from traveling out of Suriname for medical reasons. The State requested the Commission to reject the complaint because the Petitioner is (a) seeking a fourth instance intervention; and (b) has failed to adduce facts that characterize any violation of the American Convention.

53. With respect to the State's argument that review of this petition would require the Commission to act as a "fourth instance," the Commission's jurisprudence clearly establishes that the IACHR is not competent to review judgments handed down by national courts acting within the scope of their jurisdiction and observing due judicial guarantees. The Commission cannot serve as an appellate court to examine alleged errors of law or fact that may have been committed by the domestic courts acting within their jurisdiction. However, within its mandate to ensure the observance of the rights protected in the Convention, the Commission is necessarily competent to declare a petition admissible and rule on its merits when it is claimed that a domestic legal decision was taken in disregard of the right to a fair trial, or that there have been other violations of rights protected by the Convention.[FN8] While questions relating to the application of domestic law may in principle be beyond the competence of the Commission, in the present case the Petitioner has alleged that the criminal proceedings against him (which culminated in the verdict of the Suriname High Court of Justice) violated numerous rights under the American Convention. The Petitioner's claims relate, *inter alia*, to the right to due process (including access to appeal to a higher court), the right not to be prosecuted under *ex post facto* laws. The Commission considers that these claims are properly within its jurisdictional competence.

[FN8] See IACHR Report N° 1/03, Case 12.221, Jorge Omar Gutiérrez, Argentina, February 20, 1003, para. 46, citing IACHR, Report N° 39/96, Case 11.673. Marzioni, Argentina, October 15, 1996, paras. 50-51.

54. With respect to the present petition, the Commission considers that the arguments presented by both parties require an in-depth analysis of the substance of the matter in order to be resolved. The Commission therefore does not find that the petition is "manifestly groundless" or "obviously out of order". On the other hand, the Commission considers that, *prima facie*, the petitioners have fulfilled the requirements set out in Article 47(a) and (b) of the American Convention.

55. In light of these considerations, the Commission considers that the Petitioner's allegations could characterize violations of the American Convention, should they be shown to be accurate.

V. CONCLUSION

56. The Commission concludes that it is competent to examine the allegations of the Petitioner and that the petition is admissible in accordance with Articles 46 and 47 of the American Convention, with respect to the violations of Articles 8, 11, 9 and 22 as they relate to the freedom from *ex post facto* laws, the right to fair trial, the right to privacy and, the right to freedom of movement. The Commission deems the claims under Article 24 to be inadmissible.

57. Based on the factual and legal arguments set forth above, and without prejudging the merits of the case,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

DECIDES:

1. To declare the petition under consideration admissible with respect to the alleged violations with respect to Articles 5, 7, 8, 9, 11, 22, and 25 of the American Convention.
2. To declare the petition inadmissible with respect to the alleged violation of Article 24 of the American Convention.
3. To notify the parties of this decision.
4. To continue with its analysis of the merits of the case.
5. To publish this decision and include it in the Commission's Annual Report to the General Assembly of the OAS.

Done and signed in the city of Washington, D.C., on the 9th day of the month of March, 2007.
(Signed): Florentín Meléndez, President; Paolo G. Carozza, First Vice-President; Víctor E. Abramovich, Second Vice-President; Evelio Fernández Arévalos, Clare K. Roberts, Paulo Sérgio Pinheiro and Freddy Gutiérrez, Commissioners.