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SURINAME

Government commitments and human rights

On 22 and 23 September 2002, the United Nations Human Rights Committee (the Committee) examined Suriname's record with regard to compliance with the provisions of the International Covenant on Civil and Political Rights (ICCPR). The present document includes a summary of Amnesty International's concerns, submitted to the Committee in September 2002.

As Suriname had not submitted its second state party report, due since August 1985, for review, the Committee's consideration took place under new guidelines. Representatives of Suriname's government were present and responded to a series of queries from Committee members. Principal subjects of questioning by the Committee included impunity for past violations, allegations of current violations, prison conditions, administration of justice, the treatment of members of minority groups, the situation of women and children and Suriname's position on the death penalty, among other issues.

The representatives of Suriname's government committed to providing a report on compliance with the ICCPR which would cover these issues. Amnesty International urges Suriname to report as soon as possible.

Appended to this document is a series of recommendations from Amnesty International to the government of Suriname on a number of key human rights concerns.

**SUMMARY OF AMNESTY INTERNATIONAL'S CONCERNS
SUBMITTED TO THE HUMAN RIGHTS COMMITTEE**

SEPTEMBER 2002

INTRODUCTION

Amnesty International welcomes the opportunity to raise its concerns regarding Suriname's failure to comply fully with Articles 2.1, 2.3, 3, 6, 7, 10, 14, 19.2, 24.1 and 26 of the International Covenant on Civil and Political Rights (ICCPR). These concerns are submitted prior to the Committee's consideration of implementation of the ICCPR in Suriname during its 76th session in October 2002. This document is an updated version of the briefing submitted to the Committee in February 2002 before its March 2002 pre-session on Suriname.

Since submission of its initial report in 1979,¹ Suriname has consistently failed to submit the required State Party reports. In 1995, the Secretary of the Human Rights Committee informed members that a meeting had been held with the Permanent Representative of Suriname to the United Nations to remind the government of its obligation in this regard.² However no report has been submitted, in consequence of which the forthcoming examination will take part under new procedures.³ Amnesty International hopes that this submission will be helpful to the Committee as it undertakes that process.

Under its Constitution,⁴ Suriname is committed to promoting the development of the international legal order and the participation in international organizations.⁵

¹ Suriname's initial report, CCPR/C/4/Add.4, was submitted in May 1979. It was examined by this Committee in July 1980 (see *inter alia* CCPR/C/SR.223, CCPR/C/SR.224 and CCPR/C/SR.227), at which point there had been a change of government following a military coup.

² See CCPR/C/SR.1415, Summary record of the 1415th meeting, 7 April 1995.

³ Nevertheless, Suriname's initial State Party report to the Committee on Economic, Social and Cultural Rights was submitted in 1993 and considered in 1994 (see E/C.12/1994/18); its initial report to the Committee on the Rights of the Child was submitted in 1998 and considered in 2000 (see CRC/C/SR.636). The Committee on the Elimination of Discrimination against Women considered the combined initial and second periodic report of Suriname, covering 1993 to 1998, in June 2002 (see CEDAW/C/SR.557, 558 and 566).

⁴ The current Constitution of Suriname dates from 1987 and was reformed in 1992. The original text is

Suriname is a member of the Organization of American States and is a party to several regional human rights instruments.⁶ Suriname acceded to the ICCPR on 28 December 1976, just over a year after its independence from the Netherlands.

BACKGROUND

Suriname became a colony of the Netherlands under a 1667 peace agreement, passing from British to Dutch influence. Colonists imported slave labour, and both colonialism and slave labour have had long term ramifications in the history of the country, including for example the limited participation by some ethnic groups in national decision making.⁷ The population is highly ethnically diverse, with the majority of the people reportedly descended from African slaves; from Indian, Indonesian or other indentured servants brought over by the Dutch to work as agricultural labourers; or from indigenous people.

Suriname became an autonomous part of the Netherlands in December 1954, and gained independence on 25 November 1975. In February 1980, a group of noncommissioned army officers, led by Desi Bouterse, overthrew the elected government. The military-backed government then suspended the 1975 Constitution, dissolved the legislature and began to rule by decree. In 1986 an armed opposition group became active in eastern Suriname; the army began counterattacks against the rebels and villages believed to be supporting them. Bouterse lost elections held in

in Dutch; the references given here are in English, from the translation posted on the Georgetown University website, <http://www.georgetown.edu/LatAmerPolitical/Constitutions/Suriname/>.

⁵ Article 7.2: "The Republic of Suriname promotes the development of the international legal order and supports the peaceful settlement of international disputes." Article 7.5: "The Republic of Suriname promotes the participation in international organizations with a view to establishing peaceful coexistence, peace and progress for mankind."

⁶ Suriname has been a State Party to the American Convention on Human Rights since 12 November 1987; the Inter-American Convention to Prevent and Punish Torture since the same date; the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ("Protocol of San Salvador") since 10 July 1990; and the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women since 8 March 2002. It is also a member of CARICOM, and is associated with the European Union through the Lomé Convention.

⁷ Slavery was abolished in Suriname in 1863. In the followup to the World Conference against Racism, in September 2001 the Dutch government expressed regret for past slavery in its former colony. The issue has continued to be under discussion; in a speech at a university in Leiden in July 2002 Dr. John Daniel, a former member of the South African Truth and Reconciliation Commission, reportedly suggested that the Netherlands establish a commission to shed light on its role in the slave trade.

1987, and civilian rule was restored in 1988. However, in December 1990 Bouterse led a bloodless coup that toppled the civilian government. Throughout his period in power, the army allegedly carried out extrajudicial executions, torture and detention without charge or trial.

In 1991, a civilian government was elected under Ronald Venetiaan. Peace accords were signed with the rebels in 1992, and some months later Bouterse resigned as army commander. Peaceful elections were held, and Venetiaan handed over to another civilian government under Jules Wijdenbosch of the Nationale Democratische Partij (NDP), National Democratic Party in 1996. Desi Bouterse, whose time in power had been marred by serious human rights violations, had founded the NDP, and remained its leader at the time Wijdenbosch was elected, contributing to concern about the government's commitment to ensuring respect for human rights.

Suriname's second peaceful transition between democratically elected governments occurred in 2000 when Venetiaan was returned to office. Venetiaan took power on 18 August at the head of a four-party New Front coalition composed of political groups that had been deposed by the coups of 1980 and 1990.

One of the most significant carryovers from the country's early experiences of military rule is the ongoing impunity for human rights violations committed during that period. In addition to violations committed to stifle peaceful civilian dissent, the military was accused of numerous violations in the context of its response to the concerted armed opposition which began in July 1986. At that time an opposition group called the Surinamese Liberation Army or 'Jungle Commando,' largely made up of inhabitants of the interior of the country, and led by former soldier Ronny Brunswijk, began a series of attacks in eastern Suriname with the aim of overthrowing the military government. In response, the army attacked villages suspected of supporting them and killed suspected rebels. Thousands fled into neighboring French Guiana. The conflict continued after the return to an elected government in 1988, and a peace accord was signed between the Venetiaan government and armed opposition groups in August 1992.

Under the Constitution the army is responsible for national security and border control;⁸ it is under the control of the Minister of Defense. The police force is tasked

⁸ Article 177: "1) The National Army shall have as its task the defense of the sovereignty and the territorial integrity of Suriname against foreign, military, armed aggression. 2) Without prejudice to the provisions of the previous paragraph, the army can be charged with special tasks to be defined by law."

with maintenance of law and order⁹ and is responsible to the Minister of Justice and Police.

SPECIFIC VIOLATIONS OF ARTICLES OF THE ICCPR

1. ICCPR Article 2.3: right to effective remedy for individuals whose rights have been violated

Amnesty International and other domestic and international groups have called repeatedly for those accused of past human rights violations to be brought to justice. As part of the 1992 peace accord, however, an amnesty was granted to members of the military and of armed opposition groups, for the period of 1985 to 1991. It covered extrajudicial executions, torture and detention without charge or trial by the military, as well as abuses by opposition groups. The amnesty was agreed in spite of the fact that there had been no thorough, independent investigation into human rights violations by the armed forces.

Towards a Truth Commission

In December 1997, the Wijdenbosch administration set up a committee led by law professor Ludwig Waaldijk to discuss the framework for an eventual investigative commission for past human rights violations. Human rights groups that had been working on the issue were reportedly not involved in the development of the commission. The committee's report was presented to the president in September 1999 but its findings and recommendations were not made public.

Suriname's government took part in a "Truth and Reconciliation" conference in August 1998, organized under the auspices of a local NGO and the Inter-American Institute of Human Rights, to further discussions on a framework for a truth commission. A report on the conference, "Truth and Justice: In Search of Reconciliation in Suriname" was published by the organizers in 1999, but no concrete follow-up was implemented by the government.

Amnesty International has repeatedly enquired with the authorities as to what plans the government has in this direction, but has not received any reply. NGOs and others

⁹ Article 178: "1) The police shall have as task: a/ to maintain public order and domestic security, to prevent violations thereof, and to protect persons and goods. b/ to investigate punishable acts and to enforce the observance of regulations, the breach of which shall be punishable by law. 2) Without prejudice to the provisions of the previous paragraph, the police can be charged with special tasks to be defined by law."

continued in 2001 to call for criminal prosecutions of those responsible for human rights violations and the establishment of a Truth Commission.

Some Serious Cases

Former National Army commander Glenn Sedney reportedly offered apologies to the Surinamese community in mid-2001 for the 'wounds and rifts' caused by the military in the past, during a ceremony marking the transfer of command to a new military head. More recently, in May 2002 President Venetiaan reportedly expressed the need for ongoing vigilance with respect to protecting freedom of speech and acknowledged that incidents of intimidation of journalists and owners of newspapers and radio stations occurred in the 1980s and 1990s.¹⁰ As mentioned above, numerous violations were documented during the periods of military rule throughout the 1980s and in the early 1990s; a description of two of the most well-known cases, as well as efforts to bring those responsible to justice, can be found below.

A) 8 December 1982 killings

This case has been investigated by this Committee following communications from family members of eight of the victims.¹¹ A summary is included here for ease of reference.

In the early hours of 8 December 1982, a number of prominent citizens were arrested at their homes by the military authorities following alleged disturbances in the capital, Paramaribo. It was later reported that 15 people, including some of those arrested and two others who had already been in custody, were summarily executed at Fort Zeelandia, an army centre near the Surinamese Cabinet Office in Paramaribo, on 9 December. They included Cyril Daal, chairman of the *Moederbond*, Suriname's largest trade union confederation; Kenneth Gonçalvez, Dean of Suriname's Bar Association; Bram Behr, Leslie Rahman and Frank Wijngaarde, journalists; Jozef

¹⁰ President Venetiaan reportedly made these remarks during a 20 May 2002 speech in the capital, Paramaribo, on the occasion of his signing of the "Declaration of Chapultepec" on freedom of expression (newspaper source: *De Ware Tijd*, 21 May 2002).

¹¹ See CCPR/C/24/D/146/1983 and CCPR/C/24/D/148-154/1983. Submitted by Kanta Baboeram-Adhin on behalf of her deceased husband, John Khemraadi Baboeram (146/1983); Johnny Kamperveen on behalf of his deceased father, Andre Kamperveen (148/1983); Jenny Jamila Rehnuma Karamat All on behalf of her deceased husband, Cornelis Harold Riedewald (149/1983); Henry Francois Leckie on behalf of his deceased brother, Gerald Leckie (150/1983); Vidya Satyavati Oemrawsingh-Adhin on behalf of her deceased husband, Harry Sugrim Oemrawsingh (151/1983); Astrid Sila Bhamini-Devi Sohansingh-Kanhai on behalf of her deceased husband, Somradj Robby Sohansingh (152/1983); Rita Dulci Imanuel-Rahman on behalf of her deceased brother, Lesley Paul Rahman (153/1983); and Irma Soeinem Hoost-Boldwijn on behalf of her deceased husband, Edmund Alexander Hoost (154/1983).

Slagveer, director of the *Informa* news agency; Andre Kamperveen, owner of the ABC radio station and former Minister of Culture and Sport; Gerard Leckie, Dean of the University of Suriname; Suchrim Oemrawsingh, a university lecturer; and businessman Robby Sohansingh. Two of the victims, Soerindre Rambocus and Jiwansingh Sheombar, were reported to be former army officers who had been in military detention for nine months, accused of involvement in an attempted coup in March 1982; they had been sentenced in November to long terms of imprisonment. The remaining three victims, John Baboeram, Eddy Hoost and Harold Riedewald, were their defence lawyers.

On 14 December 1982, Lieutenant Colonel Bouterse said on Suriname television that 15 people, arrested on suspicion of plotting a coup, had been shot while trying to escape from custody. However, reports received by Amnesty International indicated that the victims had been shot through the front of the head or chest. Eyewitnesses who subsequently identified the bodies in a city mortuary testified that the victims had severe bruising and cuts on the face, smashed jaws, broken teeth, fractured limbs, and multiple bullet entry wounds in the face, chest or abdomen. The night of their arrest, the headquarters of the *Moederbond*, two independent radio stations and the offices of an opposition newspaper had been burned down, allegedly by government troops.¹²

In the next years, in addition to inquiries by this Committee the killings were the subject of investigations by the Inter-American Commission of Human Rights¹³ and the Special Rapporteur on summary and arbitrary executions,¹⁴ among others. In 1995 this Committee was "... of the view that the victims were arbitrarily deprived of

¹² During the aforementioned 20 May 2002 speech regarding the "Declaration of Chapultepec" on freedom of expression, President Venetiaan reportedly referred to the journalists killed on 8 December 1982 as well as to the subsequent destruction of a number of press buildings. (newspaper source: *De Ware Tijd*, 21 May 2002).

¹³ See OEA/Ser.L/V/II.61 of 5 October 1983, at Conclusions, para. 2: "The Commission is especially alarmed by the executions that took place at the Fort Zeelandia prison during the night of December 8, 1982. On that occasion fifteen prominent Surinamese citizens were summarily murdered. Furthermore, the overwhelming evidence obtained by the Commission indicates that the fifteen were brutally tortured before being killed and that high government officials participated, directly or indirectly, in their deaths."

¹⁴ The Special Rapporteur visited Suriname in July 1984. The report of his visit can be found at E/CN.4/1985/17, Annex V. He reported that "on the basis of the information in his possession, the Special Rapporteur finds that summary or arbitrary executions took place on the night of 8-9 December in Fort Zeelandia" (para. 64).

their lives contrary to Article 6(1) of the International Covenant on Civil and Political Rights."¹⁵ The Committee urged the government to take effective steps

(i) to investigate the killings of December 1982; (ii) to bring to justice any persons found to be responsible for the death of the victims; (iii) to pay compensation to the surviving families; and (iv) to ensure that the right to life is duly protected in Suriname.¹⁶

In December 1995, the National Assembly passed a resolution calling on the government to carry out an investigation into the killings and other human rights violations alleged to have been committed by the army under the command of Desi Bouterse. In January 1996, President Venetiaan publicly stated that his government would launch such an investigation, but no action had been taken by the time his term ended in September. In the first half of 1996, relatives of the fifteen victims and human rights activists reportedly received death threats from unknown persons. Some were provided with police protection. On 5 April 1996 the home of Henri Behr, the main spokesperson for the group of relatives of the 15 victims, was firebombed. Amnesty International wrote to the authorities on several occasions to express concern and request an investigation and measures of protection for Mr. Behr, but did not receive a reply.

In April 1996, Amnesty International visited Suriname to monitor progress of the enquiry into the 1982 murders. Meetings were held with government officials, relatives of the victims and human rights organizations. Following the visit, Amnesty International wrote to President Venetiaan expressing concern at the continued delay in opening the enquiry and asking whether an investigation had been carried out into the firebomb attack. In October, the same letter was sent to President Wijdenbosch. No reply was received.

In 2000 there were concerns that efforts would be made to block prosecution, based on the country's 18-year statute of limitations. On 31 October 2000, after the re-election of Venetiaan, the Court of Justice ordered the prosecution of Bouterse and others in connection with the 'December murders' in response to a request from relatives of the victims. Numerous witnesses, including politicians, were questioned by the Public Prosecutor's Office. Bouterse's lawyer sought to postpone the hearings but the court denied his request. Following an order from the Court of Justice, an

¹⁵ Human Rights Committee, CCPR/C/24/D/154/1983, para. 15.

¹⁶ Human Rights Committee, CCPR/C/24/D/154/1983, para. 16.

examining judge called for a full investigation into the killings, including the actions of over 30 reported suspects.¹⁷

Bouterse had denied charges that he presided over the killings, saying that he took responsibility only because he was head of government and the military at the time. This account is contradicted by the recorded testimony of sole survivor of the massacre, trade unionist and Suriname Labor Party leader Fred Derby, who died in May 2001, aged 61. Suriname justice officials continued working on the judicial proceedings throughout 2001, but reported receiving threats. Press reports indicate that as of June 2002, more than 160 people had reportedly been heard in the case in Suriname.

Moreover, in August 2001, Suriname had filed a request with the Dutch government for legal assistance in order to be allowed to conduct hearings in the Netherlands and to receive assistance from forensic experts. In May 2002 Surinamese investigators were sent to the Netherlands to hear those witnesses who were not prepared to be heard in Suriname. The investigators reportedly heard over 40 individuals in the Netherlands. Bouterse's lawyers were allowed to attend the hearings, which according to some reports may have caused some people to "adjust" their testimony out of fear of reprisal. The investigations were said to have revealed new evidence, which could in turn lead to additional hearings in Suriname. In a related development, in June 2002, a team of Dutch forensic experts from the Netherlands Forensic Institute (Nederlands Forensisch Instituut, NFI) visited Suriname for an initial orientation.

Efforts had been made to prosecute Bouterse for the 'December murders' in the Netherlands.¹⁸ In November 2000, the Amsterdam Court of Appeal ordered the Dutch Office of the Prosecution to open proceedings against him.¹⁹ The prosecution effort was based on the universal jurisdiction provisions of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; however, following a review of the issue of jurisdiction, in September 2001 the Dutch Supreme Court decided that the treaty, signed by the Netherlands in 1989, could not be used to prosecute an earlier crime committed abroad and involving non-nationals.

¹⁷ Several of these were reportedly dropped from the investigation in 2001 due to lack of evidence.

¹⁸ Bouterse had already been tried *in absentia* by Dutch authorities, on other charges; a court found him guilty of one drug-related charge in 2000. The decision was appealed.

¹⁹ For more information see, *inter alia*, Amnesty International, *End Impunity: Justice for the victims of torture*, 2001; pp. 39-40.

B) 1986 Moiwana massacre²⁰

In early November 1986, the military undertook an operation against the armed opposition in Eastern Suriname. It ordered the civilian population to leave the area; many, however, did not comply, for a variety of reasons. On 29 November, a specialized unit attacked the village of Moiwana, burning the house belonging to rebel leader Ronnie Brunswijk. At least 35 people, mostly women and children, were killed by government troops, and their houses burnt. Witnesses interviewed by Amnesty International in early 1987 stated that there were no members of the armed opposition in the village. Fighting escalated, and thousands of residents fled across the border into French Guiana. Shortly thereafter, the government denied that the military had engaged in any manoeuvres in the area.

In August 1987, the Special Rapporteur on summary and arbitrary executions visited Suriname. With regard to the November 1986 events in Moiwana and surrounding areas, he reported that he

heard detailed accounts from a considerable number of persons who claimed to have witnessed the killings or who had seen the bodies of the victims. By all accounts, they were defenceless, some were lined up and shot, some were shot in their houses and thereafter their belongings were destroyed. The Special Rapporteur saw evidence that they were caught completely unawares.²¹

Attempts were made by civilian police to carry out an investigation into the massacre. Several soldiers were arrested shortly after the massacre, but were released at the demand of a large group of armed military police officers said to have the backing of Bouterse. On 4 August 1990 one of the leading police investigators, chief inspector Herman Gooding, was reportedly taken forcibly from his car by unidentified assailants, in the close vicinity of Fort Zeelandia in Paramaribo and shot in the head. His body was reportedly then left on the ground next to the office of the then commander-in-chief Bouterse. As a result, other police investigators were said to have

²⁰ Aside from the references here indicated, for more information see Amnesty International, *Suriname: Violations of Human Rights*, AI Index: AMR 48/02/87, September 1987; and *Suriname: Violations of Human Rights - an update*, AI Index AMR 48/02/88.

²¹ Report by the Special Rapporteur, Mr. S. Amos Wako, pursuant to Economic and Social Council resolution 1987/60, E/CN.4/1988/22, 19 January 1988; p. 45, para. 50.

fled the country out of fear of being targeted.²² In May 1993, a mass grave was reportedly found containing a number of victims' bodies.

In December 1995, the parliament adopted a motion obliging the executive branch to immediately open an investigation into a number of notorious incidents including the Moiwana massacre. However, no action has been taken.

In June 1997, the nongovernmental human rights organization Moiwana '86 lodged a petition with the Inter-American Commission on Human Rights concerning extrajudicial executions of 40 Moiwana residents, the destruction of the village and the denial of a judicial remedy for victims' families. The case was judged admissible by the Commission, as, among other elements, domestic remedies for seeking justice had been pursued and exhausted. The government of Suriname did not respond to repeated communications from the Commission.²³ In recent developments, the Inter-American Commission reportedly extended, at the government of Suriname's request, an earlier deadline for the government to comply with the Commission's recommendations regarding the case to 20 August 2002. In this period the government of Suriname is believed to have suggested a friendly settlement process with the survivors and the next of kin, in lieu of the matter being submitted to the Inter-American Court. The Commission then reportedly extended the deadline for compliance by another four months.

These cases give an indication of the lack of access to effective remedy for human rights violations in Suriname. They also highlight the lack of responsiveness of successive governments in Suriname to communications and other interventions from a range of regional and international human rights bodies. It is to be hoped that recent developments in the efforts around the 8 December 1982 killings indicate a shift from past practices and a new willingness on the part of the authorities to fulfill their responsibilities by bringing those responsible for violations to justice.

2. ICCPR Article 6: right to life and protection against arbitrary deprivation of life

²² In August 2002, the Public Prosecutor's Office in Suriname ordered the investigation into the killing of chief inspector Herman Gooding to be reopened.

²³ The reference number of the case before the Inter-American Commission on Human Rights is 11.821. See for example the Commission's Report No. 26/00 of 7 March 2000.

The Constitution protects the right to life.²⁴ Amnesty International wrote to the authorities of Suriname numerous times throughout the 1980s and early 1990s about reports of extrajudicial killings and massacres of civilians by members of the armed forces. Since the end of military rule and the signing of the accord with the armed opposition, reports of illegal killings by security forces greatly diminished; however they did not cease altogether.

In one example, Amnesty International has written to the authorities in Suriname on several occasions to express concern about the death of Revelino Reding, allegedly shot and killed in disputed circumstances by police officers of the Criminal Investigation Department of Geyersvlijt police station. He was killed at his home in Paramaribo at around 2 a.m. on 13 June 1995. Police had come to his home apparently with the intention of arresting him in connection with a robbery. In the presence of other members of his family, one policeman is alleged to have fired three shots in the direction of Revelino Reding, one through his head at very close range, one in his foot and another at random. The wounded man was taken to hospital and his family was later informed that he had died. Later police statements indicated that the victim was resisting arrest and that the shooting took place in the course of a struggle. Family members who were present disputed this version of events. No reply to Amnesty International's letters has been received; while a police investigation had been announced, the organization is unaware of its findings or of any follow-up to the case.

In April 2001 Ricardo Benito Vrieze was reportedly shot and killed by a police officer on the premises of the Will Axwijk Sportcomplex in Paramaribo. The officer was said to have shot him twice, in the knee and in the stomach, while arresting him for suspected theft and vandalism. In July 2002, the police officer was convicted and given a one-year prison sentence, allegedly for excessive use of violence. It was not clear whether the officer was subsequently taken in custody. Meanwhile the Public Prosecutor, who had asked for six years' imprisonment, was said to be considering an appeal.

In March 2002, a male detainee, held in custody in the detention block of the police station Keizersstraat in Paramaribo, was reportedly shot and killed by police officers as he fled during an escape attempt. Another detainee was apparently injured during the escape attempt and transported to a local hospital; the circumstances in which his injury was sustained are not clear. Amnesty International wrote to the government to express concern and to ask for any available information, including on efforts to

²⁴ Article 14: "Everyone has a right to life. This right shall be protected by law."

investigate and bring the officer responsible to justice; as of this writing no reply had been received..

Further, in May 2002 a man, who allegedly fled after resisting arrest following a suspected robbery in the Del Pradostraat, was reportedly shot and killed on the Gemenelandsweg. Police were said to have opened fire as he was running away, after he failed to stop in response to warning shots. Amnesty International has requested clarification of this incident and any followup given; to date no reply has been received from the Surinamese government.

Resistance to the abolition of the death penalty

As mentioned above, article 14 of Suriname's Constitution guarantees the right to life. However, its legal codes provide for the death penalty, although no executions have reportedly been carried out since 1982. Amnesty International has written to the government several times to urge that, in light of this record, it promptly ratify without reservations the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty. Such a move would be in line with the dominant perspective in international law, expressed by this Committee in 1982 in its General Comment 6 on article 6 of the ICCPR as follows: "all measures of abolition should be considered as progress in the enjoyment of the right to life." No response has been received. More worryingly, in January 2001 an opposition leader reportedly called for a referendum on whether Suriname should resume using the death penalty. No further information on this matter has been received.

3. ICCPR Articles 7 and 10: Prohibition of torture and ill-treatment of detainees

Torture and ill-treatment

Article 9.2 of the Constitution prohibits torture and degrading or inhuman treatment or punishment.²⁵ Nonetheless, beatings of detainees continue to be reported, particularly during arrest. In June 2001 the Minister of Justice and Police reportedly ordered an investigation into allegations of police misconduct against citizens. Amnesty International requested information from him about the type of allegations received, the procedures for their investigation and the mechanisms envisaged for the punishment of offenders if warranted. No reply was received. However, in following months he announced at a conference on the police force that police would be receiving human rights training as part of overall skills training aimed at increasing

²⁵ Article 9.2: "No one may be submitted to torture, degrading or inhuman treatment or punishment."

their professionalism. There was no information available on when the training would occur, the exact nature or extent of the training, the number of beneficiaries or any mechanisms envisioned for measuring its impact; and as of August 2002 staff of the Ministry of Justice and Police and the Surinamese Police Force were reportedly unaware of plans for any such training.

There are also some reports of ill-treatment of prisoners by guards. This pattern may be exacerbated by the fact that police officers who have not been trained in prison work reportedly serve as jailers in local detention centres. To help counteract violations against detainees, in the past the NGO Moiwana '86 has engaged in lectures and workshops regarding different human rights subjects for police as well as prison guards. Currently Moiwana '86, in collaboration with the Surinamese Police Force, is working on a project aimed at having human rights classes incorporated in the curriculum of the police academy.

Amnesty International has written the government several times to urge that it ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, but as of August 2002 Suriname reportedly had not ratified the Convention.

Prison conditions constituting cruel, inhuman or degrading treatment

The Constitution accords all detainees the right to treatment in accordance with human dignity.²⁶ However, in part due to severe overcrowding, prison conditions are said to be harsh, amounting sometimes to cruel, inhuman or degrading treatment or punishment. Reports indicate that conditions of hygiene and ventilation are poor, with food, blankets, cleaning materials and medicines in short supply. Medical care is said to be at times inadequate.

Pretrial detainees are believed to constitute a large percentage of inmates. Many of them are held in overcrowded detention cells at local police stations. Due to overcrowding, convicted prisoners are reportedly held in police cells along with pre-trial detainees. This violates Article 10(2) of the ICCPR and paragraph 8 of the Standard Minimum Rules for the Treatment of Prisoners,²⁷ which mandate separation

²⁶ Article 16.3: "Everyone who is deprived of his freedom has a right to a treatment in accordance with human dignity."

²⁷ Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

of convicted from pre-trial detainees. Conditions of detention in police stations remain a serious cause for concern.

A series of riots in 2001 demonstrated the severity of the problems facing the system of detention in Suriname. On 9 January, a riot took place in the Geyersvlijt police station, where overcrowding is reportedly severe; it was followed in March by a similar disturbance in Limesgracht police station. On 6 August, the death of a detainee in Keizerstraat police station, apparently of illness following inadequate medical attention, was believed to have sparked a revolt among others against overcrowding and poor conditions.

On 16 August 2001 another riot occurred, this time in Duisburglaan penitentiary, with inmates setting fire to cells. The Minister of Justice and Police ordered an investigation. At the same prison in April 2001, an inmate was shot dead by a prison guard during an escape attempt. Two guards were said to have been injured during that incident, which took place during a strike by some prison staff.

The government seems to be taking some steps towards improving conditions of detention. In February 2001 it allocated Sf 45 million to rehabilitate the prison system, including improvements to prison infrastructure and construction of new units, and laid plans to relieve overcrowding in police stations. In November 2001 a Dutch expert visited police stations and prisons in order to report on reform of care of detainees to the Surinamese authorities. It is too early to determine the impact of these measures.

4. ICCPR Article 14: the right to a fair and public hearing by a competent, independent and impartial tribunal established by law

The Constitution contains several safeguards for fair trial, including trial by independent and impartial authorities within a reasonable time.²⁸

With regard to the ordinary (civilian) justice system, in 1996 Amnesty International wrote to the authorities to raise a number of issues. While visiting the country the same year, the Amnesty delegation noted that it appeared to be very difficult to find lawyers who were willing to take up human rights cases. This seemed to be due both to a lack of financial support in the system and also the still widespread fear among

²⁸ Article 10: "Everyone shall have, in case of infringement of one's rights and freedoms, a claim to an honest and public treatment of his complaint within a reasonable time by an independent and impartial judge."

lawyers to take up such cases. Recent reports indicate that in addition to this problem, there continues to be a significant backlog in the judicial system, which has contributed to high levels of overcrowding in prisons. This backlog also has a negative influence on the judicial process for detainees, with cases which reportedly have not been brought before the court in a timely fashion. According to Moiwana '86, the backlog in the judicial system continues to be a problem in August 2002, further exacerbating the problem of overcrowding in prison cells and detention blocks. In its statement of intent for the period from 2000 - 2005, the government has reportedly said that it would increase the number of judges and restructure the judicial system. The information received does not indicate that the government has begun implementing these plans.

Amnesty International is concerned at the impact of the military justice system on the availability of justice for victims of human rights violations. The Constitution acknowledges differences between civilian and military jurisdiction.²⁹ A soldier accused of a crime is said to generally come under military jurisdiction, with military police responsible for any investigation. Prosecutions of military personnel are reportedly directed by the public prosecutor's office but take place in separate courts composed of two military judges and one civilian judge. Amnesty International believes that such a system may make it more difficult for citizens to have access to judicial remedies for current violations, as well as exacerbate the situation of impunity for past violations.

Amnesty International notes that there is a growing recognition within the body of international law that military courts cannot have jurisdiction in cases of alleged human rights violations. For example, the Declaration on the Protection of all Persons from Enforced Disappearance, adopted unanimously by the UN General Assembly in a 1992 resolution, states expressly that perpetrators "shall be tried only by the competent ordinary courts in each State, and not by any other special tribunal, in particular military courts."³⁰

²⁹ Article 134.2: "The pronouncement of punishment and of measures provided by law is also entrusted to the Judicial Power that is charged with the administration of justice, subject to exceptions made by law, which, when concerning imprisonment, may only relate to military penal and disciplinary law."

³⁰ Declaration on the Protection of all Persons from Enforced Disappearance, General Assembly resolution 47/133 of 18 December 1992, A/RES/47/133, art. 16.2.

Similarly, the Special Rapporteur on extrajudicial, summary or arbitrary executions has expressed concern about the fulfilment of international standards for fair trial by military tribunals:

the Special Rapporteur expresses his concern about reports regarding trials of members of the security forces before military courts, where, it is alleged, they evade punishment because of an ill-conceived *esprit de corps*, which generally results in impunity.³¹

5. ICCPR Article 19.2: freedom of expression

The Constitution guarantees freedom of expression.³² Further, as mentioned above, in May 2002 President Venetiaan signed the “Declaration of Chapultepec” concerning freedom of expression.

Local journalists, members of the Surinamese Association of Journalists (Surinaamse Vereniging van Journalisten, SVJ), reportedly welcomed the step but highlighted the need to reform some domestic legislation in light of the guidelines laid out in the Declaration. Amnesty International is seeking more information on this issue.

6. ICCPR Article 24.1: protection of children's rights

The Constitution explicitly protects children.³³ Suriname signed the Convention on the Rights of the Child in 1990 and the Convention came into force for Suriname in March 1993. As this Committee is aware, the Committee on the Rights of the Child (CRC) has closely followed the situation in Suriname. The Surinamese government submitted its initial State Party report to the CRC in February 1998.³⁴ The CRC published its concluding observations on the State Party report on 28 June 2000.³⁵ The

³¹ Report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, in UN document A/51/457 of 7 October 1996; para. 125.

³² Article 19: “Everyone has the right to make public his thoughts or feelings and to express his opinion through the printed press or other means of communication, subject to the responsibility of all as set forth in the law.”

³³ Article 35.3: “Every child shall have the right to protection without any form of discrimination.”

³⁴ See CRC/C/28/Add.11.

³⁵ See CRC/C/15/Add.130.

Committee cited among positive developments in Suriname the establishment in 1997 of a Steering Committee on Youth, to advise the government on children's issues, and in 1999 of a National Youth Council to encourage child participation.³⁶

The Committee urged Suriname, among other things, to take all appropriate measures to ensure that its laws are compatible with the Convention; to consider enacting a children's code; and to set up an independent mechanism to deal with allegations of violations of children's rights.³⁷ It also urged the government to raise the legal age of criminal responsibility from ten years of age to a more internationally acceptable age; to increase efforts to ensure non-discrimination with regard to vulnerable groups, including children living in the interior, children living and/or working on the streets, and children belonging to indigenous and minority groups; and to make greater efforts to prevent police brutality against children.³⁸

Finally, with regard to the situation of children in detention, the Committee expressed concern about the practice of incarcerating children with adults,³⁹ and drew attention to the unsatisfactory state of the juvenile justice system; the length of pre-trial detention; poor detention conditions; the lack of adequate facilities for children in conflict with the law, particularly girls; the limited number of trained personnel to work with children in this situation; and the lack of a complaint mechanism for children whose rights had been violated.⁴⁰

Children's rights issues, particularly those regarding juvenile justice and detention, have continued to receive significant attention in Suriname. In one example, press reports in 2001 indicated that in some instances girls continued to be locked up together with grown women in prisons. The organization Foundation for Human Development / Bureau Kinderontwikkeling (FHD / BKO) published a 66 page report in November 2001 on Suriname's compliance with international standards regarding

³⁶ See CRC/C/15/Add.130 paras. 4-5.

³⁷ CRC/C/15/Add. 130 paras. 8 and 14.

³⁸ CRC/C/15/Add. 130 paras. 20, 25, 26 and 34.

³⁹ With reference to section 3 above, this would also constitute a violation of Article 10(2) of the ICCPR and paragraph 8 of the Standard Minimum Rules for the Treatment of Prisoners mandating separation of juveniles from adults.

⁴⁰ CRC/C/15/Add.130, para. 59(a-c).

juvenile justice.⁴¹ The report was submitted to relevant government officials. In collaboration with the Children's Rights Sector of Moiwana '86 a documentary film⁴² was made on the situation of children in detention in Suriname.

The film highlighted failures in the provision of accessible justice to children, for example by use of complicated legal forms, insufficient explanation of charges and procedures and lack of consistent respect of accused children's right to legal counsel. It also drew attention to allegations of ill-treatment and torture following arrest. Finally, it looked at the impact on children of delays in having their cases tried and of poor conditions of detention while awaiting trial. The film documented the situation in the Youth Rehabilitation Center at Santo Boma, where convicted children are transferred providing spaces are available. It indicated that in the Center, conditions were more consistent with international standards and more attention was paid to constructive rehabilitation activities for the children. The film has reportedly been shown twice on Surinamese television, in December 2001 and February 2002. As a followup, BKO has made short clips for use during information sessions on juvenile justice in neighborhoods particularly affected by these issues.

Press reports indicated that during the 90th International Labour Organization conference, from 3 - 20 June 2002 in Geneva, Suriname discussed its willingness to ratify Conventions 138 and 182 on child labour. Reportedly, both conventions are currently in the process of being ratified.

7. ICCPR Articles 2.1, 3 and 26: protection against discrimination and equality before the law

The Constitution guarantees freedom from discrimination on any ground.⁴³ However, there are several areas of concern with regard to this issue.

With regard to minorities

Amnesty International is aware that this Committee has received a separate submission from the nongovernmental organization Forest Peoples Programme raising detailed concerns about Suriname's compliance with articles 1, 26 and 27 of

⁴¹ "Kind in Conflict met Justitie," Foundation for Human Development / Bureau Kinderontwikkeling (FHD / BKO), November 2001.

⁴² Produced by MediaVision and presented in November 2001.

⁴³ Article 8.2: "No one shall be discriminated against on the grounds of birth, sex, race, language, religious origin, education, political beliefs, economic position or any other status."

the ICCPR, particularly with regard to indigenous and tribal peoples.⁴⁴ Amnesty International will limit itself to drawing attention to some of the broader issues.

Forest Peoples Programme's submission includes information on the petition by representatives of the Saramaka people, a group of descendants of escaped African slaves who took refuge and established settlements in Suriname's rainforest interior in the 17th and 18th centuries, before the Inter-American Commission on Human Rights. Amnesty International would like to draw attention to the fact that the petition, submitted in October 2000, signalled the first time that any of Suriname's communities had challenged the government's failure to recognize and respect their rights.⁴⁵ It focuses particularly on the rights to property, to be consulted and to participate in decision-making, to due process and to judicial remedies under the American Convention on Human Rights.⁴⁶

The petitioners, on behalf of the Saramaka communities, requested that the Commission call for precautionary measures to protect their rights, which they maintain are severely threatened by logging activities on their land.⁴⁷ By letter of 8 August 2002, the Inter-American Commission informed the petitioners that it had issued precautionary measures, requesting that Suriname suspend logging and mine concessions on the land in question until the Commission has investigated the substantive claims raised in the case. It also requested that Suriname take appropriate measures to protect the physical integrity of the communities.⁴⁸

⁴⁴ Amnesty International notes that on 15 June 2002 Forest Peoples Programme also submitted a detailed formal communication, pursuant to Commission on Human Rights resolution 2001/57, to the United Nations Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples. The submission is entitled "Failure of the Republic of Suriname to recognize, guarantee and respect the rights of indigenous and tribal peoples to lands, territories and resources, to cultural integrity and to be free from racial discrimination."

⁴⁵ See, *inter alia*, "Logging and Tribal Rights in Suriname," Forest Peoples Programme, 17 December 2001.

⁴⁶ Additional observations on the merits made pursuant to Article 38(1) of the rules of procedure of the Inter-American Commission on Human Rights, Case no. 12.338, Twelve Saramaka Communities (Suriname). Submitted by Vereniging van Saramakaanse Gezagsdragers / Association of Saramaka Authorities, 15 May 2002.

⁴⁷ *Ibid*, section IV.

⁴⁸ Letter of 8 August 2002 on case 12.338 from the Executive Secretariat of the Inter-American Commission.

Suriname's succession to the International Convention on the Elimination of All Forms of Racial Discrimination took place in March 1984. As this Committee is aware, in August 1997 the Committee on the Elimination of Racial Discrimination (CERD) reviewed Suriname's implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. In its report, the Committee noted with regret that no initial State Party report had been submitted to it since 1984 and expressed further regret that Suriname had not responded to its invitation to participate in the meeting.⁴⁹ The government of Suriname has yet to submit an initial State Party report to the CERD.

With regard to women

Suriname acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in March 1993. As this Committee knows, Suriname presented its combined initial and second State Party report covering the period of 1993 - 1998 before the Committee on Elimination of Discrimination Against Women in June 2002. Several women's NGOs from Suriname made presentations to the Committee in the context of the review. As a result of its deliberations, the Committee recommended that Suriname introduce mechanisms for enforcing the Constitutional prohibition on discrimination based on sex, as well as reform existing domestic legislation allowing for discrimination against women.⁵⁰

Among other issues, the Committee expressed concern at the situation of rural women, particularly those from minority groups, and urged Suriname to ensure that they benefit from policies in the areas of health, education, social services and decision-making.⁵¹ It also urged that Suriname adopt measures to increase the number of women in decision-making positions in government, and to make efforts for awareness-raising in this regard.⁵²

In addition, in June 2002, the executive secretary of the Inter-American Commission for Women visited Suriname on the invitation of the Minister of Internal Affairs. The commission is a specialized organ of the Organization of American States (OAS).

⁴⁹ See A/52/18, paras 487-489, 21 August 1997.

⁵⁰ See CEDAW/C/2002/II/CRP.3/Add.5, paras 18 and 20.

⁵¹ *Ibid*, paras. 43-44.

⁵² *Ibid*, para. 34.

As of this writing, Suriname had not ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

APPENDIX: Amnesty International's recommendations to the government of Suriname

- Amnesty International welcomes the progress made to date in investigating the 8 December 1982 killings and urges that the authorities take all steps necessary to ensure that the investigation be carried out fully and without hindrance, so that the truth about the killings can be known and those responsible brought to justice.
- The government must do everything in its power to shed light on the 1986 Moiwana massacre and to facilitate the Inter-American Commission on Human Rights' action on the petition presented to it by victims' families, so that those responsible for the massacre are brought to justice. The authorities must ensure that the recently-opened investigation into the August 1990 killing of Herman Gooding, police investigator into the massacre, be carried out in a full and transparent manner and those responsible brought to justice.
- All allegations of human rights violations by the police or military, including extrajudicial executions, killings by police in disputed circumstances, torture and ill-treatment, must be fully and impartially investigated as soon as the incidents occur and those responsible brought to justice in a prompt and transparent manner. Amnesty International calls on the authorities to ensure that all such cases are heard before civilian rather than military courts, in keeping with international jurisprudence on the issue of military justice.
- Amnesty International urges that Suriname promptly ratify without reservations the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty, and that provisions for capital punishment be stricken from Suriname's legal codes.
- The authorities must ensure that prison conditions and the treatment of detainees in Suriname conform with international standards, in particular the Standard Minimum Rules for the Treatment of Prisoners. Overcrowding and poor conditions in police stations and prisons must be addressed and guards must receive adequate training in human rights and treatment of detainees so as to prevent further riots such as those which occurred in 2001.
- The authorities must take all necessary measures to deal with the backlog of untried cases which has contributed to high levels of pre-trial detention.
- The government should take steps to fully comply with the June 2000 concluding observations of the Committee on the Rights of the Child,

particularly with regard to the situation of children before the juvenile justice system; and with the June 2002 recommendations of the Committee on Elimination of Discrimination against Women.

- Amnesty International urges the authorities comply fully with the precautionary measures issued by the Inter-American Commission on Human Rights in August 2002 for protection of the rights of members of the Saramaka people.
- The government of Suriname must take steps to comply fully with its reporting obligations to all UN bodies, including the Committee on the Elimination of Racial Discrimination to which Suriname has yet to submit its initial State Party report.