



Permanent Mission of the Republic of Suriname to the United Nations

Ref: DN 140/17

The Permanent Mission of the Republic of Suriname to the United Nations presents its compliments to the Office of the High Commissioner for Human Rights and has the honor to transmit herewith Note MFA/7224/2017 dated 23 August 2017 from the Ministry of Foreign Affairs in response to Note no. AL SUR 1/2017 received from the Special Rapporteur on the Independence of Judges and Lawyers on 11 August 2017.

The Permanent Mission of Suriname to the United Nations avails itself of this opportunity to renew to the Office of the High Commissioner of Human Rights to the United Nations the assurances of its highest consideration.

New York, 30 August 2017



Office of the High Commissioner for Human Rights
Geneva



Ministry of Foreign Affairs of the Republic of Suriname

No. MFA/7224/2017

The Ministry of Foreign Affairs of the Republic of Suriname presents its compliments to the Office of the High Commissioner for Human Rights, and with reference to the letter dated August 10, 2017, no. AL SUR 1/2017, addressed to H.E. Mrs. Yldiz Pollack-Beighle, Minister of Foreign Affairs of the Republic of Suriname, would like to communicate the following.

The Ministry of Foreign Affairs takes offence at the content of the letter and subsequently the Press Release issued by The Office of the United Nations High Commissioner for Human Rights (OHCHR), which is considered a serious violation of the principles of non-interference and non-intervention in the internal affairs of a Sovereign State.

In this respect the Ministry takes the opportunity to refer to the decision taken by the Heads of States of CARICOM at their 38th Regular Meeting, held in St. George, Grenada, 4-6 July 2017, by which they considered that *“having received in caucus an update on the situation in Suriname from the Head of Delegation of Suriname and noting that this was an internal matter to Suriname”*.

With regard to the trial referred to in the letter, the Ministry wishes to stress that the constitutional provisions, are fully respected.

It is therefore, that the Ministry holds the view that the biased and incorrect alleged infringement of the Government of the Republic of Suriname in an ongoing trial, involving the President of the Republic, H.E. Desiré D. Bouterse, as mentioned in said letter, is vehemently rejected.

It is furthermore most regrettable that the issuance of a Press Release by the OHCHR is based on unverified and incorrect information and or observations, referred to in the letter as “facts and concerns”, questioning and prejudging the validity of the constitutional processes and democracy in the Sovereign State of the Republic of Suriname, with the intent to influence public opinion and eventually the outcome of a Court’s decision. This is a manifestation of contempt, being obviously an interference in an ongoing trial.

The Ministry of Foreign Affairs moreover rejects any doubts expressed on the functioning of the democratic institutions, by the Special Rapporteur, in particular with regard to the President of the Republic of Suriname, who was first elected in 2010 and re-elected in 2015, through free and fair elections by a clear majority of the electorate and consequently The National Assembly of the Republic of Suriname.



Ministry of Foreign Affairs of the Republic of Suriname

It is being experienced as an affront to the people of Suriname that the dignity of The National Assembly, is being questioned by unfoundedly criticizing the Amnesty Law, which has been passed in 2012 democratically, after a lengthy debate.

The Ministry wishes to underline that it is reprehensible that the Special Rapporteur, by neglecting established norms of civil decency, fails to await any clarification from the Government of the Republic of Suriname and has preferred instead to publication of unfounded accusations.

The Ministry is pleased to attach hereby detailed answers on the various false accusations, mentioned.

The Ministry of Foreign Affairs of the Republic of Suriname avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the assurances of its highest consideration.

Paramaribo, 23 August, 2017



Office of the High Commissioner
For Human Rights

Cc. - *Secretary General of the United Nations*
- *Special Rapporteur at the office of the High
Commissioner for Human Rights*

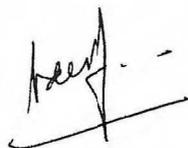
Response to the Report of the Special Rapporteur on the Independence of Judges and Lawyers, re Suriname

Introduction

The first remark to be made is that the Special Rapporteur refers to information he would have received. Although not being bound to any acknowledgement of source, the Rapporteur should test out accusations, before accusing. The Republic of Suriname is not known as a state where human rights abuses, and interference in judicial processes take place. For example, the information received that a criminal case, mentioned in the report would have commenced in the year of 2007, is not true; for the said case started in 2000. Of a more serious nature is the fact that the Rapporteur attaches a certain qualification: that of “murder” to a criminal case that is pending before an independent court of law. This is completely unjustified, and contrary to the truth.

As appears from his statements, the Rapporteur adopts a preconceived position. Moreover the Rapporteur elaborates on the content of testimonies taken on the trial, and he establishes a causal link between one of these testimonies and the Amnesty law. This finding has been inspired by prejudice. Without elaborating on the content of the testimonies of the suspect/witness Rozendaal, mentioned in the report, the government deems it necessary that the Rapporteur should know that it has learned from a notification of the attorney that the said Rozendaal has not taken only one (1), but several testimonies which have not been included in the Rapporteur’s report. The government holds the opinion that the Rapporteur is not capable of making a judgment about this. Besides, it should be noted that in his indictment

the Public Prosecutor has not used testimonies of the said suspect/witness Rozendaal. The government of Suriname cannot escape the impression that apparently the Rapporteur is in the possession of, or has knowledge of the indictment of the Public Prosecutor.



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Sworn Translator D-E / E-D

Paramaribo 25-08-2017

Independent Judiciary

The government herewith wishes to state that the independence of the judicial authority in Suriname has never been affected during the whole history of the country. Even long before the constitution of 1975 this was controlled by the so-called concordance principle, as the judicial authority was based on the then current law of the Kingdom of the Netherlands. The 1975 constitution as well as its substitute, the new one of 1987 guarantee the independence of the judiciary, and experienced as such (see article 131 and following of the constitution of Suriname) Neither the Inter American Court, nor other international organizations have received a complaint concerning this, as from 1987 up to now. However, it is another case with misinterpretations of the law by judges themselves, of which citizens have lodged a complaint with the inter American Court, particularly. The right of every citizen is laid down in the 1987 Constitution of the Republic of Suriname, article 10, and furthermore the independence of judges is laid down in the articles 131 up to and including 144.

As for criminal proceedings, there is a codified Code of Criminal Procedure indicating exactly and strictly the manner in which criminal proceedings should be dealt with. With respect to this article 1 of the Code of Criminal Procedure mandatorily specifies that criminal proceedings only take place in accordance with the way determined by law. Citizens in Suriname have also experienced this as such.

Efforts have been redoubled to further privatize the judiciary, for which recently budgetary independence, and other provisions have been granted to the Court of Justice. For the first time in the history of Suriname the Court of Justice has its own budget. Several actions are gradually supported to attain a judiciary that also functions institutionally independent from the State. With regard to this, reference can be made to the speech of the president of the Surinamese Court of Justice, mr. Rasoelbaks, LL.M., held on August the 24th at the swearing in of a number of attorneys. In this speech the latter mr. Rasoelbaks spoke highly of the several measures the governments takes in favor of the judiciary (See enclosed article of Starnieuws)



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Based on all the foregoing, the independence of the judiciary is guaranteed; but the following information can be given with regard to the **1982** events. The government cannot accept the qualification of the pending trial as murder, since this has yet to be proven, as the conclusive evidence for this should yet be provided. It is important, however, to provide the following information on these events

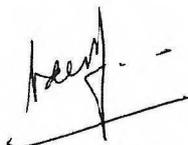
Further information.

The government of Suriname believes the criminal trial to be of a subjective nature with respect to the events of December 1982, and the whole criminal proceedings as such is not meant to investigate the complicated matter concerning the events. It is subjective of nature, because it is not aimed at investigating what happened in December 1982, but to realize what was not attained before the year of 1982: Elimination of Desiré Delano Bouterse. Even in the years thereafter, notwithstanding the Domestic War encouraged from and financed by the Netherlands, physical elimination of Desiré Delano Bouterse and a great part of progressive people in Suriname fostering the real independence of Suriname, had not been successful. According to this group of Surinamers real independence of Suriname was a condition to be able to serve Surinamese interest as the highest priority. The nature of the subjectivity of the whole criminal proceedings is furthermore specified by the following facts:

In the first place in the beginning of the criminal proceedings it was assumed that militaries had picked up some citizen from their homes in the night of December 8 to 9. Never has the motivation of this action been investigated by the judge, while there was enough information available concerning an imminent military action from abroad against the legitimate authority, (see annex 2)

If the first statement is correct, than it is the government its duty to do all it can to cope with every threat that jeopardizes the security of the state and its citizens. The judiciary could only than act if it was proven that there was no jeopardy, as indicated in the first place.

Finally be it remarked that in no way the person mentioned in the first place has been interrogated, neither has the motive of the action been investigated by the judge, and even less



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been under discussion, whilst there had been sufficient indications to do so. (see copy van Haperen's testimony)

It appears from information hereunder (see copy Obama's next coup), that the events of December 1982 are more complex than a simple criminal trial

The detailed information demanded to guarantee independence appears from the above-mentioned legal provisions. Within the sense of article 131 of the constitution no interference has taken place thus. To be clear it is important to state that the government and the National Assembly (DNA), the two branches of legislative authority in the Republic of Suriname, should ever do all they can to see to it that in all legal processes objectivity, and honesty be guaranteed.

Finally the government can inform that some of the surviving family members of the deceased of 1982 have joined in a committee for reconciliation en dialogue, seeking a solution for all cases of political violence. This has to be achieved by means of dialogue, in order to gain reconciliation and so reaching a permanent solution to the long drawn-out December, 8 case. This initiative of the aforementioned surviving family members is supported by the government. The government for some years now has conferred with the OAS on establishing a committee of truth and reconciliation, as mentioned in the Amnesty law of 1992 and amended in 2012. Therefore the government supports the intention of the committee to hold a national conference for reconciliation and dialogue –in consultation with the OAS, on December 6 of this year (see appended article)

The Amnesty law

Acts shall never be discriminatory, but the Amnesty law of 1992 was, and parliament therefore decided to eliminate this inadmissible nature of the Amnesty law. The principle of equality enshrined in the constitution, is not compatible with discrimination of the law. (see article 8 paragraph 1 of the constitution of the Republic of Suriname). Apart from this, it may be informed that the intended amendment of the Amnesty law is in accordance with provisions on



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this matter in international treaties, such as the BUPO-treaty, and the Inter American Treaty for Human Rights

The judiciary is not immune.

In every country the structure and composition of the judiciary is a reflection of the wish of the people. In no country the judiciary is a power operating independent of the wish of the people. The amended Amnesty law is, the result of an initiative of the National Assembly (DNA), the representation of the Surinamese people. It did not concern a law offered to parliament by the Executive authority for approval. The judicial inquiry, although not a trial, that is a real criminal case as stated earlier, is dealt with as being a criminal case by the judges, and all formalities have been observed. The current state of affairs is that the judiciary has disregarded the amended Amnesty law of 1992, -amended in 2012- and this is completely contrary to current legal provisions. The following may serve as a proof of acting contrary to current legal provisions: Article 1 paragraph 1 and 3 of the Surinamese Criminal Code lay down explicitly that no act shall be punishable otherwise than by a preceding penalty pursuant to the law, while it is laid down by article 3 that in case of amendment of legislation the most favorable provision shall be applied. The Amnesty law of 1992, as amended in 2012, has determined explicitly the consequences of the complex social events of December 1982, and nevertheless the judge has decided to continue the so-called criminal trial. The trial is now in a process continuing the charges for the suspects, to be followed by the defense of the attorneys concerned. The Military Court has scheduled the next hearing for the month of October 2017.

Finally it should be noted that the Rapporteur has been overloaded with wrong information, and apparently, intentionally he has not read “the paper of 2012” submitted by a Surinamese delegation to the Human Rights Commission in Geneva. So it is completely improper that the Military Court has deemed the Amnesty law in contravention of the constitution, as such a thing is impossible. The judges in this country and also elsewhere in the world, for example in the whole of Western Europe, are not allowed to assess the intrinsic value of a law. The command of the government of Suriname by virtue of article 148 completely is in accordance

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with the constitution. The judgment in this, if and to which degree the state security CAN be jeopardized is a responsibility of the Executive authority.

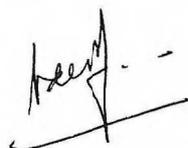
The statement that President Bouterse would have said that opponents of the Amnesty law are enemies of the people, is a false statement of the Rapporteur, apparently inspired by his prejudice, as appears that after this statement not grounded in the truth, the NDP party chaired by D. D. Bouterse won the May 2015 election with an overwhelming majority. For the first time in the history of Suriname, a party participating solely in the election has won with an absolute majority. After this victory, the chair of the NDP D. D. Bouterse was again elected President of the Republic of Suriname in July 2015, and he was inaugurated in August 2015. The decision of the Military Court taken in 2012 to adjourn the Court was one that had been motivated indeed, and the Rapporteur in the first place had to convince himself hereof. Apart from this, the 1992 Amnesty law has been amended and supplemented in 2012, as being reported earlier to the Human Rights Council (see document 2012). It is assumed that the Rapporteur has been aware of this documentation. After all the amendment of the Amnesty law is grounded in the same constitution on the basis of which the Amnesty law of 1992 was passed. The government has always observed all constitutional rules, also in the case of the command by virtue of article 148

Information on reparation measures

In accordance with the Surinamese Criminal Code (article 316), the surviving families have lodged a complaint with the judge, and a decision has yet to be taken with regard to this.

From detailed information of the CIA, it appears that the Surinamese that died in December 1982 had been assigned an important role in the plans directed by the Netherlands around December 1982, and thus the Dutch government shall be held responsible for possible reparations. Moreover it should be noted that immediately after the availability of the archive documentation concerning the events of December 1982 had been demanded, the said Kingdom of the Netherlands set aside this documentation for a period of sixty years. Consequently the Kingdom of the Netherlands shall also be held responsible for possible reparations.

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Paramaribo 25-08-2017



No. 4.605/12

The Ministry of Foreign Affairs of the Republic of Suriname presents its compliments to the Office of the High Commissioner for Human Rights in Geneva, Swiss Confederation, and wishes to submit two proposals related to the legitimate and legally sound implementation of the recently adopted amendment of the Amnesty Act 1989 (State Gazette 2012 no. 49), attached as Annex I of this Note Verbale.

The first proposal aims at the United Nations support for the establishment of The Truth and Reconciliation Commission which the abovementioned legal instrument provides for, materialisation of which the Organization of American States has committed itself, consistent with the results of an August 1998 workshop held in Paramaribo under the auspices of the Surinamese Government, the OAS and the Organization for Justice and Peace (an NGO). The participants at said workshop were unanimous in their conclusion that a Truth and Reconciliation Commission would be the best way forward for the peaceful development of Suriname. The attached Annex II to this Note Verbale contains the results of said Workshop. Unfortunately, the subsequent Governments did not follow up on the recommendations of same. The Government will work closely with any United Nations organ that may be assigned and to discuss and take decisions with regard to the above request.

Furthermore, the Government proposes to start discussions with your Institution with regard to the need for independent and international scrutiny of (a) the procedural aspects of the Criminal Case that was halted by the abovementioned legal instrument,

raising some questions with regard to Suriname's Government adherence to the principles of the Rule of Law and (b) the observance of human rights within the context of said criminal law procedures that started in November 1999. These procedures were brought to Court in November 2007. The Government also wishes to discuss the previous Government's choice of both the Sitting as the Standing Judiciary in this specific case and expresses its willingness to establish a specifically worded Agreement with the U.N. for this purpose.

In order to provide the Office of the High Commissioner for Human Rights with verifiable information with regard to the origins of the abovementioned legal product a background paper as Annex III to this Note Verbale is hereby attached.

The Ministry of Foreign Affairs of the Republic of Suriname avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest esteem and consideration.

Paramaribo, 1st May, 2012

Office of the High Commissioner
for Human Rights
Geneva
Swiss Confederation



1 Annex – Amnesty Law Amendment 2012

[Translation]

2012

OFFICIAL GAZETTE

No. 49

OF THE REPUBLIC OF SURINAME

Act dated 5 April 2012, amending the act dated 19 August 1992 ('Amnesty Act 1989') granting amnesty to persons who committed certain criminal offences as herein described in the period from 1 January 1985 to the date of entry into force of this Act (Official Gazette 1992 no. 68).

THE PRESIDENT OF THE REPUBLIC OF SURINAME

having considered that in order to further national unity and continue the undisturbed development of the Republic of Suriname, it is necessary to lift the current interruption between the amnesty terms governed by the Act dated 3 April 1980 (Official Gazette 1980, no. 27) and the Amnesty Act 1989 (Official Gazette 1992, no. 68) and, for that purpose, to amend the Amnesty Act 1989;

having heard the State Council and obtained the approval of the National Assembly, has ratified the act set forth below:

ARTICLE I

The Act dated 19 August 1992 granting amnesty to persons who committed certain criminal offences as therein described from 1 January 1985 to the date of entry into force of the Act (the 'Amnesty Act 1989') (Official Gazette 1992 no. 68) is amended as follows:

A. The preamble is amended as follows:

The phrase ' who... from 1 January 1985 to the date of entry into force of this Act' is replaced by ' who ... in the period from 1 April 1980 to 20 August 1992'.

B. Article 1, paragraph 1, is amended as follows:



In Article 1, paragraph 1, the phrase 'Amnesty is granted to those persons who ... in the period commencing on 1 January 1985 and ending on the date of entry into force of this Act' is replaced by:

'Amnesty is granted to the persons who ... in the period commencing on 1 April 1980 and ending on 20 August 1992;'

Sections a, b, c and d of the Amnesty Act 1989 are relettered and a new section, a, is added, which reads as follows:

- a. ... have committed and/or are suspected of and/or have been summoned to appear in court for criminal offences within the context of the defence of the State and/or overturning the lawful authorities;

After the new section 'e', two new sections: 'f' and 'g' are added, which read as follows:

- f. Who committed criminal offences within the context of the conflict in the interior and/or the events of December 1982 and/or other conflicts connected to those referred to in paragraphs a and b in the period from 1 April 1980 to 20 August 1992 and/or who are suspected of them within the meaning of sections a,b,c,d and e;
 - g. are regarded as suspects and have been summoned to appear in court as such in connection with acts committed on 7, 8 and/or 9 December 1982 as described in the writ of summons in connection with Articles 347, 348, 349 or Article 72(2) and Article 360 et seq. of the Criminal Code.
- C. Articles 4 and 5 have been relettered to become Articles 5 and 6, respectively, and a new Article 4 is added, which reads as follows:

Article 4

Immediately after the publication of this Act, a truth and reconciliation commission will be created by law to investigate and establish the truth regarding human rights violations in the period from 1980-1985, including the events of 8 December 1982.

ARTICLE II

1. This act will be published in the Official Gazette of the Republic of Suriname.
2. It will enter into effect on the day following that of its publication.
3. The Minister of Justice and Police will be in charge of implementing this Act.

Delivered in Paramaribo on 5 April 2012.

ROBERT L.A. AMEERALI

Issued in Paramaribo on 5 April 2012

The Minister of Home Affairs *ad interim*

L. DIKO

Act dated 5 April 2012, amending the act dated 19 August 1992 ('Amnesty Act 1989') granting amnesty to persons who committed criminal offences as herein described in the period from 1 January 1985 to the date of entry into force of this Act (Official Gazette 1992, no. 68).

EXPLANATORY MEMORANDUM

In the history of the people of Suriname, the period between 1975 and 1993 will continue to be characterised as a time of dramatic political, administrative, socioeconomic and sociocultural events. The aforementioned period of time was dominated by national as well as international forces. Those fields of force have led to a variety of events in our country.

The 1980s have not failed to leave their mark on the community in various ways in the past 32 years.

The first generation that did not bear witness to that period was born in 1987. Since then, that generation has largely participated in the political and social process of our country and is now about to reach complete adulthood. Despite the passage of time, we all too often still see politicians and administrators introduce their experiences and perspectives of that time in the debate of current national issues of crucial interest, which has a negative effect on the debate and on the approach to important new issues.

We have seen much time being lost in discussions of that period and its effects, both in a positive and negative sense.

Our country has an urgent need for acceleration of its development and a joint approach to a number of new, very serious issues regarding our future and our very survival. We will be unable to overcome the challenges and threats facing our country this century if we fail to act decisively and in unity in order to protect the current and future generations of Surinamers.

There is a growing understanding that our country will be able to sustain itself only by strong solidarity in the coming years in the battle against the many problems with which the world has confronted us.

In the years behind us, appeals for amnesty have been heard from various sides more and more often. Within that context, various attempts were made to achieve reconciliation by means of granting amnesty.

As is also explained in the Explanatory Memorandum of the Act, once amnesty has been granted, society has more opportunities for acceptance and thus, for social rest and development. Partly for that purpose, it is important to honour all who have fallen and to guide our country towards the road to recovery.

Peace is not a mere lack of active combat operations. The low intensity conflict that has afflicted our country since the 1980s equally stands in the way of development. For these reasons, it is necessary within the context of peace, national unity and the development of the Republic of Suriname for the Amnesty Act to no longer cover only a selective part of the 1980s.

The existing wording and the Explanatory Memorandum are very clear about the relevance of amnesty to achieve normalisation, reconciliation and further development in our country. Because the existing act already provides for all the necessary considerations in connection with the relevant exceptions and international law and international custom, it was only necessary to amend the Act so that it, together with the Act of 3 April 1980, will extend to all cases in the entire period as from the coup d'état until 19 August 1992. This is also important within the context of the equality principle (Article 8(2) of the Constitution). Because society seeks to achieve national reconciliation, a truth and reconciliation commission of broad composition must be installed immediately after amnesty is granted in order to establish the truth as clearly as possible.

It is expressly noted that the Moiwana ruling handed down by the Inter-american Court of Human Rights, falls outside the scope of application of this Act and must therefore be enforced without restriction.

Paramaribo, 19 March 2012

R. PANKA

R. TAMSIRAN

A. MISIEKABA

A. PAAL

M. BOUVA

R. DOEKH1E

Background Paper on the Amendment of the Amnesty

Act of August 19, 1992.

I History

A brief overview of the recent history of this middle emerging state in the South American continent may serve the purpose of having the reader understand the Initiative Law adopted by the National Assembly, the legislative body provided for by the Constitution of the Republic of Suriname.

Suriname gained its full independence from the Kingdom of the Netherlands on November 25th, 1975. Though legally correct the fact that no referendum was held before independence, and that the coalition that announced the independence never brought this as a vital issue in the electoral process that brought them to power, made its legitimacy less than acceptable.

The military takeover on February 25th 1980 marked the beginning of the New Republic, consolidated in the new Constitution, adopted by referendum, in 1987. Democracy was deepened by the introduction of the legal requirement that no Member of Parliament could be chosen in a particular electoral district, unless he was administratively, socially and economically linked to the region of his/her constituency. By introducing elected resort and district councils representative democracy at the national level, was balanced out with participatory democracy at the regional level.

At the economic level the State Oil Company was established, owned by the State and run as Private Corporation, currently stands at the center of the Surinamese economy, serving as a motor in the development of other, primarily, and sustainable sectors of the economy. Whilst Suriname used to be solely dependent on foreign owned and foreign managed bauxite companies, Suriname has balanced out this situation by introducing new partnerships in a variety of sectors based on the principle of comparative advantage.

At the level of social policies, health schemes, guarding of the availability of affordable medicines, creation of sport facilities have greatly contributed to the present stability of our economy as may be derived from the recent IMF reports to that effect.

However, the birth of this new nation has not taken place without pain. Between 1980 and 1992 Suriname has known a causal chain of events starting with the Netherlands approved military

take-over on February 25th, 1980 and ending with the peace treaty of Kourou in May 1992. The actions and reactions referred to, have made victims.

The overwhelming majority of the people have decided that only a well-organized Truth and Reconciliation Commission will ascertain the understanding of which national and international power centers and interests were at the core of the causal chain referred to above.

Finally, it is worth mentioning that the present coalition constitutes all elements of the erstwhile feuding parties.

II Overview of the events leading to the amendment of the

1992 Amnesty Act

The amendment of the Amnesty Act of August 19, 1992 (S.B. 1992 No.68 as modified by S.B. 2012 No. 49) was an initiative by a number of legislators in line with the principle of equality enshrined in Article 8 of the Constitution of the Republic of Suriname (Article 8 reads as follows :“ *1. All who are within the territory of Suriname shall have an equal claim to protection of person and property. 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*”).

It can be recalled that pending the recent Amnesty Act of April 5, 2012, two similar Acts were previously passed by the legislator, therefore this decision was taken in order to end the discriminatory aspects of the 1992 Amnesty Act (which solely and explicitly covers all criminal offenses, as defined by that law and committed in the period from January 1, 1985 through August 19, 1992) and thus only concentrates on that what occurred between 1980 and 1992.

The amendment of the Amnesty Act of August 19, 1992 is a mere rectification of the arbitrary decision in said Act, where for reasons apparently of political interest the retroactive effect of that Act was only authorized starting from January 1, 1985. It should also be pointed out that this amendment is simply a qualitative expansion of the previous piece of legislation.

The introduction of the explicit call for the establishment of a “*Truth and Reconciliation Commission*” implies an qualitative improvement of the previous Act, since its precursor did not whatsoever call for or demand the creation of a procedure to seek truth and reconciliation regarding the violations and crimes it covers.

Nationally as well as internationally the Surinamese authorities did not receive any official expression or concerns with regard to the adoption of the Amnesty Act of 1992, for granting a

general and official pardon to those who committed crimes against the State of Suriname or its citizens.

It should also be noted that back then a general and unconditional pardon was granted to the initiators and the persons who took part in the civil war which even made use of mercenaries during those ghastly days of the domestic war in Suriname.

The Amnesty Act of 1989 nor its amendments (in time sequence) conflicts with the standards of international law, since crimes against humanity (as stipulated in Article 2 of said Act and its modification in conjunction with Article 7 of the Rome Statute) are clearly not exempt from prosecution. Crimes against humanity according to Article 7 of the Rome Statute means the following: quote...*"Crimes against humanity means any of the following acts when committed as a part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: murder, rape, slavery etc."*

In 1992, the Government of Suriname by adopting the Amnesty Act 1992, decided to grant an official pardon and amnesty to those who committed crimes against the State of Suriname and its citizens in the period January 1, 1985 to August 19, 1992 in order to facilitate a much needed peace and reconciliation in the country. The Government could have endeavored to investigate and prosecute the suspects but wisely decided not to do so and chose for the larger goal in the interest of the country and its population. (This policy was in fact widely accepted by the world community).

A perfect example is the sequence on the *December 8 Trial* which has been going on for more than a decade. To date testimonies of all witnesses have been taken, and still the real truth has not been heard nor detected in the opinion of many citizens due to the various technical, judicial and administrative mishaps of this trial. Also many potential witnesses have in the meantime deceased.

Looking back at all this many, including members of the Parliament today understand and respect the wisdom behind the approach and decision taken by the then National Assembly of Suriname.

It is therefore difficult to understand the remarks made and the manifest lack of understanding made by some of the international human rights community and one former colonial power regarding the amendment of the 1992 Amnesty Act, since this methodology is a mere continuation of the approach and decision that was taken in 1992 by the Government of the Republic of Suriname.

Referring to the May 2010 elections in Suriname it is also clear that the majority of the electorate in Suriname opted for a peaceful way regarding the settlement of all issues with regard to their past.

The amendment of the Amnesty Act of April 17 is in line with the will and aspirations of the population expressed during the recent elections in Suriname.

Since the Amnesty Act was adopted within the Constitutional realm of the Republic of Suriname it in reality focuses on Suriname's plea and quest for real peace, national reconciliation and closure of 12 years of distress in the country. It furthermore aims at seeking the real truth about the many occurrences during the period mentioned, as well as reconciliation and atonement.

After about 30 years the current Parliament of Suriname has taken the bold decision to generate and offer a genuine and forward looking environment to the Surinamese community in search of the truth towards reconciliation. The Parliament of Suriname has also endeavored to offer an opportunity to seek the truth in a transparent and un-biased environment.

The legitimate plea for a *Commission of Truth and Reconciliation* as requested by the Special Conference in 1998 and recently by the European Union and others can now finally be established.

The government has considered the lamentation of the Court of Justice. The many emergency appeals of the acting president of the Court, Iwan Rasoelbaks are answered stepwise. Last Thursday Rasoelbaks announced that good prospects for the improvement and autonomisation of the judiciary have been created in consultation with the government. For the first time in its history, the Court is now enabled to independently make operational payments monthly.

The Court now has its own bank account with the Central Bank of Suriname . The Ministry of Finance monthly transfers the money. It is the first time in the history of the judiciary that the Court of Justice has an own account. With the signature of a manager of the Court expenses can be made independently, said Rasoelbaks in a relieved tone. "I report this, as it is these credits that develop the judiciary, as effectiveness was missing". He described in broad outline a situation of a broken air conditioner, requiring 20 signatures to be mended. Now this situation has changed. The registrar is the qualified authority now.

"Former minister of Justice and Police (Juspol) has contributed considerably", underlined the president of the Court. This trend has been continued by the interim minister Ferdinand Welzijn of Juspol, and his colleague of Finance, Gillmore Hoefdraad also supports sufficiently. According to Rasoelbaks the Finance minister has also set a trend by establishing a vision for a better administration of justice, in consultation with the Court. Rasoelbaks is also pleased with the fact that within the judiciary and the executive authority the awareness grows that only in this way effectiveness can be created. This, for the missed speed and efficiency of the court. May be far away and of no concern, "but the judiciary contributes substantially to the development and the making of the nation."

Writing Jurists and Rio (Judge in training)

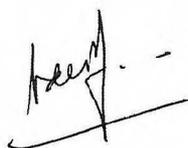
The president of the Court of Justice also mentioned a writing jurist training, starting in January 2018. There are financial means to do this. Jurist within and outside the organization are trained to support judges in formulating decisions. Formulating, and not deciding. The writing work, as that is time consuming. The course Judge in training also starts in 2018. Informally its starts with writing jurist, until the curriculum commences. The European Union has yet to take a decision on making available the funds for these projects to the Surinamese government.

Employing jurists as magistrates

The project to remove arrears in civil sentences in appeal has been approved of, and starts in January 2018. The government has also approved of starting to appoint as a judge some attorneys directly employable. This is to relieve the pressure of work and to bring about speed of processes and decisions, said Rasoelbaks. It concerns persons with sufficient relevant knowledge social and practical experience. "Should everything proceed as planned, these jurist will be employable as judges with the Court of Justice in the first quarter of 2018. Registrars and supporting personnel will be employed as well. Possibly a press judge will be appointed as well.

Road started not to be stopped

These are prospects that will not long have to be awaited for, the president said to the three new, just sworn in, attorneys: Judith Simson, Edward Redjopawiro, and Vijantie Splinter-



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Bandhoe. The road- started in consultation with the qualified authorities- “one of transformation of the judiciary to institutional independence, efficiency and transparency, is of interest for justice, and for the whole society. It cannot be stopped anymore.” Therefore he expressed his appreciation for the policy makers for the road they had set in with respect to justice, and thus for the whole society. This also enlarges the thought on development of our nation.”

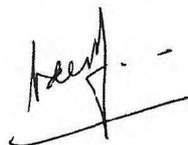
Rasoelbaks announced future prospects during the swearing in of the three attorneys. According to him, they will benefit from the turn of efficiency within the judiciary. This does not cost money, but it comes up to communication. Much profit will be made by applying a sectorial management approach, communicating and cooperating with respect to roles in the civil cases, and in a later phase in the criminal sector, Rasoelbaks said to the new attorneys that he is confident that the bar and the supporting department shall follow the new road started.

Cabinet of the President

Secretary General OAS visits President Desire Bouterse

The secretary general of the Organization of American States H.E. Luis Almargo Lemes paid a courtesy visit to President H.E. Desire Bouterse in the presidential Palace. The OAS Secretary General was on a working visit in our country where he has discussed various actual problems with several top functionaries, as well as further deepening the relation of Suriname and the OAS.

Through the years the OAS has gained much experience in helping its member states at effecting democracy, peace, and stability in these countries. Suriname can use the instruments and facilities the OAS offers to keep the said peace and stability. As a part of this, the path of reconciliation has been discussed, and the December 8 events has been part of this discussion. The process of establishing the truth, unity, dialogue and development are of prominent importance to further enter the future with each other. President Bouterse listened attentively to the Secretary General who stated to be impressed by the peaceful Surinamese society. Before this the Secretary General of the OAS had a fruitful meeting with representatives of the Committee Victims of Political Violence: mr. Dew Baboeram, and mr. Humphrey Jeroe. The OAS Secretary General also paid a visit to the Foreign Affairs Minister Yldiz Pollack – Beighle. Amongst other things, strengthening of the Foreign Affairs department was discussed. This will be achieved inter alia by starting a training for diplomats in the near future. Mister Pollack- Beighly looks back pleasedly on a successful mission of the OAS Secretary General.



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