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Suriname: After 25 Years, a chance for accountability and justice for the families of victims of the December 1982 extrajudicial killings

Amnesty International welcomes the commencement of the trial in Suriname today of 25 persons, including the former head of state Desiré Delano (Desi) Bouterse on charges of murder and related crimes for the extrajudicial execution of 15 persons after they had been tortured. The trial, which is taking place a quarter century after the killings should help to achieve critical accountability with a judicial determination of the guilt or innocence of these accused. With this effort to address the long standing impunity, the families of the victims stand a chance of gaining some measure of justice and reparation.

The organization nonetheless is disappointed that there will be no prosecutions and accountability for the crime of torture. It is also highly concerned that the trial of all accused, both military and civilian, will be before a court martial instead of before an ordinary civilian court.

The case concerns the events of 8 December 1982, when a number of prominent persons were arrested, most of them at their homes, by the military authorities, following alleged disturbances in the capital, Paramaribo. The following day 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 14 December 1982, Lieutenant Colonel Bouterse appeared on Suriname television to report 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 at the time 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 (1).

Among victims were Cyril Daal, chairman of the Moederbond, Suriname's largest trade union confederation; Kenneth Gonçalves, Dean of Suriname's Bar Association; Bram Behr, Leslie Rahman and Frank Wijngaarde, journalists; Jozef 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 (2).

The Inter-American Commission on Human Rights subsequently expressed its concern at the “illegal executions carried out by agents and authorities of the Government.” It further stated that “[t]he 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 tortured before being killed and that high government officials participated, directly or indirectly, in their deaths.”

The United Nations Human Rights Committee also found that “the victims were arbitrarily deprived of their lives contrary to article 6 (1) of the International Covenant on Civil and Political Rights.” The Committee recommended that Suriname “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.” (3)

Desiré Delano (Desi) Bouterse has 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 was 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. Suriname justice officials continued working on the criminal investigation 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. 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. Desiré Delano (Desi) 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.

Amnesty International has been informed that among the 25 defendants now facing trial, 17 were members of the armed forces at the time of the killings, during the night of 8 December 1982. The indictments reportedly focus on murder, participation in murder, accessory to murder and, in the case of the highest ranking officer on trial, incitement to/solicitation of murder under ordinary criminal law, but not torture or assault (4). Because the majority of the accused, including the principal defendant Desiré Delano (Desi) Bouterse, were military personnel at the time of the alleged crimes, the Chief Public Prosecutor, who is also the Military Prosecutor (Auditeur-Militair), reportedly determined that the defendants should be tried by Court Martial. They are now due to appear before a three-member Court Martial, although a civilian judge will reportedly preside, accompanied by two military officers.

The decision to try the defendants before a Court Martial is not consistent with international standards. As recognized in Article 14 (1) of the ICCPR, the primary institutional guarantee of a fair trial is that the decision is made “by a competent, independent and impartial tribunal established by law”. Military tribunals should only have jurisdiction over military offences, concerning discipline within the armed forces or harm to military property. All ordinary offences committed by military personnel, including human right violations and crimes under international law, should be tried in civilian courts according to ordinary criminal procedures (5).

1. See further Amnesty International, Suriname: Government commitments and human rights, AI Index AMR 48/001/2003, 7 February 2003.

2. Ibid.

3. CCPR/C/24/D/154/1983, 4 April 1985, paras. 15-16.

4. Suriname has not yet ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

5. See Interim report prepared by the Special Rapporteur, Emmanuel Decaux, responsible for conducting a detailed study of the universal implementation of international human rights treaties on the universal implementation of international human rights treaties, UN Doc. E/CN.4/Sub.2/2005/8, 23 June 2005; Issue of the administration of justice

through military tribunals, UN Sub-Comm'n Hum. Rts. Res. E/CN.4/Sub.2/2005/L.18, 4 August 2005 (welcoming the report)