



## **SURINAME – OPEN LETTER TO THE JUDICIARY**

*Following the adoption by the Surinamese National Assembly of an amendment to the 1992 amnesty law, Amnesty International wishes to remind the judiciary of Suriname of its obligation to uphold human rights law in the trial of the current President and other co-defendants for their alleged involvement in the extra-judicial execution of 15 political opponents in December 1982, and any other trials that might seek justice in cases of human rights violations committed during the period covered by the amnesty law.*

### **Suriname: Justice at a crossroads**

No historic moment is more critical for a Judiciary than when it faces the responsibility of bringing to justice former or current heads of State. It is in these moments that the principle of separation of powers, which are generally enshrined in Constitutions, and of independence is subject to maximum pressure. There is no country in the world where such a critical moment has been resolved with ease. The problems faced by former Prime Minister Berlusconi in Italy are well known, as are those faced in the past by former President Augusto Pinochet in Chile and in the United Kingdom, and President Nixon who was forced to resign but who was never put on trial. In some countries, this critical moment has not even arrived due to the complete submission of the Judiciary to the Executive, as in the case of Sudan, whose President is the subject of an arrest warrant issued by the International Criminal Court.

In the case of the Americas, the decades of the 1970s and 1980s were characterized by the arrival to power of dictatorial regimes which committed crimes of international law and gross human rights violations and which, whether during their time in power or in the context of transitions to the restoration of the rule of law, wanted to benefit from amnesty laws. In some cases, these in fact amounted to self-amnesties. Many of these laws, such as the ones in Uruguay, Chile, Peru Brazil and Argentina were declared by the Inter-American Court of Human Rights to be in violation of the American Convention on Human Rights. It is well known that trials against heads of State have been initiated in many countries in the region: Jorge Videla in

Argentina, Juan María Bordaberry and Gregorio Álvarez in Uruguay, Alberto Fujimori in Peru and José Efraín Ríos Montt in Guatemala.

The manner in which this critical moment is dealt with by a country's Judiciary is of historical importance for the very same Judiciary and furthermore for the rule of law.

The justice system in Suriname is currently living through one of these critical moments in which its independence is being subjected to pressure by the current President's barely disguised attempt to escape justice for his alleged participation in the murder in December 1982 of 15 opponents of the military regime which he himself then headed.

But it is not just the independence of the Surinamese Judiciary which is at stake as it interprets the recently approved Amnesty Law, but also its role as guarantor of the interpretation and correct application of the international treaties to which Suriname is party.

The Executive, with the aid of the legislature, can try to block and momentarily stop the inexorable advance of justice against impunity in the Americas through amnesty laws. It is therefore up to the Judiciary to exercise its historical responsibility to preserve the rule of law in which all persons are equal before the law, no one can place themselves above the law, and no one can create legislation in order to remain above the law. If the Judiciary, the last bastion of the rule of law, endorses a law which is profoundly illegal with regard to international law – the supremacy of which Suriname must respect – and profoundly immoral and politically cynical, all the people of Suriname will therefore suffer the consequences.

However, we are confident that the Judiciary, faced with this historic opportunity of preserving the rule of law in Suriname, will act with independence and impartiality and will ignore the Amnesty Law. It should be noted that one by one, amnesties have been declared null and void in the Americas and those who have passed them or benefited from them have been brought to justice or have been discredited in the face of their citizens.

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