

Annex V

VISIT BY THE SPECIAL RAPPORTEUR TO SURINAME

I. INTRODUCTION

A. Background

1. The report of the Special Rapporteur of the Commission on Human Rights on summary or arbitrary executions submitted to the Commission at its thirty-ninth session (E/CN.4/1983/16, Add.1 and Add.1/Corr.1) referred to an allegation received by the Special Rapporteur of the summary or arbitrary execution of a number of persons in Suriname on or about 9 December 1982. a/ At the thirty-ninth session of the Commission on Human Rights, the observer for Suriname indicated that an invitation to the Commission to visit Suriname would be made in order to examine the human rights situation. For a number of reasons, the visit of the Special Rapporteur could not take place prior to the fortieth session (see E/CN.4/1984/29, paras. 22 and 25-29).

2. At the fortieth session of the Commission on Human Rights, the observer for Suriname confirmed his Government's invitation to the Special Rapporteur to visit the country and evaluate the unfortunate events which had taken place in December 1982.

B. Visit to Suriname

3. The visit to Suriname by the Special Rapporteur took place from 22 to 27 July 1984 and was followed by a visit to the Netherlands on 30 and 31 July 1984.

1. Aims of the visit

4. The subjects for examination during the visit by the Special Rapporteur were as follows:

(a) The alleged occurrence of summary or arbitrary executions in December 1982 and the official measures taken to determine the facts of those incidents;

(b) The safeguards adopted or envisaged to enhance the protection of the right to life.

2. Arrangements

5. Prior to his visit, and by a cable dated 18 June 1984, the Special Rapporteur communicated to the Permanent Representative of Suriname the names of those persons whom he wished to meet in Suriname. Furthermore, on the request of the Special Rapporteur, a public announcement was made in newspapers and other media concerning his visit to Suriname, prior to his arrival as follows:

a/ Subsequently, a letter was received from the Government of Suriname which explained that these persons "were killed in an unfortunate accident as a result of their attempt to escape custody".

"By a resolution adopted by the Economic and Social Council on 24 May 1982, the Council appointed Mr. S. Amos Wako as Special Rapporteur of the Commission on Human Rights with a mandate to examine the question of summary or arbitrary executions. In another resolution adopted on 24 May 1984, the Council decided to continue the mandate of the Special Rapporteur for another year. Mr. Wako presented a report to the Commission on Human Rights at its thirty-ninth session in 1983. The report contained a statement concerning Suriname and, in particular, the events which occurred on 8 and 9 December 1982. In that connection, the Government of Suriname extended an invitation to Mr. Wako to visit the Republic of Suriname. That visit will take place from 23 to 27 July 1984. Mr. Wako will meet Government officials, military and prominent civil leaders. Mr. Wako will also be available to meet any persons wishing to provide information concerning the events referred to above. The Special Rapporteur has been assured by the Government of Suriname that it shall grant the pertinent guarantees to all those who may provide the Special Rapporteur and his staff with information, testimony or evidence of any kind. Mr. Wako may be contacted at Hotel Krasnapolsky".

3. Schedule

6. With the assistance and co-ordination of the National Commission of Information and Guidance on Human Rights, meetings were arranged with Government officials, military personnel, trade-union leaders, professional and religious groups and the business community. The Special Rapporteur also met a number of private individuals. b/

II. ALLEGATIONS

7. It was alleged to the Special Rapporteur in several communications that 15 persons c/ (listed below) had been summarily executed without recourse to

b/ In all the Special Rapporteur met with over 100 persons.

c/ The names of the individuals were given as follows:

- (1) John Baboeram, lawyer
- (2) Bram Behr, journalist
- (3) Cyril Daal, trade-unionist and Chairman of the Moederbond
- (4) Kenneth Gonçaves, Dean of the Surinamese Bar Association
- (5) Eddy Hoost, lawyer and former Minister of Justice
- (6) Andre Kamperveen, businessman, owner of the ABC radio station and former Minister of Culture and Sport
- (7) Gerald Leckie, Professor at the University of Suriname
- (8) Suchrin Oemrawsingh, professor at the University of Suriname
- (9) Leslie Rahman, journalist
- (10) Soerindre Rambocus, army officer serving a sentence of imprisonment for his involvement in the coup attempt in March 1982
- (11) Harold Riedewald, lawyer
- (12) Jiwansingh Sheombar, army officer serving a sentence of imprisonment for his involvement in the coup attempt in March 1982
- (13) Jozef Slagveer, journalist
- (14) Somradj Sohansing, businessman
- (15) Frank Wijngaarde, journalist of Dutch nationality.

legal safeguards and that they had been tortured while in custody. Two of the persons were military officers who were serving sentences of imprisonment.

8. It was also alleged that the military leadership had decided to arrest and execute a number of persons who were believed to have been involved in a series of anti-Government or counter-revolutionary activities in December 1982 and that the execution was actually carried out by the military authorities. It was further alleged that no autopsy had been performed on any of the dead and that there had been no investigation into their deaths.

9. In addition it was alleged to the Special Rapporteur that, on 3 February 1983, Maj. Roy Horb, second in command in the military and allegedly involved in the arrest and death of the above-mentioned persons, had been found dead hanging in the cell where he had been detained after his arrest on 30 January 1983 for an alleged plot against Lt. Col. Bouterse. Serious doubts were communicated to the Special Rapporteur by a number of sources as to the official explanation of suicide by hanging.

10. In essence, the allegations relate to the following provisions of the International Covenant on Civil and Political Rights: article 6, paragraph 1, on arbitrary deprivation of life; article 7, on torture or cruel, inhuman or degrading treatment; article 9, on arbitrary arrest and detention; article 10, paragraph 1; and the Standard Minimum Rules for the Treatment of Prisoners, d/ paragraph 37, on respect for the inherent dignity of prisoners and contacts with their families and friends; article 14, paragraph 1, on a fair and public trial.

III. REPORTS BY OTHER INTERNATIONAL ORGANIZATIONS

11. The Special Rapporteur has taken note of reports prepared on Suriname by the following organizations:

(a) International Commission of Jurists, Human Rights in Suriname, Report of a Mission (February/March 1983) by M. Bossuyt and J. Griffiths;

(b) International Labour Office, 230th Report of the Committee on Freedom of Association (GB.224/9/7), Case No. 1160, annex "Report on the direct contacts mission to Suriname carried out by Mr. W. R. Simpson, Chief of the Freedom of Association Branch, International Labour Standards Department" pp. 117-131.

(c) Organization of American States, Inter-American Commission on Human Rights: Report on the situation of human rights in Suriname (OAS/Ser.L/II.61, Doc.6 Rev.1, October 5, 1983).

12. The Government's observations on the report of the Inter-American Commission on Human Rights submitted to its Chairman in September 1983 was made available to the Special Rapporteur by the Government of Suriname.

d/ First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A, as amended by Economic and Social Council resolution 2076 (LXII).

13. The Special Rapporteur has taken note of the findings and conclusions of these reports and also the observations by the Government of Suriname as far as they are relevant to his mandate.

IV. INFORMATION OBTAINED DURING THE VISIT

14. During his visit to Suriname and the Netherlands, the Special Rapporteur did his utmost to inform himself of the events of December 1982 regarding the allegations described above and of the measures taken by the Government to prevent the recurrence of such events. His activities in this respect, however, cannot be considered as a formal investigation which might correspond to or replace the investigations envisaged in criminal procedure in the domestic legal system or an inquest. The following paragraphs therefore describe as comprehensively as possible, the information gathered by the Special Rapporteur as a result of the invitation kindly extended to him by the Government of Suriname.

A. Developments leading up to the December killings

15. In the view of the Special Rapporteur, if the events which led to the killings are to be fully understood, they must be seen in the light of the circumstances prevailing since the military take-over in 1980 and especially the circumstances immediately before the killings took place.

16. It would appear that, since the military take-over in 1980, the human rights situation in Suriname has been through a process of restriction largely as a result of circumstances linked with attempted take-overs, of which at least three are generally acknowledged. This situation was further characterized by periodic unrest including, in particular, strikes and demonstrations. The process gathered momentum throughout 1981 and 1982 when, in March 1982, an attempted coup was foiled. A series of strikes continued thereafter. (These developments are reflected in more detail in paragraphs 42 to 46 below).

17. In October 1982, a strike was called by the Moederbond led by Cyrill Daal. The Special Rapporteur was told that the strikes called by the Moederbond were politically motivated and aimed at returning soldiers to the camp and restoring democracy. Both the Progressive Workers Association (PWO) and the Civil Servants Association (CLO) informed the Special Rapporteur that they had not joined the strikes because they had thought that they were not being called for purely trade-union activities but mainly to achieve certain political objectives. The Union C-47 told the Special Rapporteur that it did not support the strike and the demonstrations. According to the members of the Steering Committee of the University, the strike had been timed not only to cause the military maximum embarrassment but also to have a showdown with them. One source informed the Special Rapporteur that it was not by chance that the strike had coincided with the visit to Suriname of Prime Minister Maurice Bishop of Grenada, who was reportedly a friend of Lt. Col. Bouterse; he had arrived when the air-controllers and the electricity workers were on strike. The Special Rapporteur was informed that, on the day and time that Lt. Col. Bouterse and Mr. Bishop addressed a meeting at Fort Bomika, Cyrill Daal had also called a meeting in the grounds of Moederbond. Whereas the former meeting had been attended by some 1,500 people, the latter had been attended by over 15,000 people. Consequently, Lt. Col. Bouterse promised at the public rally held for Maurice Bishop "to pay Daal's account in cash and Daal could keep the change". The extent to which the situation had thus polarized is reflected in the statement attributed to Mr. Bishop at that time to the effect that "the Surinamese revolution was too friendly and that the reactionary forces are too strong".

18. In the course of his speech at the rally, Cyrill Daal exhorted his listeners to continue to strike until Bourterse was ready to hold elections and to restore democracy.

19. The strike was eventually called off on 2 November 1982 after Major Horb allegedly acted as an intermediary with Daal. The Special Rapporteur was told that thereafter the relationship between Lt. Col. Bourterse and Major Horb became strained and on at least two occasions during meetings in the Memre Boekoe barracks Lt. Col. Bourterse was reported to have accused Major Horb of working for the Central Intelligence Agency (CIA).

20. On 31 October 1982, the three union federations, C-47, CLO and PWO issued the First Plan of Reconstruction for the return to democracy. The fourth federation, the Moederbond, also joined in the support for the First Plan after Daal had been briefly arrested and released following intervention by Mr. F. Derby, the President of C-47. The discussions on the Plan continued between the four federations and the Policy Centre until 15 November 1982; on that date Lt. Col. Bourterse announced on television that groups or organizations which met the requirements formulated as regards "democracy as the basis" would qualify for consultations and participation on further development of the democracy. The trade-union organizations informed the Special Rapporteur that at the time they had construed that as tantamount to cancellation by Bourterse of the ongoing discussions on the First Plan and had issued a joint declaration to that effect.

21. In the meantime, the Association for Democracy e/ addressed a joint letter dated 23 November 1982, to the Chairman of the Policy Centre, Lt. Col. D. D. Bouterse in which they challenged and criticized his conception of democracy and the manner in which he proposed to proceed with consultations. They thought that the military's view of democracy was in fact totalitarian in concept. They further informed Lt. Col. Bouterse that:

"By persisting in this point of view, the consequences will be fully predictable. Considering the fact that your views are rejected for reasons of principle by a large majority of the population, you will be relying on an ever decreasing minority and in the ultimate resort you will be inclined to adopt a power enforcement policy of a repressive nature, unheard of according to Suriname standards".

In the same letter, the Association proposed the discussion of certain basic principles which in its view were fundamental in any democratic society.

22. During the same period, problems arose at the University. The Special Rapporteur was informed by the members of the Steering Committee of the University that, at the University, "the battle of ideas turned into a battle of power between those who wanted the University to be back to what it

e/ The Association for Democracy has the following members: The Committee of Christian Religions, the Hindu Religious Community Sanatan Dharm, the Hindu Religious Community Aryans, the Association of Managers and Chief Editors of the Press, Madjlies Muslimin Suriname, the Suriname Islamic Association, the Suriname Muslim Association, the Suriname Business Association, the Association of Suriname Manufacturers, the Suriname Bar Association, the Association of Medical Practitioners in Suriname, the Central Organization of Farmers' Unions and the National Suriname Women's Council.

was before the revolution, led by the Union of Lecturers and those who wanted the University restructured and led by the Interim Board of the University". In October 1982, the Union of Lecturers tried to call a general strike of students which, according to the members of the Steering Committee of the University, failed due to lack of student support. The Special Rapporteur was told by the Steering Committee that the students from the Faculty of Medicine had joined the lecturers in their demand that the Interim Board should be dissolved and had occupied the Medical Institute for a number of weeks. On 10 November 1982, the students were removed from the building peacefully as was subsequently shown on television.

23. According to the members of the Steering Committee, when the Union failed to mobilize the students at the University, they took to the streets and succeeded in mobilizing secondary school students. They told the Special Rapporteur that there were only a small number of the University students in that group. However, instead of the peaceful handling of the situation achieved earlier at the University, this time, in dispersing the students, on 2 December 1982, the security forces had beaten them up thus provoking an immediate emotional reaction from the entire community. In the words of one University lecturer: "If it was meant by the reactionary forces in the army to have a national effect, it had. It was a major reason for the escalation of social unrest ...".

24. The following day, 3 December 1982, the Association for Democracy wrote a letter to Lt. Col. D. D. Bouterse in which it stated:

" ... As far as we are aware, this is the first time in our history that students have been beaten up during an otherwise peaceful demonstration ...

"It was unfortunately again shown on this occasion that a stubborn attempt to impose the will of a small minority on a large majority ultimately ends in the use of senseless violence ...".

The trade unions also expressed solidarity with the students.

25. According to dons on the Steering Committee of the University whom the Special Rapporteur had met, these events were co-ordinated with persons who were behind the attempted coup of March 1982. The Special Rapporteur was also told that the process of polarization was further accentuated when the Union of Lecturers joined the Moederbond. As a result, on one hand, there were the students, lecturers, religious communities, businessmen, professionals, women and farmers and, on the other, was the military that wielded power.

26. The domestic pressure on the military thus increased considerably; however, they were more worried about the external forces. As Mr. Sital, formerly Minister of Public Health and now Deputy Director of the Ministry of Transport and Industry, told the Special Rapporteur:

"We did not feel threatened (by strikes) because we thought we were doing good work ... The Moederbond was mainly pushed by counter-revolutionary forces to stage those strikes ... The military knew that the counter-revolutionary factions had foreign support, not only moral, but also financial. Their aim was to destroy the military authorities ... Maj. Horb had travelled to the United States ... It was on that occasion we got to know about the coup and all the plans of the strikes and the problems that were being created".