



Human Rights
in
Suriname

Report of a Mission to Suriname in February/March 1983
by Prof. M. Bossuyt and Prof. J. Griffiths

HR-REP-2-SR*HUM

INTERNATIONAL COMMISSION OF JURISTS

REPORT OF A MISSION (FEB/MARCH 1983)

**Human Rights
in
Suriname**

by

**Prof. Marc Bossuyt
Faculty of Law
University of Antwerp
Belgium**

and

**Prof. J. Griffiths
Faculty of Law
University of Groningen
Netherlands**

International Commission
of Jurists (ICJ)
Geneva, Switzerland

HR-REP-2-SR* HUM

INTERNATIONAL COMMISSION OF JURISTS – GENEVA

C. 1220

CONTENTS

- I. Introduction
- II. Background Information Concerning Suriname
- III. Developments Between the First and Second ICJ Missions
- IV. The Conduct of the Mission
- V. The Observations of the Mission
- VI. Events Subsequent to the Mission Report of 21 March
- VII. The Suspension of Development Assistance to Suriname
- VIII. Conclusions

REPORT OF A MISSION

Human Rights in Suriname

Professor Marc Bossuyt, Faculty of Law,
University of Antwerp, Belgium

by

Professor John Griffiths, Faculty of Law,
University of Groningen, Netherlands

I. Introduction

From 25 February through 4 March 1983 Prof. Griffiths and Prof. Bossuyt were sent as observers on behalf of the ICJ on a mission concerning the human rights situation in Suriname.

Prior to the present mission the ICJ had expressed to the government of Suriname its concern about the events of 8–9 December 1982, when 15 prominent opposition figures met their death while in the custody of the army. Most of them were members of a recently formed Suriname Association for Democracy, which had, in an open letter to Col. Bouterse, Chairman of the Military Council, called for a constructive dialogue with a view to a return to constitutional rule, parliamentary elections and the Rule of Law.

The purpose of the ICJ mission was to enquire into the present situation concerning the rule of law and the system of justice, including legal guarantees for ensuring the fair trial of suspects with an independent judiciary and legal profession.

Professor Griffiths had previously undertaken a mission to Suriname on behalf of the ICJ in 1981. A report of this earlier mission was published in *ICJ Newsletter* No. 8 (January/March 1981). In February of 1981 the most serious human rights problems in Suriname, according to Grif-

fiths' report, concerned illegal arrests and detentions and the mistreatment of detainees, infringement of freedom of the press by means of lawless intimidation, and a number of aspects of the procedure before a Special Tribunal created to try corruption cases. Griffiths concluded that although the immediate situation at the time of his mission was relatively favourable by comparison with the foregoing year, there was nevertheless ground for serious concern. He commented that

“given the absence of any legal protection against such abuses – as evidenced, among other things, by the absence of any significant sanctions, civil, criminal or otherwise, against those notoriously guilty of such abuses in the recent past – everyone knows that he has only the present delicate political balance to thank for the relative security he now enjoys.

An atmosphere of insecurity hangs over the country, an atmosphere of defencelessness which is itself a human rights problem of very serious dimensions. Only the government can do anything about this, by putting an end to official and semi-official anarchy, and hence to the stifling atmosphere which it fosters, and by making clear that a permanent end has come to violence

and lawlessness, and that those involved, whatever their rank, will be made to suffer the legal consequences.”

II. Background Information Concerning Suriname

Suriname is situated on the northeast coast of South America. A former Dutch colony, it received its independence in 1975. Suriname has a typically Caribbean population and culture, deriving from a former plantation economy which required the importation of its labour supply – first in the form of African slaves, later of Hindustani and Javanese contract labourers. These, together with the descendants of European and Jewish planters, farmers, soldiers and administrators (all of whom intermarried, or at least interbred, with the local population), and also Chinese and Lebanese merchants, American Indians, and Bush Negroes (descendants of escaped slaves), and others, go to make up an extraordinarily kaleidoscopic and relatively well-integrated population of about half a million, of whom almost a third have emigrated to the Netherlands in recent years.¹

On 25 November 1975 Suriname became independent as a multi-party Republic with an elected parliament and an independent judiciary. On 25 February 1980 the constitutionally established government was set aside in an almost blood-free coup d'état carried out by a small group of non-commissioned officers. Some weeks after the coup a new civilian government was appointed by the military authorities. Since that time, despite several promises of

elections and a return to constitutional democratic rule, final political authority in Suriname has been in the hands of a small group of mostly military figures.²

III. Developments Between the First and Second ICJ Missions

The immediate occasion for the second mission was an upward spiral of apparent governmental lawlessness and violence, culminating in the deaths while in military custody of 15 leading opposition figures, and followed by the unilateral decisions of the Dutch and other governments to suspend or freeze their development assistance programmes until adequate assurances of respect for human rights are given by the Suriname authorities.

The relevant events can be summarised as follows:

Shortly after the first ICJ mission, Sgt-Major Sital and Sgt Mijns, who had been sentenced on 11 December 1980 to two years imprisonment for their part in an alleged plot, and Sgt Joenram, who had received a one year sentence, were released from prison.

After having attempted a coup without success on 15 March 1981, Sgt W. Hawker†, who had been a participant in the successful coup of 25 February 1980, was sentenced to 4 years imprisonment.

In his book “Terreur op uitkijk” (“Terror on the look-out”) published in October 1981 Bram Behr†, a journalist, described how a peasant family was terrorised by the Military Police. After having been shot three times, one member of that family,

1) For the social and political history of Suriname see R. van Lier, *Samenleving in een Grensgebied* (1977), and E. Dew, *The Difficult Flowering of Suriname* (1978).

2) Further information concerning the period between the coup d'état of 25 February 1980 and the first ICJ mission can be found in the report of the earlier mission.

† Since died a violent death.

Deta Mahes†, was killed by Sgt Lachman, who was later sentenced for misconduct by a military tribunal.

On 4 February 1982 President Chin A Sen resigned at the request of the Military Authority, composed of the military commanders D. Bouterse, R. Horb† and H. Fernandes†. Fernandes, who was due to become Minister of the Army at the end of the month, died in an helicopter accident on 28 March 1982.

On 12 March 1982, Lieutenant S. Rambocus† freed Sgt. Major W. Hawker from prison and attempted a coup which failed. A heavily wounded Hawker was removed from hospital, taken to military headquarters at Fort Zeelandia, forced to make a declaration on television, and summarily executed. On 18 March Military Commander D. Bouterse announced that a state of war had been declared with retroactive effect to 11 March, pursuant to which the army had conducted a field court martial and carried out a death penalty.

More than 50 people were arrested in connection with the Hawker/Rambocus coup-attempt, several of whom were severely beaten. Prof. I. Oemrawsingh†, a prominent member of one of the two major political parties before the coup of 25 February 1980, was allegedly implicated in the coup-attempt. On 15 March 1982 his dead body was found near the border with Guyana. Section on his body indicated that his blood contained traces of an insecticide. The official cause of his death is suicide.

On 30 March 1982 the Military Commander D. Bouterse announced a decree providing for the rights and duties of the people of Suriname, and on 31 March 1982 a new government was formed with H. Neyhorst as Prime Minister.

Two military officers who allegedly had previous knowledge of the attempted coup by Rambocus and Hawker were released by the judicial authorities. They were rearrest-

ed upon instructions of Military Commander D. Bouterse shortly thereafter (30 July 1982). After strong protests by the judiciary and others, they were again released on 9 August, and on 21 August 1982 they were found guilty and sentenced to 5 months imprisonment.

The trial of Lieutenant Rambocus started on 13 October 1982. J. Baboeram†, E. Hoost† and H. Riedewald† acted as lawyers for the defence. On 3 December 1982 Lieutenant Rambocus was sentenced to 12 years imprisonment.

At the end of October 1982 there was increasing pressure from social organisations calling for elections and a return to democratic government. C. Daal†, the leader of the main trade union ("Moederbond"), was very active in this movement. On 28 October 1982 he was arrested but quickly released when several services went on strike in protest against his arrest. On 31 October 1982, Daal presided over a mass meeting of 15,000 persons, while a mass meeting called by Military Commander D. Bouterse attracted only 1,500 persons.

At about the same time strikes were held at the University. According to government circles, those actions were politically coordinated by Dr. F. Leckie†, Dean of the Faculty of Social and Economic Sciences.

On 2 November 1982 the Bar Association presided over by K. Gonçalves†, wrote a letter to the "Policy Centre" (the highest political body of the régime). This letter called for a return to constitutional, democratic rule and was publicly endorsed by various important groups, such as the leading religious groups, the Business Association, the Association of Suriname Manufacturers and the Association of Medical Practitioners.

The latter part of 1982 saw increasingly severe criticism of the government and demands for a return to democratic rule in

the press and on the radio.

In a television address on 15 November 1982 Military Commander Bouterse reviewed the state of the nation after the events which had taken place at the end of October and the first half of November 1982. In that address he stated that his approach during the past few years had been based on four main foundations: consultation, participation, supervision and accountability. Military Commander Bouterse added that organisations wishing to qualify for consultation and participation would first have to meet the requirements formulated by him with regard to "democracy at the basis". He concluded that, drawing from the multitude of information and the deep insight accumulated during dialogues with the people during the past few years, the main lines of his policy would be further worked out and published by the end of March 1983 at the latest.

On 17 November 1982 an "Association for Democracy" was established as a non-political organisation formed by 13 organisations which endorsed the generally accepted principles of a modern democratic society governed by the Rule of Law. The Association consisted of the Committee of Christian Religions, the Hindu Religious Community Sanatan Dharm, the Hindu Religious Community Aryans, the 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 Association of Managers and Chief Editors of the Press, the Central Organisation of Farmers Unions and the National Suriname Womens Council. By letter of 2 December 1982 the Suriname Lawyers' Association also joined the Association for Democracy.

On 23 November 1982 the Association

adopted an open letter addressed to Military Commander Bouterse. The Association rejected the totalitarian concept according to which the views of the leaders are decisive and only those who loyally support the main lines of those views are allowed to participate in their further elaboration and execution. The Association called for the military to withdraw from active politics and to concentrate on their essential duties as a stabilising factor in the public interest, maintaining a strictly neutral position.

The Association considered that it would be impossible to convince the Suriname population otherwise, in the light of its maturity, its cultural and historical background, its political traditions and its concern for politics. The Association predicted that, considering the fact that the views expressed by Military Commander Bouterse on 15 November 1982 were rejected by the large majority of the population, he would in the last resort be led to adopt a policy of repression unheard of in Suriname.

Early in the morning of 8 December 1982 14 persons were arrested and taken to the military headquarters at Fort Zeelandia. These consisted of four journalists (Bram Behr†, Leslie Rahman†, Jozef Slagveer† and Frank Wijngaarde†), four lawyers (John Baboeram†, Kenneth Gonçaves†, Eddy Hoost† and Harold Riedewald†), two university teachers (Gerard Leckie† and Suchrin Oemrawsingh†), two businessmen (André Kamperveen† and Somradj Sohansing†) and two trade union leaders (Cyrill Daal† and Fred Derby). Two army officers (Soerindre Rambocus† and Jiwansingh Sheombar†) were taken from prison to Fort Zeelandia. During the same night a number of buildings were set on fire by the army: the ABC radio station (Creole) owned by André Kamperveen, the Lionarons press office where the newspaper "De Vrije Stem" ("The Free Voice") was printed, and the building of the "Moe-

derbond", the largest trade union in Suriname. Somewhat later the Radika radio station (Hindustani) was also on fire. The fire department received orders not to put out the fires.

In the morning of 9 December 1982 the corpses of 15 of the abovementioned persons – only Fred Derby survived – were delivered to the mortuary of the "Academisch Ziekenhuis" (University Hospital). The evening of that same day Military Commander Bouterse appeared on television and announced that a number of the arrested had been killed while trying to escape during their transportation from Fort Zeelandia to another military base. On the same day the government of Prime Minister Neyhorst resigned.

On 9 and 10 December 1982 hundreds of people, including medical doctors, saw the corpses in the mortuary. Nearly every corpse showed signs of severe mistreatment. The corpses without exception showed signs of large numbers of bullet wounds in the chest, abdomen, the face or the limbs. The wounds clearly indicated that the victims had been shot from the front. The injuries, as further described in a report of 14 February 1983 by the Netherlands Lawyers Committee for Human Rights (the Netherlands section of the ICJ) lead to the conclusion that the 15 victims were severely tortured and intentionally killed.³ To date there has been neither an autopsy nor any other official investigation of these deaths.

On 30 January 1983 15 persons, including Major R. Horb[†] and two ministers in the caretaker Neyhorst cabinet, were arrested in connection with an alleged conspiracy against Military Commander Bouterse. On 4 February 1983 Horb was found

strangled in his cell. The official explanation to date is suicide.

IV. The Conduct of the Mission

The mission was arranged in consultation with the then Minister of Foreign Affairs, Harvey Naarendorp, at whose suggestion the ICJ observers arrived on Friday 25 February 1983, on which date a new government was expected to be installed. The ICJ had supplied the Suriname authorities in advance with a list of categories of persons with whom the observers would want to speak, including political and military figures, church leaders, representatives of the bar, the judiciary, the press, professional, social and economic organisations and embassies.

Unfortunately, the formation of the new government did not take place until Monday 28 February 1983 and Naarendorp was no longer a member of it. As a result, when the mission arrived on 25 February 1983 (the third anniversary of the coup of Military Commander Bouterse), the Suriname authorities were apparently quite unprepared for the mission, and on top of this were in the middle of a change of government. In those circumstances it was very difficult for the ICJ observers to establish contact with high government officials.

On Tuesday 1 March 1983, the ICJ observers had a long interview with Mrs. Y. Baal and Mr. E. Brunings, of the governing board of the University, who introduced themselves as representatives of Military Commander Bouterse, assigned by him the responsibility of receiving the ICJ mission on his behalf and coordinating the programme of the observers. They told the ICJ

3) The Dutch government submitted the NJCM report to the UN Commission on Human Rights (UN Doc. E/CN.4/1983/55).

observers that Military Commander Bouterse, who was said to be extremely busy with the installation of the new government and the preparation of his imminent departure the same week to attend the non-aligned summit in New Delhi, would be unable to receive them, but had invited them to come back to meet him at a later date.

On Wednesday 2 March 1983 the observers were received by the new Deputy Prime Minister, Winston Caldeira, representing the Prime Minister and Minister of Foreign Affairs, Erroll Alibux. Caldeira informed the ICJ observers that until the new government had formulated its programme, which was scheduled for 15 April 1983, representatives of the government would not be prepared to discuss the situation in Suriname with foreign observers. As a result of this decision, previously scheduled meetings with other high government officials, including, in particular, representatives of the Ministry of Justice, were cancelled. The ICJ observers were, however, informed by Caldeira that the government had decided to invite the ICJ to send observers for a follow-up mission at a later date, and that a formal confirmation of this invitation would be sent to the ICJ shortly.

Despite these circumstances, the ICJ observers were able to interview a number of well-informed persons in Paramaribo. Several of these interviews were arranged for them by the two representatives of Military Commander Bouterse. The observers had interviews in private with, among others, representatives of the judiciary, the press and religious groups and with the former Minister of Foreign Affairs, Mr. Naarendorp. Their contacts with other prominent members of the Suriname community were, however, limited, due partly to the fact that many of these persons were not at the moment in Suriname. Moreover, spokesmen for the Bar Association and the Asso-

ciation of Suriname Jurists told the representatives of Military Commander Bouterse that they were unwilling to receive the ICJ observers before their organisations' positions had been determined in a general membership meeting.

In these circumstances, the observers were not able to discuss the situation with all of those whom, as the ICJ had notified the Suriname authorities in advance, they had hoped to meet in order to obtain a full picture. However, on the basis of the discussions which they were able to have, as well as other information available to them, the observers were able to make a number of observations concerning the human rights situation in Suriname.

Prior to their departure from Suriname, the ICJ observers, who were returning to Europe separately, prepared a draft press release to be used by both of them in answering questions by reporters on their return. While this draft press release dealt largely with the conduct of the mission itself, it did also contain some preliminary observations of a more substantive nature. Before their departure, the observers made this draft press release available to a representative of the Suriname News Agency at her request.

At the Zanderij airport in Suriname Prof. Bossuyt, who departed a few hours after Prof. Griffiths, had a further conversation with the two representatives of Military Commander Bouterse, who objected to the substantive nature of some observations in the draft press release. Prof. Bossuyt agreed not to issue those observations to the press before consulting with Prof. Griffiths and the ICJ in Geneva. Upon his arrival at Schipol airport (Amsterdam), Prof. Bossuyt was met by an ICJ representative who informed him that a press conference had been arranged, but that in accordance with ICJ standard procedures, no substantive conclusions should be stated

until the mission had reported to the ICJ. Accordingly, Prof. Bossuyt confined his remarks to the press to giving an account of the conduct of the mission. Prof. Griffiths did the same, following his return to Europe a few days later.

At the request of the ICJ the observers prepared an interim report which was issued as an ICJ press release on 21 March 1983. The substantive observations of this interim report are reproduced below.

V. The Observations of the Mission

On the basis of information acquired in Suriname, as well as other information available to the ICJ, the mission made the following observations. In the opinion of the ICJ, these observations should constitute the starting-point of the proposed follow-up mission.

The present situation in Suriname raises a number of serious questions concerning respect for internationally accepted standards, as formulated in the International Covenant on Civil and Political Rights, to which Suriname is a party. In most respects, the human rights situation in Suriname appears to have deteriorated dramatically since the previous ICJ mission in February, 1981. For example:

– *Freedom of the press (art. 19)*. In 1981 a variety of newspapers appeared regularly, although they were subject to arbitrary harassment and intimidation by the military authorities. All papers but one have now been (extra-legally) suppressed; the lone remaining newspaper is subject to total censorship and amounts to little more than a press outlet for the state. All non-official radio stations were closed by the military in December and two of them were destroyed; one (in a

remote part of the country) has recently been allowed to resume broadcasting.

– *Freedom of association (art. 21 and 22)*. Activities of political parties remain prohibited, although this prohibition seems to be less strict with regard to parties represented in the present government. Trade union freedom has been seriously undermined by the arrest of some trade union leaders, the subsequent death of the leader of the largest trade union, and the destruction by the army of this union's headquarters, with the result that a number of other union officials have left the country.

– *Freedom from arbitrary arrest (art. 9)*. A persistent pattern of arbitrary arrest was a cause for concern in 1981; this pattern has continued and reached a culmination in the arrest of 15 prominent opposition figures in the night of 8–9 December 1982. The regularity of these arrests appears to be highly questionable in a number of respects, and three months later no official statement has yet been given of the alleged facts and circumstances justifying the arrests.

– *The right to protection of life and bodily integrity (art. 6 and 7)*. The pattern of mistreatment of detained persons, noted in 1981, has continued, and there have been a number of well-established incidents over the past year. The deaths and apparent torture of the 15 persons arrested in the night of 8–9 December 1982 is the most extreme and gruesome instance to date but is unfortunately not an isolated incident.

– *The right of recourse to effective legal remedies (art. 2)*. The major human rights infringements referred to above have generally been wholly extra-legal

and without any form of process. Most of them have been carried out by military authorities. So far as is known, no sanctions have been administered to those responsible for the illegal acts involved, nor in most cases does there appear to have been any normal police and prosecutorial investigation. Civil remedies have not been pursued, apparently in the conviction that to do so would be futile and dangerous. Lawyers have declined to accept cases in which the state or military authorities are involved out of fear of the personal consequences for themselves. Indeed, three of the four lawyers arrested and killed in December had recently acted as defence counsel in trials before a military court of those, civilians as well as military personnel, allegedly involved in a coup attempt. The ICJ observers were informed that the bar now refuse to represent defendants in cases before military tribunals.

An exception to this picture is the abolition of the Special Tribunal to deal with corruption practices, which was one of the recommendations of the 1981 ICJ mission.

The common element which unites the various particular sorts of human rights problems in Suriname is that governmental – in particular, military – authorities do not seem to be subject in their acts to the Rule of Law. Most important human rights infringements are also incompatible with Suriname law as it stands, but no legal steps have been taken to prevent or to remedy them. The ICJ report of 1981 expressed serious concern in this regard, and noted the climate of fear and uncertainty which was manifest in all levels of the population. The lack of respect for or subjection to law in the highest governmental and military circles has grown more extreme and blatant, and the climate of fear and

uncertainty has dramatically worsened.

The events of 8–9 December 1982, in which four buildings (two radio stations, a press, and the headquarters of the largest union) were destroyed and 15 prominent persons were arrested and killed, is the most extreme example of the process of deterioration described. Even persons who describe themselves as closely involved in the “revolutionary process” in Suriname stated to the ICJ observers that they do not know what evidence there may be that the 15 persons were connected with a conspiracy to overthrow the government by violent means, nor what the circumstances were under which the 15 met their death. The official version of the events of 8–9 December 1982, according to which the 15 persons were shot during an escape attempt, is inconsistent with the wounds observed by many persons when the corpses lay in the mortuary. The judicial investigation required in such a case of violent death has not taken place.

The ICJ observers understood from many persons, including several who describe themselves as closely involved in the “revolutionary process”, that there is a widely-felt need for an enquiry into the events of 8–9 December 1982 and the surrounding circumstances.

VI. Events Subsequent to the Mission's Report of 21 March

On 1 May 1983 the government presented its programme. In a document of over 50 pages, the general question of human rights is not mentioned. Nor are the events of 8–9 December or any of the other circumstances set out in part III above. No measures are proposed to improve the situation. No investigation of any kind into the events of 8–9 December and the surrounding circumstances is proposed. No re-

ference is made to international concern on these matters: the suspension of aid is attributed to a "wilful refusal... to accept the reality of an authentic Surinamese development".

The government statement promises a "renewal of the political and governmental order" and, while rejecting the "fruitless and decadent parliamentary system", of the period before the coup of 25 February 1980, looks forward to institutions through which the population can experience "real influence and real control upon the political process". Two institutions are proposed to be created before the end of 1984. A National Democratic Congress, composed of "democratically selected" representatives of "mass-organisations and functional groups", will serve as a "forum of patriots" to "publicly advise the government". A Central Council of State, consisting of high government and military officials, members of the National Democratic Congress, and district commissioners, will be empowered to "sanction" the government's annual "action programme" and budget.

The government statement recognises the importance of "genuinely national (not manipulated by hostile foreign interests) honest and objective information and communication media" to the process of "accelerated democratisation" which is to take place. In the only apparent reference to the events covered in part III of this report, the government statement observes that in the light of "the gross misuse that only a few months ago was made of the media for aggression directed against the people", a carefully prepared media-code will need to be developed. The commission appointed to do this will also advise concerning the uses to which "existing temporarily unused facilities" could be put.

The ICJ has not received the promised invitation for a follow-up mission. The ILO, whose mission to Suriname to investigate

the situation of the trade unions there was accepted by the Suriname authorities, has not been able to carry out its mission due to postponements requested by the Suriname government.

So far as is known, there has been no further investigation within Suriname of the events of 8-9 December and the surrounding circumstances, nor are there any plans to carry out an impartial investigation which could enjoy local and international confidence.

VII. The Suspension of Development Assistance to Suriname

During their visit to Suriname the ICJ observers questioned practically all those they met concerning the suspension of development aid to Suriname as reaction to apparent gross violations of human rights. In view of the great importance of the Netherlands development cooperation programme with Suriname, special attention has to be given to this particular relationship, though the following observations apply *mutatis mutandis* to other such relationships.

As early as 10 December 1982 the Netherlands government had in a Note addressed to the Military Authority of Suriname announced its decision to suspend its development cooperation programme. The Netherlands government invoked the principle that development cooperation should not be allowed to provide support for repressive regimes nor lead to complicity in grave violations of human rights. In its Reply of the same date the Military Authority of Suriname expressed its surprise that the Netherlands Note ignored the official explanation that had been given and assumed that this explanation did not correspond to the facts.

In a more elaborate Note of 16 December the Netherlands government expressed the opinion that the circumstances prevailing in Suriname differ fundamentally from the circumstances existing at the moment of the agreements concluded between the Netherlands and Suriname. The Netherlands government considered that the contracting parties could not at that time have foreseen this change in circumstances, while the circumstances prevailing at that time were an essential condition for the conclusion of those agreements. In a reply dated 17 December 1982 the Military Authority of Suriname stated that the purpose of the development cooperation treaty was to accelerate the social-economic development of Suriname. The reply emphasized that Suriname is still a developing country and that its social-economic situation has not fundamentally changed.

As far as this international legal dispute between the Netherlands and Suriname is concerned, the ICJ observers would recommend to both the Netherlands and Suriname that they submit to the International Court of Justice the question whether the alleged violations by Suriname of its obligations under the International Covenant on Civil and Political Rights, to which both the Netherlands and Suriname are parties, constitute a fundamental change of circumstances which may be invoked as a ground for suspending the operation of the Convention of 25 November 1975 between the Kingdom of the Netherlands and the Republic of Suriname concerning development cooperation.

As far as the opportuneness of the suspension is concerned, the ICJ observers spoke to several persons in Suriname, not sympathetic to the present regime, who certainly understand the reasons for that suspension but at the same time wonder whether this decision has so far been sufficiently adapted to the requirements of the

situation. It is evident to such persons that the Netherlands development cooperation programme with Suriname could not continue after the events of 8-9 December 1982 in the same manner and to the same extent as before. The risk that much of the assistance given would be diverted by the present regime from its intended destination is considered too great. While assistance should certainly not be given to a regime which gravely violates fundamental human rights when an important effect of that assistance would be to support the regime or strengthen its oppressive character, it would be over-reacting permanently to cancel development projects which directly benefit people in need and which cannot be misused by the regime in power. What is needed is a thorough re-examination and a reorientation of the development cooperation programme.

The ICJ observers believe, moreover, that this view corresponds with the carefully considered approach adopted by the Netherlands government in its Memorandum on Human Rights and Foreign Policy presented to the Lower House of the States General of the Kingdom of the Netherlands on 3 May 1979. In that Memorandum the Netherlands government rejected "the idea that aid should be used to reward countries which respect human rights and conversely withheld to punish countries which disregard those rights. Aid should relate to the needs of the people and not to the conduct of governments."

VIII. Conclusions

In conversations with the ICJ observers, persons closely associated with the Suriname government stated generally that the events of 8-9 December 1982 are very regrettable and have produced a shock which makes it evident to everybody that

such events must not occur again. Obviously such a consensus, even if it exists, does not guarantee that such events will not recur.

The ICJ observers realise that viewed against the background of events elsewhere in the world, the killing of 15 persons may seem to be only a "minor incident". However, it is their conviction that the events of 8-9 December 1982 in Paramaribo are neither "minor", nor an "incident".

In evaluating the gravity of the events, one has to take into account:

- the peaceful social and political tradition of Suriname society prior to the coup of 1980;
- the number of victims in relation to the small size of the population of Suriname (about 350,000); for example, ten percent of the membership of the Bar, including its president, were killed;
- the careful selection of the persons killed, who included many leading figures in the growing movement for a return to democracy;
- the brutal illtreatment of the victims;
- the inexcusable absence of any official investigation.

The chain of events since 1980 demon-

strates an escalation in the military authorities' disregard of the Rule of Law, which is set aside whenever they consider it necessary for the consolidation of their position.

The latest reports concerning the events of 8-9 December incriminate personally the highest authorities of the Republic. The killings, it is alleged, were premeditated and carefully planned murders carried out on the instructions and including personal participation of the highest military and civilian authorities. At this stage, the ICJ observers are not in a position to confirm or to deny such allegations. However, they will only gain credence so long as no independent and impartial enquiry is ordered which would reveal the true facts of the events.

The ICJ observers consider an impartial investigation an essential precondition of the restoration of the Rule of Law in Suriname. Until such an enquiry is undertaken, those personally responsible for the events will be strengthened in the conviction that their position is above the law and that, whenever they consider it necessary, they may indulge in the gravest violations of human rights (including torture and murder) without risk. While this situation remains, no one in Suriname can feel safe and human rights in Suriname will be permanently in great danger.

ORDER FORM

States of Emergency – Their Impact on Human Rights

International Commission of Jurists
P.O. Box 120
1224 Geneva
Switzerland

States of Emergency – Their Impact on Human Rights
480 pages, A4 format, laminated, 40 Swiss Francs or US\$ 20
+ postage (Europe – 3.20 Swiss Francs;
others – 4.65 SF surface mail, 20 SF airmail)

I/We name
..... address
.....
..... country

wish to order copies.

by airmail
surface mail

A pro-forma invoice will be supplied on request to persons in countries with exchange control restrictions.

MEMBERS OF THE INTERNATIONAL COMMISSION OF JURISTS

KEBA MBA YE (President)	Judge of Int'l Court of Justice; former Pres. Supreme Court, Senegal, and UN Commission on Human Rights
ROBERTO CONCEPCION (Vice-President)	Former Chief Justice, Philippines
HELENO CLAUDIO FRAGOSO (Vice-President)	Advocate; Professor of Penal Law, Rio de Janeiro
JOHN P. HUMPHREY (Vice-President)	Prof. of Law, Montreal; former Director, UN Human Rights Division
ANDRES AGUILAR MAWDSLEY	Prof. of Law, Venezuela; former Pres. Inter-American Commission
BADRIA AL-AWADHI	Dean, Faculty of Law and Sharia, Univ. of Kuwait
ALPHONSE BONI	President of Supreme Court of Ivory Coast
WILLIAM J. BUTLER	Attorney at law, New York
HAIM H. COHN	Former Supreme Court Judge, Israel
TASLIM OLAWALE ELIAS	Pres., Int'l Court of Justice; former Chief Justice of Nigeria
ALFREDO ETCHEBERRY	Advocate; Professor of Law, University of Chile
GUILLELMO FIGALLO	Former Member of Supreme Court of Peru
LORD GARDINER	Former Lord Chancellor of England
P. TELFORD GEORGES	Member of Supreme Court, Zimbabwe
LOUIS JOXE	Ambassador of France; former Minister of State
P.J.G. KAPTEYN	Councillor of State, Netherlands; former Prof. of Int'l Law
KINUKO KUBOTA	Former Prof. of Constitutional Law, Japan
RAJSOOMER LALLAH	Judge of the Supreme Court, Mauritius
TAI-YOUNG LEE	Director, Korean Legal Aid Centre for Family Relations
SEAN MACBRIDE	Former Irish Minister of External Affairs
RUDOLF MACHACEK	Member of Constitutional Court, Austria
J.R.W.S. MAWALLA	Advocate of the High Court, Tanzania
FRANCOIS-XAVIER MBOUYOM	Director of Legislation, Ministry of Justice, Cameroon
FALI S. NARIMAN	Advocate, former Solicitor-General of India
NGO BA THANH	Member of National Assembly, Vietnam
TORKEL OPSAHL	Prof. of Law, Oslo; Member of European Commission
GUSTAF B.E. PETREN	Judge and Deputy Ombudsman of Sweden
SIR GUY POWLES	Former Ombudsman, New Zealand
SHRIDATH S. RAMPHAL	Commonwealth Sec.-Gen.; former Att.-Gen., Guyana
DON JOAQUIN RUIZ-GIMENEZ	Prof. of Law, Madrid; Pres., Justice and Peace Commission, Spain
TUN MOHAMED SUFFIAN	Lord President, Federal Court of Malaysia
CHRISTIAN TOMUSCHAT	Professor of Int'l Law, University of Bonn
MICHAEL A. TRIANTAFYLIDIS	Pres. Supreme Court, Cyprus; Member of European Commission
AMOS WAKO	Advocate, Kenya; Sec.-Gen., Inter African Union of Lawyers
J. THIAM HIEN YAP	Attorney at Law, Indonesia

HONORARY MEMBERS

Sir ADETOKUNBO A. ADEMOLA, Nigeria	HANS HEINRICH JESCHECK, Federal Republic of Germany
ARTURO A. ALAFRIZ, Philippines	JEAN FLAVIEN LALIVE, Switzerland
DUDLEY B. BONSAI, United States	NORMAN S. MARSH, United Kingdom
VIVIAN BOSE, India	JOSE T. NABUCO, Brazil
ELI WHITNEY DEBEVOISE, United States	LUIS NEGRON FERNANDEZ, Puerto Rico
PER FEDERSPIEL, Denmark	Lord SHAWCROSS, United Kingdom
T.S. FERNANDO, Sri Lanka	EDWARD ST. JOHN, Australia
ISAAC FORSTER, Senegal	MASATOSHI YOKOTA, Japan
W.J. GANSHOF VAN DER MEERSCH, Belgium	

SECRETARY-GENERAL

NIALL MACDERMOT

Rural Development and Human Rights in South East Asia

Report of a Seminar in Penang, December 1981.

*Published jointly by the ICJ and the Consumers' Association of Penang (CAP)
(ISBN 92 9037 017 3).*

Available in english, Swiss Francs 10, plus postage.

Ways in which human rights of the rural poor can be adversely affected by processes of maldevelopment are illustrated with a wealth of detail in this report. The 12 working papers on such topics as land reform, participation in decision-making, the role and status of women and social and legal services are reproduced in full along with the important conclusions and recommendations of the seminar.

★ ★ ★

Human Rights in Islam

Report of a seminar in Kuwait, Geneva, 1982, 95 pp.

Available in english (ISBN 92 9037 014 9) and french (ISBN 92 9037 015 7),

Swiss Francs 10, plus postage.

The purpose of this seminar was to provide a forum for distinguished moslem lawyers and scholars from Indonesia to Senegal to discuss subjects of critical importance to them. It was organised jointly with the University of Kuwait and the Union of Arab Lawyers. The Conclusions and Recommendations cover such subjects as economic rights, the right to work, trade union rights, education, rights of minorities, freedom of opinion, thought, expression and assembly, legal protection of human rights and women's rights and status. Also included are the opening addresses, a key-note speech by Mr. A.K. Brohi and a summary of the working papers.

★ ★ ★

States of Emergency – Their Impact on Human Rights

A comparative study by the International Commission of Jurists, 1983.

Available in english (ISBN 92 9031 019 X). Swiss Francs 40 or US\$ 19.50, plus postage.

This 480-page publication contains detailed studies on states of emergency in 20 countries during the 1960s and 1970s, a summary of the replies to two questionnaires sent to 158 governments, and an analysis of this material by the staff of the ICJ, followed by a set of recommendations. The country studies on Argentina, Canada, Colombia, Eastern Europe (Czechoslovakia, German Democratic Republic, Hungary, Poland, USSR, Yugoslavia), Greece, Ghana, India, Malaysia, Northern Ireland, Peru, Syria, Thailand, Turkey, Uruguay and Zaire are based on papers prepared by experts, mostly from the countries concerned. The two questionnaires related to the law and practice under states of exception, and administrative detention. The concluding chapter of general observations and conclusions is followed by 44 recommendations for implementation at international and national levels.

★ ★ ★

Civilian Administration in the Occupied West Bank

by Jonathan Kuttab and Raja Shehadeh. An analysis of Israeli Military Government Order No. 947, 44 pp. Published by Law in the Service of Man, West Bank affiliate of the ICJ.

Swiss Francs 8, plus postage.

This study examines the implications of the establishment of a civilian administrator to govern the affairs of the Palestinian population and Israeli settlers in the West Bank. Questions of international law and the bearing of this action on the course of negotiations over the West Bank's future are discussed.

*Publications available from: ICJ, P.O. Box 120, CH-1224 Geneva
or from: AAICJ, 777 UN Plaza, New York, N.Y. 10017*