

Suriname: A speedy appeal is imperative in Bouterse case

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Today the International Commission of Jurists called for a fair and speedy hearing of the appeal of former president Desiré Delano Bouterse before the *Hof van Justitie* (the highest court of law in Suriname) following the affirmation by the *Krijgsraad* (a military court comprised of civilian judges) of his conviction for his role in the extrajudicial killings of 15 political prisoners in 1982.

On 30 August 2021, the *Krijgsraad* affirmed its 29 November 2019 conviction of Mr. Bouterse, which occurred following a decade-long court martial, and while he was still president. The conviction and sentence of 20 years imprisonment was for planning and ordering the murder of 15 political prisoners on 8 December 1982 at the military barracks of Fort Zeelandia, Paramaribo, Suriname. While affirming the conviction and sentence in both instances, the *Krijgsraad* did not order the arrest and detention of Mr. Bouterse. Mr. Bouterse has now appealed the 30 August 2021 decision of the Military Court.

Godfrey Smith SC, a former judge of the Eastern Caribbean Supreme Court, has been monitoring the recent proceedings on behalf of the ICJ.

The *Krijgsraad* had been set up since 2007 to deal with the complaint issued by lawyers for the families of the victims, but the process was severely plagued with suspensions and delays. These were especially prolonged following the election of Mr. Bouterse as president of Suriname in July 2010 and an amendment of the Amnesty Law of 1989 (now repealed) granting him, and the other accused, immunity from prosecution.

The ICJ has been closely monitoring this case since it established a trial observation mission in 2012. While the ICJ has concerns about the use of military

tribunals in cases of gross human rights violations, it acknowledges the civilian judicial composition of the Krijgraad and views the decision of the Military Court as bringing the case one step closer towards a final conclusion. At the same time, the ICJ notes that December 2022 will mark 40 years since the extra-judicial killings occurred, as yet without final resolution and justice for the families of those executed.

The ICJ has earlier expressed concerns about repeated delays in resuming the trial and issuing a judgement. Extraordinary delays of this kind necessarily raise concerns in relation to Suriname's respect for its obligations under the International Covenant on Civil and Political Rights and the American Convention on Human Rights, particularly in relation to the right to a fair trial, the obligation to prosecute violations of the right to life, and the obligation to ensure an effective remedy and reparation for victims.

The ICJ reiterates that all states have duty to bring to justice those responsible for crimes under international law. When there are interminable delays, justice is not served and the credibility of the justice system is undermined, especially in circumstances where there is no arrest notwithstanding trial, conviction and sentence by a duly constituted court.

The ICJ therefore strongly urges the Public Prosecutor and the Judiciary to ensure an appeals process takes place without delay, ensuring due impartiality, independence and fairness to all concerned in the interests of the victims, the accused and the rule of law.

The ICJ will continue to maintain its longstanding monitoring of this trial.

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