Human Rights Committee
115th session

Summary record of the 3209th meeting
Held at the Palais Wilson, Geneva, on Thursday, 22 October 2015, at 10 a.m.

Chairperson: Mr. Salvioli

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Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Third periodic report of Suriname (continued)
The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (continued)

Third periodic report of Suriname (continued) (CCPR/C/SUR/3; CCPR/C/SUR/Q/3 and Add.1)

1. At the invitation of the Chairperson, the delegation of Suriname took places at the Committee table.

2. The Chairperson invited the delegation to continue its replies to questions raised by the Committee at the previous meeting.

3. Mr. Jones (Suriname) said that the State party had complied with the judgements rendered by the Inter-American Court of Human Rights with respect to the case of Moiwana Community v. Suriname (2005). Investigations and prosecutions were still pending, however, owing primarily to the reluctance of witnesses to come forward.

4. The draft law on the Constitutional Court was before the National Assembly for consideration and adoption. The Government had had no hand in the introduction of the Amnesty Act, which had been passed by the National Assembly. The Act had been adopted with an eye to finding a peaceful resolution to the protracted proceedings in the case of the extrajudicial killings committed in December 1982 and not in an attempt to evade the general legal obligations of accountability of States parties. The case had been suspended pending a decision of the Constitutional Court on whether the adoption of the Amnesty Act constituted a violation of the Constitution. In addition, an investigative commission and a discussion group would be established to ensure the proper and effective handling of the case.

5. The Government had taken measures to prevent acts of torture and ill-treatment in prisons and police detention centres, and only two reports of ill-treatment had been received over the previous seven years. Surveillance cameras had been installed in detention centres. Prison uprisings were therefore extremely rare and Suriname had one of the most peaceful prison populations in the Caribbean region.

6. Ms. Tomosemito (Suriname) said that persons with disabilities had the same employment opportunities as other citizens. The recent recruitment of a graduate with disabilities to the Ministry of Science and Culture served as an example. There were plans to launch an initiative to guarantee the equal treatment of persons with disabilities in the private sector.

7. Mr. Jones (Suriname) said that the State party was making progress towards the full inclusion of persons with disabilities in the labour market and some companies implemented policies to guarantee and increase the number of staff with disabilities. For example, three men with hearing disabilities had been employed in the country’s main bank to perform basic duties.

8. Mr. Mac Donald (Suriname) said that the conditions in police detention centres had improved in recent years.

9. All 21 members of the Chamber of Commerce and Industry were men. Elections for the Board of Chamber of Commerce and Industry would only be held upon the submission of two electoral candidate lists. In the event that elections were not held, it would be incumbent on the Chair of the Board to ensure the representativeness of women and ethnic minorities.

10. Mr. Rodriguez-Rescia said that the issue of trafficking in persons in the State party was a matter of serious concern. Reports showed that Suriname was a country of origin, transit and destination for victims of trafficking and that the majority of
victims belonged to indigenous groups. He would be grateful for updated statistics, disaggregated by age, sex and ethnicity, on the number of victims of trafficking in persons. He was concerned at the inadequate protection and support provided for victims in the country and would welcome detailed information on special facilities for the protection of victims of trafficking. He asked what measures were taken to return victims to their countries of origin, whether the State party coordinated with other United Nations agencies and regional organizations to prevent trafficking and protect victims, and whether a comprehensive public policy that went beyond mere awareness-raising in the media was being developed to tackle the problem. He also asked what training and awareness-raising activities were provided for the police, judges and prosecutors with a view to eradicating trafficking, particularly child trafficking. He wondered what was being done to promote corporate responsibility and ensure labour inspection, especially in the agricultural industries, in order to prevent trafficking in persons for the purpose of labour exploitation.

11. In its judgements on the cases of Moiwana Community v. Suriname (2005) and Saramaka People v. Suriname (2007), the Inter-American Court of Human Rights had highlighted the importance of land for indigenous groups. A violation of the right to land in fact amounted to a violation of the right to life for those peoples. In that light, and given that the events in question had taken place over seven years ago, he said that the State party should take measures to grant reparation in the form of restitution and protection of traditional land to the indigenous peoples in question as a matter of urgency.

12. Mr. Vardzelashvili asked, with reference to paragraph 80 of the replies to the list of issues, how detention differed from police custody. He wondered what procedural guarantees were in place for the two situations and what authority issued decisions concerning detention. Given that, according to general comment No. 35 on the liberty and security of person, a person arrested on a criminal charge should be brought before a judge within 48 hours and that an especially strict standard, such as 24 hours, should apply in the case of juveniles, he requested an explanation of the legal time limit in the State party of 4 days for bringing a detained person before a judge or other judicial officer. Moreover, according to the State party’s report, suspects could be remanded in custody for up to 157 days if the public prosecutor so requested. He asked whether there were clear-cut regulations governing such extensions, whether detainees were automatically released if the prosecutor failed to reach any firm conclusion and, if so, which judicial authority took that decision. The report also indicated that pretrial detention could be extended for up to 217 days if a judicial investigation was demanded. He asked what the distinction was between prosecutorial and judicial investigations and whether the 217 days were calculated from the time of arrest until the delivery of a judgement at a court of first instance.

13. According to the report, incommunicado detention could be ordered in the context of an ongoing investigation for a maximum of 8 days. If such detention could be ordered at the very beginning of a period of detention, thereby denying the detainee access to legal counsel and a judge, it would violate article 9, paragraph 3, of the Covenant.

14. He asked whether the Opa Doeli youth detention centre mentioned in the replies to the list of issues was the only detention facility for juveniles and whether any young people were held in facilities intended for adult offenders.

15. He wished to know whether the State party would consider introducing release on bail as an alternative to imprisonment and whether patients in psychiatric hospitals whose liberty was restricted were entitled to request a review of the decision. He would also welcome specific information on current or planned action to improve substandard conditions in police detention centres.
Lastly, he asked what procedures were in place for translating and disseminating the Committee’s concluding observations.

Ms. Cleveland said that Amnesty International had stated in an open letter to the Surinamese judiciary concerning the Amnesty Act that such laws had been declared invalid throughout Latin America by the Inter-American Court of Human Rights. Many Latin American countries had repealed amnesty laws and some, including Argentina, Uruguay, Peru and Guatemala, had criminally prosecuted heads of State. Securing accountability for gross human rights violations was a core human rights obligation of Suriname under the Covenant, which should have primacy over domestic law, according to article 106 of the Constitution.

According to the Inter-American Court of Human Rights, victims and witnesses in the Moiwana Community v. Suriname case had failed to come forward owing to the prevailing climate of impunity and the State’s failure to provide adequate assurances of protection. The Court had also indicated that additional information was available to support a prosecution, including public acknowledgement of the events by government officials, and that an investigation into the obstruction of justice could proceed in the absence of witnesses.

The State party’s efforts to increase the number of judges, to provide them with additional training and to address the backlog of cases were commendable. She enquired about the current status of the backlog.

The Committee had been informed that the Government could order the Prosecutor General, in the interests of national security, to undertake a prosecution, or to refrain from doing so, in specific cases. She would be grateful for further information in that regard.

A number of non-governmental organizations (NGOs) had expressed concern that the Surinamese judiciary was susceptible to political influence. She would be grateful for information about the measures taken and the institutions in place to guarantee the independence of the judiciary, and the steps taken to ensure that persons recruited to be judges and magistrates possessed the requisite calibre, experience and independence.

The Committee on the Elimination of Racial Discrimination had been recommending since 2004 that Suriname should establish a constitutional court as soon as possible. She asked whether any action had been taken to adopt the draft law on the Constitutional Court.

Turning to paragraph 18 of the list of issues, she said that the Committee had recommended in 2004 that Suriname should ensure that anyone arrested or detained on criminal charges should be brought promptly before a judge. Article 20, paragraph 5, of the Code of Criminal Procedure guaranteed detainees access to counsel of their choice. However, there were various contexts in which that right could be restricted. For instance, communications between counsel and a detainee were subject to examination, and the magistrate or the prosecution officer could restrict or deny any form of contact, including the exchange of letters or other documents between counsel and a detainee. She wished to know under what circumstances communications between a detainee and counsel could be examined and what type of ongoing investigation or extraordinary circumstances could justify denial of contact between a detainee and counsel. She asked whether public prosecutors could restrict or deny access to counsel of their own motion or whether a court order was required. She also wished to know whether the right of appeal could be exercised within the 8-day period of incommunicado detention and whether detainees had access to counsel for such appeals.
24. She asked at what stage suspects must be informed of the charges against them and whether Surinamese law protected the right of an individual to be brought before a judge within 48 hours.

25. According to the State party, legal aid was provided through the Legal Aid Bureau or by the court if a suspect was unable to pay for a lawyer. However, the Committee had been informed that lawyers charged high legal fees. It followed that many people would be unable to afford a lawyer. Moreover, the legal fees paid by the Government were low. She asked how many people were provided with legal aid in criminal proceedings, whether there was adequate free legal aid to meet the demand and to what extent low legal fees paid by the Government resulted in de facto limits on the availability and quality of counsel provided through the legal aid system.

26. Ms. Jelić, referring to paragraph 19 of the list of issues, said that, according to the State party, freedom of expression was protected by the Constitution, no case of intimidation of human rights activists or journalists had been reported and no complaints had been lodged. The Committee had been informed, however, of allegations of intimidation and harassment, and of the practice of self-censorship due to a history of intimidation and reprisals by certain former military leaders. She asked what steps had been taken to ensure the independence of the media and freedom of expression. She would welcome information about progress towards the establishment of a media board, the composition of the board and the procedures for election or appointment of its members.

27. She also asked what progress had been made towards the adoption of the Freedom of Information Bill. The right to share and impart information was crucial for the development of democracy and a human rights culture and for the realization of the rule of law. She asked how the Government Policy Programme addressed the right to freedom of expression and information and what activities had been implemented under the Programme to date.

28. Turning to paragraph 23 of the list of issues, she said that the State party’s claim that minorities did not exist in Suriname was contradicted by the multi-ethnic and multicultural composition of the population. It was important to guarantee the rights of different ethnic, religious and cultural groups in line with article 27 of the Covenant. She asked what measures had been taken to develop multiculturalism and to preserve the cultural identities of persons belonging to different minorities, particularly indigenous and Maroon groups. Such groups should participate in decision-making processes at all levels of society and the State. She would welcome details of the current decision-making structures of indigenous and tribal peoples, since the Committee had been informed that the State failed to respect them and that representatives of indigenous peoples and tribal authorities were subjected to intimidation when they tried to secure the rights of the communities they represented.

29. Noting that, according to the State party, the traditional authorities of groups living in tribal communities were consulted when concession rights were granted, she asked whether such consultations were merely customary or whether they constituted a legal right.

30. Mr. Fathalla, referring to paragraph 22 of the list of issues, noted that, according to the State party, all forms of corporal punishment had been criminalized under articles 360 to 363 of the Criminal Code. He asked how those provisions applied to corporal punishment in the home and in alternative care settings, inasmuch as the Surinamese authorities had apparently rejected the 2011 universal periodic review recommendation to prohibit corporal punishment in the home. Moreover, the Government had stated in September 2011 that a public debate on the process of
implementation of regulations governing day-care centres was ongoing. He wished to be informed about the results of the debate.

The meeting was suspended at 11.10 a.m. and resumed at 11.40 a.m.

31. Mr. Jones (Suriname) said that a child day-care bill had been sent to the National Assembly and would shortly enter into force.

32. All forms of violence and abuse against children were prohibited under articles 360 to 363 of the Criminal Code. If a child, a neighbour or some other witness reported ill-treatment or abuse, the case would be investigated and the perpetrator brought to justice.

33. Mr. Mac Donald (Suriname) said that the authorities were aware that the question of corporal punishment of children by their parents needed to be addressed through awareness-raising and consultations with the population.

34. Mr. Jones (Suriname) said that most children were reluctant to report their parents to the police, but, if police officers noticed any form of abuse, they would arrest the parents and ensure that legal action was taken.

35. The Government was taking vigorous action against human trafficking. For instance, it was providing training courses in methods of identifying cases of trafficking. It was also collaborating with neighbouring countries. A major human trafficking case had been resolved through cooperation with the Governments of Curacao and Trinidad and Tobago. There was a Counter-Trafficking in Persons Unit attached to the Prosecutor General’s Office.

36. The region bordering Brazil was difficult to control because of the extensive rainforests and the open borders. Many Brazilians crossed the border to take advantage of the gold rush and there was a certain amount of human trafficking for sexual and labour purposes. The Government had set up a body called Organizing the Gold Sector to deal with the problem. It entered goldmining areas with a view to ensuring registration.

37. The authorities had received no complaints of censorship or acts of intimidation against journalists from individuals, journalists’ associations or media companies. However, should the situation arise, the complaint would be duly investigated. The Government fully supported the initiative of the Surinamese Association of Journalists to establish a media board and was working closely with it on staffing arrangements and other matters.

38. With respect to access to information, the Government was currently implementing two e-governance projects that would provide free and fast access to a wide range of publicly available information. However, in the interests of State security, sensitive information would not be made available.

39. In recognition of the country’s diverse composition, the Government worked actively to preserve and promote the culture of the various groups that formed part of Surinamese society, while at the same time seeking to develop harmonious relations between those groups. Activities included annual celebrations of indigenous culture focusing on food and dress customs and musical events that brought people of different backgrounds together in collaborative projects. The importance attached by the national authorities to cultural diversity was further demonstrated by the fact that the salaries of indigenous leaders, who were elected according to their respective communities’ customs and traditions, were paid by the Government.

40. A person could be held in police custody for up to 7 days after arrest before being brought before a public prosecutor. The prosecutor could then extend the period of custody for up to a further 14 days, at the end of which time the individual
concerned had to appear before an investigating judge. If there was sufficient cause, the judge could continue the detention for a period not exceeding 30 days. In practice, however, on average most suspects appeared before a prosecutor within 3 days and an investigating judge within 7 days after arrest, respectively. The time spent in pre-sentence detention was taken into account by judges when determining an appropriate sentence.

41. Arresting officers were required to inform an arrested person of his or her rights, including the right to remain silent and the right to counsel. However, in certain cases, such as proceedings relating to terrorism and international drug trafficking offences, a prosecutor had the discretionary power to deny a detainee access to a lawyer for a maximum period of 8 days.

42. The Opa Doeli youth detention centre had been built to ensure that all minors were held separately from adults and was intended to rehabilitate juvenile offenders with a view to preparing them to make a successful return to society. The centre was equipped with its own school, which detainees were required to attend, and a wide range of recreational and sports facilities. Inmates were accommodated in comfortable, well-equipped three- or four-person cells and were permitted to receive daily visits from their parents. Detainees who behaved inappropriately could be placed for short periods in special disciplinary cells with more limited facilities.

43. Public prosecutors enjoyed independent status and the executive branch was strictly forbidden by law from exercising any influence over prosecutorial decisions. Furthermore, decisions by prosecutors not to prosecute cases were subject to challenge by victims of crime before the High Court, which could overrule such decisions and order investigations to be opened.

44. The President had no power to veto legislation that had been adopted by the legislature. It was therefore not within the power of the President to set aside the Amnesty Act, which had been duly adopted by the National Assembly.

45. He was not aware of reports that witnesses in the Moiwana Community v. Suriname case had been deterred from testifying because of threats that had been made against them. However, any persons who wished to testify should contact the public prosecutor’s office, which would be able to provide them with protection.

46. Turning to the question of judges’ qualifications, he explained that judges had to undergo five years of training prior to recruitment. That training was provided in close cooperation with experts from the Netherlands. Alternatively, experienced lawyers who had been practising for at least 15 years were eligible to become judges after following a two-year course known as RAIO training.

47. Mr. Mac Donald (Suriname) added that law graduates had been required to attend the RAIO extra training since about 2003. He undertook to provide full written replies to all the other questions that had been put by Committee members.

48. Mr. Rodriguez-Rescia said that many of the replies to the questions put by Committee members were unsatisfactory. The written replies on the steps taken to halt violence against children should focus on preventive measures adopted as a matter of public policy, since the oral answers had been anecdotal and ex post facto. He reminded the delegation that he had asked for statistics on human trafficking and had requested information on victim support, the involvement of private firms in general and not just in the gold-mining sector, any preventive action taken and the structural causes of such trafficking. He wished to know what criteria were used to restrict access to certain documents that the Government classified as confidential and why the Government had not followed the example of a number of other Latin American countries, which had passed laws permitting greater freedom of information. The
Committee’s questions regarding the protection of indigenous peoples had concerned not their cultural rights and their music but the strengthening of traditional communities’ collective rights to land. In that connection, he pointed out that the rulings of the Inter-American Court of Human Rights in the cases of the Moiwana Community v. Suriname and the Saramaka People v. Suriname had been related to the right and enjoyment of traditional territory. Lastly, the Committee was not interested in the internal law-making process but in whether the State party’s Amnesty Act was consonant with its international responsibility.

49. Mr. Vardzelashvili wished to know whether the Government was planning to gather disaggregated statistical data on the gender, ethnic background and age of detainees.

50. Ms. Cleveland asked how long a suspect in a criminal case could be detained before the law required that person to be brought before a court. It would be helpful to know when a criminal defendant must be informed of the charges against him or her. She wished to know whether there was any legal standard, other than its being in the interests of an ongoing investigation, that would justify placing a person in incommunicado detention and denying him or her access to legal counsel. Lastly, she reminded the delegation that she had asked a question about access to free legal aid in civil and criminal cases.

51. Mr. Seetulsingh requested information on the stage reached in the trial of Edgar Ritfeld and the outcome thereof. He would also appreciate any information that the delegation might be able to provide on the case filed with the Inter-American Court of Human Rights by the relatives of the 15 victims of the extrajudicial killings committed in December 1982.

52. Mr. Shany, referring to the time limits on detention, drew the delegation’s attention to general comment No. 35, paragraph 33, which set out the Committee’s interpretation of article 9, paragraph 3, of the Covenant. He wondered how the law in Suriname could be regarded as compatible with that standard. He also underlined the fact that paragraph 32 of that general comment stated that a public prosecutor could not be considered an officer exercising judicial power under article 9, paragraph 3, and was therefore not entitled to wait three days before interviewing a detainee. He also wished to know whether the Government would be willing to decriminalize defamation and introduce penalties less harsh than imprisonment for up to 7 years and the loss of certain civic rights. In that context, he drew attention to general comment No. 34.

53. Mr. Jones (Suriname) said that the Government was making major efforts to renovate detention facilities in police stations in order to bring them up to international standards. The case concerning Edgar Ritfeld was ongoing and he did not know the date of the next court hearing. The case brought before the Inter-American Court of Human Rights by the relatives of the victims of the killings of December 1982 was also pending. The Government was waiting for an invitation from the Inter-American Commission on Human Rights to take further steps.

54. When suspects were arrested, they were immediately informed of their rights. The moment that a suspect said that he or she could pay for a lawyer, the State appointed a lawyer from the standby roster. It would be difficult to undertake always to bring a suspect before the court within 48 hours of arrest, owing to the shortage of judges, persons willing to serve on the bench and suitable candidates for the judiciary.

55. In Suriname, the view was that everything in the ground belonged to everyone in the country. The country also relied on its natural resources for its development. The heads of indigenous communities were, however, always consulted before any project to exploit those resources went ahead and in some cases, such as that of the Tapajai
hydroelectric power plant, projects had been shelved owing to opposition from indigenous peoples. The Government was holding a dialogue with those communities. In 2013, a major conference had been arranged with indigenous groups in the interior of the country. One of the wishes expressed by indigenous communities at the conference had been that a presidential commission on land rights should be set up to act as a link between the people and the Government. Such a commission had been established.

56. Mr. Mac Donald thanked the Committee for the constructive dialogue and said that the Government would send it a formal invitation to visit Suriname in order that it might appraise the human rights situation on the spot. He would supply the statistics requested in writing.

57. The Chairperson, speaking in his capacity as a member of the Committee, underscored the Committee’s concerns that the Amnesty Act infringed the State party’s obligations under the Covenant, particularly in respect of the Committee’s Views on individual communications. The lack of protection of indigenous peoples’ rights was not compatible with article 2 of the Covenant and, in that connection, he drew attention also to general comments No. 32 and No. 35. Lastly, the Committee was of the opinion that a child did not need corporal punishment in order to succeed in life.

The meeting rose at 1.10 p.m.