

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".

27. The military leaders felt that their fears of CIA involvement were justified when in January 1983 there was a television programme on ABC networks in the United States showing that Suriname was one of the countries where the CIA was planning activities aimed at overthrowing the Government.

28. It was in this setting, with the military feeling threatened by powerful external forces which they thought were aiding the internal forces to return the military "to the barracks", that the arrests of 8 December 1982 took place.

29. As the Prime Minister, Mr. Udenhout told the Special Rapporteur, "the tensions that led to the events of December 1982 created a basis for violence". The military officers informed the Special Rapporteur that the events of December 1982 were considered as "necessary" and "based on the principle of survival"; it was a question of either "them" or "us".

B. Events of December 1982

30. The information in the possession of the Special Rapporteur on the events of 8 and 9 December is as follows:

(a) As a result of the events outlined in the preceding paragraphs, the military decided to arrest the persons who were considered to be the leaders of the "counter-revolutionary" forces in order, as the Special Rapporteur was told at the session with the military officers, "to prevent a catastrophe";

(b) Lt. Col. D. D. Bouterse, in an official announcement made on the evening of 8 December (a video recording of which was made available to the Special Rapporteur by the Government of Suriname), stated that "the revolutionary leadership had succeeded in frustrating" an attempted coup which was "designed to restore the situation whereby a small economic elite would come to power and trample underfoot the interests of the workers, peasants and masses of our people", and that a number of suspects had been arrested and held for questioning;

(c) On the same night the military destroyed what they regarded as centres of counter-revolution, i.e. the headquarters of the Moederbond, two independent radio stations and the offices of an opposition newspaper. A person who stated that he had attended the meeting of military officers on the evening of 7 December 1982 informed the Special Rapporteur that, at that meeting, the decision to arrest the leaders of the counter-revolution and to burn the centres of resistance had been communicated to them by the military leadership. One person still in the Government confirmed to the Special Rapporteur that all these acts (burning or destroying buildings) and arrests were part of the plan decided upon. In the ILO report, the Committee noted that in the Government of Suriname's written communication to it, the premises of the Moederbond trade-union federation were destroyed by the military. Lt. Col. D. D. Bouterse in his official announcement stated: "We have simultaneously dealt with some major focal points that were spreading alarm and were being used as centres for the counter-revolution. Circumstances have been such that, in the process, a number of these centres have also been physically destroyed". The headquarters of the Moederbond is being rebuilt by the Government;

(d) The Special Rapporteur was informed that the arrests were carried out on the night of 7/8 December 1982 by military personnel who, in at least two cases, used gunfire and grenades against the houses of arrested persons. In all cases, telephone wires were cut and guards posted;

(e) On the evening of 8 December 1982, statements were made by two of the arrested persons (Slagveer and Kamperveen) on the radio, a recording of which was also made available to the Special Rapporteur by the Government. Mr. Slagveer made a confession implicating a number of persons in the conspiracy against the military authorities, 11 of whom had already been arrested and were subsequently killed. Of the 15 persons who were killed, including Mr. Slagveer himself, Bram Behr, Leslie Rahman and Frank Wijngaarde were not mentioned in the two confessions. According to the confession, the aim of the conspirators was to get the soldiers back to the barracks and restore democracy by "an uprising of the people";

(f) Multiple sources informed the Special Rapporteur that the face of Mr. Slagveer who made his statement on television was swollen, particularly on the left side. A person who was in Fort Zeelandia at that time informed the Special Rapporteur that he saw both Slagveer and Kamperveen in Fort Zeelandia and that they were so badly beaten that he thought they were dead. However, on inquiring, the person was informed by the military leadership that they were alive. Some sources maintained that the confessions had already been prepared and that a high-ranking member of the military had been detailed to extract confessions from Slagveer and Rambocus.

C. The military's version of the events of December 1982

31. The Government has on a number of occasions stated its version of what happened on the night the 15 persons were killed:

(a) At the meeting with the military officers, the Special Rapporteur was told that Maj. Horb was put in complete charge of the entire operation of arresting "the counter-revolutionaries". The Special Rapporteur was told by the military officers he met in Memre Boekoe Barracks that Maj. Horb and his men were the only ones who in fact knew the details of what happened that night. He was told by the officers concerned that none other than Maj. Horb and Sgt. Maj. Zeeuw were present in Fort Zeelandia during the killings;

(b) According to 2nd Lt. Gorré, who was the military commander at Fort Zeelandia, on the morning of 8 December 1982, Maj. Horb ordered him to leave Fort Zeelandia with his unit (the ECHO company) consisting of 100 to 120 men; he accordingly left with his unit to a point some 25 km from Fort Zeelandia where they set up camp. When he left Maj. Horb took over the Fort.

(c) Sgt. Maj. Zeeuw, the second most senior officer at Fort Zeelandia on the night in question informed the Special Rapporteur that he had been on guard duty outside the office in Fort Zeelandia in which Maj. Horb was interrogating the detainees; he told the Special Rapporteur that Maj. Horb had questioned about seven or eight detainees while Sgt. Maj. Zeeuw sat outside his office. This office led to a small room, then to the corridor and to the terrace where the detainees were being held awaiting interrogation by Maj. Horb. Sgt. Maj. Zeeuw confirmed to the Special Rapporteur that the only officers present were Maj. Horb and himself. According to Sgt. Maj. Zeeuw, at some point the persons manning the Bren gun had opened fire without his or Maj. Horb's authorization. Sgt. Maj. Zeeuw recalled at that time that Maj. Horb was probably interrogating Rahman or Slagveer. He himself was in the corridor leading to the terrace and upon hearing the shots he came out "carefully in military style" and found a "big mess, corpses and everybody shouting and crying". He then went to report to Maj. Horb who was "flat on his belly" and Maj. Horb telephoned Capt. Graanoogst and Lt. Col. Bouterse. When

Bouterse and Graanoogst came, Zeeuw left and went around the Fort to see that everybody was at his post. "Some soldiers were even dozing";

(d) The Special Rapporteur visited Fort Zeelandia where Sgt. Maj. Zeeuw showed him the site on which 15 persons were said to have been shot. According to Sgt. Maj. Zeeuw the persons were shot dead when a soldier manning the Bren gun on the terrace opened fire; Sgt. Maj. Zeeuw could not explain the reason for the shooting, but speculated that the soldier may have erroneously presumed that a rescue attempt was under way. Sgt. Maj. Zeeuw explained to the Special Rapporteur that the prisoners could only escape by jumping off the wall of the fortification which rose some 20 feet above the bank of the Suriname River; other directions were blocked by the Bren-gun post and the deployment of the guards;

(e) At the meeting with the military officers, the Special Rapporteur was told by Capt. Graanoogst:

"Arrests were made and the people were brought to Fort Zeelandia under the command of the late Maj. Horb ... On the nights of 8 and 9 December 1982, planes arrived over Paramaribo and Maj. Horb and Sgt. Maj. Zeeuw, who is here, told us that shots were fired from a Bren-gun post in the Fort at some detainees who were trying to flee.. The people manning the Bren-gun post had not received any authorization to fire either from Maj. Horb or Sgt. Maj. Zeeuw as they were busy with the inquiry";

(f) Among the questions put by the Special Rapporteur and the answers given at the meeting with the military officers were the following:

"Special Rapporteur: Did the shooting occur within Fort Zeelandia?

Answer: Yes.

Special Rapporteur: From the report, 15 people died and they all died together - does it mean that these people were on a parade inside the Fort?

Answer: They were standing, either standing or sitting";

(g) The Special Rapporteur heard from at least two persons who were present at the ministerial meeting that, on the morning of 9 December 1982, Lt. Col. Bouterse was reported to have told the Ministers that planes came over Fort Zeelandia, that there was an attack and that the prisoners had been shot when the guards panicked;

(h) On the evening of 9 December 1982, Lt. Col. Bouterse made a broadcast in which he said:

"... we had already obtained information from some other prisoners that escape plans had been prepared on behalf of the military prisoners, for which they had already won over some other conspirators. At the moment when the transport from the Fort to the barracks was to have been carried out, the fatal occurrence took place, whereby some of the suspects lost their lives".

(i) The same message addressed to the Secretary-General of the United Nations from the Minister for Foreign Affairs on 11 January 1983 stated:

"In an official statement of the Military Authority it is stated that on 8 December 1982, a number of persons, detained for their involvement in activities to overthrow the Government by violent means, were killed in an unfortunate accident as a result of their attempt to escape custody";

(j) The Special Rapporteur asked to see the persons who had been manning the Bren-gun post and who had allegedly shot the detainees, but nobody among the military officers whom the Special Rapporteur met knew who they were. The answers to a series of questions which the Special Rapporteur put to the military officers can be summarized as follows:

"Nobody knows those persons except Maj. Horb because they were not part of the professional military group but were doing their 18-month military service. Maj. Horb had his own staff and they all lived together in one place. Maj. Horb had his own way of working and did not trust anybody easily".

D. Other versions of the events of December 1982

32. A second version that was communicated to the Special Rapporteur described the events as follows. This version is based on statements made to the Special Rapporteur by a number of persons, including at least five eyewitnesses who claim to have been in Fort Zeelandia on the night of the killings and a further two who claim to have talked to two additional persons who were present and eyewitnesses. According to this version, the following occurred:

(a) A decision was taken by the military leadership to suppress the opposition by arresting and killing the leaders;

(b) In the course of 8 December, the persons who had been arrested were interrogated, some of them more than once. During the interrogations they were confronted with the confessions which had been made by Slagveer and Kamperveen;

(c) Reinforcements were placed inside Fort Zeelandia on the afternoon in question and orders were given to open fire with blanks at a given signal. The signal was given at about 11 p.m. and firing continued for some hours during which time the killings took place;

(d) Among those present at the time inside the Fort were Lt. Col. Bouterse, Maj. Horb, 1st Lt. Bhagwandas, Nelom, Sgt. Maj. Mahadew, Brondestein, Rozendaal and 1st Lt. Leeftang. Also present for part of the time were Mr. E. Alibux and Dr. H. Naarendorp and members of the current Government;

(e) The corpses of the victims were transported by military vehicles to the hospital morgue and put under military guard;

(f) No autopsy was performed on the corpses and there was no request or order to that effect. Eyewitnesses, including family members and medical personnel, viewed the bodies. They informed the Special Rapporteur of their observations including detailed descriptions (in some cases with photographs of the corpses taken in the morgue) which indicated several bullet wounds. The Special Rapporteur

was told that these bullet wounds indicated that shots came from the front of the body at close range. The Special Rapporteur was further told that the majority of the bodies carried other wounds indicating that most of the 15 persons had been very severely tortured;

33. The foregoing paragraphs give the two accounts of the circumstances surrounding the death of the 15 persons as contained in the information received by the Special Rapporteur.

34. The Special Rapporteur has attempted to give as correct a summary of the circumstances surrounding the death of the 15 persons as possible on the basis of the information received.

E. Question whether any measures were taken to determine the facts of the events of December 1982

35. The question arises why there was no investigation or inquiry into an incident which, by all accounts, shook the entire country.

36. This question was put by the Special Rapporteur to the military officers whom he met. No official inquiry into the incident of the night of 8-9 December 1982 was conducted. The Special Rapporteur was told by the military officers that Maj. Horb had been entrusted with the preparation of a report on the incident. This was corroborated by Capt. Graanogst, who was the Minister for Army and Police at the time and who told the Special Rapporteur that the military wanted to clarify these matters. Maj. Horb was found dead in his cell on 3 February 1983; no evidence of his report has been found.

37. This question was put by the Special Rapporteur to the Minister of Justice, Dr. Frank Lefflang:

"Special Rapporteur: May I ask if there was an investigation on the events of December 1982?

Minister: This question is difficult as it is impossible to answer if you don't know the Suriname reality. There were no investigations. These were special circumstances. No formal request was made to investigate those facts, therefore, our Government is not able to investigate because it did not know all the facts concerning this matter. The Government is in a very difficult position.

Procurator: The facts were not brought to the Government. Because of that no investigations could be made".

38. The Special Rapporteur also put the same question to the Prime Minister, Mr. Udenhout:

"Special Rapporteur: Are there any obstacles to the collection of information on the events by the Government? I assume that [since you became Prime Minister] you have tried to get a correct picture.

Prime Minister:

"... It is a problem of having to ask the question. What will be served by ascertaining the facts and bringing to justice all those responsible, directly or indirectly? What would be served by this kind of justice? It might lead to violence again ...".

39. At the meeting with Lt. Col. Bouterse the latter confirmed to the Special Rapporteur that "no attempt has been made to set up a body to investigate the events".

F. Information concerning the safeguards adopted or envisaged to enhance the protection of the right to life

40. As stated above, in the course of his visit to Suriname and in the interviews conducted by the Special Rapporteur in that connection, the Special Rapporteur sought to inform himself of the measures taken or envisaged to enhance the protection of the right to life. The Special Rapporteur recalls the communication from the Government of Suriname addressed to the Secretary-General on 11 January 1983 which states, in reference to the deaths of the 15 persons, that the national army and Government will see to it that such occurrences are prevented in the future.

41. Indeed, in the course of his meetings, the Special Rapporteur was told by members of the Government and other present and past leaders that it was their belief that the protection of the right to life was an integral part of the process of return to democratic government. As stated above, the vicissitudes following the take-over by the military in 1980 implied limitations to certain fundamental rights.

42. The Special Rapporteur was informed that prior to the change of government on 25 February 1980, politics had been based on race, not on programmes, that Parliament had been a show place and proceedings a "comedy". There had been massive corruption and uneven development and lack of concern with the "have-nots" and the political leaders had lost the confidence of the people. It was commonly acknowledged to the Special Rapporteur that the situation was such that, when the Government had refused to negotiate with the union formed by the members of the military and the military had effected a coup, it appeared to have popular support. The military immediately formed a National Military Council and delegated the administration of the State to a Government formed by two military men under the direction of Dr. Hendrik Rudolf Chin-a-Sen. It was expressly announced that all fundamental rights were recognized.

43. In August 1980, Bouterse announced the existence of a conspiracy to stage a military coup involving three members of the National Military Council (Sital, Mij nab, Joeman) and an undetermined number of civilians. A state of siege was imposed all over the country and both Parliament and the Constitution were suspended.

44. On 15 August 1980, Dr. Chin-a-Sen was named as President. In February 1982, Chin-a-Sen resigned as President and was succeeded by Judge L.F. Ramdat.

45. The Special Rapporteur was told that on 11 March 1982, there was an attempted coup led by Lt. Rambocus who demanded the holding of free and secret elections and shortly thereafter a Government was formed on 31 March 1982 headed by Mr. Nejhorst. In the course of his meeting with the Special Rapporteur, Mr. Nejhorst stated that

one of the major objectives of his Government was to try to prepare the way for a return to democracy and, to that end, a former Foreign Minister had been requested to draft the concepts of a democratic structure; he had requested that this preparatory work be done together with trade unions, women's organizations, religious communities and other representative groups. To that end, monthly meetings were held with such groups to obtain their views. Regular contacts with the press were maintained.

46. General Decree A-11 of 25 March 1982 established the basic rights and duties, including "the right to personal liberty and security" and "the right to physical, moral and psychic integrity. No one shall be subjected to torture or degrading or inhuman treatment or punishment". On the same day, two other decrees (A-9 and C-4) were passed, establishing bodies invested with governmental powers and, under article 4 of decree A-9, the Government was to be exercised by a "Policy Centre" and the Council of Ministers. This Policy Centre was said to be the highest administrative power in the nation and its composition was determined by the military authorities, and was to include the Commander and Vice-Commander of the National Army. This arrangement continued until February 1984.

47. On 28 February 1983 a new Government was formed and presented its programme for the period 1983-1986. In it the Government declared its intention "of educating the population in a new democracy that will allow the people's participation and effective control of the Government".

48. The Special Rapporteur was informed that in December 1983/January 1984, major strikes occurred. On 3 February 1984 after these major strikes, an interim Government was appointed by the Military Authority. For the first time the Government was formally appointed by decree (A-15). One of the main tasks of the interim Government, which was to last until 31 December 1984, was "to create democratic structures of a firm and long-lasting nature in mutual consultation with the Military Authority, trade unions, trade and industry organizations". Under the decree, there was to be a Council of Ministers composed of a maximum of nine persons. The Council of Ministers was to be appointed and dismissed by the President upon the recommendation of the Military Authority, trade unions and trade and industry organizations.

49. By another decree (A-16) dated 13 July 1984 a "think tank" was appointed whose main function was "to develop structures and/or institutions that can guarantee participation of the whole society in the future development of the revolutionary process so that a firm and long-lasting democracy can be realized". It was further provided that the advice of the "think tank" was to be of a special nature and to be treated as such by the Military Authorities and the Council of Ministers. The "think tank" group was to be composed of seven members: three appointed by the military, two by the trade and industry organizations and two by the labour unions. Members could only be dismissed on the proposals of the organization which appointed them. Proposals or other contributions to the "think tank" were only accepted from persons or organizations who were invited to make them.

G. Assurances given that the events of December 1982 would not recur

50. Virtually everyone in the military and the Government whom the Special Rapporteur met in Suriname expressed assurances that the events of 8-9 December would never recur.

51. Lt. Col. Bouterse told the Special Rapporteur: "We are very sorry about the events of December 1982. We have said so internationally ... the events of 1982 are certainly not to be repeated".

52. At the meeting with the military officers, Capt. Graanoogst said:

"We will do our utmost to prevent the same thing in the future. It is not our intention to deprive people of life. We are very sorry about what happened on 8 December 1982. We have said so repeatedly and I do not think that a similar thing has occurred since then ... With regard to democracy in Suriname, you probably know that we are trying to do this in a tripartite body of the military, industry and business and the trade unions together. We have asked them to send their views on democracy. We are now discussing the papers and trying to make this into a final paper and when this is finished, we shall submit it to the people and, when accepted, those will become our laws and we will have to obey them".

53. Some persons, however, expressed scepticism to the Special Rapporteur about the intentions of the military to return to democracy and doubted that these intentions would lead to practical measures for restoring democracy and with it the basic guarantees of fundamental rights, in particular the right to life. It was emphasized to the Special Rapporteur that, ever since assuming power, the military had talked about the fundamental rights of individuals and engaged in discussions on programmes to restore democracy, but that nothing concrete had come out of the talks and discussions. Instead, it was alleged to the Special Rapporteur, that the military had at all times frustrated the discussions; moreover, the Special Rapporteur was told that the fundamental rights of individuals and, in particular, the right to life and liberty continued to be violated under military rule.

54. The Special Rapporteur was informed that the killing of the 15 persons on the night of 8-9 December 1982 was not an isolated incident in which the right to life was not protected, since before December 1982 and afterwards persons had been killed or arbitrarily arrested after clashing with the military or with individual members thereof.

55. Fears were expressed to the Special Rapporteur that similar events to those which occurred in December 1982 could recur should the military feel that their power was threatened.

56. On the other hand, some persons were of the view that the structuring of the interim Government, in which the trade union sector, the industry sector and the military participate and in which no minister can be dismissed without the concurrence of all three sectors, augured well for the future; in particular the Government was charged with the task of submitting proposals for a democratic structure by December 1984. The Special Rapporteur was told that the way had therefore been paved for a dialogue between the various sectors of society, including the military.

57. During the discussions with Dr. Frank Leeflang, the Minister of Justice, the Special Rapporteur put the following question:

"Special Rapporteur: Suriname is a party to the International Covenant on Civil and Political Rights and the