



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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REFERENCE:GH/fup-123

1 August 2018

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 10, 22 and 32 of the concluding observations on the report submitted by Suriname ([CCPR/C/SUR/CO/3](#)), adopted at the 115th session in November 2015.

On 3 November 2016, the Committee received the reply of the State party. At its 123rd session, held in July 2018, the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Report on follow-up to concluding observations (see CCPR/C/123/2). I hereby attach, for ease of reference, a copy of the relevant section of the said report (advance unedited version).

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. Taking into account that the next periodic report of the State party is due by 6 November 2020, the Committee requests the State party to provide this information in the context of its next periodic report.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Mauro Politi  
Special Rapporteur for Follow-up to Concluding Observations  
Human Rights Committee

H.E. Ambassador Extraordinary and Plenipotentiary  
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## Report on follow-up to concluding observations of the Human Rights Committee, CCPR/C/123/2:

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### New assessment of replies<sup>1</sup>

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- A Reply/action largely satisfactory:** The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee.
- B Reply/action partially satisfactory:** The State party took steps towards the implementation of the recommendation but additional information or action remains necessary.
- C Reply/action not satisfactory:** Response received but actions or information not relevant or do not implement the recommendation. The action taken or information provided by the State party does not address the situation under consideration.
- D No cooperation with the Committee:** No follow-up report received after reminder(s).
- E Information or measures taken are contrary to or reflect rejection of the recommendation**

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### Suriname

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Concluding observations:	CCPR/C/SUR/CO/3, 3 November 2015
Follow-up paragraphs:	10, 22 and 32
Follow-up reply:	3 November 2016 <sup>2</sup>
Committee's evaluation:	Additional information required on paragraphs 10[B], 22[E][C] and 32[C]

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### Paragraph 10: National human rights institution

**The State party should take measures to ensure the effective functioning of the National Human Rights Institute with a broad human rights mandate, and provide it with adequate financial and human resources, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

### Summary of State party's reply

The launch of the National Human Rights Institute was announced for December 2016. Staff have been recruited and various human rights training courses organized. The Institute's compliance with the Paris Principles, including with regard to its independence, will be achieved during a planned transitional period of four years.

### Committee's evaluation

[B]: The Committee welcomes the launch of the National Human Rights Institute in 2016, and requires additional information on the planned measures aimed at ensuring its compliance with the Paris Principles, the progress in the implementation of those measures and the anticipated time frame for achieving the Institute's full

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<sup>1</sup> Adopted by the Committee at its 118th session (17 October – 4 November 2016). The full assessment is contained in CCPR/C/119/3.

<sup>2</sup> See [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCO%2fSUR%2f25817&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCO%2fSUR%2f25817&Lang=en).



compliance with the Principles, including with regard to institutional and financial independence and autonomy, and its mandate.

#### **Paragraph 22: Impunity for past human rights violations**

Recalling its previous recommendation (see CCPR/CO/80/SUR, para. 7), the Committee urges the State party to repeal the Amnesty Act. The State party should also comply forthwith with international human rights law requiring accountability for those responsible for serious human rights violations in respect of which States are required to bring perpetrators to justice, including by completing the pending criminal prosecutions. In this regard, the Committee draws attention to its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, in particular paragraph 18, in which the Committee states that States parties may not relieve perpetrators of acts such as torture, arbitrary or extrajudicial killings or enforced disappearance from their personal responsibility. The State party should also ensure the effective protection of witnesses and diligently enquire into all cases of suspected witness intimidation.

#### **Summary of State party's reply**

The State party expresses deep regret for the human rights violations that have been committed; however, in the context of national security, the Amnesty Act will not be repealed.

As to the protection of witnesses, the State was not aware of any cases of threats or harm to witnesses.

#### **Committee's evaluation**

[E]: The Committee regrets that the State party does not intend to repeal the Amnesty Act and that no measures have been taken to bring perpetrators of serious human rights violations, including for the Moiwana massacre of 1986, to justice, including by completing the pending criminal prosecutions brought against the President, Desiré Bouterse, and 24 others accused of the extrajudicial executions of 15 political opponents in December 1982. The Committee reiterates its recommendation, and recalls its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, in particular paragraph 18, in which it indicates that States parties may not relieve perpetrators of acts such as torture, arbitrary or extrajudicial killings or enforced disappearance from personal responsibility.

The Committee regrets the State party's statement that it has no knowledge of cases of threats or harm to witnesses, and requests information on progress made in securing witness testimonies in relation to the Moiwana case and on any witness protection measures and programmes in place to ensure the effective protection of witnesses against any kind of intimidation or threats.

#### **Paragraph 32: Judicial control of detention**

The State party should adopt legislation to ensure that anyone arrested or detained on a criminal charge is brought before a judge within 48 hours. The Committee draws the attention of the State party to its general comment No. 35 (2014) on liberty and security of person, in particular paragraph 33, in which it states that 48 hours is ordinarily sufficient to transport the individual and to prepare for the judicial hearing. An especially strict standard of promptness, such as 24 hours, should apply in the case of juveniles. Moreover, a public prosecutor cannot be considered an officer exercising judicial power under article 9 (3) of the Covenant (see para. 32 of the general comment).



### **Summary of State party's reply**

The judicial control of detention remains unchanged. Article 54 (a) (1) of the Code of Criminal Procedure states that the defendant is brought before the magistrate no later than seven days starting on the date of his arrest.

The reduction of custody from fourteen to seven days has put pressure on relevant institutions that seek to find solutions, within existing resources, to ensure that detention takes place legally and lawfully. The State is not yet at the stage at which it is able to fully implement the Committee's recommendation, but it will do everything in its power to ensure its implementation.

### **Committee's evaluation**

[C]: The Committee regrets that the State party has not adopted legislation requiring that anyone arrested or detained on a criminal charge be brought before a judge within 48 hours, invoking resource constraints. It notes the stated intention of the State party to do everything in its power to ensure the implementation of the recommendation. The Committee requires clarification as to the whether the judicial control of detention under article 9 (3) of the Covenant is exercised by a public prosecutor or by a judge. The Committee reiterates its recommendation.

**Recommended action:** A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

**Next periodic report:** 6 November 2020.