



New York, 23 March 2012

Dr. Jennifer Simons
Chair of the National Assembly of Suriname
Paramaribo, Suriname

Your Excellency:

We, the undersigned human rights organizations in the Americas, members of the Coalition for the International Criminal Court, are writing to express our deep concern in light of information received indicating that Members of Parliament of Suriname's ruling majority are undertaking efforts to adopt an amendment to Suriname's amnesty law in order to extend its coverage "to those who in the period commencing on 1 April 1980 and ending on 19 August 1992 committed punishable acts and/or are suspected of them in the framework of defense of the State and/of overthrow of the lawful authority such as the events in December 1982 and the Suriname Guerilla War (Binnenlandse oorlog)". As you are well aware, this amnesty legislation would cover Suriname's military dictatorship and a civil war period and would exclude the possibility of continuing with current investigations of grave international crimes perpetrated in that time frame denying many victims their rights to both truth and justice.

Suriname is a party to the American Convention on Human Rights since November 1987 and has recognized the jurisdiction of the Inter-American Court of Human Rights (IACHR). In some of the leading cases before it, the Court has been clear that amnesties for international crimes are incompatible with the provisions of the Convention. In the 2001 *Barrios Altos Case* it determined that "all amnesty provisions, provisions on prescription and the establishment of measures designed to eliminate responsibility are

inadmissible, because they are intended to prevent the investigation and punishment of those responsible for serious human rights violations such as torture, extrajudicial, summary or arbitrary execution and forced disappearance, all of them prohibited because they violate non-derogable rights recognized by international human rights law.”¹

In addition, in its decision in the 2006 *Almonacid Arrellano Case*, the IACHR ruled that the obligation to try and punish perpetrators of international crimes, including crimes against humanity, is derived from the duty of protection contained in Article 1(1) of the American Convention regarding the obligation to protect rights. It also concluded “that the States cannot neglect their duty to investigate, identify, and punish those persons responsible for crimes against humanity by enforcing amnesty laws or any other similar domestic provisions. Consequently, crimes against humanity are crimes which cannot be susceptible of amnesty.”²

Suriname is also a State Party to the Rome Statute, a treaty whose spirit is firmly rooted in the idea that there can be no statute of limitations for international crimes such as genocide, crimes against humanity and war crimes. To that end, we call upon Parliament to carefully consider its commitment to accountability and reject the adoption of this bill recognizing the inherent obligations that Suriname has under International Law, and specifically as a state Party to the American Convention on Human Rights and the Rome Statute of the International Criminal Court.

Sincerely,

Andean Commission of Jurists (Peru)

Asociación pro Derechos Humanos (APRODEH) (Peru)

Centro de Investigación y Promoción de los Derechos Humanos (CIPRODEH)
(Honduras)

Colectivo de Abogados José Alvear Restrepo – CAJAR (Colombia)

Comisión Colombiana de Juristas

Corporación Humanas Colombia

¹ Inter-American Court of Human Rights, Judgment of 14 March 2001, *Barrios Altos (Chumbipuma Aguirre and Others) vs. Perú*, paragraph. 41.

² Inter-American Court of Human Rights, Judgment of 26 September 2006, *Almonacid Arellano and Others vs. Chile*, paragraph 114.

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