

MECHANISM FOR FOLLOW-UP ON
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
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SURINAME

FINAL REPORT

(Adopted at the September 12, 2014 Plenary Session)

SUMMARY

This report contains a comprehensive review of the implementation in the Republic of Suriname of Article III, paragraph 9, of the Inter-American Convention against Corruption, covering “oversight bodies, with a view to implementing modern mechanisms for preventing, detecting, punishing, and eradicating corrupt acts,” which was selected by the MESICIC Committee of Experts for the Fourth Round; of the best practices reported by those bodies; and of the follow-up of the implementation of the recommendations formulated to Suriname in the First Round.

The review was conducted in accordance with the Convention, the Report of Buenos Aires, the Committee’s Rules of Procedure, and the methodologies it has adopted for conducting on-site visits and for the Fourth Round, including the criteria set out therein for guiding the review based on equal treatment for all states parties, functional equivalence, and the common purpose of both the Convention and the MESICIC of promoting, facilitating, and strengthening cooperation among the states parties in the prevention, detection, punishment, and eradication of corruption.

The review was carried out taking into account Suriname’s response to the questionnaire, information gathered by the Technical Secretariat, and, as a new and important source of information, the on-site visit conducted between March 31 and April 2, 2014, by the members of the review subgroup for Suriname, comprising Brazil and Paraguay, with the support of the Technical Secretariat. During that visit, the information furnished by Suriname was clarified and expanded and the opinions of civil society organizations, the private sector, professional associations, academics, and researchers on issues of relevance to the review were heard. This provided the Committee with objective and complete information on those topics, assisted with the gathering of information on practices, and provided Suriname with the opportunity to offer and/or request technical assistance for the purposes of the Convention.

The review of the oversight bodies was intended, in accordance with the terms of the methodology for the Fourth Round, to determine whether they have a legal framework, whether that framework is suitable for the purposes of the Convention, and whether there are any objective results; then, taking those observations into account, the relevant recommendations were issued to the country under review.

The Surinamese oversight bodies examined in this report are the: High Court of Justice, the Public Prosecutions Department, the Ministry of Justice and Police, and the Central Government Auditing Bureau (CLAD).

Some of the recommendations formulated to Suriname in relation to the foregoing oversight bodies address purposes such as the following:

In relation to the High Court of Justice, resumption of the process of appointing judges; implementation of a job description and post classification manual for judges, as well as development of disciplinary procedures for judges and a code of ethics; strengthening of the financial autonomy of the High Court of Justice; and introduction of the obligation for the High Court of Justice to present accountability reports to the State and the citizenry on the performance of its constitutionally assigned justice-administration functions

As regards the Public Prosecutions Department, strengthening it by providing it with sufficient human and financial resources; creation of an anticorruption unit in the Police Department to work in coordination with the Public Prosecutions Department; strengthening of the financial autonomy of the Public Prosecutions Department; and introduction of the obligation for the Public Prosecutions Department to present accountability reports to the State and the citizenry on

the performance of its constitutionally assigned functions of investigation and prosecution of criminal acts, including acts of corruption.

With respect to the Ministry of Justice and Police (MJP), implementation of measures to officially assign the function of preventing corruption to the MJP or some other government organ; development of regulated decision-making processes and strengthening of internal controls; implementation of inter-institutional mechanisms; and publication of the annual financial and management reports of the MJP on its website as well as through other media.

As for the Central Government Auditing Bureau (CLAD), introduction of the obligation to relay cases that disclose evidence of corruption directly to the Public Prosecutions Department for investigation and prosecution; update of the standards governing the CLAD, creating the conditions to enable it to have a Director and Executive Board; and disclosure of the CLAD's management and annual reports, so that members of the public can access this information.

With regard to follow-up on the recommendations formulated to Suriname in the First Round and with respect to which, the Committee, in the Second Round report, found required additional attention, based on the methodology for the Fourth Round and bearing in mind the information provided by Suriname in its response to the questionnaire and during the on-site visit, a determination was made as to which of those recommendations had been satisfactorily implemented, which required additional attention, and which required reformulation. A list of those still pending was also prepared, and has been included in Annex I of the report.

Some of the recommendations put to Suriname in the First Round that are still relevant have such purposes as strengthening implementation of the provisions on conflicts of interest for public servants; mechanisms specifically requiring public servants to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware; establishment of systems for registering income, assets and liabilities of public servants; establishment of an effective enforceable system for access to public information; and introduction of laws and mechanisms that encourage civil society and nongovernmental organizations to participate in the follow-up of public administration.

**COMMITTEE OF EXPERTS OF THE FOLLOW-UP MECHANISM FOR THE
IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST
CORRUPTION**

**REPORT ON IMPLEMENTATION IN THE REPUBLIC OF SURINAME OF THE
CONVENTION PROVISION SELECTED FOR REVIEW IN THE FOURTH ROUND,
AND ON FOLLOW-UP TO THE RECOMMENDATIONS FORMULATED TO THAT
COUNTRY IN THE FIRST ROUND¹**

INTRODUCTION

1. Contents of the Report

[1] This report presents, first, a comprehensive review of the implementation in the Republic of Suriname of the provision of the Inter-American Convention against Corruption selected by the Committee of Experts of the Follow-up Mechanism (MESICIC) for analysis in the Fourth Round. That provision is contained in Article III (9) of the Convention and refers to “oversight bodies, with a view to implementing modern mechanisms for preventing, detecting, punishing, and eradicating corrupt acts.”

[2] Second, the report will examine the best practices that the Republic of Suriname has voluntarily expressed its wish to share in regard to the oversight bodies under review in this Report.

[3] Third, as agreed by the Committee of Experts of the MESICIC at its Eighteenth Meeting, in compliance with recommendation 9(a) of the Third Meeting of the Conference of States Parties to the MESICIC, this report will address the follow-up of implementation of the recommendations that the Committee of Experts of MESICIC formulated to the Republic of Suriname in the First Round and that it deemed to require additional attention in the reports it adopted for that country in the Second and Third Rounds, which may be consulted at the following web page: <http://www.oas.org/juridico/english/sur.htm>

2. Ratification of the Convention and adherence to the Mechanism

[4] According to the official records of the OAS General Secretariat, the Republic of Suriname ratified the Inter-American Convention against Corruption on May 27, 2002, and deposited the respective instrument of ratification on June 4 that year.

[5] In addition, the Republic of Suriname signed the Declaration on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption on June 4, 2002.

I. SUMMARY OF THE INFORMATION RECEIVED

¹ This report was adopted by the Committee in accordance with the provisions of Articles 3 (g) and 25 of the Committee's Rules of Procedure, at the September 12, 2014 plenary session, within the framework of the Twenty – Fourth Meeting of the Committee, held at OAS headquarters in Washington, D.C., from September 8 to 12, 2014.

1. Response of the Republic of Suriname

[6] The Committee wishes to acknowledge the cooperation that it received throughout the review process from the Republic of Suriname, in particular, from the Ministry of Justice and Police (MJP), which was evidenced, inter alia, in the response to the Questionnaire, in the constant willingness to clarify or complete its contents, and in the support for the on-site visit, to which the following paragraph of this report refers. Together with its response, the Republic of Suriname sent the provisions and documents it considered pertinent. The response, along with said provisions and documents, may be consulted at the following web page: http://www.oas.org/juridico/english/mesicic4_sur.htm

[7] The Committee also notes that the country under review gave its consent for the on-site visit, in accordance with item 5 of the *Methodology for Conducting On-site Visits*. As members of the preliminary review subgroup, the representatives of Brazil and Paraguay conducted the on-site visit from April 1 to 3, 2014, with the support of the MESICIC Technical Secretariat. The information obtained on that visit is included in the appropriate sections of this report, and its agenda of meetings is appended thereto, in keeping with item 34 of the *Methodology for Conducting On-Site Visits*.

[8] For its review, the Committee took into account the information provided by the Republic of Suriname up to April 3, 2014, as well as that furnished and requested by the Secretariat and the members of the review subgroup, to carry out its functions in keeping with its *Rules of Procedure; the Methodology for the Review of the Implementation of the Provision of the Inter-American Convention against Corruption Selected in the Fourth Round, and the Methodology for Conducting On-Site Visits*.

2. Information received from civil society organizations and/or, inter alia, private sector organizations, professional associations, academics, and researchers.

[9] The Committee did not receive within the time limit set in the schedule for the Fourth Round documents from civil society organizations in accordance with Article 34(b) of the Committee's Rules.

[10] Nonetheless, during the on-site visit to the Republic of Suriname, information was gathered from civil society and private sector organizations, professional associations, academics and researchers, who were invited to participate in the meetings held for that purpose, pursuant to provision 27 of the *Methodology for Conducting On-Site Visits*. A list of invitees is included in the agenda of the on-site visit, which has been annexed to this report. This information is reflected in the appropriate sections of this report.

II. REVIEW, CONCLUSIONS, AND RECOMMENDATIONS ON THE IMPLEMENTATION BY THE STATE PARTY OF THE CONVENTION PROVISION SELECTED FOR THE FOURTH ROUND

OVERSIGHT BODIES, WITH A VIEW TO IMPLEMENTING MODERN MECHANISMS FOR PREVENTING, DETECTING, PUNISHING, AND ERADICATING CORRUPT ACTS (ARTICLE III (9) OF THE CONVENTION)

[11] The Republic of Suriname has a set of oversight bodies with a view to implementing modern mechanisms for preventing, detecting, punishing and eradicating corrupt acts, among which the following are highlighted: the Public Prosecutions Department; the High Court of

Justice and its judges; the Central Government Auditing Bureau (CLAD); the Supreme Audit Institution of Suriname (SAI - *Rekenkamer van Suriname*); the Ministry of Home Affairs; the Ministry of Justice and Police; the Tax Authority, which reports to the Ministry of Finance; and the National Assembly (Parliament).

[12] The following is a brief description of the purposes and functions of the four bodies selected by the Republic of Suriname that are to be examined in this report.

[13] The High Court of Justice, whose function under its constitutionally assigned powers is the administration of justice.²

[14] The Public Prosecutions Department, which, under the Constitution is solely responsible for the investigation of all punishable acts and their prosecution.³

[15] The Central Government Auditing Bureau, which is responsible for audits of the state administration and state-owned enterprises.⁴

[16] The Ministry of Justice and Police (MJP), whose functions, under the Government Regulation on Task Descriptions Departments (Government Regulation No. 58 of October 10, 1991), include “*facilitating ... the judicial organization and personnel affairs in respect of the judiciary*”.⁵ The MJP also pursues anticorruption activities through the Department of International Relations, among other departments.⁶

1. HIGH COURT OF JUSTICE

1.1. Existence of provisions in the legal framework and/or other measures

[17] The High Court of Justice has a set of provisions in its legal framework and other measures concerning, among others, the following:

[18] Suriname’s government is divided into three branches: executive branch, legislature, and judiciary. The High Court of Justice is part of the judiciary pursuant to Article 133 of the Constitution, which states: “*1. The Judiciary is constituted by the President and the Vice-President of the High Court of Justice, the members and the deputy members of the High Court of Justice, the Prosecutor General at the High Court of Justice, and other members of the Public Prosecutions Department, and of other judicial officers designated by law. 2. The law may provide that persons who do not belong to the Judiciary shall also take part in the activities of the Judiciary. 3. The President, the Vice-President, the members and the deputy members of the High Court of Justice constitute the Judiciary, which is charged with the administration of justice.*”

[19] Furthermore, Article 139 of the Constitution provides that the supreme body of the judiciary entrusted with the administration of justice is the High Court of Justice of Suriname. The High Court supervises the orderly settlement of all legal proceedings.

² Articles 133.3 and 139 of the Constitution.

³ Article 145 of the Constitution.

⁴ Response of Suriname to the questionnaire corresponding to the Fourth Round, p. 2.

⁵ Chapter II, Article 6, of the Regulation of October 10, 1991.

⁶ Response of Suriname to the questionnaire, p. 3.

[20] In addition, Article 131 (3) of the Constitution prohibits any interference in the investigation or prosecution of cases, and those pending in court.

[21] As regards exceptions to the scope of its functions, paragraph 2 of Article 134 of the Constitution states that the imposition of penalties and measures provided by law is also entrusted to the Judiciary which is charged with the administration of justice, subject to exceptions made by law, which in respect of detention may only relate to military penal and disciplinary law.

[22] As to inter-institutional coordination during the annual meeting of the High Court of Justice, which is also attended by the Prosecutor General, decisions concerning the division of work for the next year of session are being made. Twice a year criminal judges and a delegation of the Public Prosecutions Department meet to discuss aspects of the administration of criminal justice.

[23] As to the way in which decisions are adopted, Article 39 of the Act concerning Establishment, Organization and Composition of the Judiciary establishes that the High Court of Justice adjudicates all cases brought before it with three judges. Bearing in mind that all judges are members or deputy members of the High Court of Justice, any judge who has heard a the case at first instance may not take part in the consideration of the case at the next instance.⁷

[24] In addition, under Article 3 of the Act concerning the rules with respect to the organization and composition of the Judiciary the Prosecutor General is in charge of enforcing the judgments delivered by the courts.

[25] Pursuant to Article 141 (2) of the Constitution members of the Judiciary charged with the administration of justice are appointed by the Government⁸ on the advice of the High Court of Justice. Paragraph 3 of the same provision stipulates that the law determines the other requirements for their appointment as well as the financial provisions for them and their surviving relatives.

[26] In that regard, a Presidential Order issued on October 5, 1976,⁹ and amended on June 20, 2006,¹⁰ provides for the rules concerning selection and education for the Judiciary. Said Presidential Order stipulates that a Council for the Selection and Training for the Judiciary is instituted by the Minister of Justice and Police (MJP). This council is composed of two members from and nominated by the bench, two members from the prosecution and nominated by the Prosecutor General, a member/lecturer employed by and nominated by the Law School of the University of Suriname, a member from and nominated by the Bar Association, and a member designated by the Minister of Justice and Police.

[27] As provided by the above-cited paragraph 2 of Article 141 of the Constitution, members of the High Court of Justice are appointed for life, while Article 14 (a) of the Act concerning the rules with respect to the organization and composition of the Judiciary, sets the retirement age for judges at 70.

⁷ Response of Suriname to the questionnaire corresponding to the Fourth Round, p. 5.

⁸ Article 116 of the Constitution provides that “1. *The President, the Vice-President and the Council of Ministers together form the Government. The Vice-President is in charge of the day-to-day management of the Council of Ministers, and is as such answerable to the President.* 2. *The Government is answerable to the National Assembly.*”

⁹ Bulletin of Acts, Orders and Regulations of the Republic of Suriname No. 54.

¹⁰ Bulletin of Acts, Orders and Regulations of the Republic of Suriname No. 66.

[28] Members of the High Court of Justice may be discharged from their posts for the causes set out in Articles 142 and 143 of the Constitution.¹¹

[29] In relation to disciplinary procedures for judges, the President of the High Court of Justice is by virtue of Article 12 of the Act concerning Establishment, Organization and Composition of the Judiciary competent to reprimand the “*Vice President, the members, the deputy members and the Clerk of the Court, that neglect the dignity of their office or the activities of their office, ex-officio, or at the demand of the Prosecutor General after having heard him..*”

[30] According to paragraph 1 of Article 141 of the Constitution one must have reached the age of 30, be a national of Suriname and be domiciled in and have main or actual residence in Suriname in order to be appointed as member of the Judiciary entrusted with the administration of justice. In the event that it is decided that a candidate needs to attend the study program for trainee judicial officers (*RAIO-opleiding* according to its acronym in Dutch), the rules concerning selection and education for the Judiciary provide that a candidate must have a law degree, in particular a master of laws, and have completed the study program for trainee judicial officer.

[31] Clerks of the Court and administrative personnel employed in the judiciary are selected and recruited by Ministry of Justice and Police in accordance with the procedures laid down in the Act pertaining to personnel employed by the State. These officials are part of the civil service available to the Executive Branch.

[32] Furthermore, for the reasons mentioned above, the Clerks of the Court and administrative personnel employed in the judiciary system are governed by the system of job descriptions of the Government (*FISO*, according to its acronym in Dutch).

[33] The country under review has in place a study program for trainee judicial officers that comprises five years and includes theoretical schooling and a traineeship. The theoretical schooling is executed by the *Stichting Juridische Samenwerking Suriname-Nederland* (SJSSN), a local non-governmental organization geared towards professional and permanent education for, amongst others, Judges, Clerks of the Court and administrative personnel employed in the judiciary system.¹²

[34] Disciplinary proceedings pertaining to Clerks of the Court and administrative personnel employed in the judiciary system regarding the performance of its duties are provided in the Act pertaining to personnel employed by the State and administered by the Ministry of Justice and Police.

¹¹ Article 142 of the Constitution: “1. *The members of the Judiciary entrusted with the administration of justice and the Prosecutor General of the High Court of Justice are discharged by the Government: at their own request; upon reaching the age of retirement.* 2. *The persons mentioned in the first paragraph may be discharged by the Government at the proposal of the High Court of Justice: if they have been placed under legal restraint; in case of proven continuous mental disorder; if they have been sentenced to an irrevocable detention for having committed a punishable act; if they have been declared bankrupt; when they have obtained a moratorium or are under court custody for their civil debts; on the grounds of serious misconduct or immorality or in case of proven continuous negligence in the fulfillment of their office.*”
Article 143 of the Constitution: “*If the President of the High Court of Justice is of the opinion that one of the reasons for discharge as mentioned in Article 142, paragraph 2 is present, he can suspend the person in question and he can also provide for a temporary replacement in that office. The law shall regulate the consequences of the suspension and discharge from office.*”

¹² Response of Suriname to the questionnaire, p. 8.

[35] The budget for the High Court of Justice is incorporated in the budget of the Ministry of Justice and Police, which is responsible for its administration in accordance with the provisions contained in Chapter II, Article 6 of the Government Regulation on Task Descriptions Departments (Government Regulation 58 of October 10, 1991).

1.2. Adequacy of the legal framework and/or other measures

[36] The High Court of Justice has a set of provisions and/or other measures that are relevant for promoting the purposes of the Convention, some of which were succinctly described in section 1.1. Nevertheless, the Committee considers it appropriate to set forth some observations with respect to these provisions and/or other measures.

[37] First, in relation to the selection procedure for judges, the Committee notes that Article 141 (2) of the Constitution provides that judges shall be appointed by the Government (president, vice president, cabinet) upon advice of the High Court of Justice and that the law determines the other requirements for their appointment as well as the financial provisions for members of the Judiciary and their surviving relatives.

[38] In this regard, the Committee notes that the country under review has adopted the Rules concerning selection and education for the Judiciary, which includes the responsibilities and powers of the Council for the Selection and Training for the Judiciary and the Minister of Justice and Police.

[39] Under these rules, the Minister of Justice and Police is accordingly responsible for appointing the members of the Council for the Selection and Training for the Judiciary, as has been previously mentioned, is composed of two members nominated by the bench, two members from the prosecution and nominated by the Prosecutor General, a member/lecturer employed by and nominated by the Law School of the Anton de Kom University of Suriname, a member from and nominated by the Bar Association, and a member designated by the Minister of Justice and Police. In accordance with the Rules concerning selection and education for the Judiciary, one of the members nominated by the bench acts as chairperson and one of the members nominated by the prosecution acts as vice chairman of the Council. These appointments are for a five-year term, with the possibility of renewal once only.

[40] By virtue of said Rules, once a year, the Minister of Justice and Police will announce the vacancies in the Judiciary. Interested parties send in their applications to the Minister. He sends the applications to the Council. The Council selects and sends the list of selected candidates and of those who are not selected to the Minister. Shortly before the (five year) study program is to be completed, the Council, under submission of the relevant documents, shall render a motivated advice to the Minister of Justice and Police with a view to the recommendation for appointment of the concerned person deputy member of the Court or substitute public prosecutor. The Minister of Justice and Police will make his decision and submit the selected candidates for consideration by the Government, which makes the relevant appointments in accordance with the Constitution. The relevant documents are added to the advice.

[41] In this regard, during the on-site visit, representatives of the High Court of Justice mentioned that the terms of the majority of the members of the Council has expired, in some cases two years previously, and that the Minister of Justice and Police has yet to request the relevant authorities to recommend members for appointment. They also put forward that with respect to eight trainee judicial officers the Council has delivered a reasoned advice to the Minister in view of the nomination for appointment as deputy member of the High Court of Justice at the beginning of 2014 and that the Minister of Justice and Police has yet to act upon this advice.

[42] The representatives of the High Court of Justice said that there is an alarming backlog and that there is a poignant shortage of judges, staff and resources, which makes the appointment of judges all the more acute. It should be noted that the country under review had earlier stated in its response that the shortage of judges was one of the obstacles to the proper performance of its functions.¹³

[43] Bearing in mind that the High Court of Justice is the body charged by the Constitution with administration of justice and punishment of acts of corruption, the Committee considers it critical that the process of appointing judges is resumed as soon as possible and that steps be taken to ensure that the Court has enough judges so that it can properly perform its function of administering justice and punishing acts of corruption, as well as clear the backlog of cases in the system and expedite the judicial processing delay (see recommendation 1.4.1 in Chapter II of this report).

[44] In this regard, the Committee wishes to stress that a properly functioning and independent judicial system is essential for achieving the purposes of the Convention and that the High Court of Justice is the body recognized by the Constitution as responsible for administration of justice and punishment of corruption. Therefore, apart from commencing once more with the selection process and execution of the study program for trainee judicial officers as soon as possible, it would be advisable for the country under review to seek to establish a mechanism that ensures that the process is not obstructed or halted, while at the same time guaranteeing that it is based on the principles of merit, transparency, fairness, and efficiency, in accordance with the objectives of the Convention. The Committee, therefore, will make recommendations (see recommendation 1.4.2 in Chapter II of this report).

[45] It is worth pointing out that during the on-site visit the representative of the Bar Association of Suriname mentioned that there was a dire shortage of judges, which undermines the quality of the judicial process and sentencing. He said that there was a judicial processing delay of more than 20 years.

[46] As regards the Selection Committee, he mentioned that it was not functioning as well as it should, adding that the term of the Bar Association's member of the Council had expired two years earlier but the Minister of Justice and Police had not yet appointed a successor. Also in that connection, he said that, though the Bar Association is involved in training judges, it has no say in their selection, appointment, and installation and that the Council simply notifies it when a new judge is appointed.

[47] Finally, he said that eight trainee judicial officers had completed their study program, but that there were discussions over their appointments owing to the fact that they began their study program under the previous government administration. He described this as an endemic problem that comes to the fore whenever there are elections.

[48] In second place, with respect to job descriptions and post classification manuals, the Committee finds that because the administrative personnel of the High Court of Justice belong to the Ministry of Justice and Police they are governed by the job descriptions and classification manual of the executive branch; however, there is no system of job descriptions or post classification in place for judges of the High Court of Justice. The Committee will make a recommendation in that regard (see recommendation 1.4.3 in Chapter II of this report).

[49] In third place, also on the subject of training for judges, the Committee notes that while there is a study program for trainee judicial officers (*RAIO-opleiding*) envisaged by the Rules

¹³ Response of Suriname to the questionnaire, p. 13.

concerning selection and education for the Judiciary, during the on-site visit, representatives of the High Court of Justice mentioned that this program does not specifically address the issue of corruption and that incumbent judges do not receive training in this area. Bearing in mind that the High Court of Justice is the organ responsible for punishing acts of corruption, the Committee considers it immensely important to have judges who are trained and fully informed on the matters envisaged in the Convention. Accordingly, the country under review could include the subject in the curriculum for trainee judicial officers (*RAIO-opleiding*), and as part of the continuing training program for incumbent judges and all support staff assigned to the High Court of Justice. The Committee will make a recommendation in that regard (see recommendation 1.4.4 in Chapter II of this report).

[50] In fourth place, with respect to the way in which its funding is ensured, the Committee notes that the High Court of Justice does not have its own budget, but that its funding comes from the budget of the Ministry of Justice and Police, which administers and controls it. In this regard, the Committee notes that in its response, the country under review also mentioned an insufficient budget as one of the difficulties that prevent it from carrying out its functions. During the on site visit, the representatives of the High Court of Justice mentioned that budgetary autonomy will promote effective functioning of the Court. In its response to the questionnaire, the country under review also mentioned that discussions are being held at the government level aimed at establishing an independent, sufficient budget for the judiciary.

[51] The Committee wishes to underline the importance of having an independent judiciary with sufficient budgetary autonomy and resources to properly carry out its constitutionally assigned function of administering justice and so help to accomplish the purposes of the Convention. The Committee will make a recommendation (see recommendation 1.4.5 in Chapter II of this report.)

[52] Similarly, the Committee considers advisable that the State under review consider taking the necessary measures in order to enable the High Court of Justice to present and administer its own annual budget, as well as its own annual plans (see recommendation 1.4.6. in Chapter II of this report.)

[53] It is worth noting that the Inter-American Development Bank (IDB) referred to this issue back in 2001. In the report *Governance in Suriname* it says, "*That the executive and parliament set the budget of the judiciary each year is not unusual: this is standard practice in most countries throughout the Americas, though courts have varying degrees of participation in the budget-preparation process. What is somewhat unusual in Suriname is that the judiciary's budget is administered by the MOJP, and that administrative personnel are assigned by the personnel affairs division of the MOJP rather than hired by the judiciary. This means, in practice, that judges, prosecutors and court personnel do not buy pencils or word processors or hire staff: they ask the MOJP to do so on their behalf.*" In addition, in reference to Article 6 of the Government Regulation on Task Descriptions Departments of 1991, they add in a footnote that, "*[i]nclusion of the care of the judicial organization and judicial personnel within the tasks of the MOJP would seem to make it hard to contend that the judiciary is wholly independent of the executive in Suriname.*"¹⁴

[54] In this regard, during the on-site visit, the representative of the Bar Association said that when Suriname gained its independence the structure remained as it was and that the judiciary's budget was not separated from that of the Executive branch. As a result, the High Court of Justice has to make a budget request for each item to the MJP, which then approaches the Ministry of Finance and other ministries for approval. This delays the approval of financing for processes.

¹⁴ Governance in Suriname Inter-American Development Bank April, 2001, p. 119. <http://publications.iadb.org/handle/11319/1181?locale-attribute=en>

[55] In fifth place, with respect to the way in which the administrative and support personnel of the High Court of Justice is hired, such staff is contracted by the Ministry of Justice and Police in accordance with the procedures laid down in the Act pertaining to personnel employed by the State.

[56] In this connection, the Committee examined public servant hiring procedures during the Second Round of Review and made specific recommendations to the country under review regarding the Personnel Act. Therefore, it will not refer to this procedure at this time. Having said that, bearing in mind the delay and congestion in the examination of cases before the High Court of Justice, the Committee believes that it would be useful for the country under review to ensure that this organ has sufficient adequately trained personnel to carry out the activities necessary to support the administration of justice and to ensure that the court has a greater say in hiring its staff. The Committee will make recommendations in that regard (see recommendations 1.4.7 and 3.4.10. in Chapter II of this report).

[57] In sixth place, concerning physical facilities for administering justice and ensuring security in handling and safekeeping of judicial records, during the on-site visit, representatives of the High Court of Justice mentioned that at least two court buildings and judicial records have been destroyed by fire. They added that although two new buildings have been built to replace the destroyed buildings, a third building is needed to enable them to perform their justice administration functions. In this connection, the Committee considers that ensuring the security of proceedings by safeguarding judicial records is critical for effective administration of justice as well as for prosecuting and punishing acts of corruption. Therefore, it believes that necessary measures should be adopted to ensure that the High Court of Justice has not only suitable facilities for performing its functions properly but also electronic and other systems designed to prevent the loss of judicial records in the event of a fire or other calamity. It will make a recommendation in that regard (see recommendation 1.4.8 in Chapter II of this report).

[58] In seventh place, as regards documented procedures, manuals, or guidelines for carrying out its work, the Committee notes that in the course of the on-site visit representatives of the High Court of Justice said that they do not have such procedures but that there is a plan to create a case management program. However, they added that an obstacle to this program is that as yet it has no funding. In this regard, the Committee believes that it would be advisable for the country under review to support the implementation of an integrated quality management system that covers, among other things, case assignment and record management, with a view to improving the work of the High Court of Justice and helping to clear the backlog of cases that exists at present. Accordingly, the Committee will make a recommendation (see recommendation 1.4.9. in Chapter II of this report).

[59] In eight place, insofar as implementation of modern technologies or systems to facilitate its work, during the on-site visit, representatives of the High Court of Justice explained that the registration of cases is done manually and that the Court does not have adequate modern technologies or systems to facilitate the work of the courts. In relation to this point, the Committee believes that it would be advisable for the country under review to take the necessary steps to strengthen the High Court of Justice by implementing modern technologies and systems to facilitate the performance of its functions (see recommendation 1.4.10. in Chapter II of this report).

[60] In ninth place, regarding the manner in which the general public is provided with information about its objectives and functions, informed of the procedures established for the performance of its functions, and given guidance about how to carry out proceedings before them, the Committee notes that the country under review stated in its response: "*The president of the High Court is responsible for providing information to the general public when necessary.*"¹⁵ However,

¹⁵ Response of Suriname to the questionnaire, p. 9.

no indication is given as to how the president of the High Court supplies information to the general public or how it is determined when it is necessary to do so. It is worth noting that no information was provided in that regard during the on-site visit.

[61] On this point, the Committee notes that the website of the Government of Suriname contains information about the functions and objectives of the various organs of the executive branch and legislative branch, but no section on the judiciary. Indeed, the only mention of the High Court of Justice is in a graphic where it is shown as part of the Ministry of Justice and Police (MJP) without any other information provided.

[62] Bearing in mind that the High Court of Justice is a body charged by the Constitution with exclusive responsibility for administration of justice and punishment of acts of corruption, the Committee believes that it would be useful for the country under review to consider introducing mechanisms to offer information to the public on the objectives and functions of the High Court of Justice, inform the public of the procedures established for the performance of those functions, and give guidance about how to carry out proceedings before it, including the creation of its own website, which contains this information along with an electronic mailbox for members of the public to make complaints and suggestions, with safeguards for the identities of complainants. The Committee will make a recommendation in that regard (see recommendation 1.4.11 in Chapter II of this report).

[63] In this regard, during the on-site visit, the representative of the Bar Association said that there were no tools to track the status of legal proceedings and that the judiciary did not have a website where information might be obtained.

[64] In tenth place, with respect to mechanisms for internal control and for dealing with claims, complaints, or allegations related to the pursuit of their objectives and to the performance of their personnel, the country under review mentioned in its response, *“In case of an eventual claim, complaint or allegation it is possible to write a letter to the President of the High Court of Justice and if necessary, measures are taken.”* However, it was not stated if there is a documented procedure for this purpose, what the criteria are whereby measures are considered necessary, or what those measures might be. The Committee will make a recommendation (see recommendation 1.4.12 in Chapter II of this Report)

[65] Also, during the on-site visit, representatives of the High Court of Justice said that to the best of their knowledge no disciplinary proceedings have been instituted against judges. They referred to article 142 of the Constitution and Article 12 of the Act concerning Establishment, Organization and Composition of the Surinamese Judiciary. There is no other provision setting out a disciplinary system or envisaging other punishments or consequences for other conduct, such as corruption.¹⁶

¹⁶ Article 12 of the Act concerning Establishment, Organization and Composition of the Surinamese Judiciary states that: *“The President of the High Court of Justice is authorized either officially or, having heard him, on the demand of the Prosecutor General, to give warning to the Vice President, the Members, the Deputy Members and the Clerk of the Court, that neglect the dignity of their office or the activities of their office.”*

Article 142 of the Constitution states that: *“2. The persons mentioned in the first paragraph may be discharged by the Government at the proposal of the High Court of Justice:*

- *if they have been placed under legal restraint;*
- *in case of proven continuous mental disorder;*
- *if they have been sentenced to an irrevocable detention for having committed a punishable act;*
- *if they have been declared bankrupt;*
- *when they have obtained a moratorium or are under court custody for their civil debts;*

[66] They also said that Article 143 of the Constitution has not been implemented. That Article provides that the law shall regulate the consequences of the suspension and discharge from office of members of the Judiciary entrusted with the administration of justice and of the Prosecutor General by the President of the High Court of Justice in the circumstances envisaged in Article 142 (2) of the Constitution, which are cited above in the section on the legal framework.

[67] Finally, they said the Court drafted a code of conduct for judges and that the draft is being finalized. In this regard, the Committee considers it very important for the country under review to develop control mechanisms so that it can properly carry out its function of punishing acts of corruption, and it will make recommendations in that regard (see recommendations 1.4.13, 1.4.14., and 1.4.15. in Chapter II of this report.)

[68] In addition, the judicial personnel and administrative staff of the High Court of Justice belong to the Ministry of Justice and Police and their disciplinary procedures are set out in the Personnel Act. The Committee will offer observations in the section reviewing that oversight body (see recommendation 3.4.14. in Chapter II of this report.)

[69] In eleventh place, regarding inter-institutional coordination, the Committee notes that the country under review mentioned that during the annual meeting of the High Court of Justice, which is also attended by the Prosecutor General, decisions concerning the division of work for the next year of session are being made. Twice a year criminal judges and a delegation of the Public Prosecutions Department meet to discuss aspects of the administration of criminal justice. During the on-site visit, representatives of the High Court of Justice informed that they do not have formal mechanisms for inter-institutional coordination with other oversight bodies responsible for the prevention, investigation, and prosecution of acts of corruption.

[70] In this connection, the Committee believes that it would be advisable for the country under review to consider strengthening coordination and mutual assistance mechanisms for detection, investigation, prosecution, and punishment of acts of corruption among oversight bodies with responsibilities in this area, where appropriate. The Committee will make a recommendation (see recommendation 1.4.16. in Chapter II of this report).

[71] In twelfth place, the Committee notes that there is no obligation for the High Court of Justice to give an account of its activities to the State and the public. On this subject, during the on-site visit, representatives of the High Court of Justice explained that as the Court does not manage its own budget, accountability in this regard, especially financial accountability is not the responsibility of the Court, but the Ministry of Justice and Police, to present accounts, the latter doing so to the National Assembly.

[72] The foregoing notwithstanding, the Committee would like to underscore that the High Court of Justice is the body charged by the Constitution with exclusive responsibility for administration of justice and punishment of acts of corruption. Therefore, the duty to provide an account of its justice-related activities to the state and the citizenry is pertinent, regardless of whether or not it manages human and financial resources. The Court could release an annual management report and publish it on the Republic of Suriname's official website as well as via other media.

[73] In this regard, the Committee considers it highly important for the country under review to establish the obligation for the High Court of Justice to present accountability reports to the State and the citizenry on the performance of its constitutionally assigned justice-administration functions and

to make those reports public. The Committee will make a recommendation (see recommendation 1.4.17. in chapter II of this report.)

1.3. Results of the legal framework and/or other measures

[74] To begin with, the Committee notes that the High Court of Justice provided no information, either in its response to the questionnaire or during the on-site visit, regarding results obtained in the performance of its justice-related functions concerning punishment of acts of corruption over the past five years.

[75] On this point, during the on-site visit representatives of the High Court of Justice explained that the Court does not have a computerized data system that enables the Court to produce statistics on the subject. They added that all information is collected and recorded manually and that the Court would need technology and trained personnel to perform the task.

[76] In this connection, the Committee would like to stress the importance that the High Court of Justice, as the body charged by the Constitution with exclusive responsibility for administration of justice and punishment of acts of corruption, to keep such statistics, which would enable a comprehensive analysis of results and allow the country under review to identify challenges and adopt corrective measures where necessary. The Committee will make recommendations (see recommendations 1.4.18, 1.4.19, and 1.4.20 in Chapter II of this report).

1.4. Conclusions and recommendations

[77] Based on the comprehensive review with respect to the High Court of Justice in the foregoing sections, the Committee offers the following conclusions and recommendations:

[78] **The Republic of Suriname has considered and adopted measures intended to maintain and strengthen the High Court of Justice as an oversight body, as described in Chapter II, Section 1 of this report.**

[79] In light of the comments made in the above-noted section, the Committee suggests that the country under review consider the following recommendations:

- 1.4.1 Resume as soon as possible the process of appointing judges so that the High Court of Justice can properly perform its function of administering justice and punishing acts of corruption, as well as clear the backlog of cases in the system and expedite the judicial processing delay (see Chapter II, Section 1.2 of this report).
- 1.4.2 Implement a mechanism that ensures that the process of appointing judges is not obstructed or halted, while at the same time guaranteeing the principles of merit, transparency, fairness, and efficiency, in accordance with the principles enshrined in the Convention (see Chapter II, Section 1.2 of this report).
- 1.4.3 Implement a job description and post classification manual for judges of the High Court of Justice (see Chapter II, Section 1.2 of this report).
- 1.4.4 Specifically include the subject of prevention, investigation, prosecution and punishment of acts of corruption in the curriculum of the study program of judges and as part of the continuing training program for incumbent judges and all support staff assigned to the High Court of Justice (see Chapter II, Section 1.2 of this report).

- 1.4.5 Strengthen the High Court of Justice by furnishing it, within the resources available, with the budget funds that it needs to perform its functions properly; and adopt the necessary measures to enable it to have control over the determination and management of its budgetary resources (see Chapter II, Section 1.2 of this report).
- 1.4.6 Enable the High Court of Justice to present and administer its own annual budget, as well as its own annual plans (see Chapter II, Section 1.2 of this report).
- 1.4.7 Strengthen the High Court of Justice by furnishing it, within the resources available, with the administrative and support personnel that it needs to perform its functions properly; and adopt the necessary measures to enable it to have control over the determination of its human resources (see Chapter II, Section 1.2 of this report).
- 1.4.8 Strengthen the High Court of Justice by providing it with suitable facilities for performing its functions properly, as well as electronic or other systems designed to prevent the loss of judicial records in the event of a fire or other calamity (see Chapter II, Section 1.2 of this report).
- 1.4.9 Design documented procedures for the High Court of Justice to carry out its work, including manuals or guidelines for that purpose; together with an integrated quality-management, case-assignment, and record-management system (see Chapter II, Section 1.2 of this report).
- 1.4.10 Strengthen the High Court of Justice by implementing modern technologies and systems to facilitate the proper performance of its functions as regards administration of justice and punishment of corruption (see Chapter II, Section 1.2 of this report).
- 1.4.11 Introduce mechanisms to offer information to the public on the objectives and functions of the High Court of Justice, inform the public of the procedures established for the performance of those functions, and give guidance about how to carry out proceedings before it, including the creation of its own website which contains this information, along with an electronic mailbox for members of the public to make complaints and suggestions, with safeguards for the identities of complainants (see Chapter II, Section 1.2 of this report).
- 1.4.12 Develop a mechanism for dealing with claims, complaints, or allegations related to the functions of the High Court of Justice and the performance of judges, clearly indicating what course such claims, complaints, or allegations will take; what measures and criteria will be adopted in dealing with them, particularly in cases concerning corruption (see Chapter II, Section 1.2 of this report).
- 1.4.13 Develop a code of conduct for judges and judicial personnel that envisage a specific enforcement mechanism, particularly in cases involving corruption (see Chapter II, Section 1.2 of this report).
- 1.4.14 Develop disciplinary procedures for judges that envisage punishments, as appropriate, as well as the mechanisms necessary for their enforcement, particularly in cases involving corruption (see Chapter II, Section 1.2 of this report).
- 1.4.15 Consider taking regulatory measures to implement Article 143 of the Constitution to put in place, within the disciplinary procedures, regulations governing the consequences of the suspension and discharge from office of members of the judiciary entrusted with the

administration of justice and of the Prosecutor General by the President of the High Court of Justice in the circumstances envisaged in Article 142 (2) of the Constitution (see Chapter II, Section 1.2 of this report).

- 1.4.16 Strengthen coordination and mutual assistance mechanisms for detection, investigation, prosecution, and punishment of acts of corruption among oversight bodies with responsibilities in this area, where appropriate (see Chapter II, Section 1.2 of this report).
- 1.4.17 Establish the obligation for the Court to present accountability reports to the State and the citizenry on the performance of its constitutionally assigned justice-administration functions and to make those reports public on the Republic of Suriname's official website as well as via other media (see Chapter II, Section 1.2 of this report).
- 1.4.18 Develop statistics on results with respect to punishment of corrupt practices that give rise to the criminal liability of those involved in them, so as to permit a determination of the total number of decisions adopted in connection with those cases as well as how many that have resulted in: an accusation or a penalty; no accusation or an acquittal; and prescription of action or extinction of liability for lack of a decision within statutory time limits, in order to identify challenges and recommend corrective measures, if applicable (see Chapter II, Section 1.2. of this report).
- 1.4.19 Develop statistics on results as regards punishment of corrupt practices over which it has jurisdiction that give rise to the financial or civil liability of those involved in them, so as to permit a determination of the amount of the fines imposed or of the financial compensation ordered in the State's favor that have been received by the State, in order to identify challenges and recommend corrective measures, if applicable (see Chapter II, Section 1.2. of this report).
- 1.4.20 Provide the High Court of Justice with the necessary training and human and budgetary resources to enable it to implement a modern computerized data system by which to collect information and produce the necessary statistics, within available resources (see Chapter II, Section 1.2. of this report).

2. PUBLIC PROSECUTIONS DEPARTMENT

2.1. Existence of provisions in the legal framework and/or other measures

[80] The Public Prosecutions Department has a set of provisions in its legal framework and other measures concerning, among others, the following:

[81] As regards its nature, Article 133 of the Constitution establishes that the Prosecutor General of the High Court of Justice as well as the other members of the Public Prosecutions Department and other judicial officers designated by law are part of the judiciary.

[82] Furthermore, Article 131 (3) of the Constitution prohibits any interference in the investigation or prosecution of cases, and those pending in court.

[83] As for the objectives and functions of the Public Prosecutions Department, Article 146 of the Constitution states that public prosecutions for the High Court of Justice shall be exercised by or on behalf of the Prosecutor General. That article also says that the Prosecutor General represents the Republic of Suriname in court; he is the head of the PPD and also in charge of the Judicial police;

and that he is entitled to give police officers instructions for the prevention, detection and investigation of punishable acts, if he deems that necessary in the interest of good justice.

[84] Article 147 of the Constitution provides that the Prosecutor General supervises the correct execution of the tasks of the police and that he has the power to make any proposal that he considers practical in that regard.

[85] Additionally, in its response, the country under review mentions that “[a]ccording to article 136 of the Code of Criminal Procedure, the Prosecutor General and the other public prosecutors, give order[s] to the other persons in charge of investigation of punishable acts. During the trial, the prosecutor charges the defendant on behalf of the people, and asks the court to impose a certain sanction.”¹⁷

[86] Similarly, under Article 3 of the Act concerning Establishment, Organization and Composition of the Surinamese Judiciary, the Prosecutor General, the Advocates General, the Chief Public prosecutors, the Public prosecutors and the Substitute Public prosecutors are in charge of enforcing the judgments handed down by the courts.

[87] As regards exceptions, Article 134 of the Constitution provides that the imposition of penalties and measures provided by law is also entrusted to the Judiciary, which is charged with the administration of justice, subject to exceptions made by law, which in respect of detention may only relate to military penal and disciplinary law.

[88] With respect to coordination mechanisms with other government organs or branches, the country under review mentioned in its response that once a year there is a consultation meeting with the High Court of Justice regarding technical aspects of their work together. In addition, there are regular meetings between the Prosecutor General and the Minister of Justice and Police and/or the Permanent Secretary.¹⁸

[89] Regarding the manner in which decisions are taken, the country under review indicated that decisions are taken in accordance with the legislation in force and the guidelines set out by the team managed by the Prosecutor General.

[90] As regards the way in which its officers are appointed, Article 141 (2) of the Constitution states that members of the judiciary entrusted with the administration of justice and the Prosecutor General shall be appointed by the Government¹⁹ on the recommendation of the High Court of Justice; for its part, paragraph 3 of the same provision stipulates that the law determines the other requirements for their appointment as well as the financial provisions for them and their surviving relatives.

[91] In that regard, by a Presidential Order issued on October 5, 1976,²⁰ and amended on June 20, 2006,²¹ the Ministry of Justice and Police (MJP) introduced the Regulations on Selection and Training of Judiciary Officials, which provide that the Ministry of Justice and Police shall form a

¹⁷ Response of Suriname to the questionnaire, p. 5.

¹⁸ *Idem*, p. 11.

¹⁹ Article 116 of the Constitution provides that “1. The President, the Vice-President and the Council of Ministers together form the Government. The Vice-President is in charge of the day-to-day management of the Council of Ministers, and is as such answerable to the President. 2. The Government is answerable to the National Assembly.”

²⁰ Bulletin of Acts, Orders and Regulations of the Republic of Suriname No. 54.

²¹ Bulletin of Acts, Orders and Regulations of the Republic of Suriname No. 66.

Council for the selection and training on behalf of the Judiciary to carry out the necessary process (RAIO). This council is composed of representatives of the High Court of Justice, the Department of Public Prosecutions, the University of Suriname, the Bar Association, and the MJP.

[92] As provided by the above-cited Article 141 (2) of the Constitution, members of the judiciary entrusted with the administration of justice and the Prosecutor General are appointed for life, while Article 14a of the Act concerning Establishment, Organization and Composition of the Surinamese Judiciary sets the retirement age for the Prosecutor General at 65 years.

[93] The Prosecutor General and members of the Judiciary entrusted with the administration of justice may be discharged for the reasons set forth in Articles 142 and 143 of the Constitution.²²

[94] With respect to the requirements for being Prosecutor General at the High Court of Justice, Article 141(1) of the Constitution states that to be appointed as a member of the judiciary entrusted with the administration of justice or Prosecutor General, one must have reached the age of 30 years, have Surinamese nationality, and be domiciled with main or current residence in Suriname. In addition, the Rules on Selection and Training of Judicial Officials provide that candidates must have a law degree, a master of laws, and have completed the training course for members of the Judiciary, and according to Article 6 of the Act concerning Establishment, Organization and Composition of the Surinamese Judiciary, the Prosecutor General at the High Court of Justice, the Chief Public Prosecutors, Public Prosecutors and Deputy Public Prosecutors, must have reached the age of twenty-five years for appointment and have a degree of doctor of legal sciences or in law or jurisprudence, or the status of master of Laws.

[95] As to the other personnel of the Public Prosecutions Department, as the Department is part of the structure of the Ministry of Justice and Police, they are selected by that Ministry in accordance with the procedures set down in the Personnel Act.

[96] Furthermore, for the reasons mentioned above, the support staff of the Public Prosecutions Department is governed by the system of job descriptions of the Government (FISO).

[97] As regards documented procedures, manuals, or guidelines for carrying out its work, the country under review mentions in its response that there are written guidelines relating to the imprisonment of suspects as well as prosecution and sentencing policies.²³ Furthermore, during the on-site visit, the representative of the Public Prosecutions Department said that they had prepared management manuals with the cooperation of experts from the Netherlands and that all

²² Article 142 of the Constitution: “1. *The members of the Judiciary entrusted with the administration of justice and the Prosecutor General of the High Court of Justice are discharged by the Government: at their own request; upon reaching the age of retirement.* 2. *The persons mentioned in the first paragraph may be discharged by the Government at the proposal of the High Court of Justice: if they have been placed under legal restraint; in case of proven continuous mental disorder; if they have been sentenced to an irrevocable detention for having committed a punishable act; if they have been declared bankrupt; when they have obtained a moratorium or are under court custody for their civil debts; on the grounds of serious misconduct or immorality or in case of proven continuous negligence in the fulfillment of their office.*”

Article 143 of the Constitution: “*If the President of the High Court of Justice is of the opinion that one of the reasons for discharge as mentioned in Article 142, paragraph 2 is present, he can suspend the person in question and he can also provide for a temporary replacement in that office. The law shall regulate the consequences of the suspension and discharge from office.*”

²³ Response of Suriname to the questionnaire, p. 9.

procedures were described, from the moment the police reports are submitted to the office of the PPD until prosecution.

[98] Concerning the training of public prosecutors, the country under review has in place a program run in partnership with a Dutch foundation, the Foundation for Legal Cooperation Suriname and the Netherlands (SJSSN), which coordinates the trainings and provides the manuals used in the various training courses and activities scheduled over the five-year program, in addition to other training courses for the year for other public prosecutors and judicial personnel/legal staff.²⁴

[99] In its response, the country under review also states that the Act concerning Establishment, Organization and Composition of the Surinamese Judiciary and the Personnel Act set out standards of conduct for the judiciary in general.²⁵

[100] As regards internal control of the handling of disciplinary proceedings involving its staff over the performance of their duties, as the Public Prosecutions Department is part of the structure of the Ministry of Justice and Police, this is governed by the provisions of the Personnel Act.

[101] Regarding the manner in which funding for the Public Prosecutions Department is ensured, it is provided as part of the budget of the MJP, which is responsible for its administration in accordance with the provisions contained in Chapter II, Article 6 of the Government Regulation on Task Descriptions Departments (Government Regulation 58 of October 10, 1991).

[102] Finally, regarding the manner in which the general public is provided with information about the objectives and functions of the Public Prosecutions Department, informed of the procedures established for the performance of its functions, and given guidance about how to carry out proceedings before it, the country under review mentioned in its response that there is a public prosecutor appointed and trained to provide the press with information when necessary, and that in "major" cases, if needed, the Prosecutor General and the Chief of Police inform the public. The response also notes that although the office does not have its own information program in the media, the monthly program of the Ministry of Justice sometimes addresses issues regarding the Public Prosecutions Department since "technically it is part of the Ministry of Justice."²⁶

2.2. Adequacy of the legal framework and/or other measures

[103] The Public Prosecutions Department has a set of provisions and/or other measures relevant for the purposes of the Convention, some of which were described in brief in section 2.1 of this report. However, the Committee believes it timely to make a number of observations in relation thereto:

[104] First, the Committee notes that the country under review has adopted the Regulations on Selection and Training of Judiciary Officials, (*RAIO-opleiding*), mentioned in the section pertaining to the High Court of Justice.

[105] Under this procedure, the Minister of Justice and Police is responsible for appointing a Council for the selection and training on behalf of the Judiciary, which is composed of two representatives of the High Court of Justice, one of whom chairs the Council; two representatives of

²⁴ Response of Suriname to the questionnaire, p. 8.

²⁵ Response of Suriname to the questionnaire, p. 8.

²⁶ *Idem*, p. 9.

the Prosecutor General's Office, one of whom serves as vice chair; a lecturer from the law school (Faculty of Legal Sciences) of the Anton de Kom University of Suriname; a lawyer who is a member of the Bar Association and recommended by the Bar Association; and a representative of the MJP. These appointments are for a five-year term, with the possibility of renewal once only.

[106] By virtue of said Rules, once a year, the Minister of Justice and Police will announce the vacancies in the Judiciary. Interested parties send in their applications to the Minister. He sends the applications to the Council. The Council selects and sends the list of selected candidates and of those who are not selected to the Minister. Shortly before the (five year) training shall be completed, the Council, under submission of the relevant documents, shall render a motivated advice to the Minister of Justice and Police with a view to the recommendation for appointment of the concerned person deputy member of the Court or deputy public prosecutor. The Minister of Justice and Police will make his decision and submit the selected candidates for consideration by the Government, which makes the relevant appointments in accordance with the Constitution.

[107] In this regard, during the on-site visit, the representative of the Public Prosecutions Department mentioned that there has been a delay in the appointment of public prosecutors through the procedure envisaged in the Rules for Selection and Training of the Judiciary, since the Council is currently not functioning as the terms of some of the members have expired and the vacancies have not been filled.

[108] In that regard, she added that the PPD would benefit from having more prosecutors, especially staff with specific skills for investigations connected with acts of corruption. Bearing in mind that the Public Prosecutions Department is the body charged by the Constitution with the investigation and prosecution of acts of corruption, the Committee considers that it is very important for the country under review to consider resuming the process of appointing public prosecutors as soon as possible and to ensure that the Department has sufficient suitably trained prosecutors to perform its functions of investigating and prosecuting acts of corruption properly (see recommendation 2.4.1 in Chapter II of this report).

[109] Secondly, with respect to job descriptions and post classification manuals, the Committee finds that because the administrative personnel of the Public Prosecutions Department belong to the Ministry of Justice and Police they are governed by the job description and classification manual (FISO) of the executive branch; however, there is no job description or post classification manual in place for public prosecutors²⁷. The Committee will make a recommendation in that regard (see recommendation 2.4.2 in Chapter II of this report).

[110] In third place, on the subject of training for public prosecutors, the Committee notes that while there is a program (*RAIO-opleiding*) envisaged by the Regulations on Selection and Training of Judiciary Officials for this purpose, during the on-site visit, representatives of the Public Prosecutions Department mentioned that this program does not specifically address the issue of corruption and that incumbent public prosecutors do not receive training in this area. Bearing in mind that the Public Prosecutions Department is the body responsible for investigating and prosecuting acts of corruption, the Committee considers it immensely important to have public prosecutors who are trained and fully informed on the matters envisaged in the Convention. Accordingly, the country under review could include the subject in the curriculum of the public

²⁷ In its document of comments to the draft preliminary report, the country under review made the following remark "*Beside the General Job descriptions of public prosecutors as mentioned in the Code of Criminal procedures and the Constitution, regarding post classification manuals, there are several state acts (SB 2007 No. 130 and SB 2013 No. 113) on financial and social allowances for members of the judiciary and their Family.*"

prosecutors' study program and as part of the continuing training program for incumbent prosecutors and all support staff assigned to the Public Prosecutions Department. The Committee will make a recommendation to that effect (see recommendation 2.4.3 in Chapter II of this report).

[111] In fourth place, in regards to the manner in which the budgetary resources of the PPD are ensured, in its response to the questionnaire, the country under review stated that: *“For daily expenses, the Public Prosecutions Department has a budget available. Major expenses such as salaries, buildings and furniture are classified in the budget of the Ministry of Justice and Police. These are requested by an application. On a yearly base, the Minister of Justice and Police has to present his budget, through the Government, to the National Assembly for approval”*²⁸.

[112] In that regard, the Committee notes that the PPD does not have budgetary autonomy over its own resources. The Committee wishes to underline the importance of having an independent judiciary with sufficient budgetary resources to properly carry out its constitutionally assigned functions of investigating and prosecuting acts of corruption, so as to be able to contribute to the accomplishment of the purposes of the Convention. The Committee will make a recommendation (see recommendation 2.4.4 in chapter II of this report.)

[113] It is worth noting that the Inter-American Development Bank referred to this situation as early as 2001 in its report “Governance in Suriname.” Referring to the financial dependency of the judiciary, the report notes: *“Though the Constitution provides that the judiciary will be independent by providing that there will be “no interference in cases under investigation or in court,” many decisions are influenced by budgetary considerations and the budget is wholly controlled by the executive. This makes it possible for political influence to be exercised by the executive through control of the purse strings: if the executive does not want the [Public Prosecutions Department], for example, to open an investigation into a certain matter, it can simply deny prosecutors’ requests for funds to travel to the investigation site or funds for materials necessary to carry out an investigation.”*²⁹

[114] In fifth place, with respect to the way in which the administrative and support personnel of the Public Prosecutions Department are hired, such staff are contracted by the Ministry of Justice and Police in accordance with the procedures laid down in the Personnel Act.

[115] In this connection, the Committee examined public servant hiring procedures during the review of the Second Round and made specific recommendations to the country under review regarding the Personnel Act. Therefore, it will not refer to this procedure at this time. Nevertheless, the Committee believes that it would be advisable that the country under review considers ensuring that the PPD has sufficient adequately trained administrative and support personnel to carry out the activities necessary to support the investigation and prosecution of acts of corruption (see recommendation 2.4.5 in Chapter II of this report).

[116] In sixth place, as regards investigation of acts of corruption, during the on-site visit, the representative of the Public Prosecutions Department indicated that the police under the direction of the Department conduct investigations. She added, however, that although the police does have a fraud department entrusted with the investigation of cases of corruption, it does not have personnel with sufficient expertise to investigate corrupt acts and that this is a problem for prosecuting such acts. In this regard, they mentioned the need for an anticorruption unit in the police with sufficiently trained personnel to work in coordination with the Public Prosecutions Department on the

²⁸ Response of Suriname to the questionnaire, p. 10.

²⁹ Governance in Suriname Inter-American Development Bank April, 2001, p. 119. <http://publications.iadb.org/handle/11319/1181?locale-attribute=en>

investigation and prosecution of acts of corruption. The Committee will make a recommendation (see recommendation 2.4.6 in Chapter II of this report.)

[117] In seventh place, with respect to inter-institutional coordination, the country under review mentioned in its response that once a year there is a meeting with the High Court of Justice to discuss technical aspects of their work. In addition, they mentioned that there are regular meetings with the Ministry of Justice and Police and/or the Permanent Secretary. However, the Committee believes that it would be advisable for the country under review to consider implementing inter-institutional coordination mechanisms directly between the Public Prosecutions Department and other state organs, for the purposes of collaborating on the investigation and prosecution of acts of corruption. The Committee will make a recommendation in that regard (see recommendation 2.4.7 in Chapter II of this report).

[118] In that same regard, during the on-site visit, it came to the Committee's attention that neither the Supreme Audit Institution of Suriname (SAI - *Rekenkamer*), which is the body charged by the Constitution with the government's financial oversight, nor the Central Government Auditing Bureau (CLAD), which is the Government's internal auditor, has the obligation to refer cases in which evidence exists of acts of corruption to the Public Prosecutions Department. It is worth noting on this subject that external audits, which are the responsibility of the SAI, are currently carried out by the Central Government Auditing Bureau (CLAD), which is acting as the internal and external auditor of government organs and parastatal institutions.

[119] Although this is a topic that is examined in the section on the CLAD, it is important to underscore that the latter body is answerable to the Ministry of Finance. As such, when the CLAD's audits unearth evidence of punishable offenses, it is only required to notify the Ministry of Finance. In turn, the Ministry of Finance, if it deems it appropriate, notifies the Ministry of Justice and Police or to the Public Prosecutions Department for investigation and prosecution. Notwithstanding the recommendations made in the section on the CLAD, the Committee believes it to be important for the country under review to consider establishing inter-institutional coordination mechanisms between the Public Prosecutions Department and other internal and external State audit bodies, ensuring that this information can be relayed directly to the Department for investigation and prosecution, without having to pass through other ministry filters (see recommendation 3.4.7. in Chapter II of this report).

[120] In eight place, as far as implementation of modern systems or technologies to facilitate the Department's efforts are concerned, the country under review mentioned in its response that public prosecutors hold regular meetings and that *"In these meeting, topics relating the institutional aspects and/or modern technology to facilitate the work, are also being discussed if needed."*³⁰

[121] In relation to this, during the on-site visit, the representative of the PPD reported that one of their plans is to implement a software application so that judicial officials can also access information about procedures, making it easier for them to request it. However, this is a plan for the future that will be implemented when they move into another building and will take time. In this regard, the Committee believes that it would be appropriate for the country under review to consider furnishing the Public Prosecutions Department with the necessary budget resources to implement modern technologies as soon as possible so as to facilitate its work, particularly technology that would ease the flow of internal information about the prosecution and investigation of acts of corruption. The Committee will make a recommendation (see recommendation 2.4.8 in Chapter II of this report.)

³⁰ Response of Suriname to the questionnaire, p. 9.

[122] In ninth place, as regards internal control mechanisms for dealing with claims, complaints, or allegations, the country under review mentioned in its response that “[t]he Prosecutor General considers all possible claims, complaints or allegations he receives from the public or other authorities. If necessary, measures are taken, either internally (if not a serious allegation), or on the basis of the Personnel Act. In this regard, in the course of the on-site visit, the Committee noted that there was no documented procedure for receiving and processing claims, complaints, or allegations.

[123] In this connection, the Committee believes it necessary for the country under review to consider developing a mechanism for dealing with claims, complaints, or allegations related to the pursuit of the objectives of the Public Prosecutions Department and the performance of public prosecutors and other judicial personnel of this constitutionally recognized body, clearly indicating what course such claims, complaints, or allegations will take; what measures and criteria will be adopted in dealing with them; and what the consequences will be, particularly in cases concerning acts of corruption. The Committee will make a recommendation (see recommendation 2.4.9 in chapter II of this report.)

[124] By the same token, during the on-site visit, the Committee also learned that there is no enforceable code of conduct for the prosecutors and staff of the PPD. The Committee believes that it would be appropriate for the country under review to consider developing a code of conduct applicable to prosecutors and staff of the PPD that envisages a specific enforcement mechanism, particularly in cases involving corruption. The Committee will make a recommendation (see recommendation 2.4.10 in Chapter II of this report).

[125] As regards the disciplinary procedure set forth in the Personnel Act, the Committee will refer to it in the section on the Ministry of Justice and Police, since that Act applies to both oversight bodies (see recommendation 3.4.14. in Chapter II of this report).

[126] In tenth place, regarding the manner in which the general public is provided with information about its objectives and functions, informed of the procedures established for the performance of its functions, and given guidance about how to carry out proceedings before them, the Committee notes that the country under review stated in its response:³¹:

[127] *“There is a Public Prosecutor appointed and trained to provide the press with information when necessary. In major cases, if needed, the Prosecutor General and the Chief of Police inform the public.*

[128] *Although the office does not have its own information program in the media, the monthly program of the Ministry of Justice sometimes addresses issues regarding the Prosecutor General’s office. Technically it’s part of the Ministry of Justice.”*

[129] In this regard, the Committee notes that the Public Prosecutions Department lacks the means to disseminate the information in question to the public. Indeed, the website of the Government of Suriname does not have a section on the Public Prosecutions Department and the only mention of it is in a graphic where it shown as part of the Ministry of Justice and Police (MJP). In its response to the questionnaire, the country under review considers the Public Prosecutions Department to be dependent upon the Ministry of Justice, in spite of the fact that the Department is a constitutionally recognized organ that should be autonomous.

[130] Bearing in mind that the Public Prosecutions Department is an oversight body whose functions include the investigation and prosecution of punishable offenses, including acts of

³¹ Response of Suriname to the questionnaire, p. 9.

corruption, the Committee believes that it would be useful for the country under review to consider introducing mechanisms to offer information to the public on the objectives and functions of the Department of Public Prosecutions, inform the public of the procedures established for the performance of those functions, and give guidance about how to carry out proceedings before it, including the creation of its own website, which contains this information along with an electronic mailbox for members of the public to make complaints and suggestions, with safeguards for the identities of complainants. Accordingly, the Committee will make a recommendation (see recommendation 2.4.11 in Chapter II of this report).

[131] Finally, the Committee notes that there is no obligation for the Public Prosecutions Department to give an account of its activities to the State and the public regarding its constitutionally assigned functions of investigating and prosecuting acts of corruption. Indeed, during the on-site visit, representatives of the Public Prosecutions Department stated that the Ministry of Justice and Police presents its report to the National Assembly, which, should it find it necessary, may inquire about the performance of the Public Prosecutions Department.

[132] Bearing in mind that the Public Prosecutions Department is a constitutionally-recognized body charged, *inter alia*, with the investigation and prosecution of punishable offenses, including acts of corruption, the Committee believes it necessary for the country under review to consider introducing the obligation for this organ to provide an account of its performance directly to the State and public, without intermediaries. To that end, the Public Prosecutions Department could release an annual management report and publish it on the Republic of Suriname's official website as well as via other media that it considers appropriate. The Committee will make a recommendation (see recommendation 2.4.12 in chapter II of this report).

2.3. Results of the legal framework and/or other measures

[133] In first place, as regards the functions of detecting and investigating corrupt acts that trigger the liability of the persons involved to disciplinary; administrative; financial or civil; or criminal proceedings over the last five years, in its response, the country under review offers the following information:³²:

[134] *“The Public Prosecutions Department has already successfully brought a few criminal cases before the Court, of civil servants who have acted in violation of their official duty.*

[135] *In the period 2009 -2013 the office has also led (the investigation of) some of these. Some were brought to court and some (less severe) were disciplinarily settled with a conditional discharge.*

[136] *There were three major cases prosecuted, from which in one the suspects are already convicted. In one the suspects were acquitted. The other is still pending. The last mentioned is a case in which three high ranked persons (including a director) of a government company were taken into custody and prosecuted.*

[137] In this connection, the Committee notes that although the country under review reports that the Public Prosecutions Department has performed its functions of detecting, investigating, and prosecuting acts of corruption, information is not broken down by year or described in any great detail. Furthermore, during the on-site visit, the representative of the Public Prosecutions Department mentioned that, though they had general statistics, they did not have specifically broken down information on acts of corruption. The Committee finds that it is not possible to make a

³² Response of Suriname to the questionnaire, pp. 12-13.

comprehensive assessment of the issue based on the information available and it will make a recommendation (see recommendation 2.4.13 in chapter II of this report).

2.4. Conclusions and recommendations

[138] Based on the comprehensive review conducted with respect to the Public Prosecutions Department in the foregoing sections, the Committee offers the following conclusions and recommendations:

[139] **The Republic of Suriname has considered and adopted measures intended to maintain and strengthen the Public Prosecutions Department as an oversight body, as described in Chapter II, Section 1 of this Report.**

[140] In light of the comments made in the above-noted section, the Committee suggests that the country under review consider the following recommendations:

- 2.4.1. Strengthen the Public Prosecutions Department by furnishing it, within the resources available, with sufficient prosecutors, especially those with specialized skills for investigating acts of corruption. (see Chapter II, Section 2.2 of this report).
- 2.4.2. Implement a job description and post classification manual for public prosecutors (see Chapter II, Section 2.2 of this report).
- 2.4.3. Specifically include the subject of prevention, investigation, prosecution and punishment of acts of corruption in the curriculum of the study program for public prosecutors; and as part of the continuing training program for incumbent prosecutors and all support staff assigned to the Public Prosecutions Department (see Chapter II, Section 2.2 of this report).
- 2.4.4. Strengthen the Public Prosecutions Department by furnishing it, within the resources available, with the funds that it needs to perform its functions properly; and adopt the necessary measures to enable it to have control over the determination and management of its budgetary resources (see Chapter II, Section 2.2 of this report).
- 2.4.5. Strengthen the Public Prosecutions Department by furnishing it, within the resources available, with the necessary support and administrative personnel to perform its functions properly; and adopt the necessary measures to enable it to have control over the determination and management of its human resources (see Chapter II, Section 2.2 of this report).
- 2.4.6. Create an anticorruption unit in the Police Department with sufficiently trained personnel to work in coordination with the Public Prosecutions Department on the investigation and prosecution of acts of corruption (see Chapter II, Section 2.2 of this report).
- 2.4.7. Establish formal coordination and mutual assistance mechanisms for detection, investigation, prosecution, and punishment of acts of corruption between the Public Prosecutions Department and the oversight bodies with responsibilities in this area, where appropriate (see Chapter II, Section 1.2 of this report)
- 2.4.8. Strengthen the Public Prosecutions Department, within available resources, by providing it with modern technologies and systems to facilitate the proper performance of its

functions as regards the investigation and prosecution of acts of corruption (see Chapter II, Section 1.2 of this report).

- 2.4.9. Develop a mechanism for dealing with claims, complaints, or allegations related to the pursuit of the objectives of the Public Prosecutions Department and the performance of public prosecutors, clearly indicating what course such claims, complaints, or allegations will take; what measures and criteria will be adopted in dealing with them, especially regarding acts of corruption (see Chapter II, Section 2.2 of this report).
- 2.4.10. Develop a code of conduct for the personnel of the Public Prosecutions Department that includes a specific enforcement mechanism, particularly in cases involving corruption (see Chapter II, Section 2.2 of this report).
- 2.4.11. Introduce mechanisms to offer information to the public on the objectives and functions of the Public Prosecutions Department, inform the public of the procedures established for the performance of those functions, and give guidance about how to carry out proceedings before it, including the creation of its own website which contains this information, along with an electronic mailbox for members of the public to make complaints and suggestions, with safeguards for the identities of complainants (see Chapter II, Section 2.2 of this report).
- 2.4.12. Establish the obligation for the Public Prosecutions Department to present accountability reports to the State and the citizenry on the performance of its constitutionally assigned functions of investigating and prosecuting punishable acts and to make those reports public on the Republic of Suriname's official website as well as via other media that it considers appropriate (see Chapter II, Section 1.2 of this report).
- 2.4.13. Provide complete and detailed statistics on investigations of acts of corruption that include data broken down by year and type of offense that clearly establish the total number of investigations initiated, stating how many cases are ongoing; how many have been suspended for whatever reason; how many have been barred because the statutory time limit has expired; how many have been archived without a decision adopted on the merits of the case under investigation; how many are in a position where a decision on the merits of the case under investigation could be adopted; and how many have been referred to the competent authority to adopt such a decision, in order to identify challenges and recommend corrective measures, if applicable (see chapter II, section 2.2. of this report).

3. MINISTRY OF JUSTICE AND POLICE (MJP)

3.1. Existence of provisions in the legal framework and/or other measures

[141] The Ministry of Justice and Police has a set of provisions in its legal framework and other measures concerning, among others, the following:

[142] The MJP is a body of the executive branch whose functions are described in Article 6 of the Government Regulation on Task Descriptions Departments (Government Regulation No. 58 of October 10, 1991).³³ Among its responsibilities are the facilitation of judicial organization and

³³ For the Ministry of Justice and Police the specific tasks are described in the Government Regulation on Task Descriptions Departments as follows:
Facilitate:

human resources affairs of the judiciary, as well as facilitation of the representation of the Republic of Suriname in court. The MJP also performs corruption-preventing activities. The Committee's review of this organ will center on its functions in support of the operations of the judiciary referred to in this paragraph, as well as its activities in preventing corruption.

[143] As regards the manner in which decisions are made, during the on-site visit, representatives of the MJP said that decisions are adopted in an individual capacity by the Minister of Justice and Police or Permanent Secretaries and Deputy Permanent Secretaries, depending on the matter at hand.

[144] Concerning the way in which its top posts are filled, during the on-site visit, representatives of the MJP said that the Minister of Justice and Police is appointed by the President of the Republic. The Minister is subject to discretionary appointment and removal and, in accordance with Article 123 (2) of the Constitution, ministers are answerable to the President, who is the competent authority for enforcing liability for their actions and deciding whether or not they should remain in office.

[145] In addition, the country under review indicated that departmental heads and heads of the MJP are appointed by the President.

[146] Regarding the way in which its human resources needs are determined, during the on-site visit, representatives of the MJP indicated that such appointments are made in accordance with the Personnel Act.

[147] As for internal control mechanisms, the disciplinary procedures for its staff are laid down in the Personnel Act.

[148] In addition, with regard to manuals describing employee functions, the country under review has a job description system known by the acronym FISO.³⁴

[149] With respect to implementation of modern technologies to facilitate its work, during the on-site visit, MJP representatives reported that they had a system for Permanent Secretaries known as DECOS, the FISO job description and post classification system, a financial system coordinated by the Ministry of Finance, and an Automation Department which is in charge of implementing new technologies.

[150] As regards dissemination of its objectives and functions, in the course of the on-site visit, MJP representatives stated that they had an External Communications Department which provides information to the public, organizes educational fairs open to the public, and has a website.

[151] Concerning the means for ensuring the necessary budgetary resources for its operations, during the on-site visit, representatives of the MJP said that the Ministry submits a proposal to the Ministry of Finance, which includes it in the draft budget presented to the National Assembly for approval.

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- a. the enforcement of fundamental human rights and freedoms;
 - b. the preparation, drafting and revision of regulations concerning constitutional matters;
 - c. lawmaking and providing legal advice for the benefit of the State;
 - d. the judicial organization and personnel affairs in respect of the Judiciary;
 - e. the representation of the State of Suriname in court;
 - f. the introduction, the prosecution, and execution of sanctions;
 - g. policies in regard of delinquent, including resocialization;
 - h. policies in regard of the admission, settlement, deportation, and extradition of aliens;
 - i. social legal advice;

³⁴ *Idem*, p. 9.

3.2. Adequacy of the legal framework and/or other measures

[152] The Ministry of Justice and Police (MJP) has a set of provisions and/or other measures that are relevant for promoting the purposes of the Convention, some of which were succinctly described in section 3.1. Nevertheless, the Committee considers it appropriate to set forth some observations with respect to these provisions and/or other measures:

[153] In first place, regarding its functions and objectives, the Committee notes that Article 6 of the Government Regulation on Task Descriptions Departments (Government Regulation No. 58 of October 10, 1991), establishes among its functions the organization of the judiciary and of its human resources affairs; the task of ensuring that the judicial branch functions properly belongs to the executive.

[154] As was noted in the sections on the High Court of Justice and Public Prosecutions Department, which together make up the judiciary, under the Regulations on Selection and Training of Judiciary Officials, the Minister of Justice oversees the functioning of the Council for the Selection and Training for the Judiciary, to which it appoints representatives from the High Court of Justice, the Public Prosecutions Department, the University of Suriname, the Bar Association, and the MJP itself. The Minister of Justice and Police also follows up on the recommendations of the Selection Council and presents the candidacies of judges and public prosecutors who have completed their training to the Council of Ministers and the President of the Republic for consideration and, as appropriate, appointment.

[155] However, as was also noted in the sections on the High Court of Justice and Public Prosecutions Department, both organs have said that they need more judges and prosecutors. In this regard, during the on-site visit, they also said that the judge and public prosecutor selection process was at a standstill because the terms of some of the members of the Council for the Selection and Training for the Judiciary had expired, in some cases two years earlier, and that the Ministry of Justice and Police, as the body responsible for the proper functioning of the Selection Council, had yet to designate replacements.

[156] On this matter, the Committee believes it immensely important that the Minister of Justice and Police appoint the members of the Selection Council as soon as possible and resume the process of appointing judges and public prosecutors, thereby ensuring that both the High Court of Justice and the Public Prosecutions Department have sufficient personnel to perform their functions properly, including detection, investigation, prosecution, and punishment of acts of corruption. It also underscores the importance of avoiding delays and interruptions in this process.

[157] Notwithstanding the recommendations made in this regard in those sections, bearing in mind the responsibility of the MJP for ensuring the proper functioning of the judiciary and the fact that it is the body that oversees the functioning of the Council for the Selection and Training for the Judiciary, the Committee considers it critical that the members of the Selection Council be appointed and that the appointments pending be finalized, so as to ensure that the organs of the judiciary have enough judges and public prosecutors to perform their functions properly, including those of investigation, prosecution, and punishment of acts of corruption. The Committee will make recommendations to that effect (see recommendations 1.4.1, 1.4.2, 2.4.1, 2.4.2, 3.4.1, and 3.4.2. in Chapter II of this report).

[158] In second place, regarding its functions as administrator of the budget and personnel matters of the High Court of Justice and Public Prosecutions Department, in the sections analyzing these bodies, the Committee notes that both mentioned as difficulties the fact that they have to seek prior authorization from the MJP for all budget expenditures, from the purchase of office supplies, to

training, transportation, and financing for investigations, including of corruption cases, which constitutes an obstacle to the proper performance of their functions.

[159] On this topic, the Committee notes that while it is not unusual in the majority of states parties for an administrative entity to be in charge of the financial and human resources affairs of the judiciary, in the case of Suriname the bodies of the judicial branch have to request authorization from a body of the executive branch to spend their own budgets. The Committee is of the view that while it is the prerogative of the country under review to keep the judiciary's budget under the supervision of the MJP or any other body that it considers appropriate, it would be advisable for it to consider taking steps to do away with the requirement of obtaining the MJP's authorization and, at the same time, consider introducing the obligation for the judiciary's organs to submit financial reports on how they use their budgets. The Committee will make a recommendation (see recommendation 3.4.3. in chapter II of this report.)

[160] In third place, regarding the task of preventing corruption, the Committee notes that, in its response, the country under review stated that through the Department of International Relations it makes plans for the prevention of acts of corruption within the civil service and provides training to Permanent Secretaries, department heads, and other officials, in order to improve the quality of their work and ethical standards. It also said that they provide training on the Inter-American Convention against Corruption; make recommendations for setting up an anti-corruption master plan; provide training materials, manuals and handbooks for the prevention, detection and handling cases of corruption; and collaborate with other steering committees on anti-corruption matters.³⁵

[161] Having said that, during the on-site visit, representatives of the MJP indicated that there is no legal basis or specific mandate that assigns anticorruption functions to the MJP or any other organ in the country under review, and that, though the MJP carries out activities and provide training in this area through its Department of International Relations and its Fraud Department, this has been done voluntarily and is mainly for top MJP officials.

[162] Bearing in mind how important anticorruption functions are for enabling the country under review to fulfill the purposes of the Convention, the Committee believes that it would be appropriate to consider taking the necessary regulatory steps to officially assign the function of preventing corruption to the MJP or another body that it deems appropriate, so that there is an organ in place with a specific mandate to that end. Therefore, the Committee will make a recommendation (see recommendation 3.4.4. in Chapter II of this report).

[163] In that connection, during the on-site visit, representatives of the MJP noted that the Department of International Relations, which performs a number of anticorruption activities, has a staff of four, which impedes the proper performance of the anticorruption functions assigned to them by the MJP. On this subject, the Committee considers it important for the body that the State officially designates to carry out the work of preventing corruption, be it the MJP or any other organ considered appropriate, has enough human and financial resources to carry out its functions properly. The Committee will make a recommendation (see recommendation 3.4.5. in Chapter II of this report).

[164] In fourth place, the country under review offered no information in its response about inter-institutional coordination with other oversight bodies with functions in the area of prevention, detection, investigation, or punishment of acts of corruption, in order to harmonize their roles and collaborate in their work. During the on-site visit, the Committee confirmed that none of the oversight bodies examined has a formal mechanism for coordination with the MJP. In this connection, the Committee believes that it would be appropriate for the country under review to

³⁵ *Idem*, p. 5.

consider implementing interagency coordination mechanisms among its oversight bodies with functions of prevention, detection, investigation, and punishment of acts of corruption, including the MJP, in order to facilitate the accomplishment of the purposes of the Convention. It will make a recommendation in that regard (see recommendation 3.4.6 in Chapter II of this report).

[165] In light of the MJP's role in ensuring the proper functioning of the bodies of the judiciary, particularly where implementing the purposes of the Convention is concerned, as is mentioned in the section on the Public Prosecutions Department, during the on-site visit, the Committee noted that the Central Government Auditing Bureau (CLAD) is not required to refer to the Public Prosecutions Department cases in which the former's audits uncover evidence of criminal liability, including that arising from possible acts of corruption. In this connection, representatives of both the Public Prosecutions Department and the CLAD said that the latter's only responsibility is to report to the Minister of Finance, who, should he or she consider it appropriate, decides whether or not the matter should be brought to the attention of the Public Prosecutions Department.

[166] The Committee underscores the importance of implementing a formal coordination mechanism encompassing the CLAD, the Ministry of Finance, the MJP, and the Public Prosecutions Department, so that the CLAD may relay cases that disclose evidence of corruption directly to the Department for investigation and prosecution, without having to pass through the filters of the Ministry of Finance and MJP. The Committee will make a recommendation (see recommendation 3.4.7. in chapter II of this report).

[167] Fifth, regarding mechanisms for obtaining support from the citizenry for carrying out its functions, during the on-site visit representatives of the MJP said that they were in contact with civil society organizations with a view to holding corruption-awareness courses. However, this is not a formal mechanism. On this point, the Committee believes that it would be advisable for the country under review to consider establishing formal mechanisms for coordination with civil society organizations involved with corruption-related issues, in order to obtain their assistance in accomplishing the purposes of the Convention. The Committee will make a recommendation in that regard (see recommendation 3.4.8. in Chapter II of this report).

[168] In that regard, it should be noted that during the on-site visit representatives of the civil society organization *Stiching Projekta* said that there were no formal mechanisms in place for civil society participation in governmental affairs and that there is no follow-up or monitoring, or a national plan to that end.

[169] Sixth, as regards the manner in which its decisions are adopted, the Committee notes that during the on-site visit, MJP representatives mentioned that at the ministerial level, the Minister or Permanent Secretary adopts his or her decisions in an individual capacity after consulting with the appropriate departments. However, they also mentioned that there are no regulated procedures that determine how such decisions are made, and therefore, there are no procedures for challenging or reviewing them. In this regard, the Committee believes it important for the country under review to consider introducing regulations governing the decision-making processes in the MJP that also envisage challenge and appeal procedures, and it will make a recommendation in that regard (see recommendation 3.4.9. in Chapter II of this report).

[170] In this connection, the Committee notes that during the on-site visit, the civil society organization *Stiching Projekta* mentioned that there are no standard decision-making procedures within the government administration, which leads to inconsistencies in the management of public resources and creates opportunities for possible acts of corruption.

[171] Seventh, with regard to the manner in which its human resources needs are determined, the Committee observes that this procedure is based on the Personnel Act. Given that this issue was examined during the Second Round and recommendations were put forward thereon, the Committee will not refer to it at this time.

[172] Nevertheless, bearing in mind that the MJP is the body in charge of supplying the High Court of Justice and Public Prosecutions Department with the necessary support staff, and that both bodies mentioned as problems insufficient personnel to perform their functions properly, the Committee will make a recommendation (see recommendation 3.4.10. in Chapter II of this report).

[173] Eighth, with regard to compliance with mandatory job requirements, during the on-site visit, the Committee noted that most department heads in the MJP were “acting”. In that regard, MJP representatives said that this was partly due to the fact that under the staff selection system in place, candidates had to complete a probationary period of one year during which they were considered “acting” before they could become permanent. In addition, however, if they do not meet the requirements for filling the position they may be appointed provisionally in any case until they meet the requirements or until a qualified candidate comes forward. If no qualified candidate applies within one year, then the acting head automatically becomes permanent. Without prejudice to the recommendations that were put to the country under review in the Second Round, in which government hiring systems in general were examined, the Committee is of the opinion that compliance with mandatory job requirements for holding public office is essential for fulfilling the purposes of the Convention and it will make a recommendation to that effect (see recommendation 3.4.11 Chapter II of this report).

[174] Ninth, as regards job description manuals, the Committee notes that the country under review has a job descriptions and salary scale system known as FISO. However, during the on-site visit, representatives of the MJP mentioned that this system does not apply to judiciary officials or to senior MJP officials. The Committee has already examined the judicial branch organs in the sections on the High Court of Justice and Public Prosecutions Department. However, the Committee would like to stress the need for senior MJP officials to have job descriptions and their respective salary scales, and it will make a recommendation to that effect (see recommendation 3.4.12. in Chapter II of this report).

[175] Tenth, regarding management and quality control systems, the Committee notes that in the course of the on-site visit representatives of the MJP said that they do not have documented procedures for their work or a quality management system, although they are in the process of development. The Committee considers it necessary for the MJP to have these procedures in order to improve management and prevent opportunities for corruption. Accordingly, the Committee will make a recommendation (see recommendation 3.4.13. in Chapter II of this report).

[176] Notably, during the on-site visit, representatives of the civil society organization *Stiching Projekta* explained that ministries do not have documented or standard operating procedures for carrying out their work, which impedes transparency as well as their operational efficiency.

[177] Eleventh, as regards rules on ineligibility and conflict of interests for staff, as well as on liability for their actions, the Committee notes that in the course of the on-site visit representatives of the MJP reported that the disciplinary system for Ministry staff, which also covers some judiciary personnel, as is explained in the sections on the High Court Justice and the Public Prosecutions Department, is governed by the Personnel Act.

[178] In this regard, the Committee finds that Article 61, (“Enumeration of Disciplinary Punishments”) of the Personnel Act establishes disciplinary penalties. However, the Committee

notes that said provision only envisages penalties for neglect of duties and that the Act does not set out a procedure that defines,³⁶ *inter alia*, how administrative preliminary hearings should be carried out, the specific authority in charge of carrying them out, or remedies by which to review or appeal decisions. In this regard, during the on-site visit, MJP representatives said that investigations were carried out by the police or the CLAD but that there was no internal entity to conduct administrative investigations and preliminary hearings. Taking into account the importance of the MJP having sufficient internal controls on liability for the actions of its officials, the Committee will make a recommendation (see recommendation 3.4.14. in chapter II of this report).

[179] Twelfth, as regards mechanisms for addressing claims, complaints, or allegations connected with the fulfillment of its objectives and the performance of its staff, in the course of the on-site visit representatives of the MJP mentioned that complaints and allegations are taken very seriously; they are investigated and appropriate measures are taken, including involving the police, if necessary. However, they also said that there is no regulated procedure for addressing claims, complaints, or allegations made by members of the public. The Committee will make a recommendation (see recommendation 3.4.15. in Chapter II of this report).

[180] The Committee also notes that the MJP website does not have a mailbox for members of the public to register complaints and offer suggestions, nor does it offer information about how to submit them or to whom. The Committee believes it important for the country under review to consider placing an electronic mailbox on the MJP website to allow members of the public to submit claims, complaints, or denunciations related to the pursuit of the objectives of the MJP and the performance of its officials, while including identity protection safeguards. The Committee will make a recommendation (see recommendation 3.4.16 in Chapter II of this report).

[181] In this regard, it is worth noting that during the on-site visit representatives of the civil society organization *Stiching Projekta* mentioned that there is no independent mechanism for submitting complaints and allegations with identity protection safeguards.³⁷

[182] Thirteenth, regarding the manner in which the general public is provided with information about its objectives and functions, is informed of the procedures established for the performance of its functions, and is given guidance about how to carry out proceedings, the Committee notes that the MJP has a website that provides information about its functions, objectives, and structure, as well as about all the departments and units that report to the Ministry, except the High Court of Justice and Public Prosecutions Department. However, the Committee notes that the rules and regulations that govern the MJP do not appear on its website, nor do forms for carrying out proceedings or

³⁶ Paragraph 1 of Article 61 provides: “A public servant who is guilty of neglect of duty may be subjected to one of the following disciplinary punishments: a. expression of dissatisfaction; b. reprimand; c. punishment service, consisting of the obligation to perform extra service during at the most fifteen days, during two consecutive hours per day; d. reduction of vacation, consisting of loss of at the most half of the right to holiday leave for a calendar year; e. fine, consisting of the obligation to pay an amount of at the most equal to the monthly salary, or to the quadruple of the weekly salary; f. stagnation of salary consisting of loss of the right on promotion pursuant to article 24, par. 4, and of those to periodic increments, for a period of at the most three years; g. reduction of salary-seniority, consisting of loss of one or more awarded periodic increments; h. suspension, for a period of at the most three months; i. demotion, consisting of lowering of rank; j. dismissal.”

Paragraph 2 of Article 61 establishes: “A public servant is also considered to be guilty of neglect of duty, if he: a. either before the commencement of his employment has committed deceit, in order to move the competent authority to engagement or to the determination of certain terms of employment; b. or in the course of his employment has been sentenced by judicial judgment to imprisonment regarding an outside any relationship with the employment intentionally committed crime”

³⁷ http://www.oas.org/juridico/pdfs/mesicic4_sur_proj.pdf

information about how to pursue such proceedings. The Committee will make a recommendation (see recommendation 3.4.17 in Chapter II of this report).

[183] Fourteenth, with respect to mechanisms for accountability reporting to the State and citizenry on the performance of its functions and the way in which the information needed for that is gathered and processed, the Committee notes that, during the on-site visit, representatives of the MJP indicated that Article 123 (2) of the Constitution states that ministers are answerable to the President and that although they had no obligation to submit an account of their performance to the public, they voluntarily publish their financial and management reports on their website. The Committee notes, however, that these reports are not on the MJP website and it considers that it would be useful for the country under review to share them on the Internet and via other media, so that the public is kept informed of the MJP's performance, including where its functions of organizing and supporting the judicial branch and its anticorruption activities are concerned. The Committee will make a recommendation (see recommendation 3.4.18. in Chapter II of this report).

[184] Finally, concerning difficulties and technical cooperation needs, during the on-site visit, MJP representatives reported that they lacked sufficient budgetary and human resources and that a specialized unit needed to be created to implement a robust and efficient anticorruption program. In this regard, they said that doing so required building up capacities and expertise, as well as anticorruption and foreign language instruction. In this respect, the Committee takes note of the needs described by the MJP and believes that it would be advisable for the country under review to provide it with the necessary support and to invite other states parties and cooperation entities to assist the agency in these areas. The Committee will make a recommendation (see recommendation 3.4.19. in Chapter II of this report.)

3.3. Results of the legal framework and/or other measures

[185] In first place, in its response to the questionnaire the country under review did not provide information on corruption prevention functions over the last five years. The Committee also notes that during the on-site visit representatives of the MJP said that they did not have statistics on the results of the prevention activities that they have been carrying out. In this regard, the Committee believes that it would be important for the MJP to consider keeping detailed statistics disaggregated by the year on its corruption prevention activities, so that the information might be used to identify challenges and recommend corrective measures, if applicable. Therefore, the Committee will make a recommendation (see recommendations 3.4.20. in Chapter II of this report).

[186] By the same token, bearing in mind the role of the MJP as administrator both of its own human resources affairs and those of the organs of the judiciary, the Committee notes that the country under review also did not provide any information regarding functions of punishing corrupt acts that trigger the liability of the persons involved to disciplinary; administrative; financial or civil; or criminal proceedings. In that regard, the Committee underscores the importance that the country under review consider keeping statistics on disciplinary proceedings connected with corrupt acts that trigger liability to disciplinary, administrative, financial, or civil penalties, in order to identify challenges and adopt corrective measures, if applicable. The Committee will make a recommendation (see recommendation 3.4.21. in Chapter II of this report).

3.4. Conclusions and recommendations

[187] Based on the comprehensive review conducted with respect to the Ministry of Justice and Police (MJP) in the foregoing sections, the Committee offers the following conclusions and recommendations:

[188] **The Republic of Suriname has considered and adopted measures intended to maintain and strengthen the Ministry of Justice and Police (MJP) as an oversight body, as described in Chapter II, Section 3 of this Report.**

[189] In light of the comments made in the above-noted section, the Committee suggests that the country under review consider the following recommendations:

- 3.4.1. Appoint replacements for the members of the Council for the Selection and Training for the Judiciary whose terms have expired so that it can resume operating and can perform its functions (see Chapter II, Sections 1.2, 2.2, and 3.2 of this report).
- 3.4.2. Finalize the pending appointments of judges as soon as possible, so as to ensure that the High Court of Justice has enough personnel to perform their justice administration functions properly (see Chapter II, Sections 1.2, 2.2, and 3.2 of this report).
- 3.4.3. Do away with the requirement for the bodies of the judiciary to obtain the authorization of the MJP to use their own budgets and introduce the obligation for them to submit financial reports on how they use those resources (see Chapter II, section 3.2 of this report).
- 3.4.4. Consider taking the necessary regulatory measures to officially assign the function of preventing corruption to the MJP or another body that it deems appropriate, so that the country under review has in place a body with a specific mandate to that end (see Chapter II, section 3.2 of this report).
- 3.4.5. Provide the MJP or the body that it officially designates to carry out the work of preventing corruption with enough human and financial resources, within those that are available, to carry out its functions properly (see Chapter II, section 3.2 of this report).
- 3.4.6. Implement inter-institutional coordination mechanisms, where applicable, between the MJP and other oversight bodies with functions of prevention, detection, investigation, and punishment of acts of corruption, in order to facilitate the accomplishment of the purposes of the Convention, as appropriate (see Chapter II, section 3.2 of this report).
- 3.4.7. Implement a formal coordination mechanism encompassing the MJP, the Ministry of Finance, the CLAD, and the Public Prosecutions Department, removing communications filters so that the CLAD may relay cases that disclose evidence of corruption directly to the Public Prosecutions Department for investigation and prosecution (see Chapter II, section 3.2 of this report).
- 3.4.8. Establish formal mechanisms for coordination with civil society organizations involved with corruption-related issues, in order to obtain their assistance in accomplishing the purposes of the Convention (see Chapter II, section 3.2 of this report).
- 3.4.9. Develop regulated decision-making processes in the MJP, ensuring that they envisage procedures for review or reconsideration (see Chapter II, Section 3.2 of this report).

- 3.4.10. Ensure that the organs of the judiciary have enough qualified support staff to properly perform their constitutionally assigned functions of administering justice, as well as detection, investigation, prosecution, and punishment of acts of corruption (see Chapter II, Sections 1.2, 2.2, and 3.2 of this report).
- 3.4.11. Adopt the necessary measures to ensure that the requirements to meet the job qualifications to occupy a post in the MJP are being complied with, especially where executive positions are concerned (see Chapter II, Section 3.2 of this report).
- 3.4.12. Establish a job description and post classification manual, with its respective salary scale, for MJP personnel who are not included in the current FISO system (see Chapter II, Section 3.2 of this report).
- 3.4.13. Design documented working procedures for all areas of the MJP, including manuals or guidelines for that purpose, along with an integrated quality-management system (see Chapter II, Section 3.2 of this report).
- 3.4.14. Consider appropriate regulatory measures for developing a disciplinary procedure that clearly defines negligence in the performance of official duties, envisages administrative penalties for acts of corruption, sets out detailed rules of procedure for administrative preliminary hearings, identifies the authority to hold such hearings, and institutes the obligation and mechanism for informing the competent authority when evidence is found of acts that engage liability to civil, criminal, and administrative penalties (see Chapter II, Section 3.2 of this report).
- 3.4.15. Develop a mechanism for dealing with claims, complaints, or allegations related to the pursuit of the objectives of the MJP and the performance of its staff, clearly indicating what course such claims, complaints, or allegations will take; what measures and criteria will be adopted in dealing with them; and what the consequences will be, particularly in cases concerning acts of corruption (see Chapter II, Section 3.2 of this report).
- 3.4.16. Place an electronic mailbox on the MJP website to allow members of the public to submit suggestions, claims, complaints, or denunciations related to the pursuit of the objectives of the MJP and the performance of its staff, while including identity protection safeguards (see Chapter II, Section 3.2 of this report).
- 3.4.17. Place on the MJP website the rules and regulations that govern it, as well as forms and guidance for carrying out proceedings before it (see Chapter II, Section 3.2 of this report).
- 3.4.18. Publish the annual financial and management reports of the MJP on its website as well as via other media, so that the public is kept informed of this oversight body's performance, including where its functions of organizing and supporting the judicial branch and its anticorruption activities are concerned (see Chapter II, Section 3.2 of this report).
- 3.4.19. Encourage the necessary arrangements with other states and cooperation agencies to provide the MJP with the necessary technical cooperation for creating a specialized unit to implement a robust and efficient anticorruption program as well as for building up capacities and expertise in this area (see Chapter II, Section 3.2 of this report).

- 3.4.20. Keep detailed statistics broken down by year on the corruption prevention activities of the MJP, so that the information may be used to identify challenges and recommend corrective measures (see Chapter II, Section 3.2 of this report).
- 3.4.21. Keep detailed statistics broken down by year on MJP disciplinary proceedings, including those of the judicial branch organs, connected with corrupt acts that trigger liability to disciplinary, administrative, financial, or civil penalties, in order to know the total number of cases investigated over the last five years, the number of decisions adopted in connection with those cases, as well as the number of decisions that have resulted in: a charge or a penalty; no accusation or an acquittal; and prescription of action or extinction of liability for lack of a decision within statutory time limits, in order to identify challenges and recommend the adoption of corrective measures, as necessary (see Chapter II, Section 3.2. of this report).

4. CENTRAL GOVERNMENT AUDITING BUREAU (CLAD)

4.1. Existence of provisions in the legal framework and/or other measures

[190] The Central Government Auditing Bureau (CLAD) has a set of provisions in its legal framework and other measures concerning, among others, the following:

[191] The CLAD is a parastatal agency under the Ministry of Finance, whose purpose, according to paragraph 1 of Article 2 of the Government Regulation of 1972,³⁸ is to conduct oversight of the administration of general services, government institutions, public utilities, and specifically designated parastatal enterprises. Its audits consist of examining the validity of financial reports and the effectiveness of management strategy.³⁹

[192] Paragraph 4 of the same provision provides that the Minister of Finance may delegate such other supervisory and advisory functions to the CLAD as he deems pertinent, and that the CLAD may make recommendations to the Minister of Finance on its own initiative.

[193] Paragraph 3 of article 2 of the Government Regulation of 1972 grants the CLAD authority to request officials and committees access to the necessary information to inspect all books and records, including minutes and correspondence, as well as information on the administration and management of funds and assets. Officials and committees have a duty to provide information and lend their cooperation.

[194] As to the way in which it makes decisions, the country under review mentions in its response that they are adopted by a management team.⁴⁰

[195] Regarding functions concurrently or jointly exercised with other organs or authorities, during the on-site visit, representatives of the CLAD mentioned that there are three main institutions that audit government revenues and expenditures: the Supreme Audit Institution of Suriname (SAI - *Rekenkamer*), which is the state body recognized by the Constitution for this purpose; the CLAD; and the internal audit units in the various ministries.⁴¹

³⁸ Articles 1 and 2 of the Government Regulation of 1972.

³⁹ See PowerPoint presentation at http://www.oas.org/juridico/pdfs/mesicic4_sur_clad.pdf

⁴⁰ Response of Suriname to the questionnaire for the Fourth Round, p. 6.

⁴¹ See PowerPoint presentation at http://www.oas.org/juridico/pdfs/mesicic4_sur_clad.pdf

[196] Regarding the way in which its top posts are filled, during the on-site visit, representatives of the CLAD said that *“the law provides that the Director is appointed, suspended, or dismissed by the President, following their nomination by the Minister of Finance. The nomination requires the approval of the Council of Ministers. The same procedure is used to appoint the Executive Board. Other officials are appointed by the Director.”*⁴²

[197] In accordance with Article 4 of the Government Regulation of 1972, the Director of the CLAD shall be an accountant and a member of the Netherlands Institute of Chartered Accountants.

[198] Regarding the way in which its human resources needs are determined, the selection process is carried out in accordance with the procedures set down in the Personnel Act.⁴³

[199] On the question of the existence of job description manuals and documents, the CLAD uses the FISO classification system and salary scale for civil servants. In addition, during the on-site visit, representatives of the CLAD said that they offer continuous training to their staff on their functions.

[200] Regarding documented operating procedures and institutional strengthening or quality improvement measures, the country under review mentioned in its response that the CLAD is governed by the International Standards on Auditing (ISA) and International Financial Reporting Standards (IFRS). In addition, they have implemented a management audit system (*CCH TeamMate*) and a document management system (DECOS), as well as manuals for both.

[201] As regards rules on liability of CLAD personnel for their actions, during the on-site visit, CLAD representatives informed that, as part of the Ministry of Finance they are subject to the disciplinary regime set down in the Personnel Act.

[202] As to the way in which its budget resources are ensured, the country under review mentioned in its response that its budget is approved and set by the Minister of Finance.⁴⁴

[203] Regarding the manner in which the general public is provided with information about its objectives and functions, and the procedures established for the performance of its functions, the CLAD has a website where this information is available and there is “mailbox” for questions and suggestions.⁴⁵

[204] With respect to accountability obligations, paragraph 2 of article 2 of the Government Regulation of 1972 establishes the requirement for the CLAD to submit an annual report to the Minister of Finance.

4.2. Adequacy of the legal framework and/or other measures

[205] The Central Government Auditing Bureau (CLAD) has a set of provisions and/or other measures relevant for the purposes of the Convention, some of which were described in brief in section 4.1 of this report. However, the Committee believes it timely to make a number of observations in relation thereto:

[206] In first place, regarding the nature of its functions, the Committee notes that the CLAD is a parastatal agency responsible for internal oversight of the finances of state institutions, public utilities, and parastatal enterprises. According to the Regulation of 1972, which governs it, this

⁴² See PowerPoint presentation at http://www.oas.org/juridico/pdfs/mesicic4_sur_clad.pdf

⁴³ See PowerPoint presentation at http://www.oas.org/juridico/pdfs/mesicic4_sur_clad.pdf

⁴⁴ Response of Suriname to the questionnaire for the Fourth Round, p. 10.

⁴⁵ See www.clad.gov.sr

oversight body is under the structure of the Ministry of Finance, to which it is required to submit accountability reports.

[207] In addition, Supreme Audit Institution of Suriname (SAI *-Rekenkamer*) is the autonomous constitutional organ charged with external oversight of state finances in the broadest sense, in accordance with Article 149 of the Constitution.⁴⁶ The Supreme Audit Institution of Suriname presents an evaluation report on the management of the state's financial affairs to the National Assembly once a year in April. It is worth pointing out that although the Supreme Audit Institution is not being analyzed at this time, the Committee believes it necessary to refer to this organ in view of the functions that it shares with the CLAD, as will be seen below.

[208] In this regard, during the on-site visit, representatives of the CLAD mentioned that though its function is internal oversight of state and parastatal institutions and that the task of external oversight belongs to the Supreme Audit Institution, in practice this is not what occurs. The reason for this is that the Supreme Audit Institution has no certified accountants or auditors who could perform and endorse audits.

[209] In this regard, they said that they were working on a proposal that would establish a clear line between the functions in practice of the Supreme Audit Institution and those of the CLAD and, at the same time, bring the internal audit units of government institutions under the authority of the CLAD.

[210] In light of the foregoing, the Committee believes it necessary, for the purposes of the Convention, for the country under review to consider establishing a clear line in practice between the responsibilities of the Supreme Audit Institution, the CLAD, and internal audit units within government organs and parastatal enterprises, so as to ensure the effectiveness of their internal oversight. The Committee will make a recommendation (see recommendation 4.4.1 in Chapter II of this report).

[211] In this connection, it should be noted that during the on-site visit, the Association of Chartered Accountants of Suriname (SUVA) mentioned that the Supreme Audit Institution had no certified accountants to perform audits and thus properly discharge its role as an external oversight organ. They said that, as a result, it was delegating that function to the CLAD. They also said that the SUVA had prepared draft legislation for reforming the CLAD and Supreme Audit Institution, which had been presented to the Ministry of Finance⁴⁷.

[212] Second, the Committee notes that, in its response, the country under review mentioned the lack of adequate internal oversight systems in ministries as an obstacle to the proper performance of its functions.⁴⁸ In this connection, during the on-site visit representatives of the CLAD said that the lack of standard procedures in government organs made it difficult to obtain reliable information in a timely manner and hindered the detection of acts of corruption by the CLAD. Bearing in mind the importance of the State's internal oversight organ's function of detecting acts of corruption, the Committee will make a recommendation (see recommendation 4.4.2 in Chapter II of this report).

⁴⁶ Article 149 of the Constitution of Suriname provides: "1. An institution shall be established by law which shall have the task to supervise the expenditure of state finances, as well as to control the management of government funds in the broadest sense. 2. The justification as well as the effectiveness of the expenditure and management of the state finances shall be supervised and controlled."

⁴⁷ The State under review, in its document of comments to the preliminary draft report, made the following remark: "The SAI [Rekenkamer] of Suriname has not formally delegated the external function to the CLAD, but in practice we can say that is the case."

⁴⁸ Response of Suriname to the questionnaire for the Fourth Round, p. 14.

[213] In this regard, the civil society organization *Stiching Projekta* also said that there was a lack standard procedures among ministries.

[214] In third place, regarding the way in which its top posts are filled, the Committee notes that during the on-site visit, representatives of the CLAD said that though the Government Regulation of 1972 provided that there shall be a Director appointed by the President of the Republic on the recommendation of the Minister of Finance, there had been no Director for 22 years. Furthermore, the Executive Board, chaired by the Director and supposedly in charge of decision-making, has not been appointed either because there is no Director.

[215] On this occasion, representatives of the CLAD explained that the lack of a Director had to do with the statutory requirements that he or she had to meet, given that they had to be an accredited member of the Royal Netherlands Institute of Registered Accountants (NIVRA) as well as a citizen of Suriname, and that there is a shortage of certified accountants in Suriname.

[216] The reasons are that none of the chartered public accountants in Suriname, despite having been born in the country, has Surinamese citizenship. Therefore, they cannot be civil servants, much less occupy the post of Director of the CLAD. It is worth mentioning that, as a result, accountants from the Netherlands Institute of Registered Accountants, who in these circumstances are the only ones who can endorse auditors' reports, had to be hired as consultants because, as was mentioned, they were not Surinamese citizens. Furthermore, without these consultants the CLAD would be unable to perform internal oversight of state and parastatal agencies. In the meantime, the CLAD is led by a manager and management team, which head the organ and oversee its operations.

[217] In this connection, representatives of the CLAD noted that although Netherlands laws had been reformed and updated, the same could not be said of Suriname's legislation. Indeed, the Regulation of 1972, which governs the CLAD, was issued by the Queen of the Netherlands before the Republic of Suriname became independent and adopted its current Constitution. Its only revision came in 2011, when the Government updated the figures in the relevant articles to Surinamese dollars, which replaced guilders as the currency in use in 2004. They also noted that the accountancy profession is not regulated in Suriname and that there is no national registration or accreditation body that might offer an alternative to the requirement of accreditation with the Netherlands Institute of Registered Accountants (NIVRA).

[218] On this point, the Committee wishes to recall that the subject of regulating the accountancy profession, creation of an oversight body for accountants, and mandatory membership of an association for the practice of their profession were matters addressed in the Third Round, when recommendations were made to the country under review in that regard. Accordingly, the Committee will not refer to the subject at this time.

[219] Having said that, the Committee considers that the country under review could update the laws governing the CLAD in order, *inter alia*, to establish the conditions for this oversight body to have a Director and Executive Board, so that it can function properly. The Committee will make a recommendation (see recommendation 4.4.3 in Chapter II of this report).

[220] The Committee further notes that although the Regulation of 1972 provides that the Director of the CLAD is appointed by the President of the Republic on the recommendation of the Minister of Finance, it does not set out a selection procedure to that end. In this regard, without prejudice to the recommendations that were put to the country in the Second Round, in which government hiring systems in general were examined, the Committee considers it pertinent for the country under review to consider regulating the selection process for the Director and Executive Board of the CLAD,

ensuring that the procedure is based on the principles of merit, disclosure, fairness, and efficiency (see recommendation 4.4.4 Chapter II of this report).

[221] In fourth place, with respect to the way in which the administrative and support personnel of the CLAD are hired, such staff are contracted by the Ministry of Finance in accordance with the procedures laid down in the Personnel Act. In this connection, the Committee examined government hiring procedures during the second review round and made specific recommendations to the country under review regarding the Personnel Act. Therefore, it will not refer to this procedure at this time.

[222] However, the Committee notes that, in its response, the country under review mentioned the CLAD's lack of sufficient qualified auditors as a difficulty.⁴⁹ The Committee considers it pertinent for the country under review to consider strengthening the CLAD by ensuring that it has the necessary human and financial resources to perform its functions properly, and it will make a recommendation to that effect (see recommendation 4.4.5 in Chapter II of this report).

[223] The Committee also notes that, in its response, the country under review mentioned the absence of a code of conduct applicable to all civil servants as a difficulty.⁵⁰ On this point, bearing in mind that this issue was examined in the First Round and that recommendations were made to the country under review in that regard on that occasion, the Committee will address it in the section of this report that deals with follow-up on implementation of the recommendations formulated in the First Round.

[224] In fifth place, as regards rules on ineligibility, conflict of interest, liability for their actions, the Committee notes that in the course of the on-site visit representatives of the CLAD reported that its disciplinary rules are contained in the Personnel Act, which applies to all employees of the Ministry of Finance, of which the CLAD is a part. Bearing in mind that this procedure is the same for all civil servants, the Committee has made a recommendation in the section on the Ministry of Justice and Police, which is also pertinent to the CLAD as it is a crosscutting issue (see recommendation 3.4.14. in Chapter II of this report).

[225] In spite of the foregoing, as noted above, during the on-site visit, the Committee found that owing to the requirements for certifying audits, presently the only certified public accountants that belong to the Netherlands Institute of Registered Accountants and who can, therefore, endorse the CLAD's auditors reports, are not Surinamese citizens and, consequently, have had to be hired on consultancy contracts. Accordingly, as consultants, as opposed to civil servants, these certified accountants are not subject to the same rules on ineligibility, conflict of interest and liability for their actions as civil servants, but are bound by the terms of their respective contracts⁵¹.

[226] The Committee considers, therefore, that though these consultants are not civil servants, they are, nevertheless, performing public duties with responsibilities for the management of public funds and are vital to the CLAD's operations. Therefore, the Committee believes that the country under review should consider adopting the necessary measures to make these consultants subject to the same rules on ineligibility, conflict of interest, and liability for their actions as the CLAD's civil servants and it will make a recommendation in that regard (see recommendation 4.4.6 in Chapter II of this report).

⁴⁹ Response of Suriname to the questionnaire for the Fourth Round, p. 14.

⁵⁰ *Idem*.

⁵¹ The State under review, in its document of comments to the preliminary draft report, made the following remark: "*The certified public accountants of CLAD must also comply with the code of conduct of the Dutch professional body of certified accountants.*"

[227] In sixth place, during the on-site visit, the CLAD said that when signs of criminal wrongdoing, including corruption, are discovered in auditors' reports, the information is not relayed as a matter of course to the Public Prosecutions Department, but reported to the Minister of Finance, who decides whether or not to notify the Public Prosecutions Department. It is worth mentioning that on this occasion CLAD representatives reported that they also share audit findings with the Supreme Audit Institution. However, they pointed out that neither the CLAD nor the Supreme Audit Institution are obliged to refer such cases to the Public Prosecutions Department.

[228] On this point, the Committee considers it of great importance, for the purposes of the Convention, for the country under review to consider removing any communication filters between the CLAD and the Public Prosecutions Department, and to consider introducing the obligation for all internal and external oversight organs to report to the Public Prosecutions Department as a matter of course any audit findings that disclose evidence of punishable acts, especially corruption, for investigation and prosecution. The Committee will make recommendations in that regard (see recommendations 3.4.7. and 4.4.7 Chapter II of this report).

[229] Seventh, as regards interagency coordination, the Committee notes that during the on-site visit, CLAD representatives mentioned that there is no formal mechanism encompassing the three main institutions in charge of government audits (CLAD, Supreme Audit Institution, and internal audit units in ministries).⁵² Bearing in mind the importance of strengthening communication and coordination among these institutions in order to facilitate detection of acts of corruption, the Committee will make a recommendation (see recommendation 4.4.8. in Chapter II of this report).

[230] Eighth, with respect to mechanisms for internal control and for dealing with claims, complaints, or allegations related to the pursuit of their objectives and the performance of their personnel, the country under review mentioned in its response that "*the CLAD has not adopted internal procedures for dealing with complaints.*"⁵³ In this regard, the Committee believes it pertinent for the country under review to establish documented internal procedures for dealing with claims, complaints, or allegations of this nature in the CLAD, and it will make a recommendation in that regard (see recommendation 4.4.9. in Chapter II of this report).

[231] Further to the above, the Committee notes that the CLAD website includes a questions and suggestions mailbox.⁵⁴ The Committee believes that it would be beneficial to broaden the scope of this mailbox so that members of the public may use it (with identity protection safeguards) to submit claims, complaints, or allegations related to the fulfillment of the CLAD's objectives and the performance of its personnel, as well as to report acts of corruption in the state organs and parastatal agencies under the CLAD's responsibility, together with guidance on how to do so. The Committee will make a recommendation (see recommendation 4.4.10. in Chapter II of this report).

[232] Finally, as regards mechanisms for submitting accountability reports on the performance of its functions and the way in which this information is made publicly accessible, the country under review mentioned in its response that the CLAD is answerable to the Minister of Finance, who annually presents its financial statements and reports on the performance of its audits and other activities. During the on-site visit, CLAD representatives reported that this information was not made public. In this regard, the Committee believes that the country under review could share the CLAD's management and annual reports on its website as well as via such other media as it deems appropriate, so that members of the public can access this information. The Committee will make a recommendation (see recommendation 4.4.11. in Chapter II of this report).

⁵² See PowerPoint presentation at http://www.oas.org/juridico/pdfs/mesicic4_sur_clad.pdf

⁵³ Response of Suriname to the questionnaire for the Fourth Round, p. 10.

⁵⁴ See <http://www.clad.gov.sr/smartcms/form.asp?i=1>

4.3. Results of the legal framework and/or other measures

[233] The on-site visit yielded information on the results of the Central Government Auditing Bureau (CLAD), notably the following:

Number of audits and investigations conducted in the last five years

GOVERNMENT AGENCIES					
Year	Audit Reports.	Management letters	Memoranda	Other (advisory services, assistance)	Total
2009	42	15	-	4	61
2010	29	47	3	4	83
2011	28	24	-	0	52
2012	44	56	71	1	172
2013	42	17	86	4	149
PARASTATAL ENTERPRISES					
Year	Audit Reports.	Management letters	Memoranda	Other (advisory services, assistance)	Total
2009	34	3	-	8	45
2010	47	1	3	8	59
2011	37	-	8	5	50
2012	82	-	1	14	97

2013	59	0	1	3	63
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Source: Excel spreadsheet provided by the CLAD⁵⁵

[234] The preceding information shows that the CLAD has been preparing audit reports, providing advisory services, and making recommendations. However, it is not possible to determine if those audits were internal or external; how many disclosed evidence of punishable acts, particularly acts related to corruption; how many were reported to the responsible authority for follow-up; what were the actual results of the recommendations issued by the CLAD; what were the resulting amounts from administrative and civil liability, or as a result of evidence of criminal liability, and what amounts did the State recover as a result of that liability. Therefore, the Committee will make a recommendation (see recommendation 4.4.12 in Chapter II of this report).

4.4. Conclusions and recommendations

[235] Based on the comprehensive review conducted with respect to the Central Government Auditing Bureau (CLAD) in the foregoing sections, the Committee offers the following conclusions and recommendations:

[236] **The Republic of Suriname has considered and adopted measures intended to maintain and strengthen the CLAD as an oversight body, as described in Chapter II, Section 4 of this Report.**

[237] In light of the comments made in the above-noted section, the Committee suggests that the country under review consider the following recommendations:

- 4.4.1. Establish a clear line in practice between the functions of the Supreme Audit Institution (SAI - *Rekenkamer*) and those of the Central Government Auditing Bureau (CLAD) and bring the internal audit units under the authority of the CLAD, so as to ensure the effectiveness of their respective areas of oversight (see Chapter II, Section 4.2 of this report).
- 4.4.2. Strengthen the internal control systems of governmental and parastatal agencies by implementing standard procedures in those organs that will also ensure the provision of reliable information to the state's internal and external oversight organs in a timely manner (see Chapter II, Section 4.2 of this report).
- 4.4.3. Consider updating the standards governing the CLAD, creating, *inter alia*, the conditions to enable this oversight body to have a Director and Executive Board (see Chapter II, Section 4.2 of this report).
- 4.4.4. Consider regulating the selection process for the Director and Executive Board of the CLAD, ensuring that the procedure is based on the principles of merit, disclosure, fairness, and efficiency (see Chapter II, Section 4.2 of this report).
- 4.4.5. Strengthen the CLAD by providing it, within the resources available, with the necessary human and budgetary resources to perform its functions properly (see Chapter II, section 4.2 of this report).

⁵⁵ See Excel report http://www.oas.org/juridico/pdfs/mesicic4_sur_number.pdf

- 4.4.6. Adopt the necessary measures to make CLAD consultants who are performing public duties, especially those having to do with the management of public funds, subject to the same rules on ineligibility, conflict of interest, and liability for their actions as civil servants (see Chapter II, Section 4.2 of this report).
- 4.4.7. Introduce the obligation for all the state's internal and external financial oversight bodies to report to the Public Prosecutions Department any audit findings that disclose evidence of punishable acts, especially corruption (see Chapter II, Section 4.2 of this report).
- 4.4.8. Develop formal mechanisms to allow prompt coordination among the main oversight agencies for government and parastatal institutions (CLAD, Supreme Audit Institution, and internal audit units in ministries), where applicable, in order to improve the flow of information and make it easier to detect acts of corruption (see Chapter II, Section 4.2 of this report).
- 4.4.9. Develop a mechanism for dealing with claims, complaints, or allegations related to the pursuit of the objectives of the CLAD and the performance of its staff, clearly indicating what course such claims, complaints, or allegations will take; what measures and criteria will be adopted in dealing with them; and what the consequences will be, particularly in cases concerning acts of corruption (see Chapter II, Section 4.2 of this report).
- 4.4.10. Broaden the scope of the questions and suggestions mailbox so that members of the public may use it (with identity protection safeguards) to submit claims, complaints, or allegations related to the fulfillment of the CLAD's objectives and the performance of its personnel, as well as to report acts of corruption in the state organs and parastatal agencies under the CLAD's responsibility, together with guidance on how to do so (see Chapter II, Section 4.2 of this report)
- 4.4.11. Share the CLAD's management and annual reports on its website as well as via such other media as it deems appropriate, so that members of the public can access this information (see Chapter II, Section 4.2 of this report).
- 4.4.12. Provide complete statistics on detection of acts of corruption, so as to make it possible to determine if those audits were internal or external; how many disclosed evidence of punishable acts, particularly acts related to corruption; how many were reported to the responsible authority for follow-up; what were the actual results of the recommendations issued by the CLAD; what were the resulting amounts from findings of administrative and civil liability, or as a result of evidence of criminal liability, and what amounts did the State recover as a result of that liability, with a view to identifying challenges and recommending corrective measures (see Chapter II, Section 4.3 of this report).

III. BEST PRACTICES

[238] In accordance with Section IV of the *Methodology for the Review of the Implementation of the Provision of the Inter-American Convention against Corruption Selected in the Fourth Round* and the *Format* adopted by the Committee for the Reports of said Round, references is made to the best practices identified by the country under review, which it has expressed its wish to share with the other member States of the MESICIC, as it could be beneficial to them:

[239] **In connection with the Ministry of Justice and Police (MJP)**

[240] - Awareness programs with the media on preventing corruption, whose task it is to inform the public.

[241] - Trainings on prevention for high-ranking authorities and other public officials so that they can distinguish between what is and what is not corruption.⁵⁶

IV. FOLLOW-UP ON PROGRESS AND NEW AND RELEVANT INFORMATION AND DEVELOPMENTS WITH REGARD TO THE IMPLEMENTATION OF RECOMMENDATIONS SUGGESTED IN THE COUNTRY REPORT IN THE FIRST ROUND OF REVIEW⁵⁷

[242] The Committee will refer below to the progress, information, and new developments made by the Republic of Suriname in relation to the recommendations and measures suggested by the Committee for implementation in the Report of the First Round, and with respect to which the Committee deemed that additional attention was required in the Reports from the Second and Third Rounds,⁵⁸ and shall, as appropriate, take note of those that have been satisfactorily considered and those that require additional attention from the country under review. In addition, where appropriate, it will address the continued validity of those recommendations and measures and, as applicable, restate or reformulate them pursuant to section VI of the *Methodology* adopted by the Committee for the Fourth Round of Review.

[243] The Committee will also take note in this section of the Report of the difficulties in implementing the aforementioned recommendations and the measures to which the country under review has drawn attention, as well as of its technical cooperation needs to that end.

1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE THEM (ARTICLE III, PARAGRAPHS 1 AND 2 OF THE CONVENTION)

1.1. Standards of conduct to prevent conflict of interest and mechanisms to enforce them

Recommendation 1.1.

Consider strengthening the implementation of the provisions on conflicts of interest, and ensure that the laws on this matter are applicable to all public officials and employees, so as to permit the practical and effective application of a public ethics system.

Measure (a) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Ensure that government officials and employees in all three branches of government, including those who hold political office, are covered by an applicable conflict of interest regime.

⁵⁶ For more information, see:

<http://www.gov.sr/sr/ministerie-van-biza/actueel/archief/2011/anti-corruptie.aspx>

<http://www.dna.sr/nieuws/anti-corruptie-compilatie-gepresenteerd/>

http://undpsuriname.org/index.php?option=com_content&view=article&id=149:international-anti-corruption-day&catid=1:news&Itemid=12

⁵⁷ The list of recommendations that still require additional attention or which have been reformulated following this analysis, have been included as Annex 1 to this Report.

⁵⁸ Available at: <http://www.oas.org/juridico/english/sur.htm>

[244] The country under review mentions in its response that as yet there have been no new developments further to what was reported in previous rounds.⁵⁹

[245] The Committee notes that during the on-site visit representatives of the civil society organization *Stiching Projekta* indicated that the concept of conflict of interest is the least well-known by civil servants and that though they are familiar with cronyism and nepotism, they do not regard them as a conflict of interest.

[246] In light of the foregoing, the Committee notes the need for the country under review to give further attention to implementation of the above measure.

Measure (b) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Implement, as appropriate, conflict of interest provisions which specify disqualifications and incompatibilities applicable, before, during, and for a reasonable period of time after government officials leave public service.

[247] The country under review mentions in its response that as yet there have been no new developments further to what was reported in previous rounds.⁶⁰

[248] In light of the foregoing, the Committee notes the need for the country under review to give further attention to implementation of the above measure.

Measure (c) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Strengthen, complement and update the standards governing the conduct of public servants in general, including those provisions designed to prevent conflicts of interest, without prejudice to systems intended for specific sectors, whose particular nature might require specialized treatment.

[249] The country under review offered the following information in its response: “*At the initiative of the Ministry of Justice and Police, officials and members of Parliament were trained in various corruption related issues. With respect to their own behavior, but also to recognize it when a third party is trying.*”

[250] The Committee notes that during the on-site visit, representatives of the Central Government Auditing Bureau (CLAD) mentioned the absence of a code of ethics applicable to all public servants as a difficulty. In addition, on that occasion, representatives of the National Assembly mentioned that there was a need to implement a code of ethics and that a draft would need to be prepared.

[251] For their part, the representatives of the civil society organization *Stiching Projekta* also noted that a code of ethics applicable to all public servants is needed. They said that they had submitted a proposed code of ethics to the Ministry of Home Affairs but that, as yet, nothing had come of it.

[252] In light of the foregoing, the Committee notes the need for the country under review to give further attention to implementation of the above measure.

⁵⁹ Response of Suriname to the questionnaire for the Fourth Round, p. 17.

⁶⁰ Response of Suriname to the questionnaire for the Fourth Round, p. 18.

Measure d) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Create or strengthen mechanisms to ensure that no appointments are made in breach of the rules in force on ineligibility and incompatibility in public service.

[253] The country under review provided the following information in its response:

[254] *“As mentioned in the prior rounds, members of the Government, members of the Judiciary, Public Officials and Members of Parliament, all at accepting office, take an oath that they will omit to commit or do or take actions incompatible with their functions.”*⁶¹

[255] The Committee notes the need for the country under review to give further attention to implementation of the above measure inasmuch as it refers to the appointment of public officials

Measure e) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Create and implement mechanisms to determine, in concrete cases, if a person who performs public functions is in a situation of conflict of interests, and, at the same time, adopt measures necessary to protect public interests, such as dissociation from the exercise of their functions, withdrawal from official involvement in the matter, relinquishment of the private interests in conflict, or nullity of any decisions adopted by a person in such a position.

[256] The country under review provided the following information in its response:

[257] *“In the event of a suspected conflict of interest, the person involved is recalled as a preventive measure to protect public interests.”*⁶²

[258] The Committee notes the need for the country under review to give further attention to implementation of the above measure, given that this information was taken into account in the first review round and that the measure refers to the absence of mechanisms to determine, in concrete cases, if a person who performs public functions is in a situation of conflict of interests, and, at the same time, adopt timely measures necessary to protect the State’s interests.⁶³

Measure f) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Establish suitable restrictions for persons leaving public service, such as a prohibition preventing their involvement for a reasonable period in any official matters in which they might have engaged by virtue of their office, or with institutions with which they might have been recently connected in the performance of their official duties.

[259] The country under review mentions in its response that, so far, there is no new information to report on this matter.⁶⁴

⁶¹ Response of Suriname to the questionnaire for the Fourth Round, p. 20.

⁶² *Idem*, p. 21.

⁶³ Report on Implementation in Suriname of the Convention Provisions Selected for Review in the Framework of the First Round, p. 6.

⁶⁴ Response of Suriname to the questionnaire for the Fourth Round, p. 22.

[260] The Committee notes the need for the country under review to give further attention to implementation of the above measure.

1.2. Standards of conduct and mechanisms for ensuring the conservation and proper use of resources entrusted to public officials

Recommendation 1.2.

Consider strengthening and updating systems of control and use of resources within the public administration, by developing enforceable standards applicable to all public officials and employees that make it a duty to conserve and make proper use of the resources entrusted to them in the performance of their functions.

[261] In its response the country under review presented information and new developments with respect to the above measure. In this regard, the Committee notes the following as steps that contribute to progress in its implementation:

[262] *“Introduction of a detailed mission report form. Upon return to the country, the representative of Suriname must complete an extensive questionnaire (A more than fifty questions counting document). Prior to the mission, a commitment to this form of report is signed.*

[263] *Introduction of a system by the Government within the different departments, through which improper telephone usage by officials (e.g. for private purposes) should be avoided or eliminated and the telephone costs should be lower. Each Department/ Ministry has access to an x- number of phone lines and phones, within which calls can be made back and forth.”⁶⁵*

[264] In addition, during the on-site visit, representatives of the civil society organization *Stiching Projekta* mentioned that the absence of standard procedures for managing resources frequently led to problems, such as overpayments in government contracts and loss of State funds.

[265] The Committee takes note of the steps taken by the country under review to implement the above measure and the need for it to continue giving it attention, given that this recommendation was based on the *“absence of a provision expressly imposing a duty on public officials to conserve and properly use the resources entrusted to them.”⁶⁶*

1.3. Standards of conduct and mechanisms concerning measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware

Recommendation 1.3.

Consider adopting mechanisms specifically requiring public servants to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware.

⁶⁵ The State under review, in its comments to the draft preliminary report, made the following remark: *“Pursuant to Articles 36 and following of the Personnel Act, a public official is obliged to perform the to its function related work and the orders in relationship to his work to the best, furthermore perform punctually and faithfully and also behave always as a good and faithful servant of the country should. He is also required to behave in accordance with the rules regarding the department to which he belongs”*

⁶⁶ Report on Implementation in Suriname of the Convention Provisions Selected for Review in the Framework of the First Round, p. 8.

Measure (a) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Bearing in mind the existing legislative initiative, establish further mechanisms and systems that require public servants to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware.

[266] In its response, the country under review says that there is no new information to report but that awareness trainings have been held for public officials on the initiative of the Ministry of Justice and Police.⁶⁷

[267] In light of the foregoing, the Committee notes the need for the country under review to give further attention to implementation of the above measure.

Measure (b) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Adopt and implement protection measures for public servants who report acts of corruption in good faith, so as to provide them with assurances against any threats or reprisals that they might incur as a result of performing their duty in that regard.

[268] The country under review mentions in its response that, so far, there is no new information to report on this matter,⁶⁸ but that Article 206.a of the Code of Criminal Procedure also gives the possibility to hear someone as a threatened witness by an examining Judge.

[269] In addition, during the on-site visit, representatives of the National Assembly mentioned that they need a corruption whistleblower protection law and that in the draft of an eventual bill they would be prepared to take into account the model legislation for facilitating and encouraging the reporting of acts of corruption and protecting whistleblowers and witnesses.

[270] It is also worth noting that on that occasion, representatives of the civil society organization *Stiching Projekta* mentioned that there is no independent mechanism for submitting complaints and allegations with identity protection safeguards for the whistleblower.

[271] In light of the foregoing, the Committee notes the need for the country under review to give further attention to implementation of the above measure.

2. SYSTEMS FOR REGISTERING INCOME, ASSETS, AND LIABILITIES (ARTICLE III, PARAGRAPH 4, OF THE CONVENTION)

Recommendation 2.1.

Consider adopting standards to strengthen the systems for registering income, assets, and liabilities and, where appropriate, for making such registrations public.

Measure (a) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

⁶⁷ Response of Suriname to the questionnaire for the Fourth Round, p. 24.

⁶⁸ *Idem.*

Implement specific standards, taking into account the existing legal initiative, including reasonable time limits and circumstances for periodic filing of up-to-date disclosures of income, assets, and liabilities by persons who perform public functions in certain posts as specified by law, including sanctions for those that do not comply with the requirement to furnish such declarations. These systems for registering income, assets and liabilities by persons who perform public functions would constitute an instrument for preventing and detecting conflicts of interest and illicit acts or activities.

[272] The country under review mentions in its response that, there is a revised draft Anti-Corruption Act that would address this matter.⁶⁹

[273] In addition, during the on-site visit, representatives of the National Assembly said that a committee had been set up to consider the above revised draft in order to verify its scope and determine if further revision is necessary, before submitting it to the Assembly itself, where it is expected that it would soon be approved⁷⁰.

[274] In light of the foregoing, the Committee notes the need for the country under review to give further attention to implementation of the above measure.⁷¹

Measure (b) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Once implemented, use the systems for registering income, assets and liabilities as an instrument for preventing and detecting conflicts of interests and illicit acts or activities.

[275] The country under review did not refer to the aforementioned measure of the foregoing recommendation. Therefore, The Committee notes the need for it to give further attention to its implementation.

Measure (c) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Regulate the conditions, procedures and other relevant aspects as regards making disclosures of income, assets, and liabilities public, as appropriate, in accordance with the laws in force.

[276] In its response, the country under review again refers to the draft anticorruption act pending approval.⁷²

[277] The Committee notes the need for the country under review to give further attention to implementation of the above measure.

3. OVERSIGHT BODIES FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4 AND 11, OF THE CONVENTION)

⁶⁹ *Idem*, p. 26.

⁷⁰ The State under review, in its document of comments to the draft preliminary report, made the following remark: “Suriname notes that recommendations of the previous MESICIC reports and the provisions of the Inter-American Convention against Corruption have been included in the last draft of the Anti-Corruption Bill. This bill is currently in the highest constitutional body of Suriname for adoption by the National Assembly. This represents the last stage in the legislative procedure for a law to be enacted in Suriname.”

⁷¹ Report on Implementation in Suriname of the Convention Provisions Selected for Review in the Framework of the First Round, p. 8.

⁷² Response of Suriname to the questionnaire for the Fourth Round, p. 27.

Recommendation 3.1.

Consider strengthening the functions of, and where appropriate, create oversight bodies that enforce compliance with the matters covered by the provisions of Article III, paragraphs 1, 2, 4 and 11 of the Convention; provide them with the necessary resources to enable them to carry out their functions in full; and establish mechanisms necessary to permit effective institutional coordination, as well as periodic evaluation and monitoring, of the measures they adopt.

[278] In its response the country under review presents information and new developments with respect to the above measure. In this regard, the Committee notes the following as steps that contribute to progress in its implementation:

[279] *“Strengthening of the Judiciary (Judges and Public prosecutors) in 2011 with seven judges and in 2013 with 8 prosecutors.*

[280] *Erection of two new buildings for the Judiciary; one of which will be taken into use within short term.*

[281] *Commencement in June 2012 of the process of implementing a written and enforceable Code of Ethics for the Judiciary during a workshop of the Management of the Judiciary.*

[282] *Courses on a regular basis regarding e.g. [Current Issues] in Law.*

[283] *Strengthening the Supreme Audit Institution [Rekenkamer] in April 2012, by the appointment of a Chairman and three new members. This institute operated some years without a Chairperson.”* The State under review later added that a new Act on the Legitimacy and Legal Position of the Supreme Audit Institution of Suriname for the period 1 June 2008 through 31 March 2011 has come into effect.

[284] Without prejudice to the specific recommendations made in the sections corresponding to the organs of the judiciary, the Ministry of Justice and Police, and the CLAD based on its analysis of the Convention provision selected for review in the Fourth Round, the Committee takes note of the steps taken by the country under review to implement the above measure and the need for it to continue giving it attention, given that, though the Supreme Audit Institution (SAI - *Rekenkamer*) was not analyzed, this oversight body was discussed during the analysis of the CLAD, from which it clearly emerged that the Supreme Audit Institution is not currently in a position to perform its constitutionally assigned role of external oversight of the use of state resources and that in practice, its audit functions are currently being performed by the CLAD, as was noted in Chapter II of this report.

4. MECHANISMS TO ENCOURAGE PARTICIPATION BY CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11 OF THE CONVENTION)

4.2. Mechanisms for access to information

Recommendation 4.2.1:

Establish an enforceable access to government information system.

Measure (a) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Establish clear written standards as to the types of information that will be provided under the system.

[285] The country under review provides the following information in its response:

[286] *“Launching of the Government website (www.gov.sr), with links to all the different Departments (Ministries). On the website the public can find among others, permit conditions, procedures, requirements. On most of the links of the Ministries/Departments, it is possible to file a complaint.*

[287] *All Ministries have an information program on television, in which developments and information related to this Department are discussed.*

[288] *Weekly issue of “The Government Newspaper” in which information regarding the departments is published. E.g. the Ministry responsible for issuing domain land - which includes decisions concerning procurement - publishes a list with the names of people who were allocated Domain land.”*

[289] The country under review also mentions that the website of the Office of Vice President includes public tenders; that in June 2012 the procurement rules for (public) works and the execution conditions were published; that the Tax Authority has updated its website; and that tax legislation is published on a website.

[290] In this regard, it should be noted that during the on-site visit, representatives of the civil society organization *Stiching Projekta* mentioned that the general public does not have access to government information and that an Access to Public Information Act is needed. They said that a draft law was presented to the Ministry of Home Affairs but that, as yet, nothing has come of it. They added that there are no initiatives in the area of government spending transparency

[291] The Committee takes note of the steps taken by the country under review and of the need for it to give attention to implementation of measure (a) of the foregoing recommendation, given that it dates from the First Round of Review in which the Committee observed an absence of provisions regulating the right to access government information, or of provisions for the enforcement of this right.⁷³

Measure (b) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Establish standards recognizing the right of all persons to request information or to consult or obtain copies of documents in the possession, or under the control of public institutions concerning official actions, except for legally protected cases.

[292] The country under review mentions in its response that there is no new information to report on this matter.

[293] The Committee notes the need for that country under review to give attention to implementation of measure (b) of the foregoing recommendation.

Measure (c) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

⁷³ Report on Implementation in Suriname of the Convention Provisions Selected for Review in the Framework of the First Round, p. 12.

Develop and regulate the processes through which requests are received in order to respond to them on a timely basis, for appeals in cases where requests are denied, and establish sanctions in the event of failure to comply with the obligation to furnish information.

[294] The country under review did not refer to measure (c) of the foregoing recommendation. The Committee, therefore, notes the need for the Republic of Suriname to give further attention to its implementation.

Recommendation 4.2.2.

Establish a requirement that all government entities, to the extent practicable publicize their procedures, results, and other relevant information through the use of such communication methods as publications, dissemination centers, mass media and Internet web sites.

[295] In its response the country under review presented information and new developments with respect to the above recommendation. In this regard, the Committee notes the following as steps that contribute to progress in its implementation:

[296] *“Launching of the Government website (www.gov.sr), with links to all the different Departments (Ministries). On the website the public can find among others, permit conditions, procedures, requirements, laws. On most of the links of the Ministries/ departments, it is possible to complain about incorrect treatment.*

[297] *Some of the Departments also publish public procurements.*

[298] *All Ministries have an information program on television, in which developments and information related to this department are discussed.*

[299] *Weekly issue of “The Government Newspaper” in which information regarding the departments is published. E.g. the Ministry responsible for issuing domain land - which includes decisions concerning procurement - publishes a list with the names of people who were allocated Domain land.”*

[300] The Committee takes note of the steps taken by the country under review to implement the foregoing recommendation, and the need for it to continue giving it attention, given that the recommendation refers not only to the publication of information, but also to introducing the requirement to do so.

4.3. Mechanisms for consultation

Recommendation 4.3.1.

Establish formal consultation mechanisms to enable civil society and non- governmental organizations to provide opinions and proposals to be taken into account for the prevention of corruption.

[301] The country under review did not refer to the foregoing recommendation. The Committee, therefore, notes the need for the Republic of Suriname to give further attention to its implementation.

Recommendation 4.3.2.

Design and implement programs to publicize the consultation mechanisms and, when appropriate, to train and to provide the necessary tools to effectively implement such mechanisms.

[302] The country under review did not refer to the foregoing recommendation. The Committee, therefore, notes the need for the Republic of Suriname to give further attention to its implementation.

4.4. Mechanisms to encourage participation in public administration

Recommendation 4.4.1.

Develop, taking into accounts its system of laws, standards and procedures to establish, maintain and strengthen mechanisms to encourage participation by civil society and nongovernmental organizations in public policy and decision making processes as part of the efforts to prevent corruption.

[303] The country under review provided information in its response, of which the following should be noted:

[304] On behalf of the Ministry of Justice and Police, Government employees received corruption awareness training from an NGO in August 2012.

[305] The same NGO provided the members of Parliament with information in relation to their role in the fight against corruption. This NGO also offers trainings with regard to corruption related matters.

[306] At the request of the National Assembly and the United Nations Development Programme (UNDP), this NGO is working on a compilation of legislation in order to prevent or fight corruption.

[307] In that regard, it should be noted that during the on-site visit representatives of the civil society organization *Stiching Projekta* said that there were no formal mechanisms in place for civil society participation, that initiatives are presented to ministries and evaluated on a case-by-case basis, that there is no clarity in procedures, and there is no agency to monitor participation.

[308] The Committee notes the need for the Republic of Suriname to give further attention to implementation of the above recommendation,⁷⁴ given that it refers to maintaining and strengthening mechanisms for civil society participation.

Recommendation 4.4.2.

Design and implement specific programs to publicize mechanisms to encourage participation in public administration and, as appropriate, provide the necessary training and tools for the effective implementation of those mechanisms.

[309] The country under review did not refer to the foregoing recommendation. The Committee, therefore, notes the need for the Republic of Suriname to give further attention to its implementation.

4.5. Mechanisms for participation in the follow-up of public administration

Recommendation 4.5.

Establish laws and mechanisms to encourage civil society and nongovernmental organizations to participate in the follow-up of public administration and generate opinions and proposals to be taken into account in preventing, detecting, investigating and punishing corruption.

⁷⁴ Report on Implementation in Suriname of the Convention Provisions Selected for Review in the Framework of the First Round, p. 13.

Measure (a) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Develop laws and mechanisms to allow, facilitate, and assist civil society and nongovernmental organizations to develop activities in the follow up of public administration and prevent corruption.

[310] In its response the country under review did not refer to measure (a) of the foregoing recommendation.

[311] During the on-site visit representatives of the National Assembly mentioned that a law on civil society participation in public administration is needed but that at present there are no concrete plans to develop such legislation.

[312] During the on-site visit, representatives of the civil society organization *Stiching Projekta* also mentioned the need for a law on civil society participation in public administration and that, in general, civil society does not participate in governance issues.

[313] In light of the foregoing, the Committee notes the need for the Republic of Suriname to give further attention to implementation of measure (a) of the above recommendation,

Measure (b) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Design and implement specific programs to publicize the mechanisms for encouraging participation in the follow up of public administration.

[314] The country under review did not refer to measure (b) of the foregoing recommendation. The Committee, therefore, notes the need for the Republic of Suriname to give further attention to its implementation.

Measure (c) suggested by the Committee that requires additional attention within the Framework of the Second and Third Rounds:

Regulate the procedure for handling written petitions submitted to the competent government authorities as required by Article 22 of the Constitution.

[315] The country under review did not refer to measure (c) of the foregoing recommendation. The Committee, therefore, notes the need for the Republic of Suriname to give further attention to its implementation.

5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)

5.1. Mutual Assistance

Recommendation 5.1.1

Design and implement a comprehensive program for informing competent authorities and public servants on provisions related to mutual legal assistance provided for in the Inter-American Convention Against Corruption and in other treaties signed by the Republic of Suriname.

[316] In its response, the country under review said that so far there is no new information to report on the above recommendation. Therefore, the Committee notes the need for the Republic of Suriname to give further attention to its implementation.⁷⁵

Recommendation 5.1.2

Disseminate to the competent authorities of those countries with which the Republic of Suriname maintains close or ongoing mutual cooperation relations, the requirements which must be fulfilled in preparing petition requests, as well as the documentation that should be attached.

[317] In its response, the country under review said that so far there is no new information to report on the above recommendation. Therefore, the Committee notes the need for the Republic of Suriname to give further attention to its implementation.⁷⁶

5.2. Mutual Technical Cooperation

Recommendation 5.2.1

Review comprehensively the specific areas in which the Republic of Suriname might need or could usefully receive mutual technical cooperation to prevent, detect, investigate, and punish acts of corruption; and that based on this review, a comprehensive strategy be designed and implemented that would permit the Republic of Suriname to approach other States Parties and non-parties to the Convention and institutions or financial agencies engaged in international cooperation to seek the technical cooperation it needs.

[318] In its response, the country under review said that so far there is no new information to report on the above recommendation. Therefore, the Committee notes the need for the Republic of Suriname to give further attention to its implementation.⁷⁷

Recommendation 5.2.2

Promote the efforts of technical cooperation exchange with other State Parties on the effective ways and methods to prevent, detect, investigate and punish acts of corruption.

[319] The country under review provides the following information in its response:⁷⁸

[320] *“Suriname can exchange information for mutual assistance in criminal matters and extradition based on constitutional stipulations and bilateral agreements. DIRSIB [Directie Internationale Rechtshulp in Strafzaken] a special desk at the Prosecution Office, handles and monitors request for international legal assistance in criminal cases.*

[321] *There is a department within the Police Corps, named B.O.T, in charge of Special Research, that deals with these research requests.”*

[322] The Committee notes the need for the Republic of Suriname to give further attention to implementation of the above recommendation, given that it was based on the review in the First

⁷⁵ Response of Suriname to the questionnaire for the Fourth Round, p. 40.

⁷⁶ Response of Suriname to the questionnaire for the Fourth Round, p. 41.

⁷⁷ Response of Suriname to the questionnaire for the Fourth Round, p. 42.

⁷⁸ Response of Suriname to the questionnaire for the Fourth Round, p. 43.

Round concerning the design of technical cooperation programs specifically for cases of corruption.⁷⁹

6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)

Recommendation 6.1.

Formally notify the OAS General Secretariat of the designation of the central authorities, pursuant to the prescribed formalities.

[323] The country under review did not refer to the foregoing recommendation. The Committee, therefore, notes the need for the Republic of Suriname to give further attention to its implementation.

Recommendation 6.2.

Ensure that the central authorities are endowed with sufficient resources to allow them to properly make and receive requests for assistance and cooperation under the Convention, as well as respond to requests on a timely basis, and implement a mechanism for channeling requests for cooperation on mutual legal assistance, as provided under the Convention,

[324] The country under review provides the following information in its response:⁸⁰

[325] *“As previously stated, the DIRSIB department is responsible for the monitoring of mutual legal assistance.”*

[326] The Committee notes the need for the Republic of Suriname to give further attention to implementation of the above recommendation, given that the recommendation refers specifically to ensuring that the central authorities responsible for making, receiving, and responding to requests for assistance specifically in cases of corruption, as well as for establishing a mechanism specifically for channeling such requests, are provided with sufficient resources.

7. GENERAL RECOMMENDATIONS

Recommendation 7.1.

Design and implement, where appropriate, training programs for public servants responsible for application of the systems, standards, measures, and mechanisms included in this report, in order to ensure their proper acquaintance, management, and application.

[327] In its response the country under review presents information and new developments with respect to the above measure. In this regard, the Committee notes the following as steps that contribute to progress in its implementation:⁸¹

[328] *“As mentioned there were trainings for e.g. public officials, members of parliament, media workers.”*

[329] The Committee takes note of the steps taken by the country under review to implement the foregoing recommendation, and the need for it to continue giving it attention, bearing in mind that

⁷⁹ Report on Implementation in Suriname of the Convention Provisions Selected for Review in the Framework of the First Round, p. 16.

⁸⁰ Response of Suriname to the questionnaire for the Fourth Round, pp. 43 and 45.

⁸¹ Response of Suriname to the questionnaire for the Fourth Round, p. 45.

the country under review offers no information as to when those trainings took place, what specific topics addressed, how many public officials were trained, and what the results were.

Recommendation 7.2.

Implement the recommendations contained in this report and develop, as appropriate and where none exist, procedures to review the mechanisms mentioned herein.

[330] The country under review provides the following information in its response:⁸²

[331] *“There was a plan of action in 2010, drawn up by a consultant, in which all recommendations were listed and viewed on feasibility. A number of the activities have already been carried out within the established timeframe.”*

[332] The Committee notes the need for the Republic of Suriname to give further attention to implementation of the above recommendation, given that it refers to the Plan of Action for the Implementation of the Recommendations formulated by the Committee of Experts of the Follow-Up Mechanism to the Inter-American Convention against Corruption (MESICIC) for Suriname, the result of a cooperation program with the Organization of American States that covered the recommendations made in the first and second review rounds,⁸³ and that, though it mentions in its response that some of the recommendations have already been implemented, it does not say which or when their implementation occurred.

⁸² Response of Suriname to the questionnaire for the Fourth Round, p. 47.

⁸³ See http://www.oas.org/juridico/english/mesicic_plan_sur.pdf

ANNEX I

CURRENT AND REFORMULATED RECOMMENDATIONS ON THE TOPICS ANALYZED IN THE FIRST ROUND

1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE (ARTICLE III, PARAGRAPHS 1 AND 2, OF THE CONVENTION)

1.1. Standards of conduct to prevent conflicts of interest and mechanisms to enforce compliance

Recommendation 1.1.:

Consider strengthening the implementation of the provisions on conflicts of interest, and ensure that the laws on this matter are applicable to all public officials and employees, so as to permit the practical and effective application of a public ethics system.

Suggested measures:

- a) Ensure that government officials and employees in all three branches of government, including those who hold political office, are covered by an applicable conflict of interest regime.
- b) Implement, as appropriate, conflict of interest provisions which specify disqualifications and incompatibilities applicable, before, during, and for a reasonable period of time after government officials leave public service.
- c) Strengthen, complement and update the standards governing the conduct of public servants in general, including those provisions designed to prevent conflicts of interest, without prejudice to systems intended for specific sectors, whose particular nature might require specialized treatment.
- d) Create or strengthen mechanisms to ensure that no appointments are made in breach of the rules in force on ineligibility and incompatibility in public service.
- e) Create and implement mechanisms to determine, in concrete cases, if a person who performs public functions is in a situation of conflict of interests, and, at the same time, adopt measures necessary to protect public interests, such as dissociation from the exercise of their functions, withdrawal from official involvement in the matter, relinquishment of the private interests in conflict, or nullity of any decisions adopted by a person in such a position.
- f) Establish suitable restrictions for persons leaving public service, such as a prohibition preventing their involvement for a reasonable period in any official matters in which they might have engaged by virtue of their office, or with institutions with which they might have been recently connected in the performance of their official duties.

1.2. Standards of conduct to ensure the proper conservation and use of resources entrusted to government officials in the performance of their functions and enforcement mechanisms

Recommendation 1.2.:

Consider strengthening and updating systems of control and use of resources within the public administration, by developing enforceable standards applicable to all public officials and employees that make it a duty to conserve and make proper use of the resources entrusted to them in the performance of their functions.

1.3. Measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware

RECOMMENDATION 1.3.:

Consider adopting mechanisms specifically requiring public servants to report to appropriate authority's acts of corruption in the performance of public functions of which they are aware.

Suggested measures:

- a) Bearing in mind the existing legislative initiative, establish further mechanisms and systems that require public servants to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware.
- b) Adopt and implement protection measures for public servants who report acts of corruption in good faith, so as to provide them with assurances against any threats or reprisals that they might incur as a result of performing their duty in that regard.

2. SYSTEMS FOR REGISTERING INCOME, ASSETS, AND LIABILITIES (ARTICLE III, PARAGRAPH 4, OF THE CONVENTION)

Recommendation 2.1.:

Consider adopting standards to strengthen the systems for registering income, assets, and liabilities and, where appropriate, for making such registrations public.

Suggested measures:

- a) Implement specific standards, taking into account the existing legal initiative, including reasonable time limits and circumstances for periodic filing of up-to-date disclosures of income, assets, and liabilities by persons who perform public functions in certain posts as specified by law, including sanctions for those that do not comply with the requirement to furnish such declarations. These systems for registering income, assets and liabilities by persons who perform public functions would constitute an instrument for preventing and detecting conflicts of interest and illicit acts or activities.
- b) Once implemented, use the systems for registering income, assets and liabilities as an instrument for preventing and detecting conflicts of interests and illicit acts or activities.
- c) Regulate the conditions, procedures and other relevant aspects as regards making disclosures of income, assets, and liabilities public, as appropriate, in accordance with the laws in force.

3. OVERSIGHT BODIES FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4 AND 11, OF THE CONVENTION)

Recommendation 3.1:

Consider strengthening the functions of, and where appropriate, create oversight bodies that enforce compliance with the matters covered by the provisions of Article III, paragraphs 1, 2, 4 and 11 of the Convention; provide them with the necessary resources to enable them to carry out their functions in full; and establish mechanisms necessary to permit effective institutional coordination, as well as periodic evaluation and monitoring, of the measures they adopt.

4. MECHANISMS TO ENCOURAGE PARTICIPATION BY CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11 OF THE CONVENTION)

4.2. Mechanisms for access to information

Recommendation 4.2.1:

Establish an enforceable access to government information system.

Suggested measures:

- a) Establish clear written standards as to the types of information that will be provided under the system.
- b) Establish standards recognizing the right of all persons to request information or to consult or obtain copies of documents in the possession, or under the control of public institutions concerning official actions, except for legally protected cases.
- c) Develop and regulate the processes through which requests are received in order to respond to them on a timely basis, for appeals in cases where requests are denied, and establish sanctions in the event of failure to comply with the obligation to furnish information.

Recommendation 4.2.2.:

Establish a requirement that all government entities, to the extent practicable publicize their procedures, results, and other relevant information through the use of such communication methods as publications, dissemination centers, mass media and Internet web sites.

4.3. Mechanisms for consultation

Recommendation 4.3.1.:

Establish formal consultation mechanisms to enable civil society and non-governmental organizations to provide opinions and proposals to be taken into account for the prevention of corruption.

Recommendation 4.3.2.:

Design and implement programs to publicize the consultation mechanisms and, when appropriate, to train and to provide the necessary tools to effectively implement such mechanisms.

4.4 Mechanisms to encourage participation in public administration

Recommendation 4.4.1.:

Develop, taking into account its system of laws, standards and procedures to establish, maintain and strengthen mechanisms to encourage participation by civil society and nongovernmental organizations in public policy and decision making processes as part of the efforts to prevent corruption.

Recommendation 4.4.2.:

Design and implement specific programs to publicize mechanisms to encourage participation in public administration and, as appropriate, provide the necessary training and tools for the effective implementation of those mechanisms.

4.5. Mechanisms for participation in the follow up of public administration

Recommendation 4.5.:

Establish laws and mechanisms to encourage civil society and nongovernmental organizations to participate in the follow up of public administration and generate opinions and proposals to be taken into account in preventing, detecting, investigating and punishing corruption.

Suggested measures:

- a) Develop laws and mechanisms to allow, facilitate, and assist civil society and nongovernmental organizations to develop activities in the follow up of public administration and prevent corruption.
- b) Design and implement specific programs to publicize the mechanisms for encouraging participation in the follow up of public administration.
- c) Regulate the procedure for handling written petitions submitted to the competent government authorities as required by Article 22 of the Constitution.

5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)

5.1. Mutual assistance

Recommendation 5.5.1.:

Design and implement a comprehensive program for informing competent authorities and public servants on provisions related to mutual legal assistance provided for in the Inter-American Convention against Corruption and in other treaties signed by the Republic of Suriname.

Recommendation 5.1.2.:

Disseminate to the competent authorities of those countries with which the Republic of Suriname maintains close or ongoing mutual cooperation relations, the requirements which must be fulfilled in preparing petition requests, as well as the documentation that should be attached.

5.2. Mutual technical cooperation

Recommendation 5.2.1.:

Review comprehensively the specific areas in which the Republic of Suriname might need or could usefully receive mutual technical cooperation to prevent, detect, investigate, and punish acts of corruption; and that based on this review, a comprehensive strategy be designed and implemented that would permit the Republic of Suriname to approach other States Parties and non-parties to the Convention and institutions or financial agencies engaged in international cooperation to seek the technical cooperation it needs.

Recommendation 5.2.2.:

Promote the efforts of technical cooperation exchange with other State Parties on the effective ways and methods to prevent, detect, investigate and punish acts of corruption.

6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)

Recommendation 6.1.:

Formally notify the OAS General Secretariat of the designation of the central authorities, pursuant to the prescribed formalities.

Recommendation 6.2.:

Ensure that the central authorities are endowed with sufficient resources to allow them to properly make and receive requests for assistance and cooperation under the Convention, as well as respond to requests on a timely basis, and implement a mechanism for channeling requests for cooperation on mutual legal assistance, as provided under the Convention.

7. GENERAL RECOMMENDATIONS

Recommendation 7.1.:

Design and implement, where appropriate, training programs for public servants responsible for application of the systems, standards, measures, and mechanisms included in this report, in order to ensure their proper acquaintance, management, and application.

Recommendation 7.2.:

Select and develop procedures and indicators, as appropriate, for verifying follow-up of the recommendations contained in this report, and notify the Committee accordingly through the Technical Secretariat. For said purposes, the Republic of Suriname could take into account the list of broader indicators applicable to the Inter-American system that were available for

selection, as necessary, by the State under review, and which have been published by the Technical Secretariat of the Committee on the OAS Internet web site. The State under review could also take into account any information arising from the review of mechanisms developed pursuant to recommendation 7.3 below.

Recommendation 7.3.:

Implement the recommendations contained in this report and develop, as appropriate and where none exist, procedures to review the mechanisms mentioned herein.

ANNEX II

**COMMITTEE OF EXPERTS OF THE FOLLOW-UP MECHANISM ON THE
IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST
CORRUPTION**

FOURTH ROUND OF REVIEW

AGENDA FOR THE ON-SITE VISIT TO SURINAME*

Monday, March 31, 2014	
4:00 p.m. – 5:30 p.m. <i>Hotel Royal Torarica</i>	Coordination meeting between the representatives of the Member States of the Subgroup and the Technical Secretariat.
5:30 p.m. – 6:30 p.m. <i>Hotel Royal Torarica</i>	Coordination meeting of representatives of the state under review, the members states of the subgroup, and the Technical Secretariat
Tuesday, April 1, 2014	
9:00 a.m. – 10:30 a.m. <i>University Guesthouse</i>	Meetings with civil society organizations and/or, inter alia, private sector organizations, professional organizations, academics or researchers.
	Topic: <ul style="list-style-type: none">• Civil society's perspective on the work of oversight bodies for the prevention, detection, prosecution, and punishment of acts of corruption.
	<i>Suriname Chamber of Commerce and Industry (KKF)</i> Name: Mr. Naarendorp Position: Chairman KKF

* This initial proposed agenda was prepared by the Technical Secretariat of the MESICIC pursuant to provision 13 of the *Methodology for Conducting On-Site Visits* (document SG/MESICIC/doc.276/11 rev. 2), posted at: http://www.oas.org/juridico/spanish/met_insitu.pdf

	<p>Name: Mr. Van Sichem Position: Board member</p> <p><i>Stiching Projecta</i> Name Mrs. Charda Ganga Position : Director</p> <p>Name: Mrs. Rayah Bhattacharji Position: Deputy Director/ Program Coordinator</p> <p><i>Suriname Bar Association</i> Name: Mr. Harrish Monorath Position: Dean of the Bar Association (SOVA)</p> <p><i>Institute of Certified Accountants of Suriname (SUVA)</i>⁸⁴ Name: Mrs. Elvira Lens Position: Manager Suva Bureau</p> <p>Name: Mr. Cyriel Soeri Position: Board member</p> <p><i>University of Suriname</i></p> <p>Name: Mr. Abdoelrahman Position: Lecturer Faculty Social Sciences</p> <p>Name: Mrs. J. Aarland – Nanhoe Position: Part-time lecturer Faculty Social Sciences</p>
10:45 a.m. – 12:30 p.m.	Meetings with civil society organizations and/or, inter alia, private sector organizations, professional organizations, academics or researchers. (cont.)
	<p>Topic:</p> <ul style="list-style-type: none">• Follow-up on implementation of the recommendations of the First Round<ul style="list-style-type: none">- Conflicts of interest- Systems for declaring income, assets, and liabilities- Access to public information- Mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption (Article III, Paragraph 11, of the Convention)

⁸⁴ They were interviewed on Wednesday, April 2, 2014.

	<p><i>Suriname Chamber of Commerce and Industry (KKF)</i> Name: Mr. Naarendorp Position: Chairman KKF</p> <p>Name: Mr. Van Sichem Position: Board member</p> <p><i>Stiching Projecta</i> Name Mrs. Charda Ganga Position : Director</p> <p>Name: Mrs. Rayah Bhattacharji Position: Deputy Director/ Program Coordinator</p> <p><i>Suriname Bar Association</i> Name: Mr. Harrish Monorath Position: Dean of the Bar Association (SOVA)</p> <p><i>Institute of Certified Accountants of Suriname (SUVA)</i>⁸⁵ Name: Mrs. Elvira Lens Position: Manager Suva Bureau</p> <p>Name: Mr. Cyriel Soeri Position: Board member</p> <p><i>University of Suriname</i></p> <p>Name: Mr. Abdoelrahman Position: Lecturer Faculty Social Sciences</p> <p>Name: Mrs. J. Aarland – Nanhoe Position: Part-time lecturer Faculty Social Sciences</p>
<p>12:30 p.m. – 2:00 p.m.</p>	<p>Lunch</p>
<p>2:00 p.m. – 3:00 p.m. <i>University Guesthouse</i></p>	<p>Panel 1: Judiciary: Courts</p>
	<p>Topic:</p> <ul style="list-style-type: none"> • Brief introduction: functions, objectives, and structure (10 minutes) • Autonomy, independence, and budgetary regime of the Judiciary • Rules governing spheres of competence and inter-institutional coordination mechanisms

⁸⁵ They were interviewed on Wednesday, April 2, 2014.

	<ul style="list-style-type: none">• Mechanisms for eliciting citizen support
	<p>Court of Justice</p> <p><i>- Representatives of the Court of Justice with direct and practical knowledge of the issues to be discussed.</i></p> <ol style="list-style-type: none">1. Name: Mr. Robert Praag Position: Judge2. Name: Mrs. G. De Miranda Position: Judge
3:10 p.m. – 4:10 p.m.	Panel 2: Judiciary: Courts
	<p>Topics:</p> <ul style="list-style-type: none">• Filling of high-level officials' positions• Human resources regime• In-house rules governing the performance of its duties
	<p><u>Suggested Participants:</u></p> <p>Court of Justice</p> <p><i>- Representatives of the Court of Justice with direct and practical knowledge of the issues to be discussed.</i></p> <ol style="list-style-type: none">1. Name: Mr. Robert Praag Position: Judge2. Name: Mrs. G. De Miranda Position: Judge
4:20 – 5:20 p.m.	Panel 3: Judiciary: Courts
	<p>Topic:</p> <ul style="list-style-type: none">• Internal control mechanisms• Dissemination of objectives and functions• Accountability mechanisms
	<p>Court of Justice</p> <p><i>- Representatives of the Court of Justice with direct and practical knowledge of the issues to be discussed.</i></p> <ol style="list-style-type: none">1. Name: Mr. Robert Praag

	<p>Position: Judge</p> <p>2. Name: Mrs. G. De Miranda Position: Judge</p>
5:30 – 6:30 p.m.	Panel 4: Judiciary: Courts
	<p>Topic:</p> <ul style="list-style-type: none"> • Results with respect to fulfillment of its responsibilities • Difficulties encountered and technical cooperation needs • Sound Practice
	<p>Court of Justice</p> <p><i>- Representatives of the Court of Justice with direct and practical knowledge of the issues to be discussed.</i></p> <p>1. Name: Mr. Robert Praag Position: Judge</p> <p>2. Name: Mrs. G. De Miranda Position: Judge</p>
6:30 p.m.	Informal meeting ^{86/} with representatives of the member states of the subgroup and the Technical Secretariat.
Wednesday, April 2, 2014	
8:30 – 9:30 a.m. <i>Conference Room, Ministry of Justice and Police</i>	Panel 5: Judiciary: Prosecutor General’s Office
	<p>Topic:</p> <ul style="list-style-type: none"> • Brief introduction: functions, objectives, and structure (10 minutes) • Autonomy, independence, and budgetary regime of the Office of the Prosecutor General • Adoption of decisions, rules governing spheres of competence and inter-institutional coordination mechanisms • Mechanisms for eliciting citizen support

^{86/} The second paragraph of provision 20 of the Methodology for Conducting On-Site Visits states: "At the conclusion of the meetings on each day of the on-site visit, the Technical Secretariat shall organize an informal meeting with the members of the Subgroup, to exchange preliminary points of view on the topics addressed at those meetings..."

	<p>Prosecutor General’s Office</p> <p><i>- Representatives of the Prosecutor General’s Office with direct and practical knowledge of the issues to be discussed.</i></p> <p>1. Name: Mrs. Garcia Paragsingh Position: Chief Public Prosecutor</p>
9:40 – 10:40 a.m.	Panel 6: Judiciary: Prosecutor General’s Office
	<p>Topics:</p> <ul style="list-style-type: none"> • Filling of high-level officials' positions • Human resources regime • In-house rules governing the performance of its duties
	<p>Prosecutor General’s Office</p> <p><i>- Representatives of the Prosecutor General’s Office with direct and practical knowledge of the issues to be discussed.</i></p> <p>1. Name: Mrs. Garcia Paragsingh Position: Chief Public Prosecutor</p>
10:50 – 11:50 a.m.	Panel 7: Judiciary: Prosecutor General’s Office
	<p>Topic:</p> <ul style="list-style-type: none"> • Internal control mechanisms • Dissemination of objectives and functions • Accountability mechanisms
	<p>Prosecutor General’s Office</p> <p><i>- Representatives of the Prosecutor General’s Office with direct and practical knowledge of the issues to be discussed.</i></p> <p>1. Name: Mrs. Garcia Paragsingh Position: Chief Public Prosecutor</p>
11:50 a.m. – 12:50 p.m.	Panel 8: Judiciary: Prosecutor General’s Office
	<p>Topic:</p> <ul style="list-style-type: none"> • Results with respect to fulfillment of its responsibilities • Difficulties encountered and technical cooperation needs

	<ul style="list-style-type: none"> • Sound Practice
	<p>Prosecutor General’s Office</p> <p><i>- Representatives of the Prosecutor General’s Office with direct and practical knowledge of the issues to be discussed.</i></p> <ol style="list-style-type: none"> 1. Name: Mrs. Garcia Paragsingh Position: Chief Public Prosecutor
1:00 p.m. – 2:30 p.m.	Lunch
2:30 – 3:30 p.m. <i>Conference Room, Ministry of Justice and Police</i>	Panel 9: Central National Accountants Agency (CLAD)/ Rekenkamer
	<p>Topic:</p> <ul style="list-style-type: none"> • Brief introduction: functions, objectives, and structure (10 minutes) • Autonomy, independence, and budgetary regime of the CLAD • Rules governing spheres of competence and inter-institutional coordination mechanisms • Mechanisms for eliciting citizen support
	<p>Central National Accountants Agency (CLAD)</p> <p><i>- Representatives of the Central National Accountants Agency with direct and practical knowledge of the issues to be discussed.</i></p> <ol style="list-style-type: none"> 1. Name: Mr. Commissie Position: Audit Manager 2. Name: Mr .Meiland Position: Certified Accountant
3:30 – 4:30 p.m.	Panel 10: Central National Accountants Agency (CLAD)
	<p>Topics:</p> <ul style="list-style-type: none"> • Filling of high-level officials' positions • Human resources regime • In-house rules governing the performance of its duties
	Central National Accountants Agency (CLAD)

	<p><i>- Representatives of the Central National Accountants Agency with direct and practical knowledge of the issues to be discussed.</i></p> <ol style="list-style-type: none"> 1. Name: Mr. Commissie Position: Audit Manager 2. Name: Mr. Meiland Position: Certified Accountant
4:30 – 5:30 p.m.	Panel 11: Central National Accountants Agency (CLAD)
	<p>Topic:</p> <ul style="list-style-type: none"> • Internal control mechanisms • Dissemination of objectives and functions • Accountability mechanisms
	<p>Central National Accountants Agency (CLAD)</p> <p><i>- Representatives of the Central National Accountants Agency with direct and practical knowledge of the issues to be discussed.</i></p> <ol style="list-style-type: none"> 1. Name: Mr. Commissie Position: Audit Manager 2. Name: Mr. Meiland Position: Certified Accountant
5:30 – 6:30 p.m.	Panel 12: Central National Accountants Agency (CLAD)
	<p>Topic:</p> <ul style="list-style-type: none"> • Results with respect to fulfillment of its responsibilities • Difficulties encountered and technical cooperation needs • Sound Practice
	<p>Central National Accountants Agency (CLAD)</p> <p><i>- Representatives of the Central National Accountants Agency with direct and practical knowledge of the issues to be discussed.</i></p> <ol style="list-style-type: none"> 1. Name: Mr. Commissie Position: Audit Manager 2. Name: Mr. Meiland Position: Certified Accountant

6:30 p.m.	Informal meeting ^{87/} with representatives of the member states of the subgroup and the Technical Secretariat.
Thursday, April 3, 2014	
8:30 – 9:30 a.m. <i>Conference Room, Ministry of Justice and Police</i>	Panel 13: Ministry of Justice and Police (MJP)
	<p>Topic:</p> <ul style="list-style-type: none"> • Brief introduction: functions, objectives, and structure (10 minutes) • Rules governing spheres of competence, inter-institutional coordination mechanisms, and mechanisms for eliciting citizen support • Adoption of decisions • Budgetary regime of the MJP
	<p>Ministry of Justice and Police (MJP)</p> <p><i>- Representatives of the MJP with direct and practical knowledge of the issues to be discussed.</i></p> <ol style="list-style-type: none"> 1. Name: mrs. I. Huyzen – Sedney Position: Permanent Secretary, Ministry of Justice of Police 2. Name: mr. K. Jakaoemo Position: Acting Head International Relations 3. Name: mr. N. Vrede Position: Deputy Permanent Secretary, Financial Affairs 4. Name: Asha Singh- Koendjiharie Position: Acting Head Human Resource Department
9:30– 10:30 a.m.	Panel 14: Ministry of Justice and Police
	<p>Topics:</p> <ul style="list-style-type: none"> • Filling of high-level officials' positions • Human resources regime

^{87/}. The second paragraph of provision 20 of the Methodology for Conducting On-Site Visits states: "At the conclusion of the meetings on each day of the on-site visit, the Technical Secretariat shall organize an informal meeting with the members of the Subgroup, to exchange preliminary points of view on the topics addressed at those meetings..."

	<ul style="list-style-type: none"> • In-house rules governing the performance of its duties
	<p>Ministry of Justice and Police (MJP)</p> <p><i>- Representatives of the MJP with direct and practical knowledge of the issues to be discussed.</i></p> <ol style="list-style-type: none"> 1. Name: mrs. I. Huyzen – Sedney Position: Permanent Secretary, Ministry of Justice of Police 2. Name: mr. K. Jakaoemo Position: Acting Head International Relations 3. Name: mr. N. Vrede Position: Deputy Permanent Secretary, Financial Affairs 4. Name: Asha Singh- Koendjiharie Position: Acting Head Human Resource Department
10:30 – 11:30 a.m.	Panel 15: Ministry of Justice and Police
	<p>Topic:</p> <ul style="list-style-type: none"> • Internal control mechanisms • Dissemination of objectives and functions • Accountability mechanisms
	<p>Ministry of Justice and Police (MJP)</p> <p><i>- Representatives of the MJP with direct and practical knowledge of the issues to be discussed.</i></p> <ol style="list-style-type: none"> 1. Name: mrs. I. Huyzen – Sedney Position: Permanent Secretary, Ministry of Justice of Police 2. Name: mr. K. Jakaoemo Position: Acting Head International Relations 3. Name: mr. N. Vrede Position: Deputy Permanent Secretary, Financial Affairs 4. Name: Asha Singh- Koendjiharie Position: Acting Head Human Resource Department
11:30 a.m. – 12:30 p.m.	Panel 16: Ministry of Justice and Police

	<p>Topic:</p> <ul style="list-style-type: none"> • Results with respect to fulfillment of its responsibilities • Difficulties encountered and technical cooperation needs • Sound Practice
	<p>Ministry of Justice and Police (MJP)</p> <p><i>- Representatives of the MJP with direct and practical knowledge of the issues to be discussed.</i></p> <ol style="list-style-type: none"> 1. Name: mrs. I. Huyzen – Sedney Position: Permanent Secretary, Ministry of Justice of Police 2. Name: mr. K. Jakaoemo Position: Acting Head International Relations 3. Name: mr. N. Vrede Position: Deputy Permanent Secretary, Financial Affairs 4. Name: Asha Singh- Koendjiharie Position: Acting Head Human Resource Department
12:30 p.m. – 2:30 p.m.	Lunch
2:30 – 5:15 p.m. <i>Conference Room, Ministry of Justice and Police</i>	Panel 17: Follow-up on implementation of the recommendations of the First Round
	<p>Topics:</p> <ul style="list-style-type: none"> • Conflicts of interest • Systems for declaring income, assets, and liabilities • Access to public information • Mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption
	<p><u>National Assembly</u></p> <p>Name: Mrs. Agatha Ramdass Position: Senior Law lawyer/ jurist at the Parliament/ National Assemble</p>
6:30 p.m.	Informal meeting with representatives of the member states of the subgroup and the Technical Secretariat.
7:00 p.m.	Final meeting with representatives of the state under review, the member states of the subgroup, and the Technical Secretariat.

**AUTHORITIES WHO SERVED AS CONTACTS IN THE COUNTRY UNDER REVIEW
FOR THE COORDINATION OF THE ON-SITE VISIT, AND REPRESENTATIVES OF
THE PRELIMINARY REVIEW SUBGROUP MEMBER STATES AND OF THE
MESICIC TECHNICAL SECRETARIAT WHO PARTICIPATED IN THE VISIT**

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