

# 1 EXTRADITION

## 1.1 Outline of the system for extradition

- a. Authorities responsible for and procedure for effecting extradition
  - Insofar as a Treaty provides in it, the State may at the request of the duly authorized institution of another state order the arrest of a foreigner present in Suriname, if there are reasonable grounds to expect that in respect to him a request for extradition eligible for granting will be made in the short term on behalf of that State. The prosecuting officer or the deputy prosecuting officer may order the provisional arrest of the foreigner [Article 10 and 11 of the Act on Extradition];
  - A request for extradition has to be made in writing, either through diplomatic channels, or – insofar as the applicable Treaty provides therein – directly through the submission to the Minister of Justice and Police [Article 15 of the Act on Extradition];
  - The request needs to be accompanied by an original or an authenticated copy of a criminal judgment eligible for execution or of a warrant of arrest given by an authorized institution of the requesting state, an account of the facts of which the person sought is being suspected or for which he has been sentenced, the text of the applicable legal provisions and data for the determination of the identity and nationality of the person sought [Article 15 of the Act on Extradition];
  - Unless the Minister of Justice and Police is already immediately of the opinion that the request for extradition has to be rejected, he passes on the request for extradition with the accompanying documents to the Procurator General. The prosecuting officer who has received the request for extradition, may order the arrest of the person sought [Article 17 and 18 of the Act on Extradition];
  - At the latest on the third day after the reception of the request for extradition, the prosecuting officer requests – on submission of the documents – in writing the treatment of the request for extradition by the District Court;
  - The foreigner of whom the provisional arrest or extradition has been requested by another state may **at the latest** on the day preceding the hearing by the District Court state that he consents to his immediate extradition. The prosecuting officer may then decide that the person sought [foreigner] will be made available to the authorities of the requesting state.  
[this is the so-called **Short Procedure**]
  - If the person sought does not consent to immediate extradition, then the **Extensive Procedure** follows that leads to a treatment of the request before the District Court. The District Court determines the identity and nationality of the person sought and decides on the basis of the documents handed over by the requesting state on the admissibility of the request. Finally, the District Court will decide on the acceptability of the request. In case of the presence of compelling grounds for refusal he will declare the request **inadmissible** and informs – in the form of an advisory opinion – the Minister of Justice and Police, who then has to

reject the request for extradition. If the District Court deems that the request for extradition is admissible, the Minister of Justice and Police will take the final decision on whether the request for extradition will be granted or not.

After granting by the Minister the prosecuting officer is charged with the execution of the extradition.

- b. The conclusion of a treaty is according to our Constitution [Article 3] and the Act on Extradition [Article 2] required to comply with a request. Article 6 Paragraph 3 of the U.N. Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention 1988) determines that “If a Party which makes extradition condition on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of any offence to which this article applies”.

As Suriname is party to the Vienna Convention 1988 – in case of the absence of an extradition treaty between Suriname and another country – the Vienna Convention may serve as grounds for the extradition in respect of facts, mentioned in Article 3 Paragraph 1 of aforementioned Convention.

- c. Surinamers will not be extradited [Article 3 of the Constitution and Article 2 of the Act on Extradition].
- d. The grounds for refusal of a request:
- if according to the laws of the requesting state the death penalty is set for the fact for which extradition is requested [Article 5 of the Act on Extradition];
  - if at the time of the decision concerning the request for extradition the person sought is being prosecuted in Suriname [Article 5 of the Act on Extradition];
  - if the person sought has been prosecuted in Suriname and the criminal case was dismissed by the prosecution and according to Surinamese law the reinstatement of prosecution is excluded [Article 6 of the Act on Extradition in conjunction with Article 235 of the Code of Criminal Procedure];
  - if the person sought was sentenced in Suriname and the judgment of the Surinamese Court is not open to challenge and on the basis of the Ne Bis In Idem principle he cannot be prosecuted and sentenced again;
  - if the fact or the punishment imposed for which the extradition is requested are precluded by the lapse of time;
  - if there is a suspicion that in case of granting of the request the person sought will be prosecuted, punished or in any other way affected as a result of his religious or political conviction, his nationality, his race or the group of the population to which he belongs;
  - if the consequences of the extradition of the person sought will be of extreme duress in relation to his youthful age, old age or bad health;
  - if the extradition concerns punishable acts of a political nature.

## 1.2 Contact Information

- a. Names and communication details of persons and organisations in charge of extradition:

1. Minister of Justice and Police:  
Name: Chandrikapersad Santokhi  
Address: Henck Arronstraat no. 1  
Paramaribo / Suriname  
Telephone: (597) 473033  
Fax: (597) 412109  
E-mail: [min.jus.-pol@sr.net](mailto:min.jus.-pol@sr.net)
  
2. Prosecutor General with the High Court of Justice  
Name: Mr. Soebhaschandre Punwasi  
Address: Henck Arronstraat no. 03  
Paramaribo  
Suriname  
Telephone: (597) 479589  
Fax: (597) 412104  
E-mail address: [proc.gen@sr.net](mailto:proc.gen@sr.net)
  
3. Office of the Procurator General  
Division: DIRSIB  
Contact person: Ms. Mirella van Dijk  
Telephone: (597) 479589  
Fax: (597) 412104  
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- b. The languages used by the extradition contact are Dutch or English.