

## PENAL CODE:

### Article 2<sup>1</sup>

The Surinamese Penal Code is applicable to any party who commits any criminal offense within Suriname.

### Article 4<sup>2</sup>

The Surinamese Penal Code is applicable to any party who commits, outside Suriname:

- 1o. any of the crimes described in articles 128-133, 135 and 135a, 143, and 149;
- 2o. any crime relating to coinage, government notes, bank notes, or officially issued seals or government marks;
- 3o. forgery involving debt instruments or certificates of indebtedness from the State of Suriname or from a Surinamese public institution, the vouchers, dividend coupons, and interest coupons pertaining to such instruments, and the coupons issued in lieu of such instruments, inclusive, or deliberate use of such false or forged documents as if they were genuine and unfalsified;
- 4o. any of the crimes described in articles 444-448, 473, and 474;
- 5o. any of the crimes described in:
  - a. article 220, committed against an aircraft in operation, if it is a Surinamese aircraft or if the suspect is in Suriname;
  - b. article 448a, committed on board an aircraft in flight, if the place of departure or the place of actual landing is situated outside the territory of the country in which the aircraft is registered and the suspect is in Suriname;
  - c. article 448b, if the aircraft referred to therein is a Surinamese aircraft or if the suspect is in Suriname;
  - d. article 448c, if it has been committed either against a Surinamese aircraft or on board an aircraft that subsequently lands in Suriname with the suspect on board.

### Article 5<sup>3</sup>

The Surinamese Penal Code is applicable to any Surinamer who commits, outside Suriname:

- 1o. any of the crimes described in Titles I and II of the Second Book, and in articles 177, 178, 258, and 288;
- 2o. any offense that is deemed a crime by the Surinamese Penal Code and that is criminalized by the laws of the country in which it was committed.

Prosecution is also possible if the suspect becomes a Surinamer only after the commission of the offense.

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<sup>1</sup> Amended by G.B. 1938 no. 39.

<sup>2</sup> Amended by G.B. 1926 no. 56, G.B. 1933 no. 94, G.B. 1938 no. 38, G.B. 1973 no. 74, S.B. 1984 no. 17.

<sup>3</sup> Amended by G.B. 1933 no. 94, G.B. 1938 no. 39, G.B. 1945 no. 108.

However, the applicability of the provision in item 2o. is limited in that the death penalty may not be imposed with regard to an offense for which the laws of the country in which the offense was committed do not provide for the death penalty.

Article 6<sup>4</sup>

The Surinamese Penal Code is applicable to any Surinamese official who commits, outside Suriname, any of the crimes described in Title XXVIII of the Second Book

Article 50<sup>5</sup>

Forfeiture may be ordered upon conviction for any criminal offense.

Article 50a<sup>6</sup>

1. The following are subject to forfeiture:
  - a. objects that were acquired wholly or largely by way of or from the proceeds of the criminal offense;
  - b. objects with respect to which the offense was committed;
  - c. objects with the help of which the offense was committed or prepared;
  - d. objects with the help of which the investigation of the offense was obstructed;
  - e. objects that were manufactured or intended for the offense;
  - f. rights *in rem* or rights *in personam* in respect of the objects referred to in items a through e.
2. Objects as referred to in paragraph 1, items a through e, that do not belong to the convicted party at the time of the court hearing can be forfeited only if:
  - a. the party to whom they belong was aware at the time when he acquired the objects or – if later – at the time at which the criminal offense was committed that they had been acquired by way of the criminal offense or with the use or the intention in connection therewith, or he reasonably could have suspected such acquisition, use, or intention, or
  - b. it is impossible to determine to whom they belong.
3. Rights as referred to in paragraph 1, item f, that do not belong to the convicted party can be forfeited only if the party to whom they belong was aware at the time when he acquired the rights or – if later – at the time at which the criminal offense was committed that

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<sup>4</sup> Amended by G.B. 1938 no. 39.

<sup>5</sup> Amended by G.B. 1945 no. 108, S.B. 2002 no. 67. See Corrections Bulletin [*Verbeterblad*] G.B. 1945 no. 108.

<sup>6</sup> Introduced by S.B. 2002 no. 67.

the objects to which those rights relate had been acquired by way of the criminal offense or with the use or the intention in connection therewith, or he reasonably could have suspected such acquisition, use, or intention.

4. Objects are understood to include all assets, both movable and immovable property, and rights *in rem* and *in personam*.
5. The forfeiture of an object includes the forfeiture of appurtenant rights unless the court decides otherwise.

#### Article 50b<sup>7</sup>

Included in the forfeiture of an object is the packaging, unless the court decides otherwise.

#### Article 50c<sup>8</sup>

1. In the event of a forfeiture of objects, the court may order, if the forfeited objects would command more than an amount established in the judgment, that the difference be compensated.
2. The court shall award compensation as referred to in paragraph 1 or a monetary concession if that is necessary to avoid a disproportionate effect on the suspect or on another party to whom the forfeited objects belong.
3. The court shall decide to whom the amount of compensation or concession is to be paid; this does not prejudice the right of anyone to said amount.

#### Article 51<sup>9</sup>

In the case of the importation or exportation of goods in violation of tax laws by a person younger than the age of eighteen, the court may – even if article 56 is applied to the guilty party – order forfeiture of the goods in question upon request by the official in charge of prosecution.

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<sup>7</sup> Introduced by S.B. 2002 no. 67.

<sup>8</sup> Introduced by S.B. 2002 no. 67.

<sup>9</sup> Introduced by G.B. 1945 no. 108.

#### Article 52<sup>10</sup>

If forfeiture is ordered, the judgment shall contain an estimate of a specific monetary value for objects that have not been seized.

In such a case, the objects must be surrendered, or the estimated value must be paid, within a time limit to be set by the official in whose name the judgment is enforced.

Failing that, alternative detention or labor arrangements shall be executed. Articles 40, fourth, fifth, and seventh through ninth paragraph, and 42 apply *mutatis mutandis*, provided that full release is possible at all times through the surrender of all forfeited objects.

#### Article 53<sup>11</sup>

All costs of imprisonment, detention, and placement in a state labor institution shall be borne by the Treasury, and all proceeds from fines and forfeitures shall accrue to the Treasury.

#### Article 54<sup>12</sup>

In cases in which the court, in accordance with the law, orders the disclosure of its judgment, it shall also specify the manner in which that order is to be executed.

The judgment shall contain a specific estimate of the costs of disclosure.

This amount must be paid by the convicted party within a time limit to be set by the official in whose name the judgment is enforced.

Failing payment, alternative detention shall be executed. Articles 40, fourth, fifth, and seventh through ninth paragraph, and 42 apply *mutatis mutandis*.

### SECTION TWO<sup>13</sup> **MEASURES**

#### Article 54a<sup>14</sup>

All costs of implementing the measures referred to in this section, with the exception of costs of redress, including collection costs, shall

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<sup>10</sup> Amended by G.B. 1926 no. 42, G.B. 1935 no. 42, G.B. 1945 no. 108.

<sup>11</sup> Amended by G.B. 1939 no. 67, G.B. 1944 no. 176, S.B. 1984 no. 17.

<sup>12</sup> Amended by G.B. 1938 no. 37, G.B. 1939 no. 67.

<sup>13</sup> Introduced by S.B. 2002 no. 67.

<sup>14</sup> Introduced by S.B. 2002 no. 67.

be borne by the State, and any proceeds from the implementation thereof shall accrue to the state.

#### Article 54b<sup>15</sup>

1. Withdrawal from circulation and an obligation to pay a monetary amount to the state for the confiscation of unlawfully acquired gains can be ordered:
  - 1e. in a final court judgment under which a party is convicted of a criminal offense;
  - 2e. in a different final court judgment in which it is found that a criminal offense was committed;
  - 3e. in a separate decision at the request of the public prosecutor in which it is found that a criminal offense was committed.
2. These measures can be imposed together with penalties and with other measures.
3. The obligation to pay the state a monetary amount for the confiscation of unlawfully acquired gains may be imposed by separate decision only if the action has been preceded by a criminal financial investigation of the parties concerned which was concluded no more than six months prior to the bringing of the action.

#### Article 54c<sup>16</sup>

1. Subject to withdrawal from circulation are all seized objects:
  - 1e. that were acquired wholly or largely by way of or from the proceeds of the offense;
  - 2e. with respect to which the offense was committed;
  - 3e. with the help of which the offense was committed or prepared;
  - 4e. with the help of which the investigation of the offense was obstructed;
  - 5e. that were manufactured or intended for the offense,in each case to the extent that they are of such a nature that the uncontrolled possession thereof is in violation of the law or contrary to the public interest.
2. Also subject to withdrawal from circulation are objects belonging to the perpetrator or suspect that are of such a nature that the uncontrolled possession thereof is in violation of the law or contrary to the public interest, such objects having been found in the course

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<sup>15</sup> Introduced by S.B. 2002 no. 67.

<sup>16</sup> Introduced by S.B. 2002. no. 67.

of investigating the offense committed by him or the offense of which he is suspected, but only if the objects could be used to commit or prepare for similar offenses or to obstruct the investigation thereof.

3. Articles 50b and 50c apply *mutatis mutandis*.

#### Article 54d<sup>17</sup>

1. The obligation to pay a monetary amount to the state for the confiscation of unlawfully acquired gains can be imposed on a party if and insofar as proceeds have been obtained illegally by way of or from the proceeds of a criminal offense whereby the court finds that the party's commission of the offense has been proved.
2. If a payment obligation is imposed on the basis of the first paragraph, it can also apply to gains acquired by way of or from the proceeds of other criminal offenses concerning which adequate indications exist that they were committed by him.
3. If a maximum fine of f100,000.00 or more has been set for the offense referred to in the first paragraph, the imposed payment obligation can relate to all gains that the suspect can be assumed to have acquired unlawfully in any manner.
4. The court shall determine an estimated amount of the unlawfully acquired gains; gains include cost savings; claims awarded by a court to injured third parties shall be deducted from the gains.
5. The court may order that an amount lower than the estimated gains be paid; allowance is made for obligations to pay a monetary amount for the confiscation of unlawfully acquired gains that have been imposed in previous court decisions.

#### Article 112<sup>18</sup>

#### **SURINAMER**

A Surinamer is a person who possesses that status under the Suriname Nationality and Residence Act [*Wet op de nationaliteit en het ingezetenschap*] or who is treated as a Surinamer on the basis of another statutory provision.

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<sup>17</sup> Introduced by S.B. 2002 no. 67.

<sup>18</sup> Amended by G.B. 1945 no. 108, S.B. 1984 no. 17.

Status equivalent to that of Surinamer is afforded any party whose extradition is prohibited by law.

## PENAL PROCEDURE CODE:

### Article 58

1. The subdistrict court [*kantonrechter*] shall reach a decision as quickly as possible in session or, in the event of an objection to the announcement of further prosecution or to the summons, when hearing such objection in chambers concerning the deprivation of liberty for the suspect against whom either an order for remand in police custody or for the extension thereof, or a detention order, an arrest order, or an order for extension of detention or arrest is in force. If it deems a continuation of deprivation of liberty necessary in the cases and for the reasons named in article 56, it shall order, *ex officio* or at the request of the prosecuting official, that the suspect be detained, but only after it has examined him or summoned him to be examined. If it does not order detention, then it shall revoke the order for remand in police custody or for the extension thereof or else the order for pretrial detention.

2. If the hearing is suspended or if there is no suspension, but after the end of the hearing the judgment or the decision on the objection is deferred, the court shall make its decision about depriving the suspect of liberty no later than said decision to suspend or defer.

3. After the beginning of the court hearing, but before the filing of appeal of its final judgment, the subdistrict court can order the arrest of the suspect in the cases and for the reasons named in article 56, either *ex officio* or at the request of the prosecuting official. If necessary, it shall first examine the suspect; to that end, it is authorized to order that he be summoned, if necessary attaching a warrant to secure the suspect's presence.

4. In the cases and for the reasons named in article 56, the Court of Justice may order the arrest of the suspect at the request of the prosecuting official or, in the case referred to in item b, *ex officio*:

- a. prior to the beginning of the hearing by the court of first instance, if such an order is necessary in order to ensure his **extradition**;
- b. after appeal has been filed of the final judgment rendered by the subdistrict court. In this case, the last sentence of the previous paragraph applies *mutatis mutandis*.

### Article 60

1. The arrest order referred to in the fourth paragraph, item a, of article 58 remains in force indefinitely as long as the extradition has not taken place, but following extradition remains in force only for a period not to exceed thirty days, beginning with the moment of extradition.

2. Following such extradition and as long as the hearing by the court of first instance has not yet begun, the Court of Justice, at the request of the prosecuting official, may extend the arrest in the cases and for the reasons named in article 56, in each case for a period not to

exceed thirty to thirty days [*sic*], without prejudice to article 60a. The provisions of the last three paragraphs of article 57 apply *mutatis mutandis*.

## TITLE VIII

### INTERNATIONAL MUTUAL LEGAL ASSISTANCE

#### SECTION ONE GENERAL PROVISIONS

##### Article 467

1. The following articles of this Title apply to requests for mutual legal assistance by authorities of a foreign state in connection with a criminal proceeding made and addressed to a judicial or police body in Suriname, identified by name or otherwise, to the extent that the discharge thereof is not provided for under or pursuant to other laws.

2. Requests for mutual legal assistance are requests for the performance of investigative activities or for cooperation with same, for the sending of documents, files, or documentary evidence, or for the provision of information, or else for the serving or issuance of documents or the provision of notices or communication to third parties.

##### Article 468

If the request is not addressed to the Procurator General, it shall be forwarded to him by the addressee without delay.

##### Article 469

In the interest of speedy and efficient discharge, the Procurator General shall decide without delay whether to honor the request.

##### Article 470

1. If the request is based on a treaty, what is requested shall be granted to the greatest extent possible.

2. In cases of a reasonable request based on a treaty, and in cases in which the applicable treaty does not mandate compliance, the request shall be granted unless compliance is in violation of a provision of law.

##### Article 471

The request shall not be honored:

a. in cases in which there is reason to suspect that the request has been made for the sake of an investigation instituted in order to prosecute, punish, or otherwise affect the suspect in connection with his religious or political convictions, his nationality, his race, or the population group to which he belongs;

b. if compliance would be tantamount to lending cooperation to a form of prosecution or adjudication that is irreconcilable with the



principle that underlies article 94 of the Penal Code and article 235, first paragraph, of this Code;

c. if it was made for the sake of an investigation of offenses with respect to which the suspect is being prosecuted in Suriname.

#### Article 472

1. Unless the treaty mandates compliance, requests for the sake of an investigation of criminal offenses of a political nature or of related offenses in connection therewith shall be granted only pursuant to an authorization obtained from the government. Such authorization can be issued only for requests that are based on a treaty. The decision about the request shall be communicated to the authorities of the requesting state via diplomatic channels.

2. Requests made for the sake of an investigation of criminal offenses relating to fees, taxes, customs duty, foreign exchange, and related offenses whereby compliance could be of interest to the National Tax Service, or requests relating to information that is at the disposal of the National Tax Service or that has become known to officials of that service in the performance of their duties, shall be granted only pursuant to an authorization obtained from the government. Such authorization can be issued only for requests that are based on a treaty.

#### Article 473<sup>19</sup>

1. The Procurator General shall submit a request from a foreign judicial authority that is eligible for compliance and is based on a treaty to the examining magistrate:

a. if it entails the examination of persons who are unwilling to appear voluntarily and to make the requested statement;

b. if it has been expressly requested that a sworn statement or a statement before a judge be made;

c. if, in view of the requested consequence, it is necessary that other than public places be entered against the will of the party having title or that documentary evidence be seized.

2. In cases other than those provided for in the preceding paragraph, the Procurator General can submit the request from a foreign judicial authority to the examining magistrate.

3. The submission of the request shall be effected in the form of a written demand containing a description of what actions by the examining magistrate are demanded.

4. The demand referred to in the preceding paragraph can be withdrawn at any time.

#### Article 474

1. If the demand referred to in article 473, third paragraph, has been made with respect to granting a request from a foreign judicial authority that is eligible for compliance and is based on a treaty, then it has the same legal consequences as a demand to institute a preliminary judicial investigation in respect of:

a. the authorities of the examining magistrate concerning the suspects, witnesses, and experts that he is to examine, as well as the entry of locales, the performance of searches, and the seizure of documentary evidence;

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<sup>19</sup> See Corrections Bulletin, S.B. 1986 no. 13.

- b. the authorities of the prosecuting official;
- c. the rights and obligations of the persons who are to be examined by the examining magistrate;
- d. legal representation;
- e. the activities of the clerk of court.

2. Eligible for seizure pursuant to the first paragraph of this article are items of documentary evidence that would be eligible if the offense with regard to which mutual legal assistance is requested had been committed in Suriname, whereby that offense, if the suspect had been in Suriname, could have given rise to extradition to the requesting State.

3. Except as pursuant to the preceding paragraphs of this article, no use of means of coercion may be made for the purpose of granting a request for mutual legal assistance.

#### Article 475

1. The examining magistrate shall return the request to the Procurator General as soon as possible, attaching thereto the transcripts of the examinations conducted by him and of other activities.

2. The documentary evidence seized by the examining magistrate shall be made available to the Procurator General to the extent that the Court of Justice, with due regard for the applicable treaty, grants permission to do so.

3. Although it is likely that the persons holding title to the seized documentary evidence do not have residence in Suriname, the permission required pursuant to the preceding paragraph shall be granted only on the condition that upon surrender to the foreign authorities it be stipulated that the evidence is to be returned as soon as use has been made of it as needed for purposes of prosecution.

4. The provisions of and pursuant to 102-105, 107, 460, and 462-464 apply *mutatis mutandis*, provided that the complaint referred to in article 460 is filed with and handled by the Court of Justice.

#### Article 476

1. The serving and issuing of documents on or to third parties for the purpose of granting a request for mutual legal assistance shall be effected with application *mutatis mutandis* of the provisions of law pertaining to serving and issuing Surinamese documents of comparable purport.

2. If in the case of a request eligible for compliance an express preference is stated for serving on or issuing to the addressee in person, action will be taken accordingly where possible.

#### Article 477

Treaty is understood to mean a treaty that is binding on Suriname as referred to in article 113 of the Constitution.

### SIXTH BOOK ENFORCEMENT AND COSTS

TITLE 1  
**GENERAL PROVISIONS**

Article 480

Court decisions shall be enforced in accordance with guidelines to be established by the Minister of Justice and Police on the instructions of the public prosecutor.

Article 481

The plaintiff claiming damages who has joined as a party to the criminal proceedings shall himself see to enforcement of the judgment with respect to his claim in the manner specified for judgments in civil cases. If an oral judgment has been pronounced, enforcement shall take place pursuant to a notification by the clerk of court containing a copy of the record of the judgment that names the plaintiff claiming damages as well as the party against whom and the judge by whom the judgment was pronounced, and containing in the heading the words "In the Name of the Republic."

Article 482

If this Code prescribes any service, summoning, calling, announcement, notification, or other communication, such action shall take place at the expense of the public prosecutor, unless specified otherwise.

Article 483

1. For the enforcement of judicial decisions or its own decisions, the public prosecutor can issue the necessary special or general order to the process servers and to the officials of the public authorities.
2. Article 136, second and third paragraphs, applies with respect to all officials through whom or under whose orders enforcement takes place.

SECOND SECTION  
**ENFORCEABILITY OF DECISIONS**

Article 484<sup>20</sup>

1. Unless specified otherwise, no decision may be enforced as long as opposition to or appeal of it remains available and, if recourse to that remedy has been sought, until it has been withdrawn or a decision thereupon has been pronounced.
2. A judgment in first instance that has been passed in default can be enforced after service of an announcement as referred to in article 353 or, if such an announcement is not necessary, after the pronouncement. Enforcement is suspended or stayed by opposition or appeal. This

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<sup>20</sup> See Corrections Bulletin, S.B. 1986 no. 13.

last provision does not apply:

1. to orders issued with the judgment that are enforceable forthwith;

2. if, in the judgment of the public prosecutor, it has been established that recourse to the remedy was sought after the time limit established for doing so had expired, unless the subdistrict court that pronounced the judgment finds differently at the request of the party who sought such remedy and after examining him, if he has requested examination in his request.

#### Article 485

If a judgment in first instance that has been passed in default has become enforceable but has not yet acquired *res judicata* effect, the decision by the subdistrict court concerning the seized objects can be enforced only after the clerk of court has drawn up an exact description of the objects and filed it with the court registry.

#### Article 486

With regard to judgments against the defendant, enforcement is stayed for the following eight days even after it has acquired *res judicata* effect, if the convicted party expressly requests such a stay.

#### Article 487

1. Within the time limit specified in the preceding article, the convicted party can submit or cause to be submitted a request for remission of sentence to the clerk of the court that has pronounced the judgment or, in the cases indicated by state decree, he can also submit such a request to the official or his substitute as designated in that decree.

2. The official or his substitute designated in that decree shall record in a register maintained for that purpose the date of receipt of each submission that he has received and shall, without delay and in the quickest possible manner, notify the clerk of the court referred to in the preceding paragraph and the public prosecutor of that submission; he shall also send the request to the clerk of court without delay and in the quickest possible manner.

3. The clerk of court shall record in a register maintained for that purpose the date of receipt of each submission that he has received and shall without delay notify the public prosecutor of that submission in writing. He shall send the request submitted to him or sent to him in accordance with the preceding paragraph to the Minister of Justice and Police immediately.

4. Enforcement is stayed by the submission until a decision is rendered on the request.

#### Article 488

In cases other than the one referred to in the preceding article as well, enforcement that has not yet commenced is stayed until a decision is rendered on a request for remission of sentence, whereby the public prosecutor has been notified of its submission.

#### Article 489

1. If, however, enforcement has been permitted or less than the full sentence has been remitted, the judgment is enforced as soon as

possible.

2. If the penalty comprises a fine or the forfeiture of non-seized objects, the official in whose name the enforcement takes place shall set a specific time limit not to exceed two months within which the fine must be paid or the forfeited objects must be surrendered or else the monetary value estimated in the judgment must be paid. This time limit may in each case be extended by said official, but may never exceed a total of two years.

#### Article 490

1. If the convicted party has become insane prior to enforcement of a judgment with *res judicata* effect that contains a prison sentence or a reprimand, the court that has pronounced the judgment shall order that enforcement be stayed.

2. The stay is ordered either on demand by the public prosecutor or at the request of the counsel for the convicted party. The provisions of the Third Title of the First Book apply to the counsel.

3. The staying order shall be withdrawn by the same court following recovery, upon demand by the public prosecutor.

#### Article 491

1. If, despite the insanity of the convicted party, the enforcement of penalties other than those referred to in the preceding paragraph is possible, the guardian shall be invited to discharge the judgment in the usual manner. If the convicted party does not yet have a guardian, such a person shall, as needed, be appointed on demand by the public prosecutor under whose orders the enforcement is to take place.

2. The preceding article applies with regard to alternative punishment.



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