

The following is a fair and truthful translation from Dutch into English of Law Gazette 1976 Nr. 54 containing the Decree of the 5th of October 1976 regarding the establishment of the Regulation Selection and Training Judiciary.

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1976

Nr. 54

**LAW GAZETTE
of the
REPUBLIC OF SURINAME**

DECREE of the 5th of October 1976, containing establishment of the Regulation for Selection and Training Judiciary.

THE PRESIDENT OF THE REPUBLIC OF SURINAME

Having considered, that in connection with the selection and training of persons, who wish to fill a position at the Judiciary, it has become necessary to enact the following;

Having heard the Advisory Council, resolved:

General

Article 1

The Minister of Justice and Police shall establish a Council for the selection and training on behalf of the Judiciary.

Article 2

Considering what has been determined by or pursuant to this Regulation, the Council shall be charged with:

1. the selection of persons, who wish to qualify for the fulfilment of a position with the Judiciary and to that end have presented themselves to the Minister of Justice and Police;
2. the organization of and the supervision on the training of the judicial officers in training;
3. the provision of information and advices to the Minister of Justice and Police in cases provided for by this Regulation.

Article 3

The Council is composed of six members. The Minister of Justice and Police shall appoint to the Council:

1. two members from the Court, among which a member as chairperson, on the recommendation of the Court of Justice;
2. two members from the Public Prosecutor, among which a member as vice-chairperson, on the recommendation of the Attorney General;
3. one member from the legal profession, on the recommendation of the Bar;
4. one member, holding the position of lecturer at the Faculty of Law at the University of Suriname, on the recommendation of that faculty.

Article 4

When the Council is charged with the selection of persons, to whom, according to article 13, full exemption of the training for judiciary officer has been granted, the member, who has been appointed to the Council in his capacity of lecturer at the Faculty of Law, shall not participate in the Council.

Article 5

When the Council is composed of six members, decisions resulting from this Regulation, shall be taken by a two thirds majority.

In the event that the majority needed to take a decision cannot be obtained, the Council shall decide negatively.

Article 6

For each of the members referred to in article 3 the Minister of Justice and Police shall appoint a substitute, who shall hold a same office or a same position as the one he will replace in the Council, or who in that office or that position has been appointed substitute. The appointment takes place on the recommendation of the organs referred to in article 3.

Article 7

The chairperson and the other members of the Council are appointed for a period of three years. They are immediately eligible for re-appointment after expiration of this period, provided that no member shall be part of the Council for more than six consecutive years.

The membership of the Council ends, apart from the expiration of the term of appointment, at retiring of the office or termination of the position, with a view to which the appointment had taken place. A substitute member has a seat in the Council until the one, whose substitute he is, ceases to be member of the Council.

Article 8

On the proposal of the Council the Minister of Justice and Police shall appoint a secretary, who shall not constitute part of the Council.

Article 9

The Council is authorized to call in the assistance of experts.

Article 10

The Council is accountable for its policy to the Minister of Justice and Police. At the end of each calendar year the Council shall draw up a review of activities.

The Council is at all times authorized to forward to the Minister of Justice and Police proposals for amendment of this Regulation or suggestions or remarks otherwise.

Article 11

The Minister of Justice and Police shall award the chairperson and the other members and the secretary of the Council, at the expense of the State Budget, a fixed monthly compensation.

The substitute members shall receive a fixed compensation based on the number of meetings in which they have participated.

Persons, who at the request of the Council, are working or have worked on behalf of the training, shall also receive a compensation the level of which, for each separate case, shall be determined after consultation with the Council.

Recruitment and selection

Article 12

Those, wishing to qualify for the training and forming with a view to the future fulfilment of a position with the Judiciary, will at least once per year be invited by public announcement of the Minister of Justice and Police to register with him.

They should in any case have the capacity of Master of Laws, provided that this capacity has been obtained at the University of Suriname or a Dutch university or college of higher education on the basis of an exam in the Surinamese and/or Dutch civil and commercial law, constitutional law and criminal law.

Article 13

The Minister of Justice and Police, in consultation with the Council, may on the grounds of practical experience, grant candidates full or partial exemption of the training for judicial officer, in that manner that at partial exemption the training may be shortened with at the most three years.

Article 14

On proposal of the Council, the Minister of Justice and Police, having heard the Council of Ministers, shall establish directives on the basis of which the selection shall take place.

Article 15

Before requesting the Council for advice, the Minister of Justice and Police shall have an investigation conducted into the antecedents of the candidate. He will add the results thereof to the request to the Council.

Article 16

The Council shall render to the Minister of Justice and Police a motivated advice regarding the suitability of the candidate with a view to the recommendation for appointment to judicial officer in training.

In the event full exemption of the training has been granted as referred to in article 13, the advice of the Council shall be rendered with a view to the recommendation for appointment of the candidate to (substitute) member of the Court respectively the Public Prosecutor.

Training

Article 17

The training for judicial officer lasts five years and consists of:

- a. a one year training in the legal profession;
- b. a one year training at the Public Prosecutor;
- c. a one year training at a judicial instance, charged with administration of justice in criminal cases;
- d. a two year training at a judicial instance, charged with administration of justice in civil cases;
- e. theoretical forming in various parts of the jurisprudence or other disciplines that are connected with those.

Article 18

The Council shall establish a program for each of the trainings referred to in the preceding article, in which is described the manner in which the training shall be organized and to which aspects of the legal practice special attention should be paid.

The training program and also the amendments introduced therein shall not become effective before notice is received from the Minister of Justice and Police that he has no objections toward its contents.

Article 19

The judicial officer in training shall during each training be coached by a mentor, who shall be appointed by the Council from the members of the instance, were the training is being attended.

The mentor shall also oversee the execution of the training program and the compliance with the directives that have been laid down therein.

Article 20

During the training at the Office of the Public Prosecutor and the Registry, the judicial officer in training shall, as a rule, be appointed Acting Officer of Justice resp. Acting Registrar.

Article 21

Before the end of each training period or, if the training shall last longer than one year, before the end of each year, the mentor shall report to the Council about the course of the training, in which report also an evaluation regarding the conduct and the person of the judicial officer in training is included in accordance with an assessment form which is to be established by the Council.

The judicial officer in training shall be given the opportunity by the mentor to comment on his assessment which remarks shall be noted on the assessment form.

Article 22

1. With regard to the theoretical forming referred to in article 17 sub 2, the Council shall establish a study program of which the contents may be adjusted to the sphere of interest of the judicial officer in training.

2. The study program and also the amendments that have been introduced therein shall not become effective before notice is received from the Minister of Justice and Police that he has no objections towards its contents.

Article 23

The theoretical forming shall as a rule have at its disposition a sixth part of the normal labour time.

Article 24

The immediate care for the theoretical forming rests with the member of the Council, who, in his capacity as lecturer at the Faculty of Law of the University of Suriname, has been appointed to the Council. He shall report to the Council on the execution of the study program and the compliance with the directives that have been laid down therein.

Article 25

The Council is authorized to appoint other persons than those referred to in this Regulation, who shall be working on behalf of the training for judicial officer.

Article 26

The Minister of Justice and Police may, in consultation with the Council, grant a judicial officer in training, in connection with a special training- or study assignment abroad, leave of absence on full pay for a period of at the most one year.

Legal position

Article 27

The candidate, whose suitability thereto has been examined by the Council, may be appointed judicial officer in training.

Appointment takes place in the rank of officer at disposal with application of salary scale 16 of the prevailing Salary Conditions.

If and insofar the person concerned, in accordance with article 13, has been granted reduction of the training period, the salary shall be determined at a higher amount than the minimum of the scale in which he is classified.

Article 28

The appointment shall take place in temporary service on the basis of article 14, first paragraph sub e, of the Personnel Ordinance (Government Gazette 1962 No. 195).

Article 29

The judicial officer in training shall, after advice from the Council, not be provided with a permanent appointment, if on the grounds of official information or assessments, the person concerned must be considered not being able to meet the requirements, which may be attached to a proper fulfilment of a position with the judiciary.

Article 30

The judicial officer in training shall not be suspended or dismissed than after consultation with the Council.

If the Council is of the opinion that there is cause to suspend or dismiss a judicial officer in training it shall than advise and assist the Minister of Justice and Police.

Advice regarding recommendation for appointment

Article 31

Before the training for juridical officer in training, in accordance with this Regulation, 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 to substitute member of the Court respectively the Public Prosecutor.

Article 32

When the recommendation has bearing on the appointment of a (substitute) member to the Court as referred to in article 16, second paragraph and article 31, the advice of the Council shall be brought to the notice of the Court of Justice.

Final provision

Article 33

This decree becomes effective as of the day following after its publication

Done at Paramaribo, the 5th of October 1976
JOHAN H. FERRIER

The Minister of Justice and Police,
E.A. HOOST

Issued at Paramaribo, the 5th of October 1976
The Minister of Home Affairs
C.D. OOFT

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Paramaribo, the 19th of May 2014

A. R.J. LINGER
Sworn Translator / Interpreter