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REPORT No. 19/22
PETITION 1212-14
REPORT ON ADMISSIBILITY

FAMILIES OF THE 15 VICTIMS OF THE “DECEMBER MURDERS”
SURINAME

Approved electronically by the Commission on February 9, 2022.

Cite as: IACHR, Report No. 19/22. Petition 1212-14. Admissibility. Families of the 15 victims of the “December Murders”. Suriname. February 9, 2022.

I. INFORMATION ABOUT THE PETITION

Petitioners:	Family members of the 15 victims of the “December Murders” ¹
Alleged victims:	Family members of the 15 victims of the “December Murders”
Respondent State:	Suriname
Rights invoked:	Articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention of Human Rights ² in conjunction with Articles 1 (obligation to respect rights) and 2 (domestic legal effects); and Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture ³

II. PROCEEDINGS BEFORE THE IACHR⁴

Filing of the petition:	August 29, 2014
Notification of the petition to the State:	July 17, 2019
State’s first response:	September 27, 2019
Additional observations from the petitioner:	April 15 2020
Additional observations from the State:	June 25, 2020
Notification of the possible archiving of the petition:	August 23, 2018
Petitioner’s response to the notification regarding the possible archiving of the petition:	August 26, 2018

III. COMPETENCE

Competence <i>Ratione personae</i>:	Yes
Competence <i>Ratione loci</i>:	Yes
Competence <i>Ratione temporis</i>:	Yes
Competence <i>Ratione materiae</i>:	Yes, American Convention (deposit of instrument of ratification made on November 12, 1987) and Inter-American Convention to Prevent and Punish Torture (deposit of instrument of ratification made on November 12, 1987)

IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

Duplication of procedures and International <i>res judicata</i>:	No
Rights declared admissible	Articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention in conjunction with Articles 1 (obligation to respect rights) and 2 (domestic legal effects); and Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture

¹ By the petitioners’ request, the IACHR withholds their individual identities based on Article 28.2 of its Rules of Procedure.

² Hereinafter “American Convention”.

³ Hereinafter “Convention Against Torture”

⁴ The observations submitted by each party were duly transmitted to the other.

Exhaustion of domestic remedies or applicability of an exception to the rule:	Yes, under the terms of Section VI
Timeliness of the petition:	Yes, under the terms of Section VI

V. ALLEGED FACTS

1. The petition is brought by the families of 15 men who were allegedly tortured and executed extra-judicially in the events known as “the December Murders”, which took place in 1982. The petitioners allege that these men (hereinafter referred to jointly as “the 15 men”) were targeted by the military dictatorship of Desiré Delano Bouterse and were ultimately killed on or about December 9, 1982. The petitioners contend that the State failed to prosecute or hold persons to account for these crimes, to the detriment of their families.

2. On 25 February 1980, a military coup d’état headed by Mr. Bouterse took place in Suriname, which overthrew the democratically elected government. In the aftermath of the coup there was public opposition to the military dictatorship, which took the form of various protests, including public demonstrations and labor strikes. The petitioners submit that the 15 men were all prominent national figures who were involved in the public opposition to the military dictatorship; and that they were singled out by the military dictatorship for the specific purpose of instilling fear into the civilian population and suppressing the protests, which was indeed achieved by their deaths. The military dictatorship lasted from 1980 to 1987.

3. The petitioners contend that the 15 men were unlawfully arrested between December 7 and 8 December 1982 by military officers, and taken to Fort Zeelandia, the main compound of the Armed Forces in Paramaribo. They were allegedly subjected to torture and then summarily executed at Fort Zeelandia by the military. The death certificates of each of the 15 men state that they died on December 9, 1982; their bodies were ultimately taken to the mortuary at the Academic Hospital in Paramaribo (“the mortuary”).

A. The 15 men

4. Based on various sources --including depositions given by witnesses and reports by international and domestic organizations-- the petitioners set out the background of each of the 15 men, together with evidence of the way they were presumably tortured and killed. Each of them was seen in December 1982 at the mortuary after their death.

John Baboeram

5. John Baboeram, born on 8 September 1946, was a lawyer who lived in Paramaribo. After the military coup of 25 February 1980, he regularly defended persons who were charged with conducting activities against the military regime. The petitioners state that Mr. Baboeram had multiple injuries including a mutilated face, fractured upper jaw, a bullet wound to the nose, and injuries to his teeth.

Abraham "Bram" Behr

6. Abraham Behr was born on 18 January 1951. He was a journalist living in Paramaribo and the publisher of a news magazine called *Mokro* (“Hammer”). According to the petitioners, his dead body showed evidence of numerous gunshot wounds, as well as a missing tooth.

Cyrill Daal

7. Cyrill Daal, born on 29 May 1936, was a staff employee at the State Electricity Company and a very influential union leader living in Paramaribo. He strongly disapproved of the military coup and strived for a return to democratic rule in Suriname; to achieve this goal he mobilized organizations of the union movement to go on strike. His dead body had multiple injuries, including several gunshot wounds to the face and abdomen; missing teeth; injured eye; and fractured arms and legs. The petitioners also mention that another source indicated that he had been castrated.

Kenneth Gonçalves

8. Kenneth Gonçalves was born on 16 November 1940 and was a practicing lawyer living in Paramaribo. He was the President of the Surinamese Bar Association and had spoken out publicly against the military regime. The petitioners indicate that his dead body showed evidence of multiple injuries, including a broken nose; knife wounds to the forehead and to the left cheek; and a dozen bullet wounds to the chest.

Edmund "Eddy" Hoost

9. Edmund Hoost was born on 21 October 1934 and was a lawyer living in Paramaribo. According to the petitioners, following his arrest and detention, his wife received a telephone call from Fort Zeelandia, during which she could hear him being interrogated and tortured. Mr. Hoost's body was seen at the mortuary with 24 gunshot wounds.

André Kamperveen

10. André Kamperveen, born on 27 September 1924, was a journalist living in Paramaribo. He was the owner of Ampie's Broadcasting Corporation (Radio ABC), one of the most popular radio stations at that time in Suriname. According to the petitioners, Mr. Kamperveen's body had multiple injuries, including 18 bullet wounds to the chest and one to the right temple; swollen face and injury to the jaw; and a fractured arm and femur.

Gerard Leckie

11. Gerard Leckie, born on 6 March 1943, was a psychologist living in Paramaribo. He was also a professor at the University of Suriname and the President of the University Association of Academic Personnel. Mr. Leckie's body showed evidence of multiple injuries, including gunshot wounds to the face, temple, and chest. Other injuries observed included contusions to the face and chest.

Sugrim Oemrawsingh

12. Sugrim Oemrawsingh was born on 25 August 1940 and was an associate professor in mathematics and physics at the University of Suriname. On or about December 9, 1982, when his wife visited the mortuary to identify him, she noticed that he had a gunshot entry wound on his left cheek and a gunshot exit wound on his forehead. Based on other sources, the petitioners allege that he also had a smaller wound on his right cheek and a larger wound on his left temple.

Leslie Rahman

13. Leslie Rahman, born on 24 September 1954, was a journalist living in Paramaribo and working with a nationally distributed newspaper called *De Ware Tijd* ("The True Times"); he was also a union leader at a federation called C-47. According to the petitioners, after his arrest his family received news from a military official that he had been shot and killed while attempting to escape from Fort Zeelandia. The petitioners further state that his body had evidence of multiple injuries, including a gunshot wound to the middle of his forehead; blood in his nose and ears; and swelling to the left side of his head. According to various sources, there were also several gunshot wounds to Mr. Rahman's chest, and slashes to his legs.

Soerendra Rambocus

14. Soerendra Rambocus, born on 5 May 1953, was a lieutenant in the National Army. His sister identified his dead body at the mortuary on December 9, 1982, where she saw evidence of multiple injuries, including cigarette burns to the forehead; bullet holes to his chest and stomach; and knife wounds to his face. Another source indicated that Mr. Rambocus' body also had bullet holes in the left foot, neck and across his upper abdomen.

Harold Riedewald

15. Harold Riedewald, born on 12 January 1933, was a criminal defense lawyer living in Paramaribo. In this capacity, he represented several persons who had been arrested by the military regime, or who otherwise were victims of human rights violations. The petitioners also state that Mr. Riedewald's body had a bullet wound to his right temple and multiple bullet wounds to his chest; there also appeared to be severe injuries to the left side of his neck.

Djiewansing Sheombar

16. Djiewansing Sheombar, a soldier born on 15 April 1957, was one of several persons accused of participating in an attempted counter coup on March 11, 1982. On December 3, 1982, he was found guilty and sentenced to eight years of imprisonment; on December 7, 1982, he was transferred from the detention facility of Santo Boma to Fort Zeelandia, where he was killed shortly after his arrival. According to the petitioners, Mr. Sheombar's body was seen with multiple injuries, including bullet wounds to the neck, skull, chest and abdomen; swollen face; and an injury to his right jaw.

Jozef Slagveer

17. Jozef Slagveer, born on 25 January 1940, was a journalist living in Paramaribo who owned a news agency called 'Informa'. On December 9, 1982, his relatives who viewed his dead body at the mortuary saw evidence that he had been shot in the mouth, with an exit wound to the back of the head. Based on other sources, the petitioners allege that Mr. Slagveer also had a swollen face and a jaw injury.

Somradj "Robby" Sohansingh

18. Somradj Sohansingh, born on 4 June 1945, was an industrial business owner living in Paramaribo. According to the petitioners, Mr. Sohansingh's body showed evidence of multiple injuries to his face, with some of his teeth knocked out; he also had injuries from multiple gunshot wounds.

Frank Wijngaarde

19. Frank Wijngaarde, born on 14 August 1939, was the manager of his family's printing business and a journalist living in Paramaribo. He was also a board member of the Surinamese Association for Journalists, capacity in which he was actively involved in a social movement that aimed for a return to democracy in Suriname. According to the petitioners, his dead body had multiple injuries including gunshot wounds to the face and chest; fractured jaw; injuries to teeth; and slashes to his face, including a cut that ran from the left corner of his eye, past his nose and all the way to the corner of his mouth.

B. Criminal process

20. According to the petitioners, for 18 years there was no investigation into the events of December 1982, because of a climate of fear and repression that followed the coup d'état; accordingly, no information was provided to the families of the 15 men, nor any steps taken to ensure criminal accountability. The petitioners state it was not until 2000 that a criminal process was opened against 25 identified individuals --including former military leader Bouterse-- for their role in the above-mentioned crimes. On March 15, 2000, the petitioners filed a complaint of non-prosecution with the High Court of Justice; on October 31, 2000, the court ordered the Prosecutor General to institute criminal proceedings against former military commander Mr. Bouterse and his accomplices. At the same time, it ordered the Prosecutor General to file a request with the investigating judge to open a preliminary judicial investigation with respect to the deaths of the 15 men; according to the petitioners, this step would ensure that any consequential prosecution would not be subject to statutes of limitation.

21. They further state that on 7 December 2000, the investigating judge opened a preliminary judicial investigation into the December Murders; and that on December 1, 2004, almost four years later, the Public Prosecutor's Office filed charges against more than 20 suspects, including Mr. Bouterse, other ex-military officers, and former members of government

22. Trial proceedings against 25 persons commenced on November 30, 2007, before the *Krijgsraad*, a military court comprised of civilian judges; on 19 July 2010, while the trial was still ongoing, Bouterse was elected President of Suriname. In April 2012, the political party led by him passed an act, which purported to give amnesty to those allegedly responsible for the December Murders. The law was passed shortly before the military prosecutor was due to deliver his closing arguments and sentencing recommendations. On May 11, 2012, the *Krijgsraad* ultimately held that the Constitutional Court would have to rule on the compatibility of the Amnesty Act with the Surinamese Constitution for the trial to continue; accordingly, it suspended the trial of the defendants. As of the last submission of the petitioners, the Constitutional Court had not yet come into operation.

23. According to the petitioners, one of the defendants named Edgar Ritfeld filed an interlocutory appeal with the High Court of Justice against the ruling of the *Krijgsraad*. On January 27, 2014, the High Court ruled in favor of Mr. Ritfeld because it held, inter alia, that the issue of constitutional law that had arisen was not a legal basis for suspending criminal proceedings, based on the Suriname Code of Criminal Procedure; and that such suspension had violated the right of the accused to be tried within a reasonable time. The High Court therefore ordered the *Krijgsraad* to continue with the trial of Mr. Ritfeld.

24. Based on the ruling of the High Court, the petitioners applied to the *Krijgsraad* to discontinue the suspension against all the defendants; in March 2014 this tribunal ruled against the request and instead granted permission for the petitioners to be joined to the criminal proceedings as an "injured party" solely with respect to Mr. Ritfeld's trial. The petitioners state that since the suspension of criminal proceedings on 11 May 2012, there has been no trial activity with respect to any of the defendants. In this regard, they petitioners assert that more than 31 years since the torture and killing of the 15 men, there has been no final judgment with respect to any of the 25 defendants.

25. Accordingly, the petitioners invoke the exception to the exhaustion of domestic remedies, as prescribed by Article 46.1 of the American Convention and Article 31.1 of the IACHR's Rules of Procedure. They note that the Inter-American Commission has repeatedly held that military jurisdiction does not provide an either a suitable forum, or an adequate remedy for the purpose of investigating, judging, and punishing alleged violations of human rights. The petitioners further argue that there has been unwarranted delay in delivering a final judgment, given that more than 30 years have passed since the "December Murders" without any final judgment being issued with respect to the 25 persons accused of torturing and killing the 15 men. Finally, they submit that they have effectively been prevented from exhausting domestic remedies, since the *Krijgsraad* suspended the criminal proceedings against the 25 defendants pending a resolution of the Constitutional Court on the compatibility of the Amnesty Act with the Constitution of Suriname.

26. Based on the foregoing, and the absence of any final judgment, the petitioners submit that the petition was submitted within a reasonable period, and therefore meets the respective admissibility requirement.

27. They also state that the subject of the petition is not presently pending in any other international proceedings. However, they do note that on July 5, 1983; July 31, 1983; and August 4, 1983, family members of Messrs. Hoost, Kamperveen, Leckie, Riedewald, Oemrawsingh, Rahman, Sohansingh, and filed complaints against Suriname with the United Nations Human Rights Committee (HRC) where they claimed that their rights had been violated. According to the petitioners, the HRC ultimately concluded in 1985 that the 15 men had been arbitrarily deprived of their lives contrary to Article 6.1 of the International Covenant on Civil and Political Rights.

28. The petitioners assert that the petition before the IACHR does not duplicate the proceedings before the HRC, since the former focuses on the rights of the families of the 15 men, and in particular, alleged violations of their right to judicial protection and fair trial, while the latter focused on the rights of seven of these men.

29. Suriname rejects the petition as inadmissible principally on the ground of failure to exhaust domestic remedies. To provide a historical context of the events of December 1982, the State claims, among other things, that the 15 men had originally been arrested on suspicion of being involved in a conspiracy with The Netherlands to overthrow the military regime of Mr. Bouterse. The State does acknowledge that these persons were killed at Fort Zeelandia but argues that the petitioners have failed to exhaust domestic remedies. In this respect, the State contends that criminal proceedings are still ongoing and that up to 2018, the petitioners had an opportunity to present their views to the *Krijgsraad*; and that they exercised their right to join the proceedings as injured parties, but subsequently withdrew their respective applications.

30. The State further alleges that the *Krijgsraad* delivered a final judgment on November 29, 2019, which convicted some individuals --including Mr. Bouterse-- but acquitted other defendants⁵. The State argues that this judgment is now under appeal by some of the convicted defendants and that, accordingly, criminal proceedings remain incomplete, and therefore, the petitioners have not yet exhausted domestic remedies.

VI. EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS

31. The petitioners allege that more than three decades after the events that led to the death of the 15 men, proceedings by the authorities have failed to clarify the events or to identify or punish the perpetrators. On the other hand, the State argues that the criminal investigation is still pending, and therefore concludes that domestic remedies have not been exhausted.

32. The Inter-American Commission observes that, in situations such as the instant one that involve crimes against life, the domestic remedies that must be considered for the purposes of the admissibility of petitions are those related to the criminal investigation and punishment of those responsible. Generally, the IACHR considers that a criminal investigation should be carried out promptly to protect the interests of the victims and to preserve evidence. In this matter, the Inter-American Commission notes that the investigation into the deaths of the 15 men started in the High Court of Justice in 2000 but was later transferred to a military tribunal for the trial of those identified as suspects. In this regard, the IACHR has reiterated on several occasions that military jurisdiction does not provide a suitable recourse to investigate, try and punish violations of human rights recognized by the American Convention, that were allegedly committed by members of the military, or with their collaboration or acquiescence.

33. Considering the lack of an effective or prompt criminal investigation by the civil authorities of the State, the Inter-American Commission considers that the exception set out at Article 46.2(b) and (c) of the American Convention applies, as the petitioners have not been allowed access to domestic remedies or were impeded from exhausting them.

34. Regarding the deadline for presenting the petition, the IACHR observes that the facts alleged took place starting in 1982, and that their consequences --including the alleged failure to investigate and punish those responsible-- continues to the present day. Thus, considering that this petition was filed on August 29, 2014, the Inter-American Commission finds that it meets the requirement of a reasonable period, pursuant to Article 32(2) of its Rules of Procedure.

⁵ The International Committee of Jurists reiterated its concerns about the use of military tribunals in cases of gross human rights violations but acknowledged the civilian judicial composition of the *Krijgsraad* and viewed its decision as "bringing the case one step closer towards a final conclusion". The ICJ also noted that December 2022 will mark 40 years since the events, which are "as yet without final resolution and justice for the families of those executed". *Suriname: A speedy appeal is imperative in Bouterse case*, ICJ, September 17, 2021.

VII. COLORABLE CLAIM

35. The petitioners confine their claims to the alleged failure of the State to investigate and punish those responsible for the alleged torture and deaths of the 15 men. The Inter-American Commission observes that the facts supporting the allegations are based on events that took place in 1982, prior to the November 12, 1987, ratifications by Suriname of both the American Convention and the Inter-American Convention to Prevent and Punish Torture.

36. The Commission considers that the effects of the petitioners' allegations continue until the present day; and accordingly, if proven, the facts would constitute *prima facie* violations of Articles 8 (judicial guarantees) and 25 (judicial protection) of the American Convention, in relation to its Articles 1.1 and 2 to the detriment of the petitioners; and of Articles 1, 6, and 8 of the Convention Against Torture.

VIII. DECISION

1. To find the instant petition admissible in relation to Articles 8 and 25 of the American Convention, in relation to Article 1.1 and to Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture.

2. To notify the parties of this decision; to continue with the analysis on the merits; and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 9th day of the month of February, 2022. (Signed:) Julissa Mantilla Falcón, President; Stuardo Ralón Orellana, First Vice President; Esmeralda E. Arosemena Bernal de Troitiño, and Joel Hernández, Commissioners.