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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 1/85; Case No. 9265
Session:	Sixty-Fifth Session (24 June – 1 July 1985)
Title/Style of Cause:	Iwan Rajwinderpersad Gobardhan, Omprakash (Oemperkash) Gobardhan, Krishnapersad Gobardhan, Ramlall Bekaroe, Harden Kasi, Lila Doerga, Krishna Doerga, Parents of Mrs. Doerga, Mr. Alibux, Radiksjoen (spelling uncertain), Austen and Karel Linveld v. Suriname
Doc. Type:	Resolution
Decided by:	Chairman: Drs. César Sepúlveda Second Vice Chairman: Luis Adolfo Siles Salinas; Members: Andrés Aguilar; Marco Gerardo Monroy Cabra; Gilda M. Russomano; Bruce McColm For health reasons, Dr. Luis Demetrio Tinoco Castro, First Vice Chairman, could not attend the session.
Dated:	01 July 1985
Citation:	Gobardhan v. Surin., Case 9265, Inter-Am. C.H.R., Report No. 1/85, OEA/Ser.L/V/II.66, doc. 10 rev. 1 (1984-1985)
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BACKGROUND

1. On December 6, 1983 the Inter-American Commission on Human Rights received the following complaint and forwarded it to the Government of the Republic of Suriname for its observations:

We have received the names of the following people reportedly arrested during the past two weeks and detained at Fort Zeelandia Military Police headquarters:

Iwan Rajwinderpersad Gobardhan, aged 27.

Omprakash (Oemperkash) Gobardhan, aged 24, Dutch citizen.

Krishnapersad Gobardhan, aged 21, reportedly badly beaten; present at the arrest of his brother-in-law (below).

Ramlall Bekaroe, aged 27, brother-in-law of above brothers.

Harden Kasi, aged 21.

Mrs. Ch. Doerga, aged 40 arrested on 27 November at Nickerie.

K.P. Doerga, aged 24, arrested on 27 November at Nickerie.

Parents of Mrs. Doerga, above; mother reported to suffer from diabetes and may die if she does not receive medication.

Mr. Alibux (not Prime Minister).

Radiksjoen (spelling uncertain).

Austen, businessman.

Linveld.

On 29 November 1983 the Suriname authorities announced that they had arrested ten people during the previous week on suspicion of plotting a coup against the Government. They are reportedly being held for

questioning at Fort Zeelandia Military headquarters. Other reports allege that up to 69 people, mainly from the Indian (Hindustani) community have been arrested during this period. We have received reports that some of those arrested have been beaten while in custody.

A further report was received from a refugee arriving in Holland that for the past 2-3 weeks four bodies were kept under military guard in the Paramaribo mortuary. Bodies rumoured to include Imro Themen and Henk Essed (leader of People's Militia, dismissed three weeks ago).

Two of those arrested - Omprakash Gobardhan and Linveld above - appeared on Suriname television on 29 November at a press conference given by the Deputy Commander of the Military Police, Sergeant Major Zeeuw. The two men 'confessed' to their involvement in the attempted coup. The Government has accused those involved of having distributed anti-government leaflets and of setting fire to Government buildings, reportedly in preparation for an invasion by mercenaries.

We are concerned for the safety of those in custody, in view of the past treatment of people arrested on suspicion of plotting coups in Suriname. We urge the Government to grant those detained protection of right to life and humane treatment.

2. On March 20, 1984 the Commission received the following response from the Government of Suriname and forwarded it to the complainant for his observations:

According to information from the Attorney-General to the Court of Justice in Suriname, the accused persons referred to in the appendix were brought up before the Chief-Prosecutor, Mr. A.I. Ramnewash LL.D., by the Military Police on 10 December 1983. In respect of the accused I. Bissumbar and H. Kasie, an order for their release was issued when they were brought in for the second hearing on 20 December 1983. On January 3, 1984 the case was referred to the examining magistrate for a preliminary judicial examination.

In regard to the rumour that there would be bodies placed under military guard, in respect of which the names of Messrs. Imro Themen and Henk Essed have been mentioned, we wish to comment as follows: Mr. Imro Themen is at present a civil servant employed at the Ministry of General Affairs, while Mr. Henk Essed was recently on vacation in the United States of America.

The Government of Suriname deplors the fact that your Commission is being supplied with incomplete and incorrect information, and cannot resist the impression that insinuations in this respect are made on purpose, evidently with the intention to discredit our country with your organization. We take the most definite exception to this.

We assure you that the Government of Suriname endeavours to give full substance to Resolution Ne AG/Res. 666 (XIII-0/83) which was adopted at the Seventh Plenary Session of the Thirteenth General Meeting of the OAS in November 18, 1983.

3. Subsequently the following additional information was received and transmitted to the Government for its comments:

Arrest of Political Opponents on 24 November 1983:

Names:

1. Gobardhan, Iwan Rajinderpersad

Born on 22 November 1956.

2. Gobardhan, Omprakash

Born on 5 August 1960

3. Gobardhan, Krishnapersad

Born on 22 April 1962

4. Bekaroe, Ramlall

Born on 16 December 1950

5. Kasi, Harden

Born on 12 October 1962

6. Doerga, Lila
7. Doerga, Krishna
8. Lindveld, Karel
9. Oudsten

On 24 November 1983 these Surinamese citizens were arrested and transported to Fort Zeelandia by armed men in civilian clothes. This was kept secret. Even when relatives went to the military police they denied having arrested the above-mentioned people.

In December 1983 Omprakash Gobardhan and Lindveld were interrogated on TV in the presence of the press including the Dutch media.

Only military Police Commander Liew Yen Tair put a few questions to the prisoners, who had to answer with a yes or no. The press was not allowed to ask questions. On the film the expression of fear and terror could be seen clearly on their faces. In this 'show' the Council was accused of destabilizing activities in Suriname and sending mercenaries to Suriname. However, all persons who had been arrested had Surinamese nationality.

Mrs. Lila Doerga is a diabetic but she could not take any medicine.

In February, the prisoners were put under custody of the civil police. It is reported that in the meantime Karsi, Lila Doerga and Krishna Doerga have been released.

The others prisoners are still held. Most probably they will appear before the court on June 14, 1984.

4. On July 27, 1984 the Commission received the further observations of the Government of Suriname. The pertinent parts of the observations read as follows:

Referring to Your letter of July 5, 1984, Case 9265, I have the honour to inform You as follows:

Case 9265 refers to the persons mentioned in the list enclosed with Your letter of June 19, 1984 being the following:

1. Gobardhan, Iwan Rajinderpersad
2. Gobardhan, Omprakash
3. Gobardhan, Krishnapersad
4. Bekaroe, Ramlall
5. Kasi, Harden
6. Doerga, Lila
7. Doerga Krishna
8. Lindveld, Karel
9. Oudsten

Acting upon instructions of my Government, I submit to You information about the following persons:

Mr. Harden Kasi, Mrs. Lila Doerga, Mr. Krishna Doerga, and Mr. R. Oudsten were not prosecuted and have been released.

Mr. Iwan R. Gobardhan was sentenced to 1 year and 6 months, with reduction of the time of his pre-trial detention.

Mr. O. Gobardhan was sentenced to 2 years with reduction of the time of his pre-trial detention.

Mr. Ramlall Bekaroe was sentenced to 1 year with reduction of the time of his pre-trial detention.

Mr. Karel Lindveld was sentenced by the judge in the first circuit (kanton) to 1 year and by the judge in the third circuit (kanton) to 2 years. In both cases his time was reduced with the time of his pre-trial detention.

In case Your Secretariat would like to receive a copy of the above-mentioned judiciary decisions, please feel free to notify us.

5. Subsequently, on November 5, 1984 the Government of Suriname sent photostatic copies of the sentences handed down by the Court on Messrs. Krishnapersad Gobardhan, Iwan Gobardhan, and Karel Lindveld.

6. On January 9, 1985 a special commission of the IACHR interviewed certain eyewitnesses to the detention of the subjects of this case and heard testimony to the effect that they were tortured at the outset of their incarceration, in some cases lasting several months, and effectively denied legal counsel until the day before their trials in July of 1984, more than seven months after their arrest. The tortures included severe beatings over their entire bodies including their sex organs. These usually took place at night either in Fort Zeelandia or Membre Boekoe Kazerne. Specific mistreatment also included the placing of a chair leg on the victims's outstretched hand while the torturer jumped on the chair. Another technique consisted of forcing the prisoner to drink a liquid that burned the drinker's throat. The torture also included punches, kicks and beatings with clubs and rifle butts. The Commission saw evidence on a number of the victims of broken teeth, noses, legs, collarbones and assorted scars. One had been tied to a car and dragged. Several had been forced to sign confessions.

Psychological torture included the firing of machine guns at the victims' feet. Threats were also made against the wives, mothers and other relatives of the victims. On one occasion several of the victims were forced to lie in freshly dug graves in a local cemetery and threatened with summary execution. One of the victims was subject to an attempted homosexual rape by a military policeman.

7. On January 16, 1985 the special commission of the IACHR visited Santo Boma Penitentiary outside of Paramaribo. There it interviewed a number of prisoners including four who are the subjects of this case.

8. The Commission has verified that most of the subjects of this case have been released.

9. From independent eyewitnesses the Commission received testimony that the torturers included the following Surinamese military personnel:

Lt. Paul Baghwandas	Esajas	Shamrai
Sgt. Major Marcel Zeeuw	Capt. Leeftang	Vanenburg
Rosendaal	Rupert Christoffel	Hak
Guno Mahadew	Linscheer	Cladebar
Tolud	Poccothi	Jesserun

10. The special commission of the IACHR met with certain military authorities during its on-site visit in Suriname and discussed these accusations of torture and denial of due process. Colonel Liew Yen Tair and Sgt. Major Zeeuw denied the allegations of torture and stated that the decree laws in force under the state of siege permit prolonged detention without judicial warrant and without benefit of counsel by the military police. As to the injuries reported by the victims, the officers indicated that these occurred because the subjects had resisted arrest.

CONSIDERING:

1. That the Government of Suriname has made no response to the Commission regarding the alleged beatings and torture of the subjects of this case.

2. That the decree laws currently in force in Suriname that deal with due process of law prima facie violate this non-derogable right.

3. That the American Declaration of the Rights and Duties of Man to which the Government of Suriname is bound as a member state of the Organization of American States, inter alia, provides:

Article I. Every human being has the right to life, liberty and the security of his person.

Article XVIII. Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights.

Article XXV. No person may be deprived of his liberty except in the cases and according to the procedures established by pre-existing law.

Every individual who has been deprived of his liberty has the right to have the legality of his detention ascertained without delay by a court, and the right to be tried without undue delay, or otherwise to be released. He also has the right to humane treatment during the time he is in custody.

Article XXVI. Every accused person is presumed to be innocent until proved guilty.

Every person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with pre-existing laws, and not to receive cruel, infamous or unusual punishment.

4. That the oral testimony of the various non-military eye-witnesses interviewed by the Commission regarding the torture of the subjects of this case and the denial of due process coincide in their essential aspects and corroborate the original complaint and are deemed to be credible by the Commission.

5. That the physical evidence viewed by the Commission in Suriname and abroad bearing on the allegations under consideration tend to corroborate the original complaint insofar as torture and denial of due process are concerned.

6. That the denial of said allegations by the military authorities cited above is deemed by the Commission to be unpersuasive.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To declare that the Government of Suriname violated the human rights of the subjects of this case notwithstanding the fact that some were ultimately released from custody.

2. To observe that the violations in question consist in the practice of torture and the denial of due process as provided for in Articles I, XVIII, XXV and XXVI of the American Declaration of the Rights and Duties of Man.

3. To recommend to the Government of Suriname that it immediately commence an exhaustive investigation into the circumstances of this case and duly prosecute and punish those persons responsible for the human rights violations cited herein.

4. To recommend that the Government of Suriname send said report to the IACHR within 60 days of the date of this Resolution.

5. To publish this Resolution in its next Annual Report to the General Assembly of the Organization of American States in the event that the recommendations cited in this Resolution are not satisfactorily implemented.