

WorldCourts™

Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 22/89; Case No. 10.124
Session: Seventy-Sixth Session (18 – 29 September 1989)
Title/Style of Cause: Tjongalangapassie victims v. Suriname
Doc. Type: Resolution
Decided by: Chairman: Oliver H. Jackman;
First Vice-Chairperson: Elsa Kelly;
Second Vice-Chairman: Leo Valladares Lanza;
Members: Gilda M.C.M. de Russomano; Marco Tulio Bruni Celli; John R. Stevenson; Patrick L. Robinson
Dated: 27 September 1989
Citation: Tjongalangapassie victims v. Surin., Case 10.124, Inter-Am. C.H.R., Report No. 22/89, OEA/Ser.L/V/II.76, doc. 10 (1988-1989)
Terms of Use: Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

HAVING SEEN:

1. The petition received by the Inter-American Commission on Human Rights on October 8, 1987, according to which:

BACKGROUND INFORMATION:

1. The area under discussion is known as Tjongalangapassie. At the 78 kilometers mark on the road between Brownsweg and Pokigron, in the Brokopondo/Sipaliwini District. This area is inhabited by the Saramaka Maroons or Bush Negroes. This road is the major line for communication for the Saramaka people in the south to the urban coastal area. The road is of great importance since the construction of the dam prohibits safe and easy transportation by traditional boats. After the construction of the lake, flooding of considerable areas of the Saramaka territory and transmigration, many shifted to prepare their agriculture fields along the Tjongalangapassie.

2. As a consequence many camps (small temporary settlements) arose in this environment. Residents from the following villages are entitled to settle there and grow their crops: Lispansi - I; Lispansi - II; Jaw Jaw; Kajapati; Amakkakondä; Pokigron; Gingistonoe; Pamboko; Kapasikëlë; Pamboko-Biudumatu; Duwata; Banavoukondë; Bëkiokondë; Pikipada; Gujaba. Saramaka Maroons living in other places might get permission to settle and grow their crops in this environment. From: Heikununu; Masiakiki; Slee; Brownsweg area; and, Paramaribo.

3. The schedule of agricultural production in the area or in the Maroon society, in general, is such that while men are preparing the fields for the next season, women are harvesting the previous fields and planting new crops like ground nuts and ochre in the new fields in preparation. These go on simultaneously. Such is generally the programme in the months of August and September. Mid-August till end of September is school vacation period. Besides, schools in this part of the country have been

closed for almost a year now. All members of the family including children and those forming small vocational cooperatives are to be found in the fields, working from the early morning till late in the afternoon. Many people could, therefore, be found on this road and this area in the August-September period.

4. This area also became a hiding ground for residents of the Brownsveg villages. Whenever the military approach they flee to the dense forests here. The Jungle Commando also has a camp in this area at Km 49.

OCCURRENCES:

5. We first learned about heavy fighting between the National Army and the Jungle Commando warriors from the Government news agency SNA in Paramaribo. They reported that heavy fighting took place at Tjongalangapassie on 10 September 1987. A camp of the Jungle Commando was destroyed; goods confiscated and forty warriors killed, the news agency said. A short while thereafter came the cry of distress (19 September 1987) from "Aide Medicale Internationale" based in Paris. They reported a massacre of more than forty Saramaka Maroons in the area of the Tjongalangapassie. Those killed were not Jungle Commando warriors but civilians. Men, women, and children were killed by the Military of the National Army, the report said.

6. Accounts from eyewitness confirmed that:

i. The Jungle Commando had left that area since the first week of June 1987. They had left behind three camp watchmen. Only sporadic patrol of small units (of less than seven warriors) could be seen from time to time.

ii. There has been no fighting between the National Army and the Jungle Commando warriors between 10 and 20 September in this area.

iii. A message of the army was given out meant for warning every non-Jungle Commando warrior to leave the area before 10 September. This message was not, however, announced publicly. We have been told that the message never arrived.

iv. Until 15 October 1987, it was strictly forbidden to every- one to enter the road without special permission from the military. It was also not possible to collect the corpses or skeletons or other remainders of their own family without the special permission. No search or identification of bodies of family members was permitted. The permission could be requested at Berg-en-Dal, 17 Km from Brownsveg in the direction of Paramaribo. Some of those on the road witnessed an enormous amount of vultures and the unbearable stench of corpses.

v. The fact that the mission of the Inter-American Commission on Human Rights was not able to visit Brownsveg prevented a meeting with first hand witnesses of the alleged massacre. The Government indicated that it was not in a position to provide security arrangements necessary for the visit of this mission.

7. After questioning two persons directly involved in the occurrence and many others directly affected by these, we arrive at the conclusion that killings of innocent civilians took place at the Tjongalangapassie between 10 and 30 September 1987. Though not in a battle members of the Jungle Commando might have been killed in this area. All those killed in that period are primarily if not all Bush Negroes. Of a total of 20 (twenty) of whom three could be considered involved in the civil war are registered. The others could not be identified. There has been no systematic search in the area as yet. These findings or discoveries should therefore be considered accidental. This and unanimous opinion of

informers give ground to believe that there has been a massacre of Saramaka Maroons by the National Army, involving much more victims than counted at the massacre of Maroons in Moniwana in the afternoon of Saturday, 20 November 1986.

8. Following are some information on victims discovered by accident:

CASE 01: ATANSO, Male

Age 22, son of Main & Swaja Adiembo

Killing area discovered Tjongalangapssie Km 10

Killing date 30 September 1987

CASE 02: DIEKO, Edmundo Male, from the Villa of Pamboko,

Age 17, son of Metty Dieko and Rení Aboikoni

Killing area discovered Tjongalangapssie Km 49

Killing date 11 September 1987

Remarks Probably Jungle Commando Camp watchman

CASE 03: DONOE, Ajajo Roël Male,

Age 35

Address Brownsweg-Kadjoe

Killing area discovered Tjongalangapassie Km 18

Killing date 11 September 1987

Remarks Pickup destroyed. Robbed 3000 Guilders; hunting gun; driver's license; passport. See also Case 13.

CASE 04: FINKI, Amonie Pantooli Male, from the Village of Lispansie

Age 58, son of Mamma Malie and Wakka Wai

Address Paramaribo

Killing area discovered Near landing-place of the Village of Pokigron

Killing date 18 September 1987

Remarks He was on his way back to his village, returning from the village of his wife's family after preparatory work for the annual agricultural field work. He was accompanied by his two sons-in-law (Asoetikoekoe and Dinda) and his son (of whom we have no name available). They were fired upon while in their boat. This killing happened during the two day visit of Commander-in-Chief, leader of the Revolution and head of the Government of Suriname, Lieutenant Col. D.D. Bouterse to the village of Pokigron. The companions of Mr. Finki escaped, his son was hurt. Occupation Watchman in Paramaribo.

CASE 05: FINKI, Hugo Paiti Male

Age 21, son of Suüku & Fanjí

Killing area discovered Tjongalangapassie Km 16

Killing date 11 September 1987

CASE 06: GAJAGO Male

Age Son of Gajagö of the Village of Pinpin

Killing area discovered Tjongalangapassie

Killing date 11 September 1987

CASE 07: GAJAGO Female

Age 2, daughter of Gajagö of Pinpin

Killing area discovered Tjongalangapassie

Killing date 11 September 1987

CASE 08: MAIN, Baabaa (alias Male, from Amakkakondë Kapiten Faka

Age 21, son of Boddo Main

Killing area discovered Tjongalangapassie Km 49

Killing date 11 September 1987

Remarks Probably Jungle Commando Camp watchman

CASE 09: METISEN, Boisi Male from Godo

Age 38, son of Soemato & Godo

Address Vulcanusstraat 38 Paramaribo
Profession Aluminium potter
Killing area discovered Tjongalangapassie Km 10
Killing date 30 September 1987

Remarks See also Case 14

CASE 10: PAM A TJOK, Nagwëtë Male

Age 35, son of Ameïkan (alias Dondoko)

Address Village of Pinpin

Killing area discovered Tjongalangapassie Km 49

Killing date 11 September 1987

Remarks Probably Jungle Commando Camp watchman

CASE 11: POEKETIE, William Male Andeloe

Age 23, son of Apajaka Poeketie and Lonei Amokkoo Adjako

Address Kajapatie

Killing area discovered Tjongalangapassie Km 54

Killing date 11 September 1987

CASE 12: VREDE, Desman Male

Age 37, son of Telma Vrede- Ewijk and Sofnat Vrede

Address Brownsweg-Nieuw Ganzee

Killing area discovered Tjongalangapassie

Killing date 10 September 1987

CASE 13: Waldie Male

Age 17

Address Brownsweg-Kadjoe

Killing area discovered Tjongalangapassie Km 18

Killing date 11 September 1987

Remarks He was probably killed together with Donoe, Ajajo Roël (Case 3)

CASE 14: At the Tjongalangapassie a body was discovered. Some say it belongs to a member of the Metisen family (See Case 09). Probably killed in September 1987.

CASE 15: Woman and Child

The body of a woman of about 40 years of age, and next to her the body of an approximately 6 years old child. The body of the woman showed signs of being raped. Close to her there was a basket with padi (dropped). This discovery was made off Km 54. The woman and child were probably killed on 11 September 1987.

CASE 16: A Child voice warning

A soldier made the following statement regarding this case: "On our way from Km 32 to Pokigron we fired with heavy weapons into the forest on both sides of the road in front of us. This was on 11 September. We destroyed and set on fire almost every agricultural field and camp in sight, making sure we killed instead of being killed. Those who were lucky to have learned beforehand of the presence of the military left the area in time as well as those who had their agricultural fields and camps deep in the forest beyond the reach of our bullets were lucky. We fired constantly until Km 48. The only sound we heard belonged to our machine guns. The ground under our wheels trembled. The noise was heavy. At Km 48 we stopped firing. Then only did we hear a voice. It was the voice of a child all right. It shouted in Saramaka a determined warning. I warn you, don't kill me. The voice repeated itself twice. I warn you, do not kill me. I warn you, do not kill me. A soldier rushed in the direction of the voice. He took with him the hospital orderly. After a short while they returned. Five to ten minutes had then passed. They brought out no child or adult Maroon. No living or dead persons did they return with. I think all of us were shocked and more. We proceeded on our way. We stopped the shooting for a while. I am sure it was the voice of a child less than ten."

CASE 17: Three young men of the village of Gijaba disappeared. They are said to be rastamen. They disappeared after 10 September.

CASE 18: One resident of the village of Jaw Jaw has disappeared since 10 September 1987.

CASE 19: One Basia (of the village of....) has disappeared since 20 September 1987.

CASE 20: One boy of the village of Brownsweg-Kadjoe 14-15 years of age has disappeared. He is the son of Lafoemë or a resident of the camp of Lafoemë. Lafoemë has his camp at Km 25, 5 at the Tjongalangapassie. Our informer said that when the boy and others discovered camp of Lafoemë, he then went to warn Lafoemë. They came across the military. They shot at the boy and his companions. The others managed to escape. The young boy was killed.

P.S.

The occurrences said to have happened in Pokigron, actually took place primarily on the 79 Km road between Brownsweg and Pokigron. This road is known to the Saramaka Maroons as Tjongalangapassie. Tjongalanga is the name of the company that built this road. One man, Amonie Finki (See Case 04) was shot and killed near the landing-place of Pokigron.

2. The transmission of that complaint to the Government of Suriname in the note of November 17, 1987, requesting it to provide such information as it deemed pertinent, as well as any information that would make it possible to ascertain whether, in this case, the remedies of domestic law had been exhausted.

3. A copy of the same note and the pertinent parts of the complaint were also sent to the Mission of the Government of Suriname to the Organization of American States on the same date.

4. The communication of November 17, 1987, to the Government of Suriname was repeated on February 9, 1988.

5. The repetition of the request for information made in the note of February 9, 1988, informed the Government of Suriname that should such information not be provided within a period of thirty (30) days, pursuant to Article 42 of the Regulations, the facts reported would be considered to be true.

CONSIDERING:

a. That the Government of Suriname did not reply to the request for information made by the Commission concerning this case despite an expressed written reminder.

b. That a Resolution was adopted by the Inter-American Commission on Human Rights on March 4, 1988, Resolution No 6/88, and duly sent to the Government of Suriname on March 30, 1988, granting a 60 day period to inform the Commission of measures taken to implement this Resolution.

c. That the Resolution was based on Article 42 of the Commission's Regulations which provides:

Article 42. Presumption

The facts reported in the petition whose pertinent parts have been transmitted to the government of the State in reference shall be presumed to be true if, during the maximum period set by the Commission under the provisions of Article 34 paragraph 5, the government has not provided the pertinent information, as long as other evidence does not lead to a different conclusion.

d. That the Government of Suriname thereafter sent a note dated May 19, 1988, to the Commission regarding the Resolution which stated, inter alia:

The Permanent Representative of the Republic of Suriname to the Organization of American States presents his compliments to the Executive Secretary of the Inter-American Commission on Human Rights and upon instructions received from the Government of Suriname has the honour to inform the Inter-

American Commission on Human Rights with reference to the Resolutions concerning cases No 9778, 10.116, 10.117, 10.118, 10.119, and 10.124 the following:

The Government of the Republic of Suriname has taken due note of the contents of aforementioned Resolutions and will seriously endeavour to act upon the recommendations contained therein.

Mindful of the gravity of the cases cited, the Government intends to carry out a further investigation into those cases.

The Government is aware, however, that a thorough investigation of alleged violations of human rights, which would have occurred during the internal conflict since July 1986, is a most difficult and time consuming exercise.

The Government is nevertheless determined to do everything within its power to serve the cause of justice.

The Government also intends to carry out its obligations with respect to all victims of human rights abuses.

e. The Commission, in reply to this note, advised the Government on June 9, 1988, in pertinent part:

On behalf of the Inter-American Commission on Human Rights, I am pleased to respond to your note of May 1988, in which you inform the Commission that Your Excellency's Government intends to seriously endeavor to act upon the recommendations contained in the Resolutions stemming from Cases 9778, 10.116, 10.117, 10.118, 10.119, and 10.124. Moreover, Your Excellency's statement that the Government intends to carry out a thorough investigation into those cases in order to serve the cause of justice is most heartening.

Because the Commission will be meeting in September of this year and will necessarily have to decide whether to include those Resolutions in its 1987-88 Annual Report, it is very important that the Commission be advised in a timely way of the actions taken by Your Excellency's Government with respect to said cases.

f. That the Government, on August 19, 1988, sent the following note to the Commission concerning this case:

The Permanent Representative of the Republic of Suriname to the Organization of American States presents his compliments to the Executive Secretary of the Inter-American Commission on Human Rights and with reference to the latter's notes concerning Cases 10.115, 10.117, 10.118, 10.119, 10.124, 9820, as well as to the note dated May 19, 1988, has the honour, upon instructions received from the Government of Suriname to further communicate the following.

An inquiry at the proper judicial authorities into the above mentioned cases revealed that no complaints have been filed. Since the Office of the Public Prosecutor has no knowledge of above mentioned cases, it is not possible to provide satisfactory answers to the questions submitted by the Commission.

The information as contained in the notes of the Commission is however not sufficient to enable the Office of the Public Prosecutor to make thorough inquiries into these cases. The Government of Suriname would therefore appreciate being provided with any additional information, which the Commission might have at its disposal and which might facilitate such investigations. Needless to say that this information will be dealt with in the strictest confidence.

Nevertheless the Office of the Public Prosecutor is attempting to gather information, in order to investigate these alleged violations. In this respect the Government of Suriname would like to state that the continuation of the hostilities in the area, where the alleged violations occurred, is not conducive to an investigation.

g. That despite the assurances provided in the foregoing notes, no further investigation has been conducted and no further information has been provided to the Commission by the Government on this case.

h. That the Commission thereafter received testimony regarding this and similar cases during its on-site visit to Suriname in December of 1988, and that the testimony effectively corroborates the original complaint, specifically with respect to Army repression of Maroons in geographical area and time frame in which this and similar violations occurred.

i. That the Commission was told by the acting Attorney General of Suriname, during its December 1988 on-site visit, that the Government was unable to investigate this matter.

j. That the Commission is satisfied that the Government has failed to make a good faith effort to investigate the allegations in this case and to punish those responsible for its occurrence.

k. That it was impossible for the complainants to exhaust domestic remedies in this matter since the authorities that would have been responsible for the investigation, namely the military police, form part of the military establishment accused of the violations in question, and that it can reasonably be deduced that the inaction of military in this and other cases clearly demonstrates an unwillingness to investigate, prosecute, and punish those responsible for the violations.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
RESOLVES:

1. To presume true the facts denounced in the communication of October 8, 1987, concerning the massacre at Tjongalangapassie, during September, 1987.

2. To declare that this constitutes a very serious violation of the right to life (Article I) of the American Declaration of the Rights and Duties of Man, notwithstanding the fact that it occurred before the democratically elected civilian Government took office in January, 1988.

3. To recommend to the Government of Suriname that it proceed, as soon as possible, to carry out an investigation of the event and punish those responsible therefor with the most severe penalties established in its domestic legislation.

4. To declare that the relatives of the victim are entitled to fair compensation, according to law, whereby the Government is responsible for said compensation.

5. To publish this Resolution in its next Annual Report.

6. To transmit this Resolution to the Government of Suriname and the petitioner.