

Aloeboetoe et al. v. Suriname

ABSTRACT¹

This case is about the arbitrary arrest and eventual murder of a group of Maroons, an indigenous people group, in Suriname during the 1986-1992 Civil War. Eventually, the State accepted full responsibility, leaving the Court only the task to rule on the reparations.

I. FACTS

A. Chronology of Events

December 31, 1987: Over twenty unarmed Maroons pass through Atjoni, a village of Pokigron in Suriname, to return to their village of Paramaribo.² While passing through, they are attacked and beaten by a group of soldiers with their rifle butts under the suspicion that they belonged to the Jungle Commando, a subversive group.³ In addition to being detained, a number are wounded with bayonets and knives⁴ and forced to lie face down on the ground while the soldiers step on their backs and urinate on them.⁵ Roughly fifty people witness these events take place.⁶

The Captain of the village makes an effort to tell Commander Leeftang of the Army that the villagers are citizens from several different villages, and not members of the Jungle Commando.⁷ Commander Leeftang, however, ignores this information.⁸

Of the twenty Maroons, the soldiers allow some of them to continue on their way but seven of them, including a fifteen-year-old boy, are

1. Theodore Nguyen, Author; Jennifer Toghian, Editor; Hayley Garscia, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Aloeboetoe et al. v. Suriname, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 11, ¶ 11 (Dec. 4, 1991).

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.* ¶ 12.

7. *Id.*

8. *Id.*

blindfolded and dragged into a military vehicle.⁹ The following men were taken by the soldiers: Mr. Daison Aleboetoe, Mr. Dedemanu Aloeboetoe, Mr. Mikuwendje Aloebotoe, Mr. John Amoida, Mr. Richenel Voola ("Aside"), Mr. Martin Indisie Banai, and Mr. Beri Tiopo.¹⁰

The military vehicle is taken through Tjongalangapassi in the direction of Paramaribo.¹¹ Eventually, the vehicle stops when it arrives at Kilometer Thirty.¹² The soldiers order the victims to get out of the vehicle, and the ones who do not comply are forcibly dragged out of the vehicle.¹³ They are all given spades and forced to start digging.¹⁴ One of the victims inquires about why they are being forced to dig; one of the soldiers indicates that they are going to plant sugar cane and another replies that they are celebrating the end of the year with them.¹⁵

At a certain point, Mr. Aside tries to escape, but the assailants shoot and wound him.¹⁶ Mr. Aside, nonetheless, manages to escape and is not followed.¹⁷ Shortly after, the other six Maroons are killed.¹⁸

January 2, 1988: A group of men from Gujaba and Grantatai sets out for Paramaribo, the capital of the State, in search for any information on the seven victims from the authorities.¹⁹ Once in Paramaribo, they meet Mr. Orna Albitrouw, Coordinator of the Interior of Volksmobilisatie, and go to the Military Police of Fort Zeeland, where they attempt to see Mr. Vaandrig Achong, the Head of S-2.²⁰

January 4, 1988: The men are unable to obtain any information pertaining to the whereabouts of the victims and return to Tjongalangapassi.²¹ Upon arriving at Kilometer Thirty, the men come across Mr. Aside, who is in critical condition with a bullet wound just above his right knee.²² Mr. Aside states that he is the only survivor of the massacre and that the dead bodies of the other victims have been partially eaten by

9. *Id.* ¶ 13.

10. *Id.*

11. *Id.*

12. *Id.*

13. *Id.*

14. *Id.*

15. *Id.* ¶ 14.

16. *Id.*

17. *Id.*

18. *Id.*

19. *Id.* ¶ 15.

20. *Id.*

21. *Id.*

22. *Id.*

vultures.²³ Mr. Aside's wounds are infested with maggots and his right shoulder blade is cut in an X-shape.²⁴

The group returns to Paramaribo with this information.²⁵ After twenty-four hours of negotiations with authorities, a representative of the International Red Cross obtains authorization to evacuate Mr. Aside.²⁶

January 6, 1988: Mr. Aside is admitted to the Academic Hospital of Paramaribo where he dies, despite the care provided.²⁷ The Military Police prevent Mr. Aside's family from visiting him in the hospital. Additionally, the next of kin of the other six victims are finally granted permission to bury their loved ones.²⁸

B. Other Relevant Facts

Maroons (from the Spanish word *cimarrón*, meaning “wild savage”)²⁹ are descendants of African slaves who escaped slavery, fled to the interior and joined with indigenous peoples, and created several independent tribes.³⁰ By the 1980s, the Maroons in Suriname had begun to fight for their land rights.³¹ The Suriname Guerrilla War (Dutch: *Binnenlandse Oorlog*, ‘Internal War’) was an internal conflict in Suriname between 1986 and 1992.³² The war was fought between the Jungle Commando led by Ronnie Brunswijk,³³ whose members originated from the Maroon ethnic group, and the national army led by then-army chief and de facto head of state Dési Bouterse.³⁴ The main cause of the civil war was the contempt that the urban Surinamese

23. *Id.*

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.*

29. J. B. HARRIS, HIGH ON THE HOG: A CULINARY JOURNEY FROM AFRICA TO AMERICA 58 (2011).

30. *Black Suriname: African Maroon Societies in South America*, Black History Heroes, <http://www.blackhistoryheroes.com/2010/02/african-maroon-societies-in-americas.html>.

31. *Timeline: Suriname*, BBC NEWS (Sept. 14, 2012), http://news.bbc.co.uk/2/hi/americas/country_profiles/1218515.stm.

32. *Id.*

33. INTER-AMERICAN YEARBOOK ON HUMAN RIGHTS 862 (Inter-Am. Comm'n H.R., ed. 1991).

34. *Timeline: Suriname*, BBC NEWS (Sept. 14, 2012), http://news.bbc.co.uk/2/hi/americas/country_profiles/1218515.stm; *Guerrilla, Rapper, Gold Miner... President?*, THE ECONOMIST (Apr. 10, 2013), <http://www.economist.com/blogs/americasview/2013/04/politics-suriname>.

had against the Maroons.³⁵ Government resettlement policies threatened the sovereignty of their societies.³⁶ Violence against Maroons was rampant with men, women, and children constantly killed by bombing attacks.³⁷

In the State, the Constitution afforded no protections or recognition of indigenous people, including Maroons.³⁸ The indigenous people of the State are largely unable to participate in decisions affecting their land, culture, traditions, and natural resources.³⁹ Political opportunities, education, and jobs are concentrated in the capital, while little is left for those that live in the interior.⁴⁰ Government services are also scarce in the interior of the State because much of the infrastructure is destroyed during the 1986-1991 insurgencies.⁴¹

II. PROCEDURAL HISTORY

A. Before the Commission

January 15, 1988: A petition is filed with the Commission on behalf of the victims.⁴²

May 15, 1990: The Commission issues Report No. 03/90.⁴³ In the report, the Commission finds that the State violated Articles 1 (Obligation to Respect Rights), 2 (Obligation to Give Domestic Legal Effect to Rights), 4(1) (Prohibition on Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), 7(1) (Right to Personal Liberty and Safety), 7(2) (Prohibition of Deprivation of Liberty Unless

35. *The Suriname Maroon Crisis*, CULTURAL SURVIVAL, <http://www.culturalsurvival.org/ourpublications/csqa/article/the-suriname-maroon-crisis> (last visited Jan. 24, 2015).

36. *World Directory of Minorities and Indigenous Peoples: Suriname: Maroons*, MINORITY RTS. GROUP INT'L, <http://www.minorityrights.org/5154/suriname/maroons.html> (last visited Apr. 9, 2015).

37. *The Suriname Maroon Crisis*, CULTURAL SURVIVAL, <http://www.culturalsurvival.org/ourpublications/csqa/article/the-suriname-maroon-crisis> (last visited Jan. 24, 2015).

38. *Suriname Human Rights Report*, NCBUY <http://www.ncbuy.com/reference/country/humanrights.html?code=ns&sec=5> (last visited Jan. 24, 2015).

39. *Id.*

40. *Id.*

41. *Id.*

42. The Court documents do not indicate who filed the petition. *Aloeboetoe et al. v. Suriname*, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 11, ¶ 11 (Dec. 4, 1991).

43. *Id.* ¶ 17.

for Reasons Previously Established by Law), 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), 25(1) (Right of Recourse Before a Competent Court), and 25(2) (Right to a Judicial Remedy) of the American Convention.⁴⁴ Additionally, the Commission made several remedial recommendations to the State, including taking necessary measures to avoid reoccurrence, properly investigating the matter, and paying compensation to the victims' next of kin.⁴⁵

B. Before the Court

August 27, 1990: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁴⁶

December 13, 1990: The State appoints Mr. Antônio Augusto Cançado Trindade of Brazil as judge *ad hoc*.⁴⁷

June 28, 1991: The State raises preliminary objections claiming that it is not responsible for the disappearance and death of the victims named in the case, that there is not enough evidence to prove the State committed any violations, and that the State is not liable for the cost in conjunction with the present case.⁴⁸

December 2, 1991: At the public hearing, the State accepts full responsibility for the events.⁴⁹ Further, the State asks the Court to exercise its right to close the case and determine the compensation owed or do whatever is appropriate under the law.⁵⁰

1. Violations Alleged by Commission⁵¹

Article 1 (Obligation to Respect Rights)

Article 2 (Obligation to Give Domestic Legal Effect to Rights)

Article 4 (Right to Life)

Article 5 (Right to Humane Treatment)

Article 7 (Right to Personal Liberty)

44. *Id.*

45. *Id.*

46. *Id.* ¶ 1.

47. *Id.* ¶ 6.

48. Aloeboetoe et al. v. Suriname, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 15, ¶ 10 (Sept. 10, 1993).

49. Aloeboetoe et al. v. Suriname, Merits, ¶ 22.

50. *Id.*

51. *Id.* ¶ 1.

Article 25 (Right to Judicial Protection) of the American Convention.

2. Violations Alleged by Representatives of the Victims⁵²

Same Violations Alleged by Commission.

III. MERITS

A. *Composition of the Court*⁵³

Héctor Fix-Zamudio, President

Thomas Buergenthal, Judge

Rafael Nieto Navia, Judge

Sonia Picado Sotela, Judge

Julio A. Barberis, Judge

Antônio Augusto Cançado Trindade, Judge *Ad Hoc*

Manuel E. Ventura Robles, Secretary

Ana María Reina, Deputy Secretary

B. *Decision on the Merits*

December 4, 1991: The Court issues its Judgment on the Merits.⁵⁴

*Due to the fact that the Government of Suriname accepted responsibility for their role in the events that took place, the Court did not rule on the facts concerning the case and determined that the dispute concerning the facts giving rise to the dispute were concluded.*⁵⁵ Accordingly, all that was left for the Court to do was to determine the reparations and court costs.⁵⁶

C. *Dissenting and Concurring Opinions*

[None]

52. While the Merits Judgment does not indicate who served as the representative of the victims' next of kin, it does mention that Mr. Stanley Rensch signed the petition and spoke with Mr. Aside and other involved persons about the event. *Id.* ¶ 16.

53. While there are typically seven judges that participate in the deliberation and signing of a judgment, the Judgment on the Merits only indicates that these six judges participated. *See generally*, Aloeboetoe et al. v. Suriname, Merits.

54. Aloeboetoe et al. v. Suriname, Merits.

55. *Id.* ¶ 23.

56. *Id.*

IV. REPARATIONS⁵⁷

The Court ruled unanimously that the State had the following obligations:

A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

1. Establish of a Trust Fund

The State must deposit the monetary compensation owed to the beneficiaries in the Surinaamse Trustmaatschappij N.V. (“Suritrust”) in the city of Paramaribo.⁵⁸ The State shall create two trust funds, one on behalf of the minor children and the other on behalf of the adult beneficiaries.⁵⁹

With regard to the children, the trust fund shall be created for the benefit of all those children who are unmarried beneficiaries who have not yet reached the age of twenty-one.⁶⁰ The minor’s trust fund shall continue to exist until the last of the beneficiaries becomes of age or marries.⁶¹

The adult beneficiaries may withdraw up to twenty-five percent of the sum due to them when the State makes their deposit.⁶² The trust fund shall remain active for a minimum of three years and a maximum of seventeen years with semi-annual withdrawals permitted.⁶³

2. Establish of a Foundation

The State must create a Foundation for the purpose of providing the beneficiaries with the chance to obtain the most optimal returns for the money received as reparations.⁶⁴ Additionally, the Foundation will serve as a trustee for the funds deposited in the Suritrust and shall pro-

57. The composition of the Court changed for the determination of the Judgment on Reparations and Costs; specifically, Judge Thomas Buergenthal withdrew for health reasons and Judge Asdrúbal Aguiar-Aranguren was elected to participate in the determination of reparations and costs. Aloeboetoe et al. v. Suriname, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 15, 31 (Sept. 10, 1993).

58. *Id.* ¶ 99.

59. *Id.* ¶ 100.

60. *Id.* ¶ 101.

61. *Id.*

62. *Id.* ¶ 102.

63. *Id.*

64. *Id.* ¶ 103.

vide advice as to how the beneficiaries should allocate their reparations or income they obtain from the trust funds.⁶⁵ As to the minors, the Foundation will try to ensure that the compensation received is used towards subsequent study expenses, as funds in order to begin work or get married, or as a means to cover expenses when serious problems of health or family finances require it.⁶⁶

3. One-Time Contribution to the Foundation

To ensure the proper operation of the Foundation, the State must - within thirty days of its establishment - make a one-time contribution of \$4,000.⁶⁷ The State will not be allowed to restrict or tax the activities of the Foundation, nor shall it modify any conditions currently in force to interfere with the Foundation's activities.⁶⁸

4. Reopen School

The State must reopen the school located in Gujaba and must staff it with teachers and administrative personnel so that the school can function permanently.⁶⁹

5. Re-establish Medical Dispensary

In conjunction with the re-opening of the school, the State must make the medical dispensary located in Gujaba operational during the same year it re-opens the school.⁷⁰

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court ordered the State to pay a total of \$453,102 in pecuniary damages.⁷¹ The State must deposit the money in the Suritrust.⁷² The

65. *Id.* ¶ 106.

66. *Id.*

67. *Id.* ¶ 107.

68. *Id.* ¶ 108.

69. *Id.* Operative Paragraphs ¶ 5.

70. *Id.*

71. *Id.* ¶ 99.

72. *Id.*

money shall be furnished to the victims or their next of kin.⁷³

2. Non-Pecuniary Damages

[None]

3. Costs and Expenses

[None]

4. Total Compensation (including Costs and Expenses ordered):

\$461,102

C. Deadlines

The State must create the Suritrust, the Foundation, and pay the pecuniary damages owed before April 1, 1994.⁷⁴ The one-time contribution to the Foundation in the amount of \$4,000 must be made within thirty days of the Foundation's establishment.⁷⁵ Lastly, the State must re-open the school and have the medical dispensary operational by 1994.⁷⁶

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

[None]

73. *Id.* Operative Paragraphs ¶ 1. The Court included a table, which allocated a specific fraction of the total pecuniary damages to each of the next of kin of the victims. *Id.* ¶ 98.

74. *Id.* ¶ 99.

75. *Id.* Operative Paragraphs ¶ 4.

76. *Id.* Operational Paragraphs ¶ 5.

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Aloeboetoe et al. v. Suriname, Merits, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 11 \(Dec. 4, 1991\).](#)

[Aloeboetoe et al. v. Suriname, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 15 \(Sept. 10, 1993\).](#)

3. Provisional Measures

[None]

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[None]

2. Report on Admissibility

[None]

3. Provisional Measures

[None]

4. Report on Merits

[Not Available]

5. Application to the Court

[Aloeboetoe et al. v. Suriname, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 10.150 \(Aug. 27, 1990\).](#)

VIII. BIBLIOGRAPHY

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