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RELEASE IN FULL

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ACTION ARA-16

INFO OCT-00 ADS-00 INR-10 EUR-12 SS-10 CIAE-00 DODE-00
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O R 191900Z MAR 82
FM AMEMBASSY PARAMARIBO
TO SECSTATE WASHDC IMMEDIATE 8549
INFO AMEMBASSY BRASILIA
AMEMBASSY BRIDGETOWN
AMEMBASSY CARACAS
AMCONSUL CURACAO
AMEMBASSY GEORGETOWN
AMCONSUL MARTINIQUE
AMEMBASSY PORT OF SPAIN
AMEMBASSY THE HAGUE
USCINCSO QUARRY HGTS PN

C O N F I D E N T I A L PARAMARIBO 0540

E.O. 12065: GDS 03/18/88 (LA ROCHE, RICHARD R.) OR-M
TAGS: PINS PINT NS
SUBJECT: EMERGENCY DECREES

REF: PARAMARIBO 0528

1. (U) THE FOLLOWING IS OUR INFORMAL TRANSLATION OF THE
PERTINENT SECTIONS OF DECREES A-7 AND A-7-A ANNOUNCED
MARCH 18, 1982, WHICH ESTABLISH A "STATE OF WAR" AND AUTHORIZE
THE ESTABLISHMENT OF "MILITARY COURTS IN THE FIELD": WITH THE
POWER TO INVOKE THE DEATH PENALTY.

A-7: DETERMINED, THAT - NOW IN VIEW OF THE FACT THAT THE
GENERAL INTEREST AND THE NATIONAL SECURITY HAS BEEN ENDANGERED -
IT IS NECESSARY TO DECLARE A STATE OF WAR IN SURINAME.

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DECLARED THAT EFFECTIVE TODAY, THURSDAY, 11 MARCH 1982 AT
2400, A STATE OF WAR IS IN EFFECT FOR ALL SURINAME. SIGNED
AT PARAMARIBO (FORT ZEELANDIA) ON MARCH 11, 1982 BY ARMY
COMMANDER D. BOUTERSE, GARRISON COMMANDER R. HORB, AND
BATTALION COMMANDER H. FERNANDES.

A-7-A: ARTICLE 1: SOLDIERS AND CIVILIANS, WHO SEPARATELY
OR IN CONCERT ATTEMPT TO OVERTHROW THE LEGAL MILITARY OR
CIVILIAN AUTHORITY BY FORCE DURING THE STATE OF WAR OR THE
STATE OF EMERGENCY, CAN BE, IN THE FIRST INSTANCE, TRIED BY

**REVIEW AUTHORITY: Leonard Kusnitz, Senior
Reviewer**

THE NATIONAL ARMY CADRE, WHICH WILL BE TITLED THE MILITARY COURT IN THE FIELD.

ARTICLE 2: THE MILITARY JUDGE REFERRED TO IN ARTICLE 1 CAN, AFTER HEARING THE ACCUSED, MAKE THE FOLLOWING DECISIONS:

A) DECIDE THAT THE DEATH PENALTY SHOULD BE INVOKED, OR

B) DECIDE THAT THE ACCUSED SHOULD BE REFERRED TO THE MILITARY COURT FOR FURTHER ADJUDICATION.

ARTICLE 3: A) IF IT IS DECIDED THAT THE DEATH PENALTY IS APPROPRIATE, THAT DECISION IS BINDING AND CANNOT BE APPEALED. B) THE MILITARY COURT IN THE FIELD DETERMINES THE DAY AND TIME WHEN THE DEATH PENALTY WILL BE EFFECTED.

ARTICLE 4: IF IT IS DECIDED THAT THE ACCUSED WILL BE REFERRED FOR FURTHER ADJUDICATION TO THE MILITARY COURT, THE CASE WILL BE TRANSFERRED TO THE MILITARY AUDITOR.

ARTICLE 5: A) THE DEATH PENALTY WILL BE EFFECTED BY A FIRING SQUAD. B) THE CONVICTED SHALL BE BLINDFOLDED.

ARTICLE 6: A) THIS DECREE, WHICH SHALL BE KNOWN AS MAINTENANCE OF THE NATIONAL SECURITY DURING THE STATE OF WAR AND STATE OF EMERGENCY, CAN BE QUOTED AND WILL BE PLACED IN THE GOVERNMENT REGISTER. B) IT BECAME EFFECTIVE ON 11 MARCH 1982 AT 2400.

2. (C) COMMENT: AS PER REFTEL, THIS APPEARS TO BE A RATHER CONFIDENTIAL

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CLUMSY ATTEMPT TO JUSTIFY THE EXECUTION OF HAWKER BY INTRODUCING RETROACTIVE DECREES. BOUTERSE HAS BEEN UNDER SOME PRESSURE TO EXPLAIN OR JUSTIFY THE HANDLING OF THE HAWKER CASE. IN AN OPEN LETTER TO THE PRESIDENT, THE LEADERS OF THE LABOR UNIONS C-47 AND THE FEDERATION OF POOR FARMERS (FAL) EMPHASIZED THE NECESSITY FOR THE FAIR AND PUBLIC HANDLING OF THE CASES OF HAWKER, RAMBOCUS, ET AL INVOLVED IN THE COUP ATTEMPT. IN A SEPARATE OPEN LETTER TO THE PRESIDENT, THE "ORDER OF ATTORNEYS" STATED THEIR CONCERN OVER THE SHOOTING OF HAWKER AND URGED THE MILITARY TO ACT RESPONSIBLY WITHIN THE FRAMEWORK OF THE LAW IN THE HANDLING OF ASSOCIATED CASES. EMBASSY DOES NOT FEEL THAT EX POST FACTO LEGALIZATION OF THE ACTIONS WILL NOLLIFY NEGATIVE PUBLIC REACTION TO THE EXECUTION. THE ATTEMPTED COVER-UP MAY, IN FACT, FURTHER ALIENATE SEGMENTS OF THE POPULATION BY ERODING THEIR FAITH IN BOUTERSE'S INTEGRITY. THE CONTINUING "STATE OF WAR" IS, IN FACT, MERELY A LEGAL TECHNICALITY. THERE IS NO ABNORMAL MILITARY PRESENCE VISIBLE ANYWHERE AND APART FROM A 10:00 P.M. TO 4:00 A.M. CURFEW FOR CITIZENS, WE KNOW OF NO SPECIAL CONDITION OF ALERT IN EFFECT. THE POSSIBILITY OF FURTHER VIOLENCE EXISTS, BUT ITS OCCURENCE OR TIMING IS NOT PREDICTABLE AT THIS TIME.

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