



FICHA EXT.LAC Surinam

Normativa nacional	
<u>Legislación nacional</u>	Surinaamse uitleveringswet, 1983
<u>Convenios en materias específicas</u>	<ul style="list-style-type: none"> • Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional, hecho en Nueva York el 15 de noviembre de 2000 • Protocolo para prevenir, reprimir y sancionar la trata de personas, especialmente mujeres y niños, que complementa la Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional • Protocolo contra el tráfico ilícito de migrantes por tierra, mar y aire, que complementa la Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional • Protocolo contra la fabricación y el tráfico ilícitos de armas de fuego, sus piezas y componentes y municiones, que complementa la Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional.
	<ul style="list-style-type: none"> • Convención de las Naciones Unidas contra el tráfico ilícito de estupefacientes y sustancias psicotrópicas, hecha en Viena el 20 de diciembre de 1988 • Convención Única de 1961 sobre Estupefacientes enmendada por el Protocolo de 1972 de Modificación de la Convención Única de 1961 sobre Estupefacientes
	<ul style="list-style-type: none"> • Convenio Internacional para la Represión de la Financiación del Terrorismo (1999) • Convenio sobre las infracciones y ciertos otros actos cometidos a bordo de las aeronaves (1963) • Convenio para la represión del apoderamiento ilícito de aeronaves (1970) • Convenio para la represión de actos ilícitos contra la seguridad de la aviación civil (1971) • Convención Internacional contra la toma de rehenes (1979) • Protocolo para la represión de actos ilícitos de violencia en los aeropuertos que presten servicio a la aviación civil internacional (1988) • Convenio para la represión de actos ilícitos contra la seguridad de la navegación marítima (1988) • Convenio sobre la marcación de explosivos plásticos para los fines de detección (1991)
	<ul style="list-style-type: none"> • Convención de las Naciones Unidas contra la corrupción, hecha en Nueva York el 31 de octubre de 2003
	<ul style="list-style-type: none"> • OEA Convención Interamericana contra la corrupción, 1996
<u>Convenios internacionales de extradición</u>	
<u>Convenios bilaterales</u>	<ul style="list-style-type: none"> • USA, 1904 (con Países Bajos) • Netherlands, 1976 • Brasil • Colombia • Venezuela

Legislación nacional	
Principios extradicionales	
<u>Principios</u>	<ul style="list-style-type: none"> • Doble incriminación: • Reciprocidad: • Legalidad: • Especialidad: • Mínimo punitivo:
<u>Motivos de denegación I</u>	<ul style="list-style-type: none"> • Delitos políticos y fiscales: Yes • Derechos humanos o motivos humanitarios: Yes • Extradición de nacionales: No
Extradición activa	
<u>Procedimiento</u>	
Extradición pasiva	
<u>Supuestos de denegación II</u>	<p>Surinamers will not be extradited [Article 3 of the Constitution and Article 2 of the Act on Extradition].</p> <p>The grounds for refusal of a request:</p> <ul style="list-style-type: none"> - if according to the laws of the requesting state the death penalty is set for the fact for which extradition is requested [Article 5 of the Act on Extradition]; - if at the time of the decision concerning the request for extradition the person sought is being prosecuted in Suriname [Article 5 of the Act on Extradition]; - if the person sought has been prosecuted in Suriname and the criminal case was dismissed by the prosecution and according to Surinamese law the reinstatement of prosecution is excluded [Article 6 of the Act on Extradition in conjunction with Article 235 of the Code of Criminal Procedure]; - if the person sought was sentenced in Suriname and the judgment of the Surinamese Court is not open to challenge and on the basis of the Ne Bis In Idem principle he cannot be prosecuted and sentenced again; - if the fact or the punishment imposed for which the extradition is requested are precluded by the lapse of time; - if there is a suspicion that in case of granting of the request the person sought Will be prosecuted, punished or in any other way affected as a result of his religious or political conviction, his nationality, his race or the group of the population to which he belongs; - if the consequences of the extradition of the person sought will be of extreme duress in relation to his youthful age, old age or bad health; - if the extradition concerns punishable acts of a political nature.
<u>Procedimiento</u>	<p>a. Authorities responsible for and procedure for effecting extradition</p> <ul style="list-style-type: none"> - Insofar as a Treaty provides in it, the State may at the request of the duly authorized institution of another state order the arrest of a foreigner present in Suriname, if there are reasonable grounds to expect that in respect to him a request for extradition eligible for granting will be made in the short term on behalf of that State. The prosecuting officer or the deputy prosecuting officer may order the provisional arrest of the foreigner [Article 10 and 11 of the Act on Extradition]; - A request for extradition has to be made in writing, either through diplomatic channels, or – insofar as the applicable Treaty provides therein – directly through the submission to the Minister of Justice and Police [Article 15 of the Act on Extradition]; - The request needs to be accompanied by an original or an authenticated copy of a criminal judgment eligible for execution or of a warrant of arrest given by an authorized institution of the requesting state, an account of the facts of which the person sought is being suspected or for which he has been sentenced, the text of the applicable legal provisions and data for the determination of the identity and nationality of the person sought [Article 15 of the Act on Extradition]; - Unless the Minister of Justice and Police is already immediately of the opinion that the request for extradition has to be rejected, he passes on the request for extradition with the accompanying documents to the Procurator General. The prosecuting officer who has received the request for extradition, may order the arrest of the person sought [Article 17 and 18 of the Act on Extradition]; - At the latest on the third day after the reception of the request for extradition, the prosecuting officer requests – on submission of the documents – in writing the treatment of the request for extradition by the District Court; - The foreigner of whom the provisional arrest or extradition has been requested by another state may at the latest on the day preceding the hearing by the District Court state that he consents to his immediate extradition. The prosecuting officer may then decide that the person sought [foreigner] will be made available to the authorities of the requesting state. [this is the so-called Short Procedure] - If the person sought does not consent to immediate extradition, then the Extensive Procedure follows that leads to a treatment of the request before the District Court. The District Court determines the identity and nationality of the person sought and decides on the basis of the documents handed over by the requesting state on the admissibility of the request. Finally, the District Court Will decide on the acceptability of the request. In case of the presence of compelling grounds for refusal he will declare the request inadmissible and informs – in the form of an advisory opinion – the Minister of Justice and Police, who then has to reject the request for extradition. If the District Court deems that the request for extradition is admissible, the Minister of Justice and Police will take the final decision on whether the request for extradition will be granted or not.

	<p>After granting by the Minister the prosecuting officer is charged with the execution of the extradition.</p> <p>b. The conclusion of a treaty is according to our Constitution [Article 3] and the Act on Extradition [Article 2] required to comply with a request. Article 6 Paragraph 3 of the U.N. Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention 1988) determines that "If a Party which makes extradition condition on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of any offence to which this article applies".</p> <p>As Suriname is party to the Vienna Convention 1988 – in case of the absence of an extradition treaty between Suriname and another country – the Vienna Convention may serve as grounds for the extradition in respect of facts, mentioned in Article 3 Paragraph 1 of aforementioned Convention.</p>
<u>Recursos</u>	
<u>Órdenes internacionales de búsqueda e INTERPOL</u>	
<u>Entrega temporal</u>	
<u>Doble extradición</u>	
<u>Extradición simplificada</u>	Yes
Referencias	
<u>Jurisprudencia relevante</u>	<u>Corte Interamericana De Derechos Humanos, Caso Liakat Ali Alibux Vs. Suriname, 30 De Enero De 2014</u>
<u>Referencias</u>	
Autoridades intervinientes	
<u>Autoridad central</u>	Ministro de Justicia y Policía, Henck Arronstraat no. 1 Paramaribo / Suriname, Tel: (597) 473033; min.jus.-pol@sr.net
<u>Poder Judicial</u>	
<u>Ministerio Público</u>	Procurador General, DIRSIB, Tel. (597) 479589, proc.gen@sr.net
<u>Otras autoridades</u>	