



***Permanent Mission of the Republic of Suriname to the  
Organization of American States***

**PVOAS/SUR/191/20**

The Permanent Mission of the Republic of Suriname to the Organization of American States presents its compliments to the General Secretariat of the OAS and has the honor to inform the General Secretariat of the following actions by the Government of the Republic of Suriname within the context of the COVID-19 pandemic.

The Permanent Mission of Suriname wishes to inform the General Secretariat of the OAS that on April 9, 2020, the Government has declared a Civil State of Emergency for the territory of the Republic of Suriname. This Civil State of Emergency remains in force for a maximum period of three months, effective on abovementioned date.

In this regard the Permanent Mission of Suriname to the Organization of American States wishes to forward the Official Gazette of the Republic of Suriname (S.B.2020, no.83) entitled: ACT of 09 April 2020 for the implementation of article 72.c of the Constitution of the Republic of Suriname concerning the publication of the Civil State of Emergency in connection with the COVID-19 pandemic (Act State of Emergency COVID - 19).

The Permanent Mission of the Republic of Suriname to the Organization of American States avails itself of this opportunity to renew to the General Secretariat of the OAS the assurances of its highest consideration.

**The General Secretariat of the OAS**  
**Washington, D.C.**





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**OFFICIAL GAZETTE  
OF THE  
REPUBLIC OF  
SURINAME**

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**ACT of 09 April 2020 for the implementation of article 72 under c of the Constitution with regard to the publication of the Civil State of Emergency in connection with the COVID-19 pandemic. (Act State of Emergency COVID - 19).**

**THE PRESIDENT OF THE REPUBLIC OF SURINAME,**

Having taken into consideration that - in connection with the prevention of the uncontrolled spread in Suriname of the SARS-CoV-2 virus that will seriously endanger the public health, safety and economy of Suriname - in implementation of article 72 under c of the Constitution, it is necessary to declare the Civil State of Emergency and to take exceptional measures;

Having heard the Council of State, after approval by the National Assembly, has passed the following law:

**State of Emergency**

**Article 1**

1. The Civil State of Emergency is declared for the territory of the Republic of Suriname, in connection with the COVID-19 pandemic.

2. The Civil State of Emergency remains in force for a maximum period of three months. This State of Emergency may be terminated by the President of the Republic of Suriname for the period referred to in the first sentence through presidential order.
3. Without prejudice to the provisions of paragraph 2, the National Assembly may extend the period referred to in the first sentence of paragraph 2 once only for a maximum period of the same duration.

## **COVID-19 Crisis Management Team**

### **Article 2**

1. A "COVID-19 Crisis Management Team" shall be established by the President of the Republic of Suriname without delay after the publication of the Civil State of Emergency, in which at least the following persons shall have a seat:
  - a. the Vice President of the Republic of Suriname, responsible for leading the COVID-19 Crisis Management Team;
  - b. the Directors and Permanent Secretaries of:
    1. the Directorate of National Security;
    2. the Ministry of Justice and Police;
    3. the Ministry of Public Health;
    4. the National Coordination Center for Disaster Management (NCCR);
  - c. the Chairman of the National Council of Hospitals (NZR);
  - d. the Chairman of the Epidemiological Crisis Committee to be instituted by the Minister of Health immediately after the proclamation of the State of Emergency, headed by the Director of the Bureau of Public Health (BOG) and further consisting of at least 2 Surinamese epidemiologists and 2 public health (MPH) specialists;
  - e. two Surinamese infectiologists and one clinician.

2. The decision appointing the officers referred to in paragraph 1 by the President of the Republic of Suriname also establishes the duties, powers and other matters of the COVID-19 Crisis Management Team.

### **Parliamentary Crisis Committee**

#### **Article 3**

1. After the Civil State of Emergency has been declared, the National Assembly establishes a Parliamentary Crisis Committee. The Speaker of the National Assembly shall chair the committee.
2. The Government shall regularly inform the committee referred to in paragraph 1 in relation to the declared Civil State of Emergency, whether or not through its Chairman, about the course and approach of the declared State of Emergency.
3. The Speaker may decide to convene the National Assembly to make a binding decision on a measure or provision taken by the Government that is not in accordance with or outside of the powers attributed to it under this Act.

### **General Extraordinary Measures and Provisions**

#### **Article 4**

1. The Government may, in relation to the declaration of the Civil State of Emergency due to COVID-19, in relation to the specific threat, the seriousness of the threat or crisis, as well as in relation to the protection of public health or the general safety of citizens and the immediate consequences of this:

a. take the following measures:

- (1). designate buildings, grounds and other facilities that are not in use for residential, commercial or social activities and other than residential houses, for the creation of quarantine facilities, emergency facilities for patient isolation and emergency hospital facilities; in the case of buildings, the owner or interested party can be reimbursed at a cost assessed by an independent expert for the use of the aforementioned facilities that returned into the same state, as for which a declaration is issued by the Government;
- (2). give guidelines to or obligate citizens, companies, institutions and organizations with regard to their freedom of movement and their public, social and economic activities, which measures must be specifically aimed at tackling or in this case preventing or minimizing the spread of the SARS-COV-2 virus and its consequences;

b. make the following provisions:

- (1). provide financial and material support to citizens and businesses that through forced cessation of business activities related to the prevention of the spread of COVID-19, are losing their income or are experiencing a sharp decline in their income, based on criteria laid down by government regulation, of which publication takes place with regard to support received by companies;
- (2). ensure the necessary financial resources that the specialized institutions and organizations need for optimal management and control of the COVID-19 pandemic;

- (3). other provisions as shown to be required in the context of the COVID-19 pandemic in connection with the safety, health, economic and financial circumstances of citizens.
2. The specific measures taken by the Government under this Act shall be laid down by presidential order, after written advice or at the request of COVID-19 Crisis Management Team.

### **Information during the COVID-19 State of Emergency**

#### **Article 5**

1. Without prejudice to the provisions of Article 4, the Government will take measures and provisions with regard to the provision of information to society to guarantee that citizens receive correct information in a timely manner with regard to the COVID-19 pandemic.
2. With regard to the provisions of paragraph 1, holders of broadcasting licenses of any kind are obligated to guarantee the broadcasting of the information and instructions to be provided by the Government to the citizens, regarding the optimal management and control of the COVID-19 pandemic at the times determined by the Government for that purpose. If the time required is more than fifteen minutes per 24 hours, the Government will reimburse this additional required broadcast time on the basis of regular broadcast rates.
3. The Government is authorized to take measures with regard to those who intentionally distribute false messages or information that is harmful to society in connection with the COVID-19 pandemic, as it occurs in Suriname, with the aim of preventing this reporting or the spreading thereof, without prejudice to the applicability of the Penal Code and other legal regulations.

## Article 6

When applying the measures and provisions adopted under this Act by the Government, the inviolable civil rights guaranteed under the Constitution and International Conventions, as well as the limits of the restrictions on those rights, shall always be respected. In any case, this concerns the right to life, the prohibition of torture and inhuman or degrading treatment and the prohibition of slavery and forced labor.

## COVID-19 Emergency Fund

### Article 7

1. An emergency fund will be established by the Government to finance specific measures by the Government to prevent and combat COVID-19 and its consequences.
2. The emergency fund also aims to finance the costs of the extraordinary measures and provisions to be taken in connection with the State of Emergency declared, as well as to channel and manage the national and international funding obtained in a targeted manner for the purpose of addressing the crisis.
3. The means of the Emergency Fund consist of:
  - a. a government contribution, including voluntary contributions from state-owned enterprises;
  - b. donations and gifts from national and international organizations to address the Civil State of Emergency;
  - c. other legally obtained income.

4. From the budget as referred to in Article 8 paragraph 4, funds are reserved for the Emergency Fund on the basis of a realistic estimate of the financing need of categories of expenditure during the Civil State of Emergency.
5. The board of the emergency fund consists of at most 7 (seven) members, including representatives of the Ministry of Finance, the Ministry of Social Affairs and Public Housing, the Ministry of Trade, Industry and Tourism, the Ministry of Home Affairs and the Ministry of Public Health. Two additional board members may be appointed by presidential order.
6. The Supreme Audit Institution of Suriname receives a monthly copy of the expenditure. The Emergency Fund will be closed after all expenses have been made and have been checked by the Central Government Auditing Bureau (CLAD) and the Supreme Audit Institution. The Government Accounts Act 2019 applies to the manner in which the funds from the emergency fund and the emergency facilities shall be spent.
7. Further rules regarding the Emergency Fund may be laid down by or pursuant to a government regulation.

## **Financing**

### **Article 8**

1. The provisions of Article 14 of the Government Accounts Act 2019 Emergency, apply to the financing of the following cases also mentioned in that Act:
  - a. severe human suffering or material, economic or environmental damage which leads, or is likely to lead, to the loss of essential services necessary to meet basic human needs or to serious damage to the environment;



- b. circumstances where the fight cannot be financed from the budgetary resources or other sources of finance, and creating an imperative need for financing to be provided in the public interest.
2. Due to the absence of the emergency reserve referred to in paragraph 1 of Article 14 of the Government Accounts Act 2019, in derogation from the Banking Act and the Act on the State Debt, both additional advances and external financing can obtained, exclusively to provide in the cases referred to in paragraph 1.
3. For the application of the provisions of paragraph 1 the emergency, unavoidable and unforeseeable expenditure need shall in accordance with Article 14 of the Government Accounts Act 2019 meet the following criteria:
  - a. there must be an essential need which cannot be deferred to future financial years without damaging the public interest;
  - b. there is no adequate provision for said need in the annual budget;
  - c. the need cannot be financed using the provisions on the redistribution of funds in accordance with Article 14 of the Government Accounts Act 2019.
4. With regard to the resources to be included based on paragraph 2, the Minister of Finance draws up a budget containing a realistic estimate of the resources required during the COVID-19 State of Emergency. An austerity plan will be added to the budget with regard to budget cuts identified and to be committed to by the Government, as well as the additional costs in the various sectors.

5. All expenditures that are funded in during this COVID-19 State of Emergency must be transferred to the current budgets of the ministries and are subject to the guidelines to be determined by the Minister of Finance, which apply to the management and reporting of other expenditures.
6. The Minister of Finance informs the National Assembly and the Supreme Audit Institution through such reports, as referred to in the Government Accounts Act 2019.
7. For the first time, the Minister of Finance can obtain, based on the estimate made by the Government of the need exceeding the state budget for financial resources in Suriname Dollars, up to the amount of SRD 400 million in accordance with paragraph 2. In derogation from the Banking Act, loans are preferred over the provision of advances. If a progressive crisis makes it necessary, a substantiated addition may be approved by the National Assembly.
8. To prevent old cumulative advances and loans from 2002 onwards from coinciding with the emergency provisions made in this article, the Minister of Finance and the Governor of the Central Bank of Suriname should consolidate previously contracted loans and accumulated advances from 2002 into a long-term loan in accordance with paragraph 2 of this article.

## **Enforcement and Sanctions**

### **Article 9**

1. Violation or non-compliance with the prohibitions, obligations or measures or regulations given pursuant to Article 4, paragraphs 1 and 2 and Article 5, will be punishable by imprisonment of at most six months and a penalty of the third category, or by either one of these sanctions.

2. The acts made punishable in paragraph 1 are offences.
3. The provisions of paragraph 1 are without prejudice to the application of enforcement measures and powers, as well as the application of sanctions under the Penal Code and other applicable legal regulations.

## **Final Provisions**

### **Article 10**

1. This Act shall be cited as: Act State of Emergency COVID - 19.
2. It shall be promulgated in the official gazette of the Republic of Suriname.
3. It shall enter into force immediately following its promulgation.
4. The Minister of Justice and Police, the Minister of Finance, the Minister of Home Affairs and the Minister of Public Health shall be charged with the implementation of this Act.

Done in Paramaribo, the 9<sup>th</sup> of April 2020

**DESIRÉ D. BOUTERSE**

Issued in Paramaribo, the 9<sup>th</sup> of April 2020  
The Minister of Home Affairs,

**M.M.F. NOERSALIM.**

**ACT of 09 April 2020 for the implementation of article 72 under c of the Constitution with regard to the declaration of the Civil State of Emergency in connection with the COVID-19 pandemic. (Act State of Emergency COVID – 19).**

**EXPLANATORY NOTE**

**A. General**

In March 2020, the World Health Organization (WHO) declared the outbreak of coronavirus disease 2019 (COVID-19) a pandemic. This worldwide epidemic has already claimed many lives and it appears that only with exceptional measures nationally and internationally the epidemic can somewhat be contained. In countries where measures have not been taken on time or insufficiently, the health system is completely overwhelmed by the number of seriously ill people. Those countries are experiencing a deep social crisis and disastrous consequences for the economy. Even in rich countries, well-functioning care systems were not adequately equipped to care for the large number of patients in an unbridled epidemic.

Measures appropriate to delay or limit the outbreak of COVID-19 due to the spread of the SARS-CoV-2 virus have serious implications for the economies of all countries and for large groups of citizens to provide in their livelihood. It is also unclear how long this disaster will last. The International Monetary Fund (IMF) has announced that through the outbreak of the COVID-19 pandemic, the global economy is entering a recession similar to or worse than the 2009 financial crisis. Globally, restrictions and lockdowns have led to a sharp decline in economic activity in virtually all countries, with bankruptcies and layoffs as a result.

This disease has already had negative consequences for Suriname, after the first person after a medical examination on 13 March 2020 was found positive for COVID-19. The Government of Suriname then immediately closed access to Suriname and took some other measures to limit the uncontrolled spread of the virus among the population. However, it has been found that measures that the Government can take in accordance with applicable law are not sufficient or enforceable to prevent the uncontrolled spread of COVID-19 among the population (known as community spreading).

Given the high level of infectiousness and the proportion of serious illness and death it causes, an uncontrolled spread of the virus will be disastrous for Suriname, as health institutions will be unable to accommodate and adequately treat a large number of patients.

In view of the foregoing, it is necessary that the Government declares the Civil State of Emergency pursuant to Article 72 under c of the Constitution for the whole of Suriname to protect the population.

## **B. By Article**

### **(1). Article 1**

The provisions of Article 1 concern the declaration of the Civil State of Emergency, which State of Emergency applies to the entire territory of Suriname (paragraph 1) and takes effect upon the entry into force of this Act. It should be emphasized that the declaration of this State of Emergency is intended to take exceptional measures related to the management of the COVID-19 pandemic, as already explained in the general section.

It is estimated that the crisis situation will normalize within a period of 3 (three) months, which is the reason for announcing the Civil State of Emergency for a maximum period of three months. If necessary, the President may terminate this State of Emergency earlier by Presidential order.

However, a possible extension is taken into account. For that purpose, the National Assembly can extend this period once for a maximum duration of an equal term. The extension by the National Assembly can therefore last at most three months, depending on the need for this. The decision to extend shall state the date on which the State of Emergency ends, which is particularly important if the State of Emergency is extended for a period less than three months.

## **(2). Article 2**

This law provides after the declaration of the Civil State of Emergency for the establishment of a special Crisis Management Team (COVID-19 Crisis Management Team), which in any case has the special task to deal with the Civil State of Emergency. The establishment of the special crisis team is done immediately after the declaration of the Civil State of Emergency.

As regards the name of the team, Article 2 provides for this particular State of Emergency to be called the "COVID-19 Crisis Management Team". The COVID-19 Crisis Management Team is headed by the Vice-President, while the team also includes Permanent Secretaries and Directors from the Directorate of National Security, Justice and Police, Public Health, the National Coordination Center for Disaster Management (NCCR) and the chairman of the National Council of Hospitals (NZR).

With regard to the staffing of the crisis team, there are also officials who have a special involvement in this specific crisis. These are in any case the Permanent Secretaries of the Ministry of Public Health and furthermore specific experts (epidemiologists, infectiologists and clinicians) (Article 2 paragraph 1 under d and e).

### **(3). Article 4**

Article 4 provides the basis for the specific extraordinary measures and provisions to be taken by the Government to approach this State of Emergency. These measures and provisions are aimed at tackling this specific State of Emergency. In view of the nature of this extraordinary circumstance, it has been decided to place that power in the hands of the Government.

Article 4 paragraph 1, under a, provides a broad outline of the measures to be taken by the Government during the Civil State of Emergency, but at the same time delineates the extent of the exercise of that power. The measures to be taken by the Government are specifically aimed at tackling in this case preventing or minimizing the spread of the SARS-COV-2 virus. Given the nature of the crisis, the measures to be taken primarily concern the creation of quarantine facilities, emergency facilities for isolating patients and hospitalization (paragraph 1 under a sub 1).

Secondly, in order to deal with this specific crisis, it is important that citizens, organizations and companies are given guidelines and obligations are imposed to deal with this specific crisis.

These guidelines and obligations for citizens, companies, institutions and organizations will relate in particular to their freedom of movement and their social and economic activities (paragraph 1 under a sub 2). These measures are also specifically aimed at tackling in this case preventing or minimizing the spread of the SARS-COV-2 virus. It should be emphasized that these measures that are affecting citizens, organizations and companies must in any case be properly communicated to them.

The formalization of the aforementioned measures, prohibitions and obligations to be taken by the Government shall be effected by presidential order.

Article 4 paragraph 1 under b sub 1 and 2 provides for the provisions to be made by the Government during this COVID-19 State of Emergency and concern, amongst other things, the provision of financial and material support to citizens and companies that as a result of in the prevention of the spread of COVID-19 are forced to discontinue operations. The provisions also concern the financial support of specialized institutions and organizations for an optimal management and control of the COVID-19 epidemic.

#### **(4). Articles 7 and 8 (Covid-19 Emergency Fund and Emergency Reserve)**

Article 7 provides for an Emergency Fund to be established by the Government. The resources of the aforementioned Emergency Fund will be used to finance the costs of the extraordinary measures and provisions to be taken in connection with the declared COVID-19 State of Emergency.

In addition, the establishment of the emergency fund aims to channel and manage the national and international resources obtained in a targeted manner to deal with the crisis.

As far as the resources of the emergency fund are concerned, the primary focus is on government contributions as well as donations from national and international organizations and companies.



In addition, to address the Civil State of Emergency pursuant to article 8 the provisions of Article 14 of the Government Accounts Act 2019 apply with regard to the emergency reserve and the financing of the measures and provisions referred to in this Act.

### **(5). Other Provisions**

With regard to the enforcement of the aforementioned measures of article 4 paragraph 1 under a sub 1, article 9 is based on the penal enforcement regime. Violations or non-compliance with the prohibitions, obligations or measures given pursuant to Article 4 paragraph 1 under a sub 1 or with the given regulations will be punished with imprisonment of at most six months and a fine of the third category, or with either one of these penalties. The aforementioned punishable acts are categorized as offences.

Paramaribo, April 9<sup>th</sup>, 2020,

**DESIRÉ D. BOUTERSE**