

Unofficial (machine) translation

Law of 9 January 1986, laying down measures for the detection, prosecution and trial of economic crime (Law Economic Offences) (Bulletin of acts and decrees 1986, no. 2), as it stands after the subsequent modification at S.B. 1989 No. 42, S.B. 1992 No. 80, S.B. 2002, no. 67.

ECONOMIC CRIME

Article 1-1

1. Economic offenses are violations of regulations made by or under:

1. the Decree pricing and Price monitoring (S.B. 1984 no. 66);
2. the Decree Permits Companies and professions (S.B. 1981 No. 145);
3. the Decree Control Import goods (S.B. 1981 No. 172);
4. the Decree IJkwezen (S.B. 1983 No. 17);
5. Foreign Exchange settlement 1947 (G.B. 1947 No. 136);
6. Export and import control 1954 (text in force S.B. 1981 No. 43);
7. Decree on opening hours store companies (S.B. 1981 No. 99);
8. the Paddy 1985 Decree (Bulletin of acts and decrees 1985 No. 35);
9. the Vleeskeuringswet (G.B. 1961 No. 45);
10. Law Supply Payment System (G.B. 1970 No. 91);
11. law Supervision on the banking and credit being 1968 (G.B. 1968 No. 63);
12. Import control 1981 (S.B. 1981 No. 132);
13. the pesticide Act (G.B. 1971 No. 151);
14. the Waterschapswet (G.B. 1932 No. 32);
15. the M.C.P. Management Decree (Bulletin of acts and decrees 1984 no. 14);
16. the Plant Protection Act (G.B. 1965 No. 102);
17. the Slachtverbodwet (G.B. 1945 no. 28);
18. Law combating animal diseases (G.B. 1954 No. 23);
19. the sea fishing Decree (S.B. 1980 no. 144);

20. the Decree counteracting smuggling (Bulletin of acts and decrees 1986, no. 3);
21. the Visstands Protection Act (G.B. 1961 No. 44);
22. the hunting law (G.B. 1954 No. 25);
23. the Nature Conservancy (G.B. 1954 No. 26);
24. Law forest management;
25. the Houtuit enter tax code (G.B. 1946 No. 108);
26. the Wood export law (G.B. 1950 No. 1);
27. the export law agricultural, horticultural and forestry products (G.B. 1936 No. 77);
28. the law on the territorial sea and the adjacent economic zone (Bulletin of acts and decrees 1978 No. 26);
29. the Uitvoerverbodenwet (G.B. 1935 No. 105);
30. the Bouwwet (G.B. 1956 No. 30);
31. the Stedebouwkundigewet (G.B. 1972, no. 96);
32. the plan law (G.B. 1973 No. 89);
33. the Delfstoffenwet (G.B. 1882 No. 19);
34. the law Operation minerals in bevaarde creeks and streams (G.B. 1895 No. 7);
35. the Gold tax code (G.B. 1895 No. 12A);
36. the Petroleumwet (G.B. 1932 No. 55);
37. the Bauxietwet (G.B. 1919 No. 76);
38. the Concessiewet (G.B. 1907 No. 34);
39. the food middelenwet (G.B. 1911 No. 25);
40. the law ban export of foods (G.B. 1939 No. 56);
41. the Geldschieterswet (G.B. 1948 No. 43);
42. the Woekerwet (G.B. 1939 No. 14);
43. the Waarborgwet (G.B. 1973 No. 46);

list every time you referred to State Decree.

2. After the entry into force of this law will the inclusion of legal regulations in the in article 3. For the application of the provisions laid down by or pursuant to this law, under Minister means the Minister responsible for judicial matters.

Article 2-2

Participation in an economic offence committed in Suriname is punishable, even if the participant is outside Suriname to the fact has been guilty.

Article 3-3

Where in this Act or in the relevant legal regulations in general or in particular is spoken of an economic crime that a crime, aiding and abetting and attempt to such offence including, as far as not from any provision to the contrary.

PENALTIES

Article 4-4

1. Intentional violation of any of the legal provisions referred to in article 1 common provisions as well as the provisions of articles 24 and 25 shall be liable to imprisonment not exceeding six years and fine of up to a million guilders.

2. Intentional violation of any legal provisions referred to in article 1 shall common provisions as well as the provisions of articles 24 and 25 shall be liable to imprisonment of not more than four years and a fine of not more than five hundred thousand guilders.

3. the offences in this article is to be considered as crimes.

ADDITIONAL PENALTIES

Article 5-5

1. Without prejudice to the legal provisions referred to in article 1 with respect to additional punishment is determined, the following additional penalties can be imposed under this law:

a. deprivation of the rights, referred to in article 46 of the criminal code for a time, the duration of imprisonment for at least two months and not more than five years to top previous or in case of conviction up fine if only capital punishment, for a time of at least two months and not more than five years;

(b) total or partial closure of the establishment of the condemned, in which it was committed, for the economic crime due in one year or less;

(c) forfeiture of objects as in the criminal code;

d. confiscation of objects and assets belonging to the company where the company exercised, in which he condemned the economic scene has been guilty and which fall under article 50a (1) of the Penal Code.

e. total or partial impoundment or total or partial denial of certain advantages, what rights or benefits the convicted in connection with its establishment of State compensation are or could be

granted for a time not exceeding two years;

f. disclosure of the Court ruling.

2. The period for implementing the additional penalties mentioned under (c) and (d) of the preceding paragraph, does not expire by the death of the condemned.

3. in application of the provisions of paragraph 1 (b) and (d) continue the from the existing labour relations rights and obligations fully maintained.

MEASURES

Article 6-6

1. The following measures may be imposed:

a. the appointment of an administrator of the company of the condemned in which the economic crime is committed, in the event of an intentional crime, for a time not exceeding three years and in the case of a non intentional crime for a time not exceeding two years;

b. the imposition of the obligation to deposit a deposit, in the event of an intentional crime, for an amount not exceeding a million guilders and for a time not exceeding three years; in the event of intentional crime, for an amount not exceeding five hundred thousand guilders and for a time not exceeding two years;

c. imposing the obligation for payment of a sum of money to the State for withdrawal of wrongly obtained advantage as in the criminal code;

(d) the imposition of the obligation to which illegal operation is failed, defeat of what has been done and illegal operation of performance to make it of the consequences of the foregoing, all at the expense of the convicted person, to the extent that the right does not determine otherwise.

2. the right to enforce the (c) and (d) of the preceding paragraph these measures does not expire by the death of the person in respect of whom they are imposed.

3. the implementation of an imposed measure, as referred to in paragraph 1 (b) and (c) or to the payment of costs other than those of the disclosure shall be made in the manner of the implementation of the sentence to a fine, except that no replacement term of imprisonment can be applied.

Article 7

1. the measures mentioned in article 6, together with penalties, except in the case of application of article 55, paragraph 1, of the Penal Code, except that in this case the measure referred to in article 6, paragraph 1 (b) cannot be imposed.

2. In case of application of article 55 of the Penal Code may be the time, for which the measure has been imposed under Administrator's count, each time with a court order to be renewed annually.

Article 8

1. in the pronouncement, with an additional sentence or measure, as referred to in article 6 shall be imposed where required, full details and consequences to need settled, including the appointment of an administrator at the appointment of one or more administrators. At the imposition of a legal consequence as referred to in article 5 (1) (d), can also be ordered, that the sentenced him by the Government for the benefit of his company provided modest sacrifice, in his company sells stocks under the supervision and cooperate in inventory of those stocks.

2. the judge, who has the additional penalty or measure imposed, can after advancement of the public prosecutor or at the request of the convicted at a later judgment scheme as aforesaid, or in the relevant scheme or change given a supplementary scheme. The decision is reasoned; She is not subject to any remedy. 3. The Minister is empowered to give detailed rules for the application of this article.

Article 9-7

1. To the extent that the right does not determine otherwise, has a administrator, under the preceding article, the administrator the same rights or obligations as provided for in article 517 of the civil code and no other person can without authorization any act of Directors in the company.

2. The decision on the appointment of an administrator is referred to by the Registrar of the Court of first instance in actual construction, that the decision, made public in the Ad Journal of the Republic of Suriname and in one or more newspapers to designate by the judge. Article 16 of the Handelsregisterwet can be found on the official receiver shall apply mutatis mutandis.

Article 10

In its ruling, the Court determines that all or part of the deposit to the State expires in the absence of performance of the General term, that the convicted person will commit no economic crime and of certain specific conditions to be laid down by the Court. Articles 18, paragraph 2 and 3, 19 (4) and 20-24 of the code of criminal law shall apply mutatis mutandis.

DETECTION

Article 11-8

With the detection of economic offenses, except the article 134 of the code of criminal procedure, persons in charge the designated competent officials, as well as by visitation to the Minister, after consultation with the Minister whom it may concern, specifically designated persons.

Article 12

1. the investigators are at all times entitled to seize, as well as in seizure to claim the extradition of all goods including the vessel or means of transport, which can serve to the discovery of truth. The Minister may in respect of the manner of seizure detailed rules.

2. the investigators may at any time inspect any document or books, which they claim for the proper performance of their duties require inspection judgements.

3. They have access at all times to all places, including, premises, warehouses, yards and homes on the basis of certain facts or circumstances of which they suspect are there goods, leading to the detection of the offences. They are denied entry, then they provide that, if necessary, using the

strong arm.

4. In homes they act against the will of the residents did not then have the General written last of the prosecution official or special written last of an auxiliary Prosecutor.

5. By entering becomes twice twenty-four hours. It is also the time of entry and of the aim pursued thereby gave an indication to that effect. The investigators are responsible of certain persons designated by them to do. In this case of this in the minutes reported.

6. A refusal to comply with an obligation imposed in this article no one will successfully rely on the circumstance, that he is under any obligation to secrecy, even if such obligation is imposed on it by a legal provision.

7. blood relatives in the straight line, which is in the small County up to the third degree embedded as well as the spouse and former spouse of the person in respect of whom the information is required, can range from providing data change.

Article 13-9

1. the investigators are competent in the interest of the detection of the property, which:

a. in public or in a public place are displayed;

b. present at places, where investigators have access under this law;

c. to be peddled, transported or transport, imports, exports or goods in transit;

e. be delivered, to take samples, as well as those goods to weigh and measure.

2. the holder of the goods shall be required by him in accordance with the directions of that advanced cooperation officials and to provide vessels or under their supervision, if Advanced, to provide the necessary tools and assistance free of charge.

3. Is one of the obligations fulfilled in the previous paragraph are not met, then the civil servants at the expense and risk of the holder in the necessary.

Article 14

1. the investigators are empowered to claim in the interest of the investigation, that the packing of goods is opened, if and in so far as this is necessary for the research.

2. Article 13, paragraph 2 and 3, finds application.

Article 15

1. the investigators can recover, in the interest of the detection that drivers of vessels or transport these do keep quiet and allow control on compliance with the requirements referred to in article 1. They can, when the interests of control to their reasonable opinion this progress, at the expense of uneven this transfer transport to a nearby place, unloading or discharging or do do fix or unloading. They can progress, that the directors in accordance with their instructions in this respect.

2. A claim to still hold, to allow control and to cooperate can also be addressed to persons, who

carry goods.

3. the investigators take the measures which, by their reasonable judgment are necessary in order to fulfil a claim as referred to in this article.

Article 16

1. The Minister shall have the power to arrange about the way the claims up to keep quiet and do keep quiet.

2. The Minister shall have the power to provide that to ensure the richtige detection of economic crime on public land and waterways stoppings.

Article 17-10

1. Insofar as not in this law or the deviated from the laws and decisions referred to in article 1 will apply to the detection of economic offenses, the provisions of the code of criminal procedure.

2. Deliberately do not comply with an application pursuant to any provision of this act done by a law enforcement officer is an economic crime.

Article 18

1. In the exercise of the powers referred to in article 12 (3) are the law enforcement officers have the power to seal the areas referred to in this article and, where necessary, to monitor as much as possible.

2. Of these sealing as well as of the seizure, they shall, without delay, notify the prosecution officials charged with the prosecution of economic crime.

Article 19

1. Notwithstanding the provisions of article 4, the seized property including the vessel or conveyance in public are sold. If the vessel or the means of transport the suspect does not belong, but the owner of the vessel or the means of transport with which the offence was committed, helpful, occasion or has provided information and resources, they can also be sold in public. The proceeds are deposited in State coffers.

2. From this sale upon prior written consent to be obtained of the prosecution officer with responsibility for economic crimes. This can indicate in the consent or all or part of the confiscated goods sold will (will) be.

3. the directives for the sales referred to in this article is referred to by the public prosecutor.

PROVISIONAL MEASURES

Article 20

1. where serious objections were raised against the accused and the interests, which is protected by the supposedly violating Regulation, require an immediate intervention, is the prosecution officer has jurisdiction in all matters, economic offenses, as long as the treatment is not yet commenced at the hearing, the accused at this to mean notified as interim measure

recommended:

a. to refrain from certain acts;

b. to take care, that the designated command objects, which are susceptible to seizure saved and stored on site, in the order indicated. On the aforementioned commands is article 8, paragraph 1 shall apply mutatis mutandis.

2. The aforementioned commands lose their force by a time course of six months and remain in force until the court appearance of final judgment in the case, in which they are given, has become final. They can progress by the prosecution official at mean notice to the suspect or by the Court in which the case is withdrawn or prosecuted, be modified or lifted. The Court may do so on its own initiative, on the proposal of the judge with the judicial investigation in charge or upon the request of the accused, who is heard, at least pretty.

Article 21

1. where serious objections were raised against the accused and the interests, which are protected by the supposedly violating Regulation, require immediate action, the Court may in all cases concerning economic crimes, for treatment at the hearing, on the advancement of the public prosecutor, on the proposal of the judge with the judicial investigation in charge, and if the case is treated in due session , partly on its own initiative, becoming after the verd-achte is heard at least pretty sued, as interim measure commands:

a. total or partial cessation of the establishment of the defendant, in which the economic crime is suspected to have been committed;

b. the company's appointment of an administrator of the suspect, in which the economic crime is suspected to have been committed;

c. total or partial impoundment or total or partial denial of certain advantages, what rights or benefits the accused in connection with its establishment of State compensation are or could be granted;

d. that the suspect refraining of certain acts;

e. that the suspect takes care, that indicated in the command objects, which are susceptible to seizure, saved and stored on site, in the order indicated. On the above commands is article 8 (1) of overkomstige application.

2. The aforementioned commands lose their force by a time course of six months and remain in force until the court appearance of final judgment in the case, in which they are given, has become final. They can, for which the case is being prosecuted by the Court, be extended once for not more than six months, modified or lifted. The Court may do so on its own initiative, on the proposal of the judge, with the judicial investigation in charge, on the advancement of the public prosecutor or at the request of the suspect; This is getting heard, at least pretty.

3. in application of the provisions of paragraph 1 (a), article 5 (3) shall apply mutatis mutandis.

Article 22

1. The court orders referred to in articles 20 and 21 and decisions can the public prosecutor within three days and the accused within three days after service in job at the Court of Justice. 2. the Court of Justice shall decide as soon as possible. The suspect is heard, at least pretty.

Article 23

The orders referred to in articles 20 and 21 and decisions are readily achievable. They shall be communicated to the suspect.

ACTS CONTRARY TO PENALTIES AND MEASURES

Article 24

The intentional act or omission in breach of an additional penalty referred to in article 5, paragraph 1 (a), (b) or (e), a measure as referred to in article 6, an arrangement referred to in article 8 or an interim injunction, or the evasion of such additional punishment, measure, plan or interim measure, is an economic crime.

Article 25-11

The deliberate, whether or not by means of another, tapping vermoensbestanddelen to story or enforcement of a penalty imposed under this law, measure or interim measure is an economic crime.

Article 26

1. legal acts contrary to the provisions of articles 24 and 25 are void.
2. On the nullity may not be invoked against him, that of the imposition of the penalty, the measure or the interim measure was unaware, unless he had serious reason to suspect its existence.
3. with regard to the spouse, blood or marriage to the third degree and the persons employed by the one whose to the penalty, the measure or the interim measure is pronounced, it is believed, that they have had serious reason the imposition of the penalty, the measure or interim measure to suspect, the absence of proof to the contrary.

SETTLEMENT OUTSIDE PROCEEDINGS

Article 27-12

1. the right to criminal prosecution for economic crimes may be rendered invalid by voluntary fulfilment of the condition or conditions, which the competent prosecution official on request made at the hearing before the start of the suspect for the prevention of criminal prosecution should have.
2. The following conditions may be asked:
 - a. payment of a certain sum of money, closing down of at least fifty cents and not more than the fine to the description in the relevant legislation against the fact endangered;
 - b. extradition of subject to forfeiture matters or satisfaction of the appraised value or distance of already seized matters;

- c. deposit a deposit within the limits, in this respect, article 5;
 - d. payment of a sum of money for the withdrawal of the estimated advantage of the offence or from similar offences which sufficient evidence, that they have been committed by the accused;
 - e. operation of which is illegal is failed, defeat of what has been done and illegal operation of performance to make it up by the consequences of the foregoing, all at the expense of the accused, unless otherwise provided for intensified with, that the conditions referred to under (c), (d) and (e) cannot otherwise be imposed than together with the conditions (a) and (b), or from a above.
3. The prosecution officer determines the term, within which the conditions laid down pursuant to the preceding paragraph must be complied with and, if necessary, also the place, where this is to be effected. The time limit for the expiration thereof can be renewed once.

A COURT OF THE CASE

Article 28-13

1. Without prejudice to the applicable legal regulations it is provided, if an economic offence is discovered by an official charged with the detection of economic offenses, the case at the hearing be commenced by a summons of the accused because of the public prosecutor to appear at a hearing of the summons mentioned in that district judge.
2. The notice shall contain a short indication of the fact, that charges, indicating about what time and where spot the would have been committed. They shall also contain an indication of the power granted by article 27, the suspect.
3. In the notice the condition mentioned, which the officer in charge of the detection of economic crime, in accordance with this law, in order to avoid the prosecution should have. At the awards ceremony be content and scope of the summons to the suspect if possible, briefly explained orally.
4. the official makes in his official report mention the ceremony of Convocation and Convocation is a double of the minutes submitted. Failure to comply with the provisions of the first, second or fourth member has nullity of the summons as a result. Voluntary appearance covers the nullity as a result of non-fulfilment of the first or fourth member.

Article 29

1. The form of the notice by the Minister in consultation with the Attorney General.
2. The public prosecutor can to the officials referred to in paragraph 1 of the preceding article, General or special provisions give regarding whether or not a Court of case by summoning and in respect of the hearing for which the notice shall be made.

Article 30

1. If the action was brought by summons, may the public prosecutor at the hearing at the start of the claim, in writing, orally or, after further investigation of the fact, that the suspect charges. The detailed declaration, under penalty of nullity, to the indication of the fact of the convocation, subject to improvement or addition. On desire of the judge or of the accused is further of contents or

Scripture.

2. The notice or, if this is done, the detailed statement is true as far as the basis for further prosecution as summons.

3. articles 359 to find 363 of the code of criminal procedure shall apply mutatis mutandis.

Article 31-14

1. If a fact in this Act an offence, committed by a legal person, the criminal proceedings and the penalties and measures provided for in this law, if eligible, be pronounced:

a. against the legal person or

b. established in Suriname against the members of the Board and in the absence of those members or prevent against the representative of the legal person in Suriname;

c. against them, which have given command to the fact, as well as against those who have had the forbidden conduct the actual leadership or d. against the (a), (b) and (c) joint.

2. for the purposes of the previous paragraph, the legal person vindicated the company without legal personality, the partnership and the goal power.

3. no penalty is pronounced against the Member of the Board or against the representative, from which it appears that the fact has been committed outside of his actions.

HIGHER JOB

Article 32

Against a verdict of the competent court of first instance pointed out, in respect of an economic crime, both the accused as the prosecution appeal. The relevant articles of the code of criminal procedure on appeal found shall apply mutatis mutandis.

Article 33

1. If the accused is acquitted of the alleged, all seized property or the proceeds thereof, given back to him.

2. If the accused, however, of the alleged from legal proceedings is dismissed, the Court may determine, at its ruling that him the goods or part thereof or the proceeds or part thereof will be given back.

3. the provisions of the first paragraph shall apply mutatis mutandis in those cases, in which the prosecution officer of further prosecution.

ADDITIONAL RULES

Article 34

Without prejudice to the previous articles is provided, regarding the topics in articles regulated by or under State decree additional requirements.

TRANSITIONAL PROVISIONS

Article 35-15

1. Cases concerning violations of the regulations, referred to in article 1, at the time of entry into force of this law at a district judge or the Court of Justice, be dismissed according to the applicable up to that time.
2. the legal provisions referred to in article 1 common penal provisions, which derogate from the provisions of article 4 in this case outside continue to apply, with the exception of the penal provisions mentioned in the Decree counteracting smuggling and the sea fishing Decree (S.B. 1980 no. 144).
3. If the legislation referred to in article 1 shall contain provisions which derogate from the provisions in or under this law, these provisions likewise outside application.

FINAL PROVISIONS

Article 36-16

1. This law that may be referred to as "law of economic offenses" will be announced in the Official Gazette of the Republic of Suriname.
2. It shall enter into force either in its entirety or in sections at a time determined by the President. 1 see improve sheet S.B. 1986 No. 60; WT. at S.B. 1989 No. 42, S.B. 1992 No. 80; Mining Delfstoffenwet was repealed by Decree (Bulletin of acts and decrees 1986 No. 28). 2 see Improve sheet S.B. 1986 No. 60. 3 WT. at S.B. 1989 No. 42. 4 see Improve sheet S.B. 1986 No. 60; WT. at S.B. 1989 No. 42. 5 See Improve sheet S.B. 1986 No. 60; WT. at S.B. 1989 No. 42, S.B. 2002, no. 67. 6 WT. at S.B. 1989 No. 42, S.B. 2002, no. 67. 7 see Improve sheet S.B. 1986 No. 60. 8 see Improve sheet S.B. 1986 No. 60; WT. at S.B. 1989 No. 42. 9 See Improve sheet S.B. 1986 No. 60; WT. at S.B. 1989 No. 42. 10 wt. at S.B. 1989 No. 42. 11 WT. at S.B. 1989 No. 42. 12 WT. at S.B. 1989 No. 42. 13 wt. at S.B. 1989 No. 42. 14 WT. at S.B. 1989 No. 42. 15 See Improve sheet S.B. 1986 No. 60; WT. at S.B. 1989 No. 42. 16 WT. at S.B. 1989 No. 42; I.w.t. 19 May 1986 (Bulletin of acts and decrees 1986, no. 32).]