

TITLE XXIX<sup>253</sup>  
**SHIPPING AND AVIATION CRIMES**

Article 444<sup>254</sup>

Guilty of piracy is punished:

1o. with a maximum prison sentence of twelve years, he who takes service as captain or serves on a vessel, knowing that it is destined or using it to commit crimes of violence in open sea against other vessels or against persons or goods on those vessels, without having been given power of attorney by a belligerent power or belonging to the war navy of a recognized power;

2o. with a maximum prison sentence of nine years he, who, knowing about this purpose or use serves as sailor on such a vessel or voluntarily stays in service after becoming acquainted with it.

The lack power of attorney is equated with exceeding the power of attorney as well as providing powers of attorney from powers waging war against each other.

Article 110 stays outside application.

The provision in the previous sections with regards to the captain and sailor is of equivalent application with regards to the captain respectively the member of the crew of an aircraft. Under vessel aircraft is understood in the previous sections and under open sea the airspace above is understood.

Article 445<sup>255</sup>

If the crimes of violence described in article 444, result in the death of one of the persons on board the vessel or aircraft, the master of the ship or captain and those who participated in the crimes of violence are punished with a maximum prison sentence of fifteen years.

Article 446<sup>256</sup>

He who, for his own or foreign account, equips a vessel or aircraft with the purpose described in article 444, is punished with a maximum prison sentence of twelve years.

<sup>253</sup> Amended by G.B. 1971 no. 56.

<sup>254</sup> Amended by G.B. 1973 no. 74.

<sup>255</sup> Amended by G.B. 1973 no. 74.

<sup>256</sup> Amended by G.B. 1973 no.74.

Article 447<sup>257</sup>

He who, for his own or foreign account, directly or indirectly cooperates to lease out, charter or insure a vessel or aircraft, knowing that it has the purpose described in article 444, is punished with a maximum prison sentence of eight years.

Article 448<sup>258</sup>

He, who deliberately brings a Surinamese vessel in the power of pirates, is punished:

- 1o. if he is the master of the ship, with a maximum prison sentence of twelve years;
- 2o. in all other cases, with a maximum prison sentence of nine years.

Article 448a<sup>259</sup>

He, who brings or holds in his power an aircraft by violence, threat with violence or terror or makes it deviate from its itinerary, is punished with a maximum prison sentence of nine years.

If two or more persons together or as a result of cooperation commit the criminal offence, or if the criminal offence results in serious bodily injury or the criminal offence is committed with the purpose to deprive someone of his freedom unlawfully or keep him detained, is punished with a maximum prison sentence of twelve years.

If the criminal offence results in death, a maximum prison sentence of fifteen years is imposed.

Article 448b<sup>260</sup>

He, who deliberately commits a criminal offence of violence against someone who is on board an aircraft, is punished:

1° with a maximum prison sentence of nine years, if it results in fear for the safety of the aircraft,

2° With a maximum prison sentence of fifteen years, if it results in fear for the safety of the aircraft and the criminal offence results in someone's death.

Article 448c<sup>261</sup>

He, who deliberately passes on information which he knows or has serious reasons to suspect that it is incorrect, is punished, if it results in fear for danger for an aircraft during the flight with a maximum prison sentence of four years.

<sup>257</sup> Amended by G.B. 1973 no. 74

<sup>258</sup> Amended by G.B. 1915 no.75, S.B. 1984 no. 17.

<sup>259</sup> Introduced by G.B. 1971 no. 1971 no. 56; Amended and renumbered by G.B. 1973 no. 74

<sup>260</sup> Introduced by G.B. 1973 no. 74.

<sup>261</sup> Introduced by G.B. 1973 no. 74.

Article 449<sup>262</sup>

The person on board of a Surinamese ship, who unlawfully takes possession of the ship, is punished with a maximum prison sentence of six years.

Article 450<sup>263</sup>

The master of a Surinamese ship who detaches the ship from the owner or ship owning company and uses it for his own benefit is punished with a maximum prison sentence of seven years and six months.

Article 451<sup>264</sup>

With a maximum prison sentence of four years is punished the Surinamese person who, without license of the Surinamese Government, accepts a letter of marque and reprisals, or comes into service or serves on a vessel, knowing that it is destined for privateering.

Article 452<sup>265</sup>

The Surinamese person who enlists on a vessel as a sailor, knowing that it is destined or used for privateering without license of the Surinamese Government, or voluntarily stays in service after having been informed of that purpose or use, is punished with a maximum prison sentence of three years.

Article 453<sup>266</sup>

The master of a Surinamese ship who has a report drawn up the contents of which he knows is contrary to the truth, is punished with a maximum prison sentence of four years.  
The sailor who cooperates to having drawn up a report of which he knows is contrary to the truth, is punished with a maximum prison sentence of two years.

Article 454<sup>267</sup>

He, who, in compliance with the provision in article 379 of the fourth section of article 382 of the Surinamese Code of Commerce, submits a written report of which he knows is contrary to the truth, is punished with a maximum prison sentence of four years.

<sup>262</sup> Amended by G.B. 1973 no. 74.

<sup>263</sup> Amended by S.B. 1984 no. 17.

<sup>264</sup> Amended by S.B. 1984 no. 17.

<sup>265</sup> Amended by S.B. 1984 no. 17.

<sup>266</sup> Introduced by G.B. 1936 no. 115; Amended by S.B. 1984 no. 17.

<sup>267</sup> Introduced by G.B. no.136 no. 17.

Article 455<sup>268</sup>

With a maximum prison sentence of two years is punished the master of a Surinamese ship, who, after the commencement of signing on and before the end of his contract, deliberately and unlawfully withdraws from commanding the ship.

Article 456<sup>269</sup>

Is punished, as guilty to desertion, with a maximum prison sentence of one year, the sailor who, in breach of the labour agreement withdraws from service on board a Surinamese ship, or if, due to the circumstances under which he acted, there is fear of danger for the ship, the persons on board or the cargo.

Article 457<sup>270</sup>

The punishment determined in article 456 can be doubled if two or more persons, together or due to plotting, commit the crime

Article 458<sup>271</sup>

The ship owning company, bookkeeper or master of a Surinamese ship who takes into service a sailor knowing that a month has not passed since the latter has withdrawn himself from his contract with a Surinamese ship in the way described in article 456, is punished with a maximum prison sentence of three months or a maximum fine of three hundred and fifty Surinamese dollars. Not punishable is the fact that if the engagement happens outside Suriname with the Surinamese consul's permission or, if that is lacking, at the request of the local government.

Article 459<sup>272</sup>

The person on a Surinamese ship who assaults the master of the ship on board the ship, or the sailor who, in fact, assaults a superior in rank on board or during service, resists him, with violence or threat with violence or deliberately deprives him of his freedom action, is, as guilty to insubordination, punished with a maximum prison sentence of two years.

The guilty party is punished:

- 1o with a maximum prison sentence of three years if the crime or the acts of violence involved result in some bodily injury;
- 2o. with a maximum prison sentence of seven years and six months if they result in serious bodily injuries;
- 3o with a maximum prison sentence of twelve years if they result in death.

## Article 460

Insubordination committed by two or more united persons, is, regarded as mutiny, punished with a maximum prison sentence of six years.

The guilty party is punished:

- 1o. with a maximum prison sentence of seven years and six months if the crime or the actions of violence committed by him result in some bodily injury;
- 2o. with a maximum prison sentence of twelve years if they result in serious bodily injuries;

<sup>268</sup> Amended by S.B. 1984 no. 17.

<sup>269</sup> Amended by G.B. 1936 no.115, S.B. 1984 no 17.

<sup>270</sup> Amended by G.B. 1936 no. 115, G.B. 1939 no.67

<sup>271</sup> Amended by G.B. 1936 no. 115, G.B. 1938 no. 39, G.B. 1939 no. 67, S.B. 1984 no. 17.

<sup>272</sup> Amended by S.B. 1984 no. 17.

30. with a maximum prison sentence of fifteen years if they result in death.

Article 461<sup>273</sup>

He who, on board a Surinamese ship, incites to mutiny on that ship, is punished with a maximum prison sentence of five years.

Article 462<sup>274</sup>

Willful disobedience committed by two or more sailors of a Surinamese ship, together or due to plotting, is punished with a maximum prison sentence of two years.

Article 463<sup>275</sup>

The sailor of a Surinamese ship, who, after having been taken disciplinary action against, due to willful disobedience, persists in his willful disobedience, is punished with a maximum prison sentence of six months.

Article 464<sup>276</sup>

With a maximum prison sentence of six months or a maximum fine of three hundred and fifty Surinamese dollars (SRD 350,-), is punished the person on board a Surinamese ship:

- 1o. who deliberately does not obey any command by the master of the ship given in the interest of the safety or to maintain order and discipline on board;
- 2o. who, knowing that the master of the ship has been deprived of his freedom of action, does not come to his aid to his ability;
- 3o. who, having knowledge of a plan to commit insubordination, deliberately fails to inform the master of the ship of this crime on time.

The provision mentioned under No.3 is not applicable if the insubordination has not been committed

Article 465<sup>277</sup>

The punishments determined in the articles 449, 452, 456, 459-464 can be increased by a third if the guilty party to one of the committed crimes described in those articles, is a ship's officer.

Article 466<sup>278</sup>

The master of a Surinamese ship who, with the purpose of unlawfully benefiting himself or another person or hides such benefiting, either sells the ship, takes money from the ship, sells or pledges the ship's appurtenances or the ship's stores, either goods of the cargo or of the ship's appurtenances, either charges fictitious damages or expenses, either does not take care that on board the required logbooks are kept according the legal regulations, either on leaving the ship does not take care of retaining the ship's papers, is punished with a maximum prison sentence of six years.

<sup>273</sup> Amended by S.B. 1984 no. 17.

<sup>274</sup> Amended by S.B. 1984 no. 17.

<sup>275</sup> Amended by S.B. 1984 no. 17.

<sup>276</sup> Amended by G.B. 1936 no. 115, S.B. 1984 no. 17.

<sup>277</sup> Amended by G.B. 1936 no. 115.

<sup>278</sup> Amended by G.B. 1936 no. 115, S.B. 1984 no. 17.

Article 467<sup>279</sup>

The master of a Surinamese ship who, with the purpose to unlawfully benefit himself or another person or changes course to hide such benefiting, is punished with a maximum prison sentence of three years

Article 468<sup>280</sup>

The master of a Surinamese ship, who outside necessity or in breach of any legal provision leaves the ship during the voyage and also commands or permits his sailors to do so, is punished with a maximum prison sentence of four years and six months.

Article 469<sup>281</sup>

The master of a Surinamese ship, who, outside necessity and outside prior knowledge of the owner or the ship owning company commits or tolerates actions, knowing that these actions can expose the vessel to bringing in, arrest or holding up, is punished with a maximum prison sentence of one year or a maximum fine of five hundred Surinamese dollars.

The person on board the ship, who, outside necessity and outside prior knowledge of the master of the ship commits actions with similar knowledge, is punished with a maximum prison sentence of nine months or a maximum fine of five hundred Surinamese dollars.

Article 470<sup>282</sup>

The master of a Surinamese ship, who, deliberately outside necessity does not provide a person on board with what he is obliged to provide him with, is punished with a maximum prison sentence of two years or a maximum fine of three hundred and fifty Surinamese dollars.

Article 471<sup>283</sup>

The master of a Surinamese ship, who, deliberately outside necessity or in breach of any legal regulation heaves goods, is punished with a maximum prison sentence of two years or a maximum fine of three hundred and fifty Surinamese dollars.

## Article 472

He, who deliberately and unlawfully destroys, damages, puts out of order or steals cargo, ship's stores or ship's supplies, is punished with a maximum prison sentence of two years

Article 473<sup>284</sup>

The master of a ship which carries the Surinamese flag, knowing that he is not authorized to do so, is punished with a maximum prison sentence of one year or a maximum fine of three hundred and fifty Surinamese dollars.

<sup>279</sup> Amended by S.B. 1984 no. 17

<sup>280</sup> Amended by S.B. 1984 no. 17.

<sup>281</sup> Amended by S.B. 1984 no. 17.

<sup>282</sup> Amended by S.B. 1984 no. 17.

<sup>283</sup> Amended by S.B. 1984 no. 17.

<sup>284</sup> Amended by S.B. 1984 no. 17.

Article 474<sup>285</sup>

The master of a ship, who, by deliberately carrying any distinguishing mark on his vessel, gives the idea as if it were a Surinamese war ship or state vessel or a pilot boat on duty in Surinamese waters, is punished with a maximum prison sentence of three months or a maximum fine of three hundred and fifty Surinamese dollars.

Article 475<sup>286</sup>

He who, outside necessity, acts as master, first mate or engineer on a Surinamese ship, knowing that he, in accordance with legal regulations, is unauthorized to do so, is punished with a maximum prison sentence of six months or a maximum fine of five hundred Surinamese dollars.

Article 476<sup>287</sup>

The master of a Surinamese ship, who refuses, without valid reasons, to meet a claim from the competent authorities to take on board at a large compensation a suspect or a convict as well as the writings and documents related to his case, is punished with a maximum prison sentence of three months or a maximum fine of three hundred and fifty Surinamese dollars.

Article 477<sup>288</sup>

The master of a Surinamese ship who deliberately lets a suspect or a convict whom he has taken on board on a claim from the competent authorities escape or releases him or assists him to free himself, is punished with a maximum prison sentence of three years.

If the escape, release, self-release is due to his fault, he is punished with a maximum prison sentence of two months or a maximum fine of three hundred and fifty Surinamese dollars.

Article 478<sup>289</sup>

The master of a Surinamese vessel, who deliberately does not meet his obligation to assistance if his ship has been involved in a collision, is punished with a maximum prison sentence of three years.

## Article 479

On conviction due to one of the crimes described in the articles 444-450, 446 and 467, of the rights mentioned in article 46 No. 1-4 can be pronounced.

<sup>285</sup> Amended by G.B. 1938 no. 39, S.B. 1984 no. 17.

<sup>286</sup> Amended by G.B. 1939 no. 67, S.B. 1984 no. 17.

<sup>287</sup> Amended by G.B. 1938 no. 39, G.B. 1939 no. 67, S.B. 1984 no. 17.

<sup>288</sup> Amended by S.B. 1984 no. 17.

<sup>289</sup> Amended by G.B. 1915 no. 75, G.B. 1936 no. 115, G.B. 1984 no. 17.