

Annual Report Sint Maarten 2024





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Word from the Chief Prosecutor

Dear Reader,

The year 2024 brought significant challenges to Sint Maarten, marked by complex cases and a pivotal shift in our prison policy. In this report, you will find details about the cases we handled and the complaints brought forward by victims.

In recent years, the Prosecutor's Office of Sint Maarten (OM) recognized the need to ensure that prison space is available not only for those convicted of violent crimes but also for public officials/civil servants who have committed offenses – persons who misuse public funds or exploit their positions to enrich themselves and undermine the safety of Sint Maarten must also face consequences. As a result, we have prioritized making room in our detention facilities for such offenders. This sends a clear message to society: despite limited resources, crime will not go unpunished.



The OM's ability to fulfill its mandate relies on close collaboration with our partners. We work hand in hand with the Police Force of Sint Maarten (KPSM), the Landsrecherche, Prison Management, the Probation Office (SJIS) the Ministry of Justice, and all other partners who share our commitment to combating crime and ensuring the safety of Sint Maarten.

Hieke Buist
Chief Prosecutor
Sint Maarten



1 High-Profile Cases

Former MP sentenced for vote-buying, banned from office



In August 2024, the OM received the Court's permission to prosecute former MP A.A for orchestrating a vote-buying scheme during Sint Maarten's January elections. The case was presented in the Court of First Instance in December 2024 and a sentence of 18 months in prison and barred from public office for six and a half years was handed down in January 2025.

Co-defendant R.M. received 12 months, with four suspended, for offering voters up to \$200. N.F. was sentenced to 180 hours of community service for a similar offense.

The Court of First Instance ruled that their actions undermined democracy, aligning with the OM's push for strict penalties. The case, code-named "Aconitum," reinforced efforts to protect election integrity in Sint Maarten. This verdict has been appealed by the suspect. Together with bringing this case to Court fast, we also had a huge publicity campaign against vote buying.

First PIJ Assessment Hearing Held

In November 2024, the OM presented to the Court the first-ever PIJ (*Placement in an Institution for Juveniles*) assessment in Sint Maarten, marking a significant milestone in the juvenile justice system. The PIJ measure, which involves the placement of a young person with developmental or pathological issues into a juvenile detention center for intensive treatment and supervision, was applied to a minor.



As part of the PIJ process, an assessment hearing was conducted to evaluate the progress of the treatment and determine whether the measure should be extended. This hearing included reports from psychologists and psychiatrists regarding the minor's behavior and treatment progress. This marked the first time such an assessment was carried out, setting an important precedent for future juvenile cases.

Dog Owner Fined for Negligence in Pitbull Incident

In 2024, OM SXM recognized that there was a surge in dog related incidents and made the decision to address this issue. While these incidents were not identified in the 2024 annual plan, OM SXM adjusted so that it can address the needs of the



community. OM SXM hopes that this case and ruling serves as a reminder to all dog owners about their legal responsibilities.

A dog owner has been fined NAf 5,000 in August by the Court of First Instance following an incident involving his Pitbull's, which endangered the safety of individuals on his property. The prosecution had initially sought a sentence including conditional custody, but the court opted for a financial penalty.

This case is part of a broader effort by the OM, which has charged three individuals in connection with dangerous dog incidents. On June 20, two of these cases were presented in court, one resulting in a penalty. Charges in these cases focus on the failure to secure dangerous dogs and the use of dogs as weapons, in line with Article 3:2 of the Penal Code.



2 Successes & Challenges

2.1 Integral Approach

The 2024 OM SXM Annual Plan, was guided by the 2023-2026 OMCarib 'visiestuk'. In the annual plan, we highlighted High Impact Crime and Subversive Crime as topical issues that we would like to continue addressing. To that end, OM SXM has secured verdicts, executed sentences, and engaged with our partners to address these issues. The execution of verdicts pertaining to subversive crime, highlight the OM's increased focus on ensuring accountability for white-collar crimes, which, despite their non-violent nature, significantly harm the community.

2.1.1 High Impact Crime

Lengthy sentences for perpetrators of Old Street area jewelry store robbery

In April 2024, the Court handed down lengthy sentences to two repeat offenders for an armed robbery at a jewelry store in the Old Street area on December 2, 2023. Perpetrator A.H. received 10 years, while his accomplice R.W. was sentenced to nine years, matching the prosecution's demands.

The masked men carried out the brazen daylight robbery, leaving a victim severely injured after being struck with a firearm. Both perpetrators were swiftly apprehended by KPSM with stolen jewelry and a firearm in their possession. They were also ordered to pay NAf. 40,463.34 in damages. A.H. and R.W., previously sentenced for similar crimes, remain incarcerated.

Enhanced powers granted to Police due to rise in crime

Following a surge in gun violence, with 140 firearm-related incidents in 2024, including nine injuries and five fatalities; the OM granted the Police Force of Sint Maarten (KPSM), enhanced stop and search powers under the Firearms Ordinance.

The directive authorized officers to seize firearms and conduct searches of individuals and vehicles in and around the Dutch Quarter, Cole Bay/Simpson Bay, and Maho/Cupecoy. Initially implemented for 24 hours from August 5 to August 6, 2024, the measure remained in effect intermittently until August 25, as authorities worked to curb illegal firearms and enhance public safety.

2.1.2 Subversive Crime

High-Profile Individuals begin serving sentences for serious crimes

In 2024, several high-profile individuals began serving their prison sentences, highlighting the OM commitment to holding offenders accountable, regardless of their status. Former politician T.H. began serving his five-year sentence in January for accepting bribes and money laundering, related to the "Larimar" case. He was found guilty of accepting over US \$3.36 million in bribes during his time as Minister of Public



Housing, Spatial Planning, Environment, and Infrastructure, and sentenced to five years in prison.

In addition, two other individuals, O.A. and J.S., began serving their sentences in July 2024. O.A. was convicted of embezzling harbor funds, bribery, tax evasion, and weapon possession, sentenced to 40 months in prison. J.S., convicted of corruption and money laundering at the airport, received an 18-month sentence.

Detention Capacity

The OM SXM's 2024 Annual plan, discussed the capacity issues in the Prison being dealt with on Sint Maarten. The Prosecutor's Office continues to deal with a severe cell shortage and has to constantly make decisions regarding the release of suspects. The lack of detention cells, also severely hinders the OM's ability to execute sentences. The cell shortage become a topical issue on the island, and has prompted many discussions on what alternatives can be done, until the construction of the new prison is completed.

2.1.3 Communication

The visibility and engagement of the OM within the Sint Maarten community have continued to grow through active communication and public outreach. Regular updates via press statements, social media, and direct interactions with both the press and the public on cases, verdicts, and key developments have reinforced OM's role as not just an administrator of justice, but as an essential community partner.

A significant improvement in communication has been the partial use of English in *requisitors* by the prosecutors, especially for high-profile and sensitive cases. While legal technicalities remain in Dutch, the crime narratives are presented in English to ensure broader accessibility and clarity for the public, and most importantly, the suspect. Presenting the case, partially in English, allows the suspect and the victim to have better understanding of what occurs in Court.

Engaging with the Community: Building Awareness and Connection

The OM actively engaged with the community through a series of events aimed at raising awareness about its role and responsibilities as well at tackling pressing issues in the community. Through school visits, the OM provided insights into the legal system, educating young people about the importance of law, justice, and civic duty. Additionally, the office participated in the Sint Maarten Study and Career Fair, offering guidance to students on career opportunities within the legal field.

These engagements play a vital role in building a deeper connection with the public, showcasing the Prosecutor's Office as an accessible and proactive entity, while promoting awareness about its critical work in maintaining law and order in Sint Maarten.



2.2 Development of OM – Organization

Courses & Trainings

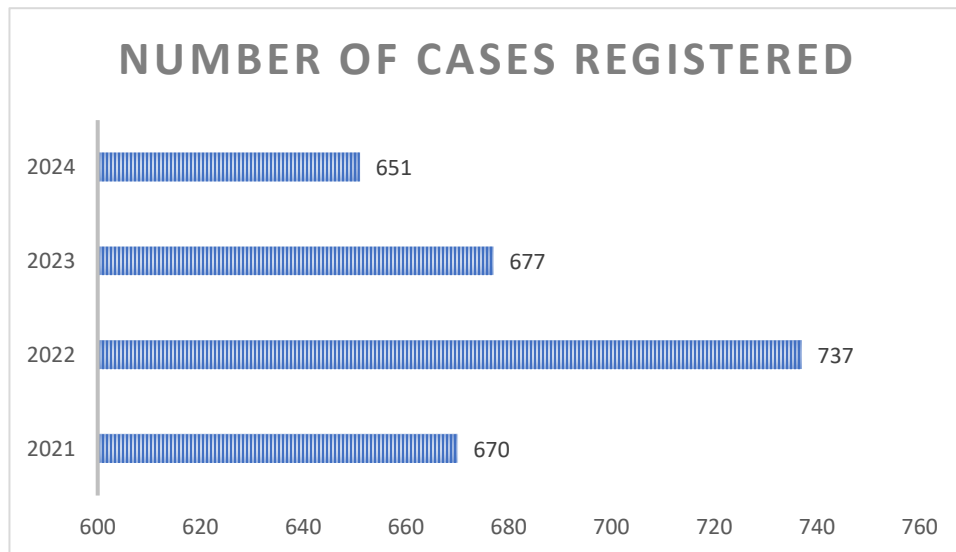
Throughout 2024, employees attended multiple trainings that would improve their skillset, such as financial training, human trafficking/-smuggling course, symposium regarding '*bestuurlijke aanpak*', sexual assault training in collaboration with KPSM, among other courses.



3 Results in Numbers

3.1 Influx of Cases

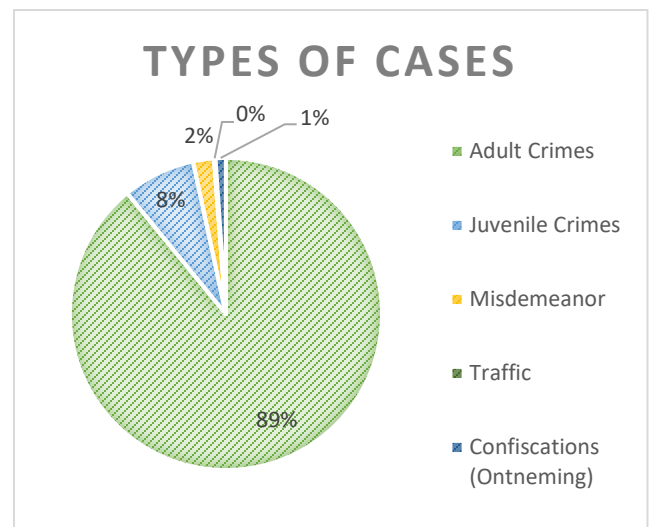
In 2024 the OM registered 651 new cases, which is a slight decrease in comparison to 2023. The OM is unable to attribute this decrease to any specific cause.



3.2 Criminal Offences

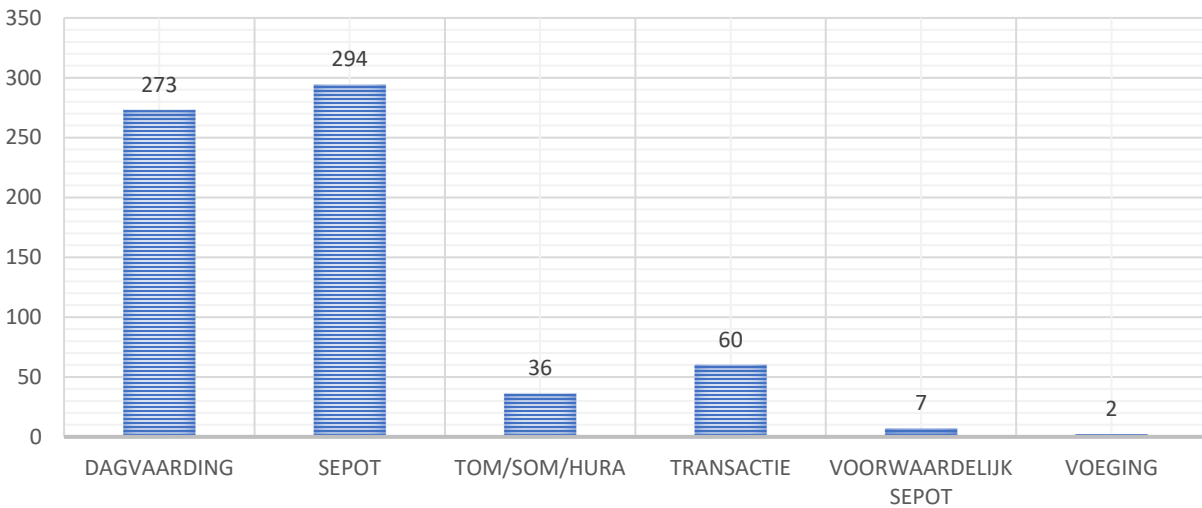
The types and amounts of criminal offences committed during 2024 are divided among '580 adult crimes', '49 juvenile crimes', '14 misdemeanors', '1 traffic offence', and a total of '7 confiscations'. It must be mentioned, in regard to the traffic offences, this number only accounts for the investigations that have been completed and submitted to the OM in 2024.

Of the crimes committed throughout 2024, **41%** of the cases were handled via a court summons, and **44%** were dismissed. One of the most common reason for dismissal is insufficient evidence to achieve a conviction.





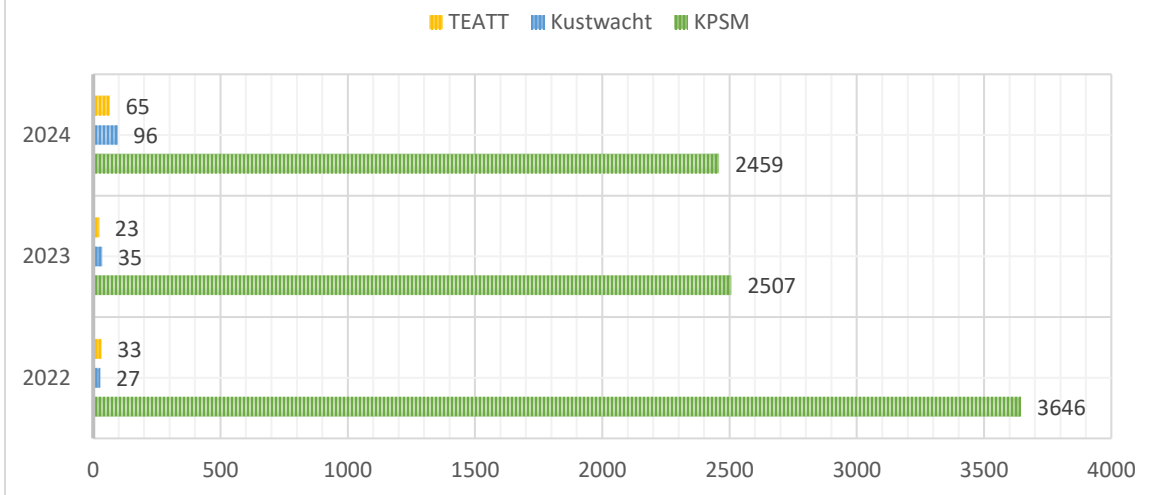
TYPES OF SETTLEMENTS & DECISIONS



3.3 Violations

A total of **2.620** fines have been issued this year, of which **2.459** were issued by KPSM, **96** by the Coast Guard, and **65** by the Ministry of Tourism, Economic Affairs, Traffic and Telecommunication (TEATT). In comparison to 2022 and 2023, there has been an increase/decrease in the number of fines and violations issued by KPSM.

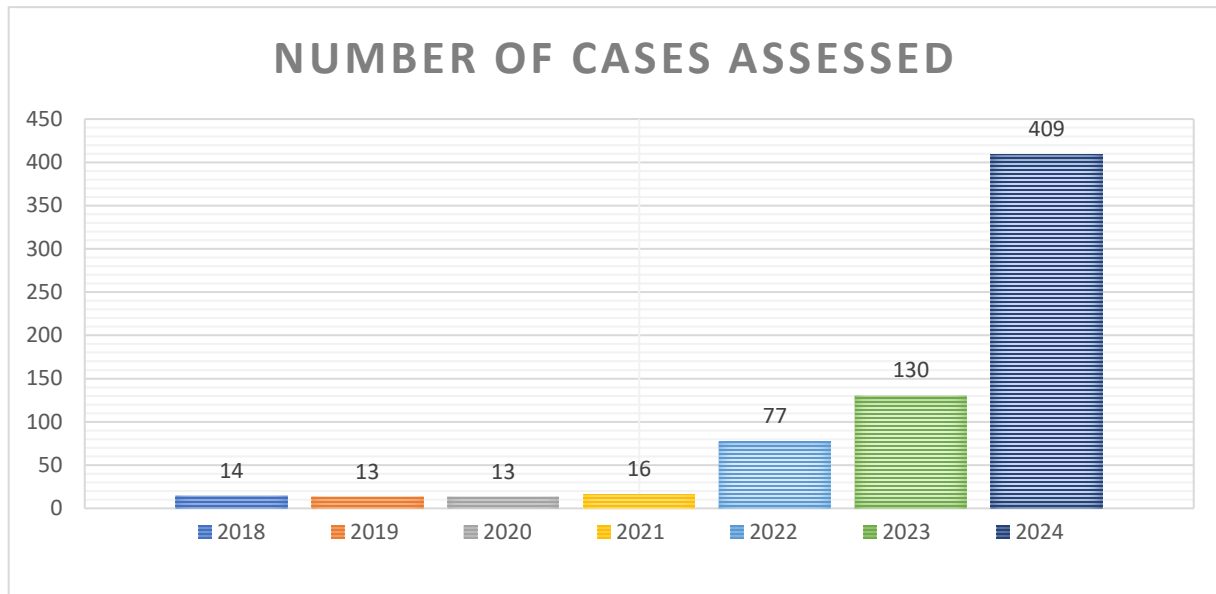
ISSUED FINES & VIOLATIONS





3.4 Processing of Old Cases & Fines

In 2024, the OM assessed **672** cases of which the oldest cases stemmed from 2018. The assessment of such older cases is a result of the continued cleanup operations done by the OM. The majority of cases handled by our office were from 2024. This year has seen a significant increase from 2023, during which OM assessed 563 cases.



3.5 Paga Bo But

In 2024, **1.412** fines were settled, which resulted in *NAf.* 203.715,20 being collected by the OM. It is important to note, that the payments received in 2024, were not only from the fines issued in 2024. Persons can make payments on older fines. Active enforcement of unpaid fines continues to be a challenge for OM.

Apart from OM, it is possible for people to pay their fines at different locations in the country with different administration procedures. For this reason, the revenue reflected in this report may vary from the actual revenue collected during the year.



3.6 Performance Indicators

Underneath the performance indicators as per our year plan 2024:

Performance Indicators 2024	
	Key Figures
Inflow of official reports: Criminal offences (number of cases on an annual basis) Violations (number of cases on an annual basis)	550 4.000
	Performance Indicators
Maximum inventory (in process/not court-session ready): Criminal offences (percentage of inflow) Violations (percentage of inflow)	30 % 1 %
Total confiscation amount (forfeitures presented at the hearing, including settlements and declarations of forfeiture)	NafI. 200.000
Maximum percentage of dismissals: Technical Policy (unconditional policy dismissal)	10% 3%
Maximum percentage of complete acquittals (relative to the total number of cases presented at the hearing)	5 %
Maximum percentage of non-admissibility by the OM (relative to the total number of cases presented at the hearing)	1 %
Budget and Personnel: Outgoing budget PEA SXM Percentage of planning, performance and evaluation reviews	100% 100%

With the registration of 629 new criminal offences, OM has exceeded the pre-determined indicator of 550.

The performance in regards to the new fines has not met the established indicator. When looking back over the years, it is clear that the indicator is usually not met. This may be explained by the current police capacity, but it may also be that the indicator is set too high for Sint Maarten. Since this indicator is set in coordination with the Prosecutor's Office of the PG, it may be necessary to reevaluate this.



Similarly, the performance in regard to asset recovery, has not met the pre-determined indicator. This too may be explained by the current capacity issues, but it may be that indicator needs to be adjusted for Sint Maarten.

With the dismissal of 44% of the cases handled, OM SXM exceeds the pre-established indicators. Of the dismissals issued, about 28% are considered '*technische sepots*' and 16% are considered '*beleidsepots*'. All other indicators have been met by the OM.



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