

# Acknowledgement

---

This publication is the result of a collaborative effort with my colleagues in the Arnold Rampersaud Defence Committee.

This book would not have been possible without the contributions of Eusi Kwayana and Janet Jagan who offered their time and energy to its preparation.

M.N.

# THE TOLL GATE DRAMA

At 6.49 o'clock on the evening of July 18, 1974 police constable James Henry relieved constable Oliver Fraser as night guard at the No. 62 Toll Station on the Corentyne Highway. Oliver Fraser handed over to constable Henry a .38 police service revolver and six rounds of live ammunition. Looking on silently was rural constable Joachim Francis, who was detailed to keep

night duty with Henry.

As darkness descended on the area, rural constable Francis retired to a cot in the toll booth. He slept for a while, getting up shortly before 10 p.m. by which time the electric light in the area went out. Francis flashed his torchlight about the nearby caretaker's building and in the direction of the generator plant building. The 21-year-old Henry had by then thrown himself upon the empty cot.

Five minutes later the silence of the night was shattered by the sound of gunshots. Constable Henry's last words were: "Oh God, ah get shot! Ah get shot!"

A car approached the toll station from the southern side, going towards New Amsterdam. Observing a human body sprawled on the western side of the highway, the driver of the car, Government Medical Officer Dr. Fyzul Sattaur, stopped. He got out of the car and was walking towards the body when Francis shouted as he rushed out of the toll booth: "Ambush! Ambush! They shot at us."

"Who shot at you?" Dr. Sattaur inquired.

"I don't know," Francis replied.

Dr. Sattaur left Francis behind and sped off to the No. 51 Police Station which is six miles south of the toll station. Francis in the meantime dashed for the caretaker's building and locked himself in a toilet.

Francis was still hiding in the toilet when Sergeant Ronald Harris and two other policemen took away the body of James Henry to the Springlands hospital. The body, wounded in four places, was found in a pool of blood. Nearby was found a police revolver with six spent shells in its chamber.

Sgt. Harris later returned to the scene by which time another police party had taken Francis from the toilet. Francis who was wounded in his left middle toe told Sgt. Harris on that occasion that he "did not get a good look" at the person(s) who shot at the toll station. He said that the place was very dark, but pointed out an area east of the highway as the direction in which the assailant(s) had run away.

Francis was taken away under police escort to the Springlands Hospital. He was then transferred to the New Amsterdam hospital where armed police guards were placed at his bedside.



# HUNTING FOR CLUES

Within hours of the toll gate shooting the police set up a Special Investigation Unit headed by Superintendent Fitzroy Duff—a man well known in the Corentyne stronghold of the PPP, and one who had featured prominently in a previous trial in which a number of PPP activists were facing a murder charge.

The Unit began its hunt for clues in the vicinity of the murder. The homes of PPP members were searched; yards were forked up; ceilings and mattresses ripped open; party membership books and progressive literature confiscated etc. In fact those actions formed the prelude to a wholesale arrest and detention of PPP activists and members. The cars of PPP members were hauled away to the investigation centre at Springlands where some were impounded.

Included in the dragnet of July 19, the day after the incident, was gas-station worker Ramjeet Mohan. He was accused of involvement in the toll gate shooting. Also detained was Ramkaran Singh, a brother of PPP activist Arnold Rampersaud.

The said day police tracker-dog "Sabre" picked up a scent from underneath the steps of the caretaker's house and sniffed along a path west of the toll station. The police had alleged that a number of shotgun cartridges and empty casings were found under the stairs.

On July 20th, Arnold Rampersaud was arrested at the Springland Police Stations when he took food for his brother who was already in the lock-ups. He was released after he gave the police a statement.

About the said time that Arnold Rampersaud was being sent home, Joachim Francis was giving Sergeant Prince a statement at the New Amsterdam hospital.

Francis reiterated his previous position of not seeing anyone in the act of shooting at the toll station. He said that when he heard gunshots he immediately came off a bench on which he was sitting "and slumped to the floor lying on my abdomen, so that I could not see what was happening outside the toll booth."

Francis said that a few seconds after the shooting had finished he heard a voice saying: "Ah get shot! Ah get shot!" The voice was coming from a north-westerly direction. He said that he heard footsteps and then a sound coming from the trench on the



eastern side of the toll gate "as if someone was in the water". He added that after the shooting "no other vehicle passed before Dr. Sattaur drove up".

The Investigation Unit was still investigating when, on the afternoon of July 20, Arnold Rampersaud was re-arrested.

On the night of July 20, Fitzroy Duff "arrested" a middle-aged watchman named Kawall. He was wanted for the non-payment of affiliation arrears, but instead of being placed before a magistrate he was allowed to go away.

During the trial the police sought to tender in evidence a statement incriminating Arnold Rampersaud written in Duff's handwriting but purporting to bear the signature of Kawall. But Kawall denied the contents of the statement, saying that he had never told Duff anything about seeing Rampersaud's car at the toll gate on the night of the shooting.

In the meantime the police wrapped up the connection between the empty shotgun cartridges found under the steps and the toll booth. On July 21 a young Tactical Service Unit constable Budhram Ramdeen found twelve shotgun pellets embedded in the eastern wall of the booth. A bullet was "lodged" on the sill of a louvre window in the booth, which was some 39 feet from the stair-case.



# THE DEAD-END

Even if Kawall did give Duff the statement which had placed Arnold Rampersaud's car at the scene of the shooting, the State did not use it as the sole basis for the case against the accused.

On July 24th a second approach was made to Joachim Francis who was still nursing his toe-wound under police guard at the New Amsterdam hospital.

Francis gave a second statement, this time to Inspector Desmond Dorsett who was armed with a statement given to him by Arnold Rampersaud on July 20.

Yes, Francis did know Arnold Rampersaud, the second statement noted. He was the owner of HN 819, a black Austin motor-car with white streaks on both sides. Rampersaud was living at No. 59 Village on the Corentyne, and he is an activist of the People's Progressive Party. Rampersaud passed the toll gate on July 16, 1974 while advertising a PPP rally, Francis stated.

**BUT IN THE SECOND STATEMENT, OF FRANCIS AS IN THE FIRST, NO MENTION WAS MADE OF RAMPERSAUD IN RESPECT OF THE TOLL GATE SHOOTING.**

The only adjustment which Francis made was to the effect that he had heard "as if a vehicle drove off" after the shooting. For the police it was another shot in the dark, as Francis maintained: **"I did not look to see."** He was lying face down on the floor of the toll booth!

To all appearances it seemed apparent that the investigations had reached a dead-end.

By July 25th., 1974 the following members of the PPP had been detained and questioned:— Chillo Persaud, Goordatt, Khargie, Rohit Persaud, Roopram Chattaram, Ramjeet Mohan, Ramkarran Singh, Ona Persaud Harrichand, his brother Tilak called Butchie, Tilak's wife named Phulmattie, and their two sisters Jeena and Devi.

On July 27th the list of politically persecuted PPP members on the Upper Corentyne included Ramchand, Basdeo Bhojdas and his two brothers Kamaldeo and Jagat.

On July 28th Rishiram Audit and his brother Rishiraj were detained. Rishiram who returned to the country a day or two be-

more from a one-year study course in the USSR was questioned not about the toll gate shooting, but about the nature of his studies abroad.

And on July 30 the "Special Investigation" unit raided the homes of PPP Regional Committee members Roshan Ally, Carl Douglas, Boodram Mahadeo, Pooran Molai, Jainauth, Isaac Sankat, Jainarine Sawh, Ramnath Dwarka, Dowlatram Ramgahan, Joe and Manu Budhram.

The operation against the P.P.P. was then switched to the New Amsterdam and Georgetown headquarters of the Party. The Michael Forde Bookshop and the PPP office in New Amsterdam were ransacked. In Canje the yards of GAWU trade unionist H. Pyrelall and PYO First Secretary Feroze Mohamed were dug up for "arms and ammunition". Nothing was found.

Freedom House, the PPP Georgetown headquarters, was placed under a siege lasting nine and one-half hours. The police squad pored over confidential files of the party, and took away documents which had to do with Cuba and Vietnam.

The home of PPP General Secretary Dr. Cheddi Jagan was invaded and searched. Dr. Jagan was whisked off to police headquarters after the squad found a part of an abandoned pistol which the police themselves had returned to Dr. Jagan when they took away the licence to own a firearm from the former Guyanese Premier. Dr. Jagan was later charged with illegal possession of firearm.

On July 31st the home of Clinton Collymore, senior political reporter at the Opposition's "Mirror" newspaper, was invaded on the East Bank of Demerara. The police, who said that they were searching for "arms and ammunition", went through the files of the reporter, but took away nothing. Another "Mirror" reporter, Moses Nagamootoo, was two weeks earlier violently beaten up by PNC hooligans in the presence of police officers. When Nagamootoo protested against the outrage, the police slapped a charge of "illegal possession of a firearm" on him. The charge was dismissed by a Magistrate as the police were unable to produce in Court the firearm which they imagined the reporter had in his possession!

It was evident that the campaign or manhunt was no longer aimed at the killer of the policeman, but at the PPP and all those who, professionally or otherwise, came to the aid of the party during the assault on its members. For example, the homes



of Mahendranath Poonai and Krishnadat Molai, two lawyers who had successfully defended FPP members in the Berbice court, were searched—again for “arms and ammunition”. And in Georgetown while the trial of Dr. Jagan was in progress, there was a break and enter into the Chambers of Senior Counsel B. O. Adams who had appeared for the Defence. The papers of the lawyers were rifled!

The campaign abated when sugar workers’ protested against the repression in the country and the harassment of Dr. Cheddi Jagan, the Honorary President of their union, by threatening to call a general strike during the August (Summer Sugar Crop), 1974.

The search-light was returned to the Corentyne, and on Arnold Rampersaud— who had already been held **incommunicado** for two weeks, even when it is the practice that a person ought not be held for more than 24 hours without being charged or put on bail.



Senior Counsel B.O. Adams, Solicitor Ayube McDoom are seen with Dr. Cheddi Jagan (with garlands) during the “firearm case.”

# Habeas Corpus Proceedings

On Thursday, August 1, 1974, Mrs. Dilrajie Rampersaud filed a motion for a writ of habeas corpus to be directed to Commissioner of Police Henry Fraser to produce Arnold Rampersaud, her 35-year-old husband and father of their five children.

Mrs. Dilrajie charged that her husband had been held incommunicado for over two weeks, and efforts by herself, other members of their family and their lawyers to see him had failed. There had been conflicting reports as to where Rampersaud was being held in custody. These reports gave rise to fear and anxiety over his safety.

In a sworn affidavit Mrs. Dilrajie contended that the detention of her husband was unlawful, illegal, unconstitutional, and a violation of Article 5 of the Guyana Constitution which guarantees freedom from arbitrary arrests. The motion was fixed for hearing in Georgetown on August 6, 1974.

On August 2, Mohamed Jahoor was arrested and taken to chief investigator Duff at the New Amsterdam Police Station. Jahoor was told that an informant had seen him driving up to the toll station between 9.30 and 10.00 p.m. on July 18 with three men in the back seat of his motor car HZ 851. The informant, Jahoor was told, had seen the three men walking out of the car, going towards the toll station. Minutes after the informant heard guns being fired repeatedly.

Jahoor, it was later learnt in court, was told by Duff that if he mentioned that one of the three men in the back seat of the car was Arnold Rampersaud, he would be released. If not, he would be charged with the murder of police constable, James Henry.

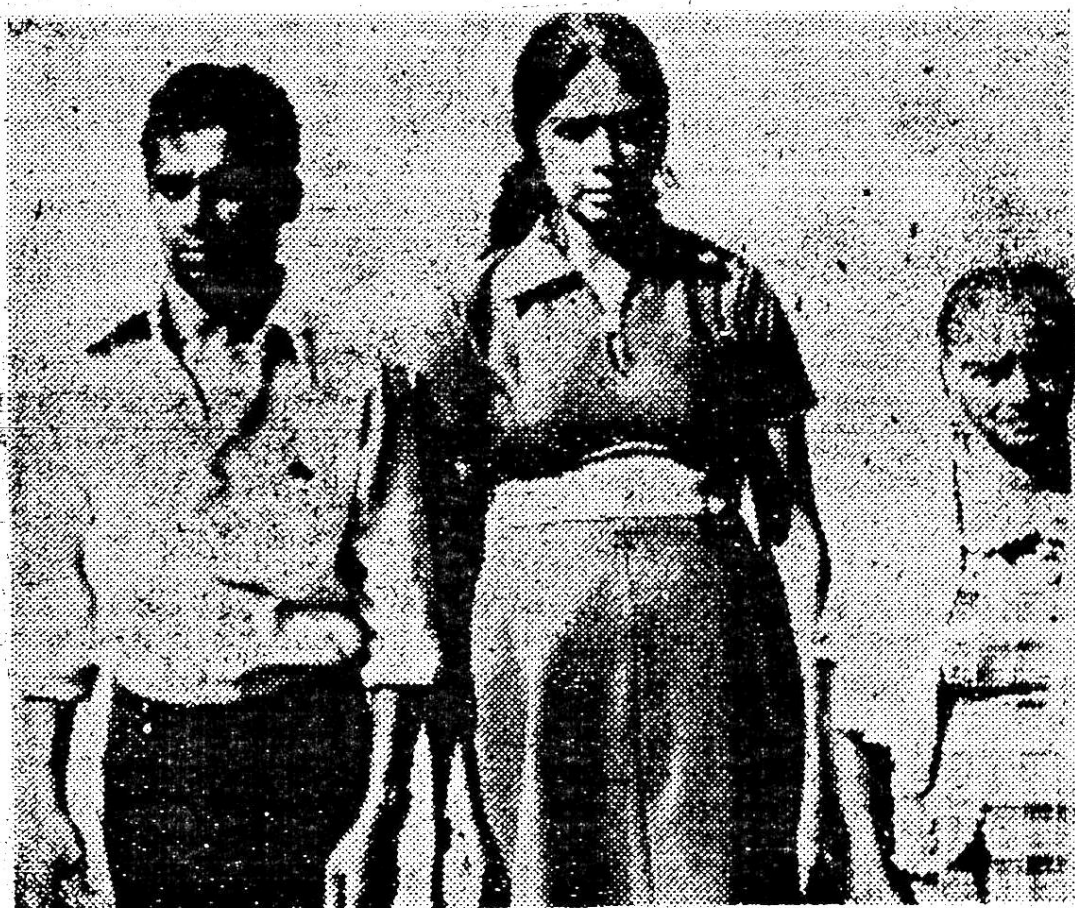
Jahoor denied the allegations and refused to make a statement. (Duff denied that this encounter took place between Jahoor and himself.)

Then on Saturday, August 3, Arnold Rampersaud was charged with murder.

Investigator Duff, it was disclosed, had told Rampersaud that the police had no evidence against him. The police would, however, put him away in prison for a long time before giving him a trial. Duff denied this.



As will be seen, it was only AFTER Rampersaud was charged that except for Kawall's alleged statement the police collected evidence against him. Nathaniel Douglas who was dismissed from the police force for taking a bribe gave the police a statement on August 4, subsequent to which he got a job at a government corporation as a security guard. And rural constable Joachim Francis made a third statement on August 9th which differs materially from the previous two statements. His third statement was made after he had spoken for an hour with the police Crime Chief!



Mrs. Dilrajie Rampersaud, wife of the accused and mother of their five young children (centre) stated that the detention of her husband was unlawful and illegal. Dilrajie is flanked by the mother and brother of Arnold Rampersaud.

★ All pictures hereafter were taken out by "Mirror" photographer, VERNON FUNG.

# Motion for Early Trial

The preliminary inquiry into the alleged murder was conducted in Berbice between October 1974 and April 1975. During September 1975, Rampersaud was indicted to stand trial for the murder of police constable James Henry.

The case was listed on several occasions for trial at the Berbice High Court, but the indictment was never heard despite the passage of two years of the charge against Rampersaud, and during which time Rampersaud was continuously held in custody.

On August 23rd., 1976 Rampersaud petitioned the High Court seeking an early trial. During the hearing of the petition before Justice Aubrey Bishop, an assurance was given by Deputy Director of Public Prosecutions, George Jackman, that the trial would commence in Berbice on November 8, 1976.

But before the session commenced in Berbice the State, in a surprise move, filed an application on October 27, 1976 for a change of the venue of the trial from New Amsterdam to Georgetown. The application was opposed by Rampersaud.

Senior Counsel Rex McKay who entered appearance for the Director of Public Prosecutions when the application came up for hearing on Monday, November 1, 1976, before Justice Linslay Collins argued that the State would not have a fair hearing in Berbice. He charged that the shooting was done in protest against the imposition of toll fees on the Corentyne Highway, and that the people among whom the jurors would be selected had hardened their minds against the State.

In opposing the application Senior Counsel B.O. Adams said that the police had never made an allegation that the motive for the killing had something to do with toll gate fees. Nowhere in the depositions was there any reference to toll gate fees, and the introduction of such argument in support of a change of venue was "a red herring". The policeman could have been killed he said, as a result of a triangular love affair, or other personal motive.

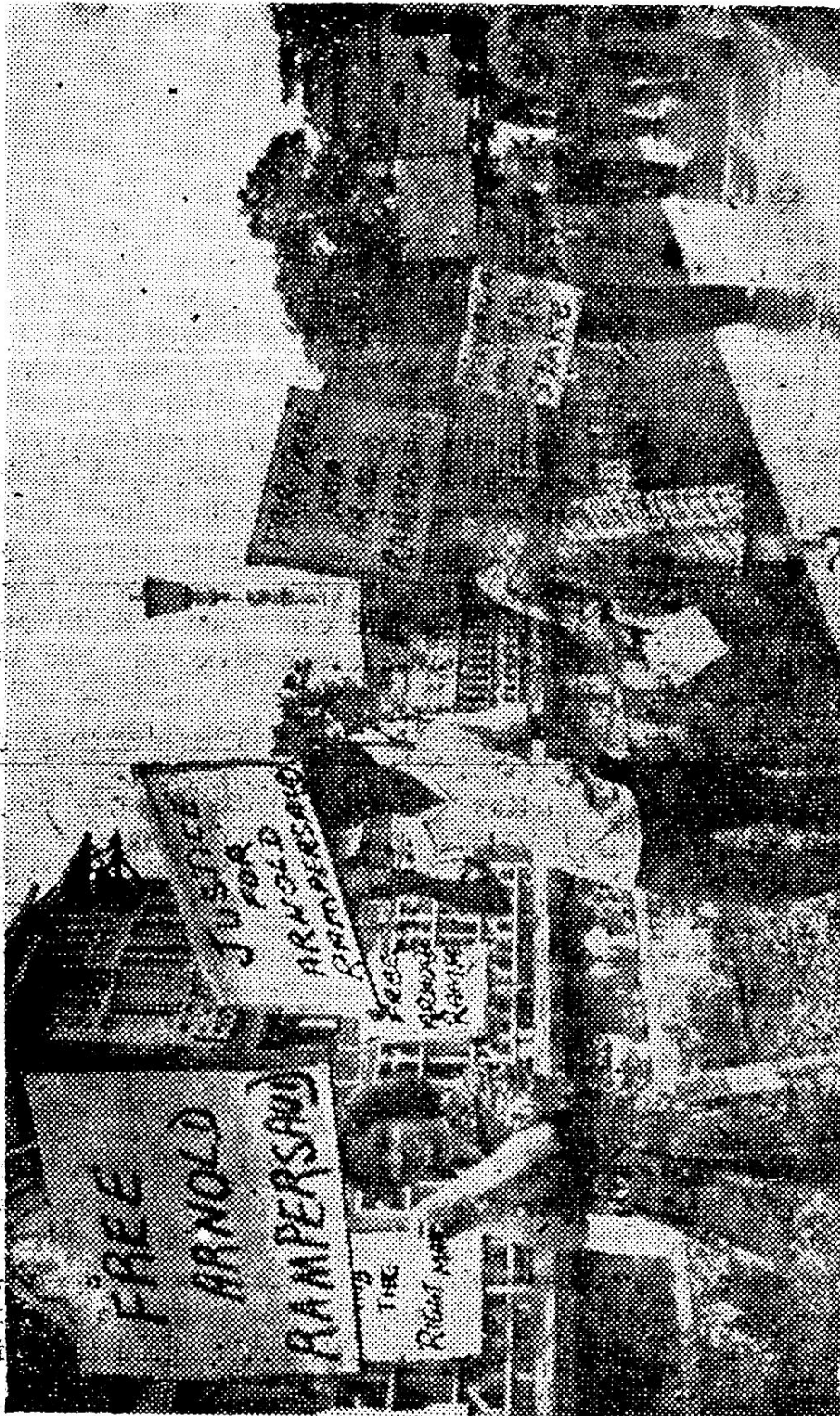
The anti-toll protests referred to by McKay had taken place two years prior to the shooting. Mr. Adams submitted that the dissatisfaction over toll gate fees could not have been "general" because the government went ahead to pass the toll legislation. The State could not say that the people of Berbice were against



it, since that would not tally with the results of the 1973 elections when the governing party claimed that it had made a "break-through" in that county, and which "break-through" had helped it to gain two-thirds of the seats in Parliament!

The Defence criticised nebulous allegations made by the State, and cited the fact that the only two previous changes in venue known in Guyanese history were done mainly in the interest of the accused persons and not of the State. But Judge Collins ruled in favour of the application. His ground for so doing was that the application for a change of venue of the trial had received wide publicity, and that it would not be in the interest of the State to go back in Berbice to ask the jury to give the State a fair hearing when the State had doubts as to whether a hearing in Berbice would be fair and impartial.

The commencement of the trial was then billed for November 8, 1976 before a Demerara Jury.



LARGE numbers picketed the Court demanding justice for the accused, Picture shows Members of the Defence Committee Gail Têxiera, Walter Rodney and Janet Jagan in the picket-line.



# The Jig-Saw Puzzle

The first trial of Arnold Rampersaud commenced on November 8, 1976 before Judge Claude Massiah and a mixed 12-member Demerara jury. That was some two years, four months AFTER the arrest of the accused, who had been continuously held in jail over that period.

Senior Counsel Rex McKay, a criminal lawyer in private practice, was retained to conduct the case of the police and State against the accused. Prosecutor McKay described the case as "a jig-saw puzzle" which he intended to put together.

No one, he said, saw the accused shoot at the toll gate or at the deceased police constable, James Henry. Neither was there any DIRECT evidence that the accused concerted with others to bring about the shooting. The State's case, he added, was based on circumstantial evidence provided mainly by ex-cop Nathaniel Douglas, rural constable Joachim Francis, police dog-handler Roger Mattar, and a watchman whom he did not name. These persons were among the 25 State witnesses, most of whom were either policemen or ex-policemen. The Defence had contended that the police "ganged up" against the accused because a policeman had been killed.

**Briefly, Prosecutor McKay opened his case thus:—** Shortly before 10 p.m. on July 18, 1974, Nathaniel Douglas saw a car parked in the vicinity of the No. 62 toll station, as he was cycling in the night past the said toll station, going northwards. Douglas flashed his torchlight and saw Arnold Rampersaud behind the driver's wheel of a black motor-car with white streak at its side. He also recognised and remembered the number of the car to be HN 819. There were in addition three other East Indian men in the car.

Repeated gunshots were fired at the toll station. Henry returned fire, but was shot and killed. Joachim Francis who survived the attack peeped through a louvre window after the shooting had died down and saw a black and white motor-car HN 819 driving past the toll booth. The car passed a few feet away from where Francis was, and Francis recognised the driver as Arnold Rampersaud.

The gunshots were also heard by a watchman who went on top of the roof of the Benab Post Office building and recognised

what appeared to be a black car driving past the toll station.

THIS WATCHMAN WAS NEVER CALLED TO TESTIFY AT THE TRIAL.

According to the measurements taken of the area by police chief draughtsman, Inspector Anthony Poole, the Benab Post Office is 2,462 feet away from the toll gate. Police photographer Nicholas Soufrien in broad daylight failed in his attempt to take out a picture of the toll station from on top of the roof of the post office. THE TOLL STATION IS NOT VISIBLE FROM THE BENAB, POST OFFICE, SOUFREIN SAID.

Even the highway on which the toll gate is situated did not appear on the photograph which he had taken from the roof of the post office with his "powerful" Centric Graphic camera! The reason? The Benab post office is 40 feet in height, but is separated from the highway by trees between 50 and 60 feet high!



# The Star Witnesses

## (1) JOACHIM FRANCIS

Joachim Francis, the man whose testimony the State relied on, is in his mid-40's: stocky, bald, with a clean-shaven face. Francis is the rural constable who was on guard duty at the toll station when James Henry met his cruel death.

FRANCIS TESTIFIED THAT HE HAD MADE ONLY ONE STATEMENT TO THE POLICE AFTER THE SHOOTING. "I do not agree that I gave more than one statement to the police," he said in answer to Defence Counsel B.O. Adams at the first trial. He later explained that he did not give more than one statement mentioning Rampersaud.

BUT UNDER CROSS-EXAMINATION, FRANCIS ADMITTED THAT HE HAD IN FACT GIVEN THE POLICE THREE STATEMENTS — ONE ON JULY 20, ANOTHER ON JULY 24, AND THE THIRD ON AUGUST 9, 1974. DURING THE SECOND TRIAL IT BECAME KNOWN THAT FRANCIS HAD MADE A FOURTH STATEMENT IN SEPTEMBER 1974!

IT IS ONLY IN THE THIRD STATEMENT MADE SIX DAYS AFTER THE ACCUSED WAS CHARGED WITH MURDER THAT FRANCIS, FOR THE VERY FIRST TIME, MENTIONED SEEING RAMPERSAUD AND MOTOR-CAR HN 819 ON THE NIGHT OF THE SHOOTING.

The two previous statements of Francis were not allowed by Judge Claude Massiah to be seen by the Defence who had applied to see them in order to check if they contained any discrepancies when compared with Francis' testimony in Court, and to test whether they were inconsistent, and in conflict, with his third statement.

Prosecutor McKay strongly objected to the application, stating that the statements contained no conflicts and were not inconsistent with Francis' testimony. There was, alleged, only an omission which Francis supplied in a third statement. Judge Claude Massiah upheld arguments by the Prosecutor, and turned down the application, so that the Defence were not allowed to see the two previous statements, or to question Francis on them.

Despite strenuous objections by the Defence, Judge Massiah admitted the third statement in evidence; but the two others were

not admitted by him so that the Defence were unable to cross-examine Francis on the material differences, conflicts and discrepancies which were in the two statements. Of the three judges who presided at the trials Judge Massiah alone ruled in this way.

**This is how Francis' evidence went:—**

After the shooting he remained in the toll booth. Then he heard a car coming towards the booth going in the direction of Skeldon. He raised up and peered through the louvres. The car had all its lights on — head lamps as well as inside lamp and number plate lights. It drove slowly past the toll booth. Francis saw and made out the accused. He saw other men in the car sitting in the rear seat. He saw the registration number of the car, HN 819. The car drove southwards, towards Skeldon....

....Then he saw in the booth the reflection of the lights of a car coming South to North from the direction of Skeldon. The car whose registration number Francis had not recognised, passed the toll booth and stopped. Francis ran outside, and went up to the car. The driver of the car was Dr. Fyzul Sattaur, Francis later learnt.

Between the first and second trials the Arnold Rampersaud Defence Committee was formed. The broad-based Defence Committee alleged that Arnold Rampersaud was a political prisoner and was being tried for his political beliefs. A world-wide campaign then commenced to secure his freedom.

The campaign was very effective, so that by the time the second trial came around, the very public opinion in and around the city on which the regime had been depending, had taken up a position in favour of a fair trial. Most members of the legal profession and freedom-loving Guyanese were of the opinion that Francis' conflicting statements of July 20, 1974 and July 24, 1974 ought to be handed over to the Defence if there were to be anything like a fair trial.

Following the disagreement on a verdict in the first trial, the case was assigned to Chief Justice Harold Bollers for a second hearing into the indictment. The Defence again sought to have the two previous statements of Francis, but again Prosecutor McKay strenuously and vehemently objected, on the ground that there was no contradiction.

After hearing full arguments on both sides and after a lapse of a few days, Chief Justice Bollers decided to look at the statements of July 20th. and July 24th., assuring that if they contained any conflict with Francis'



testimony in Court (conflict in the, sense of inconsistency), he would hand them over to the Defence so that the Defence could cross-examine the witness on them. The Chief Justice found that the two statements did not merely contain an omission of any reference to the accused, but were contradictory. He ruled that the Prosecution hand over the statements to the Defence.

Now having seen the conflicting statements for the very first time, the Defence through Counsel Ashton Chase requested the Court to withdraw the case from the jury since Francis' two statements to the police are patently inconsistent and in direct contradiction with Francis' evidence in Court. **Francis never mentioned Rampersaud or HN 819 in the two statements. RAMPERSAUD WAS IMPLICATED WITH THE MURDER AFTER HE WAS CHARGED, AND IS THEREFORE THE VICTIM OF A FRAME-UP. THE FACT THAT ONLY IN HIS AUGUST 9TH. STATEMENT DID FRANCIS MENTION RAMPERSAUD WAS SUFFICIENT FOR THE COURT TO WITHDRAW THE CASE FROM THE JURY, AS THAT THIRD STATEMENT HAD BEEN MADE SIX DAYS AFTER RAMPERSAUD WAS CHARGED.**

The application was, rejected.

Armed with the statements the Defence made full exposure of the conflicts, tabulated below, between the statements of Francis on July 20 and July 24, 1974, and his testimony in Court during the November-December 1976 and March-April 1977 trials.

#### **JULY 20TH & JULY 24TH STATEMENTS**

During the shooting I lay flat on my abdomen.

After the shooting I heard footsteps crossed the road and a splash in the eastern trench.

After the shooting I heard a car start up but I **did not look** because I was afraid to move from where I was lying.

#### **COURT TESTIMONY AND AUGUST 9 STATEMENT**

During the shooting I crouched.

After the shooting I heard footsteps going north on the parapet on the **western** side of the road.

After the shooting ceased I heard a car; I got up and peered through the louvres. I saw the accused as all the lights of the car were on. He drove slowly past the booth.

After the shooting no vehicle passed before Dr. Sattaur's.

Seconds after the shooting the accused drove past in his car towards Skeldon.

Another vital inconsistency is contained in what Francis told Superintendent Ronald Harris at the scene on the night of the shooting that the men had run away in a north-eastern direction. He had also told Dr. Sattaur that he did not know who shot at the toll station as the place was very dark.

(2) STAR WITNESS NATHANIEL DOUGLAS :

The other "Star Witness" was Nathaniel Douglas, the man who lost his place in the Police Force on an allegation of taking a bribe. He admitted to being employed as a security guard by the Guyana State Corporation after he had given a damaging statement in the Rampersaud case.

His story was that he was cycling from Skeldon on his return home from visiting a woman friend on the night of July 18, 1974. The distance from Skeldon to his home at No. 51 Village, that is North of the toll station, is 14 miles — a distance he covered in two hours with his big-frame Humber bicycle.

Douglas left the woman's home at about 8.30 p.m. He rode at a steady pace, flashing his 3-cell torchlight from side to side as he looked at the landscape on both sides of the public road. He passed many cars, some parked, others moving, but could not remember the registration number of a single one of them he had seen before reaching the No. 62 toll station. He did not recognise any of the drivers of those cars. He had seen many cyclists, but they too did not interest him.

After passing the toll station in the pitch darkness, he suddenly saw an object : He was four to six feet from the object when he realised that it was a car, parked on the western parapet some 540 feet North of the toll station.

With less than two seconds to meet the car, Douglas identified the car, and the person, at the steering wheel.

Douglas said that in the little time left to him, he was able to identify the number plate of the car and the man at the steering wheel. He also saw about three other men in the car. He could not identify any of them in his torchlight beam, except to say that they were all East Indians.



All along Douglas showed a side to side movement of the hand holding the torchlight. Then a member of the jury asked him how he was able to tell the number of the car. He suddenly changed the motion of his hand from up to down. This meant that he flashed it first in the face of the man in the driver's seat and identified Arnold Rampersaud, and then flashed it down and read HN 819.

Having identified the driver and the car, Douglas continued on his way. He did not look back at the car or the persons in it.

When he had been riding for five minutes after passing the car, Douglas heard a sound. He knew they were gunshots, but he did not connect them with the men he had seen parked in the dark. He passed a police station and went to his home.

Next morning he heard that a policeman — James Henry — with whom he had worked at the toll station and whom he had known since he was a kid, was shot and killed. Douglas still did not "connect" the shooting with the men he had seen in the parked car. He went as usual to his farm. In the afternoon the connection dawned upon him, but even then he remained silent. He did not think then of reporting his information to the police at No. 51 who were within yards of his home.

On July 20, Douglas travelled to Georgetown. He stayed for one week at the home of a relative just 150 yards away from the Kitty Police Station. He still made no report of the men and the car he had seen in the vicinity of the toll station on the night Henry was gunned down.

THEN, ON AUGUST 4, 1974, THE DAY AFTER ARNOLD RAMPERSAUD WAS CHARGED WITH THE MURDER OF HENRY, THE EX-COP WENT TO SKELDON AND "VOLUNTEERED" A STATEMENT TO THE POLICE.

Under cross-examination Douglas said that when he cast the beam of his torchlight on the men in the car, they did nothing. They were looking straight ahead, sitting still. Leading Senior Counsel B.O. Adams told the jury that Douglas was asking them to believe that 4 men sitting in a car in a very dark and deserted area on the Corentyne highway, or anywhere else, waiting to open fire on the guard of a toll station, suddenly found themselves discovered by a passing cyclist. The cyclist threw his torchlight beam on them. They did not attempt to hide. They must have seen Douglas first, because they were sitting in the dark and he was coming towards them with a lighted electric torch,

which he was flashing about. Yet they allowed him to see their faces, without attempting to cover them. The 4 men made no attempt to attack Douglas. These criminals did not accept the Motto, "Dead men tell no tales." They let Douglas go by, and five minutes after he passed, they opened fire. Then they switched on the lights of the car and cruised past the toll station.

---

(3) **STAR WITNESS "SABRE":**

On the night of the crime and in his first and second statements, Francis reported movements of footsteps across the road to a trench on the **Eastern** side. The police dog did not pick up any of these traces. The traces picked up by the police dog, as explained by its handler Roger Mattar, fitted very neatly into the third statement given by Francis six days after Arnold Rampersaud was charged.

---

(4) **HAPLESS STAR KAWALL RAMPERSAUD**

Kawall Rampersaud is not related to Arnold Rampersaud. He was another of the witnesses put together by the Prosecution in this historic case.

The police had expected him to testify in accordance with his statement that on the night of July 18, 1974, while he stood in a yard where he worked as a watchman, he saw the car of the accused drive up to the dam north of the toll station. Some men came out of the car and walked along a wire fence towards the toll station. The lights went out at 10. p.m., and then there was gunfire.

After the shooting ceased, the men went back into the car and the car itself turned and drove with speed towards New Amsterdam.

You have read the circumstances under which Kawall Rampersaud gave his statement. Assistant Superintendent Duff admitted in the second trial that Kawall was taken into the Skeldon Police Station in connection with an affiliation warrant for sums owed. He was kept at the Skeldon Police Station all night. The officer said that although Kawall was not under arrest, he was not free to leave the station. **SOME TIME AFTER GIVING THE STATEMENT, KAWALL WAS ALLOWED TO LEAVE THE STATION WITHOUT PAYING ANY MONEY ON THE WARRANT.**



To the surprise of many, however, Kawall, on the application of the Prosecution, was deemed a hostile witness. This was because he denied on oath telling the police what appeared in his statement. Kawall's statement was given on July 21st., 1974. The Prosecution used it to show that the case was not a frame-up, since they had evidence on July 21st. of Arnold Rampersaud's involvement in the crime. Kawall did not say in that statement that he had seen the accused and it was doubtful whether it was enough to go on. It must also be remembered that the police admitted that there were several cars on the Corentyne with similar distinguishing features (white side stripes) to that of Arnold Rampersaud's.

Kawall's statement, in a very vital way, contradicted the final statement of Joachim Francis. In his third statement the "Star Witness" Francis said that the car of the accused with the accused driving it, passed the toll station immediately after the shooting and DROVE SLOWLY TOWARDS SKELDON. This is the evidence on which the Prosecution was relying.

However, Kawall, looking at the same car, immediately after the shooting, saw it turn round and drive WITH SPEED TOWARDS NEW AMSTERDAM.

THESE TOWNS, SKELDON AND NEW AMSTERDAM, LIE IN OPPOSITE DIRECTIONS FROM THE TOLL STATION. ALONG THE PUBLIC ROAD, SKELDON LIES TO THE SOUTH AND NEW AMSTERDAM LIES TO THE NORTH.

As it turns out, on the initiative of the State, Kawall was deemed a hostile witness from the time of the preliminary inquiry — and he has remained hostile ever since.

# Arnold says he is innocent

Since his arrest on July 20, 1974, Arnold Rampersaud maintained his innocence of any implication in the fatal shooting of police constable James Henry.

The 35-year-old taxi-driver and father of five children, told a simple and straight-forward story:

"I am a member of the People's Progressive Party. I am a hire-car driver and owner of HN 819.

"I am innocent of this charge. I was not present when P.C. James Henry was shot. I do not know anything about the shooting of James Henry.

"On Thursday July 18, 1974 I arrived home to my wife and five children at No. 59 Village, Corentyne, at 7.30 p.m. I remained home until the next morning.

"I first heard the news about the shooting at the toll gate on the morning of Friday, July 19, 1974 over my radio.

"On Saturday, July 20, 1974, I took food for my brother Hilton at the Springlands Police Station where he had been detained. On my arrival at the station, the police arrested me.

"Inspector Dorsett took a statement from me and then released me. Later the said day, Sergeant Simpson arrested me again. I was placed in the lock-ups for over two weeks.

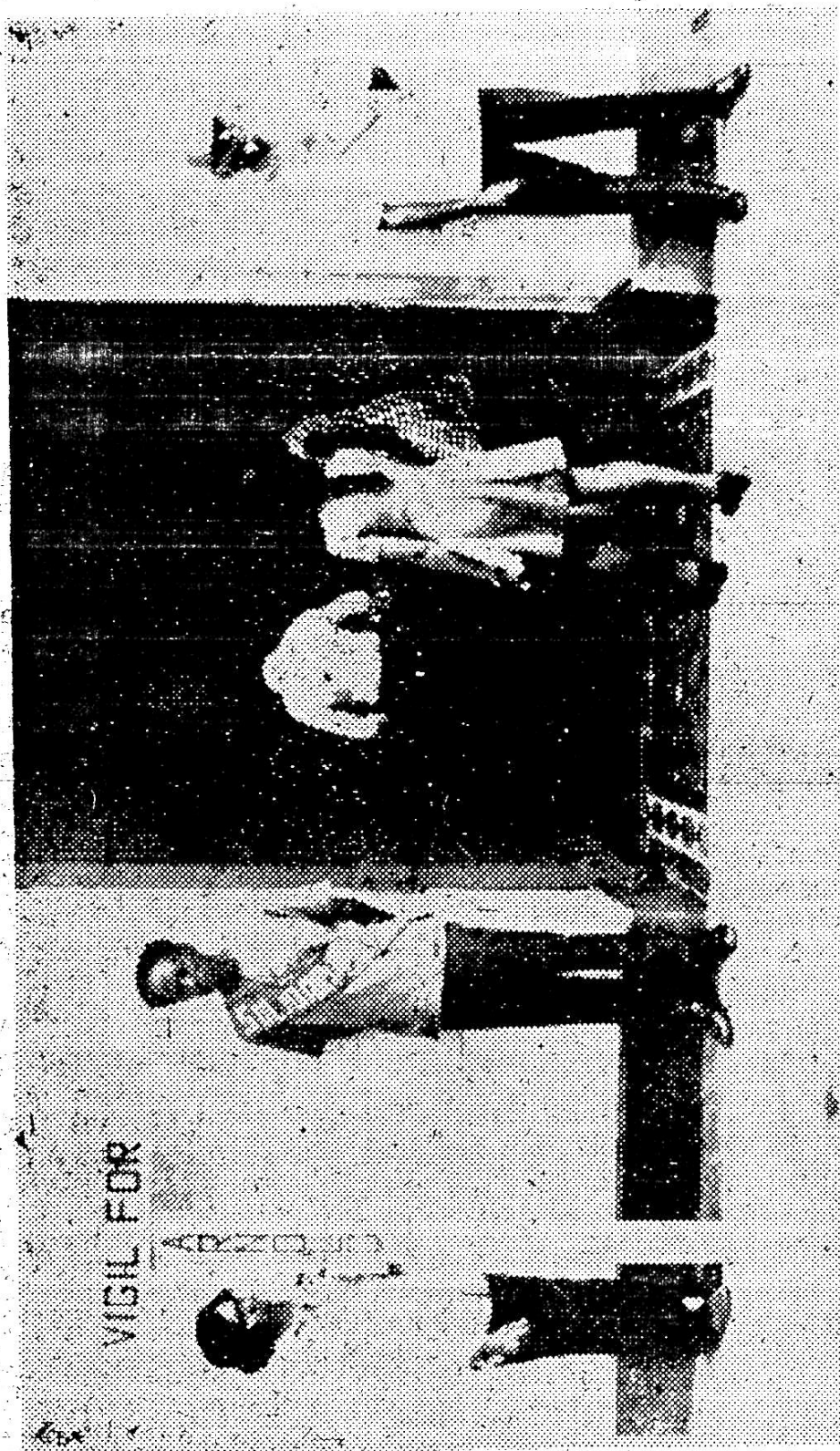
"I then brought habeas corpus proceedings for my release. Then on August 3, 1974, I was charged.

"On the said day I was charged Mr. Duff told me that the police have no case against me, but they will put me away in prison for a long time before I get a trial.

"Although my case was listed for trial at New Amsterdam before the Berbice High Court for more than one session, I had to apply for an early trial. I am being tried for the first time after the State removed my case from New Amsterdam to Georgetown, after more than two years since I was charged with murder.

"I never parked my car near the toll station on the night of July 18, 1974. I am innocent of this charge."





A VIGIL for Arnold was mounted at the entrance of the High Court during the second trial. The Chief Justice put off the trial for one week, and threatened to postpone hearing indefinitely unless the vigil was called off. On vigil are Eusi Kwayana and Cheddi Jagan. The vigil was not called off and the case went on.

The first trial took place during November-December, 1976. Some of the jurors did not find sufficient evidence on which they could convict the accused. After deliberating for an historic 11-hour period, they ended in a disagreement. At 3.40 a.m. on a National holiday, trial Judge Claude Massiah ordered a second trial.

The second trial before Chief Justice Harold Bollers started on March 8, 1977 and ended on April 24, 1977.

During the second trial there were as many as seven separate adjournments, one lasting for one week as a result of the "serious view" taken by the Court in relation to a vigil and picketing exercise by the Arnold Rampersaud Defence Committee. Other adjournments were taken as a result of the disappearance of certain photographic negatives held over by the State from the previous trial, and in relation to a Guyana-Pakistan cricket match, the latter having been required by the Prosecution.

As happened at the first trial, Chief Justice Bollers threw out no-case submissions by the Defence and elected to send the case to the jury. Having led a defence, Senior Counsel B.O. Adams addressed the jury for some 2½ hours, ended his address rather abruptly after Chief Justice Bollers had made no less than ten interruptions in the course of the address. In dismay Mr. Adams emphasised the feeling that he could not be of further help to the jury.

The Prosecution for the first time addressed the jury on an alternative count of manslaughter and said they would ask the jury to find the accused guilty of manslaughter if they did not find him guilty of murder.

The jury deliberated for a 9-hour period. On the two occasions on which they came out of the jury-room, the first time for additional direction, the foreman was asked whether they had arrived at a verdict in respect of murder AND manslaughter.

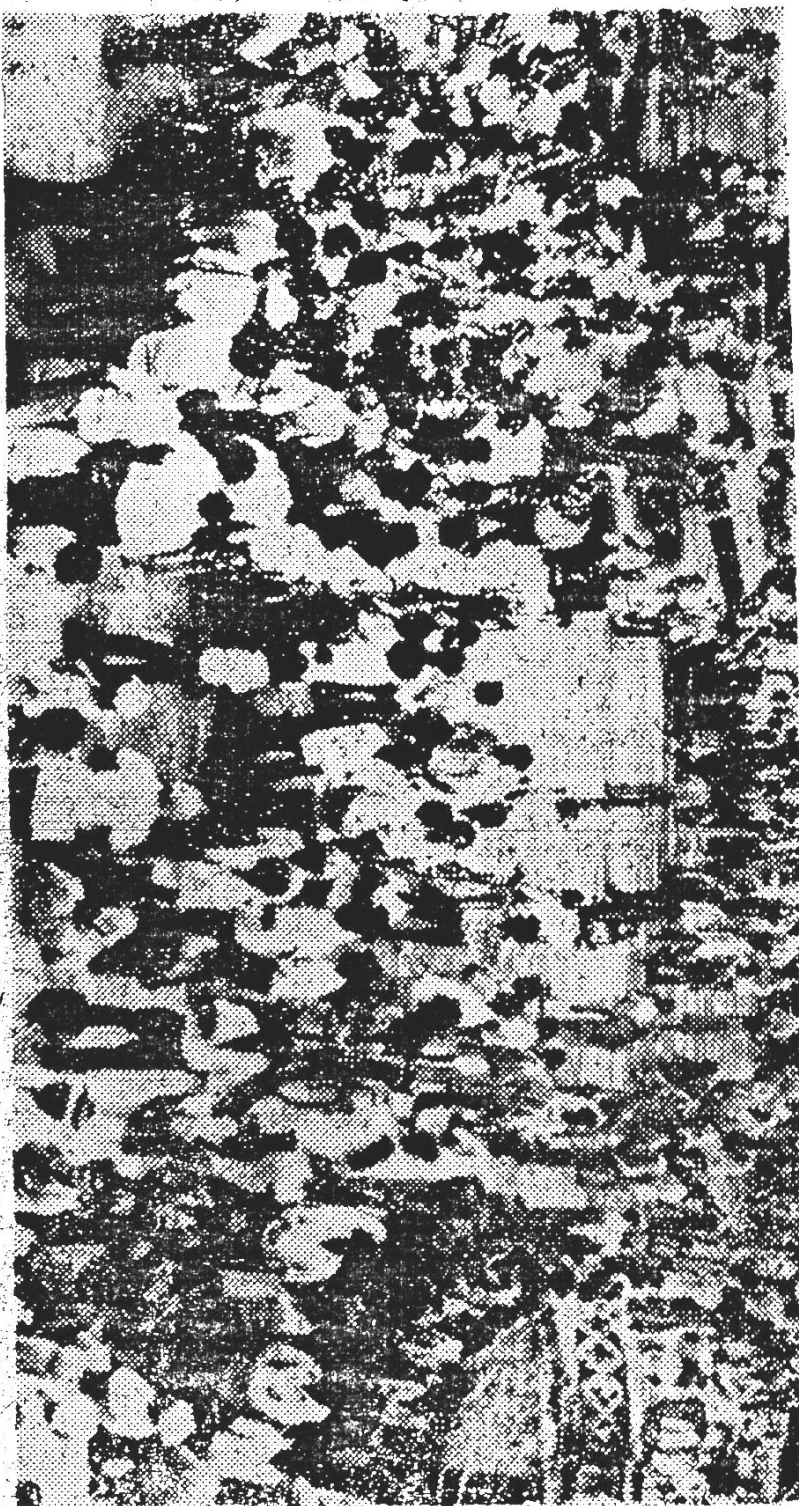
On the second occasion, Senior Defence Counsel B.O. Adams requested the judge to inquire separately what was the verdict first in respect of murder, and then in respect of manslaughter. But the request was rejected. Again the jury were divided, and the trial ended in a second disagreement.

Rampersaud was ordered to stand a third trial at the June Sessions of the Demerara High Court.

(Fuller details of the second trial appear elsewhere in the book.)



There was countrywide sympathy with Arhold Rampersaud. Thousands flocked the Court Buildings at the end of the second trial. This trial ended in a disagreement by the jury. The throng in picture waited for over nine hours outside the court while the jury deliberated behind closed doors.



# Constitutional Motion

On April 29th the Defence filed a motion against the Attorney General of Guyana and the Director of Public Prosecutions seeking a declaration that Rampersaud's right to a fair hearing under Article 10 of the Guyana Constitution had been contravened by the refusal of Chief Justice Harold Bollers to allow the application made by the Defence for the jury to be first asked if they had arrived at a verdict in relation to murder before being asked if they had arrived at a verdict with respect to manslaughter.

The Constitutional motion further sought a declaration that Rampersaud was not afforded a fair hearing in that on the Chief Justice's direction the foreman of the jury was not asked if they had arrived at a verdict with respect to each offence separately, and that Rampersaud was deprived of an acquittal on the charge of murder, alternatively, of a chance of such an acquittal. The High Court was asked to make an Order discharging Rampersaud from prison either unconditionally or on bail.

In an affidavit in support of the motion Rampersaud contended that the jury had arrived at a verdict of not guilty of murder, but were divided on manslaughter. The findings of the jury had been communicated to the Chief Justice before he directed that the question be put to the jury in the manner in which it was put. The Chief Justice, Rampersaud charged, has committed a specific illegality of a grave and fundamental nature in so directing his Registrar.

Hearing into the motion lasted two days, that is July 13 and July 14.

One of the three witnesses called to testify during the hearing was Senior Court Reporter Joseph Bunyan. He recapped the final moments of the trial.

The jury retired on April 21, 1977 and deliberated for nine hours during which period they were given further directions by the trial judge. On the two occasions they were called back into Court, questions were put to the foreman of the jury by the Court Registrar.

This is what the short-hand notes of Mr. Bunyan revealed verbatim:—

5.35 p.m.—Registrar to Foreman: "Have you, members of the jury, arrived at a verdict both in respect of the offence of murder and manslaughter?"

Foreman: "No".

8.45 p.m. Registrar to Foreman: "Mr. Foreman, have you been able to arrive at a verdict in respect of the offences of murder and manslaughter?"

Foreman: "No".



Mr. Adams addressed the Chief Justice: "May I refer to Archbold 37th edition, para 576, page 170..."

Chief Justice: "I have the 34th edition."

Mr. Adams "...and ask your Honour to find out from the jury what is their verdict in relation to each offence?"

Chief Justice: "I will certainly not do that!"



**Leader of the Defence**  
**Team B. O. ADAMS, S. C.**

## Arnold denied verdict

The bomb-shell disclosure that a verdict was in fact arrived at by the jury was made at the hearing by the foreman of the jury, Arthur Barker.

Barker who was subpoenaed by the Defence told Judge Fung-A-Fat that he was deprived of the opportunity of disclosing that the jury had arrived at a verdict in respect of murder because the Court Registrar inquired of a verdict both in respect of murder and manslaughter.

Barker testified that before the jury returned to the courtroom on the second occasion he had spoken to a Marshall of the Court telling him that the jury had arrived at a verdict.

But in answer to the "double-barrelled" question, Barker replied that the jury had not arrived at a verdict.

Court Registrar Lennex Kitt testified that he was present when the Marshall enquired from the foreman if the jury had arrived at a verdict, and he had spoken to the Chief Justice as a result. He said that he put the question to the foreman in the manner he did on the instructions of the Chief Justice who had spoken to him in his Chambers before they went into the Court.

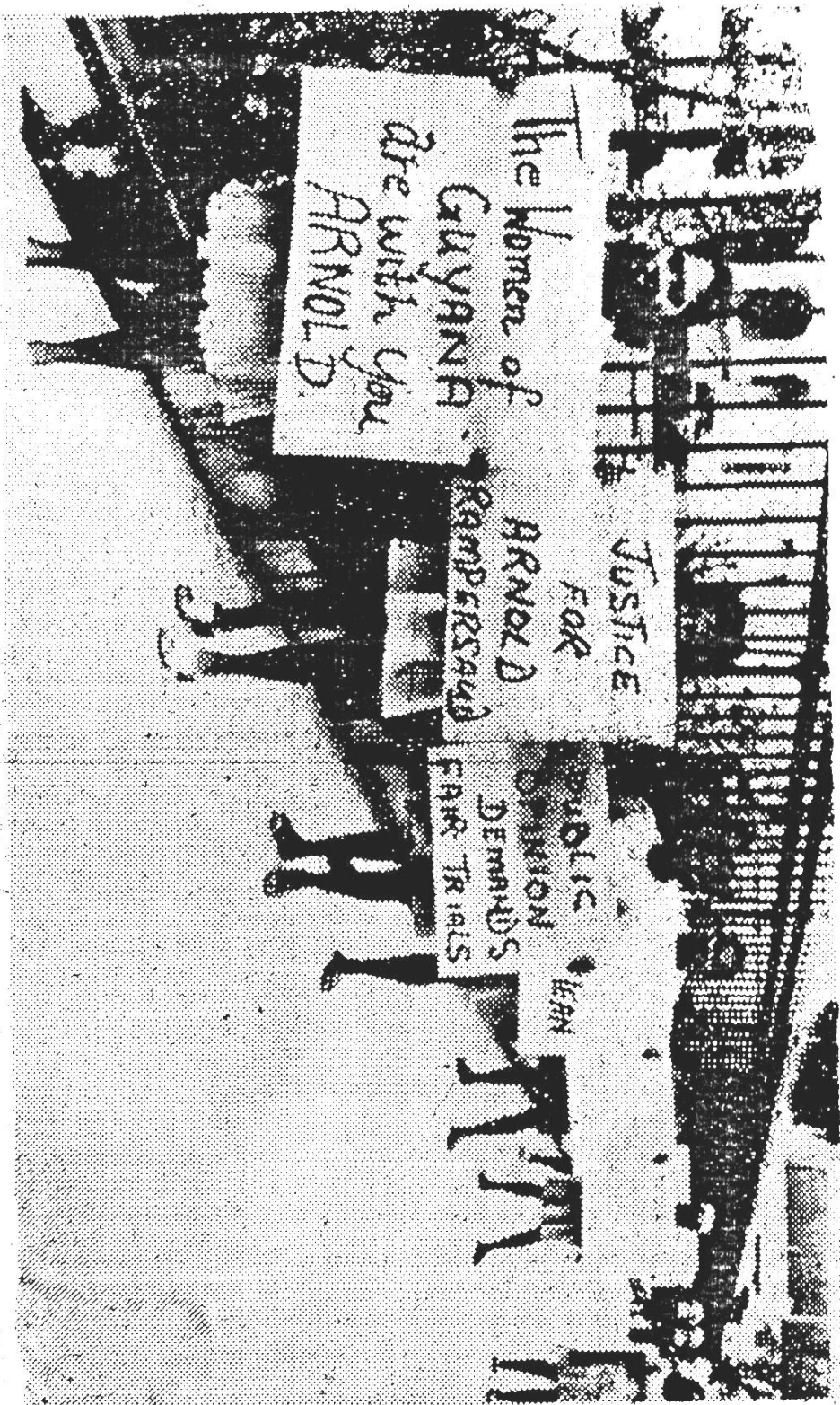
Registrar Kitt said that in his 9 years' experience in criminal cases he had never been instructed to put the question to any foreman in the form used by the Chief Justice in the Arnold Rampersaud's case.

Judge Fung A-Fat upheld that the question put to the jury was wrong. He said that the Chief Justice might have "genuinely erred" in not allowing the application by the Defence that the jury be asked what was their verdict in relation to each count separately. Personally, he would have allowed the application.

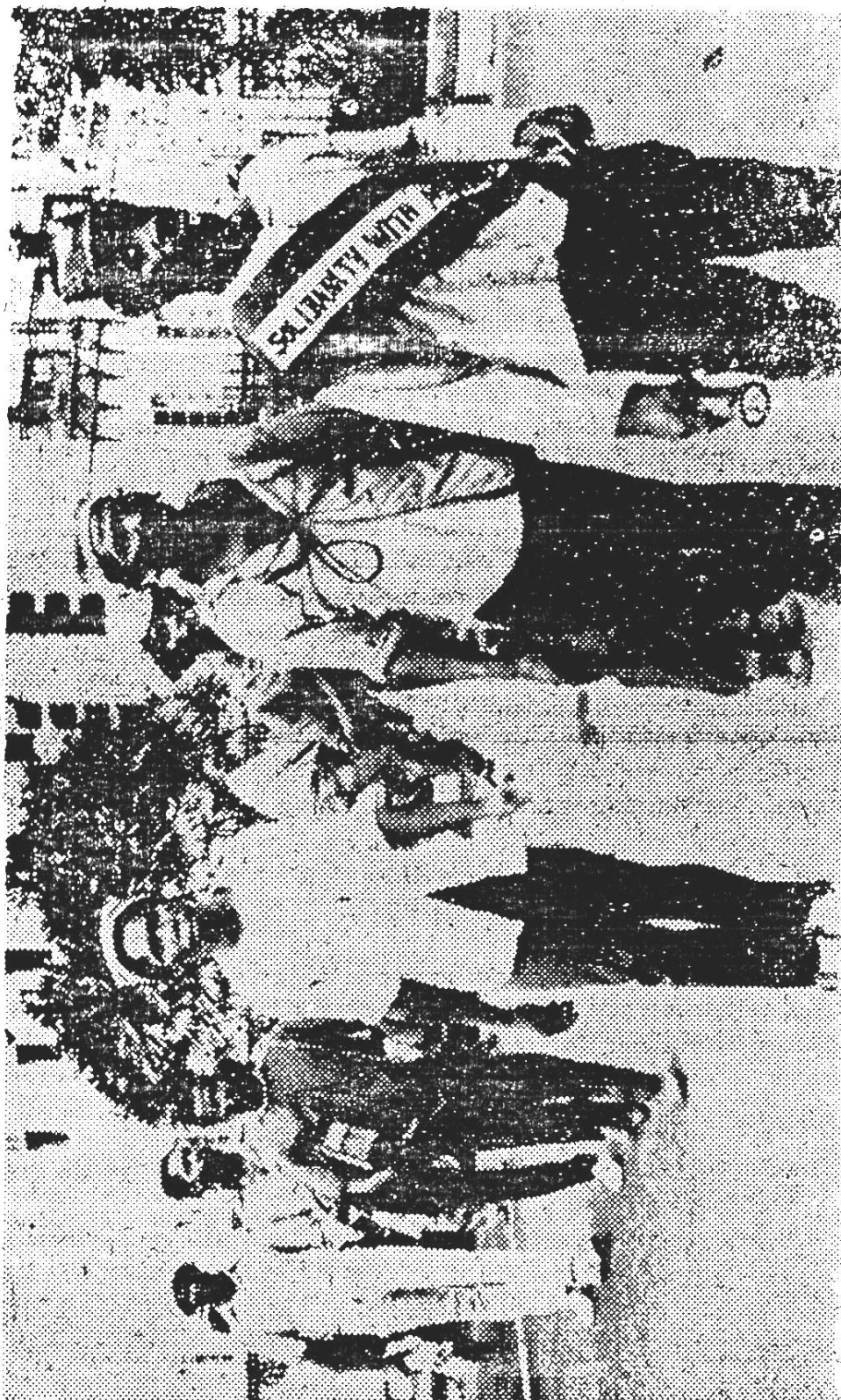
Even in saying what he said of the trial Judge's direction, Justice Fung-A-Fat declared that the setting aside of the Chief Justice's Order that the accused stand a third trial, and the freeing of the accused were beyond his powers.

The motion was dismissed, and Rampersaud who was by then completing his third year in prison remained indicted to stand a third trial — something unprecedented in local jurisprudence with respect to a murder charge.





GUYANESE Women declared a Day of Solidarity with Rampersaud, and picketed the Office of Prime Minister Burnham at Parliament Building



**BAUXITE** workers staged a Solidarity March from the Linden Mining town to Georgetown during the second trial. Union Leader Desmond Moffat and his colleagues are seen in this picture making their entry in to Georgetown.



## *Set Arnold Free now*

Independent trade unions in Guyana tabled motions to the Guyana Trades Union Congress demanding the freedom of Rampersaud. The Arnold Rampersaud Defence Committee, in a renewed bid to the DPP to withdraw the case, advanced the following reasons:—

- (b) The nature of the evidence where there were unexplained contradictions on oath of the main witness going to the very root of the Prosecution's case, makes it incumbent upon the Director of Public Prosecutions, as an independent Officer under the Constitution, to exercise his discretion in favour of the accused.
- (b) There was no record in Guyana of three trials in any case of murder.
- (c) The continued imprisonment and prosecution of Arnold Rampersaud was being seen as a political attempt to further penalise him for political reasons in the absence of credible evidence against him.
- (d) Unless there was a speedy conclusion to this matter by the entering of a nolle prosequi, public confidence in the independence and impartiality of the Office of the DPP would be undermined.
- (e) The practice in England is that if a jury disagrees twice, then a nolle prosequi is entered.
- (f) The Minister of Justice reported to the Defence Committee at a meeting on February 23, 1977 that the DPP had stated that he (the DPP) would as a matter of practice enter a nolle prosequi in all criminal cases where there were two disagreements by the jury.
- (g) The accused Arnold Rampersaud had already served a sentence equivalent to 8 years.

## *Worldwide Solidarity*

In Guyana, the Caribbean and internationally, there had been growing solidarity for Arnold Rampersaud. During the second trial, there was a constant flow of petitions, cables and letters demanding his release. In Guyana, the Arnold Rampersaud Defence Committee led the campaign of activities, and in Britain and Canada similar committees were in operation.

During the second trial, six lawyers came to Guyana to assist in Rampersaud's defence. From the Caribbean came Maurice Bishop, Frank Solomon and Dennis Daly. Maurice Bishop, Leader of the Opposition in Grenada, had already distinguished himself by legal representation in two important political trials in the West Indies -- the case of Spirit Cottle in St. Vincent and Desmond Trotter in Dominica.

A prominent Jamaican Barrister, Dennis Daly is the Vice-Chairman of the Jamaican Bar Association and Vice-Chairman of the Human Rights Council of Jamaica. Frank Solomon of Trinidad, was a former Deputy High Commissioner to Guyana. He was one of the defence lawyers during the famous Mutiny Trial in Trinidad.

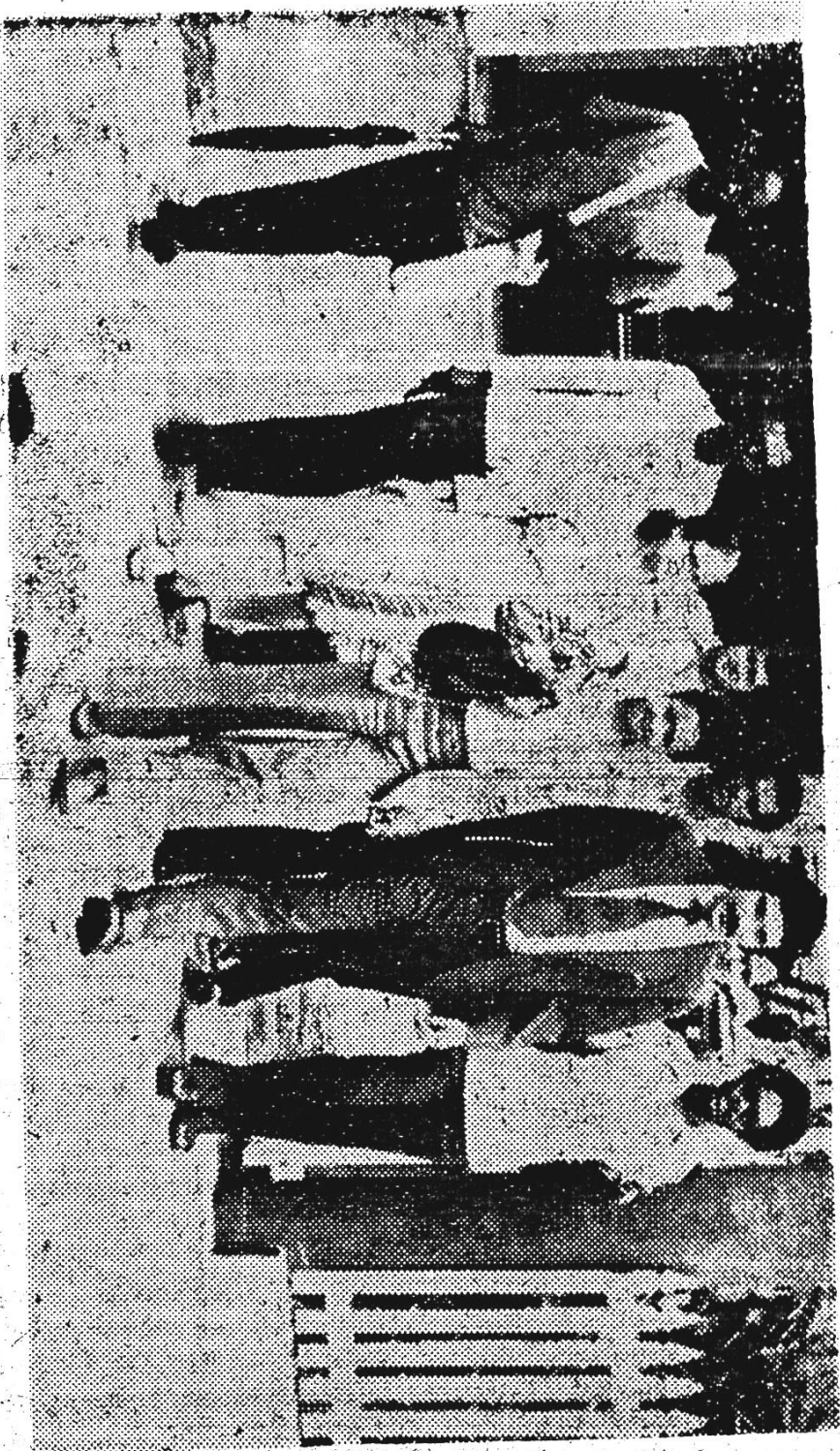
The three West Indian barristers were admitted to the Guyana bar and worked with the defence team, comprising leading local lawyers B.O. Adams, S.C. Doodnauth Singh, Ashton Chase, Miles Fitzpatrick, Ralph Ramkarran, Moses Bhagwan, Jai Kissoon, C.M.L. John, instructed by Solicitor Ayube McDoom,

John Bowden, a British solicitor, came to observe the trial on behalf of the Haldane Society of Socialist Lawyers and the Cab Section of the General Transport and Workers' Union. John Bowden was present during the early part of the lengthy second trial and then returned to observe the ending of the trial.

United States Attorneys Margaret Burnham and Max Stern came to Guyana to observe the trial on behalf of the National Alliance Against Racist and Political Repression and the National Conference of Black Lawyers of the USA. Miss. Burnham, who has since become a judge, was one of the team of lawyers who fought successfully for the release of Angela Davis. Her colleague Max Stern, hailed as one of Boston's finest lawyers, is associated in the defence of the Reverend Ben Chavis and the Wilmington 10.

In a personal letter to Arnold Rampersaud on her departure, Miss. Burnham expressed in her warm and moving words the essence of the wide support received for Arnold:





U.S. Attorney Margaret Burnham and Max Stern accompanied an Arnold Rampersaud Defence Committee delegation to a meeting with the Chancellor of the Judiciary. Others in picture are (L-R) Eusi Kwayana, Ralph Ramkarran, Janet Jagan, Feroze McIlamed, Reepu Daman Persaud, Fr. Malcolm Rodrigues and Dr. Walter Rodney.

"We came to Georgetown with the deepest concern for your plight as well as sympathies of the organisations we represent .....these organisations have wide experience in fighting political repression.....

"We are heartened by the unstinted support which you appear to have among your compatriots here. We offer the aid of progressives in our society to help them in their struggle to win your freedom -- a struggle which we are confident will ultimately be victorious.

"Meanwhile, though you have spent long months and years in jail, your spirit and your resistance appeared high when we glimpsed one another so briefly...

"Thank you, Arnold Rampersaud, for the steadfast courage you have shown, for the unbending devotion you have demonstrated for the cause of your Party and progressives everywhere. You and your loved ones, who have seen the worst moments in these last three years, have our love and deepest respect."

From all parts of the world, petitions, cables and letters of protest directed to the Prime Minister and calling for the release of Arnold Rampersaud have flowed into the country. Student groups at the University of the West Indies campuses in Barbados and Trinidad and student groups in the UK sent in their protests. The Youlou United Liberation Movement of St. Vincent which had its own experiences with the Spirit Cottle case addressed protests to the Director of Public Prosecutions and the Prime Minister. From Costa Rica, the Vanguard Party and the General Confederation of Workers sent strong protests to the Prime Minister. The Communist Party of Gr. Britain, Members of Parliament Joan Maynard and Hugh Jenkins, British trade unions, Constituency branches of the British Labour Party, Liberation and other bodies lodged their protests and expressed their solidarity.

Guyanese overseas, in Britain and Canada held meetings, stood in picket lines demanding Arnold's release, and held discussions with officials of the Guyana High Commission. They mobilised support from other people and focused attention on the trial.

Religious bodies expressed their support. These included the Caribbean Council of Churches and Gatt-Fly in Canada.

From Australia, Cyprus and Israel, the Communist Parties



sent their solidarity. Petitions signed at international conferences and from organisations all over the world, arrived at the Prime Minister's Office.

And while messages of support were arriving in Guyana, the Arnold Rampersaud Defence Committee organised public meeting, picket lines, distribution of handbills and other forms of protest to inform the people of the country about the meaning of the trial in terms of justice and human rights.

A daily vigil outside the Supreme Court became the symbol of the second trial. There was also a vigil outside the Georgetown Prisons. Guyanese women declared a Day of Solidarity with Arnold and mobilised hundreds who picketed Parliament buildings and crowded the corridors and entrances to the Court. There were other days of solidarity in which hundreds flocked the court and stood in the burning sun for long hours as a mark of sympathy and support. Bauxite workers from the Linden mining town marched into the City, bearing sashes calling for Arnold's release and distributed handbills during the march. And in the country areas, militant youths staged "freedom rides" on bicycles.

The **Mirror** newspaper which was the only sector of the news media in Guyana to give full and complete coverage of the second trial, was read widely and was the main source of accurate information on the proceedings of the trial.



● West Indian Lawyers **FRANK SOLOMON, DENNIS DALY** with **MILES FITZPATRICK**.



ANOTHER vigil was mounted outside the Georgetown Prisons, where the accused has been held prisoner over years. On one occasion there was an all-night vigil from 6 p.m. to 6 a.m.



# RESUME

Arnold Rampersaud, a Guyanese militant who was 36 years old on December 10 (International Human Rights Day) was the first person in Guyana to face a third trial for murder. The previous two trials had ended in disagreement by the jury.

The last disagreement took place on April 21, 1977, and he was ordered to stand a third trial during the June Sessions of the Demerara High Court. The third trial was not listed for hearing at the June Sessions as a motion to the effect that Rampersaud had been denied a fair hearing at the second trial was then before the court. This motion was dismissed.

Even before the motion came up for hearing, Senior Defence Counsel P. O. Adams wrote in the following terms to the Director of Public Prosecutions:—

"I wish to attract your attention to Archbold's (37th edition) paragraph 589, which states as follows:

**"589. Disagreement of Jury.** If a jury cannot agree upon a verdict, the prisoner may be, and generally is, tried upon the indictment by a second jury. In the event of the second jury disagreeing, it is a common practice for the prosecution formally to offer no evidence before a third jury, who will then be directed by the judge to find a verdict of 'not guilty'.

"As Counsel for the accused, I hereby apply, in accordance with paragraph 293 of the same edition that a nolle prosequere should be entered in the case of the State v. Arnold Rampersaud in view of the fact that 2 trials have ended in a disagreement."

Following the dismissal of the above-mentioned motion on the ground that the Judge had no powers to set aside a previous order for a third trial, Mr. Adams again wrote the Director of Public Prosecutions. The second letter dated September 26, 1977 stated:

"On 18th May 1977, I wrote to you inquiring whether you proposed to follow in the above-mentioned case the common English practice for the prosecution formally to offer no evidence before a third jury, as stated in paragraph 589 of the 37th edition of Archbold's

"I have not received any reply to this inquiry.

"Assuming that you intend contrary to the English practice to offer evidence before a third jury and bearing in mind that the second trial at the Sessions ended on 21st April, 1977, I am asking that you put this indictment for hearing before a judge at the October Sessions.

"My client has been in prison for more than 3 years."

There was no reply to this second letter.

The October Sessions had begun, but the case of Arnold Rampersaud was not short-listed for trial at the Sessions. As a result the Defence filed a motion to the High Court seeking an order directing the D.P.P. to put up the case either for trial or for the prosecution formally to offer no evidence before a third jury.

In an affidavit in support of the motion, Arnold Rampersaud who is an activist of the Opposition People's Progressive Party, stated:—

1. I am presently on remand at the Georgetown Prison on a charge of murder contrary to Section 100 of the Criminal Law Offences Act, Chapter 3:01.

2. I was arrested on the 20th July, 1974, in connection with the alleged murder of Police Constable James Henry at No. 62 Toll Station, Corentyne, Berbice, on July 18, 1974, and was held in Police custody at Springlands Police Station, New Amsterdam Police Station and Eve Leary Police Compound for two weeks, contrary to normal police practice, before I was charged for murder on the 3rd August, 1974.

3. I was charged for the said offence only after my Counsel instituted Habeas Corpus proceedings on my behalf seeking an order from the High Court of the Supreme Court of Judicature that my body be produced in Court.

4. Two preliminary enquiries were held into the said charge, the first being aborted due to the death of His Worship Jairam before whom it was being held, and the second concluded before His Worship Magistrate Rai at Whim Magistrate's Court on 18th April, 1975, when I was committed to stand trial at the next sitting of the High Court of the Supreme Court of Judicature in its Criminal Jurisdiction for the County of Berbice to be held at the Court House, New Amsterdam, commencing on the 17th June, 1975.



5. Numerous attempts were then made by me and on my behalf to secure an early trial but those attempts failed until finally my Counsel instituted legal proceedings in the High Court of the Supreme Court of Judicature in August 1976, seeking an Order that my matter be brought up for hearing. Counsel on behalf of the Director of Public Prosecutions said that my case would be heard in New Amsterdam at the October Sessions.

6. An application was then made to the High Court of the Supreme Court of Judicature by the Director of Public Prosecutions seeking an Order transferring the hearing from New Amsterdam to Georgetown, which Order was granted by the Honourable Justice Collins.

7. The trial of the indictment against me commenced on the 8th November, 1976, before the Honourable Justice Massiah, two years and three months after I had been charged and after all persons charged with murder before I was charged had had their cases tried. My trial ended on December 1, 1976, when the jury, after deliberating for approximately 11 (eleven) hours disagreed on a verdict and I was ordered to stand a second trial.

8. The second trial of the indictment against me commenced on the 8th March, 1977, before the Honourable Chief Justice only after representations were made on my behalf by the Arnold Rampersaud Defence Committee, and concluded on the 21st April, 1977, and again ended in disagreement at least on the question of manslaughter which was left to the jury, the Hon. Chief Justice having directed his Registrar to ask the jury their verdict in relation to BOTH murder and manslaughter and refused an application by my leading Counsel Mr. B. O. Adams, S.C., to have the question relating to murder and manslaughter put separately to the jury.

9. As a result of the refusal of the Hon. Chief Justice a Constitutional Motion was filed on my behalf in the High Court on or about 30th April, 1977, seeking a Declaration that I was deprived of my right to a fair trial but the said motion was dismissed by the Hon. Justice Fung-A-Fatt in July, 1977.

10. Despite the fact that I have been in prison since the 20th July, 1974, my matter was not called up for hearing at the last sitting of the High Court in the Criminal Jurisdiction.

11. Since my arrest I have spent more than three years and three months in prison which period, I am informed, is equivalent to a prison sentence of more than eight years with all remissions

taken into account.

12. I am a married man with five young children who are suffering great hardship as a result of my continued and prolonged incarceration and as a result of the inordinate delay of the Director of Public Prosecutions in the first instance and at the present time of having the indictment against me brought up for hearing.

Following this motion for an early date to be fixed for a trial, the State commenced its case on November 17, 1977 before a third Demerara jury, and before the Hon. Justice Pompey.



Looking ahead to the third trial is Judge George Pompey. Next to him is Justice Claude Massiah who presided over the first trial.



# THE THIRD TRIAL

By the time the unprecedented third trial got under way, the Arnold Rampersaud Defence Committee successfully lobbied the presence in Guyana of a representative of Amnesty International in the person of Professor David Weisbrodt of the University of Minnesota, USA. The Caribbean Legal Aid Company, which takes a special interest in civil rights cases, sent the Trinidadian criminal lawyer, Sash Permanand.

Professor Weisbrodt observed the first week of the trial, and in addition gathered impressions from discussions with the Director of Public Prosecutions, the Chancellor of the Judiciary and the Justice and Foreign Affairs Minister.

Mr. Permanand joined the Defence team headed by Senior Counsel B. O. Adams, and included Attorneys-at-Law Ashton Chase, Doodnauth Singh, Stanley Persaud, instructed by Solicitor Ayube McDoom. And from England returned John Bowden, who had observed the second trial on behalf of the Haldane Society of Socialist Lawyers and the Cab Section of the General Transport and Workers' Union.

The presence of the representative of the prestigious Amnesty International at the third trial was significant, since it demonstrated that the trial had now attracted world wide attention.

Special Prosecutor Rex McKay again tried to convince the jury that there was a political motive behind the killing of police constable James Henry. The case of the State was that the accused, who is a member of the People's Progressive Party, along with unknown men killed the policeman as a form of protest against the imposition by the government of toll fees on the Corentyne highway.

McKay said that the Prosecution has no evidence of a plan between the accused and others to commit the crime. The State has no eye-witness to the shooting. No one saw the accused pull the trigger of the gun which killed the constable. The State's case was based on a set of circumstances which placed the accused in his motor car at the scene of the crime immediately before and after the shooting.

Also, he again put to the jury the alternative count of manslaughter, saying that the shooting might have been done to terrorise the occupants of the toll station, and not to kill anyone.

The Defence consistently maintained that this was a case of murder or nothing, a conclusion which Justice Pompey also arrived at long before his final directions to the Third Jury.

# The Defence Team



● DOODNAUTH SINGH



● ASHTON CHASE





● Solicitor **AYUBE MC DOOM** instructed the Defence Team.



● **STANLEY PERSAUD**



● Grenada's **MAURICE BISHOP** took part in the Second Trial.



Trinidad's Defence lawyer  
● SASH PERMANAND.



British Solicitor  
● JOHN BOWDEN.



● Prof. DAVID WEISBRODT  
came to observe the Third Trial on behalf of Amnesty International.



## *All the State's Men*

McKay began leading the State's men in the case on November 18, 1977. First came the "technical" police witnesses: Poole who prepared a plan and model of the murder scene; the police photographers who had taken pictures of the toll station and of the deceased; Harris who conveyed the deceased to the mortuary and later found five empty shotgun cartridges under the staircase of the caretaker's building; Singh who witnessed the post mortem on the body of the deceased; Ramdeen who discovered pellets embedded in the walls of the toll booth, and so on.

Then came the men from the Special Police Investigation Unit: Functional head of the Unit, Duff, who arrested persons in connection with the shooting; Dorsett who took a statement from the accused on July 20, 1974 and released him; Simpson who re-arrested the accused on July 20, and charged him two weeks later with the offence of murder; and so on.

The Prosecution also brought along their "hostile" witness, Kawall Rampersaud, who denied telling the police that he had seen the car of the accused driving with speed towards New Amsterdam after the shooting. Kawall said that he was asleep under a house on the night of July 18, 1974 and knew nothing about what had taken place at the toll station. The Prosecution tendered in evidence Kawall's statement, written in Duff's handwriting, which they used to show that the case against the accused was not a frame-up.

Cross-examined, Kawall stated that he was arrested by the police in connection with the non-payment of affiliation arrears, and that he was released after he gave Duff a statement (not the statement read out in court). He was also taken into police custody during the preliminary inquiries, and the two previous trials.

Ramjeet Mohan, the police witness who was allegedly given a job at a government project in the interior, was "missing" and could not be located. Much to the objection of the Defence, Judge Pompey allowed his statement to the police to be tendered in evidence.

Mohan, the gas-station employee, was arrested in connection with the shooting. He was released by the police after making a statement to the effect that a car had driven past the toll station five minutes after the sound of gunshots was heard. J

The Defence could not cross-examine Mohan who had testified under cross-examination at the previous trials that at the time of the shooting the car he had seen was one mile away from the toll station. This bit of evidence got in, however, when Barrister-at-Law Ralph Ramkarran, who took notes of the previous trials, testified for the Defence.

Roger Mattar gave evidence of what the dog "Sabre" did, while Nathaniel Douglas, the ex-policeman who was dismissed from the Police Force for taking a bribe, repeated the details of his bicycle-ride and what he had seen on the night of the shooting.

"Star witness" Joachim Francis was next.



Barrister-at-Law **RALPH**  
**RAMKARRAN** a member  
of the Defence Team.



# CONFLICTS

The balding Francis was nervous in the box, his shoulders drooping, his voice becoming inaudible, by the time Defence Counsel B.O. Adams was half-way through another marathon cross-examination. Francis' two previous statements were in the possession of the Defence since the second trial in the decisive legal battle to prove that Francis' third statement in which he mentioned the accused and his car in connection with the shooting for the very first time, was an after-thought, a concoction, and a part of the frame-up. While the first and second statements were made on July 20, and July 24, 1974 respectively, the third statement was made on August 9, 1974 — six days after the accused was charged with murder.

In his third statement and in his statement from the witness box, Francis said that he was "crouching" during the shooting. He peeped through the louvre windows after the shooting had ceased and saw motor-car HN 819 drive slowly past the toll booth. All the lights of the car were on. The accused was sitting behind the driver's wheel.

Adams: Did you tell the Magistrate at the preliminary inquiry into this charge that "I was concerned with my safety that is why I lay flat on the floor"?

Yes, Sir.

Was that true?

Yes. It is true I was lying flat on the floor.

Was there a counter in the toll booth?

Yes.

How high was the counter from the floor?

About two and a half feet.

(The counter was between Francis and the louvre windows).

Adams: When you were lying down was your head near or under the counter?

It was near the counter.

When you were lying down on your abdomen, was your head under the counter?

No.

In your statement to the police on July 20, did you not say that your head was under the counter?

I can't remember.

Judge to Francis: If it is written down in the statement, will that be true?

Yes.

Adams read from the statement: "Immediately I came off the bench and slumped, lying on my abdomen. My head was under the counter."

Adams: Francis, when you were lying flat on your belly, you couldn't see outside?

That is true.

Am I not right in saying that you were afraid to remove from where you were lying?

That is true.

In your second statement of July 24 did you tell the police that "I remained in that same position when a few minutes afterwards I heard as if a vehicle drove off"?

Yes.

Did you also tell the police, 'I did not look to see because I remained in the said position'?

Yes.

Francis demonstrated his position in the booth by throwing himself flat down on his face. This he did at the request of the Defence.

He admitted that in his first and second statements he made no mention of the accused in connection with the shooting. Everything in those statements was true and correct Francis added.

Francis began speaking rapidly after hours under cross-examination. He had seen no one shooting on the night in question. "I merely heard the sound of shots," he said, and added: "I saw no one coming out or entering a car before, during or after the shooting."

Said he: Immediately after the shooting someone shouted. I heard footsteps running on the road. I heard a splash as if someone was going across the eastern trench. The splash was made about six or seven rods north-east of the toll booth.

Certain questions were put to Francis by the Defence in connection with a vital conversation he had had with Superintendent Ronald Harris, the first police officer to arrive at the murder scene. Francis denied the content of the conversation.

Harris was recalled by the Defence, on which occasion he disclosed the following in answer to questions under further cross-



examination :—

The police were eager to know from Francis what had happened. In answer to questions put by the police Francis said that the men who did the shooting had run away. Francis pointed out an area north-east of the toll station as the direction in which the men had escaped.

Harris recalled that policemen searched the area as a result of what Francis had said. The area was later cordoned off by the police.

According to the police officer, Francis stated emphatically that he did not get a good look at the assailants because the place was dark.

This disclosure came as an anticipatory counter-attack on the Prosecution's contention that Francis did not mention that he had seen the accused after the shooting because he was threatened with bodily harm.

**But the Prosecution did not lead evidence to show that Francis had been threatened at the time he spoke with superintendent Harris.**

The Prosecution led evidence that while Francis was hospitalised he was threatened which was given as the reason why he did not mention the accused in connection with the shooting in his written statements of July 20 and July 24, 1974.

The "threats" on the life of Francis had been made under the most daring circumstances: While the police were combing the Upper Corentyne area for the toll gate killers, turning the area inside-out, a mysterious character "visited" Francis at the Skeldon hospital (located in the said Upper Corentyne area) the very next day after the shooting. The unknown character told Francis to keep his mouth shut if he wanted to save his life. Not sure that Francis had got the message, the person "visited" Francis again while the latter was at the New Amsterdam hospital. An armed guard stood at Francis' bedside, but that did not prevent the person from telling Francis that they'd get him and his family if he did not keep his silence.

Francis reported the "threats" to the police. But it was too late. The person who had conveyed the death-threat to him was not caught.

## *What the dog did*

The Prosecution again relied heavily on the dog's evidence as given by police dog-trainer, Roger Mattar. The essence of this evidence is that on the morning of July 19, 1974, tracker-dog "Sabre" sniffed under the staircase, and proceeded with nose to the ground for a distance of some 300 yards north of the toll station. "Sabre" stopped at the southern edge of a dam, at the point where the dam meets the highway.

The dog's evidence was supposed to represent the necessary link between the presence of empty shotgun cartridges under the staircase of the caretaker's building and the evidence of Nathaniel Douglas about the presence of the car of the accused near the dam. The Prosecution's argument is that whoever shot and killed constable Henry, had walked from the car to the staircase and back.

"Sabre" lost the scent at a point north of the southern edge of the dam, the point where the Prosecution assumed someone entered a car. **But, according to the evidence of Douglas, the car of the accused was seen some distance south of the southern edge of the dam !**

Witness Mattar could not say whose scent the dog was following. He couldn't say whether it was the scent of a man, woman, child or a bitch in heat.

**One thing was clear : The dog did not pick up the scent of the person or persons whose footsteps Francis had heard moving across the road to the fields east of the toll station. "Sabre" tracked in a different area from the one where Francis had said the men ran.**

Mattar's story about the activity of "Sabre" at the murder scene was put to Puran Ragbeer, the former head of the Police Canine Section, who was a witness for the Defence. The tracker-dog expert concluded that "Sabre" was not tracking on the morning of July 19, 1974. If it were it would not have kept its nose all the time to the ground, as Mattar had described the dog's behaviour. If it were it would not have moved in a straight line, but in a zig-zag manner because scent is blown about by the breeze.

Puran testified that had "Sabre" been tracking it would have picked up the scent of the footsteps which had moved across the road to the eastern fields.



In other words, "Sabre" should have sniffed from under the staircase to the grass parapet at the western edge of the road, then crossed the road to the eastern parapet adjoining the trench where Francis heard the splash.

"Sabre" tracked several rods north of where Francis had heard footsteps shuffling across the road. Given that it had picked up a scent, Puran was of the view that the dog should not have stopped abruptly at the point where Mattar said it had stopped. If it were tracking it would have crossed the road at that point to see if the scent continued on the other side of the road.

"Sabre" did no such things at the toll gate murder scene.

## *Defence alleges conspiracy*

On December 7, 1977, exactly three weeks after the commencement of the third trial Senior Counsel B. O. Adams submitted to Judge Pompey that the State has not made out a prima facie case against the accused. He said that no reasonable person could draw any inferences of guilt from the circumstantial evidence led by the Prosecution.

Mr. Adams declared that the accused was a victim of a conspiracy, hatched against him because of his political conviction, and because he is a member of the opposition People's Progressive Party.

The State's case was built around the evidence of rural constable Joachim Francis, which was nothing but a mass of contradiction.

Judge Pompey was unmoved by the no-case submissions. Calling for a defence, he observed that he would rather the jury decide the case on the basis of the "facts".

Arnold Rampersaud made an eloquent statement from the dock tracing the long history of his case. He had been in jail for near to 1,250 days, a period equivalent to an 8-year prison term with all remissions taken into account. On December 10, 1977 he would spend his fourth consecutive birthday behind prison bars since his arrest on July 20, 1974. He was innocent of the charge. The entire case was a frame-up.

There was no doubt in anyone's mind that Arnold had made a great impression on the jury as to his innocence.

On December 12 Adams S.C. summed up the case for the Defence before the 12-member Demerara jury. His 5-hour address was a devastating exposure of the frame-up.

"The Defence does not condone the shooting of a policeman. But the Defence condemns any attempts to convict an accused by leading false and fabricated evidence. Let me say right now that Francis is lying. And there is nothing more wicked than to swear false testimony against your fellow man who is fighting for his very life. The moral guilt is tremendous," Adams declared.

There is evidence, he said, to suggest that the police ganged up against the accused because a policeman had been killed. All



the prosecution's witnesses, except two, are either policemen themselves or have had connections with the police force. Since the shooting Francis has been under the supervision, control and protection of the police, Mr. Adams charged.

Nathaniel Douglas, the ex-policeman, was part of the frame-up. Douglas was found guilty in a departmental inquiry on a charge of dishonesty, of taking a bribe while he was a member of the Guyana Police Force. He was dismissed from the force. His statement to the police was given after the accused was charged. He got a job as a security officer with a government corporation after he testified in court that he had seen the accused in the vicinity of the toll station five minutes before the shooting.

Mr. Adams asked the jury to bear those facts in their minds when they came to consider what weight to place on the evidence of Douglas.

Douglas said that the car of the accused was near the toll gate at 9.55 p.m. on July 18, 1974. He knew that it was 9.55 even though he did not wear a watch. This meant that the car was parked there when the place was lit up because the owner of the lighting plant testified that he switched off the lights in the area at 10 p.m.

"One would expect that someone who had gone to kill would be lying in wait at a place of hiding. One does not park one's car on the public road when electric lights are on in the area! One does not use one's own car in an ambush and park it where it could be seen. In fact, all Henry and Francis had to do was to look through the northern window of the toll gate booth to see that car. Yet Francis who flashed his torch in that area did not say that he had seen a car parked where Douglas said he had seen it."

Mr. Adams said that it was doubtful whether Douglas even passed the toll station that night on his bicycle. According to the Prosecution the men in the car of the accused were waiting to kill. "They must have seen Douglas approaching from a distance as he was riding towards them with a torchlight. They would have had plenty of opportunity to hide. But they allowed him to cast the beam of his torchlight on their faces. They did not move. Do killers behave in this manner, or would they not have postponed the shooting knowing that they were spotted?"

Riding at a rate calculated at 10 feet per second, Douglas only saw the car when he was four to six feet ahead of it. He would have been past the car in less than a second, yet Douglas was able to recognise and remember the driver of the car and the registration number of the car. Douglas had seen other cars that night, but he could not remember any of the drivers or the registration number of any of those cars.

Mr. Adams outlined the importance of the first report in any criminal trial. That Douglas did not report at the earliest opportunity that he had seen the car of the accused, at the toll gate, raised doubts as to the veracity of his evidence to such an extent that it would be unsafe for a jury to convict an accused on such evidence. But Douglas who lived near a police station made a report 17 days after the shooting, at a time when the accused had already been charged. Similar doubts were raised over Francis' testimony not only because he had made his incriminating statement 22 days after the incident when the accused had already been charged, but in the face of the fact that he had said nothing about the accused in connection with the crime in his previous three oral statements to Dr. Sattaur, Supt. Harris and Reporter Ramjeet, and his two written statements to the police.

The Defence Counsel dealt at length with the evidence of Francis, pointing out Francis' categorical statement that no other vehicle passed the toll station before Dr. Sattaur drove up. Francis had told the newspaper reporter that Dr. Sattaur drove up seconds after the shooting.

He declared that the fundamental weakness of the Prosecution's case was that they did not know who had pulled the trigger of the gun that killed Henry. "If the State does not know whether the accused pulled the trigger, can you be asked to find that he pulled the trigger?" Mr. Adams asked the jury.

"Even if you were to accept that Francis and Douglas were not false witnesses and that a car was in the vicinity of the toll station, is that proof that because cartridges were found under the steps that the persons who did the shooting went there by car? No one said that he saw a shotgun in the car!"

The jury were told that in a frame-up some things were bound to go wrong. The Prosecution denied charges of a frame-up saying that they had evidence against the accused on July 21, 1974 from Kawall Rampersaud, their "hostile" witness. But the accused was arrested on July 20, that is BEFORE Kawall was alleged to have made a statement to the police. And if the police did in fact have evidence against the accused, why was it that long after Kawall's statement they kept on detaining people willy-nilly and groping in the dark for clues to the murder? Mr. Adams asked the jury to discard Kawall's statement, which he had denied making, as it was not evidence of the truth.

The Prosecution, he said, had alleged that the accused plotted with unknown men to kill the policeman. "Where is the evidence



of a conspiracy. It is grossly unfair to the People's Progressive Party to suggest that because the party lawfully opposed the introduction of toll fees in the exercise of their democratic right that they conspired to commit murder. It is a gross slander of the leaders of the party. It is wrong to charge a man because he is a member of a political party which had protested against the imposition of toll fees. Where is the evidence that the accused, a rank-and-file member only, took part in anti-toll demonstrations?"

Mr. Adams then traced the history of the case, ending with this appeal: "It is said that throughout the web of English criminal law one golden thread is always to be seen that it is the duty of the Prosecution to prove an accused guilty beyond any reasonable doubt. Let me say this unapologetically and confidently, that on this evidence no jury can feel sure that the accused is guilty of murder. The accused has had two trials at which the Prosecution failed to discharge its duty to the satisfaction of the juries. . . . In this case, as in others, suspicion will not do; it is not proof. Guess-work will never do. Speculation will never do. . . . There is no case against the accused. I am confident you will undo the great injustice done to my client and send an innocent man home to his dear wife and children."

# Rescue Operation

Prosecutor Rex McKay began his address to the jury at 10.05 a.m. on Tuesday, December 13, 1977. He began by alleging that there have been picketing demonstrations in favour of the release of the accused. "You are the bulwark to protect the state from anarchy", he told the jury.

During the address to the jury by Defence Counsel Adams, Prosecutor McKay had dramatically interrupted the proceedings by alleging before the Court that people were picketing outside the court building. McKay charged that the picketers were committing contempt in the face of the court and asked Judge Pompey to take action. The trial was adjourned, with Judge Pompey threatening to stop the trial should the alleged picketing continue.

Marshall of the Court, Mr. Melville, was dispatched to investigate whether there were in fact picketers outside. He returned ten minutes later to report that he had seen no picketers, whereupon Judge Pompey ordered a resumption of the trial.

McKay said that it was no derogation of evidence to say that the case for the Prosecution was based on circumstantial evidence which, he added, can prove a fact "with the exactness of mathematics".

McKay defended the state and its witnesses against whom charges of a conspiracy had been made by the Defence. "The innuendo of the Defence involves everybody in the hierarchy of the State," he declared. If there was a conspiracy against the accused the police would not have kept three different statements of Francis on their file. The police would have re-written Francis' two statements rather than asking him to come to court to give an explanation why he did not mention in those two statements that he had seen the accused drive past the toll station shortly after the shooting. According to McKay, it was better to change a statement than to commit a criminal conspiracy.

He told the jury that the state believed that the accused concerted with unknown persons to bring about the death of P.C. Henry. Referring to anti-toll demonstrations by the PPP (which demonstrations took place two years before the shooting) McKay declared: "The motive of the shooting must have been to protest against the imposition of toll fees... The fact that the accused is a member of the PPP, all the state is saying is that there is a reasonable connection between the protest against the toll and his membership thereof."



He admitted that the Prosecution's case is based on the evidence of Joachim Francis, Nathaniel Douglas, and Roger Mattar who gave the dog's evidence. He also admitted that there had been inconsistencies in the evidence of Prosecution witnesses, stating, "in every trial there must be some inconsistencies between the testimony of one witness and the other."

Coming to the defence of Francis and Douglas, the Prosecutor said that the two witnesses were not part of a frame-up of the accused. Francis, he said, was stupid and unintelligent, but not a liar. It did not matter what Francis did at the time of the shooting, and whether or not he was lying on his abdomen. What Francis told Dr. Sattaur and Supt. Harris was not important. "He was not in his right senses" that night. All that is important is that he had seen the accused and the number of his car after the shooting; that he had seen the accused driving past the toll station after the shooting.

Douglas, he said, was in fact dismissed from the police force on a bribery charge. "But bribery is poles apart from perjury," he said and added that Douglas withheld the statement from the police because he was angry over his dismissal.

He described Kawall Rampersaud as a spineless creature who was afraid to tell the court what he had told the police. Kawall's statement rebutted the allegation of the Defence that the police were wrongfully holding the accused for two weeks. But on July 21 the police were in possession of a statement which incriminated the accused. "Could the police have imagined that Kawall would have turned turtle when he came into the witness box?"

McKay went on: "This is a wicked police state, the Defence says. They brought Francis and Douglas and got them to tell lies against the accused. But these same wicked persons did not say they saw a gun in the car of the accused. What manner of fabrication is this? . . . If this is a conspiracy, would not the police be a pack of idiots?"

The Prosecutor summed up by asking the jury to believe that Rampersaud's car was parked in the vicinity of the toll station on the night of the shooting. "The dumb and silent testimony of SABRE suggests that someone must have come out of the car." And Francis saw the car drive past the toll station after the shooting.

McKay emphasised in concluding his address: "It is the duty of the State not to support anarchy. If the State supports people who maraud the town shooting and killing, the State would be a State of anarchy. There would be no government, and no one to protect you and me."

# The Jury retire

The final count-down in the Arnold Rampersaud third trial began at 3.05 o'clock on the afternoon, of December 13 when Judge George Pompey began his summing up of the evidence and giving directions to the jury on questions of law.

"This is a case of murder or nothing. Manslaughter does not arise.... The most important witness is Joachim Francis. If you do not accept his evidence or are left in a state of doubt, then it is your duty to acquit the accused."

But the judge was skilful in his presentation, weighing the pros and cons. The packed courtroom was swaying on the limbs of alternating moods of hope and fear.

Judge Pompey continued his summing up the following day — December 14. Huge crowds began to swell; by midday they overspilled the courtroom, cascading through the corridors, and constituting a seething mass outside the court building.

"This is a serious case, probably the case some citizens fear. Do your duty without sympathy for anyone. You can only do your duty if you harden your hearts and look at the evidence dispassionately," Judge Pompey told the members of the jury as they retired at 3.27 p.m. to consider a verdict in respect of the count of murder against the PPP stalwart.

"Consider carefully the evidence that the place was dark.... a witness can make mistakes about identification.... Francis was lying on his belly.... he had said no other car passed before Dr. Sattaur's.... he has contradicted himself.... there is no direct evidence against the accused..." Those were the words of Judge Pompey but which anyone who believed in the innocence of the accused would have wished to surface on the lips of the jurors during their deliberation.

AT 5.35 p.m. on that historic Wednesday afternoon the foreman of the jury requested Marshall Melville to convey to Judge Pompey the news that the jury had arrived at a decision. If they were agreed on a verdict in respect of the count of murder, then they must have reached a unanimous decision.

"A unanimous decision, but which way?" This was the big question which lingered like a dark and heavy cloud of doubt during that long wait, becoming longer and unending with every passing second.



It was not yet time for jubilation....

5.53 p.m. The Judge took his seat on the dias. The jury filed in; the spectators glancing at their blank faces with eager expectation.

And it was all over: The jury had arrived at a unanimous decision of not guilty against Arnold Rampersaud!

Freed after 1,250 days in prison; after three trials; after a valiant legal battle by the Defence team; after local and international public opinion snatched him from the remorseless jaws of the gallows.

# Freedom regained

The not-guilty verdict crescendoed into an outburst of jubilant shouts inside the courtroom, and reverberated with lightning speed outside.

A freed man, the 36-year-old Arnold Rampersaud strode into a spontaneous hero's welcome at "Freedom House", headquarters of the People's Progressive Party. From there he telephoned PPP General Secretary Dr. Cheddi Jagan who was locked in a crucial conference on the historic sugar strike (which lasted 135 days), and was not himself present when Arnold had made his triumphant entry at the Party's headquarters.

At an impromptu victory function Arnold declared: "Prison has not broken my love for my Party. I have promised myself in prison that I'll always be in the Party. I have been in the Party for 15 years and I know that my Party has never planned any killings or violence of any kind. I know that I was sent to prison over these years because of my political beliefs." He said that while in prison he could feel his cell walls trembling from the sheer weight of the battle which the party had been carrying out for the oppressed and exploited.

Speaking about the support he had received Arnold stated that it was good when large masses of people had faith in one's innocence and when solidarity transcended the boundary of one's country. "When a man knows he is innocent, he never breaks down knowing he has his brothers and sisters solidly behind him."

Leader of the Defence team, B.O. Adams who stood up for Arnold at all three trials was given a standing ovation. He declared: "This has been a tremendous fight. It is one that will go down in the annals of our legal history as a unique case. The decision to acquit Arnold is one that upholds his honour, his innocence and his integrity. . . . It must have been a most harrowing experience for him over the past 1,250 days. I wonder how long it will take to erase the terrible scars from his memory."

British Solicitor John Bowden, who was in court at the end of the third trial, aptly summed up the battle as follows: "Arnold Rampersaud faced and fought an authoritarian state in his long battle through the courts. At stake was his life, which had been placed in jeopardy by his determination to fight for and help win a genuine socialist future for Guyana. The role of the jury system was vindicated. The not guilty verdict was also an important victory in the fight against racism."



Having rejoined his wife and five little children in Guyana's eastern county, Berbice, Arnold addressed this letter to his many supporters here and abroad:—

"It is my profound obligation to honour the many efforts which you have made on my behalf and which resulted, finally, in my being free.

"Your support gave me strength, personally to endure the hardships and pressures of my period of incarceration and the three gruelling trials.

"Such assistance that you gave to the struggle for my rights proves the importance of international solidarity in the struggle for human decency and socialism. Your recognition of my innocence and that I was the object of a frame-up for my political views and my close association with the People's Progressive Party, gave me strength and also added greatly to the work of the Defence Committee and the legal defence team that represented me.

"Now that I have been acquitted I shall endeavour to do whatever I can in the struggle for the rights of our people and to struggle for my brothers and sisters who are today held prisoners in many lands, in Chile, Uruguay, Haiti and many other countries. I shall continue to work in the noble and glorious tradition of my Party and to campaign with all those who cherish peace, justice and equality everywhere. With undying perseverance, we must together work to make this world a better place to live in."

The role of the broad-based Arnold Rampersaud Defence Committee cannot be overlooked nor underestimated in the episode just concluded. Its members have, without exception, demonstrated a personal commitment to the cause of justice and a deep sense of collective responsibility towards the defence and preservation of human rights. Its major platform was for "total exposure of the frame-up". It has succeeded.

Wrapping up the work of the Committee, Secretary Janet Jagan noted on January 23, 1978 in a letter to friends of the Committee that Arnold's victory was the fruit of determined, united action; of unity and solidarity.

Said she: "The frame-up of Arnold Rampersaud had not been fool-proof. The conspiracy crumbled not on its own. It crumbled under the weight of the legal battle waged by the defence, and by the tremendous pressures of local and international solidarity. It crumbled because the Guyanese people were prepared to reject this violation of human rights."

Janet Jagan declared that the jubilation over Arnold's release was a triumph against the state which had been battered to a

point where it could find no legal or moral grounds to offer resistance **any** longer in the case.

She concluded thus: "The Arnold Rampersaud Defence Committee is indeed grateful for the solidarity given to us and appreciates all the fine and militant work carried out on Arnold's behalf to ensure that there was one political prisoner less in the world, and one more victory for freedom and national liberation. Together we have won an important battle for justice and human rights."

Arnold's is a welcome victory. The battle to free all political prisoners from the cruel clutches of capitalist repression and neo-fascist tyranny in other parts of the world, must continue!