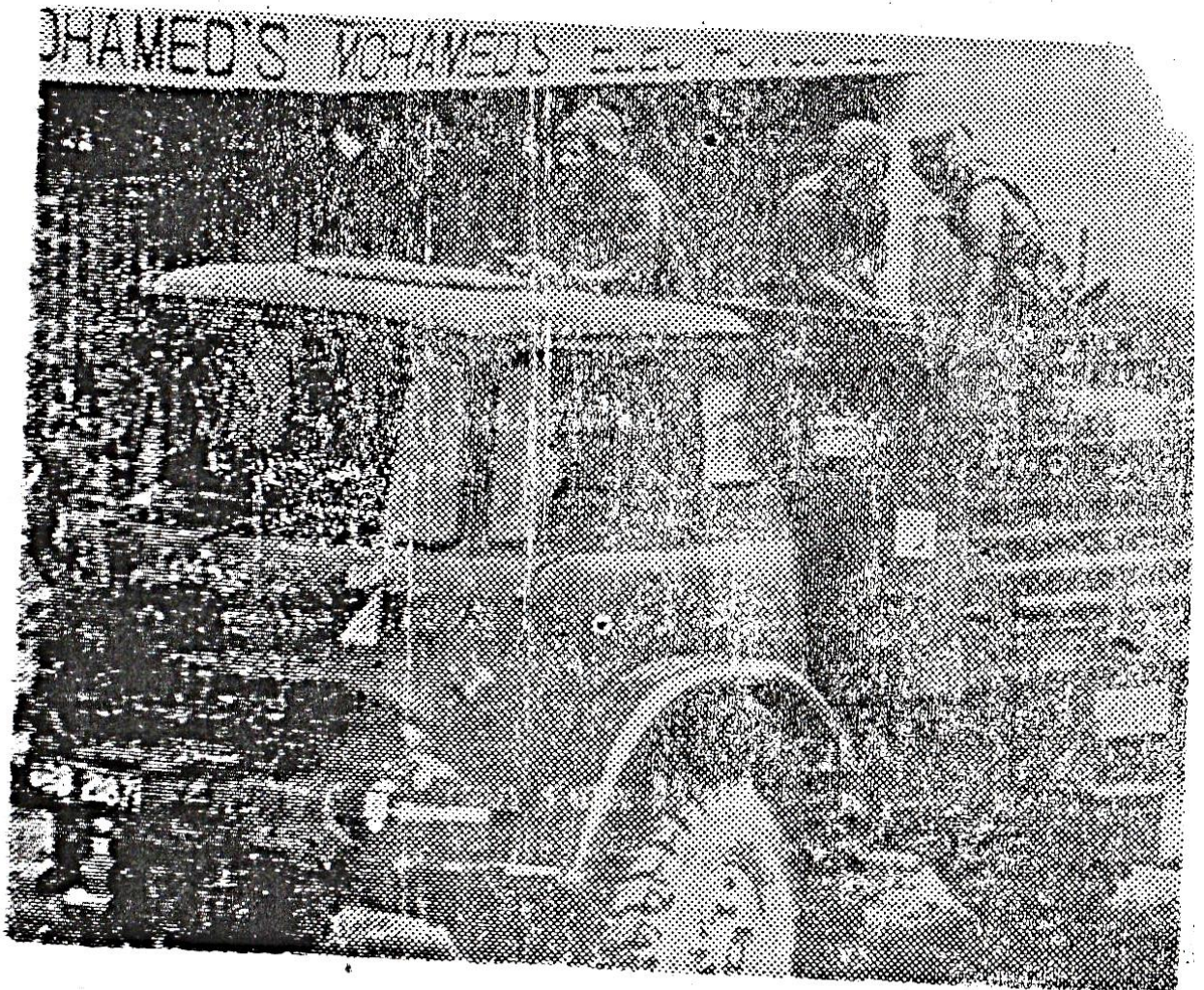


TOWARDS FREE and FAIR ELECTIONS!

- 1968 ELECTIONS — RIGGED
- 1970 L. G. ELECTIONS — RIGGED
- 1973 ELECTIONS — RIGGED
- 1978 REFERENDUM — RIGGED
- 1980 ELECTIONS — RIGGED



CONTENTS	PAGE
Preface by Clinton Collymore M.P.	1
Steps Towards Electoral Reforms	3
Elections Commission Must Be Involved	6
Elections Commission—Birth to Eclipse	10
Elections and Electoral Laws	17
“A Virtual Army Coup Took Place”	26
“A Blatant Fraud” said Avebury	28
Worst Fears of Guyanese Realised	31
Elections Commissioner Quits in Protest	34
Grant Entry to Electoral Observers	35
Joint Mission Interim Report 1985	37
Chitnis Report on Nicaragua Elections	43

Cover picture shows a Guyana Defence Force truck on election day 1980 parked almost in front of Freedom House headquarters of the PPP. Rigging was carried out with military precision and was so comprehensive, that it couldn't be hidden from the watching eyes of the people. Threats and beatings were an added ingredient. The counting venue at the East Ruimveldt Multilateral School was an armed camp seething with troops, armed PNC thugs and police security agents.

Preface

by CLINTON COLLYMORE M.P.

Free and fair elections are a fundamental aspect of democracy. It is a basic democratic right in capitalist and socialist society. When elections are rigged there is a contradiction with the wishes of the people. This contradiction generates a negative feed-back in the society which manifests itself in various ways. There is alienation, lack of accountability, lack of initiative, corruption, falling production and productivity, abuse of authority, anti-social tendencies, and an outsize military-police establishment.

The PPP has been consistently fighting for free and fair elections in Guyana from the time the PNC took over the election machinery, and began stuffing ballot boxes, etc. It is most unethical for a contesting party to be in complete control of the entire electoral process, shunting aside the Constitutional Institution charged with that task. The Elections Commission should be allowed to administer the electoral process from start to finish.

It is up to the ruling party to make concrete concessions where the electoral system is concerned, so as to make the election results acceptable in keeping with agreed-upon principles and conditions.

In this respect compromise is the way forward, for the PPP believes that the struggle for free and fair elections in Guyana should not be seen in isolation from the struggle for a Political Solution and the struggle to set up a National Patriotic Front Government.

This booklet deals essentially with the election experiences of the Guyanese people over the years from 1953 onwards, and prognoses that unless a compromise is achieved, the upcoming elections (due by March 1986) would be comprehensively rigged. As such the results would not be accepted, and the country would continue its painful stagnation particularly in the economy.

The PPP does not share the view expressed by certain forces on the right of the political, economic and ideological spectrum, that 'since the PNC is the problem, it cannot be part of the solution'. This view is not only unrealistic but fraught with dangers, including dangers from external aggressive quarters looking for ways and

means of turning back the clock in Guyana.

As mentioned in its Central Committee report to the 22nd Congress (August 1985) the PPP sees a role to be played by the People's National Congress (PNC) as part of a National Patriotic Front Government. By this same token, the PPP also sees important roles to be played by other social and political forces in Guyana which are patriotic and which are not rooted in anti-communist hysteria or committed to reactionary terrorist adventures.

The earlier such a new State Structure takes shape, the faster will Guyana take off on the road to meaningful and sustained economic development. With a united effort this country can become the envy of the Caribbean, compared to its sorry image at the moment.

The people of Guyana have suffered enough. A unity government can bring an end to shortages and falling production, can reduce the crime rate, slow down the rate of exodus, provide decent wages and salaries, reduce the cost of living, restore subsidies on basic commodities, finance essential imports, curb smuggling, smash corruption, liquidate the parallel market, provide jobs, end retrenchment, boost exports, increase foreign exchange earnings, give a better deal to the private and co-operative sectors which are being stifled, improve social services, restore Guyana's credit-worthiness abroad, pay off our debts painlessly, and restore respect for Guyanese nationals all over the world.

This booklet sets out a case against rigged elections. It updates other PPP booklets on the subject written in previous years: **'Army Intervention in the 1973 Elections in Guyana'; 'Rigged Elections in Guyana'; and 'Guyana's 1980 Electoral Fraud'**.

The opinions of Overseas Observers are mentioned in the booklet not only in relation to the 1980 elections, but on prospects for the upcoming poll. Experiences in the 1984 elections in Nicaragua are also included as culled from the Chitnis Report on those elections.

For Guyana to go forward there must be a Political Solution. A new electoral arrangement should constitute a fundamental aspect of that Political Solution.

October, 1985.

Steps Towards Electoral Reforms

Following many years of agitation by the PPP against abuses of the proxy, postal and overseas vote, the PNC government has at last announced proposed changes in these aspects of the electoral process. According to President Hoyte, "proxy, postal and overseas" votes are to be restricted or abolished. He will also have a look at the other controversial aspects of the electoral process.

This was told to PPP Leader Cheddi Jagan when he met with President Hoyte on three occasions. In a radio broadcast on Sunday evening October 7, 1985 reporting on his first 60 days in Office, the President noted among other issues :

".... consideration is being given among other things to restricting or abolishing if necessary, postal voting, proxy voting and overseas voting. These matters are being pursued at various levels."

Dr. Jagan held a press conference on Friday October 11, 1985 at which he dealt with the mooted reforms and the other aspects still unresolved. He issued the following statement to the foreign and local mass media :

The People's Progressive Party views the proposals of President Hoyte to abolish or severely restrict overseas, proxy and postal voting as steps along the road towards electoral reform. But they do not go far enough. These proposals, if implemented, can be regarded as partial people's victories by those who have struggled long and hard for electoral reforms.

These reforms do not get to the root of the problem. The basic problem is the security of the ballot box. Without this, there can be no democratic elections for the simple reason that the votes of the people are not counted; they are altered when the ballot boxes are interfered with.

The package of 6 reforms needed for free and fair elections and fought for, for nearly two decades has been tabled in the National Assembly and also set out in a letter of February 26, 1985, to the then Prime Minister D. Hoyte. Only three, and the lesser three, of the package are being accepted. The other three more crucial recommendations include the counting of votes at the place of poll, the Elections Commission to exercise effective supervision and control in accordance with the Constitution

and a genuine voters' list.

All elections since independence point clearly to the tampering of the ballot boxes in favour of the ruling party. Past experience has proved this beyond the shadow of a doubt. Since the 1973 elections, ballot boxes were hijacked by the military and kept in their custody for long periods.

In 1973, when the ballot boxes finally emerged at the counting places there were many indications of tampering: keys were misplaced and did not fit the boxes to which they had been attached when the boxes were sealed; the seals covering the slots of the ballot boxes were no longer present; the number of ballot papers in the boxes did not tally with the records of the presiding officers.

For example, in Demerara Coast West, in Division 2, the votes cast were 531, but only 491 were in the ballot box when it finally emerged after long hours, at the counting place. Division 1 had recorded 506 votes as being polled but the box had 527 votes! In some districts, there were more votes in the ballot boxes than electors listed as voters for the particular area.

In 1980, the military at gunpoint prevented the authorised PPP Counting Agents and its Member in the Elections Commission from entering the buildings where the ballot boxes were being held, away from the view of the opposition election agents. Counting was announced many hours later.

Other indications of tampering of ballot boxes in the 1968 elections - 3 wads of ballot papers wrapped with rubber bands were found in a box from the Pomeroun. And in the 1973 elections, in the North West District, when the boxes were being emptied for counting, 21 wads of ballot papers, some with rubber bands and some with paper clips were revealed. When the PPP's representative (also candidate) objected, he was warned that police would kick him out. And in other areas, ballot boxes which were officially stamped at the wrong place (on the inside) in the Canals Polder Electoral District were found at the counting place correctly stamped on the outside.

It is for reasons such as these that the PPP has persistently demanded that the counting of votes be carried out at the place of poll, immediately after the end of polling.

Also vital to fair elections is the compilation of genuine voters' lists and the need for an independent Elec-

tions Commission, armed with the necessary clout and authority to supervise the conduct of registration and elections. Unfortunately, the Commission has been denied the authority needed for it to play an effective role as set out in the Constitution.

Electoral laws, have denuded the Commission of any real authority. In this regard, we draw the attention of those responsible to the respect and authority in which the Elections Commissions of India and Nicaragua are held. As regards voters' lists, Guyana has had bitter experience with padded lists as well as lists which deliberately disenfranchised hundreds, even thousands, of voters.

It is therefore the firm belief of the PPP that while the government may wish to reduce fears about rigged elections, its proposals do not go far enough. What is needed is the absolute assurance that there will be no tampering of the ballot boxes and that an independent Elections Commission will be given full authority to exercise control over all aspects of the electoral process, including the compilation of the voters' lists.

The PPP is asking that the military be restricted to barracks and not become involved in the electoral process in the upcoming elections.

To further allay the fears of Guyanese who have had the traumatic experience of three rigged elections and a rigged referendum, we propose that a team of Commonwealth Observers be invited to witness the next elections in Guyana. To this end, we have written the President making this request.

At the same time, we call on the Guyanese people to intensify the struggle for free and fair elections, linked to the fight for a political solution and a National Patriotic Front Government of all left and democratic forces.

Elections Commission Must Be Involved

With general elections constitutionally due by March 31, 1986, fresh moves are being undertaken by the PPP with a view of ensuring the sanctity of the vote. The PPP is embarked on agitation within and outside of the country, in which it is also seeking to obtain election observers.

Unless certain changes are made internally there are fears that a new round of rigging would be the consequence.

The PPP member on the Elections Commission, Clement Rohee, issued a statement in which he deplored the inaction of the Commission, and demanded its involvement in the current registration and electoral processes. He said:

Since assuming the post as Representative of the PPP on the Elections Commission I must confess that the publicly stated conclusions arrived at by my predecessors during their tours of office in that body; 'that the Commission exists only in name' were by no means exaggerated or unfounded.

I wish to underline the fact that from the very outset, that even though the Commission has met five times between April and September of 1985 during which time I put up a number of recommendations, yet there has been no decisive action on the part of the Commission to, as outlined in the Constitution; (a) 'Exercise general direction and supervision over the registration of electors and the administrative conduct of elections of members to the National Assembly; and (b) to issue such instructions and take such actions as appear to it necessary or expedient to ensure impartiality, fairness and compliance with the provisions of this Constitution or of any act of Parliament on the part of persons exercising powers or performing duties connected with or relating to the matter aforesaid'.

It is my personal impression that the Commission, rather than acting in accordance with the above-mentioned responsibilities, is merely going through the motions in order to give the impression that it is fulfilling its responsibilities for the sake of the records.

At one meeting of the Commission, I specifically asked whether visits were made by the Commission to the office of the Chief Registration Officer (CRO) and other registration centres to ensure that (i) the CRO was discharging his functions fairly and efficiently and (ii) to ensure that the registration procedures were being conducted fairly and impartially.

I also enquired whether the Commission has been monitoring the registration of overseas voters, in order to ensure that no irregularities take place on the spot or appear in the course of compiling the overseas voters' lists.

I also asked the Commission whether there was any collaboration between the National Registration Office and the Commission with respect to the recruitment and selection of personnel working on the compilation of the list of registrants 1985 and subsequently, the preliminary voters' lists.

The responses I got from the Chairman of the Commission were in my view, far from satisfactory and did not allay my own fears and suspicions that the rigging machine has already been set in gear. This I firmly believe, particularly when consideration is given to the fact that national and overseas registration is the first step towards the preparation of a national register and eventually, the preliminary voters' lists.

In responding to these questions I was informed by the Commission that the Chairman and Secretary had visited local and overseas registration centres as well as diplomatic missions in the U.S., Canada and the U.K. where registration was supposed to have taken place: that both the Chairman and Secretary were satisfied with what they had seen and heard and therefore, **their conclusion was that they had seen nothing to suggest fraud!**

Surely, these two gentlemen do not expect me to accept their conclusion, hook, line and sinker, considering what the past experiences have been, particularly as regards this aspect of elections.

As regards the question as to whether there has been any collaboration between the Commission and the National Registration Centre with respect to the recruitment of personnel, I was told that this does not fall within the responsibilities of the Commission and lies solely within the realm of the CRO.

I should like to mention also that the Commission,

apart from writing a letter, refused to agree with my proposal to call for a meeting with the Minister of Home Affairs to discuss the proposals contained in a letter written by Dr. Jagan to the Minister and copied to the Commission in which the call was made for the drawing up of a new and separate list of registrants under 18 years of age and to include in such a list the dates of birth of the registrants. **The main objective of this demand is to minimise the degree of fraud and to make available a clean list of qualified voters only.**

Again, on the basis of my recommendation, the Commission wrote a letter to the Minister of Home Affairs requesting an extension of the time in which non-residents would be permitted to file claims and objections should any irregularity arise with respect to the appearance of their names on the voters' lists. My proposal that the Commission's chairman lead a delegation to the Minister to discuss these and other related matters was turned down on the assumption that the Minister is 'either seeking advice on the matter or is in the process of formulating a reply to the Commission'. **Mind you, to letters written since May 31st, 1985!**

I wish to point out also that at the most recent meeting of the Commission, I drew that body's attention to the fact that since the national registration exercise had been completed on March 31st, 1985 the Elections Commission has been virtually left out from the process of supervising the preparations of the lists of registrants and the preliminary voters' lists even though the Constitution empowers the Commission to 'exercise general direction and supervision over the registration of electors....'

I therefore proposed that the Commission immediately write the Minister of Home Affairs requesting funds for the employment of adequate staff for the purpose of checking names that will appear on the local and overseas voters' lists. The main objective of this exercise would be to ensure that all names appearing on the lists are genuine.

This proposal was thrown out on the grounds that there is no law permitting the Commission to do such a thing nor can the Commission take on the task of 'auditing Mr. Hammond'.

Only a few days ago the Commission, minus the PNC Representative, visited the National Registration Centre in Kingston to witness 'the process of the com-

pilation of the register for 1985 registration'. However, what I saw had nothing to do with the compilation of the register for 1985 registration. In fact, what I did see was the preparation of ID cards for distribution and, this according to my calculations, is moving at a snail's pace.

It is my view therefore that the Commission must use its powers to correct this situation and to speed up the process of ID card distribution.

I say this because during the 1968 general elections, there was great confusion as to whether or not ID cards were essential in order to be able to vote. It has been drawn to my attention that there were cases during those elections of persons whose names appeared on the preliminary voters' lists and who had ID cards but whose names were not on the revised lists and were not allowed to vote.

At about 3 p.m on voting day instructions were hurriedly issued that such persons should be allowed to vote, but many who earlier had been told that they could not, and had thus gone away, were denied their right to vote.

Clement Røhee, Elections Commissioner for the PPP is a Secretary in the Central Committee of the PPP in charge of International Affairs. He is also a member of the Executive of the Party and (with Feroze Mohamed) is one of the two PPP leading members named to meet with PNC leading members to iron out an Agenda for "constructive dialogue" between the two parties.



Elections Commission - Birth To Eclipse

Chronologically, and therefore historically, an account of the functioning of the ELECTIONS COMMISSION should begin with the fact of the existence of an Elections Commission in 1964. But this was pre-independence. That Commission went out of existence after May 26, 1966. The fact is that with its passing there also passed away the only time that the Commission functioned effectively and purposefully. If the legal framework — the 1964 Election Regulations are to be invoked and their re-introduction requested, this must be done with the full knowledge of the realities then and now.

One such reality was the appointment by the British Governor of three Colonial Office officials, Messrs. G. W. Y. Hucks (Chairman), G. J. Fisher and K. R. Whitnall as members of that Elections Commission in March, 1964. This was done in the full knowledge that it was proposed to introduce the system of proportional representation to replace the first-past-the-post system, which, it was believed, would bring about the electoral defeat of the PPP.

When, in the closing stages of the December 1964 election, doubts about this crept in, the Governor, Sir Richard Luyt, went on the air and told the electorate that he was not bound to call the leader of the party that won the most seats to form a government: **it was entirely within his discretion whom he called.**

The short-lived coalition (PNC-UF) government shortly thereafter took office under L.F.S. Burnham. The present reality is that the PNC in power is not likely to connive at its own defeat by instituting an impartial Commission. The best that can be hoped for would be more rigid checks of the registration and electoral lists, active inspections of documents at the office of the Commissioner of Registration/Chief Electoral Officer, agreement for counting of votes in the District/Divisions, or better still, at the polling places, and similar safeguards.

The 1964 Election Regulations under which the Hucks Commission functioned gave it unlimited power to issue instructions and to ensure impartiality, fairness

and compliance with those Regulations on the part of election officers and other persons exercising powers or performing duties connected with or relating to the administrative conduct of the election. It could also confer power and impose duties on any public officer or on any authority of the government for the purpose of the discharge of their functions; and further, **the members of the Commission were not to be subject to the direction or control of any other authority.**

The term of office of this first government under Proportional Representation was four years, and during that period the PNC successfully 'shouldered' aside the UF members of the coalition, but not before getting them to agree to a new formula for elections: **the introduction of non-resident ('overseas') voters and, even more important, the intervention of the Minister of Home Affairs.**

In November, 1967, the coalition passed the National Registration Act, under which all Guyanese 14-years old and above, by a certain qualifying date, were registered. A system of padded electoral lists was eventually evolved. The PNC was now ready for the first post-independence elections under Proportional Representation.

The point to note here is that it had been officially stated in Parliament that registration had nothing to do with elections — yet the National Registration Act made specific reference to the Minister giving directions (after the end of registration) for the preparation of a preliminary list from details on the registration card of persons qualified as electors for elections. The Act also referred to the "general direction and supervision" by the Elections Commission of central and divisional registers of such electors.

This confusion has continued to the present time.

In February, April and August 1968, the Chairman of the Elections Commission, Sir Donald Jackson, addressed letters to the Minister of Home Affairs stressing that **'time was not on our side'**. This was a reference to the fact that a new election was due to be held within three months of the end of 1968, when the life of the PNC-UF coalition government would end.

In his letter of April 13, 1968, the Chairman told

the Minister that 'the erroneous impression seems to be gaining ground that the Elections Commission is actively and intimately connected with the administration of the National Registration which is being carried out in Guyana at the present time.'

The Chairman then referred to a meeting of the Elections Commission on Tuesday, April 9, 1968, at which 'a member of the Commission exhibited what purported to be carbon copies of completed forms of Registration by Divisional Registrars or their officers which teemed with vital errors including the placing of registrants in incorrect categories, which if not corrected early would cause immense hardship and inconvenience, since as I understand the basis of a preliminary list of electors may be made from the information therein contained'.

The Chairman asked for an interview with the Minister to clear up the relationship between registrants and the eligibility of persons as electors. At this point, it should be noted here that the "categories" referred to in the above quoted paragraph was a reference to "Voting Category A" or "Non-voting Category B" on the registration form, which derives from the date of birth of the registrant with regard to a "qualifying" date.

In his letter to the Minister of August 29, 1968, the Chairman reproduced the paragraph quoted above and again drew attention to the shortening time factor vis-a-vis the time when another election must be held.

As if to emphasise the confusion in the minds of members of the Commission, the Chairman went on to quote section 16(1) of the National Registration Act which clearly indicated that the Commission did have "the general direction and supervision" of the registration of electors as one of its functions, and that it was constitutionally required to issue instructions and to take certain action. It could even postpone the holding of the election or postpone voting in any area for good cause, after consultation.

The member of the Commission who had drawn attention to "teeming errors" in some forms of registration already completed and in the Commission's custody, was PPP Member of Parliament, Mrs. Janet Jagan. Mrs. Jagan also investigated the method of registering overseas voters and asked for proof, in relation to 22 names registered as overseas voters. The 22 names with dates and places of birth were sent to the Registrar of Births and Deaths and

it was revealed that some 20 of the names of persons given had not apparently been born! **There was no record of their birth.**

The Chairman's letter of August 29, 1968, ended with a complaint that records, which were supposed to be under the control of the Commission, had been transferred to the office of R. C. Butler, the designated Chief Electoral Officer; and that rubber stamps for use by Mr. Butler had to be paid for by the office of the Elections Commission!

In the *Mirror* of April 28, 1968, Mrs. Jagan, speaking as a member of the Commission, expressed the view that, among other things, the Commission, in the course of the meeting with the Minister, had asked that the names of its agents overseas who were appointed to do the registration be made known. "The Minister would not make these available to the Commission, but gave a vague promise that in a week's time he would do so. These names have already been published in two daily newspapers. Thus it is clear that the Minister of Home Affairs has no intention of keeping the Elections Commission informed on any matter concerning registration."

During the course of the election that year, the PPP leader Dr. Cheddi Jagan telephoned the Chairman. He told Sir Donald that in the Pomeroy area 4 bundles of ballot papers tied together and all being votes for the PNC had been found in a ballot box. Dr. Jagan later reported that the Chairman's reaction had been "**Somebody has got to answer for that**". But nobody did: nothing was heard about the matter.

Another member of the Elections Commission to express doubts about the powers of that body was Sir Lionel Luckhoo, the PNC representative in 1973. The date was June 26, 1973; the place, the office of the Elections Commission. Three opposition political parties, the PPP, the Liberator Party (LP) and the Peoples Democratic Movement (PDM) had signed a joint letter dated June 20, 1973, requesting "an urgent meeting" with the Commission to discuss a number of points related to the then imminent elections.

Said Sir Lionel: "I was horrified to find that the Commission had no power, no executive authority...." "All we can do,.... is to make representations" and he added that the Commission had been 'denuded' of any power.

Other members of the Elections Commission, namely PPP appointees Ralph Ramkarran and Gail Teixeira raised a number of pertinent points which further exposed the deliberate acts to make the Commission powerless to control elections and inform the public about the various methods of election rigging.

Despite the fact that the resignation of the UF members of the coalition left them in full control of the government, the PNC were not convinced that the system of PR would ensure their retention of power. The governing party therefore took steps before the 1968 elections to make sure that they would acquire enough votes to give them an over-all majority.

They did so by expanding the categories of the people who could vote by proxy; they introduced the non-resident or overseas voter; they removed and replaced the Commission by the Minister of Home Affairs. The 1968 Registration Act gave them swarms of teenagers whom they could manipulate, by inclusion or removal from the electoral lists, and they employed a foreign-based bogus organisation — Shoup Registration Systems International — said to have been a CIA front body to prepare the way for rigging the 1968 elections.

After the results of the 1968 elections were declared, giving the PNC 30 seats, the PPP 19 and the UF 4, two films by Granada Television Co. Ltd. ("The Trail of the Vanishing Voters" and "The Making of a Prime Minister") exposed the electoral fraud, particularly of the overseas electoral registration. OPINION RESEARCH CENTRE which carried out an independent survey, declared that not more than 10,000 of the 44,300 names listed in Britain, were genuine. Humphrey Taylor, its director, said in the second Granada Film —

"Obviously I don't know what happened in Guyana, but as far as Britain is concerned, the compilation of the register was a totally dishonest and corrupt operation. And, as we have clearly established, the great majority of the people listed do not exist. This I would think is unprecedented for a Commonwealth country, as far as I know; and it's you know, a pretty awful and disgraceful episode."

The second Granada film was made after the election and the commentator gave the totals —

Guyanese officially registered in the United Kingdom number 44,300. But the fairest estimate we could

arrive at as a result of our survey was 13,050. In New York, the official figure is 11,750. But our best estimate shows that less than half exist.

Later in 1973, the Minister of Home Affairs admitted that irregularities had been committed in the 1968 overseas registration of voters.

In the Granada TV Film of the 1973 elections, "Mr. Burnham Has Done It Again" Jamaican men, women and children, resident in the UK, were shown as registered voters.

Another disgraceful aspect of the overseas registration and alleged voting results was that the PNC claimed to have won 95 per cent of the overseas votes as compared with only 50.4 per cent "won" inside Guyana. This pattern also occurred in subsequent elections, largely because administrative control was completely in the hands of the ruling PNC.

There was also an extraordinary increase in proxy voting. In the 1964 election, a Commonwealth Observer Team had remarked that "the one administrative provision which seemed open to manipulation was the proxy vote. . . . we feel it is our duty to point out that the proxy system is liable to abuse."

In 1961, about 300 proxy votes had been cast; in 1964, this number jumped to 6,635. In the 1968 election, the official figure of proxy votes cast was given as 19,287, but it is believed that the figure was much higher.

The 1973 elections were a repeat of the 1968, only more so. Two men were killed by the GDF, the subsequent Commission of Inquiry white-washing the Army. The overseas registration was again a fraud, although the actual numbers who allegedly voted were reduced. Postal voting was introduced and provided much wider scope for fraud than the proxy vote, which diminished. It was declared that over 29,000 applications to vote by post had been received.

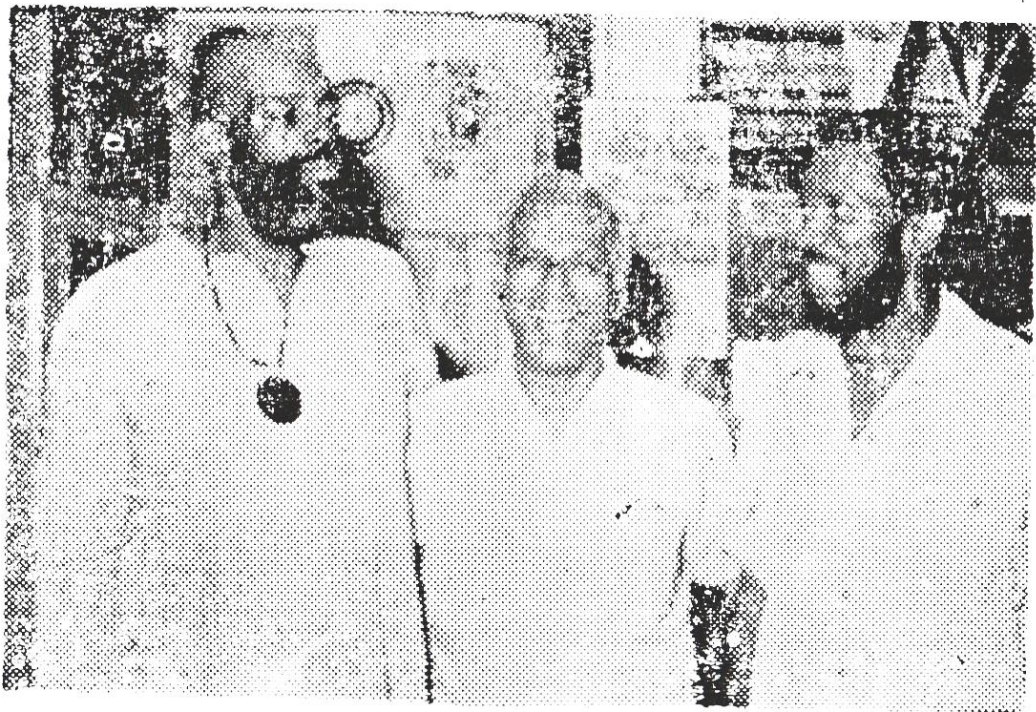
The main feature of these elections was the seizure of the ballot boxes by the Army. They were taken on long journeys ending up at Army Headquarters and eventually arriving at the three counting places in Georgetown long after they were due — in most cases more than 24 hours later. This was due to the fact that the boxes were opened, and the ballots tampered with at Camp Ayangana.

Motions by the PPP calling for the abolition of overseas voting and postal voting; restrictions on proxy vot-

ing; and other measures to ensure free and fair elections were tabled in the National Assembly, but were never debated. Similar Motions have again been tabled early in 1985, but again have not yet been put on the Order Paper.

In a Motion in June 1978, the PPP General Secretary and Leader of the Opposition, Dr. Cheddi Jagan, called on the National Assembly to request government to invite the Human Rights Commission of the UN to visit Guyana to observe the July 10 Referendum. This motion was ignored. In January 1979, the Assembly was asked to call on the government to set up a Committee of equal numbers of government and opposition members to inquire into the conduct of the Referendum, and the role of the Elections Commission. — Nothing came of this effort.

In a letter to the Commonwealth Parliamentary Association in October 1980, the Opposition PPP, when supporting the call for majority rule in Namibia and for the holding of free and fair elections there, drew attention to the "brazenly fraudulent" 1978 Referendum carried out the 1968 and 1973 fraudulent elections in Guyana and to "to prolong the life of the PNC government. . . ."



Two election observers from the USA Mel King (left) and Lennox Hinds (right) are seen with Dr. Jagan at Freedom House in December 1980. They were part of the Avebury Team.

Elections And Electoral Laws

At the meeting with the international observers in Trinidad in May 1985, the PPP participated and was represented by General Secretary Cheddi Jagan and Executive Committee members Reepu Daman Persaud and Moses Nagamootoo.

The Party submitted memoranda on the issue, one of which was titled "Elections and Electoral Laws in Guyana". It was further sub-titled "Why an independent inquiry by a local, Commonwealth or international body is necessary if elections in Guyana are to be free and fair."

The above-mentioned memorandum which served to present an historical background to the observer team, noted in a comprehensive manner:

In an examination of the electoral laws, it is useful to record concisely a brief history of elections and the electoral process in Guyana. It is not intended to make a cumbersome presentation, but to show that until 1968 the general elections were generally free and fair. Further, the electoral laws were framed in such a way as to ensure that the elections were fairly conducted.

The P.P.P recalls the deliberate gerrymandering of constituencies demarcated to put the P.P.P at a disadvantage. This was done in 1957 and in 1961. However, in those two years the P.P.P won both elections.

The fact that the P.P.P was opposed to Proportional Representation, a system which was imposed in 1964 by the British government, is not a secret. Notwithstanding the imposition of Proportional Representation, the P.P.P emerged as the largest single party, polling the highest percentage of votes (46%).

The PNC and the United Force formed a coalition government, following a manoeuvre by the British Governor in their favour.

The P.P.P was cheated at the 1968 elections because the electoral laws were amended to legalise fraud. Overseas voting was introduced, the system of proxy voting was extended and the electoral machinery taken over by the ruling party (P.N.C.).

Irregularities took on various forms, beginning from the Registration of Electors to the final counting of votes. The voters' lists were padded indiscriminately and crudely both at home and overseas. The elections, and particular-

ly the overseas voters' lists, were fully exposed by Granada Television (U.K.) in the films entitled "The Trail of the Vanishing Voters" and "The Making of a Prime Minister".

THE 1953 ELECTIONS

The P.P.P. contested its first general elections in 1953 under Universal Adult Suffrage and won 18 out of 24 seats. The life of the government was short-lived with the suspension of the Constitution by the British Government after only one hundred and thirty-three days. The British appointed an Interim Government. A State of Emergency was already proclaimed and in full force. British troops had landed.

On the 2nd December 1953, the Secretary of State appointed a Commission consisting of Sir James Robertson as Chairman, Mr. George Woodcock and Sir Donald Jackson (Guyanese). Briefly this Commission recommended a "period of marking time". Governor Sir Patrick Renison, in justifying the "statement of marking time", remarked: "As any soldier knows, marking time is not the same as standing still."

The state of emergency and the detention, imprisonment and restriction of the principal leaders of the PPP, particularly Dr. Cheddi Jagan, did not succeed in silencing demands for a return to constitutional and democratic government.

THE 1957 ELECTIONS

In April 1956, Secretary of State Lennox Boyd announced that the British government had decided "to take steps to introduce an elected element into the Legislature and Executive".

Elections were held in August 1957 under the British Guiana (Constitution) Temporary Provision (Amendment Order in Council 1956) which became known as THE RENISON CONSTITUTION.

The elections were conducted under the Representation of the People Ordinance with the electoral machinery being in the hands of impartial persons who were appointed by the government. The PPP won 9 out of the 14 seats. L. F. S. Burnham, who retained the name PPP for the faction he led, secured 3 seats. The two remaining seats were won by the conservative United Democratic Party.

Burnham later changed the name of his party to People's National Congress (PNC).

THE 1961 ELECTIONS

Based on a decision taken at the Constitutional Conference in March 1960, a new Constitution came into being in 1961. Retired British High Court Judge, Sir Hugh Hal-let, was appointed a single Boundary Commissioner, and he divided the country into 35 Constituencies.

In Article 53 of the 1961 Constitution, it is stated: "subject to paragraph (2) of this Article the Legislative Assembly shall consist of 35 members who, subject to the provision of this Constitution, shall be elected in the manner provided by any Law of the Legislature".

On 3rd February 1961, Electoral Provisions (Registration) Ordinance No. 10 of 1961 was assented to and the representation of the People (Amendment) Ordinance No. 21 of 1961 received the Governor's assent on 16th June 1961. This Ordinance provided for a Chief Electoral Officer and for the Governor to make all appointments. For example, Section 3 (1) states:

"The Governor shall appoint for each district an Electoral Registrar and such other Officers as may be necessary to assist the Electoral Registrar in the discharge of his duties and may designate any such officers as Deputy Electoral Registrars."

Section 3(4) reads :

"The Governor shall appoint for each polling division in every Electoral District an enumerator who shall, where practicable, be a person resident in that polling division".

Section 27 of the Representation of People (Amendment) Ordinance No. 21 of 1961 abolished the Office of the Chief Secretary and replaced it by the **Commissioner of Elections**.

The PPP contested the 1961 elections and won 20 out of 35 seats. The PNC secured 11 seats and the United Force 4 seats.

THE 1964 ELECTIONS

The Governor, on the 25th September 1964, made Election Regulations No. 24 of 1964, which under Regulation 4(c) established an Elections Commission and vested in it full powers for the conduct of Elections. The Commissioners were appointed under the Registration (Elec-

tions Commission) Regulations No. 4 of 1964, already made by the Governor since 26th March 1964. The three members of the Commission were: G. W. Y. Hucks, G. F. Fisher and K. R. Whitnall.

Regulation 4 of the 1964 Election Regulations states:—

The Commission —

- (a) shall exercise general direction and supervision over the administrative conduct of the election;
 - (b) shall issue such instructions and take such action as appear to them necessary or expedient to ensure impartiality, fairness and compliance with these regulations; on the part of election officers and other persons exercising powers or performing duties connected with or relating to the administrative conduct of the elections;
 - (c) may, with the consent of the Governor, confer powers and impose duties on any public officer or on any authority of the government for the purpose of the discharge of their functions;
 - (d) shall or may exercise such other powers and discharge such other duties as they are required or empowered to exercise under these regulations.
- (2) Where under the regulations any act is required to be done not later than a prescribed number of days before election day, the Commission shall have power, if they think it necessary or desirable so to do, to extend the time allowed by reducing the number of days so specified; and the following provisions shall have effect in relation to that power, that is to say:—
- (a) the power may be exercised either generally or specially;
 - (b) the power may be exercised so as to make valid anything already done after the expiration of the time allowed;
 - (c) the Commission shall, as soon as practicable after any exercise of the power, publish in the Gazette a notification thereof, which shall include a brief statement of the reasons for, and the effect of, that exercise.
- (3) The Commission may regulate their own procedure and at any meeting of the Commission a quorum shall be constituted if two members are present; and

if a quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceedings of the Commission shall be valid notwithstanding that some person who was not entitled so to do, took part therein:

Provided that any decision of the Commission shall require the concurrence of at least two members thereof.

- (4) In the exercise of their functions under these regulations, the Commission shall be subject to the general orders and directions of the Governor but shall not be subject to the direction or control of any other authority.

THE 1966 INDEPENDENCE CONSTITUTION

The 1966 Independence Constitution in Article 68(1) states: "There shall be an Elections Commission for Guyana consisting of a Chairman and such other members as may be appointed in accordance with the provisions of this article".

Article 69(1) states: "The Elections Commission shall have such functions connected with or relating to the registration of electors or the conduct of elections as are conferred upon it by or under this Constitution or, subject thereto, any Act of Parliament; and, subject to the provisions of the Constitution, the Commission —

- (a) shall exercise general direction and supervision over the registration of electors and the administrative conduct of elections; and
- (b) shall issue such instructions and take such action as appear to it necessary or expedient to ensure impartiality, fairness and compliance with the provisions of this Constitution or of any Act of Parliament on the part of persons exercising powers or performing duties connected with or relating to the matters aforesaid".

THE 1967 NATIONAL REGISTRATION ACT

The crucial role of the Elections Commission was eroded when the National Registration Act of 1967 was passed.

In that Act, the Minister under Section 14 "shall direct

the Commissioner to prepare a preliminary list in which he shall enter the full name, the address, the occupation and the serial number on the registration card of every person, registered for those purposes, who is qualified for registration, with reference to such date, being not later than the qualifying date, as may be appointed in such directions as an elector for elections to the National Assembly”.

This Section clearly violates Article 69 of the 1966 Constitution, which is stated above and is reproduced in Article 162(1) of the 1980 Constitution.

THE 1968 ELECTIONS ACT

On the 21st October 1968, the Representation of the People (Adaptation and Modification of Laws) Act 1968 was passed. It removed control of the conduct of elections from the Elections Commission and placed same in the hands of a Minister.

The 1968 Act substituted Section 4(1) by the following:

“The Commission shall have, in addition to the function assigned to it by the Constitution, such functions as are assigned to it by these regulations, such authority of the Commission as is exercised in pursuance of the provisions of the Constitution shall be duly deferred to”.

In Regulation 4(2) wherever the word “Commission” appeared it was replaced by the word “Minister”. In effect, the Minister assumed the powers hitherto enjoyed by the Commission under the Constitution and the 1964 Election Regulations.

Regulation 4(3) was deleted. This regulation gave the Commission power to regulate its own procedures.

Regulation 5 was amended to give the Minister the right to designate polling districts. The Section read before the amendment: “Every registration district as constituted by the Registration Regulations 1964, shall be a polling district for the purposes of these regulations”.

Regulation 7 making electoral officers responsible to the Commission was also deleted. This regulation was specific and in keeping with the letter and spirit of the Constitution. The clear implication is that the Officers are now responsible to the Minister who is a candidate on his Party's list at the elections.

The amendment to Regulation 9 vests in the Minister instead of the Commission the power to appoint the date on which the list of candidates may be submitted to the Chief Elections Officer.

Regulation 11(1) and (2) were amended to allow only those persons registered as electors under the National Registration Act to propose the names of the list of candidates.

Minor amendments were made to many regulations reducing the time for the submission of list of candidates and for making corrections etc., if necessary.

In spite of the criticism of the Independent Team which observed the 1964 General Elections on the abuse of proxy voting, the 1968 Regulations amended Regulation 31 to extend the category of persons who may vote by proxy, by adding to Regulation 31 sub Regulation (h) :

“Persons for whom it is likely to be impracticable or seriously inconvenient, by reason of the general nature of their occupation, service or employment or for other good cause, to go in person to the polling place at which they

are entitled to vote”.

Instead of one person voting for two other voters by proxy, an amendment to Regulation 31(3) extended it to five persons. This Regulation was amended in 1973 reducing it to two persons after the introduction of postal voting. Proxy votes rose from around 300 in 1961 to 6,635 in 1964, and to 19,287 in 1968. 21,000 postal votes were cast in 1973, with more than 99% cast in favour of the **People's National Congress!**

The Returning Officer of a district is empowered under Regulations 36 and 37 to apportion the list of electors for his division amongst the polling places in that division as he thinks fit. This power was abused and manipulated to frustrate electors who were compelled to go out of the division where they reside to vote. They had to go into hostile areas. For example, electors residing in Enmore had to walk a long distance to cast their votes in Haslington. This was the pattern in most districts.

Regulations 56(1) and 63(1) were amended to give the Minister the right to visit polling places and to be present at the count. **In effect the Minister functions as if he is the Commission.**

The amendment of Regulation 68 further denudes the powers of the Elections Commission by removing the

right of the Commission to ascertain the result of the elections and giving that right to the Chief Elections Officer. Regulation 68 reads as follows:—

“The Chief Elections Officer shall calculate the total number of valid votes of electors which have been cast for each list of candidates, and thereupon shall ascertain the result of the election in accordance with the provisions of Regulations 69 and 70”.

Regulation 68 in its original form had assigned specific functions to the Chief Elections Officer, but had retained the Elections Commission's constitutional right to ascertain the elections' result.

The amendment is even more far-reaching since it permitted the Chief Elections Officer in calculating the number of votes cast, to mix together the votes from all the electoral districts, (including the overseas votes) and to save him from giving details of the votes cast in each district including proxy or postal votes. This is a well thought out device to conceal vital information and to make effective analysis impossible. Fraud and irregularities are also concealed by this procedure. For example, it was impossible to tell whether more persons had voted than the number registered in a particular district.

Regulation 68 in its original form read as follows:

“The Chief Elections Officer shall, upon receipt from the returning officers of all districts of the returns required by sub paragraph (f) of paragraph (1) of Regulation 66, add together the number of valid votes cast in each district for each list of candidates; and thereupon the Commission shall ascertain the result of the election in accordance with the provisions of Regulations 69 and 70”.

The amendment of this Regulation also removed the procedure where the Chief Elections Officer can exercise the right to change the place appointed for the counting of the votes by notice published in the Official Gazette not later than two days before election day if it is “necessary or expedient” to permit counting of the votes “with due despatch and security”. This provision was used at all elections since coming into effect. **In other words, the venues for counting the votes can be changed two days before elections.**

This amendment is very significant since it allows the removal of ballot boxes from the districts (constituencies)

to centres completely out of the districts. What is more, the agents and candidates are prevented from accompanying the ballot boxes. This served to compound the fraud and assured the ruling party of victory.

For example, ballot boxes at the last elections held in 1980 were removed unaccompanied after the close of poll at 6 p.m. and taken to central points and kept in most cases until the next morning about 5 a.m. when Party counting agents were invited to observe the count. In one area counting did not begin until 24 hours after the close of poll. During that long period, the ballot boxes could have been tampered with or exchanged. In fact, the result announced was tangible proof of tampering and fraud. The PNC gave to itself 41 seats; 10 seats were allocated to the PPP and two seats to the United Force.

The fears of the Elections Commission were justified by the findings of the highly-esteemed Team of International Observers, led by Lord Avebury, who concluded after the 1980 general and Regional elections:

... on the basis of abundant and clear evidence ... the election was rigged massively and flagrantly. Fortunately, however, the scale of the fraud made it impossible to conceal either from the Guyanese public or the outside world. The events we witnessed confirm all the fears of Guyanese and foreign observers about the state of the country ...

Lord Avebury deemed the Elections Commission "....a toothless poodle".

Virtual Army Coup Took Place!

Following the fraudulent poll in 1980 the long time lapse between the close of the poll and the 'counting of the ballots' at heavily-armed counting places where the atmosphere was like a wartime military encampment, the PPP issued a condemnatory statement which said:

"Since 1968, the PPP has carried out national and international struggles to focus attention on the rigging of elections in Guyana. In 1968 and 1973 the PPP stood virtually alone. New forces however, joined the struggle against the referendum in 1978, blatant rigging of which took place.

The struggles of the PPP and other political groups have finally borne fruit in the presence of a team of International Observers of repute, witnessing the conduct of the 1980 elections.

They have been able to see for themselves the whole process of electoral rigging, commencing with the stripping of the Elections Commission of its vital powers and the failure of the Commission to act where it can, to the padding of the electoral lists, the disenfranchisement of tens of thousands of PPP supporters (by striking their names off the list and by forging proxy and postal votes for them), the totally fraudulent operation of the overseas, proxy and postal voting and the eventual seizure of the ballot boxes by the military.

The PPP's decision to contest the elections has been vindicated by the militant struggles its stand has engendered among the people for free and fair elections. It confirmed and strengthened the total internal isolation of the PNC, demonstrated to the international community the unpopularity of the PNC, and exposed its fraudulent manipulation of the electoral process.

The Guyanese people have witnessed a military coup with a difference on the evening of Monday December 15. The combined force of the military, police and PNC thugs, working in unison, took charge of the ballot boxes under the guise of a massive display of military might designed to defeat the will of the people and maintain the PNC in power.

PPP polling agents were not allowed to accompany the sealed boxes and the PPP's Election Agent, Counting

Agents and Member of the Elections Commission were prevented from entering the compound of the Counting place in Georgetown to witness the counting of the ballots. This pattern was repeated at the Essequibo and New Amsterdam counting places.

The Party was also prevented from sending counting agents to four interior counting places as commercial flights were completely booked up by the time the announcement of these sites was made. Those in charge refused to allow accredited PPP counting agents to enter the counting places; the PPP agents were treated most harshly with guns levelled at them.

On Tuesday morning, the PPP was cynically invited by the authorities to witness the counting. The PPP could not consider witnessing the counting of ballots more than 13 hours after the polling ended. It is clear that the PNC regime, unable to win at the polls, spent over 13 hours tampering with the ballot boxes and doctoring the votes, (note: this figure reached 24 hours in some areas).

● Later the PPP categorically rejected the announced 'results' of the poll, and deemed them to be at variance with the true wishes of the Guyanese people. No political party endorsed the 'results' except the PNC.



PPP election meetings were mammoth affairs as this picture shows. Had the 1980 election been genuine, the PPP would have formed the government with a comfortable majority.

'A Blatant Fraud' Said Avebury

Lord Eric Avebury, Chairman of the U.K. Parliamentary Human Rights Group and of the International Team of Observers, in an article circulated worldwide said :

The Cayman was chosen by Forbes Burnham as his personal symbol when he assumed office as non-elected President of Guyana in October, 1980. And like a voracious reptile the People's National Congress (PNC) has crunched the institutions of democracy.

The process began in the run-up to the general elections on December 15, 1980, when the attempt to manipulate public opinion by the ruling PNC was both massive and blatant. The breaking and bending of laws by the PNC was on such a scale that opposition parties were fighting with both hands tied behind their backs. The right of association and freedom of expression were repeatedly violated during the campaign.

There is only one daily newspaper, the state-owned *Guyana Chronicle*, which read like an election broadsheet for the PNC.

The government-controlled radio, relentlessly churned out the PNC party line, ignoring all facts unfavourable to the PNC or its agents, distorting or inventing stories with a view to discrediting opponents of the regime.

The non-state press was being slowly killed off from long before the election, by the squeezing of its newsprint jugular. Only the state-controlled press freely gets newsprint.

Opposition parties were refused permission to hold public meetings, or were given permission only at the last minute. PNC thugs attacked those persons attending opposition meetings, sometimes with the police standing by doing nothing.

The charge room at Brickdam Police Station in Central Georgetown had 17 PNC posters in it at one stage in the campaign. Schools, polling stations, the prisons, the zoo, health centres, bus shelters, government-owned stores, post offices, village offices and telegraph poles were all smothered in PNC propaganda.

The Chief Election Officer was incommunicado for most of the campaign. Opposition parties were unable to get any remedy for their repeated complaints of violations of electoral laws.

Copies of the **Official Gazette**, containing vital election information, were as rare as snow in Trinidad.

It would have been physically impossible to update the election lists by deleting 111,500 names and adding 29,375 names in the two weeks between "publication" of the preliminary list on October 28 and the closing date for objections on November 10. But the major opposition party received only one copy of the preliminary list on November 7 giving them just three days to check 512,500 names! The acting Chairman of the Elections Commission said "they have not done their homework."

Ballot papers could not have been sent to the 47,000 voters on the overseas list because many of their addresses were totally garbled and incomprehensible.

The PNC distributed a Niagara of literature, the cost of which must have vastly exceeded the legal limit.

Government buildings, vehicles, constables and personnel were deployed throughout the campaign in the service of the PNC.

Public employees — 80 per cent of the economy is in the public sector — have been victimised or dismissed for holding anti-PNC views. Fear of speaking out of turn was all-pervasive.

The Elections Commission which was meant to "exercise general direction and supervision" over the elections, was the toothless poodle of the PNC.

The Guyana Defence Force occupied police stations, conducted military manoeuvres, stopped and harassed pedestrians and motorists during the last few days of the campaign....

The staff of the whole polling process appeared to us to be active supporters of the PNC....

The military presence in certain areas was intimidating. Throughout the country, as far as we could see, ballot boxes were collected by military personnel, who prevented accredited officials of the opposition, sometimes by force or the threat of force, from accompanying or following the boxes.

Military personnel refused accredited representatives of opposition parties access to the count — at gunpoint in some cases. The forcible expulsion of the opposition agents from all the places where ballot boxes were held, and the long delay in announcing the count, undermined the credibility of the counting process.

No count had begun anywhere according to official sources by 7.40 a.m., on the day after the poll, more than 12 hours after the last vote had been cast. In the Demerara-Mahaica region, by far the largest in the country, with two out of every five Guyanese voters, the count did not begin until 6.30 p.m, the day after the poll, **although it could not take more than four hours to bring the ballot boxes into Georgetown from the most distant polling station in the region!**

The government's refusal to accord any facilities whatsoever to the International Team of Observers, the arrest and prolonged detention of two members of the Team by the police on polling day, and the extreme length to which the authorities went to conceal the electoral process from the eyes of their own people could be ample cause for suspicion that there was something to conceal.

But the Observers saw enough with their own eyes and heard with their own ears so many well-substantiated allegations of fraud and violations of the democratic process that we concluded unanimously that the worst fears of the Guyanese people expressed before these elections had been confirmed.

These elections were not a free and fair test of the opinion of the people of Guyana. They were a clumsily managed and a blatant fraud designed to perpetuate the rule of the PNC.

Lady Guymine, a local calypso artiste, sang during the campaign: **"The election in Guyana will be Something to Remember"**.

They certainly will be that, and they may be the last the people of Guyana will experience for a very long time.

Worst Fears Of Guyanese Realised

The 1980 elections in Guyana held on December 15, generated a lot of controversy and tension in the country and was again chock-full of irregularities. It was **blatantly rigged**. On this occasion however, there was present an international team of eminent observers consisting of experienced persons in the field of elections. This team was led by Lord Avebury who at a press conference after the elections, issued the following statement on December 16.

The International Team of Observers, having spent polling day in various parts of the country (Georgetown, Kitty, Cummings Lodge, Ogle, Plaisance, Better Hope, Vryheid's Lust, Mon Repos, Lusignan, Buxton, Enmore, New Amsterdam, Lower and Upper Corentyne, Houston, Linden and Wismar) unanimously record the following conclusions:

1. We record that there was a relatively high turn-out of voters in some areas such as Corentyne, Cummings Lodge, Better Hope, and Enmore, and a relatively low turn-out in others such as Georgetown, New Amsterdam and Linden.
2. We have considerable evidence that voters in many instances were intimidated and physically prevented from voting for opposition parties.
3. The staff of the whole polling process appeared to be active supporters of the ruling PNC.
4. We have massive evidence that large numbers of eligible voters were denied their right to vote. The following are examples:
 - Deletion of names from the electoral list.
 - Abuse of proxy voting.
 - Abuse of postal voting.
 - People were told that they were dead.
 - PNC agents outside the polling places gave people slips of paper bearing wrong ID numbers, or told them that their names were not on the list, although they were.
 - Voters were disenfranchised because of minor technical or clerical errors in the list.
 - Fraudulent votes had already been cast in the voters' names.

These abuses were primarily directed against supporters of the opposition parties.

5. Evidence was supplied to us of double registration.
6. Ballot boxes arrived late at many stations. In some areas:
 - The hours of polling were arbitrarily extended.
 - The processing of votes was deliberately stalled.
 - Polling agents were not allowed to inspect ballot boxes before the polls started.
 - Incapacitated voters were not always helped and sometimes were instructed to vote for the PNC.
 - Persons who had not voted claimed that they had their fingers inked forcibly by PNC agents. Conversely, PNC supporters whose fingers had been inked were allowed to vote and some PNC supporters did not have their fingers inked after voting.
 - There were also complaints that the Presiding Officers had written voters' numbers on the ballot papers.
 - Unlisted PNC supporters were allowed to vote, but in PPP areas Returning Officers invariably refused to exercise their discretion in favour of unlisted persons voting.
7. In some areas there were many polling stations adjacent to, or very near PNC offices. Some polling stations were in the private residence of PNC activists and candidates. Some were in police stations, one at least with an armed guard on a locked gate.
8. The military presence in certain areas was intimidating. The boxes were collected by military personnel who prevented accredited officials of the opposition, (sometimes by force or the threat of force) from accompanying or following the boxes. Military personnel refused accredited representatives of opposition parties access to the count at gunpoint in some cases.
9. The forcible expulsion of the opposition's agents from all the places where ballot boxes were held, and the delay of at least fifteen hours in the announcing of first returns of the count undermines the credibility of this process.

We regret that the Guyana Government by its failure to co-operate with our mission, lost an opportunity of demonstrating to the world the genuineness of its intention to hold free and fair elections.

Despite the fact that we have not been accorded re-

cognition by the authorities here, our experience, especially on polling day, was of a warm and friendly reception by the vast majority of the Guyanese people.

Based on the above findings, and on the researches we conducted on the processes leading up to the Elections, we conclude that the worst fears expressed by the Guyanese people regarding the violations of the electoral process have been confirmed.

The high powered team comprised the following eminent personalities:

- Ms. Peta-Ann Baker....Administrator, Jamaican Council for Human Rights.
- Professor Mel King....Member of the Massachusetts State Legislature, USA.
- Reverend Carl Major....Member of the Task Force on Racism, Canadian Council of Churches.
- Dr. Ramesh Deosarran....Lecturer, University of the West Indies, Caribbean Council of Churches.
- Ms. Francis Hollis....Attorney, Washington Office on Latin America, USA.
- Lord Eric Avebury....Chairman, United Kingdom of Great Britain Parliamentary Human Rights Group.
- Mr. Dennis Daly....Attorney, Chairman of the Jamaica Council for Human Rights.
- Professor Lennox Hinds....Attorney, International Association of Democratic Lawyers.
- Ms. Heather Johnston....President, Canadian Council of Churches.
- Lord Pratap Chitnis....United Kingdom of Great Britain Parliamentary Human Rights Group.

Note:

The PNC government refused to grant the Observer Team official status, and actually harassed and intimidated members of the Team. Lord Avebury was twice arrested and detained on polling day in Georgetown, while Mr. Daly was arrested and detained in Berbice. Notes, films, tapes, etc., of some Observers were confiscated.

Elections Commissioner Quits In Protest

Gail Teixeira, the PPP representative on the Elections Commission, resigned in protest after denouncing the fraudulent results of the December 15, 1980 elections.

In her letter of resignation Miss Teixeira declared:

“As a member of the Commission, I wish to dissociate myself from the entire process of the elections that have led up to the defilement of our people’s fundamental right to vote at free and fair elections.

All the things that I warned the Commission beforehand would happen, unfortunately came to pass. When 111,500 names were removed from the preliminary lists, I stated that until the lists could be seen and examined properly over a long period of time for objections and claims, one could not erase the suspicion that thousands of legitimate voters were removed from the lists and were therefore disenfranchised.

The directions that the Commission gave to the Presiding Officers on December 12, left it to these officials to decide whether polling agents would accompany the ballot boxes. I warned that there would be a repetition of the 1973 experience and that no polling agents would be allowed to do so.

I foresaw the intervention of the military taking over the ballot boxes and warned the Commission. December 15 saw the military in full command. However, I never envisaged that the Counting Agents for the People’s Progressive Party would not have been allowed to be present for the counting of the votes. **This alone makes the elections illegal and invalid.**

As a member of the Elections Commission, I was improperly refused entry to the Counting Place at the Ruimveldt Multilateral School in Georgetown. The letter of my appointment to the Commission by President Arthur Chung in 1979 and the letter from the Chairman of the Commission permitting me to enter all polling stations and counting centres, were not accepted.

I wish therefore to denounce the election results as being totally fraudulent, having resulted from the most devious and undemocratic means yet used in this country’s history.”

Grant Entry To Electoral Observers

Early in 1985 the Guyana government categorically rejected a request from three prestigious international bodies for permission to enter Guyana to look at the country's electoral laws and procedures. Because of this blunt refusal, the organisations had to meet in Trinidad with representatives of Guyanese political and social groups.

The fact is that the PNC is very sensitive on the election issue, and is wary of observers coming to probe the system. Previous observers had condemned elections in Guyana as rigged.

On the occasion of the government's latest act of **slamming the door in the faces of the international team**, the PPP issued a statement to the mass media denouncing the refusal and urging the government to grant entry to the observers. The PPP statement said:

The People's Progressive Party is disturbed over the refusal of the Guyana Government to grant entry to the prestigious international organisations (the International Commission of Jurists based in Switzerland; the British Parliamentary Human Rights Group based in England; and the Americas Watch based in the USA) to look into the electoral laws of Guyana.

This is a sad development, for it could have served to allay many fears as to the electoral system which has been the centre of great controversy since 1968, when the PNC took over the machinery of elections. One school of thought holds that the electoral laws need to be overhauled since they erode the powers of the Elections Commission.

The PPP acknowledges that Guyana as a sovereign state has the right to decide which organisation can enter the country or not for investigative purposes. However, invoking this right in a case like this is not justifiable. Since the organisations merely want to look at the laws, they should be allowed to do so.

The insinuation by the government of **'foreign interference and subversion'** is clearly unfounded. The three organisations cannot be accused of subversion.

Lord Chitnis of the British Parliamentary Human Rights Group observed the Nicaraguan elections in 1984 and, contrary to the views of the Reagan administration,

declared them to be free and fair. He is also mobilising a petition of European Parliamentarians to oppose the US Government's help to the 'contras' and to support the Contadora Group's 'Peace Plan' for Central America.

Lord Chitnis also observed elections in Bolivia, Zimbabwe and Guyana. While he denounced the Guyana elections in 1980, he gave the Zimbabwe government 'the benefit of the doubt'.

Americas Watch, in a report on Nicaragua, criticised both the government and the 'contras'. However, its criticism of the government was mild and based on the treatment of Misquito Indians in 1981, conditions for whom, and its human rights record generally, have considerably improved by 1984. In the case of the 'contras' who are seeking to overthrow the revolutionary Nicaraguan government, the report deemed them as **murderers and rapists**.

In the case of the International Commission of Jurists, former Justice and Foreign Affairs Minister Sridath Ramphal is reportedly still a member. The ruling party has good relations with Sir Sridath, now also Commonwealth Secretary General.

The Peruvian government, which is facing an armed insurrection, allowed the entry of a Team from the U.N Human Rights Commission and the Andean Human Rights Commission to look into the disappearances of many citizens.

Why should the Guyana Government be afraid of legal experts examining the electoral laws?. Had the Guyana Government signed the Protocol of the United Nations Covenant on Civil and Political Rights, Guyanese could have petitioned the UN, and the Human Rights Commission could have visited Guyana. **By not signing the Protocol, Guyanese are frustrated and the United Nations is handicapped.**

The PPP calls on the government to rescind its denial of entry into Guyana of the representatives of the three organisations. The Party is of the view that everything should be done to bring about a democratic system of elections and electoral procedures in Guyana. Banning foreign investigators and observers is no solution.

The request to the three international bodies was made by militant local trade unions and social organisations.

Joint Mission Interim Report 1985

In response to an invitation from fourteen civic, religious and political organisations in Guyana, the British Parliamentary Human Rights Group (PHRG) and the New York-based human rights organisation Americas Watch (AW) mounted a joint mission to examine political freedom, electoral laws and practices in Guyana within the context of the overall human rights situation.

There has been widespread local, regional and international concern over allegations of fraud during past elections in Guyana. Most recently an international team of observers monitoring the 1980 General Elections concluded that 'on the basis of abundant and clear evidence, the election was rigged massively and flagrantly.'

Originally the invitation to visit Guyana had been extended to Americas Watch, the Parliamentary Human Rights Group and the International Commission of Jurists (ICJ). On behalf of the three organisations the Secretary General of ICJ had written to Guyana's Foreign Minister informing him of the mission and requesting the co-operation of the government.

This was refused and the ICJ decided to withdraw. When Lord Chitnis of the PHRG applied in London for a visa to enter Guyana he was informed that on the instructions of the authorities in Georgetown his application was refused. No explanation was given and two letters to the High Commissioner failed to elicit a response.

In order, nevertheless, to respond in some measure to the request from Guyana, AW and the PHRG decided therefore to go to Trinidad where a number of people from Guyana were able to join them to discuss conditions in their country.

The delegation was in Port-of-Spain from Wednesday May 1 until Saturday May 4. During that time, we met with:

- Dr. Makepeace Richmond, Chairman of the Liberator Party;
- David De Caires, Leading member of the Guyana Bar Association;
- Dr. Cheddi Jagan, Leader of the Opposition in Guyana's National Assembly and General Secretary of the People's Progressive Party (PPP);
- Moses Nagamootoo, a journalist for the newspaper,

- the Mirror;
- Reepu Daman Persaud, executive member of the PPP;
 - Dr. Harold Lutchman, co-President of the Guyana Human Rights Association and member of the University of Guyana Workers Union;
 - Eusi Kwayana, a member of the Central Committee of the Working People's Alliance (WPA).

It was clear from the detailed and extensive conversations which we had that to some extent freedoms still exist in Guyana, and some of the very worst human rights abuses taking place in other countries of the region are not found there. However, there are serious grounds for concern especially about the guarantees necessary for free and fair elections and the functioning of authentic democracy.

CONTROL OF LABOUR

The PNC has also sought to maintain control of the labour movement. In the past, they have accomplished this by providing for an over-representation of pro-PNC unions on the Executive Committee of the Trades Union Congress (TUC) and by rigging elections for union officials. However, at the most recent TUC convention late last year, the head of the Public Service Union, who was not a PNC candidate, was elected to the post of TUC President. Other independent trade union leaders were elected to positions on the TUC Executive. The Guyanese to whom we spoke felt that this development was perhaps the best for the future of democracy in Guyana.

THE ELECTORAL PROCESS

The PNC government's total control over Guyanese society extends to every aspect of the electoral process, from the means of communicating with the electorate, to the actual machinery of the election itself.

VOTER REGISTRATION

The first stage of this year's election, namely, the registration of voters, has already taken place. As in previous elections, voter registration was carried out in conjunction with National Registration, 'for the purpose of issuing national identity cards.' The Elections Commission, the body which is given by the Guyana Constitu-

tion the responsibility for supervising voter registration, was not involved in National Registration.

ELECTORAL REGULATIONS

The basic problem with Guyana's electoral system stems from a series of changes made in the electoral regulations during the period preceding the 1968 General Election. These changes provided for partisan control of all aspects of running the election. Powers previously belonging to the Elections Commission were transferred to the Minister of Home Affairs, the member of a single party.

All the evidence of past elections indicates that the PNC used these powers in a highly partisan fashion, and so we must assume that under the same system, the same result will occur in the expected 1985 election.

OVERSEAS VOTERS

Before 1968, the PNC government also introduced the device of the overseas electoral roll, and greatly expanded the use of proxy and postal voting. Analyses of past elections have indicated that overseas, proxy and postal voting have been used by the PNC to create fictitious voters. Because these types of voting are so prone to abuse, the opposition party representatives with whom we spoke believed that indirect voting should be curtailed and overseas voting abolished.

THE JUDICIAL SYSTEM

When an electoral system becomes openly partisan, the last resort for those who are discriminated against should be the judicial system. In Guyana, even this avenue is closed off to those who wish to challenge the results of an election. All judges are appointed by the President, except for the Chancellor (head of the Guyanese judicial system), the Chief Justice, and the Chief Magistrate. These top judges are appointed by the Judicial Service Commission. But the Commission is chosen by the President.

In theory, he is supposed to choose the members 'in consultation' with the Leader of the Opposition. According to Dr. Jagan, however, after years of having his recommendations ignored, he no longer even attempts to participate in the process of judicial selection.

The current system makes challenging the validity

of an election nearly impossible. Those filing a petition to challenge the results must show that fraud took place on such a large scale so as to make what should have been the majority party into the minority part.

FREEDOM OF ASSEMBLY

The other major channel for communicating with the voting public — public meetings — has also been systematically closed to the opposition parties. To the extent that freedom of assembly exists in Guyana, it applies only to the PNC's supporters. For the supposed purpose of avoiding disorder, the government requires a party to obtain a permit in order to use an amplification device at a political rally.

This means that a party planning a public meeting of any reasonable size, must apply to the Commissioner of Police (a PNC government appointee) for a permit. During previous pre-election periods, permits were routinely denied to opposition parties, or they were granted only a few hours before the meeting was to be held, thus making it impossible to advertise sufficiently.

Opposition meetings which have taken place have usually been disrupted by organised gangs of hecklers and stone-throwers.

FREEDOM OF THE PRESS

For all practical purposes, the PNC controls the media. The government owns both radio stations and the only daily newspaper, the **Guyana Chronicle**. There is no T.V. Journalists who take an independent or slightly critical viewpoint are invariably removed from their positions.

An opposition press is allowed to exist in Guyana, but is only barely tolerated. Instead of an outright ban on all independent newspapers, the PNC has preferred to use more subtle methods of censorship. The licence to import newsprint has been systematically denied to newspapers critical of the government. In addition, a campaign of intimidation and harassment has been carried out against independent journalists.

In the most notorious case, the photographer for the **Catholic Standard** was killed as he took pictures of an anti-government demonstration.

Other newspapers which have managed to survive in recent years despite taking positions critical of the gov-

ernment are the **Mirror**, put out by the PPP, and **Day-clean**, organ of the WPA. None of these papers exceeds four pages, and all are printed on paper of inferior quality, sometimes using a stencil rather than a proper printing press. They operate under the same handicaps as the **Catholic Standard**: harassment by government officials and the constant threat of libel suits, likely to be filed on the flimsiest of pretexts.

CONCLUSION

The members of the mission concluded that unless this year's election is administered by all the parties or by a completely non-partisan body, another fraudulent election is highly likely.

We regret that the Guyana government did not see fit to co-operate with our mission.

We left Port-of-Spain profoundly pessimistic about the future of democracy in Guyana under the present regime. We will await with interest the results of and reactions to the forthcoming election.

MISSION MEMBERS

The joint mission of the British Parliamentary Human Rights Group and Americas Watch took place on May 1-4, 1985, in Port-of-Spain, Trinidad.

The members of the mission were:

Lord Chitnis

Member of the British Parliamentary Human Rights Group.

Served as an Observer at the Interim Election in Zimbabwe in 1979 and the Zimbabwe Election, 1980.

Member of mission to Guyana 1980.

Observer at elections in El Salvador 1982, 1984.

Observer at Elections in Nicaragua 1984.

Professor Jack Greenberg

Former Director, Council of the National Association of Advancement of Coloured People (NAACP) Legal Defense Fund.

Member of delegation to the Philip-

pines.
Member of delegation to Poland.

Daniel Rosenblum

Secretary to the mission.
Former research assistant to Lord
Avebury, Chairman of the Parliamen-
tary Human Rights Group.



Seen here are some of the members of the 1980 observer team. To left in coat and tie is Lord Pratap Chitnis, while third from right is Lord Eric Avebury.

Chitnis Report On Nicaragua Elections

The following is an abridged version of the report by Lord Chitnis on the 1984 general election in Nicaragua :

On July 19, 1984 which marked the fifth anniversary of Sandinista revolution, Daniel Ortega, the junta coordinator, announced that the government would relax its 28-month-old state of emergency for the election campaign. The emergency restrictions could not be lifted entirely however, because of the continued military threat by the CIA-financed insurgents which, in three years, had cost the lives of 7,391 Nicaraguans. The relaxations meant that political campaigners were free to travel to every part of the country, hold outdoor rallies, speak and write openly about every subject except on national defence.

Two of the issues in the discussions related to the minimum voting age and the right of the military to vote. At stake were 25,000 young people's votes and 30,000 military ones. The youth staged a lively campaign and won the battle on the grounds that they were old enough to 'vote every day in the battlefield'. Some said that this was an example of the Sandinistas trying to fix the election in their favour, since it was well known that the young had a greater enthusiasm for the revolution than many of their elders.

In fact, as is often the case about Nicaragua, the truth was remarkably different. In the late 1890s the then government of Nicaragua reduced the voting age to 16. Thus it remained, until 1912 when it was raised. In 1938 the voting age was again reduced to 16 and this time remained so until 1979 when the Sandinistas themselves raised it. In other words, voting for 16-year-olds has been the norm rather than the exception in Nicaragua over the past century since long before the Sandinistas were ever thought of.

Another issue was the demand that foreign observers supervise the elections. This brought about memories of supervised limited elections during U.S. occupation in the 1920s and early 1930s and insinuated that the elections would be fraudulent. At first the Sandinistas refused to consider this, but later agreed to invite observers to witness the electoral process.

All the normal features of campaigning were covered in the law but there were some unusual and particular provisions. For example, the state made available to each of the registered parties irrespective of their national strength, nine million cordobas (approximately £ 225,000) which must make some parties in this country (UK) green with envy. It also was almost insufferably pious in describing proper electoral conduct (in a Chapter entitled "Electoral Ethics") — one provision for example said that "It is prohibited to denigrate or slander candidates presented by the political parties or alliances".

The campaign began three or four months before polling day, and this is noteworthy insofar as the complaint was sometimes made by the parties that they did not have enough time to put their case to the people. There are two points to make: in Britain at least, and in many other countries, the average time for a general election is no more than a month.

Then there was the campaigning in the media. Parties were free to buy time both on radio and television up to a maximum and, in addition, time was assigned to the parties both on radio and television in a way similar, though greatly in excess of, that used in Britain.

And so to the voting. On many days previous to November 4th, there had been showers of very heavy rain but on the day itself the weather, though cloudy, held. I had to make a decision in which direction I would travel — the country was far too large to attempt comprehensive coverage — and had decided that I would go towards what I would call the East but Nicaraguans call the South to visit stations in and between Managua and Granada. Starting as early as was practicable and travelling as widely as I could, I visited twenty polling stations.

There were very many of them, outside which queues started to form early in the morning before the 7 a.m. opening time. At the end of each queue was a room, typically in a school or some other public building but sometimes in a private house, into which only one voter was allowed at a time. There he met five officials who had been recruited for the occasion some weeks previously, after which they had been forbidden to take part in any political activity.

At the time of the registration of voters, each one had been given an identity card. This he handed to the chief official who read the name out to another who had the register and who marked the voter's name as having pre-

sented himself to vote. He was then given two large and rather colourful ballot papers, one for the presidency and vice-presidency and one for the constituent assembly.

The presidential paper had the symbol of all the seven contesting parties side by side, with underneath each a blank box and the names of the two candidates.

The constituent paper was the same with the names of all the candidates for all the parties in the region concerned in an order determined by the parties.

It was explained to each voter by the chief official that he should put one cross on each paper (in other words, for the assembly election he had to vote a party ticket and could not differentiate between individual candidates). Then in every case the voter went behind a curtain to make his marks in conditions of secrecy unrivalled in any other election I have witnessed. Everywhere else I have been able to see at least one voter voting: in Nicaragua this was impossible.

The voter had been told to fold his papers before he left the booth. He then put one paper with a black stripe on the reverse in a box with a black top, the other with a blue one in a box with a blue top (for the presidency and assembly respectively). He then dipped his finger in a red liquid which marked him at least for the day and the process was complete.

The other people who could be present in the polling room were the representatives of the parties, called *fiscales*. It had not originally been the intention to allow these, and it was only at the urging of the opposition parties that provision was made for them. Yet, in the event, whereas the FSLN made sure they had at least one representative in each station, it was rare to find those of other parties. But in any case the representatives were not allowed to have any party identification on them. Those in El Salvador were allowed to wear brightly coloured party uniforms.

With the total absence of party material in or near stations voters could not be said to be under any visual or psychological pressure to vote in any particular way.

The process was carried out with such meticulous care that no irregularities seemed to me to be possible but even so, although I did not witness this stage until the following day, during the night the sacks of paper were taken to a Regional Centre where together with those from all other stations in the region they were checked and recounted. The results were then transmitted station by

station to a remarkably efficient and well-equipped national counting centre where scores of people with adding machines checked the results yet again.

The procedure was foolproof and over-meticulous to the extent that it produced a consequence familiar to me from observing elections in El Salvador, namely that the results took far too long to come out producing at the very least a sense of anti-climax. I left the country 72 hours after the election and had hoped to be in possession of the complete results by then. Unfortunately this was not possible.

I had observed the internal independence elections in Zimbabwe in 1979 and 1980; the general election in Guyana in 1980; and the elections in El Salvador in 1982 and 1984. I was therefore in a position to compare the election in Nicaragua not to a theoretical model of a perfectly free and fair election or just to elections in my own country but to those other elections. This I considered an advantage. I know of no place where the theoretically perfect election can be seen in practice.

But, in passing any judgement, I believe it fair to compare the social and electoral conditions in Nicaragua with those of El Salvador, which is a country in the same region, with largely the same problems (though seen through a mirror) and which has had recent elections. I feel this comparison particularly important because the validity of El Salvador's 1984 Presidential election was not doubted by the governments of the United States or Britain, to name but two.

First, in every relevant aspect, the situation in Nicaragua provided the necessary conditions for all political parties to participate freely. This was not the case in El Salvador. In Nicaragua, the non-contesting opposition groups' presidential candidate, Arturo Cruz, of the Coordinadora Democratica, was free to return to his country. He did so, for example, at the start of the campaign and held public meetings without any perceptible fear for his life.

In El Salvador, Guillermo Ungo, the leader of the FMLN-FDR, would not have been able to do this. As the British Government's official observers noted he "would have run a very high risk of being assassinated by those extremist terrorist elements in Salvadorean society which the government appears unable to control".

Secondly there was the war. Whilst the influence of

the war was clearly felt in both countries, a distinction should be made. In Nicaragua, there is a war going on and a violent and horrible business it is too. But, unlike the prevailing civil war in El Salvador, the war which is being waged against Nicaragua is rooted in the East-West conflict, is supported and incited by the U.S. Administration, and has as its aim the overthrowing of the government by any means.

Thirdly, was there a political choice? In Nicaragua there certainly was. By comparing, for example, the party political platform of the Democratic Conservatives with that of the MAP on the extreme left, this seems to me indisputable. In El Salvador such political choice did not exist. As the British Government's observers to the Salvadorean election said, it was clear that in that country no political party from the centre to the left would have been able to contest the elections, and none did.

There are other examples I could give, but I have described the major areas pertaining to the elections in El Salvador and Nicaragua. In each case it is incontrovertible that conditions were infinitely better in Nicaragua.

However, my opinion of the validity of elections is not fundamentally important; that of governments is. The President of the United States and the British Prime Minister have no doubts at all that President Duarte was validly elected in El Salvador. If that is so, they cannot argue that Daniel Ortega is not the validly-elected President of Nicaragua, democratically chosen by his people.

On censorship in general I talked to the Editor and Deputy Editor of *Nuevo Diario*, the more readable Nicaraguan newspaper, and they said to me that they found no problem at all with the censorship system other than that caused by the forty-five-minute delay in production time which censorship took, that it was many months since anything in their newspaper had been censored, and that the only items generally speaking which were censored were those concerning the war.

One question I had to ask was whether the general human rights situation was such that free campaigning was possible. On my previous visits to Nicaragua I had often talked to supporters or opponents of the government about this matter, and felt it difficult to establish a precise picture. I therefore asked a senior British official to nominate one person who knew Nicaragua well whom he would judge able to give me an objective assessment of the human rights situation in the country. He named

a senior official of the United Nations with whom I then spent a session.

He gave the country a remarkably clean bill of health, was convinced that there was little abuse of human rights and certainly no systematic abuse, that, where individual cases were reported, the perpetrators were duly punished and he added that a sorrow to him was that, while he believed many foreign ambassadors in Nicaragua were reporting this to their home governments, those governments preferred to listen to other less objective sources.

I would like to record that a reasonably free and fair election having been held, the world was impressed and left the democratically-elected politicians of Nicaragua to sort out their own future. Thousands of Nicaraguans had worked like beavers to organise an election which would not only be representative of Nicaraguan opinion, but would impress the world and they deserve a reward.



Picture above shows a polling station in Nicaragua in November 1984, during the elections there. Ballots were counted at the polling place, a measure which satisfied even the contesting conservatives in the country. Only the US government and its close allies and terrorists find the election results unpalatable. That was a Free and Fair Election!

Yes To A Political Solution!

SPEAK UP FOR YOUR RIGHTS!

VOTERS,

YOUR VOTE MUST BE COUNTED!



This candid picture shows troops of the Guyana Defence Force fetching away ballot boxes for the first time in the 1973 general elections. Since then, the government has been taking great care to seize visible cameras and beat up cameramen on voting days. It happened in the 1978 referendum, and in the 1980 election both of which were totally rigged. On both occasions the Army again took over the ballot boxes. In 1973 two persons were shot dead.

**JOIN THE GROWING FIGHT FOR
FREE & FAIR ELECTIONS!**

HELP LIBERATE YOURSELF!!

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