



REPORT

OF

THE COMMISSION OF INQUIRY
APPOINTED TO ENQUIRE AND REPORT ON THE CIRCUMSTANCES
SURROUNDING THE DEATH IN AN EXPLOSION OF THE LATE
DR. WALTER RODNEY ON THIRTEENTH DAY OF JUNE, ONE
THOUSAND NINE HUNDRED AND EIGHTY AT GEORETOWN

VOLUME 1: REPORT AND APPENDICES

FEBRUARY 2016

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Transmittal of Report of the Commission of Inquiry to enquire into and report on the circumstances surrounding the death in an explosion of the late Dr. Walter Rodney on the thirteenth day of June one thousand nine hundred and eighty at Georgetown

To

**His Excellency David A. Granger
President of the Co-operative Republic of Guyana**

Your Excellency,

In my capacity as Chairman of the Walter Rodney Commission of Inquiry, I have the honour to submit the Report of the Inquiry to which the President appointed us by Instrument dated 8th February, 2014.

The Commissioners were, in the Instrument of Appointment, expected to submit their Report within ten (10) weeks from the start of the Commission. The Commission started its work on 28th April, 2014.

As we understand it, the premise informing the early submission date was that the Commission coming thirty-four (34) years after the death of Dr. Walter Rodney and the events surrounding that event, would, in all probability, be supported by only a few persons volunteering to give evidence and/or having an interest in this matter.

That was a wholly mistaken view and the Commission was generously well supported by volunteer witnesses who had relevant and interesting evidence to give. Some came from overseas to testify as well.

In addition to the volume of the evidence that was provided us, it is always difficult to schedule hearings with three (3) Commissioners living in different

jurisdictions and all having professional commitments of their own. At times, too, we have suffered delays because of the unavailability of witnesses to accommodate our timetabling. By far, however, our greatest delay arose from the General Elections held in Guyana on 11th May, 2015.

We felt it wise and we were so advised that we should not be sitting while the parties were electioneering or immediately thereafter. We therefore adjourned the hearings on March 27th 2015, and did not resume until 27th July, 2015.

In the end, the Commission did not hear from all the witnesses scheduled to testify as the Government brought the Inquiry to a premature end.

Fortunately, there was on record enough evidence to make significant findings of fact and some recommendations which we hope will be found useful.

For us it has been an incomparable honour to be asked to assist in what we hope will be the resolution of the controversy which has existed ever since 13th June, 1980, on the circumstances surrounding Rodney's death.

We hope that the recommendations made will serve to address, if indeed steps to that end have not already been taken, many aspects of the operation of the Coroners' Department, the Police Force and the army such that they would improve the speed, efficiency and thoroughness with which they undertake their important responsibilities.

We hope, too, that this Report will help to bring closure to the irreplaceable and painful loss suffered by Dr. Rodney's family.

Elsewhere we have expressed our appreciation to a wide range of organizations and individuals who have assisted us in our work. Top of that list is the office of the President in the persons of President Ramotar, your distinguished predecessor, and your esteemed self.

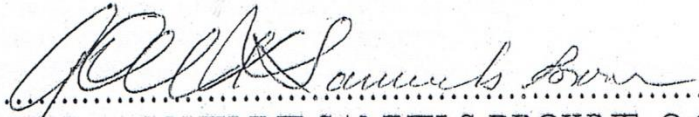
The Commission has served to unearth a wealth of evidence relating to the circumstances surrounding Rodney's death. It has also succeeded in highlighting the need for the improvement of the performance of the police investigative machinery, particularly as it relates to the investigation of serious crimes, especially murder. Our work has exposed, too, the weaknesses of the record keeping of both the army and the police. If resulting from our work there is a


correction of the limitations indicated, we feel our work would not have been in vain.

Please accept, Your Excellency, the assurances of our highest consideration.


.....
SIR RICHARD L. CHELTENHAM, K.A., Q.C.
CHAIRMAN


.....
MR. SEENATH JAIRAM, S.C.
COMMISSIONER


.....
MRS. JACQUELINE SAMUELS-BROWNE, Q.C.
COMMISSIONER

Dated the  day of February, 2016

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Worker's Party Alliance	WPA
People's National Congress	PNC
People's Progressive Party	PPP
African Society for Cultural Relations with Independent Africa	ASCRIA
Guyana Defence Force	GDF
The United Force	TUF
People Democratic Movement	PDM
Working People Vanguard Party	WPVP
Guyana Trades Union Congress	GTUC
Guyana Agricultural and General Workers Union	GAWU
Clerical and Commercial Workers Union	CCWC
University of Guyana Workers Union	UGWU
Trades Union Congress	TUC
Indian Political Revolutionary Associates	IPRA
Organization of Working People	OWP
Movement Against Oppression	MAO
Guyana Human Rights Association	GHRA
Committee in Defence of Democracy	CDD
Guyana Mining Enterprise Ltd	GUYMINE
University of Guyana	UG
Proportional Representation	PR

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CHAPTER 1

Background to Appointment of Commission of Inquiry

1.1 - Dr. Walter Rodney met his death in violent and controversial circumstances at John's Street, near the Georgetown Prison, Guyana, in the early night of the 13th day of June, 1980.

1.2 - Thirty-four (34) years later and specifically on the 6th day of February, 2014, the President of the Republic of Guyana established a Commission of Inquiry pursuant to the Commission of Inquiry Act, Chapter 19:03 with the following Terms of Reference set out herein.

1.3 - The following persons were appointed as Commissioners:

Sir Richard L. Cheltenham, KA, Q.C., Ph.D. – Chairman,
Mr. Seenath Jairam, S.C.
Mrs. Jacqueline Samuels-Brown, Q.C.

1.4 - The Terms of Reference of the Commission were as follows:

- i. To examine the facts and circumstances immediately prior, at the time of and subsequent to the death of Dr. Walter Rodney, in order to determine, as far as is possible, who is or what was responsible for the explosion resulting in the death of Walter Rodney;
- ii. To enquire into the cause of the explosion in which Dr. Rodney died, whether it was an act of terrorism and, if so, who were the perpetrators;
- iii. To specifically examine the role, if any, which the late Gregory Smith, Sergeant of the Guyana Defence Force, played in the death of Dr. Walter Rodney and, if so, to inquire into who may have counselled, procured, aided or abetted him to do so, including facilitating his departure from Guyana after Dr. Walter Rodney's death;
- iv. To examine and report on the actions and activities of the State, such as the Guyana Police Force, the Guyana Defence Force, the Guyana National Security, the Guyana People's Militia and those who were in command and superintendence of those agencies, to determine whether they were tasked with the surveillance of and carrying out of actions, and whether they did

execute those tasks and carried out those actions against the Political Opposition for the period 1st January, 1978 to 31st December, 1980;

- v. To examine, review and report on earlier investigations and inquiries done and into the death of Dr. Walter Rodney.

A Note on Background to Appointment

1.5 - Prior to our appointment as a Commission of Inquiry, there was no official public inquiry into the circumstances surrounding the death of Dr. Walter Rodney which occurred some thirty-four (34) years ago.

1.6 - There was, however, a coroner's inquest into his death which took place some eight (8) years after his death. There was, too, an inquiry into his death which was carried out by the International Commission of Jurists.

Statement of Procedures

1. Letters Prior to Public Hearings

1.7 - The Commissioners were determined to build public support for our task by meeting with persons and organizations that may have been able to assist the public inquiry directly or indirectly. Accordingly, we held meetings with the following persons:

- The President of the Co-operative Republic of Guyana
- Chief of Staff of the Guyana Defence Force
- The Leader of the Opposition and/or leaders of the main political parties
- The Chancellor of the Judiciary
- The Commissioner of Police
- The Private Sector Commission
- The head of the Chamber of Commerce
- The head of the Trades Union Congress
- Heads of major religious organizations and/or head of the main inter-religious organization

We wish to place on record our sincere gratitude to the persons and organizations mentioned above who were most gracious, cooperative and understanding of our role and function.

2. Procedural Rules

1.8 - The Commissioners drafted the Rules governing the procedure to be followed during the Inquiry. The Rules were published in the Official Gazette the 22nd of April, 2014. A copy of the Rules appears as Appendix 1.

3. Public Hearings and Sessions

1.9 - The Inquiry's public hearings began on April 28th, 2014. We held 66 sessions on the following dates:

28 April 2014 to 2 May 2014
27 May 2014 to 6 June 2014
23 June 2014 to 2 July 2014
29 July 2014 to 7 August 2014
25 August 2014 to 29 August 2014
20 October 2014 to 7 November 2014
26 January 2015 to 30 January 2015
9 February 2015 to 20 February 2015
23 March 2015 to 27 March 2015
27 July 2015 to 31 July 2015
28 September 2015 to 2 October 2015

We heard the oral evidence of some 31 witnesses, 29 of whom were examined, cross-examined and re-examined where necessary. Among them two (2) witnesses were heard *in-camera* at the witnesses' request. In addition, we heard the incomplete evidence of two (2) other witnesses, namely, Major General (Ret'd.) Norman Mc Lean and Holland Yearwood also called Jomo. The list of the witnesses who came before the Commission appears at Appendix 2.

1.10 - We wish to say that upon our appointment, we were concerned about the availability of the witnesses and their memories, having regard to the lapse of time between the events of 1980 and our appointment. Any doubts and concerns which we had were dispelled at an early stage.

1.11 - Mr. Denbow of the Commission Secretariat, assisted by Counsel to the Commission and investigators, went about the task of identifying, contacting, persuading and interviewing potential witnesses with zeal, skill, determination and resourcefulness. We were helped, too, by the fact that we had available to us the

record of the coroner's inquest proceedings as well as the record of the trial of Donald Rodney before the magistrate court. Also available to us was the report of the International Commission of Jurists which visited Guyana during the period 14 March to 17 March 1995 and produced its Report dated 2nd May, 1995.

1.12 - In addition, even though many individuals who played important roles in this event are dead, many are still alive and were prepared to testify. And, even though some were prevented from so doing by the premature termination of the Commission, statements were provided by them and were available to us.

1.13 - A large number of witnesses who had not given evidence previously came forward voluntarily and offered to testify. We are particularly grateful to them and indeed to all of the witnesses for their public-spiritedness.

4. Premature Termination of the Commission

(1) Change of Government

1.14 - The Rodney Commission adjourned its sittings on Friday, March 27th, 2015 and set no date for its resumption as the general election was eminent. That election was held on Monday, May 11th, 2015. It resulted in a change of government.

1.15 - The present administration, led by President David Granger, determined that the Rodney Commission would be given two more days of public hearings—July 27th and 28th. The letter communicating that information and further correspondence between the Chairman and the President thereon are here exhibited as Appendix 4.

1.16 - Both days were devoted to receiving submissions from Commission counsel as well as counsel representing interested parties.

(2) Effect of Premature Termination

1.17 - The decision of the Executive will have implications for the thoroughness and completeness of the report. In so far as there were at least ten (10) witnesses still to be heard and who will not now be heard, some of the Terms of Reference, not adequately supported by the testimony received, will so remain.

1.18 - In addition, the fairness of the report will be impacted as well. Some individuals who have been adversely criticized by witnesses in the course of the hearings have not been provided an opportunity to answer and/or comment on those criticisms. No adverse findings can, in the circumstances, be made against those individuals.

1.19 - We feel obliged to observe, however, that it is wholly within the competence of the Executive arm of government to terminate the public hearings of a Commission. That type of action or variants of it is not at all unknown.

(3) Role of the Executive

1.20 - It must be remembered that commissions of inquiry are creatures of the Executive. The Executive arm of government, inter alia:

- Establishes commissions
- Determines their Terms of Reference
- Decides who constitutes the Commissions and who will be the Chairman
- Arranges for the location of the public hearings
- Provides the funding for the activities of the Secretariat
- Compensates the Commissioners on terms negotiated with them prior to their appointment and much more

(4) Delivery of the Report

1.21 - The Commission was given at the outset until November 30th, 2015 to deliver its Report to the President. For a miscellany of reasons, some personal to the Commissioners and others related to the Commission itself, extensions of the dates for the delivery of the Report have been sought and granted, the last of which is to end on February 8th, 2016.

5. Secretary to the Commission

1.22 - Mr. Hugh Denbow was appointed as head of the Commission's Secretariat and later Secretary to the Commission following the departure of Nicole Pierre. His was a large and serious task involving identifying and sourcing literature and documentation relevant to the period and identifying, too, and persuading individuals who would be of help to the Commission to testify. He was

responsible, too, for all the administrative arrangements to ensure the smooth functioning of the Commission.

[No paragraph 1.23]

1.24 - Always Mr. Denbow, busy with matters outside the Commission like the chairmanship of the Civil Aviation Authority, discharged his duties with seriousness and diligence and, at all times, travel arrangements for the Commissioners coming from Jamaica, Trinidad & Tobago and Barbados were carefully made. The arrangements for our accommodation at the Pegasus Hotel and for our transportation to and from were at all times of a high order.

1.25 - Mr. Denbow was assisted at all times by a courteous and efficient staff who constituted the Secretariat. No praise can be too high for the manner in which they performed their duties. We were fully satisfied.

1.26 - The typing of the report and its compilation was undertaken by my personal secretary, Ms. Sophia Payne. She came to Guyana ten (10) days before the presentation of the Report and worked for long hours with single-minded devotion and with large efficiency and resourcefulness to ensure that the Report was faithfully typed, carefully arranged and complete. We are indebted to her.

6. Counsel to the Commission

1.27 - On 3rd March, 2014, counsel appointed to the Commission were Mr. Glen Hanoman, as lead counsel together with Ms. Latchmie Rahamat, Attorney-at-Law. Ms. Nicola Pierre was appointed as secretary to the Office of the Commission until she relinquished her post to take up the appointment of Commissioner of Title/Judge of the Land Court on 19th November, 2014.

1.28 - Commission counsel, though not attached to the Commission full time, did an excellent job in assisting the Secretariat in taking witness statements and in questioning the witnesses in the course of presenting the evidence. We are indebted to them.

7. Acknowledgments

1.29 - Apart from the persons mentioned in paras 1.15 to 1.18, there are others to whom we must express our profound thanks for their assistance during the period of the functioning of the Commission.

(i) Counsel for interested parties

1.30 - The attorneys for the interested parties helped to make our task more manageable. This we fully appreciate. The list of attorneys is here attached as Appendix 3.

(ii) The Commissioner of Police and security detail

1.31 - The Commissioner of Police displayed a high regard for our safety and security. He kept us safe and preserved order during the proceedings of the Commission. At no time was it necessary for us to call upon police officers to preserve order during the Inquiry or at all. We shall be forever indebted to those members of the security detail who remained with us from our first day to the last except for a brief interruption. We are happy, too, to mention the team of drivers who discharged their duties in a punctual and professional manner.

8. The CAT reporters

1.32 - The proceedings of the Commission of Inquiry were recorded verbatim by a dedicated and seemingly indefatigable group of Computer-Aided Transcriptionists (CAT reporters). Every day's proceedings was transcribed and made available to us late the same evening. We acknowledge a large debt of gratitude to Pamela Binda and her team who prepared the transcripts.

9. The Government Information Service

1.33 - Our public hearings were telecast live and repeated later in the evenings. We wish to thank Mr. Ragubir, the producers in the studio, the camera crews and all those who ensured that the public were the recipients of telecasts of high quality.

10. The media

1.34 - Our proceedings in public were also faithfully reported by the print media. The *Stabroek News*, *Guyana Chronicle*, *Kaieteur News* and *Guyana Times* made sure that they attended each day's sitting of the Commission. We thank them for their commitment to informing the public. We had very few complaints about the accuracy or correctness of their reporting.

11. Written material

1.35 - We were provided with copies of books written on Guyana from different perspectives. Some were written, too, covering the period in which Dr. Walter Rodney met his death. They were generally helpful and we express appreciation to the following authors:

- Jai Narine Singh - *Guyana: Democracy Betrayed: A Political History 1948 – 1993*
- Nanda K. Gopaul - *Resistance and Change: The Struggles of Guyana Workers (1964 – 1994) with Emphasis on the Sugar Industry*
- Eusi Kwayana - *Walter Rodney*
- Father Andrew Morrison S.J. - *Justice: The Struggle for Democracy in Guyana 1952 – 1992*
- Walter Rodney - *The Struggle Goes On*
- Sallahuddin - *Guyana: The Struggle for Liberation 1945–1992*
- Ashton Chase - *Guyana: A Nation in Transit: Burnham's Role*
- David A. Granger - *National Defence: A Brief History of the Guyana Defence Force 1965 – 2005*
- George K. Danns - *Domination and Power in Guyana: A Study of the Police in a Third World Context*

12. The Pegasus Hotel

1.36 - During our hearings, Commissioners were accommodated at the Pegasus Hotel. We were very comfortable. Besides, at all times, we were made to feel welcome by the management and staff of the facility.

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CHAPTER 2

A BIBLIOGRAPHY ON DR. WALTER RODNEY

2.1 - Both the Dr. Walter Rodney Commission of Inquiry and the Report that follows are largely about Rodney; how he met his death; who was responsible therefor and whether the person responsible acted alone or whether he was counselled, procured, aided or abetted so to do.

2.2 - In that context, no justification is needed for commencing the Report with a biographical note on Dr. Walter Anthony Rodney.

2.3 - Walter Rodney was born in Georgetown, Guyana, on March 23rd, 1942. He came from a working class family of five (5) sons. His father Edward was a tailor and his mother Pauline was a seamstress. They were both supporters of the PPP. According to his older brother, Lawrence Edward Rodney, Walter was a “bright boy” at school and got a scholarship to Queen’s College, the top male high school in the country. There, he excelled academically and earned a reputation as an outstanding debater. Walter also had an interest in sports and was a good athlete.

2.4 - In 1960, Walter graduated first in his class and won an open scholarship to the University College of the West Indies, as it was then known at Mona, Jamaica. He entered the History Department and graduated with First Class Honours in 1963. Rodney then attended the School of Oriental and African Studies, a constituent college of the University of London, where at age 24, he received his Ph.D. with Honours in African History. Rodney’s thesis, *A History of the Upper Guinea Coast*, was published by Oxford University Press in 1970.

2.5 - As a student in Jamaica, Walter maintained his reputation as an outstanding debater. Besides, he participated in discussion circles.

2.6 - When Walter was in London, his brother Lawrence was also there. He testified that they both spoke at Hyde Park and attended meetings at the West Indies Student Centre. Besides, they attended Pan African type events.

2.7 - In 1965 when Walter was in London, he participated in a symposium on Guyana. It was during that period that he came in contact with the prominent West Indian intellectual and political analyst, C.L.R. James, and became one of his devoted students.

2.8 - Walter was multi-lingual. He learnt Spanish, Portuguese, French and Swahili in order to facilitate his research for his doctoral thesis.

2.9 - The teaching appointment which Walter first accepted was in Tanzania before returning to Jamaica and to the University of the West Indies in 1968 as a lecturer in the History Department.

2.10 - In Jamaica, Rodney combined his scholarship with activism and became a voice for the under-represented and the disenfranchised. He became particularly close to the Rastafarians and the Jamaican masses to whom he took his message of Black Power, black liberation, and black consciousness. He shared his knowledge of African history with them. And his speeches and lectures to those groups were published as *Groundings With My Brothers*. It became a piece of literature critical to the Caribbean Black Power movement.

2.11 - Rodney's activities had by then attracted the attention of the Jamaican government then headed by Prime Minister Hugh Shearer. And after attending the Black Writers' Conference in Montreal, Canada, in 1968, Rodney was banned from re-entering Jamaica. That decision attracted considerable publicity in Jamaica and beyond. It sparked widespread riots and revolts in Kingston on October 6th, 1968, in what came to be known as the "*Rodney Riots*."

2.12 - Having been expelled from Jamaica, Walter returned to Tanzania. There he lectured from 1968 to 1974 and continued his groundings in Tanzania and other parts of Southern Africa. He became deeply involved in the African liberation struggles of that era. And that influenced his second major work and his best known, *How Europe Underdeveloped Africa*. It was published in London in 1972. It has since been translated into many languages. Father Malcolm Rodrigues, the Jesuit priest and friend of Rodney, testified that he met a professor from Australia who informed him that Rodney was respected not only in Europe but in Australia as well. Further, that the book is regarded "as compulsory reading for any student who wishes to embark on a study of African history."

2.13 - Notwithstanding the pressures in the last year of his life, Rodney managed to complete four books including an academic work:

1. *A History of the Guyanese Working People 1881–1905*
2. *A Political Call to Action: People's Power, No Dictator*; and
3. Two children's books:

- (i) *Icofi Baadu Out of Africa*, and
- (ii) *Lakshmi Out of India*.

Other books written by Rodney include:

Masses in Action, 1966
The Imperialist Partition of Africa, 1970
The Question of Disengagement from Imperialism, 1971
Tanzanian Ujamaa and Scientific Socialism, 1972
The African Revolution, 1972
Marxism and African, 1975
Class Contradictions in Tanzania, 1975
International Class Struggle in Africa, the Caribbean and America, 1975

2.14 - Rodney through his writings and his publishing, established an intellectual tradition which today makes Dar-es-Salaam one of the centres of African politics and history. Critical articles were written by Rodney on Tanzanian Ujamaa*, imperialism, underdevelopment, and the problems of state and class formation in Africa. Many of the articles which were written in Tanzania appeared in *Maji Maji*, the discussion journal of the TANU Youth League at the university.

[* *Ujamaa in Swahili means: "extended family"; "brotherhood" or socialism. It is a political concept developed by Julius Nyerere of Tanzania asserting that a person develops through his community.*]

2.15 - Walter Rodney was a Pan-Africanist. He developed close political relationships with those who were struggling to change the external control of Africa. He was also very close to some of the leaders of the liberation movements in Southern Africa. Together with other Pan-Africanists, he participated in discussions leading up to the Sixth Pan-African Congress, held in Tanzania in 1974. In preparation for the Congress, he wrote a piece: "*Towards the Sixth Pan-African Congress: Aspects of the International Class Struggle in Africa, the Caribbean and America.*"

2.16 - In 1974 Walter Rodney returned to Guyana to take up an appointment as professor of history at the University of Guyana. The academic board had appointed him, but the University Council, described by Eusi Kwayana as a "*political body*," rescinded that appointment.

2.17 - According to the testimony of the Eusi Kwayana, "*the whole country was looking forward to Dr. Walter Rodney, even before he set foot in Guyana.*" He

continued: *“From the time he was banned from Jamaica and came to the notice of the public as a son abroad, he was a very popular force in the imagination and hearts of the Guyanese people. . .”*

2.18 - Resulting from the council’s rescission of his appointment, the African Society for Cultural. Relations with Independent Africa in Guyana (ASCRIA) decided to develop a national coalition of resistance. According to Mr. Kwayana, the recession of his appointment was seen by ASCRIA as “everybody business.” In consequence, all the political parties were spoken to, including the PPP with its large constituency among Indian Guyanese at that time, the Working People’s Vanguard Party, the Indian Political Revolutionary Associates (IPRA) and the Liberator Party.

2.19 - Public meetings to protest the rescission of the appointment of Dr. Rodney were being held and this raised what Mr. Kwayana described as *“a storm and great resentment from the government and they had it be known that this was not a welcomed step.”*

2.20 - There was, according to Eusi Kwayana, *“spite, fear and hostility to Walter Rodney even before his return.”* He attributed this to the fact that Walter Rodney at the street corners was a very effective person, speaker, and that Rodney later called the head of government “King Kong” and made other remarks to his discredit.

2.21 - The House of Israel, as described by Mr. Kwayana was a *“kind of street force for the regime for the time,”* and he testified that they played a great role in the attack on the public meetings and the resulting disruptions.

2.22 - Mr. Kwayana, in the course of his testimony, recalled the meeting at Middle and Cummings Streets and that when Dr. Jagan was talking, the *“assault began.”* Mr. Kwayana explained that Dr. Jagan speaking in Georgetown *“was not a welcomed thing for the rival party.”* In Mr. Kwayana’s words, *“there was a legitimacy war between the PPP and the PNC, as to who was the rightful ruler of Guyana. So the PNC ruling at that time with a two-thirds majority could not allow certain people to speak to the citizens of Georgetown”.* That was part of his analysis of the political situation in Guyana.

2.23 - The meeting was described by Mr. Kwayana as *“massive”* and he added that *“nothing like it had been seen since the 1950s, when the popular united Peoples Progressive Party, before the split, won the election hands down.”* The public

meetings were described as “*large, multi-racial and energetic.*” That was, said Mr. Kwayana, an experience/spectacle that had died since 1955.

2.24 - The PNC felt the organized response to the university council’s decision not to confirm the Academic Board decision to appoint Dr. Rodney to the Chair in History was “*a challenge*” and that those organizing the public meetings had “*no right to give a microphone to their rival.*” In fact, Mr. Kwayana revealed that while Dr. Jagan was just opening his speech, a policeman came up and stopped him. He added that when Tacuma Ogunseye, a market vendor and craftsman, who was also a political activist, founding member of the WPA and a close associate of Dr. Rodney, tried to defend Dr. Jagan he was charged with assaulting a peace officer.

2.25 - The protest in support of Dr. Rodney was not only domestic but, according to Mr. Kwayana, it came “*from all around the post-colonial world.*” He referred to a letter from Professor Ali Mazrui, a Kenyan scholar of “*great eminence,*” sent to the Ambassador of Guyana in Washington, DC, to be transmitted to the government of Guyana pleading that, to paraphrase Mr. Kwayana, “*they do not make the mistake of shutting out a person with the qualities of Dr. Walter Rodney from the educational institutions of the government of Guyana.*” He appealed not to let the gentleman become just “*another exile somewhere in the so-called metropolis.*”

2.26 - Subsequent to his return to Guyana, Rodney spent much time educating the masses in public meetings which he saw as a forum for both education as well as agitation. He also spoke with smaller groups which were attended by WPA members, supporters and others not restricted to those living in Georgetown. He was invited to give lectures at the University of Guyana at the request of the University of Guyana Workers’ Union. He later extended those classes to bauxite workers in the communities of McKenzie, Kwakwani and Everton. Additionally, he held history classes as his home.

2.27 - Rodney further extended his educational reach to sugar workers as well. Though his work in that respect was, wrote Ogunseye, “*less formal and less intensive due to the fact that the sugar workers were not physically concentrated in one place like the bauxite workers.*” He added that sugar workers were historically organized by the PPP, and the WPA and Rodney, in order to maintain opposition unity and avoid antagonizing the PPP, “*was careful to avoid being seen as courting PPP supporters.*”

2.28 - When Rodney returned to Guyana in 1975, the WPA was already established. He joined the party and though he never held any formal position therein, he was rapidly perceived by the masses as the leader of the party. As the principal spokesman of the WPA, at a conference sponsored by the graduate students of the State University of New York at Binghamton and the Institute for Global Cultural Studies in 1986, in honour of Rodney's life work, Ogunseye indicated that Rodney took the lead in articulating the strategy of the party in the following respects:

- 1) De-emphasizing race and emphasizing class;
- 2) Understanding that political power would not be achieved by electoral means;
- 3) Recognizing that the party organization had to be both overt and covert;
- 4) Seeing the need to mount a direct challenge to the self-created image of the dictator Burnham; and
- 5) Recognizing that the masses must be involved in their own self-emancipation.

2.29 - Rodney was a master in the art of public speaking and, added Ogunseye: *"It was his willingness to lead by example even in the most daring engagements in pursuit of his objectives that captured the imagination of the entire party and the Guyanese masses."* He was a slim man of average height who was easily recognized by his distinctive beard and bespectacled visage.

2.30 - On July 11th, 1978, the office of the General Secretary of the People's National Congress and the Ministry of National Development was destroyed by fire. The next day a number of WPA members and supporters were detained; included among them were Dr. Rodney, Dr. Roopnarine and Omawale, prominent activists and intellectuals, who were arrested and charged with arson.

2.31 - That heightened a process of public confrontation with what Ogunseye termed was *"the PNC dictatorship."* That confrontation ushered in the civil rebellion and eventually the death of Rodney on Friday, June 13th, 1980 at age 38.

Walter: The family man

2.32 - Walter was married to Dr. Patricia Rodney and had three children namely, Shaka, his son, and Kanini and Asha, his daughters.

2.33 - Walter did not spend all of his energies in writing, mobilization and lecturing. He was a rounded man, according to his wife Patricia, who was good with his hands and built all the book shelves in his house. He was very involved, too, in the life of his children and took them to school most mornings and alternated with his wife in picking them up on evenings. He even insisted on combing the girls' hair which, according to his wife, "*he could not do.*" In fact, on the very evening of his death, Rodney had earlier attended an event at one of his daughters' school.

2.34 - Every Friday evening he had a meeting with his children and reviewed with them their school work and enquired how they were getting on. According to Patricia, he took the children everywhere and they ended up frequently at the Archives. Whenever convenient, so to do, he took them with him on his visits to Linden.

2.35 - On the morning of June 13th, 1980, he took the children to school and returned home where he and his wife discussed a recent invitation for him to work at the university in Zimbabwe. He had in the past ignored many such invitations from other universities. On this occasion, he was particularly keen and actually decided to go to Zimbabwe. Later the evening, he was dead.

What factors informed that change of outlook?

2.36 - That seems explainable on several bases. To begin with, he had recently lost a close fellow activist. He was aware, too, of the stresses being felt by his in-laws who were subjected to frequent police visits and searches. In addition, he felt it necessary for the children's education to be pursued in an environment more conducive to learning. The dangers of the society were not at all lost 'on him and in the past he had brushed them aside because he felt he had a commitment to continue the work he was doing in terms of building the solidarity between the races in Guyana. And that took precedence.

Reaction to Rodney's death

2.37 - The immediate reaction of the Catholic Church to Rodney's death was to call for Guyanese to refuse to what Father Andrew Morrison, S.J., in his book, *Justice: The Struggle for Democracy in Guyana, 1952–1992*, at page 152, called "*the option of counter violence and to proclaim by word and deed their opposition to violence.*"

2.38 - Many stirring tributes were paid to Rodney on the day of his interment and the celebrated Barbadian author and friend of Rodney, George Lamming, in paying tribute, declared:

“Today we meet in a dangerous land, and at the most dangerous of times. The danger may be that the supreme authority, the supervising conscience of this nation, has ceased to be amenable to any requirement of ordinary human decency.” (Quoted by Father Morrison at page 156 of his book).

2.39 - Of Rodney’s death, Burnham echoed a different note and had this to say: *“Sad as I am at his inglorious end, I know that somewhere therein there is bound to be a lesson for the misguided others.”*

The funeral

2.40 - Ms. Karen De Souza was not a member of the WPA but was sympathetic to their cause and followed up their meetings. She was friendly, too, with many in the leadership of the WPA.

2.41 - She testified that the funeral of Rodney was *“an astonishing display of racial solidarity and defiance.”* The defiance was explained on the premise that it was made known that to attend Rodney’s funeral was to risk losing one’s job. She also described the funeral procession which moved from along the East Coast into the city, as *“the most massive display of racial solidarity in the recent history of Guyana with over 30,000 in attendance.”*

2.42 - A large number of persons came from many parts of the world, *“not all of whom were allowed to enter the country,”* according to the evidence of Eusi Kwayana.

Distribution of Nursery Rhyme

2.43 - The early hours of the morning following the death of Dr. Rodney, there were distributed in the yard outside of his house and in the streets of Georgetown what appears to be a nursery rhyme. It was simply entitled: TO WALTER. And it was significant that it appeared at a time when the details of his death were not fully known.

2.44 - The text is as follows:

TO WALTER

Hickory Dickory, Doc
Appointment at 8 o'clock
We wouldn't need no bail
And this walkie-talkie start talk!
Rockabye Rodney now lives in the past
Dispatched to his master so quick and so fast.
T'was never the intention
That his fiendish invention
Would choose his own lap for the blast.

[Text of a pamphlet that began circulating on the streets of Georgetown early in the morning of Saturday, June 14, 1980. The lines parody the children's nonsense rhyme *Hickory Dickory, Doc*.]

2.45 - The rhyme contains details of Rodney's death such as its suddenness which resulted from the walkie-talkie and which at the time was located on his lap. The words to "*Rockabye Walter*" appear to be a reference to the lullaby "*Rockabye Baby*" which is well known and deals with people falling from great heights, often to their deaths.

2.46 - We regard it as a posthumous taunt seeking to mock and trivialize Dr. Rodney's death.

2.47 - Nursery rhymes, though often seen as solely for the entertainment of children, oft-times have hidden meanings. They can be important records of historical events or propaganda pieces.

2.48 - In this case, there appears to be a propaganda component to the rhyme as it refers to Rodney's fiendish device and the implied theory seems to suggest that he had obtained the incendiary device for some sinister purpose of his own. It suggests, too, that he was responsible for his own death.

2.49 - It seems likely that the rhyme was intended to send a message of terror to those whom Burnham referred to in his comment on Rodney's death as "*the misguided others*." It would appear, too, that it was intended to deflect suspicion from other persons and support the thesis of an accident which was wholly attributable to Rodney.

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CHAPTER 3

To examine the fact and circumstances immediately prior, at the time of, and subsequent to, the death of Dr. Walter Rodney in order to determine, as far as possible, who or what was responsible for the explosion resulting in the death of Dr. Walter Rodney – TOR 1

The Relationship between Rodney, WPA and Jagan

3.1 - Whatever semblance of interracial unity might have resulted from the victory of the PPP in 1953 with Jagan and Burnham operating under the same roof, as it were, was shattered following the suspension of the constitution by the British government and the split of the PPP later in 1953.

3.2 - Jagan was flirting with communism and Burnham was presented as a liberal democrat committed to a democratic and constitutional path to the country's development. That split in the semblance of ethnic harmony was further widened when in 1957 Burnham founded the People's National Congress (PNC). Its support was mainly among Afro-Guyanese and in the urban centres. The PPP was, on the other hand, almost exclusively supported by the Indo-Guyanese found in the savannah areas and the country districts.

3.3 - The PPP won the general elections in 1957 and 1961. Those victories reflected the stubborn demographic reality that Indo-Guyanese constituted 51% of the population and Afro-Guyanese were no more than 35%. In the first-past-the-post electoral system such as operated in Guyana at the time, the PPP had a distinct advantage and could not be easily defeated.

3.4 - Jagan's pro-communist stance in the midst of the Cold War was a matter of deep concern to Washington and London. It did not come as a surprise when, at the independence talks, there was an acute divide between the PPP and the PNC and the United Force, a third party, on the question of what electoral system should obtain in the general election insisted upon by the British government as a pre-condition to independence.

3.5 - In the face of deadlock with respect to the electoral system that should be instituted going forward, Jagan suggested that the Secretary of State for the Colonies should determine the matter. He supported the Opposition's insistence on proportional representation (PR).

3.6 - What PR did was to lessen the large electoral divide between the Indo-Guyanese and the Afro-Guyanese. It provided a third party, namely, the United Force, led by a Portuguese businessman and which was fundamentally opposed to Jagan's views, the opportunity to secure enough seats to join with Burnham in forming the government in 1964 and 1968.

3.7 - But when once the coalition between the PNC and the United Force had collapsed, and Burnham had exhausted his technique of attracting sitting members of the PPP to his administration, new modalities were needed to keep a distinctly minority party in power.

3.8 - It was in that context that Burnham took political control of the electoral machinery, disadvantaged the opposition parties on election day and through various techniques of doubtful validity, ranging from overseas voting, phantom voting, proxy voting succeeded in rigging the elections in 1968. By 1973, the intervention of the army and postal voting came into effect. Thereafter, Burnham and the PNC won each and every general election up until his death in 1985.

3.9 - By the time Dr. Rodney returned to live in Guyana in 1974 there was evidence of an emerging dictatorship. Rodney rapidly stood out as a man capable of bridging the gap of Guyanese of all ethnicities. He brought new life to the Guyana political scene. In addition, he forged a close working relationship between himself and the WPA with Jagan and the PPP.

3.10 - According to Mr. Clement Rohee in his testimony: *"The core matter of the understanding between these two men was very solid. They had a broad vision of what they needed to do, how they needed to work but those differences never undermined the unity or the vision that they had."* They were concerned to effect *"change to improve the wellbeing of the working people."*

3.11 - Mr. Rohee did not think there was any fundamental difference in ideology between Rodney and Jagan. Jagan was cast in the mould of *"an established communist leader"* and Rodney was seen as a *"revolutionary democrat."* Both wanted to *"achieve unity of the working people, united struggles by the representative organizations, bringing the trade unions together and this common vision to make Guyana a better place for its people; that was basically it."* In terms of tactics, they both placed emphasis on work among the representative organizations of the working people which were trade unions and the mass organizations which Rohee identified as including the farmers and religious bodies. As Mr. Rohee expressed it, *"the whole idea was to work to create a broad-based*

unity of these organizations with a common objective of taking advantage of the isolation of the PNC and the local condition to make a change in government.”

3.12 - The WPA, mainly through Rodney’s presence, was attracting large crowds to its public meetings. And many, if not all, of these meetings were disrupted by members of the House of Israel often in the presence of the Guyana constabulary who did nothing to restrain them.

The Establishment and Workings of the House of Israel

3.13 - The House of Israel was a religious cult founded by David Hill, a former civil rights activist in the United States who had taken part in many protests and demonstrations. There in the United States he was convicted of corporate blackmail and sentenced to twenty-five years in prison.

3.14 - He came to Guyana in January of 1972 while on bail pending appeal and that explains why Eusi Kwayana, in testifying about the House of Israel and its leader, referred to him as *“fugitive from justice.”*

3.15 - David Hill called himself Rabbi Edward Washington and attracted to his religious services mostly, though not exclusively, poor, uneducated men and women for whom he provided housing at the headquarters of the House of Israel on Sixth Street and Light Street, Alberttown.

3.16 - The Commission was fortunate to hear from Joseph Hamilton who was actively involved with the cult from 1977 to 1987, except for the period when he was out of Guyana. He provided an insider’s view, as it were, of the structure of the organization, its guiding principles, its close relationship with the PNC and its role in disrupting the meetings of the opposition parties, particularly the WPA. We accept his evidence as both truthful and helpful.

3.17 - Mr. Hamilton who was Parliamentary Secretary in the Ministry of Health when he testified, revealed that people of all strata of society including persons who were members of the disciplined forces in the country constituted the membership of the House of Israel.

3.18 - He revealed that their members received training from personnel of the Guyana Defence Force, some of whom were members of the House of Israel. They were, too, among its members, servicemen and policemen both active and retired.

Training in the use of firearms and bomb making was provided by Mr. Wycliff McAllister.

Philosophy of the House of Israel

3.19 - The three pillars on which the philosophy of the House of Israel was based, according to Mr. Hamilton, were as follows:

- i. That the original Jews were black Africans;
- ii. Self love which meant in effect that their members were supportive of one another as people of African descent;
- iii. Reliance on oneself as a people supporting one another in businesses based on our “ethnic origin.”

3.20 - Father Andrew Morrison, in his book: *Justice: The Struggle for Democracy in Guyana – 1952 – 1992*, devotes much space—pp 167 to 175—to the House of Israel. According to him, Rabbi Washington preached “*a strongly racist doctrine, taking liberties with the Bible to prove that Jesus was a black man and that the only true Jews were African.*”

3.21 - Of the Rabbi, he wrote that he claimed to be more than Elijah, he was God: “*He would tell his cheering congregation if I am not God let the real God strike me down.*” From his followers, he demanded and received total submission. He, in turn, exercised total control over the most important areas of their lives. For example, they had to obtain his permission to accept employment, to form love relationships, to marry and even to discipline their children. And Father Morrison reported that while visiting him while reporting for the *Catholic Standard*, he heard members greet Washington as “*hail Master.*”

3.22 - Mr. Hamilton offered some insight into the structure of the organization. He testified that those who had an interest in assuming a leadership role in the organization needed to participate in what he called “*a Priesthood Lecture College*” which offered several lectures of “different issues.” This was a process that lasted 6 to 12 months. Those who completed that training were referred to as “*priests.*”

3.23 - Beyond the priesthood was another structure of government. It was, said Mr. Hamilton, “*like a quasi-cabinet.*” Those who constituted that body were entrusted with specific responsibilities not of a theological nature but more of a “*special economic type of activity.*” He illustrated that by indicating that those who were

most senior had the responsibility for the social condition of members, for example, their health needs. Another group of seniors might be responsible for the *“social needs of the children who might have been orphans.”*

3.24 - The hierarchical structure of the House of Israel was as follows:

Rabbi
King
District priest
Priest
Student/trainee priest
Brothers and sisters

3.25 - Besides Rabbi Washington, the leadership at the time consisted of Rufus Lewis known as Jomo, Abraham McAllister known as Omawale and Vincent Hinds known as Ali.

3.26 - To help finance the cult, plantain chips and salted nuts were sold on the streets and outside cinemas. Most of the money generated had to be turned over to the House of Israel. In return, they were provided with what Father Morrison called *“very meagre fare and housed in squalid, overcrowded conditions.”* The Rabbi, on the other hand, lived *“in style and drove an expensive large black car.”*

3.27 - From very early in the life of the cult, the Rabbi was given prime time on the government radio stations to deliver his *“daily racist message.”* He spoke fluently in a southern American accent and according to Father Morrison, pages 168-169, *“when he held forth at in-house services, speaking from a decorated podium, he could rival any southern evangelical preacher.”*

Relationship between the House of Israel and the PNC

3.28 - The Rabbi had a close relationship with the PNC and its leadership. Mr. Hamilton expressed it as follows:

“. . . there was an established relationship with the government of the day and there were relationships with Ministers of the government and therefore Rabbi Washington had the privilege to call any Minister to seek to ask them a favour on behalf of any citizen whether of a judicial matter—I am talking about the level of government—or whether it was a matter of some other issue for

themselves, or families, or whatever because there was an ongoing relationship with the government.”

3.29 - Many people in prominent positions visited the House of Israel from time to time including Ministers of government and public officials Mr. Stanley Moore, who was at one stage Minister of Home Affairs, was one such person. In fairness to him, it must be said, however, that *“he was known to the House of Israel before he was Minister of Home Affairs,”* during the time he was Minister and after. There was, too, Mr. Hamilton testified, *“a consistent relationship with Mr. Moore and Rabb Washington. . .”* Mr. Moore sought and secured the assistance of the House of Israel to guard his property while under construction. That service continued *“around-the-clock”* for several years after the house was completed. Mr. George Jackman who was later the DPP was also a frequent visitor.

3.30 - Some of the persons visiting the Rabbi had matters in court and needed the intervention of the Rabbi on their behalf. Businessmen were at times charged with bringing into the country contraband items. Some were charged with taking money beyond the limit permitted outside the country and in some cases, too, the seizure of their funds resulted. Still others were charged with attempting to smuggle gold outside the country. The evidence of Mr. Hamilton is that the Rabbi used his contact with Mr. Jackman in his attempt to help. Even when there were matters before the court the call of a government minister could bear fruit. Mr. Hamilton reminded the Commission that as Mr. Kwayana had indicated in his testimony *“that when a government official in that time called a member of the judiciary, he had to respond in a most favourable way or there was a penalty for not responding.”* Mr. Hamilton emphasized that that was the *“nature of the time”* and it was not *“Hamilton’s theory.”*

3.31 - No specific evidence was provided the Commission as to precisely how successful were those interventions made for others by Rabbi Washington including those made on the judiciary. We fully accept that they were made and that it reflects what Mr. Hamilton himself said—*“that was the time.”*

3.32 - Again referring to Mr. Kwayana’s evidence, he mentioned as evidence of interference with the judiciary—Magistrate Oscar Parvattan suffering because he did not accede to the request to remand Roopnarine and Rodney to prison is but one illustration.

3.33 - The members of the House of Israel were so confident that they enjoyed immunity in the eyes of the law that they often had in their possession arms and

ammunition and felt in no way concerned that they would be arrested even if the police knew or suspected that they were unlawfully armed. Mr. Hamilton underscored the point when he testified that “. . . *threatening and assaulting and beating citizens in the full view of the police and they never arrested House of Israel members*” because they felt that “*they had the protection of the government of the day.*”

3.34 - Mr. Hamilton further reinforced that sense of immunity when he testified that for a period he had in his possession a 9mm Browning pistol and had no firearm licence to carry it. He added that he had no fear of being arrested for being in possession of it.

3.35 - Hamilton conceded under close examination from Mr. Basil Williams, counsel for the PNC, that within half of an hour on some days, he would be transformed from being a trainee priest to breaking up meetings and wielding a stick at somebody's head, effectively transformed into “*terrorising and beating people up.*”

3.36 - Mr. Hamilton could not say of his own knowledge that the Guyana Defence Force was supplying the House of Israel with guns but having been shown a document by Commission counsel Ms. Rahamat, dated June 24th, 1979, he recognized the name Major McPherson on that document which showed that there was an appreciable quantity of arms and ammunition including 19 G3 rifles, 19 G3 Bayonets, 1500 7.62 ammo, 10 Browning pistols and 500 9mm long rounds which were taken from the GDF, “*totally chargeable*” to the PNC. The weapons were handed over to the House of Israel. The full extent to which the House of Israel was supplied with arms from the GDF routed through the PNC could not be ascertained as gifts in the record of the GDF.

Paramountcy of the PNC

3.37 - The specially convened 1974 conference of the PNC took place at Sophia Plantation. It marked the 10th anniversary of the PNC in government and it has become memorable for what is known as “*The Sophia Declaration*” at which the paramountcy of the party was declared.

3.38 - Burnham, in the course of a long speech in which he summarized the achievements of his party in government and pointed to the road ahead, declared:

“It was agreed after lengthy discussion that the emphasis should be on mobilising the nation in every sphere and not merely for periodic elections and in support of specific action and programmes. It was also decided that the party should assume unapologetically its paramountcy over the government which is merely one of its executive arms.”

3.39 - He indicated that the comrades had demanded that the country be given practical and theoretical leadership at all levels—political, economic, social and cultural—by the PNC which he said had become *“the major national institution.”*

3.40 - Burnham summarized the rationale informing the doctrine of the paramountcy of the party and the politicization of government institutions (See *Caribbean Contact*, September 1975, and also reflected in the book, *Domination and Power in Guyana: A Study of the Police in a Third World Context*, by George K. Danns, at page 80). It is as follows:

“It is the party that mobilises, educates and appeals to the people on the basis of its programmes. It is the party that selects the members of the political government to execute the former’s policy which has been carefully debated and then presented.”

3.41 - Burnham is further quoted (*New Nation*, November 17th, 1973) as declaring that:

“God says that before you were I was. The party says to the government before you were, we were. The government has got to be in our system a subordinate agency to the party.”

3.42 - According to Eusi Kwayana, in his testimony on May 28th, 2014, on the doctrine, said that it was the *“will of the party.”* He observed that it was not an indigenous notion but one borrowed from Eastern Europe where the party controls the government.

3.43 - Mr. Kwayana pointed to the Ministry of National Development and reminded that the Minister of National Development *“doubles as the General Secretary”* with a number of executive secretaries.

3.44 He added that *“the Declaration of Sophia said that paramountcy would be executed through the General Secretary and a number of executive secretaries.”* He expressed concern that in the estimates of expenditure for 1975 there is no

breakdown of the money allocated to the Ministry of National Development as is the position in relation to other ministries. There was, he said, simply one item—Other Charges—with a \$10 million allocation and “no details.”

3.45 - Omawale saw paramountcy of the party as “*a well-known example of PNC dictatorship of the party over the government.*” He further testified that that practice amounted to a lack of separation of party from government and State. He, too, pointed to the military establishment, the Ministry of National Development and the Office of General Secretary of the PNC. Impliedly, he seemed to have been reflecting on the bureaucratic implication of the doctrine.

Paramountcy and the Public Bureaucracy

3.46 - Danns, in his book, reminded at page 75 that Burnham was fond of saying “*Seek ye first the political kingdom and all else shall be added.*” Danns interpreted that statement as indicating Burnham’s intentions to consolidate his political position, stressing as a priority “*the paramountcy of the party—before giving serious attention to the problems of economic development.*”

3.47 - At pp 78 and 79 of his book, Danns spelled out some of the implications for Guyana’s public bureaucracy resulting from the embrace by the governing PNC of the doctrine of paramountcy of the party. He argued that public bureaucracies in the context of paramountcy of the party are no longer responsible to the public but rather “*to the dominant party and its leader.*” There is, as a result, he contended, “*hardly any systematic effort to audit public accounts and to present a report to parliament.*”

3.48 - Danns further argued that the politicization of public bureaucracies in Guyana was accomplished by “*wide-scale and intensive PNC party penetration.*” He illustrated that by pointing to “*senior appointments that were sanctioned by the PNC party and the possession of a party card as an important criteria for appointments and promotions.*” He continued: “*Public servants have been conditioned to be responsive to party demands even if it interferes with the smooth functioning of their own department. Attendance at the party congress is compulsory for senior public servants, who are asked to prepare papers on government policies and intended policies for discussion by the congress.*”

3.49 - According to Dr. Nanda Gopaul, as far as Burnham was concerned, the public sector had to pledge allegiance to the party and the heads of all State

agencies and the civil service were summoned at short notice to attend any event of the ruling party including General Council meetings, Burnham claimed that:

“a massive campaign has now been launched in which there can be no place for the disinterested and non-conformist who envisages freedom in terms of indulging in the practices and attitudes which were part of the colonial order. We did not win political freedom from colonialism to protect the freedom of colonialism to poison and mislead out society and divert us from our national goals.”

3.50 - Danns continued his analysis of the implications of the adoption of the doctrine and observed that apart from controlling public bureaucracies and corporations, the governing party sought to minimize contact between the masses and opposition elements. In that context he pointed to the use of media facilities by the opposition groups which he described as *“severely restricted and controlled as the government owns the two radio stations and the two daily newspapers.”* As for newsprint, he wrote that it was controlled and opposition newspapers had *“a very limited and almost ineffective circulation.”* He observed that *“organized groups of party thugs often break up opposition political meetings, which the police rarely gave permission to hold.”*

3.51 - Focusing specifically on the police, Danns at pp 82-85 of his book, repeats the views of Prime Minister Burnham and his Deputy Ptolemy Reid in relation to the police's new role which de-emphasized law enforcement and order maintenance and called for the police *“to be fully acquainted with the policies of the PNC party, develop a socialist orientation, become self-reliant and aid in the production of goods and services as trustees and caretakers of the revolution.”*

3.52 - Dr. Gopaul supports this assessment of the Police Force and in the course his testimony said that *“there was absolutely no independence of Police Force, Sir, at that time, 1978–1980 was a bitter, bitter, bitter period when the government declared literally war against those who dare challenge the status quo of the State then.”*

3.53 One of the consequences of this new emphasis was that the police changed the title of address from “Sir” to “Comrade” and, more importantly, *“pledged personal loyalty to Comrade Leader Burnham.”* In May of 1978, on the occasion of the 25th anniversary of the Prime Minister's membership in parliament, the Commissioner of Police sent a courier to Prime Minister Burnham pledging the loyalty of himself and the police to *“Comrade Leader.”* The police, Danns

observed, “*committed themselves to being servants of the Prime Minister rather than officials in the service of the State.*”

3.54 - Danns concluded that the Police had openly accepted what he termed, “*the undemocratic and unconstitutional notion of paramountcy of the party*” and had acquiesced in the idea and practice of the PNC interference in the day-to-day operations and the functioning of the force.

3.55 - It was disclosed by Danns that the PNC party allegedly maintained a “*goon squad of thugs who disrupt political meetings organized by opposition groups even in the face of police.*” He continued at page 85: “*These party goons would destroy the public address system, stone and beat speakers and even bystanders, and turn over or in other ways damage motor vehicles belonging to organizers of the meeting.*”

3.56 - The view was expressed by Danns that the aim of the PNC party was to deny opposition groups the opportunity of reaching the public in any form whatsoever and he referred at page 85 to the results of a 1974 sample survey where the majority of respondents consisting of Afro- and Indo-Guyanese were of the view that the police “*protect only government demonstrators and citizens assembled at political meetings sponsored by the leading political party.*” The police on the other hand “*harassed non-government demonstrators and often disrupt meetings held by opposition parties*”.

3.57 - Resulting from the politicization of the public bureaucracy, it was Danns’ judgment that the efficiency of the service which they provided declined in the period under review and public confidence in their work also fell.

3.58 - Dr. Gopaul, in the course of his testimony (November 5th, 2014—pp 80 to 83), said that the country was experiencing “*transportation woes*” as there was a shortage of transportation in the country and taxis were hardly around. The main mode of transportation was government buses and in that context, “*destroying opponents’ vehicles was a norm.*”

3.59 - He provided the Commission with his personal experience and testified that around September 1979 after the strike, he spoke on a platform and two days after his “*vehicle ceased functioning*” although it was a Toyota in fairly good state. He added that when the mechanic opened the engine “*it was completely destroyed and the mechanic discovered a sticky substance believed to the have been sugar*” that was poured into the engine. The vehicle was rendered “*completely useless.*” The

sabotaging of his vehicle was not an isolated incident as opposition vehicles were destroyed/sabotaged from time to time. All of that was happening at a time when the ferry service, the principal means of transportation “*had become very unreliable*” and those depending on it had to wait long hours.

3.60 - The importation of vehicles at that time, testified Gopaul, was very difficult as one had to first get the authority of the Minister of Labour, then the Ministry of Finance and, finally, the Ministry of Trade before you could approach the importer.

The Implication of the PNC Rule for Collective Bargaining

3.61 Dr. Nanda Gopaul, author of the text, *Resistance and Change: The Struggle of Guyanese Workers (1964–1994) With Emphasis on the Sugar Industry*, appeared before the Commission in his capacity as Minister of Labour and testified that there was, in the mid and late 70s, a fundamental shift in relation to collective bargaining from what existed in the past. Settlements were imposed on the unions by the PNC Government. They were not the result of a free process of collective bargaining.

3.62 - Dr. Gopaul makes the point in his book (p 3) that though workers’ “*solidarity action has not been outlawed . . . the government repressive actions following acts of solidarity effectively proscribed the right to strike.*”

3.63 - There was established by the PNC government a system where centralized negotiations took place between the Trades Union Congress and the government of Guyana. It resulted, for example, in minimum wages being set for the period 1977–1979. Dr. Gopaul testified that it was intended to be a minimum wage agreement but “*it turned out to be a maximum wage agreement by virtue of a decree by government.*” In consequence, the unions “*were unable to bargain.*”

3.64 - According to Dr. Gopaul, Government went so far as to issue instructions to employers that they ought not to negotiate with any trade union any increases beyond what was stipulated in the 1977–1979 agreement with the GTUC. Joseph Pollydore was, at the time, its president [*sic*] and it had 24 affiliated unions.

3.65 - Dr. Gopaul testified that Government signed a comprehensive agreement with minimum and maximum wage clause{s} as if entering a collective agreement but he was quick to explain that.” “*Government did not have recognition as a parent body of organized labour. They do not have collective agreements.*”

3.66 - The signing of the agreement received mixed reactions with the strongest condemnation coming from NAACIE which had, since the Annual Delegates Conference of the TUC in September of 1977, pointed to the danger of the agreement being signed and the government being allowed to block collective bargaining by the issuance of instructions to State employers.

3.67 - But the workers were to suffer yet more at the hands of Government, for in June of 1979, the Minister of Finance withdrew all increments which had been paid to workers by virtue of their contractual arrangements. Employees of State corporations and sugar industry workers represented by NAACIE were among those most affected.

3.68 - When there was the strike at the Guyana Stores in 1979, Government ordered “*scabs*” to go in and open the store and the 82 striking workers were fired. Among the scabs were members of the House of Israel.

3.69 - Mr. Desmond who was the branch official of CCWU and a staff member of Guyana Stores was also fired. The president, Mr. Gordon Todd, was picked up while picketing outside Guyana Stores, put on a helicopter by Government personnel and taken on an unknown ride. So concerned were union and work colleagues about his whereabouts that Mr. Pollydore, general secretary of the TUC, called the President (*sic*) who assured him Todd would be at Ogle by a certain time.

3.70 - Mr. Todd, according to Dr. Gopaul, reported that he was take on a tour over the Atlantic in shark-infested waters, “*had his head pushed out of the helicopter and shown the sharks swimming and was warned that if he was to persist in this activity he may likely end up in those waters.*” It was another illustration of a public act of terror against an individual. It was intended to create fear and was a common technique of the administration of the day.

Economic Conditions

3.71 - The prevailing economic and social conditions in the country were very difficult, according to Minister Rohee. Prices were high and goods in short supply. The situation was compounded by the fact, according to Jocelyn Dow, that in the distribution of the scarce food resources priority was given to those who were affiliated with the party.

3.72 - The government was negotiating with the IMF. The productive sectors were under-performing. Exports were low and foreign exchange was scarce. That was the environment in which the opposition parties intensified their struggles. It was not, testified Kwayana, a race issue. It was a class issue.

3.73 - Rodney and Jagan working together contributed to a growing sense of unity with trade unions and religious organizations.

3.74 - Guyana was a *“totally controlled society,”* testified Ogunseye who added the Mr. Burnham was a man in control. He continued: *“He was well informed and anyone who stepped out of line had to feel his ire.”*

Paramountcy and the Trade Unions

3.75 - As far as the trade union movement was concerned, PNC members who were also union members could not participate in strike action and when called by their unions so to do. The doctrine of paramountcy meant, in effect, that their party came before the union:

3.76 - In 1975 the congress of the ruling party endorsed the following recommendations resulting from one of its workshops on the role of labour:

1. *During this period, unions should make funds available annually for education of workers in programmes approved by the State.*
2. *Punitive measures should be meted out to party members who support trade unions whose aims and objectives are not consistent with the revolutionary movement.*
3. *Salaried unionists should be phased out because this encourages such leaders in supporting any unjust demands by the workers.*
4. *Trade unions operating in the public sector must be affiliated to the party, since unions not affiliated can undermine the aims and objectives of the party and government.*
5. *An industrial relations bill should be introduced through unions affiliated to the party and the party should establish a system to determine the necessity for strike action.*
6. *It is incumbent on all party members to ensure that the trade unions are affiliated to the party.*
7. *Non-affiliated unions whose members belong to the party should, through the executive of that union, urge affiliation.*

3.77 - As far as Burnham was concerned, strikes and other forms of industrial action had their roots in colonialism and ought not to take place in his republic. This was reflected in the book by Dr. Nanda Gopaul and indicated at pp 199-200. Gopaul further indicated that the black workers and academics, regardless of race or occupation *“who opposed the regime were ruthlessly attacked.”* Succinctly expressed by Gopaul, *“all those who challenged the administration came in for special treatment.”*

3.78 - Gopaul testified that by 1979 the union movement became more militant after the right to collective bargaining had been denied. Simultaneously with that, however, the trade unions affiliated to the PNC were subject to the policies of the party arising from the Sophia Declaration and the 1975 PNC congress. There were forces at work to ensure that they fell in line with the party’s philosophy. The unions affiliated to the PNC at that time were:

- i. Guyana Labour Union
- ii. The Guyana Public Service Union
- iii. The Guyana Teachers’ Union
- iv. The Amalgamated Transport
- v. Guyana Postal and Telecommunications Workers
- vi. The Guyana Mine Workers
- vii. The General Workers’ Union

Increased Militarization of the State

3.79 - One of the striking features of the period under review was the sharp increase in the creation of military and para-military institutions and the equally dramatic increase in expenditure thereon.

3.80 - Mr. Rohee, in the course of his testimony, addressed the question of the substantial increase in expenditure but was careful to indicate that he was relying on the figures provided by Father Andrew Morrison, S.J. in his book at pages 104-105.

3.81 - Father Morrison suggested that to bolster the party’s control from 1974 the military forces were considerably expanded. Created was the Guyana National Service which was followed in 1976 with the formation of a National Militia which lasted a relatively short period, 1976–1997. Other armed groups included the Young Socialist Movement and the Women’s Revolutionary Socialist Movement.

3.82 - There was a ten-fold increase in the strength of the armed forces in the 13-year period after 1964 when the British handed over responsibility for security to the Guyana government. The numbers of military personnel grew from 2,135 to 27,751. Simultaneously military expenditure rose from \$8.76 million in 1973 to \$48.72 million in 1976. That represented a six-fold increase.

3.83 - David Granger, in his slim monograph, entitled *The Guyana People's Militia 1976–1997*, posed the question: “*What were the reasons for the Militia's clamorous rise and almost soundless demise?*” In answering that question, he submitted that externally the administration's leftward foreign policy posture “*had the effect of alarming, if not alienating, United States, Brazil and neighbouring Venezuela.*”

3.84 - Venezuela had again been making claims to two-thirds of Guyana's land space. In addition, Mr. Granger reminded that in October of 1976, Guyana was the victim of “*the worst international terrorist attack in the western hemisphere when 11 of its citizens were killed in the Cubana Airline atrocities.*”

3.85 - On the internal front the administration was complaining that the country was the target of destabilization and thus impliedly justifying an increase in military resources to meet those challenges.

3.86 - The National Service was justified on the ground that it provided the nation's young men and women with discipline, a sense of service and with a range of skills. To the extent, too, that military training was a part of the programme, in the face of the Venezuelan threat, Burnham was quick to provide the reassuring note arising from the investment in the National Service that “*every citizen a soldier.*”

Extra-Judicial Killings and Repression

3.87 - There were additional and significant features of the period under investigation that merit reporting upon.

3.88 - Newsprint was restricted and to the extent that freedom of expression has to do with ease of communication, that freedom was compromised.

3.89 - *Dayclean* was the WPA's newspaper and it was printed in Trinidad by Tapia House as no one in Guyana would do so for fear of the administration's reprisals. And when the first shipment of the newspaper arrived they were seized at

Customs and a trade order was issued banning them. The WPA were prevented from “*uplifting the newspapers.*” They were subsequently destroyed in a bonfire but not before the civil servants at the port helped themselves to some copies. In consequence, *Dayclean* was in limited circulation in the country.

3.90 - There were two radio stations in the country at the time and they were both owned by government. As a result the WPA had no access thereto. It was put at a serious disadvantage and had to find creative ways of communication and getting its message across. That exclusion from the airwaves was consistent with the serious attempt by the administration to stifle its voice and restrict its message.

3.91 - Of large significance, too, was the, “*extra-judicial killings,*” to use the classification of Tacuma Ogunseye, by the Police Force under the PNC. He said, too, that the extra-judicial killings had gotten worse under the Burnham administration when contrasted with the pre-independence period. Speaking directly of Burnham, he said that he had a special characteristic which only one other politician demonstrated. That was Janet Jagan. They were “*both very vindictive.*” He said further that Burnham was prepared “*to do anything to maintain power and that included violence and death.*”

3.92 - Ogunseye’s testimony is significant in that he admitted freely that his WPA cell had taken the decision to acquire weapons. There was no support for that initiative of his cell from the general party. Nevertheless, his cell and a few others were, to his knowledge, amassing weapons.

3.93 - The Commission is indebted to Mr. Kwayana who identified and brought to our attention the cases mentioned below.

3.94 - On November 28th, 1979, thirty-six year old, Ohene Koama, a leading WPA activist was shot in Greater Georgetown by the police.

3.95 - The Police claimed that they had seen him put a bulky bag in the car trunk and, as they approached, he pulled the gun from the bag and he was killed in the process. Residents who claimed to have seen the shooting said that shortly before that Koama turned into Roxanne Burnham Gardens, where he lived. Two police cars came up in front and behind him and as he got out of the car, plainclothes policemen opened fire. Eusi Kwayana testified that according to the residents he was shot “*in cold blood.*” In Koama’s case, an attempt was made to have an inquest. It did start and the police’s account was challenged by the residents on the ground that the size of the gun described could not fit in the trunk of the car and,

further, that the rifle would have had to be assembled before it could be used. The police never turned up and the inquest was closed and no one held criminally responsible.

3.96 - Next was the case of Edward Dublin. He, too, was a WPA activist. He was shot at Wismar, across the river from the bauxite town, on Thursday, February 28th, 1980. He died at the Mackenzie hospital the next day.

3.97 - Police sources claimed he had been shot (in a confrontation with three armed police, when he and two others were seen breaking into a house at Wismar). The WPA had a different story and claimed that Dublin was outside "Bird Palace" night club at Wismar when he was approached and spoken to by a group of police, one of whom pulled a gun and shot him in his abdomen. Kwayana who investigated these cases testified that he was shot several times and only on the insistence of spectators were the police prevented from dragging the wounded body away.

3.98 - According to the WPA, Dublin was subjected to harassment from the day he became a WPA activist in the previous year. He had earlier attracted the attention of the police for he was the only demonstrator outside of the court on July 14th, 1979, the same day that Father Darke was killed. He was pulled out of the crowd and was taken away for questioning. On another occasion, while he was at Wismar along with Dr. Rodney and others distributing party literature in the area, he was subsequently detained by the police but no charges were laid against him.

3.99 - The WPA connected Dublin's death to two documents received by the WPA purporting to come from PNC sources. They emphasized that "*all attacks on WPA activists must be fatal.*"

3.100 - Another WPA activist, Nazir Khan, of La Grange, West Bank Demerara was on February 18th, 1980, shot by an unknown guard as he entered his yard. Khan had reported that in the previous year when thugs broke up a WPA meeting at Vreed-en-Hoop, they pursued Roopnarine and destroyed the car he was driving near Khan's house. He was one of those who helped Roopnarine to escape.

3.101 - There is no evidence that any suspects were held in relation to any of those deaths or any serious investigations made.

3.102 - Eusi Kwayana provided the details of these deaths which he had personally investigated. He testified that those cases support his thesis that in the period under investigation there was a disregard by the administration for the right to life.

3.103 - The period under review was one of extreme hardships and difficulties in the life of the Guyanese people. The rule of law was systematically subverted on a daily basis. It was replaced by the rule of man in the person of Burnham and the PNC. No evidence was provided us as to the extent to which the Guyanese people responded by emigration to the U.S.A., Canada and, to a lesser extent, to the neighbouring Caribbean countries. But they did emigrate and in substantial numbers.

3.104 - One of the main instruments employed by the PNC administration was the infliction of public harm, including death, on the WPA activists and perceived opponents of the PNC administration.

3.105 - The chapters that follow discuss in greater detail the role of the military and paramilitary organizations in that period and the specific events and circumstances which climaxed in the death of Dr. Walter Rodney.

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CHAPTER 4

To enquire into the cause of the explosion in which Dr. Walter Rodney died, whether it was an act of terrorism, and if so, who were the perpetrators – TOR II

Time, Place and Cause of Death

4.1 - On the 13th of June, 1980, Dr. Walter Rodney died while seated in the left front passenger seat of a Mazda Capella motor car bearing registration number PBB2349 which had been driven by his brother Donald Rodney. At the time, the motor vehicle was in a stationary position at/in the vicinity of John Street and Hadfield Street, in Georgetown. His brother, Donald Rodney, was in the motor car seated in the driver's seat. He himself received relatively minor injuries.

4.2 - On Donald Rodney's account, given in evidence at this Commission: *"Suddenly, I heard a loud noise and at the same time I felt my body being twisted against the driver's door which flew open. . . I realised then that there had been an explosion on Walter's side of the car and that he was seriously injured."*

4.3 - Donald Rodney further testified that he immediately ran to the house of Dr. Omawale, a leading member of the WPA. Also living there were Karen De Souza and Andaiye, both supporters of the WPA. He spoke to the two women and informed them of what had happened.

4.4 - This is confirmed by the evidence of Karen DeSouza who testified that he appeared at her door and she observed that *"His face seemed battered and blood was dripping off him."* Following his report that *"there was a terrible accident or something terrible had happened,"* she immediately left home and went to where the car was located. Cross examined by attorney-at-law, Mr. Basil Williams, for the PNC, Ms. Karen DeSouza acknowledged in her testimony at the 1988 inquest that the words she reported Donald Rodney as saying when he arrived at her house, were *"there had been a terrible accident."* When pressed by the attorney for the PNC, she testified as follows:

Mr. Williams: *"Now a terrible accident connotes what in your estimation?"*

Ms. DeSouza: *"Suggests that something that you did not expect to happen has happened."*

Mr. Williams: *"And how do you, in the same vein, understand these words 'or something terrible has happened'."*

Ms. DeSouza: *“Something unexpected and terrible and horrible has happened and it was unexpected.”*

The commissioners accept this explanation and can perceive no material difference between the two expressions.

4.5 - As Ms. DeSouza also testified, on arrival at the scene of the accident, she pushed her way through a crowd that had already gathered. Not only were there civilians in the crowd but among the civilians, *“... lot of them were the members of the Death Squad.”* She saw, *“that the top of the car was off.”* She interacted with a policeman who at first tried to discourage her from moving closer to the car. However, she was eventually allowed to do so. She continued: *“I moved closer and saw a smooth dark expanse of flesh. I saw that the body was on the floor almost pasted on. The head was pressed up against the dashboard. I thought I recognised the back of the head which was the only part visible.”* In her testimony she further stated that she saw his profile and that she, *“... essentially recognized that it was Walter.”* After these observations she moved away and then returned home. As Ms. DeSouza explained, the Death Squad was a reference to a special unit of the Guyana Police Force (GPF). That name was given to it by citizens because of those officers’ behaviour. In her words: *“... they were particularly vicious ... tended to be armed with hockey sticks and batons and they did not seem to have any problem using these on people who were unarmed.”*

4.6 - On the testimony of Father Malcom Rodrigues the news carried on the 6 a.m. broadcast on the state-owned radio station, Demerara Radio, the following morning, in relation to the explosion and death, referred to a person *“whose face was destroyed beyond recognition.”* This despite the wide-spread knowledge, even at that time, that it was Dr. Walter Rodney who had died as a result of the explosion.

4.7 - Later that day the radio station did carry the name of Walter Rodney as the person who had died. Father Rodrigues was a close friend of the editor of the *Catholic Standard*, a weekly publication of the Catholic Church in Guyana. Father Rodrigues knew Dr. Rodney and his family well and spent the night at the home of the Rodneys.

4.8 - That same day he positively identified the body of Walter Rodney on behalf of Dr. Rodney’s widow, Patricia Rodney. On his evidence, Father Rodrigues had no difficulty recognizing the deceased. He testified as follows: *“I walked around to the side and looked in, and Walter’s face was perfect. . . The beard was too perfect,*

also, not one of those scraggly beards he normally had. It looks as though somebody took a torch and went and singed it nicely. So, I looked at it and thought, "What an extraordinary thing. . ."

4.9 - Dr. Patricia Rodney who gave evidence at the inquiry testified that she viewed the body three days after his death. On her account, the very evening of her husband's death, police officers attended at her home and carried out a search. The next morning at about 9 a.m., her sister arrived/ at her (Patricia Rodney's) home with a bag of bloodstained clothing which her sister told her had been brought to her, the sister, by the police. She recognized them "*. . . as the clothes Walter was wearing the previous evening.*"

4.10 - Later that day, accompanied by Father Rodrigues, Patricia Rodney went to the funeral parlour and was told by the police that she could not see the body that day. She persisted and returned a second time but, according to her, "*they still refused to give us permission to see the body. My lawyer [Miles Fitzpatrick] went to the funeral home on the Sunday but they told him they did not work on Sundays.*"

4.11 - On her evidence, when she was finally allowed to view her husband's body she had no difficulty recognizing and identifying him. Patricia Rodney testified that three days after his death, on June 17th, 1980:

"Father Rodrigues and I returned to the Newburg Funeral Parlour, where [ASP] McCrae and some other policemen were present. The funeral parlour was very depressing and not kept in a sanitary state. We all went in to see the body. It was in a huge poorly working refrigerator with about eight other bodies, some naked, some half naked. . . Walter's body was at the bottom of the pile. It was a dreadful experience."

4.12 - Dr. Patricia Rodney described an interaction between herself and ASP McCrae at the parlour when he asked her if she recognized her husband. She testified that she refused to cooperate in view of the state's inaccurate publication that she had previously been offered the opportunity to identify her husband but she had refused.

4.13 - Senior Superintendent Leslie James, the head of Criminal Investigations Department at the time of the inquiry, attended and gave testimony. In 1980, Senior Superintendent James was not a member of the Guyana Police Force, having only joined the force in 1987. His testimony was based on the records

unearthed which were produced to the Commission, as well as his own experience and expertise, developed through his 27 years in the Police Force, regarding methodologies used by the force. In the course of his evidence he produced exhibits including police files relative to the investigation into the death of Walter Rodney and Special Branch files concerning surveillance conducted in relation to the WPA.

4.14 - A report of a post mortem examination conducted on the body of Dr. Walter Rodney by Dr. Leslie Mootoo, a local pathologist, on June 14th, 1980, gives the cause of death as; *"1) Shock and haemorrhage and 2) Multiple injuries of the abdomen and legs due to explosion."* Dr. Mootoo, in his observations and opinion, stated: *"The explosive device was in [Dr. Walter Rodney's] lap at the time of explosion."* The doctor's further professional opinion was that the explosive device *"... was not held in the hands of the deceased"* as had this been so, *"more severe mutilating injuries of the hands would have been seen."*

4.15 - Dr. Hugh Johnson, a consultant pathologist, was brought to Guyana to undertake a further post mortem examination. In his report dated June 30th, 1980, he also concluded that Dr. Walter Rodney, *"had died while sitting in a car following the explosion of a device on his lap which he was not handling at the time."*

4.16 - Donald Rodney was hospitalized the night of June 13th, 1980, for treatment of his injuries. While in hospital, he was visited by ASP McRae, Donald Rodney's attorney, who was present, handed to ASP McRae a signed statement of Donald Rodney. Donald Rodney was later on the June 18th, 1980, questioned by the said police officer in the absence of his attorney. While still in hospital, on June 24th, 1980, ASP McRae again attended at the hospital where Donald Rodney, still a patient, was formally charged for being in possession of explosives. The statement of Donald Rodney was put in evidence at his trial by the prosecution and in his defence Donald gave a brief unsworn statement in which he basically summarized what was in this statement. Reference was also made to the fact of the statement at the coroner's inquest held later, although it was not put in evidence.

The Cause of the Explosion, the Source of the Explosive and Circumstances Immediately Proximate to its Provenance

4.17 - Donald's evidence was that although he was not a member of the WPA, he decided to stick closer to his brother, Walter, and assist him in what, in summary, would have been a supportive/protective role. This was after certain events

occurred which caused Donald Rodney to become increasingly concerned for his (Walter's) welfare. In answer to his attorney, Mr. Keith Scotland, he outlined the events referred to above.

4.18 - These commenced with the murder of Father Darke, a journalist priest of the *Catholic Standard* on June 14th, 1979, the very day the "arson three" were to appear in court. A crowd had gathered at the Brickdam prison from which the accused were to be transported. Machete welding thugs were there intimidating and threatening the crowd. According to Donald Rodney, the police stood by doing nothing to protect the citizens. Among the other events listed as influencing Donald's decision was the speech of the then Prime Minister Burnham at the third biennial congress.

4.19 - Selwyn Pieters, attorney-at-law for the Guyana Trades Union Congress, also examined Donald Rodney in relation to his assistance to Walter and probed whether the collection of the walkie-talkie was a secret between them. However, Donald denied any awareness of any such secret. He was merely helping his brother.

4.20 - This was the context in which at his brother's request Donald Rodney made contact with Gregory Smith to collect a walkie-talkie set which his brother Walter had informed him Gregory Smith was constructing at Walter's request. He, Donald Rodney, stated that he had visited Gregory Smith at his house in Russell Street in Georgetown on at least two occasions and had met with him on at least three other occasions elsewhere in Georgetown. On one further occasion there was an arrangement for Donald to meet Smith at an address at North Ruimveldt, but when he arrived a lady called out to him to tell him that Smith was not present. The unequivocal evidence in Donald Rodney's own words reads: *"As far as I know, it was a walkie-talkie that was being assembled. That is what I understood from Walter, and that is what I understood from Gregory Smith."*

4.21 - Donald Rodney testified at this inquiry as follows: *"Well, I was introduced to Gregory Smith some time in 1980. And, when I say introduce . . . Walter told me of Gregory Smith. And, the fact that Gregory Smith was making walkie-talkies for him, Walter, and I assumed the WPA. I must say on the first occasion when I went to meet Gregory Smith at Russell and Howes Street was early 1980 . . . it could have been like February, And the subsequent visits took place between February and June."*

4.22 - Donald Rodney further testified that approximately two weeks prior to June 13th, 1980, he had met with and collected from Gregory Smith the walkie-talkie device for the purposes of a preliminary testing. His evidence is that about two weeks before June 13th Walter asked him to collect the walkie-talkie set from Gregory Smith. Donald did so and was given a partly boxed object with an electrical circuit inside. Smith gave him some directions for its testing. In his words:

“Part of the circuit had a small knob and he directed me that it needs to be turned to put into what I would call now a set position. He would have another unit which would remain in his possession. . . The circuit that I had also had a bulb that I would describe as a flash bulb and if that bulb flashed when he, Smith, activated the unit the two units would be synchronised. Now synchronised is a word I am using now. . . The one I was given and had in my hand that we were discussing and one that I have not seen but he referred to and I assume he had. . . That is how it is being instructed that it would work.. .”

4.23 - Donald Rodney continued to testify that he conveyed these instructions to Walter and that he and Walter adhered generally to the instructions given by Smith. The bulb did flash as Gregory Smith had said it would and thereafter on further questioning by Mr. Scotland he answered as follows, *“The flash went off. I assume that the synchronisation that was being sought had been achieved. . .”* It was thereafter returned to Smith for completion. What was must now be inferred is that the completed walkie-talkie was collected by Donald from Smith on June 13th, 1980.

4.24 - On that fateful day Gregory Smith issued instructions not for the testing of its functionability but as well as to the precise location at which the test should be conducted. The first test should take place at Princess Street and the second test should take place opposite the jail. The explanation given was that Smith wanted to have the test done opposite prison. His rationale was that he wanted to observe whether the transmission would be interfered with by the expansive metal wall. Donald testified that Walter did not abide by the instructions as to location, apparently not considering them essential. Hence the test was carried out in or about vicinity of John Street and Hadfield Street, rather than beside the prison.

4.25 - Dr. Frank Skuse, a forensic scientist attached to the British Home Office Forensic Science Laboratory in England, was brought Guyana by the government to carry out forensic tests as part of the police investigation. His report was submitted to us among the documents in the files submitted by the police. He first

consulted on arrival in Guyana with Deputy Commissioner Roberts and Assistant Superintendent Kendall, Investigating Officer Mr. McRae as well as Dr. Mootoo.

4.26 - From Dr. Skuse's report, he visited the location at which Dr. Rodney met his death, examined the Mazda car in which Dr. Rodney died, examined Walter's body and had it X-rayed as well. In addition, he reviewed photographs taken by the police relative to the incident. He examined several items including swabs from the left and right hands of deceased, finger nail scrapings, portions of clothes worn by Dr. Rodney at the time he met his death. He also examined fragments extracted from the vehicle and the body of Waiter Rodney. Swabs were taken from the vehicle and subjected to forensic tests.

4.27 - From the body of Dr. Rodney was recovered among other things, *"a small capacitor or transistor can, the residue of a micro-switch, a bent nail as well as other fragments of wire, glass and wood."* He gathered 70 swabs/samples in all. He further noted that on his examination of the vehicle he was able to confirm that the roof had been torn off and so was the front windscreen. He found that the engine compartment and the boot of the vehicle were relatively undamaged. He made no comment in relation to the rear passenger seat.

4.28 - Having carried out his examinations and the appropriate tests he concluded that:

"(i) The damage to the vehicle was entirely consistent with that caused by an explosive device situated on the left knee or shin bone of a passenger sitting on this passenger seat.

(ii) Fragments found were consistent with having come from a walkie-talkie radio set which, according to markings found, was to a probability 'a Harris Porta phone walkie-talkie set' . . . transmitting on a frequency of x12.58541 which equals 151.025."

4.29 - Dr. Skuse also found evidence of a detonator and summarises his conclusion as follows:

"The deceased Dr. W Rodney sat in a stationary vehicle with a parcel on his knee and I am inclined to the view that his left leg crossed his right as shown in the photographs. The parcel contained a wooden box containing a transmitter/receiver system probably part or wholly a Harris Porta phone linked to a small charge of TNT explosive primed with an aluminium detonator. The box was nailed together and a knob controlling a selector switch was

available to the person or persons in charge of the parcel. I recovered no pieces of loudspeaker from the vehicle. The sequence of events could have been that by instruction Dr. Rodney put the receiving circuit onto the receive position by the control switch and waited for a signal which was duly received and released current from the battery to the detonator. Alternatively he could have mistakenly put the receiver into the receive position. If he or his brother had a walkie-talkie in their hands then I would have expected his brother to make his available or if he dropped it in the relatively undamaged area of the car it would have been recovered as would that of Dr. W. Rodney.

4.30 -The possibility of an 'external' signal spurious to the Rodney's or Smith purported activities can be explored after investigation of the electronics used in the device and information has been examined about the Harris Porta phone. The charge purported to have been used is typical to that used as an anti-personnel device. The absence of explosive on the hands of Dr. Rodney may or may not be significant. Its absence may indicate that he was not assembling a device or had not recently assembled a device. Any explosive which may have been present at the time could have been lost during the first post mortem. The hands were very wet at the time of my examination and were lying in the exposed parts of the abdomen. The label part of item 61 is typical of that found on a battery supplied to me by the GDF force in Georgetown. The components and circuit board recovered from the debris in the car indicate that the radio in the device or incident was different from those used by the police and GDF forces. TNT is an explosive usually used for military purposes.

Conclusion

The absence of injury to the hands suggest that the hand or hands of Dr. Rodney were not operating controls or preparing the device at the time of the explosion and my view is that the deceased had an armed device using TNT on his knee or lap which was detonated by receiving an external radio signal at the appropriate frequency."

4.31 - In summary, Dr, Skuse's description of the box and his opinion that the device could have been detonated by "receiving an external radio signal at the appropriate frequency" is consistent with the evidence of Donald Rodney as to the instrument and instructions given to him by Gregory Smith for testing.

4.32 - Any suggestion that Walter Rodney could have mistakenly triggered the device is irreconcilable with this expert and independent evidence. We go further and hold that the theory of an accident has no support on the evidence.

4.33 - His finding that the explosive was in the nature of an anti-personnel device indicates that it was not capable of, nor was it designed to demolish a concrete structure such as a prison wall.

4.34 - No evidence was produced to this inquiry that his opinion that it should be possible to identify the frequency of the signal was explored. It must be borne in mind that Trenton Roach, then a constable in the Guyana Police Force attached to the communication branch, was able to give the frequencies of the electronic equipment taken from the Russell Street residence to Gregory Smith. It therefore leads to the inference that resources existed for such a comparison as was recommended by Dr. Skuse to be undertaken. However, it was never undertaken.

4.34 - It is also of interest that Dr. Skuse in his report also noted as follows:

“From the information so far elucidated from the debris it should be possible to identify which person or persons or services operate on this frequency and probably trace the components to a particular set. I would appreciate the opportunity of examining a Harris Porta phone walkie-talkie system before committing myself further.”

★

4.35 - There is no evidence that Dr. Skuse was brought back to the jurisdiction or otherwise afforded the opportunity to carry out any further examination of the debris and/or a Harris Porta phone system. Neither did any other expert carry out any further examination or investigation as indicated by Dr. Skuse to be desirable.

4.36 - The failure to facilitate the comparisons that were recommended by Dr. Skuse represents one of the many unsatisfactory aspects of the police investigation into the death of Walter Rodney.

4.37 - The evidence presented and which has been received points to one inescapable conclusion. It is this: that Dr. Walter Rodney's death on the 13th of June, 1980, was as a result of an explosion of a device provided to him by Gregory Smith and that explosion was triggered by an external source.

4.38 - It had not been Dr. Rodney's intention to bring about his own demise and so far as he and his brother, Donald Rodney, were concerned, at the material time

they were intending to test the transmission capabilities of the device supplied to them by Gregory Smith. This testing was pre-empted by the explosion which occurred while the device was in Dr. Rodney lap and not being handled by Dr. Rodney.

Whether the Death of Walter Rodney was an Act of Terrorism

4.39 - Common to all definitions of terrorism is the use of violence in order to achieve a goal. For example, in the *Merriam Webster Dictionary* it is defined as; *“the use of violent acts to frighten the people in an area as a way of trying to achieve a political goal.”* In the *Oxford Dictionary* it is defined as; *“use of violence and intimidation, especially for political purposes.”* It is also defined as a systematic use of terror especially as a means of coercion.

4.40 - In recent years the concept of “state terrorism” has attracted increasingly more attention in legal and political circles, In an article by Amy Zalman, Ph.D., she notes that: *“State terrorism is as controversial a concept as that of terrorism itself. Terrorism is often, though not always, defined in terms of four characteristics:*

- (1) the threat or use of violence;*
- (2) a political objective; the desire to change the status quo;*
- (3) the intention to spread fear by committing spectacular public acts;*
- (4) the intentional targeting of civilians. It is this last element—targeting innocent civilians—that stands out in efforts to distinguish state terrorism from other forms of state violence.”*

4.41 - In all democratic societies there are fundamental laws by which the civil rights of citizens are acknowledged, recognised and protected. In countries with a British constitutional legacy this is usually contained in a chapter of the Constitution entitled or designated as the Chapter on Fundamental Rights. In Guyana in 1980, those fundamental rights and protections were set out in Chapter 2 of the Guyana Constitution and included, as they still do today, the right to life, provisions to secure protection of law, freedom of conscience, freedom of expression and freedom of assembly and association. Section 4 of the Constitution provided:

“No person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of an offence under the law of Guyana of which he has been convicted.”

4.42 - The Constitution and laws made pursuant to and concomitant with the Constitution allow for the detention of persons in relation to whom there is reasonable suspicion of a crime and also for the suspension of rights during periods of emergency. In fact, under the laws of Guyana at the relevant time, the offences of treason, treason felony, sedition, riot or unlawful assembly, riot and failing to obey a proclamation to rioters to disperse existed. It was also unlawful to own and/or operate a transmitter device such as a walkie-talkie without a licence.

4.43 - Under the National Security (Miscellaneous Provisions) Act*, the police were given the power to enter and search premises and arrest/detain persons without a warrant on reasonable suspicions of such persons being in possession of ammunition or explosives. A person detained on the directions of the Minister under this law could be detained for up to three months without a charge.

[The National Security (Miscellaneous Provisions) Act, Chapter 16:02]*

4.44 - Additionally, there was a fully operational Police Force in place. Besides, there was the special squad of the force, referred to by citizens as the Death Squad. Still further, there were police on regular patrol duties and an intelligence section/division. The Special Branch which on the officio Standing Order presented by Senior Superintendent Leslie James, was charged with:

“(a) the conduct an intelligence operation and investigations of security nature throughout the State;

(b) The collation and assessment of security intelligence;

(c) The enforcement of the Aliens Act;

(d) The investigations into applications of naturalisation;

(e) The investigation of certain offenses of a security nature, as set out in paragraph 4;

f) The personal protection, as and when ordered by the Commissioner, of important officials and important persons;

(g) Investigations of background reports of force applications and firearm applications;

(h) Any other duties ordered by the Commissioner

“Paragraph 4: Special Branch will normally investigate the following offenses:

a) Sedition;

b) Offenses against Official Secrets Act, insofar as those Acts relate to Guyana; (c) Offenses under the Undesirable Publication Regulations;

c) Narcotic offenses which threatens the stability of the state.

“In addition, when expressly ordered to do so by the Commissioner, Special Branch will undertake or assist in the investigation of serious acts of sabotage in any part of the State. The responsibility of Special Branch in relation to the above offences does not in any way absolve the Divisional Commander, as the senior officer in a division, from undertaking the initial investigation and retaining general responsibility for the proper investigation of such offences in his division. In the event of any offense listed above being committed in a division, it will be the duty of the Divisional Commander to report immediately by the quickest possible means to assist the Assistant Commissioner, Special Branch, who will decide whether personnel from Special Branch should be dispatched to the division to assist in the investigations.”

4.45 - The Special Branch was not inactive. The evidence shows that in relation to the WPA alone, there were at least 10 files, although only three were found and produced to this Commission.

4.46 - There was therefore available and in place lawful procedures and institutions at the disposal of the State which could be employed in response to breaches of the law. There was no need to resort to extra-judicial or extra-legal action which falls within the definition of state terrorism. There is nothing in the police files provided to the Commission that Walter Rodney was charged with any offence save and except the charge of arson instituted against him and two other members of the WPA which was subsequently dismissed for lack of evidence.

4.47 - If it is that law enforcement was of the view that his actions or words amounted to criminal offences, there was provision within the law to take appropriate action. The evidence is that his house and that of his in-laws were subjected to frequent searches. Nothing was found and no criminal charges were laid. This evidence will be the subject of more detailed consideration later. Suffice it to say that those actions have been characterized as acts of harassment by the police.

4.48 - In considering whether the death of Dr. Walter Rodney was the result of an act of terrorism, whether by opposing political interests or individuals or by the state, the evidence which has been previously analysed and will be analysed in relation to the other terms of reference must be considered. These include Gregory Smith's connections and antecedents. So, too, must the general atmosphere in the country for the period leading up to June 1980. Rodney's impact as a leading political figure, his and the WPA's relationship with other political organisations and the security forces are also relevant. Accordingly, the answer to the question

posed in terms of reference two will be postponed to allow for a fuller consideration of these matters.

Accident or Deliberate Act?

4.48 - There is a preponderance of evidence establishing that it was well known that Gregory Smith was a serving member of the Guyana Defence Force. Despite this the army at first denied any knowledge of Smith as a member of the GDF. Retired Major General Norman McLean*, then Chief of Staff of the GDF, admitted that the army at first stated publicly that no “Gregory Smith” was a member of the Guyana Defence Force but later on, *“After we were given the number 4141, that is when they checked and said yes, there is a ‘William Gregory Smith’.”* Clearly it was now being acknowledged that “William Gregory Smith” and “Gregory Smith” was one and the same person.

[Evidence of Retired Major General Norman McLean given on the 5th day of June, 2014]*

4.49 - Major General McClean further testified that he had information that at some point in time Gregory Smith was a deserter from the army but when the direct question was put to him: *“Are you able to say definitively whether William Gregory Smith was an active member of the army on the 14th June, 1980?”*, he replied: *“I do not know that.”*

4.50 - This “gap” in his knowledge or recall is in this Commission’s view adequately closed by the extract from the evidence of ASP McRae given at the coroner’s inquest held in 1988. There he testified that he, having spoken to the Chief of Staff (who was then Major General Norman McLean) for the Guyana Defence Force (GDF), had been able to establish that on the night of June 13th, 1980, Smith had been a serving member of the army.

4.51 - Indeed, by the time this Commission convened there was no doubt that Smith was so enlisted. For our purposes the relevance of the army’s initial denial is that it certainly raises in sharp focus the question as to why the army would have initially denied that he was a serving member. The answer may well lie in an attempt at an intentional cover up. That coupled with the other evidence which had been examined has led this Commission to that very conclusion.

4.52 - The evidence provided by Anne Wagner is that Gregory Smith died on November 21st, 2002. Undoubtedly, while he was in Guyana and prior to the death of Walter Rodney he operated as an electronics technician. Evidence to this effect is to be found in the statement from Pamela Beharry, dated June 21st, 1980, which

was included in one of the police files. There she stated that Gregory Smith was her neighbour until she relocated in December, 1979, and he lived at 40 Russell Street, Georgetown, with one Gwendolyn Jones, his paramour. She further testified that, “. . . he [Gregory Smith] had started to bring in to the said apartment radio receivers and other type of radio equipment...In addition to radio receivers and sets, Smith also had on occasions walkie-talkie sets and other mechanical instruments.”

4.53 - Trenton Roach confirmed Smith's involvement and training in electronics in the security forces, stating that, “I was once on a joint army/police radio technicians/operators course with him. . .” In a document dated April 19th, 1980, found in one of the three special branch files, reference is made to Gregory Smith. He is described as an electronics expert, “who works on the waterfront.” There it is recorded that affiliates of the WPA and ultimately Dr. Walter Rodney himself had sought to engage the services of Gregory Smith to set up communication systems. No information or intelligence is there contained relative to any WPA member or affiliate commissioning or requesting the manufacture of an explosive. Rather the entry refers to him claiming to have overheard discussions relative to the acquisition of arms.

4.54 - In the course of her evidence, Anne Wagner presented extracts from the book, *Assassination Cry of a Failed Revolution*, purporting to have been co-authored by Gregory Smith and herself, but published after his death. In one of these extracts it is recorded that Smith stated that he was recruited by Walter Rodney to “*modify portable citizen band transceivers (walkie-talkies or CBs) as triggering devices . . .*” In her evidence, she was not living in Guyana at that time and was therefore not in a position to speak first hand to events and occurrences in Guyana.

4.55 - In the book it is also narrated that Smith gave Dr. Walter Rodney the modified device, as requested, and provided detailed instructions to both Dr. Walter Rodney and his brother Donald Rodney. Those instructions related to the manner of operating the device and the dangers associated with its use, in particular premature triggering. This apparently was intended to be supportive of the theory that the device was accidentally triggered by Dr. Walter Rodney himself and to convey that an accident occurred for which Smith is not responsible. Some support for this inference may be said to be found in the evidence that Gregory Smith was distressed and/or frightened when he heard news of the explosion.

4.56 - This came from In-camera-witness II who testified that the step-son of Gregory Smith, one David Carrel, reported to her years later, in a conversation, that on the day of the explosion, Dr. Rodney collected a walkie-talkie from Carrel's step-father and when Dr. Rodney left, Gregory Smith, was operating a big machine from his home.

4.57 - The witness further testified that her sister was in an intimate relationship with David Carrel and it had been reported to her by Carrel that when they heard of the explosion, *" . . . he said his step father was like going mad, started to pull his hair and behaving in a funny manner."* It is also the evidence of this witness that it was also reported to her that Gregory Smith and Walter Rodney were close friends and furthermore that, *"he [Gregory Smith's step-son] told us that his stepfather was very sad when he did what he did."*

4.58 - Having regard to the conclusion previously arrived at, we are of the view that any such distress on the part of Smith must be attributed to his realisation of the enormity of the scheme he had participated in. It runs counter to the narrative set out in the book, *Assassination Cry of a Failed Revolution*, and serves to undermine Smith's credibility and raises the question of his motive to lie. It may well be that Smith was feigning innocence in the eyes of the family in order to retain their regard and respect.

4.59 - The analysis provided by Nirmal Rohit Kanhai, who was accepted as an expert by the Commission, supported, in his testimony, the findings of Dr. Frank Skuse. He agreed that the device which exploded was triggered by an external source. He further testified that the triggering of the device had to be deliberate, given the findings which were made by Dr. Skuse. It is Kanhai's evidence that

"When you look at Smith's book that is Smith's thesis that it was accidental. When you look at the fact it was a Harris Porter (sic) phone you can never come to that conclusion. This is why Smith is saying he had a toy walkie-talkie set. Once we accept the forensic evidence of Dr. Skuse, that it was a Harris Porter (sic) phone, then everything Smith says becomes nonsense just to put it mildly. . . . Because the Harris Porter (sic) phone is a military device. It was a top of the line device. . . . It means this is about as good a device as you can get and that selectivity rating is telling you that the signal that is sent to it, it will accept that signal to the exclusion of other signals . . . the selectivity rating tells you spurious signals cannot trigger it."

4.60 - Nirmal Kanhai also accepted that based on the forensic evidence and post mortem report of Dr. Mootoo, there would have been no handling of the device by Dr. Walter Rodney and therefore no possibility that the detonator could have been activated by friction. Again we emphasize that while Mr. Kanhai was available to be cross-examined, the Commission did not have the benefit of having Smith's evidence tested in like manner. In summary the scientific and overwhelming evidence presented to the inquiry will contradict the theory of an accidental triggering initiated by Walter Rodney's failure to comply with the instructions given by Gregory Smith.

Police Investigations

4.61 - Evidence has been adduced of the response and/or reaction of the police after the death of Walter Rodney. On a review of this evidence the Commission has come to the inevitable conclusion that the investigations into the death of Dr. Walter Rodney were inadequate and incomplete.

4.62 - We have already referred to the three police files touching and concerning the death of Walter Rodney which were admitted in evidence. We must consider the material in these files as well as the oral evidence testimony produced to this Commission.

4.63 - It is the evidence of Trenton Roach that on the very evening of June 13, 1980, there was information shared among police officers that Walter Rodney had died as a result of the explosion. Although categorised as rumour and unofficial it was undoubtedly widespread. Obviously Gregory Smith was implicated in the death of Walter Rodney from very early and this ought to have put the police on inquiry in relation to him.

4.64 - Indeed in the statement of Detective Senior Superintendent Gentle included in the police files, he confirmed that he went to the house of Gwendolyn Jones at Russell Street, Georgetown. This was part of the investigation into the explosion and consequential, death. There he executed a search warrant for arms and ammunition under the authority of the National Security Act and found, "*a quantity of electronic equipment which included 3 radios, 4 Banton sets or walkie-talkie and a monitor.*" Strangely he was not detailed to search for, detain or carry out any arrest on Gregory Smith. The question arose at the 1988 coroner's inquest at which both he and his superior officer, ASP McRae, were witnesses. No explanation was provided then and we have none now.

4.65 - Trenton Roach, who was earlier introduced, was responsible for the installation and maintenance of the force's entire communication network, including very high frequency transmissions. He gave further evidence that on the 14th of June, 1980, he was then a corporal and was instructed to report to Detective Senior Superintendent Vernon Gentle at the headquarters of the Criminal Investigation Department (CID). He did so and his testimony as to what followed is:

“On my arrival he showed me some electronic equipment and instructed me to check them. There were four (4) Bantam sets, two Midlands and two Lafayettes, three domestic radios and one VHF monitor, all found to be in working order and were found to be receiving police operated frequencies. This was worrying to me, but the monitor was of special interest to me, because it was receiving police transmission very clearly, which means it should not be in the hands of civilians as it will compromise the integrity and security of the network. Of note also on the monitor was pasted a piece of paper with the wording ‘Remember to work on the 14’ and there was figure ‘3’ overwritten on the ‘4’.”

4.66 - Although the dates given by himself and Gentle do not correspond, the evidence at the 1988 coroner's inquest makes it clear that the items that Constable Roach, as he then was, examined were the very items that the then Detective Senior Superintendent Gentle removed from Smith's Russell Street residence. One cannot leave this point without noting that on his evidence given at the inquest, the then Constable Roach admitted under cross examination that the items could not be found despite a thorough search for them.

4.67 - Additionally, from his evidence, it is clear that he was not given the information as to the case file to which his examination related as he surmised, quite wrongly from information later obtained, that they were taken from a Mr. Rowe's house on Evans Street. Detective Gentle, from his testimony, was not looking for Gregory Smith when he searched his house: He was not aware that a man by the name of Gregory Smith was connected to Rodney's death, although he was given information that the search of the house was so related.

4.68 - He, too, could not account for the missing items. His examination at the inquest on this point proceeded as follows:

“Q: Did you see Mr. Roach report?

A: Yes Sir.

Q: What did you with the various pieces of electronic equipment?

A: I lodged them in the storeroom. I do not know if anyone uplifted them.

Q: Have you seen any record of the article being returned?

A: I cannot say.

Q: In the report you see reference to transistors and capacitors?

A: Yes Sir.

Q: When anything is taken out from a body at post mortem it is handed to the police?

A: Yes. I don't know if this was done.

Q: Is Mr. Kendell still a member of the Police Force?

A: No he is in New York."

4.69 - There is no evidence as to how they were secured or as to any chain of custody following their removal from Russell Street. They were certainly not made available to Dr. Skuse. Once again, this evidence demonstrates the lack of sufficient professional care by the police in the preservation and securing of potential exhibits in relation to a case of national and international importance. As a result, these items were not produced either at the trial of Donald Rodney or at the subsequent inquest into Walter Rodney's death. Not surprisingly, they were not available to this Commission thirty-four years later. On the evidence of Crime Chief Leslie James, *"The current Commissioner of Police and myself spoke and searches were made and the information I got was that nothing of such was found."*

4.70 - In the three Special Branch files relating to the surveillance of the' WPA presented to the Commission, there is only one reference to Gregory Smith to which we have already referred. There he is described as an electronics expert who worked on the waterfront and who was asked to supply walkie-talkies by members of the WPA including Dr. Rodney. No mention is made of Gregory Smith being a marine sergeant in the GDF.

4.71 - Was it that the police had no information that this Gregory Smith was one and the same William Gregory Smith, a soldier of the GDF, or is it that for security reasons his link to the army was being suppressed? As part of this report, Gregory Smith is said to have overheard elements in the WPA discussing the acquisition of arms. This report of acquisition of arms by the WPA will be revisited. However, of more proximate relevance at this juncture is that the intelligence received by the police did not include information regarding the soliciting or supply of explosive devices from Gregory Smith but rather a device for communication.

4.72 - It is also of relevance to note the evidence of Allan Gates who testified to secret meetings between himself and Gregory Smith and the information which was consequently divulged to him. It is Gates' testimony that:

“He [Gregory Smith] told me that Walter Rodney wanted him to build a high frequency walkie-talkie that would have been able to cover certain distance. He told me that he does not have the expertise and when he informed his superior, they told him that they would have the walkie-talkie made in Russia . . . he said that his superior said that he would use the opportunity rather than him delivering a walkie-talkie, they would deliver an explosive device. . . He also told me that he would have been paid GYD\$1 million, in those days, and free access out of Guyana for him and whether he had a wife or whoever.”

4.73 - Also on the evidence of Allan Gates, Gregory Smith informed him that he reported to a number of persons in the security forces including Chico, Laurie Lewis and Norman McLean. If this evidence is accepted, Gregory Smith knew that he was delivering an explosive. In addition, he knew that Walter Rodney was ignorant of this and that their testing would likely have resulted in detonation of the device. Gates' evidence bolsters the conclusion already arrived at that Rodney did not request the production of a bomb.

4.74 - While evidence was given that photographs of Gregory Smith were somewhat later posted in police stations, there is no indication in the police files or from the evidence otherwise adduced that any national search was conducted or bulletin for his capture publicized. It must also be borne in mind that the army would have had details relative to his address, birth, name of parents and close associates and that a man by the name of Gregory Smith who frequented the ports was already known to them.

Impact of Walter Rodney and the Activities of the WPA on the State and Political Parties – Motive

4.75 - In addressing this Term of Reference, the impact of the growing popularity of the WPA consequent on Dr. Rodney's return to Guyana to the elements of national political life and of the two main political parties merit consideration. Witnesses including Eusi Kwayana, Tacuma Ogunseye, and Ras Leon Saul gave evidence in this regard. In Eusi Kwayana's words, the WPA was a *“coalition of several groups and the whole was to get groups together that represented different races which had been split since 1955 when the original People's Progressive Party split. This organisation from the first, even before Dr. Rodney returned,*

incurred a mysterious kind of hostility because its members had spoken out severely against what took place in 1973.” He further testified, “...he [Dr. Walter Rodney] was a very popular figure in the imagination and hearts of the Guyanese people. . .”

4.76 - Of Dr. Rodney, Eusi Kwayana testified as follows: *“He was perhaps the first political person of the left that was always a welcomed guest among religious groups, priests and people who had or pretended to have some interest in social change as they were doing at that time. I think they had a genuine interest in social change, but I have to be broad.”*

4.77 - Tacuma Ogunseye, founding member and executive committee member of the WPA, and who was originally a member of ASCRIA which was part of the coalition which became the WPA, gave evidence in a similar vein. He stated that ASCRIA decided *“ . . . it was determined (sic) that Dr. Rodney was a very important political person and that the WPA should use him . . . to bring about a political situation in which people could participate regardless of race, class or party loyalties.”* He also testified that the impact of Walter Rodney on political life was demonstrated when the WPA had the first public meeting to be addressed by Dr. Rodney.

4.78 - Not only were they able to attract members of the PPP but also members and supporters of IPRA. There were, in addition, person from the Working People’s Vanguard Party, the people of Ratoon at the Durban and Louisa Row meeting. It was one of the largest crowds for a political meeting that there ever was. He said, *“There were about four or five thousand persons. It was one of the biggest meetings for a long time.”*

4.79 - Although the estimated size of the crowd given by Mr. Kwayana differed (approximately 3,000 people) the tenor of his evidence in this regard is to the same effect. Prior to this, similar meetings only attracted a few hundred people. The following extract from his book, *Walter Rodney*, was put to him by counsel for the PNC in cross-examination and he endorsed and accepted it as accurate:

“The first meeting at Durban and Louisa Row in Georgetown brought at least 3,000 people into the streets, much to the surprise of the power-blind PNC. Its thugs were unprepared for this public response and had to confine themselves to heckling with racist jibes at the fact that Cheddi Jagan and I appeared on the same platform after 21 years, with the exception of a single protest meeting in 1968, protesting the banning of C. Y. Thomas from Jamaica. ASCRIA took the

lead in proposing that a number of groups and individuals cooperate in the protest against this attack on the action. It took particular pains to invite among others, the PPP and it did this, not in order to get PPP supporters involved in the protest, but out of respect for Rodney's own position which had seen the PPP as a progressive organisation."

4.80 - In confirming the collaboration and amicable relationship between the PPP and the WPA and the impact of this on the ruling party. Mr. Kwayana gave evidence as to the collaboration of the PPP and the WPA for the formation of the National Patriotic Front, further to which *"conferences were convened in Georgetown among the PPP, the Working People's Alliance and various other forces of opposition to discuss the proposals, that is, the National Patriotic Front."* And, in relation to the second point, his evidence was that this came to the notice of the then president (*sic*) Burnham who publicly declared, *"They the PPP can ride into office on the backs of the worst possible alternative, but, Comrades, let me say this, never the day canoe bore punt."* The phrase "never the day canoe bore punt" is a "David and Goliath" reference as a punt is a large barge made out of heavy metal.

4.81- In relation to the joint rejection of the Constitution Amendment Bill, put forward in 1978, he testified, *"This was another manifestation of the close working relationship—a united position of the PPP and the WPA in the conflicts of the struggle against the intentions of the then administration to carry out constitutional changes which were rejected in mass by the Guyanese people; and both parties were looking for the appropriate forum as part of their efforts to mobilise the population; to sensitize them of what their position were and to educate at the same time the people so that they could be more conscious of the position of the two political parties and other members of the alliance—the CDD and all of that—contributing to rising and the increasing political consciousness of the people. So it was part of a process of imparting knowledge and part of a process of hearing the views of people as well."*

4.82 - He also testified as to a united opposition position to the proposed referendum, *"Well, we all join hands together to oppose the Referendum. That was the time when the PNC, the ballot paper which you would vote during the Referendum, they designated a house for those who would vote for, and a mouse for those who would vote against, so the slogan in those days was 'vote for the house and kill the mouse.' This was the chant that resonated throughout the country in those days from the government platform across the country."*

4.83 - Mr. Nanda Gopaul, an active trade unionist and leading member of the union, NAACIE, when asked by attorney for the PNC whether the PPP supported the strategy of the resistance by the WPA to the administration, he replied, *“Well, I cannot say whether the PPP supported but I know, personally, from time to time, I would have spoken with Dr. Jagan and he obviously would have supported most of the actions taken at that time.”*

4.84 - So there was evidence coming from leaders of both the WPA and the PPP in relation to a cordial relationship and strategic collaboration. There was of course, and naturally so, awareness of the fact that this had the potential to impact membership of the PPP. Mr Kwayana was asked and confirmed that he was aware that Gail Teixeira of the PPP in an interview with the *Morning Star*, in London, England described Walter Rodney as a *“progressive of fairly acceptable views.”* Mr. Kwayana expressed the view that this *“was an attempt to downgrade his [Dr. Rodney’s] heritage from the pinnacle he might have attained.”*

4.85 - So, too, there is evidence in the WPA surveillance files that at some group meetings it was noted and some concern expressed at the attraction of some PPP members to the WPA led by Walter Rodney. Nevertheless, it must be reiterated that no evidence of hostility or motive on the part of the PPP to get rid of Rodney was produced to this Commission. The overall impact revealed by the evidence was a positive one.

4.86 - When questioned by Mr. Christopher Ram, attorney for the WPA, Ras Leon Saul also gave evidence to that effect and expressed a view that the WPA was attracting supporters of the PPP but he gave no evidence as to any hostility between the two organizations.

4.87 - As set out in the report relative to TOR 1, the time immediately prior to June 13, 1980, was a period of political unrest and instability. From the evidence there can be no doubt that as Rodney became increasingly more popular, the sharp differences between the WPA and the PNC became more and more pronounced. This was captured both on the political platforms and elsewhere.

4.88 - On the evidence of Ras Leon Saul:

“The crowds began to grow at the meetings and the reasons why the crowds began to grow was because of the attraction of Walter Rodney and the new kid on the block, the WPA. They were the hype in town, people wanted to go to their meetings like if it was the biggest activity around. . . The WPA was the party,

but Walter Rodney was the draw. In other words, Walter Rodney could have done what he was doing without the WPA and also without the PPP. . . Walter Rodney had started to move even ahead of the organisations that he was a part of. He was becoming really larger than life."

4.89 - On the evidence, as Dr. Rodney's popularity grew so did police action such as searches, detentions and the institution of criminal charges against WPA members and affiliates.

4.90 - On the testimony of Trenton Roach at one such public meeting of the WPA on the occasion of the first anniversary of the 1978 referendum, Rodney is reported as having said, *"You don't know who to trust, you have to do something yourself; but don't let us come back next year to celebrate no referendum defeat; we must celebrate something more significant. . ."*

4.91 - According to Mr. Trenton Roach, this statement was followed on the very night by the destruction by fire of the Ministry of National Development/PNC Headquarters. Following on this fire, members and affiliates of the WPA, namely, Dr. Walter Rodney, Dr. Omawale, Dr. Rupert Roopnarine, Bonita Harris, Maurice Odle, Karen De Souza, Kwame Apata and Narine Nandlall were detained and eventually, three of them, namely, Dr. Walter Rodney, Dr. Rupert Roopnarine and Dr. Omawale were charged with arson. They were able to get bail in court proceedings held on Saturday, the 7th July, 1979, the same day that Father Darke was murdered. This was 11 months before June 13, 1980.

4.92 - Having been charged with the offence of arson, the popularity of Walter Rodney did not abate. According to Trenton Roach: *"After the charges, the frequency and sizes of the crowds increased."* The *"make your wills"* excerpt has already been quoted from the speech of President (sic) L. F. S. Burnham at the third biennial congress of the People's National Congress (PNC) in 1979. Eusi Kwayana testified concerning this excerpt, *"We knew it was a threat. We did not know to what extent the threat would go in 1979, but it is a declaration of war. 'Let them make their wills.' . . . It was directed at the WPA."* He further testified: *"It went beyond criticizing his policies to the point where strategies were being affected to take him out of power. It had reached to that point where it was no longer dilettante and just the hype in society about WPA meetings. It had moved from just making the masses conscious to the point where action on the ground was necessary to get a government out of power by any means necessary. It had reached to that point."* Referring to words used by Walter Rodney himself, Kwayana continued: *"Even the rhetoric had become more hyped—the reference to*

him as 'King Kong', 'People's Power', 'No Dictator'. It was very vitriolic. It was incendiary."

4.93 - The Commission heard evidence from Tacuma Ogunseye that the cell of the WPA to which he was attached decided to acquire weapons for self-defence. *"We felt that the WPA would have to acquire some amount of arms for self-defence purposes and we took steps to deal with that."* Ogunseye further testified that the collection of arms was for self-defence against *"not only the state machine. You see in Guyana, we faced the House of Israel, we faced PNC private people with weapons . . . far more and our weapons were so minimal; it was more of a psychological boosting for our comrades so that they could perform knowing that they are not totally exposed. It is more psychological than anything else; it is no match to who we were up against."*

4.94 - He was careful to note that this was not a decision taken for or by the WPA as a whole. Neither did he involve or implicate Dr. Walter Rodney in this. Allan Gates also gave evidence that Dr. Roopnarine requested of him that he procured ammunition on his behalf. However as Dr. Roopnarine did not give evidence, nothing can be made of this.

4.95 - The important point that must be made at this juncture is that neither Walter nor the WPA had been committed to a policy of violence even though some individuals in a limited number of cells in the WPA were arming themselves.

4.96 - The actions of the security forces in response to the growing popularity of the WPA under the leadership of Dr. Walter Rodney is detailed elsewhere in this report. It is therefore only necessary here to review the evidence of his widow, Dr. Patricia Rodney, as to the direct actions of the police and some citizens adverse to their family. On her evidence, their children were singled out and isolated. There were taunts and threats from PNC supporters who passed by their house. Their mail was intercepted. Walter was under constant surveillance. He was detained multiple times and released without charge, save and except for when he was charged with arson. This charge was eventually dropped for lack of evidence even though posthumously.

4.97 - This is of relevance here because it indicates/establishes that Dr. Walter Rodney was not contemplating overthrow of the state by violent means but he was now at the point of contemplating leaving Guyana.

4.98 - By all accounts Dr. Walter Rodney was a popular, personable man and there has been no evidence produced that anyone had a private grudge or acted with demonstrated hostility towards him. He enjoyed amicable and cordial relations with the PPP and its leaders and this was publicly known. There is no evidence of any or any sustained suspicion or apprehension on the part of the PPP towards him.

4.99 - There is evidence of the significantly increasing popularity of Dr. Walter Rodney and the real threat that this posed to the governing party. The atmosphere of intolerance and dictatorial rule, the deficiencies in the investigation, are all the features of the period under review. There is definitely material on which to conclude that Rodney's death was an act of violence for political purposes. It may be seen, too, as an act of violence to frighten the WPA's members and supporters away from their political goals. It may further be interpreted as a means of coercion. Getting him off the political scene was definitely an objective of the government of the day. His death clearly set back and weakened the opposition forces.

4.100-Karen De Souza testified that upon seeing Dr. Walter Rodney in the car after the explosion which killed him, the opinion she formed as to what had happened is that, *"he had finally been killed by the government."* When asked the basis for that assumption or belief she replied, *"Well, one, the very seriously adversarial posture of the Working People's Alliance and the People's National Congress. The fact that two party members had been killed before Walter was killed. The fact that I think at one or more than one of the big People's National Congress rallies the Prime Minister had been uttering threats about 'make your wills' and 'sharper steel' and so forth. . . That the people in the 'Worst Possible Alternative' should make their wills and that the 'Worst Possible Alternative' is the way the WPA was named by the government of the day and that the steel of the People's National Congress was sharper than any steel that the Working People's Alliance might have."*

In the words of Eusi Kwayana, his death *"... proved the extent of the menace as to whether it was empty rhetoric or menacing."*

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CHAPTER 5

To specifically examine the role, if any, which the late Gregory Smith, sergeant of the Guyana Defence Force, played in the death of Dr. Walter Rodney and if so, to inquire into who may have counselled, procured, aided and or abetted him to do so, including facilitating his departure from Guyana after Dr. Walter Rodney's death – TOR III

5.1- In reviewing the evidence relative the TOR II, we considered in detail the role that Gregory Smith played in the death of Walter Rodney and concluded that he knowingly brought about Rodney's death. We have also given consideration to the role of the state in his death. We must now consider how Smith came to leave Guyana and what assistance he was given in doing so and its implications.

5.2 - This is the summary given by Anne Wagner of Gregory Smith's account: *"Okay, when three men picked him up in front of his house and told him to come and he said no, let me go to the station and report it, they roughed him up. He was crying, he was shaking; he could not believe that his friend Dr. Walter Rodney was dead. He was in a bad state. The guy gave him two pills and told him this is going to calm you down and they drugged him. When he woke up, he was in Kwakwani."* She continued that after, *"Two or three days . . . they brought him down to Georgetown and they took him to a ship that was going to Trinidad and they told him that when he goes to Trinidad the WPA would give him fake documents and some money. He never heard from them. My brother was in Trinidad with no documents, no money, no clothes and all the news flashing that he is a murderer, that he killed Dr. Walter Rodney."* There he was destitute. He returned to Guyana where he stayed for a few days and then travelled to Cayenne, the capital of French Guiana, where he remained until his death.

5.3 - But there is credible evidence of the State's involvement in transporting him from Georgetown on the 14th day of June, 1980, to Kwakwani by Gerald Gouveia, then a serving member in the GDF, utilizing a GDF Islander airplane numbered 8RGER. This was on the instructions of his superiors.

5.4 - According to Gouveia, he did not realize at the time that he was given these instructions that his passenger was to be Gregory Smith, the man implicated in the death of Walter Rodney. In giving his evidence, Mr. Gouveia testified that he was unable to recall from memory transporting Smith from Kwakwani on June 17th. On Gouveia's evidence, he only learnt of Smith's identity some days later when he saw Smith's photograph in the *Catholic Standard* in an article relating to the

explosion and death of Walter Rodney. He further testified that he had consulted his personal log book in which he stated that it is recorded that he did pilot GDF airplane 8RGER on June 17th, 1980, but what is recorded there is that the journey was from Timehri to Tacoma, a military base.

5.5 - From the police files that were produced into evidence at this inquiry, at least four witnesses, based in Kwakwani, provided the police with statements confirmatory of Gregory Smith being transported to the airstrip at Kwakwani on June 14th, 1980, and from the said airstrip on June 17th. On both occasions, Smith was transported in an army marked airplane. For example, reference may be made to the statements of Anita Thom, Joel Southwell and Egerton Causeway, all supernumerary police attached to the airstrip located at Guyana Mining Enterprise situated at Kwakwani as well as that of Avril Bourne, a resident of Kwakwani. Those witnesses all gave statements to the police investigator that a young man fitting the description of Gregory Smith was transported to the Kwakwani airstrip in an army airplane. Southwell and Bourne both identified the airplane by its number 8RGER.

5.6 - Bourne's statement further records *"that the man, thin-built of mixed race, he is about 5ft. 7 ins., brown complexion and has narrow features. The woman is of Indian descent, her hair was cut short, and she is about 5ft. 4 ins., brown completion and has sound features. They had some children along with them."* She recalls that she was later introduced to the man by one Lilian Smith *"as . . . my husband son Gregory Smith . . ."* Approximately one month later she was shown two photographs and was able to identify the images captured there as Gregory Smith and the woman who had accompanied him.

5.7 - One other witness, namely Robert Vanconten, gave a statement in which it is recorded that he saw someone he discovered to be Gregor Smith *"who I was introduced to earlier by his father Cecil Smith . . . who lives at Kwakwani Park."* It is reasonable to infer that these photographs shown to Bourne by or in the presence of Detective Winston Saigo, who is the person who took the statement from her on the same day, are the photographs that were shown her.

5.8 - All statements taken from individuals at Kwakwani and included in the police files were taken by Saigo. All the witnesses who gave statements that they saw the person alight from the army plane on June 14h, 1980, or saw a "strange man" in the village between June 13th and 17th were shown photographs which they were able to confirm as having captured the image of the man they had seen. The evidence of these witnesses both individually and taken together sharply

contradict the account attributed to Gregory Smith in the book, *Assassination Cry of a Failed Revolution*.

5.9 - In response to the question whether Gregory Smith appeared drunk or disoriented when he entered the GDF plane, Gouveia confirmed that what he observed did not accord with somebody being groggy and or not operating on his own. He, Gouveia, did not see his passenger being transported to the plane by other persons. In addition, there is nothing in the statements of Avril Bourne, George Southwell or Anita Thom to indicate that the man who alighted from the army plane on June 14th appeared groggy, disoriented or drugged.

5.10 - The aircraft used by Gouveia was sold sometime after and the evidence is that the plane's log book would have accompanied it to its new owner. The further evidence is that the personal files of Gregory Smith which would have existed as part of the GDF records have gone missing and it is believed that they were among files destroyed when there was a flooding of a particular GDF building. The suggestion that Smith's missing file was the result of a flood is decidedly rejected as a fabrication and is discussed elsewhere.

5.11 - In the book, *Assassination Cry of a Failed Revolution*, it is stated that Gregory Smith's departure from Guyana to French Guiana was facilitated by WPA affiliates and in the process he was given new travel documents under the name Cyril Milton Johnson. The said travel documents facilitated his entry into French Guiana. However, the witnesses who were associated with the WPA during the period under consideration deny any knowledge of the WPA facilitating Smith's exit from Guyana.

5.12 - It is the evidence of Eusi Kwayana, one of the three co-leaders of the WPA at the relevant time, that to the contrary, WPA members had their own passports seized. They did not have the kind of influence with the Immigration Department that would enable them to assist Smith in the manner recorded in his book. He testified as follows: *"Now the WPA has had some of its passports seized and could not make a passport as he is alleged we did for him. So this was inconsistent with our experience."*

5.13 - This was confirmed by Jocelyn Dow, a sympathizer and supporter of the WPA, whose evidence was that in addition to the lack of influence with Immigration, a further obstacle to travel was that one required a tax clearance with which known supporters of the WPA were not generally provided.

5.14 - What is undeniable is that Gregory Smith was issued with Passport #268685 on the 5th July, 1980, in the name of Cyril Milton Johnson. Endorsed on this passport is his exit from Guyana and arrival in French Guiana on the 7th day of July, 1980. It is also worthy of note that the same passport shows Cyril Milton Johnson re-entering Guyana on the 19th day of June, 1982. These documents were produced by Sergeant Alexis Adams of the Immigration Department, who also produced application form for a new passport on the expiration of Passport #268685.

5.15 - On the evidence of Sergeant Alexis Adams, there were flagrant irregularities with respect to the application form for Passport #0890057 for Cyril Milton Johnson, made in 1999, which was marked as Exhibit ARW2 and admitted into evidence. This evidence from an Immigration Officer completely undermines the credibility of the account given in the book as to Smith being facilitated in his departure from Guyana under the auspices of the WPA.

5.16 - Evidence has also been presented to this Commission which establishes (inferentially) that the girlfriends of Gregory Smith, subsequent to the explosion in 1980, were spirited away by the government. It is the evidence of in-camera witness II that Gwendolyn Ramotar, believed to be the same person as Gwendolyn Jones, and her two sons who were fathered by Gregory Smith, were sent out of Guyana by the government to New York.

5.17 - There is also evidence from the police crime files concerning one Joan Melvin, who described herself as the fiancé of Gregory Smith. Joan Melvin in her statement given to the police on the 3rd of July, 1980 averred that she was employed to the Ministry of Health and Labour as the confidential secretary to the Permanent Secretary until around the 23rd of June, 1980. By the 3rd of July, 1980 she had become a diplomat employed at the Ministry of Foreign Affairs and was slated to depart Guyana on assignment to the Guyana Consulate in New York by the 6th day of July, 1980, for an indefinite period.

5.18 - There is common ground between Gouveia and Wagner that, however, Gregory Smith travelled to Kwakwani he was accompanied by a woman, identified by Wagner as Gwendolyn Jones, and children. Anne Wagner, in answer to questions posed by Counsel Mr. Andrew Pilgrim, confirmed the relationship between Gregory Smith and both Gwendolyn Jones and Joan Melvin. She testified that at the time of her evidence they were both living in the United States.

5.19 - Although some of the statements in the crime files on this and other points could not be tested as their authors did not attend and give sworn evidence, they can nevertheless be accorded a high degree of credibility as there is supporting evidence about them from witnesses who appeared before the Commission. And, unlike Gregory Smith, the authors of these statements cannot be said to fall into the category of persons with an interest of their own to serve.

5.20 - The State agencies responsible for the institution of criminal prosecutions only issued a warrant for Gregory Smith's arrest in 1996, following the visit of the investigating team from the International Commission of Jurists and their report published in 1995. The advice proffered by the then Director of Public Prosecutions, Mr. Ian Chang, was that Gregory Smith be charged with the offence of murder, though his personal recommendation for a charge of manslaughter was noted.

5.21 - The evidence is that Gregory Smith re-entered the jurisdiction of Guyana on the 19th of June, 1982, under the name Cyril Milton Johnson. That was only two years post the 13th of June, 1980, and the supply of a passport to him was by a process which circumvented the legal requirements. That no warrants for his arrest had been issued prior to 1996 is instructive and there is no indication as to what diplomatic or other efforts were made to secure the extradition of Gregory Smith from French Guiana.

5.22 - The evidence clearly points to the State procuring and facilitating Smith's departure from Guyana ensuring that he remained outside of the jurisdiction and beyond the reach of its laws.

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CHAPTER 6

To examine and report on the actions and activities of the state, such as the Guyana Police Force, the Guyana Defence Force, the Guyana National Service, the Guyana People's Militia and those who were in command and superintendence of these agencies, to determine whether they were tasked with the surveillance of and the carrying out of actions, and whether they did execute those tasks and carried out those actions against the political opposition for the period 1st January, 1978, to 31st December, 1980. – TOR VII

6.1 - The totality of the evidence presented to us clearly and obviously painted a grim picture as to how the country of Guyana was run but our TOR limit the period from January 1, 1978 to December 31, 1980. We have no hesitation in concluding that the political directorate at that time under the leadership of the late Mr. L. F. S. Burnham, Prime Minister and late President of the Co-operative Republic of Guyana, and as Head of State, was the supreme authority, and Commander-in-Chief of the armed forces of the republic. He was not only the head of the Guyana Defence Force Board but was also head of the National Security Committee and from all the evidence kept a very tight rein on all aspects of the country's business.

6.2 - The tight rein we have mentioned has its deep root and genesis in the concept of "*party paramountcy*," a concept proclaimed by the then Prime Minister, Mr. Burnham. David A. Granger (now President Brigadier (Ret'd.) recorded in his book, *National Defence: A Brief History of the Guyana Defence Force 1965-2005*, (2005) at pp. 186-187 that:

"Paramountcy

The increasing involvement of the Defence Force in party politics, a marked departure from the apparent non-partisan stance taken in the immediate post-independence period, raised public concern about the direction being taken by civil-military relations. This pattern of politicization became more evident after the promulgation of the Declaration of Sophia on 14 December 1974, exactly 10 years after the PNC had first come to power. . .

"As a consequence of this thinking, political participation was positively promoted and many officers and soldiers were encouraged to become members of the PNC in the ensuing period. . . Similar ideas had been embraced by the GDF high command for several years and in 1977 the Chief of Staff, Clarence Prince, appeared in military uniform before the PNC's 2nd biennial congress

and pledged publicly ‘ . . . our loyalty and dedication to the Comrade Leader of the People’s National Congress and Prime Minister, Forbes Burnham. . . ’ committing the Defence Force to ‘ . . . following the road mapped out by the party and government.’ This ritual pledge of loyalty was repeated in succeeding congresses up to Burnham’s death in 1985, although not by the Chief of Staff in person. . .

“As a result of these measures, the civil administration was able to establish and maintain its control over the GDF. It was not felt that there was need to install civilian political agents in military units as it was thought that there was already significant support for the PNC party in the force. This interest was fostered by the attitude of the Prime Minister who, as Minister responsible for defence, started to appear regularly at official military functions, dressed in uniform. . . The significance of this symbolism was not lost on the public or the troops.”

6.3 - We accept the analysis given by Brigadier (Ret’d.) Granger as accurate and it harmonises with the evidence in relation to the effect of paramountcy of the party on the military and paramilitary organisations of the country.

6.4 - We are satisfied that Prime Minister Burnham used this platform in order to exert control over the military and para-military organisations of Guyana during that period.

6.5 - We have heard the evidence of Senior Supt. Leslie James, the then head of the Criminal Investigations Department (CID). He told us that he entered the Guyana Police Force (GPF) on February 8, 1987.

6.6 - Mr James produced a number of files to the Commission but, significantly and perhaps unsurprisingly, did not produce all the relevant files through, apparently, no fault of his own. He produced three (3) files, which were labelled by the GPF as WPA8; WPA9 and WPA10 (meaning Working People’s Alliance 8, 9 and 10). These files came from Special Branch, which is a branch of GPF. Mr. James said that these three files covered the period 1980, the very year when Dr. Rodney was killed.

6.7 - Mr. James told the Commission that two (2) of these files reflect “Re: Death of Dr. Rodney Walters.” (*sic*) and the third is a murder file of the accused person, “Gregory Smith.” This witness was unable to account for the missing files, which Special Branch had at some point in time, namely WPA 1, 2, 3, 4, 5, 6, and 7. It is

to be noted that Mr. James, on our first day of hearing, did accept that the “Walter Rodney” files were a matter of continuing interests but could not account for their absence.

6.8 - Also Mr James whose role before the Commission was to produce and comment as best as he could on the files in custody of the police relevant to Dr. Walter Rodney and his death and to Gregory Smith. As discussed elsewhere, of the three (3) files relating to 1980, two were entitled “The Death of Dr. Walter Rodney” and the other was a murder file relating to Gregory Smith. These files were at one point within the custody of the Special Branch. Mr. James could give no account for the disappearance of the files.

6.9 - One possible explanation which we find unacceptable is that there was a serious flood in Guyana in 2005 and many of the files may have been destroyed. That was a matter of some speculation and there was no hard evidence that the missing files from Special Branch were the victims of the flood.

6.10 - There were, too, files missing from the GDF in relation to Gregory Smith and there was similar speculation that the missing Gregory Smith file might have been the result of the flood.

6.11 - Snr. Supt. Leslie James expressed great surprise at the disappearance of the Special Branch files and said that in his experience that it was first time that he had ever heard off such a thing happening. We fully endorse Mr James’ surprise and adopt it as our own.

6.12 - Concerning the missing GDF file on Gregory Smith in the context of all the evidence presented before the Commission, we are satisfied that this was a deliberate act for which the GDF must bear full responsibility.

6.13 - Elsewhere in the report we have discussed the impact and implications of paramouncy on the civil service and on the State corporations. But as Danns pointed out in his book, the police force was seriously impacted as was the civil service bureaucracy.

6.14 - In support of this contention, Mr. Danns refers to an address (at pp. 132-133) delivered by Prime Minister Burnham to middle-level management of the Police Force at a training course. He said, among other things:

“You cannot enforce law and order in vacua. Law and order have to be enforced within a particular context of values and objectives. . . Incidentally, I would prefer to drop the word “enforce” and its derivative “enforcing” and use instead “assisting fellow citizens to have a greater regard for the law and its norms. . . I say without apology because there are still some who would say that the Police Force must be apolitical; it must merely enforce the law. . .”

Policemen are citizens first and then vocationally policemen. . .

“You will be judged by your performance not only professionally but as a citizen, as a man, as a builder of a new society. . . I have hope, nay a conviction, that out of those series of courses there will come many real leaders in terms of the definition I have attempted to set out. . .”

6.15 - Minister Clement Rohee testified about the impact of paramountcy on the public service and on the military. Referring to Sallahuddin in his book, *Guyana: The Struggle for Liberation 1945-1992*, [who] wrote at pp. 308-309, where he is quoted as follows:

“Significant numbers of public servants and the military were expected to pledge allegiance to the PNC. They did, under the practice of party paramountcy, a policy that placed the PNC over and above all other organisations and agencies and relegated the Parliament and the government to a position of subservience in relation to the PNC.”

6.16 - At p. 308 of Sallahuddin’s book, the following is recorded:

“. . .The death of WPA activist Walter Rodney on June 13, 1980, widely regarded as a political assassination engineered by sources associated with the Burnham regime as a means of demolishing the rising tide of opposition to Forbes Burnham, should not be regarded as a means of destroying the WPA only.

*“In wider terms such an act has to be interpreted as conveying a powerful signal to other forces opposed to Burnham, and to such potential forces as may have been contemplating an alliance with the WPA, that Machiavelli had not written *The Prince* in vain.*

“The involvement of person or persons associated with the military in the death of Walter Rodney is widely suspected. . .

“The tragic and highly unusual circumstances surrounding the deaths of Father Darke and Walter Rodney have to be interpreted in the wider context of excessive political repression, aimed at suppressing the rising tide of discontent even among Burnham’s traditional urban supporters. . . The 1979-80 period was one of intense WPA political activity centred mainly in the capital city, the traditional Burnham stronghold. Burnham could not stand by and allow his political stronghold to be usurped by newcomer Walter Rodney whose leadership of the WPA resulted in masses of Africans particularly the disadvantaged and dispossessed flocking WPA activity.”

6.17 - The views of Salluhuddin expressed herein were fully supported by Eusi Kwayana, Karen De Souza and Edward Lawrence Rodney; they all testified that in their judgment it was Burnham who killed Walter.

6.18 - Karen De Souza also testified that there were policemen in plain clothes who were particularly vicious and used hockey sticks and police batons on members of the public who attended WPA meetings. She went so far as to name a member of the Death Squad whose surname was “Fanfair.”

6.19 - Rev. Reuben Gilbert testified in graphic detail about a large WPA meeting held at Bourda Green at which the police used teargas, when Rodney was speaking, in an attempt to break up the meeting. Rodney’s reaction is worthy of mention. In the words of Rev. Gilbert, he advised the crowd: *“Get down, all you get down.”* The whole crowd got down flat on the grass until the teargas subsided.

6.20 - We have already commented on the sharp increase in the military establishment in the period under review. What has not been earlier indicated is that the increased militarisation of the state led to an appreciable growth of the spy network. It should be indicated, however, that there was no evidence implicating the Guyana National Service or the Guyana People’s Militia in surveillance activities against the political opposition for the period 1st January, 1978 to 31st December, 1980. That exemption, however, cannot be extended to the GPF and the GDF as those two (2) organisations were obviously and clearly tasked by the political directorate to carry out surveillance on the political opposition during the said period. Support for that conclusion was found in the Special Branch files produced by Snr. Supt. Leslie James. The evidence of Minister Rohee speaks to the surveillance of the PPP’s party leader, Dr. Cheddi Jagan, and the headquarters of the PPP—Freedom House—as well.

6.21 - Specifically, Dr. Jagan suffered frequent stops and searches at the airport when departing the country and when returning. Any party literature which he was carrying was seized without reasonable or probable cause.

6.22 - Edward Rodney testified to specific instances/incidents that occurred during the 1978– 1980 period. In support of his statement that Guyana was under a dictatorship, [he] pointed to the persistent misuse and abuse of the military and paramilitary organisations in the country. He identified the following:

- The GPF at that time was acting as an arm of the ruling party.
- The Police were being used to break up strikes against people who were standing in lines and being unruly or waiting to get bread, kerosene, or whatever.
- The mounted police were used to intimidate.
- There were some professionals amongst the Police Force who were not as antagonistic and violent as other police officers.
- There were the Bauxite Workers Union and the Guyana Stores workers' strikes and the "brown clothes" policemen were used to intimidate those striking workers. They were used together with the House of Israel operatives/members to break up the strikes and intimidate workers.
- Persons who descended on the striking workers at Guyana Stores could be members of the House of Israel or the Young Socialist Movement (YSM) (the Youth Arm of the PNC). The attackers would pull away the pickets being carried by the striking workers and attacking them while the police were standing idly by without restraining the attackers.

6.23 - The Commission also received evidence stating that there was also in circulation among police officers a *Recognition Handbook—Working Peoples Alliance*, on WPA members. Eusi Kwayana in his pamphlet titled, *Walter Rodney*, explained at p. 38 what was the role and purpose of the *Recognition Handbook*. He wrote as follows:

"About late March 1980, before Walter Rodney was denied the right to travel, though he pledged to return to face his trial, there came into his hand a copy of the Recognition Handbook—Working People's Alliance. A U.S. journalist who was shown it at a press conference said, 'Oh, a hitlist'."

The booklet carries the following under the caption, "Foreword."

“These notes are designed to provide a guide to the easy recognition of personnel of the Working People’s Alliance and vehicles that are associated with the organisation’s activities. It must be appreciated that vehicle numbers and colour may change from time to time as is now a regular practice with that organisation.”

6.24 - A copy of the *Recognition Handbook* was presented to the Commission, and in addition to the photographs of high profile members of the WPA contained therein, there was also biographical data and passport numbers. These would normally be outside of the knowledge and reach of ordinary persons. In the circumstances we conclude that the *Handbook* was clearly and obviously compiled by an agency of the State which had access to personal and privileged information of those WPA members mentioned in the *Handbook*. That *Handbook* was in regular use among police officers at that time.

6.25 - It is of interest to record that evidence was received that shortly after Mr. Odeen Ishmael took up his post as Ambassador of Guyana to the US (based in Washington) in June 1993, he came across a large number of documents entitled “The Walter Rodney Files” in the garage of the embassy. The interpretation which we put on that find is that there were documents sent from Guyana to its embassy in Washington updating the embassy personnel about events and activities of the PNC administration at home in relation to its harassment and oppression. The techniques were applied by consular and diplomatic personnel abroad as well.

6.26 - This is supported by Mr. Rohee who testified that Guyanese living in North America and who were members [*sic*] of the PNC often received harassing calls from consular and diplomatic officials.

6.27 - Other prominent members of the Guyanese society also recognised the abuse of power by the PNC Administration. Mr Ashton Chase, S.C., founding member of the PPP, lawyer and trade unionist, writing in his book: *Guyana: A Nation In Transit – Burnham’s Role*, reflected his views at pp 49:

“It [the National Security (Miscellaneous Provisions) Act Chap. 16:02 (Act No. 7 of 1966B) of the Laws of Guyana] enabled his government to detain persons whom they were satisfied were acting, or might act, in a manner prejudicial to public order, public safety or the defence of Guyana. The detentions were authorised for three months but could be extended for longer periods after reference to a tribunal, whose personnel were carefully chosen by him. It also enabled the restriction of the movements of suspected persons. Extended powers

as if under an emergency were given to the police. Entry by police officers from the ranks of Inspector upwards without warrant was authorised in pursuance of an aim of the Act to control unauthorised possession or use of explosives, firearms and ammunition.

“It was only a question of time before the Commissioner of Police and the force (including prosecutors) and the Director of Public Prosecutions (DPP) came under political, as distinct from policy direction, in the performance of their police and prosecutorial duties. So, with the security situation fully under control, he commanded both respect and fear from his opponents. His fingers were constantly on the pulse and he got information from every hamlet in the countryside and every nook and cranny in the towns of any political move or development that required his attention. The weaklings in the opposition camps were easy prey for his network.”*

[* This particular aspect is supported by the clear and unequivocal evidence of Major General (Ret’d.) Norman Mc Lean (see Day 12 Transcript p. 92).]

6.28 - Burnham’s grip and absolute control over the Guyanese society was so firm and extensive that he de-humanised and belittled many Guyanese by compelling them to clean “trenches,” canals or drains, thus giving credence to the slogan, “*Trench or be Retrenched.*” Mr. Chase reflects the experience at p. 158 of his book:

“The jobs done were basically unskilled work such as cleaning trenches, drains, canals, weeding and under-brushing, picking up coconuts, fetching goods.

“The crux, however, was that while the various activities were taking place, he would strut around on his horse, stirrup, whip et al, from one field to another over the estate. . . In this overseer role, instructions were shouted to the unfortunate to do or do over this or that task. . . The whip whacked and cracked in terrorem at some of these unfortunate victims.”

6.29 - We next turn to our consideration of Burnham’s speech in his capacity as Commander-in-Chief, Prime Minister and leader of the PNC, in his address at the *Third Biennial Congress of the People’s National Congress Vol 2*, August 22-26, 1979, at the National Exhibition Park.

6.30 - At that time, Rodney and the WPA were attracting increasing numbers of all ethnicities at their public meetings. The office of the General Secretary of the PNC,

located in the Ministry of National Development had suffered damage as a result of a fire on July 11th, 1979. The stature of Rodney on the political scene, already large, was growing rapidly. The WPA led by Rodney in association with the PPP and with organisations across the country were seen to be united against Burnham and the PNC administration. That was the context in which Burnham made the below-mentioned remarks at the conference and I [sic] quote:

“We are a party of peace, but we are not pacifists, and literally and metaphorically, we promise to match steel with steel and fire with fire.”

“So comrades, let us deal now with another of them—the Worst Possible Alternative. That is what they must be known by. What does WPA stand for?”

“Comrades, they had better make their wills, because so far as we are concerned, we are not asking them for quarter (sic) and we will not give them any.”

6.31 - Burnham concluded his address to the conference after describing the WPA as the Worst Possible Alternative, with the following words:

“The Peoples National Congress will never start violence. The People’s National Congress did not ask for a confrontation. But, Comrades, as I said on Thursday, the battle is joined, no holds are barred.”

His final words were:

Comrades, we are now in the Roman amphitheatre. The lion and the gladiator cannot both survive; one must die, and we know that the People’s National Congress will live.”

6.31 - There has been much debate whether the words used by Mr. Burnham represented rhetorical excess or whether they were serious and threatening words reflecting the extent to which Rodney and the WPA had become a matter of serious concern to him. Many of the witnesses who testified before us were of the view that given the previous and subsequent events the words were in fact a serious threat to the WPA and its members, particularly Rodney. Those who so concluded were aware of the fate earlier suffered by Edward Dublin, Ohene Koama, Nazir Khan and others.

6.32 - The unions, too, that had not fallen in line and were not supportive of the PNC administration did not escape police surveillance and harassment. Eusi Kwayana, in his book, *Walter Rodney* (1991)*, recorded one of his experiences in these words at p 31:

“The union which appeared to me to practise the highest level of internal democracy was NAACIE, which, on a decision of the executive appointed me on my application, to work at organising classes, taking my offer to work at the minimum wage. I left full of respect for its democratic procedures and only when my presence there attracted all sorts of police surveillance, the photographing of all those entering the building, and a whole squadron of police measures which could not help an independent trade union to keep its integrity. . . Yet, such is the disrespect of the regime for trade unions and other organisations that they felt my presence there had something to do with politicising the union. . .”

[* First published in 1988 by the “Working People’s Alliance”, Guyana, South America.]

6.33 - The Young Socialists Movement [YSM] was the youth arm of the PNC. It was involved in violent activities in support of the PNC. At one stage the YSM was led by Robert Corbin and it worked in close cooperation with the House of Israel in carrying out acts of violence and intimidation against WPA members. Indeed, Rev. Gilbert testified that on one occasion he was grabbed, beaten and rammed in his ribs by the YSM. His experience resulted in two broken ribs before he was handed over to the police. He was hospitalised for about one week.

6.34 - He testified to a second incident in which he was forewarned by a neighbour and member the PNC that he was going to be visited one night by YSM hit men who were going to kill him and use as their reason for so doing that he had a gun in his guitar case. He slept at the university that night and asked his brother to keep the house. The next morning when he went home his brother informed him that members of the YSM had come to the home during the night looking for him. That incident took place about two to three months before Rodney’s death.

6.35 - The YSM’s roles as described above was reinforced by the testimony of Mr. Joseph Hamilton. He testified that there were a lot of coordination between the YSM cadet corps and the House of Israel. The House of Israel, he said, had several points of coordination in the relationship with the PNC and he named Mr. Hamilton Green, Mr. Robert Williams, now deceased, and Mr. Emerson Simon who worked at the PNC headquarters.

6.36 - Addressing Terms of Reference IV, we have no hesitation in concluding that, in the face of the evidence presented, both the GPF and the YSM and those in command and superintendents of these agencies were tasked with the surveillance of and the carrying out of actions against the political opposition specifically the WPA and the PPP. We find as a fact that those acts of harassment and surveillance included, but were not limited to:

- Constant surveillance;
- breaking up of political meetings;
- harassing, threatening, assaulting or beating members or supporters of the political opposition;
- killing innocent persons who were associated with the political opposition;
- arresting, locking-up or charging members or supporters or carrying out searches of homes and other places without reasonable or probable cause.

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CHAPTER 7

To examine and report on earlier investigations and inquiries done on and into the death of Dr. Walter Rodney – TOR V

7.1 - The four investigations which are relevant to Terms of Reference V are as follows:

- 1) The inquest held by Coroner Edwin Pratt from February 4th – 15th, 1988;
- 2) The post mortem report of Dr. H. R. M. Johnson, a consultant pathologist and Reader in Forensic Medicine who was attached to the Forensic Medicine Unit, Department of Morbid Anatomy, St. Thomas Hospital. Medical School, London, England, dated June 30th, 1980;
- 3) An investigative report dated July 23, 1980, from Dr. Frank Skuse, Forensic Scientist at the Home Office Forensic Science Laboratory, Lancashire, England;
- 4) A Report issued by the International Commission of Jurists (ICJ), dated May 2, 1995, the members of that body having visited Guyana from March 14 through March 19, 1995.

7.2 - It is common ground that Dr. Rodney met his death in unusual circumstances. In the words of the Coroner's Act, Cap 4:03 of the Laws of Guyana, it was an unnatural death warranting the holding of an inquest with urgency. However, despite the fact that Snr. Supt. James testified that an inquest is normally held within two month of death, in the case of Dr. Rodney, it was held almost eight years after his death. No explanation was provided for this inordinately long delay, but the police file did reveal that the request for the inquest was made by ASP Gentle to the coroner on 26th October, 1987.

7.3 - There were significant material irregularities in the inquest itself as the reports of the foreign experts, Drs. Johnson and Skuse, were not tendered into evidence at the inquest or the trial of Donald Rodney. Additionally, Sergeant Trenton Roach was a witness at the inquest but was not called at the trial of Donald Rodney. He conducted an important examination of the electronic equipment, which consisted of three (3) domestic radio receivers, one (1) very high frequency monitor, four (4) walkie-talkies [2 Midland and 2 Lafayette]. They were all seized

from No. 40 Russell Street, Charlestown, which was Gregory Smith's former residence.

7.4 - Since he was carrying out his examination on June 14th, 1980, the day after Rodney was killed, he thought that "*this was WPA equipment.*" However, after his examination was concluded he wrote a statement of his findings and appended his signature thereon.

7.5 - Notwithstanding the foregoing, the typed and unsigned statement which was produced to the Commission from the police file contained material discrepancies and differed from the handwritten note found by Sergeant Roach on the monitor which had read, "*remember to work on the 14th*" and then written over the "4" was the number "3". Both the date and month on typed statement produced said, "*Remember to work on 14th January, 1980 but the number four (4) was overwritten on the number two (2) [sic]*". The significance of the discrepancies in this paragraph [was] intended to distort the record as it relates to Smith's role on June 13th, 1980.

7.6 - The other significant discrepancies were: the date of the statement given as June 27th, 1980, and the date of the signature listed as 30th June, 1980.

7.7 - Sgt. Roach strongly denied that the information on the typed record was correct. Included in the file was a typed document signed by ASP Gentle, dated 88-02-03, which stated that he and a party of policemen executed a search warrant at 40 Russell Street and seized the equipment earlier referred on June 19th, 1980.

7.8 - This, however, was another attempt to cover up the true identity of the killer by the police in relation to Dr. Rodney's death. Sgt. Roach maintained that his examination was on the day after Rodney died.

7.9 - Another attempt to hide evidence by the police arises from the fact that they never disclosed or made public the reports of the foreign experts which provide forensic support to show that Dr. Rodney was murdered.

7.10 - The stated position of the government soon after Dr. Rodney's death was that it would make all forensic reports related to his death public. That they never did.

7.11 - The ICJ's report alluded to a number of short-comings by the police in their investigation into the death of Dr. Rodney. Having examined very closely the

evidence put before us, we, the Commission agree, that they were several shortcomings.

7.12 - Captain Gouveia, was a Lt. in the GDF at the time. He voluntarily and freely admitted that on the morning of June 14th, 1980, he flew his aircraft 8RGER from Timehri to Kwakwani. On that flight, he took Gregory Smith, his girlfriend, Gwendolyn Jones, and their children. He left at 9:08 a.m. and arrived at Kwakwani airstrip at 9:57 a.m.

7.13 - At the time Captain Gouveia testified that he had not realised that the adult male passenger was Gregory Smith. He claimed that a few days later he saw a photograph in the *Catholic Standard* and he then realised that he had flown the same person to Kwakwani.

7.14 - Given the chain of command, he did not fly that aircraft of his own volition but had been instructed by his superiors so to do. He further told us that his commanding officer in 1980 was Lt. Col. Godwin McPherson but he assumed that in June 1980 his commanding officer was Captain Baker.

7.15 - Captain Gouveia testified that at that time of the events . . . , the State controlled the flow of news, implying that he had not seen or heard anything on the government controlled media that Gregory Smith was wanted in connection with the death of Walter Rodney.

7.16 - Captain Gouveia's arrival at Kwakwani on June 14th, 1980, with Gregory Smith and his family did not go unnoticed. Several witnesses who lived and worked at Kwakwani saw the GDF aircraft 8RGER at the time Captain Gouveia said he landed.

7.17 - These Kwakwani witnesses were:

1. Avril Bourne, aged 38 years old, being the reputed wife of Robert Vanconten (see below) who lived at Kwakwani, Park, Berbice River. Her witness statement is dated July 16, 1980;
2. Joel Southwell, a supernumerary constable with Guyana Mining Enterprise Ltd. at Kwakwani, and dated July 15, 1980;

3. Robert Vanconten, a corporal of attached to Guyana Mining Enterprise security department at Kwakwani who lived on the security compound with his reputed wife (Avril Bourne) and family, and dated July 14, 1980;
4. Anita Thom, a supernumerary constable employed by the Guyana Mining Enterprise Ltd. at Kwakwani. Her witness statement [*sic*] and dated July 15, 1980;
5. Egerton Causeway, a supernumerary constable attached to the security department of the Guyana Mining Enterprise Ltd. at Kwakwani, and dated July 15, 1980.

These witnesses gave signed statements to Sgt. Saigo.

7.18 - What is significant is that of the five witnesses who saw Captain Gouveia and Smith and his family on June 14th, 1980, three of them also saw when his aircraft arrived on June 17th, 1980. They all stated that they saw his aircraft land at about 9:24 a.m. on that day and left at 10:05 a.m. taking on board Gregory Smith alone.

7.19 - On that very day, Captain Gouveia returned to Timehri at 11:36 a.m. When that account was put to him, he denied that he flew Gregory Smith from Kwakwani to Nickerie, Suriname.

7.20 - In attempting to explain the destination of his flight on June 14th, 1980, he told the Commission that he could not recall based on his memory. However, on perusing his pilot's log book, it was clear to him that he left Timehri, went to Tacama and returned to Timehri on June 17th, 1980.

7.21 - On the evidence before the Commission, we find that Gregory Smith was a passenger on the said aircraft on June 14th, 1980 and June 17th, 1980. More importantly, Captain Gouveia admitted that the time stated in his pilot's logbook was sufficient for him to have gone to Kwakwani and take Gregory Smith to Nickerie provided that all governmental approval was granted.

7.22 - On the evidence, there is clearly no conflict between the Kwakwani witnesses and Captain Gouveia with respect to the movement of Gregory Smith on June 14th, 1980.

7.23 - There were also statements in the police file from Gregory's younger brother, Aubrey Smith, stating that he saw Gregory in GDF uniform and confirmed that Gregory Smith was enlisted in the GDF. Also Pamela Beharry gave full details of Gregory Smith being in the GDF, where he lived and with whom. Ms. Beharry knew these details because she had lived in the same house as Gregory, his wife and his children.

7.24 - The police file also had a witness statement from Joan Melvin, a former civil servant, who was made a diplomat and was posted abroad shortly after Rodney's death. She had described Gregory as her fiancé, and kept two photographs of him in her locked desk drawer at work. These photographs were removed without her knowledge and she has never seen them again.

7.25 - In light of all of the facts, matters and events set out in the above paragraphs, we conclude that any well-functioning Police Force would have pursued all leads in order to locate and bring Gregory Smith in for questioning at least as the prime suspect in the killing of Dr. Walter Rodney. On the facts, we draw the inevitable inference that there was a collaborative effort by agents of the State to conceal and keep Gregory Smith from the long arms of the law.

7.26 - There were too many unexplained events which point irresistibly to that conclusion:

(a) The swift removal of Gregory Smith, his girlfriend, Gwendolyn Jones and their children from Timehri to Kwakwani by Capt. Gouveia on a GDF aircraft on June 14, 1980 with the approval of the High Command of the GDF;

(b) The removal of Gregory Smith from Kwakwani on June 17, 1980 from Kwakwani to Nickere, Suriname, or some other destination by the GDF aircraft. We rely on this from the statement provided by the Kwakwani constable on the police file;

(c) The sudden disappearance of Gwendolyn Jones and their children and removal to New York, United States of America;

(d) The unauthorised removal of Gregory Smith's 2 [two] photographs from the locked desk drawer of Joan Melvin; coupled with her immediate promotion as a diplomat in the Ministry of Foreign Affairs. To this must be added her posting on July 6, 1980 to New York and later ended up in Toronto, Canada. She subsequently disappeared;

(e) Denial by the Chief-of-Staff of the army at the time, Major General (Ret'd.) Norman Mc Lean that Gregory Smith was a member of the GDF at any time or a serving member of the maritime branch of the GDF;

(f) The unexplained disappearance of Gregory Smith's personal file(s) with the GDF, coupled with the unexplained disappearance of the WPA files 1-7 (inclusive), kept by the Special Branch of [the] Police Force in its secret registry was, in our judgment deliberate, and we so find;

(g) Gregory Smith being allowed to return to Guyana at least twice without being arrested or even stopped;

(h) The granting to Gregory Smith of 2 [two] inconsistent birth certificates with different and contradicting particulars and facilitating him with passports, especially Guyana passport No. 0890057 issued on May 21, 1999, authorised by Commissioner of Police and Chief Immigration Officer of Guyana, Mr. Laurie Lewis. In this context we note the following:

(i) A true copy of the extract of the Birth Register of District Georgetown for the year 1964 under the hand of the Registrar dated 2014-11-04 which showed that at Entry No. 99 the child [Gregory Smith] was born on June 5, 1946 at Public Hospital Georgetown; whose given name at birth was William; father's name given as Cecil Smith (Mixed) of 64 Hunter Street, mother's name given as Anita Smith formerly Berry of 64 Hunter Street. This we conclude is an accurate and true record of Gregory Smith's birth particulars.

(j) A true copy of the extract of the Birth Register of District 8 Plaisance for the year 1982 [after the killing of Dr Rodney] under the hand of the said Registrar dated as well 2014-11-04 which showed at Entry 87 the child was born on 5 June 1946 at 17 Barr Street, Kitty [not Public Hospital Georgetown] whose given names [not name] at birth were Cyril Milton [not William], father's name given as Cecil Adolphe Johnson [not Cecil Smith]; mother's name given as Anita Johnson nee Simpson [not Anita Smith, nee Berry];

7.27 - Starting with the Appendices in the book, *Assassination Cry of a Failed Revolution*, by William Gregory Smith [and his sister] Anne R Wagner, the alleged birth certificate for Cyril Milton Johnson corresponds to that set out at (2)* [sic] above. [* This apparently refers to the paragraph immediately above.]

[*There is No 1 listed.*]

(2) The birth certificate on the second page of the Appendices corresponds to that set out at (1) [*sic*] above;

(3) The completed “Application [Form] For A Guyana Passport” dated December 17, 1975, followed the particulars set out with a height of 5’ 8”, which was signed by “William Smith” and had a copy of his photograph thereon and his occupation was given at that of an *Electronic Technician*; this passport was issued in the name of William Smith;

(4) The completed “Application [Form] For A Guyana Passport” followed the particulars set out under (2) above, which was unsigned by the applicant (Gregory Smith) and has a copy of Gregory Smith’s photograph thereon but this time his date of birth was stated as June 5, 1943 [*not June 5, 1946*] and his occupation was [changed to that of] “Carpenter”, [not an “*Electronic Technician*”]; and his height had increased to 5’ 9”, although he was much older. This was the form that was approved by Mr. Laurie Lewis on May 21, 1999, and a Guyana passport was issued in the name of Cyril Milton Johnson;

(5) A copy of the passport No. 0890057 was issued under the name of Cyril Milton Johnson;

(6) The copy of the passport on the 3rd page of the Appendices of the book over the by-line, “Passport Cyril Johnson provided by the WPA” is a copy of a previous passport issued to Gregory Smith;

(7) The knowledge of the police about Gregory Smith’s involvement in the killing of Walter, as borne by the evidence of ASP Mc Rae and refusing to act; and

(8) The acceptance by Snr. Supt. James that the police investigation was unprofessional.

7.28 - The combination of these unassailable facts and circumstances point irresistibly to official involvement in the removal of all traces of Gregory Smith and persons closely connected to him prior and subsequently to the killing of Dr Rodney. These in turn point to a conspiracy and collaboration in the killing of Dr. Walter Rodney by, between or among the State officials, the GPF, the GDF and Gregory Smith.

7.29 - Additionally, when considering alongside all the other pieces of evidence in determining who was responsible for killing Dr Rodney, it is clear that the police had actual possession of the post mortem report dated June 30, 1980, from Dr. H. R. M. Johnson and investigative report dated July 23, 1980, from Dr. Frank Skuse. These reports point to the involvement of Gregory Smith in the death of Dr. Walter Rodney. It is therefore difficult to understand why the police took no active steps to find or apprehend Gregory Smith (apart from the police posting on its Wanted Men Board that Gregory Smith was a wanted person.

7.30 - In fact, at Dr. Rodney's inquest, when Mr. Jainarine Singh, attorney-at-law, was cross-examining Snr. Supt. Gentle, Counsel asked him when he went with a party of policemen to search the premises at Lot 40 Russell Street, Charlestown, Georgetown, [where Gwendolyn Jones lived] whether he was looking for Gregory Smith, Mr. Gentle, amazingly answered, "*At that time, no.*" That prompted counsel to ask him the further question, whether he was saying up to this day [February 10, 1988] his investigations did not show that Gregory Smith resided there [at 40 Russel Street] and his answer was: "*My investigation did not include looking for Gregory Smith.*" On this evidence, Mr. Vernon Gentle and the police were clearly implicated in the conspiracy to conceal and distort the truth relating to the killing of Dr. Rodney and events immediately following his death.

7.31 - The pattern of distortion and concealment did not stop with Snr. Supt. Gentle. It transcended or infected the highest echelon of the GPF. As examples we quote certain statements made by certain police officers:—

(a) At the trial of Donald Rodney for being in "possession of explosive without lawful authority" before Magistrate Norma Jackman, Deputy Superintendent Ignatius Mc Rae being sworn on 11th February, 1982, stated as follows:

"I do not know that Gregory Smith had a girlfriend working at the Ministry of Health. I do not know that if immediately after the incident she was transferred to the Ministry of Foreign Affairs. I do not know that she lived at Ruimveldt. I do not know if she was subsequently posted to the Guyana High Commission in Canada. During investigation I might have heard the name Gwendolyn Jones. I do not know that she had several children for Gregory Smith. . .

"I heard that Gwendolyn Jones was interrogated by the police and I do not know if she gave a statement. I do not know who interrogated Gwendolyn

Jones. I do not know where Gwendolyn Jones is now. What I have told the court about Jones is true. . .”

“On one occasion Mr. Roberts [Mr. Cecil “Skip” Roberts, the Deputy Crime Chief who had supervision and control of the investigation, [according to Mr. Mc Rae,] called all members of the investigating team for consultation.”

7.32 - The above statements, except the last part were clearly untruthful because on the basis of what we have set out above.

7.33 - At the same trial (see p. 5 of ARG4) Mr. Mc Rae in answer in cross-examination to Mr. Doodnauth Singh, attorney-at-law, said:

“I would not recognise hand book WPA (sic) was circulated among the members of the Guyana Police Force. I have seen a copy of this book. I know that this booklet has been published but I do not know that it was circulated among the security forces. And as the booklet sets out, it is a guide to personnel of the WPA. The first paragraph is of Rodney, Roopnarine and Omawale.

. . . I know that these three leaders were charged for arson of a building in Camp Street. I do not know the building is the office of the General Secretary of the People’s National Congress but I know it is the Ministry of National Development.”

7.34 - The above statements by Mr. Mc Rae were inaccurate or untruthful because of fact, such that judicial notice can be taken of them that the raison d’etre for the *Recognition Handbook* was to assist the police in their surveillance of the members/leaders of the WPA and it had been established that the building in Camp Street had housed both the Ministry of National Development and the Office of the General Secretary of the People’s National Congress.

Significant Findings

7.35 - In the end it is clear to us that the police were unprofessional, extremely inefficient in turning a blind eye to the obvious, or deliberately botched the investigation in Dr. Rodney’s killing or were complicit with others, including the GDF in hiding or shielding Gregory Smith from facing the brunt of the law for having murdered Dr. Walter Rodney.

7.36 - Given all the relevant facts, events and circumstances set out in the Report, we unhesitatingly conclude that Gregory Smith was not acting alone but had the active and full support, participation and encouragement of, and/or was aided and abetted by the GPF, the GDF, agencies of the State, and the political directorate in the killing Dr. Walter Rodney.

7.37 - Dr. Walter Rodney was a man of large and significant stature both in Guyana and beyond at the time of his death. He could only have been killed in what we find to be a State organised assassination with the knowledge of Prime Minister Burnham in the Guyana of that period. It was a controlled society and Burnham had a large and detailed knowledge of whatever was being done by the state and its agencies.

7.38 - Mr. Laurie Lewis, then head of Special Branch and later Commissioner of Police is dead. We find, however, that there is prima facie evidence that he, along with Major General Norman McClean (Ret'd.), then Chief of Staff of the GDF, and Mr. Cecil "Skip" Roberts, the Deputy Commissioner of Police and Crime Chief, had significant roles to play in the conspiracy to kill Dr. Walter Rodney and the subsequent attempt to conceal the circumstances surrounding his death.

7.39 - Further, given the manner in which the country was run, coupled with the threats issued by Prime Minister Burnham to the members of the WPA and the evidence of Mr Robert Allan Gates, we conclude that Prime Minister Burnham knew of the plan and was part of the conspiracy to assassinate Dr Walter Rodney.

7.40 - We have relied, too, on the testimony of Robert Allan Gates and on the relevant circumstances and events described in the Report for that finding. Resulting from the premature termination the Commission, none of those alive and herein identified was given the opportunity to testify and to resist this finding.

7.41 -The result is that we make no firm and specific determination concerning their roles beyond what is indicated herein.

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CHAPTER 8

Critical Findings and Summary on Gregory Smith

8.1 - We accept that Gregory Smith gave Donald Rodney an anti-personnel device namely, a remotely controlled explosive in what appeared to be a walkie-talkie, a communications device.

8.2 - At the time Gregory Smith was a sergeant in the Defence Force in the marine department.

8.3 - We accept, too, that Gregory Smith was encouraged in providing that device by prominent members of State agencies.

8.4 - We find on the balance of probabilities that Walter Rodney had intended the walkie-talkie to be a communications device which would have permitted him to be in relatively easy contact with fellow WPA activists and for no sinister purpose. The point must be made at this stage that telephones were not easily available and there was discrimination in the distribution which was controlled by a State agency and which, in all likelihood, would have been denied the WPA.

8.5 - We find, further that Donald Rodney, whose testimony we accept, was on the night of 13th June, 1980, doing no more than accompanying his brother, Walter, to collect what they thought would have been a walkie-talkie.

8.6 - There is no evidence before us to suggest that the reason for collecting the device was other than indicated by Donald.

8.7 - Further, we are satisfied on the evidence presented that Smith was protected by the State and this inference is strengthened when it is borne in mind:

1. That within a matter of hours after the explosion and resultant death of Walter Rodney, Smith was taken to Kwakwani in a Defence Force aircraft.
2. He was given a passport, not in the name of Gregory Smith which name he carried as a member of the Defence Force, but in the name of CYRIL MILTON JOHNSON.

8.8 - We hold that the change of name was intended to conceal the true identity of the killer of Walter and that it could only have been achieved with the cooperation and support of the Passport Office which was part of the Police Force.

8.9 - It is significant that the head of the Immigration Department at the material time was Laurie Lewis.

8.10 - We accept that Gregory Smith, renamed Cyril Milton Johnson, received State assistance in going to French Guiana. The choice of country was deliberate and was no doubt informed by the fact that French government, of which French Guiana was a Department, had a policy opposed to the death penalty. In short, it would have been difficult, virtually impossible, to secure the extradition of Smith/Johnson from French Guiana.

8.11 - That Gregory Smith returned to Guyana on more than one occasion and received a new passport on one such visit, according to the evidence of Woman Police Sergeant 1725 Alexis Adams, is also accepted. On that occasion the Passport Office was acting on the instruction on the then Commissioner of Police, Laurie Lewis.

8.12 - The inspection of the passport form produced before the inquiry revealed that Smith renamed Johnson was not required to sign the form and fill in the necessary particulars required.

8.13 - Allan Gates was an important witness on our findings in relation to Gregory Smith/Cyril Johnson. Gates' testimony is that he and Gregory Smith grew up in neighbouring districts and that he knew Gregory for years. He further testified that Gregory Smith told him that once Dr. Rodney was dead he would receive US\$1 million and that he and his wife/girlfriend and child would be facilitated in being relocated out of the country.

8.14 - It must be indicated that Allan Gates, a former policeman and an instructor in security matters, was at the time of his testimony serving a period of imprisonment for several offences of obtaining money by false pretences.

8.15 - At the heart of the offences for which he was convicted is dishonesty.

8.16 - There is no rule of evidence or of human experience that because a man is in prison or has been convicted, his testimony must be rejected.

8.17 - We nevertheless ask ourselves, as we felt obliged to, whether we should accept Gates' evidence, not always corroborated in every material particular, and what weight should be attached to it.

8.18 - Having so advised ourselves, we felt confident in accepting Gates' testimony. He was unruffled in the course of testifying; he looked the Commissioners straight in their eyes; he was unshaken in cross-examination and his evidence is supported by events which occurred subsequent to Rodney's death. That series of coincidences was not accidental and we found that Allan Gates was a witness of the truth. Importantly, no evidence was produced by anyone, contradicting his testimony.

8.19 - The book purportedly written by Gregory Smith and his sister, Anne Wagner, entitled, *Assassination Cry of a Failed Revolution: The Truth About Dr. Walter Rodney's Death*, is a self-serving account of what took place on the night of 13th June 1980. In the words of the publication itself, it was intended to present Gregory in a good light in the eyes of history. In Anne Wagner words at page 17, *"My brother's one unfulfilled wish was to clear his name. Hence my solemn promise to him and to myself to let the world know the truth, even if it kills me."* Unfortunately, her account as set out in the book does not harmonize with the evidence presented at the inquiry.

8.20 - The suggestion that Walter Rodney was killed on the initiative of his own party, WPA, has no support on the evidence. In any event, Rodney was highly respected, if not idolized, by WPA members who had difficulty travelling and could not have arranged Smith's sudden and disguised exit from Guyana. They had no capacity so to do. They often had to resort to what has been called the back track to exit Guyana themselves.

8.21 - It is inconceivable that a party whose executive members had difficulty travelling could either have secured a passport for Gregory Smith in the name of Cyril Johnson and /or secured the services of a Defence Force aircraft to support his exit from Guyana with his family.

8.22 - We have no hesitation in holding that Gregory Smith was responsible for Dr. Walter Rodney's death on 13 June, 1980 and that in so doing he was acting as an agent of the State having been aided and abetted so to do, by individuals holding positions of leadership in State agencies and committed to carrying out the wishes of the PNC administration.

8.23 - Gates further testified that three days before Rodney's death, Burnham met with Skip Roberts, Laurie Lewis and Norman McClean to be briefed on the plot to kill Rodney. His evidence is that Burnham insisted that Carl Ram Doobay be present. Doobay was close to the President and, with the President, rode horses with Skip Roberts.

8.24 - Gates' still further testimony is that subsequent to Rodney's death he interviewed a number of persons to satisfy himself as to who killed Rodney and how he died. He said that it was Sgt. Mark Johnson who informed him that the meeting three days before Rodney's death took place at the President's official residence. He said that as part of his investigation into Rodney's death he looked at intelligence clippings and spoke to Sgt. Liverpool and Sgt. Saigo. He concluded that it was his judgment that *"Rodney's death was State sponsored and to Burnham's knowledge."*

8.25 - He said that Burnham and the PNC administration were concerned with following:

1. The increasingly large crowds which were attracted to WPA meetings and which *"were seen"* as a threat to the government;
2. Rodney's infiltration of the intelligence and security forces;
3. His activities were seen as interfering with the smooth function of the State.

8.26 - After Smith/Johnson was in Cayenne, Anton Barker was sent there to keep watch on him and that assignment was given Barker by Major General Norman McClean (Ret'd.). He gave Norman McClean's code name as "Moon River."

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CHAPTER 9

Recommendations

9.1 - Resulting from the findings of fact set out in the body of the report, the below-mentioned recommendations are made:

9.2 - Every effort should be made to have a well-trained and highly professional Police Force with a thorough appreciation of its duty to serve impartiality regardless of ethnicity or party affiliation and loyal to the best interests of the country and to the constabulary.

9.3 - This will, in turn, call for a heavy investment in training at every level, and on an ongoing basis with attention to appropriate values in addition to proper policing techniques.

9.4 - The army, too, must be professional. Nothing is worse than an army in a country striving to be an ideal functioning democracy being partial to any political party whether in government or otherwise. An army by definition has a near monopoly of the legitimate instruments of violence and must be trained to act responsibly at all times.

9.5 - The coroner: In this case, there may have been more than one coroner over the eight-year period that elapsed before the coroner's inquest into the death of Dr. Rodney started. That delay did nothing to assist in maintaining confidence in the justice system. Every inquest hereafter should commence within 6 [six] months of a death in unnatural circumstances or in any circumstances warranting an inquest. That is the goal to which all coroners should aspire. The coroner should be encouraged to exercise his or her own discretion/judgment in such instances. It should be added that ACP Ignatius McCrae did describe Rodney's death "*as unnatural.*"

9.6 - The police should be aware of the need to act with reasonable dispatch in these matters and should be preparing their investigative files so as to meet the timeframe indicated with oversight from the office of the DPP.

9.7 - It was conceded by the police in the course of the inquiry that a thorough investigation was not done into Rodney's death. In fact, the evidence is that the police did not act with professionalism, thoroughness or speed. The recommendation is that the department in the Police Force tasked with

responsibility to investigate serious crimes like murder should, at all times, strive to do so with thoroughness and urgency (without compromising the investigations) and those in authority should make it their duty to so ensure. Failure to pursue their investigations professionally, as in the Rodney case, may be regarded as an adverse reflection on the society's regard for the right to life which is one of the hallmarks of a civilized society.

9.8 - Some important records, inclusive of files with evidence relating to the Walter Rodney case and in the custody of the police and the army, were not made available to the Commission as requested. The explanation provided was that they could not be found: That is an adverse commentary on the thoroughness, efficiency and security of their record keeping systems.

9.9 - The recommendation is that a thorough and prompt review of the systems be undertaken so as to ensure that an improved, efficient and reliable system of record keeping is provided to both the army and the police. Such a system will call for properly trained personnel to manage and maintain it. A secure computerized system may go a long way in achieving this objective.

9.10 - No party in government should be permitted to tamper easily or at all with the electoral system such as to secure an unfair advantage. The electoral system should be entrenched in the Constitution and should only be amendable by a two-thirds majority. Besides, the Chairman of the Elections Commission should be a person of the highest integrity and non-political and his/her appointment which [*sic*] should meet with the approval of opposition groups and sectoral interests. If felt necessary, the Chairman may be sourced from a Caricom country. The political opposition and other interests should be adequately represented on the Commission. Serious changes should not be undertaken except after a thorough and meaningful public education programme and after consultation, too, with the opposition party/parties and pursuant to a two-thirds majority vote in parliament.

9.11 - Consistent with the spirit of Caricom integration, in each and every general election, observers from across the Caricom region, the United States, Canada and the United Kingdom should continue to be invited to monitor the elections. And, in that exercise, every facility should be afforded them.

9.12 - The ethnic divide in the Guyanese society constitutes a fragile fault line. General elections produce an environment that puts that fault line under stress. Many of the recommendations made herein assume the existence and maintenance of a sense of ethnic harmony. But it has to be worked at. Every government has a

continuing responsibility to work in close consultation with national associations and diverse interest groups to design and implement a programme intended to strengthen ethnic harmony and a sense of national unity.

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Walter Rodney Commission of Inquiry

Tendered Exhibits/Evidence Master List

No.	Label	Date	Description
1	LJ1	28-Apr-14	Leslie James, Crime Chief, Witness Statement dated 24.4.2014
2	LJ/SB/WPA	28-Apr-14	Guyana Police Force Special Branch Files on. Working People Alliance 1980 (1)
3	LJ/SB/WPA	28-Apr-14	Guyana Police Force Special Branch Files on. Working People Alliance 1980 (2)
4	LJ/SB/WPA	28-Apr-14	Guyana Police Force Special Branch Files on. Working People Alliance 1980 (3)
5	LJ/CID/WR1	28-Apr-14	Guyana Police Force Crime Files re Death of Walter Rodney 1
6	LJ/CID/WR2	28-Apr-14	Guyana Police. Force Crime Files re Death of Walter Rodney 2
7	LJ/CID/GS1	28-Apr-14	Guyana Police Force Crime File Gregory Smith
8	LJ/AW/GS2	28-Apr-14	Arrest Warrant Gregory Smith dated
9	KDS 1	29-Apr-14	Karen De Souza Witness Statement dated 29.4.2014
10	KDS 2	29-Apr-14	Karen De Souza excerpt from Inquest
11	LER 1	29-Apr-14	Lawrence Edward Rodney Witness Statement dated
12	LER 2	29-Apr-14	Lawrence Edward Rodney excerpt from Inquest
13	RG 1	30-Apr-14	Rueben Gilbert Witness Statement
14	LER 3	02-May-14	Assassination Cry of a Failed Revolution - Book by Ann Wagner
15	LER 4	02-May-14	pp 30-31 Device Schematic Image, Assassination Cry of a Failed Revolution, Book by Ann Wagner
16	EK 1	27-May-14	Witness Statement Eusi Kwayana
17	EK 2	28-May-14	Booklet "The Assassination of Dr. Walter Rodney"
18	EK 3	28-May-14	Speech LFS Burnham at the Biennial Congress of the PNC 22-26 ---, 1979
19	EK 4	28-May-14	Guyana Chronicle Article "Sydney King
20	EK 5	28-May-14	Sophia Declaration
21	EK 6	28-May-14	"The Struggle Goes On" Walter Rodney Speech (20.7.1979)
22	EK 7	28-May-14	"Pseudo Socialism" Eusi Kwayana Speech to UWI 1976 interpreting the Sophia Declaration
23	EK 8	28-May-14	Dayclean Global Vo. 1, No. 8, 2007
24	EK 9	30-May-14	"Rodney & the Question of Power" Chapter 8 by CLR James
25	EK 10	30-May-14	1966 amended 1970 Constitution of Cooperative Republic of Guyana
26	EK 11	02-Jun-14	"Boiling Pot, What's in it?" Letter from Eusi Kwayana dated --
27	EK 12	02-Jun-14	"Walter Rodney" by Eusi Kwayana Booklet
28	JH 1	02-Jun-14	Joseph Hamilton Witness Statement
29	NGM1	05-Jun-14	Norman Mc Lean Witness Statement
30	ARG1	06-Jun-14	Allan Robert Gates Deed Poll
31	ARG2	06-Jun-14	Allan Robert Gates Birth Certificate
32	ARG3	06-Jun-14	Allan Robert Gates Witness Statement

33	ARG4	23-Jun-14	Leslie Stafford vs Donald Rodney 7634/1980 Court Record
34	ARG5	24-Jun-14	Catholic Standard Newspaper August 17, 1980 excerpt
35	TO1	25-Jun-14	Tacuma Ogunseye Witness Statement
36	TO2	25-Jun-14	WPA Recognition Handbook
37	GG1	26-Jun-14	Gerald Gouveia (Captain) Witness Statement with Appendix A Logbook 1980
38	GG2	27-Jun-14	Map of Guyana with Kwakwani and Tacama marked
39	NW1	30-Jun-14	Nigel Westmaas (Dr.) Witness Statement
40	NW2	30-Jun-14	Catholic Standard Newspaper August 16, 1979 excerpt
41	NW3	30-Jun-14	Stabroek News June 24, 2007 article "A Short History of Dayclean"
42	NW4	30-Jun-14	Dr. Walter Rodney Statement dated 18.9.1974 on University of Guyana Employment issue
43	PW1	29-Jul-14	Lt. Colonel Patrick West Witness Statement
44	PW2	29-Jul-14	Guyana Defence Force Alphabetical Register 12 Q-S
45	PW3	29-Jul-14	Guyana Defence Force Male Numbering Ledger
46	PW4	29-Jul-14	Guyana Defence Force Payroll Ledger 1975, 76,77,79,79
47	CK1	30-Jul-14	Lt. Colonel Cargill Kyte Witness Statement
48	CK2	30-Jul-14	The Colonial Air Navigation Order No. 2316 /1961
49	SCJ1	30-Jul-14	Lt. Colonel Sydney James Witness Statement
50	SCJ 2a	30-Jul-14	Issue Receipt --
51	SCJ 2b	30-Jul-14	Issue Receipt --
52	MR1	31-Jul-14	Father Malcolm Rodrigues Witness Statement
53	CK3	05-Aug-14	Letter 13.12.1990 GDF Joseph Singh to President HD Hoyte re airplanes
54	CK4	05-Aug-14	Letter 24.1.1991 GDF Joseph Singh to Yacoob Ally re airplanes
55	LJ2	06-Aug-14	Guyana Police Force Standing Order No. 50 (Special Branch)
56	SCJ2c	25-Aug-14	GDF Arms issue voucher dated 10.8.79 - Cde Skeete MND
57	SCJ 2d	25-Aug-14	GDF Arms issue voucher dated 10.8.79 - Cde Skeete MND
58	SCJ2e	25-Aug-14	GDF Arms Issue Voucher dated 19.5.1976 - Cde Skeete
59	SCJ2f	25-Aug-14	GDF Arms Issue Voucher dated 18.5.1976 - Cde R. Corbin PS/OPM
60	SCJ2g	25-Aug-14	GDF Arms Issue Voucher dated 19.5.1976 - Cde R. Corbin Nat. Develop.
61	SCJ2h	25-Aug	GDF Arms Issue Voucher dated 6.7.1978 - Cde Skeete? Nat. Develop.
62	SCJ2i	25-Aug-14	GDF Arms Issue Voucher dated 13.10.1976 - Cde Skeete
63	SCJ2j	25-Aug-14	GDF Arms Issue Voucher dated 13.10.1976 - Cde Skeete
64	SCJ2k	25-Aug-14	GDF Arms Issue Voucher dated 14.10.1976 - Cde Skeete
65	SCJ3	25-Aug-14	Report dated 08.01.2011 by S.C.James to GAR Best on GDF missing weapons
66	SCJ4 (1-8)	25-Aug-14	GDF Special Stores Register (Weapons) excerpt
67	SCJ2b (i)	26-Aug-14	GDF Arms Issue Voucher dated 10.8.79 - MND
68	SCJ5	26-Aug-14	GDF Table of (number and percentages) Weapons issued to

			external agencies and returned
69	SCJ6	26-Aug-14	GDF SOP Logistics
70	SCJ7	26-Aug-14	GDF SOP Security of Documents
71	SCJ8	26-Aug-14	GDF SOP Orders for Investigations
72	SCJ9	26-Aug-14	Letter 13.06.2014 "Report - Non-accountable of 4141 W. Smith's Personal File"
73	SCJ10	27-Aug-14	GDF Weapons on Loan to External Agencies table
74	MR2	28-Aug-14	Catholic Standard February 17, 1980 article: "Accountable to No One"
75	JD1	28-Aug-14	Jocelyn Dow Witness Statement dated 6 August, 2014
76	PR1	20-Oct-14	Patricia Rodney (Dr.) Witness Statement dated 30.6.2014
77	ICJ1	24-Oct-14	International Commission of Jurists Report 1995
78	OO1	28-Oct-14	Omawale Witness Statement dated 8.8.2014
79	OO2	28-Oct-14	Walter Rodney/Carl Blackman interview
80	NRK1	29-Oct-14	Nirmal Rohit Kanhai Bio Statement dated 29.9.2014
81	NRK2	29-Oct-14	Nirmal Rohit Kanhai Resume and Certificates
82	NRK3	29-Oct-14	Nirmal Rohit Kanhai "Analysis of Skuse Report" dated 29.9.2014
83	NRK3a	29-Oct-14	Nirmal Rohit Kanhai "Frank Skuse Report" dated 23.07.1980
84	NRK3b	29-Oct-14	Nirmal Rohit Kanhai "Harris' Radio Communications in a digital age"
85	NRK3c	29-Oct-14	Nirmal Rohit Kanhai "Harris AV 1979 pp. 79-82"
86	NRK3d	29-Oct-14	Nirmal Rohit Kanhai "Harris Instructions Manual RF 2800"
87	NRK3e	29-Oct-14	Nirmal Rohit Kanhai "Kai Chang RF and Microwave Wireless Systems" pp. 152, 260
88	NRK3f	29-Oct-14	Nirmal Rohit Kanhai "Assassination Cry of a Failed Revolution" pp. 27-39
89	NRK3g	29-Oct-14	Nirmal Rohit Kanhai "Donald Rodney Statement" from LJ/CID/WR2
90	NRK3h	29-Oct-14	Nirmal Rohit Kanhai "Article from Virgin Island Daily News"
91	NRK3i	29-Oct-14	Nirmal Rohit Kanhai "CID Report on Walter Rodney 22-3-1982 – unsigned V. Gentle"
92	NRK3j	29-Oct-14	Nirmal Rohit Kanhai "H. Johnson Forensic Report 30 June, 1980"
93	NRK3k	29-Oct-14	Nirmal Rohit Kanhai "Walter Rodney Inquest from Journal of Caribbean Studies"
94	NRK3l	29-Oct-14	Nirmal Rohit Kanhai "Thomas Lee "The Design of CMOS Radio Frequency Integrated Circuits"
95	NRK3m	29-Oct-14	Nirmal Rohit Kanhai "ICJ Report dated 2 May, 1995, "Preliminary Assessment of Dr. Walter Rodney's Death"
96	NRK3n	29-Oct-14	Nirmal Rohit Kanhai "Booklet "The Assassination of Dr. Walter Rodney"
97	NRK3o	29-Oct-14	Nirmal Rohit Kanhai "James Thurman: Practical Bomb Scene Investigation" pp. 276-277
98	NRK3p	29-Oct-14	Nirmal Rohit Kanhai "George K Danms: Domination & Power"

			in Guyana” excerpt
99	NRK3q	29-Oct-14	Nirmal Rohit Kanhai “Letter dated 19th June 1978, from PA Reid, General Secretary, Office of the General Secretary & Ministry of National Development”
100	NRK3r	29-Oct-14	Nirmal Rohit Kanhai “Instruction Manual HB 28”
101	NRK3s	29-Oct-14	Nirmal Rohit Kanhai “Understanding Receiver Selectivity by Ian Poole”
102	NRK3t	29-Oct-14	Nirmal Rohit Kanhai “Politics, Corruption and the Police” by George Danns
103	NRK3u	29-Oct-14	Nirmal. Rohit Kanhai “Human Rights and Civil Liberties”
104	NRK3v	29-Oct-14	Nirmal Rohit Kanhai “A Nation in Transit; Burnham Rules: Ashton Chase” front page and last page, pgs 49, 158, 160
105	NRK4	30-Oct-14	Part Transcript from Arson Trial State vs Omawale, Roopnarine & Rodney
106	TR1	31-Oct-14	Trenton Vivian Roach Witness Statement
107	TR2	31-Oct-14	Trenton Roach Certificate
108	TR3	31-Oct-14	Trenton Roach Certificate
109	TR4	31-Oct-14	Trenton Roach Certificate
110	TR5	31-Oct-14	Trenton Roach Certificate
111	CRR1	03-Nov-14	Charles Rishiram Ramson (Justice) Witness Statement
112	LS1	04-Nov-14	Witness Statement Leon Saul & Sunday Chronicle dated 15.06.1980
113	NKG1	05-Nov-14	Nanda Kishore Gopaul (Dr.) Witness Statement
114	NKG2	05-Nov-14	“Resistance & Change” Book by Nanada K. Gopaul
115	NKG3	05-Nov-14	NAACIE Press Release dated 13.8.1979
116	NKG4	06-Nov-14	Picture of Court of Appeal Building
117	NKG5	06-Nov-14	Guyana Chronicle dated 24.08.1979
118	NKG6	06-Nov-14	Guyana Chronicle dated 22.08.1979
119	NKG7	06-Nov-14	Report of Referendum dated 10.7.1978
120	NKG8	06-Nov-14	“Something to Remember”: Report of the International Team of Observers at the Elections in Guyana dated December, 1980
121	NKG9	06-Nov-14	Letter Circular dated 10.5.1979
122	ARG6	26-Jan-15	Further statement of Robert Allan Gates, 11.01.2015
123	ARG7	26-Jan-15	Article letter from Chronicle dated 27.7.2013
124	ARG8	26-Jan-15	Leave to File Appeal Out of Time
125	ARG9	26-Jan-15	Bail Pending Appeal Order
126	ARG10	27-Jan-15	Guyana Police Force Search Form
127	MB1	28-Jan-15	Mark Britton Witness Statement dated 16.6.2014
128	NKG10	29-Jan-15	Criticism From Carib. Lawyers’ Group (From Caribbean Contact dated 1979)
129	CJR1	29-Jan-15	Clement James Rohee Witness Statement dated January, 2015
130	DHR1	30-Jan-15	Donald Horatio Rodney Witness Statement dated 24.01.2015
131	DR2	30-Jan-15	Donald Rodney Witness Statement from LJ/CID/WR2
132	CJR2 ‘A’	09-Feb-15	Justice: The Struggle for Democracy (pages 103-105)
133	CJR3	09-Feb-15	Guyana: The Struggle for Liberation (1945-1992)

134	CJR4	09-Feb-15	Contrast Newspaper – July 26, 1979 “Guyana on the verge of collapse”
135	CJR5	09-Feb-15	New Constitution of Guyana by Ralph Ramkarran Vol XII 1980 Thunder of PPP
136	CJR2 ‘B’	09-Feb-15	Justice: The Struggle for Democracy (pages 111-113)
137	CJR6	09-Feb-15	A manoeuvre to avoid general election (Vol. V No. 2 April-June 1978 Thunder of PPP
138	CJR7A	09-Feb-15	Picture of the front of the car – PBB 2349
139	CJR7B	09-Feb-15	Picture of the back of the car - PBB 2349
140	CJR7C	09-Feb-15	Picture of Congress Secretariat being renovated by members of army
141	CJR7D	09-Feb-15	Picture of Fr. Darke on day of death outside Ministry of Home Affairs building
142	a1	12-Feb-15	In-camera
143	a2	13-Feb-15	In-camera
144	CJR8	16-Feb-15	Mirror Newspaper article dated Tuesday 25 April 1978
145	HGY1	17-Feb-15	Holland Gordon Yearwood Witness Statement dated 02.02.2015
146	DHR3	19-Feb-15	Map of Georgetown from Sussex Street to South Road
147	DHR4	19-Feb-15	Lands Registry Act Chapter 502 (Part III Commission of Title)
148	DHR5	23-Mar-15	Amnesty International Report 1983
149	ARW1	24-Mar-15	Anne Wagner
150	ARW2	27-Mar-15	Mr. Cyril Milton Johnson Passport #0890057
151	ARW3	27-Mar-15	Passport Application Form for Cyril Milton Johnson
152	AA1	27-Mar-15	Alex Adams witness statement dated 26 March 2015
153	AA2	27-Mar-15	Alex Adams witness statement dated 26 March 2015
154	AA3	27-Mar-15	Passport Application Form for Cyril William Smith

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GUYANA

Commission of Inquiry to inquire into and report on the circumstances surrounding the death in an explosion of the late Dr. Walter Rodney on the thirteenth day of June, one thousand nine hundred and eighty at Georgetown

Procedural Rules

In exercise of the powers conferred on it under section 9 of the Commissions of Inquiry Act, Cap 19:03, the Commission of Inquiry appointed by the President of the Co-operative Republic of Guyana on the 6th day of February, 2014, and whose appointment was published in the Official Gazette on 8th February, 2014, makes the following rules:

PART 1 Interpretation

1. In these Rules:

- i. “Commission” means Sir Richard Cheltenham, K.A., Q.C., Ph.D.; Mrs. Jacqueline Samuels-Brown, Q.C.; and Mr. Seenath Jairam, S.C.; being the persons appointed as Commissioners by His Excellency, the President of the Co-operative Republic of Guyana, on the 6th day of February, 2014, under the provisions of the Commissions of Inquiry Act, Cap. 19:03.
- ii. “Commission counsel” means counsel appointed to the Commission and retained by the Government of Guyana to act as counsel to the Commission.
- iii. “document” includes any paper writing or material that is in electronic, audiotape or videotape form, digital reproductions, photographs; maps, graphs, microfiche and any data or information recorded or stored by means by any device.
- iv. “party” means a person, group of persons or organisation that has been granted standing by the commission under part 3 of these Rules.

PART 2 The Inquiry

2. The Commission's mandate established by its terms of reference is: –

- i. To examine the facts and circumstances immediately prior, at the time of, and subsequent to, the death of Dr. Walter Rodney in order to determine, as far as possible, who or what was responsible for the explosion resulting in the death of Dr. Walter Rodney;
- ii. To inquire into the cause of the explosion in which Dr. Walter Rodney died, whether it was an act of terrorism, and if so, who were the perpetrators;
- iii. To specifically examine the role, if any, which the late Gregory Smith, Sergeant of the Guyana Defence Force, played in the death of Dr. Walter Rodney and if so, to inquire into who may have counselled, procured, aided and or abetted him to do so, including facilitating his departure from Guyana after Dr. Walter Rodney's death;
- iv. To examine and report on the actions and activities of the State, such as, the Guyana Police Force, the Guyana Defence Force, the Guyana National Service, the Guyana People's Militia and those who were in command and superintendence of these agencies, to determine whether they were tasked with the surveillance of and the carrying out of actions, and whether they did execute those tasks and carried out those actions against the political opposition, for the period 1st January, 1978 to 31st December, 1980;
- v. To examine, review and report on earlier investigations and enquiries done on and into the death of Dr. Walter Rodney.

3. The Commission is governed and guided by the Commissions of Inquiry Act, Cap. 19:03.

4. The proceedings of the inquiry shall be conducted in public, unless in-camera proceedings are deemed necessary or desirable in the opinion of the Commission. The Commission will hold public hearings at the premises of the High Court of the Supreme Court of Judicature, Victoria Law Court, Avenue of the Republic, or such other place as the Commission directs on dates to be determined by the Commission. The administrative offices of the Commission will be located at the

top floor of the Supreme Court Library Building, Victoria Law Courts, Avenue of The Republic, Georgetown.

5. Notice of dates of hearings will be provided in a timely manner.

6. Unless otherwise directed by the Commission, hearings shall commence at 9:30 a.m. and conclude at 1:30 p.m. or such other time as may be necessary. There will be breaks as may be convenient.

7. All parties and their counsel shall be deemed to undertake to adhere to these rules. Any party or the Commission itself may raise any issue of non-compliance with these rules with the Commission. The Commission shall deal with a breach of these rules as it sees fit including, but not restricted to, revoking the standing of a party, and imposing restrictions on the further participation in or attendance at the hearings by any party, counsel, individual or member of the media.

8. The Commission may depart from these rules when it considers it appropriate to do so.

9. The Commission may amend these rules or dispense with compliance with them as it deems necessary in order to ensure that the hearing is thorough, fair and timely.

10. The Commission may postpone any date set for any hearing or application or the doing of anything. The Commission shall notify all counsel and any person, organisation or office affected by the postponement of the new date.

PART 3

Standing

11. Commission counsel shall assist the Commission throughout the inquiry and are responsible for ensuring that the inquiry is conducted in an orderly fashion, and that all matters bearing on the public interest and falling within the scope of the Commission's mandate are brought to the Commission's attention. Commission counsel have standing throughout the inquiry.

12. Persons, groups of persons or organisations who wish to participate in the inquiry may apply for standing before the inquiry. The Commission may grant standing if it is satisfied that an applicant has a substantial and direct interest in the

subject matter of the inquiry or that the applicant's participation in the inquiry may be helpful to the Commission in fulfilling its mandate.

13. The Commission shall determine on what terms a party may participate in the inquiry, and the nature and extent of such participation.

14. (a) As provided for in Part 4, counsel representing a witness who is called to testify before the Commission may participate during the hearing of that witness's evidence without the necessity of applying for standing.

(b) Persons or organisations granted standing by the Commission may be represented by counsel, provided that where any person, group or organisation is represented by more than one attorney only one of the attorneys may provide verbal representation at any single sitting of the Commission.

PART 4

Evidence

A. General

15. The Commission may receive any evidence that it considers to be helpful in fulfilling its mandate whether or not such evidence would be admissible in a court of law.

B. Preparation of Documentary Evidence

16. All parties granted standing under part 3 of these rules shall, as soon as practicable after being granted standing, produce to the Commission true copies of all documents in their possession or control having any bearing on the subject matter of the inquiry. Documents in the possession or control of a party that are already in the possession of the Commission shall be listed but need not be produced, unless specifically requested by the Commission. Upon the request of the Commission, parties shall also provide originals of relevant documents in their possession or control for inspection.

17. Upon the request of the Commission, any non-parties shall produce to the Commission true copies of all documents in their possession or control which have any bearing on the subject matter of the inquiry. Documents in the possession or control of a non-party that are already in the possession of the Commission shall be listed but need not be produced, unless specifically requested by the Commission.

Upon the request of the Commission, such non-parties shall also provide originals of relevant documents in their possession or control for inspection.

18. All documents received by the Commission shall be treated by the Commission as confidential, unless and until they are made part of the public record or the Commission otherwise directs. This does not preclude the Commission from producing a document to a potential witness prior to the testimony of the witness, as part of the Commission's investigation; nor does it preclude the Commission from disclosing such documents to the parties to this Commission of Inquiry, pursuant to and subject to the terms and limitations described in rule 19 below.

19. Any party or non-party required to produce a document or documents pursuant to rules 10 or 17 above or pursuant to a subpoena or summons issued under the Commissions of Inquiry Act, Cap. 19:03 and who claims privilege in respect of such document, shall produce a list of the documents in respect of which privilege is claimed, stating the basis and reasons for the claim of privilege. The Commission shall determine whether such claim of privilege is justified.

20. Where privilege is claimed under rule 19, the Commission shall not disclose any disputed documents to the other parties, but may with the assistance of the party or non-party claiming privilege, prepare and produce a summary of the document.

C. Witness Interviews and Disclosure

21. (a) The Commission, with or without the assistance of Commission counsel, may interview persons believed to have information or documents bearing on the subject matter of the inquiry. The Commission may choose whether or not to attend an interview and Commission counsel shall provide the Commission with a transcript or report of all interviews conducted in its absence.

(b) Persons interviewed by Commission counsel may choose to have legal counsel present during the interview, but are not required to do so.

(c) Persons whose interview is requested by the Commission or Commission counsel shall answer all relevant questions and produce any relevant documents.

(d) A subpoena or summons may be issued if the person to be interviewed requests one or if the Commission or Commission counsel deems it prudent to compel the attendance of the person.

22. Where the Commission or Commission counsel determines that a person who has been interviewed should be called as a witness in public hearings, the Commission may cause a statement of the witness's anticipated evidence or a transcript of their interview to be prepared and may provide a copy of this statement or the interview transcript to the witness before he or she testifies in the hearing. After the statement or transcript has been reviewed by the witness, copies shall be disclosed to any relevant parties on their undertaking to use it only for the purposes of the Inquiry, and on the terms described in rule 23 below.

23. (a) Where Commission counsel determines that it is necessary for a person who has been interviewed to be called as a witness in public hearings, Commission counsel may tender the witness statement or transcript to the Commission at the hearing, and the Commission may consider the information in the witness statement or transcript when making its final findings, conclusions and recommendations.

(b) Where the Commission or Commission counsel interviews a person and decides not to call that person to testify at the public hearings, Commission counsel may provide relevant parties with a transcript of the interview, if available, or a summary of the relevant information provided by that person.

(c) A party may apply to the Commission for permission to call any person as a witness or for a direction that that person be called as a witness.

24. (a) Unless the Commission orders otherwise, all relevant non-privileged documents in the possession of the Commission shall be disclosed to the parties at a time reasonably in advance of the witness interviews and/or public hearings or within a reasonable time of the documents becoming available to the Commission.

(b) Before these documents are provided to a party or a witness, the witness must undertake to use these documents only for the purposes of the inquiry, to keep their contents confidential to himself or herself and their counsel before the Commission unless and until those documents have been admitted into evidence during a public phase of the Commission of Inquiry, and to

abide by such restrictions on disclosure and dissemination as the Commission considers appropriate.

(c) All documents provided by the Commission of inquiry to parties and witnesses and which have not been admitted into evidence during a public phase of the Commission of Inquiry, and all copies made of such documents, shall be returned to the Commission—in the case of witnesses, on completion of their testimony; and, in the case of parties, within seven days of the Commission issuing its final report.

(d) The Commission may, upon application, release any party or counsel in whole or in part from the provisions of an undertaking regarding the use of disclosure of documents or information.

D. Witnesses

25. A summary of the material which any party or person intends to put before the Commission shall be provided to the secretary to the Commission in accordance with such time limits as may be specified by the Commission.

26. Written and signed statements of persons intended to be called as witnesses shall similarly be delivered to the secretary in accordance with such time limits as may be specified by the Commission. All such material shall be provided in both hard copy and in electronic form where possible.

27. (a) Witnesses may testify in person, by video link and or by audio link.

(b) Witnesses who testify shall give their evidence under oath or upon affirmation.

28. Prior to giving evidence, witnesses who have provided signed statements shall be invited to confirm on oath, their written statements, which shall be accepted as the evidence of that person, and which shall be subject to cross examination by any interested party as allowed by the Commission.

29. Witnesses are entitled to have their own counsel present while they testify. A witness's counsel has standing in the inquiry for the purposes of that witness's testimony, and may examine the witness as provided for in rules 32 and 33.

30. Witnesses may be called to give evidence in the inquiry more than once.

31. (a) Where it considers it advisable, the Commission may issue a summons or subpoena requiring a witness to give evidence on oath or affirmation and/or to produce documents or other things.

(b) A summons or subpoena may be issued in relation to:

- i. pre-hearing interviews conducted by the Commission or Commission counsel;
- ii. pre-hearing requests for documents; or
- iii. the public hearings.

32. The Commission shall admit any evidence provided that it is relevant to the inquiry. Where evidence is challenged or objected to on any ground, the Commission shall give only such weight to that evidence as it determines to be appropriate, having regard to all the circumstances.

E. Oral Examination

33. Subject to rule 34, the order of examination of a witness shall be as follows:

(a) The Commission or Commission counsel may examine the witness at any stage of the proceedings. The Commission or Commission counsel may adduce evidence from a witness by way of leading or non-leading questions;

(b) The parties who have been granted standing shall have an opportunity to cross-examine a witness to the extent of that party's interest and in accordance with such time limits as the Commission may direct. If parties are unable to agree the order of cross-examination, the Commission shall give directions which must be complied with;

(c) Subject to Rule 34, counsel for a witness shall examine the witness as directed by the Commission, regardless of whether or not counsel is also representing another party;

(d) The Commission or Commission counsel shall then have the right to examine or re-examine the witness. Except as otherwise directed by the Commission, the Commission or Commission counsel may adduce

evidence from a witness during or after re-examination by way of leading or non-leading questions.

34. A witness's counsel may apply to the Commission for permission to present that witness's evidence-in-chief. If permission is granted, the witness shall be examined in the following order:

(a) Counsel shall examine the witness in accordance with the normal rules governing the examination of one's own witness in court proceedings, unless otherwise directed by the Commission

(b) The other parties with standing shall be entitled to cross-examine the witness, as provided for in Rule 33 (b).

(c) The Commission shall then be entitled to conduct an examination of the witness, as provided for in Rule 33 (d).

(d) Counsel for the witness shall then be entitled to re-examine the witness.

35. After a witness has been sworn or affirmed at the commencement of his or her testimony, no counsel or party other than Commission counsel may speak to that witness about the evidence he or she has given until the witness has completed his or her evidence. Commission counsel may not speak to the witness about his or her evidence while the witness is being cross-examined by other counsel, except with the permission of the Commission.

36. (a) Where the Commission has indicated that it shall not be calling a particular witness to testify at the public hearings, a party may apply to the Commission and request that the witness be called to give evidence.

(b) Where the Commission is satisfied that the witness's testimony is required, the Commission may direct that the witness be called (in which case Rule 33 applies) or may allow the requesting party to call the witness and adduce his or her evidence-in-chief (in which case Rule 34 applies).

F. Use of documents at hearings

37. Before a witness testifies at the inquiry, the Commission may, where practicable and appropriate, provide the witness and the parties with a binder,

bundle or a list of those documents that are likely to be referred to during the witness's testimony.

38. Without the permission of the Commission, no document shall be used in cross-examination or otherwise except copies of the documents have been provided to the Commission in a timely manner pursuant to Rules 15 and 16.

G. Access to hearings and to the evidence

39. Subject to Rule 40, the hearing referred to in Rule 4 will ordinarily be open to the public. The press, television and public radio broadcasters shall have access to the hearing at any time subject to Rule 40 below. The Commission may direct that broadcasting be suspended at any time in the interest of avoiding disturbance to the proceedings.

40. Where the Commission is of the opinion that it is necessary in the interest of the maintenance of order or the proper administration of justice or the due conduct of the inquiry to exclude all or any members of the public from the hearing room, it may, after hearing submissions from interested parties, direct that such part of the hearing as it deems appropriate, be conducted in the absence of the public or on such terms and conditions as the Commission may direct.

41. Applications from witnesses or parties to conduct any part of the hearing in the absence of all or any members of the public may be made verbally or in writing to the Commission at the earliest possible opportunity.

42. The transcripts and exhibits from the hearings shall be made available as soon as practicable for public viewing and to the parties and the public. Transcripts of any part of the hearing held in the absence of the public pursuant to Rule 40 above may be made available for public viewing on such terms as the Commission may direct if, after hearing the evidence and any submissions, the Commission concludes that it is in the public interest to release these transcripts.

PART 5

Opening Speeches

43. The Commission may invite parties or their counsel to make opening speeches before the commencement of the testimony of witnesses and on such terms and conditions, including time limits, as the Commission may direct.

PART 6

Submissions

44. All counsel may make submissions as directed by the Commission subject to any restrictions that the Commission deems appropriate.

45. The Commission shall direct when submissions are to be made and whether they are to be made orally and/or in writing.

PART 7

Amendments to the Rules

46. These rules may be amended and new rules may be added if the Commission considers it advisable to do so in order to fulfil its mandate and to ensure that the inquiry is conducted fairly, thoroughly and with appropriate transparency.

PART 8

General

47. The Commission may, in any circumstances in which it shall see fit, extend or abridge the time appointed by the Rules or fixed by any order or direction of the Commission for doing any act or taking any step in this inquiry.

48. Where, at any stage in the course of or in connection with this inquiry, there has, by reason of anything done or left undone, been a failure to comply with the requirements of these Rules or any order or direction of the Commission, whether in respect of time, place, manner, form or content or in any other respect, the failure may be treated as a mere irregularity and shall not nullify any step taken in this inquiry or any document, order or direction.

49. (1) The Commission may on such terms as it thinks just, by order extend or abridge the period in which a person is required authorised by these Rules, or by any order or direction to do any act or take any step in this inquiry

(2) The Commission may extend any period as is referred to in sub rule (1) hereof although the application for extension is not made until after the expiration of that period.

50. Where the time prescribed by these Rules or any order or direction of the Commission for doing any act or taking any step expires on a Saturday, Sunday or

any other day on which the Secretariat is closed and by reason thereof that act or step cannot be done on that day, the act or step shall be in time if done on the next day on which the Secretariat is open.

51. No step or act under these Rules or any order or direction of the Commission shall be invalidated by any formal defect or by any irregularity, unless an objection is made to the step or act before the Commission and the Commission is of the opinion that substantial injustice has been caused by the defect of irregularity, and that the injustice cannot be remedied by any order or direction of the Commission.

52. Notwithstanding Rules 33 to 36 inclusive hereof, the Commissioners or any one of them may ask any question or seek any clarification of any witness at any stage of the inquiry.

53. Subject to the Commissions of Inquiry Act Cap 19:03, the Commission may act without regard to technicalities and legal form and shall not be bound to follow the rules of evidence stipulated in the Evidence Act, but the Commission may inform itself on any matter in such manner as it thinks just and may take into account opinion evidence and such facts as it considers relevant and material, but in any such case the parties to the inquiry or any one of them, shall be given the opportunity, if they so desire, of adducing evidence in regard thereto.

54. The Commission may require evidence or argument to be presented in writing and may decide the matters in which it may hear oral evidence or argument.

55. (1) Where the Commission, acting pursuant to Section 10 of the Commissions of Inquiry Act, Cap. 19:03, summons any person who in the opinion of the Commission is able to give such information as it considers necessary, the Commission may, in its discretion and subject to such conditions it may impose, disclose so much as it thinks fit of the information so produced or made available, and the Commission may also prohibit the publication of any portion thereof.

(2) Where the Commission exercises its power to summon a person to give information under sub-rule (1) hereof, the Commission may direct that all or any part of the information requested be disclosed in-camera, and the Commission may enjoin any person or party privy to the disclosure from disclosing any such information given in their presence and hearing.

56. Commission counsel may be assisted from time to time in the interviewing and recording of statements from any witness or potential witness by an investigator or investigators.

Issued by the Chairman on behalf of and with the concurrence of the Commissioners this 22nd day of April, 2014.

[Signed]

Sir Richard Cheltenham, K.A., Q.C., Ph.D.

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Correspondence between the President and the Chairman of the Commission



OFFICE OF THE PRESIDENT
Shiv Chanderpaul Drive & South Road
Georgetown, Guyana

September 23, 2014

Sir Richard Cheltenham, KA, QC, PhD
Chairman
Walter Rodney Commission of Inquiry
Supreme Court Building
South and King Streets
Georgetown

Dear Mr Chairman,

Re: Extension of the Life of Commission of Inquiry

I had earlier extended the life of the Commission of Inquiry which you Chair to September 30th, 2014.

Based on advice provided to the Office of the President, I write to inform you that I have decided to extend the life of the Walter Rodney Commission of Inquiry to 31st January, 2015.

Yours sincerely,

Donald Ramotar
President



MINISTRY OF THE PRESIDENCY

Flissengen Road,
Bourda, Georgetown,
Guyana

July 8, 2015

Sir Richard Cheltenham, KA, QC, PhD
Chairman
Walter Rodney Commission of Inquiry
Supreme Court Building
South and King Streets
Georgetown

Dear Chairman,

Re: Extension of the Life of the Commission of Inquiry

I have been advised that the life of the Commission of Inquiry which you Chair was extended to March 31st, 2015 by former President Donald Ramotar, my predecessor.

I write to inform you that, based upon the advice provided to my office for an extension of the life of the Commission, I have decided that a final extension is to be granted to the life of the Walter Rodney Commission of Inquiry to 30th November, 2015.

The Commission is hereby directed that it shall render its report, findings and recommendations to the President within the specified extension of the life of the Commission.

The extension of time granted hereof shall be effective from July 27, 2015.

Yours sincerely,

David Granger
President
Co-operative Republic of Guyana

Received on behalf of
SIR RICHARD L. CHELTENHAM, Q.C.

Signed *Bayne*
Date *17/7/15* Time



COMMISSION OF INQUIRY



Supreme Court Library Building
(Upper Floor)
Supreme Court Compound,
South and King Streets,
Georgetown, Guyana.

Tel: 592-227-7729

Email: scalterredneysecretariat@gmail.com

Sir Richard Cheltenham, K.A., Q.C., Ph.D - Chairman
Mr. Seenath Jairam, S.C. - Member
Ms. Jacqueline Samuels-Brown Q.C. - Member

July 17th, 2015

His Excellency,
Brigadier (Rtd) David A. Granger,
President of the Co-operative Republic of Guyana,
Georgetown,
GUYANA.

Dear President Granger,

My fellow Commissioners and I very much look forward to paying you a courtesy call when next we are in Guyana and congratulating you on your recent victory at the polls and your subsequent elevation to the high office of President of the Co-operative Republic.

I have received recent instructions from the Attorney General, the Honourable Basil Williams. He has, in effect, directed the Commission to conclude the Rodney Commission of Inquiry after two days of further public hearings, devoted to receiving closing submissions and thereafter to prepare our Report by November 30th, 2015.

I was careful to point out that the decision, though clearly understood and appreciated, has serious implications for:

- (a) the thoroughness of the report, in that important witnesses not yet heard, could contribute evidence relating to some aspects of our Terms of Reference not sufficiently explored and addressed, and
- (b) the fairness of the report as persons who have not testified, but who have been adversely reflected upon in the course of the testimony of others, will not be afforded an opportunity to resist, refute or explain away the adverse comments.

Resulting from the above, the report or some of its findings may lead to challenge in the court.

Notwithstanding the foregoing, the instruction to complete the Commission in the prescribed manner and within the time frame indicated will be honoured.

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July 17th, 2015

His Excellency,
Brigadier (Rtd) David A. Granger;
President of the Co-operative Republic of Guyana,

We fully appreciate the extent to which we, as Commissioners, are subject to the directive of the Executive. But I thought it responsible and prudent that we formally draw to your attention the extent to which the directive recently given will impact on the fairness and thoroughness of the report which we have been asked to render.

Please accept the assurances of our highest consideration.

Yours respectfully,



.....
Sir Richard Cheltenham, K.A., Q.C.
Chairman

c: The Honourable Basil Williams,
Attorney General & Ministry of Legal Affairs
Mr. Seenath Jairam, S.C., Commissioner
Mrs. Jacqueline Samuels-Brown, Q.C., Commissioner
Mr Hugh Denbow, Administrator



COMMISSION OF INQUIRY



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South and King Streets,
Georgetown, Guyana.

Sir Richard Cheltenham, K.A., Q.C., Ph.D. - Chairman
Mr. Seenath Jairam, S.C. - Member
Ms. Jacqueline Samuels-Brown Q.C. - Member

592-227-7729

mail: walterrodneysecretariat@gmail.com

November 5th, 2015

COPY

His Excellency,
The President,
The Cooperative Republic of Guyana,
Office of the President,
Georgetown,
GUYANA

Dear Mr. President,

As Chairman of the Walter Rodney Commission of Inquiry, I write to seek an enlargement of time within which to submit the Report of the Commission.

You will recall that November 30th, 2015, was set as the date for the submission of the Report. However, for a miscellany of reasons ranging from the sudden death of my sister in early August to demanding professional commitments, some of which arose suddenly, on the part of my fellow Commissioners as well as myself, the Report is not yet ready.

I am to report, however, that progress is being made and we are all committed to having the Report concluded, including printing and binding by February 29th, 2016.


I should indicate that in moving to February end, we have taken into consideration that the intervening Xmas season will mean, in effect, that the period of mid-December to the end of the first week in January will be one of low productivity. That is consistent with tradition.

We, the Commissioners, are all committed to using the period as productively as we can in relation to the Report writing, but in so far as we are dependent on staff, we cannot ignore the effect of that period.

We look forward to your favourable response.

Please accept the assurances of our highest consideration.

Yours Respectfully,


Sir Richard L. Cheltenham, K.A., Q.C., Ph.D.
Chairman

"Justitia nemini neganda est"
Justice to be denied to no one



MINISTRY OF THE PRESIDENCY

Vissingsen Road,
Bourda, Georgetown,
Guyana

2015-11-23

Sir Richard L. Cheltenham, K.A., Q.C., Ph.D
Chairman, The Walter Rodney Commission of Enquiry
Supreme Court Library Building (Upper Floor)
South and King Streets
Stabroek, Georgetown.

Dear Sir Richard,

Thank you for your letter of November 05, 2015.

You will recall that the Walter Rodney Commission of Inquiry was established on the authority of the President of the Republic on 6th February 2014 and members of the Commission were sworn in on 25th February in Georgetown, twenty-one months ago.

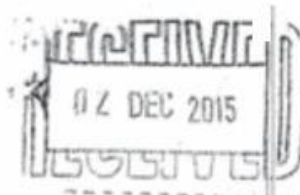
The Co-operative Republic of Guyana has planned an intense programme of public activities during the first half of 2016. These include the conduct of Local Government Elections and the Celebration of the 50th Anniversary of Independence.

I regret to inform you, therefore, that your request for an 'enlargement' of time within which to submit the Report of the Commission cannot be extended beyond the 15th December, 2015.

Yours sincerely,

David Granger
President of the Cooperative Republic of Guyana.

c.c. Hon. Basil Williams, M.P.
Mr. Seenath Jairam, S.C.
Ms. Jacqueline Samuels-Brown, Q.C.





COMMISSION OF INQUIRY



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Sir Richard Cheltenham, K.A., Q.C, Ph.D - Chairman
Mr. Seenath Jairam, S.C. - Member
Ms. Jacqueline Samuels-Brown Q.C. - Member

592-227-7729

il: walterrodneysecretariat@gmail.com

December 7th, 2015

His Excellency,
The President,
The Cooperative Republic of Guyana,
Ministry of the Presidency,
Vlissengen Road,
Boarda, Georgetown,
GUYANA

Dear Mr. President,

Your letter of November 23rd, 2015 in response to my earlier communication of November 5th last was received by courier at my Chambers earlier this month - December 2nd. It effectively gives us twelve (12) days within which to submit the Report of the Walter Rodney Commission of Inquiry.

After consulting with my fellow Commissioners, I am to advise that though we have made appreciable progress in preparing the Report, it will not be possible to have it ready for submission before January end, 2016.

We note your programme of activities planned for the 50th Anniversary of Independence and would not in any way wish the Report to detract from the public's enjoyment of or concentration on the celebrations. That said, however, we will not be able to complete the multiple steps necessary to produce the Report within the timeframe given.

I should add that we suffer in the preparation of the Report from the fact that we are located in three (3) different countries and we are required to agree, if possible, the findings to be made. And it will be left to me, as Chairman, to read the entire

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"Justitia nemini neganda est"
Justice to be denied to no one

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December 7th, 2015

His Excellency,
The President,
The Cooperative Republic of Guyana,

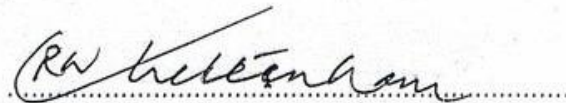
manuscript in draft to ensure that there are no unnecessary overlaps or significant omissions. In addition, it will be necessary to have the Report printed and bound before presentation. I feel obliged to add that I had discussed with Mr. Denbow the printing and binding of the report which he had undertaken to coordinate with the Government Printery. I have been unable to contact Mr. Denbow in recent months and the advice reaching me is that the Commission Secretariat has been closed and its staff severed.

I respectfully urge that the Commissioners be allowed reasonable latitude, consistent with the timeframe sought, in putting together a not insignificant report.

For these and other reasons arising from our multiple professional commitments, it will not be realistic to hand over the Report by December 15th, 2015.

I urge your understanding of the constraints set out here and assure you of our highest consideration.

Yours Respectfully,



Sir Richard L. Cheltenham, K.A., Q.C., Ph.D.
Chairman

c.c Hon. Basil Williams, M.P.
Ms. Jacqueline Samuels-Brown, Q.C.
Mr. Seenath Jairam, S.C.

"Justitia nemini neganda est"
Justice to be denied to no one

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GNI Editorial Note

The above is a digitalized text of a printed copy of the Commission of Inquiry Report on the death of Dr. Walter Rodney, a tragic event that occurred on the evening of June 13, 1980 in Georgetown, Guyana. The text for this “unofficial” version is transcribed from a printed copy similar to that submitted to the Guyana government and, subsequently, by the government in May 2016 to the Guyana National Assembly and also to the Leader of the Opposition and to Dr. Rodney’s family.

It is noted that even though the “Contents” section of the Report shows “List of Witnesses who gave Oral Evidence,” and “Names of Counsel who Appeared on Behalf of Witnesses”, these are not displayed in the “Appendices” section, since no such section appears in the “hard copy” of the Report from which the text has been digitalized. However, names of witnesses appear in the “Tendered Exhibits/Evidence Master List.”

The “hard copy” also has a number of typographical, punctuation and spelling errors which have been corrected—wherever they are detected—in this edition. In addition, a few minor editorial additions are inserted in the general text. There are also some incomplete “sentences” in the “hard copy” but these remain as they are in the original.

May 16, 2016

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