

WALTER RODNEY COMMISSION OF INQUIRY



CO-OPERATIVE REPUBLIC OF GUYANA

THE WALTER RODNEY COMMISSION OF INQUIRY

**VERBATIM REPORT
OF THE PROCEEDINGS**

Wednesday 27th August, 2014

WALTER RODNEY COMMISSION OF INQUIRY

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31st Hearing

09:37hrs

27th August, 2014

Commissioners:

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

Mrs. Jacqueline Samuels-Brown, Q.C.

Mr. Seenath Jairam, S.C.

Secretary to the Commission:

Mrs. Nicola Pierre

Counsel to the Commission:

Mr. Glenn Hanoman

Ms. Latchmie Rahamat

Administrator of the Commission Secretariat

Mr. Hugh A. Denbow

Attorneys for the People's National Congress (PNC):

Mr. Basil Williams

Mr. James Bond - (Absent)

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Attorneys for Working People's Alliance (WPA):

Mr. Christopher Ram

Mr. Moses Bhagwan - (Absent)

Attorneys for the Guyana Trades Union Congress (GTUC):

Mr. Brian Clarke - (Absent)

Mr. Selwyn Pieters - (Absent)

Attorney for Dr. Patricia Rodney, Asha Rodney, Shaka Rodney and Kanini Rodney:

Mr. Andrew Pilgrim, Q.C.

Attorney for Donald Rodney:

Mr. Keith Scotland - (Absent)

Ms. Camille Warner

Attorneys for the Ex-GDF (Guyana Defence Force) Association:

Lt. Col. (Ret'd) Joseph Harmon - (Absent)

Mr. Leslie Sobers - (Absent)

Attorney for Captain Gerald Gouveia:

Mr. Devindra Kissoon - (Absent)

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Witness:

Lt. Col. Sydney James

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CALL TO ORDER

[Lt. Col. Sydney James entered the witness box]

Attorney for the Working People's Alliance (WPA) Mr. Christopher Ram: Mr. Chairman?

Mr. Chairman [Sir. Richard L. Cheltenham, K.A., Q.C., Ph.D.]: Yes.

Mr. Ram: I wonder if it is an appropriate time for me to make a request of the Commission, which I would like to do so publicly.

Mr. Chairman: I suppose this is as convenient a time as any.

Mr. Ram: Thank you, Sir.

Mr. Chairman: Yes.

Mr. Ram: Mr. Chairman and Commissioners, I have been briefed and I think it is appropriate that I make this request in an open session. A Comrade R. Corbin was featured prominently in the testimony of Lt. Col. James. The Witness has produced evidence that discloses weapons were issued to Comrade Corbin of which, as of yesterday's date, 12 Smith and Wesson pistols remain outstanding. There is, in Guyana, a prominent person in active life who was well known as Comrade Corbin. He is now simply Mr. Corbin, Robert Corbin, an Attorney-at-Law in private practice. According to the Minutes of the proceedings of the 92nd sitting of the National Assembly of the 3rd Parliament of Guyana, this person has held office similarly described as at the time of the issue of the missing Guyana Defense Force (GDF) documents. It is the view of my client, the Working People's Alliance, that it would be fair to Mr. Corbin and all who are similarly placed to appear before this Commission to arrive at the truth in the most cost-efficient manner. Mr. Corbin is still regarded as a leading member of the People's National Congress/Reform (PNC/R) which publicly, and through its Counsel, Basil Williams, has on several occasions advocated for greater cost consciousness at the level of this Commission. It appears, from my inquiries with the Secretariat, that Mr. Corbin has not volunteered to give evidence before this Commission and I wonder if the Commission would advise the citizens of this country whether it proposes to summon him, as it is empowered to do, to appear before it. I

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go on to make a similar request in relation to the Secretary of the Defence Board, to which several references have also come up during these sittings. As you know, Commissioners, the Board has statutory functions and powers over the Guyana Defence Force and its Secretary would have responsibility for its records, unaffected by changes in personnel. In our view the work of this Commission could be significantly facilitated and the gap of 34 years could be substantially narrowed by the appearance by the Secretary of the Board. My question in relation to the secretary of the board would be the same as in relation to Mr. Robert Corbin.

Attorney for the People's National Congress (PNC) [Mr. Basil Williams]: Mr. Chairman, as PNC's Attorney, I find this is very unusual because Mr. Ram has this opportunity to cross-examine this Witness and, as far as my recollection goes, this witness said he never knew or he does not know who R. Corbin is. It is very unusual what Mr. Ram has done, in the light of this witness' statement - that he does not know who R. Corbin is, which is a correct statement because there are many "Corbins".

Attorney for Dr. Patricia Rodney, Asha Rodney, Shaka Rodney and Kanini Rodney [Mr. Andrew Pilgrim, Q.C.]: Perhaps you should say when he said that so we can confirm in the record that he actually said that.

Mr. Williams: But he said that. It is in the record. He should abide until his time when he has to cross-examine Mr. James and elicit or lay the foundation from his cross-examination of Mr. James to achieve what he wants. He cannot come to you and tell you R. Corbin is the Robert Corbin because he cannot step out of this Commission and say that without being liable. He cannot come under the protection of the Commission of Inquiry and put to you a false premise. There is nothing before this Commission which says that the R. Corbin in 1976... When I am cross-examining you will see what I mean. You have one day, on the 18th, R. Corbin as in OPM, and the next day, on the 19th, the same R. Corbin is National Development.

Mr. Chairman: Mr. Williams, you will have the opportunity to cross-examine the witness...

Mr. Williams: I am saying Mr. Ram has that opportunity. He cannot ask you to do that when there is no basis for you doing that. This witness has said he does not know who R. Corbin is.

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Mr. Chairman: Well, all of those matters we will have to determine but we are still in the midst of evidence taking. I would only wish to say, though, that any person who thinks that he or she has been adversely affected by evidence has the opportunity to approach the Secretariat and ask to be allowed to testify to make a statement and to be given the opportunity to testify.

Mr. Williams: You have always said that, Mr. Chairman. That is well known. You have always said that.

Mr. Chairman: In addition to that, we may, after consideration, determine that we would want to hear from Mr. Corbin, if we come to certain conclusions, by way of a summon letter...

Mr. Williams: Mr. Chairman...

Mr. Chairman: ...but that time has not yet come!

Mr. Williams: But the time has come for Donald Rodney to come here...

Mr. Chairman: Yes, but...

Mr. Williams: ...he is a witness. I do not know why he is calling for all kinds of witnesses and you are not calling for... Bring Donald Rodney here.

Mr. Chairman: Yes, but why do you want to regulate the business of the Commission?

Mr. Williams: So, Mr. Ram must regulate your business?

Mr. Chairman: No, but he is entitled to make a statement.

Mr. Williams: Am I not entitled to do that too?

Mr. Chairman: Yes, but do not ask us to determine the order. You must not try to determine the order in which we bring witnesses.

Mr. Williams: I am not doing that. I am saying that the main witness, upon which this entire Commission really is predicating its work, is Donald Rodney. He was the only eyewitness.

Mr. Chairman: Yes, but eyewitness alone does not determine the outcome of cases.

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Mr. Williams: *[Laughter]* Mr. Chairman...

Mr. Chairman: There is a thing called circumstantial evidence, too.

Mr. Williams: Well we do not see it.

Mr. Chairman: We will get Mr. Rodney here in due course. I think that he is due to be heard in the next session so do not get carried away.

Mr. Ram: Anyway, Sir...

Mr. Chairman: So, thank you Mr. Ram, thank you, Mr. Williams...

Mr. Williams: Sir, I am sure Mr....

Mr. Ram: I am still awaiting a ruling, Sir....

Mr. Williams: I am sure that Mr. Robert Corbin...

Mr. Chairman: I have not yet come to make any ruling.

Mr. Ram: Thank you, Sir.

Mr. Williams: I am sure that Mr. Corbin will deal with that issue himself. I am just pointing out that there is no evidence in this Commission that the R. Corbin is the Robert Corbin that Mr. Ram...

Mr. Chairman: This Witness said he does not know who R. Corbin is....

Mr. Williams: Exactly!

Mr. Chairman: Yes...

Mr. Williams: So there is no basis for Mr. Ram to say that. He must go outside to the newspapers and say that or the media.

Mr. Chairman: We will deal with all of that in due course. The time has not yet come for any decision making...

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Mr. Williams: Sir, but let me before we start...

Mr. Chairman: Can we proceed with the business?

Mr. Williams: Yes, Sir.

Mr. Chairman: Yes.

Mr. Williams: Before we start, though, let me clarify the record on what was said yesterday. Could you recall that the issue came up about the GDF hiding documents in relation to Gregory Smith? I just would like to...

Mr. Chairman: Repeat the last sentence, I missed something.

Mr. Williams: Hiding or ducking documents... The GDF was accused of ducking documents... Yesterday... I said that Mr. Ram had accused the GDF of ducking or concealing or hiding documents in relation to Gregory Smith from the Commission. Mr. Ram purported to deny that so to reinforce the point that when I make submissions, whether it is to the Court or any tribunal, I am very serious about my submissions. I would like to refer the Commission to the record of Wednesday, 30th July, 2014, at page 54. Beginning from the second paragraph, from the top....

Mr. Chairman: Record of July...

Mr. Williams: The 30th July.

Mr. Chairman: Page?

Mr. Williams: 2014, at page 54, Sir, the second paragraph from the top. I do not know if you want to get it and let us deal with it during the day or you want me to read and you just follow from the record.

Mr. Chairman: You are making the point now. You are attracting the Commission's attention to it...

Mr. Williams: Yes.

Mr. Chairman: Whose evidence is it?

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Mr. Williams: This is the evidence of Lt. Col. Kyte who was the one giving evidence in relation to documents.

Commissioner [Mrs. Jaqueline Samuels-Brown, Q.C.]: Lt. Col. Kyte.

Mr. Chairman: K.Y.T.E., yes. Yes, please go ahead.

Mr. Williams: Sir, Mr. Ram said, “I am guided by you, thank you very much, Sir. Yes, Sir, I am putting it to you that the disappearance or non-availability of these records is not an accident...” He further says, “...nor is it an act of God.” He concludes, “I am putting it to you that the hierarchy of the Army has been involved in a massive cover-up of the assassination of Dr. Walter Rodney by a serving member of the Army.” This is clear in this context that Mr. Ram was accusing the Army of not producing the relevant documents and that their nonproduction is not due to an act of God nor was that an accident. In fact, the Chief-of-Staff was asked about it and he denied it. Sir, I am raising this because I am going to put it to Mr. James also but this is just to put into perspective what I was saying yesterday that Mr. Ram had accused the hierarchy of the Army of a massive deception in relation to the records in relation to Gregory Smith.

Mr. Ram: Mr. Chairman, as my learned friend would recall, I challenged the word ‘duck’ and in all the research Mr. Williams did last night he could not come up with an incident in which such a word was used. I would not necessarily wish to pursue this matter any further.

Mr. Williams: I am not sure what my learned friend is saying, but I am happy he does not wish to pursue it.

[Commissioners were in discussion]

Mr. Chairman: I think, Mr. Williams, that we need to get on.

Mr. Williams: No, I am just highlighting it...

Mr. Chairman: Seems to be as a very tangential issue...

Mr. Williams: ...for the purposes of the record and as Mr. Ram has introduced what he did this morning, I took the opportunity.

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Mr. Chairman: Whether the army was involved in a cover-up or not is not part of the terms of reference. It is a tangential issue. Let us get on.

Mr. Williams: Yes, I am ready to get on.

Mr. Chairman: Yes, thanks.

Mr. Williams: Yes. Now, could I refer you, Lt. Col. James...

Mr. Chairman: Yes, you continue to be under oath, but if you want to reinforce that in your own mind by taking the oath again please do so, but you continue to be under oath.

[The Witness was sworn in]

Mr. Chairman: Thank you.

Mr. Williams: At page 49, of the record of Monday 25th August, 2014, I refer the Commission, respectfully, to that page 49 of Monday the 25th, last Monday, this session.

Mr. Chairman: For the benefit of those who are following from...

Mr. Williams: Yes, I am going to do that.

Mr. Chairman: ...just read it so that we know what you are talking about, all of us.

Mr. Williams: I am reading from "Mr. Chairman" I would say – one, two, three, four – the fourth note from the bottom of page 49.

Mr. Chairman: I do not have the particular record here with me.

Mr. Williams: That is Monday's record.

Mr. Chairman: Yes. Go ahead, please.

Mr. Williams: The Chairman midway in his sentence said, "...but what became of the PNC because on the document it is written "total chargeable to a PNC" what do you understand that to be?" Lt. Col. James "Well, based on what is written on the document, Sir, they proposed that the PNC had a weapon's account with the GDF. I do not think that is accurate, Sir." Mr. Chairman

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“But did you investigate it?” Lt. Col. James “I did investigate, Sir. I did research at the Five Service Support Battalion and all the records and there was no indication of such an account or record, Sir.” Do you recall saying this?

Lt. Col. James: Yes, Sir.

09:52hrs

Mr. Williams: In other words, you are saying that it will be false to say that the PNC had an account with the Army.

Lt. Col. James: Based on the document that was shown to me, Sir.

Mr. Williams: That is correct.

Mr. Chairman: Is it based on the document.

Mr. Williams: Based on the document.

Lt. Col. James: The House of Israel voucher.

Mr. Chairman: I think it is more based on your investigations.

Lt. Col. James: That is correct. I did not investigate the House of Israel voucher, but I did investigate with respect to weapons issue to external organisation, Sir.

Mr. Williams: Could we as we are at it, Sir, refer you and the Witness to LJSDWPA1, page 74 that is the document Colonel James is talking about, the McPherson document, I should say the alleged McPherson document? Now, as I said to you just now, since all your efforts etcetera, you could not find that, so it is false to say that the PNC had a weapons account with the Guyana Defense force (GDF) at that time?

Lt. Col. James: Sir, as I did indicate, it was based on the questions that were asked and the document, the vouchers that was presented to me.

Mr. Williams: So you agree with that?

Lt. Col. James: That is correct.

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Mr. Williams: That would be false.

Mr. Chairman: Just pause a minute, Mr. Williams, I am just trying to ensure that the document to which reference was made was admitted into evidence.

Mr. Williams: Yes, it is admitted in the evidence it is LJSP that is Special Branch WPA1, that is the file tendered by Crime Chief James at page 74 too, if you are looking into the file. Now Colonel, I wish to refer you to the *Stabroek News* of Tuesday 26th August, 2014 - that is yesterday. Let us deal with that first.

Mr. Chairman: Is that evidence?

Mr. Williams: Yes, our national newspapers could be evidence. I am referring to it now. We can make copies of it, but it is a national newspaper in circulation.

Commissioner [Mr. Seenath Jairam, S.C.]: What is the purpose, Mr. Williams?

Mr. Williams: Sir, if you bear with me, you will see or I could have done like Mr. Ram.

Mr. Jairam: We have no control over what the Press said, as you know.

Mr. Williams: No, I am putting this to him because this article is addressing Mr. James's evidence so he must have an opportunity.

Mr. Jairam: You are referring to the accurate note at page 49?

Mr. Williams: No, Sir that is not in the context which I If you bear with me, you will see. I am not sure. Yes, this is the Tuesday the 26th August, 2014 edition of the *Guyana Chronicle*, the headline: *Rodney Commission unearths Corbin had hand in missing GDF submachine guns*. Now, the second paragraph of this article says this: "Yesterday, Senior GDF Officer, Lieutenant Colonel Sydney James told the Walter Rodney Commission of Inquiry that the GDF issued those guns to the People's National Congress (PNC) Government in the 1970s, along with hundreds more. Many deadly weapons remain missing, never returned to Army stores." Was that your position in this Commission of Inquiry?

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Lt. Col. James: Sir, you are a Lawyer and would know that my evidence is on oath and are in the document available. I respectfully propose to you that you ask the author of that article where he got that information from, my evidence is on record, Sir.

Mr. Williams: No, listen to me. Colonel James, just answer my question. You are anticipating me.

Mr. Chairman: Mr. Williams, he is making the proper point.

Mr. Williams: Which is, Sir?

Mr. Chairman: That what the *Chronicle* writes is no business, if it distorts the evidence, I may call the Editor if it is drawn properly to my attention. You have put it to the Witness and he says, "Look, what I said is a matter of record", implying that is not consistent with what he said there if Mr. Corbin is aggrieved...

Mr. Williams: No, I am not talking about Mr. Corbin, Sir. I am referring him to what is said that PNC was supplied with guns. Is that the evidence in this Commission?

Mr. Chairman: What is written in the *Chronicle* is...

Mr. Williams: Sir, it is the *Guyana Chronicle*. Could I be allowed to address you? I am representing the People's National Congress/Reform. Do you want me not to represent them? I am representing hundreds of Guyanese. Are you going to keep stopping me from representing the People's National Congress?

Mr. Chairman: No.

Mr. Williams: But could you allow me to ask the question? He has not heard what I am asking him and when I ask him, he could answer.

Mr. Chairman: Mr. Williams, you ask your question in all quiet, we were all quiet, when you were finished, he answered you.

Mr. Williams: Mr. Chairman, okay, I am asking him another question.

Mr. Jairam: Mr. Williams, you are an advocate of many years, do not allow yourself to get hot.

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Mr. Williams: I want the people of Guyana to know that every time the PNC's Lawyer has to cross-examine a witness, he is interrupted unnecessarily.

Mr. Jairam: That is not so Mr. Williams.

Mr. Williams: I am an experienced Lawyer.

Mr. Jairam: I take umbrage to that; that is not so.

Mr. Williams: I am an experienced Lawyer.

Mr. Jairam: Yes, but you want to make your political speech every time you cross-examine.

Mr. Williams: What is a political speech, Sir? This man is liable by the paper, and I am giving him an opportunity.

Mr. Jairam: Are you saying that we are being unfair to you?

Mr. Williams: If you continue doing this, I will have to say that. The people out there are saying that. The Guyanese people are saying that.

Mr. Chairman: If indeed Mr. Corbin has been misrepresented in the newspaper, there is an appropriate forum for that in which that should be aired; this is not the forum.

Mr. Chairman: That is the point I am making; I am not talking about Mr. Corbin.

Mr. Chairman: Or the PNC.

Mr. Williams: Because you are interrupting me, you are not listening to what I am saying.

Mr. Chairman: I am listening to you, but you want to behave as you like.

Mr. Williams: This Queen's Counsel carried on with Major McLean, in your presence. He abused him from here and you never said anything, so what is it you are telling me? The second question for the day I am asking, and I want to take over your work. I am not telling you about Corbin, I have read an article that the PNC was said by Mr. James to be given guns.

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Mr. Chairman: Yes, but if the PNC has been distorted, you know you can go into the public arena, they can make a statement, they can be interviewed representing the PNC, but this is not the forum.

Mr. Williams: For this? I am representing the PNC.

Mr. Chairman: It is not about that.

Mr. Williams: About what? About the guns?

Mr. Chairman: You are representing the forum that is related to the Terms of Reference of the Rodney's Inquiry [*inaudible*].

Mr. Williams: Sir, what are you saying? I not suppose to represent the PNC about an allegation that Mr. James said that guns were given to the PNC?

Mr. Chairman: You have put it to Lieutenant Colonel who is on the stand and he has answered.

Mr. Williams: What has he answered?

Mr. Chairman: As far as I am concerned, that matter is closed for this forum.

Mr. Williams: I will come back to it with you in the same manner in which Mr. Ram did. I will ask you if you consider that the newspaper can continue to distort the work of this Commission. Sir, as soon as I am finished with this Witness, I could do like Mr. Ram. I could have done so, but I give him a chance to do it.

Mr. Chairman: But he has answered you.

Mr. Williams: No, Sir...

Mr. Chairman: You are getting on as if he has not answered you. In quiet, you were allowed to put your question and the Witness answered, and as far as I am concerned, that is the end of that matter here.

Mr. Williams: Sir, what has he answered?

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Mr. Jairam: He said very clearly, “I am under oath and what I said is recorded in the transcript”.

Mr. Williams: What does that related to my question?

Mr. Jairam: You have pointed out at page 49, Mr. Williams, what he said he said, “It will be false to say that the PNC had an account with the GDF”.

Mr. Williams: Sir, have the witnesses not referred... even the newspapers like the *Day Clean*, if you want to call it a newspaper before you.

Mr. Jairam: And if the newspaper said otherwise, it means that the newspaper misrepresented what transpired here and what you would like to say...

Mr. Williams: Okay, I would deal with this as a separate application when we are finished with the Witness.

Mr. Chairman: My ruling is that that matter [*inaudible*] and I invite you to get ahead with your questioning.

Mr. Williams: I will revisit it when the Witness leaves the box because this Commission must be concerned with its work being misrepresented in certain media. Yes, let us continue. Now, that document you have, do you agree that you said the signature was not Major McPherson’s signature?

Lt. Col. James: That is correct, Sir.

Mr. Williams: Therefore you are saying what purported to have been there is a forgery?

Lt. Col. James: Sir, I am saying the signature is not Major McPherson at that time.

Mr. Williams: So you prefer for me to say to you that you agree with me that it is false?

Lt. Col. James: Sir, there are other characteristics on the document which I did described in my...

Mr. Williams: No, just answer my question Colonel, do you agree that it is false?

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Lt. Col. James: Based on the signature that is affixed.

Mr. Williams: Yes, you just answer the question.

Lt. Col. James: Yes.

Mr. Williams: Now, in the light of that, do you agree that that document you have there is falsely suggesting that House of Israel and the PNC were collaborating to obtain guns from the GDF?

Lt. Col. James: I cannot answer that question, Sir. I can attest the signature and the question you ask me before. I cannot attest to that, Sir.

Mr. Williams: No, we are talk... look at the document, please. You said to the Commission that it was false to suggest that the PNC had an account with the GDF?

Lt. Col. James: That is correct, Sir.

Mr. Williams: Looking at that document, right? But does that document not speak to House of Israel that the PNC was uplifting guns for the House of Israel from the Army, is not that what you told the Commission?

Lt. Col. James: Sir, I wish to refer to the evidence I gave. I cannot recall saying that as you put it, Sir.

Mr. Williams: No, what I am putting to you, you never said. From what you have said to the Commission, I am putting it to you and what you have said to the Commission was when you look at the document, it is suggesting that the PNC had a weapons account with the GDF, but you did checks and you have verified, and that turned out to be false?

Lt. Col. James: Sir, you are misrepresenting me. If you look at my answer, you will see I also said, let me find it for you, "I do not think that is accurate, Sir".

Mr. Williams: No, that is what we are saying; we are saying the same thing, just listen.

Lt. Col. James: No, we are not saying the same thing.

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Mr. Williams: Colonel, you are my Witness, just listen. I am saying to you that you have already said that the suggestion by looking at the document, that the PNC had a weapons account with the Army was false?

Lt. Col. James: That is correct, Sir.

Mr. Williams: You have also had said that that document suggest that the PNC was uplifting weapons for the House of Israel which is also on that document?

Lt. Col. James: I never said so; you can refer to the record, Sir.

Mr. Williams: So that was put to you? Okay, you never said that, was it put to you?

Lt. Col. James: What is that, Sir?

Mr. Williams: That it suggests by looking at the document that the PNC was uplifting weapons for the House of Israel, was that never said here in this Commission?

Lt. Col. James: Not me, and I stand by my evidence, Sir.

Counsel to the Commission [Mr. Glenn Hanoman]: I think it would be far more efficient, if I may, for Mr. Williams to point to the transcript instead of us guessing of what is there and what may be there.

Mr. Williams: I thought I was pointing to the transcript for the questions that I have prefaced that I have put to him.

Mr. Hanoman: No, Mr. Williams is asking this Witness is this was said and is this was done and is that sort of question was posed to you. Surely, it will be more efficient for him to point to the transcript and say, "Well do you agree with this representation and so on".

Mr. Williams: I am not sure what the Counsel is saying. If I have to look for the transcript every time I put something to a witness, we would not go anywhere. I have my memory. I assure you today what I said yesterday was correct by going and get the record. This Witness has been in the box. I am suggesting to the Witness it came out of him by a suggestion put to him, that the

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document was suggesting that the PNC was uplifting weapons on behalf of the House of Israel. If he says that he cannot remember, then we will go and get the record.

Mr. Chairman: His answer to you was that he did not say that.

Mr. Williams: Okay, you did not say that.

Mr. Chairman: That is the inference which you are drawing from it but he did not say that and he made that very explicit.

Mr. Williams: You are clear that you did not say that?

Lt. Col. James: That is correct, Sir.

Mr. Williams: Well I will check the record. Now, have a look at the record.

Lt. Col. James: Which one of the record, Sir?

Mr. Williams: Have a look at the Exhibit LJSBWPA1.

Ms. Samuels-Brown: Page 74.

Mr. Williams: Yes. Do you see "HOI"? Do you see "HOI" on the document?

10:07hrs

Mrs. Samuels-Brown: Tell us where...

Mr. Chairman: Where is that page number? The bottom? The top?

Mrs. Samuels-Brown: The top? Bottom? We will move a little faster if you help us.

Mr. Williams: Of the form?

Mrs. Samuels-Brown: Yes, help us.

Mr. Williams: It is at the bottom of the form.

Mrs. Samuels-Brown: Yes.

Mr. Williams: It is right where the PNC is.

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Mrs. Samuels-Brown: Alright.

Mr. Williams: The PNC is in the next column, the next box.

Mr. Jairam: This spells it out in full Mr. Williams. House of Israel is written in full not HOI.

Mr. Williams: On the document?

Mrs. Samuels-Brown: Yes.

Mr. Chairman: Signature of House of Israel and there is a name.

Mr. Williams: Could I see the record that you have at the Commission, please.

[Court Marshal took the document to Mr. Basil Williams]

Mr. Chairman: Unless we are not looking at the same document.

Mrs. Samuels-Brown: That is why I asked because I could not find it, you see. So it is House of Israel we can move on briskly. Perhaps of the Commission Counsel could assist Mr. Williams by giving him a copy of the document and it would perhaps assist us in marching forward quickly.

Mr. Williams: Now, yes.

Mrs. Samuels-Brown: I can lend him mine.

Mr. Williams: Let him look at it now. Look at the PNC to the top, total chargeable to the PNC and look at the column behind it.

Mrs. Samuels-Brown: Mr. Marshal, please assist Mr. Williams with this for me in the meantime. Yes.

[Court Marshal took the document to Mr. Basil Williams]

Mr. Williams: Do you see the reference to the PNC there at the bottom?

Lt. Col. James: You have total chargeable to SO PNC, Sir.

Mr. Williams: Right and at the bottom of that?

Lt. Col. James: Signature of House of Israel and some letters I cannot make out.

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Mr. Williams: Signature of House of Israel?

Lt. Col. James: That is correct, Sir.

Mr. Williams: Now, what do you understand that to mean?

Lt. Col. James: This seems to suggest the something was chargeable to the PNC and someone from the House of Israel signed that document, Sir.

Mr. Williams: It is just the same thing as saying that the House of Israel was drawing weapons on the PNC account when you look at the document?

Lt. Col. James: Sir, this seems to suggest that there was a quantity of articles written up, seemingly chargeable to PNC and seemingly signature of House of Israel. I would assume person or member, Sir.

Mr. Williams: That document is telling you that the House of Israel person; whomever is signing there, is receiving weapons from the Guyana Defense Force on the PNC account?

Lt. Col. James: Well I cannot say the PNC account.

Mr. Williams: No, but you already said that is false, but I am saying what the document on the face of it is suggesting.

Lt. Col. James: This seems to suggest that, Sir.

Mr. Williams: I heard that before though in the Commission. Now, if it is suggesting that do you agree that since the PNC did not have an account there, that is also false?

Lt. Col. James: That is correct, Sir.

Mr. Williams: That the House of Israel was uplifting weapons on the PNC account from the GDF. Thank you that that is false. That is all we are trying to get. Now, that document as a result the Army would reject the document as being valid? Alright let me say this, the Army would reject that document as being a valid GDF document.

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Lt. Col. James: Sir, in my earlier testimony, I alluded to the fact that this was a document not used for the issuance of weapons, but for a surcharge for kit and equipment lost, Sir. My answer to your question is that this would be rejected out rightly because it is not a document associated with the issuance of weapons, Sir.

Mr. Williams: So you agree then that the Army would reject that document as being invalid?

Lt. Col. James: That is correct, Sir.

Mr. Williams: Now in the light of that, do you agree with me that it is not unreasonable to conclude that the author of that false document was trying to smear the PNC?

Lt. Col. James: I am not certain who the author of this document is and I am not certain of its intention.

Mr. Williams: No, we are not asking you who is the author, we are saying whoever the author is; the design was to smear the PNC.

Lt. Col. James: I cannot say, Sir. I do not know with certainty.

Mr. Williams: That is not a reasonable inference?

Lt. Col. James: No, I cannot say Sir.

Mr. Williams: Alright, I am suggesting to you then that the intention of the author of that document or authors was to smear the People's National Congress?

Mr. Chairman: *[Inaudible]*

Mr. Hanoman: I think that has been asked and answered.

Mr. Williams: I could put it to him. I do not know what is happening.

Mr. Hanoman: I am objecting to the question and I would like to be heard please.

Mr. Williams: Are we Lawyers in this Commission? What is going on?

Mr. Hanoman: I am objecting to the question and I would like to be heard please.

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Mr. Williams: Is Mr. Hanoman is saying I cannot put a question to the Witness?

Mr. Chairman: Mr. Williams, you alone cannot talk. The Counsel for the Commission is entitled to be heard.

Mr. Hanoman: I do not know, Mr. Williams, is objecting to my objection, Sir, without even hearing it?

Mr. Williams: No, I do not know why you are making an objection.

Mr. Hanoman: This Witness is incapable of answering any question that goes to the state of mind of some unknown person, and therefore that is an unfair question that he cannot be expected to answer so that is my objection, Sir.

Mr. Chairman: I think that is affair.

Mr. Williams: That is fair Mr. Chairman? That he cannot get into the mind of someone else.

Mr. Chairman: You may ask him.

Mr. Williams: Thank you, Sir.

Mr. Chairman: And we would advise you to answer.

Mr. Williams: Thank you very much. Could you answer the question?

Lt. Col. James: What is the question you wish me to answer?

Mr. Williams: That whoever the author was, the intention was to smear the PNC.

Lt. Col. James: I do not know, Sir.

Mr. Williams: What?

Lt. Col. James: I do not know, Sir.

Mr. Williams: Good so I could not put it to you. I am suggesting to you that that was so. The intention of that document...

Mr. Chairman: But he has answered you already.

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Mr. Williams: No but the suggestion must go on the record

Mr. Chairman: He says he cannot say so.

Mr. Williams: I asked him a question, Sir. He did not agree so I now put it to him. I suggested to him so that it can go on the record.

Mrs. Samuels-Brown: No Sir, let me assist you Mr. Williams, you question was having examined the document in light of that do you agree that the author of that document was trying to smear the PNC. His answer was I cannot say that, Sir.

Mrs. Samuels-Brown: He then says...

Mr. Williams: He did not agree.

Mrs. Samuels-Brown: Right.

Mr. Williams: Right.

Mrs. Samuels-Brown: You then said okay, I am going to suggest it to you...

Mr. Williams: Exactly.

Mrs. Samuels-Brown: That the intention of the author was to smear the PNC and his answer was I do not know.

Mr. Williams: Well I do not have a problem if that is his answer.

Mr. Williams: So you made the suggestion. Yes you made the suggestion. You asked it as a question then you asked it as a suggestion.

Mr. Williams: Thank you very much because that was the objection being made by your Counsel that I could not put it to him anymore. Putting also includes Counsel, suggesting. Now, I had asked you about the infiltration of the Army by the WPA and it seems to have had, like this morning when I asked you, you could not be clear about whether that happened before or not. I

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am going to refer you to the record. I am referring you Colonel James and the Commissioners to the record of Wednesday 25th June, 2014.

Mrs. Samuels-Brown: Evidence of whom, Sir?

Mr. Williams: Tacuma Ogunseye, Madame Commissioner.

Mrs. Samuels-Brown: Thank you.

Mr. Williams: Beginning at page 54, the fifth paragraph from the top. You have the record that is very good.

Mr. Hanoman: No, I do not know if he is looking at the correct record.

Mr. Williams: You are looking at Wednesday 25th June, 2014? You are thinking it is 25th August, it is 25th June. I was saying he is very efficient.

Mr. Chairman: For the benefit of the public though, you should read it.

Mr. Williams: Yes Sir. Okay, page 54, the fifth paragraph from the top. Mr. Ogunseye, do you see that?

Lt. Col. James: Yes Sir.

Mr. Williams: Alright, one, two, three, the third line from Ogunseye's evidence there beginning with we wanted the security forces, do you see that?

Lt. Col. James: What is that, Sir?

Mr. Williams: The third line beginning with "We wanted".

Lt. Col. James: We wanted the security forces.

Mr. Williams: Right so it reads Mr. Ogunseye's testimony, "We wanted the security forces and police to be allies of the revolution." Do you see that there?

Lt. Col. James: That is correct, Sir.

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Mr. Williams: Then you go next to Ms. Rahamat in her usual efficient way she asked this question, “In your attempt to gain the support of the army, in particular what sort of directives did you give to these cells in order to obtain that particular objective or to do that particular operation?” Mr. Ogunseye: No the question of the army and the relationship between army work, myself and Walter were responsible for covert and overt activities in Georgetown, party activities. Walter given his position in the equation found himself dealing with a lot of the military people because military people would not meet with a market man. I am a market man.” I am emphasising that because I see I was accused yesterday in some letter calling somebody a market man but this is Mr. Ogunseye’s description of himself that I am a market man. I am fighting all over the place Mr. Jairam, not only here I am fighting outside.

Mr. Chairman: What is the question, Sir?

Mr. Williams: No, I am giving this to ask him the question. Sir, just bear with me, you are coming up too.

Mr. Chairman: You are putting it in the context?

Mr. Williams: Yes Sir. And on the next page on 55 from the top, the second line you have a lot of relationship with the army and the army people was handled mainly by Walter and so we go to page 56. Ms. Rahamat, again in her concise style asked, “What sort of greater responsibilities did Mr. Rodney have? Mr. Ogunseye: As I said he was probably the major liaison person with the military types.” We move on two paragraphs after that, Mr. Chairman, this is what the Chairman asked, “Mr. Chairman: You did mention Rodney having the number one liaison role with the army. Was it only with the army or was it with the security forces?” That was the question the Chairman asked. Mr. Ogunseye: Well the security forces generally, but mainly the army as far as I know. I think he did invest a lot of his person time with great risk trying to cultivate a good

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relationship with the Army. Mr. Chairman: We have evidence from more than one witness that the WPA had infiltrated the police as well. Mr. Ogunseye..." You are following me there?

Lt. Col. James: I am listening to you Sir.

Mr. Williams: "Mr. Ogunseye: Well it is very possible. Mr. Chairman: Yes well I take it the security forces generally. Mr. Ogunseye: Yes generally." From this testimony, it is saying that the WPA had infiltrated the security forces, not just the army and the Police, but the security forces generally. Alright, you would not have been aware of this so I am putting this to you know. I had asked you yesterday and you said you were unaware. So you agree that it is on the records.

Lt. Col. James: I agree that it is on the records.

Mr. Williams: Thank you. Now, this therefore is what I want to ask you, in the light of what Mr. Ogunseye had admitted in this Commission, the documents that you have brought to this court that were tendered by so many omissions, is it unreasonable for you to accept that those documents could have been prepared by a person who had infiltrated the Army?

Mrs. Samuels-Brown: Before the Witness answers, I want to get the question.

Mr. Williams: Yes Ma'am...

10:15hrs

Mrs. Samuels-Brown: ...in light of what Mr. Ogunseye has admitted, is it unreasonable for you to say that...could you repeat the question?

Mr. Williams: Those documents that he had brought that were riddled with omissions could have been prepared by an Infiltrator?

Lt. Col. James: Which documents are you referring to, Sir?

Mr. Williams: All the documents that you went to length to show the great omissions in them.

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Lt. Col. James: I brought several documents, Sir. Which documents are you referring to?

Mr. Williams: The Exhibits you have tendered?

Lt. Col. James: Which documents, Sir?

Mr. Williams: You want specific documents?

Lt. Col. James: That is correct, Sir.

Mrs. Samuels-Brown: Are you referring to the vouchers?

Mr. Williams: Yes, the vouchers.

Mrs. Samuels-Brown: 50LJ...

Mr. Williams: All the SCJ 2A right down to H or I...

Mrs. Samuels-Brown: Down to K.

Mr. Williams: Down to K.

Mrs. Samuels-Brown: Alright, so he can answer.

Lt. Col. James: My answer would be, no, Sir, because I had a number of other supporting documents which suggested that the Issue vouchers were issued not Infiltrators but regular members of the GDF.

Mr. Williams: Alright...

Lt. Col. James: I am not finish, Sir and as I did...

Mrs. Samuels-Brown: [*Inaudible*]

Lt. Col. James: ...and as I did indicate to the Commission the individuals who allegedly issued the weapons are still alive and they can be asked to attend the Commission Hearing, Sir.

Mr. Williams: I did tell you that you cannot know they did so. They have to come and say that because they never had their full names, all those irregularities we pointed out, anyways, my next

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question to you is, if it were not an Infiltrator then it could have been by a WPA sympathiser in the Army who prepared those documents?

Lt. Col. James: What is the question you wish me to answer, Sir?

Mr. Williams: That the documents you have brought here that the Madame Commissioner has indicated to you for SCJ 2A to 2K could have been prepared, not by the regular persons but by a WPA sympathiser in the Army who was influenced by the infiltration, then?

Lt. Col. James: I stand again by my answer before, that I have evidence which suggested that documents were prepared by the named persons on the vouchers, Sir.

Mr. Williams: All of your vouchers and before I ask you about that, let me ask you a question, guns and this is Camp Ayangana we are talking about where those transactions took place?

Lt. Col. James: That is correct, Sir.

Mr. Williams: Yes, Camp Ayangana, let the people know who are listening that it was supposed to be Camp Ayangana. What is Camp Ayangana, Colonel James?

Lt. Col. James: Camp Ayangana is the headquarters of the Guyana Defense Force, Sir.

Mr. Williams: Are you aware I did a stint there?

Lt. Col. James: What did you say, Sir?

Mr. Williams: Are you aware I did some stint in there?

Lt. Col. James: No, Sir. I would not be particularly interesting in that, Sir.

Mr. Williams: Okay, now, weapons are serious business with the Army and therefore when they collect they got to pass the gate. You agree with that?

Lt. Col. James: That is the only way they can come into the facility, Sir.

Mr. Williams: When they are leaving with the weapons, they got to go out through the gate...

Lt. Col. James: That is correct, Sir.

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Mr. Williams: ...and if they do not have the right authorisation you know they cannot leave with the weapons whoever taking them out?

Lt. Col. James: What is the question, Sir?

Mr. Williams: That is what I am asking you. That is the question, if they do not have the proper authorization, they cannot take the weapons out of the compound?

Lt. Col. James: That is correct, Sir.

Mr. Chairman: They should not be allowed to. The reality of life is that a lot of things happen that ought properly not to happen and we are old enough to recognise that. They should not leave except they have the valid and appropriate documents, anyhow, get ahead.

Mr. Williams: Very incisive Mr. Chairman. Do you agree with me that none of the Exhibits that you have tendered SCJ 2A to 2K has any indication on them as to the Mode of Conveyance, that is, whatever vehicle, whatever contraption is taken, all those guns out of the compound, you do not have that recorded in any of the them and secondly you do not have the registration number, even if it is a vehicle, you do not have the registration number of the vehicles, either.

Mrs. Samuels-Brown: One at a time...

Mr. Williams: Yes, let us take the first one.

Mrs. Samuels-Brown: ...the first one, none of the Exhibited vouchers has any indications as to the Mode of Conveyance for example...

Mr. Williams: Exactly.

Mrs. Samuels-Brown: ...the vehicle or contraption. What is his answer to that?

Lt. Col. James: That is correct, Sir.

Mr. Chairman: May I enquire of you Sir, whether there is any provision, any space on the documents for the vehicle number to be recorded?

Lt. Col. James: No, just the Mode of Conveyance, Sir.

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Mrs. Samuels-Brown: The Mode of Conveyance, he said.

Lt. Col. James: The Mode of Conveyance, Sir.

Mr. Chairman: But not vehicle number?

Lt. Col. James: I did not see any part for vehicle number.

Mr. Chairman: Very well.

Mr. Williams: If I can continue, Sir, from your question. The Mode of Conveyance, alright, would have to be described whether it is a truck, a car, etcetera...

Lt. Col. James: That is correct, Sir.

Mr. Williams: ...and you are saying to me as G2 that that is all that would be required that you have a vehicle pass the gate with these weapons, a car pass the gate or a truck and not the registration number?

Lt. Col. James: Sir, what is the question you are asking me?

Mr. Williams: I am asking you that...

Lt. Col. James: What, Sir?

Mr. Williams: ...you are saying that you do not have to record the registration number on the form?

Lt. Col. James: Sir, I am reading what is recorded on the Issue and Receipt voucher, Sir. The question you are asking to me is irrelevant because it is not on the voucher, Sir.

Mr. Williams: Mr. James look at the form and see where you find Mode of Conveyance. I do not have to look at them, once I look at them once, is enough. Do you see that?

Lt. Col. James: Sir, I see date...

Mr. Williams: On the right hand side...

Lt. Col. James: ...and Mode of Conveyance.

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Mr. Williams: ...right, so you have date. You are trying to give the impression that the Army was some wishy-washy organisation, so you see date so that has to tell the man at the gate, the date you are leaving at the gate. Secondly, the Mode of Conveyance, do you see the Mode of Conveyance, such as a truck...

Lt. Col. James: That is correct, Sir.

Mr. Williams: ...or as a car, do you not have to record Bedford, Motor Lorry, registration number so, so, so, you got to get a category or a column here saying "Registration Number", that is what you are saying as G2?

Lt. Col. James: Are you asking me a question?

Mr. Williams: I have asked you already?

Lt. Col. James: I cannot recollect your question, Sir.

Mr. Williams: Alright, I am saying to you, is it not natural that in putting the Mode of Conveyance, taking out the guns, the peoples' guns because it was the peoples' Army, that it would have the registration number so that you could identify the Mode of Conveyance?

Lt. Col. James: My response to you before was that Mode of Conveyance suggests the form of transport that was used, Sir.

Mr. Williams: No, but I do not know, you are not trying to be difficult?

Mr. Jairam: I think that is a reasonable question.

Mrs. Samuels-Brown: No, but he has answered.

Mr. Williams: What is the answer, Madame Commissioner, in case I missed it?

Mr. Jairam: The Mode of Conveyance, is it satisfactory to just put a motorcar?

Lt. Col. James: I would presume it would be a larger vehicle, Sir.

Mr. Chairman: Suppose it was [*inaudible*] carrying out the weapons?

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Mr. Williams: What was the answer? Sir, we are going on the documents that he has brought to us ...

Mr. Chairman: But you are...

Mr. Williams: ...he has brought these documents saying, "this body took out guns". These are external organisations, not internal.

Mrs. Samuels-Brown: Mr. Williams ...

Mr. Williams: I am guided, Madame Commissioner.

Mrs. Samuels-Brown: ...perhaps that is a matter which you could address as long as it is being reasonable and invite us to reject that answer given by the Witness...

Mr. Williams: I was asking you, you said you thought he answered...

Mrs. Samuels-Brown: ...he has answered...

Mr. Williams: ...you are very good in these matters, but I missed the answer if he answered.

Mrs. Samuels-Brown: ...he did answer; he said it is not necessary that the only thing the form required is the Mode of Conveyance.

Mr. Williams: He said it is not necessary to have the registration number? Sorry, I did not hear that.

Mrs. Samuels-Brown: Yes, that is how I understand him to be saying it.

Mr. Hanoman: On that form.

Mrs. Samuels-Brown: On that particular form, yes.

Mr. Williams: Form aside, as G2 in charge of the intelligence of the Guyana Defense Force, would it not be required that a conveyance taking out such weapons be identified by the registration number of vehicle?

Lt. Col. James: That is the question you should have asked me, Sir.

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[Laughter]

Lt. Col. James: To the best of my knowledge, Sir, what is also required with this transaction is what we call a “gate pass” which would detailed the numbers of the vehicle, the drivers and the cargo they are taking, Sir.

Mr. Williams: That is in addition?

Lt. Col. James: In addition, not on this form, Sir.

Mr. Williams: Well, that is to show you what serious business it is to take out guns but you did not bring any gate pass, did you for these transactions? Did you in your research and investigations find any gate passes to synchronise with the transactions on those documents you brought?

Lt. Col. James: No, Sir.

Mrs. Samuels-Brown: Just to be clear, it is adding up incrementally, among the things that you did not find were the written authorisations which would have allowed and the weapons which would have given the Authority for the weapons to be removed and you did not find the gate passes either?

Lt. Col. James: That is correct, Ma’am.

Mrs. Samuels-Brown: Following up on something that was raised by, I think, Mr. Ram and I am sorry, Mr. Williams ...

Mr. Williams: No, by all means.

Mrs. Samuels-Brown: ...did you look for records from the Defense Board, did you seek those records?

Lt. Col. James: Yes, I did say so Ma’am...

Mrs. Samuels-Brown: Did you find anything?

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Lt. Col. James: ...I was asked if I looked for references in my earlier testimony and I said, yes, but I did not find those references.

Mrs. Samuels-Brown: That is the internal references from the Chief-of-Staff or the Commander, in terms of the records of the Defense Board of itself, just to be clear, if you answered before just oblige me by answering again.

Lt. Col. James: Ma'am, I found no records relating to these transactions.

Mrs. Samuels-Brown: You searched the Defense Board records?

Lt. Col. James: I searched the archives of the Guyana Defense Force, Ma'am.

Mrs. Samuels-Brown: The Guyana Defense Board records are kept within the archives of the Guyana Defense Force?

Lt. Col. James: Ma'am, this would have been more than 34 years ago and there would be archived documents, Ma'am.

Mrs. Samuels-Brown: Okay, but what I am asking you is, would the Defense Board records be kept at the Army or in another place?

Lt. Col. James: The Correspondence from the Defense Board to the Chief-of-Staff, the Chief-of-Staff records would be at the archives, Ma'am.

Mrs. Samuels-Brown: Would the Defense Board keep separate records apart from what is sent to the Army?

Lt. Col. James: I would suspect so, Ma'am.

Mrs. Samuels-Brown: Thank you very much. Did you search for those independent Defense Board records?

Lt. Col. James: No, Ma'am.

Mrs. Samuels-Brown: Thank you.

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Mr. Williams: Thank you Madame Commissioner. We have a situation here, no gate pass, no Mode of Conveyance indicated on your forms so is it unreasonable, Colonel James to accept that the weapons on these form never left Camp Ayangana?

Lt. Col. James: I think that is an unreasonable position, Sir.

Mr. Williams: Alright, you think that is unreasonable, no evidence that Conveyance carrying them out, no evidence of gate passes relating to these Conveyances and you are saying that it is unreasonable to believe that they were never carried out in the first place?

Lt. Col. James: That is correct, Sir.

Mr. Williams: You are ruling out a hoax?

Lt. Col. James: I am not finished. You are not allowing me to finish, Sir.

Mr. Williams: Okay.

Lt. Col. James: Why I said that that is unreasonable because you have a document which showed weapons recovered outside the Military...

Mr. Williams: That what?

Lt. Col. James: ...weapons recovered outside the Military which are on those same vouchers that you have there, Sir.

Mr. Williams: Weapons, how many weapons?

Lt. Col. James: Two weapons, Sir.

Mr. Williams: How many weapons you are talking about here, not 200 and something you said in relation to these particular organisations? We are going to go to the rest just now, the other external ones but right now the ones that you bring in focus here; I am saying to you that there is no evidence that those weapons left the compound?

Lt. Col. James: I answered your question, Sir, and I told you...

Mr. Williams: 200 and something or what you have there.

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Lt. Col. James: ...I answered your question, Sir, and told you that there is evidence of at least ...

Mr. Williams: Of two ...

Lt. Col. James: ...of two.

Mr. Williams: ...yes, how could that be evidence of the other 200?

Mr. Chairman: Mr. Williams, you are making great speeches and comments every time he answers you...

Mr. Williams: I am, Sir?

Mr. Chairman: ...the time will come for you to make an address ...

Mr. Williams: Pardon me, Sir.

Mr. Chairman: ...every time the Witness answers you, you ought not to be making comments and speeches.

Mr. Williams: I have been doing that, Sir.

Mr. Chairman: Yes.

Mr. Williams: My apologies, Sir, I am getting like you, Sir. I am sorry, yes.

Mr. Chairman: The time will come for you to make an address to us...

Mr. Williams: I was not addressing, Sir.

Mr. Chairman: ... if may wish to address on the fact that of all the weapons, only two were found outside.

Mr. Williams: Sir, what I tried to do is focus him that is what I tried to do. It is not like I am addressing.

Mr. Chairman: The code of doing it is by coming and addressing ...

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Mr. Williams: Sir, you would see the quality and difference when the address come, but this is just to focus a bit, please.

Mr. Chairman: Very well, but for now he has answered...

Mr. Williams: The Witness you know is a very difficult Witness. All of a sudden he is difficult.

Mr. Chairman: That is not the judgment of this Commission.

10:37hrs

Mr. Williams: Now, I am saying to you... Do you have evidence? You are telling us that guns were returned, right, but when you go to do your investigation... How many years after? Nearly 30 years or certainly around 25 years later when you were doing your investigation... How long would it have been, 30 years after?

Lt. Col. James: Well, there were different issues in 1976, 1979, etcetera.

Mr. Williams: No, when you were doing the investigation.

Lt. Col. James: I did my investigation in 2008, Sir.

Mr. Williams: Right, when you were doing that in 2008, you would have found guns there. Is that so?

Mrs. Samuels-Brown: Which guns?

Mr. Williams: The guns that he said were returned.

Mrs. Samuels-Brown: Did you search for the guns or did you just search the records?

Lt. Col. James: I am trying to understand what the question is that you are asking me, Sir.

Mr. Williams: No, do not try to understand. Just answer the question.

Lt. Col. James: What question, Sir?

Mrs. Samuels-Brown: Did you find guns in your searches? Guns which were noted as returned, did you find those firearms?

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Lt. Col. James: That is correct, Sir and Ma'am.

Mr. Chairman: Yes, but the last mention of weapons found, related to 2...

Mr. Williams: Yes!

Mr. Chairman: Your reference to weapons found would, in my view, still relate to the 2. If you are talking about other weapons, make that very explicit.

Mr. Williams: Yes, Sir. I thought I mentioned 200 hundred other guns, etcetera.

Mr. Chairman: No, you did not mention that. Your last mention was two.

Mr. Williams: Only 2?! Sorry, I thought I mentioned the other 200, Sir. Okay, let us get on with this. You have come to this Commission and you have given evidence that guns were issued and then you gave us a list of the guns returned, alright?

Lt. Col. James: That is correct, Sir.

Mr. Williams: Right. There are more than two.

Lt. Col. James: That is correct, Sir.

Mr. Williams: I do not have to ask you how much, we know. The point I want to make to you is this, since you were investigating in 2008, how could you be sure that those guns that you were seeing were from the record or, as Madame Commissioner said, on the rack? How do you know that they ever left the compound to be returned?

Lt. Col. James: The evidence I would have used, Sir, would have been the vouchers which were entered into evidence at the Commission and my own checks of the Weapons Bond and Unit Lines of the Guyana Defense Force.

Mr. Williams: No, we are going to deal with this one by one. All your vouchers purport to show is that certain weapons were issued to certain people and organisations, but there is no evidence from your records, from the same document, that they left in any mode of conveyance or identifiable mode of conveyance nor is there any evidence of a gate pass, in the absence of that. I am saying to you and I am suggesting to you that you were in no position and you have given us

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no evidence here to satisfy us that guns had actually left Camp Ayanganna or wherever they were stored and went out of it for a period of time and then returned after a period of time. You have not given us that kind of evidence so you...

Mrs. Samuels-Brown: No, let him answer that suggestion that is put to him.

Mr. Williams: Yes, Ma'am.

Lt. Col. James: Is this a suggestion or is it a question you are asking me, Sir?

Mr. Williams: It is a suggestion.

Lt. Col. James: Because I did present to this Commission the invoices and also a Special Stores Register which...

Mr. Williams: Saying what?

Lt. Col. James: ...which indicated weapons that were issued to the named individuals and the dates those weapons were issued, Sir.

Mr. Williams: We are talking about leaving the compound.

Lt. Col. James: I did not present to the Commission evidence of the weapons leaving the compound, Sir.

Mr. Williams: But that is my question to you.

Mr. Chairman: I think that the question related to the evidence that the returned weapons, as he described them, ever left.

Mr. Williams: That is the point!

Mr. Chairman: So, the emphasis was on the returned weapons.

Mr. Williams: Whether they every left to be returned.

Mrs. Samuels-Brown: Purportedly.

Mr. Williams: Right! You know why I am asking you this?

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Mrs. Samuels-Brown: No, hold on, let him answer.

Mr. Williams: Yes, as it pleases you.

Lt. Col. James: You want me to answer whether they left, Sir?

Mr. Williams: That is why you are here, Lieutenant Colonel.

Mrs. Samuels-Brown: The question is that, based on the omissions which have been identified by the Attorney, he is suggesting to you that there is no evidence to suggest that those guns which had purportedly left the Army and were returned, actually left. You are to answer if you agree with that suggestion or...

Lt. Col. James: Again, Ma'am, I did suggest to the Commission that the Principals who were around at that time and who were involved in the issuing and receipt of weapons are still alive and are available and they can be available to this Commission.

Mr. Williams: So, your answer as you are standing there is that you do not know.

Lt. Col. James: I cannot say.

Mr. Williams: You cannot say.

Lt. Col. James: I was not there at that time, Sir.

Mr. Chairman: I think the question related to whether, on the basis of your investigations and the documentary evidence which you have provided here, you are satisfied that the guns issued, some proportion were returned.

Lt. Col. James: That is correct, Sir, based on my own investigation.

Mr. Williams: Whether they ever left the compound to be returned.

Lt. Col. James: My investigations, Sir, suggested the weapons, as vouchered, left the compound, some were returned and the Issue Vouchers are supported by the Special Stores Register, which indicated weapons that were issued and weapons that were returned. Again, Sir,

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the find at Mahaicony in 2008 validated the Issue Vouchers that indeed weapons by that serial number left the Guyana Defense Force.

Mrs. Samuels-Brown: Mr. Williams, I think I understand where you are going but I think that you are going to have to address us on it, later on.

Mr. Williams: Alright, I understand that.

Mrs. Samuels-Brown: Okay.

Mr. Williams: Let me therefore put to you that if a WPA sympathiser wishes to smear the PNC, all they got to do is prepare a document. Do not forget that they are not proper documents, they are not in triplicates. You said that they were individual documents haphazardly put together. That is your evidence. They got this, they wanted to smear the PNC, they wrote up, but not in control enough of all the processes to ensure that these weapons could go out.

Mr. Chairman: Mr. Williams, I do not think you are being fair to the Witness. He never said that the documentation was haphazardly prepared.

Mr. Williams: Sir, again...

Mr. Chairman: That is your language.

Mr. Williams: Sir that is his language.

Mr. Chairman: But he did not say that.

Mr. Williams: Sir, he said that yesterday.

Mr. Chairman: Haphazardly prepared?

Mr. Williams: He said that yesterday. Mr. Chairman, I keep telling you... I do not want to sound narcissistic but...

Mr. Chairman: If that is indeed in the record...

Mr. Williams: No, it is just... Lieutenant Colonel James, you did not say that?

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Lt. Col. James: I think I did say that, Sir.

Mr. Williams: Why are you leaving me to hang out? Just say, "Yes, I did say that".

Mr. Chairman: It was not my memory but if indeed the record...

Mr. Williams: I do not forget.

Mr. Chairman: ...I withdraw it.

Mr. Williams: Alright, now, let us get back.

Mrs. Samuels-Brown: Let me remind you of the question.

Mr. Williams: Yes.

Mrs. Samuels-Brown: You are suggesting to him that if a WPA sympathiser wished to smear the PNC they would write up the documents but in circumstances where they were not in control of all the processes...

Mr. Williams: ...of all the processes to get the guns out.

Mrs. Samuels-Brown: Is that the question?

Mr. Williams: Yes.

Mrs. Samuels-Brown: So, let him answer, if that is a proper question, allowed by the...

Lt. Col. James: My answer to you would be that I do not think so because, notwithstanding the Issue and Receipt Vouchers, there are other supporting documents to suggest that the weapons were issued and weapons were returned, Sir, and weapons are still outstanding.

Mr. Williams: You say the same thing like a mantra. My suggestion to you is that they never passed the gate. That is all we want you to... You said "no, you do not have supporting documents for that". You do not have to mantra. I want to move on. That is what I was asking you, that is, they could just write up the form which you said were haphazardly done, picked up... They were not in the regular Army bundled receipts book, you said that also that the

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receipts come in a book and these were not in a bound book, but they were single and haphazardly done. Now...

Mr. Chairman: Just permit me one question now that the matter is hot.

Mr. Williams: Yes, Sir.

Mr. Chairman: How many persons does this issuance process of the guns pass through?

Lt. Col. James: Sir, it can be one person, however, depending on the quantity of weapons, it can be two or more.

Mrs. Samuels-Brown: You mean who received it?

Lt. Col. James: No, I am saying that the issuance process...

Mr. Chairman: Yes, the issuance process.

Lt. Col. James: ...it can be one store-man issuing weapons; however, based on the numbers, let us say it is 50 or a 100 or more, he can have persons assisting him because he would have to record in detail the weapon type and, accurately, the serial numbers, Sir.

Mrs. Samuels-Brown: So you are actually talking about at the point of issue...

Lt. Col. James: At the point of issue, Ma'am.

Mrs. Samuels-Brown: ...not the processes that preceded that.

Lt. Col. James: No, Ma'am, because...

Mrs. Samuels-Brown: ...at the point of issue.

Lt. Col. James: ...there would be several other persons involved in the...

Mrs. Samuels-Brown: ...prior...

Lt. Col. James: ...operation prior to, during and after.

Mrs. Samuels-Brown: Thank you.

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Mr. Chairman: So, it is not one person?

Lt. Col. James: No, Sir.

Mr. Williams: Anyway, I think I have made a point, I want to move on. You were shown this Exhibit SCJ2F and that relates to the form which has “Commander” on it, the word “Commander”, as issuing authority. Do you have that with you?

Lt. Col. James: I am familiar with the invoice, Sir.

Mr. Williams: You are getting like me. You have to see the document.

Lt. Col. James: Well something from you is rubbing off. Yes, Sir.

Mr. Williams: I think somebody asked you and you said it was the Force Commander...

Lt. Col. James: That is correct, Sir.

Mr. Williams: ...who was second in command but I want to suggest to you that there is nothing on that document that says Force Commander. Do you agree with that?

Lt. Col. James: That is correct, Sir.

Mr. Williams: In fact, thankfully I was in there, in Army talk the word ‘Commander’ is used in respect of many designations. Do you agree with that?

Lt. Col. James: I would interject and say “no”, Sir.

Mr. Williams: No?

Lt. Col. James: That is correct, Sir.

Mr. Williams: So you do not have “Commander of Battalions”?

Lt. Col. James: You have “Commanding Officers”, Sir.

Mr. Williams: They are called Commanding Officers but they are Commanders of a Battalion.

Lt. Col. James: That is the correct military designation, “Commanding Officers”, Sir.

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Mr. Williams: Do you not have “Commander of Platoons”?

Lt. Col. James: No, Sir, you have “Platoon Commanders”.

Mr. Williams: Well, what is the difference?

Lt. Col. James: Commander and Platoon Commander are different, Sir.

Mr. Williams: But you have a Commander. You have the word “Commander” relating to platoon.

Lt. Col. James: Sir, you have several Commanders.

Mr. Williams: That is what I am putting to you.

Lt. Col. James: You have Platoon Commanders, Battalion Commanders. With respect to this voucher, it is marked “Commander”, Sir.

Mr. Williams: Now, I am saying to you that the word “Commander” appears in the Army in respect of several designations.

Lt. Col. James: That is correct, Sir.

Mr. Williams: That is what I am putting to you. I am not sure why you keep trying to second guess me.

Mrs. Samuels-Brown: I think what he is saying is that when it is a Commander for a particular division or department it says that.

Lt. Col. James: It says that, that is what I am trying to explain, Sir.

Mrs. Samuels-Brown: But when it says Commander by itself, his understanding...

Mr. Williams: Well...

Mrs. Samuels-Brown: ...is that it relates to...

Mr. Williams: That would be a quantum leap. That is why I am asking him now that there is also a Platoon Commander.

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Lt. Col. James: That is correct, Sir.

Mr. Williams: Section Commander.

Lt. Col. James: That is correct, Sir.

Mr. Williams: Company Commander.

Lt. Col. James: That is correct, Sir.

Mr. Williams: So, we cannot say... It would be a quantum leap... I am putting it to you that you cannot say that the word Commander there relates to the Force Commander who was the second in command of the Army at the time in 1976. I am putting that to you.

Lt. Col. James: My answer to you, Sir, based on the date, based on this form, based on the authority for issue, my understanding of "Commander" refers to the Force Commander.

Mr. Williams: Well, I am suggesting to you that that is an erroneous conclusion in the light of the fact that the word Commander is used in respect of many other designations.

Mrs. Samuels-Brown: So, he asked you it as a question, Witness, and you did not agree and it is his duty now to put it to you as a suggestion. Do you agree with the suggestion? Yes or no?

Lt. Col. James: No, Ma'am.

Mrs. Samuels-Brown: Thank you. We could probably move on.

Mr. Williams: Yes, thank you. Tell me something ... Yes...

Mr. Jairam: Lt. Col., look at the form please. Do you have the form?

Lt. Col. James: Yes, Sir.

Mr. Jairam: It is SCJ 2F.

Lt. Col. James: That is correct, Sir.

Mr. Jairam: "Issued by..." What is written there?

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Lt. Col. James: “Issued by...” this says “the Force Quartermaster Department”.

Mr. Jairam: Authority for issue, what is stated?

Lt. Col. James: It says Commander.

Mr. Jairam: Right, so does that assist you to come to the conclusion that it was the Force Commander?

Lt. Col. James: That is correct, Sir, because the designation at that time was Commander. If it was a Battalion Commander it would have said “Battalion Commander”, if it was a Company Commander it would have said “Company Commander”, if it was a Section Commander it would have said “Section Commander”, Sir.

10:52hrs

Mr. Williams: But, why did they not say “Force Commander”? Since it is the number two man, you are saying. Anyway, let us move on. There is something I want to ask you; that was in 76, right?

Lt. Col. James: The 18th May, 1976, Sir.

Mr. Williams: In 1976, was there such a designation in the Guyana Defence Force as “First Commander”?

Lt. Col. James: I would say yes, Sir.

Mr. Williams: Why are you saying that?

Lt. Col. James: This is based on research that I would have done, Sir.

Mr. Williams: This is what came before this Commission, that the post of “Force Commander” was created when Major General McLean was appointed Chief-of-Staff.

Mr. Chairman: What year was that?

Mr. Williams: I think he said it was in 1979. That is the evidence in this Commission. The position of “Force...”

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Mr. Chairman: Do you have an answer? Can you help us?

Lt. Col. James: Sir, as I did say my understanding is that at that time there was a “Force Commander”, Sir.

Mr. Chairman: At what time?

Lt. Col. James: Between the period 1976 to 1979, Sir.

[Counsel were in discussion]

Mr. Williams: Have I already, Madame Commissioner, Commissioners, suggested that that is not so, in 76?

Mrs. Samuels-Brown: Let me, if I may, Mr. Chairman; Mr. Williams, perhaps we could try and work this out together; the witness statement of Lt. Col. Patrick West, at the back of that witness statement at paragraph 29. He says, “to satisfy the desires of the Commission for information relating to the person who would have held appointments during the 78 to 80 period, for particular units of the Force; the table below has the units, the names of persons, and the period for which they would have held those appointments.” Bear in mind the researcher for the period 78 to 80...”

Mr. Williams: Yes.

Mrs. Samuels-Brown: And then he has a table below and at the last block in the table...

Mr. Williams: It is there.

Mrs. Samuels-Brown: ...says, you know, you have Intelligence Corps, Commanding Officer Corps, Commanding Officer Maritime, and so on... Then, if you go overleaf now, you will see at item number eight, the designation Force Commander. So, you know, just so you have it all before you....

Mr. Williams: 1979.

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Mrs. Samuels-Brown: ...it seems as though Lt. Col. Patrick West who was doing his research for a period earlier than 79, did come up with a designation of Force Commander. I do not know...

Mr. Williams: Earlier than 79?

Mr. Jairam: Yes, from 72.

Mr. Williams: Well, from the evidence that was given.... What I am saying, the post of Commander was created for the first time when Major General McLean was appointed Chief-of-Staff, and he moved Brigadier Granger from Intelligence, and created the post of Force Commander. I am suggesting hat and leaving it like that.

Mrs. Samuels-Brown: There may be the evidence somewhere else, but just to be fair there is evidence to the contrary elsewhere in this Commission...

Mr. Williams: Yes, but this does not contradict...

Mrs. Samuels-Brown: ...perhaps we need to resolve it.

Mr. Williams: But you should take that from me though.

Mr. Chairman: What my Fellow Commissioner read relates to the period 72 to 79.

Mr. Williams: Yes, but all I am saying to you is 72 to 79 does not mean it was there in 72. He could exactly be talking about that in 79.

Mr. Chairman: But if you were to look at page eight...

Mr. Williams: It is just giving you a range.

Mr. Chairman: ...of the evidence to which....

Mr. Williams: No, I have seen that!

Mr. Chairman:inference is made...

Mr. Williams: I am seeing that.

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Mr. Chairman: ...Force Commander.

Mrs. Samuels-Brown: And a name is there, too.

Mr. Pilgrim: the name of a person in 79.

Mr. Chairman: The name of a person....

Mr. Williams: And who is the Force Commander from 79? He was... that was not the official designation... Anyway...

Mr. Pilgrim: That is what it says.

Mr. Williams: We will deal with that down the line. The Major General has to come back.

Mrs. Samuels-Brown: I just thought it was fair to point this out to you at this time.

Mr. Williams: Yes, yes. The Major General has to come back. It is not something *to break a lance on*. Now, I wish to refer you to SCJ 2F and 2G.

Mrs. Samuels-Brown: That is the same one we were looking at before, plus another one, F and G?

Mr. Williams: Yes.

Mrs. Samuels-Brown: Alright.

Mr. Williams: The 2G.

Lt. Col. James: Sir.

Mr. Williams: You have them?

Lt. Col. James: That is correct, Sir.

Mr. Williams: The first one – you do not need to look because you know it- the 18th, has...

Mrs. Samuels-Brown: The 18th of when?

Mr. Williams: It is the 18th June, right? 1976?

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Mrs. Samuels-Brown: I think it is May.

Mr. Williams: The 18th May, 1976?

Lt. Col. James: That is correct, Sir.

Mr. Williams: Right. The 18th May, 1976, has an R. Corbin of the OPM (if he assumes the OPM is the Office of the Prime Minister). Do you see that there?

Lt. Col. James: That is correct, Sir.

Mr. Williams: Within a matter of a day, or hours, you see an R. Corbin as P.S or whatever it is...

Mrs. Samuels-Brown: It just says National Development.

Mr. Williams: Of National Development.

Lt. Col. James: That is correct, Sir.

Mr. Williams: That must be relating to two different persons?

Lt. Col. James: I cannot say, Sir.

Mr. Williams: Neither can you deny that there were many "Corbins" around at that time?

Lt. Col. James: That is also correct, Sir.

Mr. Williams: You are whispering, though, I want you to speak hard so the people listening out there could hear. Do you agree with that, that there were many "Corbins" around at that time, and still around?

Mr. Pilgrim: Around the world, around Guyana...

Lt. Col. James: That is correct, Sir.

Mr. Williams: Well we are dealing with not around the world; we are dealing with 78 to 80 in Guyana, not around Guyana.

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Mr. Chairman: But R. Corbins, too?

Mr. Williams: Sir, I did not know you were aware of Rudolph Corbin.

Mr. Chairman: You pointed him to the document on the 18th May that referred to R. Corbin....

Mr. Williams: Yes.

Mr. Chairman: ...and the Office of Prime Minister.

Mr. Williams: Yes.

Mr. Chairman: You next out it to him that a subsequent date, a day after...

Mr. Williams: Not a subsequent date, the next day.

Mr. Chairman: Well, the day after, there is R. Corbin.

Mr. Williams: At National Development.

Mr. Chairman: At National Development...

Mr. Williams: Yes.

Mr. Chairman: But you then put it to him that there were several "Corbins" around. You did not put it to him that there are several "R. Corbins" around.

Mr. Williams: Oh, you want that, Sir. I thought...

Mr. Chairman: It is not what I want, it is what it requires.

Mr. Williams: That is why I was saying if he knew Rudolph Corbin. Yes, I am saying to you there were several "R. Corbins". They could be like Gregory Smith, some using a different name...

Lt. Col. James: What is the question you would wish for me to answer, Sir?

Mr. Williams: That there could have been many "R. Corbins" around?

Lt. Col. James: That is correct, Sir.

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Mr. Williams: And “R” could have been a middle name too. Do you agree with that?

Lt. Col. James: Based on the voucher, Sir, “R” seems to have been the first initial, Sir.

Mr. Williams: Yes, but as in the case of Gregory Smith, you did not receive correspondence in the army of several contortions of Gregory Smith? Gregory Smith; William Gregory Smith; and all of that?

Lt. Col. James: No, Sir.

Mr. Williams: Well, you should be aware of that. Anyway, the point I am making to you is that those two forms must be speaking of two different persons? You could not have one at the OPM today, and the next day at the Ministry of National Development? Do you agree with that?

Lt. Col. James: I really cannot say, Sir. I cannot answer, Sir.

Mr. Pilgrim: This is G and H, right?

Mr. Williams: Yes, G and H. I am trying to finish off so that we could move on.

Mr. Chairman: Just one minute. The answer, “I cannot answer” you mean to convey that I do not know?

Lt. Col. James: No, I think the question he asked whether there were several “R’s”... I really cannot even remember the question.

Mr. Williams: No, we have gone past that. The last question I asked....

Mrs. Samuels-Brown: He said the two forms must be talking about two different persons. Your answer was, “I cannot answer.”

Lt. Col. James: I cannot answer.

Mrs. Samuels-Brown: The Chairman is asking you if that mean the same things as you do not know?

Lt. Col. James: I really do not know, Sir.

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Mr. Jairam: But Mr. Williams, it is not unheard of that some Ministers have various portfolios

Mr. Williams: Yes, but that is Minister, he is not a Minister. The only Minister I knew at that time that had more than one could have been Hamilton Greene. He was Superman. He had Ministry of works, Housing, Health...

Mrs. Samuels-Brown: I think rather than speculating; Counsel, and the Secretariat have heard your questions and they should make their appropriate checks.

Mr. Williams: Most grateful, Madame Commissioner. I wish to turn now to the matter the chairman raised earlier about the terms of reference. I had asked for two copies yesterday so I could give you one.

Mrs. Samuels-Brown: Terms of Reference?

Mr. Williams: Terms of Reference. Might I respectfully refer you to the first Terms of Reference? When you are finished reading it, you could indicate to me.

Lt. Col. James: Do you want me to read the entire Terms of Reference, Sir?

Mr. Williams: Yes, you could read the entire terms of reference.

Mrs. Samuels-Brown: it is at item (i).

Mr. Williams: The second page, look at the second page.

Mrs. Samuels-Brown: *[Inaudible]*

Lt. Col. James: Yes, Ma'am. Got you, Sir.

Mr. Williams: Yes, read the first one. You remember you volunteered to read the first one.

Lt. Col. James: You want me to read the first one, Sir?

Mr. Williams: Yes, aloud.

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Lt. Col. James: “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.”

Mr. Williams: Are you aware that the late Dr. Walter Rodney did not die by a gunshot wound?

Lt. Col. James: I am aware that Dr. Rodney died as a result of an explosion in proximity of the Georgetown Prison, Sir.

Mr. Williams: But not by a gun? Not by a gunshot?

Lt. Col. James: I do not know what he died from, Sir.

Mr. Williams: You are not aware of that?

Lt. Col. James: No, Sir, I am not familiar with the...

Mr. Williams: Let me say for the last 34 years, it has been in the public domain that it was a walkie-talkie with an explosive, and all sorts of things; but certainly there was nothing about a gunshot.

Mr. Chairman: That is a commentary that is not a question. He says he does not know
[Inaudible]

Mr. Williams: Well, I am suggesting to him then...

Mrs. Samuels-Brown: That he may have heard.

Mr. Williams: Yes.

Mrs. Samuels-Brown: So ask him that then.

Mr. Williams: So, did you hear that he died by an explosion of a walkie-talkie?

Lt. Col. James: Something like that, Sir.

Mr. Williams: And you agree that the walkie-talkie is not a gun?

Lt. Col. James: That is correct, Sir.

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Mr. Williams: You also agree that your business at this Inquiry was to deal with the issuance of guns from the Army?

Lt. Col. James: That is correct, Sir.

Mr. Williams: Do you consider that that could be of help in resolving Terms of Reference one? Since you are dealing with guns, and Terms of Reference one is dealing with an explosive from a walkie-talkie?

11:07hrs

Lt. Col. James: That might be correct Sir.

Mr. Williams: You agree with me?

Lt. Col. James: Yes Sir.

Mr. Williams: Your evidence could not be of assistance in resolving how Dr. Rodney died and the explosive? That is one.

Lt. Col. James: That is correct, Sir.

Mr. Williams: Could you read Terms of Reference two?

Lt. Col. James: “To enquire into the cause of the explosion in which Dr. Walter Rodney whether it was an act of terrorism and if so, who were the perpetrators?”

Mr. Williams: Again, your testimony could not assist the Commission in that respect, in respect of Terms of Reference two?

Lt. Col. James: Yes Sir.

Mr. Williams: Can we go to Terms of Reference three?

Mr. Hanoman: I am not sure I understand that answer. I do not know if the Witness is saying his evidence is helpful.

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Mrs. Samuels-Brown: He is saying that he does believe that his evidence is helpful in Terms of terms of Reference two, am I correct please?

Lt. Col. James: That is correct.

Mr. Williams: Also in relation to one and two, he said. Number three, could you read that please?

Lt. Col. James: Yes Sir. "To specifically examine the role, if any, which the late Gregory Smith sergeant of the Guyana Defense Force played in the death of Dr. Walter Rodney and if so to enquire who may have counselled, procured, aided and or better him to do so including facilitating his departure from Guyana after Dr. Walter Rodney's death."

Mr. Williams: Again, your evidence about the movement of guns from the GDF could not assist in determine that question, that term of reference?

Lt. Col. James: I would agree with you Sir.

Mrs. Samuels-Brown: However though, you did give evidence that you have made checks in relation to the existence of a Gregory Smith, a W. Smith?

Lt. Col. James: That is correct, Ma'am.

Mrs. Samuels-Brown: If I may tag along to Mr. Williams's question, do you believe your investigation in that respect is of any relevance in terms of Terms of Reference three?

Lt. Col. James: That is correct, Ma'am.

Mrs. Samuels-Brown: Thank you Mr. Williams.

Mr. Williams: I am not sure I understand his answer. Is it of relevance or not?

Lt. Col. James: It is of relevance with respect of Terms of Reference three, Sir.

Mr. Williams: Just that strand? Okay let us look at Terms of Reference four.

Lt. Col. James: "To examine and report on the actions and activities of the State such as the Guyana Police Force, the Guyana Defense Force, the Guyana National Service, the Guyana

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People's Militia and those who were in command and superintendents of those agencies to determine whether there were task, the surveillance of and the carrying out of actions and whether they did execute those tasks and carried those actions against the political oppositions for the period 1st January, 1978 to 31st December, 1980.”

Mr. Williams: Now again your testimony deals with the movement of guns, it is not surveillance of Opposition persons. Do you agree with that? Again that could not help us in relation to the determination in respect of Terms of Reference four?

Mrs. Samuels-Brown: But to be fair, Mr. Williams.

Mr. Williams: Yes Ma'am.

Mrs. Samuels-Brown: It says, “...tasked with the surveillance of...” and then conjunctively it adds: “...and of the carrying out of actions...” so your question to him was, you having read the Terms of Reference, you said: “do you agree that the movement of guns do not relate to surveillance” but remember the Terms of Reference four is not limited to surveillance unless you are saying it is of the same nature.

Mr. Williams: Even if it is conjunctive, it has to be he used in *generis* with surveillance.

Mrs. Samuels-Brown: Well, if that is how you are putting it to him, put it that way and then of course you would address us on that later.

Mr. Williams: Yes, and so what I am saying to you and then we break down the Latin.

Mr. Chairman: Why are you using Latin expressions? We have a lot of young Lawyers and members of the public; some may not know what you are talking about at all so break it down.

Mr. Williams: Thank you Mr. Chairman. When we talk about surveillance and matters he used in *generis* with, we are saying surveillance and related activities or activities of the same ilk.

Lt. Col. James: I understand you explanation, Sir.

Mr. Williams: Do you understand the movement of guns to extern organisations will fall within that term of reference?

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Mrs. Samuels-Brown: Mr. Williams...

Mr. Williams: I am guided by you Madame Commission.

Mrs. Samuels-Brown: Yes, this Witness cannot interpret the Terms of Reference, it will be for us to do so after you have addressed us, so while I can understand you are asking him, if the movement of guns related to surveillance and similar activities by the State or the Army, I have no objection to you asking that.

Mr. Williams: As it pleases you.

Mrs. Samuels-Brown: But for you to interpret the term of reference and ask him if it is in keeping with the term of reference...

Mr. Williams: I cannot put it to him, my interpretation?

Mrs. Samuels-Brown: You interpretation, but it has to be your interpretation of the Terms of Reference.

Mr. Williams: I just want him to answer.

Mrs. Samuels-Brown: It cannot be the Term of Reference, but your interpretation of the Terms of Reference.

Mr. Williams: You heard what the Madame Commissioner is saying? What I am trying to ask you is that when you look at the Terms of Reference four and G2, what do you understand?

Lt. Col. James: My understanding is that any activities that might have been engaged in by the services mentioned with respect to surveillance of the political opposition over the period 1st January, 1978 to the 31st December, 1980, Sir.

Mr. Williams: ...and by surveillance?

Lt. Col. James: Surveillance is activities engaged in by say intelligence organisations, I would say the profile of a...

Mr. Williams: ...gathering of information.

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Lt. Col. James: ...gathering of information.

Mrs. Samuels-Brown: We have accepted your interpretation and based on accepting your interpretation his answer would be, "I do not know" You can answer now.

Mr. Williams: Yes, so I am saying now in the light of what you have said you agree that your evidence here about the movement of guns in the GDF could not be relevant to that Terms of Reference.

Lt. Col. James: Well I looked at the Terms of Reference and it speaks to carrying out actions, I am not a Lawyer, I am not a legal person, but I would say activities such as that can be interpreted as carrying out actions which might be directed against the political opposition.

Mrs. Samuels-Brown: [*Inaudible*]

Lt. Col. James: That is correct, Ma'am.

Mr. Williams: This would be carried out actions against the Opposition as you know. Alright, we will ride with that. Now, let us deal with these loans to the private sector. Now, we want the listening public to know that the loans to external organisations, loans are not limited to Government or public sector type bodies, if I can term it like that.

Mr. Chairman: ...speaking about the issuance of guns on loan?

Mr. Williams: Yes, no, look at the same categories that he has here. I do not think we looked in real depth at the ones to the private sector, Mazda Mining for example. Do you have the Exhibits, Commissioners? And you have the Exhibit, Witness? Well this is your document.

Lt. Col. James: Sir, I have it in my Commission statement.

Mr. Williams: So we have OMAI, we have Mazda, but what I want to draw your attention to when you turn the page, you have here, okay, when you are ready. The document is, "Weapon on loan to external agencies" that is the caption. This was not tendered? Well surprise, I thought it was tendered in a pile. So we wish to tender it now then? Do you have a copy Madame Commissioner or Commissioners?

WALTER RODNEY COMMISSION OF INQUIRY

Mrs. Samuels-Brown: Let me just clarify something with Counsel. When you ask for this statement to be put in evidence, it is the bare evidence, not the attachments to it?

Mr. Williams: Oh, I thought the attachments were in there too. But how do you do...

Mrs. Samuels-Brown: You can apply now Mr. Williams.

Mr. Williams: Yes.

Mr. Jairam: But Mr. Williams, he has it in his statement.

Mrs. Samuels-Brown: But Mr. Williams wants it in evidence so let us get it in evidence and move on.

Mr. Williams: Sir, I respectfully beg that this be tendered; admitted and marked it would be SCJ or something like that? What is the last number, 10?

Mr. Chairman: So received and tagged.

Mr. Williams: The caption is, *Weapons on loan to external agencies*. Page 150. If you are ready I wish to ask you to look at the first page and turn page 151 which states "paragraph two". Do you have that, Colonel James?

Lt. Col. James: I do not know what you are referring to.

Mr. Williams: Could you show him?

Mr. Williams: That was attached to your statement. Turn over to the to the front, you will see the front page.

Lt. Col. James: I am familiar with the document, Sir.

Mr. Williams: Now, could you read that second paragraph?

Lt. Col. James: Yes, I said this is written "CAN", but this could have been intended to be CANU.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Williams: No, that is not what I am asking you. Do you turn over leaf from the document I sent to you? Look at page two.

Lt. Col. James: This is page two of the document, Sir.

Mr. Williams: Could read the first paragraph on page two which says paragraph two?

Lt. Col. James: “There is no evidence to show the above weapons were returned. Serial nine was meant to be returned immediately after the Guyana Police Force contingent would have return from the said [*inaudible*].

Mr. Williams: Now, go back to page one you are saying that there is no evidence that the guns on page that were loan to those entities on page one were returned that is what you are saying?

Lt. Col. James: That is correct, Sir.

Mr. Williams: Now could you read out the entities that were loaned weapons and did not return them and how much?

Lt. Col. James: Serial one, M70 riffle, date issued 96/03/12, one M70, Mazda Mining, the authority Lieutenant Colonel K. Persaud and the remarks, G 83 ledger. At serial two M70 95/07/06, four M70 rifles, Mazda Mining, Lieutenant Commander Lowen Field, remarks G 83 ledger. At serial three, M70, 95/09/29, two M70 rifles, Mazda Mining, Authority Lieutenant Commander Lowenfield, remarks G 83 ledger. Serial four M70, 12, 1997/06/18 Customs, the authority Lieutenant Colonel K. Persaud and the remarks, G 83 ledger. At serial five, Berretta eight, 94/03/19, that is the date OMAI, Lieutenant Commander Lowenfield as the Authority, remarks G 83 ledger. At serial seven Browning Pistols, 1997/12/02, four, CANU, issues to O. Nedd, authority Lieutenant Colonel K. Persaud, remarks two by Browning, Returned To Unit (RTU), weapons’ number available. At serial eight Browning Pistols, date of issued 1997/12/11, four Browning pistols, issued to CANU, O. Nedd, the authority Lieutenant Colonel K. Persaud, and in the remarks column, weapons number available.

11:22hrs

WALTER RODNEY COMMISSION OF INQUIRY

Lt. Col. James: At serial nine ten M70 rifles issued on 16th March, 2000, to the Tactical Services Unit (TSU), Police Headquarters Superintendent Connell collected that, the authority was Lieutenant Colonel T. Ross, the remarks, this is the authority, 203/2004, dated 16th March, 2000, “loaned to Trade Winds Contingent, weapon numbers available”. A serial ten 25 M70 rifles issued on the 6th May, 2002, to the TSU, Police Headquarters Superintendent Connell collected that, the authority was Major Hussein, the remark is, this would be the police correspondence, “AC 91020506”, and the GDF authority is 101/163, dated 6th May, 2002, “weapon numbers available”. At serial 11 the M70 15 on loan to the Guyana Police Force on 27th June, 2002, Superintendent Connell collected that, the authority was Lieutenant Colonel Ross, the police reference is AC 9120020611, the Guyana Defense Force reference is 101/1631 dated 12th June, 2002, “weapon numbers available”.

Mr. Williams: Thank you Colonel, but...

Mr. Chairman: Mr. Williams...

Mr. Williams: Yes Sir?

Mr. Chairman: Mr. Williams, you did invite the Witness to provide the details of weapons on loan to external agencies, but none of the reference made relate to the period within the terms of inquiry.

Mr. Williams: Well, Sir...

Mr. Chairman: You talk about 1996, 1995, 1997, 1994...

Mr. Williams: Well that is a very good observation. That is why I am asking him...

Mr. Chairman: 2006.

Mr. Williams: It is before us that is why I am asking him. He has brought it.

Mr. Chairman: No, but what is the relevance of it?

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Williams: It is clear that the practice is the same if we are accepting that that happened in 1976, 1978. There has not been any change in the practice up to the present time, at least up to 2000.

Mr. Chairman: 2002 was the last reference I think...

Mr. Williams: Yes, you have guns that have not been returned. As a result of that I want to ask a question of you. I cannot see people with guns going out... Anyways you said do not address it, but if I leave everything then it is going to be a long address Sir.

Mr. Chairman: We will bear it, but...

[Laughter]

Mr. Chairman: It goes far...

Mr. Pilgrim: You said you will hear it, Mr. Chairman? Hear or bear?

Mr. Chairman: Yes, the Chair will bear. It goes far outside of the period under focus...

Mr. Williams: No, Sir he has brought it to us and as it is here. It is instructive because he has said to you that the weapons that were not returned. A question was asked of him as to what the position with it is and he said he had not received... No, Sir, I will finish before we take a break.

Mr. Chairman: Very well.

Mr. Williams: And he said that he had not received any instructions about them.

Mr. Chairman: Your point is that nothing has changed?

Mr. Williams: Well nothing has changed because it is 2000 and these guns are out and it is to private mining companies. The question is... We do not really know... You are saying these are loans?

Lt. Col. James: Sir, it is in my witness statement, Sir.

Mr. Williams: The loans that you know of from your research are what?

WALTER RODNEY COMMISSION OF INQUIRY

Lt. Col. James: Sir, my research documented...

Mr. Williams: They are the kind of loans that you get...

Lt. Col. James: ...all weapons loaned to external organizations including...

Mr. Williams: You do not have a little...

Lt. Col. James: ...including joint... Sir...

Mr. Williams: No, I just want you, before you continue, to take this into consideration.

Mr. Chairman: The two of you cannot talk together but you seem to be fighting to establish...

Mr. Williams: No, he was running down and I wanted him to take this whilst he goes down the road. I am saying this strand I am talking about Lieutenant Colonel James... You are getting heated.

Lt. Col. James: You asked me a question and I am trying to answer...

Mr. Williams: You are getting heated, Lieutenant Colonel James, I have been very decent with you, I mean...

Mr. Chairman: But you are speaking while he is speaking...

Mr. Williams: No but I have not finished asking him the question. He is run out.

Mrs. Samuels-Brown: Come on, Mr. Williams.

Mr. Williams: He is run out.

Mr. Chairman: He has run out where? He is still there.

[Laughter]

Mr. Williams: I do not know the alacrity with which he wants to answer this one, but do you want to take the full question?

Lt. Col. James: Well could you ask me the question again, Sir, I cannot remember.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Williams: Just be calm, Lieutenant Colonel. I am in a really good mood. I am saying to you... When you say “loans”, do you have a situation where a loan could also be interpreted as a grant? Do you have any situations of grants? Because I cannot understand the weapons not being returned to the Army and no efforts are being made to get them back.

Mrs. Samuels-Brown: In banking terms, Mr. Williams, there are also things known as “bad loans”.

Mr. Williams: Well he has to tell us. I take that point but that is what we want to know. Is there any consideration in any of those transactions that they could have been grants to the organisations, styled loans?

Lt. Col. James: For the benefit of the Commission, my answer would be: In my investigation of weapons loaned to external organizations I listed every single transaction that I found. Inclusive among those were those to joint services entities and also private organisations. I did also recover a number of correspondences which indicated whether the weapons were loaned and the period of loans to those private organisations, Sir.

Mr. Williams: You have periods?

Lt. Col. James: That is correct, Sir.

Mr. Williams: Because that was asked by a Commissioner, but some of these others that have not been returned, could we assume that they were open ended?

Lt. Col. James: Sir, in my evidence you would have heard me, for example, say that the weapons on loan to, let us say the Guyana Prison Service, were returned and I would have to go systematically to every issue that is documented in my witness statement to give an idea of...

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Williams: Do you have any explanation why these have not been returned, the ones that you have here on this Exhibit we just entered with Mazda Mining, coming down to 2000? Do you have any idea why they have not been returned?

Lt. Col. James: Is that your question, Sir?

Mr. Williams: Yes.

Lt. Col. James: Well I am not the authority to answer that, Sir.

Mr. Williams: You do not know?

Lt. Col. James: I do not know, Sir.

Mrs. Samuels-Brown: Mr. Williams, I am sorry, yesterday the Witness told us that in relation to the loans, the subject of the vouchers that are now in evidence, he was not able to find the periods for which the loans should last, but today you are telling us...

Mr. Williams: He has.

Mrs. Samuels-Brown: ...in relation to some loans, you were able to find periods...

Lt. Col. James: Correspondence relating to those issues, Ma'am.

Mrs. Samuels-Brown: Right. Would that be in relation to the loans which are recorded in what is now SCJ 11? The document just put in...

Mr. Williams: The one that you are looking at now.

Mrs. Samuels-Brown: ...at the invitation of Mr. Williams.

Lt. Col. James: This one?

Mrs. Samuels-Brown: Yes. Did you find the correspondence which in...

Lt. Col. James: With respect to some of these, yes, Ma'am.

Mrs. Samuels-Brown: Some or all?

Lt. Col. James: Not all, some of them.

WALTER RODNEY COMMISSION OF INQUIRY

Mrs. Samuels-Brown: Most or a minority?

Lt. Col. James: I would say most, Ma'am.

Mrs. Samuels-Brown: Okay, thank you very much.

Mr. Williams: My final question now.

Lt. Col. James: Yes, Sir.

Mrs. Samuels-Brown: I am sorry before that, correspondence relating to the length of the loan and the purpose for which the weapons were loaned as well?

Lt. Col. James: That is correct, Ma'am.

Mr. Williams: Is he going to lay them over?

Mrs. Samuels-Brown: Pardon me?

Mr. Williams: Is he going to lay them over?

Mrs. Samuels-Brown: I am not asking him to do that.

Mr. Williams: Yes. I think you answered what the situation is with those weapons that have not been returned and you are awaiting instructions, but is it not true that the Army conducted searches a couple of years ago in this society, in this country, in relation to those weapons?

Lt. Col. James: No, Sir, that operation was directed at a quantity of rifles and pistols which were stolen from the military bond at Camp Ayanganna, Sir.

Mr. Williams: That country-wide... that was triggered by something else.

Lt. Col. James: That is correct, Sir.

Mr. Williams: And you did not take the opportunity to look for those that have not been returned whilst doing that? You are laughing though.

Lt. Col. James: No, Sir.

Mr. Williams: You remember that you tumbled up this society good looking for those guns.

WALTER RODNEY COMMISSION OF INQUIRY

Mrs. Samuels-Brown: What year? Can you assist us please?

Mr. Williams: That is about...

Mrs. Samuels-Brown: Can the Witness help us? These weapons that were stolen, where were they allegedly stolen?

Lt. Col. James: Not allegedly. They were stolen from the Force Weapons Bond at Camp Ayangana.

Mrs. Samuels-Brown: What year was it?

Lt. Col. James: This was 2000 and I cannot remember the exact date, Ma'am.

Mrs. Samuels-Brown: Was it before or after...? Do you remember you have given us a report of 2008...

Lt. Col. James: This was prior to my report of 2008, Ma'am.

Mrs. Samuels-Brown: That is what I wanted to place it in that context.

Lt. Col. James: Yes, Sir.

Mr. Williams: It was prior to you report?

Lt. Col. James: That is correct, Sir.

Mr. Williams: Well so...

Mrs. Samuels-Brown: Give us a feel for when those weapons were stolen. You are talking about what, after the turn of this century, before the turn?

Lt. Col. James: Sir, I do not want to guess it. It was in the 2000s, Sir... the exact date, Sir.

Mr. Chairman: It was in 2000.

Lt. Col. James: Yes, Sir.

Mr. Williams: They tumbled up the society, Sir.

Mr. Chairman: Did they search you as well, Sir.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Williams: Tumbled up who they felt like tumbling up, that is what they did. Anyway, that is all for him.

Mr. Chairman: Yes and we have concluded at the normal break time, 11.30 hrs.

Mr. Williams: I was watching the clock. I was playing for tea.

Mr. Chairman: Well we are out on a comfort break for half an hour and then we will resume around mid-day.

Hearing Suspended at 11:33hrs

Hearing Resumed at 12:15hrs

Mr. Chairman: Counsel and Mr. Williams, Mr. Williams having concluded his cross-examination, who goes next?

Mr. Pilgrim: With your leave, Mr. Chairman, Andrew Pilgrim.

Mr. Chairman: Yes, Andrew Pilgrim...

Mr. Pilgrim: I propose to...

Mr. Chairman: Do you want to remind the public for whom you act?

12:18hrs

Mr. Pilgrim: I appear on behalf of the immediate family of Walter Rodney's widow and children.

Mr. Chairman: Widow and children. I was just about to tease you on whether that included the Brother?

Mr. Pilgrim: Grateful, Mr. Chairman. Lt. Col., ...

Lt. Col. James: Yes, Sir.

Mr. Pilgrim: ... during the course of your evidence you were referred to by my learned Friend, Mr. Basil Williams, as being difficult...

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Williams: *[Laughter]*

Mr. Pilgrim: ... I just wanted to ask you whether your evidence here is based on your professional duties and your attempt to do your job to the best of your ability.

Lt. Col. James: That is correct, Sir.

Mr. Williams: I said he was being difficult?

Mr. Pilgrim: At some stage you are ...

Mr. Williams: Mr. Chairman is that an accurate representation that I told the Witness that he is being difficult?

Mr. Pilgrim: Absolutely.

Mr. Chairman: No, you did describe him as a difficult witness and I ...

Mr. Williams: No, I never said he was being difficult; I said he did not have to be difficult. It is a different thing.

Mr. Chairman: My memory is that you said he was a difficult witness and I said that that is not the judgment of the Commission, but we can check that if necessary, later. Please precede, Mr. Pilgrim.

Mr. Pilgrim: Grateful, Mr. Chairman. Lt. Col., you became involved in an investigation after an incident at Mahaicony?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: The result of that or rather that investigation began because it was discovered that two guns at least at that scene were the property of the GDF, essentially?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: Those guns as you understand it were in the possession of people that you described as “criminal elements”?

WALTER RODNEY COMMISSION OF INQUIRY

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: Those guns as you understand, it were being used to fire on the Police and/or the persons working in the service of the protective forces?

Lt. Col. James: I would say, Sir, that at the time of the incident, it was being fired at the Police and however, the evidence suggested that the two individuals who were in the possession of the weapons were engaged in criminal activities, Sir.

Mr. Pilgrim: As a result, you did this investigation and you eventually produce a report?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: Your investigations and that report revealed that there were at least 155 guns not returned to the Army?

Lt. Col. James: Based on an examination on a number of Issue vouchers which was available in our system, that is correct, Sir.

Mr. Pilgrim: The vouchers which you produce here, I think it is A-H, but certainly a number of vouchers, they all detailed, specific serial number of firearms?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: Is it fair to say that you are in a position to say that 155 of such firearms have not been returned?

Lt. Col. James: To the Guyana Defense Force that is correct, Sir.

Mr. Pilgrim: To the Guyana Defense Force. A number of these vouchers carry the Authority of two particular persons, R. Corbin and W. Skeete?

Lt. Col. James: That is correct, Sir.

Mr. Chairman: You say “carry Authority”, what do you mean by that and a number of vouchers carry the Authority’?

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Pilgrim: The vouchers, they carry names in a particular section of in terms of who these items were issued to.

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: They say in many cases “Issued To” persons described at Comrade Skeete and on other occasions a person described as Comrade R. Corbin?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: First of all, I want you to enquire whether “Comrade” is a Military designation, as far as you are aware.

Lt. Col. James: No, Sir, my understanding is at that period, 1976/1980 period, “Comrade” was the terminology used to describe males and females. It was a common term based on our socialist orientation at that time, Sir.

Mr. Pilgrim: That is fine.

Mr. Chairman: Whether or not within the Party, the Government Party?

Lt. Col. James: I would not say Government Party, Sir. It was a term associated with the political ideology at that time which was socialism, Sir. Everybody call everybody, Comrade.

Mr. Pilgrim: Were you able to determine who W. Skeete was, Comrade W. Skeete?

Lt. Col. James: Sir, our own, I would say intelligence investigations suggested that W. or Wilfred Skeete was an employee of the Ministry of National Development at that time, Sir.

Mr. Pilgrim: Intelligence is your job, Sir, is that correct?

Lt. Col. James: I did not hear that one, Sir.

Mr. Pilgrim: Intelligence is your job?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: Were you able to determine the identity of Comrade R. Corbin?

WALTER RODNEY COMMISSION OF INQUIRY

Lt. Col. James: Sir, again the Comrade R. Corbin again based on our own intelligence sources and analysis, suggested it might have been Comrade Robert Corbin, but again, we have no definitive conclusion on that because well...

Mr. Pilgrim: You have not heard from him?

Lt. Col. James: Sir?

Mr. Pilgrim: You certainly have not heard from him?

Lt. Col. James: No, Sir, he was never interviewed so we could not determine either himself or the Wilfred or W. Skeete with any definitiveness, Sir.

Mrs. Samuels-Brown: The Witness's answer, if I may come in here, is that based on our investigation it was R. Corbin. That does not put him at any further. Perhaps you would like him to identify which R. Corbin he is talking about.

Mr. Pilgrim: Grateful, Madame Commissioner.

Lt. Col. James: You see, Sir, if I can explain further, this investigation was being conducted in 2008 and allegedly the vouchers were issued between the period 1976 and 1979 so there were some challenges associated with definitively saying notwithstanding that it might relate to, let us say the Ministry or the individual who might be working at the Ministry, whether this was so. That was the challenge we had, Sir.

Mrs. Samuels-Brown: No, but the Witness earlier, not this session, but previously, you said you carried out investigations and those investigations indicated that the Skeete was an employee of the Ministry of National Development...

Lt. Col. James: That is correct, Ma'am.

Mrs. Samuels-Brown: ...a while ago you said you also carry out an investigation into Corbin ...

Lt. Col. James: That is correct, Ma'am.

Mrs. Samuels-Brown: ...and you established it was a R. Corbin?

WALTER RODNEY COMMISSION OF INQUIRY

Lt. Col. James: Well, what...

Mrs. Samuels-Brown: ...but that does not take it any further that what is on the vouchers?

Lt. Col. James: That is correct.

Mrs. Samuels-Brown: But it has R. Corbin affiliated to or connected to a particular body or group. Is that what your investigations reveal in relation to R. Corbin? We have it for Skeete, but not Corbin.

Lt. Col. James: We also conducted investigations on whether there was an employee at Ministry of National Development based on, I would have to refer to the specific voucher and that suggested again that there may have been an employee at the Ministry of National Development by the name of R. Corbin, Ma'am.

Mrs. Samuels-Brown: Thank you, that is all.

Mr. Pilgrim: Did any of your investigations suggest, but first of all, I should ask on some of the vouchers referred to where the title R. Corbin appears, is it correct to say that there is an initial P.S. accompanying some of those names?

Lt. Col. James: Sir, our investigations, this is intelligence...

Mr. Pilgrim: Just looking at the document...

Lt. Col. James: Sir, maybe you can refer me to the document so that I can answer properly.

[Court Marshall handed over the document to the Witness]

Mr. Chairman: Mr. Pilgrim, you are speaking a bit too quickly.

Mr. Pilgrim: I beg your pardon, Sir.

Mr. Chairman: You are not under any time limit; you can take your time.

Mr. Pilgrim: I am grateful, Mr. Chairman.

Mr. Chairman: You are rushing, rushing.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Pilgrim: I am grateful to you, Mr. Chairman.

Mr. Chairman: You are not as leisurely as Mr. Williams as in discharge of his obligations.
[Laughter]

Mr. Jairam: Two FF.

Mr. Williams: You know there is a saying in Guyana, “*when you get luck, you eat pork*”.

Mr. Chairman: [Laughter]

Mr. Williams: You see how nice the Chairman is treating Mr. Pilgrim. If I got to start my thing, he is barking. Please note.

Mr. Chairman: You are treated, likewise. [Laughter]

Lt. Col. James: If it is the voucher you are referring to 18/5/76, Sir, this refer to a Comrade R. Corbin, seems to be P.S. and OPM. In our investigation and analysis, Sir, this is the intelligence we would have done. It seems to suggest that this individual might have been Comrade R. Corbin who was the Permanent Secretary, Office of the Prime Minister at that time, however, Sir, we could not confirm this.

Mr. Pilgrim: Is it correct to say that the designation there is P.S., OPM?

Lt. Col. James: Yes, Sir.

Mr. Pilgrim: Is it correct to say that a Robert H.D. Corbin was the Parliamentary Secretary in the Office of the Prime Minister at that time?

Lt. Col. James: Not Parliamentary Secretary, Permanent Secretary, Office of the Prime Minister at that time, Sir.

Mr. Chairman: Did you see Permanent Secretary written anywhere or just P.S.?

Lt. Col. James: Sir, in Guyanese, well I do not want to say parlance or terminology, the P.S. for a Ministry is Permanent Secretary, Sir.

Mr. Chairman: It is also a Parliamentary Secretary?

WALTER RODNEY COMMISSION OF INQUIRY

Lt. Col. James: No necessarily a Parliamentary Secretary in our context, Sir, but Permanent Secretary, Sir.

Mr. Pilgrim: So if I say to you, Sir...

Mr. Chairman: Did you check to see whether he was Permanent Secretary?

Lt. Col. James: No, I did not conduct ...

Mr. Chairman: You did not carry out that investigation?

Lt. Col. James: ...no, Sir.

Mr. Pilgrim: In other words if I suggest to you that he was in fact a Parliamentary Secretary in the Office of the Prime Minister at the time?

Lt. Col. James: Sir, I did not do the research.

Mr. Pilgrim: You could not say?

Lt. Col. James: If you say, Sir, I did not do the research with respect to that, Sir.

Mr. Pilgrim: During the course of your evidence ...

Mr. Chairman: Just one further question, did the investigations at the time reveal whether the person was a political activist?

Lt. Col. James: Sir, we could not confirm that, Sir, based on the investigation we did, Sir.

Mr. Chairman: You could not confirm that or that is not recorded on the file?

Mr. Pilgrim: Sir, this is an investigation that was done several years after the fact.

Mr. Chairman: What you are saying is that the records or the files do not reveal that, that he was a political activist?

Lt. Col. James: This would be the records with respect to the Ministry of National Development and the Office of the Prime Minister. We could not confirm anything after that amount of years have elapsed, Sir.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Chairman: Very well, alright.

Mrs. Samuels-Brown: I am still not clear. Do you mean that these investigations that you told us that you carried out in relation to the identities of the Skeete and the Corbin, they did not extend beyond the Army? Were they limited to the Army's records? You did not make inquiries of the Government Agencies?

Lt. Col. James: No, Ma'am, for example, just to give you an example, the Ministry of National Development no longer exists so there were challenges of sourcing records pertinent to this.

Mrs. Samuels-Brown: So your short answer would be that you did not look outside the Army?

Lt. Col. James: We did look outside the Army but there was no organisation we could go to with respect to Ministry of National Development.

Mrs. Samuels-Brown: So the confirmation you got which established to a probability that this person Comrade Skeete was an employee of the Ministry of National Development came from your investigations and inquiries within the Army?

Lt. Col. James: Within the Army and from our own intelligence sources, Ma'am.

Mrs. Samuels-Brown: And the same thing applies in relation to Corbin?

Lt. Col. James: That is correct, Ma'am.

Mrs. Samuels-Brown: Thank you very much.

Mr. Pilgrim: The Robert Corbin, did you at all pursue whether there were other possibilities of P.S. in the Prime Minister's Office or it could be someone else or than the Robert Corbin?

Lt. Col. James: I really cannot say, Sir.

Mr. Williams: Which Robert Corbin, is only R. Corbin that is stated on the records.

Mr. Pilgrim: No, I am asking about Robert Corbin, you can ask about who you like, I am asking about Robert Corbin.

Mr. Williams: But you have to direct him to that.

WALTER RODNEY COMMISSION OF INQUIRY

Lt. Col. James: We could not say, Sir because as I did mentioned and for the benefit of the Commission, that Ministry was burnt down as a result of fire and you would have to look at other records to attempt to reconstruct, well, who might have been employees at that particular point in time, Sir. We could not establish it, Sir.

Mr. Pilgrim: Were you aware of a High-Ranking Government Official by the name of Robert Corbin at the time?

Lt. Col. James: Yes, Sir.

Mr. Pilgrim: That person went on to hold several high offices in the Government of the PNC?

Lt. Col. James: That particular individual.

Mr. Pilgrim: Indeed as an Opposition Leader, I think in the same PNC?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: That is the same person?

Lt. Col. James: I could not [*inaudible*] if it was the same person.

Mr. Williams: [*Laughter*]

Mr. Pilgrim: I mean it is the same person that you establish was the P.S.?

Lt. Col. James: At that time, Sir.

Mr. Pilgrim: Yes, I am not saying necessarily is the same person who is mentioned in these documents who you establish was the P.S. within the Government within the Office of the Prime Minister, is the same person that went on to hold high offices in the PNC?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: During the course of your evidence, you referred to a number of external agencies to whom firearms were lent. If you can refer to your statement, I am on page four of your statement first of all, you see a number of references to, this is after Skeete and Corbin, "Mazda

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Mining". Did you have any understating after your investigations of why Mazda Mining would need firearms?

Lt. Col. James: Mazda Mining is a private mining company located in Guyana and in order not to appear bias, I listed every single document I found in relation to the loan of weapons to external organisations. I did have correspondence with respect to the loans to Mazda Mining Company.

Mr. Pilgrim: Did you understand that Mazda Mining Company would need firearms for security?

Lt. Col. James: I would assume for security reasons, Sir.

Mr. Pilgrim: For the Customs Department, what did you understand that they would be using firearms for?

Lt. Col. James: Sir, I know that they have an Enforcement Division and they are engaged in enforcement activities and I assume that they would need firearms for those activities, Sir.

Mr. Pilgrim: Is it fair to say that in all the cases before we deal with Skeete and Corbin, all the other cases, it appears to be that the loan of firearms relates to securing either private enterprises or Government enterprises?

12:33hrs

Lt. Col. James: I would say security persons, Sir.

Mr. Pilgrim: Did you have an understanding from your investigations that what the purpose was for the Ministry of National Development to have firearms in the quantities that they were loaned according to the vouchers?

Lt. Col. James: Not from my investigations.

Mrs. Samuels-Brown: Could you just pause for a minute? Thank you.

Mr. Pilgrim: Were you aware at all of any purpose that the Ministry of National Development would need firearms for?

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Lt. Col. James: No, Sir.

Mr. Pilgrim: Were you aware of any purpose whatsoever that the office of the Prime Minister would need firearms for?

Lt. Col. James: No, Sir.

Mr. Pilgrim: As far as you are aware, were either of those entities engaged in security operations in Guyana?

Lt. Col. James: Not that I am aware of, Sir.

Mr. Pilgrim: The firearms which you described can you tell us a little bit about their caliber and use?

Lt. Col. James: We had several categories of firearms ...

Mr. Pilgrim: Indeed.

Lt. Col. James: ... which I wish to refer to specifically, Sir.

Mr. Pilgrim: Grateful to you.

Lt. Col. James: Give me one minute, Sir.

Mrs. Samuels-Brown: Why do you not direct him from a particular Exhibit?

Mr. Pilgrim: Well, it is easier just to go from the statement. The statement mentions all ...

Mrs. Samuels-Brown: Why do you not direct him to a particular paragraph of his statement?

Mr. Pilgrim: Grateful Ma'am. If we look at the ...

Lt. Col. James: I understand, Sir.

Mr. Pilgrim: Thank you.

Lt. Col. James: If you would refer to 15(a)...

Mr. Pilgrim: Yes.

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Lt. Col. James: This relates to M10 pistols ... 15(a) ...

Mr. Pilgrim: I am with you all the way.

Lt. Col. James: I would assume that this is personal protection because they are small arms and the caliber of the weapon is 9mm short, it is a shorter round than the ...

Mr. Pilgrim: ... full length ...

Lt. Col. James: ... 9mm standard ammunition, so I would assume that this would be for personal protection of individuals. It means them carrying the firearm ...

Mr. Pilgrim: ... as a personal weapon.

Lt. Col. James: Yes, Sir. The Beretta ...

Mr. Pilgrim: Let us pause there, would you have any knowledge of persons within the Ministry of National Development who would require the use of these firearms?

Lt. Col. James: Well I would assume, not necessarily in the Ministry of National Development but maybe in the Ministry of ... I would say high profile individuals, at maybe the level of Permanent Secretary and senior functionaries within the Ministry.

Mr. Pilgrim: Those persons how would they usually go about acquiring a firearm for their personal protection? Would it be by this route?

Lt. Col. James: No, Sir, the normal procedure in Guyana is that you apply through the Guyana Police Force for a firearm license and that is how you would source a firearm as a private individual, Sir.

Mr. Chairman: I think you are speaking too close, we are not hearing you with clarity.

Lt. Col. James: Okay, Sir. I was saying that for a private individual, they should make an application to the Guyana Police Force and there is a process where you can acquire a firearm for personal protection.

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Mr. Pilgrim: Would that process include training for the use of that firearm for which you are applyin?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: We can move on to 15(b), please.

Mrs. Samuels-Brown: How many weapons are ...

Mr. Pilgrim: That is 50, Ma'am.

Mrs. Samuels-Brown: 50?

Mr. Pilgrim: 50 M10's.

Mrs. Samuels-Brown: Okay, thanks.

Lt. Col. James: The Beretta 9mm submachine gun is a ... even though it uses 9mm standard ammunition, is a larger weapon, bulky and is generally used for, I would say, security activities in close proximity to like urban areas. You would find, for example, SMGs being utilised by security officials at let us say, banks, private residences and this is based on the caliber and the effective range, maybe 50 to 100 meters. So, this is a bit of a step up maybe a security official at let us say a private residence or so.

Mr. Pilgrim: Can you describe for us how they fire ... a Beretta SMG fire?

Lt. Col. James: Well, a Beretta SMG can fire in two ways, it has a lever and you can fire single shots and you can also put it to ... it comes over to, let us say, the left side and it fires single shots, you press the selector over to the right side and it fires automatically.

Mr. Pilgrim: Automatically, meaning?

Lt. Col. James: Once you squeeze the trigger, it continues to firing, unless you remove your finger from the trigger or the rounds in the magazine is finished.

Mr. Pilgrim: Expires.

Lt. Col. James: Yes.

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Mr. Pilgrim: Can you tell me any reason that you are aware of why people within the Ministry of National Development would need these firearms?

Lt. Col. James: I cannot say, Sir.

Mr. Pilgrim: Okay, we can move on to (c).

Lt. Col. James: (c) is M70 assault rifles, this is a combat rifle and generally it is used by, I cannot even say security forces, it is used by the military and some paramilitary forces in Guyana, the Guyana Police Force, this is a full combat weapon with maybe a range of more than 200 or 400 meters, Sir. This is a combat rifle.

Mr. Pilgrim: Can you just, for the benefit of the public distinguish between a combat weapon like this and the others that you mentioned before? What does that mean in terms of their use?

Lt. Col. James: Okay, for the benefit of the Commission and the Lawyers present...

Mrs. Samuels-Brown: You looked at me, like if I was the one who did not know about weapons, Mr. Williams.

Lt. Col. James: No, I am so sorry, Ma'am.

Mr. Pilgrim: Perhaps he just looked at you, Ma'am because he thought you were the authority.
[Laughter]

Mr. Williams: It is impossible, not when you are from Jamaica.

Lt. Col. James: Okay, for the benefit of ...

Mr. Pilgrim: ... all parties ...

Lt. Col. James: ... like the 9mm M10 pistols that is like for personal protection and it has a range of maybe 20 meters or so. It is small arms, similar the Beretta SMG can be classified as small arms because it uses a 9mm round, however, there is a difference between those small arms and the M70 rifle which is a full combat rifle. It is capable of engaging a target as far out as 200 to 400 meters. It uses a larger calibre of ammunition, 7.62 by 39mm ammunition. Again,

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you can have selected shots, like single rounds or you can have full automatic fire; it has a magazine of 30 rounds.

Mr. Pilgrim: Do you know of any reason why these would be necessary for the operations of the National Development?

Lt. Col. James: No, Sir because generally those weapons are engaged in the combat environment where you would have the range and space to fire weapons like in the urban areas, you would really have some challenges because you have buildings around and stuff like that.

Mr. Pilgrim: People ... (d).

Lt. Col. James: (d), Sir, is an M72 gun, again this is a combat rifle and it is an extension to a gun because it has a longer range. The particular M72 gun will have a bipod, something ...

Mrs. Samuels-Brown: What range?

Lt. Col. James: It would have a bipod, b-i-p-o-d.

Mrs. Samuels-Brown: Yes, you said it would have a longer range.

Lt. Col. James: It has a longer range.

Mrs. Samuels-Brown: Oh! I see what you mean.

Lt. Col. James: Yes, it has a longer range and you can rest it on the ground, there are different positions you can use it because it had a bipod, which is something shaped like a fork, attached to the weapon and you can use it for extended range, I cannot remember out of my head but it is more than 400 meters you can engage target but this is a combat rifle, meant to be used in combat operations.

Mr. Pilgrim: Can you say if you are aware of any reason why such ...

Lt. Col. James: No, Sir.

Mr. Pilgrim: ... things would be needed by a private individual Comrade Skeete?

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Lt. Col. James: No, Sir. With respect to (e), Sir, similar the HK11 is a light machine gun and it has a bipod also, the difference between the HK and the M72, the M72 would use 7.62 by 39mm ammunition, whilst the HK11 which is of German origin would use a 7.62 by 51mm round, which is a larger round. Again, the range here and this is a combat weapon, Sir.

Mr. Pilgrim: Any reason why Comrade Skeete should have all these guns?

Lt. Col. James: No, Sir. At (f), Sir, this is a Smith and Wesson pistol, again this can be used for personal protection. This weapon uses a 9mm standard round and I think the magazine is about 12 or 13 and this can be used for personal protection.

Mr. Pilgrim: Any reason why Comrade R. Corbin should have 7 of these?

Lt. Col. James: No, Sir and similar discussion and description would apply to (g) because this is 9mm standard ammunition. With respect to (h), it is 9mm but it is short ammunition which is slightly shorter than the ... like the Smith and Wesson reflected as serials (f) and (g), Sir.

Mr. Pilgrim: Yes.

Lt. Col. James: If I can describe (h) ... sorry I think I did describe (h).

Mr. Pilgrim: Yes.

Lt. Col. James: (i) is a .22 rifle, not necessarily a combat rifle, sometimes it is used for sport shooting, sometimes it is used for hunting.

Mr. Pilgrim: Yes.

Mr. Chairman: Hunting?

Mrs. Samuels-Brown: Sport shooting and hunting.

Mr. Pilgrim: What would the Army use it for?

Lt. Col. James: The what, Sir?

Mr. Pilgrim: What would the Army use it for?

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Lt. Col. James: Sometimes we use it to train ... you can use ... it give a softer kick and you can use it if you have someone who might be having challenges shooting can use this rifle because it does not really kick like some of the more ...

Mr. Pilgrim: ... powerful rifles.

Lt. Col. James: ... like the M70 or the G3 or the AKM, it does not give that kick, so you can gradually introduce them to shooting easily or we have shotguns also, we use it for hunting but it is a training weapon generally, Sir. The self-loading rifle ...

Mrs. Samuels-Brown: Sorry, what is the range compared to the pistols?

Lt. Col. James: Again, it is almost the small range ... for the .22 rifle; it may be 50 meters to 100 meters.

Mrs. Samuels-Brown: Thank you.

Lt. Col. James: It will be significantly shorter 25, 50, 75 meters. I was saying with respect to the SLR rifle, this is a self-loading rifle, and it is a combat weapon.

Mrs. Samuels-Brown: That is at (j)?

Mr. Jairam: Yes.

Lt. Col. James: Yes, Ma'am, it is a combat weapon and it previously was used a lot in the force, maybe just after Independence but this weapon has been phased out and it is very accurate and it has the same characteristics as let us say, the M70 or the G3 rifle but it is a more accurate rifle to use in shooting, Ma'am and again, this is a combat rifle.

Mr. Pilgrim: Yes.

Lt. Col. James: The G3 rifle is a full combat weapon, it has a range of up to 400 meters and it is a German weapon and it uses 7.62 by 51mm ammunition and this is a combat weapon. It can engage targets as far out as 400 meters. The M70 at (l) and (m) ... you want me to continue with this?

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Mr. Pilgrim: No, I wanted you to deal with up to (k). Would you be aware of whether the GUYMINE Constabulary, the TSU, the Guyana Police Force, whether they would have persons who received training in the use of firearms?

Lt. Col. James: Yes, Sir, because they were uniformed units, for example, the Guyana Police Force, still is, the GUYMINE Constabulary, I think they were generally ... I cannot say phased out but they had several changes, for example, in the period of mention, it would have been GUYMINE Constabulary, then we went to LINMINE Constabulary, I am not certain what is at Linden presently, Sir, because a private company would have taken over.

Mr. Pilgrim: Did you have any information to suggest that persons in the Ministry of National Development were receiving training in the use of firearms?

Lt. Col. James: No, Sir.

Mr. Pilgrim: Any information ...

Mr. Chairman: What about the House of Israel?

Mr. Pilgrim: Certainly, Chair.

Mr. Chairman: They are mentioned on the document?

Mr. Pilgrim: Do you have any information that persons in the Office of the Prime Minister were receiving training in the use of firearms?

Lt. Col. James: No, Sir.

Mr. Pilgrim: Do you have any evidence that Mr. Wilfred Skeete was trained in the use of firearms?

Lt. Col. James: No, Sir.

Mr. Pilgrim: Any evidence that Mr. Robert Corbin was trained in the use of firearms?

Lt. Col. James: No, Sir.

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Mr. Pilgrim: Any evidence that the House of Israel was receiving training in the use of firearms?

Lt. Col. James: No, Sir.

Mr. Pilgrim: Now at the time, the period 1976 to 1979, without trying to ask you your age, you were not yet in the Army?

Lt. Col. James: No, Sir, I joined the Army on 3rd March, 1980.

Mr. Pilgrim: Would you from your ordinary knowledge as a citizen have any idea of what generally, the Ministry of National Development was engaged in? What type of work they would do?

Lt. Col. James: Sir, I know that it was a Ministry in the then Government and as far as I am aware, they were located in Camp Street. I am not familiar with what activities ...

Mr. Pilgrim: You are not sure what their activities were.

Lt. Col. James: No, Sir.

Mr. Pilgrim: Have you ever seen a document showing the office of the General Secretary of the Peoples National Congress and the Ministry of National Development on one document?

Lt. Col. James: No, Sir.

12:48hrs

Mr. Pilgrim: Okay. Mr. Chairman, during the course of our proceedings we were referred to a document showing a letterhead carrying both the Office of the General Secretary, and the Ministry of national Development, and the People's National Congress, apparently as one entity, or sharing a letterhead, in any event. I am not certain it was tendered as evidence in this tribunal. I just want to ask this Witness whether has seen such a document at this time at any time.

Mr. Williams: He said no.

Mr. Pilgrim: Perhaps when he sees it he will be refreshed.

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Mr. Chairman: You need to put it before him, it may help his memory.

Mr. Pilgrim: I am grateful to you, Mr. Chairman. Marshall, if you may assist me.

[Court Marshall handed the Witness the document]

Mr. Pilgrim: I just want you to look at this document and see if you have ever seen such a document, noting in particular the letterhead describing office of the general secretary, People's National Congress, and Ministry of National Development.

Mr. Chairman: Let me have a look at it please?

Lt. Col. James: Yes, Sir.

Mr. Pilgrim: There are some extra copies here, Mr. Chairman.

Lt. Col. James: It is the first time I have seen a document like this.

[Counsel and Commissioners were in discussion]

Lt. Col. James: It is the first time I am seeing a document like this.

Mr. Pilgrim: The first time you are seeing this?

Lt. Col. James: Yes, Sir.

Mr. Chairman: this relates to 1978...

Mr. Pilgrim: Yes, Sir.

Mr. Chairman: The one that I have.

Mr. Williams: He has rejected it, let us move on.

Mr. Chairman: I did not hear you, Mr. Williams?

Mr. Pilgrim: He is giving some evidence, Sir.

Mr. Williams: I am saying he has rejected it.

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Mr. Pilgrim: He is giving some evidence.

Mr. Chairman: Who has rejected it?

Mrs. Samuels-Brown: The Witness, he did.

Mr. Williams: That is why I am saying let us move on.

Mrs. Samuels-Brown: Yes.

Mr. Pilgrim: I am grateful for the assistance in helping me to move forward.

Mr. Williams: Just echoing the Chairman.

Mr. Pilgrim: Thank you so much. *[Laughter]*

Mr. Pilgrim: During the course of your evidence, you described the non-return of the 155 firearms which are still, as I understand it, outstanding today, as “a bit of an anomaly.”

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: When you say “a bit of an anomaly” could you care to expand on that description at all?

Lt. Col. James: Yes, Sir, because I would have assumed as an investigator and a security official, that over the period of 1976 to 1979, as it relates to those issues by 2008, those weapons should have been returned.

Mr. Pilgrim: It is only that I was a bit concerned with the use of the term “a bit anomaly.” I would consider it a very serious anomaly.

Lt. Col. James: I take the point, Sir.

Mr. Pilgrim: As a result of your report which was done in 2008, were there any recommendations you made at all *vis-à-vis* tracing those firearms?

Lt. Col. James: Yes, Sir. Based on the report that I had submitted for the benefit of the Commission, the Guyana Defence Force did conduct a 100% audit which I recommended in my

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report of firearms in possession in the inventory of the Guyana Defence Force. This again, we were able to identify weapons which were previously issued, which were returned. That is what gave me a solid back ground to determine weapons outstanding to external institutions including those individuals and organisations mentioned in the vouchers I would have presented to the Commission, Sir.

Mr. Pilgrim: You also made it clear to the Commission that you were aware that Caesar, and the other individual who had signed on a number of these vouchers. You made it clear to the Commission that those persons are still alive, and living in Guyana, as I understand it.

Lt. Col. James: Sir, I did indicate to the Commission that they were alive. I did also give to the Commission their addresses, and telephone numbers, Sir.

Mr. Pilgrim: And you have made all of that available to the Commission?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: Did you do the same with Corbin, and Skeete?

Lt. Col. James: I did not, Sir, because as far as I am aware those are public figures and I think the Commission should be able to contact them....

Mr. Pilgrim: To find them with too much difficulty.

Lt. Col. James: Sorry?

Mr. Pilgrim: Find them without much difficulty

Lt. Col. James: Find them very easily. I do not think I should do that, Sir.

Mr. Chairman: Their names appear on the documents as what?

Mr. Pilgrim: Persons to whom the firearms were issued.

Mrs. Samuels-Brown: That is who?

Mr. Pilgrim: Corbin, and Skeete.

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Mrs. Samuels-Brown: What about King and Caesar?

Mr. Chairman: Caesar and King?

Mr. Pilgrim: They are issuers, I beg your pardon; grateful, Mr. Chairman.

Mr. Chairman: Yes, yes.

Mr. Pilgrim: You understood that King and Caesar were persons issuing.

Lt. Col. James: Based on the records, Sir.

Mr. Pilgrim: Grateful.

Mr. Williams: Mr. Chairman?

Mr. Chairman: Yes.

Mr. Williams: For purposes of clarification, what my learned friend is saying is Corbin. What is on the record is R. Corbin.

Mr. Pilgrim: Sorry, R. Corbin.

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: You figure that these...

Mr. Williams: I am not sure why he is saying that he is a public figure, what is that? How does know R. Corbin is a public figure?

Mrs. Samuels-Brown: Remember, you know, Mr. Williams, he is saying that the evidence is not conclusive, but from his investigations, this person R. Corbin was an employee at a particular Ministry at a time. So, he has established whether you would call it speculatively or somebody else would say a probability, the identity of this person. It is that person who he says is a public figure now. I do not know if you want to take it...

Mr. Williams: Who is a P.S of OPM that is the Office of the Prime Minister?

Mrs. Samuels-Brown: That is what the Witness...

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Mr. Williams: And Ministry of National Development

Mrs. Samuels-Brown: Mr. Williams....

Mr. Williams: At the same time?

Mrs. Samuels-Brown: I am just recounting to you what the witness has reported to us as having been revealed by the investigation.

Mr. Williams: Yes, but it still does not say. I asked him about the two names in the two different organisations at the same time. That is also on the record.

Mrs. Samuels-Brown: Yes.

Mr. Williams: So which Corbin is he talking about? The one from National Development or the one from OPM, which one?

Mrs. Samuels-Brown: Is he saying they are two different persons, Mr. Williams?

Mr. Williams: Well, he did not say they were not two different persons.

Mrs. Samuels-Brown: Well, perhaps you should have explored it with him.

Mr. Williams: I have. He said he did not know whether they were two different persons or not.

Mrs. Samuels-Brown: Okay.

Mr. Williams: But it is within a day of the documents. That would not happen here. He would not be at the office of the Prime Minister as a P.S, and the Ministry of National Development at the same time.

Mrs. Samuels-Brown: Well, I guess later on you can address on that.

Mr. Williams: I just want the record to show that there is nothing in any documents before us that speaks to anybody who is currently, and who was a past Leader of the PNC and is currently in Guyana, in any regard. So, for you to move from R. Corbin to Robert Corbin is a quantum leap. I do not care how he shows he has to show us how this RHO Corbin becomes...

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Mr. Chairman: Do not address us now on this, Mr. Williams, I beg you. Do not address this. You have made your point. We have noted the objection.

Mr. Williams: No, but it is an objection I am making. I am saying... it is an objection. Do I have to phrase it as an objection?

Mr. Pilgrim: I thought it was just a speech.

Mr. Chairman: No, we accept it as such.

Mr. Williams: Well, I am saying that this RHO Corbin is not in any record before you. What is before you, as in the case of Gregory Smith, and William Gregory Smith in the light is a document we are talking about all Corbin. It is a great anomaly to have one person at the same time as P.S –whether it is Parliamentary Secretary, we do not even know that; or Permanent Secretary. At the same time the Ministry of National Development.

Mr. Chairman: We will note it for the second time.

Mr. Williams: Yes, but he cannot say that. It is not true. It is misleading.

Mr. Chairman: Mr. Pilgrim, please continue.

Mr. Pilgrim: His speeches go on quite long, so it takes a little while for me to revive myself.

Mr. Williams: You have to be accurate.

Mr. Pilgrim: As you understand it, Sir, the defence board; that consists of the Prime Minister...

Lt. Col. James: The Commander-in-Chief. Well, the President and the Commander-in-Chief.

Mr. Pilgrim: At the time, I think it was the Prime Minister.

Lt. Col. James: Okay, I will take your point, Sir.

Mr. Pilgrim: And the Minister of Home Affairs?

Lt. Col. James: Well, Sir, I cannot speak for the defence board at that period.

Mr. Pilgrim: You are not certain about that?

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Lt. Col. James: At that time. I can speak about now, Sir.

Mr. Pilgrim: Who was in charge of the army, between say 76 to 78, if you are aware?

Lt. Col. James: I cannot answer....

Mr. Pilgrim: You are not sure?

Lt. Col. James: ...out of my head. Sir, I do not want to answer and be incorrect, Sir. I was not a member of the force at that time, Sir.

Mr. Pilgrim: Understood, and you do not have any documents here that can tell us...

Lt. Col. James: Well, I would have to do some research, but I did not do that before.

Mr. Pilgrim: Nothing that you have here?

Lt. Col. James: I have a file, I can check to see, Sir.

Mr. Pilgrim: If it is there, and it is easy for you to check and tell us who was in charge of the army between 76 and 78, and say 79, and 80, if they are two different persons?

Lt. Col. James: I prefer to check before I answer that question, Sir. I do not want to answer out...

Mr. Pilgrim: But what I am asking is, is there something you can check here now?

Lt. Col. James: Well, I have a file here but I am not certain the information might be contained in that file, Sir.

Mr. Pilgrim: Very well.

Mr. Chairman: *[Inaudible]*

Mr. Pilgrim: That is what I was inviting him to do, Sir, but I cannot force him.

Mrs. Samuels-Brown: Remember... sorry....

Mr. Pilgrim: He said he would prefer not to do it.

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Mrs. Samuels-Brown: Remember the witness identify say identify the form on which he is noted as commander. He says commander is the first in charge of the army, at the time.

Mr. Williams: *[Laughter]* He did not say that...

Mrs. Samuels-Brown: What did he say? The Second-in-Command of the Army. Thank you. I would expect therefore that in carrying out his investigations in relations to these vouchers, he would have had to establish who was in charge of the army at the top, second or third. So I assume it must be in his files that he has brought here...

Mr. Pilgrim: The Chair is inviting you to use this time just to check your file.

Lt. Col. James: I do not have that information on me, Sir.

Mr. Pilgrim: You are not in a position to tell us who was in charge of the army between 1976 and 1980?

Lt. Col. James: Between 1976, 1977, 1978...That is correct, Sir.

Mr. Pilgrim: So if I say to you that it was Norman McLean from July, 1979, you are not in a position to agree or refute.

Lt. Col. James: No Sir, I can only say maybe from 1980 when I would have been a member of the Guyana Defense Force, Sir.

Mr. Pilgrim: Who was in charge in the 1980 when you became a member?

Lt. Col. James: That was Major General Norman Gordon McLean, Sir.

Mr. Pilgrim: Would you...

Lt. Col. James: You said 1979, Sir, or 1980?

Mr. Pilgrim: I asked 1980 because that is when you said you joined.

Lt. Col. James: I joined in 1980, Sir.

Mr. Pilgrim: That is why I asked you about 1980.

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Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: So you cannot say who was in-charge in 1979?

Lt. Col. James: No Sir.

Mr. Pilgrim: Would you agree with me that based on the vouchers you have produced the person in charge of the army should be aware of these documents and of these procedures?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: My learned Friend Mr. Basil Williams asked you a number of questions about the vouchers and about the failure to note first names, vehicle numbers and so on. Can you recall that?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: Would you describe that as non-compliance with some of the formalities required by the document?

Lt. Col. James: Sir, I would describe that as laziness and incompetence by the staff so designated.

Mr. Chairman: *[Inaudible]*

Mr. Pilgrim: Your microphone is not on, Sir.

Mr. Chairman: You said you would describe the omissions on the document as laziness and incompetence.

Lt. Col. James: That is correct, Sir.

Mr. Chairman: On the part of the officers who were responsible.

Lt. Col. James: That is correct, Sir.

Mr. Chairman: But I am asking you whether that judgment of laziness and incompetence would be the result of non-compliance with all the requirements of the form?

WALTER RODNEY COMMISSION OF INQUIRY

Lt. Col. James: I will say yes, Sir.

Mr. Chairman: Yes, thank you.

Mr. Pilgrim: Lieutenant Colonel, I wanted to make, you referred to a number of vouchers and then at one stage you referred to a document that was not within your possession, but which referred to, we have been calling it the McPherson document, the one that refers to the House of Israel and the PNC.

Lt. Col. James: Well not I referred to the document...

Mr. Pilgrim: I say it was referred to you.

Lt. Col. James: The document was referred to me?

Mr. Pilgrim: Exactly. That document as opposed to the vouchers, how would you distinguish the vouchers which you have produced for us and that document?

Lt. Col. James: Okay Sir, the vouchers that I did produce for you are standard vouchers which are used by the logistic unit, then and even now to document issues of weapons. The McPherson document if I can refer to that is a document that is generally used for surcharge and not the issuance of weapons, Sir.

Mr. Pilgrim: In other words, the vouchers you would say exist specifically for the purpose of issuing firearms?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: And in this case several of the firearms which were issued to date, at least 155 of them still are not returned?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: Just to maybe to try to pin down that point a little bit more. Those documents are the proper documents to be used for the purpose of issuing firearms?

Lt. Col. James: That is correct, Sir.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Pilgrim: As opposed to the other one?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: The vouchers Sir.

Mr. Jairam: Maybe you should say for the record SCJ 2A to K I believe.

Mr. Pilgrim: SCJ 2A to K are the vouchers to which I am referring

Lt. Col. James: That is correct, Sir.

Mr. Williams: And LJSBWPA 1.

Mr. Pilgrim: Is the other one.

Mr. Jairam: Which is the other one.

Mr. Pilgrim: In practice...

Mr. Chairman: Sir, I understand you to be putting to him that the document used, to the Witness that is, were the proper documents for the issuance of firearms?

13:03hrs

Mr. Pilgrim: Yes Sir.

Mr. Chairman: That is CJ280K.

Mr. Pilgrim: Yes, Sir, as opposed to the other one which we have been describing loosely as *The McPherson Document*. In practice now in your current tenure, in terms of the issuing of firearms to agencies outside of the GDF, who would make the decisions and how would they be conveyed to you in the GDF?

Lt. Col. James: Are you speaking about the issuance of firearms outside of the organization?

Mr. Pilgrim: Yes, Sir.

WALTER RODNEY COMMISSION OF INQUIRY

Lt. Col. James: Well firstly, I would say, Sir, that that would be an unusual occurrence because it really does not happen now. Most of the external organisations would procure their own firearms, but as far as I know, a request with respect to issues to external organisations are generated by letter, I would say, to the Chief-of-Staff which is forwarded to the Defense Board for consideration and the defense board would so inform the Chief-of-Staff as to whether a decision was made to proceed with the request and if a decision is made with respect to allowing that transaction. The procedure would be the Chief, formally, writes a letter so there is an authority to the Commanding Officer... Well not the Commanding Officer, the Five Service Support... It would go to the Colonel Administration and Quartering, who is the most senior administrative officer in the Guyana Defense Force, and he would write a letter to his subordinate, the Commanding Officer of the Five Service and Support Battalion, who would so inform the Officer Commanding of the weapons stores.

Mr. Pilgrim: Grateful.

Lt. Col. James: Based on those correspondences the issue would go ahead if, for example, the request is denied you would not have that procedure, Sir.

Mr. Chairman: May I enquire, if an organisation which had been approved by the Defense Board... They had written a letter earlier and it was agreed by the Defense Board that they were entitled to have arms; every time that they make a request would it go back to the Defense Board or would it be dealt with by the Army, below the Defense Board, as a request from an approved organisation, as it were?

Lt. Col. James: Sir, that request would have to go back to the Defense Board because...

Mr. Chairman: Each and every time?

Lt. Col. James: Every time because the correspondence that would come from the Defense Board to the Guyana Defense Force would be a Defense Board decision which would have the particulars contain inside it, Sir.

Mr. Chairman: Thank you.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Pilgrim: You had said that this has now become a rarity. Earlier you had told us that the personal file of Gregory Smith and one Leon Molino could not be found.

Lt. Col. James: Sir, I never address any personal file for Gregory Smith.

Mr. Pilgrim: Sorry, 4141 Smith.

Lt. Col. James: W. Smith.

Mr. Pilgrim: And his Force Number is 4141, W. Smith.

Lt. Col. James: That is correct.

Mr. Pilgrim: Am I to understand that these are the only two files that are lost?

Lt. Col. James: Those are the only two files that are reported to me, Sir, during my tenure as a Staff Officer 1, General 2, Sir. I have never seen a report from the G1 Branch with respect to a file lost before except on the two occasions I referred to, Sir.

Mr. Pilgrim: Would you describe then the lost of a personal file in the GDF as an extremely rare occurrence?

Lt. Col. James: It is an extraordinary occurrence because as I did describe in my evidence yesterday the security measures that are provided with respect to the personal file... It is a document in confidence. It is a confidential document of a certain level of security protection and that is most unusual, Sir.

Mr. Pilgrim: Thank you. I think it was yesterday you were asked by my learned friend, Mr. Basil Williams, or he rather put it to you, that based on these documents, the vouchers, there is no proof that these guns had left the GDF. Is it correct to say that at least 155 plus two have left?

Lt. Col. James: I just want to correct you, Sir.

Mr. Pilgrim: Please.

Lt. Col. James: The two that you are referring to is also included in the 155.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Pilgrim: So there is a total of 155. Are you certain that they left and that they are included in the vouchers which we described as your two (a) through to (k)?

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: As you understand it who is the appropriate person to sign as the authority for issuing firearms on the document 2(a) through (k)?

Lt. Col. James: Whoever is the issuing officer there is such designation as, I have to say now the Five Service Support Battalion, in those days it would have been the Ordinance Battalion. Whoever is responsible for the weapons bond would be the signatories and based on my research, at that time, it was Warrant Officer Class 1 King and, well, as Staff Sergeant listed on the document but he was later promoted to Warrant Officer Class 2 Caesar, Sir.

Mr. Pilgrim: Did you, in your investigations find any evidence any firearms were issued to the PPP?

Lt. Col. James: No, Sir.

Mr. Chairman: Was a request ever made by them?

Lt. Col. James: As I did indicate, Sir, I have not seen correspondence with request for request for weapons other than vouchers and other documents and I have not seen one for the People's progressive Party (PPP).

Mr. Williams: No, the question was that request made so that you could have conducted a similar investigation in that regard?

Mr. Chairman: Did you find any evidence that the PPP ever sought to have weapons as an external organisation?

Lt. Col. James: No, Sir.

Mr. Chairman: Was there any request made of the Defense Board?

Lt. Col. James: No, Sir.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Pilgrim: Similarly, did you find any evidence that the WPA was issued any firearm...?

Lt. Col. James: No, Sir.

Mr. Pilgrim: ...or, indeed, that they had made any request?

Lt. Col. James: No, Sir.

Ms. Samuels-Brown: I think it is fair to complete it. Did you find any records that the PNC made any request...?

Lt. Col. James: No, Ma'am.

Ms. Samuels-Brown: ...or that any was issued to the PNC?

Lt. Col. James: No, Madam.

Mr. Chairman: Did you find any request from the House of Israel?

Lt. Col. James: No, Sir.

Mr. Pilgrim: I crave your indulgence for a moment, Mr. Chairman.

Mr. Williams: Could we just clarify the last answer, the PNC also never made any request nor received any guns from the GDF? That was your last answer.

Ms. Samuels-Brown: No evidence is there.

Mr. Williams: There is no evidence.

Lt. Col. James: That is correct, Sir.

Mr. Pilgrim: Unless, of course, the PNC is in fact acting through the Ministry of National Development as per the letter head we showed you. In other words, if the PNC and the Ministry of National Development, as according to this letter head, are acting as one it would appear as though they have been issuing some firearms.

WALTER RODNEY COMMISSION OF INQUIRY

Ms. Samuels-Brown: Mr. Pilgrim, that letter head is not in evidence and you are referring it. The witness has never seen that letter head. Perhaps you will be to do what you are doing now through another witness but I do not think it is fair to this witness to put it to him.

Mr. Pilgrim: I am grateful to you, Madam. That is all for me, Mr. Chairman.

Mr. Chairman: Perhaps Commission Counsel may care to but it seems to me that there has been skipping over of the so call *McPherson Document*.

Mr. Pilgrim: In my case, Mr. Chairman, my desire was to distinguish it from what I would describe it as the real authentic documents as used by the GDF, but I leave that to the Commission Counsel if they wish or if the Chair would like me to specifically address it I can but I am seeking in my cross-examination to distinguish between the nature and quality of the vouchers on the one hand and what we called *The McPherson Document* on the other.

Mr. Williams: Mr. Chairman, this witness has dealt with that issue he said the Army rejected that document as being valid.

Mr. Pilgrim: "...as being *invalid*..."

Mr. Williams: No. They rejected as being valid. It was asserted as a valid document. They rejected it.

Mr. Chairman: But he gave a reason as I remember it, the witness, and that was because they did not recognise that as the signature of McPherson.

Mr. Williams: ...that it was false in many regards.

Mr. Chairman: Well it was not false as I understand in any more regard than in relation to the other document.

Mr. Williams: ...that the PNC had an account with the GDF for weapons; that is false?

Mr. Chairman: That is one explanation of what that might have meant but I understand the rejection of it as a falsity was based on the fact that it was not the signature of McPherson.

Mr. Williams: It was a forgery.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Chairman: Yes, but suppose I care, on a particular occasion, to write my name differently from how I normally signed it, does that mean that the document is a forgery? It might mean that is not my usual signature but that does not mean that that is a forgery.

Mr. Williams: But the contents also, that the PNC had an account, he said is false. The collaboration with the House of Israel and the PNC he said is false.

Mr. Pilgrim: He cannot say that the collaboration between the two Parties is false.

Mr. Chairman: He is only one witness. We have other witnesses' collaboration between the PNC and the House of Israel.

Mr. Williams: Not in relation to guns.

Mr. Chairman: Mr. Hamilton gave that evidence that I am referring to.

Mr. Williams: Well we have said that Mr. Hamilton gave that evidence. He has been a discredited witness and we are saying that had knowledge of the existence of that document when he went into that box to give his evidence.

Mr. Chairman: Mr. Williams, you are making findings of fact which will be reserved...

Mr. Williams: I will address you on it, he knew when he went in the box to masquerade in that box that this document existed.

Mr. Chairman: Alright, we will get on but if the main reason for rejecting the McPherson Document is that it was not recognized by the Army as the usual signature of McPherson then you may have to probe deeper.

Mr. Pilgrim: I think we will need to address you, much as Mr. Williams is seeking to do now, when that time arrives.

Mr. Chairman: Yes, but I think you may wish to put that to the witness but get ahead.

Mr. Pilgrim: I am happy, Sir. Those are my questions.

Mr. Chairman: Very Well.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Pilgrim: I think Mr. Ram will go next, Sir, subject to any other speeches.

Mr. Williams: Mr. Chairman, can we clarify, as my learned friend is completed, that the entire document was rejected, that that document is not the document you use to issue weapons, so it not just the signature.

Mr. Chairman: Very well, take a note. Who is next?

Mr. Christopher Ram: I am, Sir. The Captain has do designated me. Sir, my name is Christopher Ram and I am representing the interest of the Working People's Alliance.

Lt. Col. James: Yes, Sir.

Mr. Chairman: Just one further question, I feel oblige to ask this. Where did you get that so-call McPherson document from?

Lt. Col. James: I never got the document.

Mr. Chairman: You did not present it?

Lt. Col. James: No, Sir.

Ms. Samuels-Brown: The Police.

Mr. Chairman: It came over from Special Branch; that is correct. Did you get it from them?

Lt. Col. James: I never got that document, Sir.

Mr. Chairman: It was in their file; that is correct.

Mr. Ram: In paragraph two of your witness statement, Sir, you indicated that you were posted to the Intelligence Corps, is that correct?

Lt. Col. James: That is correct, Sir.

Mr. Ram: Can you say where the Intelligence Corps was based?

Lt. Col. James: The Intelligence Corps was based camp Ayanganna at that time, Sir.

WALTER RODNEY COMMISSION OF INQUIRY

Ms. Samuels-Brown: What time are we talking about?

Lt. Col. James: Base camp Ayangana is...

Ms. Samuels-Brown: What time are we talking about?

Lt. Col. James: We are talking about May, 1980, Ma'am.

Mr. Ram: In the course of your work at Camp Ayangana did you at any time visit the Joint Intelligence Center at Ogle East Coast Demerara?

Lt. Col. James: No, Sir.

Mr. Ram: Were you aware of the location?

Lt. Col. James: That is correct, Sir.

Mr. Ram: Was it a public building? Was it publicly located and identifiable?

Lt. Col. James: It was publicly located and identifiable, Sir.

Mr. Ram: You stated in paragraph three, Sir, that the Counter intelligence Unit was responsible for the security of all security beaches within the GDF. Was the work it carried out entirely internally focused?

13:18hrs

Lt. Col. James: That is correct Sir. We do not have a legal mandate outside of the Guyana Defense Force, Sir.

Mr. Ram: No, my emphasis was on investigation of all security breaches rather than within the GDF.

Lt. Col. James: It can only be within the GDF, Sir.

Mr. Ram: Could you then describe the work of the Internal Security Division because that I understand is a separate unit.

WALTER RODNEY COMMISSION OF INQUIRY

Lt. Col. James: Yes Sir, but I am not able to describe their work because how you would operate in intelligence is on a need to know basis and I was not attached to that division, Sir.

Mrs. Samuels-Brown: What was it? Internal Intelligence?

Mr. Chairman: Internal Security Division.

Mr. Ram: Internal Security Division, yes. And would you not be similarly aware of the functions of the Combat Intelligence Section?

Lt. Col. James: The Combat Intelligence Section, they are oriented along the lines of gathering information and intelligence along the border, Sir. Again, that is how intelligence operates, if you do not work in the department...

Mr. Chairman: You did drop your voice along the way as you move away from the microphone.

Lt. Col. James: Well Sir, they are oriented towards gathering information and intelligence along the borders and bordering countries and I was not privy to their operations, Sir.

Mr. Ram: Can you say what work the Travel Control Section...

Lt. Col. James: Well, in those days Travel Control would facilitate, for example, the procurement of passports for members of the Guyana Defense Force who were going overseas and we have a system from then to now, which necessitates once a member of the force is traveling overseas there is a requirement for them to be issued with an authorisation to travel, Sir. Without that they cannot leave the country.

Mrs. Samuels-Brown: This is important; you said in those days, would it cover the period in those days between 1978 and 1980?

Lt. Col. James: It would cover the period when I started working in 1980 and it even obtains up to now, Ma'am.

WALTER RODNEY COMMISSION OF INQUIRY

Mrs. Samuels-Brown: But prior to then?

Lt. Col. James: I cannot say about prior, Ma'am.

Mrs. Samuels-Brown: Thank you.

Mr. Ram: Did the function of any of the units in security of the Guyana Defense Force cover intelligence gathering of political parties?

Lt. Col. James: Well I can only speak about the period 1980 to present and as far as I am aware, no, Sir.

Mr. Ram: Can you offer an estimate of the number of persons engaged in security in the Guyana Defense Force in 1980?

Lt. Col. James: That is a tough one, Sir, I will tell you why, because for example you would have operatives who, you would have operatives, you would have sources, but what I know is the fixed establishment of the intelligence core at that time maybe would have been maybe close to 100 persons or so, Sir.

Mr. Ram: 100 persons in the GDF...

Lt. Col. James: That is in my estimation, Sir, it could be more or it could be less.

Mr. Ram: We understand and that would be on the permanent establishment not the sources?

Lt. Col. James: That is correct, Sir.

Mrs. Samuels-Brown: And again we are talking about 1980?

Mr. Ram: Yes.

Lt. Col. James: From the period 1980, yes Ma'am.

Mr. Ram: Do you have any idea, Sir, what was the number involved in security in the disciplined forces?

Lt. Col. James: No Sir. I would not be privy to that information, Sir.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Ram: From your information the occasion of your investigation was the issue of firearms during the period 1978 to 1980?

Lt. Col. James: Sir, in the letter that was sent from the Commission to the Guyana Defense Force, I am not certain, but I do not think it specified a period, Sir. I did a research with respect to all issuance of weapons to external organisations, Sir. It was not specific to a period for me, Sir.

Mr. Ram: And you brought it right up to date.

Lt. Col. James: That is correct, Sir.

Mr. Ram: Are you aware of the action taken on the report prepared by you?

Lt. Col. James: No Sir, as I did indicate in the military is a chain of command. I have a direct link with at least the then Chief-of-Staff, Rear Admiral Gary Best and the report was forwarded to him and also the person you would have seen in the distribution list Sir, like the Deputy Chief-of-Staff and I cannot remember the other persons the report would have gone to Sir.

Mr. Ram: In this exercise, Sir, were you the lone investigator?

Lt. Col. James: I would have to say yes, Sir.

Mr. Ram: I saw from the documents you kindly supplied the Commission, that the army stock explosive material currently.

Lt. Col. James: That is correct, Sir.

Mr. Ram: And did it stock such items in 1979-1980?

Lt. Col. James: That is correct, Sir.

Mr. Ram: Did it stock communication equipment in 1980?

Lt. Col. James: I would have to say yes, Sir. Communication equipment is radio so I would have to say yes, Sir.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Ram: And that would include walkie talkies as they...

Lt. Col. James: Sir...

Mr. Ram: As they are known to lay persons like myself?

Lt. Col. James: Sir, when you speak about walkie-talkie I do not really understand.

Mr. Ram: Two way communication equipment.

Lt. Col. James: No, I am a military person, Sir...

Mr. Ram: I am sorry.

Lt. Col. James: I have to be specific, Sir. I know hand-held radios; I do not know if that is what you are referring to, Sir.

Mr. Ram: Hand-held, two-way hand held communications equipment?

Lt. Col. James: It is not two way hand-held, Sir, with one hand-held you can communicate with several radios.

Mr. Ram: True. Now, the investigation you carried out stemmed from the actual recovery of arms?

Lt. Col. James: Of two weapons, that is correct, Sir.

Mr. Ram: And those arms were at one stage the property of the Guyana Defense Force?

Lt. Col. James: They are still the property of the Guyana Defense Force, Sir.

Mr. Ram: But not in the possession of?

Lt. Col. James: Well Sir, currently they are in the possession of the Guyana Police Force, Sir.

Mr. Ram: That is the two but we are talking about the rest. Now...

Mr. Chairman: Did he ever answer your question?

Mr. Ram: We are talking about the entire list of arms and ammunition set out in paragraph 15 of your witness statement; they were all property of the Guyana Defense Force?

WALTER RODNEY COMMISSION OF INQUIRY

Lt. Col. James: That is correct, Sir.

Mr. Ram: They were part of the physical stock of the Guyana Defense Force?

Lt. Col. James: That is correct, Sir.

Mr. Ram: And they were recorded in the book entries of the Guyana Defense Force?

Lt. Col. James: That is correct, Sir.

Mr. Ram: So this report they you have prepared is based on physical items.

Lt. Col. James: That is correct, Sir.

Mr. Ram: You indicated in paragraph 15 of your statement, some of the issues were to a Comrade Skeete and some were to a Comrade Skeete of the Ministry of National Development.

Mr. Chairman: Mr. Ram, sorry to cross you, but I did not follow the question that the report he prepared is based on physical items.

Mr. Ram: It is as opposed to book records actual stock of items.

Mr. Chairman: That he counted?

Mr. Ram: Yes that was physically acquired and came into the possession of the Guyana Defense Force as opposed to a book record. You can look at a stock record and say yes we have 15 bottle of water, but were there 15 bottles of water? The witness is saying these were in the possession and ownership of the Army.

Mr. Chairman: Yes but he gave evidence with respect to weapons which according to the records left before he started his investigation. He would not have seen them.

Mr. Ram: My question was whether they were physically taken into stock in the records maintained by the Army.

Mrs. Samuels-Brown: He has gone back to the records?

Mr. Chairman: But he goes back to the records?

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Ram: Yes.

Mr. Chairman: He would not have physically seen these weapons himself, but he is relying on records which they have an obligation to keep and to keep accurately.

Mr. Ram: In your investigation, did you do any work in the physical stock, either you or the persons associated with you?

Lt. Col. James: I would not say physically Sir because all the information I came by was through documentation, Sir.

Mrs. Samuels-Brown: Sorry, but what about those you said were returned, were those physically checked?

Mr. Ram: That is correct, Ma'am.

Mrs. Samuels-Brown: The ones that were returned you...

Lt. Col. James: Yes Ma'am, because as I told the Commission, we had an exercise after this after the discovery of the issues, we had a physical exercise which I personally verified that all the weapon mentioned in the issue and receipt voucher over the period 1976 to 1979 which were listed as being returned, I physically checked their presence based on whatever location they were subsequently issued to, Ma'am.

Mrs. Samuels-Brown: I recall you said that, I just wanted to put it here.

Mr. Ram: Those were the...

Mr. Chairman: Just one minute because my note resulting from all that you have said is that the witness relied both on documentary records as well as a physical check of returned weapons.

Lt. Col. James: That is correct, Sir.

Mrs. Samuels-Brown: That is far from what was said originally from the question.

Mr. Ram: Yes Sir, thank you. And these would be the 82 items listed?

WALTER RODNEY COMMISSION OF INQUIRY

Lt. Col. James: That is correct, Sir.

Mr. Ram: You indicated in paragraph 15 of your statement that some of the issues were to Comrade Skeete and some were to Comrade Skeete of the Ministry of National Development.

Lt. Col. James: Yes Sir.

Mr. Ram: From your investigation did you assume that they were one and the same person?

Lt. Col. James: That is correct, Sir.

Mr. Ram: What was the basis of your assumption, Sir?

Lt. Col. James: The basis was the signatures on the vouchers relating to Mr. Skeete Sir and I can refer to the specific vouchers if you would wish me to, Sir.

Mr. Ram: On the issue...

Mr. Chairman: [*Inaudible*] very important because given the nature of the cross-examination of Mr. Williams, how does he know that the Comrade Skeete whose name appear on the vouchers is one and the same person as Comrade Skeete that he later investigated?

Lt. Col. James: No, he was speaking about National Development.

Mr. Ram: Who was the employee at National Development?

Lt. Col. James: That is correct, Sir. Some of the vouchers had Comrade Skeete alone and some had Comrade Skeete National Development. I was saying based on the signatures that were common to all those vouchers that is why I came to the conclusion that it was one and the same person, Sir.

Mr. Jairam: Except Lieutenant Colonel, one of the signatures...

Lt. Col. James: Which had Wilfred Skeete, Sir.

Mr. Jairam: Had the full name.

Lt. Col. James: That is correct, Sir.

WALTER RODNEY COMMISSION OF INQUIRY

Mrs. Samuels-Brown: Yes, but the writing of Skeete would have been the same?

Mr. Chairman: Based on the signature you are satisfied that...

Mr. Williams: There are three writings of Skeete, you have Skeete alone, you have W. Skeete and you have one with Mr. Skeete and no matter what you do, he does not know Skeete's handwriting that he could suggest that all three was from Skeete. One person who is an infiltrator could write it.

Mr. Chairman: If you want leave to ask some further questions, we will grant you that.

Mr. Williams: No, I am objecting in the sense that I am assisting the Commission by saying that the Skeete is not in fact just two signatures-Wilfred Skeete and Skeete-there is a third you have W. Skeete, so it is three types of signature, Skeete by itself, W. Skeete and Wilfred Skeete.

Mr. Chairman: Remember Mr. Ram, is to make that very explicit to him, whether they are one and the same person.

Mrs. Samuels-Brown: Before that though Mr. Chairman, if I may be indulged, could you please indicate to me which of the vouchers has just a Skeete as a signature because I am not seeing it.

Mr. Williams: A signature?

Mrs. Samuels-Brown: Yes, it is the signatures we are talking about.

Mr. Williams: What I am saying is that we are seeing the name Skeete alone.

Mrs. Samuels-Brown: You are not talking about the signatures?

Mr. Williams: No, I am talking ...you have Skeete and then you have a W. Skeete.

Mrs. Samuels-Brown: You have clarified thanks.

Mr. Ram: No, I think though Mr. Williams you are speaking about three vouchers when he signs his full name, when he signs as W. Skeete and one where it is not identified to any particular Ministry. Is that correct?

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Williams: Yes but then you also have Skeete written as a consignee, Skeete alone, no Ministry of National Development, so if you are going to have that name Skeete as a consignee you ought to have Skeete being signed. That is why the witness said they should have had a first name. So it is important that we do not have the consignee as W. Skeete and he signs as W. Skeete, when it is Skeete in the consignee column he is not signing as Skeete alone, he is signing as W. Skeete or Wilfred Skeete.

Mr. Chairman: So Mr. Ram, I think you have to put the broader question to him.

Mr. Ram: My question, Sir, was whether you from your investigation they were one and the same person?

Mr. Chairman: Yes...

Mr. Ram: And if so...

Mr. Chairman: But you have to capture everything.

Mr. Ram: Yes.

Mr. Chairman: Comrade Skeete, W. Skeete, Skeete as consignee and Skeete as agent of the Ministry of National Development, all four categories, whether he is satisfied that they relate to one and the same person.

Mr. Ram:

Lt. Col. James: And my answer is that based on the signatures and the voucher, I came to the conclusion that it was one and the same person whether it was only Skeete that was signed on the voucher or Wilfred Skeete, Sir.

WALTER RODNEY COMMISSION OF INQUIRY

13:33hrs

Mr. Ram: I want to turn your attention to the voucher with Mr. Godwyn McPherson and you said based on your knowledge that that signature was not that of the McPherson you knew in the Army?

Lt. Col. James: It is not only the signature; it is also some of the characteristics which are on the document if you wish me to refer to it. For example, regimental document on this number is 9142. Colonel McPherson's regimental number was 9129. That is another characteristics which suggested that this document maybe was not authentic, Sir.

Mr. Ram: Thank you and the ammunition listed in that document was not part of the Issues by the Guyana Defense Force based on your investigations?

Lt. Col. James: I cannot say that, Sir, I was just mentioning that the normal procedure for writing ammunitions, there seem to be a departure on this document, for example, there are 1500 rounds 7.62 ammunition. In the Military we would have to differentiate whether it is short ammunition which would be 7.62 x 39mm or whether it is standard ammunition which is 7.62 x 59 ammunition and based on a number of other discrepancies, for example, there is 500 round 9mm long. We would not put 9mm long, we would put 9mm short which would be the ammunition used by the M10 Pistol or we would put 9mm standard which is the ammunition which would be used by a Browning Pistol, a Smith and Wesson Pistol, a submachine gun, a Beretta submachine gun, etcetera.

Mr. Ram: You have no record that any of those things were issued.

Lt. Col. James: I did not examine the ammunition records, Sir, there were no records available for this period, Sir.

Mr. Ram: So they did not form part of this report of the Issues and Returns and Recoveries...

Lt. Col. James: That is correct, Sir.

Mr. Ram: ...in your report? Lt. Col. James, are you satisfied that all the arms and ammunitions listed in your Witness statement were in fact issued?

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Lt. Col. James: That is correct, Sir.

Mr. Ram: Based on your investigation can you vouch for the accuracy of the movement of arms and ammunitions recorded in your report?

Lt. Col. James: That is correct, Sir.

Mr. Ram: The outstanding weapons are accurately reported?

Lt. Col. James: That is correct, Sir.

Mr. Ram: I want to take you to the two Issues to Comrade R. Corbin. Do you have those?

Lt. Col. James: Yes, Sir.

Mr. Ram: In your view, were these ...

Mrs. Samuels-Brown: Could we identify them by their...

Mr. Ram: Is SCJ 2F and G.

Mrs. Samuels-Brown: ...thank you.

Mr. Ram: Did these signatures appear to you similar?

Lt. Col. James: Yes, Sir.

Mr. Ram: Would you say that they are identical, I know that you are not a handwriting specialist; would you say that they are identical?

Lt. Col. James: They are very similar, Sir.

Mr. Williams: What is identical?

Lt. Col. James: I never said identical, Sir.

Mr. Williams: No, I am asking what is identical.

Mr. Chairman: He did not say anything identical; he said the two signatures...

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Mr. Ram: He said they are, not.

Mr. Williams: Okay, the two signatures.

Mr. Chairman: ...on the voucher SCJ 2F and G were very similar. That is how [*Inaudible*]

Mr. Williams: Much obliged, Mr. Chairman.

Mr. Ram: Lt. Col. James, is it unusual for senior political functionaries in Guyana to hold more than one office?

Lt. Col. James: I would say no, Sir.

Mr. Ram: It is not unusual, thank you and it is not possible that a person can be both a Parliamentary Secretary in a Ministry and hold another position in another Ministry?

Lt. Col. James: That is correct, Sir, we have a perfect example right now.

Mr. Williams: We have a what?

Lt. Col. James: A perfect example, the Minister of Housing and the Minister of Tourism is one in the same person.

Mr. Ram: I was thinking about that, but I did not want to bring you into present day.

Mr. Williams: No, Mr. Chairman, I think we would have to put the correct basis and premise to the Witness. We do not have a similar situation like that what is being put to this Witness on our record.

Mr. Ram: No, I simply ask...

Mr. Williams: We do not have any designation for example on that document with National Development. What is the designation in National Development? On SCJ 2G for example, the one that deals with National Development, what is the designation there? Is there a designation for R. Corbin in National Development?

Mrs. Samuels-Brown: Do you mean the office he held in, I thought you mean ...

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Mr. Williams: Yes.

Mr. Ram: My question is, sorry...

Mr. Chairman: I myself was misled by your second question, “not unusual for senior political functionaries in Guyana to hold more than one office”.

Mr. Ram: ...yes.

Mr. Chairman: I would like to ... Party Office as well as Office of Ministry but you were only talking...

Mrs. Samuels-Brown: Governmental Office...

Mr. Chairman: ...it is not unusual for a Minister of Housing and a Minister of an unrelated area of Aviation. You could be Minister of Housing and Minister of Health simultaneously so I do not think there was anything unusual in that.

Mr. Ram: [*inaudible*] My Speakers...I do not know if it is because of the time?

Mr. Chairman: Would you regard holding the office Housing and Tourism simultaneously as an unusual thing?

Lt. Col. James: No, Sir.

Mr. Williams: Sir, but the point I am raising, do we have a designation in office of National Development?

Mr. Ram: If I may, what my question was for the benefit of my learned friend is it not possible that a person could be both a Parliamentary Secretary in a Ministry and also associated with another Ministry? That was my question.

Mr. Chairman: Are you sure that is a helpful way of formulating it in terms of “possibilities”?

Mr. Ram: I am repeating my question.

Mr. Chairman: The Law does not recognise that as Standard, you know, or prove possibilities. It is not recognise as standard of proof. Do you with me, Mr. Ram?

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Mr. Ram: Sorry?

Mr. Chairman: It is not perhaps the most useful way of formulating.

Mr. Williams: Mr. Chairman, could I ask, could I suggest, what is Mr. Ram is talking about, having a public service employment and a ministerial employment? That could happen at the same time?

Mr. Chairman: I am not sure what he is referring to?

Mr. Williams: No, but from your experience you know that that cannot happen.

Mr. Ram: Association...

Mr. Chairman: I do not want to give evidence, but I ...

Mr. Williams: [*Laughter*]. That is what I am saying so we are speculating. We do not know what the office is, what is the job in National Development. We are saying we do not accept these documents as being authentic so there is no job, no office or designation on this document.

Mr. Chairman: The question of authenticity of that is one in which we would have to determine, but I was not following when you were putting “possibilities” to him when the standard of proof in relation to the Commission of Inquiries is a balance of probability so when you go on “possibilities”...

Mr. Ram: Is it possible Sir, that a Parliamentary Secretary in the Office of the Prime Minister can also be associated with another Ministry?

Mr. Chairman: Mr. Ram, you are not following me. That is not a helpful question because when we come to write, we cannot deal with “possibilities”.

Mr. Ram: I see, Sir.

Mr. Chairman: The standard of proof for Commissions of Inquiry, the balance of probability, not possibilities. It is possible that is your aunt today maybe one day your uncle, but that is a possibility – a very remote thing- we are not dealing with that.

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Mr. Ram: Did you assume from your work that the P.S., Office of the Prime Minister and the Issue with the Ministry of National Development were associated?

Lt. Col. James: That is correct, Sir.

Mr. Ram: I was asking you before about the accuracy of the movement that you reported?

Mrs. Samuels-Brown: Sorry, was this assumptions based on your investigations, Sir?

Lt. Col. James: This was based on my examination of signatures that were in the two named vouchers, Ma'am. The two named vouchers which Mr. Ram referred to.

Mrs. Samuels-Brown: I think he is asking you that within the context of Guyana it is so that there is accommodation for a senior officer in the Ministry of National Development to also hold a senior position in the Office of the Prime Minister? That is how I understood it. I do not know if I am wrong?

Mr. Ram: Thank you, yes.

Mrs. Samuels-Brown: That is how I understood it.

Lt. Col. James: My answer to that again would be, yes, Ma'am.

Mr. Williams: Mr. Chairman and Commissioners, I am saying that you cannot hold a ministerial position and a position in the public service of Guyana.

Mrs. Samuels-Brown: No, I am saying...

Mr. Jairam: Mr. Williams ...

Mr. Williams: And there is nothing that indicates in the National Development that Mr. Corbin was Minister of National Development.

Mrs. Samuels-Brown: ...but his answer is not in relation to a ministerial position. It is a senior position in a Ministry.

Mr. Williams: It has to be in context, you cannot hold a senior position in a Ministry if it is a public service position.

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Mr. Chairman: Mr. Williams, I am telling you that I am happy to give you the opportunity on your application if you wish to clear up anything but to be interrupted now to make those points was well understand. It might be the inappropriate time.

Mr. Williams: No, Sir, I am objecting. I am merely doing like the Queen's Counsel as he was doing yesterday and all the time.

Mr. Chairman: No, I do not want it to become disorderly. Do not interrupt Mr. Ram, but make a note because if you want to be heard again, I would give you the opportunity.

Mr. Williams: As it pleases you.

Mr. Chairman: Very well.

Mr. Ram: Sir, is it correct to say that arms and ammunitions are issued based on the Authority of authorised personnel?

Lt. Col. James: That is correct, Sir.

Mr. Ram: The signature of the recipient is a procedural matter?

Lt. Col. James: Before I answer that question, Sir, which signature are you referring to?

Mr. Ram: The signature of the recipient, signing as receiving?

Lt. Col. James: Not only the signature but an indication of name, first and surnames and if possible the organization to which he is collecting the arms and ammunitions for also, Sir.

Mr. Ram: Those would be procedural matters?

Lt. Col. James: That is correct, Sir.

Mr. Ram: So is the placement of a stamp by the receiving entity?

Lt. Col. James: That is correct, Sir.

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Mr. Ram: You have provided comprehensive documentation on the relevant Standing Orders of the Guyana Defense Force, I wonder if you can summarise for us and I would walk you through that, the persons involve in the authorisation Issue and Dispatch of arms and ammunitions.

Lt. Col. James: Just to get it within a, I would say a, are you speaking about internal to the Military or external?

Mr. Ram: External, sorry, thank you.

Lt. Col. James: External to the Military? I would first say that the organisation would write the Chief-of-Staff indicating the desire for ...

Mr. Ram: So that is one, the Chief-of-Staff.

Lt. Col. James: It has to come to the Chief-of-Staff. The Chief-of-Staff then forwards that request to the Defense Board...

Mr. Ram: And they are made up of?

Lt. Col. James: Sorry?

Mr. Ram: The Defense Board is made up of the ...

Lt. Col. James: Well, I will have to speak of the now situation, the Defense Board is made up of the Commander-in-Chief, the Prime Minister, the Attorney General, the Minister of Home Affairs, the Chief-of-Staff, the Commissioner of Police and the Secretary to the Defense Board, Dr. Luncheon, and based on the peculiarities of the Issue, like if the Defense Board is meeting, they may co-op for example, the Ministry of Foreign Affairs, let us say if it is a Border matter or so.

Mrs. Samuels-Brown: But the Witness did tell us that he could not say how the Defense Board was composed or comprised at that time.

Lt. Col. James: At that time.

Mr. Ram: I was going to offer that guidance to the Witness to assist in in answering the question I posed.

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Mr. Chairman: The only question is that he can only speak of post 1980 and he is giving you the situation that is obtained now.

[Court Marshall handed over the booklet to Commissioners]

13:48 hrs

Mr. Ram: Would the Commission accept the Act Chapter 15:01 in the composition of the Defense Board as...

Mrs. Samuels-Brown: What year is that?

Mr. Chairman: What year is that? Refresh us.

Mr. Ram: This is the 1973 Laws of Guyana that remain in force.

Mr. Chairman: Okay, yes you go ahead.

Mr. Ram: Can we offer the...

Lt. Col. James: No, I passed a copy in the Defense Act.

Mr. Ram: So you know who they are.

Lt. Col. James: I am saying the "now" situation, Sir.

Mr. Ram: No, I am asking the situation then.

Lt. Col. James: I cannot say what the composition of the Defense Force was then, Sir.

Mr. Ram: Mr. Chairman, may I offer the guidance to the witness on this issue as the composition of the Defense Board?

Mr. Chairman: You are talking about when, 1978 to 1980?

Mr. Ram: Yes, Sir.

Lt. Col. James: If I can say, Sir, whomever made up the composition then, the procedure would be, once the request was received by the Chief-of-Staff, he would forward it to the Secretary of

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the Defense Board for tabling of discussion at a Defense Board Meeting. The Defense Board would meet, whatever their composition was, and they would give guidance with respect to the request. If, for example, they accede to the request they would communicate such instructions to the Chief-of-Staff through a Defense Board correspondence.

Mr. Ram: So, the authorisation process on the request, itself, would be approximately five persons, including the Prime Minister who was the Chairman of the Board?

Lt. Col. James: At that time, Sir.

Mr. Ram: Yes.

Lt. Col. James: The Defense Board document, correspondence, once it comes back, let us say, it authorizes the issuance of the weapons to an external organization; the Chief-of-Staff would so direct the Colonel Administration and Quartering ...

Mrs. Samuels-Brown: Direct who?

Lt. Col. James: The Colonel Administration and Quartering who is responsible for Administration and Quartering matters, like issues of weapons, procurement of weapons, procurement of equipment. He would so direct the Defense Board decision to the Colonel AQ directing him that the Commanding Officers of the 5 Service Battalions should issue whatever the amount of weapons are, by type, to the organisation and this is documented in writing. When that documentation...

Mr. Ram: Can I stop you there? That makes approximately six persons between the Chief-of-Staff and the Defense Board and the Commanding Officers.

Lt. Col. James: No, it does not go to the Commanding Officer as yet, it goes to the Colonel Administration and Quartering from the Chief-of-Staff...

Mr. Ram: Yes.

Lt. Col. James: ...who would so direct the Commanding Officer, now; then you had Ordinance Battalion, now you have 5 Service and Support Battalion. He would direct the Commanding Officer in the 5Service Battalion with respect to the issuance of the particular types of weapons

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to the organisation and this would be contained in formal documents which can be referenced.
Once...

Mr. Chairman: Mr. Ram, has that Act been amended since it came into effect in 1973?

Mr. Ram: Sorry, Sir, was it a question?

Mr. Chairman: ...whether the Act was amended?

Mr. Ram: It might have since been amended, but during the period 1978 to 1980 it was in force.

Mr. Chairman: Yes, but I would like to see the amendments.

Mr. Ram: I can certainly ...

Mr. Chairman: Because it was amended in 1972, 1974, 1975...

Mr. Williams: And that was only then, it was amended several times.

Mr. Chairman: Several times.

Mr. Williams: In fact, there is a recent revision of it, which was updated recently.

Mr. Ram: Yes.

Mr. Williams: You need to get that...

Mr. Chairman: Yes.

Lt. Col. James: If I might continue, Sir.

Mr. Chairman: Yes, certainly.

Lt. Col. James: The correspondence ...

Mr. Ram: I think you should listen to the Chairman. Are you finished, Sir?

Mr. Chairman: Yes, I just noted that the Act is not up-to-date that was handed to us and that we need to see a version of the Act with its amendments.

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Mr. Ram: Yes, Sir. So we are down to the Commanding Officer now.

Lt. Col. James: Commanding Officer, 5 Service and Support Battalion, the formal correspondences...

Mrs. Samuels-Brown: “The Commanding Officer...” what?

Lt. Col. James: 5 Service and Support Battalion, this is a battalion that is responsible for logistics in the Guyana Defense Force, ration, weapons, ammunition and other equipment. Once it goes to that Commanding Officer, the formal letters from the Colonel Administration and Quarters, he would so direct his officer commanding the Weapon Stores, the Weapon Bond, to issue the weapons and he has working with him a number of personnel. The person who would be responsible for that operation would be the senior supervisor in the rank of a Warrant Officer or a Senior NCO...

Mr. Ram: Alright...

Lt. Col. James: I am not finished as yet, Sir.

Mr. Ram: Well, I was trying to break the question down.

Lt. Col. James: I want to tell you that a correspondence moves from a Commanding Officer, 5 Service and Support Battalion, to the Officer Commanding the Weapon Stores and that is the Authority by reference which would be attached or documented on the issue and receipt voucher and that is the authority which would be filed in the weapons bond area. If, for example, you want to come several years after to check a particular issue, there should be a completed copy based on what you would have seen available at that area.

Mrs. Samuels-Brown: Weapon Bond?

Lt. Col. James: The Weapons Bond, the weapons are held in a bond.

Mr. Ram: ...where they are stored.

Lt. Col. James: Once they would have had receipt of that correspondence they will take out whatever caliber of weapons is to be issued and the documentation process starts. The person

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issuing will check off and prepare the issue voucher detailing weapons by serial numbers, which are signed to by number, rank and name for the military officials in the designated column, stamped and the person collecting would also affix his full name, the organisation he represents, if he has the organisation stamp, he would sign his first name and initial under the appropriate columns and that would be considered as one transaction.

Mr. Chairman: Mr. Ram, I am sorry to be intervening here, but after the Defense Board make its favourable decision...

Mr. Ram: It is communicated...

Mr. Chairman: ...who, by name of office, would be the many officers that would be dealing with giving effect to that approval up to the point...? I missed the details.

Lt. Col. James: Okay, Sir, let us go from...

Mr. Chairman: It is mentioned up to the point of delivery.

Mr. Ram: This is why I was hoping to put the question stage by stage.

Mr. Chairman: There are so many details that I lost it.

Mr. Ram: Yes.

Lt. Col. James: It would come from the Defense Board, Sir, sent by the Secretary of the Defense Board...

Mr. Ram: Right.

Lt. Col. James: ...to the Chief-of-Staff of the Guyana Defense Force and this is a Defense Board Memorandum detailing what should happen – “Approval has been given for the issue of [let us say what it is] to this organisation”. The Defense Board...

Mr. Chairman: The Defense Board communicates to the Chief-of-Staff.

Lt. Col. James: The Chief-of-Staff.

Mr. Chairman: Good, how does it go from there?

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Lt. Col. James: The Chief-of-Staff has a Senior Quartermaster in the structure of the military; he is a Colonel Administration and Quartermaster.

Mr. Chairman: Senior Quarter...

Lt. Col. James: He is a Colonel – C-O-L-O-N-E-L – Administration and Quartermaster. He is responsible for service units in the Guyana Defense Force, so he is responsible or the Commanding Officer, 5 Service and Support Battalion, reports to him. It is one of his line units. He would prepare a correspondence. He would maybe attach a copy of the document from the Defense Board which would have come to the Chief-of-Staff to him. He would attach that copy and he would also prepare a document directing the Commanding Officer of 5 Service and Support Battalion to issue the weapons. The two documents, a copy of the Defense Board Memo to the Chief-of-Staff affixing his approval, go to the Colonel Administration and Quartermaster and from there to the Commanding Officer, 5 Service and Support Battalion. Once it reaches the Commanding Officer, Five Service and Support Battalion, which is the normal practice, he would just put “OC Weapons Stores, facilitate process...” whatever it is. The documentation or copies would then go over to the Officer commanding the Weapon Stores, who generally is a Major, and he would so direct his senior functionaries at the weapons bond to facilitate the issue.

Mr. Ram: May I stop you there?

Lt. Col. James: Yes, Sir.

Mr. Ram: I am going to ask you, how many persons are responsible for the custody of the arms in that store?

Lt. Col. James: You have to be careful, Sir, it is a weapons bond.

Mr. Ram: Yes?

Lt. Col. James: It is secured, the only time you would go in... It has physical security measures. The only time you would go in is to do checks and to go in there to do checks you have a number of accompanying people from not necessarily your own unit. For example, you would have

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people from the 5 Service Support Battalion, you would have people from the G2 Branch and others. No one person can go into the bond.

Mr. Ram: Can you say how many persons would be going in at one time?

Lt. Col. James: Well, you would have representatives from several units of the Force who would have to be present for an exercise like that. I am speaking about the “now” situation. I cannot speak about the previous situation. For example, you would have audit and inspection, you would have the G2 Branch, you would have the 5 Service and Support Battalion representatives and you would have a representative, I assume...

Mr. Ram: You probably have about four or five more...

Lt. Col. James: ...of the persons who are collecting the...

Mr. Ram: Thank you. Now, who would be responsible for the actual issue of those arms?

Lt. Col. James: The actual issue is the Officer Commanding of that particular stores.

Mr. Chairman: This is how it should properly and ideally work?

Lt. Col. James: That is correct, Sir.

Mr. Chairman: But the reason why there is a Police Force and Lawyers and all of us is because there is often a departure from what should properly happen and what did or does happen.

Lt. Col. James: I accept that point, Sir.

Mr. Chairman: Okay, always bear that in mind.

Lt. Col. James: So when they are preparing the issuing voucher now, the authority, which would be the documentation flowing from Defense Board through to the Commanding Officer 5 Service Support Battalion, is entered as the authority for the issuance and all the other columns are filled up as I would have described in my evidence, Sir.

Mr. Ram: Now, the persons who would have been responsible for ensuring that only duly authorized issues leave the premises...

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Lt. Col. James: That would be the officer commanding of the weapons bond and he would have a number of supervisors and staff with him.

Mr. Ram: If you were to give a number... I have made it approximately 12... I do not know what the Commissions... involved in the authorization and issue of arms and ammunition, is that about correct?

Lt. Col. James: Could you repeat that...

Mr. Chairman: That 12 would include what, the Defense Board?

Mr. Ram: Including the Defense Board, yes.

Lt. Col. James: Could you repeat your question, Sir?

Mr. Ram: The number of persons who will be involved in authorizing and issuing arms and ammunition to external parties...

Lt. Col. James: Well, if I can just...

Mr. Ram: ... approximately 12.

Lt. Col. James: I would not say approximately 12, Sir.

Mr. Ram: How many would you say?

Lt. Col. James: Well, it would just be the composition of the Defense Board ...

Mr. Ram: ... five...

Lt. Col. James: ... that would be external party...

Mr. Ram: ... Chief-of-Staff ...

Lt. Col. James: No, the Chief-of-Staff is not an external party, Sir.

Mr. Ram: No, I am talking about the total number of persons.

Lt. Col. James: In the entire process?

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Mr. Ram: In the entire process.

Lt. Col. James: It will be the composition of the Defense Board, how much ever it is, the Chief-of-Staff, the Colonel Administration and Quarters, the Commanding Officer, Five Service Support Battalion, the Officer Commanding of the Weapons Bond and the actual one, two or three supervisors who would be issuing weapons, they are also required to affix their signatures...

Mr. Chairman: Well, you are up to about 12 people in all.

Lt. Col. James: Sir?

Mr. Ram: There would be about 12 persons.

Lt. Col. James: If you want to call it that, Sir.

Mr. Ram: So, any improper issue of arms and ammunition would require the collusion of approximately 12 persons across the organization, including the Defense Board?

Lt. Col. James: I would have to say "yes", Sir.

Mr. Chairman: No, but that would depend on where the impropriety arose, up to the point of the Defense Board there might be no impropriety.

Mr. Ram: I am assuming that all that was required to be done was done. Lt. Col., can you give me, given the circumstance in the system, your estimate of the prospect of an Opposition Political Party being able to pull off such issuance of arms and ammunitions from the Guyana Defense Force, what is your estimate of the possibility?

Lt. Col. James: Of a Political Party doing that, Sir?

Mr. Ram: An Opposition Political Party.

Lt. Col. James: I do not think that is possible, Sir.

Mr. Williams: Sir, we are not dealing with possibilities. I am objecting to that question. Mr. Chairman and Commissioners...

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Mrs. Samuels-Brown: Yes.

Mr. Williams: ...I am objecting to that question.

Mrs. Samuels-Brown: Mr. Ram, why do you not ask him about the likelihood? That takes us into the realm of probabilities.

Mr. Williams: We are not dealing with possibilities.

Mr. Ram: Thank you, Ma'am.

Mr. Chairman: Not a helpful way of proceeding at all with possibilities.

Mr. Ram: What would be the likelihood ...

Mr. Chairman: Yes!

Mr. Ram: Thank you, Sir. What would be the likelihood of an Opposition Political Party executing such a situation?

Lt. Col. James: In my estimation, Sir, there is no likelihood of that occurring.

Mr. Ram: I want to take you to the summary statement you presented to the Commission yesterday.

Lt. Col. James: May I borrow one please?

Mr. Ram: Sorry, Sir?

Lt. Col. James: I can remember it out of my head but I just want to be careful, Sir.

Mr. Jairam: Is it number 5?

Mr. Ram: Yes.

Mr. Jairam: Yes.

[Court Marshall handed the document to the Witness]

Lt. Col. James: I can remember it out of my head but just to be careful. Yes, sir.

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Mrs. Samuels-Brown: For the record, it is SCJ 5, so that the transcribers can have it...

14:03hrs

Mr. Ram: In your view to what civilian purpose could the weapons and ammunition issued in this statement have been put?

Lt. Col. James: I cannot give an opinion, Sir. I just do not know, Sir.

Mr. Ram: And in terms of personnel, what would be the size of the group that would require the number and types of weapons and ammunition issued on this SCJ 5?

Mr. Chairman: Please repeat that question, Sir.

Mr. Ram: The question is, in terms of personnel what would be the size of the group that would require the number and types of weapons and ammunition issued to the four entities here?

Lt. Col. James: I would say maybe company strength of personnel, Sir, which is about 122, 130 persons, Sir.

Mr. Chairman: For some reason we were lost here.

[Inaudible]

Lt. Col. James: My voice Sir?

Mr. Chairman: Yes.

Lt. Col. James: I was saying, Sir, maybe a company strength of personnel maybe a 120, 130 persons. If you take out 100 air pistols here which were issued, it just leaves about 130, or so for, I would say combat use. So I would say maybe a company strength personnel 120, 130 persons, Sir.

Mr. Ram: And you are referring...

Mr. Chairman: Mr. Ram, I am lost. 120 persons to do what?

Mr. Ram: That would at the same time be using the arms and ammunition listed in this SCJ 5.

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Mrs. Samuels- Brown: Of course, we need to be careful because it covers a period of three years...

Mr. Ram: Yes

Mrs. Samuels- Brown: ...of 1976 to 1979.

Mr. Ram: Well, let us assume they were all the returns were done promptly you still had 155 outstanding up to the point of 1979. Is that correct?

Lt. Col. James: That is correct, Sir.

Mr. Ram: And your answer to the question as to how many in terms of the number of personnel would be to be using all the arms listed here would be what?

Lt. Col. James: Well, Sir, if you look at the document the outstanding weapons more than, I think close to 81 is pistols M10 pistols so you just leave with about 70, I would say high caliber weapons . I would say maybe just under a company's strength, or so.

Mr. Ram: If you were to translate that...

Mr. Chairman: But Mr. Ram, is that question not based on the premise that all guns were being used at the same time?

Mr. Ram: I said at 1979 and giving maximum allowance there was 155 outstanding.

Mr. Chairman: But did you not ask how many men would be needed to use them?

Mr. Ram: Yes, as at 1979 80.

Mr. Chairman: Yes, but that would not assume that they were all being used at the same time?

Mr. Ram: Yes that was my question.

Mr. Chairman: I do not know how useful the question was to us. What is the relevance of it?

Mr. Ram: Here is a civilian organisation that has requested and been issued with 237 over a period of several years, 82 would have been returned.

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Mrs. Samuels- Brown: One civilian organisation?

Mr. Williams: Which one is that?

[Technical glitch in audio]

Mr. Chairman: Dispose of him with tiredness after three days.

Mr. Pilgrim: Chair, what I would suggest is that we invite him to return in the morning and overnight we will liaise amongst ourselves and this afternoon and see if indeed we will need him more than half an hour tomorrow, or at all.

Mr. Chairman: That liaise work should have been going on for a long time because it do not make sense Counsel trespassing on airways covered by earlier Counsel, and so on.

Mr. Pilgrim: We have tried to do that, Sir, but as you would appreciate things do arise during the course of the hearings.

Mr. Chairman: Could we have some feel from Commission Counsel, could we have some feel from Commission Counsel as to how long you would likely to be. We should have had a careful note by now in areas that you want to...

Mr. Hanoman: Four or Five questions I may need to re-examine. I may have four or five reexamination questions. I wish to take the opportunity as well to mention that we have asked Father Malcom Rodrigues to come all the way from Barticia to be here tomorrow. And I think Mr. Williams has finished his cross-examination of Father Malcom Rodrigues, but there are some outstanding cross-examination to be done as well.

Mr. Chairman: At least we would wish to complete the Lt. Col. tomorrow as well as Father Rodrigues.

Mr. Hanoman: Yes, please.

Mr. Chairman: We cannot continue with one witness indefinitely. Alright, what is being proposed now? What is the time? It is almost 14:15hrs. Would it be convenient for us to take the break?

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Mr. Williams: Sir, before we take the break ...

Mr. Chairman: Yes.

Mr. Williams: As we are doing this, we should decide now which witness we are going to take on the last day, which would be basically, Friday. I suspect Father Rodrigues and the Colonel would take most of tomorrow. So that is Thursday, we are looking at Friday. We have two witnesses' statements; Mr. King, and Ms. Jocelyn Dow...

Mr. Hanoman: We may have a difficulty getting Ms. Jocelyn Dow in later sessions, so we hope to take her immediately after the exercise tomorrow with the two other witnesses.

Mr. Chairman: We are hoping that we could have....

Mr. Hanoman: Ms. Dow on Friday. Yes, please.

Mr. Williams: Oh, not Mr. King, Dow?

Mr. Hanoman: That is the indication that I am getting from Ms. Dow that subsequent hearings it might be difficult for her to attend. So, we want to cease the opportunity.

Mr. Williams: But she would not be completed, that is another thing. You may have her in chief and then you have to take the adjournment to leave about 13:00hrs, or so on.

Mr. Jairam: And so far, as Father Malcolm Rodrigues is concerned, Williams had finished, Sobers had finished, but he indicated that he had one question; Pieters had finished; and my note says that he needs to be cross-examined by Mr. Pilgrim...

Mr. Pilgrim: That is correct.

Mr. Jairam: ...Mr. Ram, and Mr. Scotland, with Mr. Sobers indicating that he had one other question. Remember he had interrupted, Mr. Sobers, yes....

[Counsel were in discussion]

Mr. Jairam: May I – with the Chairman's permission- may I suggest since Counsel are expressing their willingness to coordinate and cooperate, that you look at Father Malcolm

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Rodrigues as well, since he is coming from so far. He is not a young man. And you do not have to cover the same area twice. Let us try to – so we can be tidy - and finish both with Lt. Col. And Father Malcom Rodrigues, well within the close of play.

Mr. Pilgrim: Grateful, Commissioner.

Mr. Hanoman: In which case we might be able to stat Ms. Jocelyn Dow tomorrow as well.

Mr. Williams: Yes, that will be good.

Mr. Hanoman: These are words of ambition, as opposed to production, I suspect.

Mr. Williams: Mr. Chairman, could I now take the opportunity which I had requested earlier, and you said I could do it, to refer you to the *Chronicle* Newspaper of Tuesday, 04th August. It is important because we are concerned that our deliberations and the proceedings within the Commission of Inquiry should not be misrepresented in the media. I think we should all be concerned about our business being accurately reported. So, I am referring you to the *Chronicle* of Tuesday, August 26th, 2014, which is yesterday. It has a special report on page 11 on the Rodney's Commission of Inquiry. The particular caption is *Rodney Commission unearths Corbin had hand in missing submachine guns*. But what I wish to address, Sir, is in the text. The second paragraph, which reads, "Yesterday Senior GDF Officer Lt. Col. Sydney James told the Walter Rodney Commission of Inquiry that the GDF issued those guns to the People's National Congress Government in the 1970s, along with hundreds more." Sir, I wish to say from the evidence on this Commission that is inaccurate.

14:18hrs

Mr. Ram: That is correct.

Mr. Hanoman: If I may, I am not sure that that is inaccurate.

Mr. Williams: I am happy that my learned friend Mr. Ram agrees with me behind there.

Mr. Hanoman: I am not sure if that is inaccurate, the full stop does not appears after "PNC"; the full stop appears after "the PNC Government" and I am sure that the Ministry of National Development might be classified as a part of the PNC Government.

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Mrs. Samuels-Brown: I am not sure how long this discussion will take place but I think we are finished with this witness for this afternoon. Perhaps he could be allowed to leave the witness box.

Mr. Chairman: You may stand down. Thanks again very much. Mr. Williams, I did not say anything this morning but that is how an inaccuracy appearing in the press of the Commission's proceedings should properly have been drawn to the attention of the Commission. When you came in this morning and we had the development that followed you were not acting in accordance with correct procedure in the same way that inaccurate reporting is drawn to the Speaker's attention and is sent to a particular Committee and the Editor is sent for and so on that is how it is done here too, but you would have drawn it to our attention, we would have investigate it against the report in the paper and the verbatim record and we would then have determined what to do in relation to the Editor. You are doing now what should have done earlier in morning but in the end you are getting it right and I am very grateful.

Mr. Williams: Well Sir, as you know your procedure is one that we have to deal with as we go along. I do not think this is in your rules, misrepresentation by the media.

Mr. Chairman: But this is how it is done.

Mr. Williams: We would like that we have accurate reports.

Mr. Chairman: Given what Commission Counsel is saying...

Mr. Williams: Oh, he wrote it, Sir?

Mr. Chairman: ...that the report might not be inaccurate, we then have to, and I hope that the staff will assist us and point us to the particular verbatim record and also put a copy of the newspaper before us but you are saying what Mr. Williams said is inaccurate is not in accurate.

Mr. Hanoman: May not be.

Mr. Williams: I do not know what he means by that because the witness rejected that document that speaks to that situation, the witness has consistently rejected that document.

Mr. Chairman: Which document?

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Mr. Williams: The LJSB/WPA 1 that these purports to deal with the weapons account purported held by the PNC with the GDF and they were uplifting on behalf of the House of Israel; that has been debunked by this witness so it cannot be accurate and that was said since yesterday.

Mr. Pilgrim: True, Mr. Chairman, if I might suggest that the offending articles and I use “offending” in the widest sense, could be copied and circulated and that the relevant sections so that we can look at it for tomorrow as necessary.

Mr. Chairman: Well Commission Counsel, you have work to do we will need to see all the necessary reports so that we can make a determination whether there is an inaccuracy and, if there is, what step we should take.

Mr. Hanoman: I do not think there is a need for to be done in this forum though. I will produce the evidence to the Chairman and then we will decide... I think it is taken up a lot of time to engage in this sort of exercise.

Mr. Chairman: He has a duty and if he [inaudible] about the inaccuracy, to draw it to the attention...

Mr. Hanoman: Yes, I understand that duty.

Mr. Chairman: That he has done and we have to investigate...

Mr. Hanoman: Yes.

Mr. Chairman: ...particularly in the light you are saying that which he complains of is not an inaccuracy.

Mr. Hanoman: May not be.

Mr. Chairman: May not be. Alright we stand adjourn until tomorrow morning at 09:30 hrs.

Hearing Adjourned Accordingly at 14:22hrs.

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