

WALTER RODNEY COMMISSION OF INQUIRY



CO-OPERATIVE REPUBLIC OF GUYANA

THE WALTER RODNEY COMMISSION OF INQUIRY

**VERBATIM REPORT
OF THE PROCEEDINGS**

Thursday 28th August, 2014

WALTER RODNEY COMMISSION OF INQUIRY

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32nd Hearing	09:42hrs	28th August, 2014
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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

WALTER RODNEY COMMISSION OF INQUIRY

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

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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Witnesses:

Lt. Col. Sydney James

Father Malcom Rodrigues

Ms. Jocelyn Dow

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CALL TO ORDER

Mr. Chairman [Sir Richard Cheltenham, K.A., Q.C, Ph.D]: I propose that we get started in another two, three minutes and so could all persons get to their respective stations so that we can proceed.

Commission Counsel [Mr. Glenn Hanoman]: Yes we are, please.

Mr. Chairman: I think I need to acknowledge the presence of Rev. Rodrigues there?

Mr. Hanoman: Father Malcolm Rodrigues.

Mr. Chairman: Father Malcolm Rodrigues, it will be about an hour or so before we get to him so I am begging him to be patient with us. I know that he has a busy day, but we have some testimony to conclude and we hope to do that with dispatch within the hour.

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

Mr. Hanoman: ...where Mr. Ram had commenced his cross-examination and he is to now proceed to continue and conclude.

Mr. Chairman: Mr. Ram you still had some additional questions.

Attorney for the Working People's Alliance (WPA) [Mr. Christopher Ram]: Yes Sir, I do.

Mr. Chairman: Well please get a head, Sir.

Mr. Ram: Thank you, Sir.

Mr. Chairman: Very well.

Mr. Ram: Lieutenant Colonel, may I draw your attention to SCJ 5 once again please? This is the summary you prepared.

Mr. Hanoman: The Exhibit refers to the overnight assignment you had.

Lt. Col. Sydney James: Yes, I know. I do not have a copy.

Mr. Chairman: Facilitate him by providing a copy please.

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Lt. Col. James: I have one, Sir.

Mr. Ram: Thank you. May I point you to the first column, headed “Ser”, series I take it you mean?

Lt. Col. James: That means “Serial”, Sir, Serial, it is just abbreviated, Sir.

Mr. Ram: Could I ask you to look at Serial 13 to 16 please?

Lt. Col. James: Serial 13, Sir?

Mr. Ram: 13 to 16.

Mr. Ram: Yes Sir.

Mr. Ram: Would you mind quickly reading those four items out?

Lt. Col. James: Very well, Sir.

Mr. Ram: Just the date issued and the weapon type.

Lt. Col. James: Serial 13, 10/80/1979 Model 10 pistols; Serial 14, 10/08/79 Berretta Submachine guns; Serial 15, 10/08/79 M70 Assault rifle; Serial 16, 10/08/79 M72 Light machine guns.

Mr. Ram: Thank you, Sir. Now, all these four series of weapons were issued to Comrade Skeete -Ministry of National Development, is that correct Sir?

Lt. Col. James: Purportedly, that is correct Sir.

Mr. Ram: And they were issued on- date?

Lt. Col. James: 10/08/79, Sir.

Mr. Ram: Would this be approximately one month following the appointment of Major General Norman McLean as Chief-of-Staff?

Lt. Col. James: Sir, I will have to do research to verify the exact date of appointment for Major General Norman Mclean. I do not have that knowledge.

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Mr. Ram: The record shows that it was 12th July, 1979.

Lt. Col. James: Well, if the Commission accepts that record, I will have to say yes, Sir.

Mr. Ram: Can I ask Mr. Chairman whether the Commission accepts that record?

Mr. Chairman: I think there is some record as to when he was appointed, I do not know what you called it, I do not know whether Counsel can help me?

Mr. Hanoman: Yes. Mr. Major general McLean said himself that he assumed that position of the 12th July, 1979.

Mr. Chairman: And that position was?

Mr. Hanoman: Chief-of-Staff.

Mr. Chairman: Very well. We have assured that that is the evidence of Major General McLean.

Mr. Ram: And Sir, that was less than one month after a fire had destroyed the building housing the Office of the General Secretary of the People's National Congress (PNC) and the Ministry of National Development?

Lt. Col. James: Again Sir, I will have to do research because I do not have that information available in my head. Again Sir, if you have that documentation on record and the Commission so accepts, I will have to go with that, Sir.

Mr. Chairman: Well we are proceeding on the assumption that you are correct about those dates the evidence have been before us.

Mr. Ram: Thank you Sir. So, Lieutenant, the building in Camp Street housing that Ministry and Office no longer existed at the date of issue of series 13 to 16?

Lt. Col. James: Base on your record, I will have to say, yes Sir.

Mr. Ram: The Commission's record, Sir.

Lt. Col. James: The Commission's record, Sir.

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Mr. Chairman: What building is that again, Sir?

Mr. Ram: That is the Office of the General Secretary of the People's National Congress and the Ministry of National Development, Sir.

Mr. Chairman: Thank you.

Mr. Ram: Now, the building no longer existed. So can you say from your records, the location where the items listed in series 13 to 16 were to be stored?

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

Mr. Ram: Are you aware of any steps taken by the Guyana Defense Force (GDF) to ensure the proper custody and security of those weapons?

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

Mr. Ram: Your investigation did not pursue that?

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

Mr. Ram: Was there a no paper work that would support the issues of those particular items of weaponry?

Lt. Col. James: Sir, the paper works I would have referred to in my evidence issue and receipt vouchers and also the information contained in the Special Stores Register, pertaining to the issues highlighted in this reference, at serial 13 to 16, Sir.

Mr. Ram: Could you say very briefly what other records might have facilitated the investigation you are asked to carry out?

Lt. Col. James: Yes Sir. I did a note to that in my evidence. The authority to issue the weapons to the named individuals that would have greater assisted in determining the reason why those weapons were issued, Sir.

Mr. Ram: Is that the only missing document pertaining to those transactions? Would there, for example, been gate passes?

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Lt. Col. James: Yes Sir. There should have been gate passes.

Mr. Chairman: I think you are trespassing on matters too early, Counsel, I took the opportunity to re-read the evidence this morning.

Mr. Ram: Thank you, Sir.

Mr. Chairman: You are revisiting matters that were thoroughly discussed yesterday.

Mr. Ram: Thank you Sir. Would you consider the issue of those weapons a security risk?

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

Mr. Ram: In connection with the fire at the building that we spoke about a moment ago, are you aware that three leaders from the Working People's Alliance including Dr. Walter Rodney, had been charged for arson?

Lt. Col. James: No Sir.

Mr. Ram: Would you agree, as a security person, that such a major development would have caused an enhancement of security efforts within the GDF?

Mr. Chairman: What is the development you are referring to?

Mr. Ram: The fire at the Office of the General Secretary and the Ministry of National Development.

Mr. Chairman: Why I ask you, I thought you were referring to the fact that Rodney was charged.

Mr. Ram: No Sir.

Mr. Chairman: That is the reason why we have to be so explicit.

Mr. Ram: Thank you, Sir.

Lt. Col. James: I am not certain, Sir. I know for certain that the major development for the Guyana Fire Service and I am not certain, Sir. I cannot answer that question.

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Mr. Ram: Were any measures in the GDF tightened as a consequence of those developments?

Lt. Col. James: Sir, I joined the Guyana Defense Force during 1980 and I cannot give an answer to that question.

Mr. Ram: You did not have any records to indicate that there were?

Lt. Col. James: In my investigation, I did not pursue that line of investigation.

Mr. Ram: Are you aware whether a security file was maintained by the Ministry of National Development?

Lt. Col. James: I cannot say, Sir. I have never seen one during my research.

Mr. Ram: Would the unauthorised issue of arms and ammunitions be the subject of an investigation as a security breach by the Counter Intelligence Division referred to in paragraph three in your witness statement?

Lt. Col. James: Once directed by the Chief-of-Staff, yes Sir.

Mr. Ram: So the Chief-of-Staff directs the Counter Intelligence Division as to any investigations carried out?

Lt. Col. James: No Sir. We would normally have routine investigations and this would be a high profile investigation, Sir.

Mr. Ram: And such a direction would have had to come from the Chief-of-Staff?

Lt. Col. James: Yes Sir. He has direct responsibility and oversight for the G2 Branch/Intelligence Unit, Sir.

Mr. Ram: Were the issue of these arms 13 to 16 again ever investigated as security breaches?

Lt. Col. James: Sir, the issue of the arms as referenced in the Commission's document and at serials 13 to 16, was the subject of an investigation I did in August of 2008.

Mr. Ram: Was the focus security in that case or just location?

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Lt. Col. James: Sir, not necessarily security, the investigation was focused on how the weapons were issued and the current whereabouts of all the weapons as vouchered in the issue vouchers I would have presented to the Commission, Sir.

Mr. Chairman: Who conducted that inquiry?

Lt. Col. James: I said I conducted that inquiry in 2008, Sir.

Commissioner [Mrs. Jaqueline Samuels-Brown, Q.C]: Let me ask you something, if I may, Mr. Ram?

Mr. Ram: Sure Ma'am.

Mrs. Samuels-Brown: Thank you. Sorry to interrupt your flow, but in carrying out your 2008 investigation, Sir, did you go see any records or documents which indicated any previous investigations into the issue of the arms which are the subject of the vouchers that are now in that evidence?

Lt. Col. James: No Ma'am.

Mrs. Samuels-Brown: Thank you very much.

Mr. Chairman: Mr. Ram, I just want to get two matters cleared; what position was Mr. McLean holding at that time?

Lt. Col. James: You are referring to 1979, Sir, or 2008?

Mr. Chairman: 2008.

Lt. Col. James: 2008 he was not a member of the Guyana Defense Force, Sir.

Mr. Chairman: What about Mr. McPherson?

Lt. Col. James: He also was not a Member of the Guyana Defense Force, Sir. I am not certain if he was deceased prior to that date or after, Sir.

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Mr. Ram: Thank you Mr. Chairman. You explained to this Commission that the chain of command including an approval for arms issued to external agencies by approval by the Defense Board. Is that correct, Sir?

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

Mr. Ram: Did you locate copies of the minutes of the approval of the request in the possession of the Army?

Lt. Col. James: Could you repeat your question, please Sir?

Mr. Ram: Did you locate minutes of the Defense Board authorising the issue of those arms?

Lt. Col. James: No Sir.

Mrs. Samuels-Brown: He said he did not carry out any investigations at the level of the Defense Board on within the Army that was in his evidence yesterday.

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

09:57hrs

Mr. Ram: Would you consider that the Defense Board would or should have such records in its archives?

Lt. Col. James: I would assume so, Sir.

Mr. Ram: And you are aware that the current Secretary of the Defense Board is Dr. Roger Luncheon, is that correct?

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

Mr. Ram: You told the Commission of the rear incident of the loss of 4141 Sergeant Smith's personnel file, that is correct?

Lt. Col. James: I think you should check the accuracy of your question, Sir? You said 4141.

Mr. Ram: Sergeant Smith?

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Lt. Col. James: I am not certain if Sergeant was there, Sir.

Commissioner [Mr. Seenath Jairam, S.C.]: He said W. Smith. 4141 W. Smith.

Mr. Ram: Yes, 4141 W. Smith.

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

Mr. Ram: Are you aware whether a file was maintained by the Guyana Defense Force of the investigation into the death of Dr. Walter Rodney?

Lt. Col. James: I am not aware of that, Sir.

Mr. Ram: Do you have a working knowledge of the Defense Act, Sir?

Lt. Col. James: Yes Sir.

Mr. Ram: Can you point out to any section of this Act that allows for the issue or loan of arms to external agencies?

Lt. Col. James: I would answer your question, but I think I did loan the Commission my Defense Act, Sir.

Mr. Chairman: It is fair that he should have a copy of the Act before him.

Mrs. Samuels-Brown: It is a brown covered one that he loaned us yesterday. I think he would prefer to get it.

Lt. Col. James: I have another copy; that is okay.

Mr. Chairman: Yes, thanks. He has his own brown covered copy.

Mrs. Samuels-Brown: I think we should note for the record, that the Secretariat has found and provided a copy of the Defense Act with all the amendments. This one was LRO 2012 became a part of Guyana's official records in 2012 and it has amendments up to 1979.

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Mr. Ram: Yes, thank you, Ma'am. I had a word with one of the Commissioners this morning because I myself had undertaken to do some homework and I was doing a memo particularly in relation to section ten of the Act dealing with the Constitution of the Defense Board.

Mrs. Samuels-Brown: Yes, I am sorry; it does have amendments up to 1983.

Mr. Chairman: Up to 1983?

Mrs. Samuels-Brown: Yes.

Mr. Chairman: The amendments go as far as 1983, but you are attracting his attention to section ten of the Act?

Mrs. Samuels-Brown: No, in fact, it does have amendments up to 2011. It is the amendment of 1974, the amendment of 2011 amends regulation 14 of 1974 so it really goes up to 2011.

Mr. Ram: Yes it does, but the subject yesterday was in relation to section ten the Constitution of the Defense Board.

Mr. Chairman: You are attracting the Witness's attention to that again?

Mr. Ram: No Sir. It is more broadly whether there is any authority in the Act for the issue or loan or arms and ammunition to external agencies.

Lt. Col. James: I have not seen such a reference in the Defense Act chapter 15:01 of the Laws of Guyana, Sir.

Mr. Ram: So you are not aware of any statutory authority?

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

Mr. Ram: Commissioners, I have no further questions for this Witness.

Mr. Chairman: Has Commission Counsel been able to find any authority for that? Did you come across it during the course of your reading?

Mr. Hanoman: No please, Sir.

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Mrs. Samuels-Brown: I suspect that the study of the document is still ongoing of the Law anyway. I just wanted to point out before another Counsel comes forward, following up on Mr. Ram's reference to section ten of the Defense Act, I believe you were pointing us to the composition of the Defense Board?

Mr. Ram: Yes Ma'am.

Mrs. Samuels-Brown: And that is set out in section ten of the Act. I just say it because it arose yesterday and it is set out in the statute. I will not detain us by going through it. I do not think I need to unless the Chairman indicates that, but I just wanted to point that out.

Mr. Chairman: Mr. Ram, are you suggesting from your inquiry that this was a discretion that had no statutory basis that was exercised?

Mr. Ram: I am not even sure it was a discretionary, Sir. I am suggesting that it might have been completely unlawful.

Mr. Chairman: Well we will take note and continue to pursue that matter Commission Counsel, put your staff to work on it.

Mr. Hanoman: I will put all of them please, Sir.

Mr. Chairman: All of them.

[Laughter]

Mr. Chairman: Yes, who is next?

Attorney for Mr. Donald Rodney [Ms. Camille Warner]: Good Morning Mr. Chairman, my name is Camille Warner. I am associated with Mr. Keith Scotland who is representing the interest of Donald Rodney in this inquiry and in the circumstances; I wish to make a formal application for Standing.

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Mr. Chairman: Well you are granted Standing. I do not know whether it would ever be granted again with such dispatch.

Ms. Warner: Grateful.

Mr. Chairman: I look forward to hearing you. I have been advised and you have assured me already that I am correct that you have already been called in this jurisdiction.

Ms. Warner: Yes, I have been.

Mr. Chairman: Please proceed.

Ms. Warner: Lt. Col. James, is it correct to say that where a member of the Defense Board has been involved in a murder, the proper party or the proper authority to investigate the matter is the Police?

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

Ms. Warner: But you would agree with me that notwithstanding the Army can still make inquiries with the Police as to that Officer's involvement in the matter?

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

Ms. Warner: Are you aware that the Police were investigating Gregory Smith's involvement or alleged involvement rather in Dr. Walter Rodney's death?

Lt. Col. James: I am not aware officially, but in my formative years, I would have read that, Ma'am.

Ms. Warner: During your research, have you located any records which indicate that the Officer who was in charge of the Army at the time or any senior officer would have instructed or given instructions that inquiries be made as to Gregory Smith's involvement?

Lt. Col. James: No Ma'am.

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Ms. Warner: You would agree with me that Dr. Walter Rodney was a person of repute in Guyana, not so?

Lt. Col. James: Could you just repeat your question please, Ma'am?

Ms. Warner: You would agree with me that Dr. Walter Rodney was a person of repute in Guyana, not so?

Mr. Chairman: Was that ill repute you mean?

Ms. Warner: Pardon me?

Mr. Chairman: Is that ill repute?

Ms. Warner: He was well known in Guyana, not so?

Lt. Col. James: I know he was a very important person. He was respected.

Ms. Warner: High profile.

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

Ms. Warner: And you would agree with me that it would have been prudent and sagacious of the army to make inquiries especially given the fact that it involved one of their own?

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

Ms. Warner: But notwithstanding you have not found any records reflecting that?

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

Ms. Warner: Those are the extent of my questions.

Mr. Chairman: Thank you. You are setting examples in brevity. Mr. Pieters, I know you are here and would wish to be heard.

Mr. Pieters: Yes, Good Morning Mr. Chairman. Thank you very much for allowing me to participate and thank you to the Commissioners as well. Good Morning Lt. Col. James.

Lt. Col. James: Good Morning.

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Attorney for the Guyana Trades Union Congress (GTUC) [Mr. Selwyn Pieters]: I am Selywn Pieters and I represent the Guyana Trades Union Congress and I have some questions for you. Let me just confirm this right off the bat. Your regimental number is 99230?

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

Mr. Pieters: And you are the only person within the Guyana Defense Force that can hold that regimental number?

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

Mr. Pieters: You would agree that within the military that is akin to a military DNA, it is your identifier?

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

Mr. Pieters: So that even if there is more than one Sydney James in the Guyana Defense Force, it is traceable to you regardless of how they address you whether you are called Syd, Sydney or your middle name?

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

Mr. Pieters: So in other words, whether it is William Smith or Gregory Smith, what distinguishes one from the other is the regimental number 4141, is that not so?

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

Mr. Pieters: The Commission was shown a document and I believe that Mr. Pilgrim went through that document yesterday as well with you with that purported signature from Col. McPherson. Do you recall the exercise yesterday in respect to that document?

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

Mr. Pieters: You recall that Col. McPherson's regimental number is 9129?

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

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Mr. Pieters: Regimental number on the document is 9140?

Lt. Col. James: I will have to check, Sir.

Mr. Pieters: Can that document be put before the Witness?

Mr. Chairman: I lost that last question. Be kind enough to repeat.

Mr. Pieters: Sorry, Mr. Chairman, the question was...

Mr. Chairman: 9129 is Col. McPherson's regimental number

Mr. Pieters: Correct and the number on the document is 9140.

Lt. Col. James: If I might say the numbers on this document looks to me like 9142 and not a zero. I could be wrong.

Mr. Pieters: Well let us assume it is 9142, let me ask you in respect to that particular regimental number, did you ascertain during your investigation to whom that number belonged?

Lt. Col. James: Sir, I have not had cause to investigate this document. The first time I saw this document was at the Commission, Sir.

Mr. Pieters: Right and so you would have had 24 hours between yesterday and today, did you take any steps to check the male numbering register for example?

Lt. Col. James: No Sir, but I can do that if you so desire and if the Commission so directs, Sir. It would only take about five to seven minutes. I would be present right here and get the information with respect to any regimental number you wish, Sir.

Mr. Chairman: I do not propose that we break at this time to have that though. It might be useful to have it confirmed.

Mr. Pieters: I appreciate that Mr. Chairman.

Mr. Chairman: Very well.

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Lt. Col. James: I just for the benefit of the Commission, just so that we do not waste time, I will ensure that the regimental number for 9140 and 9142 is brought to the Commission. I do not know if that is okay with you, Sir?

Mr. Pieters: Well it is up to the Commissioners. We only ask questions from this part. We assist the Commission. It is up to the Commission from that point whether they want to receive it.

Mr. Chairman: You want to check three numbers?

Lt. Col. James: No, the Counsel did say the number was 9140, I am saying it looks to me like 9142 so I was going to bring the information with respect to both numbers, Sir.

Mr. Chairman: Yes, 42...

Lt. Col. James: 9140 and 9142, Sir.

Mrs. Samuels-Brown: I would love if you could get it after the break today.

Lt. Col. James: You will get it before the break. I was looking for someone from the Guyana Defense Force.

Mrs. Samuels-Brown: Okay.

Lt. Col. James: I am not seeing anyone here.

Mr. Pieters: We know that you were the Chief for Intelligence since 3rd September, 2007 and you have been a member of the Intelligence course since 3rd March, 1980?

Lt. Col. James: I was a member of the Guyana Defense Force from 3rd March, 1980 but I would have done recruit course, which is three months so I would have been at the unit from around June 1980, Sir.

Mr. Pieters: How old were you when you joined the Guyana Defense Force?

Lt. Col. James: Let me just calculate. I was born 1959.

Mr. Chairman: 21 years.

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Lt. Col. James: About 21 years old or so, Sir.

Mr. Pieters: You were 21 years old?

Lt. Col. James: That is correct.

Mr. Pieters: How old would you be today?

10:12hrs

Lt. Col. James: Actually I am 54 and approximately...

Mr. Chairman: Is that relevant though, having given us all the details...

Mr. Pieters: Sorry, Mr. Chairman, I just missed what you just said.

Mr. Chairman: No, I did ask whether that was relevant but, unlike the girls, he was anxious to answer ... [*Laughter*]

Lt. Col. James: I am in excess of 54 years, Sir. My 55th birthday is 29th October.

Mr. Pieters: Right, so 29th October is the day when you statutorily are required to leave the Armed Forces unless you get an extension?

Lt. Col. James: No, we normally do not have extension, Sir. I leave on 29th October, Sir.

Mr. Pieters: Right, Mr. Chairman, that was the point of the question; to find out when Lt. Col.'s retirement date is. You mentioned in Paragraph four that the Joint Intelligence Committee at Ogle was headed by Laurie Lewis?

Lt. Col. James: The deceased now, yes.

Mr. Pieters: When did you become aware of that particular point?

Lt. Col. James: I would not say it was a particular point in time. It was during my tenure in the G2 Branch from 1980, Sir.

Mr. Pieters: Would you have served at Ogle in the 1980's?

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Lt. Col. James: No, Sir, I was a Junior Investigator, followed by being promoted to Seniority Senior Investigator. My specialty is investigation, Sir.

Mr. Pieters: Your evidence is that you were never deployed to work at Ogle.

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

Mr. Pieters: At that material point in time, were you aware of other GDF Personnel who were deployed to work at Ogle?

Lt. Col. James: I know personnel from the Guyana Defense Force was deployed there, Sir. I cannot specifically say who those persons were but I know the staff there comprises of members of the Joint Services, Sir.

Mr. Pieters: I just want to ensure at the particular point in time you had that knowledge?

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

Mr. Pieters: Any evidence that you gave to the Commission with respect to the Joint Intelligence Committee would then be second-hand and third-hand information?

Lt. Col. James: Second-hand information, Sir.

Mr. Pieters: Very well. You mentioned in paragraph five that the GDF has a Standard Operating Procedure (SOP) for the issuance of arms and ammunitions to external agencies.

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

Mr. Pieters: In paragraph seven you described the procedures for issuance for weapons and ammunition to external agencies.

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

Mr. Pieters: You also testify that the procedure includes permission been sought all the way up to the Defense Board which is chaired by the President.

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

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Mr. Pieters: Let me ask you this particular point, at all material times was the Defense Board chaired by a President in Guyana?

Lt. Col. James: That is correct, Sir, it is in the Defense Act... Well I should not say “yes”, Sir...

Mr. Chairman: Could that be true? Only the recent...

Lt. Col. James: In our history there was not a President, there was a Prime Minister and at that time it was shared by a Prime Minister, Sir.

Mr. Chairman: ...that was up until 1980.

Mr. Pieters: Let me backtrack for a second on that particular point because I think there should be some clarity on that particular issue. Was there not a President by the name of Arthur Chung until the new Constitution?

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

Mr. Pieters: Was he not the Chair of the Defense Board at the particular point in time at which he was President?

Lt. Col. James: I would have to do that research to confirm, Sir. I cannot answer “yes” or “no”, Sir.

Mr. Pieters: I am going to suggest to you that Arthur Chung was the Commander-in-Chief of the Guyana Defense Force, not the Commander-in-Chief, but the overall Commander and Head of the Defense Board at the particular point in time.

Lt. Col. James: Sir, I will have to do the research to be able to answer that question truthfully, Sir.

Mrs. Samuels-Brown: Could you just remind me, what is the point in time you are referring to, Counsel?

Mr. Pieters: I am referring to the point in time 1976 to 1980 until the new Constitution came into force.

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Mrs. Samuels-Brown: So you are saying the Head of Defense Board was then President who was Chung?

Mr. Pieters: I am putting it to him.

Mrs. Samuels-Brown: Perhaps what I have here is the Act which goes up to, I think, 1977, Section Ten of which refers to the Prime Minister and then I have the amendment which was introduced in 1980, again, Section Ten of which now refers to the President as the Chairman so up to the change to the President seems to have come into being in 1980 from the copies of the Law that we have been provided with. I do not know if anything happened in between.

Mr. Pieters: I am guided by that, Mad'm Commissioner.

Mr. Chairman: Is that the same thing as saying that 1980 is the correct date?

Mr. Pieters: I do not have the Legislation in front of me. I am guided by the *stricto* of the Legislation. Thank you, Mr. Chairman. Let me ask you this, once an approval is given by the Defense Board and the President, the request with the respect to the firearms would be forwarded down to the chain of command in the GDF for the weapons to be issued to the external agencies and that would be on a Demand Issue Form showing the type of weapons and serial numbers, is that not correct?

Lt. Col. James: No, Sir that would be in the form of a Correspondence. It could be a formal letter quoting a number of references, for example, the reference from the organisation...

Mrs. Samuels-Brown: I am sorry, Witness, to interrupt, but I do not think you need to go through the different stages again because you did it for us.

Mr. Chairman: Two times yesterday. Two times yesterday he set out in detail...

Mr. Pieters: Okay, very well, I am going to skip over that. I probably missed that aspect of the evidence.

Mr. Chairman: Yes, you were not here. You are forgiven for that, yes. Yesterday's Verbatim Report carries it all.

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Mr. Pieters: I was on the aircraft, Mr. Chairman...

Mr. Chairman: I know you were not here.

Mr. Pieters: I am going to skip it. I am not going to unduly detain the Commission with evidence that was already adduced. Let me ask you this, in respect to weapons issued between 1976 and 2002, most of the external agencies, would you say, were encapsulated under the Ministry of Home Affairs and National Development?

Lt. Col. James: I never used Ministry of Home Affairs in any of my evidence to the Commission, Sir. I would have referred to a number of named external organisations, a number of named Joint Service Organisations and number of named Parliamentary Organisations.

Mr. Pieters: I appreciate that and those agencies would be the Police Force, the Prison Service, the National Service, Guymine Constabulary and you went through those yesterday?

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

Mr. Chairman: I think the Customs was mentioned too as one of the agencies.

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

Mr. Pieters: I did hear that, Mr. Chairman, for enforcement purposes, and you also mentioned, in respect to after 1992, Mazda Mining, Omai; I think Customs came in after 1992 and the Anti-Narcotics Unit.

Lt. Col. James: That is correct, Sir. It is listed in my witness statement, Sir.

Mr. Pieters: Let us look back then at these weapons that were issued and I think Mr. Ram covered one of the periods within which those weapons were issued as a significant point in time and that was shortly after the burning down of the Ministry of National Development; that incident occurred in July, 1979.

Lt. Col. James: We were trying to source the reference, Sir.

Mr. Pieters: Right, so a number of weapons were issued to Comrade Skeete...

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Mrs. Samuels-Brown: The Witness wants to refer to the Exhibits which refer to that. I think he got it.

Lt. Col. James: You are speaking about serials 13-16, Sir?

Mr. Pieters: Yes.

Lt. Col. James: Yes, Sir, “purportedly issued to a Comrade Skeete, Ministry of National Development for those...”

Mrs. Samuels-Brown: I am sorry, that document is Exhibit what now?

Ms. Rahamat: SCJ 5.

Mrs. Samuels-Brown: Yes, we should just let it be read into the record.

Lt. Col. James: I was say “purportedly issued to a Comrade Skeete, Ministry of National Development” with respect to serials 13-16, Sir.

Mr. Pieters: Right and then there were a whole host of weapons that were issued to him between May and October, 1976, that you went through.

Lt. Col. James: From the reference, Sir, that seems to refer from serial three to serial 12, yes, Sir.

Mr. Pieters: And then...

Mrs. Samuels-Brown: The whole host is 37?

Mr. Pieters: ...yes.

Mr. Chairman: Series three to...

Mrs. Samuels-Brown: No, the whole host is 50. 37 are is still outstanding, sorry.

Mr. Pieters: In July, 1978 there were 50...

Mr. Chairman: No, I did not get the Witness... He said in 1976 again another large number of weapons were issued starting from series three to...

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Lt. Col. James: Serial 12, Sir.

Mr. Chairman: ...12, yes, thanks.

Mrs. Samuels-Brown: It is actually more but is just that you, Counsel, said “a whole host”, but it is listed there. The amount issued is listed on the Exhibit SCJ 5 so I would not detain you.

Mr. Pieters: ...right and in July, 1978, 50 handguns were issued. You have that in the documents as well.

Lt. Col. James: That is series 17. That is correct, Sir.

Mr. Pieters: You know that, let me suggest this to you and see if you juxtapose any of this in your investigation. Did you juxtapose any significant event whether it is in the Caribbean Region or Guyana that coincided with the issuing of those firearms?

Lt. Col. James: No, Sir, my investigations did not focus on that, Sir.

Mr. Pieters: So if I suggest to you that part of the issuance of those firearms coincided with the Grenada coup, would you agree or disagree?

Lt. Col. James: Could you repeat what you said, Sir?

Mr. Pieters: If I suggest to you or put to you that some of those firearms that were issued were issued coinciding with the coup in Grenada, would you agree or disagree?

Mr. Chairman: What year was that?

Mr. Pieters: That was in 1976, no sorry, the Cubana Air Disaster was in 1976.

Mr. Chairman: October, September... It was the first day that I entered Parliament, actually.

Lt. Col. James: Sir, I think your information is incorrect, with respect to the Grenada coup, Sir.

Mr. Pieters: What is that?

Lt. Col. James: I think that your information is incorrect, Sir.

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Mr. Pieters: I know I made a mistake on the dates. The 1976 issue was with the respect to the Cubana Air Disaster; that is what I am telling you or suggesting to you.

Lt. Col. James: So your question you wish me to answer is with respect to the Cubana Air disaster...

Mr. Pieters: Yes.

Lt. Col. James: ...in 1976, Sir?

Mr. Chairman: [*Inaudible*]

Mr. Pieters: Right. Sorry Mr. Chairman, you were saying something?

Mr. Chairman: [*Inaudible*]

Mr. Pieters: No.

Mr. Chairman: ...so you get ahead.

Mrs. Samuels-Brown: Before you get ahead, if I may, Mr. Chairman, is that a question or a suggestion, Counsel?

Mr. Pieters: It is a suggestion that he can agree or disagree with.

Mrs. Samuels-Brown: Okay, well I do not need to speak to you about how suggestions are treated with later, in terms of calling of evidence, I just would remind you. Thank you.

10:27hrs

Mr. Pieters: Yes. Let me ask you this...

Mr. Chairman: Are you sure now that the witness is clear on what is before him? He was suggesting to you that the issuance of firearms was coinciding with certain events in the Caribbean, like the Cubana Air Disaster just off the west coast of Barbados in 1976.

Lt. Col. James: Sir, my answer would be the two events you alluded to did occur in the year 1976.

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Mr. Pieters: Right and I am going to suggest to you that it is likely, in light of that terrorist event, that the Guyana Government did issue firearms...

Mr. Chairman: Counsel, just pause for a minute. Are you suggesting that what is regarded as the Grenade Coup took place in 1976, the same year as the Cubana Air Disaster off the West Coast of Barbados?

Lt. Col. James: No, Sir, I was saying...

Mr. Pieters: No...

Lt. Col. James: ...that date was incorrect. The Grenada Revolution was not in 1976. You can check, Sir.

Mr. Pieters: No, that is true and that is why I took that back. I mixed up a whole bunch of dates here.

Mr. Chairman: So what year are you giving for that now?

Mr. Pieters: April 1979? I do not have that date. Let me ask you this, do you recall the Referendum in 1978?

Mr. Chairman: No, but what was the answer that the Witness gave in relation to the two events in the Caribbean that you mentioned?

Mr. Pieters: He was not aware of it. He did not give an answer.

Lt. Col. James: I agreed that the Cubana Air Disaster and the issue of the weapons in 1976 occurred during 1976; that was my answer, Sir.

Mr. Chairman: And your answer is that you could help him.

Lt. Col. James: No that it occurred in the year 1976, both events, Sir.

Mr. Chairman: Yes, but the question had to do with whether that event, namely the Cubana Air Disaster in 1976, might have been responsible for the issuance of arms here.

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Lt. Col. James: My answer, Sir, was that both activities occurred in 1976. I cannot answer specifically to the question being asked by Counsel.

Mr. Pieters: You are also aware that a number of firearms were issued and that coincided with the Referendum that was held in Guyana.

Lt. Col. James: Sir, I will have to do my own research to confirm which year the referendum was held in Guyana.

Mr. Pieters: Well, it was held in 1978.

Lt. Col. James: Well, if you say so, Sir, and the Commission accepts your date as official and as a record, I would say Serial 7-17 occurred during the year of the referendum.

Mr. Chairman: No, but the fact that it occurred in the year of the Referendum, does that mean that there is any connection? I think his is asking you if you accept that there is a connection.

Lt. Col. James: I cannot make any connection just because it would have occurred during the year 1978, Sir; that is what I am trying to say.

Mr. Pieters: So as part of your investigation into the issuance of these firearms, you did not look at any significant event that occurred within Guyana or the Region that may have coincided with these issuances?

Lt. Col. James: No, Sir and if you would read the report I wrote you would see I made no such inference.

Mr. Pieters: Is there any reason why you did not try to make a nexus, a connection or a link?

Lt. Col. James: Sir, I was just seeking to establish the number of weapons which were issued by the Guyana Defense Force to external and other agencies and attempting to ascertain those that were returned.

Mr. Pieters: Very well. Let me ask you this, you would be aware that 1976 to 1980 was the height of the Cold War?

Lt. Col. James: Sir, the Cold War was even before 1976.

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Mr. Pieters: Right but let us deal with that specific period of “Reaganism” and...

Mr. Chairman: Do you point to that as the high point of the Cold War? You get ahead, I do not necessarily agree with that.

Mr. Pieters: No, that is fine but there were a number of things, there was the Iran-Contra Affair, there was the NATO Block and the Warsaw Block, are you aware of that?

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

Mr. Pieters: Are you aware at any point that there was a discussion about the Cubanisation of Guyana?

Lt. Col. James: No, Sir, I was not a member of the Military and I would not have been focused on that.

Mr. Pieters: No, but these are in records that are readily available.

Mr. Chairman: Do not quarrel with him. He says that he is not aware and I think that we have to abide by that answer. He says that he is not aware.

Mr. Pieters: Very well, Mr. Chairman.

Mr. Chairman: Very well, thank you.

Mrs. Samuels-Brown: Just for my clarification, there was a discussion, where you are asking? That is a very general question, a discussion locally, internationally, both, where?

Mr. Pieters: Well, there was a discussion in Burnham’s speeches, not Walter Rodney but Eusi Kwayana wrote on the subject...

Mrs. Samuels-Brown: So, locally then?

Mr. Pieters: Yes.

Mrs. Samuels-Brown: Thank you. Your answer is still “no”, sir?

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

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Mrs. Samuels-Brown: Thank you.

Mr. Pieters: Did you have an opportunity to review the evidence of Robert Gates?

Lt. Col. James: No, Sir.

Mr. Pieters: Let me ask you this: Is there any reason why you would not have reviewed that evidence?

Lt. Col. James: I was not particularly interested in the evidence, Sir.

Mr. Chairman: He was given a particular assignment, as it were, that did not include that.

Mr. Pieters: Mr. Chairman, can I still go ahead and ask him for his opinion on...

Mr. Chairman: To the extent that he did not read it and he did not review it, I do not know that he will be able to help you.

Mr. Pieters: I will ask him it in hypothetical terms but if you say move on, I will.

Mr. Chairman: Well, pose the question, it may be relevant. You get ahead.

Mr. Pieters: Let me ask you this as a person who has been in the Intelligence Committee for over 34 years, if you are involved in...

Lt. Col. James: May I just correct you, Sir? I have not been in the Intelligence Unit for 34 years. I have also served in other units of the Guyana Defense Force during the period of time I would have been in the Guyana Defense Force, Sir, so to infer that I have been there for 34 years is not accurate.

Mr. Pieters: Okay, so you have had periods where you have left the Intelligence Sector of the Army and worked in other capacities?

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

Mr. Pieters: Very well. Let me ask you this, if you are in an intelligence operation would you blow your cover to someone else because that person may be a family member or a close friend?

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Lt. Col. James: No, Sir.

Mr. Pieters: Would you find confidential security documents lying in a dumpster, for example, in a street readily accessible to the common person to be a very strange and unusual occurrence?

Lt. Col. James: With the kind permission of the Commission, I think you are getting into a realm of security which I respectfully would not wish to address at this open forum, Sir.

Mr. Pieters: No, well I am asking you a hypothetical question because the Commission has evidence before it from a witness who says that he rummaged through a dumpster near to a particular mission and retrieved sensitive documents, so I am asking you, as a security expert, whether you would consider that in the light of shredding and in the light of other measures that are taken to ensure that security documents are properly destroyed, that that would have been an extremely unusual occurrence.

Lt. Col. James: To give you a hypothetical answer to your hypothetical question, Sir, I would find that extremely not in keeping with an Intelligence Unit.

Mr. Chairman: At the end of the day, we have to be concerned with what happened and not what ought to have happened. Every day there are departures from what ought to happen.

Mr. Pieters: Yes, Mr. Chairman.

Mr. Chairman: You get ahead.

Mr. Pieters: Is it normal for undercover agents to recruit other undercover agents, including bodyguards for key political personalities?

Lt. Col. James: Sir, I did suggest just now that this particular line of questioning is getting into National Security and respectfully, with the direction of the Commission, I would wish not to answer the question.

Mr. Chairman: Yes, I would ask the witness to get ahead because I do not know that his answers would be helpful to us. At the end of the day we have to make a determination as to whether or not we accept Mr. Gates' evidence as truthful, whether it coincided with what may be

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regarded as normal and usual behavior or otherwise so nothing that the witness may say will absolve us of that responsibility in relation to Mr. Gates' testimony, so please proceed.

Mr. Pieters: Yes. Did you know Laurie Lewis?

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

Mr. Pieters: Yes?

Lt. Col. James: I said "yes", Sir.

Mr. Pieters: Well, "that is correct", I was not sure what that meant that is why I asked if it was 'yes' you meant. How long have you known Laurie Lewis for?

Lt. Col. James: I have known him since I joined the Guyana Defense Force, in 1980.

Mr. Pieters: So, you would have known him since 1980 and how would you have viewed him as an intelligence operative?

Lt. Col. James: Again, Sir, second hand reports that he was a member of the Guyana Police Force, he was a member of the intelligence community, he was a Former Commissioner of Police.

Mr. Pieters: Right, but do you have any personal views in terms of this man's acuity in terms of how he acted as an intelligence operative?

Lt. Col. James: No, Sir, I never had to opportunity of working with him.

Mr. Pieters: The Chairman's light is on.

Mr. Chairman: I do not know how helpful that would be to us either, but you are at end. Is that correct? Are you at an end, Counsel?

Mr. Pieters: Pardon, Mr. Chairman?

Mr. Chairman: You have come to the end of your questioning?

Mr. Pieters: No, I have a few more.

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Mr. Chairman: Very well, get on.

Mr. Pieters: Let me ask you this about these weapons... Again I ask you... Are you aware that Guyana, at some particular point in time, let us say between 1978 or even 1977, faced external threats from Venezuela?

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

Mr. Pieters: And ...

Lt. Col. James: Just let me tell you, Sir, it is not from 1978. It is from since prior to Independence.

Mr. Pieters: Right but there was a ramping up ... Sorry, was the Commissioner saying something?

Mrs. Samuels-Brown: No, I did not hear from when.

Lt. Col. James: I am saying it was prior to Independence and it still continues even as we speak.

Mr. Pieters: Right but there was a period in 1978 and going on where there was a ramping up and there was defense bonds, et cetera, being sold. Do you recall that?

Lt. Col. James: I am not certain, Sir, I can say from 1980.

Mr. Pieters: Right. Would you agree that some of those weapons may have been issued to the Ministry of Natural Development or personnel within that Ministry to meet any external threats?

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

Mrs. Samuels-Brown: Officer, in your operations and experience in the Army, what organization is usually responsible for military defense from external threats?

Lt. Col. James: Well, it is the entire military. For example, it should be the Infantry Unit, but you would have other units of the Force supporting the Infantry in their main mission, which is, responding to aggression, Ma'am.

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Mrs. Samuels-Brown: In your dealings in the Army has the Ministry of National Development ever been incorporated as one of the bodies, battalions or agents that deals with militarily facing these border threats?

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

10:42hrs

Mrs. Samuels-Brown: Thank you.

Mr. Chairman: *[Inaudible]*

Lt. Col. James: I would say that the other supporting units –the infantry for example, is, let us say, the 5 Service Support Battalion- they had provided kits; they had provided logistic equipment, for let us say the infantry units that are deployed. You might incorporate, for example, the coast guard moving infantry troops through our riverine areas to the border. You can have the air corps doing a similar exercise from flying troops, from bases like Timehri to the border areas –Eteringbang, Mabaruma, Kaikan, etcetera, Sir.

Mr. Chairman: Thank you.

Mr. Pieters: Mr. Chairman, I am just going through my questions to see if I should just close it off. Let me ask you this; the weapons that are in your report, can you say which country those weapons came from?

Lt. Col. James: That is a fair question, Sir. I cannot say with any degree of certainty where the Smith and Wessons might have originated from, because we have a number of countries that can produce Smith and Wesson pistols.

Mr. Pieters: Well let me ask you about the M70 rifles. Where would they have come from?

Lt. Col. James: Well, the M70 would have come from one of the Eastern bloc countries, because it was imported into the Guyana Defence Force during the period prior to 1980, Sir.

Mr. Pieters: How about the AK47 rifles?

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Lt. Col. James: Again, Sir, one of the Eastern Bloc countries. It could also have been from Russia. I cannot say definitively, Sir.

Mr. Pieters: How about the HK11?

Lt. Col. James: The HK11 is a German weapon, Sir. I would naturally assume it came from Germany, Sir.

Mr. Pieters: Right. It would have come from East Germany at the particular time?

Lt. Col. James: Again, Sir, I cannot say whether it is East or West Germany at that time, Sir.

Mr. Chairman: Counsel, help me to work out relevance.

Mr. Pieters: Mr. Chairman, I am going down that line.

Mr. Chairman: No, but be careful to help the Commission to establish the relevance. None of us must be asking questions for asking sake. It must be interesting, but it should be relevant to the terms of reference. Otherwise, we have a mass of evidence that is not helpful.

Mr. Pieters: I appreciate that.

Mr. Chairman: Yes.

Mr. Pieters: Let me ask you about these weapons. In your investigations with respect to these particular weapons, did it ever come to your knowledge that these weapons were donations not to the army but from one Government to the other, and the Army was simply holding these weapons?

Lt. Col. James: I cannot answer that, Sir. I have no information on that, Sir.

Mr. Pieters: So you would not know whether these weapons were a gift from a socialist Government to another?

Lt. Col. James: No, Sir.

Mr. Chairman: He answered that already.

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Mr. Pieters: No, I appreciate that he answered that. You did not investigate asserting that? Your investigation did not need you these?

Lt. Col. James: No, Sir. With the permission of the Commission, Sir, I was going to send for the two files -9140, and 9142, Sir.

Mr. Chairman: Yes.

Lt. Col. James: Thanks.

Mr. Chairman: You did communicate?

Lt. Col. James: Sir?

Mr. Chairman: You did communicate?

Lt. Col. James: Yes, Sir.

Mr. Chairman: Very well. Let us get on.

Mr. Pieters: If I suggest to you that the GDF was merely used as a temporary custodian because of its superior system for recording, and storage of the weapons; would you agree, or disagree?

Lt. Col. James: Sir, again, I cannot answer, Sir.

Mr. Chairman: but is that not linked to the earlier question of which he said he had no knowledge? Of gifts being held by the Army?

Mr. Pieters: Well, you will agree with this, though, that the GDF properly documented and catalogued each and every weapon, and that is why you were able to have that documentation before the Commission today?

Lt. Col. James: What I would say is that at any stage there are records relating to weapon inventory, Sir.

Mr. Jairam: But Mr. Pieters.... Mr. Pieters, even if it was a gift from one Socialist State to another, surely it would not be to equip the ordinary citizen. It would be to reinforce your armed forces. So, why would the Army simply hold them to pass it on to some external agency?

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Mr. Pieters: Lt. Col. James, you heard Commissioner Jairam's question. Are you able to answer that question?

Lt. Col. James: I do not know if it was a question directed to me, Sir. I thought he was speaking to you, Sir.

[Laughter]

Lt. Col. James: But I can answer the Commissioner's question if it is so directed to do so.

Mr. Chairman: Please, Counsel, get ahead with questioning.

Mr. Pieters: I am going to suggest to you because Commissioner Jairam's question does require an answer. I am going to suggest to you that at the time what Guyana was facing, both external and internal threats, the People's Army included the citizenry as well.

Mr. Chairman: That, by the way is not.... Mr. Jairam made a comment, but if you want to ask a question, do not use Mr. Jairam's comment as basis for it, because you have distorted his comment.

Mr. Pieters: No, I am not distorting it. I am using it as a launch pad for questioning. Mr. Chairman, I would never distort any questions from you or any of the Commissioners.

Mr. Chairman: Let us get ahead, because you have gone well beyond the half an hour you have set yourself for, but get ahead.

Mrs. Samuels-Brown: I have a note of the question. It is not a question, just a suggestion; that at the time Guyana was facing external and internal threats, and the People's Army included the citizenry as well. I think that is a suggestion made to you. Is that so, Sir?

Lt. Col. James: I would have to say yes, Ma'am. The citizenry component was under the Guyana's People Militia, Ma'am.

Mrs. Samuels-Brown: The what?

Lt. Col. James: People's Militia, Ma'am.

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Mrs. Samuels-Brown: But was it ordinary citizens or you had to be enlisted in the People's Militia?

Lt. Col. James: It was organised reserves in communities all across Guyana.

Mrs. Samuels-Brown: So, you had to be enlisted, or registered?

Lt. Col. James: You could have volunteered. It was basically volunteering.

Mrs. Samuels-Brown: Were you registered, or noted, or just any citizen on the road without any formality, or who is a member of the Military?

Lt. Col. James: No, Ma'am. There was a system of documentation with respect to reserves in the Guyana's people Militia at that time, Ma'am.

Mrs. Samuels-Brown: Thank you.

Mr. Pieters: You would agree as well that people within the Young Socialist Movement (YSM), the Women's Revolutionary Socialist Movement (WRSB), and all those other entities would have received military training as well?

Lt. Col. James: I am not certain, Sir. I cannot answer that question, Sir. I would say if there were members of the Guyana People's Militia, I would say yes.

Mr. Pieters: Those are all my questions.

Mr. Chairman: Thank you, Counsel. Is there any other Counsel that is....

Attorney for Dr. Patricia Rodney, Asha Rodney, Shaka Rodney and Kanini Rodney [Mr. Andrew Pilgrim, Q.C.]: We had had an interest expressed from Mr.... not Basil, remember the gentleman that had said he wanted to have another... Sobers, Mr. Sobers.

Mr. Jairam: No, it was not this Witness.

Mr. Pilgrim: That is for Father Malcolm.

Lt. Col. James: Excuse me; I have the information with respect to the two files, Sir. I just have to get my phone out of my vehicle.

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Mr. Chairman: Okay. You are given one minuet to do that. Please, get it.

Lt. Col. James: No, I was not going to go. I will send for it. I can continue answering questions, Sir.

Mr. Chairman: I take it that there are no more questions coming from Counsel representing interested parties. So, Commission Counsel, you have some questions....

Mrs. Samuels-Brown: Mr. Chairman, can I just clarify two matters before Commission Counsel comes forward? The Register was put into evidence as one of the Exhibits in this matter, the Special Store's Register.

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

Mrs. Samuels-Brown: I think there were eight or eleven pages. From pages 33, and following, I just want to confirm that the serial numbers for various firearms are listed there. Am I correct?

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

Mrs. Samuels-Brown: Can we be shown the exhibit, please? That is Exhibit what, please?

Secretary to the Commission [Mrs. Nicola Pierre]: SCJ 4.

Mrs. Samuels-Brown: SCJ 4. Thank you. There are no dates on this register, am I correct?

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

Mrs. Samuels-Brown: Dates endorsed on the register.

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

Mrs. Samuels-Brown: But there is provision there for dates to be endorsed as to when the firearms were received; when they were distributed; and their final disposal?

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

Mrs. Samuels-Brown: Can you account for the absence of such dates as a result of your investigations? Can you account for the absence of dates?

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Lt. Col. James: Ma'am, yesterday in my evidence, I did suggest that the Store's personnel responsible for affixing that information on the relevant issue voucher; and even the Special Store's Registers, were delinquent in their performance of duties. That is my answer to you, Ma'am.

Mrs. Samuels-Brown: Alright. Thank you. I just wanted to get that clear. Now this morning we referred to the defence board, and you armed yourself with the act. I would like you to refer to it with me now, and I am going to ask you, if you are familiar with the fact that the Guyana Defence Board, by virtue of section nine of the Defence Act, has very wide powers in relation to the command, discipline, and administration on all other matters relating to the force. Am I correct?

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

Mrs. Samuels-Brown: It would be in exercise of those powers that it would have been considering request from external forces?

Lt. Col. James: I would say yes, Ma'am. I agree with you that they would consider other matters as it relates to the Guyana Defence Force, Ma'am.

Mrs. Samuels-Brown: Thank you very much. Now, the act, since we are on it also makes provision specifically for the discipline of members of Guyana Defence Force. Am I correct?

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

Mrs. Samuels-Brown: Among the offenses noted in the act, are at section 47, "desertion."

Lt. Col. James: Section 47, Ma'am?

Mrs. Samuels-Brown: Yes. It probably would be quicker if you looked at the arrangement of section in the beginning that would have it.

Lt. Col. James: Section 47 relates to desertion and Absence Without Leave, Ma'am.

Mrs. Samuels-Brown: Section 48 also deals with Absence Without Leave. Section 49 deals with assisting and concealing desertion, and absence without leave.

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

Mrs. Samuels-Brown: Shall we take a break, Mr. Jairam?

Mr. Hanoman: Mr. Chairman has asked to be excused for just one minute.

Mrs. Samuels-Brown: Perhaps the witness can use the opportunity to confirm the matters he needs to confirm.

Lt. Col. James: Yes, let me get that, please?

[Court Marshall handed the Witness the document]

10:57hrs

Mrs. Samuels-Brown: I do not want you to interrupt this flow you can come back to it at the end if that would be convenient. So we dealt with the offences of desertion, Absent Without Leave, assisting and concealing desertion.

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

Mrs. Samuels-Brown: Now, if we can look at desertion and the Law provide that every person subject to Military Law under this Act who persuades or procured any person subject to service Law shall have committed an offense. Am I correct?

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

Mrs. Samuels-Brown: So for example if you assist soldier to leave the country without him have had permission to do so, that would amount to an offense?

Lt. Col. James: Once he is a deserter, Ma'am.

Mrs. Samuels-Brown: Yes, and if you assist a person who absent himself without leave from the Force to leave the country, that would amount to an offense?

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

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Mrs. Samuels-Brown: Thank you. I want you to also consider the offense created by the Defense Act relating to property, section 53 I believe it is, which provides us every person subject to Military Law who steals or fraudulently misapplies any public or service property, shall have committed an offense and shall on conviction, be liable to be imprisonment etcetera. Do you see that?

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

Mrs. Samuels-Brown: So for example if a member of the Military were to remove electronic equipment without the permission of his superiors or without any lawful authority, that would be an offence on the Military Law?

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

Mrs. Samuels-Brown: Thank you.

Lt. Col. James: With the permission of the Chairman, Sir, a question was raised with respect to two regimental numbers. The information I have based on the records of the General Personnel Department, 9140 that number relates to Newburn Hilary James. With respect to 9142, that identity relates to Andrew Lincoln Hartley.

Mr. Chairman: Neither one relate to McPherson?

Lt. Col. James: No Sir, I did indicate before that Colonel McPherson regimental number is 9129, Sir.

Mr. Chairman: I want to ask you a question. Drawing on your investigation as an investigator and of life, assuming for a moment that Mr. McPherson wanted to conceal his involvement, would it be surprising that his signature there is not the usual signature of McPherson and that the regimental number there is not the correct regimental number? Drawing on your experiences as investigator, assuming he wanted to conceal his involvement, would it be surprising that we have that...

Lt. Col. James: Well Sir, as I did say earlier there are a number of other characteristics on the form which does not suggest that a military oriented person might have written that document, it

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might have been possible, but that possibility does not seem... based on the characteristic I would have listed when I examined that voucher, Sir. Characteristics such as the incorrect designation for weapons like Sniper Bayonets, rounds listed as short and long, some of those Sir.

Mr. Chairman: Even if it was deliberate as part of concealment of his role?

Lt. Col. James: Sir, it could have been possible, but I suspect that there would have been some problems when that particular... well the voucher... I would say Colonel McPherson would not have written up the voucher, Sir. This would have to been by the person preparing the document, and all he would have had to do was... I do not think he would have had to sign on the voucher. I did elaborate, Sir, the system with respect to the voucher where the authority is entered there and the person who would have actually signed on the voucher would be the issuing supervisors of the weapons bond. Having Colonel McPherson's signature there, Sir, it is a bit skewed; it does not really make any correct sense, Sir.

Mr. Chairman: You are saying that the document as is, is unintelligible; it does not make sense?

Lt. Col. James: I would not say it does not make sense, Sir, but having his signature on the signature, there is no requirement for his signature to be on the document, Sir.

Mr. Chairman: But that could not be part, I am putting to you, as a scenario of misleading, all of that?

Lt. Col. James: Well, I do not know how I can answer that because the signatures that should be on the document is the person collecting the weapons and the person issuing the weapons, and the Colonel in this capacity or a Colonel or Officer, he would not get down to issuing weapon. The person doing that exercise is the person working at the weapons bond, Sir.

Mr. Chairman: He should not, you said he would not?

Lt. Col. James: Well I say he should not because whoever is issuing the weapons, and that person should be working at the bond, their signature should be affixed on the voucher, Sir.

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Mr. Chairman: I think you may be ignoring the nature of the times that we are investigating. There are many things that ought not to have happened, happened. Anyhow that is your answer and I have to respect it.

Mr. Jairam: Just Lt. Col. to follow up on the Chairman, that form has a notation at the bottom before the last signature can you [inaudible] this is in the LJSBWPA 1 page 74. It says, "I acknowledge receipt of the items enumerated above or when not available to issue that adjustment has been made or something as applicable." What does that mean?

Lt. Col. James: Sir, as I did indicate to you this form relates to a transaction involves the lost and surcharge of kits and equipment and I suspect that this, the writing at the bottom here relates to the items which, I would say listed at the top which should relates to kit and equipment and not for the issuance of arms and ammunitions, Sir. I cannot make an analysis of this form based on the items that are listed here because for all intents and purposes, Sir. This form is used for the issuance for kits and equipment.

Mr. Chairman: You do not see that as likely being part of the concealment of its legitimacy?

Lt. Col. James: No, I would say Sir, that if there was an intent to let us say, collect these items, it would have been more useful to have them on an issue voucher which would have been more regular, Sir. It might have escape scrutiny if you want to speculate on that, Sir.

Mr. Jairam: Thank you.

Mrs. Samuels-Brown: I wanted to just, for the completeness of the record, go back to something else, but I am going to follow up on the Chairman and Commissioner Jairam, that form which is at page 74, it is a form which is used by the Army, we have established that.

Lt. Col. James: I just want to say, Ma'am, it is not use now, it was previously used.

Mrs. Samuels-Brown: It was used by the Army?

Lt. Col. James: Yes Ma'am.

Mrs. Samuels-Brown: ...and it should not be made available to persons outside of the Army by members of the Army?

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

Mrs. Samuels-Brown: It should be kept within the Army.

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

Mrs. Samuels-Brown: So it is either used by someone in the Army or made available in an unauthorised way to someone outside of the Army.

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

Mrs. Samuels-Brown: Okay, thank you that is what I wanted with the form, but I wanted for the completeness of the record to, I do not know if you said it and I missed it, in relation to your statement in paragraph 15 where you list the distribution of certain weapons and in one or two cases ammunitions to external organisations, some acronyms are used and I am not sure if it on the record what these mean. Did you tell us what CAN and CANU, you said CAN was the short for CANU?

Lt. Col. James: Okay, CANU – Customs Anti-Narcotic Unit.

Mrs. Samuels-Brown: Alright.

Lt. Col. James: And if I can continue, Ma'am.

Mrs. Samuels-Brown: I just want to know what it means that is all.

Lt. Col. James: One of the vouchers does not have CANU, it just has CAN and I assume that was CANU with the "U" left out.

Mrs. Samuels-Brown: Yes, you told us that yesterday, thanks. What about OMAI?

Lt. Col. James: OMAI, was a gold mining company located pass Linden, Ma'am, a Canadian based company.

Mrs. Samuels-Brown: And that was a private company?

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

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Mrs. Samuels-Brown: And remind me, you have told us before, what was TSU?

Lt. Col. James: The Tactical Services Unit of the Guyana Police Force.

Mrs. Samuels-Brown: That is a military service department, a joint services, I just want to complete that. Thank you very much.

Mr. Chairman: Commission Counsel, I think your hour has come.

Mr. Hanoman: Do you agree there has always been a need for paper trail to be created when guns leave Camp Ayangana?

Lt. Col. James: Sir, the procedure requires that there is a paper trail.

Mr. Hanoman: You also agree that the issuance of arms to Government Ministries to be abnormal and irregular?

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

Mr. Hanoman: You would agree that if guns were to be given to an organisation such as the House of Israel that that would also be an abnormal and irregular procedure?

Lt. Col. James: Yes Sir.

Mr. Hanoman: Do you agree therefore it would not be strange for abnormal and irregular paper trail to be deliberately created to cover those issues of arms?

Lt. Col. James: No, I find that very unusual, Sir, because there is a number of checks and balances despite an abnormal or unusual paper trail. It is an abnormal issue can be identified in the checks and balances system that is in the Guyana Defense Force and if you would allow me to elaborate, Sir, for example, you would normally have a 100 per cent in inventory check twice a week and that check can determine abnormality.

Mr. Hanoman: If the record is available and not missing?

Lt. Col. James: No, Sir, just to give you an idea. Let us say you have ten guns. Let us say on Tuesday and let us say you are checking on Friday, and you see you now have six guns, it would

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trigger one of the internal mechanisms that would have determined where the remainder of the weapons are during the period from the last check, Sir.

Mr. Hanoman: What about is the investigators were also conspirators in this irregular hand out of guns?

Lt. Col. James: If that a question you ask me, Sir?

Mr. Hanoman: No, the checks and balances you speak about presume as the Chairman has pointed out that things were regular but they were not these checks and balances may not work as efficiently as you now state. Do you agree with that?

Lt. Col. James: No, let me tell you the challenge I have in answering your question, Sir. You are making reference to a system to which I told you I am not familiar with, but the system as I know it now, would determine any irregularities with respect to [*inaudible*] and accountability of weapons and I suspect that system predated what pertains currently, Sir. So I would say it is highly unusual for such an abnormal occurrence have taken place in the period 1976 to 1979, Sir, with respect to weapons and ammunitions.

Mr. Chairman: You said it was a highly abnormal period?

Lt. Col. James: No, I am saying a highly abnormal, like issue of weapons would have been detected then and would be detected now it were to occur so I find it as a challenge for me to answer the question to suggest that.

11:12hrs

Mr. Chairman: Is it not a reality though that your evidence speaks to a large number of unusual and irregular circumstances with respect to the issuance of these arms?

Lt. Col. James: I would not say that, Sir. What I would say is that there are some discrepancies with respect to the issue vouchers and also the authority for issue, but...

Mr. Chairman: But they are fundamental.

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

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Mr. Chairman: Yes and you say that given the checks and balances system that you have, it would have triggered an investigation, but was there any investigation triggered?

Lt. Col. James: I would say no, Sir, and based on that my analysis would suggest that as documented on the issue vouchers the weapons were issued to the named individuals and or the organizations listed on the issue vouchers, Sir.

Mr. Chairman: But to the extent that there were these abnormalities and inconsistencies and no investigation was triggered. Did you address your mind as to why not?

Lt. Col. James: Well Sir, I know you had some of the principles from that period here and I suspect you should really ask them that question, Sir.

Mr. Chairman: But it occurred to you that there must be some strange reason why the system that has such a large number of checks and balances did not give rise to an investigation?

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

Mr. Chairman: Very well.

Mr. Jairam: May I ask you something? It crossed my mind. Presumably an Army and the Guyana Defense Force would not have a few weapons in its stock. It would have a large amount of weapons, arms, ammunition and so on, would it not?

Lt. Col. James: You are talking about in a truck, Sir?

Mr. Jairam: In the Ordnance Department where you keep your spares.

Lt. Col. James: No Sir. There are several weapons bonds, Sir.

Mr. Jairam: Several weapons bonds?

Lt. Col. James: Yes Sir.

Mr. Jairam: So it is not a few guns you would see; there are many?

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

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Mr. Jairam: How often in your experience would you do a physical stocktaking to reconcile with your documents?

Lt. Col. James: As far as I know Sir, in those days, it was once per week.

Mrs. Samuels-Brown: Per week?

Lt. Col. James: Once per week. Now, it is twice per week, Sir.

Mr. Jairam: So those physical stock-taking should have revealed some of these weapons.

Lt. Col. James: That is correct, Sir, and if I can just add a bit. The stocktaking previously in those days might have entailed only the Ordinance Corps or the Ordinance Battalion, now, it also involves the G2 Branch I would have to say, Sir, so there are other external factors that you really have to have great collusion because you would not even know who is coming from the G2 Branch to...

Mr. Jairam: How long has the G2 Branch has been involved?

Lt. Col. James: How long it has been in existence, Sir?

Mr. Jairam: How long has it been involved in that exercise?

Lt. Col. James: Well Sir, we made this discovery in 2008, Sir.

Mr. Jairam: I see.

Mr. Hanoman: I am trying to follow up on what has just been asked. We have evidence that guns were missing since 1976.

Lt. Col. James: Sir, you have to be careful with your question. We have evidence that guns were issued in 1976.

Mr. Hanoman: And not returned, Sir. Right, are you saying it took you 32 years to realize that the guns were not returned or are you saying that when you would do your normal stock taking, that would have become apparent?

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Lt. Col. James: Sir, I would assume based on the checks that were being done between 1976 and 2008, those weapons may have been carried as on loan.

Mr. Chairman: As?

Lt. Col. James: On loan, Sir.

Mr. Chairman: On loan?

Lt. Col. James: Yes Sir.

Mr. Chairman: That is a long loan though. I believe I had asked you earlier whether there was any system for checking up on loans, where you borrow money from the bank loaned to you...

Mr. Hanoman: You are assumed, sorry, Sir...

Mr. Chairman: ...If you do not pay back in a limited time, there is a department that checks on you.

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

Mr. Chairman: What happened in the Army here? Were there no checks on these weapons loaned for decades?

Lt. Col. James: I cannot answer. I would have to say no, Sir.

Mrs. Samuels-Brown: Assuming weekly checks 32 years, would it involve 1662 checks, assuming weekly checks?

Mr. Hanoman: You have put forward a possible explanation that the top brass in the Army, when this stocktaking was done that they would have considered perhaps these guns to still be on loan. But would it not be illogical to assume that guns were being loaned to a Ministry of National Development that was disbanded?

Lt. Col. James: Well Sir, I cannot answer. I am not the...

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Mr. Chairman: I think that his recent answers were really speculative. He just did not know and could give no solid explanation for it. I think that is accurate. So you have a situation now where guns might be on loan to a Ministry for 30 years or more even though the Ministry disbanded. That is the nature of the evidence; we will do our best with it. Are there any more questions?

Mr. Hanoman: Just a few more, please Sir. I think we have touched on a lot that I had wanted to touch on. Mr. Williams, when he was questioning you pointed to a number of irregularities on the vouchers and by doing that he was trying to question the authenticity of the vouchers so I just want to ask you this. I think you had at some point were explaining that the absence of the stamp of the consignee is the type of irregularity that was customary and acceptable, well let me say customary alone?

Lt. Col. James: Yes Sir, and it is an embarrassing disclosure that even as I speak, that is still occurring so as I did mention before the competence of the persons addressing vouchers for whatever reason, maybe shortcuts and stuff like that, but we have some challenges with respect to compliance with all the procedure that are required with respect to issues, Sir.

Mr. Hanoman: You are looking at these vouchers...

Mr. Chairman: We do not know that they could have been deliberate? I notice that you are retreating from that, you are ruling it out?

Lt. Col. James: I cannot rule it out, Sir.

Mr. Chairman: As a deliberate device?

Lt. Col. James: I cannot rule it out, Sir.

Mr. Chairman: Good well...

Lt. Col. James: I cannot rule it out, Sir but...

Mr. Chairman: [*Inaudible*] for that.

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Lt. Col. James: I cannot rule it out, Sir.

Mr. Chairman: Very well, please continue, Sir.

Mr. Hanoman: Do you agree that the irregularities pointed out to you by Mr. Basil Williams...

Mrs. Samuels-Brown: And by yourself.

Mr. Hanoman: Pardon me?

Mrs. Samuels-Brown: you pointed...

Mr. Hanoman: And by myself, that those irregularities do not affect the authenticity of the document?

Lt. Col. James: That is correct, Sir, because as I said I did find other supporting documents which supported the weapons as listed in the document or the Exhibit submitted to the Commission had been validated by other checks and balances, Sir.

Mr. Hanoman: There was just one list slight issue. Mr. Williams, had pointed you to the absence of vehicle number where the mode of conveyance was part of that form. Do you have a system where the number of vehicles leaving with guns would be recorded by the centuries post?

Lt. Col. James: Well Sir, we have a system where every single vehicle leaving a military base the particulars are documented because for example the journey had to be authorised etcetera and there is a separate log book for that and notwithstanding, for you to move any material out of a military base, you would have to have something that is called a gate pass...

Mr. Hanoman: No I mean, sorry to cut you, but besides the gate pass, the sentries do not have to log it in some sort of book which vehicle is going out and do they not search the vehicles to see what is leaving?

Lt. Col. James: They search vehicles and what would normally happen is that whatever is the cargo in a particular vehicle, one copy of that voucher listing the cargo is presented to the

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military police man at the entrance/exit of a base. Once your vehicle is leaving with a cargo, he would check the cargo. Sometime it is like, let us say cargo that is secured, let us say in boxes or so, so he would have to depend on the integrity of the officer accompanying that vehicle thought the gate to say well what is listed in the manifest or the gate pass or the voucher is what is on the vehicle because, for example, if you were moving let us say 1000 weapons...

Mr. Hanoman: Understood.

Lt. Col. James: It would be a real tough exercise for him to have to check every single number for that cargo, Sir.

Mr. Hanoman: What I am really trying to get at is not because the number is not listed on that voucher that it means it is not recorded somewhere else in some other official Army book.

Lt. Col. James: That is correct, Sir, but what I am saying is that in my checks I could not locate those supporting...

Mr. Hanoman: That was my next question.

Lt. Col. James: Those supporting documents...

Mr. Hanoman: Did you ever check those logs at the century post or whatever you call it to see if guns were being moved out during that period?

Lt. Col. James: That is correct because what would happen is the documents...

Mrs. Samuels-Brown: Your question is did he check if he found them?

Mr. Hanoman: Did you check?

Lt. Col. James: I checked, but as I said, Sir, I did not find other supporting document in relation to those transaction other than other documents which supported that the items listed on the issue vouchers with respect to the issue and collection and movement of weapons as in their reference were indeed moved from base Camp Ayangana, Sir.

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Mr. Hanoman: What type of book do you call that that the century would have that they record?

Lt. Col. James: No I am saying that...

Mr. Hanoman: They have a name for that?

Lt. Col. James: No I am saying at the gate hut there are several books. It documents for example military personnel entering and leaving a military location, it documents civilians entering and leaving a military location, it documents military vehicles entering and leaving a military location with the number of particulars contained inside and it also documents civilian vehicles entering and leaving a military...

Mr. Hanoman: No, what is the name of the book that would document when guns are leaving the camp with some sort of conveyance?

Lt. Col. James: You would enter it into the military vehicle booking in and out book for one.

Mr. Hanoman: Military vehicle booking in and out, alright, let us pause there for a moment. You have in your archives those books relating to the period 1978-1980?

Lt. Col. James: No Sir.

Mr. Hanoman: Is the army under a duty to preserve these books?

Lt. Col. James: Sir, records because that is not a classified document and records can be destroyed at the discretion of a Unit Commander in that case the Base Commander after some period of time, Sir.

Mr. Hanoman: Did you in your investigations find any? I think a certificate of destruction has to be created once this destruction takes place?

Lt. Col. James: It has to be created by that particular Unit Commander, Sir. It would come to the G2 Branch attention if it is a document that is top secret and above, Sir.

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Mr. Hanoman: But you did not check to see if there was a certificate of destruction in relation to that type of book?

Lt. Col. James: No Sir.

Mrs. Samuels-Brown: Counsel, you asked him about military vehicles, your answer would also apply to civilian vehicles, the log book for this, none were found for 1976-1980 and you did not check for the certificates either?

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

Mrs. Samuels-Brown: Thank you.

Mr. Chairman: The vast nature of the inconsistencies, irregularities that we have there in relation to these weapons, what do you have to say about it? Did it struck you as an unusually that seem to call for special explanation?

Lt. Col. James: Well Sir, as a professional person in the Guyana Defense Force, it was disappoint to me to have to come before this Commission to present documents which the discrepancies were noted. Notwithstanding Sir, I am cognisant of the environment in the military where a number of shortcuts are taken to I would facilitate getting the job done. I am not making an excuse for the condition, the presentation of the vouchers with the inconsistencies, Sir, but I have seen and this is throughout my 34 years, similar documents and it is even embarrassing to me that even as I speak to this Commission, we have some of these documentations being present. It speaks a lot about lots of stuff, Sir, like training dedication, the orientation of the persons involved,

Mr. Chairman: Does it not speak to a few in which there was a submersion of the normal discipline of the Army?

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Lt. Col. James: I would not say so, Sir, because I would say we have a more free environment in the military for several years now and we still have some challenges as it related to correct documentation or the people following all the procedures with respect to...

Mr. Chairman: But on this scale?

Lt. Col. James: Not so large on that scale, but I know that we still have situations like that. Again Sir, I am not making any excuse for what should be entered there. All the information should be on the vouchers. Not, withstanding, Sir, I do know exactly what might have been the internal environment and situation in the periods 1976 and 1979 which might have facilitated what was brought before this Commissioner, Sir.

11:27hrs

Mr. Chairman: Alright, thank you.

Mrs. Samuels-brown: Are you finished, Counsel?

Mr. Hanoman: Yes, please.

Mrs. Samuels-brown: Mr. Chairman, would you allow me to just go back to the... *McPherson Document*, Page 74...

Mr. Jairam: LJ...

Mrs. Samuels-brown: LJ... Yes. You were able to detect the irregularities in relation to the form, Sir, because of your experience in the Guyana Defense Force?

Lt. Col. James: I would say that I was also tasked with an exercise of standardising all forms in use in the Guyana Defense Force in 2008. It was a personal exercise, so I am very familiar with the majority of forms, Ma'am.

Mrs. Samuels-brown: So your short answer is "yes", you are able to determine it.

Lt. Col. James: Yes, Ma'am.

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Mrs. Samuels-brown: But the ordinary citizens who is unaware of the Military procedures, the rules and the correct form to be used, would not necessarily have the knowledge you have to determine legitimacy or regularity of this form. Do you agree with me?

Lt. Col. James: Yes, Ma'am.

Mrs. Samuels-brown: So for example, persons, the ordinary citizen, even the recipients of firearms pursuant of these firearms, if they were given the firearms along with this document, they would not necessary pick up that is not the correct document is to be used.

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

Mrs. Samuels-brown: The normal citizens who come ten years later and looks at this document without your knowledge or the assistance from someone like you may very well say that this is a proper distribution; whatever was distributed pursuant to this form, was a proper distribution.

Lt. Col. James: I agree with you, Ma'am.

Mrs. Samuels-brown: Okay, thank you.

Mr. Chairman: I think it only remains for me to thank you. You have kept our company what, three days this week...

Lt. Col. James: Four days plus the first day, Sir.

Mr. Chairman: ...four days plus an hour and a half on the first day. I think it is fair to say that you were very professional, very thorough. We gave you a lot of homework. You might have had some sleepless nights. We are very much in your debt and we thank you.

Lt. Col. James: Sir Richard Cheltenham, Chairman, Mrs. Jacqueline Samuels-Brown, Q.C., Mr. Seenauth Jairam, Senior Counsel, distinguished Lawyers, Mr. Pieters, I think it is, I cannot remember your name, Sir, on behalf of the Chief-of-Staff and the Guyana Defense Force, Sir, I would like to take this opportunity to say thanks for having, I would say, the entire Guyana Defense Force team, Colonel West, Colonel Kyte and myself. This was a tough exercise for us as we tried to satisfy the requirements of the Commission in answering the multiplicity of questions sent. I know some of my colleagues might not have been able to produce the documents that you

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requested. I just want to tell the Commission that we have tried our best. It has been more than 34 years and, unlike some modern countries that keep archives or so, there would always be challenges in retrieving the written records. You did refer to the Act of God, the flood of 2005. It was an unfortunate occurrence as we had kept most of our records at ground level and I think we also learnt from that. On behalf, again, Sir, of the Chief-of-Staff and other Officers of the Guyana Defense Force, thanks very much for having me here and I wish you the best in your deliberations and future. Thank you, Sir.

Mr. Chairman: I just want to say in conclusion that I think there are important lessons for the GDF coming out of this exercise which I hope will be clearly identified and not ignored.

Lt. Col. James: Thank you very much, Sir.

Mr. Chairman: Thank you. I think we should start with Father Rodrigues and even if we take a short break soon thereafter at least we should get started with him.

Mr. Hanoman: Could I kindly ask Father Rodrigues to approach the Witness Stand.

[Father Malcolm Rodrigues entered the witness stand]

[Secretary to the Commission administered the oath to Father Malcolm Rodrigues].

Mr. Hanoman: Mr. Chairman...

Father Malcom Rodrigues: I can hardly speak, the place is cold and it is very cold. I will stand to make sure blood circulates.

Mr. Hanoman: Mr. Chairman, our records reveal that when we last had Father Rodrigues here Mr. Ram had, I think, requested some additional time to determine whether he wish to ask any further questions of Father Rodrigues. I do not mean to put you in the hot seat. That is what is reflecting in our records that you said you would not be able to finish in five minutes because you needed to get instructions from your Clients.

Mr. Ram: You are quite right, Sir.

Mr. Chairman: Mr. Ram, are you ready?

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Mr. Ram: Yes, Sir. Father Malcolm, when was the last occasion on which you met Dr. Rodney?

Father Rodrigues: It was the actual date of his death, in the afternoon. I would say between 04:30hrs and... I think I left about 05:45hrs on the 30th.

Mr. Ram: 13th.

Father Rodrigues: Yes, Friday the 13th.

Mr. Ram: Did you have a conversation with Dr. Rodney?

Father Rodrigues: I was part of an extended conversation with him. I was just one of the others, yes.

Mr. Ram: What impressions, Father Malcolm, did you draw as to Dr. Rodney's state of mind? Did he seem troubled?

Father Rodrigues: No, it was a normal gathering and the discussion was open and he was as clued as ever. He did not... Do you mean stressed or anything like that?

Mr. Ram: Yes, Sir.

Father Rodrigues: No, Walter was like normal that afternoon.

Mr. Ram: "Like normal" meaning what, Sir?

Father Rodrigues: Just himself, listening and encouraging people to express themselves and so forth, the younger ones there. This all took place in Tiger Bay of course where their office was and I left there and walked across the road to the Sacred Heart Church at about 05:45 hrs.

Mr. Ram: Father Malcom, from all your conversations, both formally at meetings and personally with Dr. Rodney, did you detect that he had any personal hostility or animosity to Mr. Burnham?

Father Rodrigues: No, I would not say personal and so forth. He just thought that the political... I think his position really was... the political structures that were being created by Mr. Burnham were clearly... He did not accept it. I mean the fact that, for example, the

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Constitution puts him above and beyond the Law. I think that was one of the things that troubled everybody including all the Lawyers, if I remember well when the Constitution was being considered. I do not think he was an exemption. Walter also realised that this is very extraordinary thing that should be in the Constitution and not only that; it meant that we all lost our entrenched rights, they were completely removed and now Parliament could just change the Constitution whenever they like once they have the majority, and I think things like that were what were creating things for debate and more discussions and how long it would last.

Mr. Ram: You said the Constitution made him above and beyond...

Father Rodrigues: ...the Law.

Mr. Ram: Can you please explain?

Father Rodrigues: Well, in this particular thing...

Mr. Ram: Briefly, Sir; I know you are not an expert on Constitution.

Father Rodrigues: I am not but the quote that has come to my mind is, “there is no offense that the President could be taken before the Court on any offense committed prior to holding Office, during holding Office and after leaving Office” so he was above and beyond the Law.

Mr. Ram: There is an issue of the Catholic Standard that was in circulation 17th February, 1980. I wonder if you could comment on some of these issues that “the Executive President will have Power in his own discretion to dissolve Parliament”.

Father Rodrigues: Yes, that was the point I was making just now. It was one part of the oath. We had entrenched rights. The citizens had entrenched rights which nobody can touch excepting through a referendum but now, when you change that Constitution, the President could change it and the Parliament could change it too.

Mr. Ram: Would you say that those Powers that the Executive President enjoyed under the Constitution corresponded to the Powers previously enjoyed by the sovereign of the United Kingdom (UK)?

Father Rodrigues: Do you mean the King or the Queen?

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Mr. Ram: And this is your article, Sir.

Father Rodrigues: Yes, but...

Mr. Ram: It says this “This corresponds to the Powers previously enjoyed by the sovereign under the Colonial Constitution”. Do you recall writing that?

Father Rodrigues: Yes, I do recall writing that but that was inferring to not to the entrenched Clauses in our Constitution. When I am referring to the entrenched Clauses I mean... I think a Lawyer would remember this, you might remember this, when they were preparing the new Constitution and they had to go to a referendum to have it approved, all the Lawyers advised us that this thing has to be avoided, they had to boycott this because this is a referendum to end all referenda, you will never have a referendum again.

Mr. Ram: So it was essentially intended to remove the entrenchment Clauses of the Constitution?

Father Rodrigues: Correct, that basically was what it was.

Mr. Ram: You say in this article, Sir, that the Executive President cannot be taken to Court either during or after his term of Office. Is that what you mean by “above and beyond the Law”?

Father Rodrigues: Yes, it is prior, during and post; prior, during and post. If you discovered that he offended before becoming President, you simply cannot take him to Court. During the thing if he commits an offense during it, you simply cannot take him to Court and afterwards... Well we know this from recent history. We know it from recent history.

Mr. Ram: Was he accountable to the National Assembly? Was the Executive President, under the Constitution...?

Father Rodrigues: Having the majority there, he is part of that.

Mr. Ram: But he was not part of the National Assembly?

Father Rodrigues: No, he was not part of the National Assembly but they would definitely have to carry out the wishes of the President.

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Mr. Ram: Could he not be impeached and removed under the Constitution?

Father Rodrigues: I am not sure of that whether that could actually happen. They would have to have good grounds on which to do that, I presume but...

Mr. Jairam: Father Rodrigues...

Father Rodrigues: Yes.

Mr. Jairam: ...since you are on the point, the article has not been put into evidence as yet but I see immediately after paragraph adverted to by Mr. Ram you wrote then “secondly, the Executive President cannot be taken to Court either during or after”. You did not say “prior” in this article.

Father Rodrigues: That might have been a misprint on that thing but it was definitely... You cannot take him to Court for an offense committed prior, during or after, definitely.

Mr. Jairam: I see.

Father Rodrigues: We can cross check that but I am absolutely certain of that one.

Mrs. Samuels-brown: Father Rodrigues, Mr. Ram, if I may, made a general statement that the National Assembly would have to abide with what the President wanted”, words to that effect, on what basis do you say that?

11:42hrs

Father Rodrigues: Well, the President normally would sit down with his, what they call, Cabinet and they will make certain decisions and no doubt that would be passed on down to the Parliament and the Parliament will make sure that it gets through. I think it happens up to today.

Mrs. Samuels-Brown: Alright, I think I understand what you meant.

Mr. Jairam: I have the Constitution here, I wonder if you can assist us. Article 182 may jog your memory.

Father Rodrigues: Let me have a look.

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Mr. Ram: Commissioner, is that the Constitution that prevailed at the time in 1980?

Mr. Jairam: I am sure that Father Rodrigues will be able to tell us. This may be an updated version.

Mr. Ram: I think it is, Sir.

Mr. Jairam: The marginal note may tell you whether it was changed – 182.

Father Rodrigues: Yes, listen to this Section II, it says, “Whilst any person holds or performs the functions of the office of President, no criminal proceedings shall be instituted or continued against him in respect of anything done or omitted to be done by him in his private capacity and no civil proceedings shall be instituted or continued in respect of which relief is claimed against him for anything done or omitted to be done in his private capacity.” That means before he becomes President. To me that is what that means. You cannot take him to court for something that he did whilst he was not President. That is No. 2.

Mr. Jairam: Thank you very much.

Mr. Ram: Father, can you recall whether the Executive President under the 1980 Constitution had the power to dissolve the National Assembly?

Father Rodrigues: No, I cannot recall that.

Mr. Ram: Thank you. You referred on page 42 of your statement about a radio report. Do you recall that, Sir?

Father Rodrigues: Radio report, yes, a Press Statement.

Mr. Ram: No.

Father Rodrigues: No?

Mr. Ram: Let me read exactly what you said, Sir.

Father Rodrigues: I have a copy here, let me just look.

Mr. Ram: “It was said on the radio...” I am reading.

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Mr. Jairam: Mr. Ram, sorry, you said it is the statement but you should tell him that it is the transcript.

Mr. Ram: The transcript, sorry.

Mr. Jairam: Yes, Father it is the transcript of the 21st July ...

Father Rodrigues: The transcript, yes. A transcript is what the radio station will actually have.

Mr. Ram: My question to you, Sir ...

Mr. Jairam: Page 42?

Mr. Ram: Yes, Sir.

Mr. Jairam: Just about mid-way, yes.

Mr. Ram: My question to you, Sir, is: What did you do after you heard that report? What did you do about it?

Father Rodrigues: Well, my reaction... I was all by myself. It was 06:00hrs roughly and I was absolutely shocked and very saddened when I heard it because his wife was inside sleeping and I thought to myself, "How do I tell her now that she will not be able to see him anymore", the face having been destroyed and I was really in a state. However, little by little, calming myself, I decided that the way to get around it was that I would go and identify the body so I told her that, when she came out later on... I said "I do not think you are either physically or psychologically in a state for dealing with this, so let me go and identify the body". I prepared myself to deal with this monstrosity in one way and, therefore, try to see how she could actually see her husband later on. When I got to the hospital I met Dr. Mootoo who was the pathologist...

Mr. Ram: I think you gave evidence to that effect already.

Father Rodrigues: Okay, so I need not go in so I will leave it just there. I went to try to protect her from that but when I got there it was quite the opposite.

Mr. Chairman: Just to refresh the public that may be following us, some weeks ago you did not indicate what report you were referring to.

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Mr. Ram: Well, Commissioner Jairam did correct me by saying it was the transcript of Father's testimony which is on page 42.

Mr. Jairam: Just for the record, we have just been...

Mr. Chairman: Yes but those who are following us would not know what page 42 says. Tell them what report you are referring to. You asked him how he reacted to that report. What report you are dealing with?

Mr. Ram: Would you like me to read it for you Father?

Mr. Chairman: Just tell him.

Mr. Ram: It says this, "It was on the radio, the police report, the girl who was announcing just said the release from the Police on..." She did not say Rodney's death, she said "the bombing incident that occurred in John Street" and then read it that the Police were still trying to identify the person whose face was destroyed beyond recognition and went on to state at "such and such a time', so may yards from the prison, and so forth and however, there will be a post mortem and so more details will be made later on".

Mr. Ram: Correct, that is basically what happened.

Mr. Chairman: Thank you very much.

Mr. Ram: Did you convey this to your Party, the WPA that you had heard this report on the radio?

Father Rodrigues: No, I did not see them at all. This happened at 06:00 hrs. I took the decision that I will definitely go and identify the body and save her from having to see her husband in that state, so I persuaded her and I left at about.... I think it was just after 08:00hrs or 07:45hrs and I went straight down to the... sorry, I went down there, so I did not make any contact with anybody.

Mr. Ram: I was asking subsequently...

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Mrs. Samuels-Brown: Mr. Ram, I am sorry. Did you say, ‘did you convey this to “your” Party’?

Mr. Ram: Yes, the Working People’s Alliance.

Mrs. Samuels-Brown: The witness was careful, the last time he was here, that when it became a Party to contest elections, he disassociated from the organisation.

Father Rodrigues: Yes, that is correct, my colleagues ...

Mr. Ram: Your colleagues at the Working People’s Alliance.

Father Rodrigues: No, I did not bother to phone anybody. I assumed that they were all dealing with other things. I was dealing with the wife and the children and I just wanted to protect her from having to see Walter in such a state.

Mr. Ram: So was this the first occasion in which you are reporting that you heard about the announcement?

Father Rodrigues: Yes, they would not have known about that as yet, unless they had heard it on the radio, themselves, but they would not have gotten it from me; they would have gotten it later on.

Mr. Ram: Did the Party, as far as you know, the Working People’s Alliance, issue any statement to that effect at any time?

Father Rodrigues: No, because they had not seen the body as yet. What I did, when I got back, I phoned the parlor that had the body and asked them whether it would be okay to bring the wife to see him and what time they were expecting the body and they said, “In the next half hour or so” and I said “Right”. Then I asked them, “Could you please make sure that only the upper half of the body is exposed?” and they said “Okay, we will do that”. When we went there they had it all organised, the wife was able to see her husband looking quite normal.

Mr. Ram: Father Rodrigues, where did the funeral service of Dr. Rodney take place?

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Father Rodrigues: Many places, I think we started at... We had a sort of... Not a memorial service... Yes it was a memorial service without the body because the body was held back. It was not released for about 10 to 15 days by the Police; they kept it for various reasons, but we had a service in the Cathedral, a very well attended service for him. All his colleagues from the University and the WPA and other parties and so forth were all there and that was held at the Cathedral. Then we had a service. When the body came down from Buxton we had something at Tiger Bay.

Mr. Ram: Is it the Mall?

Father Rodrigues: We had a little pause at the Mall too and there were prayers said there, yes. We had about three stops.

Mr. Ram: Do you recall the names of any of the persons who spoke at the Cathedral service?

Father Rodrigues: Yes, I think I mentioned them already. One was the Head Mistress of St. Roses High School who admired Walter a great deal, after she discovered who he was and heard him speaking and so forth, and she gave a very beautiful speech there recognising his contribution to the history and of course she was very impressed with him as a father dealing with his children who were attending the school there. She said the way he proceeded with them was really a wonderful thing.

Mr. Ram: Do you recall...

Father Rodrigues: Then we had the poet from Barbados... What was his name...?

Mr. Ram: Is that George Lamming? I was about to ask you about ...

Father Rodrigues: George Lamming and his opening words were marvelous ... "Brothers and sisters we are meeting at the most dangerous place at the most dangerous of times", a very moving opening speech.

Mr. Ram: Commissioners, I have no further questions for this witness.

Mr. Pilgrim: Mr. Chairman, Andrew Pilgrim in respect of the immediate family, the widow and children of Walter Rodney. I think I will just take the opportunity, Mr. Chairman, with your

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leave, to formally present the document to which Mr. Ram referred, my learned Colleague, *The Catholic Standard* with the date Sunday 17th February, 1980, and the article written by our witness, Father Malcolm, is at page 2 of that document.

Mr. Chairman: 17th of...?

Mr. Pilgrim: February, 1980, Commission Counsel this would be... MR 2, Mr. Chairman.

Mr. Chairman: Having received it and tagged indicating MR 2.

Mr. Pilgrim: I am grateful to you, Mr. Chairman. Mr. Ram very much covered the issues I sought to deal with into the identification of the body, so those are my questions.

Mr. Chairman: Ms. Warner...

Mr. Pilgrim: Mr. Chairman, I am reminded that there is one paragraph in the Article that I could perhaps invite the witness to endorse, he having been the author. Father Malcolm, if you can look at your article, the penultimate paragraph reads in these Terms “Thus there is only one word for the new phase of political life after the Executive President is proclaimed “Dictatorship”, “Constitutional Dictatorship”, unfortunately sanctioned by the very process of Law which we are expected to uphold.” It is fair to say that that is your precise understanding of what would happen once this new Constitution took place.

Father Rodrigues: Yes.

Mr. Pilgrim: Thank you, that is all, Sir.

Mr. Chairman: What is the one word?

Mr. Pilgrim: “Dictatorship”, Sir.

Father Rodrigues: Some people refer to it as a “Constitutional Dictatorship”.

Mr. Chairman: Ms. Warner, is it your chance, now?

Ms. Warner: I believe so. Mr. Chairman.

Mr. Chairman: Yes, please proceed.

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Ms. Warner: Father Rodrigues, if you can refer to paragraph 6 of your witness statement, please.

Father Rodrigues: Paragraph 6?

Ms. Warner: Correct.

Father Rodrigues: Yes.

Ms. Warner: If I may read for you it states “around this time the WPA [I believe that ought to be] had now, became an official political party...”

Father Rodrigues: Yes.

11:57hrs

Ms. Warner: “...when they did become a political party, I decided not to be an official member, but continued to give support and participated in various meetings when they were held.” So, is it correct to say you were not withstanding, a supporter of the WPA?

Father Rodrigues: Supporter is correct.

Ms. Warner: Okay. You would have attended, frequently, these various meetings. As far as you are aware, was Donald Rodney an active member of the WPA?

Father Rodrigues: Well, I would not describe him as a very active member because....

Ms. Warner: Okay, that is....

Father Rodrigues: ...I knew the other active members very well.

Ms. Warner: Okay. If I may ask you to look at paragraph four of your witness statement.

Father Rodrigues: Yes, 1976.

Ms. Warner: I will read for you again the verbatim.

Father Rodrigues: Yes.

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Ms. Warner: “In 1976 the UGWUU came together with the Bauxite Workers’ Union; African Society for Cultural Relations with Independent Africa (ASCRIA); and several other such organisations to form a pressure group called the Working People’s Alliance. Myself and Dr. Clive Thomas represented UGWUU. From that time on, the WPA engaged in bottom house meetings and various picketing exercises as deemed necessary.” I will move onto the sentence that begins with “During.” “During 1978 to 1979, letters of mine complaining of State interference in the Judiciary were published in two independent newspapers in circulation; namely; *The Catholic Standard* Newspaper, and *The Contact* Newspaper. During this same period, the WPA was agitating among unions for workers to unite for their own self-interest.” I just wish to focus particularly on the letters that you indicated that you wrote regarding State interference in the Judiciary.

Father Rodrigues: I think one is the Arnold Rampersaud which I mentioned before.

Ms. Warner: Right, and the other?

Father Rodrigues: That is where Justice Bollers, who directed the jury under separating the terms under murder and manslaughter. When it came into court, he refused to separate them.

Ms. Warner: Okay.

Father Rodrigues: And the senior Counsel at the time, Mr. Deo Adams, got up and said, “Excuse me, Sir? You are actually directing jury on murder, and then manslaughter. You have to separate those two counts.” He refused.

Mr. Chairman: Ms. Warner, I do not want to discourage you, but all of the grounds that you have entered upon already have been thoroughly campus when the Father was with us earlier.

Father Rodrigues: Yes.

Ms. Warner: I am guided. My final question would then be... Father, you would then not rule out that Donald Rodney was a victim of a corrupted judiciary?

Father Rodrigues: A what?

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Ms. Warner: That Donald Rodney, you would not rule out that he was a victim of... or is a victim, rather, of a corrupted judiciary? Yes, with regards to his trial.

Father Rodrigues: Because of his charge?

Ms. Warner: Yes.

Father Rodrigues: Oh.

Mr. Chairman: I think she is saying his trial, which would have followed the charge.

Father Rodrigues: The trial... I would have to go through that again. I really have to go through my notes to answer that correctly. I will go back and look at it.

Ms. Warner: Look at the matter?

Father Rodrigues: Sorry?

Ms. Warner: Look at the matter, as in look at his trial?

Father Rodrigues: Yes.

Mrs. Samuels-Brown: I suspect that what Father Rodrigues said a while ago was a little and – just for the record- he was saying he would have to go back and check his notes again. Just for the record, because I have noticed that sometimes the transcribers do not hear everything. I am just clarifying that.

Ms. Warner: Okay.

Ms. Warner: I am guided.

Mr. Chairman: I have earlier explored –I am not too sure whether it was Father Rodrigues or with others- the extent to which the judiciary might have been affected by the paramountcy doctrine that was very much in existence at the time and enforced. Some witnesses did comment on that in relation to the judiciary.

Ms. Warner: I am guided. Well, then, those are the extent of my questions.

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Mr. Chairman: Thank you.

Ms. Warner: Thank you.

Mr. Chairman: Anymore questions of Father Rodrigues? You want now, Commission Counsel, to.....

Mr. Hanoman: I just have one very small clarification of something that just happened, and I will be finished. You said you would not describe Donald Rodney as an active member of the WPA....

Father Rodrigues: No.

Mr. Hanoman:what you are saying is that...

Father Rodrigues: An activist, this is slightly different.

Mr. Hanoman: Was the question activist or an active member?

Mrs. Samuels-Brown: He is saying he was an activist, not an active member of the WPA.

Mr. Hanoman: Are you saying that? You have not answered whether he was active, or whether he was a member of the WPA. Is it your evidence that he was a member of the WPA?

Father Rodrigues: Yes, I think he was a member of the WPA..

Mr. Hanoman: You think he was a member of the WPA?

Father Rodrigues: Yes, but he was not an activist.

Mr. Hanoman: So, you think he was a member; just that he was not active?

Father Rodrigues: He was not an activist, no.

Mr. Hanoman: Oh, he was not. Okay...

Father Rodrigues: You can list me for example. I think I mentioned this; when the Editor of the *Catholic Standard*, Morrison, received the photographs, I did not know about it until later. I knew he had received it, but I did not know there was a follow-up. Somebody reminded me

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afterwards when they heard this. Once he got a lead, he did not stop until he got to the bottom of the story. He went out and searched out the activists. Not Donald, he went out and searched out the activists about this man accused of murdering, thing, and so forth. That is different, he knew who the activists were, and he had to go and look for, and one was not Donald.

Mr. Hanoman: I see. Thank you, Father.

Mr. Chairman: I appreciate the distinction. Is it lost on you, or are you happy with it? A man might be a member of a political party, but not an activist.

Father Rodrigues: Not an activist.

Mr. Hanoman: Yes.

Mrs. Samuels-Brown: In any event, he does not even know if he was a member.

Mr. Chairman: In fact, I think his earlier evidence might have been that he did not even know if he was a member.

Mr. Hanoman: Yes. I just wanted to clear that up.

Mr. Jairam: I have one question, please.

Mr. Chairman: Yes, certainly.

Mr. Jairam: Since we have you, Father Rodrigues; you, yourself, attended the Preeminent University, and you were a Lecturer at the University of Guyana (UG). For how long?

Father Rodrigues: 22 years.

Mr. Jairam: 22 years. When you were being asked questions by Mr. Williams, he had suggested to you that Dr. Walter Rodney never attended an interview, but was simply sent a letter of his appointment, and there was the suggestion that –look, he did not go through the normal process. Well, an advertisement, an interview, and so on. From the tenure of his cross-examination, I got the impression that he was trying to establish with you that somehow Walter's appointment was not in the normal course of things. Therefore, after he got the letter of appointment, he was invited to attend an interview. My question to you is, being a lecturer yourself for so many years;

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would you say that there are universities that try to attract lecturers who have a preeminent reputation in their particular field, in order to lift the status or profile of the University?

Father Rodrigues: Yes, correct. Besides that, a department –the history department- knew of Walter Rodney’s reputation right across the globe. They immediately said, you know, why do you not invite him to become professor....

Mr. Jairam: That is my point. My follow up question, Walter at the time had a very large reputation.

Father Rodrigues: Yes.

Mr. Jairam: He was not only confined to Guyana, but Regional, and International.

Father Rodrigues: Yes.

Mr. Jairam: Therefore, you apart of the University, the university sees him as someone who would be a useful addition to the staff of the University, the teaching staff.

Father Rodrigues: Of course. We said that. In fact, I mentioned further on that couple of years later when I went to Australia, I was amazed at them there saying that they were so saddened by his death. They were hoping to have him there as a visiting professor on an annual basis. Which was a marvellous thing; it would have put Guyana on the map. People wanted to know where Guyana was –let us have a look somewhere in South America.

Mr. Chairman: Do you remember the particular University that expressed...

Father Rodrigues: St. Lucia’s University, Brisbane.

Mr. Chairman: Brisbane.

Father Rodrigues: St. Lucia’s University, Brisbane, yes.

Mr. Jairam: Thank you, Father.

Father Rodrigues: Thank you, good. At the University of Guyana it is done that way. If you have a well-known candidate for a job, you first of all bring it to your department. The

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department then takes it to the faculty. The faculty discusses it and takes it to the academic board. The academic board is briefed if they are ignorant of the person, they are briefed. Various things are put forward, and then the decision is made there; to write the letter there and see if he is available.

Mr. Chairman: I want to thank you, Father for coming. I am sorry you had to wait as long as you did today, but I got the impression that you were enjoying it.

Father Rodrigues: It is cold today. Today is very cold.

Mr. Chairman: In here?

Father Rodrigues: Oh boy, yes, very cold indeed.

Mr. Chairman: Jacketed as we are, we are not feeling it that cold, but except for what you say...

Father Rodrigues: Like you, you are properly dressed for the occasion, I am not. *[Laughter]*

Mr. Chairman: Yes, well...

Father Rodrigues: Thank you very much, Chairman.

Mr. Chairman: ...we are releasing you now so you can get out into the sun.

Father Rodrigues: I am going straight into the sun and stand there. Thank you very much, okay.

Mr. Chairman: Thank you.

Father Rodrigues: Thanks a lot.

Mr. Chairman: Okay. Well we now stand adjourned for our mid-morning break; it is much beyond mid-morning. It is now 12:05hrs, and we will come back around 12:40hrs.

Mr. Hanoman: Just for the record, we are proposing to commence with the testimony of Jocelyn Dow when we resume.

Mr. Chairman: That is good news.

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Hearing Suspended at 12:09hrs

Hearing Resumed at 12:51hrs

Mr. Chairman: We are ready to resume. Commission Counsel, are you ready? Could we have the next witness?

Mr. Hanoman: We wish to call Ms. Jocelyn Dow to the witness stand, please.

[Ms. Jocelyn Dow entered the witness box]

[Secretary to the Commission administered the oath to the Witness]

Ms. Jocelyn Dow: Could I sit? So you could adjust the microphone.

Mr. Hanoman: You are Jocelyn Dow?

Ms. Dow: I am.

Mr. Hanoman: For the purposes of this exercise, you submitted a signed statement to the Commission?

Ms. Dow: I did.

Mr. Hanoman: If you see a copy of that statement, would you be able to recognise it?

Ms. Dow: I should. I would.

Mr. Hanoman: Could I ask you to look at the statement and verify that it is what you submitted to us? Please, orderly?

[Court Marshall handed the Witness the statement]

Ms. Dow: It is.

Mr. Hanoman: Could I ask that the statement submitted to the Commission be tendered and marked as JD 1?

Mr. Chairman: I propose admitting it at this stage, and giving it the tag JD 1.

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Mr. Hanoman: thank you. Ms. Dow, do you recall June 13th, 1980?

Ms. Dow: Very clearly, yes, I do. Mr. Hanoman, I have one correction in my statement. Should I make it now?

Mr. Hanoman: Yes.

12:53hrs

Ms. Dow: Page 2 about one paragraph there is reference here to been killed by an anti-personal device. It is...

Mr. Hanoman: What line, sorry ...

Ms. Dow: The eight line of the third paragraph.

Mr. Hanoman: Yes.

Ms. Dow: That was an error; he was killed by a very personal device, not anti-personnel. I think that is a typing...

Mr. Hanoman: You wish to delete "an anti-Personnel" and put "a very personal".

Ms. Dow: Well sophisticate personal device. "Sophisticated device" is what I actually had written, but it was typed incorrectly.

Mr. Hanoman: I see.

[Inaudible]

Ms. Dow: A sophisticated device, if I can.

Mr. Chairman: Sophisticated personal device.

Ms. Dow: Yes, not "anti-personnel" *[inaudible]* yes sophisticated, yes explosive device, sophisticated explosive device would be the best terminology, thank you.

Mr. Hanoman: Okay, we will expand on it when we get to that point, but is that amendment duly made, please?

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Mr. Chairman: Yes, and I observe that the Witness delights to the adjective being used.

Mr. Hanoman: So I take it that what we have admitted is the amended statement?

Mr. Chairman: Yes.

Mrs. Samuels-Brown: Counsel can you assist me?

Mr. Hanoman: Yes, for the purposes of the record, you are asking that we delete that phrase “an anti-personnel” which is situated in the third paragraph on the second page and you want that replace by “a sophisticated explosive”.

Mr. Chairman: Device.

Mr. Hanoman: Well “device” is there already.

Mr. Chairman: Yes.

Mr. Ram: Did you say “explosive” or “exclusive”.

Ms. Dow: “Explosive”.

Mr. Ram: Thank you.

Mr. Chairman: “an explosive sophisticated device” that is how the last four words reads. Yes, please proceed.

Mr. Hanoman: Yes, would you tell us where you were on the evening of the 13th June, 1980 and what you were doing?

Ms. Dow: Just, I think around 8 O’clock or thereabout, I was driving several people to 45 Croal Street where I was dropping off one person in the car, Abyssinian - Collin Karto - and I just collected people from the WPA Center...

Mrs. Samuels-Brown: I am sorry, I do not know how appropriate this is, but Ms. Dow, you are a Guyanese.

Ms. Dow: I am a Guyanese.

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Mrs. Samuels-Brown: And you are living in Guyana.

Ms. Dow: And I live in Guyana.

Mrs. Samuels-Brown: Do you have any objection telling us what your occupation is?

Ms. Dow: I am in business.

Mrs. Samuels-Brown: Pardon me?

Ms. Dow: I am a business person.

Mrs. Samuels-Brown: Thank you very much.

Mr. Hanoman: I think what you are saying is that you collected some persons from the WPA centre and it would be in Tiger Bay?

Ms. Dow: Yes.

Mr. Hanoman: You were the driver of a vehicle.

Ms. Dow: I was.

Mr. Hanoman: And you carried these persons where?

Ms. Dow: I was dropping people home or wherever they were going and the first stop was at 45 Croal Street where I was dropping someone who was in the car Abyssinian who lived at 45 Croal Street with Andaiye and Karen, he is Andaiye's brother.

Mr. Hanoman: The person you are referring to Abyssinian, is he in this room?

Ms. Dow: He is.

Mr. Hanoman: Could you point him out to us?

Ms. Dow: He is over there, "green eyed Rasta" as he is called on the road.

Mr. Hanoman: Oh yes he stood up that is the person you are referring to?

Ms. Dow: Yes. His proper name is Collin Karto.

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Mr. Hanoman: Very well.

Ms. Dow: His official name, his christened name.

Mr. Chairman: All these other names are unofficial.

Ms. Dow: It is not changed by deed poll, but he is known as Abyssinian and was known then.

Mr. Hanoman: Yes, so you managed to drop off Abyssinian?

Ms. Dow: Yes.

Mr. Hanoman: At the 45 Croal Street location?

Ms. Dow: Right.

Mr. Hanoman: Tell us what happened next if anything, please?

Ms. Dow: I was about to drive off when he said, “Hold on, hold on” that kind of thing. There is blood on the door. So I said, “Well run upstairs...”

Mr. Hanoman: Do you know which door he was referring to?

Ms. Dow: The door to the apartment to go up to the third flat.

Mr. Hanoman: This is at that lot 45 Croal Street?

Ms. Dow: This is where they live at lot 45 Croal Street which subsequently became the centre of the WPA by the way.

Mr. Hanoman: You might be going a little fast. Did you just say that that lot number, lot 45 Croal Street that subsequently became...

Ms. Dow: ...at some point the centre for the WPA, sometime later. It is no longer is, but it was.

Mr. Hanoman: Okay.

Ms. Dow: Yes, so he said, “It looks like some blood is on the door”. So it was a Friday evening we were kind of merrily going along and I said, “Run upstairs and see if anybody needs any help,

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if somebody cut their hand or something and they want any help”. So he left the car, none of us thought it was anything untoward at the time, but whilst we were sitting in the car, I noticed Andaiye running towards the car and there were something about the way she looked that we kind of said, “What the hell is happening? Andaiye looked so weird” she was running, she was kind of staggering from side to side and she looked, even from a distance, really distressed. So we kind of get out of the car, thought that something has happened, well the blood on the door and there was Andaiye.

Mr. Hanoman: She was running from which direction?

Ms. Dow: She was coming from the west?

Mr. Hanoman: Oh, she was not coming out the yard?

Ms. Dow: She was coming down the street.

Mr. Hanoman: Oh, I see.

Ms. Dow: So she was coming down Croal Street, I was parked, looking west, the one way street, by Alexander Street there about and she was running towards what would have been the house but we were there in a car.

Mr. Hanoman: Okay, so she was running along Croal Street?

Ms. Dow: Yes, because what happen he had just said there was blood on the door and Andaiye was looking really, really out of it so we kind of get out of the car, Rupert was in the car, Dr. Roopnarine.

Mr. Hanoman: When you said Rupert, you mean Dr. Rupert Roopnarine?

Ms. Dow: Dr. Rupert Roopnarine, Bonita Harris, Abyssinian and myself. So he had gone upstairs and we kind of came out.

Mr. Hanoman: He, meaning Abyssinian had gone upstairs, right?

Ms. Dow: Right, to see on my request to see if anyone was injured and had wanted any help with this blood that was on the door. As we got out the car Andaiye kind of fell on to the bonnet and

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kept saying, “They say it is a woman, but it is Walter and he is dead”. So as you know we kind of hugged her up of course...

Mr. Hanoman: When you said Walter, do you know to who she was referring? Who was that?

Ms. Dow: It was Dr. Walter Rodney, of course. Who else could she be referring to? By this time Abyssinian had come back down and he said, “Donald is upstairs and he is bleeding.”

Mr. Hanoman: And when he said that, which Donald you think she was referring to?

Ms. Dow: The only Donald I had known at the time was Donald Rodney.

Mr. Hanoman: Yes.

Ms. Dow: And we kind of huddled around Andaiye and I mean for us the thought anyone of us could be killed particular Walter was always ever present in our mind in that period so we kind of said to Andaiye what has happened and she said, “They keep saying it is a woman, but it is Walter, he is dead, he is on the road.” So by this time I said to Abyssinian, “Run upstairs and bring Donald” when Donald came down he was bleeding on his left side. There were many, like lacerations along his face and there was a hole in his neck with stuff sticking out of it, but lot of little cuts.

Mr. Hanoman: So he was bleeding on the left side of his face and neck?

Ms. Dow: Yes but particularly like if you had drawn a line in the middle of his nose that side of his body was full with cuts and marks and little bleeding things, but a big hole around his neck so we said what happened, we bundled him up...

Mr. Hanoman: We have to be a little careful when you say, “we said” you are giving the evidence.

Ms. Dow: We all said at the same time, “what happened?”

Mr. Hanoman: Okay.

Ms. Dow: It was not one of us. We were in a quite a state, Walter is dead, blood is on the door, Donald was there bleeding and we had no idea what had happened. We said what is it, put

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Donald in the car let us take him to the hospital. Andaiye's Father, Dr. Frank Williams ran his practice and was part of the ownership of the Medical Arts Hospital so we said, "Let us take him get uncle Frank and take him".

Mr. Hanoman: He was a medical doctor?

Ms. Dow: He was a medical doctor but as we were proceeding by this time we would have kind of left Andaiye we would got into, I suppose, high security mode, myself and Rupert in particular who were quite accustomed to be arrested and harassed, both of us separately and jointly.

Mr. Hanoman: Arrested and harassed by whom?

Ms. Dow: The police and other elements in the society so we were quite, I would say familiar, with running or securing ourselves in situations of danger over the many years.

Mr. Chairman: Could you explain what you did in getting into a high security mode?

Mr. Hanoman: Yes, was it a mind-set or was it something physical...

Ms. Dow: No, it was a mind-set that you did not know whether something was going to happen to you, I mean we had been in many situations in which I had been. I have been arrested, pulled in by Police, pushing in your car aside with guns at your head. My house was frequently searched by many, many Police sometime as many as 27 police would search my home.

Mr. Hanoman: You may have to slow down a little bit.

Ms. Dow: Sorry.

Mr. Hanoman: The memory of that time is probably causing you to...

Ms. Dow: I do speak fast, but I do try and slow down.

Mr. Hanoman: Okay.

Mr. Chairman: Did she provide any description what was the high security mode that they got into?

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Ms. Dow: That is what I am trying to describe here. Mr. Chairman, I am saying, we were accustomed to being under threat on a regular basis on the road so when we saw Donald, we said “oh my god what is happening” we do not know what has happened but we knew that we could have been in danger so that is why we were heading off to the hospital of Dr. Frank Williams and not saw the Public Hospital.

Mr. Hanoman: Okay, let us pause a little bit there. Can you develop for us, you felt first of all that at that stage you were in more danger than normal?

Ms. Dow: We did not know. What we knew is that Andaiye was in shock Donald was in shocked; she just told us Walter was dead, we did not ask how, nobody was in the state to say how, we just accepted that he was dead, she would know that it was Walter.

Mr. Hanoman: Was this danger coming from any particular source?

Ms. Dow: No, we felt that there could have been danger, at least I felt. This is what I am going to say that: “we better get to a safe place, if Walter had been killed then something was going on” and we had no reason to believe that something was going on that day. There was no demonstrations, nobody was out on the road, there was nothing so why was Walter dead? As she said killed, “Walter has been killed”.

Mrs. Samuels-Brown: Before the Witness proceed, the Chairman was trying to find out; these things happened of a nature and close to things that has happened before. You said you had been arrested several times and you went into high security mode. Does that mean that you did something or you felt some kind of way, what is it you are describing as going into high security mode?

Mr. Chairman: [*Inaudible*]

Ms. Dow: No, we were in the car and it would be for us that we had to get off the road find out what had happened, were we going to be... things that flash through your mind. Are the Police going to arrive here now? Are we going to be arrested? Is something going to happen to all of us because for Walter to be dead, it meant that all of us could be in danger or may be not a thing. So our response to that would be what is going on, where we can go to work out what is going on?

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Mrs. Samuels-Brown: Sorry, if I understand you, you became more alert?

Ms. Dow: More alert.

Mrs. Samuels-Brown: You began to look out for sources of danger?

Ms. Dow: Yes.

Mrs. Samuels-Brown: You decided you had to get off the road?

Ms. Dow: Yes.

Mrs. Samuels-Brown: ...and to a place where you can consider your faith?

Ms. Dow: and find out what had happened to Walter.

Mrs. Samuels-Brown: And find out what had happened. I think that sounds like what she is saying about high security mode.

Ms. Dow: Right, and may I say that we have often been arrested, there were time when our vehicles were attacked and burnt so we were not unfamiliar on being in personal danger.

13:08hrs

Mr. Hanoman: “We” meaning who please?

Ms. Dow: Dr. Roopnarine, myself, everybody around the WPA’s close circuit at that time were aware that you could be threatened or arrested or killed or whatever we all thought.

Mr. Hanoman: Would it be fair to say then when you learnt, or when you heard that Walter Rodney had been killed, that you felt that the persons who had killed Walter Rodney may also have killed you?

Ms. Dow: It was not clear process of thought to think that somebody was about to kill us, but what it meant to us, that something really large had happened and if it had happened to Walter for reason that we had no idea of at the time. Certainly, I did not nor did it seem anybody in the

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car because we kept saying what could have happened, but Donald was in shock so we did not want to be pressing him for anything. We wanted to put him where he could be safe and his wounds attended to.

Mr. Hanoman: At that time, did you feel that Walter's killing was political?

Ms. Dow: Walter's dangers were always political. Political in the sense that if you mean the State or some arm or something of the State was out to get us, that was a frequent occurrence.

Mr. Chairman: I did not follow what she said there? I think she closed her lips as it were.

Ms. Dow: He asked me whether I felt that his killing was political. To say that I felt anything then other than finding out what was happening would be to put too much presence of mind on the occasion.

Mr. Chairman: Complete the sentence which you had started. If you meant an arm of the State or something like that and then I lost you.

Ms. Dow: I said that we were always under the guns so to speak because we were frequently stopped on the road, arrested, and locked up in stations. I was and each of us in there had been, there was always a sense that you could be attacked.

Mr. Chairman: You have gone back too far if I may say that. You have covered all of that. You were asked if you felt that it was political, Walter's death and you said Walter's dangers were always political and if you meant his death was as a result of the arm of the State and we lost you.

Ms. Dow: I am saying, but to say that I was thinking about that kind of thing at the time. All I would think is that they have killed him and by "they", I would mean the State, the Burnham regime, the political party, whoever. That would be what would be present in my mind that they did not have at that time, I could not say it was the Police, the Army or the this or that, but I

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knew that “they” meant the State of Guyana, the overriding adversary of the WPA would be involved in his killing. I did think from Andaiye that he had had a car accident for instance. She said they have killed him. He is dead.

Mr. Hanoman: Nothing more had to be said for that meaning to be conveyed to you that it was the State that had caused his killing. Nothing more needed to be said? It was a sort of understanding?

Ms. Dow: Yes, it was an assumption that turned out to be true.

Mr. Hanoman: That turned out to be true?

Ms. Dow: Yes.

Mr. Chairman: Now, you should go back to your terms of reference with respect to...

Mr. Hanoman: The first Terms of our Reference deals with the examination of immediately prior at the time of and subsequent to the death of Walter Rodney to determine as far as possible who or what was responsible for the explosion. So did you have interactions with Donald Rodney immediately after this incident?

Ms. Dow: Yes.

Mr. Hanoman: Can you recall discussing with him what had happened?

Ms. Dow: We all said to him what has happened Donald? That was all what has happened?

Mr. Hanoman: Please tell us what was his response?

Ms. Dow: He was in shock. He did not respond really. He was bleeding. His eyes was thin and he was clearly in shock. Medically, I would say he was in shock. We were not about to probe. We were trying to make sure that none of his wounds were...

Mr. Hanoman: I see.

Ms. Dow: ...a danger to him.

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Mr. Hanoman: Now...

Ms. Dow: Especially the one in his throat.

Mr. Hanoman: Just to be clear we are speaking about that period, you first met him at 45 Croal Street and he is being transported to the doctor?

Ms. Dow: Yes.

Mr. Hanoman: That is the period when you are asking him what had happened.

Ms. Dow: That is it.

Mr. Hanoman: And he did not reply.

Ms. Dow: He was bleeding, his head was down, and he was a person had just as it turned out had come out of an explosion.

Mr. Hanoman: Well it is a difficult question for you to answer...

Mr. Chairman: Counsel, if I may interrupt, what I was attracting your attention to and I was not explicitly doing it is an unexplored area in the Terms of Reference, that is why I tell you all to keep your eyes focused on it. We have never explored with any witness whether it was an act of Terrorism. A word that may have different meaning, but it is about time we began to explore it. That is what I was trying to alert you to.

Mr. Hanoman: From everything that you have just described from all the activities of the State and the Police and the culmination of the death of Walter Rodney, would you describe his death as an act of terrorism?

Ms. Dow: I have always seen and still do that terrorism is something that the State accuses people of, so I do not see that if the State murders you, or seeks to murder you that that is an act of terrorism. I feel that is an act of State sanction. So with due respect Mr. Commissioner, I think

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it is always the other that is accused in my mind of terrorism. Those states are clearly terrorists. It is a much more current term than it was then, you know that...

Mr. Hanoman: The term "State sponsored terrorism", has been surfacing during this inquiry, so in that sense did you consider Walter's killing to perhaps be an act of State sponsored terrorism?

Ms. Dow: Yes, State sponsored. Well if you want to call murder and those kinds of things terrorism, yes. I have thought so then and I think so now.

Mr. Hanoman: You have touched on, but can you expand if you do agree that perhaps it was an act of State terrorism who the perpetrators would have been?

Ms. Dow: You want to know what I taught then, not at the moment, but subsequently?

Mr. Hanoman: Give us all.

Ms. Dow: When the name of Gregory Smith surfaced...

Mr. Hanoman: Okay. Can you pause for a moment?

Ms. Dow: Sure.

Mr. Hanoman: When did that name first surfaced?

Ms. Dow: When we began to talk to Donald about what had happened. This is after he had been treated. He did not go to the hospital by the way as you know. We stopped off at the house of a colleague and friend, Dr. Horace Taitt.

Mr. Hanoman: In terms of time, about how long after the incident was the name Gregory Smith first mentioned to you?

Ms. Dow: I would say when Rupert and myself left to get Eusi that we already knew that somebody by the name of Gregory Smith had handed something to Walter.

Mr. Hanoman: Give us an idea of time please Ms. Dow.

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Ms. Dow: Well let us say that from where Croal Street was to Horace could have been no more than ten minutes even if we were driving slowly and I am not sure how we were driving, but I think Rupert and I went for Kwayana at about 09:30hrs perhaps. Walter was killed just before 08:00hrs as it turned out, as you may have noticed, the clock in his car stopped at 08:52hrs. We saw Andaiye just after that, just after 08:00hrs. We kind of huddle around there whilst Donald came down and we kind of hugged up Andaiye. Then we went over to Horace who then requested to put Donald in bed and sent us to get a doctor. He was a psychiatrist though a fully trained doctor to deal with his wounds.

Mr. Hanoman: Okay.

Mr. Chairman: We must not get side-tracked with respect Counsel and Ms. Dow but I got the impression that she had indicated that by 09:30hrs the name Gregory Smith had surfaced?

Mr. Hanoman: Yes.

Mr. Chairman: Who caused that name to surface?

Ms. Dow: Donald.

Mr. Hanoman: This is first-hand information? Donald mentioned the name in your presence?

Ms. Dow: We had to ask Donald what had happened. None of us knew Gregory Smith. I did not know him, Rupert did not know him.

Mr. Hanoman: Speak for yourself please.

Ms. Dow: No but we discussed it.

Mr. Hanoman: I see.

Ms. Dow: None of us knew who Gregory Smith was.

Mr. Chairman: Yes but had surfaced in what context?

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Ms. Dow: As somebody who had given something to Donald who gave it to Walter. That is what it was. That he had taken a package from Gregory and given it to Walter who was in the passenger seat.

Mr. Hanoman: So at around 09:30hrs did Donald suggest that it was that package that had caused the death of Walter Rodney?

Ms. Dow: Yes that this thing exploded.

Mr. Chairman: Did he say anything more about Gregory Smith?

Ms. Dow: No because by then Rupert and I got what we would say was the crux of the matter to go off to get Kwayana, made sure Donald was being treated and in good hands and it was not unusual for me to be the person since I was the only woman who could drive for instance and I did have vehicles and so on at the time. So I was often in the presence of doing these tasks so it was not unfamiliar for me to be heading to Buxton. Eusi had no telephone and they were the days before cell phones and the only way you could get to Buxton was to drive there to get to him.

Mr. Chairman: So that night you went to Buxton?

Ms. Dow: Yes.

Mr. Chairman: And that was for Eusi Kwayana?

Ms. Dow: Yes.

Mr. Jairam: One point of clarification, you said Walter was killed just before 08:00hrs and the clock in his car stopped, I think you said 08:52hrs did...

Ms. Dow: That is what I heard here, but we always knew it was just before 08:00 hours but there was something in the evidence here that said that the clock in his car was 08:52 hours so we were

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always curious and that is why it was particularly important to me of all the things we had heard subsequently about the night when people were informed and so on.

Mr. Hanoman: This is also a bit of an aside, can you recall hearing any explosion?

Ms. Dow: No.

Mr. Hanoman: Or anything sounding like that before you arrived at lot 45 Croal Street?

Ms. Dow: No, when I arrived at Croal Street, he was already dead so there was already the explosion.

Mr. Hanoman: Just for the sake of the persons who may not be familiar with the geography of the city. In order to get from the Tiger Bay WPA Centre you would not have passed in the proximity of the Georgetown Prisons?

Ms. Dow: No.

Mr. Hanoman: Or John Street or Hadfield Street to get to...

Ms. Dow: That was South of where we were.

Mr. Hanoman: Okay.

Mr. Chairman: That would depend on what direction you were coming from.

Ms. Dow: No it does not matter what direction you are coming from you would have to make a completely wrong loop to get to John Street. Tiger Bay is West and North of the house in Croal Street and where Walter was killed was South and West of where we were so it was a completely opposite direction.

Mr. Chairman: You may want to find out if at a later stage he found out more of Gregory Smith, when and in what context and so on.

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Mr. Hanoman: Thank you, Sir. Perhaps we should move to the point where you said you arrived somewhere for Donald to receive treatment? Can you tell us a little bit more about where you arrived?

Ms. Dow: What is now Cara Lodge was the home of Dr. Horace Taitt and he was our friend. We all used to play Bridge there including Walter and Rupert, and it was a safe place to go. It was the only place that was guaranteed you would never be searched. The PNC regime never searched that house though we frequented it.

13:23hrs

Mr. Chairman: Which house was that?

Ms. Dow: Dr. Horace Taitt's, which is now, Cara Lodge.

Mr. Hanoman: It was known as Taitt House at one time.

Ms. Dow: The real name was Woodbine House.

Mr. Chairman: Why was that exempted from search?

Ms. Dow: That is a long story about Mrs. Taitt and Mr. Burnham, how kind she was to his son and the role of the Taitt family but we knew we were safe there always. As Horace used to say "they would not search here" so we always felt that that was a place we could go and be secure.

Mr. Hanoman: I see.

Ms. Dow: His father was also alive and he used to be the Prison Doctor.

Mr. Hanoman: So you arrived at Taitt House with Donald...

Ms. Dow: Yes.

Mr. Hanoman: ...and who arrived... We are now speaking about Dr. Rupert Roopnarine, yourself...

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Ms. Dow: ...and Bonita.

Mr. Hanoman: ...and...?

Ms. Dow: Bonita.

Mr. Hanoman: Bonita Harris?

Ms. Dow: Yes.

Mr. Hanoman: Abyssinian was not with you?

Ms. Dow: No, I think he stayed with Andaiye.

Mr. Hanoman: I see and when you arrived at the house of Dr. Horace Taitt, please tell us briefly what happened.

Ms. Dow: Well, you would have to know... Horace kind of took charge, took us upstairs... He always thought we would be killed anyhow. He took Donald. We cleared the bedroom and he put Donald in the bed and looked at him. He was a psychiatrist. He said "Do not questioning, you cannot ask him anything, you know he was in shock. Get me a doctor." We said "Who would come?" He said "Get Ganraj", who was himself a member of the Liberator Party at the time.

Mr. Hanoman: Okay, I am sorry to interrupt you again, is Dr. Horace Taitt alive now?

Ms. Dow: No, he died recently.

Mr. Hanoman: Do you know if Dr. Ganraj is alive now?

Ms. Dow: If so, he lives in Canada. I have not heard that he is dead so he should be alive.

Mr. Chairman: There were two names mentioned, which one in the end was...?

Ms. Dow: Dr. Ganraj Kumar is one name.

Mr. Chairman: Thank you.

Mr. Hanoman: Yes...

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Ms. Dow: Yes, so he lived in Bel Air Springs. We went and fetched him. He came willingly and we just left him at Horace and Rupert and I left to go and inform Kwayana and then the Party trying to piece things together that we had heard.

Mr. Hanoman: Can you explain to us why Kwayana was the person you went to immediately after that?

Ms. Dow: Kwayana was the person who was logically the person we would go to in such an instance. The other persons of the Committee would have been Clive, all the others who could have been...

Mr. Hanoman: Please call their full names.

Ms. Dow: ...Dr. Clive Thomas, Dr. Morris Odle. We knew Andaiye had gotten Malcolm to deal with the family so it was really what would have been part the Executive of the WPA, but Eusi would have been the first person you would wish to tell.

Mr. Hanoman: I see, now...

Ms. Dow: He was the elder of things, of course. People used to call Eusi "The Elder".

Mr. Hanoman: I see. He was like the patriarch of the Party?

Ms. Dow: Yes, he had come from the 1955 time. He was the closest. I used to take him home a lot, you know, driving home.

Mr. Hanoman: The name Gregory Smith having been mentioned to you, did you make any attempts to discover where he could be located or who he was, exactly?

Ms. Dow: Two things would have happened. First of all, of course, we told after the WPA gathered for their own meeting, I was not a member of the WPA and I was certainly not a member of the Executive so while they were gathering we went far and wide to find out and to tell people what had happened by press and by call and there were people in Georgetown who I would have thought would have been able to get information on this so each of us, in a sense, did our own thing to try and work out what had happened.

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Mr. Hanoman: Would it be true to say that after Walter's death, during that very night, yourself and others tried as effectively as possible to disseminate the information about the name Gregory Smith?

Ms. Dow: I cannot say but we certainly were disseminating information that Walter had been killed by an explosion. Yes, not Gregory Smith. That Walter had been killed by them, meaning the Regime and that Donald was safe; that was important for his family as well and that people should get information...

Mr. Hanoman: I see.

Ms. Dow: ...but it was important for us to make the news known that he had been killed.

Mr. Chairman: Counsel, I think there are some gaps in the story thus far. You have reached the point where apparently the Executive was meeting. The Witness was not a member of the Party of the Executive so she went off with others and they were advising them as to what had happened, Donald was safe, and Walter was dead. Now I take it that Kwayana was at this Executive meeting. What time was that? Did they reach Kwayana? Did he come down for the executive meeting that same night...?

Ms. Dow: Who was at the meeting, did you say Donald?

Mr. Hanoman: You went to meet Kwayana. Did you bring him back so that he could attend this Executive Meeting?

Ms. Dow: Yes, we brought him back. They were going to gather... that was Rupert's responsibility and Kwayana's, to gather their leadership and to inform them.

Mr. Hanoman: Where did you bring Kwayana back to when you picked him up from Buxton?

Ms. Dow: We came back to Horace. I think we stopped at Bonita's house which was on the Seawall, Sea Glimpse, and the other thing was of course to find safe place; they had to work out where would be a safe place to meet because at this time no one knew whether this was just Walter being killed, the WPA was going to be arrested, other people were going to be killed. You had no idea what it was that was going on really, so the importance of getting the news out

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were that if there were other plans afoot to kill other people or to lock people up or whatever. It was that you had to do two things; you had to make sure that everyone was in a safe place, everyone knew and the world knew. The WPA was extremely adapt and good at making sure that part of their safety, as members and people and people who were supporters, was that news was out so if somebody was arrested you would make that known as quickly as possible so that they would be safe under arrest so this was not like a new reflex. This was something that had happened the last two years and we knew that part of a way in which you can secure a person that was arrested was to make public, as quickly as possible, anything that had happened...

Mr. Chairman: Counsel...

Ms. Dow: ...so part of the reason that you had to get it out was that, that in my view.

Mr. Chairman: ... I think you have to guide the Witness as best as you can because at about what time did this Executive Meeting held? Who, as best as she could remember, had been in attendance and where was it and so on?

Ms. Dow: That was not my call.

Mr. Hanoman: Fair enough, but you brought Mr. Eusi Kwayana back from Buxton with you in your car, you had with you Dr. Rupert Roopnarine. At some part in time you parted company with them.

Ms. Dow: Yes.

Mr. Hanoman: Can you tell us where and at what time that happened?

Ms. Dow: No, I do not remember what time but I know that they met probably before midnight. They went to a safe place which I did not need to know.

Mr. Hanoman: Do you care to tell us? You must have dropped them off somewhere.

Ms. Dow: I did not drop them off. People got mobilised on their own.

Mr. Chairman: No, we do not want to know necessarily that precise spot where they were dropped off but does she know where the meeting was held and...?

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Ms. Dow: The meeting was held in Georgetown. While there was a meeting, they were gathered, I was doing something else so you would have to ask Dr. Roopnarine the details of that.

Mr. Hanoman: You were told that Walter had been killed...

Ms. Dow: Yes.

Mr. Hanoman: ...the device that had killed him was handed to him, you knew, by a person called Gregory Smith...

Ms. Dow: Yes.

Mr. Chairman: She did not say that.

Ms. Dow: Donald said that the device was handed to him, Donald, and that he collected a package and he handed it to Walter.

Mr. Hanoman: I am corrected but the reason I have put together that preamble was so that I could ask you, did you consider it necessary – it might sound like a stupid question – to report the matter to the Police?

Ms. Dow: I remembered that was raised and they may well have made an attempt to tell the Police because it was always important, in those instances, to put the Police to the test. I mean when you were arrested and something went wrong you would file a report, useless though you might think it was.

Mrs. Samuels-Brown: Could you pause there, you said that you remembered it was raised.

Ms. Dow: Yes.

Mrs. Samuels-Brown: Do you recall who was present when it was raised or who raised it?

Ms. Dow: Well, do not forget that Rupert and I were driving all the way up to Buxton which is about 12, 14 miles...

Mrs. Samuels-Brown: So was it you who raised it or was it Rupert?

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Ms. Dow: No, we were saying “What do you do now? Do we call the Police?” You know, all those things were...

Mrs. Samuels-Brown: So yourself and Rupert discussed it?

Ms. Dow: Yes.

Mrs. Samuels-Brown: Okay, thank you and you said it may have been done but you do not know?

Ms. Dow: It was a very traumatic evening.

Mrs. Samuels-Brown: I understand that but we still need to know...

Ms. Dow: I know that there was a question of whether if you put Donald in the hospital if they would for instance, arrest him? Would the Police ...

Mrs. Samuels-Brown: Could we pause there...

Ms. Dow: Yes.

Mrs. Samuels-Brown: ...so it was discussed but you do not know if a report was made?

Ms. Dow: I do not know.

Mrs. Samuels-Brown: That is your evidence, thank you.

Mr. Chairman: Was any decision taken then to report it or not?

Ms. Dow: That would have been more with the WPA Executive. Rupert and I could discuss it but that was not really my call or his call, individually.

Mr. Hanoman: Prior to this Executive Meeting being held, you had not reached to the decision as to whether or not it should be reported to the Police?

Ms. Dow: No, we were just saying “what to do now, what to do now?” as you can imagine and “why, why now?”

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Mr. Hanoman: When you collectively decide to take Donald Rodney to the house of Dr. Horace Taitt, did you choose that location to protect him from being contacted by the Police?

Ms. Dow: No, Dr. Horace Taitt is on the way to Medical Arts Hospital from where we were so as we were driving along... First of all, we would not have sent him to the hospital without ensuring that Uncle Frank was there – that is Dr. Williams. We would not just drop him or take him to the hospital so it made sense, as you proceeding, to stop at Horace and to gather yourself and your thoughts. He was a Doctor, have him have a look at Donald who was in shock and to think about what could possibly... He was the one I think who raised it, that Donald should not be questioned now. We had no idea what would happen – would the Police come and pick him up as the person present at something, would he be in some kind of danger, would he be exposed to more trauma by being questioned insensitively? These are things that you think about even if you have a normal car accident. What it was that the person who survived would be, in other words, subjected to?

Mr. Chairman: Did the Doctor helped you to determine those questions and...

Ms. Dow: Yes, he did. He said that Donald should not be exposed to any questioning. He did think that we had no way of knowing whether he was in danger as an eye-witness to the act or to what had happened. Horace was very aware of all the dangers and...

Mr. Chairman: So he felt he was in danger?

Ms. Dow: Yes, he felt he could be in danger and he should remain right here where he could look after him and treat his wounds which were clearly not life-threatening or required surgery or something.

Mr. Chairman: Did Donald remain right there?

Ms. Dow: He did.

Mr. Chairman: Until when?

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13:38hrs

Ms. Dow: I think that by then he had gotten a statement and then he was taken to Medical Arts, the next day or the next day.

Mr. Hanoman: When you say we had gotten a statement ...

Ms. Dow: They began to write out ...

Mr. Hanoman: Who began to write out?

Ms. Dow: I think it was basically Eusi who would have begun to gather all the facts to do the statement. After the meeting, all through the night we were getting information.

Mr. Hanoman: You are speaking about a written statement being taken from Donald Rodney?

Ms. Dow: Yes, well he could not write his own statement at the time, but he needed to begin the bare bones of a statement to the Police.

Mr. Hanoman: Let us pause there for a moment. Are you saying that you are aware that the Police came into contact with Donald Rodney at some point in time?

Ms. Dow: No, they did not, not at that point, but the WPA had to put out a statement ...

Mr. Hanoman: Oh I see.

Ms. Dow: ... which would involve what had happened, which meant you had to talk to Donald.

Mr. Hanoman: Oh, I see.

Ms. Dow: Since nobody knew.

Mrs. Samuels-Brown: Were you present when the person was speaking to Donald and writing his statement?

Ms. Dow: We were all gathered in the house ...

Mrs. Samuels-Brown: So, you were there?

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Ms. Dow: Yes, in and out, up the road.

Mrs. Samuels-Brown: You were there. There is a reason I asked, you know, because there is something in these records which indicate that there are parts of the statement that was put out by the WPA which are different from the statement which was eventually submitted by Donald Rodney. So we need to get precisely what was happening then.

Ms. Dow: Yes.

Mrs. Samuels-Brown: I am not saying that I accept the statement; I am just telling you that from the records, we do have that assertion.

Ms. Dow: Well, the first statement as far as I know was a statement of the WPA based on what they had had garnered from Donald.

Mrs. Samuels-Brown: But you were in and out of the room, you were not there all the time.

Ms. Dow: No.

Mrs. Samuels-Brown: Thank you.

Mr. Hanoman: This statement of Donald was put out by the WPA through what ...

Ms. Dow: The statement of the WPA.

Mr. Hanoman: Well, ok. The statement of the WPA in relation to what information had been gathered from Donald Rodney was put out there through what medium as far as you are aware.

Ms. Dow: Well, you know, it would not be the local medium, so they would do Press Releases, BBC would be contacted, external was usually the way we got bad news in Guyana about yourselves. There was CANA ...

Mr. Hanoman: So, you were aware that the WPA had officially shared this information with BBC and CANA?

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Ms. Dow: Yes, I mean, that was a normal procedure if you were beaten up or anything, you would make sure that the foreign or external Press knew what was happening. At the time, you only had the State radio here, still have and you only had one newspaper.

Mr. Hanoman: So, this would be done by telephone?

Ms. Dow: Telephone and various means, I do not know, telegraphs, in those days, but there were people who were contacted for Press Releases and do not forget, once the BBC had it out, many phone calls to everybody you can imagine to Guyana.

Mr. Hanoman: Do you know who in the WPA would have been responsible for sending out that press release?

Mrs. Samuels-Brown: You mean that particular Press Release?

Mr. Hanoman: That particular Press Release.

Mrs. Samuels-Brown: So you really want to know who was responsible.

Mr. Hanoman: Yes.

Mrs. Samuels-Brown: Not who would have been.

Mr. Hanoman: Yes, thank you.

Ms. Dow: Under normal channels it would have been Andaiye or Bonita, but for something like that, everybody would make sure they contacted anybody they could think of, so it became like a tidal set of information. People would call people that they knew who were connected and I would call Trinidad, Barbados and wherever, in those days by telephone. They did not have computers and email.

Mr. Chairman: Do you know approximately what time the first statement went out?

Ms. Dow: The BBC had it by the next morning.

Mr. Chairman: Yes, I agree with that, which meant that ...

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Ms. Dow: You had WPA support groups around the world so, people would inform the WPA support groups.

Mr. Hanoman: But this information would have been spread that very night?

Ms. Dow: Yes, but of course it spread in Guyana like wildfire. People were ringing each other, my aunts would call me and they would call other people and so on and so on. Everybody, of course, wanted to make sure that their families connected to the WPA were also safe.

Mr. Chairman: Because the BBC might have had it by 03:00hrs or 04:00hrs the next morning because remember by 07:00hrs or 08:00hrs it was on the BBC.

Ms. Dow: There was no playing of the BBC as we discovered after. Normally, you would get the BBC news in Guyana and the next day, they did not have the BBC news, they said connections were bad.

Mr. Hanoman: So, it was routine for the BBC to be aired through the available radio stations at a particular time every day?

Ms. Dow: I think it is about 06:00hrs or 07:00hrs or something like that.

Mr. Hanoman: About 06:00hrs or 07:00hrs every morning?

Ms. Dow: Yes.

Mr. Hanoman: But you are saying with certainty that on the morning of the 14th June, 1980 ...

Ms. Dow: ... there was no BBC ...

Mr. Hanoman: ... no BBC and there was an official explanation why this was ...

Ms. Dow: No, communications were bad.

Mr. Hanoman: There was an announcement on the same radio that ...

Ms. Dow: That is what one learnt later, yes.

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Mr. Hanoman: I see. Did you ever read the book “*Assassination Cry of a failed Revolution*”, am I misquoting the title?

Ms. Dow: No, I could not stomach it.

Mr. Hanoman: Co-authored allegedly by William Gregory Smith and Anne R. Wagner.

Ms. Dow: I did not read it.

Mr. Hanoman: I think this book has been tendered as an Exhibit.

Ms. Dow: I looked at parts of it. It was too fanciful for me.

Mr. Hanoman: LER 3 ... from what you are saying, you found certain information in here fanciful or objectionable?

Ms. Dow: Well, they were bizarre.

Mr. Hanoman: Bizarre. Can you tell us why you say that?

Ms. Dow: Walter was killed in 1980, this book came out in 2007, Gregory Smith was the subject of many attempts to get him here, his name was called for all those years ... 27 years ... nothing every surfaced until he was dead, right? He died in 2005. I honestly cannot believe that this man who was so intent on defending himself and his name would take 27 living years to do so. So I always say the book as his family's attempt to remove the stain from his name. The things were so bizarre that the WPA for instance could fly him somewhere, give him a passport. My passport was ceased in 1978. I had no passport. WPA could not even pass the airport without being searched leaving or people associated with the WPA, when you were leaving you were searched; when you were coming back you were searched. To leave the country in those days, you needed a tax exit. I for one could not get one for a long time. So to say that the WPA had the capacity to do all of these things was just ridiculous, bizarre and you would not have to know anything about the conditions under which people lived who were either WPA or who were associated with the WPA such as myself to believe anything in that book.

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Mrs. Samuels-Brown: Counsel before you move on, if you are still dealing with Gregory Smith and the book fine, but I wanted to go back to the WPA statement after you are finished with that area.

Mr. Chairman: Well Ms. Brown, we could return to it, but before we got to the book, she first heard Gregory Smith's name the very night that Walter was killed. I wanted to know and that was through Donald, something he said. I wanted to know when next she heard about Gregory Smith, long before the book, and what was she hearing about him in relation to the incident. You left that and rushed to the book 27 years later.

Mr. Hanoman: Very well.

Mr. Chairman: So if you can explain when next she heard about Gregory Smith, days after, a week after and in what context.

Ms. Dow: The most I ever heard about Gregory Smith, Mr. Chairman, was when Pamela Beharry came forward. Pamela Beharry was the person who really nailed Gregory Smith to me and to the public because after the questions about Gregory Smith surfaced, we did not have a context at least I did not have and no one I knew, knew who Gregory Smith was except he was this person that as we came to learn that Walter knew. But Pamela Beharry...

Mr. Chairman: Who was she for the purposes of those who are listening and following?

Ms. Dow: Pamela Beharry gave the statement that defined who Gregory Smith was. That he was a member of the army, that he was living in Camp Street, the Gwendlyn Jones and so on about his domestic life and she gave the most fulsome report on Gregory Smith that really permitted person to begin to hunt him down in the records and in fact, he was no longer there when Father Morrison when to investigate, but it is Pamela who really made Gregory Smith known to us and to the public.

Mr. Chairman: So that statement was given to the WPA or to the public?

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Ms. Dow: She came to the WPAs as far as I recall and more importantly, Mr. Chairman, this was in circumstance where people were frightened to talk to you, much less to give a statement. She was an extraordinary woman. Then and now to have come forward with all of this information.

Mr. Hanoman: Can you put that in a time frame approximately when she may have come forward?

Ms. Dow: It was in the days following, as far as I recall, because there was all this denial of this Gregory Smith. I knew other people who are in the electronics business who subsequently had let know that they knew Gregory Smith. That is how the *Catholic Standard* got some of their information. They are no longer in Guyana but one of them had an electronic store and I think Smith used to work for him on the side. He knew him and then pictures began to surface about him in his uniform and his number and so on. We ourselves had friends who were of the army. I had and we tried to find out about Gregory Smith but there was a wall on the information and he was denied. But it was evident after a while from many citizens to get involved in trying to verify that this person did exist and he was part of the army, whether as a current member or not.

Mr. Chairman: How long after that statement was given to the WPA it became public?

Ms. Dow: In my own recollection and I was not doing that kind of thing around then but it was very shortly afterwards. I mean people were just overwhelmed to have these facts and Pamela Beharry was never afraid of it being made public. She did not make a clandestine statement. She made a statement that she was prepared to be questioned on and was public.

Mr. Hanoman: You are aware that her statement was published in the *Catholic Standard*?

Ms. Dow: Yes.

Mr. Hanoman: You said shortly after and a few days after, can you pin it down a little more precisely for us?

Ms. Dow: I just know that Pamela Beharry surfaced and made herself known. When to the centre as far as I recall, I would say within the week would be my recollection. Maybe longer but that would be my recollection. But that is how all of us began to piece together who Gregory

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Smith was and what had gone on from the other bits of information that we had garnered about the night.

Mr. Hanoman: You mentioned that information had come to you that Gregory Smith had lived in Camp Street, just for the purposes of this record, is it correct that Russell Street is a continuation of Camp Street?

Ms. Dow: Yes it is. I think it is beyond Princess Street that it becomes Russell.

13:53hrs

Mr. Hanoman: The name changes after a while.

Ms. Dow: It was either that we were on Princess or Broad Street.

Mr. Hanoman: After the name had surfaced, did the WPA make any further investigations into locating Gregory Smith?

Ms. Dow: As far as I know, of course, yes. Not lonely WPA, many citizens. I was not WPA, but we all were in hot pursuit of information, many, many citizens, about Gregory Smith. People were calling in, we would gather information, people would call you, tell things... I mean, a large part of society, I would say, was mobilised in getting to the truth and another part was mobilised in hiding the truth.

Mr. Hanoman: In your estimation, who was mobilised in hiding the truth?

Ms. Dow: The army or army types and, of course, obviously, the Government at the time.

Mrs. Samuels-Brown: Why does the Witness say that? You have to ask her, in her estimation, who was organising to hide the truth. Why does she say that in her estimation they were doing that?

Mr. Hanoman: Why do you come to that estimation or conclusion?

Ms. Dow: Because there was denial that Gregory Smith was ever a member of the Army. There was denial that he was in any way connected to electronics. There was just a denial that Gregory Smith existed at first. I mean, I do not even know if to this day they are willing to admit that he

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existed. He had a number but there is nothing else to say he existed. No records have ever surfaced from the Army's point of view. The records that are known to me are what people have garnered outside of that; pictures of him in his uniform and so on did not come from the Army or have not come from the army.

Mr. Ram: Except in relation to some payroll records.

Ms. Dow: Yes.

Mr. Chairman: I did not hear that, Counsel.

Mr. Ram: I said except in relation to some pay roll records.

Mr. Chairman: Pay roll.

Mr. Ram: Yes, Sir.

Mr. Chairman: Right. Now she did mention, she linked the Government to the Army as among the second of the society concern to hide the truth. One section of the society was mobilised to discover the truth and another section, the Government and the Army, according to what she said... She explained her mentioning the Army but what about Government? Why do you say that the government was concerned to hide the truth?

Ms. Dow: In my view, there has never been the Minister of Defence, the Minister of Information; and the Minister of anything that has ever said that Gregory Smith was indeed a member of the Army; that he was acting in whatever manner. There has just never been any acknowledgement to this day, as far as I know, that Gregory Smith was who he was in respect to the Military.

Mr. Hanoman: Now this...

Ms. Dow: ...except, as you say, the things that have been discovered, his pay roll record, his number and so on. There has never been any clear admission that Gregory Smith was a member, and not AWOL or anything at the time. There has just been a silence on Gregory Smith, even to now.

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Mr. Chairman: Why have you thought that the Government should have – the Ministry of Defence or Home Affairs or any other Ministry – gotten into that? Why do you say that? I am interested in your response to that.

Ms. Dow: The Ministry of Information... At the time, there was a public discussion, I think in Barbados, between the Minister of Information – I think it was Shirley Field-Ridley at the time – and Andaiye about Walter's death. He was a historian and so was Shirley Field-Ridley. There were all these bizarre theories that he had committed suicide. All of these rather odd things were said. In all of the statements made, if you are the Government and were being accused of engineering the murder of your top political rival, you would believe that it would be an obligation of the State to make clear who this person was and what it was but this was never done.

Mr. Hanoman: Are you saying to us that immediately after Walter's death there was no information coming out of the state-owned media having anything to do with Gregory Smith?

Ms. Dow: No, there was a denial of Gregory Smith. The Police never offered an explanation, the Army never offered an explanation, the Government of itself never offered an explanation. I mean the suggestion was all to do about what Rodney was doing, not what the accused and named person... where he was or what he was up to. Then the fact that even when it surfaced that he was flown to Kwakwani by an Army aircraft – there were some talk at the time of a helicopter – nothing was even said about that to this day, except Mr. Gouveia's evidence.

Mr. Hanoman: One of the main theories advanced in this book, *Assassination Cry of a Failed Revolution* is that Walter Rodney knew that he had a bomb and he intended to use this bomb for his own purpose.

Ms. Dow: That night? He was going to use it that night for his own purpose?

Mr. Hanoman: I do not know if it is clear when the intention was to use it, but I think the main theory was that he knew he had a bomb. That this bomb was concealed in a different device, and he had need for a bomb. You knew Dr. Rodney well?

Ms. Dow: Very well.

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Mr. Hanoman: You would often interact with him.

Ms. Dow: Frequently.

Mr. Hanoman: Have you ever heard anything about him wanting to have a bomb or having any need for a bomb?

Ms. Dow: To blow up the Georgetown jail as they said?

Mr. Hanoman: Well that among other things.

Mrs. Samuels-Brown: Two separate questions you have asked you know: whether he wanted to have a bomb...

Mr. Hanoman: Did you know if he wanted to have a bomb? Did he ever discuss anything like that with you?

Ms. Dow: I do not want to be facetious but I think many of us wanted to have bombs in that general sense but nothing specific. People would bring us with the most amazing tales of things we should do to get rid of the Government; old people, young people who felt oppressed, so it was not an unfamiliar discussion. I remember we gave, if I may digress a little to give an example, we gave someone a birthday cake who was 82 and she said "And where is Burnham's head? That is what I thought you would have given me for my birthday." I mean it was an astonishing level of hostility and dread on the one hand. There were people in the society like that and there were people who would dance around you and tell you that they had Burnham fever so the society was very divided about those who were for Mr. Burnham and those who were against him, but the question of a bomb Walter had never discussed with me, certainly; the question of anything such as bombing anyone. If I may, I mean, you could not even have a shell, a piece of anything to deal with arms and ammunition which were frequently searched for. My house was frequently searched in those days so the notion of a bomb was really quite fanciful to me. Where would one get bomb materials from? You could not even walk around with a belt that had magazines. You know those belts at the time were popular. If you had that on you would have been charged for arms and ammunition as one person, a quite famous Guyanese, was.

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Mr. Chairman: Counsel, before you go any further, may I inquire...? This last thesis that Walter knew that he had a bomb in the device which he was handling, but he needed a bomb for his own purposes, and so on; what is the source of that? You said it is a thesis.

Mr. Hanoman: In this book, please. I am unable to find the part of the book now, Sir.

Mr. Chairman: Okay. You are saying... I read it, in parts, up until recently, but I did not remember that particular thesis. You are saying it is in the book. I hope I am not misrepresenting but I do recall reading something to that effect.

Ms. Dow: So, that meant that Gregory Smith knew he had a bomb, too? That he could have written this?

Mr. Hanoman: Yes. My assistant will try to find...

Mr. Chairman: It is alright, it is alright, it is alright...

Mr. Hanoman: ...the part of the book deals with... As you are on the topic, is it also correct that it was illegal to have a walkie-talkie or radio set without license in those days?

Ms. Dow: As far as I recall, anything that smacked, or smelt of having police capacity, or any of those things. Yes, I think people would have toys, you know, that you could have used in your yard that kids would have but nothing of any range or substance in which you could communicate. This was very important to us because your phone lines would be cut; your phone lines were tapped. There were no other means of communicating, sometimes, if you were, say at a meeting, as happened once when Rupert was at a meeting and the car was pushed in a trench and he was chased and other people were chased as well. You know I think it is hard for people now to conceive how difficult it was to communicate before cell phones and all of those things.

Mr. Hanoman: Did Walter Rodney ever speak to you about his desire to have walkie-talkies?

Ms. Dow: Many of us spoke about our desire to be able to communicate with each other when they cut our phone lines.

Mr. Hanoman: But did Walter Rodney and you ever talk about this nature?

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Ms. Dow: We talked about all sorts of things...

Mr. Hanoman: Including that?

Ms. Dow:to security because my house was a place where people gathered a great deal. Therefore it was always, in a sense, under watch and under threat. I understood that, my family understood that. We were searched on the roads, taken out of our cars, braced up against the wall so we always knew we were very vulnerable; in my home, at least.

Mr. Chairman: I was just wondering whether this was a convenient time.

Mr. Hanoman: I do believe that this is a convenient time, if it pleases you, please, Sir.

Mr. Chairman: Well, we now stand adjourned until 9:30 hrs tomorrow morning. You are to come back tomorrow to continue. Is that convenient for you?

Ms. Dow: Yes.

Mr. Chairman: Thank you.

Hearing Adjourned Accordingly at 14:06hrs.