

## SUBMISSIONS

### WALTER RODNEY COMMISSION OF INQUIRY

#### INTRODUCTION

The Walter Rodney Commission of Inquiry commenced its first public hearing on the 28<sup>th</sup> day of April, 2014. The public hearings continued on various and diverse days until the 27<sup>th</sup> day of March, 2015. During this period, twenty nine (29) witnesses testified and completed their evidence before the Commission. There were two (2) witnesses, who commenced their evidence before the Commission but did not complete same by the 27<sup>th</sup> day of March, 2015.

The list of witnesses who completed their evidence before the Commission is as follows:-

NAMES OF WITNESSES	DATES TESTIFIED
1. Leslie James	28/04/2014, 05/08/2014, 06/08/2014, 07/08/2014, 22/10/2014, 24/10/2014, 27/10/2014
2. Lawrence Edward Rodney	29/04/2014, 02/05/2015, 27/05/2015
3. Karen De Souza	29/04/2014, 04/08/2014
4. Rev. Ruben Gilbert	30/04/2014, 02/05/2015
5. Eusi Kwayana	27/05/2014, 28/05/2014, 29/05/2014, 30/05/2014, 02/06/2014
6. Joseph Hamilton	02/06/2014, 03/06/2014, 04/06/2014
7. Allan Gates	06/06/2014, 23/06/2014, 24/06/2014, 26/01/2015, 27/01/2015
8. Tacuma Ogunseye	25/06/2014, 02/07/2014, 04/08/2014
9. Gerald Gouveia	26/06/2014, 27/06/2014
10. Dr. Nigel Westmaas	30/06/2014, 01/07/2014
11. Patrick West	29/07/2014

12. Cargill Kyte	30/07/2014, 05/08/2014
13. Sydney James	25/08/2014, 26/08/2014, 27/08/2014, 28/08/2014
14. Father Malcom Rodrigues	28/08/2014, 31/07/2014
15. Jocelyn Dow	28/08/2014, 29/08/2014
16. Dr. Patricia Rodney	20/10/2014, 21/10/2014
17. Dr. Omawale	28/10/2014, 29/10/2014
18. Nirmal Rohit Kanhai	29/10/2014, 30/10/2014
19. Trenton Roach	31/10/2014
20. Justice Charles Ramson	03/11/2014, 04/11/2014
21. Ras Leon Saul	04/11/2014
22. Dr. Nanda Gopaul	05/11/2014, 06/11/2014, 07/11/2014 29/01/2014
23. Mark Britton	28/01/2015
24. Clement Rohee	30/01/2015, 09/02/2015, 10/02/2015, 16/02/2015
25. Donald Rodney	18/02/2015, 19/02/2014, 20/02/2015, 23/03/2014
26. Ann Wagner	24/03/2015, 25/03/2015, 26/03/2015, 27/03/2015
27. Vinyak Bandon	19/02/2015

28. Sergeant Alexis Adams	27/03/2015
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The list of witnesses whose evidence at the public hearing was no completed before the Commission is as follows:-

NAMES OF WITNESSES	DATES TESTIFIED
1. Norman Mc Lean	05/06/2014
2. Holland Yearwood c/d Jomo	17/02/2014

At the close of the public hearings, it is the task of Commission Counsel to submit on the evidence that has been led to highlight which of the listed witnesses can assist Commission in addressing the specific Terms of Reference. The Terms of Reference for the Walter Rodney Commission of Inquiry was published in the Official Gazette on the 08<sup>th</sup> day of February, 2014.

The Terms of Reference are:-

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

## TERM OF REFERENCE (i)

*Examine the facts and circumstances immediately prior, at the time of, and subsequent to, the death of Dr. Walter Rodney in order to determine, as far as possible, who or what was responsible for the explosion resulting in the death of Dr. Walter Rodney*

### IMMEDIATELY PRIOR TO THE DEATH

As the witnesses entered the witness box, their description of personal experiences from the period immediately prior to the death of Dr. Walter Rodney, on the 13<sup>th</sup> day of June, 1980 was accepted on the record as background evidence to guide the Commissioners in dealing with this Term of Reference as it relates to *the circumstances immediately prior to the death*.

- The Commission has received evidence that prior to the death of Dr. Walter Rodney, Guyana was being ruled by a dictatorship where persons feared for their lives.

LAWRENCE EDWARD RODNEY at pages 40 to 41 of the electronic verbatim report dated the 02<sup>nd</sup> day of May, 2014 described living in Guyana under the Burnham Dictatorship.

**Mr. Rodney:** No, what it is I am saying is that there were shortages, there were searches, there was intimidation and there was what was normally called 'fight back'. 'Fight back' meaning, people resisting because of Rodney or because of the PPP or because of their own violation. People are people. They were fighting back against their own dictatorship but in muted and different forms, normally called 'class trouble'. People, you know...

**Mr. Hanoman:** Your opinion was that...

**Mrs. Samuels-Brown:** Called what?

**Mr. Rodney:** 'Class trouble'.

**Mr. Hanoman:** 'Class trouble'. In your opinion, in 1978, 1979 and 1980, there was a dictatorship?

**Mr. Rodney:** Yes, there was.

**Mr. Chairman:** What period was that?

**Mr. Hanoman:** 1978, 1979 and 80. Every dictatorship has a dictator...

**Mr. Rodney:** Precisely.

**Mr. Hanoman:** Who was the dictator?

**Mr. Rodney:** Well, one has to be careful because if one was to go on an empiricist way it could mislead you. The dictatorship that existed in Guyana was the kind of hybrid. It was part Latin American Caribbean, of the Triguero type and part, if you like, an administrative dictatorship. It was not the kind of dictatorships you find in Asia, like Marcos, or in Africa, like Mobutu, or Sani Abacha. It was not that kind of dictatorship. It was an administrative/political, multi-racial dictatorship. It was different. It had to be defined. It had its own peculiarities, so one could not apply the term dictatorship just *en blanc*. One had to look specifically to see what the traits were, and what were specific to the Burnham dictatorship, compared to others.

- Only a select few had access to telephones.

LAWRENCE EDWARD RODNEY at pages 46 of the electronic verbatim report dated the 02<sup>nd</sup> day of May, 2014 stated that Civil Servants and PNC people were part of the select few who had access to telephones.

**Mr. Hanoman:** Okay, let us do it another way. Was it unusual to have a telephone in those days?

**Mr. Rodney:** It was not unusual, but it was not a sort of generally accepted facility, let us put it that way; general in the sense that large masses of people had telephones as it came to be subsequently. A select few of people had.

**Mr. Hanoman:** A select few people had telephones in those days?

**Mr. Rodney:** Yes, especially civil servants, particularly.

**Mr. Hanoman:** Any other group had access to telephone, other than civil servants, that you could remember?

**Mr. Rodney:** If I was a member of the PNC, I would have had one. PNC people had telephones.

- The State at the time was practicing Paramoncy of the Party and so the State literally had a hand in every home.

EUSI KWAYANA at pages 70 and 71 of the electronic verbatim report dated the 27<sup>th</sup> day of May, 2014 described what was meant by Paramoncy of the Party that was practiced by the Burnham Led Administration.

**Mr. Kwayana:** This is a doctrine that appears in the declaration of Sophia. The declaration of Sophia a People National Congress document and I discovered recently a study I did about it in 1976 and what I said was that for the People's National Congress it was a welcome step. They were putting ideas on paper and making some sense of politics; whether you agree with the sense or not is another matter. Some of it was very forward looking but the paramountcy that I am going to talk about coming out of this document was not. It had something also very interesting which was a code of conduct for leaders for which this organisation, ASTRIA, has been fighting for years previous. Now paramountcy is a declaration that the People's National Congress, the Party, is paramount to the State which is one of its executive arms; the State is an arm of the Party, this is what we were being told. Now, Mr. Burnham did not dream this up, this came from other jurisdictions. Now in Eastern Europe in that time, I am not anti-communist person by any means if you could see anything of the history of this witness, but they developed a kind of system – C.L.R James always pointed eternally – where everything is sealed from top to bottom and closed and is the Party that governs and that is has happened in the Eastern Europe everything is under the leadership of the Party and that is what it means and the form it took here is the paramountcy of the party. It means that we had echoes of it about three years ago when the head of the Presidential Secretariat was kind enough to explain to the country that they had something called democratic centralism which means that you hand down orders and whatever the higher organs decide are binding or, in this case, whatever the party decide is binding on the State is what it means. It is not expressed in any part of the Constitution, old or new, it was expressed physically through a combination of the Ministry of National Development and the Office of the General Secretary.

**Mr. Kwayana:** This was on the sign board Office of the General Secretary People's National Congress d Ministry of National Development. It was on the stationery and it appeared in several places, quite an open doctrine. Now, with my own curiosity, I began to look behind it to see, "okay, it seems as if the Party and the state are one, in this particular Ministry. How do the finances work?" I waited for the annual estimates of 1975 because in 1974 there was no known paramountcy. The estimates of 1975, Ministry of National Development... If one looks at any other Ministry you see the various items the Public Service, what they call the establishment, various other thing and then Other Charges, in detail, one, two, three, four, five, six or whatever, with notes behind. When I went in the Ministry of National Development there was this item, Other Charges – \$10 million, no details, and I felt this was a clue. The Declaration of Sophia said that paramountcy would be executed through the General Secretary and a number of Executive Secretaries but when you look in the annual estimates you see the Minister of National Development who doubles as the General Secretary and that was okay, one has to come from somewhere but no Executive Secretaries. Other Charges - \$10 million. To find these Executive Secretaries listed in an official document I went to the telephone directory and there they were, a whole set of them, with a lot of telephone lines and staff and that kind of thing so that is the structure of paramountcy of the party and it simply means that despite what the electorate does, it is the party that rules not in the ordinary sense; in fact, it went quite beyond that. Well perhaps, I should not go there because this is internal People's National Congress (PNC) business. I have discussed what is offensive in relation to the public interest, the way this Party could dominate the state through the General Secretary and these Executive Secretaries who are carrying out the functions of the Party. This charge of Other Charges being \$10 million and in the document I wrote which I have shared with Counsel there is more evidence of how money was spent in that area. I think that is enough for paramountcy, if I may leave it there.

- There were restrictions on movement and travel.

Several witnesses chronicled the restrictions placed on them when they attempted to travel through the International Airport in Guyana prior to 1980 and it was believed that because they were members of the Working People's Alliance they were victimized. There was evidence also of Dr. Walter Rodney's bag being searched and his documents, books, papers and other articles he had in his possession when leaving Guyana or returning to Guyana were confiscated at the Air Port by the Police. And in most cases pass ports were taken and not returned until the flight would have already departed Guyana.

EUSI KWAYANA at pages 61 and 62 of the electronic verbatim report dated the 28<sup>th</sup> day of May, 2014 stated that several of them were routinely banned from travel.

**Mr. Kwayana:** You know, several of us were routinely banned from travel, our passports held up. Bonita Harris was travelling and Cheddi Jagan who was on the same plane staged a protest there and then against the idea to get her off the plane. I think it was successful, he did something extraordinary. Rupert Roopnarine, Walter Rodney, Clive Thomas, anyone you could think of, was banned from travel. I went to the airport one day, about to go through, "Please follow me, I am sorry, Mr. Kyawana, but we have orders that you are not to be allowed to travel." Amen, story finished.

- There were only state owned radio stations operating and interference in the Public Service.

EUSI KWAYANA at pages 17 and 18 of the electronic verbatim report for the 29<sup>th</sup> day of May, 2014 stated that the State was intervening in the Public Service.

**Mr. Kwayana:** It was Brigadier Mr. Norman McLean. We do not know whether Mr. Norman McLean had any grudge against Dr. Walter Rodney. The political system had been corrupted, as you may have heard several times here. It was not a normal state. It was a State in which there was massive intervention with the public service, which is not under military command; if with the Public Service, why not with the Military which was a command service? There was a President of the Public Service Union, Mr. Semple, a Berbician, who made a famous statement that he perceived in the public service "a second command". He ran into a lot of trouble for it and it also became a very famous statement. He was saying that political people were interfering with the management and the conduct of the public service so this is a parallel, this is the army. If I may quote from someone, recently- "no holds barred."

- There were restrictions on importation of commodities such as food items, vehicles, news print and even parts for vehicles. Several commercial entities and sectors were nationalized.
- Individuals were required to join the National Service.
- There was victimization of person who supported the opposition and the State control of the University of Guyana.

There were several witnesses who spoke at length about when Dr. Rodney returned to Guyana for an appointment at the University of Guyana and was subsequently not given the appointment as a result of State interference. These witnesses include, PATRICIA RODNEY, LAWRENCE EDWARD RODNEY, EUSIE KWAYANA, TACUMA OGUNSEYE and even Dr. NIGEL WESTMAAS.

His wife indicated that he was in receipt of a letter from the University of Guyana and when he arrived in Guyana the position was not given to him. The State control of the University of Guyana was not accepted by many who were living in Guyana at the time. When EUSI KWAYANA was cross examined by Attorney at Law, Mr. Andrew Pilgrim QC, it was noted at pages 48 and 49 of the electronic verbatim report dated the 30<sup>th</sup> day of May, 2014, that he still opposed this practice.

**Mr. Pilgrim:** Thank you Madam Commissioner. Mr. Kwayana you had also expressed during the course of questioning by my learned Friend, Mr. Williams, some concerns about state control of the University of Guyana (UG) at the time when Walter Rodney was refused his appointment?

**Mr. Kwayana:** Yes, Counselor.

**Mr. Pilgrim:** Do you continue to not condone state control of the University today to the extent that it may exist?

Mr. Kwayana: Yes, I still oppose it.

- Opposition meetings were broken up, people were beaten and arrested.

There are numerous witnesses who spoke about the Working People's Alliance public meetings being broken up by thugs from the House of Israel in the presence of ranks from the Guyana Police Force. These witnesses are LAWRENCE EDWARD RODNEY, REV RUBEN GILBERT, EUSI KWAYANA, JOSEPH HAMILTON, ALLAN ROBERT GATES, TACUMA OGUNSEYE, DR. NIGEL WESTMAAS, FATHER MALCOM RODRIGUES, KAREN DE SOUZA, JOCELYN DOW, DR. OMAWALE, JUSTICE CHARLES RAMSON, DR. NANDA GOPAUL, DONALD RODNEY and CLEMENT ROHEE.

JOSEPH HAMILTON gave sworn testimony of being a member of the House of Israel. And admitted to breaking up WPA meetings and beating up WPA members. He admitted further that he was a thug. He also stated that even though he didn't have a licence to carry a gun and was not a member of the Guyana Police Force he was given a gun to carry.

The Police stood side by side with the House of Israel and did nothing to intervene when they were beating up WPA members.

- There were several murders that were referred to as State killings and included the death of Ohene Koama, Edward Dublin, Vincent Teeka and Father Darke.

When asked who they felt was responsible for the death of Dr. Walter Rodney, several witnesses told this Commission that *it was the Government who was responsible for the death of Dr. Walter Rodney.*

One such witness who said this was KAREN DE SOUZA at pages 76 and 77 of the electronic verbatim transcript dates the 29<sup>th</sup> day of April, 2014.

**Ms. Rahamat:** Back in or around the time 13<sup>th</sup> June, 1980, when you saw Walter in the car in that condition, did you have any opinions as to what may have happened?

**Ms. De Souza:** Essentially that he had finally been killed by the Government.

**Ms. Rahamat:** Could you tell the Members of this Commission what led you to that assumption or belief and by use of the word "finally"?

**Ms. De Souza:** Well, one, the very seriously adversarial posture of the Working People's Alliance and the People's National Congress. The fact that two Party members had been killed before Walter was killed. The fact that I think at one or more than one of the big People's National Congress rallies the Prime Minister had been uttering threats about 'make your wills' and 'sharper steel' and so forth.

**Ms. Rahamat:** 'Making wills'? Could you repeat the statement you just said Ms. De Souza.

**Ms. De Souza:** That the people in the 'Worst Possible Alternative' should make their wills and that the 'Worst Possible Alternative' is the way the WPA was named by the Government of the day and that the steel of the People's National Congress was sharper than any steel that the Working People's Alliance might have.

**Ms. Rahamat:** And who would have made these statements, Ms. De Souza?

**Ms. De Souza:** The Prime Minister of the day, Forbes Burnham.

**Ms. Rahamat:** Can you give us details in relation to where these statements were made?

**Ms. De Souza:** I think some of them were made at the Square of the Revolution.

**Ms. Rahamat:** And what was the occasion there at the Square of the Revolution?

**Ms. De Souza:** I do not know. It might have been an anniversary rally or something.

**Ms. Rahamat:** Anniversary for whom?

**Ms. De Souza:** For the People's National Congress.

**Ms. Rahamat:** You spoke about one of the reasons for you having this assumption that Walter had finally been killed and that two Party members were killed. Could you first, Ms. De Souza identify the names of those two Party members who were killed?

**Ms. De Souza:** One of them was Ohene Koama – O-H-E-N-E K-O-A-M-A – and the second was Edward Dublin – D-U-B-L-I-N.

EUSI KWAYANA stated at page 17 of the electronic verbatim report dated the 29<sup>th</sup> day of May, 2014 that the whole context of things shows State involvement.

**Mr. Kwayana:** Sir, what would a Marine Sergeant want to do planting a bomb on Dr. Walter Rodney on his own? I doubt it. I have not heard anywhere after 34 years, there is not a slightest whisper, even from... Well, we could not expect it from the book. There is not a slightest whisper of a dispute, grudge or bad feeling of that kind of animosity or nature between Dr. Rodney and Gregory Smith so I am inclined not to rule that out. I do not think that he was acting on his own. In the whole context of things, to me, shows State involvement; the protection that Gregory Smith got. The State, in my experience, I do not think has ever, whichever Party is in power, has ever gone to the extent of protecting a private criminal, so to speak, from the process of Law for some act that he did in taking the life of somebody else. That may be too ambitious, but this was a political person. Gregory Smith was not a political person. He was an agent. He was a member of the Guyana Defence Force (GDF) under orders and so far as he would know, orders were to be carried out. So my answer is that I do not think that he was acting on his own at all.

#### AT THE TIME OF THE DEATH

At the time of the death of Walter Rodney, the evidence of DONALD RODNEY, Dr. PATRICIA RODNEY, LAWRENCE EDWARD RODNEY, KAREN DE SOUZA, JOCELYN DOW, FATHER MALCOM RODRIGUES, EISI KWAYANA, REV. RUBEN GILBERT and Dr. OMAWALE should be considered together.

There is evidence that at the Biennial Congress of the People's National Congress (PNC), the then President Mr. L. F. S. Burnham made a speech where he referred to the WPA and Dr. Walter Rodney. He stated that the WPA must make their wills. This issue was tested at length by Counsel with standing before the Commission. The question was whether this statement by the late President was one which could be brushed off as political rhetoric.

It was put to the witnesses by former Counsel for the PNC that there was no proof that the State, PNC or Mr. Burnham would have been responsible for the death of Dr. Walter Rodney.

However, the witnesses saw this as a threat and sought to rely on other circumstantial evidence to show that there was State involvement. There is evidence on the record of witnesses stating that this was a threat and when Dr. Rodney had died, it was believed that the State had finally killed Walter.

DONALD RODNEY testified to receiving a device in a brown paper bag from GREGORY SMITH. He further stated that he believed it was a walkie-talkie that WALTER RODNEY and he were going to test. Communication at the time was important since communication equipment were prohibited. DONALD RODNEY the only living eye witness to the events of the 13<sup>th</sup> day of June 1980 further stated that he felt his brother's life was in danger as a result of the threats made by the then President that the WPA must make their wills. He even offered to allow his brother to use his passport to travel out of the country. But WALTER RODNEY declined this offer. On the night in question, it was his unannounced arrival at WALTER's house that caused a change in plans earlier made for WALTER to drop off his wife and leave with the vehicle. When DONALD arrived at his home, WALTER asked DONALD to take him to GREGORY SMITH's



house and he agreed. When DONALD arrived at GREGORY SMITH's home, DONALD told the commission that GREGORY SMITH seemed surprised to see him and enquired about WALTER's whereabouts. He was given the device and specific instructions to follow, which directed that the device be held up to WALTER's face and that the test be done outside the prison. When they reach at John Street and Hadfield Street, the vehicle was stopped and the device was on WALTER RODNEY's lap. There was an explosion. DONALD RODNEY said he went to get help for WALTER and ran to DR. OMAWALE's house where he met KAREN DE SOUZA. He was injured and taken to receive medical treatment.

KAREN DE SOUZA ran to see what was wrong, she saw the crowd and police and went up and recognised that it was WALTER RODNEY in the car and that he was dead. She returned home and informed everyone that WALTER RODNEY had been killed.

FATHER MALCOM RODRIGUES went to get DR. PATRICIA RODNEY and the kids and took them home and remained there the night to answer the phone. He heard on the radio the next morning that there was an explosion and that the police were still trying to identify the person whose face was badly damaged.

FATHER MALCOM RODRIGUES at pages 46, 47 and 48 from electronic verbatim for the 31<sup>st</sup> day of July, 2014 evidence on this point is as follows:-

**Father Rodrigues:** ...would plant something. I did not want that to happen either so I said to her, "let us keep an eye" because we have had occasion when we had to do this and on occasions make sure the police know that you are keeping a strict eye on them.

Well, let me finish off what happened, the phone kept going and it was really people from Europe now phoning and Africa about whether it was true that Walter had been killed and my answer had to be, each time, "Yes, he has been killed but the details I really do not know." I did not know so I just told them that I did not know the details. However, I woke up about... When I say I woke up, I was conscious about 05:00hrs and I realised that she was also up and she came up and made up some – this is Mrs. Rodney – coffee and the 06:00hrs news came on and on that newscast I then got to know how he died because they...

**Mr. Hanoman:** This was on the radio?

**Father Rodrigues:** 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 many yards from the prison and so forth and, however, there will be a post mortem and so more details will be available later on". When I heard that I got a shock. I did not realize that he had been so badly damaged. Then I braced myself...

**Mr. Hanoman:** Just before you move on, did you get an impression that that was an official press release or was that the reporter's story?

**Father Rodrigues:** No, she said that it was a release from the Police.

**Mr. Hanoman:** I see.

**Father Rodrigues:** She said this is a release from the Police and she read it out that way.

**Mr. Hanoman:** Oh, I see.

**Father Rodrigues:** Yes.

**Mr. Jairam:** Was this the newscaster?

**Father Rodrigues:** Yes, the newscaster.

**Mr. Jairam:** How many radio stations were there then in Guyana?

**Father Rodrigues:** Just one. I think it was *Radio Demerara* we had at that time.

**Mr. Jairam:** Thank you.

**Father Rodrigues:** Good. I got a shock because I did not realise that this had happened and then so I thought to myself...

**Mr. Hanoman:** You did not realize that the face would have been so badly...

**Father Rodrigues:** Exactly. So, I decided, I cannot ask Pat to go and identify her husband because she would have just collapsed seeing him like that so when she came back, as I explained to the Judge before I had a discussion with her before. I said, "Pat, I do not think you are psychologically and physically ready to go and identify the body. So, I think you should let me go." She said, "I will be very grateful, I really cannot cope with that now at this stage." So, I told her, "I will go early and identify the body for you."

I prepared myself for a monstrosity and as I went down and as I got into the hospital compound I saw Dr. Mootoo, who was then the pathologist, I saw him coming towards the morgue, I presumed, and he spotted me so I went over to him and said that I come on behalf of Mrs. Rodney to identify Walter because I sat opposite him at a meeting yesterday afternoon and I knew what he was wearing but I am not staying for the post mortem, if you do not mind. He said, "No. I just need you to identify the body." We both proceeded into the morgue and as I got there, there were three plain clothes Policemen standing at the head and he went over to the side and he was vested in his white gown, gloves and things and he eventually came back and I noticed that he pulled the zip down, but not right down, he stopped halfway so I walked around to the side and looked in, and Walter's face was perfect.

11:02hrs

**Father Rodrigues:** The beard was too perfect, also, not one of those scraggly beards he normally had. It looks as though somebody took a torch and went, and singed it nicely. So, I looked at it, and thought, "What an extraordinary thing", and then I remembered the walkie-talkie thing...

**Mrs. Samuels-Brown:** [Inaudible]

**Father Rodrigues:** The beard...

**Mrs. Samuels-Brown:** I am sorry...

**Mr. Chairman:** You are saying that even the beard was perfect?

**Father Rodrigues:** Yes, the flame... you see, when the thing exploded, he was sitting like this. It obviously exploded and singed the beard, and so it looked.... He never kept a very neat beard. It was always very scraggly looking, but.... However, at that point I said to the Doctor, "You know, Doctor, if I went out into the streets now, and bring in three school children randomly, and said to them who is this? They will all say that is Dr. Walter Rodney" because they would have seen him in the papers, they would have seen him in the streets, in the particular meetings, many of times, they would have known who he was. I am surprised that the Police had difficulties in identifying him. I just left it like that. It seemed to me that a statement was prepared and read out without first checking that it had actually obtained its objective the way they wanted it, and they did not, unfortunately; because he had it in his lap, clearly. It exploded in his lap and destroyed the lower part of the body. He died, and according to the post mortem report, from shock and a loss of blood. That was the night, and the next morning basically.

At 5 am, on the 13<sup>th</sup> day of June, 1980 there was a claim on the news report that the face of the person in the explosion who had died was badly damaged. This information is what caused FATHER MALCOM RODRIGUES to go to the morgue to identify the body instead of DR. PATRICA RODNEY. This report was false as the face of DR. RODNEY was intact. There were also reports that it occurred near the Camp Street jail but this was also a false report as the explosion occurred at the corner of John Street and Hadfield Street.

NIRMAL ROHIT KANHAI noted in his evidence that the false reports on the radio reflected what ought to have resulted had DR. RODNEY and DONALD followed the instruction given by GREGORY SMITH meaning, if they had walked the route instructed by GREGORY SMITH the explosion would have occurred outside the Camp Street Jail and further had DR. RODNEY held the device to his face then his head would have indeed been badly damaged.

Immediately after the explosion, police went to the home of LAWRENCE EDWARD RODNEY and searched same and arrested him. He was taken to the morgue too and asked which brother was it there and he said he did not know although he had recognised it was WALTER RODNEY who had died. He understood that they would then be looking for DONALD RODNEY and that he was also possibly hurt and did not want to assist the Police in any way.

#### SUBSEQUENT TO THE DEATH

For the Commission to address the events subsequent to the Death of DR. WALTER RODNEY, the evidence of LESLIE JAMES along with extracts from LJ/CID/WR1, GERALD GOUVEIA, CARGILL KYTE and TRENTON ROACH should be examined.

After the incident, DONALD RODNEY was receiving medical treatment in the hospital. He submitted to the Police a written statement dated the 17<sup>th</sup> day of June, 1980. In that statement he told them that it was GREGORY SMITH a Sergeant in the Guyana Defence Force who had

given to him the device that exploded and killed his brother. The army according to the press was denying the existence of SERGEANT GREGORY SMITH.

In the Police file, LJ/CID/WR1, there are statements from persons in Kwakwani including a JOEL SOUTHWELL (Dated 15/07/1980) who was stationed at the airstrip and saw a GDF plane '8R-GER' arrive at Kwakwani with a red skin man and a woman and some children. This man was introduced by CYRIL SMITH as GREGORY SMITH his son, a sergeant in the army.

CARGILL KYTE, produced records to show that in June of 1980, aircraft '8R-GER' was registered to the Guyana Defence Force. So a finding of fact that at Kwakwani a GDF plane '8R-GER' was seen on the 14<sup>th</sup> day of June, 1980 can be made. Further, the evidence of GERALD GOUVEIA who indicated that on the morning of the 14<sup>th</sup> June, 1980 in a restricted area he saw a man, a woman and some children. He didn't know who they were nothing was unusual and he received instructions from the Operations Room to take them to Kwakwani and he did so. It was days later that he realized the man he transported was GREGORY SMITH. He explained in those days he was a junior pilot in the army and he couldn't ask questions he had to carry out instructions.

GERALD GOUVEIA testimony at pages 25 to 28 of the electronic verbatim report dated the 26<sup>th</sup> day of June, 1980.

**Captain Gouveia:** My logbook dictated here that I flew the first flight in the morning from Timehri Airport to Kwakwani and I took off at 9:08 and I landed... in fact, I beg to be corrected because this logbook would show us from the time the aircraft engines started so it would show that I started the engine of this aircraft at 12:08 and when I landed in Kwakwani, I shut the engines down at 9:57 ... so it was 9:08 and 9:57 which is a total of 49 minutes.

**Mr. Chairman:** You mentioned the hour of 12.08?

**Captain Gouveia:** Sorry, that was Greenwich Mean Time, Sir. We always record the time in the logbook using Greenwich Mean Time and at that time we were three hours behind; today we are four hours behind but I am mentioning it was...

**Mr. Chairman:** Translate that as.

**Captain Gouveia:** 9:08 in the morning.

**Mr. Chairman:** Okay.

**Mr. Kissoon:** And how many other...

**Captain Gouveia:** Wait let me just ... right, so I did the Kwakwani flight, I came back and then I flew to Jaguar and then I flew to Mabaruma, so I did three missions that day.

**Mr. Chairman:** Counsel, given the nature of the evidence that we have received, it is the flight to Kwakwani that we are particularly concerned about so do not carry him all over the world.

**Mr. Kissoon:** Certainly, Mr. Chairman.

**Mr. Chairman:** Okay? Focus on that flight.

**Mr. Kissoon:** With respect to the activities on 14<sup>th</sup> June, 1980...

**Captain Gouveia:** Yes.

**Mr. Kissoon:** ...can you describe for us what happened when you reported for duty?

**Captain Gouveia:** Having looked at the logbook, my memory... I remembered I got to work the morning and I was given my flight programme for the day by the operation staff, which might have been a Corporal or a Sergeant of the Guyana Defense Force, at the time, and I remember that there were some people standing in the hangar; it was a man, a woman and some children and I was instructed that we would fly them to Kwakwani and I would come back to go on and then go on to do the other flights and that is exactly what we did. The other flights were both military flights as well.

**Mr. Kissoon:** Who gave you your instructions to fly that first flight?

**Captain Gouveia:** They instructions would have been passed from the operation staff.

**Mr. Kissoon:** Do you recall the identities or description of any of the parties that gave you...

**Captain Gouveia:** No, I do not.

**Mr. Kissoon:** Did you know who the passengers you were transporting were?

**Captain Gouveia:** No, I did not.

**Mr. Kissoon:** Had you ever seen them before?

**Captain Gouveia:** No, I did not.

**Mr. Kissoon:** Did you receive any special instructions concerning the passage of these passengers?

**Captain Gouveia:** No, I did not.

**Mr. Kissoon:** Did anyone speak to you concerning anything about these passengers?

**Captain Gouveia:** No.

**Mr. Kissoon:** Referring to your logbook, just to be clear, you stated that you left at 9:08 a.m., is that correct?

**Captain Gouveia:** Yes

**Mr. Kissoon:** Referring to the logbook, it says that you landed at 9:51 a.m., is that correct?

**Captain Gouveia:** That is correct.

**Mr. Jairam:** It is 57, Counsel.

**Captain Gouveia:** 9:57.

**Mr. Kissoon:** 9:57. Forgive me, Commissioner, the photocopy is not clear.

**Mr. Jairam:** Yes.

**Mr. Kissoon:** Can you state how long the aircraft stayed on the ground when you landed?

**Captain Gouveia:** Well, the aircraft started at 10:00 which would have been three minutes from the times we shut the engine down to the time we started back the engines, so it started back at 10:00.

**Mr. Kissoon:** When you landed at Kwakwani what happened with the passengers?

**Captain Gouveia:** Exactly what would normally happen in every flight; the Captain, which I was at that time, will exit the cockpit, go to the back, open the door, allow the passengers off the aircraft, make sure they are cleared of the aircraft and we would lock the aircraft doors up and depart again.

**Mr. Kissoon:** Can you state who, if anyone, was waiting to receive the passengers?

**Captain Gouveia:** I have no idea and I do not recall.

**Mr. Kissoon:** Can you describe, in detail, where the passengers went, into car, into a bus?

**Captain Gouveia:** No, at Kwakwani runway there is fence around that runway so, really, there is hardly anybody on that runway, in fact, other than the mining security so when we landed the passengers would come off and at the southern side of the runway there was a shed and the passengers would have walked to that shed, but I do not recall if there was anybody or any vehicle waiting. I do not recall.

**Mr. Kissoon:** Can you describe what conversations you would have had with these passengers, if any?

**Captain Gouveia:** Absolutely none.

**Mr. Kissoon:** Can you describe for us what the passengers looked like, their facial features, clothing and so on and so forth?

**Captain Gouveia:** You know I really... even if I saw the passengers today, I cannot tell you that I will recognise them. I paid no special attention to them.

**Mr. Kissoon:** Can you...

**Captain Gouveia:** Let me just make this point to you, Sir, that as a Military Pilot, it was not unusual and in fact the protocol was... We were very junior Pilots at the time – we were Second Lieutenants – and it was not unusual for the Pilots of the Guyana Defense Force not to have discussions and conversations with their passengers. We lived in a very regimented way and we flew those planes and made sure that the passengers were safe, but we had no business in conversation with our passengers, which was not unusual.

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**Captain Gouveia:** There was nothing unusual, other than, I think it was a couple of days after, I saw in one of the newspapers a picture of a person that was described as this man "Gregory Smith" that was involved or somehow, related with the death of Dr. Walter Rodney and when I saw the picture of the person, I felt that there was an anomaly then in my mind that the person that I saw in the newspapers looked like the man that was on my plane.

A finding of fact may be made that GREGORY SMITH was flown to Kwakwani in an army plane by GERALD GOUVEIA.

GERALD GOUVEIA never described the man as being drugged or requiring assistance to walk. This evidence can be compared with the version of events told by GREGORY SMITH in the book ASSASSINATION CRY OF A FAILED REVOLUTION that was co-authored by ANN WAGNER who also testified before the Commission.

Further there is evidence coming from the police file tendered by LESLIE JAMES, LJ/CID/WR1 which also contains statements that indicate that the same army plane with markings '8R-GER' returned to Kwakwani and picked up the GREGORY SMITH this time he was alone and the woman and children were not with him. It must be noted that the log book brought to the Commission by GERALD GOUVEIA indicated that this witness was also the pilot of the same aircraft that day but the record doesn't reflect that he went to Kwakwani. It is for the Commission to weigh the accounts given by the persons in the ground at Kwakwani who saw this same army plane return to collect GREGORY SMITH and decide what weight will be placed on the evidence of GERALD GOUVEIA in this regard.

GREGORY SMITH was issued with an official Guyana Pass Port in the name CYRIL MILTON JOHNSON and same was renewed in 1999 without the proper procedures being followed. There

was an annotation on the application form indicating that it was sent by the then Commission of Police LAURIE LEWIS who was named to be the head of the Joint Intelligence Unit that was operating out of Ogle in the 1980s.

Explosives TNT was found to be used in the making of the device and also batteries that were issued to the Guyana Defence Force. This was identified from the SKUSE's REPORT tendered as NRK3a

#### ASSESSMENT OF TERM OF REFERENCE (i)

- Given the amount of control the State exercised prior to the 13<sup>th</sup> June, 1980 and the restrictions placed on WALTER RODNEY and WPA members, could the WPA have acquired explosives?
- Given the amount of control the State exercised prior to the 13<sup>th</sup> June, 1980 and the restrictions placed on WALTER RODNEY and WPA members, could the WPA have made arrangements for GREGORY SMITH to be taken to a restricted area in the Army base to be flown out on an Army plane by an Army pilot?
- Could the WPA arrange for GREPROY SMITH to be given a new passport that was official?
- Could an Army officer who was Absent without leave be given the privilege to himself his wife and children flown out to Kwakeani where his father lived on an Army plane?

At this time I turn to the evidence of ALLAN ROBERT GATES, who testified before this Commission on several occasions in the Public Hearings. This evidence in the Public Hearings was completed. And his evidence is available for the Commission to accept and place weight on should there be a finding first that he is a credible witness. He stated that he was acting as an undercover agent and reporting the activities of the WPA to SKIP ROBERTS AND LAURIE LEWIS. His cover was RUPERT ROOPNARINE's body guard. He further stated that he was aware of a plot to kill Dr. WALTER RODNEY that GREGORY SMITH told him about. GREGORY SMITH was also undercover at the time having infiltrated the WPA and gained WALTER RODNEY's trust. This witness also revealed that he was present at a meeting that occurred two or three days before the death of WALTER RODNEY where SKIP ROBERTS, LAURIE LEWIS, then President BURNHAM and others discussed the plot to kill WALTER RODNEY.

ALLAN ROBERT GATES testimony of this can be found at pages 65 to 69 of the electronic verbatim report dated the 26<sup>th</sup> day of January, 2015.

**Mr. Gates:** "Three days before Dr. Rodney's death, Mr. Burnham met with "Skip" Roberts, Laurie Lewis and Norman McLean at about 8pm to be briefed on a plot to kill Dr. Rodney. Present at the meeting also Cecil Ram Doobay. This was told to me by Sergeant Johnson who was then a personal body guard to Mr. Burnham, who was my squad-mate at the Police Training School, who now resides in the USA."

**Ms. Rahamat:** You indicated also present at this meeting was Cecil Ram Doobay?

**Mr. Gates:** Cecil Ram Doobay.

**Ms. Rahamat:** Who is that?

**Mr. Gates:** He was a close confidant of the former President. He rode around with him on horseback. He lived at Nooten Zuil. I do not know if he is still alive.

**Mr. Pilgrim:** He lived at where?

**Mr. Gates:** Nooten Zuil on the East Coast.

**Ms. Rahamat:** When did...

**Mr. Chairman:** Apart from your source Sergeant Johnson, did you make any attempt independent of him to find out whether that was true? You got any corroboration?

**Mr. Gates:** I spoke with at least two other Special Branch Ranks because at the time the Special Branch was in charge of Presidential Security and those guys confirmed it. One was a Sergeant, the other one was a Corporal. I cannot recall the names. They worked at the residence. They worked...

**Mrs. Samuels-Brown:** They worked where?

**Mr. Gates:** They were stationed at the time at the President's Official Residence at Belfield.

**Mr. Chairman:** Now, what these men and give me the names, what did they confirm? You are mumbling as it were.

**Mr. Gates:** No that the President met with Mr. McLean, Mr. Lewis and "Skip" Roberts at Belfield two days before.

**Mrs. Samuels-Brown:** *[Inaudible]*

**Mr. Gates:** Two or three days before, I cannot recall exactly.

**Mr. Chairman:** The confirmation is that he met with Laurie Lewis, "Skip" Roberts and Norman McLean, all three of them?

**Mr. Gates:** Yes.

**Mr. Chairman:** Who you said gave you that corroborating information?

**Mr. Gates:** Another Sergeant from the Special Branch and a Corporal whom I knew because I asked them whether that was so and they said yes there was a meeting but they did not have knowledge of the contents of the meeting but they said they knew of the meeting. The men were there. They were not the close men.

*13:06hrs*

**Mr. Chairman:** And what is the name of that source that provided you with that information?

**Mr. Gates:** As I said I cannot recall the name. One was a Sergeant and one was a Corporal, but they were both stationed at Special Branch.

**Mr. Chairman:** What you are saying, you cannot provide the name?

**Mrs. Samuels-Brown:** He cannot recall the names.

**Ms. Rahamat:** He cannot recall the names.

**Mr. Gates:** I may have to tap into my memory chip over the evening.

**Mr. Chairman:** Right now you do not remember the names?

**Mr. Gates:** No, I cannot but I can get them.

**Mr. Chairman:** Was it one person that told you so or more than one person?

**Mr. Gates:** Two different persons ...

**Ms. Rahamat:** Two.

**Mr. Gates:** ... Sergeant and Corporal.

**Ms. Rahamat:** This Corporal and this Sergeant just for clarification, they confirmed that there was in fact a meeting?

**Mr. Gates:** Yes, but they could not say ...

**Ms. Rahamat:** But they could not confirm the information you had in relation to the nature of the meeting ...

**Mr. Gates:** Yes.

**Ms. Rahamat:** ... or what was discussed at the meeting?

**Mr. Gates:** No, they said they did not have any ...

**Ms. Rahamat:** So the only person who told you about what took place at that meeting was Sergeant Johnson?

**Mr. Gates:** Yes.

**Ms. Rahamat:** Could you tell us exactly what he told you?

**Mr. Gates:** He told me that there was a meeting and that there was some problem with Ram attending the meeting or Ram being present. The other Parties were not comfortable and the President insisted that Ram be present. He told me that there was a plot to kill Walter Rodney and it was discussed and the President was briefed on the plot two or three days prior to the death of Dr. Rodney. That was what he said.

**Ms. Rahamat:** He told you that the President was briefed on this plot?

**Mr. Gates:** Yes.

**Ms. Rahamat:** Did he give you any details as to what this plot entailed?

**Mr. Gates:** No, he did not go into detail. He just said a plot to kill. He did not go into detail.

**Mrs. Samuels-Brown:** Did you ask him?

**Mr. Gates:** No, I did not ask because it was clear.

**Mrs. Samuels-Brown:** It was clear? What was clear?

**Mr. Gates:** It was clear that the intention was to kill him. It does not matter how they did it so I did not ask.

**Mr. Chairman:** Who was this fellow Doobay that the President insisted be present?

**Mr. Gates:** He lives at Nooten Zuil.

**Mr. Chairman:** He lived?

**Mr. Gates:** At Nooten Zuil not too far from the former President's residence at Belfield.

**Mr. Chairman:** But what was the relationship that he would insist that he be present?

**Mr. Gates:** Like I said, he was very close to the President.

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

**Mr. Gates:** They rode around on horse backs. They were very close friends.

**Mr. Chairman:** Was it to your knowledge that any of the Officers named here used to ride on horse backs accompanying the President?

**Mr. Gates:** "Skip" Roberts.

If weight is to be placed on ALLAN ROBERT GATES's testimony then a finding in relation to who was responsible for the killing of DR. WALTER RODNEY may be found.

### **TERM OF REFERENCE (ii)**

*Inquire into the cause of the explosion in which Dr. Walter Rodney died, whether it was an act of terrorism, and if so, who were the perpetrators.*

Former Secretary to the Commission, now Commissioner of Title and Judge of the Land Court NICOLA PIERRE created a document that examined the definitions of TERRORISM in the United Kingdom, Trinidad and Tobago, Jamaica and in Guyana. These documents are attached to these submissions and marked NP1 and NP2.

Numerous witnesses stated that they were terrorized by the Guyana Police Force, the Death Squad, the House of Israel and were living in fear. From REV RUBEN GILBERT, DR. WESTMAAS, DONALD RODNEY, LAWRENCE EDWARD RODNEY, CLEMENT ROHEE, Dr. NANDA GOPAUL to KAREN DE SOUZA just to name a few. And when asked directly many witnesses stated that they believe that the killing of Dr. WALTER RODNEY was an act of State sponsored terrorism.

The Commission has sworn testimony from witnesses who believe that the death of Dr. Walter Rodney was as a result of State Sponsored terrorism

LAWRENCE EDWARD RODNEY at pages 66 and 67 from the electronic verbatim transcript dated the 02<sup>nd</sup> May, 2014 held this view:-

**Mr. Hanoman:** Do you have any information or can you tell us, whether this was an act of terrorism?

**Mr. Rodney:** Learned Counsel, during the course of 1979 as I explained, there was an incident involving the resident from B.V., there was also the heinous murder in daylight of Father Bernard Darke, S.J., there were other incidents of perhaps lesser consequence and these were, if anything, acts of terrorism. Indeed, the murder of the resident from B.V., when his body was discovered, his mouth was crammed full with cow dung, which indicates that it was a form of terror, it was not an ordinary affray and somebody lost their life by hitting their head on the ground. He was actually murdered by a terrorist grouping and as I mentioned before, there were elements who were enforcers, actively working at the CAS. Father Darke, was not just killed by a group of persons who did not like him because of the colour of his skin, it was part of a direct policy, a terrorist policy that terrorised people. That led me to believe that what happened with Walter was part and parcel of a general attack, if you like, or assault, a campaign against the Working People's Alliance. I know ...

**Mrs. Samuels-Brown:** His voice dropped ... a campaign against whom?

**Mr. Chairman:** Your voice did drop at the last ...

**Mrs. Samuels-Brown:** It was a campaign against ...

**Mr. Hanoman:** ... campaign against whom, please.

**Mr. Rodney:** The Working People's Alliance and others, not just the WPA, others as well.

**Mr. Hanoman:** Do you believe Walter's death to be as a result of acts of terrorism?

**Mr. Rodney:** Yes.

**Mr. Hanoman:** Just to be clear.

**Mr. Rodney:** I would say that, yes. I have no doubt about that.

**Mr. Hanoman:** You feel this was an act of terrorism by whom?

**Mr. Rodney:** Agents of the State or the State's apparatus.

These witnesses offered an opinion from their personal experiences with the State and the conditions under which they were living in during that time. It is for the Commission to assess whether these conditions and circumstances taken together can lead to a conclusion that this act was indeed as a result of State Sponsored terrorism. Again starting from the evidence of what many believed was an open threat to Dr. WALTER RODNEY and the members of the WPA.

It is under this Term of Reference, that the Commission should also consider the evidence of TACUMA OGUNSEYE who testified that as the situation escalated, the WPA broke into different cells, and the cell he was in charge of was responsible for acquiring arms and ammunition. He never mentioned anything about explosives. And denied any plot to kill the then President Mr. Burnham. He further testified that the activities of this cell were secret and were not communicated on WALTER RODNEY as it was on a need to know basis.

The Evidence of HOLLAND YEARWOOD which is incomplete at the stage of evidence in chief stated that he was asked to collect ammunition inside of a milk tin. As his evidence in chief remains incomplete, and no section of this evidence in chief was tested by cross examination his evidence may not be given a lot of weight.

The evidence however of NORMAN MCLEAN which was incomplete to the state where his cross examination by all Counsel was not finished, but his cross examination had commenced, this in law represents truncated evidence which the law provides for and indicates that the witness's evidence can be relied on to the extent and on the issues which were subjected to cross examination. It does not automatically result in the entirety of the witness's evidence coming to zero.

### **TERM OF REFERENCE (iii)**

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

For this term of reference, the evidence of DONALD RODNEY, ALLAN ROBERT GATES, ALEXIS ADAMS, ANNA WAGNER and GERALD GOUVEIA should be considered in its entirety. While DONALD RODNEY confirms that it was indeed GREGORY SMITH who made the device and gave it to him on the evening of 13<sup>th</sup> day of June, 1980, it is the testimony of ALLAN ROBERT GATES that assists the Commission with this Term of Reference answering who counselled, procured, aided and or abetted him to do so. And offered him one million Guyana dollars (\$1,000,000.00 GYD) deliver to Dr. WALTER RODNEY an explosive device and not a walkie-talkie.

ALLAN ROBERT GATES at pages 71 to 73 of the electronic verbatim report dated the 06<sup>th</sup> day of May, 2014 testified that:-

**Mr. Gates:** He told me that Walter Rodney wanted him to build a high frequency walkie-talkie that would have been able to cover certain distance. He told me that he does not have the expertise and when he informed his superior, they told him that they would have the walkie-talkie made in Russia.

**Mr. Hanoman:** Did he tell you what superior he had informed?

**Mr. Gates:** Well, he said Chico, Laurie Lewis, Norman McLean.... He said that he reported to a number of persons.

**Mr. Hanoman:** Did he mention to you...



Mr. Gates: No, at that stage, he said the superior.  
 Mr. Hanoman: Oh, I see. Is that all that he told you?  
 Mr. Gates: No, he said that his superior said that he would use the opportunity; rather than him delivering a walkie-talkie, they would deliver an explosive device.  
 Mr. Hanoman: Go ahead, please.  
 Mr. Gates: He also told me that he would have been paid GYD\$1 million, in those days, and free access out of Guyana for him and whether he had a wife or whoever. He never discussed that with me...  
 Mr. Chairman: You are dropping your voice, please.  
 Mr. Gates: He never discussed that with me, whether he had a wife at the time. We never really discussed that. He said when he would have complied with their instructions, to pass this explosive device to Dr. Walter Rodney; he would have been given \$1 million and free passage out of Guyana.  
 Mr. Hanoman: What did you say, when he told you that?  
 Mr. Gates: I advised him not to do such a thing, because I told him in most cases he would be killed after carrying out such instructions.  
 Mr. Hanoman: You were advising him that... Who would kill him?  
 Mr. Gates: The same people who gave him the instructions.  
 Mr. Hanoman: That advice was friendly advice or...?  
 Mr. Gates: I would say "friendly" because I knew what he was dealing with.  
 Mr. Hanoman: After that meeting, when next did you see him?  
 Mr. Gates: I never saw him back until... I do not know if you want us to go to that...

The evidence as to who facilitated his departure from Guyana part comes from GERALD GOUVEIA who admitted to being an Army pilot on the 14<sup>th</sup> day of June 1980 and on that day he transported GREPROY SMITH, a woman and some children in an Army plane to Kwakwani. He received instructions to do so from his superior and he could not ask any questions even after realising that it was GREGORY SMITH he had indeed transported after reading in the press that he was the one who was suspected of killing Dr. WALTER RODNEY.

ALEXIS ADAMS and ANN WAGNER, are helpful in relation to the passports of GREGORY SMITH in the name CYRIL MILTON JOHNSON. Could the WPA as ANNA WAGNER said GREGORY SMITH told her, arrange and deliver to him an official Guyana Passport? And further, if this is to be believed, then how could LAURIE LEWIS the Commissioner of Police in 1999 three years after an arrest warrant was issued for GREGORY SMITH for murder, instruct that a passport be issued to CYRIL MILTON JOHNSON the known alias of GREGORY SMITH without his signature?

The answers to these questions may indicate involve State involvement.

#### **TERM OF REFERENCE (iv)**

*Examine and report on the actions and activities of the State, such as, the Guyana Police Force, the Guyana National Service, the Guyana People's Militia and those who were in command and superintendence of these agencies, to determine whether they were tasked with the surveillance of and the carrying out of actions, and whether they did execute those tasks and carried out those actions against the Political Opposition, for the period 1<sup>st</sup> January, 1978 to 31<sup>st</sup> December, 1980.*

Numerous witnesses testified to witnessing the Guyana Police Force, the members of a Death Squad, Special Branch and additionally the members of the House of Israel beating, carrying out surveillance and in some instances killing WPA members. These persons were armed and the evidence of JOSEPH HAMILTON and former Army Officer SYDNEY JAMES indicate that they were armed with guns provided by the State.

The Special Branch files, LJ/SB/WPA1, LJ/SB/WPA2 and LJ/SB/WPA3 that were tendered through LESLIE JAMES contains hundreds of reports from Special Branch Operatives who were conducting surveillance of WALTER RODNEY and all WPA members. These files reveal that once someone was tagged they were assigned a separate file and any report relating to them would be copied and also placed in their personal file. There was also a report which showed that GREGORY SMITH was known to the Guyana Police Force, Special Branch months before the death of WALTER RODNEY.

And after the death of WALTER RODNEY, there were reports relating to JOANN MELVILLE who was another girlfriend of GREGORY SMITH.

In this file, it was clear that surveillance was also carried out on the other political opposition at the time, the People's Progressive Party (PPP) and CLEMENT ROHEE's testimony noted that there were special branch ranks would follow Dr. CHEDDIE JAGAN around.

#### **TERM OF REFERENCE (v)**

*Examine, review and report on earlier investigations and inquiries done on and into the death of Dr. Walter Rodney.*

Tendered before the Commission are:-

1. The CID file of the investigations of the death of Walter Rodney with statements of witnesses, tendered as LJ/CID/WR1.
2. The CID REPORT by Vernon Gentle, tendered as NRK3i
3. The inquest file recorded evidence from the inquest held in 1988 that is tendered LJ/CID/WR2 and LJ/CID/GS1.
4. The Association of Caribbean Studies publication of the Walter Rodney's Inquest, tendered as NRK3k.
5. The International Commission of Jurists Report dated April, 1995, tendered NRK3m.
6. The Johnson Post mortem report dated the 30/06/1980 tendered in LJ/CID/WR2 and NRK3j.
7. The Frank Skuse's Reprot dated the 23/07/1980 tendered, NRK3a.

For the crime files relating to the investigation of the death of WALTER RODNEY, three theories were put to LESLIE JAMES the then Crime Chief. From his review of the file he was of the opinion that Dr. WALTER RODNEY did die as a result of recklessness. He stated that there was no evidence in the crime files to show that he was killed as a result of State involvement. But it should be noted that LESLIE JEAMES did not have the benefit of reviewing the evidence that was led before the Commission.

The reports revealed that at the home of GREGORY SMITH radio sets were found and examined by TRENTON ROACH. One sat had a note on it remember to work on 14 June and the 4 was replaced by a 3. WALTER RODNEY died on the 13<sup>th</sup> June, 1980. This radio set found in GREGORY SMITH's home was prohibited. It was within a range where a frequency from that set could have activated the device he have to DONALD RODNEY the night while it lay in the lap of WALTER RODNEY as he sat in DONALD's car at the corner of John Street and Hadfield Street. GREGORY SMITH was never arrested for the death of Dr. RODNEY. He was

taken from Georgetown and his wife, girlfriend and children were all taken out of Guyana. whether this was a coincidence or a plot to ensure that GREGORY SMITH never faces the full arm of the law is a finding that the Commission has to make. But what is evidence is that GREGORY SMITH could not plan his departure alone. He was assisted and that assistance continued until 1999 when he was facilitated with a Guyana Passport from then Commissioner of Police LAURIE LEWIS.