

WALTER RODNEY COMMISSION OF INQUIRY (WARCOI)
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SUBMISSIONS OF THE
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BASIL WILLIAMS
225 South Street, Lacytown
Georgetown, Guyana
592 225 6988
**(Counsel for People's National
Congress (PNC)**
from April 28, 2014
until Appointment as Attorney General
and Minister of Legal Affairs)

SELWYN PIETERS
Lawyer & Notary Public
Of the Bars of Guyana, Trinidad and Ontario
181 University Ave.
Suite 2200
Toronto, Ontario
M5H 3M7

Phone: 416-787-5928 Fax: 416-787-6145
Email: selwyn@selwynpieters.com
**Counsel for People's National
Congress (PNC)**

PNC SUBMISSIONS
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CHRONOLOGY AND BACKGROUND

1. On June 13, 2013, the thirty-third anniversary of the June 13, 1980 explosion that killed Dr. Walter Rodney, the Government of the Republic of Guyana announced that it has approved the establishment of an International Commission of Inquiry into the death of Dr. Walter Rodney.
2. In February 2014, the then President of the Republic of Guyana, His Excellency, Donald Ramotar, appointed The Walter Rodney Commission of Inquiry. Three Commissioners were sworn in to probe the matter: Sir. Richard L. Cheltenham, K.A., Q.C., Ph.D – Chairman (Barbados); Mrs. Jacqueline Samuels-Brown, Q.C. (Jamaica) and Mr. Seenath Jairam, S.C. (Trinidad).
3. The first session of public hearing commenced on April 28, 2014 and concluded on May 02, 2014.
4. On April 28, 2014, Mr. Basil Williams, appeared before the Commission of Inquiry representing the interest of the People's National Congress (PNC). He continued in that role until the last sitting in March 2015. Due to his May 20, 2015 appointment as Attorney General and Minister of Legal Affairs he is no longer able to appear as counsel representing the interest of the PNC.

PRELIMINARY MATTERS

The Shaun Michael Samaroo Equation in the Rodney Commission of Inquiry

5. It was learnt in June 2015 that Shawn Michael Samaroo was a consultant on the pay roll of the Commission as a consultant. This was not a fact previously known to the public or GTUC Counsel:

The three commissioners to the Rodney Commission of Inquiry have so far been paid G\$162,818,366 (US\$789,561) for 66 days of hearings.

Sir Richard Cheltenham tops the list with payments totalling G\$59,981,622 or US\$289,766; Seenath Jairam was paid G\$50,744,983 (\$251,651) and Jacqueline Samuels Brown G\$50,744,983 (US\$245,144). This includes their airfares, departure taxes, per diems (US\$2000 in the case of Cheltenham) and brief fees. The Brief Fees were included in an initial payout in February 2014: \$17,393,514 to Cheltenham; \$12,303,650 to Jairam and \$9,898,613 to Brown. These three amounts included their per diems, airfares and departure taxes for the four day trip.

Two lawyers working on the case Glenn Hanoman and Nicola Pierre received salaries of G\$500,000 per month while Latchmie Rahamat received G\$300,000.

Their three salaries combined did not equal that of Shaun Samaroo, who is classified as a consultant, but wrote articles posing as a journalist for the Guyana Chronicle. He has received to date G\$16,887,324 (US\$80,300) or G\$1,511,100 (US\$7,300) per month, paid in US dollars. Head of the COI's Secretariat Hugh Denbow is being paid G\$400,000 a month.

(Exclusive: Three Rodney Inquiry commissioners paid US\$789,561 for 66 days of hearings <<http://gtmosquito.com/mozzy-news/exclusive-three-rodney-inquiry-commissioners-paid-us789561-for-66-days-of-hearings/>> June 02, 2015)

6. Mr. Samaroo attended the hearings and special reports of the Rodney Commission of Inquiry appeared in the Guyana Chronicle, and were for the most part bias, inflammatory and full of political rhetoric, that focused primarily on attacking the PNC and its Leader David Granger. See, for example, March 28, 2015, Hanoman discredits Wagner's testimony, Guyana Chronicle; March 26, 2015 Wagner to unveil secret list of 'big names' – Says assassination suspect Gregory Smith revealed list of names connected to Dr Walter Rodney's assassination Guyana Chronicle; January 28, 2015 Robert Allan Gates makes stunning claim at Rodney Commission –McLean, Lewis, Roberts vital to dark Rodney plot Guyana Chronicle; November 14, 2014 article "Special Report on the Rodney Commission of Inquiry by Shaun Michael Samaroo, Detailing PNC State machinery violence against WPA at Rodney Commission" Guyana Chronicle; November 07, 2014, Special Report on the Rodney Commission of Inquiry by Shaun Michael Samaroo, At Rodney COI... Gopaul, Williams 'brawl' in dramatic face-off Guyana Chronicle; October 31, 2014, Special Report on the Rodney Commission of Inquiry by Shaun Michael Samaroo, Remote trigger detonated bomb that killed Rodney, Guyana Chronicle; August 07, 2014 Special Report on the Rodney Commission of Inquiry by Shaun Michael Samaroo, Commission Chairman slams Basil Williams' propaganda idea Guyana Chronicle; August 06, 2014, Special Report on the Rodney Commission of Inquiry by Shaun Michael Samaroo, Police files reveal PPP sought peaceful resolution to PNC dictatorship, Guyana Chronicle; August 05, 2014, Special Report on the Rodney Commission of Inquiry by Shaun Michael Samaroo, Laurie Lewis wrote, mailed Teekah death threat, Guyana Chronicle; June 5, 2014 Shaun Michael Samaroo, Granger was Army Liaison to GPF in Gregory Smith probe : – Says former Army Chief-of-Staff McLean, Guyana Chronicle; June 03, 2014 Corbin delivered guns to House of Israel, Guyana Chronicle.
7. The PNC takes the position that the fact that the Commission had on its payroll a consultant who acted as a journalist, writing highly partisan and inflammatory articles, has not been addressed by the Commission and must be addressed by the Commission since it raise questions about it's partiality and/or neutrality. The Commission and its staff, consultants, like any Court and/or administrative Tribunal, has to be neutral.
8. In the circumstances of this consultant's conduct, a taint has been left on this Commission that if not addressed certainly leaves a cloud over its work and efforts.

Was the Walter Rodney Commission of Inquiry Politicized in the Quest to Target the People's National Congress in the run-up to the May 11, 2015 Regional and General Elections?

9. It was also the case that prior to and during the election campaign for National and Regional Elections, held on May 11, 2015, senior government functionaries, from the President Donald Ramotar, to his Head of the Presidential Secretariat Dr. Roger Luncheon, as well as others inappropriately used the Commission and its processes for Partisan Electioneering.
10. The Commission, despite having sat from April 28, 2014 to March 27, 2015 was not able to hear from other witnesses including Cecil Skip Roberts, Rupert Roopnarine, and did not see fit to recall Norman McLean for cross-examination during this period, yet the misplaced focus on the election trail of the PPP/C candidates were on the PNC that is part of the APNU-AFC Coalition which has now been elected by the electorate as President of the Cooperative Republic of Guyana and Joseph Harmon. See also, PPP calls for Granger, Harmon to appear before Rodney CoI –to account for missing army weapons <<http://guyanachronicle.com/ppp-calls-for-granger-harmon-to-appear-before-rodney-coi-to-account-for-missing-army-weapons/>> retrieved on 2015-03-16; Guyana Times, Last Chance <<http://www.guyanatimesgy.com/2015/03/05/last-chance/>> retrieved on 2015-03-16; Youtube <https://www.youtube.com/watch?v=TrTA1u_dY> Post Cabinet press briefing by HPS Dr Roger Luncheon 4th March, 2015 starts at 20:39 retrieved on 2015-03-16; GINA <<http://www.gina.gov.gy/home/index.php/home/all-news/item/1968-rodney-s-death-hps-queries-why-surviving-pnc-personalities-of-that-era-have-not-yet-volunteered-to-testify-before-coi>> Rodney's death... HPS queries why surviving PNC personalities of that era have not yet volunteered to testify before COI retrieved on 2015-03-16
11. The PPP/C with a sagging popularity used the Commission's processes to elicit evidence of the socio-politico-economic situation in Guyana from 1978 – 1980 for a collateral purpose to gain a political advantage from the proceedings. This in turn served as a disadvantage since that diverted focus from the real issue of getting to the crux of the Commission's mandate that is the killing of Dr. Walter Rodney.

Claims Regarding the Premature Termination of the Rodney Commission of Inquiry

12. By way of Extraordinary Gazette dated July 08, 2015, under the signature of Lt. Col. Joseph Harmon, Minister of State, the life of the Commission was extended for the final time to November 30, 2015:

The extension of the life of the Commission came to an end on March 31, 2015. Based on the advice provided to the President, the life of the Commission is hereby extended to November 30th, 2015, being the final extension.

The extension of time granted hereof shall be effective from July 27, 2015. The Commission shall render its report, findings and recommendations to the President within the specified period of the extension of the life of the Commission.

13. It is our submission that the Commission whose life has been" extended to November 30th, 2015, being the final extension" render its report, findings and recommendations to the President within the specified period of the extension of the life of the Commission" has not been prematurely terminated.
14. Nothing precludes a written hearing for those issued Salmon Letters where questions are sent to the witnesses and their responses are directed to be filed in affidavit format. Following which, the parties are given an opportunity to file additional submissions in writing. See, for example, *Vale v. Sun Life Assurance Co. of Canada* [1998] O.J. No. 6466, 40 O.R. (3d) 347, per Cullity J.
15. We respectfully submit that the evidence that Robert Corbin purportedly was required to answer has been crystallized in November 2014 when Lt. Colonel Sydney James testified. No plausible explanation has been proffered on why a Salmon Letter was not issued to him shortly thereafter. His name however was serialized in the media by the Consultant to the Commission, Shaun Michael Samaroo. See "Corbin delivered guns to House of Israel", *Guyana Chronicle*, June 03, 2014. In any event, Robert Corbin cannot provide any useful information to the Commission about the what, who, when, and where of Dr. Rodney's death. His evidence, is therefore, unnecessary.
16. On January 28, 2015, a *Guyana Chronicle* article written by Commission's consultant Shaun Michael Samaroo entitled "Robert Allan Gates makes stunning claim at Rodney Commission –McLean, Lewis, Roberts vital to dark Rodney plot" was published. Major General McLean and retired Assistant Commissioner of Police Skip Roberts were not issued Salmon Letters to appear even though the evidence to which they may have been required to testified crystallized at the end of January 2015.
17. The PNC's position therefore is enough time has been allocated for the Commission to wrap up its proceedings including obtaining evidence from witnesses issued Salmon Letter, without personal appearance. Such witnesses could have been issued written questions to which they could reply in writing, if necessary. Counsel for the parties then could have been provided the opportunity to provide supplementary written submissions arising out of any evidence that becomes available during the life of the Commission. There is therefore no breach of legitimate expectation or breach of natural justice as the Rodney Family asserting, that requires any petition to be sent to the Government of Guyana.

TERMS OF REFERENCE (TOR) AND SCOPE OF INQUIRY

18. The Commission's mandate established by its terms of reference is:-

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

19. The PNC had reservations and continues to have reservations about Terms of Reference iv, its scope allowed for the wasting of precious time and resources and in no way assisted in "a full and comprehensive and thorough inquiry into the circumstances surrounding the death Dr. Rodney."

20. Further, the PNC is concerned about utterances made by the then President of the Republic of Guyana, His Excellency, Donald Ramotar, in respect to meeting with Dr. Patricia Rodney in Atlanta and the claims of Dr. P. Rodney's purported utterances in respect to consultations and/or participation of the various opposition political parties in the process of setting up the Commission of Inquiry including its terms of reference and who will sit as Commissioners:

Mr. Williams: So, you continued after that advocating?

Dr. Rodney: Yes, I continued to, yeah.

Mr. Williams: So, when were you successful in getting an undertaking together?

Dr. Rodney: I think I read that, I think it was June 13th, 2013.

Mr. Williams: You spoke with someone?

Dr. Rodney: Pardon me?

Mr. Williams: You spoke with someone about that then?

Dr. Rodney: Somebody from the President's Office called to tell me that they were going to start an inquiry.

Mr. Williams: Did you object to the participation of the WPA in the setting up of the inquiry?

Dr. Rodney: I did not object to the participation of WPA, I said I wanted to have people on the Commission who were neutral. Those were my words. I did not say I did not want to have the WPA not be a part of what was going on.

13:10hrs

Mr. Williams: No, in terms of the setting up of the Commission, Terms of Reference, etcetera. Did you expressly say that you did not want them to be involved in the...?

Dr. Rodney: Not in the Terms of Reference. I said I wanted the Commissioners to be people who were neutral.

Mr. Williams: Meaning? People who were not...

Dr. Rodney: Non-Guyanese.

Mr. Williams: People who were independent.

Dr. Rodney: Independent, yes, people who were not a part of what was happening in Guyana at that time.

Mr. Williams: Okay. Of course that would also exclude people who might have been friendly to Dr. Rodney?

Dr. Rodney: Sure.

Mr. Williams: You would not expect them to sit...

Dr. Rodney: No.

Mr. Williams: ... as a Commissioner in the Inquiry.

Dr. Rodney: No.

Mr. Williams: So, equally, did you object to the participation of the People's National Congress in the setting up of this inquiry?

Dr. Rodney: Did I object to them?

Mr. Williams: Yes.

Dr. Rodney: They were never mentioned to me. I did not object to anybody.

Mr. Williams: Thank you. Are you aware that the Parliament had actually passed a resolution calling for the setting up of this Inquiry, in and around 2005?

Dr. Rodney: Yes. Did you mean under a different President or under the same President?

Mr. Williams: It might have been under a different President, President Jagdeo.

Dr. Rodney: Yes, I remember that.

Mr. Williams: Were you aware that...

Mrs. Samuels-Brown: I am sorry. What was the answer? A different President or...

Mr. Williams: Yes.

Mrs. Samuels-Brown: Thank you. I just missed it.

Mr. Williams: I think it was around 2005, if I am not mistaken.

Dr. Rodney: Yes, it was 2005.

Mr. Williams: Yes. Now, are you aware in the passage of that resolution in the House, in our Parliament, that both the WPA and the PNC voted in favour of

having such an Inquiry?

Dr. Rodney: I cannot remember.

Mr. Williams: Okay. Would you also be aware that the Government abstained on that vote?

Dr. Rodney: No.

Mr. Williams: That is the People's Progressive Party (PPP) Government that abstained on that vote.

Dr. Rodney: No.

Transcript of Evidence of Patricia Rodney, October 21, 2014, pp. 83 - 85

EVIDENCE AND ANALYSIS

TERMS OF REFERENCE I "To examine the facts and circumstances immediately prior, at the time of, and subsequent to the death of Dr. Walter Rodney in order to determine, as far as possible, who or what was responsible for the explosion resulting in the death of Dr. Walter Rodney."

Challenges to the Peace, Order and Good Governance of Guyana

21. Dr. Rodney introduced a political culture of denigrating his opponent, by launching insulting tirades against Prime Minister Burnham. In a society, unaccustomed to this type of political broadside, while it provoked laughter on one side, it raised eyebrows on the other side. For instance calling Burnham 'King Kong' and claiming that "the Burnham touch where everything he touches turns to shit," provoked laughter from a captive audience.

(Sound of a helicopter overhead). Brother and Sisters, I am aware of the preferred mode of transportation of **King Kong**. (Laughter). Nevertheless, we have to proceed with what is going on down there and we want to show that the ruling class has clearly lost touch with reality in a way that is absolutely frightening. Think about the story of the palace that they were about to build. In the midst of the most desperate economic crisis that has ever hit this nation, (let us forget for a moment who brought on the crisis, we know they brought it on, but forget that for a moment), any sane government would not think about building a palace. But you see **King Kong** had decided he wanted to build a palace to his ego (laughter), and a monument to his own stupidity — so that he could sit inside and be a monument inside a monument. (Laughter and applause).

One of the brothers in the audience, when we were at Grove yesterday, suggested to us that what was required was to extend the zoo to take in the Residence (laughter) and then we would have one of the most prized exhibits of any zoo in the world. (Laughter). People would come from all over the world and pay to see **King Kong**.

....

The other evening, speaking at another site, **I had to draw the analogy, to say that if there ever was such a thing called the Midas touch, which was the touch**

that made everything turn into gold, then we will have a new creation in this society — **the Burnham touch where everything he touches turns to shit.** (Prolonged laughter).

If you notice in the media, whether it be Action Line, or the New Nation, or the Chronicle, one of the things they're very hurt about is the so-called attacks on their leader. How come their leader can be attacked? **King Kong** is supposed to be beyond criticism. (Laughter).

I remember when the **King Kong** was ill, reportedly seriously ill. And many Guyanese, including Christian Guyanese, were praying for the best. (Laughter). [Emphasis added].

"The Struggle Goes On" a speech by Walter Rodney (20/07/1979), printed and published by the Working People's Alliance (WPA) and it was reprinted in May 1984, Exhibit EK6

22. This type of derogatory and denigrating name calling has since become a norm in Guyana's political discourse. Further, Dr. Rodney had no problem in presenting challenges to law enforcement by openly confronting the PNC Government by holding, un-approved political meetings in the vicinity of the PNC Headquarters in Sophia:

Mr. Pieters: Let me read, Ms. De Souza, what Mr. Burnham said... This is the Comrade Leader on page 29. He said, "Alright. Ease it. Now, Comrades, we allow them for the time being, as I said, to hold meetings, and we would always allow them to hold meetings, but they must understand that when you hold meetings you must be sure you do not offend the audience. No, one cannot offend your audience. You must not mistake other people's audience for your own. An audience is a wife that belongs exclusively to one, so Comrades, the youngsters apply to hold the meeting one block away from the PNC Congress, well then, we had to say this [and in quotation marks] "eye-pass must stop"."

Ms. De Souza: Sorry, I have lost the question.

Mr. Pieters: The question was phrased differently. The question that I was going to suggest to you was Prime Minister Forbes Burnham had no issues with peaceful assembly so long as they were lawful and not conducted in a way that can cause physical antagonism between the Parties. I believed you answered that one. Then I went onto the next question and I said in the speech of the Third Biennial Congress, page 29, you would agree that Burnham considered it eye-pass that WPA came to Sophia in the vicinity of the PNC Headquarters to hold their public meetings.

Ms. De Souza: And I am saying that the premise of the question is wrong. The WPA was not in Sophia.

Mr. Pieters: Right, but that is what his speech is; that the WPA applied to hold their meeting one block away from Congress Place; that is what his speech reflects.

10:40hrs

Ms. De Souza: Yes, so what are you asking me to respond to?

Mr. Pieters: I was asking you to respond because the Chairman asked a question about the issue of eye pass. You would agree that in the Guyana context, eye-pass means a gross insult.

Ms. De Souza: I actually do not like the term eye-pass. It speaks to disrespect between people. It speaks to differing power relation and most of the time, it speaks about children eyes pass adults and it is in that context, I would understand that statement.

Mr. Pieters: So you are saying that Prime Minister Burnham attempted to infantilise the WPA when he made that statement?

Ms. De Souza: I think he was speaking to his own superiority and paramountcy.

Mr. Pieters: Now, would you agree that when Dr. Rodney addressed Forbes Mr. Burnham as King Kong, King Kong can be accepted as a derogatory stereotype?

Ms. De Souza: It might, it depends on who was saying it.

Mr. Pieters: And in the context in which Dr. Rodney used those terms, I am going to suggest to you that it was a derogatory racist stereotype directed at Forbes Burnham.

Ms. De Souza: I would disagree.

Transcript of Evidence of Ms. Karen DeSouza, August 4, 2014 pp. 29-30

23. All three political leaders traded words. While to a greater extent there was a level of civility between Burnham and Jagan, there were quite often harsh exchanges between Burnham and Rodney. It was reported that Rodney said the Burnham government must be removed by any means necessary. Burnham responded by saying that while that is Rodney's desire we will see "whose steel is sharper." See, Address by the Leader of the People's National Congress, Prime Minister Forbes Burnham, at the Third Biennial Congress of the People's National Congress, Pln. Sophia, Georgetown, August 22 - 26, 1979. Burnham's rhetoric was considered by Rodney in the same way Burnham considered Rodney's rhetoric. It was a tit-for-tat verbal hostilities between the two and certainly separate from the burning down of the Ministry or other acts of violence that took place as illustrated above.
24. Dr. Rodney's confrontational method was not embraced by the PPP and its leadership. Further, the "civil rebellion" in 1979 was a means by which Dr. Rodney and the WPA intended for Guyana to be ungovernable: See, for example, evidence of Tacuma Ogunseye.
25. Counsel for the GTUC cross-examined Dr. Kwayana on the WPA's aim to get rid of the Forbes Burnham PNC government:

Mr. Pieters: I mean, part of the modus operandi of the WPA at the time was to get rid of the Burnham Government or dictatorship, as it was called, by any means possible. That much is established in the evidence. Correct?

Mr. Kwayana: Your Latin is confusing me, Counsel. I do not understand your Latin.

Mr. Pieters: The WPA had as one of its objectives, the removal of the Burnham

Government by any means necessary. That much is established in the evidence?

Mr. Kwayana: Yes, it is established.

Mr. Pieters: If the Burnham regime was removed, who was going to assume this leadership of the country?

Mr. Kwayana: We had proposed a government of national unity and reconstruction, in a document drawn up by Dr. Rodney and approved by the collective leadership. So no one had been identified as a person to head any government. It was a question of getting forces together so that there could be some sense of national cohesion. A government of national unity and reconstruction and the whole point was to get rid of rigid party controls and to open up more to citizen of all strata in the population.

Mr. Pieters: I mean you would agree and your evidence has borne it out that Dr. Rodney was more popular than others. You would agree that he was a charismatic leader or a charismatic person?

Mr. Kwayana: Yes.

Transcript of Evidence of Eusi Kwayana, June 02, 2014, p. 20.

26. The WPA's Security Committee was composed of Dr. Walter Rodney, Dr. Rupert Roopnaraine and Mr Ogunseye. Mr. Kwayana was clueless on the robust activities including weapons accumulation and violence that WPA were involved in and/or contemplated:

Mr. Pieters: Mr. Kwayana, because of your disavowance of violence, would you agree that the WPA kept you out of the robust activism activities that involved acquiring walkie talkies for example and ultimately firearms and ammunition?

Mr. Kwayana: We all had an aversion to violence. We all had an aversion to violence and I did not have to be kept in to acquiring walkie-talkies or kept out. It was something that perhaps one or two people did, one of them being Dr. Rodney and after his death, they found a few other walkie-talkies in his house and they searched it, and he was not there and none of these firearms and explosives, and none of these things were found.

12.03hrs

Mr. Pieters: Who else within the WPA collective leadership would you have said was adverse to violence?

Mr. Kwayana: All of us were oppose to violence.

Mr. Pieters: Okay.

Mr. Kwayana: The very Dr. Rodney that you are pinpointing said in an interview with Mr. Carl Blackman in February 1980 in an article, three times, "violence is always regrettable because people are killed and many get injured"- three times in the same interview. So, I do not know who had a passion for violence.

Transcript of Evidence of Eusi Kwayana, June 02, 2014, pp. 51-53.

27. Ms. Dow testified that she did not "knowingly" act as the driver picking up weapons for the WPA:

Mr. Pieters: Thank you, Mr. Chairman. Let me make some suggestions to you; I am going to suggest to you, that you, at the material time, were aware the WPA was collecting arms, and ammunitions?

Mr. Chairman: What is the material time, 1978 to 1980?

Mr. Pieters: 1978 to 1980. Were you aware that the WPA was collecting arms and ammunition?

Ms. Dow: Yes.

Mr. Pieters: I am going to suggest to you that you were one of the persons who actually picked those firearms up, on behalf of Dr. Roopnarine?

Ms. Dow: I never did.

Mr. Pieters: I am going to suggest to you that...

Mrs. Samuels-Brown: Mr... thank you.

Mr. Pieters: I am going to suggest to you that you transported Dr. Roopnarine to meetings with arm suppliers.

Ms. Dow: I never did, knowingly.

Mr. Pieters: And that you knew that?

Ms. Dow: I did not.

Mr. Pieters: And that your house was searched for firearms because you were on the Police radar for those very reasons.

Ms. Dow: They never found any. So, I do not know what "being on the radar" meant.

28. Without the PPP how could the WPA have gotten rid of Burnham and the PNC electorally?

Mr. Kwayana: The WPA and the PPP went different ways when the 1980 elections were called. At that time Walter Rodney was already away from us.

Mr. Pieters: Well let me ask you this, without the PPP, how could the WPA have gotten rid of Burnham and the PNC electorally?

Mr. Kwayana: I do not know.

Mr. Pieters: And that is your answer?

Mr. Kwayana: That is my answer.

Mrs. Samuels-Brown: Remember though that the witness had said that this break or going different way between the WPA and the PPP was to quote him, 'after Dr. Rodney was not with us' so bear that in mind, the chronology.

Mr. Pieters: Very well, Madam Commissioner. Mr. Kwayana, you know that Dr. Roopnarine, in an article on the 19th September, 2010 stated in the Stabroek News that the party was accumulating weapons long before the murder of Dr. Rodney?

Mr. Kwayana: That question had been put to me in different form and I answered that from my own knowledge, there were, I said two or perhaps three occasions on which members of the Working People's Alliance were charged with arms. One of them being, Dr. Hinds coming in from the United States and the arms were never presented in court. One you mentioned this morning the treason trial which to the

best of my knowledge was dismissed and one was Ohene Koama who was alleged to have been found with a bag of arms in his car trunk, a very small car. Police blocked him off in Roxanne Burnham Gardens on 18th November, 1978 and he was shot. He was not charged. The police alleged that he pointed a rifle at them.
Transcript of Evidence of Eusi Kwayana, June 02, 2014, p. 50.

Build-up of Violence

Recruiting members of the Joint Services

29. Dr. Rodney and the leadership of the WPA commenced and executed a policy of sowing disaffection amongst active and serving members of the Guyana Defence Force, Guyana Police Force and other military institutions in Guyana. Their rank and file membership actively joined the leadership in this policy and they courted and recruited active and serving members of the aforesaid military institutions to join in this subterfuge. The WPA was on a path of infiltrating and compromising the military of Guyana.

Arson at the Office of the General Secretary and Ministry of National Mobilization

30. In 1979, the Office of the General Secretary and Ministry of National Mobilization was burnt down:

Mr. Pieters: The Commission has evidence that the Ministry of National Development seems to have been a place where a lot of things were funneled through and so I am going to suggest to you that the Ministry of National Development was a powerful arm of the People's National Congress or Government of the day.

Ms. De Souza: I imagine that it was, but as I said, I have no direct experience with it.

Mr. Pieters: And I am going to suggest to you that the burning down of that building shook the Prime Minister of the day, Forbes Burnham.

Ms. De Souza: It may have done so.

Transcript of Evidence of Ms. Karen DeSouza, August 4, 2015 p 36.

Edward Torrington

31. Edward Torrington a former corporal of the army was involved with the WPA and conducting military type training:

Mr. Williams: Yes, Sir, read paragraph 4.

Minister Rohee: "Torrington told the meeting that he will be holding an extensive military training programme in a camp aback of Parika, EBE, over the weekend on 31st May-June 80, and that members must assemble at Parika on the night of 30th May 80, to be taken to the camp. They were advised to bring along foodstuff and clothes to change."

H. O'Mahall

August 29, 2014 p. 30 on electronic copy

Mr. Williams: In fact, this does not only say that the purpose of the WPA forming to remove the Government of the day by force but that they are actually taking physical measures in furtherance of that formation by indulging in military training exercises.

Minister Rohee: Yes, but that is a matter for the WPA to say.

32. One of those members was Sergeant Gregory Smith aka Cyril Johnson who lived at Russell Street and Howes Street.

Arnold Apple and Tacuma Ogunseye

33. The arrest of Arnold Apple, another WPA activist, for allegedly having a quantity of explosives in his possession while on his way to Linden:

Mr. Williams: Now, during that period where you spoke of Tacuma Ogunseye, and bomb making; we are going to come to that...

Justice Ramson: Yes.

Mr. Williams: And Hinds, etcetera. would you say that...

Justice Ramson: And Arnold Apple.

Mr. Williams: Yes. Would you say that the WPA basically had declared war against the Government of the day?

Justice Ramson: As it turned out, as it turned out. Anybody with a big SLR, a man making bomb, another man caught with detonators, going to Linden... you are into the PNC's stronghold, you are making jokes.

Mr. Williams: Who was the one called...

Justice Ramson: That is the intention to go to battle.

Mr. Williams: Now, you mentioned to the Commission of Inquiry, David Hinds, that is at the Airport, with big guns.

Justice Ramson: Big, long guns, like this.

Mr. Williams: Then you mentioned Tacuma Ogunseye after 1980 with bombs. Who is this person going with detonators to Linden?

Justice Ramson: Arnold Apple, Arnold Apple. It is in my statement. He was a WPA. He used to be marching with the people, "People's Power, No Dictator!" up and down the place. Well, I know him as a WPA.

Dr. Rodney's quest to obtain arms, ammunition and detonation devices

34. What is known though is Dr. Rodney was on a fanatical quest to obtain arms, ammunition and detonation devices:

Ms. Rahamat: And, what happened – could you just go a little slowly?- what happened when Walter came to your home?

Mr. Yearwood: We sat, as usual. We were talking. He was on one side of the table. I was on the other side of the table. It was about a short duration of talking when he put his hand into a bag, and took out some things. He passed it to me saying, "Brother Jomo, can you put this into circuit?"

Ms. Rahamat: So, he passed some things to you and asked you to put it into a

circuit?

Mr. Yearwood: Into a circuit, yes.

Ms. Rahamat: And, what were these things passed to you?

Mr. Yearwood: At that moment I had no idea. I took it in my hands and asked him, "What are they?" His exact words were, "Firing caps detonators."

Ms. Rahamat: And, what happened after he told you they were firing caps detonators?

Mr. Yearwood: Well, I passed it back to him because I told him I had no idea. I passed it back to him, and we continued our conversation as normal.

Transcript of Evidence of Mr. Holland Yearwood, February 17, 2015, p. 57.

35. Mr. Ogunseye, quite matter of factly admitted that the WPA were accumulate weapons and distribute those weapons to its members:

Mr. Williams: However, Mr. Ogunseye, what is very clear is that you were operating outside of the Law.

Mr. Ogunseye: Yes, in as far as it is concerned, yes.

Mr. Williams: Now, your party security committee, Dr. Rodney, Dr. Roopnarine and yourself, did you inform or would the executive committee have known of your existence?

Mr. Ogunseye: As I said very clear, we were a subcommittee of the Executive.

Mr. Williams: Man, you do not believe in a yes or no so that we could move on?

Mr. Ogunseye: That is the answer, the way you put it...

Mr. Williams: Is that a yes?

Mr. Ogunseye: Yes.

Mr. Williams: Okay, Tacuma, let us move on. On that Executive would have been Mr. Eusi Kwayana?

Mr. Ogunseye: Yes.

Mr. Williams: Are you aware? You should because you were sitting here all the time, are you aware when he testified that he said he had no knowledge of the WPA acquiring arms?

Mr. Ogunseye: Except in two incidences where he heard about arms, yes, he did say so.

Mr. Chairman: Was he included in the need to know?

Mr. Ogunseye: No, he was not included in the need to know. I do not think he even wanted to know.

Mr. Williams: There is a difference you know. You are not saying that he turned a Nelson's Eye to the fact that you were accumulating arms?

Mr. Ogunseye: To my best knowledge I do not think he knew that we were accumulating arms.

Mr. Williams: You kept that away from him?

Mr. Ogunseye: You could say so. It would be fair to say so.

Mr. Williams: But not from the rest of the committee?

Mr. Ogunseye: Which committee?

Mr. Williams: The executive committee?

Mr. Ogunseye: Also for the rest of the Executive committee.

Mr. Williams: Okay. Now, you were not a licensed firearm holder?

Mr. Ogunseye: No and still not.

Mr. Williams: You had any weapon for yourself?

Mr. Ogunseye: What?

Mr. Williams: You kept one for yourself whilst you were distributing to...

Mr. Ogunseye: No. I did not have a need for it. I did not feel a need for it, no.

Mr. Williams: Do you know the fate of those weapons? Where they are now?

Mr. Ogunseye: No.

Transcript of Evidence of Tacuma Ogunseye, July 02, 2014, pp.

Conclusion of TOR #1

36. The atmosphere between 1978 -1980 was challenging.. In our submissions there is a link between rising attempts at causing civil unrest, and an explosion of some sort, with Dr. Rodney being at the center of both events. The "civil rebellion", industrial actions of 1977 and 1979, the political rhetoric and the increased militancy of the WPA including the accumulation of firearms and ammunition, all made political violence inevitable.

37. It cannot also be said that the PNC, or Prime Minister Burnham or the State was responsible for Dr. Rodney's death. Anne Wagner's evidence is he died as a result of an accident, which Gregory Smith's sister and confidant testified was of Dr. Rodney's own doing:

Mr. Williams: Ms. Wagner, is it your position from what your brother has told you, from what you have read etcetera that Dr. Walter Rodney died due to an accident?

Mrs. Wagner: Yes.

Mr. Williams: And that that accident was caused by his negligent handling of whatever device that he had?

Mrs. Wagner: Right, and not listening to the advice of not to use the device.

Mr. Chairman: Mr. Williams, the accident that is very important for me. Do I understand her to be saying that the accident arose from his failure to use the devise as instructed?

Mr. Williams: As instructed. I had asked negligently, but she said as instructed.

Mr. Chairman: As instructed. Very well.

Mr. Williams: I will ask her.

Mr. Chairman: Very well.

Mr. Williams: Therefore, you are clear and your brother was clear that the PNC Government never killed Dr. Rodney?

Mrs. Wagner: That is true.

TERMS OF REFERENCE II

(ii) To enquire into the cause of the explosion in which Dr. Walter Rodney died, whether it was an act of terrorism, and if so, who were the perpetrators?

The evening of June 13, 1980

38. Donald Rodney provided evidence on the evening in question including what he said was him being conscripted to accompany Dr. Rodney to Gregory Smith's home as a Driver or wheelman. He testified that he acted on a need to know basis and did not ask questions about the device he picked up for Dr. Rodney nor did he ask questions of Gregory Smith:

Mr. Scotland: Thank you, Mr. Chairman. I want you to tell me what was your understanding, what did you understand of Dr. Walter Rodney's understanding that you had collected from Smith on that night?

Mr. Rodney: I started answering ...

Mr. Scotland: Yes, I know.

Mr. Rodney: ... in relation to what was my understanding ...

Mr. Scotland: Yes.

Mr. Rodney: ... I was sent to collect a walkie-talkie unit and I was given this unit as a walkie-talkie unit. I believed it was a walkie-talkie unit. It consisted of a circuit so that I could describe it other than being a circuit, but I believed it was a walkie-talkie unit.

Transcript of Evidence of Donald Rodney January 30, 2015, p. 60

Mr. Scotland: And, how did you come to be about his home early in the afternoon?

Mr. Rodney: I stopped by, on my way home from work.

Mr. Scotland: And, when you stopped by approximately –if you can recall- what time did you stop by earlier on?

Mr. Rodney: It was some time before 5 O'clock.

Mr. Chairman: I think there is actually a time here is actually a time here, 4:30.

That is correct; go ahead.

Mr. Scotland: 4:30. And, when you stopped by, what, if anything, did you and Walter discuss that led you to pick him up at 7:30?

Mr. Rodney: Walter said he was going to collect, or test –I am not sure which now...

Mr. Scotland: Yes.

Mr. Rodney: ...the unit from Gregory Smith.

Mr. Scotland: When you say the "unit" what do you mean?

Mr. Rodney: The walkie-talkie unit...

Mr. Scotland: Yes.

Mr. Rodney: ...from Gregory Smith.

Transcript of Evidence of Donald Rodney January 30, 2015, p. 82

0.20 of the here

39. Donald Rodney described what he received in this manner:

Mr. Scotland: And what did he do, if anything, relative to it. Did he give you anything? What happened?

Mr. Rodney: Well after that he did in fact come forward with a package. The package consisted of a wooden box inside of a paper bag. I could see; one could see, if they had the opportunity, that the wooden box protruded above the paper bag. That is why I called it a package. The paper bag with a wooden box in it where one can see the wooden box protruding outside the paper bag.

Mr. Scotland: He having given you this wooden box in the paper bag, what did you do?

Mr. Rodney: At that stage as part of giving it to me, he indicated that there was a switch and I believe that switch is on the right hand side...

Transcript of Evidence of Donald Rodney January 30, 2015, p. 88

40. He provided evidence on the travel route including stops along the way.

41. Donald Rodney provided evidence that he claimed to have received instructions from Gregory Smith. It is unclear why such instructions would have been provided to Donald Rodney and not directly to Walter Rodney who in Donald's motor vehicle and parked a few blocks away from Smith's residence.

42. Any discussion of this term of reference requires definition of the terms associated with terrorism including: defining a) "Terrorist activity"; b) "Terrorist group c) "Facilitation".

43. In the Guyana context, resort could be had to the *National Security Act* and Standing Order 50. Resort could also be had to The International Convention for the Suppression of Terrorist Bombings, 12 January 1998, 37 I.L.M. 249, U.N. Doc. A/RES/52/164 ["Convention on Terrorist Bombings"]. Article 2(1)(b) defines "terrorism" as:

Any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

44. The PNC put forward in these proceedings a "fourth theory" in respect to the killing of Dr. Walter Rodney:

Mr. Williams: Let me refer you to LJSBWPA 3 page 111, I do not think this was utilised, this would be my document.

Mr. Chairman: Help us to understand where you are heading, Mr. Williams. You are trying to produce evidence that the PPP might have had an interest

Mr. Williams: That is the fourth theory. I am heading to the fourth theory. You gave three and I am headed to the fourth.

Mr. Chairman: You are introducing a fourth?

Mr. Williams: Yes.

Mr. Chairman: The only question would be, having introduced it as a theory, where is the evidence that make it probable?

Mr. Williams: But I already have sufficient substrata to predicate that on.

Mr. Chairman: Yes, but where is the evidence now to make it probable, that the PPP was responsible for Rodney's death?

Mr. Williams: Well, with respect, Sir, that is a question for you and the Commissioners when you are making your ...

Mr. Chairman: Yes, but if we are to pay any attention to the theory, it would have to have evidential support.

Mr. Williams: But, Sir, there is evidentiary support from the various documents I have just put to the Commission.

Mr. Chairman: Only of concern, that is likely that there were concerns about the inroad that the WPA was making into their membership, but that they went to the next step and was responsible for his death would need an evidentiary foundation.

Mr. Williams: But we do not have any evidence that the State went to the next step to cause Rodney's death.

Mr. Chairman: Well, I would only be able to carry it the first step.

Mr. Williams: What we need in keeping with the answer given by the Crime Chief previously that he has an open mind when he approaches an investigation. In other words, he is telling you, he would not be locked in to your three theories only and I am sure that he would accept ... in fact, I should put it to him that being armed with the knowledge of these documents, the knowledge contained in these documents, you would have considered that the PPP should be examined also as a suspect.

Mr. James: As I said, Sir, the investigations ought not to be limited.

Mr. Williams: Ought not to be ...

Mr. James: ... limited.

Mr. Williams: Exactly, so you would agree, armed with this information that you have from these documents, you would have investigated that, the PPP as being a possible candidate for the cause of Dr. Rodney's death.

Mr. James: That is what I am saying.

Mr. Williams: You agree with me.

Mr. James: Could not be limited.

Mr. Williams: So, you agree with me?

Mr. Chairman: But what you are putting to him is a possible candidate ... we are not dealing with the realms of possibilities. We are talking of ...

Mr. Williams: Well, I could change the word, Sir, if you do not like possible.

Mr. Chairman: No, it is not what I like.

Mr. Williams: I think you had said that before.

Mr. Chairman: You are a lawyer, man it is not what I like.

Mr. Williams: The PPP would be a real party of interest for the purposes of investigating them in connection with Dr. Rodney's death.

Transcript of Evidence of Leslie James, August 07, 2014, pp. 61-63

Mr. Williams: Mr. Chairman, I am saying to you that we have enough, not only from his file, but from the actual testimonies of witnesses here that establishes that the PPP felt threatened by Dr. Walter Rodney's activities also

Transcript of Evidence of Leslie James, August 07, 2014, p. 70

Mr. Williams: Thank you. Now, look we had some theories here about Dr. Walter Rodney met his death and in fact the Chairman gave three theories if you were listening. I offered a fourth theory and you are saying now that the ABC countries had an intention to overthrow Burnham with the collaboration of the WPA?

Justice Ramson: Well I do not know if they were going to overthrow him. I know the WPA from all the evidence I am seeing was the vehicle by which they will push Mr. Burnham out of the government.

Mr. Williams: Well that is a fifth theory.

Justice Ramson: That is a known strategy of the CIA and the MI 5 and all those people overseas.

Mr. Williams: Were you aware during that period...

Justice Ramson: They did it to Dr. Jagan in 1964 and put Mr. Burnham.

Mr. Williams: Alright but this Commission is not going so far back.

Justice Ramson: I am only telling you, it is the same strategy. Nothing is new in this world. Everything is a replay of all the old times.

Mr. Williams: During the period we are talking about under consideration were you aware that the KGB was here in Guyana?

Justice Ramson: Well in 1980?

Mr. Williams: 1978-1980

Justice Ramson: KGB? I do not

Mrs. Samuels-Brown: Remember the witness's difficulty with diplomatic matters as explored by Mr. Ram. Perhaps you need to be careful there.

Justice Ramson: But I do not know the KGB was here.

Mr. Williams: Well there was a man here operating out of the Pegasus Hotel by the name of Brazhnev

Justice Ramson: Brezhnev?

Mr. Williams: Not Brezhnev that would have been a former President of the USSR. But we are talking about Brazhnev who from the evidence in this Inquiry had been manipulating certain elements? Were you aware of that?

Justice Ramson: No, well again you see I am not a Politician so I was not in that circle.

Mr. Williams: Now, even from where you stand now, having three stints as Attorney General and all of that. You are still saying that.

Justice Ramson: But it was not 1978 - 1980

Mr. Williams: No we know that you do not have to but you said you had to coin a letter to the French in relation to this matter.

Justice Ramson: No, I crafted. I assisted in crafting a letter for the then Comrade

President to determine whether he would send it off. I do not even know if he sent it.

Mrs. Samuels-Brown: I think the question is though is Justice Ramson at any time during private life or as an office holder, did the name Brazhnev come to your attention?

Justice Ramson: Never Madame Commissioner.

Mrs. Samuels-Brown: At all or as an agent of the KGB?

Justice Ramson: Never heard of him.

Mrs. Samuels-Brown: Thanks.

Justice Ramson: That name would very well remain in my memory.

Mrs. Samuels-Brown: If you had heard?

Justice Ramson: I was a very great admirer of...

Mrs. Samuels-Brown: Brezhnev.

Justice Ramson: Alexei Brezhnev.

Mrs. Samuels-Brown: Yes. Thank you and if you notice I still wear my Lenin button.

Mrs. Samuels-Brown: I did not notice

Justice Ramson: Well I am a Marxist Leninist and I have Comrade Cheddi over this said and I have my Guyana national button here.

Mr. Chairman: He was also a Marxist Leninist?

Justice Ramson: Who Cheddie? That is one of the disciples of Marxism.

Mr. Chairman: Very well.

Mr. Williams: Now, Justice Ramson, during that period you said the PPP offered critical support to the PNC Government of the day?

Justice Ramson: I remember that.

Mr. Williams: Now, was this not all in connection with the socialist ideology that was being pursued by all the major parties at that time including the WPA?

Justice Ramson: Well I do not know, at the time, critical support was not during WPA time. Before the WPA they had a movement called MAU MAU and out of MAU MAU the WPA was born. But the critical support was 1976-1977 when we had other threats.

Transcript of evidence of Charles Ramson, November 04, 2014, p.

Mr. Williams: And, you are here testifying because of the fourth theory, you know what the fourth theory is?

Minister Rohee: The what theory?

Mr. Williams: Fourth theory?

Mr. Chairman: Fourth theory?

Mr. Williams: Yes.

Mr. Chairman: Well help us to understand what is that?

Mr. Williams: Well, first I do not know if you understand. Do you understand what I am saying? Are you aware of the fourth theory?

Minister Rohee: No, I am not aware of that.

Mr. Williams: Okay. Are you aware that the Chairman adumbrated three theories as to how Dr. Walter Rodney met his death?

Minister Rohee: No, I am not aware of that.

Mr. Chairman: Might have. Might have. Might have.

Mr. Williams: Well the first one was that it could have been the members of the WPA. The second was that it could have been at his own...

Mr. Chairman: Negligence.

Mr. Williams: At his own hand. His own negligence and a third by the government of the day. Are you aware of those three theories postulated by the Chairman of the Commission?

Minister Rohee: No, I am not aware of that.

Mr. Williams: You will not deny that he did so?

Minister Rohee: I just am not aware of it.

Mr. Williams: Now, Counsel for the PNC introduced a fourth theory. And that fourth theory is that the PPP also could have had a motive, in that regard, in the death of Dr. Walter Rodney. Were you aware that that was said in this Commission?

Minister Rohee: No, I am not aware that that was said here.

Mr. Williams: Okay.

Mr. Chairman: Had or may have had or both?

Mr. Williams: Both. We have the document here from Special Branch. It is a matter for the Commission. Now, let me begin with this. In the first instance, the PPP and the WPA were in joint talks with the view to getting rid of the Government of the day, the PNC Government.

Mrs. Samuels-Brown: Could you put that in a time band for us if you have?

Mr. Williams: During the relevant period. In fact this is in 1980.

Mrs. Samuels-Brown: Thank you.

Mr. Williams: We testified a lot about that period in that regard. Do you accept that this is so?

Minister Rohee: No, I do not agree with that.

Mr. Williams: That when Dr. Rodney, as you said visited Dr. Jagan on many occasions at Freedom House.

Minister Rohee: Yes he visited there many time.

Mr. Williams: And are you aware that they had agreed to jointly pursue the end of removing the Government of the day.

Minister Rohee: No, I am not aware of that.

Mr. Williams: Sir, might I respectfully show him this document?

[Secretary to the Commission collected the document from Mr. Williams]

Mr. Williams: You can read from it because...

Mrs. Samuels-Brown: May I see it please?

[Court Marshal took the document from Commission Counsel to Commissioner Jacqueline Samuels-Brown]

Ms. Rahamat: I think I found it Mr. Chairman and Commissioners. I think it is LJSBWPA 3. It is pages 111 and 112.

Mr. Chairman: LJF...

Ms. Rahamat: LJSBWPA 3, pages 111 and 112.

Mr. Williams: Could I have my document back?

[Court Marshal took the document back from Commissioner Jacqueline Samuels-Brown to Mr. Williams]

Ms. Rahamat: Marshal, the Witness.

[Court Marshal took the document from Commission Counsel to the Witness]

Mr. Chairman: This is a file from the...

Mr. Williams: Special Branch.

Mr. Chairman: from the Special Branch.

Mr. Williams: And WPA.

Mr. Chairman: Marked "Secret on WPA's activities".

Mr. Williams: Yes. Now, Mr. Rohee, that document is captioned "WPA activities"?

Minister Rohee: What is that?

Mr. Williams: Is it captioned "WPA activities"?

Minister Rohee: Yes it is.

Mr. Williams: And a sub-captioned is "WPA/PPP joint talks"?

Minister Rohee: Yes.

Mr. Williams: Could you read that paragraph please?

Minister Rohee: It says that "the WPA said that they were holding talks with the PPP towards the formation of a united front to get rid of the PNC government. The WPA said that there were some minor differences between the WPA and PPP but both Dr. Jagan and top members of the WPA vowed to iron out their differences and form the united front as a main priority in the struggle."

Mr. Williams: Were you aware of that?

Minister Rohee: No, I was not aware of it.

Mr. Williams: To this end, could I suggest to you that the WPA had engaged Cuban spies in Guyana with an intention of assisting it to overthrowing the PNC government at the time?

Minister Rohee: I would not know that. I would not know that at all.

Mr. Williams: Sir, I would like to also show the Witness this document, "Secret" captioned "Cuban spies in Guyana".

Mr. Jairam: What page?

Mr. Williams: This has page 192.

Ms. Rahamat: [Inaudible].

Mr. Williams: Yes.

Mrs. Samuels-Brown: Mr. Williams, if you are not using yours can borrow it? Well show it to the Commission Counsel first.

Mr. Williams: Yes.

[Court Marshal took the document from Mr. Williams to show Commission Counsel then Commissioner Jacqueline Samuels-Brown]

12:27hrs

Mrs. Samuels-Brown: Thank you.

Mr. Williams: Are copies being made Mr. Chairman?

Mrs. Samuels-Brown: [Inaudible] Dated May, 1980. May what, does it say? Mr. Jairam, May, what does it say?

Mr. Jairam: 19th.

Mrs. Samuels-Brown: 19th May?

Mr. Chairman: Get ahead, Mr. Williams, or see that ... has the Witness got a copy it?

Mrs. Samuels-Brown: No, they cannot find it.

Mr. Williams: Do you see that document Minister Rohee?

Minister Rohee: If what?

Mr. Williams: You see the document that you have in your hand?

Minister Rohee: If I see it?

Mr. Williams: What does it captioned?

Minister Rohee: I am holding it.

Mr. Williams: What does it captioned?

Minister Rohee: "Cuban Spies in Guyana".

Mr. Williams: "Cuban Spies in Guyana". Could you read it please? It is a short ...

Minister Rohee: It says "Spies, Cubans are in Guyana operating as Spies with the intent of assisting the PPP to overthrow the PNC Government. PPP, the hierarchy of the PPP is of full knowledge of such plans".

Mr. Williams: We are not hearing you. Could you speak into the microphone? That is a very important piece of paper you have in your hand.

Minister Rohee: It says "the PPP, the hierarchy of the PPP is at full knowledge of such a plan". PPP/WPA ... Dr. Jagan is prepared to lie in active and allow Dr. Rodney to carry out the WPA's activity. Both organisations will work covertly together with the object of overthrowing the PNC Government and replacing the Leadership with Dr. Jagan".

Mr. Williams: But you showed a lot of knowledge when you were giving your evidence-in-chief. Is that part of your knowledge? Do you deny that the PPP had enlisted Cuban Spies ...

Minister Rohee: I have no knowledge of ...

Mr. Williams: ... in its efforts to overthrow the Government of the day?

Minister Rohee: I have no knowledge of that.

Mr. Williams: And that document is saying to you that the plan was to Dr. Jagan to lie low and let Dr. Rodney run with it?

Minister Rohee: Yes, Special Branch, as usual, they could write anything.

[Laughter]

Mr. Williams: Well, we did not tender the document.

Mr. Chairman: Mr. Williams, [Laughter], he has rejected the premise of which you are proceeding. You still hold the premise as though he has not rejected it and ask further questions on the premise. He has rejected the premise.

Mr. Williams: No ...

Mr. Chairman: He said he has no knowledge.

Mr. Williams: ... that is a separate thing now. He has rejected that they enlisted the Cuban Spies as the Special Branch document is saying. The last paragraph now talks about the tactics. Could you read the last paragraph over for the Chairman, please?

Mr. Chairman: [Laughter]

Mrs. Samuels-Brown: One paragraph.

Minister Rohee: I read it. "The PPP/WPA ..."

Mr. Williams: Read it so that we could hear.

Minister Rohee: ... Dr. Jagan is prepared to lie inactive to allow Dr. Rodney to carry out the WPA activities. Both organisations will work covertly together with

the object of overthrowing the PNC Government and replacing the Leadership with Dr. Jagan”.

Transcript of Evidence of Clement Rohee, February 16, 2015, p.

45. Mrs. Wagner also provided evidence that the WPA intended to falsely pin the death of Dr. Rodney on the PNC:

Mrs. Wagner: Oh, yes. “He said after careful consideration by the best brains in the party (the WPA) they had devised a strategy to change history. He said the strategy would involve using the accident to our advantage; turning our loss to our gain.

Mr. Fowler said they would use the death of Dr. Rodney as a platform to launch the revolution. He said history would show that the PNC Government provoked the revolution. Mr. Fowler said they needed some more time to organise their plan, and [work without any] problems.”

Mr. Williams: “...without many problems.”

Mr. Chairman: “... while working...”

Mr. Williams: Now, from your understanding of this... Your brother told you this?

Mrs. Wagner: Yes, Sir.

Mr. Williams: And, your understanding of this is that he was saying Fowler was telling you the WPA had intended to set up the PNC, the Government of the day?

Mrs. Wagner: Yes, Sir.

Mr. Williams: And, to blame them wrongfully for the death of Dr. Rodney.

Mrs. Wagner: Yes, Sir.

Mrs. Wagner: Yes, Sir.

Mr. Williams: In other words, all of these years, what was put out about the Government of the day causing the death of Dr. Rodney was the great hoax?

Mrs. Wagner: Yes, Sir.

Mr. Williams: I would probably say the greatest hoax in the history of this country.

Mrs. Wagner: I would say so, too.

Transcript of Evidence of Anne Wagner, March 27, 2015, pp. 27 – 28 (electronic version)

46. While the Improvised Explosive Device that killed Dr. Rodney was provided to him by Mr. William Gregory Smith and a relationship existed between Dr. Rodney and Mr. Smith, it is unclear whether Dr. Rodney died as a result of a terroristic act on the part of Gregory Smith, or his failure to take instructions from Gregory Smith or alternatively whether he died as a result of his misadventure. It is also submitted that Dr. Rodney did not die because of any act and or omission of the State, nor any actor or omission of the Prime Minister, L.F.S. Burnham nor any act and/or omission of the PNC. Anne Wagner in her evidence said he died:

Mr. Williams: Yes. I am playing for tea too. Ms. Wagner, is it your position from what your brother has told you, from what you have read etcetera that Dr. Walter Rodney died due to an accident?

Mrs. Wagner: Yes.

Mr. Williams: And that that accident was caused by his negligent handling

of whatever device that he had?

Mrs. Wagner: Right, and not listening to the advice of not to use the device.

Mr. Chairman: Mr. Williams, the accident that is very important for me. Do I understand her to be saying that the accident arose from his failure to use the device as instructed?

Mr. Williams: As instructed. I had asked negligently, but she said as instructed.

Mr. Chairman: As instructed. Very well.

Logical Inferences to be Drawn from the Device and the Descriptor of its Operation

47. Donald Rodney was cross-examined on the functionality of a walkie-talkie, including testing by speaking into the device. He was questioned on his instructions that called for the peeping for a red light:

Mrs. Samuels-Brown: Did you get any instructions not to remove it from the bag?

Mr. Rodney: Oh, no. There were no specific instructions; I am just saying that the instructions did not include that.

Mr. Williams: Exactly. What the instruction was to leave it as it and to just look for some light flash after you touch a knob that was at the top, protruding out of the bag. Is that not so?

Mr. Rodney: That was the instruction.

Mrs. Samuels-Brown: Is that so? To leave it as is?

Mr. Williams: My gosh! Those instructions did not include talking to whatever was in the bag?

Mr. Rodney: It did not include talking.

Mr. Williams: It did not include talking to whatever was in the bag because if it was a walkie-talkie, to test it you have to talk. Do you agree with that?

Mr. Rodney: No, Sir.

Mr. Williams: If it was a walkie-talkie to test it, you have to talk into it to see if it would carry whatever you are saying and you are supposed to hear him with the so-called companion set coming through on your set when he spoke into it.

Mrs. Samuels-Brown: So, the first question is, do you agree that to test a walkie-talkie you have to talk in it?

Mr. Williams: Yes.

Mrs. Samuels-Brown: That was the first question.

Mr. Rodney: And I am disagreeing with that.

Mr. Williams: Both sides, the companion set and your set. That is why it got that name, walkie-talkie.

Mr. Rodney: There was a second question?

Mr. Chairman: You had any understanding, at all, Mr. Rodney as to how you would test A walkie-talkie that you thought you were given?

Mr. Rodney: Well, I understood that this was something that was being constructed and it was being constructed in sections. If in fact you do not have the section that would support the audio, well then you cannot use an audio.

Mr. Chairman: Well, I thought that your understanding was that you were going to collect a finished product.

Mr. Rodney: Well, in fact, my prior understanding was unclear as to whether it was finished for it to be tested, but if it was to be tested, it then meant that it was not completed.

Mr. Chairman: Now, do not let us speculate. What did you think you were going there for that night with your brother, a finished or an unfinished product?

Mr. Rodney: I am not speculating, Sir. I am saying, my prior understanding is that I was not sure whether it was for final collection or for testing.

Mr. Chairman: So, you were not sure on the night whether the product would be finished or unfinished.

Mr. Rodney: That is correct, Sir. When I arrived there, I was told it was for testing and to my mind, that meant that it was incomplete.

Mr. Williams: Well, let me put it to you, Mr. Rodney, that the sole function any walkie-talkie could perform is of what I described to you earlier. Any testing must be talking into it to see if it is transmitting, I am putting that to you.

Mr. Rodney: Well, I think it is in two parts, I agree what is the function of the walkie-talkie, but I think the testing could only include talking, if you have completed the section that will support talking.

Mr. Williams: So, why test it?

Mr. Rodney: Because you might want to test some other aspect, like transmission.

Mr. Williams: But the only way you can test the transmission is by talking into it.

Mr. Rodney: No, Sir.

Mr. Williams: So, that is why I am putting it to you that you knew whatever you had to collect from Gregory Smith could never ever be a walkie-talkie.

Mr. Rodney: I do not agree with you, Sir.

48. Mr. Kwayana's theory or hypothesis could not stand to cross-examination:

Mr. Pieters: Let me ask you this, you wrote on Page 17 of your statement and I am going to read it. On Page 17 of your statement in respect to Dr. Rodney's situation, you said, "the bulky robust police station on the its usual site would be visible to anyone driving north in John Street or walking on the western parapet of John Street in the prison block between Durban Street and Bent Street. A would-be-bomber was therefore not attempting his bombing of the prison wall. Assuming the plot to bomb the wall the bomber would be encouraged by the absence of the Police presence and discouraged by the presence of the Police." You said that, correct?

Mr. Kwayana: Yes, I wrote something to that effect.

Mr. Pieters: You also said earlier that Dr. Rodney was risk-taker and that he would take certain risk that other younger members would not?

Mr. Kwayana: No. I said he was a risk taker and all of us took risk. I did not....
Transcript of Evidence of Eusi Kwayana, June 02, 2014, pp. 53-54.

....

Mr. Pieters: I am referring to....

Mr. Kwayana: Please, I am still here.

Mr. Pieters: I am testing you on, you have two different statements, you have one on page nine and one on page 17 so and I questioned you on the first statement of a risk-taker this morning and the transcript would be around for examination.

Mr. Kwayana: Yes, we are all risk-takers. You get into that kind of politics fighting a dictatorship is risky.

Mr. Pieters: Let me say this; let me put this to you then. If what you said on page nine is true, then such risky actions by Dr. Rodney and Donald Rodney in the face of armed guards are quite possible?

[Court Marshall gave Witness a copy of a document]

Mrs. Samuels-Brown: ... by some risky action of what?

Mr. Pieters: The risky action of going to the Georgetown prison with a device as directed by Gregory Smith in the face of armed sentries being there would be quite possible if Dr. Rodney is both courageous and at that taking risk.

Mrs. Samuels-Brown: The device you are referring to is a walkie-talkie or an explosive? I just want to be clear what your question is?

Mr. Pieters: The placebo or whatever it was, the explosive device he had in his possession.

Mr. Kwayana: I think that would be going beyond being risky. I think that would be fool-hardy.

Mr. Pieters: Right and let us talk about fool-hardiness since you used the term and not me. The last time you were at the Commission (May 30, 2014) and I watched it on National Communications Network Inc. (NCN), I watched it on live stream and so, you did a demonstration with a bottle, I believe it was, looking for a red light. Do you remember that?

Mr. Kwayana: Looking for a what?

Mr. Pieters: Looking for a red light. Mr. Scotland....

Mr. Kwayana: Oh, yes, bending over...

Mr. Pieters: ...had you doing a physical demonstration.

Mr. Kwayana: That is right.

Mr. Pieters: And first you were going to be looking for a cellular phone and you resorted to a bottle and when Mr. Chairman stepped in.

Mr. Kwayana: Correct.

Mr. Pieters: Yes and this thing about looking for a red light, bending down looking for a red light, did it not seem fanciful to you? Who does that?

Mr. Kwayana: I do not know.

Transcript of Evidence of Eusi Kwayana, June 02, 2014, pp. 55.

49. The issue of peeping for a red light on a purported walkie talkie, if true, is indeed foolhardy and both Mr. Kwayana and Ms. De Sousa were confronted with this.

50. Karen DeSousa as many others believed Dr. Walter Rodney to be a risk taker.

.....

Mr. Pieters: Let me move back to Dr. Walter Rodney. You would agree that Dr. Walter Rodney was a courageous person?

Ms. De Souza: Yes.

Mr. Pieters: You would agree that he was a brave man?

Ms. De Souza: Yes.

Mr. Pieters: You would also agree that he was a risk taker?

Ms. De Souza: Yes. I believe anybody in the WPA in those days was a risk taker.

.....

Mr. Pieters: So my question to you is if there were Police Officers on duty, given the courageous nature of Dr. Walter Rodney, given the risk-taking nature that he adopted that such actions in the face of armed guards would have been quite plausible if he was heading to that prison, outside the walls to test a device?

Ms. De Souza: Counsel, that sounds like the kind of question I might ask, "Do you still beat your wife?" I did not find the wrecked car with Walter's body near to the prison. I do not know that Walter was going to the prison. I said that he took risks and that he was courageous. I did not say that he was foolhardy.

Mr. Chairman: That is the answer you got, Counsel.

Mr. Pieters: Do you know what? Seeing that you have raised that, I am going to attack that answer.

Mr. Chairman: I just wondered whether there was another question.

Mr. Pieters: You know when Counsel Scotland cross-examined Eusi Kwayana, Counsel Scotland put to him the situation of Dr. Walter Rodney bending down and looking for a red light and actually had Eusi Kwayana do a demonstration. Were you present when that evidence was given?

Ms. De Souza: No, I was not.

Mr. Pieters: Well let me ask you this: If it is true that the instructions were that Dr. Walter Rodney was to bend over and look for a red light in that vehicle, would that not be something fool hardy?

Mr. Jairam: Mr. Pieters, you know I did not want to stop you before but I think this is the second occasion on which you are inviting her to speculate. This kind of evidence... I do not think, speaking for myself, that this witness could give us a helpful answer.

Mr. Pieters: Very well, Mr. Commissioner. Let me ask you this: Were you aware of the relationship between Dr. Walter Rodney and Gregory Smith?

Ms. De Souza: I was not.

Transcript of Evidence of Karen DeSouza, August 4, 2014, pp. 44-45.

51. It is our submissions that Dr. Rodney and Donald Rodney knew or ought to have known that the device was not a walkie-talkie. .
52. Further, it is our submissions that Dr. Rodney did not die as a result of an act of terrorism. Dr. Rodney was a risk taker. Outside of his baby brother Donald, it appeared that Dr. Rodney did not delegate actions on his part in respect to arms, ammunitions and explosives to other members of the WPA, who were properly vetted by the security committee.
53. As observed in GTUC submissions as well, had Dr. Rodney been killed by an identifiable act of terrorism, more so one perpetrated by the state, it would have represented a serious stain on Guyana's reputation. No factual record exists however

to support such a proposition and we submit that no such finding can be made. No evidence was presented that linked the Burnham government to Dr. Rodney's killing.

54. Whilst Sergeant Gregory Smith was purportedly serving in the Guyana Defence Force at the material time, though it appears that he was absent without leave, there is little to no evidence that the GDF was a party to the interactions between Dr. Rodney and Mr. Smith; no evidence exist that the GDF was in anyway involved in the construction of the device that killed Dr. Rodney and no evidence that the GDF was involved directly or indirectly in triggering the device that killed Dr. Rodney.
55. There are numerous witnesses, one such being Clement Rohee who was not in Guyana at the material time, who provided double and triple hearsay evidence. No weight, in our submissions, can be attached to the evidence and thus these submissions will go no further in addressing such testimony of little to no evidentiary value.
56. Rohit Khanai testified as an expert on the device that killed Dr. Rodney. However, his evidence cannot be accorded much weight.
57. Donald Rodney, the brother of Dr. Walter Rodney, provided evidence, however, it is our submissions that he did not come clean on what exactly took place that led to his brother's device. His evidence was that he was provided information on a need to know basis; that he did not know the device was explosive and that he thought it was a walkie talkie.

Donald Rodney's Injuries and Post-explosion Conduct

58. Donald Rodney, after the explosion occurred, left the scene and ran to the home of Dr. Omawale. That he was able to run after an explosion that killed his brother suggest that whilst he was in the vicinity of the explosion, he was not in the vehicle at the time the "terrible accident" occurred.
59. Donald Rodney has not produced any medical records either from his primary care doctor or the institution to which he was later admitted, however, even accepting his evidence concerning his injuries, none of which suggested that he was in the vehicle.
60. Donald Rodney did not testify that he was covered in the tissue of his brother Walter which would have been the case. Nor was he covered in the fragments and/or residue of the explosive device that blew the top of the vehicle off.
61. The testimony regarding Donald Rodney's injuries seems exaggerated at best. At worst, the injuries, Donald's ability to run to Dr. Omawale's residence and his appearance and speech, would indicate that he was not inside the vehicle when the explosion occurred.

Jocelyn Dow's evidence

Mr. Pieters: You also testified that Donald had a big hole in his neck?

Ms. Dow: A hole in his neck, yes.

Mr. Pieters: Can you describe that hole in his neck?

Ms. Dow: It was like around here.

Mrs. Samuels-Brown: It was like what?

Ms. Dow: Around here. Around this side of the neck....

Mr. Pieters: Maybe....

Mrs. Samuels-Brown: She is pointing just below the side of the chin to the neck

Ms. Dow: The chin, and the shoulder blade. There were stuff in it. So, you had a sense of the inner lining.

Mr. Pieters: That was a puncture wound?

Ms. Dow: Yes, it seemed so.

Mr. Pieters: Excuse me?

Ms. Dow: It seemed so, and it turned out to be so.

Mr. Pieters: Very well. At the point that you communicated with Donald Rodney, was he communicative? Could he communicate?

Ms. Dow: Do you mean if he could speak?

Mr. Pieters: Yes.

Ms. Dow: Yes, he could have spoken. He was not speaking though.

Mr. Pieters: He was not speaking. So, there was no damage to his vocal chords?

Ms. Dow: No, in fact, what the Doctor said is one millimetre more and he would have been dead.

Transcript of Evidence of Jocelyn Dow, August 29, 2014, p. 35.

Donald Rodney's evidence

Mr. Scotland: Could you recall the injuries that you suffered on that night?

Mr. Rodney: I know the injuries; I just did not know them at that particular time.

Mr. Scotland: Just recall ...

Mr. Rodney: Alright, I got lacerations to the throat and the right thumb.

Mr. Chairman: And the left ...

Mr. Rodney: The right ...

Mr. Scotland: Thumb.

Mr. Rodney: Lacerations to the throat and the right thumb. I had puncture lungs with embedded fragments to my left arm, my left side, my left face and eye.

Mrs. Samuels-Brown: You are going too fast.

Mr. Chairman: You are going too fast.

Mr. Scotland: Go slowly, one by one. Puncture wounds...

Mr. Rodney: Puncture wounds with fragments to my left side, my left arm, face and eye.

Transcript of Evidence of Donald Rodney, February 18, 2015, p. 24.

62. Jocelyn Dow's testimony was simply incredulous. "Ms. Dow: I will start with what was most striking to me at the time and that was that people in the street said to us and other folks that there was a gunshot that rang out as Donald was curled and sprinting away from the car. That is all we know about that." *Transcript of Evidence*

of Jocelyn Dow, August 29, 2014, p.

63. No such evidence was given by anyone else even Donald Rodney:

Mr. Pieters: Now, in terms of... I asked you two questions while we were on the scene. I would simply put them on the record. As you moved away from the scene of where the explosion occurred to the Croal Street location, did you hear any secondary explosions as you moved along to safety?

Mr. Rodney: No, Sir.

13:52 hrs

Mr. Pieters: And the second question I asked you as well as you moved along, did you encounter any Police Officers who would have been chasing you?

Mr. Rodney: No, Sir.

Transcript of Evidence of Donald Rodney, February 19, 2015, p. 39.

Mr. Pieters: And you testify in response to pounding on your door. You opened it to be met by Donald Rodney, the brother of Walter. He rang the bell and shouted, "Open, open there has been a terrible accident".

Ms. De Souza: Much have been made of the word „accident“ and I have said on every occasion that he may have said „accident“; he may have said, "something terrible has happened". I cannot say. I have continued to use those words.

Mr. Pieters: Very well, Madame Commissioner. Let me ask you this: You would agree that your memory would have been fresh and as fresh as it could be soon after the incident occurred?

Ms. De Souza: And I would also agree that I was in serious shock.

Mr. Pieters: Very well. Donald Rodney told you to go and check on the welfare of Dr. Walter Rodney. He told you to go to him, is that not correct?

Ms. De Souza: It is.

Mr. Pieters: And you left your home and you went to the scene?

Ms. De Souza: I did.

Mr. Pieters: And you said that you got to the scene seven minutes after you heard the explosion from Croal Street, correct?

Ms. De Souza: I did.

Mr. Pieters: When you left your home you left on the premise accepting what the Commissioner just read. You left on the premise that Dr. Rodney was involved in a terrible accident or something terrible had happened to him and he was in his brother's vehicle.

Ms. De Souza: Yes.

Mr. Pieters: And when you left your home, you had no concern that you would have been at risk of a secondary explosion or any form of harm?

Ms. De Souza: I do not remember thinking in that way.

Mr. Pieters: I am going to suggest to you that you had no concern that you were at risk when you left your home to attend to the scene based on what Donald Rodney had told you.

Mr. Pieters: Why would you have taken the risk of rushing to the scene where Dr. Walter Rodney was?

Ms. De Souza: I believe I responded subsequently in the same way. I was told that a friend of mine is likely to be hurt and in that context, you are talking about possible political hurt. The issue is not "why would I take the risk?" the issue is, "is there something I could do to help?"

Transcript of Evidence of Karen DeSouza, August 4, 2014, pp. 44-45.

64. Donald Rodney ran from the scene, yet sent two women to the scene. What does this suggest?

Mr. Williams: What are you saying; you knew what had happened?

Ms. De Souza: No, I did not.

Mr. Williams: You were not interested about what had happened?

Mr. Williams: Donald Rodney is blooded and before you, when he came to you, you linked him to that explosion, did not you?

Ms. De Souza: I did.

Mr. Williams: Yes and you were not interested about finding out what happened?

Ms. De Souza: I should actually amend what I said before. I do not remember consciously linking Donald to the explosion because the explosion had happened and it had been dismissed by the two of us that were there, Andaiye and myself. Donald arrived in a state and sent us to go to Walter. There is a sense I would say that you have to recognise that in those circumstances, in that time 1980, a friend comes to you bleeding, in trouble says, go to another friend, you do not stop to ask questions, you essentially go; it is things happening in very brisk sequence.

Mr. Williams: Okay, you say that before you left, you did not think you could have done that?

Ms. De Souza: No, I did not.

Transcript of Evidence of Karen DeSouza, August 4, 2014, p. 76

Mr. Pieters: Why would you have taken the risk of rushing to the scene where Dr. Walter Rodney was?

Ms. De Souza: I believe I responded subsequently in the same way. I was told that a friend of mine is likely to be hurt and in that context, you are talking about possible political hurt. The issue is not "why would I take the risk?", the issue is, "is there something I could do to help?"

Transcript of Evidence of Karen DeSouza, August 4, 2014, p. 41

65. Dr. Rodney was involved in a "civil resistance" or struggle against the dictatorship as he termed the government of the day. These freedom fighters were known for incorporating terrorist tactics within their modes of conflict waging. For instance, through its military wing "Umkhonto we Sizwe" ('Spear of the Nation'), the ANC publicly sought to rationalize its use of terror tactics in its campaign against the Apartheid regime.

Conclusion

66. In conclusion, the Commission does not have reliable evidence to pronounce on 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.

TERMS OF REFERENCE III

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

William Smith's Identity

67. William Smith was a member of the Guyana Defence Force. It appears that he was so employed from 1975 – June 1980: See, PW2, Guyana Defence Force Alphabetical Register 12 Q-S; PW3 Guyana Defence Force Male Numbering Ledger; PW4 29-Jul-14 Guyana Defence Force Payroll Ledger 1975, 76,77,79,80.
68. William Smith's identity was established by the GDF by use of his birth certificate and *William Smith* is the identity by which Gregory Smith was known in the GDF: See *Transcript of evidence of Cargill Kyte* Wednesday 23rd, July 2014 (23rd Hearing, pp. 60-61).

Anne Wagner on the Rodney and Smith Relationship

69. According to Anne Wagner's statement the following series of events occurred in the relationship between Dr. Rodney and William Gregory Smith:

WILLIAM GREGORY SMITH'S RELATIONSHIP WITH DR. WALTER RODNEY AND DONALD RODNEY

29. Gregory was introduced to Dr. Walter Rodney by Robert Yordan towards the end of 1978. Dr. Yordan was a friend of Gregory's girlfriend at the time. The introduction took place at Gregory's home.

30. Gregory considered Dr. Rodney to be his friend. They met frequently and had many conversations. Most of the conversations were about the regression of the country and how to reverse that regression. Dr. Walter Rodney impressed him with his simplicity, his mannerisms and charisma as a politician. Gregory thought of Dr. Rodney as "an extraordinary son of Guyana!" who wanted to change what he saw as a declining society. Most of the discussions were about politics.

31. Gregory continued to regard Dr. Rodney as a friend until his death.
32. Gregory and Dr. Rodney worked alone together for long periods during that time and there were many conversations on a wide range of subjects. Gregory remembered many of the conversations with much clarity.
33. Gregory only made casual references to Dr. Rodney in our conversations prior to the incident on June 13, 1980.
34. Dr. Rodney requested hand-made bombs for taking action against the government. My brother refused. He wanted no part of such violence.
35. When my brother refused, Dr. Rodney asked him to modify portable walkie-talkies into triggering devices.
36. Gregory agreed to help Dr. Rodney because he was impressed by him and wanted to help him change the direction of the country.
39. On June 13th 1980, a bomb exploded in the car that WPA leader Dr. Rodney was riding in. After his death, I received a phone call from my brother who was in tears and in shock from Dr. Rodney's death. Gregory's shock turned to horror as he was then labeled as the bomber by the media and sympathizers and supporters of the WPA and as an agent of the Burnham government who was on a mission to kill Dr. Rodney.
40. The device built by my brother was a triggering device NOT an explosive device. The boxes - there were three of them - were built by a man who lived in Robb Street. I don't know his name. He was a cabinet-maker who worked in Robb Street.
41. The device given to Donald Rodney on the night of June 13, 1980 when he visited my brother at his house, was not armed in any way as my brother had no explosives in his possession and refused to work with any. Only the trigger and the housing for the explosives were given to Donald. At that point the device was not armed. For this explosion to occur, the device had to be armed after they received it and before they drove off to do their test.
42. There was a previous test run in Water Street with Flash Bulbs and Dr. Rodney had his people doing the same reports which were tabulated on sheets of paper. They were changing the Flash Bulbs to coincide with distances. Gregory told them it was dangerous as the Flash Bulbs were going off and that it was dangerous and that lives could be lost. Gregory warned them over and over again. The explosives they procured were old stock and the walkie-talkie parts they brought to him to be converted into the triggering device were also of poor quality.

70. Donald Rodney testified that his role was that of a go-between, body-guard, driver for Dr. Rodney:

Mr. Chairman: Did you consider you had to go through some form of training in discharging that role which you offered your brother as protector from the Government?

Mr. Rodney: No, Sir.

Mr. Williams: Did you not consider perhaps someone from the WPA would have been better suited for that role?

Mr. Rodney: I have no idea, Sir.

Mr. Williams: At the time you were performing that role did your brother have a body guard?

Mr. Rodney: That I do not know.

Mr. Williams: So all the times you said you were with him you never saw him with anyone that you could have identified as his body guard?

Mr. Rodney: You are correct on that.

Mr. Williams: Notwithstanding all those statements, as you now, the indicia that you have mentioned, the statement by the Prime Minister of the day, the killing of Father Darke, et cetera, no body guard was provided for Dr. Walter Rodney by the WPA as far as you know?

Mr. Rodney: As far as I know, I have no idea on it.

Mr. Williams: If that is so would you agree that the WPA did not consider that his life was threatened or endangered...

Mr. Pilgrim: With the greatest respect, this witness has not said that the WPA did not provide and therefore the premise is not correct.

Mr. Williams: I do not understand what my learned friend is doing, Sir, I thought he want to proceed smoothly. Is he making an objection?

Mr. Pilgrim: The objection is that the premise is false, yes, Mr. Chairman, just for clarity.

Mr. Williams: But I saw you were taking careful notes, Mr. Chairman, I see you do not agree with him.

Mr. Chairman: I think you ought to proceed, Mr. Williams.

Mr. Williams: His well-word tactics very early in the innings.

Mr. Chairman: With which you are familiar.

Mr. Williams: Yes, now do you not consider in the light of your own apprehensions for your brother that he should have been provided with a body guard by the WPA?

Mr. Rodney: I had no consideration that would have been a matter for the WPA, itself.

Mr. Williams: And you never suggested that to him?

Mr. Rodney: Oh no. I never suggested that to him.

Mr. Williams: Since you were ill equipped to perform such a role?

Mr. Rodney: Well I could perform such a role; I did not say that I was ill equipped.

Mr. Williams: You could have performed such a role?

Mr. Rodney: I did not say I was ill equipped.

Mr. Williams: You thought you were equipped to perform the role of a body guard

of your brother?

Mr. Rodney: Oh no, I was not a body guard.

Mr. Williams: Now, you told the Commission...

Mr. Chairman: You only saw yourself as a go-between but not a body guard?

Mr. Rodney: That is true.

Mr. Chairman: Only a go-between?

Mr. Williams: Thank you, Mr. Chairman. You considered that role, being a go-between resulted in the death of your brother?

Mr. Chairman: I did not hear that one.

Mr. Williams: ... resulted in the death of the Doctor.

Mr. Rodney: My role? I do not understand the question.

Mr. Williams: I am saying to you, I am asking you, do you consider that the mere role of a go-between would have caused Dr. Rodney his life?

Mr. Rodney: I think a go-between could have saved his life.

Mr. Williams: But you did not.

Mr. Rodney: As it turned out.

Mr. Williams: Well that is the point I am making, because if you were trained your suspicions would have been aroused, certainly during the time of those at least six visits that you spoke to us about, suspicions ought to have been arouse sufficiently in your mind to gear you towards looking out for your brother.

Mr. Rodney: I would not speculate.

71. Donald Rodney believed Gregory Smith to be an ex-army rank at the material time. So did Walter Rodney. Gregory Smith was AWOL. It was believed by Special Branch Officers that Gregory Smith was running a private electronics business. According to an April 18, 1980 report by a Special Branch Operative: "Gregory Smith is an electronics expert who works on the waterfront." That was present tense at the material time and date:

Mr. Williams: Alright, let us look at the visits that you told the Commission about. I counted from the record at least six visits; around that. Is it true to say that at no time your brother visited the premises or the house of Gregory Smith in relation to any of those visits?

Mr. Rodney: That is true.

Mrs. Samuels-Brown: So in other words he went and...

Mr. Williams: Yes. Not... On the times he took you in the vicinity of the premise he sent you alone to Gregory Smith?

Mr. Rodney: That is true.

Mr. Williams: And on all occasions that he took you in the vicinity of those premises of Gregory Smith it was at night?

Mr. Rodney: That is true.

Mr. Williams: And at all the times that he took you in the vicinity of those premises he never parked the vehicle in front of those premises.

Mr. Rodney: Well I parked the vehicle and I decided where to park it.

Mr. Williams: No, the vehicle was never therefore parked in front of Gregory Smith's premises?

Mr. Rodney: Well I decided that.

Mr. Williams: I am not asking who decided it. I am asking you as a fact, I am putting to you as a fact that any visit he made with you in the vicinity of those premises the vehicle was not parked in front of Gregory Smith's house?

Mr. Rodney: I never parked the vehicle in front of Gregory Smith's house.

Mr. Williams: In fact the vehicle was parked around a corner away from where Gregory Smith's house was?

Mr. Rodney: I have given evidence on that.

Mr. Williams: And your suspicions "Mr. Go-between" were not aroused that something was not normal?

Mr. Rodney: Well the situation was not normal in the country at the time.

Mr. Williams: So your suspicions were that this was not a normal transaction?

Mr. Rodney: The conditions in the country were not normal.

Mr. Williams: Am I going too fast?

Mr. Chairman: At times.

Mr. Williams: Alright.

Mr. Chairman: You go ahead.

Mr. Williams: Let me see if I can revisit that question. In the light of all that have answered I asked you if your suspicions were not arouse that something was not normal. You said it was not a normal time.

Mr. Chairman: The transaction with Gregory Smith.

Mr. Williams: Yes, those six visits.

Mr. Chairman: He said conditions in the country were not normal.

Mr. Williams: Yes, that was an answer he gave.

Mr. Chairman: A very specific question is put to you in relation to the transaction between your brother and Gregory Smith in the light of all that has been put to you, Counsel is suggesting that it did occur to you or should have that the transaction was not normal.

Mr. Rodney: Well I think that the situation in the country was not normal and in that sense the transaction was not normal.

Mr. Williams: Well let me put it to you this way then. Did you consider that your brother was... he wanted to conceal any connection with Gregory Smith and himself in relation to those visits?

Mr. Rodney: I think that it was necessary to hide, as you said, conceal.

Mrs. Samuels-Brown: "... it was necessarily..."

Mr. Williams: To hide or conceal, he is agreeing with me but to hide what? You were to continuing it. I thought you had just stopped short; to conceal what?

Mr. Rodney: The connection between himself and Gregory Smith.

Mr. Williams: Could you elaborate on that?

Mr. Rodney: Well just as I said.

Mr. Williams: What?

Mr. Rodney: It was necessary to hide the relationship between himself and Gregory Smith.

Mr. Williams: Why?

Mr. Rodney: I think the situation was such that Walter could be... well he was exposed to threats and that having a relationship someone who is "ex-army" might

be seen as intolerable by the dictatorship.

Mr. Williams: But is your evidence not, at all material times, that Gregory Smith was a Sergeant in the GDF?

Mrs. Samuels-Brown: Before he answers, I was still getting his answer so if you could repeat the question...

Mr. Chairman: Pursue that for me, Mr. Williams, because I am hearings name repeatedly as 'ex-army' while at the particular time...

Mr. Williams: He did not say he was "ex-army".

Mr. Rodney: I did.

.....

Mr. Williams: You are saying that had to be hidden?

Mrs. Samuels-Brown: What? That he was ex-army?

Mr. Williams: His visits to Gregory Smith because he was ex-army?

Mr. Rodney: That is what I am saying.

Mr. Williams: Are you aware that the WPA boasted about the stability to infiltrate the army?

Mr. Rodney: I am not aware of that.

Mr. Williams: Really?

Mr. Rodney: No, I am not.

Mr. Chairman: Go ahead, Sir.

Mr. Williams: Yes, Sir. Do you consider that transaction with Gregory Smith could have been unlawful?

Mr. Rodney: Yes, Sir.

Mr. Williams: Why?

Mr. Rodney: Because I understood that walkie-talkies were banned.

Mr. Williams: Well you do not know that for a fact?

Mr. Rodney: That was my understanding at the time.

Mr. Williams: No, I am saying to you that was not in your personal knowledge.

Somebody said that to you. You never verified that, that walkie-talkies during that period were banned.

Mr. Rodney: Well that was my understanding at the time.

Mr. Williams: No, you are not answering my question. You never verified that?

You never confirmed that?

Mr. Rodney: Well...

Mr. Williams: ...that that was the law of the land?

Mr. Rodney: I never consulted a written or a legal text.

Mr. Chairman: I like that.

Mr. Williams: But I am saying to you, an innocuous transaction of making a walkie-talkie why would that be against the law of the land?

Mr. Rodney: That I would not know.

Mr. Williams: Well that is the point, but making an explosive device, you agree, is against the law of the land?

Mr. Rodney: Well I am saying that a walkie-talkie...

...

Mrs. Samuels-Brown: "Making an explosive device..."

Mr. Williams: "...an explosive device."

Mrs. Samuels-Brown: Would you agree that that was against the law of the land?

Mr. Rodney: It did not occur to me but I would say "yes". If you had asked me then I would say "yes". It was against the law of the land.

Mr. Rodney: I could not see how it could not be.

Mr. Williams: Now I am sure I heard you saying, at that time, you had never seen any walkie-talkie in your life?

Mr. Rodney: That is true.

Mr. Williams: ... whether manufactured or sold in a store or whether made by hand?

Mr. Rodney: I understand. That is true. I said it here.

Mr. Jairam: He said "ready-made or home-made".

Mr. Williams: Yes, "ready-made or home-made". Now, you have never seen a toy walkie-talkie?

Mr. Rodney: I did not think a toy walkie-talkie was a walkie-talkie.

Transcript of Evidence of Donald Rodney, February 20, 2015, p. 74 - 80

72. Dr. Rodney was secretive about his relationship with Mr. William "Gregory" Smith. As indicated in the cross-examination above, Dr. Rodney sent his baby brother to deal with Mr. Smith on at least six occasions whilst he waited in the vehicle a short distance away from Mr. Smith residence.
73. Dr. Rodney did not disclose the relationship he had with Gregory Smith to the collective leadership of the WPA.
74. Mr. Donald Rodney was the sole eye-witness and brother of co-founder of the Working People's Alliance Dr. Walter Rodney who was killed in an explosion on June 13, 1980 in Georgetown, Guyana, while they were allegedly testing an apparent walkie-talkie (which in fact was an explosive device) put together by William Gregory Smith, a Guyana Defence Force Sergeant.
75. In Examination in Chief by Keith Scotland counsel for Donald Rodney the following evidence was elicited:

Mr. Scotland: Yes. And, as it relates now to your interaction, or you assisting Dr. Walter Rodney, did you come into contact with one Gregory Smith?

Mr. Rodney: Well, I was introduced to Gregory Smith some time in 1980. I say introduce not personally; in the sense of, I was introduced by Walter, to Gregory Smith. And, when I say introduce, not personally in the sense that we were all three together, but Walter told me of Gregory Smith. And, the fact that Gregory Smith was making walkie-talkies for him, Walter, and I assumed the WPA. But, in any case, I am sure he meant Gregory Smith was making walkie-talkies for Walter.

Mr. Scotland: So, you are telling me you said you were introduced, but not in the traditional sense to Gregory Smith; and that you learnt that he was making walkie-talkies for Dr. Walter Rodney, yes?

Mr. Rodney: That is correct.

.....

Mr. Scotland: So, he told you about Gregory Smith, and his manufacturing of the walkie-talkies. Tell us, on the first occasion that you met Gregory Smith.

Mr. Rodney: Alright. It was some time in 1980, after Walter told me I could assist with collecting or testing the walkie-talkie that was being put together.

Mr. Scotland: Yes.

Mr. Rodney: And, we went to collect the walkie-talkie together –this is Walter, and myself- in my vehicle. We went to a spot that I was directed to while we were driving, near the corners of Russell and Howes Streets....

Transcript of Evidence of Donald Rodney, January 30, 2015, pp. 39, 41.

76. Donald Rodney was cross-examined on the passport issue by PNC Counsel

Mr. Williams: You would not speculate. Now, do you consider that in fact Walter really did not want to get you involved in that kind of role?

Mrs. Samuels-Brown: Of?

Mr. Williams: ...of a go between in the light of the passport incidence?

Mr. Rodney: Well he did involve me.

Mr. Williams: No, he told you he did not use it because he did not want to get you into trouble.

Mr. Chairman: But what he is saying is, or what my understanding is, that Walter is the one who told him to go and collect so he did involve him.

Mrs. Samuels-Brown: ...as a go-between.

Mr. Williams: Yes, but he would have done that reluctantly because with the passport issue he did not use the passport and he told him why he did not use it, because he did not want to get him into trouble, a brother's love.

Mr. Chairman: He suggested he involved you reluctantly. Do you accept that?

Mr. Rodney: I would not speculate on it as to how reluctant or otherwise he was.

Mrs. Samuels-Brown: Did he do anything or say anything to you to indicate that he was reluctant to have you involved?

Mr. Rodney: Not that I could recall, Madam Commissioner.

Transcript of Evidence of Donald Rodney, February 20, 2015, pp.

Mr. Williams: Yes, Sir. Do you consider that transaction with Gregory Smith could have been unlawful?

Mr. Rodney: Yes, Sir.

77. The evidence in our respectful submissions illustrate that Donald Rodney revealed he had no difficulty in providing his Guyana Issued passport to his older brother Dr. Rodney, to facilitation Dr. Rodney's illegal exist and entry into Guyana. Further, Dr. Rodney even though travelling with his brother Donald for meetings with Gregory Smith always stayed around the corner remaining in the vehicle whilst Donald engaged in an unlawful enterprise with Gregory Smith.

78. To the extent that Gregory Smith played a role in Dr. Rodney's death, it could be said

he provided material support to Dr. Rodney in his quest to have improvised explosive devices constructed. Dr. Rodney, Donald Rodney and Gregory Smith shared a common purpose that was not known to persons outside of the trio.

79. Little credible and/or reliable evidence emerged before the Commission to suggest that anyone outside of Dr. Rodney, Donald Rodney and Gregory Smith "may have counselled, procured, aided and or abetted Gregory Smith, in the construction of the explosive device. William Gregory Smith in his interactions with Dr. Rodney was not an agent of the PNC, nor was he an agent of the State nor was he an agent of Prime Minister Forbes Burnham.

Anne Wagner – Gregory Smith Sister on Gregory Smith's willingness to return to Guyana

80. On March 27, 2015, the Walter Rodney Commission of Inquiry heard from Anne Wagner the sister of Gregory Smith and co-author of "Assassination Cry of a Failed Revolution".
81. William Gregory Smith did discuss the conditions under which he would speak to the authorities in respect to Dr. Walter Rodney's death:

Mr. Williams: Now, the British Broadcasting Corporation (BBC) interview... Did he, in that interview, express his desire to return and face trial in Guyana?

Mrs. Wagner: Yes, Sir.

Mr. Williams: What year do you recall that BBC interview was?

Mrs. Wagner: I think it was 1996, I am not sure.

Mr. Williams: 1996?

Mrs. Wagner: 1996, I think so.

Mr. Williams: And in fact, we were shown a warrant for 1996 purporting to be a warrant for his arrest. Remember you were shown a warrant?

Mrs. Wagner: Yes.

Mr. Williams: So it meant before that, you would agree with me, he was never charged for anything in relation to the death of Dr. Rodney ...

Mrs. Wagner: No, not until that time.

Mr. Williams: ... before 1996?

Mrs. Wagner: That is right, Sir.

Mr. Williams: So before 1996 there was no question of him having to return to Guyana to face his Trial? You agree with that?

Mrs. Wagner: Yes, I agree with that.

Mr. Williams: And upon the issuance of the Warrant of Arrest in 1996 he right away indicated to the BBC that he was prepared to return to face any trial?

Mrs. Wagner: Yes, Sir.

Mr. Pilgrim: Mr. Chairman, I do not know if it is clear and it would be grateful if it could be cleared up, whether the BBC interview was before or after the issuance of the warrant because I do not think the Witness has said... both have been grounded in 1996 but if it is possible just for the benefit of the clarity.

09:51hrs

Mr. Chairman: And if...

Mr. Williams: I do not know, I am asking the questions.

Mr. Chairman: And if he did, you may have the chance on your request to do so, very well.

Mr. Williams: Yes. My friend is in a very chirpy mood this morning. [Laughter] Yes, it does not matter. We are saying before the warrant in 1996, there was no need for Gregory Smith to return for a trial in Guyana, he was never charged for any offence.

Mrs. Wagner: Yes.

Mr. Williams: You agree with that?

Mrs. Wagner: Yes, I agree with that.

Mr. Williams: And we said in 1996, in light of the warrant, this BBC interview was done.

Mrs. Wagner: Yes, Sir.

Mr. Williams: And he said he was prepared to return for that trial.

Mrs. Wagner: Yes.

Mr. Williams: That was subject to the law of Cayenne, the French Law, which the Commissioners are all familiar with. That they would not extradite to any country if any offence would result possibly in...

Mr. Chairman: ... in the death sentence.

Mr. Williams: ... the death sentence. Now, are you aware that upon that... almost immediately after that interview, a private murder charge was instituted?

Mrs. Wagner: No, Sir.

Mr. Williams: Are you aware at any time whether a private murder charge was instituted against your brother for an alleged murder?

Mrs. Wagner: Yes, I know of that, yes, Sir.

Mr. Williams: Do you know what year?

Mrs. Wagner: I cannot remember.

Mr. Williams: Okay.

Transcript of Evidence of Anne Wagner, March 27, 2015, pp. 12 – 13 (electronic version)

Dr. Rodney left Guyana for Zimbabwe through the back track

82. Dr. Rodney left Guyana through the backtrack or "Rodney's Airport" for Zimbabwe:

Ms. Rahamat: But these impositions on the right to travel, especially in relation to Dr. Rodney, did not stop Dr Rodney from leaving Guyana. Did it?

Mr. Gopaul: No. I recall one instance where Dr. Rodney was invited to Zimbabwe. And Prime Minister Burnham was also invited. Rodney could not have travelled, because they either blocked him or either took away his travel documents. He went via...

Mr. Chairman: [Inaudible] ...know we have any evidence of Rodney's travel documents having been taken away.

Mr. Gopaul: There was some impediment, Sir, where he could not have travelled.

Instead of going through the official route, went via Suriname.

Ms. Rahamat: Which you referred to, in your statement, as, "The backtrack route" or "Rodney's Airport."

Mr. Gopaul: It was famous because Guyanese made fun of the Administration then by calling it Walter Rodney Airport. Publicly at meetings, we will say, "Look, no matter what they try to do, there is always a way to surmount the difficulties. Rodney could have used his own Airport to get out much to the consternation of the Government of the day." The fact is that...

Transcript of Evidence of Nanda Gopaul, November 05, 2015, p. 103.

Mr. Pilgrim: I thought that you did. When, what occurred then? What occurred, the travel or...?

Mr. Pieters: No, Mr. Pilgrim. When the discussion in respect to the passport took place?

Mr. Rodney: I was saying that as far I could recall it was in 1980.

Mr. Pieters: Would that have been in early 1980?

Mr. Rodney: Well, it would have been before Jun, 1980. I would say early 1980.

Mr. Pieters: Well, there would have been the first period, January, February, March or the second period?

Mr. Rodney: I cannot recall right now.

Mr. Pieters: But you were provided to allow Dr. Rodney to use your passport?

Mr. Rodney: That is correct.

Mr. Pieters: And he nixed that because, as you testified, he did not want you to get in trouble?

Mr. Rodney: He eventually returned it unused.

Mr. Pieters: Oh, you actually handed it over to him.

Mr. Rodney: I did.

Mr. Pieters: And you understood that Dr. Rodney had left Guyana at some point to attend the independence Celebration in Zimbabwe?

Mr. Rodney: I learnt that later on.

Mr. Pieters: When you say later on, later on meaning...?

Mr. Rodney: Meaning after June, 1980.

Transcript of Evidence of Donald Rodney, February 20, 2015, p. 17

Mr. Pieters: You testified as well and you mentioned in your witness statement in respect to the backtrack... Well, let me take you to... Why do you not read what you said in respect to Dr. Walter Rodney's entrance and exit from Guyana and into Guyana?

Justice Ramson: Do you want me to read from my statement?

Mr. Pieters: Yes, it is page 5, the middle of the first paragraph. It starts from, "Ironically, it was the same backtrack route..."

Justice Ramson: Yes, "Ironically, it was the same backtrack route used by Rodney to leave Guyana that Sergeant Gregory Smith, from whom he is alleged to have received the walkie-talkie bomb, is alleged to have used to flee Guyana."

Mr. Pieters: Good, that is it, so I am going to have some questions for you in respect to that particular statement that you made. The first aspect of the question

is: Do you know for a fact that Dr. Rodney used that backtrack to exit and to re-enter Guyana?

Justice Ramson: Well, at the time, that was the popular notion. I was not present when he left. I was around the WPA people who mentioned how he got to Zimbabwe so if I lie, I am only repeating a lie that they gave.

Mr. Pieters: No, there is not an imputation of lies, do not...

Justice Ramson: Well not a lie then, misinformation.

Mr. Pieters: I am just trying to get your evidence clearly and to understand the context within which you would have written this.

Justice Ramson: Well, I was not an official at the time so I would not have records of that.

Mr. Pieters: But you said, he exited and re-entered Guyana through a backtrack route, linking Suriname and Guyana.

Justice Ramson: That was the notion that was pervasive at the time.

Mr. Pieters: Very well. You also say that Gregory Smith used the same route to exit Guyana?

Justice Ramson: That was the notion that was pervasive at the time.

Mr. Pieters: What is your factual basis for making that utterance in your statement?

Justice Ramson: Being around all these people who were doing investigations and every man has his own contact sources.

Mr. Pieters: Right and your sources told you that that is how Gregory Smith left Guyana.

Justice Ramson: I know he did not leave by Timehri... [Laughter] ... and he did not leave through Moleson Creek.

Mr. Chairman: We do have, Counsel, a lot of evidence about that. I do not know that... [Inaudible] ... is helpful.

Mr. Pieters: Well, my understanding is that... I am sorry, Mr. Chairman, you are saying that the evidence is settled how Gregory Smith left Guyana?

Mr. Chairman: There is a lot of evidence on it and I do not know that anything being said here adds to that.

Mr. Pieters: My understanding is that evidence is quite contradictory and this is one of the few witnesses that said Gregory Smith left through backtrack from Suriname so, for me, that is an important point.

Mr. Chairman: Even if all it points to is that he did not use a conventional route?

Mr. Pieters: He used the same backtrack that Rodney used, but I will leave that for Mr. Williams to explore with him.

Mr. Williams: Thank you, my Friend.

Transcript of Evidence of Charles Ramson, November 03, 2014, pp. 80 – 81
(electronic version)

Gregory Smith Left Guyana through the back Track following the Death of Dr. Rodney

83. Interestingly enough, evidence emerged that Gregory Smith exited Guyana after Dr. Rodney's death through the same backtrack used by Rodney, that came from the person of the triple Attorney General of Guyana, the Honourable Charles Ramson:

84. Anne Wagner the sister of Gregory Smith and co-author of "Assassination Cry of a Failed Revolution" also addressed this issue in her book and evidence on how Gregory Smith left Guyana after Dr. Rodney's death. Her evidence is he was assisted in leaving by WPA operatives.
85. Gerald Gouveia provided evidence in respect to transporting a family on the day following the death of Dr. Rodney. However, he did not establish a connection since he was not certain he transported Smith to Kwakwani:
 Kissoon: Can you state with any certainty whether or not the man you transported in the aircraft was Gregory Smith?
 Captain Gouveia: I really cannot say that with a 100 per cent certainty, but it was an anomaly in my mind when I saw the picture in the newspapers a couple of days afterwards.
 Transcript of Evidence of Gerry Gouveia, June 26, 2014, pp. 30 - 31
86. Eye witness testimony, particularly in the circumstances of this case, where no records were produced to show any movement of Gregory Smith out of Guyana immediately following the death of Dr. Rodney is unreliable.
87. The evidence of Anne Wagner, in our submissions, on how Gregory Smith left Guyana should be accepted without cavil.

TERMS OF REFERENCE IV

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

Guyana faced an external threat from Venezuela

88. The post-independence era was a period when Guyana was faced with a territorial controversy with Venezuela, a similar claim by Suriname and a dictatorship in Brazil. There were turf wars in Columbia between the government and the guerrillas. Other governments were undermined and removed in other parts of Latin America for pursuing the socialist ideology. Guyana is 83,000 square miles with a population approximately 750,000. About 90 percent of the population inhabits the narrow coastland area. Our borders are porous.
89. The National Service was used as an agency to open-up new frontiers, establish large permanent residential areas in the interior locations. Its staff was exposed to military and civilian training and equipped to simultaneously engage in national defence and

nation building.

90. The People's Militia was used to train citizens in military manoeuvres with a view to complementing the Defence Force in defending our borders in the event of any military incursions by our neighbours or by internal subversive groups. The National Guard Service protected state properties. These groups were part of the Joint Services.
91. The Guyana National Service (GNS) provided employment opportunities for youths, older persons who needed skills, training and a second chance, and for those desirous of participating in nation building via the vocational opportunities offered. The beneficiaries of free university education were required to give back to the nation by serving a minimum period in the GNS. In spite of these attributes, the GNS became a target of political and racial animosity and was portrayed by some as a vehicle used by the PNC to disrespect and suppress the culture of Indo Guyanese.

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.

...

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: 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.

...

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: 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?

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. 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. 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.

Competing Rights and Interests (the State versus Citizens)

92. Guyana also faced internal threats to national security and its peace, order and good government by the WPA, whose mission at the material time period 1978 – 1980 was to remove the Burnham government by any means necessary:

Ms. Rahamat: Alright. Prior to the death of Walter Rodney was it ever the WPA's

aim or purpose to overthrow the Government of the day?

Mr. Ogunseye: Yes but I have to say a few things. We have to go back to the civil rebellion.

Transcript of Evidence of Tacuma Ogunseye, June 25, 2014, p. 28.

93. The Guyana Police Force, Special Branch Unit, during the 1978-1980 did have members of the Opposition, particularly WPA, under investigation and surveillance pursuant to its mandate: Ex. U2, Guyana Police Force Standing Order No. 50 (Special Branch):

Mr. Williams: Yes, Sir, I know that you will facilitate that. You are the Head of Special Branch and you are now Crime Chief, was there anything unlawful being done by Special Branch in conducting the surveillance that you have indicated here in this Commission of Inquiry?

Mr. James: No, Sir. Special Branch mandate is obtained through Standing Order No.50 of the Guyana Police Force.

Mr. Williams: So what they were doing is normal Special Branch business that would have been done in any Commonwealth country, is that not so?

Mr. James: Yes, Sir.

Transcript of Evidence of Senior Superintendent Leslie James, August 07, 2014, p. 33.

94. It was alleged that the WPA, at its highest levels was infiltrated by government agents, who reported on the activities of the WPA leaders. While the Guyana Police Force record management system could be improved, in this case, records kept were produced to the Commission: See, for example, Guyana Police Force Special Branch Files on Working People Alliance 1980; L J/SB/WPA 28-Apr-14 (1) Guyana Police Force Special Branch Files on Working People Alliance 1980; L J/SB/ WPA 28-Apr-14 (2) Guyana Police Force Special Branch Files on Working People Alliance 1980; L J/SB/WPA 28-Apr-14 (3); L J/CID/WR1 28-Apr-14 Guyana Police Force Crime Files re Death of Walter Rodney 1; L J/CID/WR2 28-Apr-14 Guyana Police Force Crime Files re Death of Walter Rodney 2; L J/CID/GS1 28-Apr-14 Guyana Police Force Crime File Gregory Smith.

95. The WPA Recognition Handbook and numerous other documentation in the Special Branch files constitutes secret intelligence report derived from surveillance of WPA activist, some of its leaders and individuals including low level members in Georgetown, New Amsterdam, Essequibo and other areas where the membership of the WPA was growing in numbers and influence.

96. The Constitution of the Co-operative Republic of Guyana, 1966, provides for individual rights and liberties including freedom of expression (article 12(1), freedom of assembly and association (article 13(1) of the Constitution), and freedom of movement within Guyana (article 14(1) of the Constitution).

97. Given the posture of the WPA at the material time, its members particularly the most

vocal, threatening and potentially violent against the State, would have attracted the attention of the authorities.

98. What is clear is where issues of national security is concerned the state's interest and the interest of the public trumps the interest of the individual. An individual would have to submit direct or circumstantial evidence that meets the standard of proof on a balance of probabilities that his political opinion as a factor or connection to the adverse treatment by security officials. Even if he or she proves discriminatory conduct or being singled out the state can then justify its conduct by resort to statute: *Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Bombardier Inc. (Bombardier Aerospace Training Center)*, 2015 SCC 39, para 64..

TERMS OF REFERENCE V

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

99. The PNC makes the following general observations.
100. The Findings of the Coroner's Inquest established by President Desmond Hoyte in 1988 had concluded Rodney's death to have resulted "by accident, or misadventure."
101. The Findings of the three-member International Commission of Jurists(ICJ) established by President Cheddi Jagan in 1995 noted:
- i. Several official files were missing;
 - ii. Gregory Smith was a member of the GDF;
 - iii. Government and Judicial officers of the day made no effort to identify people involved in the Rodney death;
 - iv. Government and Judicial officers could not trace police files relating to the case.
102. The ICJ thus recommended that a full and comprehensive and thorough inquiry into the circumstances surrounding the death should be held.
103. Certainly, it is the submissions of the PNC that April 28, 2014 to November 30, 2015 certainly provided the Commission constituted here to conduct "a full and comprehensive and thorough inquiry into the circumstances surrounding the death of Dr. Walter Rodney."

Conclusion

104. The PNC has presented these written submissions in the spirit of brining closure to Dr. Walter Rodney's death.
105. It is our respectful submissions that the PNC did not kill Dr. Walter Rodney. The State did not kill Dr. Walter Rodney. Prime Minister Forbes Burnham did not kill Dr. Walter Rodney.

106. Additionally, it is our respectful submissions that the PNC were not the intellectual author of the killing of Dr. Walter Rodney. The State was not the intellectual author of the killing of Dr. Walter Rodney. Prime Minister Forbes Burnham was not the intellectual author of the killing of Dr. Walter Rodney.
107. There is simply an absence of evidence to establish a connection between Dr. Rodney's death and the PNC, the State or Prime Minister Forbes Burnham as being involved, the intellectual author or complicit.

All of which is respectfully submitted,

Selwyn A. Pieters
Attorneys at Law
Counsel for the PNC