


Amended.
in respect of paras 1 & 3x


July 28, 20

In the matter of the Commission of Inquiry into the death of Dr. Walter Rodney

Closing submission by Counsel on behalf of the Working People's Alliance

Good morning Commissioners.

1. It is with mixed emotions that I make these closing arguments to the last public session of this Commission on behalf of the Working People's Alliance. I wish to make some brief comments before I look at the evidence we have heard over the past 67 sessions spanning sixteen months.
2. The WPA recognises the right of the Executive to bring the evidence gathering phase of the Commission's work to an abrupt end. We do not accept however in the circumstances of this Commission, how far we have come and the results achieved, that the decision is the right one.
3. Commissions of Inquiry have an important role to play in every society and it would be very unfortunate if the truncation of this Commission's work undermines public confidence in such a useful process of democracy. There is nothing that will render this exercise a waste of public resources more than an inconclusive finding by the Commission. While the WPA does not encourage or condone waste of public resources, it would be a sad day when democracy, the search for the truth and the opportunity for healing and reconciliation are measured only in dollars and cents.
4. Democracy is an expensive proposition. But surely not half as expensive as the alternative, as the events of the period leading up to and including the three years 1978 to 1980 so amply testify. Had democracy and the rule of law themselves not been truncated during that period, as the evidence has so vividly and tragically shown, we would have been spared not only the monetary expenses incurred in seeking the truth now, but perhaps less trauma as a country.

We may well not be confronting now the same old demons of extra-judicial killings and other excesses of this period.

5. The WPA supports the application by Counsel for Donald Rodney for an extension of between one and two weeks to allow the Commission to hear evidence from the handful of key individuals still to complete giving or to give their evidence.
6. Even if we are unable to prevail on the Executive to make this eminently reasonable concession, we are satisfied that as a result of the fair and thorough manner in which the Chairman and his two other Commissioners have conducted these hearings, that firm conclusions can still be made on each of the five terms of reference.
7. The WPA recognises that no finding will wipe away the grief and pain endured by the wife Pat and children Asha, Kanini and Shaka over the loss of their husband and father Dr. Walter Rodney, brilliant son of Guyana and the Caribbean and adopted son of Africa. Or the stigma borne by Dr. Rodney's brother Donald, arising from a criminal conviction that stands out as one of the most egregious miscarriages of justice from that era, rivalled only by the ultimate injustice meted out to WPA activists Ohene Kaoma and Edward Dublin who were killed within three months of each other and less than seven months before Dr. Rodney himself was killed at the hands of agents of the State. Or that meted out to Father Drake who was killed by agents of the state.
8. When this Commission was announced the WPA made the decision that it would not as a party appear at the Commission as it was concerned that the Commission was established with a view by the then Government to serve its own political interest rather than to seek the truth about the death of one of its leaders. At the same time the WPA was clear that it would not discourage any persons within or outside of the Party from appearing before the Commission.
9. Indeed many prominent members and associates, including Ms. Karen DeSouza, Mr. Eusi Kwayana, Mr. Tacuma Ogunseye, Dr. Nigel Westmaas, Ms. Jocelyn Dow, Fr. Malcolm

Rodrigues, Dr. Omawale Omawale, Mr. Rohit Kanhai and Mr. Donald Rodney presented scores of pages of witness statements, some of them travelling to Guyana at their own expense and spent days giving evidence under oath and subject to the most rigorous cross-examination. Other WPA leaders had agreed to testify including Andaiye and Dr Rupert Roopnaraine. All these members and associates of the WPA seek is the truth.

10. These were colleagues and comrades of Walter Rodney who knew him as a person, a patriot who shared a dream: “for an active effort of the people for national reconstruction and national unity on the basis of commonsense, patriotism, decency and honesty” as he so eloquently put it in a speech thirty-six years and one week ago, a speech reproduced in booklet form by the WPA with the title THE STRUGGLE GOES ON. This booklet was accepted into evidence as Exhibit EK 6.

11. Walter Rodney’s immediate family and his brother Donald are adequately represented by their Counsel. My task is simplified by the urgings and desires of the members, supporters, friends and comrades of Dr. Walter Rodney. Their joint concern is that after 35 years Guyanese and the wider community of persons who admired Walter Rodney’s political activism and scholarship wish to put an end to the speculation that he was adventurist, careless and foolhardy and that he died by misadventure, negligence and all the other pejorative terms that deny the simple truth of his assassination.

12. Commissioners, our essential question and respectfully, yours to answer is this:

Was Walter Rodney killed as a result of a bomb he was knowingly carrying or was he killed by a conspiracy that included sections of the Guyana Defence Force, the Guyana Police Force and other arms of the state headed by then Prime Minister Forbes Burnham?

13. We have heard hours of testimony that speak to this essential question ...and it is our view that you, Members of the Commission, have enough facts to form an opinion and to come to a satisfactory finding. And we repose this confidence in you.

14. Members and associates of the WPA who appeared before this Commission have given testimony that the party was engaged in a political struggle in which, in the context of the politics of that period, the 1970s, the state was by all accounts, the aggressor.
15. The WPA, at least aspects of it, felt themselves duty bound to prepare to defend, not only themselves, but their supporters against state agencies such as rogue elements in the Guyana Police Force and the feared House of Israel that inflicted violence on the people with apparent impunity. Notably, no evidence has been presented to this Commission, or to the public, since the founding of the WPA in 1974, to suggest that the WPA harmed a single person then or since. Conversely there is much by way of police record, newspaper articles and testimony given here that the WPA was a victim of frequent surveillance, arrests, beatings and terminal violence.
16. On June 13, 1980 we know that Walter Rodney had an arrangement to uplift an instrument from the home of Gregory Smith. We know from evidence given that Donald and Walter Rodney thought this to be a communication device - a Walkie Talkie. They were given instructions to walk with this instrument that was to be tested by the walls of the Georgetown prison in Camp Street. The evidence of the sole eyewitness Donald Rodney is that the two brothers did not follow those instructions. Yet shortly after the bomb exploded there were pamphlets and a radio announcement from the state owned radio, clearly following the predetermined script consistent with the recommended route.
17. This propaganda was up and running during the early hours of June 14, 1980. Some were even callously thrown into the home of Walter Rodney. Who knew then these details?
18. In fact the Rodney brothers did not adhere to Smith's instructions but parked beyond the jail in John Street near the corner of Hadfield Street some 180 yards from the prison, not in proximity to any walls.

19. The instrument when set according to Gregory Smith's instructions exploded killing Walter Rodney, damaging the car and injuring the left side only of Donald Rodney who was the driver of the vehicle. Notably this device did not damage the hands of Walter Rodney and as concluded by **Dr. Frank Skuse, Forensic Scientist**, brought by the Government in his unpublished report of July 23 rd 1980, part of L J/CID/WR2:

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

20. This conclusion corroborates the testimony of Donald Rodney that the companion set was in the possession of Gregory Smith. Years later, as a result of painstaking research and experiments Mr. Rohit Kanhai who was accorded expert witness status by this Commission was able to establish some of the facts such as the operations of the Porta Phone that time did not permit Skuse himself to pursue fully.

21. Dr. Skuse was brought here not by the WPA, a party of the working people with extremely limited resources. He was brought to Guyana six days after the killing of Rodney and worked with senior Police Officers who were assigned to the Rodney case – Deputy Commissioner Skip Roberts, Assistant Superintendent E. Kendall and the ubiquitous Mr. McRae. Yet, as the ICJ pointed out more than 20 years ago, Skuse's Report was never submitted in court hearings, or public inquiries. The reason is simple: it did not fit the state's narrative.

22. Indeed we have to be grateful that this Commission permitted many pieces of evidence that should have guided an investigation in 1980 to finally see the light of day.

23. We respectfully submit to you Commissioners that the insistence by Gregory Smith that watches be synchronised and the route be defined were part of a plan to kill Walter Rodney

by way of an explosion that was specific to him and not as claimed a plot to blow down the walls of the prison.

24. Paragraph 37 of Donald Rodney's witness statement states:-

- a. " It should also be noted that the rendition of June 13 events given by the controlled radio station on the morning of Saturday June 14th, about finding a faceless, unidentified body outside the Georgetown prison was initiated by the then Minister of Information and would have fitted events exactly had the directions of Gregory Smith been followed."
- b. "Yet the elder brother of Walter and Donald Rodney, Eddie Rodney, was taken by members of the Guyana Police Force to the mortuary, where Walter's body was laid out, and asked to identify the body which the police would have already known was either Walter or me." Para. 38 of Donald Rodney's witness statement.

25. This we know from all accounts was some few hours after the explosion the very night of June 13.

26. The Gregory Smith's and the State's narrative continued in spite of facts to the contrary. After all the disclosures, the denials by Donald Rodney and the revelations in the public, as late as February 1982, Magistrate Norma Jackman in the trial of Donald Rodney in the record of the decision repeated the narrative of the route as defined by Smith. See page 18 of the Court Record. Ref: TAMEXARG4.

27. The Court Record of his trial is replete with lies and deliberate distortions by a judicial officer. We urge you Commissioners to ensure that justice is also served with respect to Donald Rodney and that you recommend that the proceedings of his trial be expunged from the record and his conviction overturned.

28. Gregory Smith, alias Cyril Johnson, was a standing member of the Guyana Defence Force. His departure, along with members of his family, from the GDF base at the Timehri Airport to Kwakwani, on the morning after June 13th. was facilitated by GDF pilot Gerry Gouveia as stated in his testimony.
29. The lack of capacity of the WPA to have made this flight possible is self evident. The WPA according to police records was under continuous surveillance, subject to search and arrest anytime and anywhere. It was not unusual that WPA members were not able to work, their children were denied entry into Guyana, their passports were seized, they were subject to beatings, their vehicles were impounded and damaged, their phones were tapped, their friends and families were open to intimidation and victimisation. WPA members were frequently removed from flights and placed under arrest. In sum, they had little or no rights - political, social or economic - as citizens for the period 1978-1980 and even before and after that period.
30. The assertions of Sergeant Gregory Smith that the WPA drugged him and flew him to Kwakwani and then further facilitated with credit cards (a rarity in Guyana in those days), a false passport, money and other fanciful occurrences were no more than the lies of a killer who worked with his handlers to murder Walter Rodney. It is revealing that to his death bed Gregory Smith did not have the decency to speak the truth. The book "Assassination Cry of a Failed Revolution" is a poor attempt to clear his name and continue to hide his co-conspirators both military and political.
31. The failure of the Guyana Police Force to question Gregory Smith at any time up to his death is itself a damning fact leaving no doubt about the state's involvement. Further, the failure by the state to pursue Gregory Smith in the face of proof that he was a member of the GDF was at minimum a person of interest in the death of Walter Rodney is proof that so far as the state was concerned he was not wanted for anything. In fact he was furnished with passports in a false name as late as 1999 facilitated by no less than Police Commissioner Laurie Lewis who was in charge of Security in June 1980.

32. And in evidence before this Commission (page 157 of verbatim report of March 27th) Sergeant Adams in evidence led by Commission Counsel Glen Hanoman testified that Gregory Smith returned to Guyana in 1982, his passport bearing the stamp issued by an Immigration Officer, a member of the Guyana Police Force.
- 33. Gregory Smith was certainly a special person. Not a man on the run as his sister Ms. Wagner was so sadly misled to believe but one who enjoyed the confidence of the state and benefitted from its power, influence and protection.**
34. The evidence before this Commission is that Smith was facilitated by more than one state agency. The evidence shows on more than the balance of probability that the Police were involved in the issue of passports outside of laid down procedures and in which a Senior GDF Officer and the most Senior Police Officer played active roles, their failure to arrest and interrogate Gregory Smith who was implicated in Rodney's death and the disappearance of Police files; ^{that} the GDF was involved in protecting Smith's identity and shepherding him out of Georgetown to Kwakwani and the disappearance of Smith's personal file and the Manifest from the Guyana Defence Force; ^{and} the Ministry of External Affairs in hurriedly relocating Rodney's girlfriend from a job in the public service to a position at one of the overseas missions; ^{and} The Office of the Director of Public Prosecutions in failing to initiate any charge against Gregory Smith for the entire period of twelve years following the assassination of Walter Rodney.
35. The WPA stated that it was working towards a popular uprising, recognising that in the interregnum it would have to defend itself from the increased hostilities of the state. The small arms it possessed and the role of its security committee were to ensure that members were secure and protected in the face of increasing aggression by the state. There could be no armed overthrow with the few and limited materials and resources it possessed.
36. Walter Rodney's power was his capacity to enthuse and inspire the growing crowds of Guyanese who by their very presence at meetings, their willingness to confront the State was

the explosive tonic of the day. The cry of *People's Power, No Dictator*, and his ridicule of the all-powerful was his weapon of insurgency. Guyanese of all races were ready for action.

37. For those who try to label Rodney as violent, let us not forget that despite raids of the homes of WPA members and supporters over several years there was never a find of a cache of arms, nor was anyone ever harmed by the WPA. Indeed, no one, not the Police nor those against whose dictatorial rule if robustly challenged has ever made any accusation that the WPA had killed or injured anyone.

38. Let us not recall too that there is no evidence before this Commission that either the WPA or any of its leaders ever called for the violent overthrow of Mr. Burnham's government. Indeed, in none of the speeches by any of the political leaders was the term "civil rebellion" used prior to the death of Dr. Rodney.

39. Instead, the WPA guided by Walter Rodney sought through conversation, satire and ridicule to strip Burnham of his aura of invincibility and an all-seeing and all-knowing persona he was credited with. Walter Rodney gave lessons from history, spoke to the problems that Guyanese were confronted by and called on Guyanese from all walks of life to rise up and defend themselves...emancipate themselves. These lessons added to the fearlessness demonstrated by WPA and increasingly other citizens were a matter of growing concern of the regime. The Guyanese people were urged not to give in to the increased paramountcy of the party surpassed only by questionable constitutional changes that made the President paramount.

40. In that environment, the statement of Rodney that the ruling party must go "by any means necessary" was a rallying call to the population to convey the magnitude of the task. It was to convey that everyone, had to commit to struggle.

41. Earlier I said that what the WPA wanted from this Commission of Enquiry was the truth. Now I want to add only this: our fervent hope that this truth will contribute to the process of national healing which Guyana so desperately needs.

42. It is your opportunity and your challenge Commissioners, in your own judicial and judicious way, to right that historic wrong.

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