

## **THE REPUBLIC OF GUYANA**

IN THE MATTER OF THE COMMISSION OF INQUIRY ACT, Chap. 19:03 and  
IN THE MATTER OF A COMMISSION APPOINTED TO INQUIRE INTO THE  
CIRCUMSTANCES OF THE DEATH OF WALTER RODNEY namely:  
COMMISSION OF INQUIRY APPOINTED BY HIS EXCELLENCY THE  
PRESIDENT DONALD RAMOTAR PRESIDENT OF THE REPUBLIC OF  
GUYANA AS SEALED the 6<sup>th</sup> day of February, Two Thousand and Fourteen  
(Seal No.4 of 2014)

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### **CLOSING ARGUMENTS OF DONALD RODNEY**

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#### **TERMS OF REFERENCE**

1.
  - (i) To examine the facts and circumstances immediately prior, at the time of, and subsequent to, the death of 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 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;
- (iii) To specifically examine the role if any, of 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 the actions and activities of the State, such as, the Guyana Police Force, the Guyana National Service, the Guyana People's Militia and those who were on command and superintendence of these agencies, to determine whether they were tasked with the surveillance of and the carrying of actions, and whether they did execute those tasks and carried out those actions against the Political Opposition, for period 1st January, 1978 to 31st December, 1980; and
- (v) To examine, review and report on earlier investigations and inquiries done on and into the death of Dr. Walter Rodney.

## BACKGROUND

- Term of Reference (i)

### Prior to June 1980

2. In 1978 to 1980, the political struggle intensified in the form of the Civil Rebellion Campaign focused in particular on the fraudulent Constitution.
3. Joseph Hamilton was a member of the House of Israel. He directly linked the government and its top echelon to the terrorizing the Working People's Alliance (WPA) by using House of Israel members to commit criminal acts against them. Hamilton noted that the WPA did not utilize violence, but could have become violent in retaliation. "*We were terrorizing them, we were brutalizing them and we believed they might retaliate*". Hamilton further noted that even in their methodology to stop the WPA meetings from being interrupted, the WPA did not use violence but rather a method of recognition of and then surrounding troublemakers. Hamilton testified that under his instructions as to the Opposition elements, "*there were only two sacred cows: one, Dr. Cheddi Jagan and two, Mr. Eusi Kwayana; so any other member of the WPA, the Opposition parties could have been harmed or assaulted.*"
4. Dr. Nanda Gopaul testified that were direct acts of state oppression and that in almost every demonstration and every protest action, the norm was that there would be state actors who would commit criminal activities and beat up on protestors. Many of them were dressed in police uniform and stood

side by side with the genuine police officers. Assumedly, they were disguised so that they could not be identified and charges brought against them. *“We were satisfied that they were persons who were not official Policemen in the company of Police Officers. They have had Police uniform and weapons, but they had no badge to identify themselves nor no numbers.”* Some of the police officers were not comfortable with this but had to do their job in that environment.

5. Eusi Kwayana testified that the Comrade Leader made a public speech in August 1979. *“Now Comrades, one moment ... Now we allow them to hold meetings for the time being... for the time being... for the time being... and we discovered what their plans were. They have confirmed the intelligence which we had before. That have exposed themselves and now we shall move to their destruction...”* Kwayana referred to the separate murders of two WPA activists as a part of this “destruction” as the murders came shortly after the Comrade Leader’s August address. Ohene Koama’s was in November 1979 and Edward Dublin’s was in February, 1980. They both came after this very clear statement by the Comrade Leader.

6. Kwayana testified that following the burning of a government building, some members of the Working People’s Alliance (WPA) were charged with arson and on 14<sup>th</sup> July 1979, made their first appearance at the Georgetown magistrate court. Walter Rodney was one so charged. The magistrate was overheard saying that *“I am tired of people telling me what to do”* after receiving a phone call(s) ordering the magistrate not to grant bail. The magistrate but did so anyway and was subsequently removed from the judicial post.

7. The day Walter Rodney was charged there was a procession outside the Georgetown Magistrates' Court and the procession eventually relocated to the Brickdam Police Station where a riot ensued. There was then the realisation that Father Darke had been killed. Donald Rodney testified that he witnessed pursuit of Father Darke immediately prior the killing of the Father Darke by a person later found to be a member of the House of Israel. At least one policeman was present who looked the other way and did nothing to stop the attack.
8. Soon after the death of Father Darke, Donald Rodney recalled that the then Prime Minister, Forbes Burnham, addressed members of his party at a public gathering declaring that members of the WPA must "*make your wills*". This statement was taken to be an open threat against the WPA and by extension Walter Rodney and his followers. No one in the government came out against the Comrade Leader's statement. The threats also influenced Donald Rodney to assist his brother, Walter Rodney, in the governing of the WPA.
9. Karen DeSouza testified that the PNC called the WPA the 'Worst Possible Alternative' and that Prime Minister Forbes Burnham said in a public speech in the Square of the Revolution that the 'Worst Possible Alternative' should make their wills and that the steel of the People's National Congress was sharper than any steel that the Working People's Alliance might have.
10. Dr. Nigel Westmaas testified that on 6th October, 1980, the New Constitution came into full force and effect. L.F.S. Burnham took the Office of Executive President and thereby, made him Head of State, Supreme

Executive authority and Commander-in-Chief of the Armed Forces. This was a logical movement from the deterioration in democracy between 1976 and 1980.

**The events of Friday, June 13 1980 (The day Walter Rodney died)**

11. At 7:30 p.m. on Friday June 13, 1980, Donald Rodney (hereinafter referred to as “Donald”) picked up his brother, Dr. Walter Rodney (hereinafter referred to as “Walter”), with his motor car PBB 2349 on Church Street outside St. Rose’s High School. Walter sat on the left side of the driver’s seat while Donald drove the vehicle to Broad Street and parked on the southern parapet east of Russell Street.

12. Donald came out of his car while Walter remained in it and he proceeded to the home of Gregory Smith, at the corner of Russell and Howes Streets. Donald arrived there between 7:35 to 7:40 pm. This was not the first time Donald met Gregory Smith (hereinafter referred to as “Gregory”) as he met him on several previous occasions and he knew Gregory as a Radar and Electronics Technician. Gregory told Donald that he was a Sergeant in the Marine Wing of the Guyana Defense Force.

13. Donald knew Gregory through Walter, whom he had approached with an offer to make walkie-talkie sets. Donald acted as a liaison between Smith and Walter, reporting on any progress Smith had in manufacturing the sets.

14. The purpose of Donald’s visit to Smith on the night of June 13, 1980 was to collect one walkie-talkie set for testing. When Donald went to Smith’s

home, Smith came to the door surprised and enquired as to the whereabouts of Walter to which Gregory replied he was around the corner. Smith then asked Donald if he was walking or driving and whether he would test the set in the car or on foot and Donald informed him that Walter would decide.

15. Smith then went inside his home and upon his return he had an object in his hand. The object was in a brown paper bag. Smith then pointed to a knob on one side of the object by pressing the paper bag against it and the knob protruded. Smith explained that the set would have been tested at two positions and after the first test the knob was to be turned. Smith also demonstrated by turning the knob clockwise and he then made Donald repeat the action.

16. Smith gave instructions to Donald that he and his brother Walter should walk along Russell Street and make their first stop at Princess Street where they would have carried out the first test. Smith said that they should proceed along Camp Street and be ready to have the second test opposite the Georgetown Prison. Smith particularly wanted to have a test near the Prison wall so as to observe the effect of the expanse of metal on the efficiency of the set. Smith also told Donald that Walter should hold the walkie-talkie up to his face.

17. Smith remained at home to operate the companion set which was in his possession. He repeated the instructions and added that if Walter or Donald wanted they could have gone past Princess Street but that it was important that the second test took place in Camp Street, near to the Prison wall. Smith

stated that he wanted to observe whether the transmission would be interfered with by the extensive metal wall.

18. Gregory Smith further explained how the trial would run to Donald. Smith wanted to synchronise the watches that both he and Donald were wearing. The first signal was to be made at 8 p.m. and Smith wanted to make certain that if Walter and Donald received a signal, it was from him.

19. Donald Rodney set his watch at 7:50 p.m., the same time which Smith's watch carried. Smith then handed Donald the set which weighed about one to two pounds. Donald then took the package and left yard.

20. Donald started the car and relayed Smith's instructions to Walter. As they drove on to Board Street, Donald explained that they were required to make trials at two positions, the first at Princess Street at 8 p.m., which was synchronised with Smith's and the second sometime after by the Prison.

21. Donald drove north along Adelaide Street and parked in John Street. It was not yet 8 p.m. so they waited until that time. At 8 p.m., Walter looked down at the package which he held in his lap and the signal light flashed. Walter then drove off north along John Street across Durban Street and passed the Prison. He parked the car on the western side of John Street approximately twenty yards from Hadfield Street and turned off the ignition and all lights.

22. Walter and Donald waited for a signal from the package. There was no signal. Within a minute from the time Donald parked the vehicle, Walter

started saying something in reference to Gregory. Donald turned slightly to look through the driver's window which was open. Donald then heard a loud noise and at the same time he felt his body being twisted against the driver's door which flew open.

23. Donald became blinded on the left side and became aware of the dashboard lights coming on. He had no feeling in either of his hands even though he instinctively raised both hands to secure his spectacles as he was getting out of the car.

24. There was an explosion on Walter's side of the car and he had been seriously injured. Donald then pushed back the driver's door with one hand and ran north along John Street to the home of Dr. Omawale on Croal Street.

25. Upon Donald's arrival he shouted at the door and it was opened by Karen De Souza whom he told of the incident and that Walter was still there and needed help. Donald Rodney went upstairs the said house where he then realized he was bleeding profusely. Karen and Andaiye left Donald in the house to visit the scene. He was left alone in the house and went into the bathroom.

26. Karen De Souza testified that the majority of the crowd surrounding the exploded car were members of the death squad. One of the death squad members called her by name and told her to leave the scene. De Souza testified that she felt that the government had "finally" killed Dr. Rodney. This was based on the adversarial posture of the WPA and PNC, the 2 prior

WPA killings and the Prime Minister's threats to 'make your wills' , 'sharper steel' etc.

27. Donald Rodney was eventually taken into the medical care of Dr. Horace Taitt.

### **Subsequent to the Death**

28. Donald Rodney testified that the then Minister of Information announced that that a faceless, unidentified body was found. On the night of June 13<sup>th</sup>, 1980 the police invaded the house of Walter's mother in West Ruimveldt. A question arises as to why the police raided the home if Walter's body was unidentified.

29. Donald Rodney testified that hi home was entered and ram-sacked between the said night of June the 13<sup>th</sup> and the time he was in the hospital without him being present. He was informed that the men were police officers but they never showed any police identification.

- **Term of Reference (ii)**

30. Several witnesses including Donald Rodney, Patricia Rodney and Eusi Kwayana noted that there were several media reports about an unidentified male. The stations were government controlled and radio report stated that: there was a disfigured body in the car that was unidentifiable; there was a faceless body outside the Georgetown prison; the body was badly disfigured;

they could not recognize or identify the body; and the face was badly disfigured. The International Commission of Jurists (ICJ) was able to confirm this by reading the radio transcripts that were available at that time. The media was adamant on omitting Donald Rodney's statement that Gregory Smith played a crucial part in the killing of Walter Rodney. Patricia Rodney also testified that pamphlets were thrown outside the Rodney house very early on the morning of June 14<sup>th</sup>, stating that an unidentified man had been killed.

31. Walter was identifiable as the bomb was in his lap when it was detonated and not near his face as Smith had requested. This was controverted by Karen De Souza, May Shepherd, Patricia Rodney and Father Malcolm Rodrigues, who were all able to identify Walter on sight due to the good condition of his face. The autopsy also revealed that the face was only slightly burned.

32. After the explosion, the controlled media and police maintained that Walter intended to breach the Georgetown Prison and assist prisoners to escape. They purported that the release of the prisoners was to presumably join Walter Rodney and the WPA in acts of sabotage. This was also noted in the ICJ report as to the government's position as to the explosion.

33. A leaflet entitled "To Walter" was distributed in the streets of Georgetown the day following the explosion; that is, before his body had been officially identified. Dr. Nigel Westmaas testified that early on Saturday 14th June, 1980, shortly after the death of Dr. Rodney, a pamphlet began to circulate in

the streets of Georgetown. This was also referred to in the ICJ report. It was titled “To Walter”.

Hickory Dickory Doc  
Appointment at 8 O’clock.  
We would not need no bail.  
When we done with the jail.  
And this walkie-talkie start talk!  
Rockabye Rodney now lives in the past  
Dispatched to his master so quick and so fast.  
T’was never the intention  
That his fiendish invention  
Would choose his own lap for the blast.

34. The Government through issue of various statements denied Gregory’s Smith existence, including through its Chief of Staff, its highest ranking military officer. It was reported that this same Chief of Staff, General Norman McLean was heard excusing himself from a private diplomatic function 45 minutes after the explosion saying that Walter Rodney had been killed. This was before an identification of the body was made. This was noted in the ICJ report.

- **Term of Reference (iii)**

35. Donald Rodney was first introduced to Gregory Smith by his brother Walter in early 1980. Smith was building a walkie-talkie for Walter which Donald planned to collect on his behalf. On the first occasion of Donald meeting Smith, Walter informed him of his name and rank.

36. Donald met Smith on many different occasions to discuss the completion of the walkie-talkies but these discussions never took place. Smith seemed to be very discreet about the job he was required to do. The meetings between Smith and Donald were usually planned and occurred after nightfall. Only on one occasion the meeting was unplanned and occurred during the day. Smith and Donald both had contact numbers for each other however Smith never called. Donald did try to contact Smith but he never got a response.

37. Approximately two weeks before the June 13<sup>th</sup>, 1980 while Walter remained in the car, Donald picked up a walkie-talkie set from Smith for the purpose of testing. He was informed that one unit would remain in the possession of Smith while the other would have been with him. Donald was informed that if the bulb on the unit flashed when Smith activated his unit then the two units would have been synchronised. Smith stayed at home while they drove to Sussex Street where they carried out the test. The result of the test was that the bulb flashed and he thereafter returned the unit to Smith.

- **Terms of Reference (iv)**

38. In the two years leading up to 1980, there was unrest in Guyana and two WPA members were killed. The PNC made open threats to the WPA and anyone who opposed the Government.

- **Terms of Reference (v)**

39. In 1980 an investigation into the death of Walter Rodney was carried out; he was convicted in February 1982 despite the obviously incomplete police investigation and equally obvious unfair prosecution by the Director of Public Prosecutions.

40. Donald Rodney appeared before the ICJ team in 1989, in 1995 the Guyana Government invited the ICJ to send an investigatory team to make a preliminary assessment into Walter Rodney's death, they accepted the invitation and submitted a report on its findings to the Attorney General's Office. Included in the recommendations of the Report was a recommendation that the appeal proceedings in his case pending since February 26, 1982 should be speedily brought to an end.

41. In reviewing the criminal proceedings against Donald Rodney the ICJ found that the trial did not meet the minimum standard of due process of law, and that it was clear that the presumption of innocence was not respected in his trial.

42. Donald Rodney was in fact offered a Presidential Pardon, however he declined this offer as it would not have addressed his innocence nor bring to light the matter of his conviction without proof of guilt.

## **EVIDENCE**

- **Terms of Reference (i)**

### **Leslie James, Crime Chief, Senior Superintendent**

#### *Tendering of Evidence from forensic scientist Dr. Skuse*

43. The report done by Dr. Skuse indicates that the deceased, Dr. Walter Rodney sat in a stationary vehicle. Dr. Skuse in his report identified that the radio in the walkie-talkie device was the same as those used by the Guyana Defence Force. The TNT explosive that was used was the same usually for military purposes.

#### Further Evidence on Skuse Report by Rohi Kanhai

44. Rohit Kanhai addressed the Skuse report and made further findings. In Dr. Frank Skuse's report, Skuse had identified the frequency range of the communication device, Harris Porta-Phone, used to be that of 151.025 MHz. The frequency also fits that device which could only operate in that frequency range. The crystal which was the most important component of the device was also verified.

The setting up of the set is technical as it requires that the frequency range be set between 148-174 MHz - a particular crystal has to be inserted to get the frequency desired. Kanhai discredited Gregory Smith's declaration that he did not set up the explosive system because a "layman" would not be equipped to carry out such work.

Kanhai continued that the fact that the antenna was inside the vehicle at the time imposed a severe limitation on accessing the device. Based on Skuse report, the device was contained in a metal box which was placed on the lap of Dr Rodney. From all the technical evidence, a person had to be in close proximity to the scene of the explosion to trigger the device.

In addition, the triggering could not have been accidental, with just a touch by Walter Rodney. Kanhai testified that kind of device is known be “a top of the line device in the 80 decibel range” and had a selectivity rating that could only be triggered by a special signal. He concluded that “whatever triggered the explosion was not found in the device”.

Kanhai also addressed the use of the Trinitrotoluene (TNT), the chemical compound found in explosives. He said the chemical is very stable and does not explode by simply touching. Even though the chemical was found during the post mortem examination of Walter Rodney, no residue was found on his hands or fingers. Kanhai reiterated that Dr Skews report was most certainly accurate.

Kanhai noted that given the fact that both the TNT and the Harris Porto-Phone were used by the Guyana Defense Force, along with the fact that the army sergeant had been implicated in the assassination, he could not rule out that the Guyana Defense Force played a part in the Walter Rodney’s death. He discredited the idea that the bomb would be used to blow up the prison because it did not have the capacity.

## **Karen De Souza**

45. Karen De Souza, a former member of the WPA at 8.00 pm on Friday June 13th was at 45 Croal Street. Around 8.00pm she heard the sound of an explosion and very shortly after she heard knocking on the door with great urgency. Ms De Souza testified that she opened the door to Donald Rodney whose face seemed battered and blood was dripping off him. Donald said that “there had been a terrible accident”. She also testifies that Donald was clearly in great distress.

46. DeSouza took Donald upstairs with Andaiye where he told her that there had been an accident at the corner of John and Hadfield Streets after which DeSouza immediately left to go to the scene. She said it took her two or three minutes to reach to the scene and approximately eight minutes in total from the time of the explosion.

47. Karen was met by a crowd and testified that there were fifteen (15) Death Squad members. The car roof was blown off and a shape that seemed kind of boneless was in the car, the face forward. She looked inside the car and she saw a dark expanse of flesh and the head of a body pressed up against the dashboard. She recognized the back of the head as Walter Rodney.

48. Karen De Souza left the scene of the explosion because a member of the Death Squad said “Miss De Souza, please move back”. He repeated it a couple of times.

49. DeSouza went back to the damaged car and saw that the firemen were about to move the body from the car.

50. DeSouza testifies that when she went back to the Croal Street home Donald was still there and he was still bleeding until he was removed from the home.

### **Eusi Kwayana**

51. Eusi Kwayana rejected suggestions that the WPA had planned to unleash bloody violence to remove the then Forbes Burnham administration from office.

52. Kwayana said the WPA had “not exhausted the means of struggle” to make it necessary to resort to violence. He said the WPA had not come to a stage where it could say it tried everything and he didn’t think that anyone in the WPA was in that state of mind. He said purported that violence was out of the question.

53. He argued that no one could justifiably accuse the WPA or any of its known members of being involved in any murder, break-up of meetings, or an attack on a police station or a residence of someone.

### **Edward Rodney**

54. Mr Lawrence Edward Rodney was the older brother of Dr Walter Rodney.

55. He said that it was normal that there were searches made by the police or non-military ranks. He said that he decided to co-operate with the police because he did not want to give them any opportunity to frame him.

56. On the evening of Friday 13th, Edward was taken to the Criminal Investigations Department (CID) and arrested pending a charge of murder.

57. He learned of his brother's death through a radio broadcast while in jail. He heard that "*the body of a negro man had been discovered in a vehicle*".

### **Joseph Hamilton**

58. Joseph Hamilton, admittedly, was a former priest in the House of Israel, a religious domination in Guyana.

59. The House of Israel would usually be summoned to break up any meetings which the PNC did not approve of. The then PNC government was the only political party that the House of Israel was affiliated with.

60. Walter Rodney and Dr. Roopnaraine were arrested and granted bail on a Saturday. The Magistrates' court did not sit on a Saturday and thus crowds gathered around the court to protest the release of the two. They were not charged and thus could not be held on remand, this was the light of the protest by the crowd.

61.The Saturday that bail was granted to Walter and Roopnaraine, an urgent call was made to the House of Israel headquarters by members of the leadership of the PNC. There were pictures of Dr. Roopnaraine and Rodney with walkie-talkies in their hands.

62.Mr. Hamilton indicated that he was among the members of the religious organisation that, under the directive of the PNC, would terrorise members of the WPA and use violence in attempts to break up the party's public meetings.

### **Patricia Rodney**

63.Patricia Rodney testified that Donald and Walter left for meeting with Gregory Smith. She indicated that Father Malcolm delivered news of Walter's death and that her parents told her Walter's mother had called to say they were searching their house and that Edward Rodney was arrested.

64.She testified that two (2) vans arrived with plain clothes police officers to search for arms and ammunitions.

65.This witness stated that the interaction between the police officers indicated they were already aware that Walter was dead.

66. She stated on June 14<sup>th</sup>, 1980 she saw pamphlets indicating that an unidentified man was killed in front of her house.
67. She testified that her sister, May Shepherd arrived with Walter's bloody clothes after indentify the body and that May was contacted by the police.
68. She went with Father Malcolm to the Funeral Parlour to see body and was denied access. She then went to the Police station and was told by Inspector Crandon that the body was released by the police and there was no reason she couldn't see the body. However, the Funeral Parlour still refused.
69. This witness further testified that the American Ambassador arrived to offer condolences and offered to secure visas to travel to US prior to knowledge that Walter was the unidentified man killed.
70. She testified further that on 16<sup>th</sup> June, 1980 Father Malcolm asked Crime Chief Skip Roberts about viewing the body and was advised to return at 4pm but noted he would need to see if the body could be released.
71. Patricia indicated that Inspector McCrae was in attendance when she identified Walter by face and that approximately nine (9) bodies (naked/half naked) was stacked in the refrigerator with Walter at the bottom. She indicated that she thought the body was being kept in very poor and deplorable conditions so as to ensure that body would decompose quickly and cause Walter's face to become unrecognizable.

72. She further testified that there was heavy police presence both in the air and on ground for the funeral.

- **Terms of Reference (ii)**

**Edward Rodney**

73. Edward testifies that the police were being used by the Government and was acting as an arm of the ruling party. The police were being used to break up strikes and keep people in order. He said that the police were used to intimidate and would often be present whenever a strike was taking place. He said that the uniformed branch of the police will not physically attack anyone unless they refused to do what the police had ordered.

74. Rodney made reference to the House of Israel who he described as a hierarchy comprised of Deacons and Elders. He said he knew them by their uniform which was red, green and black which were also the colours of the PNC government. He would know them if the term “Brother” or “Shalom” being used. He also referred to them as local bullies.

75. Rodney said that if there were any political matters where there was an opposition to the Government of that time, the House of Israel would be present. He described them as violent people and a type of “hit squad” used by the PNC. He said on many occasions, the House of Israel would be used to break up WPA meetings.

76.He said that the House of Israel members would usually be transported to the site in vehicles to intimidate members. He said that they would cut the wires to the loud speaking equipment, throw bricks, or lash out with sticks and start beating the persons.

### **Reverend Reuben Gilbert**

77.Rev. Gilbert was a supporter of the WPA but he was not a member. He recalls attending several meetings and often police and House of Israel members would try to stop the meetings. He recalls a specific incident at the Bourda green where tear gas was used by the police.

78.He recalls that often there would be a “beating out” where the House of Israel members would have sticks and they would beat people listening to Walter. He said you would know members of the House of Israel by their uniform which was red, green and black colours.

79.Rev Gilbert recalled that the Prime Minister said “*let them make their wills at the least*”, “*it is the lion and the gladiator*” and “*I offer them no less a better death than Judas Iscariot*”. He referred to these as open threats made by the PNC.

80.Rev Gilbert recalled that Walter was charged with arson and he would often gather with the crowds outside of the court. Rev Gilbert testifies that on one occasion, he was beaten by members of the House of Israel and the police which resulted in two broken ribs.

81. Rev Gilbert testified that one night while he was heading home, his neighbour, James Daniels, who was a member of the PNC, stopped him and said that they were going to try to kill him that same night. The purported plan was to kill Rev Gilbert and then claim that he had a gun in his possession.

82. Gilbert said he thought about the issue and then asked his brother, who was also a member of the PNC to stay at his home for the night. He said he did not inform him of the reasons, but then drove his car to the University of Guyana Campus. Upon his return home the following morning, Gilbert said he was informed by this brother that "*some people from the YSM came here for you*". The persons who were going to kill him were members of the YSM who were purportedly the hit squad for the PNC. This incident happened approximately three months before the death of Walter.

83. He recalled the night of Friday 13<sup>th</sup> 1980. He heard on the radio that an unidentified man was blown up but he knew it was Walter.

84. Gilbert said that he had experienced an "unexplainable" feeling that his friend Dr Walter Rodney would have soon met his demise, some three days before he was actually killed. According to Gilbert, the atmosphere at the time was tainted with lingering fear. Citizens were fearful to even mention a simple word against the ruling Government. It had become so severe that Dr Rodney himself had begun expressing some level of anxiety as he was very concerned about the safety and survival of his wife Patricia and their three children.

## **Karen De Souza**

85. Ms DeSouza recalls that on several occasions, meetings of the WPA would be broken up by men in police officers in uniform. The men would usually be armed with batons. She recalls that she was arrested on many occasions because she was affiliated with the WPA.

86. Ms. DeSouza says that her initial view was that Walter Rodney was “finally” killed by the Government. She said that two party members had been killed before Walter was killed. She also made reference to the Prime Minister, Forbes Burnham, making threats about “*make your wills*”.

87. Ms. DeSouza recalls at that time the media was controlled by the state and they did not tend to report on Government activities.

- **Terms of Reference (iii)**

## **Donald Rodney**

88. June 17<sup>th</sup> 1980, after explosion death of Walter Rodney, Donald Rodney gave a statement to Assist. Supt of Police (ASP) Ignatius McCrae.

89. Donald states he was given a device by one Gregory Smith, ex-Sergeant in the Guyana Defense Force (GDF). The device was a w/t for testing. The test was carried out by Donald in the presence of his brother, Walter Rodney, at certain locations in a car, coordinated with Gregory Smith located at his home and that later there was an explosion at the car.

90. He stated that the body of Walter was soon after found in the car by the Guyana Police.

91. Donald gave statement and testified before this Commission in February and March 2015, again giving the name of Gregory Smith and the circumstances.

92. Gregory Smith before he died in 2002, co-authored a book with his sister, Anne Wagner, stating that he gave Donald a device. He said the device was a w/t for testing.

### **Anne Wagner**

93. Testified as to what her late brother told her between 1980 and 2002. She gave a statement and testified before this Commission on March 24<sup>th</sup>, 2015 corroborating that Smith handed a device to the Rodneys. By her testimony, the device contained explosives but “*was not armed*”.

94. Ms. Wagner confirmed that Smith travelled partly by car and was flown to Kwakwani. She also crucially testified that Smith was accompanied by his wife and children.

### **Edward Rodney**

95.Mr Rodney said that the first occasion he met the man whom he knew as, Cyril Johnson, was in 1974 and thereafter on many separate occasions.

96.Mr Rodney came to know that the man he formally knew as Cyril Johnson was also called Gregory Smith since he saw his photograph in the Catholic Standard with the name ascribed to the said photograph.

97.He testified that on one isolated occasion he saw Gregory Smith walking in a House of Israel uniform which led him to believe that he was a part of said organization. He also saw Gregory Smith dressed in a Guyana Defence Force uniform

### **Captain Gerald Gouveia**

98.Captain Gerald Gouveia indicated that a couple of days after the death of Dr. Rodney, he saw in the newspapers a picture of a person that was described as this man “Gregory Smith” that was involved or somehow related with the death of Dr. Walter Rodney. Captain Gouveia, when he saw the picture of the person, he felt like there was an anomaly in his mind that the person whom he saw in the newspapers looked like the man that was on his plane.

99.As a Pilot, Captain Gouveia was very conscious of anomalies on the planes they flew and thus the anomaly was felt when he saw a picture in the papers of Smith.

100.Captain Gouveia had a private moment when he remembered seeing the picture in the newspapers; it looked like the man who was in his aircraft. However, he never knew for sure.

101.As a Junior Army Officer, in the Military, it was not the norm to question anything and as a result Captain Gouveia never took any steps to ascertain whether it was in fact Gregory Smith, whom he may have unconsciously and involuntarily assisted in his escape. Captain Gouveia was simply following instructions from superior officers.

102.At the time of the death of Walter Rodney, the government controlled whatever information was filtered through the media to the citizens.

103.The Captain agreed that from the analysis and interpretation of his statement along with the statements of other witnesses, that the person that Captain Gouveia dropped at Kwakwani from Timehri was in fact Gregory Smith.

104.Colonel McPherson and Major Lewis were both involved in the investigation of Gregory Smith and his involvement.

105.The flight that Gregory Smith was on was a priority. Smith's flight was the first out on June 14<sup>th</sup>, 1980.

106. Captain Gouveia admitted that he now realised, at the moment of this Enquiry, that he was a key person who transported or facilitated the departure of Gregory Smith but denied that on the day in question, June 14<sup>th</sup> 1980, he had in fact facilitated in the departure of Gregory Smith. Captain Gouveia further admitted that he would not have willingly spoken about the events surrounding the flight that Gregory Smith was on unless there was a national or legal obligation that he had to fulfil.

107. Captain Gouveia, in 1980, did not uphold Section 16 of the Guyana Defence Force Act which he took on oath.

108. Any civilian in the hangar had to get the approval or the permission from the High Commander of the Army Corps, a part of the State, before they could board a flight. Gregory Smith, therefore obtained the necessary permission since he was allowed to get on board the plane.

### **Reverend Gilbert**

109. Testified that Gregory Smith was one of three men who showed up to see Walter Rodney at his office sometime in 1978.

### **Minister Rohee**

110. Minister Rohee stated that Gregory Smith was employed by the PNC and that he was assisted out of the country by them after Walter Rodney's death

and further that only the PNC had the resources, means and power to accomplish this.

- **Terms of reference (iv)**

**Edward Rodney**

111. Witness gave general overview of political atmosphere from 1978 to Walter Rodney's death and asserted inter alia that police force was intimidatory.

112. He further states that the Guyana Defence Force was also around to break up strikes.

113. He indicated that the group known as "House of Israel" led by a Rabbi Washington wore uniforms of similar colours to the police and to the PNC and that Members of the Guyana Police Force were acting in conjunction with the members of the House of Israel.

114. He stated that the House of Israel supported the PNC. Members would occupy the courthouse if a case was being tried which had political undercurrents, that is the WPA cases and that they also operated a "hit squad."

115. He testified further that the House of Israel would try to break up meetings being held by the WPA.

116.Mr. Rodney stated moreover that Radio Stations were virtually controlled by the government.

**Karen DeSouza**

117.Testified that WPA meetings were broken up by an arm of the Guyana Police Force known as the “Death Squad” and meetings that were held mostly in Georgetown were broken up by members of House of Israel which included one held in Campbelville area in 1979.

118.She further stated that the Death Squad wore plain clothes and were vicious

119.She testified that members of the WPA, including the witness, were arrested by the government and that those arrested for arson in 1979 included: “Davo”, Rupert Roopnaraine, Bonita Harris, her four year old son, Zamon Harris, Walter Rodney, Kwame Apata and Omawale.

**Reverend Gilbert**

120.Testified as to the disruption of the Bourda Green WPA meeting by the police. YSM and the House of Israel.

121. This witness stated that two of his ribs were broken by followers of the YSM and/or the House of Israel in 1979.

122.He said he was told of a plot to kill him by his neighbour James Daniels (Jimmy”)

123.He stated further that some members of the death squad were part of police force and in 1980 the entire state was a police state.

124.He indicated that Death Squads and groups abounded, picking up information from people’s conversations and described being kidnapped and beaten by three men, then taken to the Parliament house where he was beaten again before being handed over to the CID.

125.He recalled persons transporting him to jail referring to Walter Rodney as his boss and stating that his boss was now dead. *“Ya’ll bass dead now. We’ll soon get rid of all ah you!”*.

126.This witness testified that the population was in fear of the government at the time because of the political problems.

### **Patricia Rodney**

127.Ms. Rodney testified about the harassment of Walter’s family and the growing dangers for the family, police searches and Walter’s arrests. She spoke of Walter's continued calmness and understanding of the *“victims of circumstance”* and stated she had difficulties at her job and finding future work in Guyana as a result of the association.

128. She expressed her shock at deaths of 2 WPA supporters (Father Darke, Ohene Koama) in mid 1979/1980.

### **Minister Rohee**

129. Indicated that when the Ministry of National Development was destroyed by fire on 14<sup>th</sup> July, 1979, several Opposition activists were rounded up and charged with arson which included Dr. Walter Rodney, Dr. Omawale, Karen De Souza, Dr. Rupert Roopnaraine.

130. He stated that two days later there was a major shakeup in the hierarchy of the Guyana Defence Force (GDF) and the removal of two Commanding Officers in the GDF, namely Price and Ulric Pilgrim.

131. He stated further that these two events were connected since it was believed that the hierarchy facilitated the WPA's penetration of the military and that removal of the hierarchy was necessary to negate further threats to the security of the state.

132. He testified that this occurrence was not viewed as uncommon as Burnham had demonstrated to remove people at his whim.

133. He noted that before and after the MND fire that thugs from the House of Israel and a death squad directed from the PNC Headquarters at Sophia was unleashed with greater frequency on the political opposition." including

NGOs (e.g. Committee for the Defense of Democracy) that opposed the changes to the constitution.

134. This witness spoke of the connection between the House of Israel and PNC Headquarters (page 10) including the close relationship between Mr. David Hill, AKA “Rabbi Washington” and Burnham and the collaborative efforts of the two groups “There was absolutely no doubt about it because sometimes the way the thugs from the two operated... they became indistinguishable, unless the House of Israel people had on their dashiki outfits, but we knew who the PNC thugs were because they were always at a public meeting.”

135. He also spoke of an incident at a Committee for the Defense of Democracy, CDD meeting with WPA & PPP speakers at North Road and Orange Walk where the meeting was broken up by House of Israel and PNC thugs and Gail Teixeira Personal Assistant to Dr. Jagan was mistaken as Janet Jagan and was attacked.

136. He said there were collaborative efforts of the WPA and PPP and spoke of the PPP’s support of WPA during 1978-1979 in organizing meetings. He said this resulted in the PNC’s harassment of PPP members including Jagan who was charged with possession of ammunition after a spent shell was found in his yard.

137. He stated there was harassment of Indo-Guyanese in general and PPP supporters in particular in Guyana and overseas (Canada, US).

138.He testified that all organizations including Trade Unions, Churches in opposition to the PNC worked collaboratively. He further indicated that the WPA was seen as representing the Afro-Guyanese and the PPP as representing the Indo-Guyanese and united they brought the masses together and this posed a threat to the PNC.

139.He spoke of Walter Rodney's influence in changing the mindset of the masses to examine the politics in Guyana from a class perspective rather than racial one.

### **Reverend Gilbert**

140.Described being coerced by police officers trying to get him to give a statement and that the officers also threatened his life.

- **Terms of reference (v)**

## **THE LAW**

141. There is a tendency to equate the role of Commission counsel with that of a prosecutor in criminal proceedings. If that equation confuses the principles of the adversarial system of criminal justice with the aims of an inquisitorial process to find the truth about some public scandal or disaster, the parallel may not be entirely inexact. One Canadian Commissioner in 1976 observed

that the “*duties of Commission Counsel in fact, are virtually identical with those of a prosecutor.*” He explained: “*The role of a Crown Prosecutor in England and in Canada is not to struggle at all events for conviction. His duty is an officer of the court and ensures that all evidence, both favourable and unfavourable to the accused, is put before the court. This has been repeatedly stated here and abroad.*” In the Supreme Court of Canada in **Boucher v The Queen [1955] SCR 16** Rand, J. said at page 23: ‘*It cannot be over-emphasised that the purpose of a criminal prosecution is not to obtain a conviction, it is to lay before a jury what the Crown considers to be credible evidence relevant to what is alleged to be a crime. Counsel has a duty to see that all available legal proof of the facts is presented: it should be done firmly and pressed to its legitimate strength but it must also be done fairly. The role of prosecutor excludes any notion of winning or losing; his function is a matter of public duty than which in civil life there can be none charged with greater personal responsibility. It is to be efficiently performed with an ingrained sense of the dignity, the seriousness and the justness of judicial proceedings.*’

142. In this instant case, the testimonials as discussed above relate the state of affairs of the country during the period 1978 to 1980 before, leading up to and after the death of Dr. Walter Rodney. The uncontroverted evidence before the court is that the then reigning government controlled every station and action of the members of the opposition party which resulted in the execution of at least two of those members. The witnesses testified as to their lives being threatened and that every meeting held by the opposition was broken up. The PNC was called a military party and the members of the

opposition, had their telephone conversations tapped and were in fear of endangerment due to their affiliations with the opposition.

143. Several witnesses also testified that Mr. Gregory Smith did indeed hand over the walkie talkies to Donald Walter and that the explosion device found was similar to that used by the Militia and further that Mr. Smith fled the country disguised under a different name following the death of Walter Rodney.

144. The role of the Commission is a public one, to bring equity and fairness to this matter with a just outcome.

145. Further and in keeping with a just and equitable outcome every person who is affected by this case and whose name is mentioned therein ought to be given a fair opportunity to be heard. In this light, it is to be noted that Major General Norman McLean has not finished his cross examination and that three important witnesses namely Dr. Rupert Roopnaraine, Dr. Robert Corbin and Mr. Cecil "Skip" Roberts were not given an opportunity to testify. The case of **Re Shulman** examines the importance of key persons being heard and wherein the Ontario Court of Appeal reversed the ruling by the Commissioner who required the witness to be examined in the first instance by counsel for the Commission. Aylesworth J A said: *"In our view, the present inquiry is decidedly of the type with which this Court was called upon to deal in Re Children's Aid Society of the County of York....and a type of inquiry, therefore, to be distinguished from an inquiry directed to the gathering of information for the purposes of reporting....Dr Shulman should*

*be accorded the privilege, if he so requests, of having his evidence-in chief upon any allegation which he has made brought out through his own counsel, and he should be subject to cross-examination not only by counsel for the Commission but by any person affected by his evidence. Cross-examination, wherever it is permitted, is not to be a limited cross-examination but is to be cross-examination upon all matters relevant to eliciting the truth or accuracy of the allegations or statements made. Similarly, any person affected by allegations made before the learned Commissioner should be accorded the privilege of examination as a witness by his own counsel and should be subject to a right of cross-examination, not only by counsel for the Commission but by any person affected by the evidence of that witness.”*

146. It is respectfully submitted in light of this case that as a matter of fairness and public interest, these persons ought to have been allowed the opportunity to be examined and that cross examination of the Major General should have not been precluded prematurely.

147. Moreover, the issue of procedural fairness is examined in the Defence Watchdogs Seminar-November 2008: Administrative Law as it Affects Commissions of Inquiry wherein it is stated by Andrew Kirkham AM RDF that it is well established that reputation is an interest which affords the person affected the standing to insist on natural justice/procedural fairness as stated in **Annetts v. McCann (1990) 170 CLR 596.**

148. However, in the case of **ICAC (Independent Commission Against Corruption) v. Chaffey & Ors. (1993) 30 NSWLR 21,** Gleeson CJ, as he

then was, stated at 28: The authorities amply demonstrate that potential damage to the reputation of a person who is the subject of a complaint being investigated at a hearing by the Commission enlivens the requirement to observe the rules of natural justice and entitles that person to procedural fairness, expounded in the case of **Mahon v. Air New Zealand Limited [1984] AC 808**. There remains to be considered however the question of the practical content of those rules in a given case. There is a fallacy in passing from the premise that the danger of harm to reputation requires the observance of procedural fairness to the conclusion that fairness requires that proceedings be conducted in all respects in such a way as to minimise damage to reputation. ... Where an obligation to observe procedural fairness is imposed by law upon a decision maker its practical content varies to reflect the common law's perception of what is necessary for procedural fairness in the circumstances of a particular case; **Hotocher v. Minister for Immigration (1990) 169 CLR 648** at 652 per Deane J.

149. It is submitted that after the explosion, the controlled media and police maintained that Walter intended to breach the Georgetown Prison and assist prisoners to escape. They purported that the release of the prisoners was to presumably join Walter Rodney and the WPA in acts of sabotage and Donald Rodney was arrested following the death of Walter Rodney. In refusing the presidential pardon offered to him, Mr. Rodney only hopes that his innocence may be pronounced and made public, after thirty four (34) years. In order to minimise damage done to his reputation and as a matter of procedural fairness, all of the important witnesses to this matter ought to be called, including the said Dr. Roopnaraine, Corbin and Mr. Roberts and that

a fair opportunity of cross examination be given with respect to Major General Mc Lean.

150. It is respectfully submitted that although the Commission holds the power to determine which witnesses are to be given an opportunity to be heard that in keeping with procedural fairness of the inquiry and allowing Mr. Rodney a fair chance, that these witnesses ought to have been allowed to testify. It is therefore respectfully asked that this lack of chance be noted.

## **CLOSING SUBMISSIONS**

### **Terms of Reference (i)**

151. To examine the facts and circumstances immediately prior, at the time of, and subsequent to, the death of 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;

152. Donald Rodney submits he was a scapegoat used to conceal the true perpetrators which was the PNC Government.

153. Donald Rodney submits that there are two incidents prior to the death of Dr. Walter Rodney which would suggest the PNC Government were responsible for his death. The first occurred on 14 July 1979, where Walter among other persons were charged for arson, this resulted in a crowd of demonstrators coming out to show their support. The demonstrators formed a procession and proceeded to walk, at this point the procession was attacked by a group of men armed with cutlasses. This attack resulted in the death of a priest, Fr

D' Arc. Donald submits that this elaborately staged ambush was executed by the State.

154.The other incident occurred while the Prime Minister was publicly addressing his party membership at a public gathering. The speech included a reference to the steel of the PNC being sharper, Donald submits that this was an open threat against the members of the WPA and clearly to Walter.

### **Terms of Reference (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;

155.Donald submits that the evidence of Karen De Souza shows that he was clearly in distress when he ran to her home from the scene of the crime. Her description mirrors a man who had been hurt and urgently needed help. Karen testified that she took approximately eight minutes to get to scene yet at that time it was already swarmed with members of the Death Squad. There was no police station in such a close proximity that the officers would be able to get to the scene in such a fast time.

156.Donald denies the story of the controlled media. He puts forward that neither he nor his brother ever tried to free prisoners. He recalls that he personally observed the walls of the prison while being incarcerated on two different occasions. These walls were buttressed on either side. The explosion happened at 8.pm, at which time the prisoners would be under

“lock down” in security cells or would have remained in solitary confinement. Donald submits that it would have therefore been quite difficult or by extension impossible, for a person(s) whose aim was to break out prisoners. To handle such a task, one would need several explosions or some effective means to penetrate the various security points between the prison wall and prisoners.

157.The magnitude of the explosion is testimony that it was not capable of freeing the prisoners since it was not even capable of destroying the dashboard of an ordinary domestic vehicle.

158.Donald further submits that Gregory Smith was the person who mentioned the Prison, Smith wanted to test the effect of the metal on transmission of the walkie-talkie and he said so voluntarily and without Donald’s asking.

### **Terms of Reference (iii)**

To specifically examine the role if any, of 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;

159. Donald submits that Gregory Smith was responsible for the explosion and death of his brother. He also puts forward that the PNC Government at that time were the persons behind the gruesome assassination. The House of Israel and the Guyana Defence Force were described by many witnesses as arms of the state. Edward Rodney's testimony that he saw Gregory Smith in the uniform of both the House and Israel and the Guyana Defence force links Gregory Smith to the PNC Government. Donald Rodney submits that Gregory Smith, not only was the key player in the death of his brother but Smith's instructions came from the then PNC government.

160. Donald Rodney submits that Gregory Smith was placed in the vicinity of Walter Rodney immediately preceding the assassination. Patricia Rodney testifies that Gregory Smith came to Rodney house on June 12th looking for Walter. He left on foot and left headed towards the direction of Crime Chief Skip Roberts house. Patricia Rodney overheard Walter on the phone making arrangements to re-schedule his meeting with Gregory Smith for June 13th at 1900hrs.

161. Pilots, being in the military, were always trained to be aware of any anomalies that may exist on their plane. Donald Rodney submits that although Captain Gouveia could not confirm that he was 100% certain that the picture he saw was "Gregory Smith", he knew that there was some irregularity that day. Even though Captain Gouveia indicated that while he would never be able to indicate with 100% certainty, Donald Rodney submits that Captain Gouveia's evidence taken into accordance with statements of other witnesses can conclude that Gregory Smith was on his

plane on July 14th 1980. A substantial amount of priority was placed on the first flight on the morning of June 14th 1980 as submitted by Gouveia. This means that there was the need to ensure that Gregory Smith and his family were not in the jurisdiction Guyana in the event that Smith was linked to the death of Walter Rodney. Gouveai testified that for Smith to get on the plane required high level authorization and Gouveia clearly had instructions to transport the person the believed to be Smith.

162. Donald Rodney submits that the evidence that Gregory Smith was linked to the government is indisputable. Jocelyn Dow and others spoke to the fact that the State has continued to deny the "existence" of Gregory Smith, even with the abundance of evidence to show he was in the GDF, was on the payroll, was never deemed a deserter and further was trained in explosives. That the facts show that Gregory Smith was taken by GDF personnel the morning after to Kwakwani and then transported out of the country by GDF aircraft/helicopter. These facts were corroborated by a number of witness in the GDF and private persons in GS's neighbourhood.

163. Donald Rodney submits that the government was responsible for Rodney's death. Minister Rohee Clement testified that the PNC led by Burnham was responsible for Walter Rodney's death "beyond the shadow of a doubt" and surmised that Walter Rodney's death was an act of State Sponsored Terrorism. Because Gregory Smith was employed by the PNC and assisted out of the country by them after Walter Rodney's death only the PNC had the resources, means and power to accomplish this.

164. Donald Rodney submits that the Skuse report implicates the government in procuring the materials for Smith to make the device. The Skuse forensic report found that the explosives and the materials used by Smith to make the “walkie-talkie” were used by the GDF as anti-personnel equipment. The ICJ report noted that Smith must have been assisted in getting the explosive materials and devices as he could not have acted alone. The Skuse report also noted that the device could not have detonated as the government claimed. Rohit Kanhai supported the Skuse report and testified that the explosives in device could not have been put together by a lay person and would have been detonated remotely.

165. Donald Rodney submits that the government provided and facilitated a passport and new identity for Gregory Smith. The government provided Gregory Smith with a passport under the name of Cyril Johnson in 1982; he now has 2 passports. Sergeant Alexis Adams stated that the passport process was overlooked since the application had Commissioner of Police on it and the passport was issued without following normal procedures, such as the person being present, a guarantor and/or paying the requisite fee. The then Commissioner of Police was Laurie Lewis.

166. Donald Rodney submits that the witness identification of Smith is uncontroverted as to his role as a Sergeant in the army and his role as a radio technician. Pamela Beharry testified that he was a Sergeant, knew his “wife” Gwendolyn Jones and her children, and visited his home on numerous occasions and visited him at least once on the GDF base. She further testified that many military people would visit him at the home, including a Major.

167. Donald Rodney submits that the failure to investigate is an indication of guilt. The disappearances of two key witnesses immediately following the assassination of Walter Rodney is indefensible. No attempts were made to locate Ms. Gwendoline Jones, a person connected to Mr. Smith who disappeared after Dr. Rodney's death. No investigation has been conducted to determine the whereabouts of Ms. Joan Melvin (Melville) a girlfriend of Smith, despite reports that she had been posted to a diplomatic position in Canada and later vanished.

Joan Melvin (Melville) was reputedly the girlfriend of Gregory Smith. Gregory Smith used her address in Tucsville to perform many radio repairs. He was known to many in the community as Sergeant Smith. Joan Melvin (Melville) was a Confidential Secretary and within days, she was made a diplomat. In addition, Melville provided a statement that she had two photographs of her boyfriend, Gregory Smith, in her drawer which she secured with a gold chain and envelope. The drawer was broken into. When Melville asked the Permanent Secretary, Mr. Hetram Maraj, where her stuff was, he denied knowing.

### **Terms of Reference (iv)**

To examine and report the actions and activities of the State, such as, the Guyana Police Force, the Guyana National Service, the Guyana People's Militia and those who were on command and superintendence of these agencies, to determine whether they were tasked with the surveillance of and the carrying of actions, and

whether they did execute those tasks and carried out those actions against the Political Opposition, for period 1st January, 1978 to 31st December, 1980.

168. Donald Rodney submits that the government was a dictatorship in that the party and Comrade Leader was paramount. Karen DeSouza and Eusi Kwayana elaborated on the doctrine of “Paramountcy of the Party” which meant that the party controlled all arms of the State and you should be subject or subservient to the party. The Declaration of Sophia and various documents determined National Development and the directions within which the country should be moving.

169. Donald Rodney submits that the Government was a Dictatorship and they allowed no political party or any entity to oppose their authority. In the two years leading up to 1980, there was unrest in Guyana and two WPA members were killed. Rev Gilbert also testified that he was warned that he would be killed by the PNC and there after he luckily escaped death. He submits that the PNC made open threats to the WPA and anyone who opposed the Government. Joseph Hamilton who was part of the House of Israel also testified that they were often given instructions by the PNC to break up meetings of the WPA. The evidence of the witnesses of this Inquiry corroborates to show that the House of Israel and the Defence force were used by the Government to ensure there was no Opposition. Karen DeSouza, Patricia Rodney, Nigel Westmaas and others testified to the breaking up of meetings and beatings by the Police.

170. Donald Rodney submits that there was constant surveillance by the Police. Omowale, Jocelyn Dow and Leslie James (Senior Superintendent) testified

to the existence of a Recognition Handbook that detailed personal, family and vehicle information and that was used to identify members of the WPA. The ICJ report notes that the investigating team viewed a copy of the Recognition Handbook.

171. Patricia Rodney testified that death squad vehicles would be parked near the house conducting surveillance on the house and on Walter's activities. She further testifies that there was a government vehicle parked outside the house with personnel two weeks prior to Walter Rodney's death and that she was warned that a bomb would be placed under the Rodney car.

172. Robert Allen Gates testified that there was substantial undercover surveillance activity on the WPA. Donald Rodney submits that the surveillance was by carried out and facilitated by the government at the highest levels. Gates testifies that he was active police officer who operated a dual agent and served as the body guard of Rupert Roopnaraine. Gates was offered a substantial amount of money to kill Rupert Roopnaraine, as was Gregory Smith, who he knew to be a dual agent and working on behalf of the government to kill Walter Rodney. Gates testified that he met with Smith on several occasions to discuss their orders and stated that they were both "handled" by high level government officers: Smith by Norman McLean and Gates by Laurie Lewis. In addition, Gates testified that there were several other dual or double agents that were planted within the WPA circle to report on the activities. Leslie James testified that an undercover officer visited the WPA office pretending to buy a Dayclean (political literature) and was able to provide a detailed physical layout of the WPA office.

173.Many witness, including Edward Rodney, Patricia Rodney, Jocelyn Dow and Karen DeSouza spoke to hostile environment and the actions of the government and their actors. Donald Rodney submits that the Police, Army and House of Israel harassed and and intimidated the population. Death threats were made to family members and business associates. There was disruption of business trading, destruction of personal and business property. All these "facts" are highlighted in the "independent" press and corroborated by other sources and witnesses including CANA and BBC.

174.Leslie James presented two files on the WPA. The evidence showed that there were 7 other files that were missing that would have detailed WPA activities, including those of its members. In addition, the WPA files were cross-referenced with additional personal files that were kept of all WPA members and affiliates.

175.Donald Rodney submits that the entire orchestration of the death of his brother was predetermined and planned out by the PNC government and he had no part to play in it.

### **Terms of Reference (v)**

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

176.Donald Rodney submits that in 1980 the investigation into the death of Walter Rodney was carried out; he was convicted in February 1982 despite

the obviously incomplete police investigation and equally obvious unfair prosecution by the Director of Public Prosecutions.

177. An Inquest was conducted in 1988. The ICJ found that instructions by the magistrate were inadequate. To wit, that no one had laid eyes on this Gregory Smith; that rejected the possibility of an assassination; that was unwilling to call Donald Rodney as a witness; where the only verdict is death by accident or misadventure or no one criminally responsible, and where counsel for family objected to impartiality.

178. Shaka Rodney, the son of Walter Rodney, fasted and camped in a 13 day vigil in Carmichael Street in front of the Attorney General's Office in December 1993 to protest the failure to investigate the assassination of Walter Rodney. Donald Rodney submits that this precipitated the ICJ investigation.

179. Leslie James testified that no formal investigation was conducted until 1988. Prior to this time, James testified that there was failure to properly or adequately investigate the death. Donald Rodney submits that the failure to properly or adequately investigate caused the removal of evidence, the fleeing of witnesses and the interruption of justice.

180. Donald Rodney submits that he appeared before the International Commission Jurists (ICJ) team in 1989, in 1995 the Guyana Government invited the ICJ to send an investigatory team to make a preliminary assessment into Walter Rodney's death, they accepted the invitation and submitted a report on its findings to the Attorney General's Office. Included

in the recommendations of the Report was a recommendation that the appeal proceedings in his case pending since February 26, 1982 should be speedily brought to an end. Further Donald Rodney submits that in reviewing the criminal proceedings against him the ICJ found that the trial did not meet the minimum standard of due process of law, and that it was clear that the presumption of innocence was not respected in his trial.

181.The ICJ later found that the Inquest was fatally flawed and tainted with great defects. It was noted that a fresh look at the available evidence is therefore warranted and necessary.

182.The Rodney Family has repeatedly asked for justice into the assassination of Walter Rodney. In 2005, the family was promised an investigation after meeting with the then President, the process came to a halt. It was reported in the media that Patricia withdrew her request for the inquiry. This was untrue and it later came to light that Rupert Roopnaraine had made this statement to the Office of the President.

183.Donald Rodney submits that he was in fact offered a Presidential Pardon, however he declined this offer as it would not have addressed his innocence nor bring to light the matter of his conviction without proof of guilt.