

WALTER RODNEY COMMISSION OF INQUIRY



CO-OPERATIVE REPUBLIC OF GUYANA

THE WALTER RODNEY COMMISSION OF INQUIRY

**VERBATIM REPORT
OF THE PROCEEDINGS**

Friday 27th June, 2014

WALTER RODNEY COMMISSION OF INQUIRY

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18th Hearing

10:24hrs

27th June, 2014

Commissioners:

Sir. Richard L. Cheltenham, K.A., Q.C., Ph.D – Chairman

Mrs. Jacqueline Samuels-Brown, Q.C.

Mr. Seenath Jairam, S.C.

Secretary to the Commission:

Ms. Nicola Pierre

Counsel to the Commission:

Mr. Glenn Hanoman

Ms. Latchmie Rahamat

Administrator of the Commission Secretariat

Mr. Hugh A. Denbow

Attorneys for the People's National Congress (PNC):

Mr. Basil Williams

Mr. James Bond

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Attorneys for Working People's Alliance (WPA):

Mr. Christopher Ram

Mr. Moses Bhagwan

Attorneys for the Guyana Trades Union Congress (GTUC):

Mr. Brian Clarke

Mr. Selwyn Pieters

Attorney for Dr. Patricia Rodney, Asha Rodney, Shaka Rodney and Kanini Rodney:

Mr. Andrew Pilgrim, Q.C.

Attorney for Donald Rodney:

Mr. Keith Scotland

Attorney for the Ex-GDF (Guyana Defence Force) Association: Lt. Col. (Ret'd) Joseph Harmon

Attorney for Captain Gerald Gouveia: Mr. Devindra Kissoon

Witness:

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Captain Gerald Gouveia

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CALL TO ORDER

Mr. Chairman [Sir. Richard L. Cheltenham, K.A., Q.C., Ph.D]: I think we will be ready in half of a minute, so, we can all get to our respective stations.

[Captain Gerald Gouveia entered the witness box]

Attorney for the People's National Congress (PNC) [Mr. Basil Williams]: Mr. Chairman, before Mr. Gouveia begins...

Mr. Chairman: Do take a seat, Mr. Gouveia.

[Counsel and Commissioners are in discussion]

Mr. Chairman: Mr. Williams, you did ask for the floor.

Mr. Williams: Yes, please, Mr. Chairman, Commissioners. Sir, I...

Mr. Chairman: Just sit, please. Yes.

Mr. Williams: ...I had earlier raised the question of the expiration of the four months which the President had stipulated that everything should have been completed within those four months. In fact, to read from the Official Gazette which was published on 8th February, 2014, and under our Law, the date of publication in the Gazette is when the subject matter becomes effective. It says this: "The Commission shall render its reports, findings and recommendations to the President within four months or within such time that may be directed by the President." This Commissioner of Inquiry is a creature of statute. The President has the power to create a Commission under Chapter 19:03 of the Laws of Guyana. Section 2 is in mandatory terms. It says that certain things shall be done and it includes the time within which the work of a Commission should be completed. This is indicated in the actual publication in the Gazette. It should be within four months. Since it was published on the 8th February, we should have had by the 8th June, an extension published in the Gazette extending the time or the life of the Commission to complete its work, if its work would not have been completed by the 8th June. We made several checks; that is why when I asked you on the last occasion, a couple of days ago. We checked the online Gazette's website. I, personally, get my Gazettes from the Office of

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the President. I checked with them this morning. I was told “No”, neither in May nor June had there been any publications of an extension of the life of the Rodney Commission of Inquiry. That, nonetheless, Sir, we see a purported copy of a gazette is here saying that it was extended on the 24th June. Even if that was so, we still have a problem in relation to having been working after the 8th June and if you take it up to the 24th June, if we accept the Gazette that is here because no one else would have had this Gazette; it means we would have been working unlawfully or without remit from the 8th June, to the 24th June. In that regard, therefore, all that evidence that has been taken during that period that would have to be ratified. That subsequent ratification could only be affected by an Act of Parliament. When the Bill goes to Parliament for ratification of the period which was not covered, obviously by the publication on the 24th June, there will have to have agreement within that Parliament to ratify the work done during that period. That is the problem that we would have. What I want to wish to say is that we had made inquiry earlier in the week, if not, last week. If that was so the Gazette should have been given to the Commission. It is only when I raised this matter again with you, Sir, and your Commissioners, that some attempt was made to get a Gazette. As I am saying, the Office of the President has control of this Gazette process, but even if we accept that this is done now, validly, we still have to cover the period between the 8th of June and the 23rd June. We have taken a lot of witnesses. The last session we had, Sir, that would have been when...

Mr. Chairman: I think you raised this matter about three days ago.

Mr. Williams: Yes, Sir.

Mr. Chairman: I advised then that I was in receipt of a letter from the President. I had earlier written alerting... thanking me for the letter, and indicating that the life of the Commission has been enlarged. We now have the Gazette enlargement, but as I understand it, you are saying that it is your submission that the enlargement takes effect from the...

Mr. Williams: Date of publication.

Mr. Chairman: ...date of the publication and to that extent the period between the 8th and today, in so far, as we have taken evidence during that period, we were acting without authority.

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Mr. Williams: Yes, Sir.

Mr. Chairman: I think it accurately captured your submission.

Mr. Williams: Sections 2 and 3 of the Commission of Inquiry Act would speak to that. If we are going to alter the Commission that was originally given, that would have to be gazetted. Of course only the President could alter his Commission. The President, bearing subject to the statutory provisions, could not do that lawfully by sending you letter. It has to be gazetted.

Mr. Chairman: Commission, Counsel?

Counsel to the Commission [Mr. Glenn Hanoman]: If I may, first of all, no evidence was taken after the 6th day of June, this year and I do not know if my friend is just speaking about the 23rd of June because this Gazette was published on the 24th June. Maybe he is referring to one day of evidence that might be affected but this Gazette, itself, which was published on the 24th June, is stated to be effective from the 23rd June. I do not know if any pieces of evidence have been affected.

Mr. Williams: Mr. Chairman, as I said to you, we have made our checks. We have never had any Gazette, whether online or hardcopies, showing that the life has been extended. It is only this morning when we raised it again. I am saying since the last time it was raised, we should have had it the same day. Now you come on this day when it is raised again, and it seems to be... and then it purports to backdate. I did indicate to you, Commissioners, that in the Linden Commission of Inquiry, Chief Justice Wolfe did not come here until he got his extension. Perhaps it is important that we deal with this matter so that in the future the conduct of our proceedings is properly afoot and lawfully afoot because you are all esteemed Senior Counsel in this region and it is important that you have your coverage if we are going to proceed in a matter as sensitive as this one.

Mr. Hanoman: I do not know if I could... Is my Friend saying this Gazette is a forgery that he saw today? I just want to clear that up.

Mr. Williams: I am saying, and I did inform the Commissioners that I made checks, that we did make checks online and we could not find a copy and I actually spoke to the person in the

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section at the Office of the President, where I get my monthly or weekly Gazettes, and they confirmed to me that they did not have any copy of the Gazette. Wherever this Gazette came out from... It is not for me to question where it came out from, etcetera. All I am saying is that when we made our checks on the website that is offered to the public there was nothing there. I am saying, too, that when I raised the objection a couple of days ago, the Gazette should have been presented the same way as it is being presented now when I have indicated formally that I was going to raise this thing again today. I am not saying that it is a forgery or whatever. We do not control the process. This process of providing the Official Gazette is within the bosom of the Office of the President.

Mr. Chairman: The reality is, Counsel, that I do have with me the *Official Gazette, Extraordinary of Guyana* published by the authority of the Government. The date of publication seems to be Tuesday, 24th June, 2014. It has come from the Office of the President and I have no reason to doubt its authenticity and I am drawing your attention to page two or, rather, the second sheet. "Notice: Commission of Inquiry..." In fact before that: "The Official Gazette, 24th June, 2014, Legal Supplement B. Notice: Commission of Inquiry..." Apart from the heading, I read: "The Commission of Inquiry was directed that it shall render its report, findings and recommendations to the President within four months, or within such time that may be directed by the President. The Commission, not being able to comply with the time set for completion of its work, the President hereby grants the Commission an extension..." and this is important "...from June 8th 2014 to September 30th 2014. The extension of time granted hereof shall exit from the 23rd day of June, 2014.

Donald Ramotar, President of the Republic of Guyana."

Mr. Williams: Sir, you see it was a clear attempt to fix it, after the application was brought to the attention of the Commission and I am saying that this Commission is an important Commission. It ought not to be treated in that manner...

Mr. Chairman: Well...

Mr. Williams: We should have clear lines.

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Mr. Chairman: Yes, but is it not true that your Interpretation Act permits of a retroactive enlargement of the time?

Mr. Williams: No, please, Sir. It does not.

Mr. Chairman: Well...

Mr. Williams: That is why I addressed you on the point...

Mr. Chairman: Yes.

Mr. Williams: What would have to happen, you would have had to go with an Act to Parliament to get it ratified.

Mr. Chairman: I am not claiming to know the Law on these matters. A Commission is advised on legal matters by Commission Counsel.

10.39hrs

Mr. Chairman: As far as I am concerned, clothe with this authority; whatever ought to have been done is now properly done, and until the competent authorities say otherwise, we have to proceed.

Mr. Williams: So therefore we are now having...

Mr. Chairman: I am not to play Judge on the matter.

Mr. Williams: So we are now having an extension on the matter for the life of this Commission?

Mr. Chairman: Well we have an extension of time of the life of the Commission until 30th September, 2014.

Mr. Williams: 30th September, 2014.

Mr. Chairman: Well, as I said, I am not in the business of advising myself on this matter. I am to be advised by Commission Counsel. I think the President has his competent advisors from the Office of the Attorney General, but section 41 of the Interpretation and General Clauses Act, Chapter 2:01 of the Laws of Guyana says, and I reads it, "Where in any written Law at the time

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prescribed for doing an Act or taking any proceeding power in given to the Court, public body public officer or other authorities to extend such time then the power may be exercised by the Court, public body, public officer or other authority notwithstanding the expiration of time prescribed.”

Mr. Williams: I am familiar with that section Sir; it does not apply to your Commission of Inquiry. If you were to rely on that section it would create this absurdity. It means that the President gave you a Commission under chapter 19:03 that you should work and complete your work within four months. If you were to have that interpretation, it would mean that you, the Commission of Inquiry could say look, “I extending my life for another four months.” The question would arise then who is paying you? The reason it state the President is because the President is using taxpayers’ money fund this Commission of Inquiry so it would be an absurdity if the President himself who issues the original Commission, does not alter it but the Commission of Inquiry could alter it. So who is going to pay the Commission of Inquiry if it decides it wants another six months? So that section does not apply to the situation. The Chapter 19:03 covers the field, the provisions in chapter 19:03 covers the field in this regard of a Commission of Inquiry.

Mr. Chairman: I hear you Counsel, but until a competent authority directs that we are inhibited from proceeding, we proposed to proceed you know what is your...

Mr. Williams: Mr. Chairman, I understand you are relying on this hastily sent Gazette and I can assure you is only this Commission has this Gazette right now other than may be somebody in the Office of the President, but the public would not have had access to this thing here for the 24th June, but as I said Sir, you do not wish to go beyond the face of this you apply the Latin *Maxim praesumuntur esse acta* until further advice.

Mr. Chairman: Please translate it for the benefit of the public?

Mr. Williams: Well the Lawyer presumed what supposed to be done, was done all at the 12th Hour notwithstanding that at the 12th Hour that it has been done.

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Mr. Chairman: Whatever is supposed to be done is done, and properly so. I proceed on that premise.

Commissioner [Mr. Seenath Jairam, S.C.]: The presumption of regularity in the Public Acts.

Mr. Chairman: So I do not have to make any ruling, it is not within my competence to do that. I am armed with enlargement from the sponsoring authority, the President of the Republic and I proposed to proceed.

Mr. Williams: Yes Sir, thanks for your truly.

Mr. Chairman: If you remain aggrieved, you know what you have to do very well.

Mr. Jairam: Mr. Ram, *omnia praesumuntur rite esse acta*

Counsel to the Commission [Mr. Glenn Hanoman]: Mr. Chairman, if I may, before we commence the examination of this Witness, I wish to acknowledge the presence of Father Malcolm Rodrigues who has been coming from time to time to give evidence and we had hoped, I believe after completing the examination of Mr. Gouveia that we would take him, but I do not know if the Chairman could bind him over and see when we will get to him please.

Mr. Chairman: Father Rodrigues, please come forward, Sir. Morning Father, I heard of you for a long time and happy to see you, thanks for coming. We are told that you have to leave by 11.00hrs or so, it does not look in all the events that have happened, thus far, that we can accommodate you today, but please tell us when next you can be with us. Our next secession will be from the Monday the 23th July to the, I am misleading myself, so I need to be guided by my diary, Monday the 28th July and we will go to the 6th August, the Wednesday. Well I am told that we can now go to the Friday the 8th fair difficulties by Counsel, Commissioners would have been dissipated so that we would have that two weeks period, Monday the 28th July to Friday the 8th August. When within that time frame we can accommodate you?

Father Malcolm Rodrigues: The Thursday the 31st.

Mr. Chairman: Thursday the 31st and you can be here for the whole of the day and you do not have to leave by 11.00hrs?

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Father Rodrigues: [*Inaudible*]

Mr. Chairman: You would make yourself available for the whole session that day? Well we thank you, have a pleasant weekend and we look forward for accommodating you on the Thursday the 31st July. Thank you too.

Mr. Williams: Mr. Chairman, I am happy that you have addressed this issue. What we have right now is that the landscape of the Rodney Commission of Inquiry is actually littered with uncompleted witnesses. What this means Sir, is that all we are having are witnesses have led in chief and the evidence are put out there by these witnesses, they are captured in the media and in the Press when there is no opportunity to cross-examine them, and test their story and we have many witnesses who have gone out there and given evidence-in-chief only, and have not been completed and we have not been able to cross-examine them, and we believe that that is a problem on the part of the PNC Lawyers, we see it as a problem. In fact, it could be interpreted to be facilitating propaganda exercises in the media because it cannot be fair to us for a witness to come a month ago and... to fix the PNC with any liability or with any blame, and then we do not have a chance to challenge this Witness up to now. So what I am saying is that there are many witnesses that have given evidence-in-chief alone, and we have not been able to cross examine them and we have to be careful. I came here today to deal with Mr. Ogunseye, because I was given the assurance that we are going to take Mr. Gouveia who had some, we understood, had some emergency and we are going to have Mr. Ogunseye on Friday, but if Mr. Gouveia is not completed, he is here today, we are going to have a situation where we are not going to be able deal with Mr. Ogunseye's evidence perhaps until next week if at all.

Mr. Chairman: Well you have raised an issue that is of concern to the Commission, through no fault of our own, starting from the Witness Madam Karen De Souza. She had to fly and we did not complete her testimony in terms of the cross-examination, but through no fault of ours, we were not able to complete her's and I think we are hoping to do her's in July. Had it not been for the events this morning, whereby we did not want to start until we were armed with the Gazette, we would by now been finished with Mr. Gouveia and we would have been able to get back to the outstanding witness to whom you referred.

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Mr. Williams: The Crime Chief has not been completed and Major General Norman Mc Lean is not completed.

Mr. Jairam: The Crime Chief, you mean the Senior Superintendent, Mr. James.

Mr. Williams: Mr. James had not returned to us.

Mr. Chairman: But remember that he left us with the understanding that he would do a complete search of all the outstanding records with which reference has been made relevant to the Commission. I think we received a letter and documents have been identified, but the understanding was he would not come back until he had completed that exercise. But you have rightly raised an issue that is of concern to us.

Mr. Williams: Could enquire now about Mr. Ogunseye, Sir, if he is going to be available for cross-examination.

Mr. Chairman: Today.

Mr. Williams: Today?

Mr. Chairman: Yes. I hope you are not at a disadvantage in a sense that you might have been planning to leave early, but except for Commission Counsel questioning now Captain Gouveia, there is no other person, I think, whose cross-examination is outstanding and members of the Commission too may want to ask some questions.

Mr. Williams: I am guided by you Mr. Chairman.

Mr. Chairman: We are still hoping to get to Mr. Ogunseye, but thanks to raise that issue I assure you that it a matter of concern to us because it give an appearance of untidiness, but we still have to work with the availability of the witnesses and which was many of them were looking forward to this Commission, they still have their own personal business to attend to and in some cases professional obligations to address, but thanks to raise the issue. Commission Counsel, can we now proceed?

Mr. Hanoman: Yes. I am still trying to find out if my Friend, Mr. Williams, wants to expedite or delay these proceedings by his comments.

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Mr. Chairman: I do not think we should go there.

Mr. Hanoman: That is just a light hearted attempt at you.

Mr. Williams: The Counsel for this Commission ought not to allow this to happen today. The counsel of the Commission ought to have arm the Commission with the relevant Official Gazette confirming the extension of the life of this Commission so I want the record to reflect that. We ought to be protecting you, Commissioners.

Mr. Hanoman: Can we move on as my Friend likes to say when something objectionable is happening?

Mr. Chairman: I think we should get on with the businesses of the Commission.

Mr. Hanoman: Good Morning Mr. Gouveia. The secretariat has received information that in June, 1980 there was six normal Islanders in operation by the GDF. Do you agree with that?

Captain Gerry Gouviea: I know we had more than four. Whether it was five or six... I would say...

Mr. Hanoman: It sounds right?

Captain Gouviea: Yes.

Mr. Hanoman: Is it also correct that the only aircraft you flew in June, 1980 was the aircraft with the markings 8RGER?

Captain Gouviea: I would have to consult my log book to confirm that.

Mr. Hanoman: Please do so.

Captain Gouveia: No, that is not true.

Mr. Hanoman: Which?

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10.53hrs

Captain Gouveia: I flew “Eight Romeo Golf Echo Tango”. I flew “Eight Romeo Golf Echo Echo” and I did in fact fly “Eight Romeo Golf Echo Romeo”.

Commissioner [Mrs. Jacqueline Samuels-Brown, Q.C.]: I am not hearing what are the aircrafts as to which he said he flew.

Mr. Hanoman: Instead of using those words, just say ‘8RGEE’ or whatever it is.

Captain Gouveia: I am sorry. I am just attempting to do what the Lawyers did. You spoke in Lawyer’s language and we did not understand. Sorry, Sir.

[Laughter]

Mr. Chairman: You are suggesting that different professions speak in their own tongue.

Captain Gouveia: In June 1980, on 4th June, I flew the aircraft 8RGET.

Mr. Chairman: 8 RGE...?

Captain Gouveia: ...ET.

Captain Gouveia: ‘T’ in the phonetic alphabet we call that “Tango”. So we would say “Golf” which is the ‘G’, ‘E’ which is ‘Echo’ and ‘T’ which is “Tango”. That was on the 4th June and then on the 5th June, I flew the GER but particularly on the 10th June, correction the 11th June, I flew the aircraft 8RGEE. If you look at the photocopies I think you should follow me.

Mr. Hanoman: Yes.

Captain Gouveia: ...and...

Mr. Hanoman: The...

Captain Gouveia: Sorry.

Mr. Hanoman: Go ahead please.

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Captain Gouveia: No. And on the 5th... Sorry, that is it. Those are the times. If I started from the 1st June, yes, so I did fly both aircrafts.

Mr. Hanoman: Okay. The markings 8RGER are unique markings for the specific plane that you flew on the 14th and the 17th June, 1980?

Captain Gouveia: That is correct,

Mr. Hanoman: No other plane would have those markings on it?

Captain Gouveia: No.

Mr. Chairman: What is that marking again?

Mr. Hanoman: 8RGER.

Mr. Chairman: No other plane in the Military Defense Force carries that marking?

Captain Gouveia: No, Sir. These are registration markings, just like the registration of a car, these are registration of the planes that distinguish each individual airplane with its individual identity.

Mr. Chairman: But this does not refer to a particular plane?

Captain Gouveia: It refers to a particular plane, yes.

Mr. Chairman: Not a class of planes?

Captain Gouveia: No. Not a class of planes.

Mr. Chairman: A particular plane.

Captain Gouveia: For a class of plane... We have Toyotas but every Toyota Corona, for example, would have a different registration number. That is how you distinguish the difference between them.

Mr. Chairman: Very well. This only relates to a single plane?

Captain Gouveia: That is correct, Sir.

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Mr. Hanoman: Having regard to your personal log book...

Captain Gouveia: Yes, Sir?

Mr. Hanoman: ...do you agree that on 17th June 1980, you were in continuous control of your plane, if I can call it that, from 8:36hrs to 18:50hrs?

Captain Gouveia: That is correct.

Mr. Chairman: How long a period was that?

Mr. Hanoman: That would be approximately nine and a half hours, if my math's is correct?

Mr. Chairman: I am relying on you for arithmetic, Sir, please proceed.

Mr. Hanoman: Now, which ever destination that plane went to the 17th June, 1980, you would have been the pilot in command?

Captain Gouveia: Absolutely.

Mr. Hanoman: Now judging from your log, it takes about 49 minutes to get from Georgetown, which is Timehri Airport, right...?

Captain Gouveia: Yes.

Mr. Hanoman: To Kwakwani?

Captain Gouveia: Yes.

Mr. Hanoman: ...to Kwakwani with that specific aircraft?

Captain Gouveia: That is correct.

Mr. Hanoman: Now, if you could do some quick mathematics for me. If on the 17th June, you left Georgetown which is Timehri at 8:36hrs and you were to fly to Kwakwani, at about what time would you arrive at Kwakwani?

Captain Gouveia: Well could I just say to you that it is not exactly 49, it could be 48, and it could be 50...

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Mr. Hanoman: Accepted.

Captain Gouveia: ...and because of the winds.

Mr. Hanoman: Yes.

Captain Gouveia: So for example, if you looked and when I returned from Kwakwani, I did it in 39 minutes, that is because we had good winds, maybe at the altitude at which we flew so you would average it at about, I would say, between 45 and 50 minutes.

Mr. Hanoman: So the flight with that specific aircraft would be...

Captain Gouveia: Would be 45...

Mr. Hanoman: ...from Timehri to Kwakwani, would be between 45...

Captain Gouveia: ...and 50 minutes.

Mr. Hanoman: Depending on the headwind and the tailwind and so on.

Captain Gouveia: Correct. That is right.

Mr. Hanoman: ...and the weather.

Captain Gouveia: That is correct.

Mrs. Samuels-Brown: I do not think he is saying between 45 and 50. I think he is saying it could be less and he was indicating that on one trip he took 39 minutes because of the wind. Am I correct?

Captain Gouveia: Yes but in average.

Mrs. Samuels-Brown: Thank you.

Captain Gouveia: Yes, Madam. In average, I would say if we are flight planning to go to Kwakwani, in that range of distance, we would always flight plan between 45 and 50 minutes. It could be a little bit less or it could be a little bit more, but not significantly.

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Mr. Hanoman: Now, according to my mathematics, if on the 17th June, 1980, you left Timehri at 8.36hrs...

Captain Gouveia: Yes.

Mr. Hanoman: It would mean if you were to go to Kwakwani on that flight that you would have arrived at Kwakwani around 9:30hrs in the morning. If you left Timehri at about 9:36hrs and you went to Kwakwani you arrived...

Captain Gouveia: You mean 8:36hrs?

Mr. Hanoman: Sorry 8:36hrs. You would arrive at Kwakwani at about 9:30hrs that morning. Do you agree with that?

Captain Gouveia: I would say so, yes.

Mrs. Samuels-Brown: I am sorry are you looking at a particular document, Counsel?

Mr. Hanoman: No I am...

Mrs. Samuels-Brown: Because on his evidence yesterday... Well, he is giving an approximate time, so I guess it is okay.

Mr. Hanoman: Now, the reason I am asking these questions, Mr. Gouveia, is because more than one person has said that they saw that plane with those markings at Kwakwani at 9.30hrs.

Captain Gouveia: Yes.

Mr. Hanoman: According to when you left, it would have been physically possible with that aircraft, at that time, to arrive at Kwakwani around that same time?

Captain Gouveia: Yes.

Mr. Hanoman: Just to get something clear, outside of the military, the only other people that would have a parallel record about the movements of you and your plane would be the people in the control tower at Timehri Airport?

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Captain Gouveia: No.

Mr. Hanoman: Who else would have parallel records about you and your movements of the plane?

Captain Gouveia: The aircraft log book.

Mr. Hanoman: No. I am not speaking about records that you...

Captain Gouveia: No.

Mr. Hanoman: Make a record in you know.

Captain Gouveia: No.

Mrs. Samuels-Brown: There is an aircraft logbook which is separate.

Captain Gouveia: There is an aircraft logbook that is particularly used to control the maintenance of the aircraft so if I fly the plane today and just God-forbidden, you were the Pilot the next day, if we had a flying Lawyer, with due respect, Sir, sorry, but you would also have to do the same thing so exactly the times you flew, you would put it in. If I flew the plane the next day I would put it in, but the records are there and they are legal documents because that is how you control the maintenance of the plane which controls the safety of the plane which protects human lives. The filling up of the aircraft log book... This here is very different. This is to do with the Pilot and his competence. That one is to do with the aircraft and the aircraft maintenance records and safety of the aircraft. The one to do with the control tower is to do with air traffic control with the separation of aircraft, but it is also used if there was an incident, for example, and the control tower had to go back to monitor and check the movement of the aircraft in Guyana. They are all three used for different purposes but they are the exact same information. When you said only the control tower... That is why I said to you, "no, not that alone" because you would also have it on the aircraft log book.

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Mr. Hanoman: And the aircraft log book would be filled out by, in relation to the particular day by whoever was the Pilot in command.

Captain Gouveia: Well it would be filled out by two persons. It would be filled out first of all by the engineers who, at the start of the day, would have transposed all the information onto the aircraft log book to do with the engine times, the propeller times, the time to the next inspection and then the Pilot then fills in the actual time the aircraft operates which would then be added up to the time the engineer put in to the log book to take it to the next day to know how you are diminishing the times of the engine and the ...

Mr. Hanoman: Alright, Mr. Gouveia, the point I am getting at...

Mr. Chairman: Are you being fair to yourself though. You put it to the Witness that others saw the plane at Kwakwani at about 9:30hrs, the very time that he said it would have taken to get there given a departure time of 8:36hrs on the 17th June, but you did not wait for the answer?

Mr. Hanoman: I think he did agree.

Captain Gouveia: I did agree, Sir.

Mr. Chairman: That what?

Captain Gouveia: If in fact the plane was destined to Kwakwani and it took off at Timehri at that time, it would have been at Kwakwani at 9:30hrs in the morning.

Mr. Chairman: So you are not disputing that?

Captain Gouveia: No.

Mr. Chairman: I was proceeding on the premise that he had earlier said that he was not there.

Captain Gouveia: No. But I was not there because of what my log book indicated.

Mr. Chairman: Am I right in saying that you had earlier said that you were not at Kwakwani on that day at that time?

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Captain Gouveia: Not my Attorney, my log book. The records that I keep religiously and precisely every day of my activity indicated that I was at the military battle school at that time.

Mr. Chairman: What is your comment at that suggestion, that those people said that would have been mistaken?

Captain Gouveia: Well, I think we did make the point that all the Military aircraft at the time looked exactly alike. The only distinguishing marking was the registration. Now I guess if you had to take my word about the registration, that I am putting here, and an eye witness who would have seen a plane arrive there on the 14th with that registration and on the 17th they see another plane, I can only say to you that what is in this log book is as deadly accurate as I could possibly swear to it to be and from my own recollections as well, I never went back to Kwakwani after that time for quite a long time.

Mr. Chairman: That time meaning what, the 14th?

Captain Gouveia: Yes after the 14th. In fact, I went to Kwakwani maybe two or three time during the year 1980.

Mr. Chairman: Now, this is an important dispute, so you are saying that those people who said that they saw the plane by that number would have been mistaken, on the 17th?

Captain Gouveia: I would have to firmly say that this aircraft was under my command and control throughout the day of the 17th so this particular aircraft was not at Kwakwani on the 17th, not this one.

Mrs. Samuels-Brown: You are making it clear...

Captain Gouveia: Absolutely.

Mrs. Samuels-Brown: ...that you are going on the basis of your record.

Captain Gouveia: Yes.

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Mrs. Samuels-Brown: Because your own memory has dimmed over 34 years.

Captain Gouveia: Madam, do not remind me about my age, but that is true.

Mrs. Samuels-Brown: Okay, sorry.

Mr. Kissoon: Commissioners forgive me, just one quick observation. Additionally, there is no way of testing the veracity or credibility of the statement of the other parties that supposedly saw this plane on 17th June and I just wanted to make that statement for the purposes of the record.

Mr. Chairman: That there is no way of what?

Mr. Kissoon: That those witnesses are not here to testify so that we can test the veracity of the statement.

Mr. Chairman: They are not here now.

Mr. Kissoon: Yes, but I just wanted to make that clear. As of where we sit today, there is no way of us knowing whether or not what they said was true other than a statement.

Mr. Chairman: You must not anticipate evidence to come.

Mr. Kissoon: Yes.

Mr. Chairman: That is consistent with statements that we have. Can you rule out that you might have made the entry in error?

Captain Gouveia: Absolutely not, Sir.

11.08hrs

Mr. Chairman: Very well.

Mr. Hanoman: Just to clear that up...

Mr. Chairman: Get ahead, please.

Mr. Hanoman: In the same way you are required to make an accurate note in your personal book that people that were in control of the aerodrome at Kwakwani...

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Captain Gouveia: Yes.

Mr. Hanoman: They too...

Captain Gouveia: Yes.

Mr. Hanoman: ...would be duty bound to make an accurate note of what happened?

Captain Gouveia: Yes.

Mr. Hanoman: You brought in just now that you only went to Kwakwani, perhaps, twice for the whole year of 1980?

Captain Gouveia: Or maybe... I think, if we count it, about four times.

Mr. Hanoman: You had earlier said in your evidence-in-chief that that 14th June, 1980, flight to Kwakwani you considered very routine?

Captain Gouveia: Yes.

Mr. Hanoman: According to your log book, your reason for visiting Kwakwani... It was rare. You rarely visited Kwakwani for the whole year, so in that sense...

Captain Gouveia: No.

Mr. Hanoman: ...in that sense it might have been a routine flight?

Captain Gouveia: No, I do not agree with you in this sense...

Mr. Hanoman: You do not agree.

Captain Gouveia: ...in this sense, for example, I went to Bimichi one time in the year of 1980 and I am only saying that because I looked at it here; my Lawyer asked me to look at it and I did. Between Kwakwani, for example, and Rose Hall, where the Berbice mining operations were going on, the mining company had their own aircraft at the time, but many times when Government officials were going to visit the mining operations the Guyana Defense Force (GDF) would fly those officials so a lot of times we would go to Rose Hall and then go to Kwakwani, and for me because we flew to every part of Guyana it was not unusual for me to be

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called to go to Jaguar so going to Kwakwani, was it was not an anomaly for me. I have been to Kwakwani many times as a Co-Pilot; I have been to Kwakwani as a Captain and in the year of 1980, if my log book is correct, I actually did go to Kwakwani four times that year. There are places we go more than others like Tacama, for example. We go to Tacama on a regular base because that was where the military battle school was.

Mr. Hanoman: In light of the fact that you only went to Kwakwani maybe four times for the whole year, do you still want to say that this plane flight to Kwakwani on the 14th June, 1980, you considered routine?

Captain Gouveia: Absolutely, yes, I stand by that.

Mr. Hanoman: Tell me something else. I think in your statement, you had given a broad overview of the type of passengers you would normally take during your military missions. You mentioned soldiers, Very Important Persons (VIPs), dignitaries, Government Officials and so on.

Captain Gouveia: Yes.

Mr. Hanoman: This man with this woman and the two children that you saw on the 14th June, they did not fit in to any of those categories.

Captain Gouveia: I think...

Mr. Hanoman: Do you agree with that?

Captain Gouveia: No. I do not think I stop there.

Mr. Hanoman: No, you did not. We will get that Mr. Gouveia.

Mr. Kissoon: Just for the purposes of the record, Commissioners and Counsel Hanoman, please forgive me. I would like to direct the Commissioners to paragraph 17 which is page 4 of 12 of Captain Gouveia's witness statement which refers to the paragraph which Counsel Hanoman is speaking to and if I may be permitted to read from it.

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Mr. Hanoman: No, before that happens I will get to it, but I prefer to proceed with this Witness incrementally so instead of indicating to the Witness where I am going, I prefer to it in the way I am doing it, if it pleases the Commission.

Mr. Kissoon: No, but you...

Mr. Chairman: Counsel for Mr. Gouveia, you would have the opportunity to re-examine, I think that is correct?

Mr. Kissoon: Certainly, Mr. Chairman. We do not think that the question is being asked properly and for that reason we would just like the entire paragraph read...

Captain Gouveia: Exactly.

Mr. Kissoon: ...before the witness is asked the answer. It is not the correct characterisation of what his testimony...

Mr. Chairman: Are you not sure that you would not have the opportunity to do that when you are re-examining?

Mr. Kissoon: We are guided, Mr. Chairman, thank you.

Mr. Chairman: You should do it then otherwise we will become too disorderly and give that appearance. You will have the chance. Make the note and make sure you get to it when you have our chance. Please proceed, Counsel.

Mr. Hanoman: On the 14th June, 1980.

Captain Gouveia: Yes.

Mr. Hanoman: That man, his wife and his two children...

Captain Gouveia: Yes.

Mr. Hanoman: ...did you considered anyone of them to be a Military Officer at the time of flying?

Captain Gouveia: No.

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Mr. Hanoman: Did you consider anyone of them to be a Guyana Government Official?

Captain Gouveia: No. Could I say...

Mr. Hanoman: One minute, we are getting there.

Captain Gouveia: I just want to say to you I would assume that they were not a Government Official because I did not know all Government Officials, but they did not look like Government Officials to me.

Mr. Hanoman: Alright. Did you get the impression that they were guests of the Government of Guyana or VIP's?

Captain Gouveia: That is quite possible that they were guests of somebody above my pay of grade.

Mr. Hanoman: Okay.

Mr. Chairman: I think the question is that did you consider them on that date to be?

Captain Gouveia: Sir, Yes. I considered them to be guests or persons that were cleared for this flight by my superiors.

Mr. Hanoman: Meaning non-military persons that were cleared?

Captain Gouveia: Yes. No, they were cleared by my superiors to be where they were and to be authorised to go on this flight to Kwakwani.

Mr. Hanoman: Do you have any idea whether that was a private charter or whether that flight's cost would have been absorbed by the GDF?

Captain Gouveia: I have no idea. I did not deal with those issues at that time.

Mr. Hanoman: Okay. The Islander that you were flying on the 14th is a 9-seater plane. Is that correct?

Captain Gouveia: That is correct.

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Mr. Hanoman: These were two adults and two little children, right?

Captain Gouveia: I do not recall how many children there were...

Mr. Hanoman: There were a few little children. In June, 1980...

Captain Gouveia: Yes.

Mr. Hanoman: There were smaller aircrafts that can more cheaply have taken that group of people to Kwakwani?

Captain Gouveia: Smaller aircraft... by whom?

Mr. Hanoman: Yes, like 4-seater aircraft, 6-seater aircraft.

Captain Gouveia: Operated by whom?

Mr. Hanoman: Outside of the GDF.

Captain Gouveia: I would imagine so, yes.

Mr. Chairman: Why are you dealing with what could have happened.

Mr. Hanoman: Okay.

Mr. Chairman: You have to deal with reality of what happened.

Mr. Hanoman: At the time, let me suggest to you, beyond a shadow of a doubt that at the time in June, 1980, there was the Cessna 206 and there were, I think the name of it was, 172? There were both of those planes in existence that could carry that amount of passengers more cheaply than can be done with a Highlander?

Captain Gouveia: You do have the issue, Sir that the Cessna 206 and the 172 got one engine and there are many people who prefer not to fly over the jungle with one engine.

Mr. Hanoman: We are talking about cheaply.

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Captain Gouveia: No, what I am saying is there are many people who choose not to fly over the jungle with one engine and so the circumstance and reason for people flying a twin-engine plane at the time, it was not my job or my knowledge of why they choose to fly...

Mr. Hanoman: I understand.

Captain Gouveia: I also want to say, as precedent to you, that we also flew members of the People's Temple, Jonestown, in our planes in the Army, at the time, and so it was not unusual from time to time for the Army to extend courtesies to people that were authorised, at whatever level, but they were not unusual for me, for example, during the life of Jonestown to have flown the members of the People's Temple, young people, elderly people, Government Officials to visit Jonestown. It was not unusual to fly civilians and people around the country.

Mr. Hanoman: Mr. Gouveia, please try to answer the questions that I am asking you. The question that I wanted to know: In existence in Guyana at the time, there were planes that can carry that amount of passengers at half the cost of an Islander, do you agree with that?

Captain Gouveia: You would have to have me assuming again, Sir, on the first hand. On the second hand, in those days the private sector aviation was basically... There were no... The operators of the local private sector aviation were flying for themselves. They were private operators so for example, Mazarally aeroplanes were flying for Mazarally Timber, Trans Guyana planes were flying for Correia Gold and so on, so we did not have a private sector commercial aviation sector at Ogle because you had Guyana Airways was also operating in full operations in 1980 so we did not have a private sector aviation that was providing service to Guyanese as wide as it is today. In terms of what planes were available at Ogle, I would have to be guessing. You seem to be surer than I, but unfortunately it was based at the airport in the Army living in a bubble of the Military.

Mr. Hanoman: I do not think that you were in the bubble as you claim, but we will get to that. You still have not answered my question. Is it cheaper for 4-seater and a 6-seater plane to go to Kwakwani than a Highlander?

Captain Gouveia: Yes, Sir.

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Mr. Hanoman: Thank you. As a matter of fact in those days, I think in an answer with Mr. James Bond, you said there was a hive of activities at Kwakwani?

Captain Gouveia: I said there was hive of activities?

Mr. Hanoman: You agreed with Mr. Bond that Kwakwani was a hub of activity because of bauxite or you did not?

Captain Gouveia: Yes, the bauxite company had their own plane.

Mr. Hanoman: Right. If somebody wanted to leave Georgetown to go to Kwakwani, they could go overland as well, is that correct?

Captain Gouveia: I would imagine so, yes.

Mr. Hanoman: As a matter of fact, it was the interest of the bauxite companies to maintain good roads out of Kwakwani so that it would be feasible to bring produce out. Do you agree with that? People out..?

Captain Gouveia: Sir, are you aware you are presenting to me information that is beyond the boundaries at that time of my interest and my competence, but I can give you opinions, but they are outside of my responsibly, they were outside of my competence and my knowledge. I never travelled on the road to Kwakwani. I flew the length and breadth of this country, but I did not know the road to Kwakwani, whether it was good or it was bad, but I could give you an opinion and say “yes”, Sir.

Mr. Hanoman: You know that they had roads from Kwakwani coming out to town?

Captain Gouveia: Yes, I heard so.

Mr. Hanoman: As a matter of fact, you were a logistics man in the Army. You know that in 1980 a man can leave Georgetown overland and perhaps get to Kwakwani in about three to four hours? I am suggesting that to you.

Captain Gouveia: Thank you, Sir, I take the information.

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Mr. Hanoman: Do you agree with my suggestion, that it was possible in 1980 to travel overland from Georgetown and get to Kwakwani in about four hours?

Captain Gouveia: I would have to take your competency in it because I did not... I know there were roads, but I really have never driven it so I would have to agree with you if that is where you are going, but I myself have never done it.

Mr. Hanoman: Additionally, you could get to Kwakwani by travelling overland to New Amsterdam and there were many different types of boats going down the Berbice River to Kwakwani. Do you agree with that?

Captain Gouveia: Yes, I am looking at the map. Actually you are right, yes. You can actually go to Kwakwani from the Berbice River, yes, that is correct.

Mr. Hanoman: Before the 14th June, 1980, can you ever remember taking children there in your plane?

Captain Gouveia: To where?

Mr. Hanoman: To Kwakwani.

Captain Gouveia: I do not remember, but it is quite possible because we sometimes when the...

Mr. Hanoman: No, just answer my question. Can you ever remember taking any children to Kwakwani before the 14th June, 1980?

Captain Gouveia: No, I cannot remember, but I can say to you that there were people who living in Kwakwani, there were the officials of Kwakwani so when their plane was not working, they sometimes use the Military plane and we transport people and their families to Kwakwani on behalf of the Government of Guyana.

Mr. Hanoman: So, these bauxite workers, they just had to show up at the GDF and said, "Man the plane is not working just take us with your 9-seater plane to Kwakwani?" Is that the picture you are trying to paint?

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Captain Gouveia: No, that is not what I said, Sir. I said that anybody who came there would have had to be cleared by the people above my level, but we did fly people from time to time who went to the bauxite towns of Linden, Kwakwani; we went to Rose Hall, we landed at Rose Hall... We drove to... and so on and there were families that we flew from time to time.

Mr. Hanoman: When you spoke about families, flying families, you zeroed-in on people from Jonestown, but those families would not have been taken to Kwakwani, they would have been taken to Port Kaituma. You would not take children of Jonestown people to Kwakwani, would you? Would you have been doing that?

Captain Gouveia: No, Sir.

11.23hrs

Mr. Hanoman: Having said all that you have just said, that you cannot remember taking children to Kwakwani before that, that you only went to Kwakwani about four times for the whole year, and that these were four people using a big aircraft.

Mr. Gouveia: For the record, Sir, let me make it very clear, I did not say that I never took children to Kwakwani; I said I do not remember.

Mr. Hanoman: Yes, that is what I said.

Mr. Gouveia: Okay, no, you said that I said that I did not.

Mr. Hanoman: Very well.

Mr. Gouveia: I am saying that I did not remember, but it is possible.

Mr. Hanoman: Very well, you cannot remember taking children.

Mr. Gouveia: But it is very possible.

Mr. Hanoman: For what purpose would you be taking children to Kwakwani in June 1980?

Mr. Gouveia: There were families who worked at Kwakwani and lived at Kwakwani, sometimes; the officials ... the bauxite industry had their own plane. They had a Cessna 402

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which was a twin engine executive Cessna and that aircraft flew the executives and their families back and forth. Sometimes when that aircraft is down on maintenance, they would use the Military planes through some protocol between the bauxite and the Administration of the GDF and so, we would fly families back and forth to the bauxite towns.

Mr. Hanoman: The people that you flew on the 14th June, 1980, in your view? They appeared to be one of these bauxite families?

Mr. Gouveia: Could have been, Sir, but I particularly said to you that I do not think they were but if you asked me, I could say possibly.

Mr. Hanoman: Possibly.

Mr. Gouveia: They did not look like foreigners, they did not look like if they came from the Middle East and so, they could have been from Kamarang, Parima, Iteringbang, Kwakwani, they were Guyanese so they were no anomalies, so they did not strike my emotions as being something that was being unusual.

Mr. Hanoman: Well, this is what we are getting at Mr. Gouveia.

Mr. Gouveia: Yes.

Mr. Hanoman: Many times you have told us that this was a very ordinary flight. It was a routine flight and there were no anomalies, but everything else that you have told us should lead you to believe that this was an unusual flight. Going to Kwakwani, taking children to Kwakwani, taking that small amount of people in such a large plane, when there were other modes of transportation available to them, I am suggesting that you are not being forthright with us and that it would have piqued an interest in you, why are you taking these children to Kwakwani in this big plane and coming back empty, I imagine. I am suggesting to you and you seem to be a curious person and I am suggesting to you that it would have piqued your curiosity, and this impression that you are giving us that it was routine, is untrue.

Mr. Gouveia: Counsel, you know, this is the first time since I appeared here that my integrity was challenged. I cannot tell you that I take it kindly because I came here to tell the whole truth

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and nothing but the truth. I came here because like you, Mr. Chairman, I would like to find answers and I promise you that everything you ask me, I will answer you as truthfully as I could possibly answer you. I have nothing to hide and everything I say to you, I am bringing all my professional expertise and experience and memory to the table and I am here in good faith.

Mr. Chairman: Captain, do not get too sensitive about it.

Mr. Gouveia: No, I am just saying.

Mr. Chairman: I think that it is more your accuracy of recall that is being challenged and not your integrity. So, perhaps look at it in that light. Go ahead, Counsel.

Mr. Gouveia: Well, I painstakingly explained to Counsel all the circumstances and possibilities of the kind of operations we may be involved in at that time, and then Counsel put it to me that maybe I am not telling the truth. I will rest there, Counsel.

Mr. Hanoman: No, I will continue to put it to this; I believe that this is my mandate, if it pleases the Commission.

Mr. Chairman: No, you are getting ahead.

Mr. Hanoman: If I feel he is not telling the truth, I would respectfully continue to do so.

Mr. Kissoon: Mr. Chairman ...

Mr. Chairman: Though you must recall that he did say at all times that it might have been an anomaly, something unusual only struck him a day or two after he became aware of what had happened in relation to Rodney. So you had asked him about the time, but what he calls an anomaly only struck him after he learnt through the Press and so on about what had happened to Rodney and what Donald had said about this gentleman. So, you have to be fair to him too but you were asking about an anomaly at the very time when he was picking them up.

Mr. Hanoman: Very well.

Mr. Chairman: Very well, you get ahead.

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Mr. Hanoman: Mr. Gouveia, you are aware today that if for instance, you were to harbor or assist a murder accused to escape justice; that you can be charged as an accessory after the fact?

Mr. Gouveia: I imagine the Law would do that, yes.

Mr. Hanoman: As a matter of fact, you know that you could also be charged for murder?

Mr. Gouveia: No, I do not know that, Sir.

Mr. Hanoman: If you assist a murder accused to get away, you know that you could be charged for murder?

Mr. Gouveia: No, I do not know the Law like that, but I am sure my Lawyer would advise me.

Mr. Hanoman: Now, let me suggest to you that the reason you never shared this information with anybody about your held belief that you had transported this person who was accused of murder, the reason you never shared it with anybody is because you were afraid that you too would be charged for murder or for being an accessory after the fact?

Mr. Gouveia: No, Sir.

Mr. Hanoman: That is not the reason?

Mr. Gouveia: Absolutely not. Could I say, Sir, that when you are ready to give me the reason, maybe I could tell you the reason?

Mr. Hanoman: But you understand that people are now accusing you of being an accessory after the fact to Gregory Smiths' disappearance. Do you understand that?

Mr. Kissoon: Commissioners, forgive me, I am not sure Captain Gouveia is being subject to the Inquiry. Captain Gouveia has answered the questions that Counsel has posed and I must say quite commendably, but I am not sure how far we are going, what other answers we are trying to illicit?

Mr. Chairman: No, see, even if that had happened, everyone is exempt from prosecution who might have played a part directly or indirectly.

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Mr. Hanoman: Yes.

Mr. Chairman: So, why are you going there? To scare off future witnesses? Why are you going there?

Mr. Hanoman: No. I am trying to show why this Witness may not have shared information as people would have expected him to share the information.

Mr. Kissoon: Again, to aid the Commission ...

Mrs. Samuels-Brown: I would like to support the Chairman, the Terms of Reference make it very clear the position the President has taken.

Mr. Hanoman: Yes.

Mrs. Samuels-Brown: The Witness has given us very helpful information and I would not want the result or the effect of your questions to be that they could lead the public or any member of the public who would wish to assist, to think that they may be in danger of action being taken against them as a result of their evidence or any action they took in what has almost universally been acknowledged as a very difficult time in the history of the country. That is my concern,

Mr. Chairman: Counsel, just let me say that the Commission is in no doubt about what findings it will make in relation to the 14th.

Mr. Hanoman: Very well.

Mr. Chairman: You should concentrate on the 17th.

Mr. Hanoman: Very well, I will move on that now, please.

Mr. Chairman: So do not beat up the 14th.

Mr. Hanoman: Okay, before I was led to the 14th I had brought up this fact that besides yourself making entries into logs, either into your private log or when you were in command of the plane, into the airplane log, was anybody else under a legal duty to keep a log about your comings and goings with this aircraft in June 1980?

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Mr. Gouveia: Yes.

Mr. Hanoman: Who else?

Mr. Gouveia: The control tower.

Mr. Hanoman: And this would be insofar as you were leaving from Timehri and coming back to Timehri?

Mr. Gouveia: That is correct.

Mr. Hanoman: Now, on a given day in June 1980, when you left with your plane from Timehri, there was no radar in existence that could track you down to see where you were going?

Mr. Gouveia: That is correct.

Mr. Hanoman: As a matter of fact, the person in the control tower, as long as you have come out of his sight, he would be none the wiser about where you are going.

Mr. Gouveia: That is correct.

Mr. Hanoman: So, technologically, nobody was able to track you down. What would have been used to track you down were the records that you, yourself would make in these logbooks.

Mr. Gouveia: Well, there is another way that you do it as well, which we do today as well.

Mr. Hanoman: Which is?

Mr. Gouveia: Which is, scientifically, this aircraft burns 30 US gallons per hour. So, when this aircraft leaves Timehri with 60 gallons of fuel and it flies for a particular number of minutes ... so 30 gallons per hours is calculated by the minute, the aircraft would do the flight and when it gets back to Timehri, it is refueled by the operations staff and the fuel that was put into the aircraft is correlated with the time of the aircraft. So, if there is an anomaly, they would investigate that.

Mr. Hanoman: Anybody investigated that?

Mr. Gouveia: No.

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Mr. Hanoman: For your flights in June 1980?

Mr. Gouveia: No.

Mr. Hanoman: Why?

Mr. Gouveia: Because there were no anomalies.

Mr. Hanoman: Look, that book ... you told us that that you would have to send that book to the Civil Aviation Authority for verification and all sorts of things, right?

Mr. Gouveia: That is correct.

Mr. Hanoman: Is there anything written in that book that can tell us when that book was verified or ...

Mr. Gouveia: Yes.

Mr. Hanoman: Written by whom ... by the Civil Aviation Authority?

Mr. Gouveia: Yes.

Mr. Hanoman: Okay, tell us when that book was verified with the CAD please.

Mr. Gouveia: Well, it is done every six months, Sir. When it is done, there is a stamp and a Civil Aviation signature ...

Mr. Hanoman: No, no, my question to you is ...

Mr. Gouveia: Yes?

Mr. Hanoman: ... could you tell me when in the year 1980 ...

Mr. Gouveia: Okay.

Mr. Hanoman: ... the CAD ...

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Mr. Gouveia: Alright, I am turning because I am in 1979, sorry about that. So, in March 1980, it was verified by the Civil Aviation and then in October 1980, it was verified by the Civil Aviation.

Mr. Hanoman: May I have a look at it please?

Mr. Gouveia: Let me just give you the last one, if you do not mind and then in February 1981. So you could ...

Mr. Hanoman: No, we are talking about 1980. What were they verifying? Not the places that you went to when they put the stamp there? They were not purporting to verify that you had in fact gone to these places when they put their stamp into your book, were they? As you understand it?

Mr. Gouveia: I could give you an opinion, but because I am not part of the Civil Aviation Department, I cannot accurately tell you what the officers of the Civil Aviation Department, but if I was the Civil Aviation Department, I would be correlating this with the information from the control tower to make sure that the times that the pilots are saying that they are flying ... because the hours that we fly is particularly correlated to the seniority of the pilot. So, for example, a pilot in your first, in so many hours can only go to particular airstrips ...

Mr. Hanoman: Okay, do not get too technical with us. We know ...

Mr. Gouveia: I am not; you just asked me the question.

Mr. Hanoman: I understand what you are doing. My question to you is whether when CAD puts their stamp in that book ...

Mr. Gouveia: Yes?

Mr. Hanoman: ... they were confirming that you had gone to those destinations; do you understand that stamp to be meaning that? Because they had no way of knowing.

Mr. Gouveia: Sorry?

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Mr. Hanoman: Besides what you wrote in the book, they did not have any other independent means of knowing where you had flown the plane to. So you are agreeing that when they put the stamp in that book, it was not a confirmation that you had gone to those destinations? You agree with that?

Mr. Gouveia: No. I cannot agree with you, sir.

Mr. Hanoman: You are suggesting to us that CAD which could only see you after you left the airport eyesight; they are confirming that you went to Tacama on a given day? That is what the stamp means?

Mr. Gouveia: No, no, I cannot confirm it.

Mr. Hanoman: Oh, I see.

Mr. Gouveia: I think I said so, I cannot confirm it.

Mr. Hanoman: Oh, I understand what you are saying now. As a matter of fact, one way of having an independent source confirm your destination would be to have people at the aerodrome in the bush to say, “Well, yes, we saw this plane on ‘such and such’ a date”.

11.38hrs

Captain Gouveia: And they do have that, Sir.

Mr. Hanoman: They do have that. Up to today?

Captain Gouveia: Yes.

Mr. Hanoman: Are you aware that in this particular case, before that book was stamped in 1980, that there were persons who gave statements saying that you had landed in Kwakwani...

Mrs. Samuels-Brown: ...saying that the plane...

Mr. Hanoman: ...saying that the plane had landed in Kwakwani on the 17th June 1980. Do you think that that would have come to the knowledge of the Civil Aviation Authority...?

Captain Gouveia: I have no idea, Sir.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Hanoman: ...before they had put that 'October stamp' in your book?

Captain Gouveia: I, myself, did not even know that.

Mr. Hanoman: Oh, I see.

Mr. Hanoman: But you do know there are normally people at that Kwakwani aerodrome...

Captain Gouveia: Oh, absolutely, Sir.

Mr. Hanoman: ...because it is a bauxite aerodrome, right?

Captain Gouveia: That is right.

Mr. Hanoman: Their job is to make a record of all the incoming planes and so on?

Captain Gouveia: That is correct.

Mr. Hanoman: You cannot think of any reason why they would put false information into their logs?

Captain Gouveia: I have no idea, Sir.

Mr. Hanoman: As a matter of fact, the only people who might be motivated to put false information into a log would be persons who wish to escape some sort of criminal culpability?

Mr. Kissoon: Again, Commissioners, forgive me. At this point we must object. We appreciate Mr. Hanoman's suggestion, but we have already tackled this issue. If there is any other question of fact Counsel Hanoman would like to ask we would have no objection, but these opinions I do not think are helpful to our cause.

Mr. Chairman: I appreciate that you may no objections, but I have to look at it from the Commission's perspective. I think that that was perhaps permissible.

Mr. Kissoon: We are guided, Mr. Chairman.

Mr. Chairman: Very well.

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Mr. Hanoman: Do you agree that someone trying to escape criminality would have a greater motivation to put a false entry into a logbook, than somebody who is just keeping a record of the aerodrome? Do you agree?

Captain Gouveia: Could you repeat the question, Sir.

Mr. Hanoman: A man who is accused of flying a murder accused away from a scene, has a greater motivation to put a false entry into a log than somebody who mundanely records aircrafts as they come and go?

Captain Gouveia: I have never altered the aircraft logbook, here, and my times and so. I would have to say to you that if your analogy is based on a fairy-tale, yes, but I flew this plane according to this logbook and the records were not altered. I know I am not permitted to ask a question, Sir. I came here, I said to you that I believe the man Gregory Smith was on the plane, I believe on the 14th. If I flew him on the 17th, I would be the first one to stand here and tell you that. You do not need to dig like this. I would tell you I did because if I flew him on the 14th and I flew him on the 17th, it is exactly the same thing. I did not fly him on the 17th. I would have been proud to tell you that, but I did not fly him on the 17th.

Mr. Hanoman: Well, let us get to that, then. On the 17th of June...

Mr. Chairman: I am just putting to Counsel whether he was careful in his language of saying that, "someone trying to escape criminal responsibility", but the witness was not in that position...

Mr. Hanoman: Very well. Well, this is what is leading me to the next question. On the 17th June, 1980, by then you would have been aware that Walter Rodney had been murdered...

Captain Gouveia: Yes. No, I was not aware that Walter Rodney was murdered.

Mr. Hanoman: You were aware that he was killed?

Captain Gouveia: I was aware that he died.

[Laughter]

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Hanoman: You were aware that he died.

Captain Gouveia: Yes.

Mr. Hanoman: Let me suggest to you that that flight on the 17th anybody flying... By the 17th, on that day itself, it had become knowledge that this man Gregory Smith might have been implicated in that.

Captain Gouveia: Are you asking my opinion, Sir?

Mr. Hanoman: Yes, that by the 17th June...

Captain Gouveia: Because I, myself, did not... that by the 17th... because I said, maybe a few days after, and I cannot recall to you the time when I saw the pictures in the papers, if it was before the 17th or after the 17th. I would imagine it was a few days after. Maybe, I would say, a week after my flight on the 14th or someday like that... I do not remember when I saw the pictures in the papers and I recognised a resemblance of the man's picture in the newspapers to the man who was in my plane. That was how I drew the anomaly.

Mr. Chairman: Counsel, I am thinking that we could all benefit from a comfort break at this point. We are going to make it reasonably short – 20 minutes...

Mr. Hanoman: As it pleases you.

Captain Gouveia: ...given what has happened this morning, we did lose sometime. So, we are now suspended for 20 minutes.

Mr. Hanoman: Very well.

Hearing Suspended at 11.43hrs

Hearing Resumed at 12.13hrs

Mr. Chairman: We propose resuming in one minute. All parties may wish to get to their respective stations. Commission Counsel, are you ready?

Mr. Hanoman: Ready, please, Mr. Chairman.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Chairman: Mr. Gouveia, do you continue to be comfortable standing?

Captain Gouveia: Yes, Sir.

Mr. Chairman: Very well. Please proceed, Counsel.

Mr. Hanoman: Mr. Gouveia, just for clarity, the missions that you took part in on the 14th June, 1980, and the 17th June, 1980, were at the order of superior officers.

Captain Gouveia: Yes, Sir.

Mr. Hanoman: Those orders, you never saw it fit to question? You were acting according to what was told to you by superior officers, is that correct?

Captain Gouveia: The orders... The mission that was given to me would have been passed to me through the Operations Staffs, who are the Corporals and the Sergeants that worked in the Operations Centre. Those Corporals and Sergeants worked under the command of the Officer in Charge, or the Chief Pilot and so the instructions would have been passed from him, to them, to me.

Mr. Hanoman: I understand. I am just trying to establish that whatever you did on those two dates, that it was not your personal decision to do it...

Captain Gouveia: That is correct.

Mr. Hanoman: ...and that you would have been following orders from somebody else higher.

Captain Gouveia: That is correct.

Mr. Hanoman: Okay. If I could ask you to refer to your private pilot log for June 1980, do you agree with me that almost every single time you flew during that month – June, 1980 – that you were accompanied by a co-pilot?

Captain Gouveia: Based on my records, yes.

Mr. Hanoman: Do you also agree with me, quite noticeably, on the 17th June when you left Timehri, from your record, it appears as though you left without a Co-Pilot?

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Captain Gouveia: That is correct.

Mr. Hanoman: As a matter of fact, if you could zero in on the 17th June, when you left Timehri, out of the eyes of the persons in the control tower, the next time they would have seen you at Timehri would have been about three hours after? Maybe you can take your time to look at that.

Captain Gouveia: I would have been landing at Timehri at... that would have been 11:09 hrs.

Mr. Hanoman: So, having left at...

Captain Gouveia: Well mind you because Tacama is not outside of the range of the VHF radio transmission, very shortly after I take off... In fact, when the aircraft was airborne at 10:18hrs, by 10:30hrs, I would have been in radio contact with the control tower.

Mr. Jairam: Captain Gouveia, I am not following you. I am looking at your entries for the 17th, Georgetown to Tacama...

Captain Gouveia: Yes, Sir.

Mr. Jairam: ...and Tacama to Ogle...

Captain Gouveia: That is correct, Sir.

Mr. Jairam: ...and the Ogle to Georgetown...

Captain Gouveia: Yes, Sir.

Mr. Jairam: Did I hear you correctly? You said that you would have arrived at Timehri at...

Captain Gouveia: Sorry, I meant Ogle, Sir.

Mr. Jairam: Ogle?

Captain Gouveia: Yes. Tacama to Ogle, 14:09hrs.

Mr. Jairam: Yes.

WALTER RODNEY COMMISSION OF INQUIRY

Captain Gouveia: Yes. The point I was making, Sir, is when I would have taken off, within ten minutes after, because I would have been high enough, in distance to be in contact with the control tower...

Mr. Hanoman: No. I just want to get this clear.

Captain Gouveia: Yes, Sir.

Mr. Hanoman: When you left the control tower at Timehri, on the 17th June, 1980...

Captain Gouveia: Yes, Sir.

Mr. Hanoman: ...you left, according to your records at 08:36 hrs.

Captain Gouveia: That is correct.

Mr. Hanoman: The next time the persons in the control tower would have seen you would have been at what time? ...would have physically seen you?

Captain Gouveia: Sir, unless you are in the traffic pattern of the airport, the control tower does not look at the planes that are flying so unless I was in the traffic pattern of the Timehri airport...

Mr. Hanoman: But they would see you when you land!

Captain Gouveia: Right. In the traffic pattern, that is coming in, you might be on downwind coming into land the aircraft.

Mr. Hanoman: Yes. The next time you arrived at Timehri was at what time, please, Mr. Gouveia? When you left at 08:36hrs in the morning, when did you return there?

Captain Gouveia: Well, from Tacama to Ogle, I would have been passing Timehri. If they were looking, they would have seen the aeroplane pass Timehri then and then when I took off from Ogle to come back to Timehri, they would have seen the aircraft again.

Mr. Chairman: I thought you were referring to landing on the ground.

Mr. Hanoman: Yes. When you left Timehri at 08:36hrs, the next time that you landed at Timehri....

WALTER RODNEY COMMISSION OF INQUIRY

Captain Gouveia: Oh, landed. Okay...

Mr. Hanoman: ...was at 11:36hrs?

Captain Gouveia: Yes, Correct. That is correct.

Mr. Hanoman: Three hours after?

Captain Gouveia: That is correct.

Mr. Chairman: I think he is saying be precise in your language, otherwise he is not going to give you the answer you want. Be precise in your language.

Mr. Hanoman: And for those three hours, you were flying solo for the first time in that month?

Captain Gouveia: Yes. It would appear so, yes.

Mr. Chairman: You mean without a Co-Pilot?

Mr. Hanoman: Yes, without a Co-Pilot.

Mr. Chairman: Well say that.

Mr. Hanoman: I am sorry – without a Co-Pilot.

Mr. Chairman: Because it could mean without passengers.

Mr. Hanoman: Let me suggest to you that during those hours, you were entrusted with a secret mission, and that is why you did not fly with a Co-Pilot, for the first time that month? Do you understand the suggestion I am making to you?

Captain Gouveia: Well you are not asking me a question. I did not understand. Were you expecting me to respond to you?

Mr. Hanoman: Yes. I have suggested something to you and if you choose you can accept what I have suggested...

Captain Gouveia: Sorry, I thought you were continuing.

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12.23hrs

Mr. Hanoman: I am suggesting to you that during those hours when you were flying without a Co-Pilot that the reason you were flying without a Co-Pilot was because you were entrusted with a very secret mission. Do you deny that?

Captain Gouveia: I rebuke that and I will tell you why. Because if you attempt to look at my career in the month of June, but if you look at July, and you have the entire month of the year of 1980, you will see that many occasions I was in the cockpit flying by myself and the reason for that is and I think I made it very clear to you that this aircraft has nine passengers seats including the seat that was next to the Pilot and we normally take the Co-Pilot, if there is space in the aircraft, if there is not space in the aircraft then the seat is occupied by a passenger and there were many time in 1980, many hours that I flew by myself, and throughout my career, even today I still fly the Islander by myself and I am not on a secret mission, Sir.

Mr. Chairman: I am not sure you have responded what was put to you that specifically on the 17th the reason why you were flying without a C-Pilot was because you were on a secret mission. What is your response to that?

Captain Gouveia: No Sir.

Mr. Chairman: Do not take us to July and December now. I want the response to that.

Captain Gouveia: No, Sir.

Mr. Chairman: Very well.

Mr. Hanoman: As you stand here now.

Captain Gouveia: Yes.

Mr. Hanoman: You can recall the details of what you were doing, what type of mission you were on the 17th June, 1980?

Captain Gouveia: No, but we were never on secret missions.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Hanoman: Now, in terms of time with this specific aircraft, if you want to travel from Temehri to Suriname for instance, and return to Timehri, you can do so in three hours?

Captain Gouveia: If you fly and do not land, yes. That is if you fly overhead to Suriname turn back and come back to Timehri, you could do that in three hours, yes.

Mr. Hanoman: If you want to land on the Airstrip in Nickerie with and the Islander you are saying that you cannot land in Nickerie, and turn around and comeback in three hours, that was your evidence?

Captain Gouveia: Well I was not thinking about Nickerie, Sir, Nickerie is not the port of entry, the port of entry in Suriname is Zanderij.

Mr. Hanoman: Okay. But if you wanted you can land at Nickerie and come back in Timehri in three hours?

Captain Gouveia: No Sir, I could not land at Nickerie, I had to get permission from the Suriname Government to have gone to Zanderij and then come back to Nickerie, Nickerie is not a port of entry and I could not do that in three hours, no.

Mr. Hanoman: I am speaking was it physically possible for a highlander plane to leave Timehri, go to that airstrip in Nickerie and return to Timehri in three hours, was that physically possible in terms of flying time and landing time and turned around time and everything else?

Captain Gouveia: If you had all the Governmental permissions.

Mr. Hanoman: I am not talking about Governmental permissions.

Captain Gouveia: But I have to talk about Governmental permission because I cannot... I could go to Jaguar, I could fly too any airstrip in Guyana, but if you start to talking about crossing the borders then there is international conventions that controls the movement of airplanes across the borders.

Mrs. Samuels-Brown: I think we can simplify it Captain, assuming that you had all the Governmental clearances and so on the physical considerations were being taken into account, could you do it in three hours? I think that is the question.

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Captain Gouveia: Yes.

Mrs. Samuels-Brown: Thank you.

Mr. Hanoman: Is there any reason why you did not want us to know that?

Captain Gouveia: Why what?

Mr. Hanoman: Is there any reason you did not want us to know that?

Mr. Kissoon: Mr. Chairman, forgive me, I object to that I do not think that the witness suggested that he did not want anyone to know anything.

Mr. Chairman: I do not think that that that it was put in the way that fellow Commissioner put it. That was not put earlier. So I do not think the comment is really justified.

Mr. Hanoman: This HF radio that you were talking about you tried to bring that in. It is conceivable that it would be anywhere within a certain radius?

Captain Gouveia: Which radius Sir?

Mr. Hanoman: If you are in a certain radius that a Pilot can conceivably tell the control tower that there... Tacama when in fact they would be in Kwakwani without anybody being the wiser? If you going to Kwakwani and went on to this HF radio in your plane there is nothing preventing you from saying listen I am in Tacama?

Captain Gouveia: It is a VHF radio

Mr. Chairman: VHF radio.

Captain Gouveia: Yes and you are right if a Pilot landed at Kwakwani, he could have told the control tower that he was at Tacama, but because airplane do not operate in isolation and they are burning fuel every minute then you will have those issues of accountability to deal with.

Mr. Hanoman: Thank you. I want to touch on something when I was speaking about the 14th June. You had mention at some point in your evidence that on those days when you were not flying that you would have been assisting in administrative and operational duties at...

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Captain Gouveia: I do not think I have ever said “administrative”, I said that the Pilots would be assigned to the maintenance personnel so we would be working alongside them or we will be in the operations room doing things like flight watching and so on, not Administration, we were not part of the Administration.

Mr. Hanoman: At some point in time the operations would have the... would have a passengers’ manifest.

Captain Gouveia: Yes.

Mr. Hanoman: If it was in existence.

Captain Gouveia: There would be before every flight prepared, a manifest and the load sheet and the flight planned.

Mr. Hanoman: If you had wanted to it was opened to you to look for the manifest of the 14th June to check and see what were the stated names on the manifest? If you had wanted to check.

Captain Gouveia: I guess; if I had wanted to, yes.

Mr. Chairman: Are you suggesting that even now you can do that?

Captain Gouveia: Not me Sir, but you certainly could.

Mr. Chairman: But if I wanted to, could you help?

Captain Gouveia: I am no longer part of the Military, Sir, but I am sure that this Commission could ask the Guyana Defense Force for its archives and hopefully... I will tell while, in fact, the manifest may not be available because of the six months rule, because paper work keeps piling up. The log book for that aircraft, for the life of that aircraft will be available.

Mr. Chairman: And that would carry the names of the passengers?

Captain Gouveia: No Sir. But just to say to you the record, the aircraft log book will live with that aircraft for the life of the aircraft. So as long as that aircraft is serviceable that aircraft log book legally would be found. In terms of the supporting documents, the load sheet and the

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manifest, the Guyana Defense Force will have to say to you whether it... how long its archive is kept for.

Mr. Jairam: What is the average life of an aircraft barring accidents and destructions and so on?

Captain Gouveia: The Islander Sir, the life is renewed at every maintenance check so you have airplanes, for example, that may be 25 years old, the body of the aircraft, but the engines, the propellers, the parts are changed every 50 hours, every 100 hours so while the body of the aircraft remains the same the actual parts or the aircraft is constantly removing and so for example, this aircraft Eco Romeo, if it is still in Guyana and I would not know. I know that the GDF had an aircraft that crashed in a mountain a couple years ago, I am not sure whether it is this one that did crash, it was a yellow Islander, but if it is still available then the log book will be available and it is easy for you to find that. The civil aviation, in fact, would have the records or they will know how to find the records of this aircraft.

Mrs. Samuels-Brown: May I ask a couple questions here? When... during your tenure in the Army, did the Army ever get rid of any of its aircrafts? Just if you can recall, you may not know...

Captain Gouveia: No, not during my tenure. But I know it did afterwards.

Mrs. Samuels-Brown: If you get rid of an aircraft in the context of the Military would the Military keep a copy of, or the log book for the aircraft?

Captain Gouveia: Just for clarification, when you say "get rid of" you mean sell?

Mrs. Samuels-Brown: Sell, yes.

Captain Gouveia: No, all the records go with the aircraft. So if the Military sold the aircraft to somebody all of the records follow that aircraft.

Mrs. Samuels-Brown: But the records followed the aircraft.

Captain Gouveia: Correct.

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Mrs. Samuels-Brown: But the Military would want to keep its own and preserve its own record of its activities over the years as it relates to all its operations including the aircrafts' operations would it not?

Captain Gouveia: I think beyond the statutory time that would be an optional thing that, but of course the Military will have to answer for that. In my own company, for example, we actually archived our documents and then they get a point in time when they become too much and we to, once it passed its statutory time then we will get rid of them.

Mrs. Samuels-Brown: This statutory is a civilian stipulation?

Captain Gouveia: No, because of the Military aviation, at the time our Military aviation was also mandated controlled under the civilian rules. We do not have separate rules for Military operations.

Mrs. Samuels-Brown: But the civilian rule set up the minimum time you, for example, even as a civilian keep your records for longer than six months until it become too burdensome that is what you just said?

Captain Gouveia: That is correct.

Mrs. Samuels-Brown: Because you recognised the wisdom of preserving records as long as practical?

Captain Gouveia: That is correct.

Mrs. Samuels-Brown: May be that there are some particulars when you are disposing of the others you say these particular records are important, let me hold on to this particular book?

Captain Gouveia: Things like load sheets and manifest and flight plans are expendable documents.

Mrs. Samuels-Brown: I know that, but there is a particular occasion or event relating to a use of an aircraft at a particular time. It may be wise to keep hold of that particular record specially, that is logical and understandable.

WALTER RODNEY COMMISSION OF INQUIRY

Captain Gouveia: If there is a particular reason, people would keep it. But if there is not, then those things...

Mrs. Samuels-Brown: I am dealing with if there is a particular reason.

Captain Gouveia: Yes.

Mrs. Samuels-Brown: Okay thank you.

Mr. Hanoman: As we are on that sort of topic, the books that go with the aircrafts one of them is a sort of a maintenance log that would go with the aircraft?

Captain Gouveia: That is the aircraft log book.

Mr. Hanoman: That is what you call an aircraft log book?

Captain Gouveia: Yes.

Mr. Hanoman: That maintenance log is compiled by the Pilot in command of the aircraft or somebody else?

Captain Gouveia: It is on the first flight of the day the aircraft is inspected by the maintenance people and they will fill up the particular maintenance sections of the log book. That is what is the total time of the air frame on that aircraft, what is the time to the next inspection, what is the hours in each engine and so on. So when the plane flies today, the hours that you fly today is added to those times and it is accumulated for the next day. That is how... it is very detailed record keeping for the issue of safety and the maintenance monitoring of the aircraft which is done by hours. So every part of that aircraft, every screw and every nut and every part of that aircraft, from the time a part is manufactured, Sir, there is a records department, which is the nerve center of an aviation department, which monitors in a very detailed way every aspect, every hour that part is subjected to flight because of the wear and tear and metal fatigue. They monitor it based on flight times and so that is what that is used for.

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12.38hrs

Mr. Hanoman: When the aircraft is sold, it is usually sold with that log?

Captain Gouveia: That is correct.

Mr. Hanoman: I think that is what you just said.

Captain Gouveia: All of those books will go with the aircraft.

Mr. Hanoman: This particular aircraft, 8RGER, it was sold to Air Service, are you aware of that?

Captain Gouveia: No, I do not know that.

Mr. Chairman: Is that helpful, to us Counsel, when it was sold and so on? We are interested in the passenger record, if it were available?

Mr. Hanoman: I went...

Mr. Chairman: You went into now when it was sold and so on. How is that helpful, Counsel?

Mr. Hanoman: I hope to demonstrate the relevance shortly, please, Mr. Chairman.

Mr. Chairman: Very well.

Mr. Hanoman: Were you not a manager at Air Services, after leaving the Army?

Captain Gouveia: Yes, I was a general manager in 1991.

Mr. Hanoman: One moment, please. Now, that aircraft log has been given to the Secretariat and I notice in terms of flying hours there are discrepancies, sometimes, between the two sheets. I wish to show a copy of the document we have received to the witness to ask him... Can you tell us if this document appears to be?

Mr. Chairman: What document, for those who are following and are not present here and even for those who are present here, tell us what document that is.

[Court Marshall took the document to the Witness]

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Mr. Hanoman: It is Aircraft Log book for the Aircraft 8RGER, but it is not the whole book. The photocopy is from the book that deals specifically with the month of June, 1980.

Mr. Chairman: Get ahead.

Mr. Hanoman: Could you tell me, Mr. Gouveia...

Mr. Chairman: You told me if I am patient you will show relevance so get ahead.

Mr. Hanoman: Does that appear to be the type of aircraft log book that we are speaking about? Does it look like an aircraft log book, the pages?

Mr. Williams: Mr. Chairman, I do not know... Do we have that document here? Have the lawyers have been shown that document? This is not Mr. Gouveia's log. This is a log from where?

Mr. Chairman: It will be shown to you right now. I am not sure that you have it among your records.

Captain Gouveia: Mr. Chairman...

Mr. Hanoman: I am being told that it may not have been shared. We are sorry for that and we will try to photocopy...

Captain Gouveia: This also seems to be some kind of consolidated sheet for aircraft hours for this particular aircraft. This does not resemble the aircraft log book.

Mr. Hanoman: Does it resemble any official...

Captain Gouveia: It does not resemble...

Mr. Hanoman: ...record that you are aware of?

Captain Gouveia: ...any official document that I have had dealings with, this particular document.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Hanoman: If it pleases the Commission, we hope to bring the keeper, the custodian, of this original document to produce it at a later stage.

Mr. Pilgrim: Just tell us what it is?

Mr. Williams: Could we just have the document identified, whatever it is? We really should have been showed it anyway.

Mr. Chairman: Is that a document after the aircraft was sold?

Mr. Williams: The Witness is saying the document is consolidated, what does that mean? Cut and paste, what does it mean?

Captain Gouveia: No, I do not think so. I think what it is, Sir, from what I am looking at, it looks like a maintenance document. It looks like a document where maybe the maintenance personnel would have extracted information from the aircraft log book and put it on a sheet like this but because I am not maintenance personnel I have never seen this sheet, but that is not the aircraft log book.

Mr. Hanoman: The amount of hours, I do not know if I am allowed to sort of develop the importance of this document.

Mr. Williams: I am not sure, Mr. Chairman and Commissioners, if my learned Friend is pursuing this line of cross-examination on a document that the Witness has disavowed. He has said it is not a document from the plane. Is that not what you are saying?

Captain Gouveia: Sorry?

Mr. Williams: That is not a document of the plane?

Captain Gouveia: It is not a document that I have ever used. It is not a document that I have ever seen. It could be a document that the maintenance people use to consolidate information off of the aircraft log book.

WALTER RODNEY COMMISSION OF INQUIRY

Mr. Williams: It is not an official document that you...

Captain Gouveia: No. It could be an official maintenance document. It could be, but you will have to have a maintenance person, an engineer, to tell you that.

Mr. Williams: Okay.

Mr. Hanoman: Do you agree that both your personal log book and a record such as that, a maintenance record, they both would record the hours of flight on a given day?

Captain Gouveia: Yes.

Mr. Hanoman: Now I have noticed in that document that I have just shown you, for instance on the 10th June, there is a difference of about more than an hour in terms of the flying hours of the plane on that day. Would you be able to explain why there may be a discrepancy like that?

Captain Gouveia: Could I have a look at the document? Like I said I do not know the document but I have no problem in using my professional experience to give you an opinion.

Mr. Hanoman: Yes, thank you.

Mr. Chairman: What date are you putting to him?

Mr. Hanoman: 10th June, 1980. The 10th is one that came to my notice.

Captain Gouveia: Actually I will say this to you; seriously, in all of my close to four decades of aviation, I have really never seen a document like this. This document actually count the number of flights, first of all, which I have never seen, and then they count the number of hours and so in this aircraft on the 10th, you have four hours and 39 minutes as the flight time for this aircraft on that day. Correct? On my log book, I did at Kamarang which was two hours and 56 minutes on that day...

Mr. Jairam: Captain Gouveia.

Captain Gouveia: Yes, Sir.

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Mr. Jairam: If I am looking at the same document as you are, I am seeing the 10th June the number of hours and minutes are three hours 54 minutes.

Captain Gouveia: Where are you seeing that Sir?

Mr. Jairam: This document.

Captain Gouveia: This document?

Mr. Jairam: Yes. It is the second page of it?

Captain Gouveia: No, I am looking at the first page

Mr. Jairam: I thought Counsel...

Captain Gouveia: On the 10th June...

Mr. Jairam: 10th June?

Captain Gouveia: Yes.

Mr. Jairam: 10th?

Captain Gouveia: That is what the Counsel asked me to look at which is four hours and 39 minutes.

Mr. Jairam: May I see that, please?

[Court Marshall took the document to Commissioner Jairam]

Mr. Jairam: Well I have something different.

Mr. Kissoon: Commissioner, perhaps it would also help if we can see the document that you are looking at?

Captain Gouveia: Could I have a piece of paper, please?

Mr. Jairam: We were given a bundle of...

Mr. Chairman: Everything will be seen by all Counsel.

[Court Marshall took the document to all Counsel]

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Mr. Chairman: What is that, a record you put there?

Mr. Kissoon: A calculator, Commissioner.

Mr. Chairman: Okay.

Mr. Williams: Just to let you know, Comrade Chairman, the lawyers are at sea.

Mr. Chairman: The...?

Mr. Williams: The Lawyers are at sea. We have no clue about what is going on and if this is a very important bit of evidence that is trying to be elicited we really should have had these documents and the witness had already said that these is not the regular documents. They are ‘pulled out’.

Mr. Hanoman: Could I be allowed to continue to try to develop...

Mr. Chairman: Yes, I think that what Counsel is saying is establish relevance. Put him in the picture, put everybody in the picture.

Mr. Hanoman: Yes.

Mr. Chairman: What are you trying to do? Let the world know.

Mr. Hanoman: I am trying to point out that there a discrepancy in terms of flying hours in what appears to be a maintenance log and your private log. Having done your math and so on, do you agree that there is a discrepancy?

Captain Gouveia: Actually, from my log book and because my log book got some... I flew Golf Echo Romeo and went to Kamarang and if you look at the 10th, when I came back, it looks to me, and I am not sure, I had a change of aircraft so I would have flown “Eight Romeo Golf”, sorry, 8RGEE on two other flights that day. I would have flown that aircraft for two hours and 56 minutes that day. It really does not mean that was the end of what that aircraft would have done that day. It is possible another Pilot could have flown the other hours on that day in that

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aircraft, but it looks to me from my log book that I had changed aircraft and if you look in the column of the photocopy you would have seen a change of aircraft, 8RGEE, which meant that when I came back from the first flight the plane was changed.

Mr. Hanoman: It is not clear on my photocopy.

Captain Gouveia: Could you take this [*inaudible*]... please.

Mr. Hanoman: Well that explains a big issue.

Mr. Chairman: What does that comment mean, Counsel?

Mr. Hanoman: I was trying to establish that there was a fundamental difference between the hours of flight as reflected in one department and another to show that records may sometimes be inaccurately kept but the witness had explained it away. My photocopy did not allow me to see that it was a different airplane so I am barking up a wrong tree, so to speak.

Mr. Chairman: Hours of flight on what date?

Mr. Hanoman: On any day, I was just trying to establish a general principal.

Mr. Chairman: We want you to move from the general to the specific.

Mr. Hanoman: It is no longer relevant. I did not understand the markings to be different in my photocopies. I wish to move on to something completely different now.

You are clearly very loyal to Mr. McLean and you admire him from earlier comments. You agree with that?

Captain Gouveia: I respect him.

Mr. Hanoman: You respect him?

Captain Gouveia: Yes.

Mr. Chairman: We have that on record already, Counsel.

Mr. Hanoman: Yes.

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Mr. Chairman: Must be careful not to setup... make the Witness... let him relax... you are better able to get through... What are you setting him up for? You are putting him on the back foot man.

12.53hrs

Mr. Hanoman: I did not see....

Captain Gouveia: Mr. Chairman, when my aircraft engine had a problem, I am never flustered.

Mr. Chairman: No, I am not suggesting that you are flustered.

Captain Gouveia: I just wanted to say that Sir, so the Counsel is free to go ahead.

Mr. Chairman: He must not cause you to be on the back foot man. He said that already, respect Mr. McLean. Move on from there. Do not put that to him all the time.

Mr. Hanoman: You had said to us that you had prepared, if it was insignificant to take the blame for Mr. Norman McLean?

Captain Gouveia: I never said so.

Mr. Hanoman: Remember you were telling us that “you know if Mr. McLean said so and I have a different version, but if he said so I am willing to concede that it was me”.

Captain Gouveia: No, I never said so.

Mr. Hanoman: You never said anything like that?

Captain Gouveia: I never said you.

Mr. Hanoman: You do not recall anything of that nature that you said?

Captain Gouveia: Could I please repeat what I said?

Mr. Hanoman: Yes.

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Captain Gouveia: Counsel had asked a question of the content of the conversation that I had with Mr. McLean, in fact the first question was whether I had a conversation with Mr. McLean and I did report, yes, I did and I did say that I do not recall discussing the detail or details with Mr. McLean and I did explain the reason why because when this Commission wrote me, the Commission did not say to me specifically what they wanted to talk to me about and the only person I spoke to about the details is my Attorney. Counsel then suggested to me that Mr. McLean said that I told him that I was going to come here to talk about the flight...

[Inaudible]

Captain Gouveia: The plane and I said that if Mr. McLean said that, that I would concede to Mr. McLean's memory if that is what he did and I would do it out of respect because I am not here to embarrass Mr. McLean.

Mr. Hanoman: As a matter of fact, you have a very long and enduring relationship with Mr. McLean. Do you agree with that?

Captain Gouveia: I have a long and what, sorry?

Mr. Hanoman: A long and enduring relationship with Mr. McLean?

Captain Gouveia: I have a professional relationship with Mr. McLean. In all the years that I was in National Service and the Army, Mr. McLean was a stalwart amongst men, in my view. I have always been a very junior person that admired him. I was never his friend. When Mr. McLean retired from the Army we happened to have been working with the same company, Omai Gold Mines and we became colleagues, but never friends. Mr. McLean is a man that I admire and over the years as I got more involved in the Private Sector our relationship grew and Mr. McLean was the Chairman of the Governance Committee for the Private Sector Commission and I became his Deputy and that was the relationship. It was always a professional relationship. I never had a personal relationship with Mr. McLean.

Mr. Chairman: Counsel we have had that before. We have been going over that. He said that before.

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Mr. Hanoman: When you were working at Omai, Mr. McLean was the Head of...

Captain Gouveia: Actually, I was not working at Omai; I was contracted to Omai so that is how we worked.

Mr. Hanoman: Mr. McLean was what, the General Manager?

Captain Gouveia: No, he was the Human Resources Manager.

Mr. Hanoman: He would have played a part in contracting you for work for Omai?

Captain Gouveia: No, actually no. My involvement with Omai, if you remember my testimony yesterday, started when I left the Army, I went Canada and came back as an expat staff of Golden Star, and Golden Star was the predecessor to Omai Gold Mines, so I was there long before Mr. McLean got there.

Mr. Hanoman: I think you have said publicly that your acquisition of aircraft was as a result of financing from Omai?

Captain Gouveia: Yes.

Mr. Hanoman: Mr. McLean was an important head figure in the management structure of Omai?

Captain Gouveia: I never said that.

Mr. Hanoman: Is it not correct?

Captain Gouveia: That is not correct.

Mr. Williams: Mr. Chairman, I do not know the line of cross-examining.

Captain Gouveia: No, I would like to say to you what is correct. Mr. Donald Ramotar who is the President of Guyana, Mr. Clifford Reis, Mr. Eddie Luckhoo - the Attorney - sat on the board of Omai Gold Mines along with Hasling Parris with Mr. David Fennel and Louis Janack, the Chairman of Omai Gold Mines made the decision to help provide the seed capital for the start Roraima Airways. It had nothing to do with Mr. McLean. Mr. McLean was in fact way down the

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food chain at that time at Omai Gold Mines. The Human Resources Manager is what it is; it is a Human Resources Manager. The Board of Directors was the people who made that decision.

Mr. Chairman: You were about to say something?

Mr. Williams: Yes, Mr. Chairman, the line of cross-examination, I do not know, is it McLean bashing or something and how relevant is that to determine the death of Walter Rodney. I think we are being force....

Mr. Hanoman: Very relevant.

Mr. Chairman: I want to give Counsel some latitude as indeed I give all Counsels. I think he is coming to his point in a very slow manner.

Captain Gouveia: Mr. Chairman, while my Attorney may object, I really have no objections to the line of questioning.

Mr. Chairman: No, we were not suggesting that.

Attorney for Mr. Donald Rodney [Mr. Keith Scotland]: You mean Mr. Williams or Mr. Kissoon?

Captain Gouveia: Mr. Kissoon.

Mr. Scotland: Alright.

Mr. Chairman: Counsel, get ahead I think that you are straining our patience, we need to know where you are heading?

Mr. Hanoman: A lot of your formative years leading to the point where you have acquired aircraft and so, Mr. Norman McLean was in senior positions in the organisation that you were in, in the Guyana National Service, in the GDF and in Omai and those were your formative years when you were emerging as an adult?

Attorney for Captain Gerald Gouveia [Mr. Devindra Kissoon]: Commissioners forgive me; I think Captain Gouveia has explained his relationship with Mr. McLean throughout the years. If Counsel Hanoman would like to ask Mr. Gouveia one final question about his relationship or

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otherwise perhaps it would be best to do so at his juncture, other than that I think this line of questioning...

Mr. Chairman: You must not assume the powers of the Chairman and the Commission that that is the final question he has to ask.

Mr. Kissoon: We are respectfully suggesting Mr. Chairman, but we are guided.

Mr. Chairman: You demonstrate the patience that the Commission itself has demonstrated. We will give him some latitude but ask him to get on with it.

Captain Gouveia: Mr. Hanoman Sir, Counsel I just want to say...

Mr. Chairman: There is no question before you now Mr. Gouveia, please...

Captain Gouveia: I was just going to answer him but that is okay, sorry.

Mr. Chairman: Wait until a question is posed.

Mr. Hanoman: During your years as an Army Pilot you would have been flying Mr. McLean around quite often?

Captain Gouveia: Occasionally Sir, yes. Not often but occasionally.

Mr. Hanoman: In 1978, you were the first plane that went into Jonestown?

Captain Gouveia: Yes, Sir.

Mr. Hanoman: You were just qualified as a Command Pilot at that time?

Captain Gouveia: No, Sir.

Mr. Hanoman: You did not qualify as a Command Pilot in 1978?

Captain Gouveia: Could you check, it is not at the time of Jonestown, I actually flew to Jonestown under the command of Captain David Baker which is probably in my log book.

Mr. Hanoman: You were the Co-Pilot on that flight?

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Captain Gouveia: That is right.

Mr. Hanoman: Mr. McLean was on that flight too?

Captain Gouveia: No.

Mr. Hanoman: He was not?

Captain Gouveia: It was myself, Captain Baker, we landed at Port Kaituma, we bought six injured people out on the ground of the aircraft. We went back and then transported the dead people including Congressman Ryan. There was no space for passengers on the aircraft.

Mr. Hanoman: Let me suggest to you that the reason that yourself and Mr. McLean never even spoke about this flight with Gregory Smith on the 14th is because there was no need because it was Mr. McLean who had asked you, his trusted and loyal servant to take Gregory Smith to Kwakwani. I suggest that to you directly.

Captain Gouveia: And....

Mr. Hanoman: Mr. McLean had asked you directly to take Gregory Smith on the 14th June.

Captain Gouveia: I never got any instructions from Norman McLean to fly any plane at any time directly, but for the record, I want to tell you this, that if he did ask me I would fly it, I would have flown it. He was the General of the Army, but he never did.

Mr. Hanoman: Let me suggest to you that the reason Mr. McLean never asked you anything about that flight was because you and him had planned the flight together?

Mrs. Samuels-Brown: [*inaudible*]

Mr. Hanoman: The reason Mr. McLean after the death of Walter Rodney and after it was revealed that the Army may have flown Gregory Smith, McLean never asked him anything as the Chief-of-Staff whether he flew Gregory Smith and I am suggesting that the reason he did not do it, it would have been nonsensical for him to do it if you and him had planned that flight together.

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Captain Gouveia: I can imagine Sir, you are looking for response to your statement and my response to the statement would be this. In context, first of all, as a Lawyer, I am not sure if you are a Senior Counsel, but certainly in the context of Law, if you are a Senior Counsel or you are not, the way that Lawyers would respect Senior Counsels and be honoured to be in the presence of people like Rex McKay, if you are a junior Lawyer, I would have been honoured to be in a room with Mr. McLean planning any kind of operation, but I was so far removed from Mr. McLean...

Mr. Chairman: Captain, please just answer the question asked.

Captain Gouveia: I was so far removed...

Mr. Chairman: ...junior is no concerned of your now, just answer the suggestion put to you that the reason why you were never ask subsequent to the 13th about that flight was because of

Captain Gouveia: No.

Mrs. Samuels-Brown: If I may Mr. Chairman I do not know how often you have given evidence Mr. Gouveia, but usually after the Lawyer asks you questions in certain circumstances, the Lawyers are obliged to put suggestions to you which may sound like the very question they just asked and what you do in the case of the suggestions is just indicate 'yes', you agree or 'no', you do not agree with the suggestions. It may seem as though it was covered before but it is sometimes a requirement in terms of how you proceed with the examination, okay?

Captain Gouveia: My apologies Mr. Chairman.

Mr. Chairman: Very well.

Mr. Hanoman: One moment please, I am trying to locate a document. You describe the person that you took on the....., well, let us do not get to that. There were some questions that I had hoped to that I had written down but I cannot seem to locate it. That concludes my questions now please.

[Commissioners were in discussion]

13.08hrs

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Mr. Chairman: Fellow Counsels, Mrs. Jacqueline Samuels-Brown will now pose a few questions.

Mrs. Samuels-Brown: Thank you, Mr. Chairman. Could the witness be given the book *Assassination Cry of a Failed Revolution* which is an exhibit in this matter? I am going to with the Chairman's leave, refer to page 38. The last paragraph on page 38 going over to page 39, starting with "... the telephone in the house kept ringing so often ..." this is reportedly an account by Mr. Gregory Smith, "... I could not see who was answering the phone, the person would raise his voice in anger at times, and I could hear parts of the conversation that were meaningless to me. I kept thinking about the loss of my friend who to me was much more than a friend. Someone called Brother Morris into the house, he came back after a few minutes, and he said it was time to move. I got back into the car in a lying position ..." In the next sentence, "... one of the occupants of the car woke me and everything appeared foggy to me, I lacked comprehension, I could not recall meeting these people before, I had a change of driver while I slept ... brothers told me to get onto a waiting plane, the steps of the plane were very close to the car. I stepped from the car to the plane."

Now, yesterday you covered some of that, but I just thought that I should read the rest of it to you because your accounts to us of the person who entered the plane, it does not accord with somebody being groggy and or not operating on their own. Do you agree with me?

Captain Gouveia: I agree with you.

Mrs. Samuels-Brown: That person walked on to the plane along with a woman and the children?

Captain Gouveia: Yes, Ma'am.

Mrs. Samuels-Brown: And you did not see them being transported by other persons?

Captain Gouveia: No.

Mrs. Samuels-Brown: Thank you. Now, in relation to the identification of Gregory Smith, which we have more or less covered, but I just wanted to review with you, the basis on which

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you made, first of all, a tentative identification which strengthened later. I am going to refer to your transcript of evidence from yesterday. Remember, you told us that you observed the persons go to the backdoor ... well, you went to the backdoor, as the Captain, you will exit the cockpit, go to the backdoor, allow the passengers off the aircraft and make sure they are cleared of the aircraft. "We would lock the aircraft doors up and depart again." You remember you told us?

Captain Gouveia: Yes, Ma'am.

Mrs. Samuels-Brown: So, you would have interactions with the passengers at that stage? Am I correct? Yes?

Captain Gouveia: Well ...

Mrs. Samuels-Brown: In assisting them out of the aircraft?

Captain Gouveia: Yes.

Mrs. Samuels-Brown: You would be interacting with them?

Captain Gouveia: Yes, yes.

Mrs. Samuels-Brown: Today, you told us that these persons did not look like Government officials.

Captain Gouveia: I could not say, Ma'am but they did not look so to me.

Mrs. Samuels-Brown: They did not look so to you. So you looked at them and they did not look like Government officials.

Captain Gouveia: That is right.

Mrs. Samuels-Brown: I believe that you also told us that they did not look like foreigners.

Captain Gouveia: That is correct.

Mrs. Samuels-Brown: So, your evidence by which you identified persons in a photograph as resembling the gentleman you carried, is based on these opportunities for observation which you were afforded?

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Captain Gouveia: Yes, Ma'am.

Mrs. Samuels-Brown: Am I correct?

Captain Gouveia: Yes, Ma'am.

Mrs. Samuels-Brown: I just wanted to clarify that. Now, an important aspect of ensuring for the plane's safety, I believe is the load, am I correct?

Captain Gouveia: Yes, Ma'am.

Mrs. Samuels-Brown: So, there should be a record kept of the approximate weight of the passengers?

Captain Gouveia: Yes.

Mrs. Samuels-Brown: And whether they had any luggage with them.

Captain Gouveia: That is correct, Ma'am.

Mrs. Samuels-Brown: That would not be your responsibility?

Captain Gouveia: It would be my responsibility only to authenticate it.

Mrs. Samuels-Brown: Only to authenticate it.

Captain Gouveia: Yes.

Mrs. Samuels-Brown: When you say authenticate what do you mean?

Captain Gouveia: It means that when the operations staff would hand me the document, the Captain is meant to sign that document as agreeing with the weight and balance of this aircraft. Now, if you have a full load of passengers that becomes a lot more critical for examination. If you are only at 15 per cent of the capacity of the aircraft, it is not as critical.

Mrs. Samuels-Brown: Not as critical?

Captain Gouveia: That is right.

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Mrs. Samuels-Brown: So, they may have had luggage, but you did not take notice, is that what you are saying?

Captain Gouveia: I did not take notice, but I am not sure, I do not think they had.

Mrs. Samuels-Brown: Because, essentially what you are going off in your efforts to assist us, is the records ...

Captain Gouveia: Yes.

Mrs. Samuels-Brown: ... that you made. Now, did you ever in carrying out a flight from one point to another make a stop in between?

Captain Gouveia: Yes, Ma'am.

Mrs. Samuels-Brown: And if it were a short stop you would not necessarily record that in your flight records?

Captain Gouveia: No, by law we are meant to record every time the aircraft landed because, there is a particular ... for the maintenance purpose as well, every time the aircraft lands, there are stressors on the aircraft and so the engineers also would look at the amount landings for the landing gear and so on, so those things are also counted towards the life of the landing gears. So every time you land and take off, that is also recorded, every single thing.

Mrs. Samuels-Brown: Every single time.

Captain Gouveia: Yes.

Mrs. Samuels-Brown: Now, you also told us that when you got to Kwakwani, on occasion, police would make a record or someone in the shed would make a record of your landing ... you told us that yesterday. Would you say that it did not happen all the time?

Captain Gouveia: Across the country.

Mrs. Samuels-Brown: Yes, but we are concerned with Kwakwani.

Captain Gouveia: Yes.

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Mrs. Samuels-Brown: There would be a Police Officer there ... there should be a Police Officer there.

Captain Gouveia: Well, at some places, there were the security for the particular ... like if it was in the bauxite town, they may not have policemen, they may have their internal security guards who would do that. If there are areas where there is no ... like in Kamarang for example, there is only the Police or places where there are only Soldiers, then the Soldiers would come and do that.

Mrs. Samuels-Brown: But it would have been important as far as you understood it for them to keep their own record of who landed and who did not.

Captain Gouveia: Yes and I believe that was part of the security monitoring of movements for airplanes across the country, so they would do it, for safety as well.

Mrs. Samuels-Brown: So, if someone was on duty in the capacity of a Supernumerary Constable at one of those airstrips carrying out duties in relation to planes landing and or taking off, your understanding from the procedure that normally existed is that, that person would have an obligation to note the time when the plane landed and the time the plane took off?

Captain Gouveia: Yes, Ma'am.

Mrs. Samuels-Brown: And that person would also have an obligation to make a note of the plane that had actually landed by virtue of any identification marks or descriptions?

Captain Gouveia: Yes.

Mrs. Samuels-Brown: Thank you. Now, Sir, am I correct that after the 14th June, 1980 and after matters came to your attention through the media, whereby you recognised the photograph of the man you had transported along with the woman and children, that you very much expected that personnel from the Army may have wished to speak to you in relation to that?

Captain Gouveia: No, but they were certainly free to, but I never expected and I never thought about it like that.

Mrs. Samuels-Brown: After a while, Sir, you recognised ... to use your words ... *an anomaly*.

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Captain Gouveia: Yes.

Mrs. Samuels-Brown: So, you would not be surprised if you had been approached in relation to getting details relative to the person who you transported?

Captain Gouveia: Nobody never approached me and it never bothered me or concerned me that they did not.

Mrs. Samuels-Brown: Yes, but you see, you are not listening to my question.

Captain Gouveia: Okay.

Mrs. Samuels-Brown: My question was; you would not have been surprised had you been approached.

Captain Gouveia: No.

Mrs. Samuels-Brown: Thank you. Remember, yesterday you told us and I believe I touched on it this morning that the records are kept for a specific time, but yesterday I think what you referred to in case of an accident, the records would be preserved.

Captain Gouveia: There is a statutory time and I believe that it is preserved particularly for that. If there are incidents or irregularities that investigators could go back to find those documents.

Mrs. Samuels-Brown: It is logical that those records should be preserved for as long as the investigations continued?

Captain Gouveia: Yes.

Mrs. Samuels-Brown: As long as they were needed?

Captain Gouveia: Yes.

Mrs. Samuels-Brown: Are you aware that there was a Coroners' Inquest into the death of Walter Rodney in 1996?

Captain Gouveia: I think I read that in the media, Ma'am, yes.

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Mrs. Samuels-Brown: And if there were investigations proceeding between 1980 and 1996 would you expect that the records would be, first of all, preserved so far as possible, to assist in those investigations?

Captain Gouveia: If aviation was a subject of any investigation, yes, the records should be acquired and preserved.

Mrs. Samuels-Brown: Yes. If the military was a part of those investigations, they would be in a position to take the appropriate steps for preservation?

Captain Gouveia: Absolutely.

Mrs. Samuels-Brown: Thank you. Yesterday, you told us that you knew of an army officer named McPherson?

Captain Gouveia: Yes, Ma'am.

Mrs. Samuels-Brown: And he never approached you about seeing your logbook? He never asked you for that?

Captain Gouveia: No.

Mrs. Samuels-Brown: Okay. You told us that the aircraft you used carried Army personnel? Yes?

Captain Gouveia: Yes.

Mrs. Samuels-Brown: And from time to time, it was called upon to assist other arms of the State in transporting personnel.

Captain Gouveia: Yes, Ma'am.

Mrs. Samuels-Brown: So, that is why you did not question why it was that you were carrying these civilians from one location to another?

Captain Gouveia: That is correct. Yes, Ma'am.

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Mrs. Samuels-Brown: Did the Army transport people privately on a commercial basis from time to time?

Captain Gouveia: Not at that time, Ma'am.

Mrs. Samuels-Brown: So, generally, it was either on Army business or on the business of other arms of the State that you transported personnel?

Captain Gouveia: That is correct, Ma'am.

Mrs. Samuels-Brown: Thank you.

13.23hrs

Captain Gouveia: Ma'am could I volunteer and just say to you; if, for example, there were civilians who were going to Tacama –which is the Military battle school- that would have been a serious anomaly, because that was something that never happened. We never took civilians. So, anytime you flew to the Military battle school, there were always soldiers that would be going there; unless there was some kind of demonstration. Generally, for example, on that morning, those passengers were in the hangar and we were going to the Military battle school that would have been a serious anomaly. That was not the case.

Mrs. Samuels-Brown: In fact, the reason why you did not consider –at the time- that there was any anomaly is that it seemed that what you were doing was in keeping with transporting civilians on behalf of other arms of the State.

Captain Gouveia: Yes.

Mrs. Samuels-Brown: This was not unusual?

Captain Gouveia: No.

Mrs. Samuels-Brown: Thank you. Now, Sir, did you ever fly that aircraft outside of Guyana, into any of the neighbouring States; or was it just used for internal flights?

Captain Gouveia: No, we flew that aircraft into Trinidad; we would have flown it into Suriname; we would have flown it into Brazil; over the length of my career.

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Mrs. Samuels-Brown: Okay. Thank you. If I may have a moment, you told us –if we can return to your log- that normally around that time you would travel with a Co-Pilot –tell me if I am misquoting you- if there were seats...

Captain Gouveia: Yes.

Mrs. Samuels-Brown: ...on the plane. So, for example, on the 14th June, with two adults and two to four children, you had enough space for the co-pilot?

Captain Gouveia: Yes.

Mrs. Samuels-Brown: I know you cannot remember directly, but if you look at the 17th June, the first four flights that are recorded there; there is no co-pilot.

Captain Gouveia: Right.

Mrs. Samuels-Brown: That would assume that you had more than enough –in terms of passengers or load- in the plane?

Captain Gouveia: Right. Ma'am, if you look –for example- at 1980, January, February, you will see that there is no co-pilot on any of those flights.

Mrs. Samuels-Brown: Yes.

Captain Gouveia: So, it was not unusual for me to fly without a Co-Pilot. Also, because we had –Counsel, refresh my memory- about six islanders at the time. These Islanders would have been flying, as well, across the country, with different captains, and the co-pilots would have been scheduled to fly on different aeroplanes as well. Now, if the first flight I was doing that day, was to the military battle school, and the aircraft would have been loaded with soldiers, I would not have had a Co-Pilot on that flight. The Co-Pilot could have been scheduled on any of the other five aircrafts. Even though –maybe- other flights might have space on the aircraft –and I am not saying that- the other co-pilots would have already been scheduled to fly with the other pilots. There are days when I am flying with a Co-Pilot, and another Pilot is flying without, and vice versa.

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Mrs. Samuels-Brown: Thank you very much. Those Co-Pilots would have pre-scheduled to fly with other Pilots?

Captain Gouveia: Actually, it happens exactly the same way as the Captains. When we reported to work in the morning, there were times we knew the programme before –the schedule. Other times it happened when we turned up to work in the morning, the flights would come up and then the operation’s staff would then schedule what pilot to fly what plane and what Co-Pilot to fly with that captain. It was not my choice. It was the operation’s staff who programmed the Pilots and the planes, and the flights itself.

Mrs. Samuels-Brown: But the preference was to have a Co-Pilot, if one was available...

Captain Gouveia: Yes.

Mrs. Samuels-Brown:in terms of how they scheduled?

Captain Gouveia: Because we were training them. That is how all of us were moving from one stage to the next.

Mrs. Samuels-Brown: But –for example- if there was an emergency, the Co-Pilots were already scheduled for another plane, he would fly without one?

Captain Gouveia: That is correct.

Mrs. Samuels-Brown: And similarly, if the plane was sufficiently loaded, you would fly without one. No, you cannot tell us –because it is not in the record- what your mission was, when you flew according to the record, from Georgetown to Tacama on the 17th?

Captain Gouveia: No, but I could volunteer to say to you that in a general base –because this is where our Military battle school is, this is where we train our soldiers, and our cadet officers, and so on - we constantly move supplies back and forth. We constantly move. So food stuff would have been flown in, officers would have been flown in on a regular basis. So if you look at my records you would see that Tacama was a place that we flew to quite often, as a means of logistic support to the battle school.

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Mrs. Samuels-Brown: But those flights would have been regularly pre-scheduled flights? Those would have not been emergency flights.

Captain Gouveia: Emergency flight is one definition. There are flights that come up at short notice. The short notice flight is not necessarily an emergency flight. An emergency flight is if we respond to save somebody. So, we call that emergency. There were many times when they would plan the programme, and all the pilots reported to the hangar in the morning. They would then say, “You will have to do this... you will have to do that...” and so on. There were times we knew before, and there were times we did not. It happens when they would plan it, but when the pilots turned up to work in the morning –in the hangar- we would then know sometimes.

Mrs. Samuels-Brown: Can you assist us; the flight on the 17th, let me start with that. From the record here, the absence of a Co-Pilot, it could be that it was either short notice or emergency. Am I correct?

Captain Gouveia: No, not necessarily, no.

Mrs. Samuels-Brown: Not necessarily, but it could be, to a probability, yes?

Captain Gouveia: It could be a short notice. It is possible, because I do not have the records and what I am seeing in front of me...

Mrs. Samuels-Brown: I understand.

Captain Gouveia: Right.

Mrs. Samuels-Brown: Of course, we do not have the record, either, of who the commanding officer was at the time nor do you?

Captain Gouveia: I think in the statement, I did mention that the commanding officer was left tenant Godwyn McPherson...

Mrs. Samuels-Brown: At the Timehri airport?

Captain Gouveia: Yes, Ma'am. At the time we had two bases. We had one at Timehri and one at Ogle. There were two bases for the Army airport at the time.

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Mrs. Samuels-Brown: And he continued to be the Commanding officer for the rest of the month of June, you would say, going into July?

Captain Gouveia: In terms of the exact naming or labelling of the persons; I know for sure when I came back home –for example- captain David Baker was the Chief Pilot. Captain Michael Chan-a-Sue was redeployed back to Guyana Airways, and at the time –I believe- he was a Major. Major McPherson was then posted to the Army Air Corps, as the Commanding Army Officer. In terms of when exactly that happened, I cannot remember. It was sometime in that period.

Mrs. Samuels-Brown: And he never spoke to you in relation to any investigations...

Captain Gouveia: No, Ma'am.

Mrs. Samuels-Brown: ...he was carrying out.

Captain Gouveia: No, Ma'am.

Mrs. Samuels-Brown: I have no further questions, thank you.

Mr. Chairman: Yes, Commissioner Jairam?

Mr. Jairam: Thank you. Captain Gouveia, I just want to be a little more specific than Commissioner Jacqueline Samuels-Brown. We were given a file by the special branch LJCIDWR 1 by Senior Superintendent of Police Leslie James. In that file –could we be provided with a copy, please?

[Commissioners were in discussion]

Mr. Kissoon: Commissioner Jairam, I have a copy that I can provide the witness with.

Mr. Jairam: You have a copy? Thank you.

[Court Marshall handed the Witness the document]

Mrs. Samuels-Brown: Did you say 1?

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Mr. Jairam: Yes, WR 1. Is it WR 1? Go to page 55, Captain Gouveia. The pages are numbered at the top, right hand side.

Captain Gouveia: This one does not have a number, but I imagine it is the statement.

Mr. Jairam: 55?

Captain Gouveia: It does not have a number here, but it is the one between 54, and 56.

Mr. Jairam: Okay. Do you see Avril Bourne?

Captain Gouveia: Yes, Sir.

Mr. Jairam: Right. I will take you through, because I want to take you through. Several of these statements support what you told us about the 14th...

Captain Gouveia: Yes, Sir.

Mr. Jairam: I just want to point out that, first of all to you. This statement was taken on the 16th July, 1980. Avril Bourne, she says -the third line, on Saturday 14th June, 1980- "I was at home when a GDF aeroplane came and landed at Kwakwani airstrip, and I saw a stranger...", etcetera. That statement seems to be supporting what you told us, right? If you go again, now, to page 58... Do you have it?

Captain Gouveia: Yes, Sir.

Mr. Jairam: That is a statement by Corporal Vancooten. Am I right?

Captain Gouveia: Yes, Sir.

Mr. Jairam: Again, if you go to the fourth line, he seems to be supporting what you told us about the 14th. He said, "On Saturday 14th June, 1980, I reported for duty as the Security Officer, and for that day was visiting SO covering various points with a land rover that is attached..." and so on, and so on. If you skip a few lines down.... "...on a day which I cannot remember, but shortly after 14th June, I had just left the shopping complex and was on my way home walking West heading for the main gate when I heard a voice from behind me..." - and I would not read the words in quotation, because one of which is an expletive..."I turned to see who it was, and I

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discovered the person to be one Gregory Smith who was introduced to earlier...” That too seems to be supporting what you told us about your activities to Kwakwani on the 14th. If you go to the next page, 59, this is Anita Thom, a Supernumerary Constable. This statement was taken on the 15th July, 1980, by Sergeant Winston Saigo, Detective Sergeant. Do you see that at the bottom?

Captain Gouveia: Yes, Sir.

Mr. Jairam: This was about a month, or so. She says “On Saturday, 14th June, 1980, I reported for duty as a Security Officer [*inaudible*] At about 09:50hrs, a small yellow aeroplane, number 8R-GER landed at Kwakwani Airstrip.” No, that is your aircraft, right?

Captain Gouveia: Yes, Sir.

Mr. Jairam: And that seems to be supporting you as well, so we have all these. Finally, if you go to page 60, again another Constable, Eggerton Causeway, the third line...

Mr. Chairman: What page is it?

Mr. Jairam: Page 60. He too is supporting what you said about the 14th. He said On Saturday 14th I worked a 07:00hrs to 15:00hrs shift, and my post was the main gate, I worked along with another Supernumerary Constable, Awakin, who is not working with the company anymore, and has moved from...” And so on, and so on. Again, he described the aircraft. So, all of these persons corroborate what you told us about the 14th...

Captain Gouveia: Yes.

Mr. Jairam: My question is –let us deal with it, it is nothing to hide, Captain Gouveia. Go back to 55. The same Avril Bourne, about midway of that page, she is saying that, “On Tuesday 17th17th June, 1980 I was at home when the said Guyana Defence Force aircraft returned and I saw three persons came out the plane,” etcetera. Okay that if you go ...

13.38hrs

Mr Chairman: That would be returned where?

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Mr. Jairam: To Kwakwani; she is talking about Kwakwani. You agree as far as this statement is telling us.

Mr. Gouveia: Okay. So I was at home when the said aircraft return.

Mr. Jairam: Return.

Mr. Gouveia: Yes.

Mr. Jairam: And she is talking about because that is what ii pointed out earlier on the 14th she was talking about Kwakwani.

Mr. Gouveia: Yes.

Mr. Jairam: Now if you turn to page 57 now this is a Cupernumerary Constable Joel Southwell and this statement was taken by detective sergeant Saigo 15th of July. The third line this is what this gentleman is saying: “On Tuesday 17th June 1980 one, Constable Rose, and myself worked the 7:00a.m to 3.00p.m shift at the main gate. At about 9.00a.m a small yellow aeroplane touched down on the airport, and stopped by the landing shed opposite the enquiry office I observed the number of the aircraft to be 8R-GER and three men came out, one of them was the Pilot and two others. Etc. Now that is your aircraft registration number?”

Mr. Gouveia: The aircraft I was flying that day.

Mr. Jairam: That is your registration number I am saying.

Mr. Gouveia: Yes.

Mr. Jairam: Yes. And this is a supernumerary constable now let me pause there I have the impression from you that by the 17th the anomaly in your mind had not yet arisen. When you flew the passengers on the 14th by the 17th the anomaly has not yet arisen. So by the 17th your mind had not yet gone back to Gregory Smith

Mr. Gouveia: That is correct.

Mr. Jairam: That is the impression that I have.

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Mr. Gouveia: Yes.

Mr. Jairam: If you go now to page 59 about mid-way of the page, I have pointed out earlier the same Anita Thom, a Supernumerary Constable she described your aircraft on the 14th and about mid-way she said on Tuesday 17th June 1980 I was in duty in office, when about 9:24a.m, now that seem to coincide with your log details except that in your log it has Tacama instead of Kwakwani. She said the same aircraft that came in on Saturday return to Kwakwani and stopped at the landing shed. Now these came from the official records of the Police. It is not one witness and I know that we do know have them here yet some of them were very young that the time hopefully, they are still alive. But they all speak with one voice putting your aircraft at Kwakwani on the 17th of June. Are you able to assist us? You see I have the impression from you that you are only going by your record because nothing that had happens to trigger to jog your memory to go back to the 17th. Why would they all say within a very short space of time we agree that they calibrated you on the 14th. Why would they all say that your aircraft was back there on the 17th? And you are saying otherwise according to your log book?

Mr. Gouveia: According to my log book, I did not fly back to Kwakwani, but because and this is why even now in retrospect when I saw the picture of the man in the newspaper and it stuck me the nerves of the anomaly my mind dealt with the first day that I have saw him and I never saw him again. And I guess that is where I am certain. Not only that my log book in terms of the location that I went to, but in terms of all these years that I lived with the memory of what happened on that day June 14th was the one single time that I have saw this man I never saw him again.

Mr. Jairam: Okay, but on the 17th of June, you cannot recall what was the nature of your load aircraft whether it was cargo, passengers, dead bodies or what you cannot recall?

Mr. Gouveia: In going to Tacama?

Mr. Jairam: Going to Tacama coming to Ogle and then going to Timerhi.

Mr. Gouveia: I could not tell you that now, but I could only go on what we normally did which would have been the movement of Military personnel into and out to Tacama.

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Mr. Jairam: And you since your curiosity was not triggered what you called an anomaly you curiosity was triggered

Mr. Gouveia: Yes.

Mr. Jairam: Someone could have been wearing a disguise as you pick up in Tacama bring to Ogle and you take them to Timerhi. I mean you do not know you were not paying attention.

Mr. Gouveia: Well if somebody had put on a Military uniform you were right I would not have because when we flew from Tacama everybody who went to Tacama as far as my mind recalls would always be in uniform. Means that their hair would be cut and they posture and they dress would look like a Solider.

Mr. Jairam: Let me say you frontally were there a possibility that you may have transported on your aircraft on the 17th of June, 1980 the person we call "Gregory Smith"?

Mr. Gouveia: No. Does not jog my memory at all, Sir, in fact, the man that I saw on the 14th and I did made the point when I said the Attorney here earlier looked very clean cut while this man was a red man we was not clean cut his hair was not groomed and he was not a senior kind of person

Mr. Chairman: That was on the 14th?

Captain Gouviea: On the 14th, on the 14th

Mr. Jairam: But these are days after.

Mr. Gouveia: No, I am just saying for me my recollection of the man that I saw on the 14th that matched the picture that I saw in the papers is what jogged my memory. So nothing after that none of the flights that I did, connected my back to this man at all.

Mr. Jairam: Okay, one last question I am not so sure why would all these different people say that your aircraft was there on the 17th.

Mr. Gouveia: Well.

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Mr. Jairam: And two of whom are Constables had a duty as you explain to my fellow Commissioner whenever there is no Policeman or an Army personnel the private security. They would just record routinely whatever the details and they recorded that your aircraft was there.

Mr. Gouveia: I could only say to you that if I put two GDF planes or even my own planes now, my own planes are both gold yellow planes and if I put them in front of you, you would not be able to tell them apart unless you look of course at the registration.

Mr. Chairman: But on these occasions they have given the registration numbers not only look alike.

Mr. Gouveia: I know and that is what I am saying Sir, I understand.

Mr. Jairam: Importantly Mr. Southwell, he was not there on the 14th and he has recorded your aircraft on the 17th, he is a Supernumerary Constable that is what caused me to ask you these questions. So even if one let us say your memory playing tricks with you, this gentleman he was 26 years old, he was not there on the 14th, but yet he has recorded your aircraft on the 17th and you told us earlier that you had control of that aircraft for all of the 17th when you flew your first flight until some minutes after six.

Mr. Gouveia: Yes that is very accurate based on my log book and base on my recollection of never ever seeing the gentleman that was in my aircraft again from the 14th. I believe that the persons on the ground who would have entered the information would have certainly entered an aircraft arriving and because I had that aircraft, and I was flying that aircraft and I did not fly it to Kwakwani it had to be a different aircraft. If we could find those logs maybe you could see the entries that happen on the 14th which may have had identify that particular aircraft and on the 17th if there was another GDF aeroplane that went there and all they did was they look back at the registration that was there I do not know but I had that aircraft and I did not fly to Kwakwani on that day.

Mr. Jairam: Thank you.

Mr. Chairman: On the 14th was the man that you subsequently came to recognise as having similar features if not identical to that of Gregory Smith was he in civilian clothing or uniform.

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Mr. Gouveia: He was in civilian clothing Sir.

Mr. Chairman: But assuming he was in uniform on the 17th you might not have taken note, is that what you are saying?

Mr. Gouveia: Well that is possible, but the man that I flew on the 14th did not look, did not conduct himself like a Solider. He did not look like a Solider; his hair not groomed and his hair was...

Mr. Chairman: But suppose he was in uniform on the 17th and did not conduct himself like a Solider, both features.

Mr. Gouveia: Sir, if a person is in disguise or a person pretended to be a Solider, I would have not known that, but I have never seen the man I saw on the 14th I have never seen him again in my life.

Mr. Chairman: Very well.

Mrs. Samuels-Brown: I understand you to be saying that you consider that those three persons, the statements were mistaken in relation to the number on the plane. But you would acknowledge that the Army aircrafts at the time were distinct and easily recognisable as army aircrafts.

Mr. Gouveia: Yes.

Mrs, Samuels-Brown: So even if an error were made as to the number inscribed on the plane it is unlikely that a person could make an error whether they saw an Army aircraft or not very distinct.

Mr. Gouveia: I agree with your statement madam.

Mrs. Samuel-Brown: So just to be clear your evidence today is not intended to exclude another Army aircraft landing at Kwakwani on the 17th of June, you are not in a position to exclude that

Mr. Gouveia: That is correct, Ma'am.

Mrs. Samuels-Brown: And you cannot help us with the record for the other aircraft.

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Mr. Gouveia: No Ma'am.

Mrs. Samuels-Brown: Thank you.

Mr. Kission: Commissioner Jairam, Commissioner Samuels-Brown, just in an effort to aid the Commission, Captain Gouveia has provided us with a map and he had ask to put it in display just to help you with the locations and the distances and for the purposes of the record. No one has asked him to do so and I am not sure if the Commission would want us to go through it for the purpose of helping the Commission at this junction. I do not think it would take very long I leave that in your discretion.

[Inaudible]

Mr. Chairman: Your chance to re-examine.

Mr. Kission: Thank you chairman. Captain Gouveia, I would like to direct your attention to a projection it is currently on the wall ahead of you. Could you tell us if you recognise what is being projected there?

Mr. Gouveia: Could the technical person move that map a little bit, up at the top there, that is Tacama. At the top, that is Timehri airport, that line, that is the line going though Kwakwani and that is the battle school.

Mr. Kission: Captain Gouveia just help, us what is it that you are looking at currently?

Mr. Gouveia: This is the map of Guyana.

Mr. Kission: And on that map has certain annotations, is that right?

Mr. Gouveia: Yes.

Mr. Kission: And who put those animations there.

Mr. Gouveia: This is the Lands and Surveys Department.

Mr. Kission: In addition to the annotations, to the Land and Surveys Department there is something that appears to be written in the mark is that correct?

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Mr. Gouveia: Where?

Mr. Kission: In a black magic marker.

Mr. Gouveia: No, I did these lines particularly here just now I did those to identify...

Mr. Kission: And they identify three specific geographic locations?

Mr. Gouveia: Correct.

Mr. Kission: On the Northern most location, northern being the top of the map that is what location?

Mr. Gouveia: That is the Timerhi International Airport.

Mr. Kission: And in the Southern most location at the bottom what is that?

Mr. Gouveia: That is Kwakwani.

Mr. Kission: And what would be the approximate distance between those two locations.

Mr. Gouveia: Looks to me like about 20 miles from here

Mr. Kission: And to the right

Mr. Gouveia: To which location sorry Timerhi and Kwakwani?

Mr. Kission: Yes.

13.53hrs

Captain Gouveia: About 95 miles or somewhere about there.

Mr. Kissoon: Sorry about 95 miles?

Captain Gouveia: About 95 miles.

Mr. Kissoon: You had previously testified that the average flight time between Timehri and Kwakwani was what?

Captain Gouveia: Between 45 and 50 minutes.

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Mrs. Samuels-Brown: I think we should include it, he did say at one stage that it could be 39 minutes.

Mr. Kissoon: We have no objection Commissioner.

Mr. Chairman: Depending on head wind.

Captain Gouveia: Yes.

Mr. Kissoon: Did it matter the direction of the flight?

Captain Gouveia: Yes.

Mr. Kissoon: If you were flying from Timehri to Kwakwani or from Kwakwani to Timehri, was it a different time generally?

Captain Gouveia: And it depends on the altitude sometimes. You go higher and the winds change direction and so on. It happens daily and the pilot has to calculate that daily.

Mr. Kissoon: Very good and there is one more location that you circled, what location is that?

Captain Gouveia: That is the Tacama Battle School.

Mr. Kissoon: What is the distance between Timehri and Tacama?

Captain Gouveia: It looks like about 60 miles. 60-65 miles from what I am seeing here.

Mr. Kissoon: Do you know for sure?

Captain Gouveia: I would have to measure it or I could do it on the GPS.

Mr. Kissoon: But 60 miles.

Captain Gouveia: About, yes.

Mr. Kissoon: An educated guess?

Captain Gouveia: An educated guess, yes.

Mr. Kissoon: What would be the flight time between Georgetown and Tacama?

Captain Gouveia: About 30 to 35 minutes.

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Mr. Kissoon: Would that be less than what it was to Kwakwani?

Captain Gouveia: Yes.

Mr. Kissoon: It would be less by approximately how many minutes at minimum?

Captain Gouveia: As a standard, it could be five minutes, four minutes, depend on the winds, depends on the altitude we fly. But it could not be exact based the altitude that you fly and the winds that you are encountering for that particular day. These aircraft average flies two miles a minute so what we would generally do is divide the distance by two and it gives you average what the estimated en route time should be. But of course that varies with if the aircraft is heavy then it flies slower. If the aircraft is high, depending on the winds and so on, so there are other variables that control it.

Mr. Kissoon: Just to be clear, the flight time between Georgetown and Tacama is less than that of Kwakwani. That is correct?

Captain Gouveia: Yes.

Mr. Kissoon: And it could be anywhere less by five minutes and beyond?

Captain Gouveia: Yes.

Mrs. Samuels-Brown: He said four to five minutes minimum.

Mr. Kissoon: Four to five minutes minimum. What is the distance between Kwakwani and Tacama?

Captain Gouveia: It looks to me here like about 20 miles.

Mr. Hanoman: If I may, there is a key on the top of the map that might assist...

Captain Gouveia: Measuring, yes.

Mr. Hanoman: In measuring the distance.

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Mr. Kissoon: Certainly. It would not assist in the average flight times. If we can pull the map up again, please?

Mr. Scotland: What is the average distance in time?

Captain Gouveia: It is two miles a minute so if you measure the distance you just divide it by two.

Mr. Kissoon: So it is approximately 10 miles between Kwakwani...

Captain Gouveia: Let me give you an example. You see the first... Could you go back up on the map? Those circles around Timehri, the first one are 30 miles around Timehri and the second one is 75 miles around Timehri. So in fact, if you look at where Kwakwani is now, that would probably be on what was called the Terminal Control area that is just inside the boundary of the Control System and that is 75 miles from Timehri exactly. Now that I am looking at it, you see the outside loop is 75 miles that line is a terminal control line an area and the inner one is 30 miles and then the inner inner one is twelve miles around Timehri.

Mr. Kissoon: What would be the approximate flight time between Kwakwani and Tacama?

Captain Gouveia: About ten minutes.

Mr. Kissoon: Did anyone ask you to bring this map?

Captain Gouveia: No.

Mr. Kissoon: Why did you bring this map with you today?

Captain Gouveia: Because Counsel, yesterday, I wanted to help them with the geography of where we were operating.

Mr. Kissoon: Very good. Commissioner, I have no further questions about the map. Could you state whether or not you were subpoenaed to testify here?

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Captain Gouveia: No and I keep hearing that. I came here, I was written to and I came here voluntarily.

Mr. Kissoon: There have been various questions concerning your reaction or lack of reaction after coming to the realisation that you may have flown someone looking like Gregory Smith. Do you remember those questions posed by either...?

Captain Gouveia: Could you remind me, Sir?

Mr. Kissoon: Certainly. The Chairman, yesterday, and I am referring to page 26 of yesterday's transcripts asked this specific series of question and I quote: "Counsel, what I want to know was given an anomaly was triggered and he had reason to believe that this man he took there to Kwakwani was Gregory Smith. Did you take any steps to ascertain whether in truth it was Gregory Smith?" That was the question posed to you by the Chairman. Your response was, "No, Sir, I did not?" Do you recall that series of questions?

Captain Gouveia: Yes.

Mr. Kissoon: The Chairman went on to ask you why not, was it not of any interest to you? And the record, you attempted to start where you said well first of all Sir, and you were interrupted. Could you please answer that question for us in conclusion? Why not, was it not of any interest to you to report that anomaly?

Captain Gouveia: Well I did say that...

Mr. Chairman: But he did answer you know.

Mrs. Samuels-Brown: Yes by different persons.

Mr. Kissoon: Commissioners, just in closing and for the purposes of the record.

Mr. Chairman: Okay.

Mr. Kissoon: This will be the last question posed to Captain Gouveia.

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Mr. Chairman: I just taught that I would draw it to your attention...

Mr. Kissoon: And it would give us some closure.

Captain Gouveia: But I am not willing to stop you. You get ahead, do your best.

Mr. Kissoon: Right. Thank you.

Captain Gouveia: When it came to me as an anomaly that this man may have looked, like the man I saw in the papers and then I read the account by Dr. Walter Rodney's brother in the news agency and even in our state newspapers Gregory Smith was not identified at that time as a murderer. When I read the account of Donald Rodney, was it Donald? His brother that was with him the night of the event. I remember thinking that this episode and the event of that night was one where I believe that Dr. Rodney and his brother seemed to have gone on an adventure to collect this device and this was his brother's words to collect this device and to somehow communicate this device back to a home base where this person "Gregory Smith" was and this communication was being done by a red light, like on your microphone. It dawned on me that you do not test a walkie-talkie with a red light. You test a walkie-talkie by talking into the walkie-talkie, testing one, two, three, four, five and it dawned on me that maybe there was more than meet the eye on what Dr. Walter Rodney was doing that night.

Mrs. Samuels-Brown: I am sorry; I think I recall all of this was said yesterday more than once.

Mr. Kissoon: Very good, Commissioner, then we are guided. Captain Gouveia, thank you. The testimony here had been recorded. There is just one question that is repeating itself concerning the

Captain Gouveia: I wonder if I could just respectfully, just finish and just to say that because of that anomaly in my mind as well, I myself looked forward to the investigation of this matter. To

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find out what in fact did happen and just to say that it seems to me; this was not a one man show that this was an event that happened that night. Thank you.

Mr. Kissoon: Thank you Captain Gouveia. Just one final question concerning the existence of a manifest that would have described the names of the passengers that flew on the morning of 14th June, 1980. Do you know with any certainty whether or not there was a manifest for that flight?

Captain Gouveia: I cannot remember at this time, but like I said to you, every flight there was always a passenger manifest and a load sheet and those documents would be kept with the army?

Mr. Kissoon: Commissioners unless there is something else, we have nothing else we would like to address the Commission on with this witness.

Mr. Chairman: Thank you Counsel.

Mr. Kissoon: Thank you Commissioners.

Mr. Scotland: Mr. Chairman, may I respectfully suggest that the map that was so helpfully given, be tendered as Exhibit 'B' to the witness's statement?

Mr. Chairman: I have no objection to it being received into evidence but is that the right tag?

Mr. Scotland: Yes because the first exhibit he had was 'A', which is his log that is my recollection. I am subject to correction.

Captain Gouveia: I was loaning it, but it seems that it is being tendered now.

Ms. Pierre: If it is accepted, that would be GG 2.

Mr. Chairman: You have the Witness's permission to be deprived of it?

Mr. Scotland: He has brought it here.

Captain Gouveia: It is donated, Sir.

Mr. Chairman: I think he is happy to part with it, temporarily or permanently, I am not sure, but we have received it into evidence and given it that notation.

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Mr. Scotland: Is it 'B' or 'G'?

Mr. Chairman: Your notation is?

Ms. Pierre: GG 2.

Mr. Chairman: GG 2.

Mr. Scotland: As the Commission pleases. Could we ask that small readable copies be made for the Attorney's? I do not know how it will be done.

Ms. Pierre: I will not be done. It will have to be small copies of that specific area if it is the same map that I saw being held up earlier which I do not have in my possession.

Captain Gouveia: Could I suggest to you that you can get a copy from the Guyana Geology and Mines Commission (GGMC) or you can go to Lands and they have it in soft copy because we actually got and we print the map so you can get it from them in soft and then you can print it in small copies.

Ms. Pierre: The entire map?

Captain Gouveia: Yes.

Mr. Jairam: We want this one with your markings.

Captain Gouveia: I would have no problem with helping to mark them afterwards.

Mr. Chairman: You are now indicating that you are objecting to leaving this one with us?

Captain Gouveia: No, Sir. It is donated.

Mr. Chairman: Okay. Well very well. Thank you very much and we will keep this one. Is there anything further Counsel in relation to this witness?

Mr. Hanoman: Nothing that I can think of at the moment.

Mr. Chairman: We have come to the end, so it would appear, Captain Gouveia, and we want to thank you. I think it was what two full days with us.

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Captain Gouveia: Yes, Sir. Thank you very much.

Mr. Chairman: Thank you.

Mr. Kissoon: Commissioners, Captain Gouveia, has asked me to express his honour and gratitude for being able to serve before the Commission and to express his willingness to return at any point in time should it be necessary. Thank you very much Commissioners.

Mr. Chairman: Yes, Sir thanks. Now, we were hoping to continue Mr. Ogunseye's testimony but I do not know that we have time for that. Is Mr. Ogunseye, here?

[Mr. Tecuma Ogunseye stood in the crowd]

Mr. Chairman: Mr. Ogunseye, we horribly miscalculated how long it would have taken with Captain Gouveia, we had hoped that by the mid-morning break or immediately thereafter we would have been able to deal with you. We thank you for coming out as we had requested and we apologise for not getting to you today. Just hold a bit because I am asking Commission Counsel when we can push you or deal with Mr.?

Mr. Hanoman: Mr. Chairman, it would appear that the next session is probably the most appropriate time because on Monday we hope to have Mr. Nigel Westmaas, who is only here for a very short time every year, and we want to cease the opportunity to take his evidence on Monday. We anticipate that he will take some time.

Mr. Chairman: Mr. Ogunseye, will...

Mr. Williams: Mr. Chairman, I wish to be heard on this matter. I have spoken on this matter this morning. I do not know what the Counsel for the Commission is saying despite what I have said this morning. Why would he interpose another witness, when others have not been cross-examined and in fact the notice we have is that Mr. Lincoln Lewis will be here on Monday and his lawyer who is in Canada has indicated that to me that he was coming in on Monday. I want to

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know what we are doing. We are going to bring in Lewis on Monday and we have not finished with Mr. Ogunseye? I am saying, Sir, we should not adopt such an approach. We have littered the work of this Commission with only part heard witnesses, and it is not fair to the defense in this matter to not to be able to test under cross-examination the evidence given in chief by these witnesses.

Mr. Chairman: We heard you on that before...

Mr. Williams: I am in disagreement to interposing any other witness before Mr. Ogunseye is finished.

Mr. Chairman: That is the ideal situation, but Mr. Westmaas is here and leaves next week at sometime so we are hoping to take his evidence before he leaves. He does not live here.

Mr. Williams: Mr. Chairman, as far as I know, "Skip" Roberts was paid to come from Florida to testify to this Commission.

Mr. Chairman: Pardon?

Mr. Williams: Mr. "Skip" Roberts was paid to come to Guyana to testify and he was allowed to leave without testifying. We cannot conduct this inquire on this manner with respect, Sir.

Mr. Chairman: The end of that last session ended that evening with the talk about Mr. "Skip" Roberts.

Mr. Williams: Mr. Chairman...

Mr. Chairman: We took a decision that it was important that the allegations being made about Mr. "Skip" Roberts be on record before he testifies.

Mr. Williams: Yes but that was when...

Mr. Chairman: If he had testified before he would have had to be brought back by the State to answer what was said about him.

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Mr. Williams: Mr. Chairman, I am not sure that this is...

14.08hrs

Mr. Williams: Mr. Chairman, I am not sure this is an adversarial system. This is not a prosecution. A person comes and gives his evidence to the best of his ability. He is not to come and rebut this and rebut that. He gives his evidence.

Mr. Chairman: Yes.

Mr. Williams: I am saying that we cannot continue... Look, for example, you have Ms. Karen De Souza, it must have been known to the Commission Counsel that Ms. De Souza was to catch a plane the same day or wanted to leave the country so why bring her. Why lead her evidence which purports to finger the PNC as we are responsible for the death of Dr. Rodney and then she jumps on a plane and goes and I am saying we cannot continue to conduct the work of the Commission in this manner. A Commission of Inquiry must be attended by fairness and it is not fair to us.

Mr. Chairman: Mr. Williams, I know where you are coming from but we have no interest in fingering anybody.

Mr. Williams: Sir, not you.

Mr. Chairman: The lady had indicated that she had to go abroad on medical business.

Mr. Williams: Sir, but she could have waited until she came back. What you have is her evidence out there already fingering somebody for it and she is not being tested.

Mr. Chairman: Yes, because we did not know she would have taken more than a day.

Mr. Williams: Mr. Chairman, because of that I am saying, with respect, when we start a witness we ought not to interpose another witness before that witness is completed.

Mr. Chairman: Provided that it is convenience so to do.

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Mr. Williams: We cannot be saying that somebody comes from America or somebody comes from somewhere else and you interpose and you keep racking up, so when are we going to cross-examine Mr. Westmaas. He then comes and gives evidence-in-chief and then he leaves too?

Mr. Chairman: No.

Mr. Williams: You are working up to next Wednesday.

Mr. Chairman: I think what; you set aside two days for him?

Mr. Hanoman: No, we hope to finish his evidence on Monday and then there will be two days for cross-examinations.

Mr. Chairman: Do not get into that again. We have never been able to finish a witness in one day. Be guided by that experience.

Mr. Hanoman: I mean the evidence-in-chief, so to speak.

Mr. Chairman: No.

Mr. Williams: That is point I am making.

Mr. Chairman: The evidence-in-chief does not complete... Commission Counsel, be realistic. The evidence is that the experience to date has been that we have never finish a witness in one day. Why are you, therefore planning for the witness in one day?

Mr. Hanoman: What I am saying is we have three days for Mr. Westmaas tomorrow, Monday, Tuesday and Wednesday.

Mr. Williams: Mr. Chairman, it is impossible for Mr. Westmaas, for the last three days you would have next week, to be interpose and be completed.

Mr. Chairman: We have five days now. We had earlier feared that we would only have three but I think that...

Mr. Williams: It is up to Wednesday.

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Mr. Chairman: I had spoken about the session following. I am sorry. You are suggesting, Mr. Williams, that Mr. Westmass could be examined and cross-examined and it would take two to three days?

Mr. Williams: Sir, look at this simple witness, Mr. Gouveia. I have not cross-examined Mr. Gouveia and he has taken two days.

Mr. Jairam: Your junior, Mr. Bond, did.

Mr. Chairman: Mr. Bond did. Are you suggesting that you might have gone three times...?

Mr. Williams: Sir, I am surprised that he has taken that long. All Mr. Gouveia came to tell you was that he believe or thought that whoever he took that day could have been Gregory Smith and I am surprised it took two days.

Mr. Chairman: Yes, but that is an important element in the story.

Mr. Williams: No matter what you do he has to be tested at the time he saw him. You cannot aggregate instances to develop a better identification but we would deal with that. That is law in this country under a decision by Chancellor Haynes; you cannot aggregate evidence to bolster identification so we will deal with that. I am not interesting in touching him. I am not interested in that.

Mr. Chairman: Okay, we are just trying to timetable...

Mr. Williams: All I am saying to you, Sir, it that it is unfair to us to have evidence against the People's National Congress-Reform, its functionaries, without it being tested and you keep interposing fresh witnesses to bring fresh allegations and we are not having an opportunity to test them and discredit them and we are saying it is not fair to us and we do not accept that we must interpose Mr. Westmaas. Counsel for this Commission, there are three of them being paid for, and we are not getting service. If there are Counsel for the Commission and people are supposed to be coming in and flying from different places, they must coordinate these people in such a manner that that they can come and give their evidence and leave having been completed but if they are going to fly in at any time as they like, we have uncompleted witnesses who are here,

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where are we going to go. When is Mr. Ogunseye going to be cross-examined? When is Mr. McLean going to be cross-examined? The evidence is out there already. When is Ms. De Souza... sometime in July. That cannot be fair to us.

Mr. Chairman: We have no control over some matters, but all I would say, Commission Counsels, you cannot ignore or experience to date. We have not been able to date to finish a witness examination-in-chief, cross-examination, re-examination in one day. It seems therefore that it would be unwise, and to fly in the face of our experience to date, to just expect a witness to be completed in one day. You need to be guided by your experience.

Mr. Hanoman: If I made that suggestion or if I convey that message...

Mr. Chairman: Okay...

Mr. Hanoman: What I was say was the evidence-in-chief we could finish of Mr. Westmaas in a day.

Mr. Chairman: No, do not deal with evidence-in-chief alone. That is the very point that Mr. Williams is dealing with. When you schedule a witness expect that he would be more examined-in-chief and cross-examined and if necessary re-examine so to proceed on the premise that he will only complete examination in chief that is only unrealistic.

Mr. Williams: I can imagine your Counsel has admitted that. He is only interesting in leading the witness.

Mr. Hanoman: I do not understand what is really being discussed when in answer to a response I said to the Commissioners in terms of Mr. Westmaas' statement I believe his evidence-in-chief can be completed in one day and we have him for the remainder of two days for him to be cross-examined, if necessary. I do not know why I am being attacked as though I was suggesting that it can be completed in a day. I never conveyed that.

Mr. Chairman: I do not think that you are being attacked. Do not personalise anything.

Mr. Williams: Mr. Chairman, could I ask in that regard then. What happens to Mr. Pieter's client who has had notice that his client would be on Monday... that he is to come from Canada?

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Mr. Hanoman: We have already discussed this with Mr. Pieter's client and they have agreed, I believed, to stand down in the phase that we have a foreigner here who teaches abroad and the only time he can come is for us to get him again we would have to wait until next year summer. I do not know if Mr. Williams is saying that we should then therefore forget him who could only come for a very short period during the whole year and take Mr. Ogunseye who has already told us that he is willing to be here and come at any time.

Mr. Williams: Mr. Chairman, your Counsel is losing this thing. We are saying he cannot lead people and then they are cross-examined and tested a month later.

Mr. Hanoman: Why not?

Mrs. Samuels-Brown: If I may, Mr. Chairman. I fully understand Mr. Williams's concern. It is always better, if it can at all be accommodated, to have the examination-in-chief followed directly by the cross-examination, so I agree with you and sometimes it creates a disadvantage and sometimes Counsel are able to take advantage of a break but that is not the point. We should try to proceed as efficiently as possible in the normal way so I agree and as the Chairman has pointed out sometimes there have been factors outside of our control. The Commission was called at fairly short notice, witnesses have to be found who are going to speak to issues 34 years prior and so there is sometimes the difficulty in having them here we would have prefer to have them here, so there are some factors that are outside of our control but there are some which are in our control and that is how we manage the scheduling of the witnesses and also how we approach the cross-examination and examination. As I have sat here this week I must say I am happy for the opportunity to say that as we approach the exemption and cross-examination of the witnesses, we should get together as Counsel and with the Commission to see how we can move the witnesses more briskly without losing thoroughness and doing injustice to our clients.

Mr. Williams: I have suggested that ever since.

Mrs. Samuels-Brown: There tends to be repetition of the same questions and cross-examination is used as an opportunity for a 100 mini addresses to the Commission and I believe that you must exercise some confidence in the Commission that we are taking note of the points raised and that you will be given a full opportunity to make an address at the end. I think if we all came together

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and worked toward the matter moving more efficiently we could get through more quickly and we would not have the need to have these starts and stops with witnesses.

Mr. Williams: Thank you, Madame Commissioner. Two quick points: one, we have to manage the evidence-in-chief. Evidence-in-chief has been taking two to three days and then we get the impression that you want to hustle the cross-examination.

Mrs. Samuels-Brown: No...

Mr. Williams: No, that is the impression... Not you, the Commissioners. We are getting the impression that there is a lot of latitude given to the examination-in-chief, it is nobody's business, anything could be asked and it is a cruise for two and three days. As soon as it is time for cross examination, we keep hearing "Let us get on".

Mrs. Samuels-Brown: I can understand the subjective impression you have had, Mr. Williams, but I want to say, fortunately, these proceedings are recorded in different forms and the records will show how often, the Chairman, himself has intervened, both in relation to examination-in-chief and cross examination in an attempt to get us moving so...

Mr. Williams: The second point...

Mrs. Samuels-Brown: I am being a little presumptuous but I think I have to come to the Chairman's defense because he has been fair...

Mr. Williams: I have not attacked the Chairman.

Mrs. Samuels-Brown: ...and balanced in trying to get all Counsel to move on with expedition.

Mr. Williams: Thank you, Madame. The second point...

Mr. Chairman: Counsel, did you attack me?

Mr. Williams: No, Sir... *[Laughter]* In fact, you are doing very well by me, Sir.

Mr. Chairman: The ball...

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Mr. Jairam: Mr. Williams, you seem to be more concerned with the public perception than being concerned with the Commissioners. We are charged with the responsibility of finding the facts, not the public, you know.

Mr. Williams: No, I understand you, Sir, but the public...

Mr. Jairam: Your concerns seem more political rather than...

Mr. Williams: No, Sir, your work has to have public acceptability that, in fact, is the main consideration of a public inquiry. The public must sign on to the inquiry!

Mr. Jairam: But you must appreciate in the normal course of things we will proceed with the examination, cross-examination and re-examination. In this particular case, as I understand it, this gentleman has come from abroad and he comes once per year, we have a limited opportunity and it is a long time ago, 34 years ago, so we are anxious to give him the opportunity and if we are finished with him, of course we will bring Mr. Ogunseye back...

Mr. Williams: But you know what you have there? If you do not finish with him what happens? It is another witness who is not finished.

Mr. Jairam: Well, there are certain things beyond our control.

Mr. Williams: No.

Mr. Jairam: We are scheduled only up to next Wednesday.

Mr. Williams: Okay, the second point touches what you are saying. We were given roles for this Commission and if my recollection serves me correctly one of those roles spoke to witnesses who might not be able to come and testify and so we do video link up. Is that not one of the rules we were given for the work of this committee so if you have people who are from abroad why not make arrangements for video linking, we do that all the time.

Mr. Chairman: The thing is that have the witness here in person. Mr. Westmaas happens to be here as he is here once a year. I think we have heard you at length. You have raised an important point about how we should conduct our business, ideally. Many factors we do not have any control of but there are two points that I would make.

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Mr. Williams: Okay.

Mr. Chairman: In terms of the timetabling for the future, Commission Counsels and Counsels for interesting party should be in close working relationship in planning. Mr. Williams should really not have to telling you that. Man, talk to the Counsel. Let us look at our respective diaries and see. Do not in future plan only to finish a witness's examination-in-chief. That is only part of his testimony. I was disappointed to hear that. Plan to have the witness complete, not only to hear part of his evidence because then we are proceeding in a disorderly manner where every witness' testimony is truncated. You hear piece, then another piece later and then you have a third piece to finish. That is not the ideal way of proceeding but in the event of Mr. Westmaas being in and having to leave and not be available before next year I think we have an obligation to accommodate him next week. We are fortunate that the Witness who has recently testified, whose testimony is incomplete, is here. We can find him – we have been advised – in the market and at the shortest notice he is available to complete his testimony.

14.23hrs

Mr. Chairman: We are going to have Mr. Westmaas next week. The importance of your intervention means that it should guide us and the Commission staff and Commission Counsel for the future. As we said earlier, it is really an untidy of proceeding where you are having a witness in three parts and over an extended period. Not every time you can calculate and anticipate with certainty how long a witness may be but, as it is turning out, there is not witness that we can complete or have completed... None of the witnesses seem to have been completed in a day. I think we can all benefit from the exchange.

Attorney for the Guyana Trades Union Congress (GTUC) [Mr. Brian Clarke]: Mr. Chairman, I just want to say, for the record, that we have agreed to defer Mr. Lewis's statement in the interest of time and efficiency. I just wanted to put that down on the record that it was a prior agreement. Mr. Pieters is not on his way to Guyana, as far as we know.

Mrs. Samuels-Brown: Thank you.

Mr. Chairman: I think it is clear that we will not be able to accommodate him next week.

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Mrs. Samuels-Brown: Yes and he has agreed. He and his lawyers have agreed.

Mr. Chairman: We have agreed on that. Alright, so we are going to have Mr. Westmaas at 09:30hrs on Monday.

Mr. Hanoman: Yes, Sir.

Mr. Chairman: Assuming that it takes more than a day, can we be assured that we will be finished within the time available for us next week?

Mr. Hanoman: I am not prepared to make any assurances with time, please, especially with all the interruptions.

Mr. Chairman: Well if not finished on Monday, we will go through on Tuesday.

Mr. Hanoman: I think the witness is available for all three days – Monday, Tuesday, and Wednesday.

Mr. Chairman: Very well...

Mr. Williams: Do we have a statement for that witness, though?

Mr. Chairman: Mr. Westmaas?

Mr. Williams: Yes.

Mr. Chairman: Has it not been distributed? I think it has been, Counsel. Have you been left out?

Secretary to the Commission [Ms. Niclola Pierre]: Maybe it was done yesterday.

Mr. Chairman: They tell me it might have been done yesterday, when Mr. Bond was here.

Mr. Williams: Could I get a copy for me, please? Mr. Bond is entitled to a copy in his own right.

Mr. Chairman: I have been given the assurance, Mr. Williams, that you will get your copy. Very well.

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Mr. Williams: Thank you, Mr. Chairman.

Mr. Chairman: Thank you. Enjoy the weekend and let us look forward to being back on Monday. Thank you.

Hearing Adjourned Accordingly at 14.27hrs