

WALTER RODNEY COMMISSION OF INQUIRY



CO-OPERATIVE REPUBLIC OF GUYANA

THE WALTER RODNEY COMMISSION OF INQUIRY

**VERBATIM REPORT
OF THE PROCEEDINGS**

Tuesday 1st July, 2014

WALTER RODNEY COMMISSION OF INQUIRY

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20th Hearing

09:35hrs

1st July, 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

WALTER RODNEY COMMISSION OF INQUIRY

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

WALTER RODNEY COMMISSION OF INQUIRY

Witness:

Dr. Nigel Westmaas

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CALL TO ORDER

Chairman [Sir. Richard L. Cheltenham K.A., Q.C., Ph.D]: At this time I invite all parties to get to their respective stations. Where are we now? Is it Mr. Williams's term now to...

Commissioner [Mrs. Jacqueline Samuels-Brown, Q.C]: Morning.

Mr. Chairman: Morning.

Attorney for the People's National Congress (PNC) [Mr. Basil Williams]: Morning Mr. Chairman and Commissioners. I am supposed to continue.

Mr. Chairman: I rightly identified you as being at the crease.

Mr. Williams: Would you like to make a copy from this original copy? Could you return it in very short shrift?

Mr. Chairman: I did not have on my glasses; I do not it have on, what exactly is that, what is the title of that?

Mr. Williams: the *Declaration of Sophia*. You could see that is the original.

Mr. Chairman: Oh, *The Declaration of Sophia*, yes. Thank you.

Mr. Williams: Just bear with me please.

Mr. Chairman: Are you ready now Mr. Williams?

Mr. Williams: Yes please, Mr. Chairman.

[Dr. Nigel Westmaas entered the witness box]

Mr. Chairman: Dr. Westmaas, you continue to be under oath.

Dr. Nigel Westmaas: Okay.

Mr. Chairman: Very well. Your obligation to tell the truth and nothing but the truth continues.

Dr. Westmaas: Okay.

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Mr. Chairman: Thank you.

Mr. Williams: If I might, respectfully, refer you to the *Caribbean Studies*, page 128, 129. At the bottom of 128 it was referred to you Commissioners before, you see that?

Dr. Westmaas: Yes.

Mr. Williams: Danns also cites the *New Nation* ... of the ruling party at the time quoting Burnham as, “Thus god says before you were, I was...” the party says to the Government “before you were, we were” the Government has to be in our system, a subordinate agency to the party. So you see even here that they are talking about the Government even in this reference.

Dr. Westmaas: But I do not agree with your observation.

Mr. Williams: No, I am just asking you if you see they are speaking about Government here, I am not using the word “State”.

Dr. Westmaas: Yes.

Mr. Williams: Good, let me ask you as a historian of notes, are you aware that Forbes Burnham was the son of a Preacher?

Dr. Westmaas: I may have heard of that, yes.

Mr. Williams: And it is told certainly in his book *A Destiny to Mould* that sometimes in the absence of his father, he conducted services in the church?

Dr. Westmaas: No, I cannot recall that.

Attorney for Dr. Patricia Rodney, Asha Rodney, Shaka Rodney and Kanini Rodney [Mr. Andrew Pilgrim, Q.C): I am sure this is relevant to the Terms of Reference, Mr. Chairman.

Mr. Chairman: I was wondering how far he was heading.

Mr. Williams: Well I think I quote this, “God says before” I did not introduce this. My Colleagues introduced this. Yes, are you aware from his speeches, most of his speeches are adorned by quotations from the Bible?

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Dr. Westmaas: As were many.

Mr. Williams: Pardon me?

Dr. Westmaas: As are many of other politicians.

Mr. Williams: No, we are talking about Forbes Burnham.

Dr. Westmaas: Yes.

Mr. Williams: Do you agree with that?

Dr. Westmaas: That is his quotation; I have not seen all of his speeches.

Mr. Williams: It is not unusual for him to term an analogy with extracts from the Bible. Do you agree with that?

Dr. Westmaas: What is the question?

Mr. Williams: That it was not unusual to see in his speeches quotations from the Bible in addressing issues that he was dealing with?

Dr. Westmaas: But that could have applied to any politicians other than Burnham.

Mr. Williams: We are talking about Forbes Burnham not any politician, the whole country knows that.

Dr. Westmaas: Yes.

Mr. Chairman: The real question is: what is reasonable inference that the Commission can draw from that?

Mr. Williams: I am suggesting to him now, having established that, is that this is in no way to denigrate the Bible in any way; blaspheme in any way.

Dr. Westmaas: It is just a quote.

Mr. Williams: Right, it is just a quote. You are managing me Mr. Chairman.

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Mr. Chairman: No heckling, Mr. Williams.

Mr. Williams: No, we would not be able to continue with that.

Mr. Chairman: Very well.

Mr. Williams: We want to retreat shortly. Now, let me refer you to that same publication on pages 118, 119. You were referred to this yesterday?

Dr. Westmaas: Yes.

Mr. Williams: By my learned Friend, Mr. Scotland, and in answer to him, he said that that is the man Burnham, but he wanted a lot of power or excess power, something like that. That is what you meant?

Dr. Westmaas: What is the question?

Mr. Williams: In relation to page 119 you were referred to that; the quotation.

Dr. Westmaas: Yes.

Mr. Williams: Do you recall your answer to Mr. Scotland? If that is your understanding of the picture of Burnham, if it is a true depiction of Forbes Burnham, that was the exact words.

Dr. Westmaas: Yes.

Mr. Williams: What you mean by that?

Dr. Westmaas: Well because in the practical experience of the Working People's Alliance of whom I was an activist, the period of 1976, at least from 1976 under which *The Sophia Declaration* from which this quote was produced, until his death in 1985, Mr. Burnham exercised authoritarian power of the State, and he had as reflected in this specific quote, enormous powers and according to Danns, he was probably one of the most powerful men in the Caribbean ever, in so far as the Laws and his power, over the branches of Government were concerned.

Mr. Chairman: Did you say all aspect of the State?

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Dr. Westmaas: As many aspects of the State.

Mr. Chairman: Now that you on that you said many as oppose to all. What would have been executive in your view?

Dr. Westmaas: I cannot think of any now.

Commissioner [Mr. Seenath Jairam, S.C]: Mr. Williams, just for the record.

Mr. Williams: Yes Commissioner.

Mr. Jairam: The question that you have asked the Witness just now, Mr. Scotland, on the transcript at pages 97 – 98.

Mr. Williams: Today's?

Mr. Jairam: Yesterday's 97-98.

Mr. Williams: Much obliged.

Mr. Chairman: I just want to get it clear that you would include the judiciary too.

Mr. Williams: Well judiciary cannot be included if he wishes to he could attempt to as a question of Law.

Mrs. Samuels-Brown: What is the Witness's answer, I did not get it?

Mr. Chairman: I think the Inquiry is more concerned of the practice what actually happens, well it is a question of Law.

Dr. Westmaas: In so far as the history of *Day Clean* is concerned, there are many attempts to close it down under the order of the State and in so far as President Burnham had those powers, I would suggest that the record would suggest that the attempts to influence and stop the publication of *Day Clean* and the charges laid against Eusi Kwayana and Moses Bhagwan from 1976 to approximate 1980 suggest that the Judiciary was also influenced by powers inherent in the paramouncy of the party.

Mr. Williams: Mr. Chairman, I do not know whose question the Witness is answering.

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Mr. Chairman: I think I was the last one who posed a question.

Mr. Williams: If I could continue, Madam, we respectfully refer you to your statement appendix three at page 23.

09.50hrs

Dr. Westmaas: Yes.

Mr. Williams: Third paragraph from the top.

Dr. Westmaas: Go ahead.

Mr. Williams: Beginning with 6th October, 1980.

Dr. Westmaas: Yes.

Mr. Williams: Could you read that?

Mrs. Samuels-Brown: Sorry, just for the record, could you identify the document so that it forms part of the transcript?

Mr. Williams: His statement.

Mrs. Samuels-Brown: His statement.

Mr. Williams: The appendix three at page 23, Madame Commissioner. Yes, do you care to read it?

Dr. Westmaas: Yes, 6th October, 1980, New Constitution comes into full force. L.F.S. Burnham takes office of Executive President and thereby, Head of State, Supreme Executive authority and Commander-in-Chief of the Armed Forces.

Mr. Williams: How do you compare this to the previous quote in *Caribbean Studies*? Which one is more powerful?

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Mr. Chairman: I do not understand the question because all that he has read is that 6th October, 1980 New Constitution comes into full force so what is your question following that?

Mr. Williams: Mr. Chairman, did you not hear him read, L.F.S. Burnham takes office.

Mr. Chairman: Yes, he takes office.

Mr. Williams: Well that is what I am asking him about.

Mr. Chairman: So...

Mr. Williams: L.F.S. Burnham takes office of Executive President thereby, Head of State, Supreme Executive authority and Commander-in-Chief of the Armed Forces. Sounds like Star Wars.

Mr. Chairman: And your question is?

Mr. Williams: Which office was more powerful, this one here or the one described in *Caribbean Studies* at page 119 in that quotation when he was Prime Minister?

Dr. Westmaas: Both seem to be similar to me.

Mr. Williams: Really? You were not aware that your party had boycotted the 1978 Referendum?

Dr. Westmaas: Yes.

Mr. Williams: To amend the Constitution?

Dr. Westmaas: Yes.

Mr. Williams: Claiming that these were the powers Burnham wanted to give himself?

Dr. Westmaas: And presumably he did.

Mr. Williams: No, could you answer my question?

Dr. Westmaas: Yes.

Mr. Williams: Were you aware of that?

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Dr. Westmaas: I was aware of the WPA's action along with others against the Referendum of 1978, yes.

Mr. Williams: Exactly, contending that it wanted to give Burnham these powers, Executive President and thereby Head of State.

Dr. Westmaas: Yes.

Mr. Williams: Supreme Executive authority and Commander-in-Chief of the Armed Forces.

Dr. Westmaas: Yes.

Mr. Williams: Do you agree that this position which is a movement up from Prime Minister is more powerful than when he was Prime Minister?

Dr. Westmaas: Yes, but it is a logical...

Mr. Williams: Okay.

Dr. Westmaas: Logical movement from the deterioration in democracy between 1976 and 1980.

Mr. Williams: Okay, It is more powerful. You have your Counsel would deal with that when the time comes. Just answer my questions.

Dr. Westmaas: Yes.

Mr. Williams: Are you aware that these powers continue to exist in subsequent Presidents of this country?

Dr. Westmaas: Yes.

Mr. Williams: In other words, both Presidents Jagan – Mrs. Jagan and Dr. Cheddi Jagan, even Mr. Sam Hinds had a stint of this power when he acted as President and President Bharrat Jagdeo and currently, President Ramoutar.

Dr. Westmaas: Well as an activist of the WPA, we continue to fight for constitutional reform up to the present, so I do not understand the question.

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Mr. Williams: So you are saying that he wanted to have all this power. The fact of the matter is that many other presidents after him had the same power up to today.

Dr. Westmaas: Yes.

Mr. Williams: So you are saying what they are power hungry or something?

Dr. Westmaas: Yes.

Mr. Williams: President Ramoutar is power hungry because he has these powers?

Dr. Westmaas: The whole focus of the WPA and others was to renew the Constitution all the way up to the present with the A Partnership for National Unity (APNU), and I do not know what your position is on the powers of the President, in so far as the Constitution is concerned at present.

Mr. Williams: You are not answering my question Doctor.

Dr. Westmaas: Well repeat your question.

Mr. Williams: Would you say because the powers in here now in President Ramotar that he is power hungry and power drunk, having supreme power as the criticisms you made against Burnham?

Dr. Westmaas: Yes, well criticisms were consistent in so far as the Constitution which gives both presidents as far as that power is concerned. In so far as I speak on behalf of the WPA, we have been consistent in denouncing the powers of that Constitution that deteriorated from 1976 all the way up through 1980 and into the present. Our calls are on record calling for renewal or reductions of powers of the President and return to a balancing act in the Constitution.

Mr. Williams: Therefore, it is not just a problem of Burnham because there are several presidents after him?

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Dr. Westmaas: Well in so far as under the regime of President Burnham, those powers began to be evident.

Mr. Williams: Now are you aware that Forbes Burnham in fact was a Senior Counsel?

Dr. Westmaas: Yes.

Mr. Williams: In fact, I think he got it in the shortest time ever.

Dr. Westmaas: Yes.

Mr. Williams: And you would agree that when he speaks about the Government, we have to accept that he understands that there are three Arms of the State: Judiciary, Legislature and the Government or Executive. You will accept that?

Dr. Westmaas: Anyone could say that.

Mr. Williams: No. I am asking you to answer my question.

Mr. Pilgrim: Chair, I am not certain that this Witness can answer a question as to what people understand when Forbes Burnham was speaking that he understood a particular concept.

Mr. Chairman: Yes.

Mr. Pilgrim: I think that is beyond the Witness. It is unfair to the Witness.

Mr. Williams: Mr. Chairman, I have asked this Witness a specific question and I am entitled to an answer to it. The Witness cannot answer and volunteer what he wants. He has his Lawyers, and they could always elicit that from him. I am asking straight questions of the Doctor. So we could proceed properly. I am asking you, if you were aware that he was a lawyer?

Dr. Westmaas: Yes.

Mr. Williams: An excellent Lawyer at that and so we have to...

Mr. Pilgrim: How can he state that he was an excellent Lawyer?

Mr. Williams: He answered that already.

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Dr. Westmaas: He voiced an opinion that he was excellent? You asked him before if he was a Senior Counsel. I think he can answer that and say yes he was Senior Counsel.

Mr. Chairman: Well the Witness has demonstrated the capacity to answer without assistance.

Mr. Williams: Exactly, thank you, Mr. Chairman.

Mr. Chairman: I think he should be permitted to answer. If he does not agree with any assumptions, he has said that but...

Mr. Pilgrim: Guided, Chair.

Mr. Williams: Thank you Mr. Chair for your protection? Now, yes Dr. Westmaas.

Dr. Westmaas: Yes.

Mr. Williams: So we will have to accept that when Forbes Burnham spoke specifically about Government, he meant that?

Dr. Westmaas: I do know that.

Mr. Williams: That Arm of the State?

Dr. Westmaas: I do not know what...I cannot...Mr. Burnham has many speeches. You know the whole governmental process is a dynamic process between the opposition over time.

Mr. Williams: We are talking about the speech that I addressed your mind to in *The Declaration of Sophia*.

Dr. Westmaas: Yes.

Mr. Chairman: I thought he had answered you that he cannot say what you were putting to him? So he cannot say that.

Mr. Williams: He cannot say what, Sir?

Mr. Chairman: You have put a particular proposal or proposition to him.

Mr. Williams: That he will have to assume.

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Mr. Chairman: And he said that he cannot say that.

Mr. Williams: That is your answer that you cannot say that?

Dr. Westmaas: Yes.

Mr. Williams: Okay. Now, at the bottom of page 188 going over to page 119 of the *Caribbean Studies*, if you read the last sentence on page 118.

Dr. Westmaas: Yes.

Mr. Williams: Continuing at the top of 119, could you read that for us too?

Dr. Westmaas: Okay, sure. Things began to deteriorate democratically from 1974 the doctrine of “paramountcy of the party” was formally introduced and included the elevation of the party over the State, strengthening the power held by the Prime Minister, later President Forbes Burnham.

Mr. Williams: Alright, stop there. The elevation of the party over the State, so do you agree with me that is an erroneous statement? It is supposed to be elevation of the party over the Government.

Dr. Westmaas: Well a writer can have a license, I wrote that a while ago and it is my licenses. I conflated the Government and the State.

Mr. Williams: No, but if in history, a person says ‘A’, you are saying that as a historian, years after you, could say it is ‘B’?

Dr. Westmaas: No. No. No. It is...

Mr. Williams: Well I am saying to you that Mr. Burnham said...

Dr. Westmaas: I am putting it to you that it is a reasonable comment to make.

Mr. Williams: No. This is a statement of what paramountcy as espoused...

Dr. Westmaas: Yes.

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Mr. Williams: ...by Burnham

Dr. Westmaas: Yes.

Mr. Williams: Is or was.

Dr. Westmaas: Yes.

Mr. Williams: And I am asking you since Burnham used “Government”, are you saying that you could change that to “State”?

Dr. Westmaas: Well as I said before, I conflated the Government with the State, however, erroneous that is, so be it because I am arguing that there is a democratic deterioration in a certain period.

Mr. Jairam: But Mr. Williams, I am trying to grapple with the concept that you are espousing.

Mr. Williams: Yes, Mr. Commissioner?

Mr. Jairam: It seems to me it would be an oxymoron to say paramountcy of the party is somehow subservient to some other arm of the State of Guyana?

Mr. Williams: Sir...

Mr. Jairam: When the very doctrine of paramountcy is that it is paramount to everything else and everything else is subservient.

Mr. Williams: Mr. Commissioner, I could only go on what Forbes Burnham said. In fact, I do not know where they got this paramountcy. This book does not have any other elaboration of paramountcy over the Government other than this third statement. This is the party should assume unapologetically its paramountcy over the Government.

Dr. Westmaas: But that third statement became practical reality over a period of time in several conditions of life, including the flying of flags over the Government ministries.

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Mr. Williams: And I will bring authority to show you the three Arms of the State that our constitution is organised on. If you do not wish...

Mr. Chairman: I think you are into submissions/comments. You must get on with questioning and remember, I have experienced this too, and all cross examiners, all Counsel, you can ask the question, but you cannot control the response. But you can comment on the response...

Mr. Williams: Mr. Chairman, I believe, I...

Mr. Chairman: At the appropriate time.

Mr. Williams: Mr. Chairman, I think I am doing well.

Mr. Chairman: Yes but at the appropriate time you can comment on the responses...

Mr. Williams: Which...

Mr. Chairman: But you cannot control them.

Mr. Williams: I am not commenting. I am asking questions.

Mrs. Samuels-Brown: I am sorry Counsel, if I may as it has been depicted interrupt, the Witness was saying something about flags being mounted? I did not get his full answer.

Dr. Westmaas: Okay. During the discussion yesterday, Counsel Williams read a section from *The Sophia Declaration* and I was suggesting to him that the fact the reality, the flags of the People's National Congress was flown on a pole at Government ministries in that period including the Ministry of National Mobilisation and other ministries. This was a physical presence during the period under review.

Mrs. Samuels-Brown: I am obliged Counsel.

Mr. Williams: Yes but do you know who put the flags there?

Dr. Westmaas: Well we are standing on the street and we are seeing a flag, who could we assume had put it there?

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Mr. Williams: But you know who got dismissed for putting it there?

Dr. Westmaas: We do not know if anyone got dismissed for that.

Mr. Williams: So you are speculating. I am showing...

Dr. Westmaas: I am not speculating, it is a reality, we saw the flags.

Mr. Williams: Let us move on. I am saying that what Burnham said. If other actors under Burnham wanted to interpret it otherwise we cannot deal with that. Even Dr. Rodney said...he warned his supporters not to take matters into their own hands, and I have put that already to Mr. Kwayana.

Mr. Chairman: Is that a comment or a question?

Mr. Pilgrim: Political speech Mr. Chair.

Mr. Williams: I will continue doing that as long as the Q.C interrupts me. In fact, I am going to get tighter now.

Mr. Pilgrim: Questions, questions, questions.

Mr. Williams: Mr. Chairman, I do not know, could Mr. Pilgrim go to the back or to the side or something. He is interrupting your proceedings.

Mr. Chairman: You are two...

Mr. Williams: I do not want to arrogate to myself that responsibility to put him at the back.

Mr. Chairman: We will proceed in an orderly way, but you are too experienced to catch at every noise that you hear man. Come on get on.

Mr. Williams: Sir, he is in my ears.

Mr. Jairam: Friendly banter.

Mr. Williams: He is in my ears. Yes, now let us move on from there, from this alleged paramountcy. You were referred to a quotation from the then Commissioner Mr. Lloyd Barker.

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Dr. Westmaas: Yes.

Mr. Williams: Do you recall?

Dr. Westmaas: Yes.

Mr. Williams: You were asked to give your interpretation of what he meant?

Dr. Westmaas: Yes.

Mr. Williams: And you were talking about lumpen, because it was a lumpen area, etcetera. Do you recall that?

Dr. Westmaas: Yes. I qualified the word “lumpen” of course.

Mr. Chairman: I think it is more where the lumpenproletariat lives.

Mr. Williams: Well I asked him if he meant proletariat.

Mr. Pilgrim: I think you are just lumping the concepts together.

Mr. Williams: So if I could refer you to page 21, under the caption 1980.

Dr. Westmaas: Pardon?

Mr. Williams: Page 21 of your statement, where that reference is.

Dr. Westmaas: Yes.

Mr. Williams: Some weeks ago Police Commissioner Barker made a statement.

Dr. Westmaas: Yes.

Mr. Williams: He said that if some people choose to establish their Headquarters in Tiger Bay, we have a special squad to deal with that area.

Dr. Westmaas: Yes.

Mr. Chairman: I thought we dealt with that already, Sir?

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Mr. Williams: I did not deal with it, Sir. Yes, would you agree that the statement of the Commissioner was relating to the question of the late Dr.'s groundings with the lumpen in Jamaica?

10.05hrs

Dr. Westmaas: I do not understand your question.

Mr. Williams: This statement that he was referring that he has a special squad, as you said, it was a lumpen area.

Dr. Westmaas: I did not say it was a lumpen area. You are mischaracterising the comment I made yesterday. I was talking about lumpenproletariat as a distinction in relation to Rodney's historic role in areas where the underprivileged youth and people lived.

Mr. Williams: Right....

Dr. Westmaas: The generic concept is usually called "lumpenproletariat" but that is the negative conception.

Mr. Williams: That is what we are talking about.

Dr. Westmaas: If you leave it aside, it appears negative.

Mr. Williams: I am not suggesting, I am using your word.

Dr. Westmaas: No, you are using one word. You are using the word "lumpen" alone.

Mr. Williams: Did you not say that it was poor people this refers to?

Dr. Westmaas: Yes, but...

Mr. Williams: ...and the underprivileged, etcetera?

Dr. Westmaas: Yes, but the particular way you are characterise it, is very negative.

Mr. Williams: No, just answer me. Listen, you have to answer me, otherwise, you are going to disrupt the proceedings.

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Dr. Westmaas: Yes, go ahead.

Mr. Williams: I am referring you to page 21.

Dr. Westmaas: Yes.

Mr. Williams: ...under caption 1980, the third paragraph under that what you said that Barker said, and I asked you, since he said he had a special squad to deal with that area, was he not relating it to the antecedence of Dr. Rodney with his groundings in Jamaica where amongst the Rastafarians there?

Dr. Westmaas: You are imputing to a statement by Barker beyond what his scope is, because I particularly think that Barker is referring to the Guyanese situation, not to a historical episode, in the past.

Mr. Williams: And...

Dr. Westmaas: He is referring specifically to the presence of WPA in Tiger Bay at that particular point in time.

Mr. Williams: Exactly.

Dr. Westmaas: There is nowhere in his statement that suggest a reference to Jamaica and what Rodney's previous activity was.

Mr. Williams: No, Doctor, you were supposed to be a distinguished Historian. I did not say that.

Dr. Westmaas: I never made that clear.

Mr. Williams: I am asking you, we are trying to relate why the Commissioner would have a problem with the WPA establishing its office in an area of lumpen?

Dr. Westmaas: Yes, but you mentioned Jamaica in the process.

Mr. Williams: I am saying to you that it is because of Commissioner of Police; let me say this to you. Do you agree with me that because he was Commissioner of Police...?

Dr. Westmaas: Yes.

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Mr. Williams: ...he would have been armed with intelligence of Dr. Walter Rodney?

Dr. Westmaas: The statement does not refer to Dr. Rodney.

Mr. Williams: No, I am not asking you about the statement. Could you answer my question?

Dr. Westmaas: Yes.

Mr. Williams: As Commissioner of Police, do you agree that Mr. Barker would have been armed with intelligence about the antecedence of Dr. Rodney?

Dr. Westmaas: I would not have that power of knowledge of that, no.

Mr. Williams: You would not deny that he would have had certainly his immediate history on coming to Guyana?

Dr. Westmaas: I would not know that.

Mr. Williams: No, I am not asking... you did not know a lot of things; you have a lot of evidence here, you did not know then? I am asking you since you did not know that...

Mr. Chairman: Mr. Williams, he has answered the question three times.

Mr. Williams: Yes, but you would not deny that?

Dr. Westmaas: Presumably, I do not know what Mr. Barker read or how intelligence services could talk to him about the present or the past. All I knew is that this statement referred to a specific item, a specific quote relative to special squad to deal with that area and presumably, the WPA in that area.

Mr. Williams: Exactly, because he, I am putting it to you, was alluding to what happened in Jamaica when Rodney had his groundings among the lumpen, the Rastafarian people at that time. I am putting it to you.

Dr. Westmaas: Alright Counsel, I cannot see any link with this statement to Rodney's previous activities.

Mr. Williams: Are you aware that in Jamaica Rodney had that problem with the groundings?

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Dr. Westmaas: Was it a Problem?

Mr. Williams: ...with the Rastafarians in terms of

Dr. Westmaas: I did not know it was a problem.

Mr. Williams: Was it not a problem with the Government of Jamaica?

Dr. Westmaas: So, is that a negative at that time?

Mr. Williams: I am just asking you questions, I am not....

Dr. Westmaas: And I am answering.

Mr. Williams: No, but you are asking me back questions and your role is to answer me.

Dr. Westmaas: Yes.

Mr. Williams: ...the best you could.

Dr. Westmaas: Okay.

Mr. Williams: Are you aware that the Government was not happy with his groundings with the Rastafarian people?

Dr. Westmaas: Yes, I am aware of that.

Mr. Williams: Are you aware too that this actually came out in the debates in the House?

Dr. Westmaas: The house?

Mr. Williams: ...the Jamaican parliament at the time?

Dr. Westmaas: Yes.

Mr. Williams: In fact, Hugh Shearer was Prime Minister at the time? Did you know that?

Dr. Westmaas: Yes.

Mr. Williams: ...the Opposition Leader was the late Dr. Michael Manley?

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Dr. Westmaas: Yes.

Mr. Williams: They were in unison, that he should be expelled?

Dr. Westmaas: You give me the evidence, I do not know if there was unison.

Mr. Williams: You are a Historian and I am not. I am asking the question.

Mr. Chairman: What is the relevance of all of that? I mean to us?

Mr. Williams: His relevance to the Court. If he comes to Guyana what is the Commissioner of Police supposed to do? Fold his hand like a timorous soul. Is he not supposed to protect the Guyanese people?

Mr. Chairman: Is he not a Guyanese national?

Mr. Williams: No, what is he supposed to do? So, we are allowed killers to roam the land?

Mr. Chairman: No, but he has not accepted a lot of the suggestions that you have put to him.

Mr. Williams: Sir, what if he does not accept, what is the Defence Counsel supposed to do, roll over and die?

Mr. Chairman: You must move on.

Mr. Williams: We are moving on.

Mr. Chairman: We cannot allow you to continue to repeat that.

Mr. Williams: No, I am moving. I am asking him questions and moving on. Sir, I find that I am being interrupted again. I want the people out there to listen...

Mr. Chairman: Who is interrupting you?

Mr. Williams: ... that whenever I am addressing and cross-examining any witness, as against the Bajan, the Barbadian or the Trinidadian, I am interrupted all the time.

Mr. Chairman: I wonder who is interrupting you Mr. Williams.

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Mr. Williams: You are, Sir.

Mr. Chairman: No, it is unfortunate that you think that. I am only trying to get on with the business.

Mr. Williams: Why do you not do that with the other case with the Lawyers? I am an experienced Lawyer. I know what I am doing.

Mr. Chairman: I have done it with every one.....

Mr. Williams: Sir, one could get the impression that you are descending into the arena.

Mr. Chairman: If that is a propaganda line you want to put out...

Mr. Williams: No, but you cannot... every time I ask a question; you cannot look as though you are protecting the Witness's answer.

Mr. Chairman: That is not true. You are asking the same question three times...

Mr. Williams: I am not, the record would show that.

Mr. Chairman: ...you get an answer which you do not like...

Mr. Williams: Could I be allowed to continue my cross-examination of the Witness?

Mr. Chairman: Yes, you were invited to do that.

Mr. Williams: My defence of the PNC, could I be allowed to continue with my defence of the People's National Congress, unimpaired.

Mr. Chairman: Mr. Williams, we began this morning by inviting you to do precisely that and please continue.

Mr. Williams: In the defence of the PNC, I am asking you these questions.

Dr. Westmaas: Yes.

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Mr. Williams: I am putting it to you that Mr. Barker, as Commissioner of Police, had a duty to protect the State from any similar grounding which had occurred in Jamaica under Dr. Rodney's hand?

Dr. Westmaas: With respect Counsel, you are making a quantum leap between events happening in Jamaica a decade prior to Rodney's arrive in Guyana or thereabout and a statement made by a Commissioner in relation to specific zone of Georgetown. I think that is a quantum leap.

Mr. Williams: That is a quantum leap?

Dr. Westmaas: Yes.

Mr. Williams: Okay, Dr. Westmaas did you not introduce that into evidence-in-chief certainly before I cross-examined you, have you not introduced that evidence and put it on record about the circumstances of the 1960's?

Dr. Westmaas: Yes, but....

Mr. Williams: ...the turbulent period of the 1960's in particular 1968?

Dr. Westmaas: I am referring you to a specific statement.

Mr. Williams: Could you answer my question?

Dr. Westmaas: Yes.

Mr. Williams: The effect that had certainly, the New World group had on WPA members and leadership.

Dr. Westmaas: Yes, but how....

Mr. Williams: Did you not introduce that?

Dr. Westmaas: Yes, I did.

Mr. Williams: Why are you doing now, do you want to reside from that?

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Dr. Westmaas: No, not ...

Mr. Williams: I am going on your evidence. You said in that period, the events influenced the leaders of the WPA and certainly those that were in the New World group. I do not forget.

Dr. Westmaas: Yes, but the New World group included others and its influence did not only extend to Walter Rodney, it extended to other WPA members and society in general, and Barker's statement was referring to specific moment in time. It is not necessary connected to the past. I mean it is his head, at least.

Mr. Williams: [*Laughter*]. In addition to what you said about the 1960's, you used that period to show the impact it had in Guyana?

Dr. Westmaas: Yes.

Mr. Williams: Why are you saying that Mr. Barker was not speaking in relation to the impact of what has happened in the 1960's for this period in Guyana. In other words, you are saying to them well, "Look I know what you did in Jamaica with the groundings with your brothers, you have come here in Guyana, and you have gone into a similar area of poor people, underprivileged people and so I am telling you as Commissioner of Police, I will have a special squad to deal with that". That is all he is saying. He is saying...

Mr. Chairman: Mr. Williams, the Witness has rejected that that has been put in different forms for the last ten minutes, please move on. He has rejected it.

Mr. Williams: Yes.

Mr. Chairman: Counsel has got to be persevered....

Counsel to the Commission [Mr. Glenn Hanoman]: Yes.

Mr. Chairman: ...and you were insistent and properly so, but he has rejected it.

Mr. Williams: No, I am not talking about that. That came at the end. Is he rejecting that he introduced evidence into this Commission about the period of the 1960's which influenced Guyana?

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Mr. Chairman: That is not the last question you put to him.

Mr. Williams: No, Sir that is question I put to him.

Mr. Chairman: He had answered.

Mr. Williams: Could you answer that?

Dr. Westmaas: Repeat the question please.

Mr. Williams: Are you now rejecting that your analysis that what happened in the 1960's, the turbulent times impacted the WPA leaders in Guyana?

Dr. Westmaas: Yes, I said that, but I told you that I do not see a direct link to the statement made by Commissioner Barker.

Mr. Williams: Alright, that is your sighting.

Dr. Westmaas: Yes.

Mr. Williams: Let us go on, on that theory that you had. The turbulent 1960's according to you produce change in certain countries?

Dr. Westmaas: Yes.

Mr. Williams: ... like?

Dr. Westmaas: Jamaica, Vietnam, United States, Europe...

Mr. Williams: Come closer to home.

Dr. Westmaas: ...Czechoslovakia.

Mr. Williams: Grenada?

Dr. Westmaas: Grenada...

Mr. Williams: Right.

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Dr. Westmaas: Grenada was not involved in that. Grenada was in 1979 if you are talking about the Grenada revolution.

Mr. Williams: No. Mr. Chairman I am not sure that we can take prompting from the audience too because the Witness has just responded to some prompt from behind me.

Mr. Chairman: I was not aware of that, but let there be peace, please...

Mr. Williams: I am bringing it to your attention.

Mr. Chairman: ...we welcome all of you here. We are encouraged by your daily attendance, but let us agree and let us behave ourselves. Conduct ourselves with restrain.

Mr. Williams: Yes.

Dr. Westmaas: Yes.

Mr. Chairman: Sometimes a little laughter is unavoidable, I sometimes laugh too. That is all...

Mr. Williams: No, we are not talking about laughter, we are talking about ...

Mr. Chairman: ...let us conduct ourselves with restrain.

Mr. Williams: Listen, I wish this Lawyer Mr. Pilgrim would stop chirping in my ears. He is supposed to be a Senior Counsel and he should stop this nonsense.

Mr. Chairman: I did not hear that, but I take your word that

Mr. Williams: Yes.

Mr. Chairman: ...he might be disturbing you.

Mr. Williams: He cannot help this Witness. In Guyana, I am described as "no way out". There is no way out for Dr. Westmaas. He could intervene how many times he likes. He has to answer my questions.

Dr. Westmaas: [*Laughter*]

Mrs. Samuels-Brown: [*Inaudible*]

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Mr. Williams: Whoever wants to intervene ...

Mr. Chairman: All that we encourage you to do is keep asking them. Let us get ahead, Sir.

Mr. Williams: Mr. Pilgrim, you are warned. You are saying that the 1960's...

Dr. Westmaas: Yes.

Mr. Williams: ...impacted the 1970's because you came down to 1968.

Dr. Westmaas: Yes.

Mr. Williams: We are not saying the impact stayed in the 1960's, the impact influenced the 1970's. Is that not so?

Dr. Westmaas: Yes.

Mr. Williams: Yes and influenced your leaders in the WPA?

Dr. Westmaas: Yes.

Mr. Williams: Good. I want to suggest to you that in that period your leaders were hoping to replicate what happened in the turbulent 1960's in Guyana?

Dr. Westmaas: No, not at all.

Mr. Williams: Your leaders...

Dr. Westmaas: In fact, the opposite.

Mr. Williams: I am putting it to you that your leaders had hoped to effect regime change in Guyana likewise as happened in Grenada, Suriname and other places?

Dr. Westmaas: Only so far as in the struggle for democratic society was concerned and the need to achieve fair and free elections, yes.

Mr. Williams: Mr. Chairman, I do not know if I can have the exhibit EK 9.

Mr. Chairman: What precisely is that?

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Mr. Williams: That is C.L.R James.

Mr. Chairman: C.L.R James.

Mr. Williams: I think both of us relied on extracts from that.

Mr. Chairman: [*Inaudible*]

Mr. Williams: It should be EK 9. I also want...

Dr. Westmaas: Yes, I got it.

Mr. Williams: Could I have a look at it please.

[*Court Marshall gave the document to Mr. Williams*]

Mr. Jairam: Could you just identify it please for the record.

Mr. Williams: Exhibit EK 9, Mr. Jairam.

10.20hrs

Mr. Chairman: The name of it.

Mr. Jairam: I have it; it is just for the record.

Mr. Chairman: So that those who are following us.

Mr. Williams: Yes. It is *Walter Rodney and the Question of Power* by C.L.R. James.

Mr. Chairman: Yes, thank you.

Mr. Williams: You indicated that Mr. Rodney would have been a student of C.L.R. James ...
C.L.R. James was a mentor.

Dr. Westmaas: Yes.

Mr. Williams: If I tell you that he criticised Dr. Rodney's approach during that period ...

Dr. Westmaas: What specific period are you talking about?

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Mr. Williams: The same period that you are talking about, 1978 to 1980, during the period of his activities here. Are you aware of that?

Dr. Westmaas: You are citing something?

Mr. Williams: Are you aware of this? C.L.R. James' ...

Dr. Westmaas: Yes, I am aware of that document.

Mr. Williams: And you read it?

Dr. Westmaas: Not recently, no.

Mr. Williams: Well, I am now asking you if you would agree that he had criticised Walter's approach in Guyana during that period.

Dr. Westmaas: You have to be more specific, I do not understand your question.

Mr. Williams: Okay. Let us talk about the second point, this is page 129.

Dr. Westmaas: I do not have a copy.

Mr. Williams: 129, Commissioners.

Mr. Chairman: He is at a disadvantage; that is what he is saying.

Mr. Williams: 1, 2, 3...

Mr. Chairman: Mr. Williams.

Mr. Williams: Yes, Sir?

Mr. Chairman: He is saying that he is at a disadvantage.

Mr. Williams: Could we have a copy for him?

Mr. Chairman: Because he does not have a copy. Could we make arrangements for him to have a copy?

Mr. Williams: Could we have a copy for him please, Marshall?

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Mr. Williams: Lend me a copy.

Mrs. Samuels-Brown: Apparently the Secretariat gave Mr. Williams their copy. Could any other Counsel please assist?

Mr. Jairman: I will lend him my copy. Mr. Williams, I highlighted something there. Is that okay?

Mr. Williams: Yes.

Mr. Chairman: Hand Dr. Westmaas a copy, please?

[Court Marshall handed the document to Mr. Williams]

Dr. Westmaas: Thank you.

Mr. Williams: The third paragraph.

Dr. Westmaas: Which page?

Mr. Williams: Page 129

Dr. Westmaas: Okay.

Mr. Williams: You want to read that?

Dr. Westmaas: Yes. "That is why Walter found himself in a ..."

Mr. Williams: No, the second ... okay, 1, 2, 3 ... the third paragraph.

Dr. Westmaas: Could you start the sentence?

Mr. Williams: Yes, "The second point."

Dr. Westmaas: "The second point where Walter was wrong was that although he was aware of the lack of revolutionary experience and revolutionary temper among the leaders whom he had, he did not train them or spend every minute of the day training them in essentials, not of Marxism in general, but of the taking of power because the question of the taking of power is a question thousands of years old. It does not depend on the power of Marxism, it is knowledge that there is

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somebody waiting to destroy it, but Walter did not do that. Instead, he took on all sorts of activities on the conception that he had to show them that he is not asking anybody to do anything that he would not do himself.”

Mr. Williams: Do you agree with C.L.R. James?

Dr. Westmaas: No.

Mr. Williams: Could you read the next paragraph, following it?

Dr. Westmaas: “That is why Walter found himself in a car with a member of Burnham’s army making some arrangement about some gadget that turned out to be an explosive. He should never have been there. No political leader had any right to be there. Not only should he never have been there, the people around it should have seen to it that he was not in any such position. That was a fundamental mistake and it was a political mistake. It was not a mistake in personal judgment; it was because he was doing all sorts of things to show them that a revolutionary is prepared to do anything.”

Mr. Williams: Do you agree with C.L.R. James there?

Dr. Westmaas: No.

Mr. Williams: So, am I to understand that you felt that he should have been there in the car?

Dr. Westmaas: No, I am disagreeing with in the context that he puts it. A revolutionary leader does not have the capacity to be on the streets

Mr. Williams: He also spoke about the fact that the WPA ought to have waited until they had a revolutionary class or revolutionary mass up in arms against the Government as it were to support its effort at regime change. Do you agree with that?

Dr. Westmaas: It is not a question of agreeing or not agreeing, it is a fluid process and leading scholar is making a critique of a revolutionary but in a particular context which I have a different opinion about. So, no, I do not.

Mr. Williams: At page 138, if I could refer you, the last paragraph.

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Dr. Westmaas: Yes?

Mr. Williams: Could you read it into the record? “A revolution is made with arms” Do you see that?

Dr. Westmaas: Yes.

Mr. Williams: Yes, if you could continue reading.

Dr. Westmaas: Okay, “But the revolution is made by the revolutionary spirit by a great mass of the population and you have to wait for that. Lenin in 1917 in January did not know that it was coming two or three months afterwards in Russia. You have to wait, you do not know, there is no calculation. It comes as Marx says, “Like a thief in the night, so you better be ready”. Walter saw that his WPA had many good things about it but he realised that Burnham was ready with the Police and the Army, he had them to use against the revolutionary movement against the people.

Mr. Williams: Continue; the paragraph is not finished.

Dr. Westmaas: Okay. “And Walter became too nervous, too anxious about it, he did not wait for the revolutionary people and the revolutionary class to be in conflict with the Government before he could start the question of the insurrection. “

Mr. Williams: Do you agree that what C.L.R. James is saying here is that at the material time, the WPA did not have a mass based revolutionary support of the people?

Dr. Westmaas: I do not know what you mean by that.

Mr. Williams: That is what he said, that is not what I mean; it is what he said.

Dr. Westmaas: I do not have to agree with him.

Mr. Williams: So, you disagree with this too?

Dr. Westmaas: I have different opinions about it.

Mr. Chairman: One reasonable interpretation of what he was saying is that there was not revolutionary readiness.

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Mr. Williams: Exactly.

Mr. Chairman: And that he did not have mass base support ... revolutionary readiness.

Mr. Williams: That was premise on the revolutionary mass of people, Mr. Chairman, according to what C.L.R. James is saying here. He guns and all of that but ...

Mr. Chairman: Anyhow, the Witness does not agree with you or with what James is saying.

Mr. Williams: The mentor.

Mr. Chairman: Yes, with what James is saying.

Mr. Williams: The fact of the matter is, Dr. Westmaas, that the PNC at that time also had mass support.

Dr. Westmaas: You will have to explain mass support.

Mr. Williams: The PNC is a mass-based party and it had mass support.

Dr. Westmaas: Well, in terms of the Referendum of 1978, we saw something a little different than mass support in the boycott of the elections, very few people turned up to participate and support the Government at that time. So I will have to ...

Mr. Williams: In a Referendum?

Dr. Westmaas: In the Referendum of 1978.

Mr. Williams: Not the National Elections, the Referendum.

Dr. Westmaas: The Referendum, yes.

Mr. Williams: So, you are saying as a historian, you are denying that the PNC was a mass-based party?

Dr. Westmaas: No, I am not denying ... historically, it is a mass based party, but you are putting it in a different context there, that it had mass support. We were challenging the regime at a

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certain particular point in time and it was a political party, but it was eroding based on the challenge of the WPA and others at that time.

Mr. Williams: Well, according to the venerable C.L.R. James, that support certainly did not translate into your ranks to provide a revolutionary mass that you needed.

Dr. Westmaas: That is a matter of interpretation, you know.

Mr. Williams: In fact, some authors contend that what you had in fact was a few intellectuals trying to effect a regime change.

Dr. Westmaas: Well, if you looked at my statement relative to public meetings at that time, there is not a group of intellectuals sitting around the table but a lot of people on the streets and galvanised, partially, but not only by Walter Rodney and the leadership of the WPA. So, I would disagree with that.

Mr. Williams: In other words, C.L.R. James is saying that his effort were premature.

Dr. Westmaas: That is C.L.R.'s interpretation.

Mr. Williams: Let us move on. I would like to refer you to page 7 of your statement, under the section "Why the assassination"

Dr. Westmaas: Yes.

Mr. Williams: Mr. Chairman, if he can be given a copy of Gregory Smith's book, *Assassination Cry of a Failed Revolution*.

Mr. Chairman: What page of the book are you referring to Counsel?

Mr. Williams: Page 24.

Mr. Chairman: You have a copy of the document, Sir?

Dr. Westmaas: No, I do not have a copy.

Mr. Chairman: Commission Counsel, make sure he is armed with a copy.

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Mr. Jairam: I will lend him mine.

Mr. Chairman: Yes, we can lend him one from here.

Dr. Westmaas: Yes, I have it.

Mr. Williams: The fourth paragraph from the top.

Dr. Westmaas: Yes, beginning ...

Mr. Williams: Beginning with "Dr. Rodney"

Dr. Westmaas: Okay, yes.

Mr. Williams: Do you care to read that?

Dr. Westmaas: Okay. "Dr. Rodney told me to offer money to people at Maritime Command ..."

Mr. Williams: No, no, page 24.

Mr. Chairman: "Dr. Rodney said the time had come ..."

Dr. Westmaas: Okay.

Mr. Chairman: That is the paragraph?

Mr. Williams: Yes, Sir.

Dr. Westmaas: "Dr. Rodney said that the time had come for the Burnham regime to pay for its crimes and it was our duty, the WPA to stop him Forbes Burnham before he ceased absolute power by changing the Constitution. Dr. Rodney said that several stages of the revolution were already completed, we will put the final stages in place soon and that he was looking forward to one phase of the revolution with special interest. This was the capturing of Forbes Burnham and some of his close colleagues."

Mr. Williams: That was part of the civil rebellion?

Dr. Westmaas: No, the ...

Mrs. Samuels-Brown: What is the answer?

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Dr. Westmaas: No.

Mr. Chairman: No. But was that a speech from Rodney?

Dr. Westmaas: This is Smith's statement.

Mr. Williams: No, it is Smith's book he has.

Mr. Chairman: No, no, no but that is Smith's ...

Dr. Westmaas: Smith's interpretation of events.

Mr. Williams: Mr. Chairman, are you telling me what it is? I just referred this book to the Witness.

Mr. Chairman: Yes, but ...

Mr. Williams: I pointed out to him a specific paragraph.

Mr. Chairman: Yes, but I am asking you whether that was Rodney's statement or Smith's account of what he thought Rodney was saying.

Mr. Williams: In his book, Smith is describing a conversation that he had with Dr. Rodney at the time and this is what he is saying that Dr. Rodney told him.

Mr. Chairman: At a private meeting at a house in Second Street.

Mr. Williams: Sir, I was not there, I am just going with what the book has.

Mr. Chairman: No.

Mr. Williams: That is why I am asking him to read it.

Mr. Chairman: Yes, but I was trying to clarify that for the benefit for those who are listening.

Mr. Williams: Ohhh!

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Mr. Chairman: And you put it in proper context because I read it first too and I said that I recognised that it was a conversation with Rodney at a house in Second Street on the page before.

Mr. Williams: Yes.

Mrs. Samuels-Brown: That is Smith's ...

Mr. Chairman: Yes.

Mr. Williams: Yes, Dr. Westmaas.

Dr. Westmaas: Yes?

Mr. Williams: When you read this paragraph and it is supposed to be Dr. Rodney speaking to Gregory Smith, do you agree that from the conversation that it is saying, that, "Dr. Rodney had made a decision, that the time had come for Burnham regime to pay for its crimes?"

Dr. Westmaas: This is a statement made by a book ...

Mr. Williams: No, could you just answer my question? You have a Counsel to clear up all these things.

Dr. Westmaas: Okay.

Mr. Williams: Just answer so that we can move on. Yes. This statement is saying that "Dr. Rodney had made a decision, that it was time for Burnham regime to pay for its crimes."

Dr. Westmaas: Yes.

Mr. Williams: Do you agree with that?

Dr. Westmaas: No.

Mr. Williams: That is what this statement is saying, not whether you agree but whether it is true. You agree that this is what the statement is saying?

Dr. Westmaas: I presume to, yes.

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Mr. Williams: Yes, and further that it was the WPA that would stop him.

Dr. Westmaas: Well, as I said, this statement is discredited insofar as the Smith's book is discredited.

Mr. Williams: No, but is that what this paragraph is saying? That "it was our duty, the WPA, to stop him".

10.35hrs

Dr. Westmaas: I cannot make a leap from a statement made by Gregory Smith...

Mr. Williams: No, actually what this statement is...

Dr. Westmaas: ... relative to what Rodney was intending to do.

Mr. Williams: Dr. Westmaas, could you answer my question?

Dr. Westmaas: Yes.

Mr. Williams: That is your role in the box...

Dr. Westmaas: Yes.

Mr. Williams: ...to answer me.

Mr. Chairman: Before he is finished answering, you are asking him another question.

Mr. Williams: No, but he is saying that he does not have to answer the question.

Dr. Westmaas: I did not say that.

Mr. Chairman: I do not think he said that, but let us get ahead. You asked a question, which is your right, and he has the right to respond. You may follow up by a further question, but let him answer. In the same way, he has to permit you to ask you a question. I am fighting for order.

Mr. Williams: What is there that you do not understand what I am asking you? I am asking you what this statement here is saying. That is all I am asking you. Is that difficult?

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Dr. Westmaas: I am saying that the statement is coming from a text which I have absolutely...

Mr. Williams: I did not ask you that!

Dr. Westmaas: Yes, but I cannot answer the text of the statement in a way you are posing it.

Mr. Williams: That is why you cannot come into this box and say you cannot answer what is asked of you. It is only the Chairman who can disallow the question.

Mr. Chairman: Yes, but he tells you then after you asked the question that he is not able to answer that. "I cannot answer that."

Mr. Williams: What, are you not seeing it anymore?

Dr. Westmaas: I am seeing it.

Mr. Williams: Does it not say that it was up to the WPA to stop the Burnham regime?

Dr. Westmaas: But that is a statement made through Smith and I do not agree.

Mr. Williams: No, I am not asking yet whether you agree with the statement or not. I have asked you to read statements previously and then I asked you what you thought of the veracity of the statement. We have not reached there as yet. We are just trying to flesh out what the statement is saying actually.

Dr. Westmaas: Go ahead.

Mr. Williams: It says that it is up to the WPA to stop it. Do you agree with that?

Dr. Westmaas: As the text reads here, yes.

Mr. Williams: Yes. "...before he seizes absolute power."

Dr. Westmaas: As the text is here, yes.

Mr. Williams: But, these word... Do you not find these words are really similar to the words used by the WPA, "Absolute power", "prevent him from having absolute power"?

Dr. Westmaas: No, the words "absolute power" usually came from the regime at that time.

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Mrs. Samuels-Brown: He is answering you now. You were saying “no” because what? I missed it.

Dr. Westmaas: I was saying “no”, the words absolute power usually emanated from another source, that is, the regime at the time.

Mrs. Samuels-Brown: Thank you.

Mr. Williams: So the WPA never used to use... that Burnham had... Well, I just referred you to some articles that spoke about him having absolute power and all that. Was that not the thrust...? You said it was not a thrust of the WPA to stop him from having those powers.

Mrs. Samuels-Brown: Sorry but, Counsel, you had put top him earlier that the WPA had accused the Honourable Prime Minister or President – as he then was – of having absolute power.

Mr. Williams: Exactly.

Mrs. Samuels-Brown: But what Gregory Smith is alleging here is that Rodney was saying they should act before the then Prime Minister could seize absolute power.

Mr. Williams: Yes.

Mrs. Samuels-Brown: So they are in contradiction. One is saying he already had absolute power and one is saying they should act before he seized absolute power.

Mr. Williams: No, but...

Mrs. Samuels-Brown: You have to be fair to the witness.

Mr. Williams: But with respect, Madame Commissioner, the Prime Minister’s reference does not say that he had absolute power. It said that he had power. He was one of the most powerful men.

Mrs. Samuels-Brown: I see.

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Mr. Williams: It is the contention of the WPA if that new Constitution of 1980 was to come into being then he would have absolute power – Head of State, Head of the Army Forces, etcetera. It is my brother. You just have to whip him every now and then.

[Laughter]

Mr. Pilgrim I do not want you to choke.

Attorney for Mr. Donald Rodney [Mr. Keith Scotland]: Say “thank you”.

Mr. Williams: I do not know how the ‘Trini’ has come into our business. It is Guyanese and a Barbadian...

Mr. Chairman: *[Laughter]*

Mr. Williams: Yes, take your meat out my rice.

[Laughter]

Mr. Williams: The words seemed like words the WPA used during that time in criticising the Burnham regime. Do you agree with that?

Dr. Westmaas: Not in the context of the Smith’s account.

Mr. Williams: Alright. Let us move on. “He said that he was looking forward to one phase of the revolution with special interest. This was the capturing of Forbes Burnham and some of his close colleagues.”

Mr. Chairman: What is the question?

Mr. Williams: Were you aware of that plan of the WPA?

Dr. Westmaas: Absolutely not. No.

Mr. Williams: The next paragraph. By the way, at that time you were a baby. How old were you, about 16 or 17?

Dr. Westmaas: More 20, yes.

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Mr. Williams: 20?

Dr. Westmaas: Yes.

Mr. Williams: Yes. Read the next paragraph.

Dr. Westmaas: “Dr. Rodney spent a few minutes talking about Forbes Burnham. He said Forbes Burnham had three houses with three means of escaping from each. Burnham could escape by helicopter, by car or by boat. Dr. Rodney said he had seen the plans of Burnham’s escape routes. He explained how we, the WPA, would prevent Burnham from escaping by helicopter, or by car. Ant this would force Burnham to escape by boat. Dr. Rodney said he would force Burnham to flee by boat.”

Mr. Williams: When you read that, does it give you the impression from these words here that they are suggesting that somebody had Burnham under surveillance?

Dr. Westmaas: Yes, but again Smith’s...

Mr. Williams: No. Just answer my question. I am not asking you whether it is true or not. When you read this, it is suggesting somebody had Mr. Burnham under close surveillance...

Dr. Westmaas: No.

Mr. Williams: ...to come up with something like his helicopter movement and boat inside the canal and how his homes are equidistant and all these things. It suggested that.

Dr. Westmaas: No.

Mr. Williams: What did it suggest to you?

Dr. Westmaas: It is not suggesting anything. It suggested that Smith is fantasising.

Mr. Williams: *[Laughter]* So is this fantasy?

Dr. Westmaas: Yes.

Mr. Williams: You would believe that a report like this, reaching Burnham, he would consider as fantasy?

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Dr. Westmaas: That is not in my realm of speculation. I do not have that power to speculate on something that Burnham would think or nothing.

Mr. Williams: We have been taking evidence about what other people think.

Dr. Westmaas: Yes, but this is...

Mr. Williams: So, feel free.

Dr. Westmaas: ...this is a Commission...

Mr. Williams: You could make your deductions.

Dr. Westmaas: Yes. No. The answer is no.

Mr. Williams: The third paragraph following that.

Dr. Westmaas: Do you want me to read it?

Mr. Williams: Yes.

Dr. Westmaas: “President Burnham fleeing by boat in the night would expose himself to the risk of a serious accident. We would rather take the risk of having a serious accident by boat than to allow us –the WPA- to capture him. However, he said, it would be too bad if he should die while trying to escape.”

Mr. Williams: An elaborate plan. It has the hallmark of an elaborate plan.

Dr. Westmaas: Is there a question? No, as I said before, Smith’s testimony is fantasy here.

Mr. Williams: No. We are not asking you about the veracity yet. We are talking as is, the words showing a plan.

Dr. Westmaas: If it shows a plan?

Mr. Williams: Yes.

Dr. Westmaas: Maybe in Smith’s mind, yes.

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Mr. Williams: But the words here though, it is showing an elaborate plan.

Dr. Westmaas: Well the words belonged to Smith, yes.

Mr. Williams: The next paragraph.

Dr. Westmaas: “Dr. Rodney said he would prefer to humiliate President Burnham with the use of the judicial system and convicting President Burnham and his crimes would end his political career. Dr. Rodney had mentioned several crimes that President Burnham had committed and some were done through his instructions. The crimes that Dr. Rodney had mentioned were murder, torture, sexual harassment of women in his employment and the conversion of public funds to his personal use.”

Mr. Williams: Is it farfetched that these words that Dr. Rodney said he would prefer to humiliate President Burnham? Are you saying that he could not have told Gregory Smith such words?

Dr. Westmaas: As I said before, I have read this book and I fail to see its credibility in many areas. I mentioned one yesterday, but I cannot accept Smith's considerations or his surmises about...

Mr. Williams: That he wanted to... Specifically, I am saying the words that Dr. Rodney would prefer to humiliate...

Dr. Westmaas: No.

Mr. Williams: ...he would prefer to humiliate President Burnham.

Dr. Westmaas: No. I do not agree.

Mr. Williams: You have never heard Dr. Rodney using any words that could more or less convey the same thing that he wanted to humiliate Burnham?

Dr. Westmaas: No.

Mr. Williams: Alright. Mr. Chairman, I refer the Witness to EK 6, *The Struggle Goes On*.

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Dr. Westmaas: Yes.

Mr. Williams: Page 5, the third paragraph. Do you want to read ...

Dr. Westmaas: Beginning where?

Mr. Williams: One, two, three lines in that paragraph, from the top.

Mr. Chairman: Who is the author of that, for those who are listening on?

Mr. Williams: It is a piece by Dr. Walter Rodney and it is under the aegis of the WPA.

Mr. Chairman: Yes, thanks.

Dr. Westmaas: So, you said the third paragraph?

Mr. Williams: Yes, third paragraph from the top, the first three lines.

Dr. Westmaas: "One of the brothers in the audience..."

Mr. Williams: No. Are you on page 5?

Dr. Westmaas: Yes, I am.

Mr. Williams: One. Two. Three. "Sound of helicopters overhead..."

Dr. Westmaas: Okay. "Brothers and sisters, I am aware of the preferred mode of transportation of King Kong..."

Mr. Williams: That sound of helicopters overhead refers to whom?

Dr. Westmaas: I presume it refers to a helicopter.

Mr. Williams: With whom in it?

Dr. Westmaas: The inference here is President Forbes Burnham or Prime Minister Forbes Burnham.

Mr. Williams: Alright. The reference to "King Kong", refers to whom?

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Dr. Westmaas: Presumably, Prime Minister Burnham.

Mr. Williams: Could you come to the bottom of that paragraph? One. Two, three four.... Five lines from the bottom, reading from “Any sane government...”

Dr. Westmaas: Okay. “Any sane Government would not think about building a palace but you see King Kong has decided he wants to build a palace to his ego and a monument...”

Mr. Williams: No, you have “Laughter”

Dr. Westmaas: Okay. “Laughter”. I cannot convey laughter.

Mr. Williams: We are looking at the whole concept of humiliating Burnham.

Dr. Westmaas: Okay. “King Kong has decided he wants to build a palace to his ego [Laughter] and monument to his own stupidity so that he could sit inside and be a monument inside a monument. [Laughter and Applause]”

Mr. Williams: You do not think that is harsh?

Dr. Westmaas: No, not at all.

Mr. Williams: ...to describe or refer to any human being like that?

Dr. Westmaas: Not at all. In the context of the times, it was not.

Mr. Williams: It is not humiliating?

Dr. Westmaas: Not in the context of the time.

Mr. Williams: Continue, the next paragraph, beginning from the top.

Dr. Westmaas: “One of the brothers in the audience when we were at Grove yesterday suggested to us that what was required was to extend the zoo to take in the Residence. [Laughter] Then we would have one of the most prized exhibits of any zoo in the world. [Laughter] People would come from all over the world and pay money to see King Kong.”

Mr. Williams: And that prized exhibit referred to there, who is it?

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Dr. Westmaas: Burnham.

Mr. Williams: ...and King Kong?

Dr. Westmaas: Yes.

Mr. Williams: And you do not think that is humiliating for you to use such language to a crowd about the Head of Government at the time?

Dr. Westmaas: It was public parody and palaver.

Mr. Williams: And again...

Mrs. Samuels-Brown: Did he say public parody and palaver?

Mr. Williams: Yes.

Mrs. Samuels-Brown: I have not heard that word in a little while. *[Laughter]*

Mr. Williams: I have not heard it in a little while too. The historian is coming out. Just now he is going to say "become".

Mr. Chairman: It is clever that we are not introducing that here, Mr. Williams, palaver.

Mr. Williams: Laughter. No, Sir. The witness is introducing it. Overleaf on page six.

Dr. Westmaas: Page six.

10.50hrs

Mr. Williams: Beginning of the third line of the top of that paragraph "...the other evening..." Do you see it?

Dr. Westmaas: "The other evening, speaking at another site I had to draw the analogy to say that if there was such a thing called the "Midas Touch" which was the touch that made everything into gold then we will have a new creation in this society. The Burnham Touch where everything he touches turns to..." Am I allowed to use this language here? "...shit" *[Prolong Laughter]*".

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Mr. Williams: That is complimentary? That is palaver?

Dr. Westmaas: No, it is.

Mr. Williams: Is it not humiliating?

Mr. Chairman: What, Mr. Williams, help me. I am trying to follow you very closely. What is the extension of your suggestion here, that that justified any killing of a political opponent?

Mr. Williams: No, my premise was that reading from Gregory Smith's book and especially in the line where he said Dr. Rodney said he prefer to humiliate Burnham.

Mr. Chairman: Yes, suppose that even that was true...

Mr. Williams: Sir, but I am showing you that what I have just asked him to read is consistent with this statement here and, in legal language, he said it corroborates it, but it is consistent with this urge on part of Dr. Rodney to humiliate, like it is a personal thing, Forbes Burnham.

Mr. Chairman: Let us pause for a moment and assume that Smith was correct in recording a conversation and reproducing it that he had with Rodney. What is the direction in which you are heading? Are you suggesting that justified killing a political opponent? I do not know. You have to help me. I do not understand.

Mr. Williams: Sir, this would suggest that persons, one, declared a Civil Rebellion; two, that rebellion was to unseat and remove Forbes Burnham from power. Three...

Mr. Chairman: But is that not legitimate in a democratic society? Your opponents are trying to replace you.

Mr. Williams: "By any means necessary", Sir? That is the next quote.

Mrs. Samuels-Brown: No, Mr. Williams, while I am not challenging you at all, sorry, Mr. Chairman, that those statements can be regarded as denigrating. You say they gave support and veracity to what Mr. Smith book?

Mr. Williams: Yes.

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Mrs. Samuels-Brown: But we have to be careful because what is the exact quote from Mr. Smith's Book is "Dr. Rodney said he would prefer to humiliate Burnham..." and we have to continue "...with the use of the judicial system and convicting President Burnham for his crimes would end his political career." While I agree with you that those public statements can have the effect of being denigratory, I am not sure they gave any veracity or support that what is in Smith's book because in Smith's book the humiliation is directing linked to the legitimate judicial process, so I am just pointing it out.

Mr. Williams: But they are not inconsistent with their language. It is showing a mind set in Dr Walter Rodney and his attitude.

Mrs. Samuels-Brown: If that is what you are saying, fine.

Mr. Williams: Yes.

Mrs. Samuels-Brown: But Smith did not say that Rodney said humiliating him on a political platform that is all I am pointing out.

Mr. Williams: No, I am not suggesting that. All I am showing you that it is not inconceivable that Dr. Rodney could have in fact had this conversation with Mr. Smith because this preference to humiliate Burnham has been manifested publicly, elsewhere.

Mrs. Samuels-Brown: Humiliating him by any means necessary but I just want to say I have to [*inaudible*] to the extent that it is even appropriate or necessary, agree with the more fundamental point made by the Chairman. I just thought I would have point out exactly what was in the book.

Mr. Williams: Yes but be cannot just say. Now if we say we do not accept that this was a conversation that had occurred between Gregory Smith and Dr. Rodney. We are actually putting Gregory Smith on the level of Dr. Walter Rodney, a brilliant Guyanese, for him to conjure up this conversation.

Mrs. Samuels-Brown: That may be so and I guess there will be a time for you to address this matter...

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Mr. Williams: No, you asked me, but I was putting the evidence down and I will address them later.

Mr. Chairman: And you accept, Mr. Williams, that the first job of the Commission would be to determine how much weight, if any, can be put on these statements given the role that Smith according to the evidence, thus far, seemed to have played? That is the first question. We have two dead men.

Mr. Williams: Sir, we do not have any evidence. The only evidence we have is what Donald Rodney said to Karen De Souza.

Mr. Chairman: Other than that we have two dead men.

Mr. Williams: As far as I know, as a Lawyer in criminal Law too, with vast experience, I do not know if that position would improve after 34 years.

Mr. Chairman: Well we will have to see at the end of the day. I do not want to comment on that now.

Mr. Williams: When Dr. Rodney comes.

Mr. Chairman: When all the evidence is in.

Mr. Chairman: When Mr. Donald Rodney comes, Sir.

Mr. Williams: And finally, page 13.

Dr. Westmaas: Yes.

Mr. Williams: I would say under the caption *The PNC must go and must go by any means necessary*. I do not want to bore you with “by any means necessary” but I want you to look at the second paragraph, mid-way beginning with “someone who heard that was speaking to me the other day”. Do you see that?

Dr. Westmaas: Yes.

Mr. Williams: Could you read that statement for me please?

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Dr. Westmaas: “Someone who heard that was speaking to me the other day and said “well if all you really intend to assassinate them fellas, I tell you something you got to join the queue” *[Laughter]*”. “The guy was ascertaining his right. You were saying that people were standing up in the line before us as many Guyanese were standing...”

Mr. Williams: Alright we just want you stop at “...join the queue...” and “laughter”, alright. In this statement here Dr. Rodney was saying, telling the crowd, that “if you want to kill them fellas, you have to line up and join a queue”.

Dr. Westmaas: Yes.

Mr. Williams: What do you understand to mean by that?

Dr. Westmaas: I would suggest that is pecong.

Mr. Williams: What is the meaning of that pecong?

Dr. Westmaas: In other words, he is saying citizens who said this statement were saying that they have to line up for the purpose of getting at Mr. Burnham.

Mr. Williams: Who want to kill him?

Dr. Westmaas: Well it is a statement made...

Mr. Williams: He is inviting anyone who wants to kill Burnham to line up and join the queue.

Mrs. Samuels-Brown: Again Sir, if you read the rest of the article it says “We have said that we are not for the assassination because politically and ideologically an assassination is of no value to us. We do not want to replace one individual with another individual of the same type, whether it be for better or worse.” So that is how the paragraph ends.

Mr. Williams: That is not my paragraph... I do not wish to put that. I am putting my case to him and this is what I ask him to read, with respect, Madame Commissioner, if I am allowed to cross-examine the witness. If you wish to take over and interpose that I do not have a difficulty.

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Mrs. Samuels-Brown: I do not wish to take over, but if I may continue and I will, as a Commissioner, I will continue. One of our duties is to ensure that there is fairness to the witness and that when a quotation is made it is not taken out of context.

Mr. Williams: Madame Commissioner...

Mrs. Samuels-Brown: If I may continue, Mr. Williams, I would be obliged. You took the beginning of a paragraph and you put it to the Witness without reading to him the rest of the paragraph and it is my view that it is not fair...

Mr. Williams: I beg to disagree with you.

Mrs. Samuels-Brown: If I may continue Mr. Williams, you have said that the extract meant that Rodney was into the business of killing of agreeing to the killing of leaders, but the rest of the paragraph says the opposite and it is not right to my view for it to be put and taken out of context that is all.

Mr. Williams: I beg to disagree with you, Madam Commissioner. All I am doing is putting on the record utterances that are independent of anything else in the paragraph and this statement is an independent statement and it is saying *'if y'all want to kill Burnham y'all have to line up in the queue and join the queue'*. It does not say that Dr. Rodney wants to kill Burnham. He is talking to people *'if all yuh fellas'* so I do not know if you feel that you must spring to the defence of Dr. Rodney but all this is saying is "someone who heard that was speaking to me the other day and said "if all you really to intent assassinate them fellas". This is does not say "Walter Rodney" so there is no need for a defence of Dr. Rodney at this point.

Mrs. Samuels-Brown: I will have to respond, not only on my own behalf, but on behalf of the Commission. None of us is coming to the defense of anyone we simply want all the evidence in. We want it in a fair and full manner so that at the end of the proceeding we can analyse all the materials have been produced and come to a conclusion or make recommendations base on fairness and taking everything into consideration.

Mr. Williams: Fairness?

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Mrs. Samuels-Brown: I am sorry, Counsel, that you would sit from where you are and suggest that anyone on this panel is coming to the defence of any particular individual.

Mr. Williams: Have I said that.

Mrs. Samuels-Brown: You did say that.

Mr. Chairman: You did say that.

Mrs. Samuels-Brown: You said it twice.

Mr. Williams: Could I ask, Mr. Chairman, to see the record if I accused any member of this Commission as coming to the defense of Dr. Rodney?

Mrs. Samuels-Brown: You said it twice.

Mr. Chairman: I do not...

Mr. Williams: I would like to see the records.

Mr. Chairman: Mr. Williams, you often claim to be an experienced Lawyer, I have no doubt that that is so, but I would just ask that you show some respect to tribunal.

Mr. Williams: Sir, am I...

Mr. Chairman: Just reflect on what I am saying. Do not be so anxious for propaganda purposes. Just reflect on what I am telling you. I did not think that you were fair. You were interrupting the Commissioner whilst she was speaking. You were challenging everything that she is saying and all she is saying to you is quite proper. Put the words to the witness in context. Clearly, Rodney was speaking when you read on political assassination and that is the only point she is making and that it borne out by a careful reading of what is said. Anyhow, let the record come.

Mr. Chairman: Mr. Chairman, I did not interrupt. I thought that the Commissioner was finished, but apparently the Commissioner speaks in a manner where there is a long pause before she continues. I tried to get in during that pause. Secondly, the Commissioner said that this is part of the same paragraph; I reject that out of hand. That statement that the Commissioner referred to came from the fifth paragraph; two separate paragraph far removed from what I just

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read and if I were to disrespect this Commission, I would have come here with all kinds of applications, but if you wish to go that route... All that I am asking is that I be allowed to cross examine the witnesses and I am saying this portion that I have read is nowhere connected to what the Commissioner intervened with. What the Commissioner is referring to are in subsequent paragraphs far remove from this one and it is out of context with this paragraph.

Mr. Chairman: Please move on, Mr. Williams. If you thought that we can benefit from a short adjournment I will be happy to grant that to you. I think it may improve the atmosphere.

Mr. Williams: Sir, I am ready to continue, but these interruptions are delaying us.

Mr. Chairman: I am disappointed you use words like “interruptions”. My fellow Commissioner made a legitimate intervention about the importance of putting cross examine the witness fairly. We have tried to protect every other witness in that regard. We must be fair and in the interest of improving the atmosphere I think that we should now pause for...

Mr. Williams: Mr. Chairman, before you rise, I am saying I do not disagree that I was putting anything unfairly to the Witness. What the Commissioner referred to there was not a part of the paragraph I put to the Witness.

Mr. Chairman: What is the effect of two negatives there?

Mr. Williams: I reject that.

Mr. Chairman: We are in comfort time for 25 minutes.

Hearing Suspended at 11.05hrs.

Hearing Resumed at 11.43hrs.

Mr. Chairman: Mr. Williams, just before the break, you had asked that the record be checked in relation to a suggestion that was made by the Commission and you were trying to check the accuracy of what you might have said. It will take us a few minutes, maybe five or more, to have

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both the tape and the transcript available and I was thinking that we should move ahead and we can get back to that.

Mr. Williams: I am not that focused on that you know. All I am saying is if the record could say, “Mr. Chairman, you are providing a defence. Madame Commissioner, you are providing a defence. Commissioner Jairam, you are providing a defence.” If I see that I bow to that, but that cannot be on the record.

Mr. Chairman: We will show you it as soon as it is available.

Mr. Williams: As it pleases.

Mr. Chairman: For now we get on.

Mr. Williams: Yes, please. Could the doctor be shown the recognition handbook?

[The Court Marshall took the document to the Witness]

Mr. Jairam: Is that TO 2.

Mr. Williams: Yes, Sir.

Mr. Chairman: Professor Westmaas, do you have the recognition handbook?

Dr. Westmaas: Yes, Sir.

Mr. Chairman: Yes.

Mr. Williams: Dr. Westmaas, in looking at that handbook, do you see any author indicated there?

Dr. Westmaas: No.

Mr. Williams: Is there anything in that recognition handbook that points to authorship?

Dr. Westmaas: The configuration of the personnel identified in handbook, in other words, the names and photographs of individuals contained in the handbook points to a certain source.

Mr. Williams: And in this Commission who was that source you said?

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Dr. Westmaas: Security services.

Mr. Williams: You are speaking generally? You cannot say for sure?

Dr. Westmaas: No. Security sources representing the State.

Mr. Williams: But is anything indicated there on that handbook? Guyana Police Force (GPF), Guyana Defence Force (GDF), Guyana National Service (GNS), Guyana People's Militia (GPM), do you see anything like that?

Dr. Westmaas: No.

Mr. Williams: Are you saying that no other organisation could compile such a book?

Dr. Westmaas: Well no other organisation was so actively involved in researching and following and identifying members of this specific organisation at that time.

Mr. Williams: How would you know that?

Dr. Westmaas: Because the only organisation that was confronting the Working People's Alliance at that particular moment was the Guyanese State and its associated organs including the security services.

Mr. Williams: So you were guessing that it was some security force?

Dr. Westmaas: Intelligence source and of course for easy facilitation of Police "Death Squad" members in the process of identifying WPA members.

Mr. Williams: So you are saying that no other political party would have an interest in knowing the WPA operatives?

Dr. Westmaas: Not at that time, no.

Mr. Williams: Pardon.

Dr. Westmaas: Not at that time, no.

Mr. Williams: Why are you saying that?

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Dr. Westmaas: Because we were in some cases allies in a broad collation fighting a particular entity. We were not antagonistic and even at that time there was no ability, I would guess, from other political or other sources to compile something of this magnitude with photographs including data other than a service emanating from a security organisation which could have access passport numbers and the other data contained in this document.

Mr. Williams: Now, you are saying that you were not in confrontation with any other body. In your evidence you said that the WPA had undertaken a multiracial challenge, not only to PNC but to People's Progressive Party (PPP), itself?

Dr. Westmaas: Yes, but that was not antagonistic in terms of accessing or trying to change the political situation in the country. It was a broad collation of Opposition Parties with contradictions among each other or else it would be one Party trying to assess and work together towards a common goal in terms of democratic rule, but in terms of their ideology and political practices, there were differences between the opposition forces and I mentioned in that document that the WPA and PPP had contradictions in terms of how to move forward in relation to its membership and the active participation of citizens of Guyana and we prefer the multiracial path.

Mr. Williams: You also said the PPP also felt threatened. Janet Jagan appealed to the supporters to stop joining the WPA?

Dr. Westmaas: Yes but that was a later period and that was in terms of the same multiracial challenge which I was referring to. That was in a rural area of the country where the WPA had active membership on the ground and was distributing handbills and stuff like that and holding meetings, so it was the reaction of a specific area in which that organisation felt threatened in some form or the other.

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Mr. Williams: Okay. Might I respectfully refer you to the records for Thursday, 29th May, 2014.

Mrs. Samuels-Brown: Are you moving on to another point, Counsel?

Mr. Williams: No. It is not really moving on but if you wish to interject?

Mrs. Samuels-Brown: I just want to ask, he said it belonged to a later period, I do not know what later period he is referring to?

Mr. Williams: Yes.

Dr. Westmaas: Okay. It was the period around 1983 or 1984, when the WPA would have expanded its ranks as membership and its support based and was actively working in other areas of the country, including Skeldon and Line Path in the Berbice area.

Mrs. Samuels-Brown: Thank you very much.

Mr. Williams: Yes, if I might respectfully refer you to page 27 of the 29th May... Do you have a copy?

[Court Marshall took the document to the Witness]

Mrs. Samuels-Brown: The evidence?

Mr. Williams: 2014. Yes the evidence.

Mrs. Samuels-Brown: Whose evidence is that?

Mr. Williams: Mr. Kwayana.

Mrs. Samuels-Brown: Thank you.

Mr. Williams: Beginning at page 77, Madame Commissioner.

Mrs. Samuels-Brown: Thanks.

Dr. Westmaas: Page 77?

Mr. Pilgrim: 77?

Mr. Williams: Yes.

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Dr. Westmaas: Yes.

Mr. Williams: At one, two, three, four, five six, the seventh bullet, “Basil Williams”. Do you see that?

Dr. Westmaas: Yes.

Mr. Chairman: That page again, Mr. Williams, is...?

Mr. Williams: 77.

Mr. Chairman: Thank you. Page 77.

Mr. Williams: This is the cross examination of Mr. Eusi Kwayana.

Dr. Westmaas: Yes.

Mr. Williams: You see I have “yes”, if I could read it, I was referring to a book by Mr. Eusi Kwayana, page 14 of that book, titled *Walter Rodney* and the extract was this, it is in parenthesis, “His work among the sugar workers was less intensive and less thorough. The WPA went to the sugar estate in those days and mainly by invitation for the sake of good understanding and mutual trust between us and the PPP. We avoided establishing bases in the sugar estates. Not only the PNC, but the PPP also had fears of and misgivings about the long term effect of WPA agitation and organization in the sugar belt.”

Dr. Westmaas: Yes.

Mr. Williams: Do you agree with that?

Dr. Westmaas: I agree as it is read, yes.

Mr. Williams: Yes. Page 78, where you see the big paragraph under my name...

Dr. Westmaas: Yes.

Mr. Williams: ...beginning with “you continued” at the last paragraph on page 4 and you go over to page 15. Do you see that line?

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Dr. Westmaas: Beginning with “an important part”?

Mr. Williams: Yes, that is in parentheses. That is an extract also. “An important part of this anti-polarization process was the fact that the WPA supported every struggle for the sugar workers for improvement in their wages, living conditions and industrial relations. This support was declared not only within the sugar belt itself, in the face of the sugar workers, but in the non-sugar areas which had formally been opened only to the ruling party propaganda, which also had a very distasteful and non-industrial quality. In these efforts, Walter Rodney was not idle. There were occasions for preaching the gospel for the class of others as well as for advancing the cause of multiracial and what you call non-racial politics.”

Dr. Westmaas: Yes?

Mr. Williams: Is this saying that, notwithstanding what you first read, you are now actively undertaking work in the sugar belt?

Dr. Westmaas: Yes.

Mr. Williams: And at page 80 at the top,

“Mr. Williams: In other words, in your opinion both of the mass based parties in Guyana, which the WPA met, could have felt threatened by WPA’s activities.

Mr. Kwayana: Yes.”

Dr. Westmaas: Yes.

Mr. Williams: Do you agree with that?

Dr. Westmaas: Yes.

Mr. Williams: Now, we appear to be moving from more than tension to a higher degree of divide, if at page 80f... I am saying this in the middle at “Mr. William: If I could read it”, beginning with those words, “if I could read it”. “The idea put forward by the then leader of one

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of the Political Parties that Walter Rodney had offered the people a Christmas present. That is the downfall of the PNC regime at Christmas 1979, arose from his use of the term Christmas present in almost opposite, but related contest.” Are you familiar with that?

Dr. Westmaas: I am familiar with the episode in which the PPP made statements about Christmas present, yes.

Mr. Williams: And in fact if you go to page 82 at the top, under my hand again. “This took place during the 1980’s General Elections campaign. The WPA actively boycotted those elections as a form of civil disobedience and opposition to the imposition of the 1980 Constitution. The PPP contested them, still sung by the vigor of the WPA’s anti...” This should be dictatorial campaign. I see it has “doctorial”, I do not know it may be anti-dictatorial. That is it.

Dr. Westmaas: I think it should be that, yes.

Mr. Williams: “The PPP’s representative declared, and I quote “They promised you a Christmas present and all you got was Dr. Walter Rodney’s head on a platter.”” So some division was beginning to step in?

Dr. Westmaas: Yes.

Mr. Williams: Would you consider that a serious attack coming from that level of the PPP?

Dr. Westmaas: Well, you are working in the process so it was not a serious attack in the sense of allowing a break in the ranks in so far as broad anti-dictatorial struggle was concerned, but in so far as the PPP felt threatened by the WPA’s work in the sugar-belt, yes they were some implicit threat to their support base which was not antagonistic in the form which I think you are implying.

11.58hrs

Mr. Williams: You have to speak for yourself. You do agree with that?

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Dr. Westmaas: Yes.

Mr. Williams: ...because you really cannot know what is in the mind of the PPP. If the PPP feels that you are a threat and you are operating in their sugar-belt area, etcetera, you cannot determine the level of their insecurities. Do you agree with that?

Dr. Westmaas: I do not know what context you are talking about there...

Mr. Williams: Alright.

Mr. Chairman: Doctor, this was some implicit threat to the support base...

Dr. Westmaas: ...of the PPP.

Mr. Chairman: ...of the PPP?

Dr. Westmaas: Yes.

Mr. Chairman: The last thing that came before that was the quotation which spoke of the Christmas present being Dr. Rodney's head on a platter.

Dr. Westmaas: Yes, I was responding to Counsel's question...

Mr. Chairman: Which was?

Dr. Westmaas: ...relating the issue of the Christmas present to WPA's working... a multi-racial challenge of WPA to the Indian sugar-belt.

Mr. Williams: I had asked him if that did not amount to a serious divide? He said, yes.

Mr. Chairman: He said that there was some implicit threat to the support base...

Mr. Williams: Yes.

Mr. Chairman: ...and I asked him of which Party...

Mr. Williams: Yes.

Mr. Chairman: ...and he saying of the PPP.

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Mr. Williams: Yes, in the sugar-belt.

Mr. Chairman: Thank you.

Mr. Williams: In addition to that, are you aware of the attempt to form the Patriotic Coalition for Democracy and the Patriotic National Front?

Dr. Westmaas: I know about the Patriotic Coalition of Democracy. I do not know about Patriotic National Front.

Mr. Williams: Patriotic Coalition of Democracy.

Dr. Westmaas: Yes.

Mr. Williams: You were not aware of the previous attempt on the National Front Government?

Dr. Westmaas: That term “National Front” does not ring a bell. You may be referring to something else, but not national front.

Mr. Williams: The Patriotic Coalition for Democracy, what was that? When was that formed?

Dr. Westmaas: I cannot recall the exact date. It is presumably 1989 or there...

Mr. Williams: No, that is not the one we are talking about. We are talking about the one that Dr. Roopnarine has in his book. When I say “his book”, I mean his writings. It is called the *National Front*... just bear with me a second, Sir. If I might respectfully refer you, Mr. Chairman, Commissioners, it is *Walter Rodney and the Answer of Power*. I think I used it. I am not sure if I used it already by Dr. Rupert Roopnarine...

Mr. Chairman: What is the correct title, please?

Mr. Williams: *Walter Rodney and the Answer of Power* by Dr. Rupert Roopnarine.

Mr. Chairman: You are putting...

Mr. Williams: On page three of that document... I do not know if it is already in exhibit, Sir. I might have... Is it not?

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Mr. Chairman: It is not. I do not remember...

Mr. Williams: It would be in his book.

Mr. Chairman: It has been confirmed by Commission Counsel that it has not been in evidence before.

Mr. Williams: It should be in Dr. Roopnarine's book *The Sky's Wild Noise, Selected Essays*. I think he indicated to the Commission that he would be using this book. I think we have an extract of it somewhere. I will read from that and we will confirm it from the page. Do you have this book, Members of Commission?

Mr. Chairman: Not as yet.

Mr. Williams: You have not handed it over yet to the Commissioners?

Mr. Williams: I am reading, Sir...

Mr. Chairman: You are reading from the pamphlet?

Mr. Williams: Yes, from the pamphlet. In the normal way we would ask this to be copied too. At page 3, down at the bottom, I could lay this over in the normal manner for copies to be made.

Mr. Chairman: Yes.

Mr. Williams: I was told that Dr. Roopnarine's statement... I saw a statement referring to this and this is an extract.

Mr. Chairman: Yes, it is referred to but we have not seen it.

Mr. Williams: "1977 was marked by two interconnected events that were to have far-reaching implications for the development of the democratic alliance. The first was the August Declaration by the PPP for proposals for National Patriotic Front and National Patriotic Front Government". This was 1977. Are you aware of that?

Dr. Westmaas: I do not remember it but I take it as read.

Mr. Williams: Pardon me?

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Dr. Westmaas: I take it as read but the word “patriotic” comes in there. You did not say patriotic first time. You said “National Front”.

Mr. Williams: That is why I went to get the booklet.

Dr. Westmaas: Okay, so it is Patriotic Front...

Mr. Williams: I thought that might have jugged your memory.

Dr. Westmaas: National Front did not jug my memory. That is a factious organisation in Spain or somewhere...

Mr. Williams: Which one?

Dr. Westmaas: ...in the 1930's.

[Laughter]

Mr. Williams: Okay.

Mr. Chairman: Order, order.

Mr. Williams: If we continue on page 4... At the bottom of page 3 he said “We declared our agreement, in principle, encouraged by PPP’s first ever winner will not take all declaration. The WPA does not go along with the details of the PPP proposals for National Patriotic Front, but it welcomes the patriotic spirit behind the proposal. Only a patriotic party will offer such a formula to a minority party in a time of crisis. We suggested that the National Patriotic Front proposals be used as a basis for consultations among the people. The PPP accepted the suggestion and did not see the need for consultation in the PPP communities, ‘Red’/Indian as they were already in step with the programme so the National Patriotic Front meetings should be concentrated in a non-PPP communities, ‘Red’/African as it was they who needed to be brought in step. With such enlighten encouragement there were few National Patriotic meetings anyway”. From this would you agree with me that that proposal floated by the PPP floundered because they did not want anybody else to enter their communities, purportedly, to deal with this issue for consultation on the National Patriotic Front? This is what Dr. Roopnarine is say.

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Dr. Westmaas: In general, yes, but it is much more complicated in the context of negotiation between two Political Parties or a broad coalition of Parties, but yes, in a general sense there was some unease about the other parties going into areas traditionally know as areas belonging to or under the influence of the People's Progressive Party.

Mr. Williams: "The words confirmed that the PPP accepted the suggestion, but they just saw the need for consultation in the PPP communities whether Indian..." and that is exactly what according to you, the WPA wanted to I would say change, the type of ethnic division and have more multi-racial thrust.

Dr. Westmaas: Change on all sides, yes.

Mr. Williams: Right, both sides.

Dr. Westmaas: Yes.

Mr. Williams: In this connection here, these proposals did not go anywhere all because of the protective nature of the PPP in their communities. Do you agree with that? That was in 1977.

Dr. Westmaas: Yes, in general, but remember in 1977 and onwards we still had a relationship with the People's Progressive Party in relation to broad issues of democratic change and constitutional change.

Mr. Williams: Okay, but that is in so far as you do not go into their communities or challenge them in their communities. Do you agree with that?

Dr. Westmaas: It was developed because the WPA was not a force of that nature in 1977. It subsequently developed that after the Civil Rebellion to become much more of a challenge in that area. I would imagine that the PPP would not have felt insecure by 1976/1977 until later when the WPA became a mass-based organisation in the broadest possible sense of the word.

Mr. Williams: Yes, that was when they were attracting large crowds...

Dr. Westmaas: Yes.

Mr. Williams: ...in sugar-belt at their meetings?

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Dr. Westmaas: Yes.

Mr. Williams: Therefore, it is true to say then that the WPA's activities would have been carefully watched by the formal Opposition Party in Guyana at the time, the PPP?

Dr. Westmaas: I do not characterise it as carefully watched. It was an ongoing process again, as I said, in context. If it relates to a discussion about broad democratic change, it would not be an issue in that sense. If it relates to holding public meetings or areas in which the PPP has influence, maybe, yes, that would be a problem, but in a broad general sense it was back and forth between the organisations.

Mr. Williams: Yes, there is a back and forth, but this thing is the common thread that ran throughout your dealings with the PPP, was there was no way they want you to go into their area or into their home patch. Is that not so?

Dr. Westmaas: In a general sense, yes.

Mr. Williams: Let us move to the PCD (Patriotic Coalition for Democracy)...

Dr. Westmaas: Yes.

Mr. Williams: ...which is related, you know that is the What is that?

Dr. Westmaas: Patriotic Coalition for Democracy.

Mr. Williams: Right and who comprise of that?

Dr. Westmaas: That is outside of the period of which we are discussing of course, but the Patriotic Coalition for Democracy began sometime around 1988/1989 and it was composed of main Opposition Parties including small and large parties, Opposition Parties that is, at the time.

Mr. Williams: Alright, at the end of the day you would say that that Patriotic Coalition for Democracy really was active at the time that power was won by the PPP? They continued until the PPP took the reins of Government in 1992?

Dr. Westmaas: I think it dissolved, it broke apart up to that point, but no, it did not continue. The Patriotic Coalition for Democracy did not continue after the PPP got into power.

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Mr. Williams: No, that is not what I am asking you.

Dr. Westmaas: Okay.

Mr. Williams: I am saying that existed up to the time they got into power?

Dr. Westmaas: Approximately, yes.

Mr. Williams: Yes, and after that the WPA really had not benefitted from that change of Government because they had no Ministers in that Government in 1992. Do you agree with that?

Dr. Westmaas: Yes, we had no Ministers but Ministers were not the only thing WPA was seeking. You mentioned earlier that multi-racial and Constitutional change. WPA was more interested in broad generative change rather than seeking a Ministry here and there so in that context, no.

Mr. Williams: Not in a Ministry here and there you said?

Dr. Westmaas: That is what you said.

Mr. Williams: No, the WPA would not have been interested in Ministry, here and there.

Dr. Westmaas: Not in the format of a token, but in the context of a partnership of changing the society constitutionally and politically for the better.

Mr. Williams: Alright.

Mr. Chairman: Mr. Williams, did I understand you to be suggesting to him that when the PPP got back in power in 1992, there was not in the Government that was formed thereafter, anyone with previous ministerial experience?

Mr. Williams: No, the WPA got nothing in there.

Mr. Chairman: Pardon?

Mr. Williams: The WPA got no one into the Cabinet or into the Government.

Mr. Chairman: Okay, sorry I got it wrong. Thank you.

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Mr. Williams: In other words the PPP turned its back on you.

Dr. Westmaas: That is how you put it.

Mr. Williams: Do you disagree with that?

Dr. Westmaas: No, I do not disagree with that. It is much more complicated than that. That is a blanket statement. There are much more dimensions related to our relationship in and out of Government.

Mr. Williams: To me if you have a patriotic coalition and you have power now, to me, the great Dr. C. Y. Thomas, for example, should have been an automatic entry into the Cabinet, but that is another matter.

Dr. Westmaas: Yes.

Mr. Williams: It is just to show you that PPP guarded its constituencies zealously and jealously.

Dr. Westmaas: Historically, as the other main Political Parties has.

Mr. Williams: You are bringing in the PNC?

Mr. Chairman: Was there any formal link or even informal between the Patriotic Coalition and the PPP?

Mr. Williams: When he said formal, they formed this organisation, Mr. Chairman, and they were part and parcel with it. They struggle together for change.

Mr. Chairman: Were they not yet two separate institutions?

12.13hrs

Mr. Williams: Like everything else, it is an amalgam of parties, but as I said, at the end of the day, the WPA's efforts seems to have been forgotten unless they are saying that he did not do enough or he did not contribute enough.

Now, the Civil Rebellion, you would say that that is something that spun off from the turbulent 1960s; a concept akin to what happened in the 1960s.

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Dr. Westmaas: Depends on what you mean by “the turbulent 1960s”. As I said in one of my statements, the process was over a period of time. There were breaks in between the high point of the 1960s in terms of division which was replicated by Post-Independence change and up to the early 1970s there was a semblance of relative calm in the country until approximately 1973 after the elections, so it is not a direct link. The 1960s was a continuous stream of developments which led to the Civil Rebellion, so I do not think that you are accurate in linking the Civil Rebellion and then the 1960s in one direct hierarchical link.

Mr. Williams: Well, I am not linking it, I am being querulous. I am going on the basis of what you said to us that the impact of the 1960s and what it had in the 1970s.

Dr. Westmaas: Yes, but I qualified that by suggesting various movements and personalities and the ideological influence that go into the 1970s and what became the Working People’s Alliance.

Mr. Williams: What year did the WPA declare the Civil Rebellion?

Dr. Westmaas: We did not declare a Civil Rebellion, a Civil Rebellion happened.

Mr. Williams: What year did it happened?

Dr. Westmaas: Again, it is an approximate thing. Historians and political pundits can speculate on when it actually happened. Generally speaking, it began around the period of September 1979 and onwards.

Mr. Williams: You are saying that it was not a conscious decision taken by the WPA that there would be this Civil Rebellion, as they term it?

Dr. Westmaas: No, that would have been awkward because political people cannot just wish a Civil Rebellion. It has to be actively pursued on the ground and you may not get the exact replica of what you call Civil Rebellion unless you are actually participating. A Civil Rebellion is, in other words, addressed in hindsight. It is a process addressed in hindsight. When you are actually in the moment you have public meetings, you have demonstrations, you have political activities through the country and that is deemed a rebellion because it is continuous and it has a high level of pursuit of objectives.

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Mr. Williams: Okay. Now, Mr. Ogunseye told us that if it were not for the fact that on the burning of the Office of the General Secretary of the PNC, of Burnham fingering WPA's leadership as being the persons committing arson, there would not have been the Civil Rebellion.

Dr. Westmaas: In a general sense, if he said that it is somewhat accurate because if you imprison somebody like Walter Rodney, Rupert Roopnarine and Omawale obviously people will take an interest and come out to Court and also expressed support for the cause and in that sense, yes.

Mr. Williams: But he was suggesting that a conscious decision was taken after that fingering of the WPA leadership for the arson... A conscious decision was made to have a Civil Rebellion?

Dr. Westmaas: Again, a Political Party cannot conjure up a civil rebellion. A Civil Rebellion involves more than one entity. It was not conceived in Tiger Bay and then transmitted to the mass population. The mass population engaged the Political Party and that caused the civil rebellion so it was not...

Mr. Williams: Okay, insofar as Mr. Ogunseye contended that, you disagree with it?

Dr. Westmaas: No, I do not disagree with him. I said that I agreed with him, in general.

Mr. Williams: Now, is it not true to say then that certain activities were adopted in pursuance of the Civil Rebellion?

Dr. Westmaas: Can you elaborate?

Mr. Williams: Okay, are you aware that there are WPA members who have made clear statements that they had undertaken a civil rebellion, not *ex post facto*; a clear statement from various leaders that they had undertaken a Civil Rebellion. It was not a hindsight decision.

Dr. Westmaas: No, well, you see again, if you are in the process of actively participating in a programme, you are actually on the ground and you are saying, "Look, I am going to hold a public meeting at the Bourda Mall or I am going to Berbice to hold a demonstration." That is a conscious effort to engage people. The Civil Rebellion comes if that conception becomes

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widespread and popular, so again, I do not necessarily agree with your conception of tying Civil Rebellion to a planned operation of a Political Party.

Mr. Williams: No, I am just saying what other leaders of the WPA have said. We are going to bring those statements out but the other thing that I want to say to you is, the words told to a public meeting, a large meeting by Dr. Rodney, culminating with “they must go and that they must go by any means necessary”. Are you saying that that was not in pursuance of the Civil Rebellion?

Dr. Westmaas: Yes, it was... That is exactly going along with my earlier comment that a Political Party does not design a Civil Rebellion in a broader sense, but at the public meetings, somebody could suggest to pull the people into the ranks of a broad protest that is called a Civil Rebellion, subsequently, yes, in that sense.

Mr. Williams: As a historian, you would have known that we would have still been affected by the influence of the Rupununi Uprising, in terms of national security.

Dr. Westmaas: Again, you will have to explain the connection because there was a 1969...

Mr. Williams: The uprising in 1969?

Dr. Westmaas: Yes but the period in which we are discussing now is the period of the Civil Rebellion in 1978 to 1980 period, so there is no direction in that sense, you can ask me a question in relation to the connection but I do not see any association, insofar...

Mr. Williams: But I am asking and all you need to do is answer.

Dr. Westmaas: Yes.

Mr. Williams: We will move on.

Dr. Westmaas: Yes.

Mr. Williams: Then you had the question of the ...

Mr. Chairman: Mr. Williams, you were referring to a 1969 uprising, I seem to...

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Mr. Williams: Yes, Mr. Chairman?

Mr. Chairman: ...have been distracted slightly, what was that?

Mr. Williams: That was an uprising in the Rupununi where an attempt was made to secede from the Government of the day and Policemen were killed in that uprising. I am surprised that you do not have that.

Mr. Chairman: No, it is that I did not hear the words.

Mr. Williams: No, I said, I am surprised that you do not have... Do you have the literature in relation to that?

Mr. Chairman: We do not. I am advised that we do not. It is something that we should get. I recognise that now and I will ask the Secretariat to make sure that we get it.

Mr. Williams: Mr. Chairman, let me put it to the witness, I am saying that would have influenced national security considerations and decisions in the 1970's, is that not so?

Dr. Westmaas: It had national implications, but in terms of the direct link to what your earlier question was connecting it to, that it would be up to 1978 period, it did not appear... The 1969 Rupununi Uprising, as serious as it was in terms of national security, did not arise as a subject matter in the Civil Rebellion in the form in which you are putting it.

Mr. Williams: No, I am not asking you about the civil rebellion. I am asking you a straight question that the security forces would have been, in terms of their operations, influenced by the Rupununi Uprising. That is what I was putting to you. In other words they would have therefore, since they were caught by surprise then and policemen were killed and all of that and the Army had to go down there to secure the place, it meant that strategies would have been developed to deal with that kind of thing in the future.

Dr. Westmaas: Strategies by whom?

Mr. Williams: By the security forces.

Dr. Westmaas: Okay.

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Mr. Williams: You agree with that?

Dr. Westmaas: Yes, generally speaking.

Mr. Williams: Yes. Now...

Dr. Westmaas: But that is external security, right?

Mr. Williams: Yes, but we will come to internal now. No, let us stay at external for a while. You also had these events in Grenada, next door in Suriname. Do you agree with me?

Dr. Westmaas: You will have to tell me the events. I mean, there were many events in Grenada over time. There was the Grenada Revolution of 1979...

Mr. Williams: Well, Grenada...

Dr. Westmaas: You were talking about 1969 and now you are jumping 10 years.

Mr. Williams: No, we are dealing with 1978 to 1980 and the Commission has always indicated that in a line, you could always touch at another decade or a couple of years before 1978, that is all we are doing to shed light on what we are asking you about the period.

Mr. Chairman: Yes, you are right because sometimes events take place in a two-year period had their origin five years before, so sometimes it is very hard to demarcate with strictness, but I noticed that in this case you have notice that you have gone back as far as 1969.

Mr. Williams: Well, I am just to show the uprising.

Mr. Chairman: I am for latitude.

Mr. Williams: Yes, Sir. I am not dwelling on it but it is just to show you that that would have influenced the nature and operations of the security forces from thence forth. Now, we also had the Grenadian and neighbouring Suriname and we had all these problems. That again would have influenced the approach of the security forces. Do you agree with that?

Dr. Westmaas: Again, yes, with external threats, yes.

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Mr. Williams: Yes. Not the external threats because the revolutions next door, perhaps it was felt, could have been replicated in Guyana. Was that farfetched?

Dr. Westmaas: “Replicated” is a very nuance term. If you are analysing that linkage you have to have an even in Suriname, a Political Party, its connections with the Parties in Guyana and out of that you can make some linkage but the way you are putting it is fuzzy.

Mr. Williams: Oh, so it would have only affected Guyana if there had been linkage between somebody and Suriname and Guyana?

Dr. Westmaas: No, I am saying that in order for that...

Mr. Williams: ...or is it the idea that you are talking about?

Dr. Westmaas: In order for that influence to occur, dramatically, there must have been events and connections and stuff like that in Suriname which might have had some spin over effect in Guyana.

Mr. Williams: Let me put it to you now. You put yourself in the position of the Head of Government at the time, with revolutions occurring, as you described, like there is a wind of change...

Dr. Westmaas: Yes, but that wind of change...

Mr. Williams: No. Just hear me out.

Dr. Westmaas: Okay.

Mr. Williams: When it comes next door to you in Suriname. You have problems with the border with Venezuela; remember that too, all these are factors. You are saying, as the Head of the Government, that you would not be guarding your loins to protect your State?

Dr. Westmaas: Yes, not only the Government but the Opposition Parties and everyone who had a sense of what Guyana stands for would also be concerned about border security, yes.

Mr. Williams: That is where GPM came in for example, “every citizen a Soldier”. Do you know about that?

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Dr. Westmaas: Yes, I have heard about that.

Mr. Williams: Yes, so it really was a period where the security forces were really confronted with all kinds of threats, including internally, trying to prevent the disturbances that happened in 1964 coming down to the end of 1968 from happening again. Do you agree with that?

Dr. Westmaas: Again it is a nuance response because, I am speaking as a Member of the WPA, the 1960s would not be a consideration in terms of... We were trying to prevent that from coming to being in a multiracial action so that linkage is creating a different conception...

Mr. Williams: But your writings have... You spoke about the racial cleavage in the 1960s.

Dr. Westmaas: Yes, but not in terms of replicating the division but of healing the division.

Mr. Williams: No. I am saying the security forces would therefore have to have a strategy to ensure that that kind of racial conflict does not surface again in Guyana.

Dr. Westmaas: Again, I cannot comment on that because I do not see the link.

Mr. Williams: Well you would not have lasted long if you were heading a security and not providing and looking for something like that to ensure that it does not disrupt the Nation, again.
[Laughter]

Dr. Westmaas: I am not in the security forces.

Mr. Williams: Alright, so it is in that milieu, when you have these bright, young intellectuals returning now and decided that there has to be change; whatever reason they ascribe for it and you are the first telling me, in terms of WPA, that in 1973 elections was a factor... but you have this agitation going on and you have a threat to move you by any means necessary, that is the State. What was the State to do, Dr. Westmaas? Do you agree with me that the State would therefore have to protect itself?

Dr. Westmaas: The WPA and the Opposition Parties were fighting for various rights. If ...

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Dr. Westmaas: ...if there were Constitutional rights, the State, was represented by the branches of State. In other words, the Police Force had to act in accordance with the democratic practice of allowing a public meeting to go on -for example- without hindering it. In that sense, yes.

Mr. Williams: But you were aware that the Police were acting under the Law? –The National Miscellaneous Security Provisions Act. They were enforcing that Act. Were you aware of that?

Dr. Westmaas: No.

Mrs. Samuels-Brown: [*Inaudible*]

Mr. Williams: The National Miscellaneous Security Provisions Act. I think they had just circulated some in a file?

Mrs. Samuels-Brown: Yes, I got it, and I have a copy.

Mr. Williams: Basically, as a historian, and a good one at that, Dr. Westmaas, you are aware, that that Act would have more or less –let me use a proper word for it- would have relaxed... would have “suspended” is the word... would have suspended your Constitutional guarantees to some extent – freedom of movement, freedom of association, and freedom of assembly... you do agree with that?

Dr. Westmaas: Yes, but that would have been non-constitutional in the context of the process at the time...

Mr. Williams: No, well, we are talking about the Law of the Land. We are not talking *de facto*, we are talking *De jure*, this Act existed; whether you believe that it was constitutional or not, it was not tested and set aside. It existed. I am saying to you... yes, Madame Commissioner? Feel free to come in at any time. Madame Commissioner. If I gave an impression that you could not have come in...

Mrs. Samuels-Brown: No, I was going to say to you that we understand *De Jure*, but he may not.

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Mr. Williams: But he just used *de facto*.

Mrs. Samuels-Brown: But *De Jure* is a different thing.

[Laughter]

Mr. Williams: I am sure, Professor, you understand what is meant by *De Jure*?

Dr. Westmaas: Not necessarily, no. not in the context in which you put it.

[Laughter]

Mr. Williams: Alright.

Mr. Chairman: Bear the public in mind though. Use the English words. Even in England now at the Bar and in the Courts; these Latin tags are forbidden.

Mr. Williams: Well, *De Jure* really speaks to the actual Law, and *de facto* talks about not actual Law, but actions that are in effect; in a clothing of Law. *De facto*, but it is not the Law. I do not know, perhaps Madame Commissioner might be able to make it even clearer than I have done.

Mrs. Samuels-Brown: [Inaudible]

Mr. Williams: So, they were doing something under the Law to protect the State. You go to remove the State by any means necessary; surely, you must expect the State to protect itself, Dr. Westmaas.

Dr. Westmaas: In so far, and it is illegal on their part, yes. They are confronting a democratic challenge and they are enforcing provisions of the Constitution to prevent access to democratic change. It is a little more complicated that they are putting it.

Mr. Williams: I know. You seem to be suggesting to me. Is it that you are suggesting to me that because you are saying your Civil Rebellion –or whatever it is that you were undertaking- was democratic, in your mind; the Government is supposed to roll over and allow you to change them, move them out?

Dr. Westmaas: I am not saying that.

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Mr. Williams: You are not saying that?

Dr. Westmaas: No, I am not saying that, no.

Mr. Chairman: My record suggests, Mr. Williams, that you said that the Police were acting within the Law.

Mr. Williams: Within the Law, yes.

Mr. Chairman: And the Law which you identified was the National Security Miscellaneous Provisions Act.

Mr. Williams: Exactly.

Mr. Chairman: The Witness says that he does not agree.

Mr. Williams: Yes.

Mr. Chairman: That is the record.

Mr. Williams: He does not agree that they were acting on it. He did not say... he is saying that it was unconstitutional...

Mr. Chairman: He said that he did not agree that they were acting within the Law.

Mr. Williams: Well...

Mr. Chairman: *[Laughter]*

Mr. Williams: In any event, that is how they entered your home to search for ammunitions and weapons. They were in power to do that under the Act without a search warrant. Are you aware of that?

Dr. Westmaas: Generally, yes.

Mr. Williams: Yes. Secondly, suspending the freedom to assemble and the freedom to process along the road –you had to get permission to do that. If you did not have permission, they were entitled under that Act to go and prevent you from assembling or processing.

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Dr. Westmaas: We are speaking of paramountcy of the party in that context.

Mr. Williams: That is not paramountcy. We are talking about the action under the National Security...

Mr. Chairman: Miscellaneous Provisions Act.

Mr. Williams:Provisions Act.

Dr. Westmaas: It is responding to forces, responding to political parties; and in terms of their push for precisely those powers that allowed you to repress opposition forces at that time. Even though there might be “technically illegal” the opposition forces were fighting the illegal use of that force. In other words, violation of the Constitution.

Mr. Williams: How could they violate a Constitution if they were operating under an Act?

Mr. Chairman: An act can violate the Constitution in part, or a whole, but that was never challenged.

Mr. Williams: Well, Sir...

Mr. Chairman: That is the reality.

Mr. Williams: A lot of countries have National Security Act. Suspending of various times the Constitutional privileges.

Mr. Jairam: He might be answering you from his knowledge. I think, in modern Constitutional theory, such an act would be *pro tanto* void to the extent that is inconsistent that fundamental provisions of the Constitution would be declared; it has to be read down. I think they witness may be –being a historian- probably using his current knowledge to answer you.

Mr. Williams: But Mr. Chairman, possible we could engage in this. There is no absolute right under our constitution. Certainly in thins Caricom region; there is no absolute right. All rights have to be subjected to the consideration of others. The rights are not absolute. We do not have an absolute right. You have a right bearing in mind the rights of others.

Mr. Chairman: That is correct.

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Mr. Williams: I do not necessarily believe that the National Security Act is to fight a crisis. We were told for a three months period that every day marches and demonstrations, all kinds of things were happening. In fact, we inherited that from our Colonial masters.

Mr. Chairman: Mr. Williams, Commission Counsel tells me that the Act was repealed.

Mr. Williams: Mr. Chairman, Dr. Roopnarine's book will show that it was revived.

Mr. Chairman: But was that not...

Mr. Williams: For that period.

Mr. Chairman: ...to a declaration that parts of it –if not the whole- were all Constitutional?

Mr. Williams: No, it was revived to deal with the activities at that time for the relevant period under the remit of this Commission of Inquiry; 1978 to 1980. It is in this book. Dr. Roopnarine... in fact, let me see...

Mrs. Samuels-Brown: While you are checking, I have been propertied with the original Act...

Mr. Williams: Yes.

Mrs. Samuels-Brown: ...and we have heard evidence here that in the period covered by the Commission of inquiry's terms of reference; you are required permission to use a loud speaker and to have marches. It is the first that I am hearing it is extended to assembling. You know, if you could clarify that for us...

Mr. Williams: Yes.

Mrs. Samuels-Brown: Secondly, the older Law that I have here; the one coming from Colonial times, in fact –that you have pointed out- or just after Colonial times, des not refer to meetings. It refers to firearms, and arrests, and so on.

Mr. Williams: Yes, but I would not break a lance on that, Madame Commissioner...

Mrs. Samuels-Brown: Pardon me?

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Mr. Williams: I would not break a lance if it is not there. I was just speaking generally about the rights.

Mrs. Samuels-Brown: I am sure it is in the Law, but not necessarily in this national...

Mr. Williams: In that one.

Mrs. Samuels-Brown: Yes, okay.

Mr. Williams: Dr. Roppnarine, in his work here had indicated that they were doing these things under the revived National Miscellaneous Security Act; somewhere in here.

Mrs. Samuels-Brown: It must have been revived and also revised.

Mr. Williams: Yes, this is it. Page five of the work, *Walter Rodney and the hands of power*. "In an even more sinister move, part two of the National Security Act was reactivated. Empowering the Government to detain striking workers without trying to restrict the move of citizens and institute curfews." You know, I know I have seen this somewhere.

Mrs. Samuels-Brown: Yes.

Mr. Williams: So the right to assemble restricting the movements and processing and stuff like that.

Mrs. Samuels-Brown: I am not sure it covers the right to assemble...

Mr. Williams: I would not argue with you.

Mrs. Samuels-Brown: ...but it does allow you to detain people.

Mr. Williams: I would not argue. Alright, so they were acting because of a declaration that they would be moved; and they would be moved by any means necessary. They have seen mass demonstration; they have seen all kinds of things; and so, they responded. That does not mean that they are responsible for the death of Dr. Walter Rodney. Do you agree with that?

Dr. Westmaas: No.

Mr. Williams: I am not hearing you.

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Dr. Westmaas: No.

Mr. Williams: But you concluded to this Commission based on information, over time, other parties, their evidence. I suggest the regime enforced was responsible for the death of Walter Rodney. Remember you told the Commission that, yesterday?

Dr. Westmaas: I so do, yes.

Mr. Williams: Since you were not personally there, you do not know what happened; you are conjecturing?

Dr. Westmaas: In so far as I am assembling data and information overtime relative to processing and the recognition handbook and all of the other Acts; its conclusion leads in one direction, yes.

Mr. Williams: But that is an academic exercise. You see, we are looking at how Dr. Walter Rodney died, what caused this explosion. We only have one eyewitness alive, it is Donald Rodney. For you to make a statement that is the forces based on other information, do you agree that other information –for example- was not information you created? It was created by others.

Dr. Westmaas: You have to be more specific. I do not understand what you are saying.

Mr. Williams: The other information was not your creation; it was information emanating from other people. Do you agree with that?

Dr. Westmaas: No.

Mr. Williams: No, what?

Dr. Westmaas: No, I do not understand the question.

Mr. Williams: You are relying on other information based on information over time. It cannot be information that you created. Do you agree with that?

Dr. Westmaas: No, I did not create the information, no.

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Mr. Williams: Exactly. There is nothing that you have in your personal knowledge about what happened in that car that night.

Dr. Westmaas: No.

Mr. Williams: Good. So that is what we are saying. You cannot get personal evidence about the regime. What you are doing is giving an opinion. Do you agree with that?

Dr. Westmaas: Yes.

Mr. Williams: And your opinion is hearsay, but it is based on other hearsay. That is the other information.

Dr. Westmaas: No, I do not agree with that.

Mr. Williams: The other parties.

Dr. Westmaas: I do not agree with that.

Mr. Williams: I am not sure why you do not agree. The other parties being what? - gave you personal knowledge?

Dr. Westmaas: No. This Commission is working towards a sense of how Dr. Rodney met his death, and at least the people I associate with, have substantial bits and pieces that can lead to one conclusion.

Mr. Williams: They were not in the vehicle the night. Therefore, I am suggesting to you that everything you are saying is basically giving an opinion or making a guess. Do you agree with that? Making a guess about how he died and who caused his death.

Dr. Westmaas: I would not use the word “guess”.

Mrs. Samuels-Brown: Counsel, if you would read – do you have his evidence from yesterday?

Mr. Williams: Yes. I am reading it.

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Mrs. Samuels-Brown: Look at page 61, *et seq* –and I just used some non-English words there- Page 61 and following. I think you have made your point and it may be very well something we should commission will have to take into account...

Mr. Williams: What page is that?

Mrs. Samuels-Brown: Page 61 and following. Yes, I noted it carefully yesterday as well. I think you have made your point and...

Mr. Williams: Yes, I will move on.

Mrs. Samuels-Brown: ...we as the Commissioners will have to assess how we treat with the evidence that the Witness has given.

12.43 hrs

Mr. Williams: Which part Madam Chairperson?

Mrs. Samuels-Brown: The last part, his adds on at the bottom of the page. Look at the question.

Mr. Williams: I will move on.

Mr. Chairman: You have fingered what is going to be key considerations to the Commission and that is you are saying that he has been conjectured?

Mr. Williams: Yes, Sir.

Mr. Chairman: And he says to you, “My words proceeded on accepted facts which all in my view lead to one conclusion.” At that point, if he is correct that the facts are accepted, it seems to me that he invoking the doctrine of circumstantial evidence and the real issue that I was grappling with for a while, the exercise is not yet at length, is whether the inferences do not admit of two or more conclusion rather than one.

Mr. Williams: Exactly. Well that is based on circumstantial evidence.

Mr. Chairman: ...addressing circumstantial evidence as a mode of proof; that is the key issue.

Mr. Williams: It must inexorably point to point to only one conclusion.

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Mr. Chairman: Well you are with me now; we are now on the same flight.

Mr. Williams: I was with you all the time.

Mrs. Samuels-Brown: In fact, you will appreciate by looking page 61 that is what I am getting at the Commission will have to assess the different components.

Mr. Williams: Of every witness who told you, I believe, I think, that kind of thing.

Mrs. Samuels-Brown: And this witness has been very helpful in saying in itemising the factors which has caused him to come to his opinion, and that is why I am asking him.

Mr. Williams: That is why I choose to ask this Witness, this question. I could have taken it up with other witnesses, but I do not think we would have had the kind of answer.

Mrs. Samuels-Brown: Point made, Sir, and there are other records since yesterday.

Mr. Jairam: Having received those clarifications, how long you propose to be with us?

Mr. Williams: Not much longer, Mr. Jairam, you inviting me to finish now. I take it that you are satisfied and I do not think I have much more anyway. I could leave this for Mr. Ogunseye, the treason accused and West Coast Demerara, etcetera. I do not need to trouble you with that. I think that is enough for me. Dr. Westmaas, thank you for your cooperation yesterday and your cooperation after some part of the morning has elapsed today, but we are in a process. Thanks for your cooperation.

Mr. Chairman: You are now at the end, Mr. Williams?

Mr. Williams: Yes Sir.

Mr. Chairman: Thank you.

Mr. Scotland: Mr. Chairman, there is one outstanding issue yesterday relative to a document that the Witness promised to provide which he has, would the Chair wish to hear me on the question of its admissibility and relevance.

Mr. Chairman: Refresh us all as to what document is that?

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Mr. Scotland: It is the document where I was questioning him yesterday at page, “the Hickery Dickery Doc” document that he said that he had a...

Mrs. Samuels-Brown: What page?

Mr. Scotland: It is at page 104, lines...

Mr. Chairman: What was it referring to? As a leaflet?

Mr. Scotland: It was a palm let titled *Hickery Dickery Doc*

Mr. Chairman: It is a one page?

Mr. Scotland: A one page, yes.

Mr. Chairman: So you want to be heard now on the admissibility of the one page leaflet, pamphlet which was said to be circulated out the premises of Walter Rodney’s resident some hours after he died?

Mr. Scotland: Yes, please.

Mr. Chairman: Please proceed.

Mr. Williams: Mr. Chairman, may I be heard after him?

Mr. Chairman: Certainly.

Mr. Scotland: The document from at least two of the witnesses Mr. Kwayana, is not here, but I am told that when Ms. De Souza gave evidence, she referred to a document entitled *To Walter* which sort of parodied the *Hickery Dickery Doc*. I asked this Witness yesterday, Mr. Chairman, at page 104 of the evidence that I would now want to move on to another aspect to clarify a stated issue there was a pamphlet titled *Hickery Dickery Doc* offered about it. Can you confirm that you saw that in existence? He says, “I saw the existence of a reproduction of *Hickery Dickery Doc*.”

Dr. Westmaas: Yes.

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Mr. Scotland: So it is my application to have the reproduction of that document and the basis is that it is referred to by the Witness; it is very relevant in that it is a document that came into existence if the evidence of the witnesses ought to be believed shortly after the death of Dr. Walter Rodney. In another place, it would form part of the [*inaudible*], therefore it offends the no hearsay rule and also it is referred to in a document that is before this Commission, the International Commission of Jurist Report dated the 2nd May, 1995 at page 9 of that document just above the rubric a full investigation into Dr. Rodney's Death has not been held a document that is before this Commission reads as follows, "That a leaflet entitled *To Walter, an issue of which we...*

[*Inaudible*]

Mr. Scotland: Yes.

Mrs. Samuels-Brown: What page?

Mr. Scotland: Page 9, it is at bullet point number four just above the rubric "A Full investigation to Dr. Rodney's Death has not been held"

Mrs. Samuels-Brown: Please remind me, what exhibit it forms a part of?

Mr. Scotland: Madame Commissioner, I was not able to...

Mrs. Samuels-Brown: Commission Counsel may be able to assist. Do all Counsel have it? You have it, Mr. Williams?

Mr. Williams: I only received it when I came this morning, but as I said...

Mrs. Samuels-Brown: No, the International Commission of Jurist (ICJ)?

Mr. Williams: No.

Mr. Chairman: Mr. Scotland, you are doubting yourself because you... I understood you to be saying that the one page leaflet or pamphlet or probably which describes it as the one and the same, was referred to in the International Commission of Jurist.

Mr. Scotland: Yes.

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Mr. Chairman: But when challenged on that, you seem to have hesitated as though you were doubting yourself.

Mr. Scotland: I am not at all doubting myself.

Mr. Chairman: You are not at all doubting yourself. I am happy to hear that and where the International Commission of Jurist Report is it referred to?

Mr. Scotland: That I am very doubtful on that because I do not have that as an exhibit and I do not have it numbered, but I know that the Commission...

Mrs. Samuels-Brown: What it is?

Mr. Scotland: It is a document dated the 2nd May, 1995 by Adam Deen.

Mrs. Samuels-Brown: What page...

Mr. Scotland: It is at page 9 of the document.

Mr. Scotland: What is the heading?

Mr. Scotland: It is above the heading, "A Full Investigation into Dr. Rodney's Death".

Mrs. Samuels-Brown: My concern was that it was not yet an exhibit, we do have it and I just want to ensure that other Counsel were not put at a disadvantage because it is not yet in evidence, but we do have a copy of it here.

Mr. Williams: The ICJ report?

Mrs. Samuels-Brown: Yes.

Mr. Scotland: Yes, it was referred to in the ICJ report.

Mr. Williams: Well if it is in the ICJ report, I was not informed that it was in the ICJ report. We have one of the remit of this Inquiry to look at previous reports.

Mr. Chairman: It changes the complexion because we are required to review all the previous reports.

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Mr. Williams: So if it is in that Report...

Mr. Chairman: So that the resistance may fall away.

Mr. Williams: Yes, if it is in that Report, well it is part of the remit.

Mr. Chairman: That is what I was telling you yesterday you do not argue tomorrow's point today because when you come tomorrow there might be not points to argue, you see how correct I was?

Mrs. Samuels-Brown: I am going to as the Marshall; I have an extra copy here which Counsel can use temporarily.

Mr. Chairman: I think you should read the *To Walter, Hickery Dickery Doc* for the purposes of the public so that the public can follow what we are talking about.

Mr. Scotland: Mr. Chairman, may I be allowed to introduce it from the ICJ report first perform the nexus?

Mr. Chairman: I said the report is not yet before us, but you argued that it was distributed outside of his residence some hours after his death.

Mr. Scotland: I will get the evidence for you.

Mr. Chairman: I just want the public to be aware of what we are talking about.

Mr. Scotland: Now, Dr. Westmaas, shortly after the death of Dr. Rodney, a pamphlet began to circulate in the streets of Georgetown early the Saturday 19th June, 1980. Yes?

Dr. Westmaas: Yes.

Mr. Scotland: ...and you then, do you recall that document?

Dr. Westmaas: I recall discussion about the document; I did not see the document myself?

Mr. Scotland: ...and did you after had sight of the document?

Dr. Westmaas: Yes.

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Mr. Scotland: ...and having had sight of the document, you reproduced it as part of your archiving?

Dr. Westmaas: No, I did not personally reproduce it.

Mr. Scotland: Was it reproduced and you procured copy of it?

Dr. Westmaas: Yes.

Mr. Scotland: ...and is that document entitled *To Walter*?

Dr. Westmaas: Yes.

Mr. Scotland: Could you read this document into the record please?

Mr. Williams: Mr. Chairman, I do not know, it is a balled document, and we do not know the owner of the document and its evidential basis for it to be showed to the Witness has been attempted, so what is it we are doing? If it is already in the Report we could deal with it as part of that Report, but I do not know if he is going to try to now put it to this Witness here *viva voce*.

Mr. Chairman: It is not part of his testimony, I ask Counsel, to read it into the record so that the public who is following us can understand what we are talking about.

Mr. Scotland: Much obliged, Mr. Chairman. The document say,

“To Walter

Hickery Dickery Doc

Appointment at 8 O'clock.

We would not need no bail.

When we done with the jail.

And this walkie-talkie start talk!

Rocabye Rodney now lives in the past

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Dispatched to his master so quick and so fast.

T'was never the intention

That his fiendish invention

Would choose his own lap for the blast.”

Are those the contents of that document?

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: What I would certain say, if I may, is that this Witness cannot speak to the authorship of the document, but it certainly related to the atmosphere at the time .What the Commission makes of it, depending on what evidence comes later or does not come forward later, is another matter, but for the public you have read it, it is part of the atmosphere of the time, but the Commission is not treating with it as having any particular authorship at this time.

Mr. Chairman: I think though that Counsel has gone further because he has narrowed it to be part of the *res gestae* whether that is so or not it is a matter of law that will have to be determined but Mr. Williams you want to be heard?

Mr. Williams: It cannot be part of the *res gestae*, this report could be the next day.

Mr. Chairman: I was going to repeat it, Counsel.

Mr. Williams: It is the next day they said they found it somewhere, we do not know the authorship, but for me it has to be an author who is trained in English literature or trained in the Arts to come up with something overnight like that. That cannot be an ordinary person. That is a great poet. We have to now examine the ranks of the PNC to see if they had such great poets around in that time.

Mr. Chairman: We do not want to speculate, but if something was planned and was firmly expected, you might have prepared for it in advance. We have not reached that point.

Mr. Scotland: ...said in some circles that the Bible is one of the greatest book of poetry. Mr. Chairman, may I just ask the Commission there is one issue with Dr. Westmaas that may have

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been of some assistance to the Chairman and to the Commission. Page 8 of his evidence, before he leaves the box, lines five counting from the bottom.

Mr. Chairman: What it says? Advise us all.

12.58hrs

Mr. Scotland: He says that but the responses to the undemocratic acts of powers represented by the referendum of 178. I suspect he wanted to say 1978 in his evidence.

Dr. Westmaas: Yes.

Mr. Scotland: And the elections of 198. I suspect he wanted to say 1980. Could the Chair allow the records in his witness statement to be corrected please?

Mr. Chairman: Yes. I hope they have taken note and that that will be corrected, but I was in no doubt when I saw it that it was a typo.

Mr. Scotland: Because with some of the witnesses, they mix up the dates of the referendum and the dates of the elections. Because he is a historian, well I would ask that more weight be placed on his dates. So Mr. Chairman, I am just asking to give us the correct dates.

Mr. Chairman: But these are matters of public record. When the Referendum was held, it is a matter of public record.

Mr. Scotland: Agreed.

Mr. Chairman: It would not even have to go to a witness's evidence for it. It is a matter of public record.

Mr. Scotland: Agreed, Mr. Chairman.

Mr. Chairman: Very well.

Mr. Scotland: Mr. Chairman, these are the questions that I had for the Witness relative to Walter document.

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Mr. Chairman: Thank you for your usual brevity.

Mr. Scotland: Thank you, Mr. Chairman.

Mr. Chairman: Mr. Pilgrim, are you ready now to proceed?

Mr. Pilgrim: I fear that my cameo was so fleeting so that you have already forgotten it.

Mr. Chairman: Yes. Yes, it was even more brief. Thank you. I think, Mr. Ram, had indicated why he would not be asking any questions, I think, Mr. Ram? He is finished to, that was in relation to another witness.

Mr. Hanoman: I was also asked by Mr. Ram to ask for his absence to be excused. Pressing duties have taken him elsewhere.

Mr. Chairman: He did pay us the courtesy of so alerting us.

Mr. Pilgrim: I do not know if Mr. Harmon, I saw Mr. Harmon here earlier. I do not know if he has any question or he would just put those to the Press. I mean he would do that wherever he usually does it.

Mr. Chairman: Yes, unfortunately he is not in his place now. Commissioner Counsel, the time has come for you to reexamine. Hold. I think it is proper that if any of the fellow Commissioners want to ask any questions, they should ask even before you. Mr. Jairam?

Mr. Jairam: Professor Westmaas?

Dr. Westmaas: Yes?

Mr. Jairam: You remember this morning, Mr. Williams, had put this Exhibit EK 9 to you, Walter Rodney and the Question of Power written by C.L.R. James?

Dr. Westmaas: Yes.

Mr. Jairam: If you go to page 139, EK 9.

Dr. Westmaas: Page 1?

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Mr. Jairam: 139.

Dr. Westmaas: Okay.

Mr. Jairam: I tell you why I am asking, at first blush, C.L.R. James's logic impressed me, but now something is roving in my mind and I want to see whether you can assist. If you look at the last paragraph, C.L.R. James in this article say "That is why Walter found himself in a car with a member of Burnham's army making some arrangement about some gadget that turned out to be an explosive. He never should have been there. No political leader had any right to be there. Not only should he never have been there, the people around him should have seen to it that he was not in any such position. That was a fundamental mistake and it was a political mistake. It was not a mistake in personal judgment" etcetera. Now, we know for a fact that Dr. Rodney was killed in a blast.

Dr. Westmaas: Yes.

Mr. Jairam: In a motor car.

Dr. Westmaas: Yes.

Mr. Jairam: In the vicinity of John Street.

Dr. Westmaas: Yes.

Mr. Jairam: By the prison. But we have had the evidence now of Mr. Ogunseye. He has not been cross-examined as yet but do you have a copy of his transcript of 25th June, 2014?

Mr. Chairman: You said it was in the vicinity of John Street?

Mr. Jairam: John.

Mr. Chairman: How do you spell that?

Mr. Jairam: John, J-O-H-N

Mr. Chairman: John, I thought you were saying George.

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Mr. Jairam: If you go to page 35, of the transcript for Wednesday 25th June, 2014. You have it?

Dr. Westmaas: Yes.

Mr. Jairam: 35?

Dr. Westmaas: Yes.

Mr. Jairam: If you look from the top, Mr. Ogunseye was answering Ms. Rahamat, and referring to when Burnham addressed the Third Biennial Conference and among other things said that his steel is sharper than ever and so forth and then just about midway of that page, Ms. Rahamat, asked him, did the WPA do anything as a result of feeling that this was a direct threat?

Dr. Westmaas: Yes.

Mr. Jairam: And he says well the Executive discussed the matter and it was the first time that we officially decided to have a sub-committee of the Executive constitutes itself as the party's security committee with a mandate to address the security defence of the party. It was a three man committee, three members in the Executive and then he did not deal with that subject directly so we have to skip a few pages and if you go to page 38.

Dr. Westmaas: 30?

Mr. Jairam: 38.

Dr. Westmaas: 38.

Mr. Jairam: 38

Dr. Westmaas: Yes.

Mr. Jairam: Towards the bottom of that page, Ms. Rahamat, in answer to fellow Commissioner Samuels-Brown, she said yes Madam. Mr. Ogunseye, dealing with a decision was taken for the party to begin organising for itself self-defence. You indicated earlier that a security committee

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was formed. Mr. Ogunseye says “yes”. Then she says was this part of the decision for the self-defence? The next page now is the important page.

Dr. Westmaas: Which page, Sir?

Mr. Jairam: 39. He says yes, the mandate of that committee was to take necessary steps to build up a potential defence of the party and I think this is the real nitty-gritty of my evidence. Okay the members of that committee; it is a three man committee, Walter, Roopnarine and myself. We were all also members of the party Executive. Then Mr. Scotland asked to repeat and so on. Mr. Ogunseye, again says the security committee comprised Dr. Rupert Roopnarine, Dr. Walter Rodney and myself and our mandate was to work towards the development of the party. I hope you would bear with me now because I am going to give you a kind of relive of what took place in the committee. How we came to our positions? The first question we had to decide as a committee was how we are going to operate among ourselves to carry out this mandate and we decided that given all the known best practices in the world in these matters that we have to operate on a need to know basis, both among ourselves and both in relation to the Executive and other organs of the party. That was the first tenet in our deliberations and how we will work. The next question, am I going too fast? The Chairman say, I have heard this expression on a need to know basis used in a diverse context. I sometimes do not know what people mean by that? What do you mean when you say we had to operate on a need-to-know basis amongst ourselves in relation to? Then Mr. Ogunseye says, this is an important part too because I am going to ask you the question after I read this. He says well because we were dealing with security matters and we were dealing with a situation of life and death, we felt the best way to secure ourselves and secure the party is not everything that the party is engaged in should be known to everybody and you had protect not only the party, but you also had to protect the persons who were active and

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putting their lives on the line and the best way you do that is to, whether you like it or not, if for example, the police was to catch me and beat the living stump out of me, if I squeal, I was only able to compromise the party and the security committee up to a point. If you beat the life out of me and I squeal, everybody must not go down in one walk.

Dr. Westmaas: Yes.

Mr. Jairam: So on the one hand we have C.L.R. James says look, no political leader should have subjected themselves to this sort of thing and the executive should have guided him but we have here a version. Mr. Ogunseye says look because of the political and other atmosphere at the time, it was almost necessary for Walter to have done what he did. Do you have any knowledge or any comment on that?

Dr. Westmaas: Yes, I substantially agree with Tacuma Ogunseye's version of a need to know basis. Again, in hindsight, I did not know of the existence of the security Executive committee until after the death of Dr. Rodney, but in my own assembly and interpretation of "Revolutionary Text". Revolutionary parties had that concept within them going all the way back to the Russian revolution and more especially in the Third World, many of the mainly leftist, but not only parties had this kind of need to know conception written into their ranks so for precisely the same reason as Ogunseye mentioned, if one person under torture talks then the whole caboodle goes down. In that sense, yes but in terms of the general position on it there is also an aspect of it which relates to Dr. Rodney and his scholar activism also has to be placed in that dimension. In other words, Dr. Rodney was not Dr. Rodney at every forum. He was implicitly and explicitly active from the Jamaican time all the way up to the present in Guyana, doing things on his own rather than let some "minion" do it for him and so his character was like that and I suspect it is the character of other revolutionary leaders. But as you know, some of those revolutionary

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leaders met their death in spite of the security that they composed around themselves, Amílcar Cabral, Steve Biko and others come to mind. Amílcar Cabral, I think a mail package exploded and killed him. In a general sense as Dr. Roopnarine said in one of his text, if they do not get you today, they might get you tomorrow. The state or the security service in any political revolution in any section of the world, when they are coming after you, of course you are speaking in hindsight in a certain sense, they will get you and they have. So yes, that is my response to your question.

Mr. Jairam: One last area, this paramountcy business, when Mr. Williams was asking you questions, he had put that there were three arms of the state, the Government, the Legislative and the Judiciary. My understanding, I must confess until then was that the Executive, Legislative and Judiciary, but this is what Mr. Ogunseye said at page 30 of the transcript of Wednesday 25th June, 2014

Dr. Westmaas: Page 30, the same page?

Mr. Jairam: Same transcript you have. I want to get from you. Let us read it first.

Dr. Westmaas: Okay.

Mr. Jairam: At the very last Mr. Ogunseye, says the ruling party had announced...you at page 30?

Dr. Westmaas: Yes, I got it.

Mr. Jairam: Yes, at the bottom.

Dr. Westmaas: At the bottom, yes.

Mr. Jairam: “The ruling party had announced the doctrine of paramountcy of the party. All the state agencies were subjected to paramountcy. I think the police had great difficulties of how [next page] to answer the constitutional responsibility because the constitution had no place for

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paramountcy. Many Police Officers were divided on how to deal with the Law on the one hand and the political instructions on the other". That was a period that you lived in Guyana, am I right?

Dr. Westmaas: Pardon?

Mr. Jairam: That was a period during which you lived in Guyana?

Dr. Westmaas: Yes.

Mr. Jairam: Tell us, if you have any knowledge as a matter of practical realities, how did this concept of party paramountcy translated to daily life or to all the agencies of the state?

Dr. Westmaas: Well as I indicated earlier, one of the visible signs of paramountcy was the extension of the party flag on many government buildings at the time, green, black and red flag of the People's National Congress was flying contiguous with the national flag on many government buildings. So you had an overall presence of the State party and the State collating together. Then you had other instances of the knowledge sharing institutes and other institutions which arose subsequently which kind of worked very closely with the State. There are other things which I cannot recall which were very visible...

Mr. Chairman: I do not understand, I am clear with you about the flags, but knowledge based industries?

Dr. Westmaas: Knowledge sharing institutes which are a group of, I do not have the full details of it but it is ...

Mr. Williams: A dry goods store. That is all it was a dry goods store. To distribute goods, groceries.

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Dr. Westmaas: But you had the authority or the protection of the state to distribute it under conditions where people were unemployed and did not have access to food stuff. There were food shortages at some points of time. So there were many aspects of...

Mr. Chairman: What point are you making? You lost your clarity, if I may say so, on that issue. I am clear about the flag.

13.13hrs

Dr. Westmaas: Yes, I am saying that in the conditions of economic deprivation, the State controlled the means of transmission of food supply and knowledge sharing institutes, under the protection of the State, could do so without any hindrance whereas competitive organisations, businesses or so could not have the same protection.

Mr. Chairman: You are saying that the State controlled the supply and distribution...?

Dr. Westmaas: Of food stocks, yes.

Mr. Chairman: ...to the disadvantage of the Private Sector?

Dr. Westmaas: To an extent. I do not have the full details so I could be wrong on some clarity there.

Mr. Jairam: You spoke about the flag flying on Ministries...

Dr. Westmaas: Yes.

Mr. Jairam: We passed by the Court of Appeal... Do you know where the Court of Appeal building is?

Mr. Williams: Yes.

Mr. Jairam: ...and there is the High Court there. Did they fly the party flag as well?

Dr. Westmaas: I cannot recall, distinctly. I know from discussions among activists and documentation in the WPA's *Day Clean* that this was a very significance presence and we commented on it a lot but in so far as my memory could go... I mean, I saw it on Ministry of

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National Development and National Mobilisation Ministry and Office of the General Secretary which were contiguous in one building and there were other buildings which flew flag but specifically to the Court. I probably would have seen it, but I cannot with clarity say that it is...

Mr. Jairam: My very last question on the same paramountcy business.

Dr. Westmaas: Yes.

Mr. Jairam: Have you ever seen or been present at any of the PNC Congresses at where any Leader of the Armed Forces swore allegiance to the Party?

Dr. Westmaas: I would not have been present to any PNC Congress, not directly present there. I would not have been present so I cannot... I have heard reports of an Army personnel being there in terms of participating in the Congress but in so far as I personally, physically... I was never physically present in any PNC Congress.

Mr. Jairam: Have you seen any photograph in the press?

Dr. Westmaas: I cannot recall.

Mr. Jairam: Thank you very much.

Mr. Chairman: Help me, Dr. Westmaas, because I am still lost about your second point. How does that illustrate paramountcy?

Dr. Westmaas: Yes.

Mr. Chairman: As I captured it here, you were saying that it was the State control of the distribution of scared food stuff...

Dr. Westmaas: Yes.

Mr. Chairman: ...to the disadvantage of the Private Sector. They controlled that. How is that an illustration of paramountcy?

Dr. Westmaas: As I said, I do not have the specific details of the KSIs, as they were called at the time, so I would not be able to answer authoritatively to that question.

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Mr. Chairman: You put forward that with hesitancy?

Dr. Westmaas: Yes, through to memory loss, yes.

Mr. Chairman: Having written down it does not quite carry any persuasion to me; I feel obliged to say that but I am glad that you have added that you do so with hesitancy and perhaps with some memory loss. What then were the other illustrations of paramountcy of the Party in daily activities, remember that is the question, and State organs?

Dr. Westmaas: One of them was mentioned by Commissioner Jairam, the presence of Police personnel and Army personnel at PNC Congresses and the pledge of allegiance at those Congresses. I know that I have documentations in the *Day Clean* and other documents, but I do not have them in front of me. I cannot replicate accurately the direct data in that respect but there is from my time in the WPA and the time of other activists of the WPA many instances of paramountcy as far as you are living in the country at the time.

Mr. Chairman: Would their presence be for security purposes or for other purposes? I mean that at every Party Congress, everywhere, there are Police personnel... Is that what moved the...

Dr. Westmaas: Paramountcy was a developing process. It was not explicit at all times and it developed over a period of time and it became a response of the Opposition to instance of it which occurred in the media at various points so to correlate it all together, my memory would not be able to get my head around it in that time because it was 34 years ago and I would not be able to recall all of the instances.

Mr. Chairman: You were saying that their presence at the Party's conference would be for other than security purposes?

Dr. Westmaas: Yes.

Mr. Chairman: What other purposes would they be there for?

Dr. Westmaas: To provide a semblance that the State and the Army together and that any potential threat would be neutralise from within and without; the Party would be able to protect itself that it has this loyalty of Armed Forces and stuff like that. I remember during the

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Commission hearings when Norman McLean was on the stand there was discussion about why, when the transfer of power took place, prior to the death... burning down of the office of the General Secretary of the People's National Congress, when the whole Army Corps would change, at least some members of the army would change, and Norman McLean became the head of the Guyana Defence Force... After that I think there was an omnipresence of Army personnel at the highest level at PNC Congress as a form of security in my estimation, to the best of my knowledge.

Ms. Samuels-Brown: Thank you, Mr. Chairman. This matter of the Party flag on Government Buildings, you were asked if you knew if anybody had been I think disciplined or chastised for it. Do you remember some question of that kind was posed to you? "Yes" or "no", do you remember the question?

Dr. Westmaas: No, I do not remember.

Ms. Samuels-Brown: Let me ask you this then. When you saw this flag or these flags on Government Buildings, was it for a day, was it for a week or was it for an extended or transient time?

Dr. Westmaas: No, extended time, extended period of time.

Ms. Samuels-Brown: When you say extended, what do you mean?

Dr. Westmaas: Almost permanently or permanently I should say.

Mr. Williams: Mr. Chairman, Madame Commissioner, is the witness including the Court of Appeal Building, the Courts?

Ms. Samuels-Brown: My question was specific to administrative buildings.

Mr. Williams: Okay, thank you.

Ms. Samuels-Brown: Thank you. The PNC was a socialist party...

Dr. Westmaas: Yes.

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Ms. Samuels-Brown: ...and it says so in *The Declaration of Sophia*. The PPP was also a socialist party.

Dr. Westmaas: Yes.

Ms. Samuels-Brown: The WPA also a socialist?

Dr. Westmaas: Yes.

Ms. Samuels-Brown: ...so there were great similarities between those three parties in terms of ideology and philosophy?

Dr. Westmaas: Generally, yes.

Ms. Samuels-Brown: Of course, there were differences as you have pointed out...

Dr. Westmaas: Yes.

Ms. Samuels-Brown: ...so this matter of State ownership of resources and the major national resources... Would that have been a common philosophy or ideology of all three Parties that we just referred to?

Dr. Westmaas: Not the Working People's Alliance. I did not tendered the document into evidence but the publication by Dr. Clive Thomas called *Bread and Justice*, published sometime in 1976 comprehensively answers the question of linking socialism and democracy in so far as the WPA was concerned.

Ms. Samuels-Brown: You are saying like a key industry such as mining, the WPA would have denationalised it?

Dr. Westmaas: No, I am not saying that. I am saying that the WPA, in general, was not a kin to, how can I put it... The dimension of control over the entire State at that time, as we were facing it, was one of authoritarian control and we have had ideological and other political differences, not only in that aspect of the economy but in terms of the practice of a Political Party, in other words the hierarchy for example. The WPA always had a collective leadership.

Ms. Samuels-Brown: No, I just want us to take it one by one so I was dealing that.

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Mr. Chairman: To use the old-fashioned language, I think what she is asking you about is whether the WPA was committed to controlling and owning the commanding heights of the economy as...

Dr. Westmaas: Generally, yes but without... I would have to go over specific instances where we complained about the overarching power in those industries that were not given to the national largesse controlled by the State.

Mr. Chairman: Controlling the commanding heights of the economy is no more than Bevin and Bevan and those boys in the post-war Government of the United Kingdom recommend and fought for?

Dr. Westmaas: We generally supported nationalisation, but I do not want to give you the impression that we did not support it.

Ms. Samuels-Brown: You supported nationalisation generally...

Dr. Westmaas: With qualifications.

Ms. Samuels-Brown: ...with qualifications, okay. Counsel for the PNC mentioned the National Security Act and he went as far back as the 1960's...

Dr. Westmaas: Yes.

Ms. Samuels-Brown: ...and sometimes we have to go back that far in order to understand where we were. Are you aware that even before independence there were laws which allowed for persons to be detained without charged?

Dr. Westmaas: Yes.

Ms. Samuels-Brown: Historically...

Dr. Westmaas: Yes

Ms. Samuels-Brown: ...and from those times persons would be detained for extended for periods for up to a year.

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Dr. Westmaas: Yes.

Ms. Samuels-Brown: The detention of WPA and PPP activists, which you have listed in your statement, was not something foreign to how the security forces operated in Guyana at different periods?

Dr. Westmaas: No.

Ms. Samuels-Brown: Then what exactly and precisely is your complaint as to how it operated between say 1978 and 1980?

Dr. Westmaas: The doctrine of paramountcy in terms of the Constitution was instituted. In other terms, even those laws that were passed even under the British Colonial authorities had some form of constitutional protection. Paramountcy of the party undermined constitutional protection insofar as the Political Party in power decided on who should be arrested or not. In the other cases, the State protected by the Constitution could enact Laws that detained people from particular period of time – the Colonial Government and post government – but we were saying at that particular time the Political Party had so managed the State machinery that they could do it at the whim rather than going through the constitutional process in along with or contiguous with the National Security Act at the time.

Ms. Samuels-Brown: That is your personal position as well; you said “we were saying”.

Dr. Westmaas: Yes.

Ms. Samuels-Brown: You say you became active in support of the WPA at about age 20.

Dr. Westmaas: Yes.

Ms. Samuels-Brown: At that time did the Guyana National Service exist?

Dr. Westmaas: Yes.

Ms. Samuels-Brown: What ages were you entitled to join the Guyana National Service?

Dr. Westmaas: I cannot recall, but it may be 16.

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Ms. Samuels-Brown: Did you ever join it?

Dr. Westmaas: Yes, I was a member of the Guyana National Service.

Ms. Samuels-Brown: For how long?

Dr. Westmaas: Approximately two years.

Ms. Samuels-Brown: I see. Was it compulsory or voluntarily?

Dr. Westmaas: It was compulsory I think. It was not voluntarily because we would not have entered it at that time.

Mr. Williams: What was compulsory?

Ms. Samuels-Brown: He says, "I think" so we would have to clarify.

Mr. Williams: It was not. To me it was compulsory if you wanted a Government scholarship.

Dr. Westmaas: Yes, that is right. I was trying to get into the University of Guyana (UG).

Mr. Williams: You were required to do a three-month... In my case I had to do a year so it was not compulsory in terms of the nation.

Ms. Samuels-Brown: To get certain scholarship you had to give service.

Dr. Westmaas: I was trying to get into the University of Guyana so I had to do it.

Ms. Samuels-Brown: When did you leave Guyana?

Dr. Westmaas: 1999.

Ms. Samuels-Brown: You were here for many years after the death of Walter Rodney?

Dr. Westmaas: Yes, I was.

Ms. Samuels-Brown: Okay, I am going to go through certain aspects of your statement with you, if I may. We have discussed all these Parties but you also mentioned the Liberator Party...

Dr. Westmaas: Yes.

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Ms. Samuels-Brown: ...and one Mr. or Dr. Kumar...

Dr. Westmaas: Ganraj Kumar, yes.

Ms. Samuels-Brown: ...who was the Leader of the Liberator Party.

Dr. Westmaas: Yes.

Ms. Samuels-Brown: That was not a leftist or socialist party?

Dr. Westmaas: No that was a 'middle of the road', partially conservative Party that included Dr. Ganraj Kumar and Dr. Makepeace Richmond, one was a practicing medical... and Lawyer.

Ms. Samuels-Brown: On page two of your statement you referred to him being attacked...

Dr. Westmaas: Yes.

Ms. Samuels-Brown: ...and you refer to this being done by "agents of the regime"?

Dr. Westmaas: Yes.

Ms. Samuels-Brown: Why do you say "agents of the regime"? Were they in uniform, why do you say that?

13.28hrs

Dr. Westmaas: At that particular event, the House of Israel was active and there was some Police presence that did not prevent these citizens from being attacked and there were people in civilian clothes who were also doing the attacks, so it is my surmise that because of the nature of that event, a protest against the Referendum and the State Referendum was the key thing which it were protecting, that the response of those individuals could only come from the State.

Mrs. Samuels-Brown: Did the Police try to prevent them from attacking Dr. Kumar?

Dr. Westmaas: Not to my knowledge, no, they did not prevent that.

Mrs. Samuels-Brown: Were you there?

Dr. Westmaas: Yes, I was there.

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Mrs. Samuels-Brown: Okay, thank you. So, in other words, what you are saying is, attacks were not limited to attacks on the WPA and WPA activists.

Dr. Westmaas: No.

Mrs. Samuels-Brown: Okay, thank you.

Dr. Westmaas: The Working People's Vanguard Party (WPVP) which had broken with the WPA in 1976 also received heavy surveillance and also attacks as well.

Mrs. Samuels-Brown: You referred to Mr. Bonny Thomas in your statement?

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: As a bodyguard to Dr. Rodney?

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Are you able to say whether he is still alive? Do you know? If you do not know ...

Dr. Westmaas: I surmise he is, but I am not sure.

Mrs. Samuels-Brown: Thank you. Did you have any contact with him after 1980 and the death of Walter Rodney?

Dr. Westmaas: He came into the WPA office the next day and broke down, he was in tears because of the event, so I did see him at that point and maybe a time afterwards, he may have been present at a WPA event, but after a while he disappeared from the ranks in a certain way.

Mrs. Samuels-Brown: I see. Now, for the first incident you told us of, which is recorded or commences being recorded on page 3 of your statement, you said you were chased by "thugs".

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Were there Police Officers at this meeting?

Dr. Westmaas: The one in Campbellville?

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Mrs. Samuels-Brown: Yes.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Did they do anything in relation to these persons who you said chased you?

Dr. Westmaas: Well, actually, it was the Police that were chasing us.

Mrs. Samuels-Brown: It was the police who were chasing you?

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: I see ... if I may go to the second incident.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Who is it that you say attacked you, who you described as thugs?

Dr. Westmaas: I think in my cross-examination or being led by Counsel, I mentioned that a group of citizens in civilian clothes had gathered with vehicles and other ...

Mrs. Samuels-Brown: So, you cannot identify.

Dr. Westmaas: I cannot identify them, no.

Mrs. Samuels-Brown: You would agree with me that a Land Rover with registration PAA indicates that it is privately owned or does it?

Dr. Westmaas: I would not be able to say how the registration numbers were configured in relation to a State agency. I cannot recall that.

Mrs. Samuels-Brown: Alright, thank you. Look at the Recognition Handbook which you have provided us with, if you would. The first three pages, you recognise that there are several vehicles there with the registration which starts with PAA.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Okay, we will have to explore that further with someone else.

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Dr. Westmaas: Yes.

Mrs. Samuels-Brown: I do not recall if I asked you if there were Police at that meeting.

Dr. Westmaas: Yes, there were. Police usually gather before a meeting starts to protect.

Mrs. Samuels-Brown: So when the attack started did you run to the police for protection?

Dr. Westmaas: No, at that time, nobody ran to the police for protection, necessarily, but I was away from the rostrum, a hundred yards or so from the spotlight where Brother Kwayana was about to speak when the “thugs” attacked.

Mrs. Samuels-Brown: But you say that nobody ran to the Police for protection generally then, why was this so?

Dr. Westmaas: Well, because most activists associated the Police with the State and State meaning the party in power as well. There were some instances where activists, I cannot recall distinctly, but some Policemen did try to intervene to stop harassment of “thugs”, carrying out their professional responsibilities and in some cases, some of them got into some trouble, but I do not have the detail for that, but I know that it is recorded that the Police did try to intervene and stop thuggery at some level during, not that particular incident, but over time when WPA held meetings.

Mrs. Samuels-Brown: When you say that some of them got into trouble, what do you mean?

Dr. Westmaas: I mean that they were called in and asked why would they intervene on behalf of the Working People’s Alliance? Those troubling “the Worst Possible Alternative”, as we were called.

Mrs. Samuels-Brown: How do you know that they were called in?

Dr. Westmaas: No, I did not say that, I said that I am surmising that they would be called in and asked why they were ...

Mrs. Samuels-Brown: How do you know that they got into trouble?

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Dr. Westmaas: There were reports coming out, like an Inspector would either be demoted or make a comment to activists, as you heard from the testimony before, the WPA had partially infiltrated sections of the security forces and we got information on how the State responded when there was any evidence of sympathy towards the WPA at that time.

Mrs. Samuels-Brown: Okay. Now, tell me, Dr. Walter Rodney died on 13th June, 1980.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Can you recall when was the last time you were in any contact with him?

Dr. Westmaas: Yes, I vaguely remembered that he left the office, I was centre coordinator of the WPA office, so I was always behind the counter, so from 08.00hrs to until 18.00hrs, I still would be there. I cannot recall the exact circumstance, but I know Brother Eusi Kwayana was the last person to see him go out of the room, but presumably, I had seen him there early in the afternoon. I do not know if he was present there when I left.

Mrs. Samuels-Brown: Let us look at the week before his death; did you see him at the office from time to time?

Dr. Westmaas: Yes, I did.

Mrs. Samuels-Brown: Did he appear in any way irrational or disturbed, to you?

Dr. Westmaas: No, he was not. He was always quite a cool person. He was not irrational.

Mrs. Samuels-Brown: I see. You are aware that it was mentioned earlier that the ICJ jurist, the jurist who came ...

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: ... did you participate in any deliberations or make any representations to him?

Dr. Westmaas: I do not think that I participated in deliberations, but I did provide documents for their facility, yes.

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Mrs. Samuels-Brown: I see, thank you. Now, if I could go to page 9 of your statement.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: You have listed there a litany of what you refer to as arrests, assaults and killings of various persons during the time.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Most of these people were associated with or sympathetic to the WPA as you have indicated.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Let us look at the second one called Father Darke, was he associated with the WPA?

Dr. Westmaas: No.

Mrs. Samuels-Brown: Was he associated with the PPP?

Dr. Westmaas: No.

Mrs. Samuels-Brown: Was he critical of the PNC?

Dr. Westmaas: I do not think so, he was a camera man, he was doing his professional duty on behalf of the *Catholic Standard*, so I did not know his political opinions, one way or the other.

Mrs. Samuels-Brown: Do you recall the date of his death, I mean the year?

Dr. Westmaas: The year of his death is 1979 and I know the date because 14th July has some resonance in the French Revolution, so I remember that very well and Martin Carter had put a poem out on the event of that day.

Mrs. Samuels-Brown: What about Edward Dublin, was he associated with any of the opposition groups at that time?

Dr. Westmaas: Yes, he was associated with WPA. He was a WPA member.

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Mrs. Samuels-Brown: Alright, if we could go down a little further.

Dr. Westmaas: Yes?

Mrs. Samuels-Brown: You refer to about six down, I wish they were numbered, *Denial of Newsprint, PPP's Mirror Newspapers*.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Let us look at that aspect.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: So, you are alleging here, that adverse actions were taken, not just against the WPA in terms of the production of its paper but also, the PPP.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Okay, we know at the time Dr. Roopnarie was associated with the WPA.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: If we may go down a little further, "Break Up of Public Meetings."

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Then you say WPA, PPP and unions ...

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Is that to your personal knowledge or are you extracting it?

Dr. Westmaas: Extracting it from information as I said, from *Day Clean* and *Catholic Standard* and others.

Mrs. Samuels-Brown: So, you did not personally witness the breakup of any PPP meetings?

Dr. Westmaas: No, I would not have been at the PPP meetings at the time.

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Mrs. Samuels-Brown: Thank you. If we may go down a little further on the page, the treason trial of West Coast ... well, that is WPA.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: The teachers who were transferred whom you noted, Bonita Harris, Basil Collins, Bernadette Persaud, Harris Gilbert, were they all associated with the WPA or not?

Dr. Westmaas: Of these here, only Bonita Harris and Rubin Gilbert was associated with WPA.

Mrs. Samuels-Brown: So, why do you refer to the others? What do you understand to have been the basis of their transfers?

Dr. Westmaas: Sympathetic ... even signing a document which related to national protest or sympathetic or being assigned to a category of being sympathetic to the opposition and hence removed from their teaching positions and transferred.

Mrs. Samuels-Brown: Thank you. Are you able to tell us what became of the case against Olga ... her last name is Bone.

Dr. Westmaas: Olga bone, yes.

Mrs. Samuels-Brown: Are you able to tell us what became of that case?

Dr. Westmaas: No, I cannot remember the details, it may have just dissolved or left, because she was charged, I think for a spent shell.

Mrs. Samuels-Brown: Yes, a spent shell, it is there, but you do not know what happened to case.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Okay, so we can move on ... Joshua Ramsammy, did he have any particular, but you may have told him before but I have to ask again.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Party affiliation?

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Dr. Westmaas: Yes, he was a member of the WPA.

Mrs. Samuels-Brown: So, he was also a WPA member.

Dr. Westmaas: And he was also an Executive, yes.

Mrs. Samuels-Brown: Okay but you also say that at the Timehri Airport Dr. Jagan suffered some general harassment?

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: And he was PPP?

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Okay. I assume because you refer to this person as Sister Hazel ...

Dr. Westmaas: ... Campaign ...

Mrs. Samuels-Brown: ... Campaign that she was one of your WPA sisters.

Dr. Westmaas: No, this was an Ursuline sister ... *[Laughter]*

Mrs. Samuels-Brown: What do you really mean?

Dr. Westmaas: A nun, in other words.

Mrs. Samuels-Brown: She was a nun?

Dr. Westmaas: A Catholic Church nun, yes.

Mrs. Samuels-Brown: Okay. So, why would there be action taken against a nun? Do you know?

Dr. Westmaas: Because she signed public documents from what we call the Concerned Citizens, in August 1979, I cannot remember the exact date or in 1978 as well. She was very visible, in terms of her profile, using her profile to protest democratic infractions.

Mrs. Samuels-Brown: I see.

Dr. Westmaas: So that is why she was subjected to notice.

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Mrs. Samuels-Brown: Thank you, Sir, I do not believe ... oh yes, the Recognition Handbook if you may return to it.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Two things, the photograph of Dr. Walter Rodney is not there.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: But on page 5, there are particulars which allegedly relates to him, am I correct?

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: I believe that you covered earlier by saying that the particulars there such as the passport number and date of birth would be within the custody of the State, persons who had access to State resources would have access to it.

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Okay, now, if I may go back to the doctrine of paramountcy and the Law as it existed then, you are aware that a new constitution came in in 1980?

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: And you are aware of Section 182 of that Constitution? Do you recall it?

Dr. Westmaas: No.

Mrs. Samuels-Brown: Let me read it and you will tell me if you remember it. It says, "Subject to the provisions of Section 180, the holder of the Office of President shall not be personally answerable to any Court for the performance of the functions of his office or for any act done in performance of those functions and no proceedings, whether criminal or civil shall be instituted against him in his personal capacity, in respect thereof, either during his term of office or thereafter."

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That is subsection 1 and then it goes on at subsection 2, “Whilst any person holds or performs the functions of the Office of President, no criminal proceedings shall be instituted or continued against him in respect of anything done or emitted to be done by him in his private capacity. No civil proceedings shall be instituted or continued in respect of which relief is claimed against him, for anything done, or emitted to be done in his private capacity.” Did you hear all that?

13.43hrs

Dr. Westmaas: Yes, I heard all that.

Mrs. Samuels-Brown: Is it in keeping to, or adverse to, your understanding of the doctrine of paramountcy?

Dr. Westmaas: Yes.

Mrs. Samuels-Brown: Which one? Is it in keeping with, or adverse to the doctrine of...

Dr. Westmaas: In keeping with, sorry.

Mrs. Samuels-Brown: Do you know if this provision or any similar provision was replicated in the 1973 constitution? Do you or you do not?

Dr. Westmaas: That constitution would have been in 1966, I think.

Mrs. Samuels-Brown: 1966, you would not know.

Mr. Chairman: That would have been the Independence Constitution?

Dr. Westmaas: Independence Constitution, yes.

Mrs. Samuels-Brown: Do you know if any such provision is in the Constitution with the 2003 amendment? Do you know, or you do not know?

Dr. Westmaas: I do not know, no.

Mrs. Samuels-Brown: Alright. That may have to be examined later.

Mr. Williams: That provision is in the current Constitution.

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Mrs. Samuels-Brown: Thank you very much. We will get there. I searched and I am sure Counsel can help me. Thank you very much. I have no further questions, Mr. Chairman.

Mr. Chairman: I do have one or two questions. Dr. Westmaas, I have you recorded as saying in substance that the PNC in office had so managed the state machinery that it undermined the Constitutional rights of the citizens –and I take it that you were referring to the right of assembly, right to free speech, and so on. My question to you is this; the Courts have traditionally been perceived and known to play the role of protector of the citizens’ rights. What was the role of the court in this environment of paramountcy; alongside that, of the Lawyers too, because that is one of our roles –to defend the rights of the citizens?

Dr. Westmaas: I would not be able to speak authoritatively on that subject, but I do know that there were instances when –for example in 1982, I think it was, when one of the magistrates dismissed charges against Rupert Roopnarine, Omawale, and by extension, Dr. Walter Rodney. It was after his assassination, but they were charged for arson and the state could not provide evidence of arson, and the case was dismissed by Owen Fung-kee-fung, a Judge or Magistrate at the time. That was one instance in which the paramountcy did not possibly extend to the magistrate was creative enough to make a decision which went contrary to the state. I do not recall distinctly, but think the State appeal. That is one case that I could sight, relative to your question.

Mr. Chairman: But if there was this widespread erosion of rights, and trampling of rights and so on; were the Court not filled with applications?

Dr. Westmaas: What kind of applications?

Mr. Chairman: By these aggrieved citizens and asking the Court to uphold the rights.

Dr. Westmaas: Yes, there were instances when people... I mean, Brother Eusi Kwayana who is in the witness, here, is famous for outing a number of requests to the Court, of petitions to change or reduce sentences to get people off of a charge that they have had. There were instances, but I cannot be specific.

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Mr. Chairman: If these violations were so widespread, the Court should be filled with all sorts of applications and declarations and even seeking compensation.

Dr. Westmaas: But after a while people assumed that a Court would not grant them justice, and then there was a deficit of petitions or submissions to the Court to do so. It was an environment where might have become sceptical of the rule of Law in that respect.

Mr. Chairman: Are you speculating about that, or you were living among them and knew that that was the sentiment on ground?

Dr. Westmaas: Well, I cannot speculate for the entire population, but I do know among the people I raided with. We had many activists in court. Some would just decide that they would not worry to pursue redress in the Court, but I cannot give any specific instances at this time.

Mr. Chairman: What too was the view of the Lawyer class at the time? We have, as lawyers, a right to fight for citizens and if these things are so widespread –these violations- you would do it even without money, pro bono. It is consistent with your professional obligation you may think. The more enlightened of us would so think....

Dr. Westmaas: We have Lawyers that...

Mr. Chairman: What had become of the Lawyer class or some of them?

Dr. Westmaas: You mean in that period of time?

Mr. Chairman: Yes, in that period of time.

Dr. Westmaas: I would not be able to say distinctly. Again, 34 years have passed. I do not recall a lot of the issues at that time, but I do know Doodnauth Singh was an Attorney General in Guyana. He was one of those who would be active in defence of Anand Rampersaud's case, all the way to Rodney, and Moses Bhagwan, and *Day Clean*; he would represent probably pro bono because none of the people in the WPA had money to sustain such legal representations. We also had Lawyers, who were resident in the WPA, Moses Bhagwan comes to mind, more specifically. He would do stuff pro bono on behalf of the party. I cannot recall distinctly the names of others who...

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Mr. Chairman: But did you get the feeling then that there was feeling of intimidation on the part of the Lawyers generally?

Dr. Westmaas: Generally, yes, especially in cases which had to do with opposition rights or cases before the Court. If it was civil matters, apart from politics, there would be no unrest in that sense. Speaking about political issues, yes, there would be considerations of repression; considerations of losing their license or practice; considerations of threats, implicit, and explicit. I cannot say to the explicit, but implicit threats to their professional living conditions.

Mr. Chairman: Thank you.

Mrs. Samuels-Brown: Just before, I want to thank you very much, Mr. Williams, I have found the provision in the current Constitution.

Mr. Williams: Yes. I do not know... the Witness, in answer to your questions, Commissioners; he has made some statements that normally in a Court of Law, we could ask to examine as a result of what answers the Witness has given to the judge. I do not want detain you, but, for example, this threat to remove your license; do you know of any Lawyer whose license was removed, because he took a case to represent an opposition? Mr. Ashton Chase, I could recall; Mr. Miles Fitzpatrick; all those Lawyers have been taking those cases. There was an attempt to remove their license for practice?

Mr. Jairam: I think in a practical way that would have been impossibility.

Mr. Williams: Exactly. So, I do not know...

Mr. Jairam: What I could imagine is that if the state is in control of the revenue; you could say assess into some taxes and I imagine that....

Mr. Williams: But Sir, I do not want you to suggest tactics, you know?

Mr. Jairam: No, but I do not see how the state could have removed license.

Mr. Williams: Exactly. In fact, the Lawyers were the more independent class, as far as I know. The Lawyers, during that period, were the people who were independent and could have, you know, dealt with certain issues.

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Mr. Chairman: Should have been independent. I mean, I live in an entirely different environment...

Mr. Williams: Mr. Chairman, I am not sure you want to...

Mr. Chairman: ...and I do not always see that. Should have been independent.

Mr. Williams: Mr. Chairman, are you sure that you do not want to paint our Lawyers with a broad brush?

Mr. Chairman: No ... but you must not assume that in the real world, that the Lawyer class is consistently independent.

Mr. Williams: Well, in this world in Guyana, Sir, I do a lot of pro bono; fight a lot of human rights cases; a lot of people whom are being charged; arbitrary for murder...

Mr. Chairman: No ... I do not doubt that you are an exception, but...

Mr. Williams: ...without pay, without fees, and anything...

Mrs. Samuels-Brown: And some who even appear in commissions....

Mr. Williams: All the Commissions, I am doing pro bono, too.

Mr. Jairam: I hope your parliamentary salary is good.

Mr. Williams: We do not have that. We have a donation.

Mr. Chairman: That is not a part of the focus of the Inquiry. *[Laughter]* Mr. Hanoman, your turn, please.

Counsel to the Commission [Ms. Lactmie Rahamat]: No further questions.

Mr. Chairman: Mr. Williams, we now have –and I hope we have more than one copy, because Mr. Williams needs to see it himself- Returning to an issue that came up this morning as to what was said by Commissioner.... What you said, and what commissioner Mrs. Samuels-Brown responded, do you have it before you?

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Mr. Williams: [*Inaudible*]

Mr. Chairman: If I may attempt to read it, it is now a part of the record. Mr. Williams: I beg to disagree with you, Madame Commissioner. All I am doing is putting on the record, utterances that are independent of anything else in the paragraph and this statement is an independent statement, and it saying.... and I quote, *'if yall want to kill Burnham you all got to line up in the queue and join the queue.'* It does not say that Dr. Rodney wants to kill Burnham. He is talking to people. *'If all you fellas'*. So, I do not know if you feel that you must spring to the defense of Dr. Rodney, but all this is saying is someone who heard that was speaking to me the other day, and said that if all you really intend to assassinate them fellas, it does not Walter Rodney, so there is no need for defense of Dr. Rodney at this point in time. And you are suggesting to her that she does not have to come to the defense of Dr. Rodney...

Mr. Williams: Well I am seeing this, I reject this! I never said you do not have to come... this equipment is equipment from parliament. I am saying I have no store in it, and I never said to this Commissioner that "you do not have to come to defense", and if anyone is in here sitting, and heard me say that, should stand up and say that. I never said that and you do not have to come to the defense. I reject it entirely.

Mr. Jairam: Perhaps we should play the audio?

Mr. Williams: Yes, let us get the audio.

Mr. Chairman: The exact words are, "So, I do not know if you feel that you must spring to the defense of Dr. Rodney"....

Mr. Williams: No.

Mr. Chairman: But that is what is recorded here!

Mr. Williams: I disagree with that. I reject it, out of hand. I have witnesses in here...

Mr. Chairman: We are going by the record.

Mr. Williams: No, but I do not set store in that record. I am saying that if the record says if I tell the commissioner "you should spring to the defence", it is a lie and it is inaccurate.

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Mr. Chairman: Okay, well, I believe that there is also an audio.

Mr. Williams: Because I said...they could bring whatever they like!! I said I do not know if this should be a defence, not you, I never referred to any of the Commissioners. This is a serious matter if they are bringing a statement like that.

Mr. Chairman: Let us hear the audio, and I would hope that you would not... so, close your mind, and if indeed you said something that might be –now that you are here- regarded as improper, that you would still take that attitude; about you do not care, and so on.

AUDIO RECORDING: *All I am doing is putting on the record, utterances that are independent of anything else in the paragraph and this statement is an independent statement, and it saying, 'if yall want to kill Burnham you all got to line up in the queue and join the queue'. It does not say that Dr. Rodney wants to kill Burnham. He is talking to people, 'if all you fellas'. So, I do not know if you feel that you must spring to the defense of Dr. Rodney, but all this is saying is someone who heard that was speaking to me the other day, and said that, 'if all you really intend to assassinate them fellas...'*

Mr. Williams: Mr. Chairman, how is it so loud? It is the same thing they do...

Mr. Chairman: I have no control over that, I am sorry.

Mr. Williams: ...that is the same thing they do with the equipment. Why is it so loud?

Mrs. Samuels-Brown: It is not finished.

AUDIO REDORDING: *...so there is no need for defense of Dr. Rodney at this point in time. Mrs. Samuels-Brown: I will have to respond, not only on my own behalf, but on behalf of the Commission. None of us is coming to the defense of anyone!! We simply want all the evidence in a fair and full manner, so at the end of the proceedings we can analyse all of the evidence that have been produced and come to a conclusion or make recommendations base on fairest and taking everything into consideration."*

Mr. Williams: Fairness?

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

13.58hrs

Mr. Williams: But why is it so loud? Even the Commissioner is loud.

Mr. Chairman: Now forget whether the decibel level... the point is that you said that you would have to see the transcript because you deny saying that. I thought that it was an unfortunate comment reflecting on the integrity of the Commission and of the Commissioner.

Mr. Williams: Mr. Chairman, what you last heard is what I recollected I said. I do not know that I targeted any Commissioner why would you think that I am targeting a Commissioner? If I wanted to target the Commissioner, I would say so, but everyone knows me.

Mrs. Samuels-Brown: Counsel...

Mr. Williams: If I want to say you I would say you, but I was talking generally.

Mrs. Samuels-Brown: Counsel, as someone who practices at where you are more than I sit here, I understand that in the cut and thrusts of proceedings, sometimes we speak and we express ourselves in a manner that we do not intend to. I can assure you that I have not taken it personally; I just thought I needed to make it clear what our mission was what our procedure was and I am sure you did not intend to malign the integrity of the Commission, but I thought it was necessary to put it on record. I think we can put it behind us.

Mr. Williams: Madame Commissioner...

Mr. Chairman: I thought, I thought Counsel...

Mr. Williams: There has never been any intention, in fact if any Commissioner feels that ...

Mrs. Samuels-Brown: No we do not.

Mr. Williams: ...I have attempted in any way to denigrate you or criticise you within this Commission. I could say that I do not have any recollection in that.

Mrs. Samuels-Brown: Thank you very much.

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Mr. Williams: And this morning, there was no intention again to do that we have a cut and trash this is not today we having a cut and thrust every day.

Mr. Chairman: Counsel that was all I was trying to do to give you the opportunity to put this matter to rest.

Mr. Williams: Yes.

Mr. Chairman: Rather than create any false impressions out there.

Mr. Williams: I do not even know why it came up.

Mr. Chairman: So I am happy, I am happy now for the closure that you have brought to the matter.

Mr. Williams: And the Commissioner as soon as we break, will come to me as normal. The first person she will come to speak to.

[Laughter]

Mr. Chairman: Sure, sure that is so we will be conducting ourselves...

Mr. Williams: As certain persons like to say it was a *tempest in a tea cup*.

Mr. Chairman: But I wanted to give you the opportunity to put it into proper context and that is precisely now what you have done and thanks very much. Now Dr. Westmaas you have been here for what two days now and perhaps a little more.

Mr. Jairam: Two days.

Mr. Chairman: Two days for sure, two full days and I want to thank you for coming and for providing us with a lot of stuff that you have written over the years and comments that you have made over the period and sharing your reflections with us. We appreciate it, thanks very much.

Mr. Williams: Mr. Chairman, I think we should take this point, I was asked to raise it before and in my absence, I was listening whilst I was doing something else and I heard the Commissioner was saying that this particular microphone which is my microphone, seems to have been

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configured to always sound loudly. I do not know if you could remember saying it, but I was not here, but I was listening to the proceedings on the radio and something is definitely wrong. I whisper and it is played over some television station like it is coming out of a juke box.

Mr. Chairman: I cannot remember that.

Mr. Williams: I am not suggesting that there is an attempt to sabotage my microphone, but something is definitely wrong. Look how you were shouting just now too.

Mrs. Samuels-Brown: I was coming to your defense on that occasion Mr. Williams.

Mr. Chairman: I think you have a rich high tone voice and that is really the explanation.

Mr. Williams: No but it cannot be that hard...

Mr. Chairman: I never thought you were that loud, but at the same time...

[Inaudible]

Mr. Williams: It distorts the reproduction on the television. The other stations do not have that problem; a particular station has that problem.

Mr. Chairman: Well our technical people should take note because maybe with a little adjustment you may sound like all of us.

[Laughter]

[Inaudible]

Mr. Williams: Sir, do you want me to share an anecdote with you on that matter.

[Laughter]

Mr. Chairman: After...

Mr. Williams: We rapping up now it is 2 O'clock are not we?

Mr. Chairman: You can tell me afterwards.

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Mr. Williams: Who is groaning at the back?

Mr. Chairman: Now tomorrow we are going to have whom? Counsel advise us with respect to tomorrow.

Mr. Hanoman: We have Mr. Ogunseye and I know that Mr. Scotland had signaled that he expects us to leave fairly early tomorrow, so I was sort of hoping that he would be allowed to have first bite at Mr. Ogunseye so that he could complete him if that is agreeable to him.

Mr. Chairman: Anything to facilitate...

Mr. Williams: It is the same batting order, Sir, as with Dr. Westmaas.

Mr. Chairman: You like the recent batting order?

Mr. Williams: No we have an agreement once it is a witness to the family of Dr. Rodney and the WPA, I would bat last.

Attorney for the Working People's Alliance (WPA) [Mr. Christopher Ram]: Mr. Chairman, I am not sure about this agreement and who it was made by and among. Surely, we must have some kind of fairness in this process. Why must Mr. Williams Attorney-at-Law, my Friend, and colleague always go last? I really do not understand.

Mr. Williams: You see, Mr. Chairman, some people have all the love. I have been going first with every witness except this Witness.

Mr. Ram: How many witnesses are you talking about Mr. Williams?

Mr. Williams: I have started every witness first under cross-examination other than Mr. Westmaas.

Mr. Chairman: No, I think you have been lower in the order for others besides this Witness.

Mr. Williams: No which other one?

Mr. Ram: That is correct.

[Inaudible]

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Mr. Williams: But Sir, what I am saying to you, you have lawyers for the Rodney family, you have Lawyers for the WPA, if we are talking fairness, if the PNC Lawyer goes first, what they have been doing is then cross-examine on the points that I have raised. Now where is the fairness in there if you have Mr. Scotland coming after me, Mr. Pilgrim comes after me, Mr. Ram comes after me. Where am I? If I start...

Mrs. Samuels-Brown: You left out one person.

Mr. Williams: Which is the other person?

Mrs. Samuels-Brown: Guyana Trades Union Congress (GTUC).

Mr. Jairam: Mr. Pieters.

Mr. Williams: Mr. Pieters? Oh, Mr. Harmon, well Mr. Harmon represents the GDF.

Mr. Chairman: Well I am invited Counsel to determine the order...

Mr. Williams: That is what I am saying it must be flexible...

Mr. Chairman: ...in the interest of fairness... You all can work out that...

Mr. Williams: Otherwise, you will have to get the examination or leave is given to clear up certain points again. But it cannot be fair to the PNC to have so many representatives from different elements of the WPA, Rodney and then he goes first and they then come afterwards in an attempt to disassemble the lone cross examination.

Mr. Ram: But Mr. Williams, you are not bringing any witness to this Commission, that is why you always be last.

Mr. Williams: I do not know what Mr. Ram is rowing about, but he is a WPA Lawyer.

Mr. Ram: I am not rowing, Mr. Williams.

Mr. Williams: ...and he has not taken any of the WPA people as yet first.

Mr. Ram: That is clearly not correct.

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Mr. Chairman: Mr. Ram, I again invite all of you Counsel to determine the order among yourselves if not the Commission in the interest of fairness, will determine it.

Mr. Ram: I have great faith in the Commission, Mr. Chairman.

Mr. Chairman: Very well. So we now stand adjourn until tomorrow.

Adjourned Accordingly at 14.07hrs