

Commission of Inquiry into the alleged plot to assassinate The President of the  
Cooperative Republic of Guyana  
Conference Room of the Department of Public Service,  
Ministry of the Presidency,  
164 Waterloo Street,  
Georgetown, Guyana.

**WRITTEN SUBMISSION OF SELWYN A. PIETERS, ATTORNEY AT LAW  
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“Politicians, policemen, magistrates and other officials must be taught to treat all citizens as equals. Progress would be impossible in a free state unless the dignity of its most vulnerable citizens – especially women, children and minorities – is/are respected. Wherever powerful people disrespect or discriminate against the powerless there will be conflict, there will be crime and there will be chaos.”  
Online: Address of His Excellency Brigadier David Granger MSS, President of the Cooperative Republic of Guyana, To the Annual Graduation Ceremony (2015) of President’s College, published February 01, 2016 <  
<http://www.motp.gov.gy/index.php/2015-07-20-18-49-38/2015-07-20-18-50-58/687-address-of-his-excellency-brigadier-david-granger-president-of-the-cooperative-republic-of-guyana-to-the-annual-graduation-ceremony-2015-of-president-s-college>>

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## Introduction

1. These submissions are made on behalf of Travis Chase to accomplish these objectives:
  - i. To put before the Commission of Inquiry relevant facts and arguments to assist it in its task pursuant to the Terms of Reference;
  - ii. To point out errors and omissions in the Commissioner of Police, Seelall Persaud and Nizam Khan evidence;
  - iii. To persuade the Commission of Inquiry that the evidence, viewed fairly and objectively, illustrate that the staff of the Guyana Police Force who were on investigating the reported plot on the life of His Excellency on March 29<sup>th</sup>, 2017 and thereafter did not act in compliance with the Standard Operating Procedures of the Guyana Police Force and did not exercise due diligence;
  - iv. To persuade the Commission of Inquiry that the evidence, viewed fairly and objectively supports a finding of negligence, abandonment of duty, discreditable conduct, deceit, disregard of instructions, inaction of named members of the Guyana Police Force including the Commissioner of Police, Seelall Persaud.
  - v. To submit recommendations to the Commission including:
    - (i) Recommendations to improve the efficiency of Guyana Police Force;
    - (ii) Submissions on the acts constituting negligence, discreditable conduct and other omissions by ranks of the Guyana Police Force;
    - (iii) Submissions on the appropriate systemic and individual remedies to better the Guyana Police Force.
2. Section 13 of the *Commissions of Inquiry Act*, Cap 19:03, of the Laws of Guyana provides that:

Any person whose conduct is the subject of inquiry under this Act, or who is in any way implicated or concerned in the matter under inquiry, shall be entitled to be represented by counsel or solicitor at the whole of the inquiry, and any other person who may consider it

desirable that he should be so represented may, by leave of the commission, be represented in the manner aforesaid.

3. Terms of Reference: "15. Authorise any person giving evidence or any person who appears to it, to have an interest in the subject of the proceedings before it to be represented at such proceedings or in any part thereof;"

#### Credibility and Reliability - Legal Principles

4. Credibility relates to the witness's honesty and sincerity, while reliability encompasses the accuracy and fallibility of the evidence.
5. The following factors assist in the assessment of credibility and reliability of a witness evidence:
  - the internal consistency or inconsistency of evidence;
  - the witness's ability and/or capacity to apprehend and recollect;
  - the witness's opportunity and/or inclination to tailor evidence;
  - the witness's opportunity and/or inclination to embellish evidence;
  - the existence of corroborative and/or confirmatory evidence;
  - the motives of the witnesses and/or their relationship with the parties;
  - the failure to call or produce material evidence.
6. In respect to the cross-examination of the Commissioner of Police Seelall Persaud, Assistant Commissioner David Ramnarine and civilian Nizam Khan. Counsel for the Travis Chase, Mr. Selwyn Pieters was careful to follow the rules in **Browne v. Dunn (1893), 6 R. 67 (H.L.)**. The rule in **Browne v. Dunn** requires that counsel put a matter to a witness involving the witness personally if counsel is later going to present contradictory evidence, or is going to impeach the witness' credibility:

"Now, my Lords, I cannot help saying that it seems to me to be absolutely essential to the proper conduct of a cause, where it is intended to suggest that a witness is not speaking the truth on a particular point, to direct his attention to the fact by some questions put in cross-examination showing that that imputation is intended to be made, and not to take his evidence and pass it by as a matter altogether unchallenged, and then, when it is impossible for him to explain, as perhaps he might have been able to do if such questions had been put to him, the circumstances which it is

suggested indicate that the story he tells ought not to be believed, to argue that he is a witness unworthy of credit. My Lords, I have always understood that if you intend to impeach a witness you are bound, whilst he is in the box, to give him an opportunity of making any explanation which is open to him; and as it seems to me, that is not only a rule of professional practice in the conduct of a case, but is essential to fair play and fair dealing with witnesses."

**1. Inquire into the persons, places, time, circumstances and events by and through which allegations and reports came to be made of an intention or a plan to assassinate the President of the Co-operative Republic of Guyana;**

7. Mr. Travis Chase, a Lead Anchor and assistant Editor at HGP Nightly News Located at Lot 1 Republic Drive Beterverwagting on the East Coast of Demerara provided a written statement and oral evidence to the COI on July 27, 2017. He was accompanied by counsel and sought standing before the Commission of Inquiry. Standing was granted.
8. Mr. Chase's evidence in chief essentially involved reading his written statement into the record.
9. Mr. Chase was cross-examined by retired Chief Justice (Ag) Ian Chang for the GPF and Attorney- at- law, Christopher Ram for Imran Khan. Chase's lawyer, Selwyn Pieters re-examined Mr. Chase.
10. Mr. Chang referred in cross-examination to the advice of counsel to Mr. Chase that he not release the recording publicly. Mr. Chase provided an explanation of his interpretation of the advice and testified that he would have released the video-recording upon receiving "confirmation" of the investigation. That Mr. Chase testified occurred during a post-Cabinet briefing on April 20, 2017 at a media briefing hosted by the Minister of State, the Honourable Joseph Harmon.
11. Mr. Chang in cross-examination after some objection that was over-ruled put to Mr. Chase a 2010 arrested by Mr. Mitchell Caesar of Mr. Chase for simple

larceny. Mr. Chase pled guilty plea to simple larceny for theft of a camera. He was fined. Mr. Chang used these facts during cross-examination as his premise to ground a claim that Mr. Chase had “an axe to grind” and is “partisan” because he was “convicted of an offence involving dishonesty.” He also put to Mr. Chase that “In publicizing this matter, you embellished Gillard’s story? Embellished for public consumption? You nice it up” This Mr. Chase said was “false”.

12. It is important to note that that none of the police witnesses ranging from Commissioner of Police to Constable stated to the Commission of Inquiry that Mr. Chase had any animosity or axe to grind with the police. In fact, the Commissioner of Police had to apologize to Mr. Chase due to false and misleading statements he made on April 21, 2017 in respect to the ethics, and values of Mr. Chase and HGP TV Nightly News.
13. Mr. Chase testified that based on the information known to him “That the police is covering up the matter.” Mr. Chase testified that he did not question the veracity of Mr. Gillard’s story because “...If you speak the truth all the time you’ll have one story to tell and he was telling me one story,”
14. Mr. Chase in re-examination testified that he has assisted the police in his capacity as a journalist “I have provided the police on numerous occasions with contact information, location of persons they want, Mr. Blahum can come here and testify to this, police showed up at the office, OPR begged for witnesses I would have spoken to in relation to a number of shootings and I would have provided that several times.”
15. Importantly for the purposes of this case, the only video recording that the Commission of Inquiry has soon after Mr. Gillard made his allegations was made by Mr. Chase.

16. Even though the technology exists, Guyana Police Force detectives did not video record the interview.
17. These submissions will focus on Mr. Chase, and to a large degree the conduct of members of the Guyana Police Force pursuant to the scope of the TOR's.

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18. Briefly on Mr. Gillard's evidence it appears that any discussion touching on an assassination attempt took place against the backdrop of the Mowasi Mining Camp collapse and deaths in Potaro (May 2015), the Elections and Coalition victory (May 15, 2015), an attempt by Gillard to purchase Andrew Persaud's property and the recovery of Nizam Khan from being shot during an alleged robbery attempt (June 5, 2015). See page 6 of the transcript of Gillard's evidence, July 20, 2017. See also video recording of Travis Chase interview of Andriff Gillard.
19. Mr. Gillard alleged that he was seeking to borrow 6 Million dollars, however, Mr. Nizam Kham offered 7 Million dollars for him to kill President Granger before the President move from his Meadowbrook residence "because, of course, if he move from where he is living his security will be enhanced. You gon can't get to him...." Travis Chase interview. See also, pages 8-9 of evidence of Gillard, July 20, 2017.
20. It is a matter of public knowledge that His Excellency moved to State House after the flooding of Mid-July 2015. See, News Source July 21, 2015 "President takes up State House residence" Online <<http://newssourcegy.com/news/president-takes-up-state-house-residence/>>.
21. The time period any discussion would have allegedly taken place between Gillard and Khan therefore would have been sometime between June 06, 2015 and July 20, 2015.

22. A complete recreation of a chronology of Gillard and Khan's activity during this period June 06, 2015 and July 20, 2015 may have narrowed down the discussion to a specific date or close thereto including resort to objective evidence as to whereabouts, phone records, etc.
23. The Commissioner of Police Seelall Persaud DSM was an off-duty police officer on the date the incident was reported to the police. He first received notification from Imran Khan, a friend of his, and brother of Nizam Khan, who he knows "very well."
24. The Police Legal Adviser (PLA) retired Justice of Appeal Claudette Singh, SC, testified that "My advice was I found the evidence tenuous. I could not, on the state of the evidence, say that Gillard was lying or Mr. Khan was innocent. That was why I said the evidence was tenuous in meaning, it was unreliable. I could not in all honesty advise anybody there to be prosecuted, ..."
25. It is for the COI to determine whether any evidence exists of exhaustive efforts by MCU Detectives to narrow down the dates the alleged plot was made in light of the other evidence that Gillard provided that were/could have been corroborated by objective evidence. It will be for the COI to determine whether the Commissioner's friendship with Imran Khan influenced bail, and the consequently short-circuiting any credible police investigation of the alleged plot.

**2. Investigate and review the full range of the Guyana Police Force's actions and responses to the reports and the extent to which such actions were conducted or executed with due diligence;**

26. It is our submissions that the Head of the Special Organised Crime Unit (SOCU), Assistant Commissioner Sydney James acted with due diligence from the time he received report from Mr. Travis Chase of this plot. The evidence shows that the Head of SOCU personally picked up the incriminating video-tape five minutes afterwards from the residence of Mr. Chase.
27. Mr. James was my Client's first point of contact in the GPF on this matter. The reaction of this Officer of the GPF is illustrated in the actions he personally took. For one thing, he went himself as against sending one of his subordinate ranks. For another, he went straightaway to Mr. Chase's home as against waiting for him to get to his official place of work that morning. But that was not all. Evidence led in his Inquiry showed that Mr. James immediately informed the Commissioner of Police acting, Assistant Commissioner David Ramnarine.
28. The acting COP responded by instructing the Head SOCU to meet him in his office mere hours after my Client handed over to the GPF representative the only video recorded evidence of the plot to assassinate His Excellency. And it was at this point from where due diligence began to pale into insignificance when compared to the actions of Assistant Commissioner Sydney James. But my Client had not been aware of this change of pace that morning. Nor could he have had the slightest inclination, given the alacrity demonstrated by his first point of contact on the matter, Mr. Sydney James.
29. Understandably therefore, when my client handed over the tape to Mr. James who responded to him with such impressive professionalism, he felt he had done his civic duty to Mr. Gillard, to himself and to country.



30. In actual fact, my client did not leave things to chance even at this point and the evidence of that is before the eyes. That is why we are all here. Because my Client did not leave things to chance, is the reason for this Inquiry.
31. The evidence in our respectful submission shows that he was not wrong at all. Already, we have had evidence to show that when Mr. James went to see his functional superior that morning, not only did he take along the tape but he also prepared a covering memorandum. Such is the action of a true professional.
32. What were the actions of Assistant Commissioner David Ramnarine, his superior? Reportedly, he sent the Head of SOCU, Assistant Commissioner Sydney James to report the matter to Senior Superintendent Blatum after informing him that he had already discussed the matter with the President some days prior. The investigative water becomes murky at this stage. Did Mr. Ramnarine discuss with His Excellency an alleged plot, which my client felt he was the first and only person to know? And Mr. James was the first and only Police Officer the matter was reported to? And it was reported to him on 30<sup>th</sup> March, 2017? Where does this put us if it is proven that the acting Commissioner of Police had lied to Mr. James this instance? Where does it put this Inquiry if there is sufficient evidence to show that my Client was not the first person contacted by Gillard on the matter under this inquiry?
33. The Commissioner of Police, Seelall Persaud, D.S.M. did not act with due diligence in many ways, including his interview on April 21, 2017 where he made comments to the media that were false and misleading in respect to journalist Travis Chase.
34. The Guyana Police Force Crime Chief Senior Superintendent of Police, Wendell Blatum determined prior to April 03, 2017 that significant investigative progress was made on the file. He prepared a report for the National Security Committee which, in our submission, was done without him

or his department taking any meaningful investigative steps. A conclusion at that early stage that the legitimacy of the information provided by Mr. Gillard was questionable reflected a mindset that precluded the Guyana Police Force from conducting a reasonable police investigation including the proper conduct of witness interviews, amongst other actions.

35. The crisis of confidence that led to the appointment of this Commission of Inquiry manifested itself in the failure to turn over the complete police investigative file to the COI. There have been several instances where Commissioner Slowe had to point out the evidence that properly should have been before the Commission was not tendered by the Commissioner of Police or his designates.

**3. determine whether any person and, in particular, officers of the Guyana Police Force had information before and after reports were made of the plan to assassinate the President and whether any such officers communicated that information to a superior authority;**

36. As indicated above when Travis Chase received the information from Mr. Gillard, he recorded the interview, contacted the appropriate police authorities and a lawyer for legal advice.

**4. record and report on what official action was taken on the basis of the information received and whether there was due diligence by the officers of the Guyana Police Force in the investigation of the plan to assassinate the President;**

37. The Commissioner of Police did not review the DVD of Travis Chase's interview with Andriff Gillard. This is a lack of due diligence in light of false statements the Commissioner later peddled on April 21, 2017.
38. Assistant Commissioner Ramnarine testified that he did not review the DVD claiming that he did not have the equipment in his office to review a DVD.

39. It is not clear whether Crime Chief Blanhum reviewed the DVD of the interview. What is clear however is that there were glaring investigative oversights that the Crime Chief cannot simply wish away by saying that as Crime Chief he simply provides oversight and advise to the investigators given his contacts with the Commissioner of Police.
40. The Detectives conduct of the investigation of the case, upon a review of the evidence, in our submission, represents a failure to competently inquire into the plot and a dereliction of duty by the Detectives from the Major Crimes Unit, as basic investigative steps were not followed during the search of the Nizam Khan's premise, interview of the complainant, alleged accused and other witnesses and important information were missing from official records including station diaries.

**5. review all actions taken by the Guyana Police Force and examine whether there was evidence failure, neglect or omission to thoroughly and properly investigate the intention or plan to assassinate the President and determine whether such failure or omission was intentional;**

41. For this Terms of Reference, we did not review the Force as a collective. Rather, in our respectful submissions, we found it necessary to examine the actions taken by the individual Officers and Ranks each acting under the authority of the *Police Act* Cap 18:01.
42. Cross-examination exposed a significant degree of deficiencies, individually and/or collectively, with how the officers performed their duties.
43. Accordingly, our submissions covers the period from the time my Client contacted Assistant Commissioner Sydney James up until the COI was convened by His Excellency. This allowed us to make the appropriate submissions on the apportion blameworthiness in keeping with the final requirement of the TOR. The officers and Ranks in question are as follows:

- i. Commissioner of Police Seelall Persaud conduct was problematic in many ways that will be addressed below.
- ii. Former Justice of Appeal Claudette Singh, Senior Counsel, who is the Police Legal Adviser, provided written advice at various stages of the investigation in addition to oral advice. It is for the Commission to determine whether her advice was followed by the officers to whom the advice was provided.
- iii. Assistant Commissioner Sydney James. This is the first officer to be engaged. His appointment as the Head SOCU does not allow him direct investigative responsibility. Thus his actions were assessed for “the passage of information” and in our submissions were excellent. He should be commended as his actions are worthy of emulation by his peers and subordinates alike.
- iv. Assistant Commissioner Ramnarine. This officer was the Commissioner of Police acting. He allowed the substantive Commissioner of Police to interfere with the investigation knowing such action to be improper. Yet he did not report to higher authority. His professional judgement could have been clouded by the ongoing animosity between himself and Mr. Seelall Persaud. This is public knowledge and was quite evident during his testimony. This might have been the reason for his failure to manage the investigative process in the professional manner expected of any report of this kind.
- v. Senior Superintendent Wendell Blahum as the Crime Chief appeared to have been significantly influenced by the Commissioner of Police inclusive of the Commissioner of Police friendship with Imran Khan. Mr. Blahum misled the acting Commissioner of Police and did not supervise and managed this file in the way that a careful and prudent executive police officer would.

- vi. Assistant Commissioner Clifton Hicken was contacted by Senior Superintendent Blanum in respect to Mr. Gillard being at Ministry of Public Security. Mr. Hicken testify he sent Mr. Kingston his Divisional Detective officer to bring Mr. Gillard to him to verify his identity. Mr. Gillard testified that he went into significant details to Mr. Hicken on the plot. Mr. Blanhum said he also brief Mr. Hicken. Mr. Hicken testified that he was unaware of the details except to know that Mr. Blanhum was to see Mr. Gillard and he was to be transported to CID Headquarters.
- vii. Assistant Superintendent Mitchell Caesar as head of the Major Crimes Unit. He was alleged to have known the Khan brothers prior to the investigation. It appears that Mr. Caesar was in contact with Police Leal Advisor during the course of the investigation. The Commissioner of Police conducted the ASP on March 29, 2017.
- viii. Detective Inspector 18438 Prem Satyanand Narine carried out an order (“suggestions”, “opinion”) from the Commissioner of Police. To release Nizam Khan on bail. Inspector Narine however testified that he consulted his superiors given that the Commissioner was on leave.
- ix. Detective Sergeant 19822 Kamal Pitama led the search party to the home of Nizam Khan. The search in our submissions based on the evidence adduced was highly problematic. In light of the seriousness of the allegations it is also problematic that police did not apply for a search warrant prior to attending the home of Nizam Khan.
- x. Detective Corporal 17862 Laundry evidence before the Commission of Inquiry and the conduct of the investigation including his taking of the various witness statements displayed negligence and failure to follow standing orders. All of the statements taken by this Corporal was of witnesses who had

adverse claims to make about Mr. Gillard including Leon Baldeo and Luanna Walker. There were significant gaps in his memory.

- xi. Corporal Keon Benjamin recommended Andriff Gillard be charged for giving false information to the police. Benjamin and Gillard had issues in the past.
- xii. Detective Corporal Deonarine testified about the search of the premises of Nizam Khan. Strangely, he could not tell whether there was a back door, whether he searched a barrel on a verandah, amongst other things. A lack of a properly documented search is problematic.

44. It is our submission that the evidence adduced during the COI clearly demonstrate a course of calculated, coordinated and deliberate conduct to minimize the evidence that would support any claims made by Gillard and enhance any claims by Khan that the report of the complainant was fabricated/false.

#### **Note-taking**

45. Commissioner Seelall Persaud is required to complete his pocket book in accordance with standing order 28(4)(g) and 28(7). It became clear in cross-examination that a complete absence respecting compliance with the Standing Orders has settled in and that the procedural failures pointed out at the COI were common- even in the face of the serious allegations of a plot to assassinate the President of the Cooperative Republic of Guyana.

46. The Commissioner of Police was negligent in our submissions in his failure to make contemporaneous notes of his various communications, instructions and briefing in this matter. The failure to make notes makes his evidence before the Commission of Inquiry inherently unreliable due to large gaps in his memory.

47. The pocket book is the first method of recording investigations, arrests, and other significant events. It was put to the Commissioner that the pocket book is an aide-memoire to refresh one's memory and that it is also designed to enable a police officer to provide evidence to a Court. The Commissioner agreed with those two statements of principles that were taught in training school to police constables.
48. It is significant to note that on the question of Neglect, when the COP was asked about his notetaking in respect to the alleged plot against His Excellency the following exchange occurred with counsel:

**Mr. Pieters:** Did you take any notes in respect to these matters touching in the assassination plot against the President of the Cooperative Republic of Guyana?

**Mr. Persaud:** No I didn't.

**Mr. Pieters:** Why didn't you take notes?

**Mr. Persaud:** It was not necessary.

**Mr. Pieters:** I am going to suggest to you that it was.

**Mr. Persaud:** I am going to continue to say that it was not.

**Mr. Pieters:** I am going to suggest to you that it was neglect of duty for you not to take notes on an important issues such as this.

**Mr. Persaud:** I will totally deny that.

.....

Mr. Pieters: Where is your personal diary?

Mr. Persaud: It's in the office.

Mr. Pieters: You came to court today, you don't think you should have brought it?

Mr. Persaud: No.

Mr. Pieters: If that is what you use to recollect your memory?

Mr. Persaud: I am saying that I didn't write anything in relation to this matter in the diary.

Mr. Pieters: You didn't write anything on this matter, so I will suggest this to you didn't write anything on this matter Mr. Persaud because you thought that all the officers would have covered up for you and exclude you from the whole sequence, that is why you didn't make notes?

Mr. Persaud: I totally deny that I don't know of any commissioner of Police that went to any court and gives evidence of any investigation that the police force conducted during his tenure as commissioner.

49. The Commissioner of Police made no notes at all in this case. Those omissions were calculated and deliberate conduct on the part of Mr. Persaud in our submissions. He is a very experienced and trained investigator. No one needs to tell Mr. Persaud the importance of contemporaneous notes.
50. Further, Mr. Persaud failed to come to Court with his pocket book and/or diary. It is our respectful submission that this represents a fundamental departure or failure on the part of the Commissioner of Police to perform his duty as a prudent police officer and Commissioner would in the circumstances here.
51. In the circumstances, it is our respectful submissions that the Commissioner of Police, Seelall Persaud's omission to make notes constitutes a breach of Standing Orders 28(4)(g) and 28(7). Unbelievably, despite our prodding the Seelall Persaud maintained that the investigation was not that serious to require of him to take notes. An action which his duty demanded of him to take. In fact, he was even convinced that the investigation was not likely to reach the Courts. We respectfully submit that the Commissioner of Police could be cited with committing the offence of "Neglect of Duty."
52. The issue of no proper note-taking also affected officers of all ranks involved in the case.



**Interference in the Major Crimes Unit investigation by Commissioner of Police Seelall Persaud, D.S.M.**

53. To establish the truth of the evidence, resort must be had to the nature of the organization including its oath, that states as follows:

“I,....., do swear that I will well and truly serve the state of Guyana in the office of ..... and in such other in the Police Force as I may at any time here-after be appointed to, without favour or affection, malice or ill-will, and that I will cause the public peace to be kept and preserved by preventing to the utmost of my power all offences against the same; and that while I continue to hold any office in the Force I will obey all orders of the persons placed in authority over me, subject myself to all Acts and Regulations relating to the police and I will, to the best of my skill and knowledge, discharge all duties of my office faithfully according to law. So help me God”.

54. Mr. Seelall Persaud read this oath into evidence at the Commission. Subsection 13(2) of the Police Act provides that the very same oath “shall be taken by the Commissioner before the President...”

55. Commissioner of Police, Seelall Persaud’s admission that it is the culture of the Force for subordinates to act on suggestions of superiors runs counter to his claim during the same testimony that he merely provided an opinion. We submit that Mr. Persaud was being semantic and was unmindful of the inevitable damage to the high esteem of his office, generally held by the entire Force but more particularly by his Subordinate, Inspector Narine this instance. In fact, he even testified to offering himself as the one being held responsible for the accused reporting when requires by the Investigating rank. All of this in our respectful submissions makes a mockery of Commissioner of Police,

Seelall Persaud's interpretation of word "opinion." But this in our submissions, has been Mr. Persaud's demeanour throughout the Inquiry which likely is a carry-over attitude towards the "plot." We further submit that such behavior under the public glare could be attributed to the fact that Mr. Seelall Persaud is to demit office shortly. Consequently, he no longer needs the public's confidence.

56. During cross-examination by Attorney Pieters the following relevant discussion took place:

Mr. Pieters: I am going to suggest to you, I am going to put it to you actually that you called Narine and you made an order, you made an order that Imran Khan sent off on his own recognizance. Agree or disagree?

Mr. Persaud: I asked as I said before, I undertake to have him report to the station whenever he is required if he is sent on his own recognizance.

Mr. Pieters: We went through this Oath of office, and don't you believe that the police force has a chain of command?

Mr. Persaud: Yes.

Mr. Pieters: It has a hierarchy, it goes upward, and it doesn't go from the top down...

Mr. Persaud: It is a hierarchical structure...

Mr. Pieters: And the bottom report upwards, right?

Mr. Persaud: Yes.

Mr. Pieters: Yes, and part of your oath as a policeman and part of the oath of every single policeman and policewoman in the Guyana police force is that I will obey all orders of the person in authority over me.

Mr. Persaud: Yes.

Mr. Pieters: I am going to suggest to you that when you called Khan, sorry, when you called Inspector Narine and you told him to send Imran Khan on his own recognizance, that was an order, that was no suggestion.

Mr. Persaud: I can only tell you the words I used to him.

Mr. Pieters: Well is there a recording of it?

Mr. Persaud: I don't know if he recorded it.

Mr. Pieters: But you can't tell me that, I am putting it to you...

Mr. Persaud: But you were nowhere around, you weren't around.

Mr. Pieters: The Commission has to make finding, so you can agree or disagree with me.

Mr. Persaud: Well I am disagreeing.

Mr. Pieters: You also ordered, you also ordered that Nizam Khan is sent off on bail.

Mr. Persaud: That is not true, as I indicated before I gave my opinion.

Mr. Pieters: And you ordered that Gillard be sent on bail as well.

Mr. Persaud: I never knew Gillard was arrested.

Mr. Pieters: You did know...

Mr. Persaud: Until this inquiry.

Mr. Pieters: Well that shows how in tune you are with the police force that you manage.

Mr. Persaud: Gillard wasn't arrested because of the allegation he made, it was a totally unrelated matter.

Mr. Pieters: Nah, you know the deal man, I am going to suggest to you that the instructions that you gave to the investigating ranks that evening were improper.

Mr. Persaud: That is not true.

Mr. Pieters: And that as a result of your improper instructions you have been publicly ridiculed by your subordinates.

Mr. Persaud: That is not true, I am not aware of any public ridicule and the evidence, the judgment of putting on bail is a philosophy one.

57. Assistant Commissioner Ramnarine testified that "I was not consulted in relation to Nizam Khan being sent on bail." "Absolutely no. we incarcerate persons for 72 hours for far, far less serious offences or allegations..." "The very fact they were released the same afternoon indicates a lack of serious effort," the police officer said. He said the probe was compromised by the Police Commissioner. "The fact that the Commissioner was on leave and his known or being seen in the company of Imran Khan, who is the brother of Nizam Khan, and a call and giving instructions- that in itself would have amounted to some sort of compromising,"

58. Inspector Narine testified that he "...I received a call from Commissioner of Police, Mr Seelall Persaud; he asked me what was happening in relation to the matter and I told him there was Imran Khan at the station behaving in a certain manner. I told him that we have his brother, Nizam Khan in custody in relation to the allegation of Mr Gillard," "I told him also that there were allegations by Imran Khan, Nizam Khan and Mr Gillard they were threatened

by each other and as a result, everyone was in custody at that time because of the report of the threats. He then instructed that I send Mr Imran Khan on his own recognisance and place the other persons on bail,” “Would you have sent Imran Khan on bail?” “I have been a police for 17 years, I would not have loosed any of them...because of the nature of the report. They would have remained in custody...the only reason they were sent on bail is because I was instructed.”

59. Had Inspector Narine not follow the “suggestion” or “opinion” of the Commissioner of Police he would have committed Insubordination, in that without lawful excuse, he disobeyed, omitted or neglected to carry out a lawful order:

Mr. Pieters: Inspector Narine said that he would not have released any of the Khan brothers on bail, had it not been for you.

Commissioner Seelall: Well he would have been breaching a policy of the force, because Imran Khan was arrested for disorderly behaviour, and the policy of the force is that nobody for minor offences should remain in custody as a general rule, so unless there were circumstances, he would have been breaching that rule, he would have been giving in to that.

Mr. Pieters: You must have known people for more trivial matters who were kept in custody...

Mr. Persaud: And I know of a lot of police officers who were disciplined for that too

60. The Commissioner’s claimed in cross-examination by Pieters that he did not know that Mr. Gillard was arrested and placed into custody, until this Commission of Inquiry was convened, so that he could not have discussed releasing him is incredible and incapable of belief. If it is the case that his evidence has a shred of truth then it show an utter lack of leadership and how out of tune he is with what is going on in his organization, something that is rebutted by his immediate involvement in the case.

61. Assistant Superintendent of Police, Mitchell Caesar testified that “Sir, it is the Commissioner of Police. I didn’t see that was fit for me to do so, tell the Crime Chief that the Commissioner of Police said to put them on bail...”
62. Nizam Khan testified that W/Sergeant 19981 Castello was the officer at the CID that released him on a recognizance. He claimed not to have given any officers any money despite being released on a cash bail.
63. The Commissioner’s conduct in our submissions was improper in contacting MCU investigators to gain information relating to the status of the investigation, which he passed on to Imran Khan at the CID headquarters, in the presence of police officers and the complainant, who was aware that Seelall Persaud was on the telephone with Imran Khan. See Travis Chase interview with Andriff Gillard, March 30, 2017.
64. Seelall Persaud, as the Commissioner of Police, should not have put himself in the form of surety for Mr. Imran Khan to guarantee his attendance at the police station or anywhere else.
65. Further, the Commissioner of Police in our submissions did commit Discreditable Conduct, in that he acted in a manner prejudicial to discipline or likely to bring discredit to the reputation of the Guyana Police Force by making contact with Inspector Narine “suggesting” that Nizam Khan be placed on bail, interfering in the investigation.

**The Commissioner Did not Review the File prior to Sending Mr. Blanhum Briefing Note to the President and National Security Committee on or about April 03, 2017**

66. Assistant Commissioner Ramnarine testified that he was preparing a briefing memo to the National Security Committee which came to an end when the Commissioner of Police resumed duty. "I also informed the Commissioner that his Excellency had requested a report and that I was in the process of completing such, it wasn't completed because I was awaiting some information from CID as the statements taken were not that legible..."
67. Assistant Commissioner Ramnarine testified that "On my return to the office, I called His Excellency's aide-de-camp (ADC) Colonel Abrahams and I indicated to him that he [the President] had asked me to prepare a report and the fact that the Commissioner resumed duty on Saturday, I apprised commissioner and the commissioner has indicated to me that he will submit the report."
68. The Commissioner of Police testified that he asked Crime Chief Blanhum to prepare a memo to the National Security Committee. In cross-examination the Commissioner was asked whether he reviewed the file prior to sending the memo to the National Security Committee "No I didn't review file. I didn't find it necessary" the Commissioner responded. Pieters then stated "You didn't find it necessary? This is a very serious matter involving the life of the President of a country." The Commissioner of Police replied "...yeah we have very competent officers dealing with it..." But your job is to (here the Commissioner cut Pieters question off answering)? "My job is not to investigate. My job is to ensure that proper investigations are done," Pieters then asked "How can you ensure that proper investigations are done if you don't review the file? Persaud's responded "I monitor, I give advice. I know that in this particular matter they were almost every day in contact with the Police Legal Adviser who is a Retired Appeal Court judge."

69. The Commissioner of Police in our respectful submissions did commit Neglect of Duty, in that he, without lawful excuse, neglected or omitted promptly and diligently to perform his duties as a Commissioner of Police in failing to complete a thorough review of the investigative file and report sent to the National Security Committee.

#### **Deceit/Misleading the Public**

70. On or about April 21, 2017, it is our submissions that Commissioner of Police Seelall Persaud did commit Deceit, in that he willfully or negligently made false, misleading or inaccurate statement pertaining to official duties to Journalist Leroy Smith, pertaining to Travis Chase failure to provide his interview with Andriff Gillard to the Guyana Police Force, which such utterances were contrary to the facts.

71. The Commissioner of Police testified on July 31, 2017, he testified that he did not view the DVD provided to the police by Mr. Chase. Mr. Chase had provided a DVD of his interview to the then Head of the Presidential Guard, Brian Joseph, and head of the Special Organised Crime Unit (SOCU), Sydney James.

72. The Commissioner's public statements on April 21, 2017 in light of his failure to perform his duties to review the entire file including the interview Travis Chase conducted did not assist in developing public trust and capacity building through partnerships. What the Commissioner did was undermined the public trust by attacking the journalist and television station that aired the interview and therefore his conduct having regard to the circumstances, constitute misconduct, including deceit and dereliction of duty. In the alternative, he conducted his duties as Commissioner in a grossly negligent manner and that led to a dereliction of duty.

### **Misleading the Acting Commissioner**

73. Assistant Commissioner of Police David Ramnarine testified that on or about March 29, 2017, Crime Chief Blanhum did not provide accurate information on who instructed bail for the Khan Brothers. Mr. Ramnerine testified that he trusted Mr. Blanhum's judgment and that he did not raised any concerns when Mr. Blanham advised him he authorized bail for Niizam Khan.

The next morning about 5:30 a.m. On the 30th the Crime Chief with his usual responsibility was reporting to me the Crime situation in the country and in that reporting period I asked him what is the position with the person who was arrested the afternoon before in connection with this alleged plot to assassinate his Excellency? He said the person would have to return today I said how come wasn't he in custody yesterday afternoon and he said he was released I was surprised I asked him under whose instruction he said his instructions because he does not believe the story by Andriff Gillard I said okay please keep me posted if he returns. I left and I gave a brief at Statehouse to his Excellency given What preliminary information we had at that point in time. And I assure his Excellency that his safety will continue to be executed by the Guyana Police Force and the elements who were stationed at the Presidential Guard notwithstanding the fact his Excellency that this matter had originated in 2015 we have to get to the bottom of it. Transcript of Ramnarine evidence, July 28, 2017, p. 3.

74. Mr. Ramnarine testified he later found out it was Commissioner Persaud who directed the bail issue.

Mr. Selwyn Pieters: I appreciate that sir, when you received the information that the commissioner made the phone call having regard to the information you had already in your knowledge or possession from the crime chief, did you felt mislead when he said that he ordered the release, when you now heard someone who was far higher than him and was on leave that made that decision or that direction?

AC RAMNARINE: Obviously so, yes that is true, I felt very badly about it. Yes.



75. Senior Superintendent Blanhum in a written statement to the Commission wrote:

I never gave any instructions to grant station bail to Nizam Khan, Imran Khan or Andriff Gillard. Further, at no time did I brief Assistant Commissioner David Ramnarine on the status of this investigation at 05:30 hours on the 30th March and I never told him that I granted bail to Nizam Khan because at 05:30 hours on the said date, I had no knowledge that Nizam Khan was placed on station bail. I maintain that I was only informed that Nizam Khan was placed on station bail at about 08:30 hours when Assistant Superintendent of Police Mitchell Caesar briefed me at my morning meeting.”

76. It is our submissions that this issue will have to be determined based on the credibility of these two senior police officers.

77. If it is found based on a balance of probabilities that on the chain of events that Mr. Blanhum did communicate the information as testified by Mr. Ramnarine to him on March 30, 2017 then it is our submissions that Mr. Blanhum did commit Deceit, in that he willfully or negligently made a false, misleading or inaccurate statement pertaining to official duties to Assistant Commissioner David Ramnarine, pertaining to him authorizing the release of the Khan brothers on bail when he knew such utterances came from the Commissioner of Police.

**Conflict of Interest – discreditable conduct**

78. The Commissioner of Police conduct in our submissions amounts to acting in conflict of Interest (while he was on vacation), amounting to the offence of discreditable conduct in that he acted in a manner prejudicial to discipline or likely to bring discredit to the reputation of the Guyana Police Force.
79. The Commissioner was in conflict of interest as he knew Mr. Imran Khan “very well”. They were friends. “I called Blanhum who is the head of CID and he indicated to me the report of the allegation. I immediately called Imran Khan and told him what the allegation was and advised him to tell his brother to cooperate.” “I returned the call and was told he was arrested for disorderly behaviour. He said he went to make a complaint that Gillard threatened him and the police refused to take the report because the rank said they did not hear the threat.”

Mr. Pieters: Are you aware that Gillard was at the Police Station at the CID Headquarters when you were speaking to Imran Khan?

Mr. Persaud: I learnt that subsequently.

Mr. Pieters: And from complainant prospective a complainant who witnessed someone behaving in a disorderly manner in a police station right the Commissioner calling that person, what perception you think a complainant would leave with?

Mr. Persaud: We are all different people our perception are based on our own experiences.

Mr. Pieters: I am going to suggest to you that he left with an impression when he told the commission that, he left with the impression that you are corrupt and the system is corrupt because of you

Mr. Persaud: I wouldn't deny that that is his impression.

Mr. Pieters: And he left with that impression because of your conduct that day.

Mr. Persaud: I wouldn't deny that either. That it shows the limitation of his experience....

Mr. Pieters: No what it shows is a lack of judgement on your part.

Mr. Persaud: No, it does not.

Mr. Pieters: That is what it shows.

Mr. Persaud: It does not.

80. Assistant Commissioner Ramnarine testified that “I don’t know the individual but sometime after I learnt of the individual’s brother being Imran Khan and the fact that I recall vividly seeing Imran Khan in the Commissioner’s conference room at certain functions and one or two other places and I formed the impression that they were friends.” Mr. Ramnarine was asked if this was prior to March 29, 2017 to which he respond “the Commissioner has been seen by me in the company or either way Khan in his company on more than one occasion.”
81. Assistant Commissioner Ramnarine also testified that “I was subjected to a number of questions and comments which caused me to realize that there was some indication about a possible involvement of senior members of the force in the very early stages of the arrest of Nizam Khan and his brother Imran Khan.”
82. Assistant Commissioner Ramnarine had a meeting with his Executive Command and based on what he was hearing “I cautioned everyone in the room that we are a professional organisation and the fact that names can be called in such an important matter challenges our professionalism...I reminded the Crime Chief of the instruction that he himself must oversee such an investigation.”

83. The Commissioner of Police conduct has certainly lend credence to the concerns that the Guyana Police Force could not be trust to competently investigate the alleged plot on the life of the head of state because of the trail of conflict of interest, influence peddling of the Commissioner and relationships that the Khan brothers had with the Executive Command of the Guyana Police Force that has been painfully and publicly revealed in this COI. There is a crises of public confidence. There is a cover-up. There is a lack of alacrity in investigating the allegations.

#### **Failure to report the Conflict of Interest**

84. Attorney Pieters asked the Commissioner of Police “Do you think that efforts were made to compromise the integrity of the investigations by members of the Guyana Police Force?” Mr. Persaud responded “Not at all; I think that a proper investigation was done in the matter.”

85. The Commissioner should not have gotten involved in this case given the perceived and actual bias. He was on leave and this matter should have been handled by Mr. Ramnarine given Persaud’s close relationship with Mr. Imran Khan. Mr. Ramnarine was negligent in our submissions in not reporting the confilct of interest to the civil authorities: i.e. his Permanent Secretary and Minister. Mr. Ramnarine claimed that “The very nature of the role and functions and the command of the force do not necessitate it me reporting it to anyone,” he said.

Attorney-at-Law Pieters: Perception matters?

Acting Police Commissioner: Yes, it does

Attorney-at-Law Pieters: And in this case with the Commissioner of Police, there is a perception that there is a close

relationship between the Commissioner and at least one or both of the Khan brothers.

Isn’t that a situation where you should have, at least to protect the integrity of that

investigation deal with that perception of bias

Acting Police Commissioner: That is information that was

in the public domain and known by authorities

Attorney-at-Law Pieters: No, but you took no steps to act on that information. Did you?

Acting Police Commissioner: Not personally

Attorney-at-Law Pieters: You were and still remain the second highest ranking officer in the Guyana Police Force

Acting Police Commissioner: Yes

Attorney-at-Law Pieters: And if the Commissioner is unethical or acting unethical, you have a duty to act? Don't you?

Acting Police Commissioner: Not in all instances

Attorney-at-Law Pieters: I am going to suggest that you do in all instances to protect the integrity of the force and the persons serving under you and the public perception.

Acting Police Commissioner: Suggestion noted, Sir.

86. It is our submission that Assistant Commissioner David Ramnarine did commit Neglect of Duty, in that he, without lawful excuse, neglected or omitted promptly and diligently to perform his duties as Acting Commissioner of Police by not reporting to the Permanent Secretary and/or Minister of Public Security the Commissioner of Police involvement in the investigation whilst on leave and in actual or perceived conflict of interest given his relationship with Imran Khan.

### **Dysfunction in the Guyana Police Force**

87. It is evident that there was significant strain in the relationship between the Commissioner of Police and Assistant Commissioner David Ramnarine. The Commissioner was asked a series of questions touching on whether Mr. Ramnarine had given him cause to doubt his suitability to act in the appointment of Commissioner? Mr. Persaud did not directly answer the question and in a stunning move told Mr. Slowe "If I could not answer that question." Commissioner Slowe then reminded Mr. Persaud that are you suggesting the answer will incriminate you?" Mr. Persaud said "No" Mr. Slowe then told the Commissioner that "you are obliged to answer." Mr. Persaud then replied "No. He was the next most senior officer."

88. Attorney Pieters asked “Did you have any reason to doubt Mr Ramnarine’s professional judgment and as a result discredit his assessment of the investigation as he testified to in public?” Mr. Persaud responded “I read in the press that he said persons for lesser offences are placed in custody for 72 hours. That is a huge lack of conceptual skills. The issue of bail is not premised only on the gravity of the offence...so his concept on the issue of bail is heavily flawed.”

89. Attorney Pieters also asked Mr. Persaud for his personal opinion to which he responded “...I have made known to the Minister, matters that I have sent for investigation regarding, or what I thought was unprofessional behaviour of Mr Ramnarine and I also copied some of those letters to the Police Service Commission (PSC),”

90. It must be noted that initially Commissioner Persaud refused to answer the question posed to him in respect to his number 2 Mr. Ramnarine:

Commissioner Slowe: Well let me say this, the Act provides for you not answer questions on the grounds if you are likely to incriminate yourself, are you suggesting that the answer will incriminate you?

Mr. Persaud: No.

Commissioner Slowe: Well in which case you are obliged to answer.

91. Mr. Persaud did not communicate with Mr. Ramnarine until April 03, 2017, when pressed by Attorney Pieters he reasoned that “...there was no need to contact him...putting effort into something that is no need, is a waste of time.” Professional courtesies and the Chain of Command was in our submissions undermined by the failure of the Commissioner of Police to communicate with his second in command who was acting for him.

92. The Commissioner of Police also never contacted the Head of the President Guard and in response to a question stated he “assumed” someone else did.

### **Special Branch of the Guyana Police Force**

93. Special Branch, in a general way, deals with matters that are referred to as national security issues or security matters. They also investigate crimes of treason, crimes of sedition, serious crimes, murder; that is to say that we assist in the Criminal Investigation Department in their investigations. It also generally deal with other matters that are of interest to the department and the State of Guyana. See Standing Orders 50 of the Guyana Police Force.

94. Mr. Nizam Khan testified that Special Branch officers were present at CID Headquarters when he was interviewed on March 29, 2017. Mr. Ramnarine testified that “I immediately contacted the Crime Chief and the head of Special Branch for updates including whatever background information we would have thus far gathered about the two central characters at this point in time. And I learnt that in that point and time we didn’t have the kind of information which suggested they were dishonourable characters.”

95. The Commissioner of Police who was “off-duty” on vacation and placed himself on duty did not call the Head of the Special Branch.

### **Investigation not thorough nor fairly conducted**

96. That the GPF have been accused of mishandling the investigation involving the plot to assassinate the President is not necessarily a factor solely based on a lack of training as significant local and international efforts are made to ensure that detectives and senior officers are trained to investigate serious crimes using best practices:

Guyana Chronicle, Anti-crime boost ...GPF acquires forensic video analysis equipment, June 10, 2016,

<<http://guyanachronicle.com/2016/06/10/anti-crime-boost-gpf-acquires-forensic-video-analysis-equipment/>>  
 Justice Education Society (JES) of Canada, Strengthening the Guyanese Criminal Justice System (2015 - 2019)  
 <<http://international.justiceeducation.ca/where-we-help/guyana>>  
 Guyana Chronicle, August 28, 2016. Crime-solving boost ... police say CID now has capacity and capability.  
 <<http://guyanachronicle.com/2016/08/28/crime-solving-boost-police-say-cid-now-has-capacity-and-capability/>>

97. CID officers at trained in major cases to use the Major Case Management and Investigation (MCMI) tools and skills taught by the Justice Education Society.

Further, all the Police Divisional Detective Officers and their second-in-command along with all the Officers at the Criminal Investigation Department Headquarters were trained by trainers developed by the Justice Education Society (JES) of Canada in Major Crimes Case Management and Investigation. Online: Guyana Police Force Press Release <<http://guyanapoliceforce.gy/police/media-folder/press-releases/monthly-statistics-summary-april>>

98. Commissioner Slowe asked Mr. Ramnarine:

COMMISSIONER SLOWE: You mentioned that when Mr. Blanhum on the morning of the 30th told you that he Blanhum had sent Nizaam Khan on bail you formed the opinion based on his judgment at that time I think you mentioned specifically at that time I am wondering why you said at that time do you have some doubts about the judgment now?

AC RAMNARINE: Yes, I do.

COMMISSIONER SLOWE: You have doubt about his judgment now can you elaborate on that for me.

AC RAMNARINE: I now come to learn sometime after that he may be influenced on the very afternoon of the 29th that is to say specifically of the call allegedly made by the Commissioner who was on leave.



COMMISSIONER SLOWE: So you're saying that might have influenced his judgement.

AC RAMNARINE: Yes.

COMMISSIONER SLOWE: To send the man on bail?

AC RAMNARINE: Yes.

COMMISSIONER SLOWE: Do you think that's who would have influenced the way the investigation was conducted?

AC RAMNARINE Yes sir.

COMMISSIONER SLOWE: So you think that because of that intervention the influence in what way did it influence the investigation into this matter, in your judgment.

AC RAMNARINE: Because of the fact of the association between the commissioner of police and Imran Khan and Nizaam khan fundamentally so.

COMMISSIONER SLOWE let me ask you this directly because based on what you have said and based on what previous Witnesses or at least one witness has said do you think in regards, to all you know about this matter, that this matter was probably investigated?

AC RAMNARINE taking into account all the circumstances surrounding the conduct of this investigation my sincere answer would be no.

COMMISSIONER SLOWE it was not properly done.

AC RAMNARINE no it was not properly done

99. In order to assail the credibility of Assistant Commissioner Ramnarine's testimony, counsel for the Commissioner of Police cross-examined Mr. Ramnarine in respect to his lack of investigative experience and/or training. Counsel also accused Ramnarine of "sucking-up" to the political directorate.

100. It is our submission that the fact that Mr. Ramnarine was not trained in CID related courses and the fact that some tension exist in his relationship with the Commissioner of Police and the Crime Chief does not taint the objectivity of his statements in light of the similar views held by the complainant Andriff Gillard, journalist Travis Chase and Inspector Prem Narine.
101. The investigation was doomed from the start as none of Imran Khan, Nizam Khan and Andriff Gillard, who were all arrested, were advised what he singularly and collectively were being charged with nor of his/their right to counsel. The Commissioner stated that Imran Khan initiated a phone call to him for that very reason.
102. It is also submitted that the failure to take a video-recorded statement from the witnesses, complainant and accused was not in keeping with 2017 investigative standards for major crime investigations.
103. Prior to June 2017, the Justice Education Society of BC who has been engaged in training MCU Investigators recommended:
- JES police expert recommends that the GPF install video cameras for recording interviews at Criminal Investigation Division (CID) Headquarters. A budget for video cameras for the CID Major Crime Unit would assist greatly in video recording all interviews with the accused.
  - JES police expert recommends that the GPF develop a standardized warning script or arrest script to be used for all GPF suspect interviews;
  - Crime scene technicians need further training in scientific method and bias and note-taking.
104. These officers failed to carry out even the most rudimentary investigation of the incident. Basic investigation would have investigated all the dates from June 06, 2015 to July 21, 2015 to eliminate the unlikely dates and drill down to the likely dates a discussion would have taken place between Gillard and

Nizam Khan. That is not in our submission a difficult process of investigation to get to the particulars about the what, who, when, and where.

**6. determine the blameworthiness for failure or neglect of officers or persons involved in the investigation and recommend action to be taken against persons found to be blameworthy;**

105. The Commissioner of Police, Seelall Persaud, D.S.M., who was off-duty on vacation put himself on duty. He is therefore responsible for all acts and omissions and or neglect of duty and/or systematic failures that are placed at his feet due to him inserting himself into this matter:

Mr. Hanoman: A moment please. Now while you were on your vacation leave to be clear you were still the substantive Commissioner of Police?

Mr. Persaud: Yeah, my understanding of the law is that there is one Commissioner of Police and that an Acting Commissioner the issue of an Acting Commissioner only arises if that Commissioner is on pre-retirement leave or if the office becomes vacant.

Mr. Persaud: No.

Mr. Hanoman: So even while on temporary leave so to speak you were still the Commissioner of Police?

Mr. Persaud: That is my understanding of the Law.

Mr. Hanoman: And do you know whether Mr. Ramnarine was ever appointed by Instrument to be the Acting Commissioner of Police?

Mr. Persaud: I am not aware of any instrument that was issued to him and I am aware that on to last year that didn't happen.

Mr. Hanoman: Yes. Throughout your time as Commissioner of Police while on annual leave you would constantly provide advice to the members of the Guyana Police force?

Mr. Persaud: Yeah, a lot of the senior officer would call including the Acting Commissioner and I will advise on the issues that they call for, additionally several members of public will reach me and make complaints and I call to whoever needs to address the complaints make arrangements for those persons to meet with them and sometimes advise on a procedure.

Mr. Hanoman: And that is home you have always operated even while on leave you play a part?

Mr. Persaud: Yes, I cannot turn my back.

Mr. Hanoman: This particular case was no exception to your general routine of doing that?

Mr. Persaud: No.

106. It is our submission that the Commissioner of Police was negligent in many ways that simply makes his ability to continue in his office untenable. First he had a duty to contact the Head of the Presidential Guard. His answer as to why he did not cannot be accepted in light of what he said above:

Mr. Pieters: Do you know the Head of the Presidential Guard?

Mr. Persaud: No, I don't.

Mr. Pieters: there is a plot to assassinate the head of a country or an alleged plot you didn't call the head of the Presidential security

Mr. Persaud: No, I assumed that that would have been done.

Mr. Pieters: You assumed did you ask anyone if that was done?

Mr. Persaud: No.

Mr. Pieters: And why didn't you ask?

Mr. Persaud: Because someone was Acting as Commissioner of Police and I assume it was a simply function that would have been exercised.

107. The Commissioner of Police is arguably guilty of neglect of duty and discreditable conduct.

108. On his failure to communicate with the acting Commissioner of Police, the Commissioner said this:

Mr. Pieters: You need to explain to the panel why is it you saw no need to make contact with a person that was acting in your command during this material time.

Mr. Persaud: Because I have a lot of confidence in the officers dealing with the investigation, highly competent officers.

Mr. Pieters: But you wouldn't you put a professional courtesy for you to interact as well with the person acting in your stead.

Mr. Persaud: I don't waste people time if I don't have a need to I wouldn't do it.

Mr. Pieters: So you would have considered that a waste of time.

Mr. Persaud: I have no need to, that is what I am saying, when I have no need to, them putting effort into no need is a waste of time.

109. The Commissioner of Police is arguably guilty of neglect of duty and discreditable conduct.

110. The Commissioner's conduct with his acting Commissioner brought discredit to the Guyana Police Force. It is no small matter for the Commissioner to not call the Head of the Special Branch, Head of the Presidential Guard, and the Acting Commissioner of Police but yet calls the brother of the suspect in a plot to assassinate the President and do so in the presence of police officers and the complainant:

Mr. Pieters: Are you aware that Gillard was at the Police Station at the CID Headquarters when you were speaking to Imran Khan?

Mr. Persaud: I learnt that subsequently.

Mr. Pieters: And from complainant prospective a complainant who witnessed someone behaving in a disorderly manner in a police station, right, the Commissioner calling that person, what perception you think a complainant would leave with?

Mr. Persaud: We are all different people, our perception are based on our own experiences.

Mr. Pieters: I am going to suggest to you that he left with an impression when he told the commission that, he left with the impression that you are corrupt and the system is corrupt because of you

Mr. Persaud: I wouldn't deny that that is his impression.

Mr. Pieters: And he left with that impression because of your conduct that day.

Mr. Persaud: I wouldn't deny that either. That it shows the limitation of his experiences.

Mr. Pieters: No what it shows is a lack of judgement on your part.

Mr. Persaud: No, it does not.

Mr. Pieters: That is what it shows.

Mr. Persaud: It does not.

111. The Commissioner of Police without lawful excuse, neglected or omitted promptly and diligently to perform his duties.

112. He was required to lead by example. His conduct throughout this investigation has brought discredit to the Guyana Police Force.

113. It is also out submission that Mr. David Ramnarine was negligent when he did not communicate to the civilian authorities his concerns that the

investigation may have been compromised due to the relationship the Commissioner of Police had with Imran Khan and the Commissioner's involvement whilst on leave in directing staff to release the Khan's on bail.

114. It is out submission that Senior Superintendent Blanham was negligent and misled the acting Commissioner of Police David Ramnarine when he omitted to tell the acting Commissioner that it was the COP that ordered the Khan's release from police custody.
115. Further, Senior Superintendent Blanham was insubordinate when he took a rude, argumentative and aggressive posture with Commissioner Slowe at the Commission of Inquiry.
116. Sergeant Pitamber and Corporal Deonarine's conduct of the search of Mr. Nizan Khan's residence, the recording of the fruits of the search and the testimony before the Commission showed a sheer lack of will and diligence in conducting a thorough and proper search.
117. The processes used to gather, assess, introduce and submit evidence during investigations was flawed.
118. It also appears that crucial advice from the Police Legal Advisor was not followed by the Commissioner of Police, Crime Chief or his investigators:

Commissioner Slowe: All right let me say this, you saying I think you said somewhere along the line that you support Gillard being charged with giving false information in the report

Mr. Persaud: I report I support the recommendation.

Commissioner Slowe: The recommendation, all right and you also spoke about the advice of the PLA

Mr. Persaud: Yes.

Commissioner Slowe: Are you aware that the Police Legal Advisor on the 16th of May 2017 advised us while I am of the view that a confrontation would be instructive at this point in time there is nothing to indicate whether Gillard's allegation is a fabrication or Khan is innocent, did you see that?

Mr. Persaud: Yes I did.

Commissioner Slowe: You saw that?

Mr. Persaud: Yes.

Commissioner Slowe: So the PLA is saying that there is nothing in the investigations or the files to indicate that this story is a fabrication so how in light of that can you support a charge or a recommendation of a charge for giving false information?

Mr. Persaud: Because at that stage I am saying that given my own experiences on evidence that we put to the Court for giving false information in this case they were two witnesses even after prior to the last advise that we got that were saying that Gillard approach the man and ask to fabricate in one case ask him to support this false allegation in another case he indicate to the witness that he made a false allegation given those two cases along with the same justification of not his justification of not reporting the matter earlier when he had several opportunities and he was aggrieved with the person with whom he made the allegation I think that there is sufficient and guided by the legal advisor because they know we rely on them to tell we what is sufficient for the Court and what is not. The issue of bail wasn't arising in that.

119. Consideration of the nature and goals of standing order 74 and the use of a 72 hours detention period were thrown out of the window by the Commissioner of police due to his close relationship with Imran Khan. The Commissioner's directions and instructions to Inspector Prem Narine amounted to a blatant flouting of the law that should result in criminal prosecution for obstruction of justice and breach of trust.
120. The return of a firearm and ammunition to Imran Khan given his conduct at the CID headquarters again amounted to a blatant flouting of the law. The same is true in respect to Nizam Khan. Neither of them should have been able to possess firearms whilst the investigation of the allegations of a plot to assassinate His Excellency the President of the Cooperative Republic of Guyana was ongoing.

**7. recommend steps that can be taken in order to prevent the recurrence of such incident and can be deemed appropriate by the Commissioner;**

121. Direct standing orders and reporting lines where allegations of a threat to the life of the President, his/her family or Cabinet Ministers or Internationally protected persons are concerned.
122. The conduct of the Commissioner of Police Seelall Persaud that represented a breakdown of the Chain of Command must not reoccur or be allowed to occur going forward.
123. A draft Standard Operating Procedure (SOP) document for the Major Crimes Unit should be prepared. Further, the recommendations of the JES must be operationalized forthwith.

**and 8. identify systemic issues, if any, in the Guyana Police Force's competence to investigate matters of this nature.**

124. The involvement of the Commissioner of Police in the investigation conducted by the Major Crimes Unit and the alleged connections of the investigative ranks to Imran Khan and Nizam Khan heightened the lack of public confidence in police investigation of the plot. The investigation was referred to as a cover up both by Travis Chase and Andriff Gillard and poor by David Ramnarine.
125. The systematic failures in this case is not only an embarrassment, it reflect a loss of confidence in law enforcement. It shows that investigations and their efficacy can be influenced by civilians who are connected to the top brass, particularly the Commissioner of Police.



126. The conduct of the Commissioner of Police and the Acting Commissioner of Police in this case represents a systemic lack of confidence in the Guyana Police Force's ability to deliver adequate and effective services to the citizens of Guyana under their leadership. The lack of communication between March 29, 2017 to April 02, 2017, cannot go unnoticed in light of the Commissioner's communications with Assistant Commissioner Hicken, S/Supt. Blanhum, ASP Caesar, and Inspector Narine.
127. Further, the hand-over procedure of the GPS is *ad hoc*. No written memorandums were prepared. It should be formalized with appropriate instrument of office given in like manner for other acting constitutional office holders.
128. Both the number 1 and number 2 most senior officers of the Guyana Police Force were and continued to be involved in an internecine battle which has in effect polarized the Executive Command and rank and file officers. A complete organizational review and restructuring and reshuffling of the Executive Command Officers should take place.
129. The policy on note-taking and record keeping should be reviewed and revised for all police officers from Constables to Commissioner.
130. The Major Crimes Unit Investigators need a specialized course in interviewing skills to enhance their capacity as investigators. Further, all interviews of witnesses should be audio and/or video recorded as the technology is available and is relatively inexpensive.
131. The Minister of Public Security (MOPS) Permanent Secretary must be the reporting entity to which conflicts of interest involving senior command officers of the Guyana Police Force (GPS) is reported to for advice and action.

132. The identify systemic issues in the Guyana Police Force's competence to investigate matters of this nature is at the core of the criminal justice system as the police is it investigative arm. The systemic issues in this case has led to a distrust of police officers from members of the public. Justice should not be affected by one's connections to the Commissioner of police and/or other "big-boys" in the Guyana Police Force or the political hierarchy.

All of which is respectfully submitted this 18<sup>th</sup> August 2017

Yours truly,

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