

The pursuit of truth

and the

Walter Rodney Commission of Inquiry



President Donald Ramotar and newly sworn-in commissioners, Senior Counsel Seenath Jairam (left), Queen's Counsel, Sir Richard Cheltenham and Queen's Counsel, Jacqueline Samuels-Brown



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The Walter Rodney Commission of Inquiry

The Walter Rodney Commission of Inquiry was established on the authority of the President of the Republic on 6th February 2014. The three Commissioners – Sir Richard Cheltenham, QC, of Barbados (Chairperson), Jacqueline Samuels-Brown, QC, of Jamaica and Seenath Jairam, SC, of Trinidad and Tobago – were sworn in on 25th February.

The stated objective: “*To inquire into and report on the circumstances surrounding the death in an explosion of the late Dr. Walter Rodney,*” that occurred on 13th June 1980 in Georgetown, is uncontentious. There has always been widespread support for the establishment of a commission of inquiry but, the present Commission now in session seems set to miss the chance to pursue the truth about Dr. Rodney’s death.

Terms of Reference

The Commission’s first Term of Reference – TOR (I): “*To examine the facts and circumstances immediately prior, at the time of, and subsequent to, the death of Dr. Walter Rodney in order to determine, as far as possible, who or what was responsible for the explosion resulting in the death of Dr. Walter Rodney,*” is uncontroversial.

The Inquiry’s main aim should be to find out what happened and how it happened. The general view is that the purpose of an inquiry should not be to ascertain civil or criminal liability or to determine blameworthiness of any person or agency involved in the event being inquired into. That is the task for a court of law. Objections have therefore been raised to TOR (IV). This required the Commission:

...to examine and report on the actions and activities of the state, such as the Guyana Police Force, the Guyana Defence Force, the Guyana National Service, the Guyana People’s Militia and those who were in command and superintendence of these agencies to determine whether they were tasked with the surveillance of and the carrying out of actions and whether they did execute those tasks and carried out those actions against the Political Opposition for the period 1st January 1978 to 31st December 1980.

The contamination of memory

The Guyana Human Rights Association (GHRA) also raised objections to that TOR in particular. The Association expressed the view that the proposed Terms of Reference had:

...greater potential for reviving, rather than healing, ethnic division in Guyana. In this respect, the clause [TOR (IV)] provides an opportunity...for generating a stream of horror stories from that era into the work of the Commission, with rich potential for stirring up Indo-Guyanese resentment against the PNC.

The People's National Congress Reform (PNCR) and the Working People's Alliance (WPA) also raised formal objections. TOR IV, therefore, is widely perceived as tendentious, malicious and incongruous with TOR (I). It is a deliberately diversionary smokescreen which would obscure "*the circumstances surrounding the death*" of Dr. Walter Rodney and it is likely to constrain the Commission's pursuit of the truth.

The PPPC administration, in drafting the terms of reference in this peculiar manner, opened the floodgates to 'hearsay' evidence. Human memory, after 34 years, can be contaminated by political propaganda, prejudice and partiality. Human memory is capable of playing tricks with the recollection of past events. It will be difficult, as has already been shown, to separate fact from fiction and 'premonition.'

The President has been urged to consult with interested parties to re-draft appropriate Terms of Reference which are more likely to be widely accepted. This has not been done. The People's National Congress Reform (PNCR), as a consequence, declined to 'cooperate' with the Commission of Inquiry under the present Terms of Reference. It did nominate a legal team, however, and started and will continue to participate in its proceedings. The PNCR and WPA separately wrote President Donald Ramotar to express their concerns.

The People's Progressive Party Civic administration seems to be more interested in seeking to gain a political advantage by provoking resentment against the PNCR than in pursuing the truth about Dr Rodney's death. The PPPC over the past 20 years has made several sensational but superficial and insincere gestures. These included awarding Dr. Rodney a posthumous 'Order of Excellence,' establishing the Walter Rodney Chair of History at the University of Guyana and designating the National Archives as the 'Walter Rodney Archives.'

The Death of Dr. Walter Rodney

A Commission of Inquiry such as this should avoid the adversarial atmosphere of a "mock trial." It should adopt the posture of a "fact-finding" investigation in order to determine exactly how Dr Rodney met his death. The aim should be to find out what sort of device was manufactured, how Dr Rodney came to be in possession of it, when and why he sought and acquired it, the purpose for which he intended to use it and how it came to be detonated. The Commission, in so doing, may infer some acts of criminality or wrongful conduct.

The Commission does not have to start from 'square one.' Dr Rodney's political activities from 1974 to 1980 have been more than amply documented. His death on 13th June 1980 was saturated by national and international media coverage.

The Commission, armed with all this documentation, has no need to listen to more 'hearsay' from persons who were not present and had no idea about what seems to have been a secretive encounter about which very few persons seemed to have knowledge.

The Commission need not go beyond analysing concrete data to arrive at conclusions about how the incident occurred.

The Commission has been given only four months to fulfil its mandate. Three months have elapsed and it has listened to only four 'witnesses.' It must choose the shorter, more direct route to ascertain "*the circumstances surrounding the death*" of Dr. Walter Rodney. That, however, is not what the PPPC wants from this Inquiry.

The political agenda

The PPPC has deliberately ignored the facts that earlier PNC administrations initiated forensic investigations in 1980 and concluded an inquest in 1988. The PPPC refused to acknowledge the recommendations of the International Commission of Jurists on this matter in 1995.

The PPPC, the original authors of a Motion in the National Assembly that called for the establishment of an international commission of inquiry to investigate Dr. Rodney's death, abstained from voting on its own Motion in 2005 which both the PNCR and WPA supported.

The PPPC has now deliberately waited on the onset of local government elections with the intention of diverting public attention from the prevalent problems of crime, corruption, incompetence and conflict within the PPP itself.

The Commission was actually sworn in only in February when it was given the unrealistic deadline to "*render its report, findings and recommendations to the President within four months...*" This timeframe is aimed, theatrically, not at thoroughness but at the observance of Dr. Rodney's death anniversary in June.

Guyanese should be aware that these contrivances – the timing of the Inquiry 34 years after the incident; the four-month deadline for the submission of the report; the relaxation of the rules of evidence; the insertion of TOR (IV); the live streaming of testimony over state-owned radio and the hysterical headlines in the state-owned media – are all part of a planned political propaganda programme.

The entire performance is aimed at seeking to damage the reputation of the PNC administration and to impugn the character of public servants who served our country at the time of Dr. Rodney's death.

The PPPC has no interest in the pursuit of the truth!

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