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ACTION L-03

INFO OCT-01 ARA-11 ADS-00 HA-05 DCT-02 OMB-01 PM-05
NSC-05 SP-02 SS-15 CIAE-00 INR-10 NSAE-00 H-01
TRSE-00 /061 W

REVIEW AUTHORITY: Richard Zorn,
Senior Reviewer

-----072336 240106Z /63

R 201807Z MAR 80
FM AMEMBASSY GEORGETOWN
TO SECSTATE WASHDC 1985
INFO AMEMBBASSY BRIDGETOWN
AMEMBASSY KINGSTON
AMEMBASSY PARAMARIBO
AMEMBASSY PORT OF SPAIN

LIMITED OFFICIAL USE GEORGETOWN 1251

E.O. 12065: NA
TAGS: PINT, PORG, SHUM, GY
SUBJ: STUDY OF TRIAL OBSERVERS

REF: STATE 51659

1. UNTIL RECENTLY, THERE HAVE BEEN RELATIVELY FEW TRIALS IN INDEPENDENT GUYANA WHICH COULD FAIRLY BE CALLED POLITICAL. PROBABLY THE MOST WELL-KNOWN TRIAL IN THE PAST FOUR YEARS WHICH HAD IMPORTANT POLITICAL OVERTONES WAS THE TRIAL OF ARNOLD RAMPERSAUD FOR THE ALLEGED MURDER OF A POLICEMAN. AMNESTY INTERNATIONAL SENT AN OBSERVER TO THE THIRD TRIAL OF RAMPERSAUD (THE TWO PREVIOUS JURIES HAD BEEN UNABLE TO REACH A VERDICT) IN LATE 1977 WHEN RAMPERSAUD WAS ACQUITTED. (DETAILS OF THE RAMPERSAUD CASE ARE INCLUDED IN THE AI 1977 AND 1978 (ANNUAL REPORTS).

2. THERE ARE CURRENTLY SEVERAL CASES BEFORE THE COURTS WHICH HAVE NOT YET COME TO TRIAL WHICH GROUPS LIMITED OFFICIAL USE

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IN OPPOSITION TO THE GOVERNMENT CONSIDER POLITICAL. THE MOST IMPORTANT OF THESE IS THAT OF DR. WALTER RODNEY, DR. RUPERT ROOPNARINE, AND DR. OMAWALE, LEADING MEMBERS OF THE OPPOSITION WORKING PEOPLES ALLIANCE, (WPA) WHO ARE CHARGED BY THE GOVERNMENT WITH CRIMINAL ARSON IN THE BURNING OF THE MINISTRY OF NATIONAL DEVELOPMENT ON JULY 11, 1979. THE DEFENDANTS CURRENTLY ARE FIGHTING TO HAVE THEIR CASE TRIED BY A JURY IN THE HIGH COURT, WHEREAS THE PROSECUTION HAS DEMANDED A SUMMARY TRIAL BEFORE A

MAGISTRATE. A DECISION ON THAT QUESTION IS EXPECTED SHORTLY. MEMBERS OF THE LEGAL PROFESSION INTERESTED IN THE CASE PRIVATELY HAVE TOLD EMBASSY GEORGETOWN OFFICERS THAT AMNESTY INTERNATIONAL WOULD BE REQUESTED TO SEND AN OBSERVER WHEN THE CASE COMES TO TRIAL.

3. OTHER POTENTIAL POLITICAL TRIALS INCLUDE THAT OF KWAME APATA, ANOTHER WPA MEMBER, WHOSE HOUSE WAS SEARCHED BY POLICE AT THE TIME OF THE JULY FIRE NOTED ABOVE. APATA WAS CHARGED WITH THE ILLEGAL POSSESSION OF A REVOLVER AND SIX ROUNDS OF AMMUNITION. HIS FIRST TRIAL WAS ANNULLED ON LEGAL GOUNDS, AND A SECOND TRIAL HAS JUST BEGUN. ANOTHER WPA SYMPATHIZER WHOSE HOME WAS SEARCHED IN JULY AND AND WHO WAS ACCOUSED OF ILLEGAL POSSESSION OF GOVERNMENT PROPERTY WAS ACQUITTED.

4. TWO WPA ACTIVISTS HAVE BEEN KILLED IN RECENT MONTHS IN CONFRONTATION WITH THE POLICE WHO MAINTAIN THAT THE WPA MEMBERS EITHER THREATENED POLICE OFFICERS OR RESISTED ARREST. THE WPA ALLEGES THAT POLICE "MURDER" IS BEING USED BY THE AUTHORITIES AS A MATTER LIMITED OFFICIAL USE

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OF POLICY TO ELIMINATE OPPONENTS AGAINST WHOM THE AUTHORITIES HAD NO REAL CASE.

5. INSOFAR AS EMBASSY GEORGETOWN IS AWARE, THERE HAVE BEEN NO INSTANCES IN WHICH LOCAL OR MFOREIGN OBSERVERS HAVE BEEN DENIED ACCESS TO TRIALS AS OBSERVERS, NOR DOES IT SEEM LIKELY THAT THE GOVERNMENT WILL DENY THE ACCESS OF OBSERVERS TO CASES CURRENTLY IN THE JUDICIAL SYSTEM. THE LEGAL SYSTEM IN GUYANA HAS BEEN USED TO HARASS OPPONENTS OF THE GOVERNMENT BY MAKING THEM SEEK LEGAL READRESS FOR THE SEIZURE BY IMMIGRATION AUTHORITIES OF PASSPORTS, TO RESPOND TO NEWLY DISCOVERED CHARGES OF TAX VIOLATIONS, ETC., BUT THERE DOES NOT SEEM TO HAVE BEEN ABRIDGEMENTS ON THE DEFENDANT'S RIGHT TO A PUBLIC TRIAL AS GUARANTEED BY THE CONSUTITUTION.

6. ARTICLE 144 (9) AND (10) OF THE NEW GUYANESE CONSTITUTION, WHICH IS EXPECTED TO BE PROMULGATED SHORTLY, DEALS WITH THE RIGHT TO A PUBLIC TRIAL. (THE ATRICLE WAS TAKEN VERBATIM FROM THE CURRENT CONSTITUTION.) THE ARTICLE STATES:
(BEGIN QUOTE) (9): EXECPT WITH THE AGREEMENT OF ALL THE PARTIES THERETO, ALL PROCEEDINGS OF EVERY COURT AND PROCEEDING FOR THE DETERMINATION OF THE EXISTENCE OR EXTENT OF ANY CIVIL RIGHT OR OBLIGATION BEFORE ANY TRIBUNAL, INCLUDING THE ANNOUNCEMENT

OF THE DECISION OF THE COURT OR OTHER TRIBUNAL,
SHALL BE HELD IN PUBLIC.

(10): NOTHING IN THE PRECEDING
PARAGRAPH SHALL PREVENT THE COURT OR OTHER TRIBUNAL
FROM EXCLUDING FROM THE PROCEEDINGS PERSONS OTHER
THAN THE PARTIES THERETO AND THEIR LEGAL REPRESENTATIVES
TO SUCH EXTENT AS THE COURT OR OTHER TRIBUNAL-

(A) MAY BY LAW BE EMPOWERED SO TO DO AND MAY
CONSIDER NECESSARY OR EXPEDIENT IN CIRCUMSTANCES WHERE
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PUBLICITY WOULD PREJUDICE THE INTERESTS OF JUSTICE
OR IN INTERLOCUTORY PROCEEDINGS OR IN THE INTERESTS
OF DECENCY, PUBLIC MORALITY, THE WELFARE OF PERSONS
UNDER THE AGE OF EIGHTEEN YEARS OR THE PROTECTION
OF THE PRIVATE LIVES OF PERSONS CONCERNED IN THE
PROCEEDINGS; OR

(B) MAY BY LAW BE EMPOWERED OR REQUIRED SO TO
DO IN THE INTERESTS OF PUBLIC SAFETY, OR PUBLIC ORDER.
END QUOTE. ROBERTS

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