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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
    -------------------072336 240106Z /63

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

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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 OVER-
TONES 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

2. THERE ARE CURRENTLY SEVERAL CASES BEFORE THE
COURTS WHICH HAVE NOT YET COME TO TRIAL WHICH GROUPS
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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 GROUNDS, AND A SECOND TRIAL HAS JUST BEENLED. ANOTHER WPA SYMPATHIZER WHOSE HOME WAS SEARCHED IN JULY AND WHO WAS ACCUSED 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 OF POLICY.

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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 FOREIGN 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 GUAYANA 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 GUAYANES CONSTITUTION, WHICH IS EXPECTED TO BE PROMULGATED SHORTLY, DEALS WITH THE RIGHT TO A PUBLIC TRIAL. (THE ARTICLE WAS TAKEN VERBATIM FROM THE CURRENT CONSTITUTION.) THE ARTICLE STATES:

(BEGIN QUOTE) (9): EXCEPT 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

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OF THE DECISION OF THE COURT OR OTHER TRIBUNAL, 
SHEL 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 BE LAW BE EMPOWERED OR REQUIRED SO TO 
DO IN THE INTERESTS OF PUBLIC SAFETY, OR PUBLIC ORDER. 
END QUOTE. ROBERTS 

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