

LINDEN COMMISSION OF INQUIRY

REPORT

of

THE COMMISSION

The Honourable Justice Lensley Wolfe, O. J., Retired Chief Justice of Jamaica- Chairman

The Honourable Justice Cecil Kennard, O.R., C.C. H. Former Chancellor of the Judiciary- Guyana, Commissioner

The Honourable Justice Claudette Singh, C.C.H., Former Justice of Appeal – Guyana, Commissioner

Senator K. D. Knight, QC – Jamaica, Commissioner

Miss Dana S Seetahal, SC – Trinidad & Tobago, Commissioner

PRESENTED IN GEORGETOWN, GUYANA

ON 28 FEBRUARY 2013

REPORT, FINDINGS & RECOMMENDATIONS

Of

The LINDEN COMMISSION OF INQUIRY

Appointed to Inquire into the death of Allan Lewis, Ron Somerset and
Shemroy Bouyea and the injuries of several other persons on July 18, 2012
at the Mackenzie-Wismar Bridge, Linden

ACKNOWLEDGMENT

The Commissioners are indeed grateful to all the persons who participated in the work of the Commission: the attorneys-at-law, the personnel involved in the recording of the daily proceedings, the members of the Secretariat, the security forces the media and all those who found the time to be at the hearings.

Your contribution has played a significant role in the proceedings of the Commission and we thank you.

INTRODUCTION

1. The citizens of the Community of Linden enjoyed a concession in respect of the amount payable by them for the consumption of electricity supplied. In the Budget Presentation of 2012 the Government of the Republic of Guyana abolished the concession.
2. The citizens of Linden viewed the decision by the Government as an act of injustice to them and sought to have the decision reversed.
3. On Friday 13th July 2012 Sharma Solomon, Regional Chairman of Region 10, which includes Linden made an application to the officer in charge of the Mackenzie Police Station, E & F Division to hold a peaceful march on July 18, 2012 from the Christianburg Community Centre, Wismar to the Toucan Call Centre at Kara Kara, Linden as well as to hold meetings on the 19th, 20th and 21st July 2012 opposite the Toucan Call Centre.
4. These events were in protest against the revocation of the concessionary Electricity rate in Linden. Permission was granted subject to the following conditions:
 - (i) Those in charge of the march were to ensure that there was no obstruction to the free flow of traffic
 - (ii) There was no blocking of access to the bridge
 - (iii) Persons involved in the march were to walk as near to the left of the road as possible

5. On 18th July, 2012 the event of the proposed peaceful march was chaotic. The bridge was blocked, three persons were shot and killed, others were shot, the police were stoned and buildings and vehicles were set on fire.
6. As a consequence of the above the President exercised his authority and appointed a Commission of Inquiry to enquire into the events of 18th July 2012 related to the "Peaceful March".
7. The under mentioned persons were appointed to be members of Commission:

- (i) The Honourable Justice Lensley Wolfe, O. J., Retired Chief Justice of Jamaica- Chairman
- (ii) The Honourable Justice Cecil Kennard, O.R., C.C. H. Former Chancellor of the Judiciary- Guyana
- (iii) The Honourable Justice Claudette Singh, C.C.H., Former Justice of Appeal - Guyana
- (iv) Senator K. D. Knight, QC - Jamaica
- (v) Miss Dana S Seetahal, SC - Trinidad & Tobago

8. The Terms of Reference of the Commission are set out hereunder:

"This Commission, appointed by His Excellency the President in accordance with the provisions of the Commission of Inquiry Act, Chapter 19:03 is to:

(a) Inquire into and report on the circumstances surrounding the shooting to death of Allan Lewis, Ron Somerset and Shemroy Bouyea and the injuries of several other persons on the 18th July, 2012 at the Mackenzie – Wismar Bridge; and

(b) Specifically to:

(i) Identify what unit was deployed at the scene at the bridge and what was its composition;

(ii) What training was given to the unit, individually and collectively, in preparation for the crowd control operation;

(iii) Determine whether the shooting to death of the persons was done by the police detachment on the bridge and if so determined, inquire who gave the order to fire and whether the police had justification for the use of lethal force at the scene.

(iv) Inquire into instructions given and the conduct of the Guyana Police Force detachment in carrying out its law enforcement functions on Wednesday, 18th July, 2012 at the scene at the Mackenzie- Wismar Bridge;

(v) Inquire what, if any, general or specific instructions did the Minister of Home Affairs give to the Guyana Police Force to maintain law and order in Linden immediately before, during and immediately after the events on Wednesday, 18th July, 2012.

(vi) Inquire into the actual cause of death of the three deceased.

(vii) Inquire into the nature of the violence and destruction and its perpetrators that immediately followed the July 18th shooting.

(c) Make recommendations, implementation of which will assist the Guyana Police Force in effectively and professionally discharging their responsibilities for the maintenance of law and order in the aforesaid community of Linden and similar communities without endangering their own safety and that of innocent persons.

(d) Make recommendations for compensation where necessary for injury loss or damage as a consequence of the events of July 18, 2012."

9. Mr. Ronald Burch-Smith, Attorney-at-Law, was appointed Secretary to the Commission and Messrs Ganesh Arvindra Hira and Euclin Gomes, Attorneys-at-Law, were appointed Counsel to the Commission. The Commission commenced its sitting on Monday September 24, 2012 and sat for five days each week for a period of six weeks between September 2012 and January 2013.

10. The number of witnesses who testified before the Commission numbered seventy-one.

THE TERMS OF REFERENCE

(a) Inquire into and report on the circumstances surrounding the shooting to death of Allan Lewis, Ron Somerset and Shemroy Bouyea and the injuries of several other persons on the 18th July, 2012 at the Mackenzie-Wismar Bridge;

11. After considering the testimony of the witnesses it is clear that there is absolutely no direct evidence from which one could unreservedly conclude that the three deceased were shot to death by the police detachment on the bridge. At the same time, however, there is no direct evidence that anyone other than the police was armed with firearms on the bridge on the day of the 18th July, 2012.
12. The metal fragments recovered from the bodies of Ron Somerset, Allan Lewis and Shemroy Bouyea at the time of the post-mortem were identified by the Ballistic Expert as lead pellets, buckshot #00. However the evidence from the police, who issued the arms to police officers who were deployed for the Bridge on the 18th July,, 2012, is that no such ammunition was issued to anyone.
13. More importantly the evidence is that buckshot #00 has not been used by the Police for some time between seven and ten years.
14. Against the background of the evidence the following questions could be raised. Were the three persons shot and killed by the same person? or two or three persons who unlawfully had that type of ammunition with them?
15. Examination of the Arms Book in which the type of weapon and ammunition assigned to persons are entered does not disclose any such ammunition being issued. However the Commission is of this view that the entries in the book cannot be relied on as there were numerous irregularities evident therein.

16. The results of the Post-mortem Examination which were all performed by Dr. Nehaul P. Singh, Forensic pathologist and Registered Medical Practitioner reveal that all three deceased died from injuries due to gunshot wounds.

17. An adverse inference can be drawn only from reasonable evidence and the inference itself must be reasonable.

18. What transpired on the Bridge on July 18, 2012 could have been avoided if some of the influential Community persons had intervened and advised the protestors to display due respect for the law. Mr. Desmond Trotman, a member of Parliament, had this to say about the blocking of the Bridge;

“I do not consider, Sir, the action of blocking the Bridge as breaking the law. I thought it was necessary action at that particular point in time and I do believe that it is the Government’s failure to respond to the request of the Community to meet with them that had led them to block the Bridge.”

19. Obviously this parliamentarian and member of the legislature had forgotten the age old saying “Two wrongs do not make a right”.

20. Also on the scene was Miss Vanessa Kissoon, Member of Parliament representing the Political Party, A Partnership for National Unity. Miss Kissoon spent quite a long time at the scene but did nothing to dissuade the protestors from breaking the law by the blocking of the Bridge. We are of the view that at the centre of the circumstances surrounding the events at the bridge was the breach of the conditions imposed in relation to the march.

(b) (i) Identify what unit was deployed at the scene at the bridge and what was its composition;

21. Permission having been granted to the Regional Chairman of District 10 for a protest march to be held in Linden on July 18th, 2012 and other protest meetings on July 19, 20 and 21, 2012, on July 18th a decision was taken by the Commissioner of Police to deploy a Half Unit from the Tactical Services Unit (TSU) to Linden as a standby to the Linden Patrols, as he had received information from Intelligence sources that there would have been heavy disorder in Linden.

22. According to Senior Superintendent (SS) Hicken, the core function of the TSU is to deal with repression of internal disturbances and any other duty so prescribed by the Commissioner of Police. A standard operational procedure based on the Guyana Police Force Organisation's Structure dictates that only the Commissioner and the Deputy Commissioner (Operations) have the authority to deploy any Riot Unit from the TSU. Linden falls within the E & F Division. The Head of that Division would take instructions from the Commissioner of Police. A Protest march must be accompanied by an adequate number of Police ranks to ensure that the procession is adequately policed.

23. A Full Unit comprises of thirty-three Policemen and a Half Unit would consist of sixteen persons together with the Driver and the Officer-in-Charge. Sgt. Aubrey Bowman testified that on the morning of July 18th, 2012, he issued firearms and ammunition to ranks who were deployed to Linden and recorded this

information in the Unit book. The Half Unit deployed at the scene of the bridge comprised of the following persons:

Assistant Superintendent P. Todd (in charge) and:

1. Inspector L. Barrington
2. Sergeant 12538 Junior
3. Corporal 15078 Bahadur
4. Constable 21031 Parker
5. Constable 21453 Damon
6. Constable 21074 Cush
7. Constable 21427 Jacobs
8. Constable 21484 George
9. Constable 21458 Timmerman
10. Constable 17112 Peters
11. Special Constable 14241 Blair
12. Special Constable 14432 McBean
13. Special Constable 14389 Johnson
14. Special Constable 14636 Williams
15. Special Constable 14388 Earl
16. Special Constable 14407 King
17. Special Constable 14202 Cummings
18. Special Constable 14366 July.

24. ASP Todd who was in charge of the Half Unit testified that on being detailed by Senior Superintendent (SS) Alves at 3.00 am on July 18, 2012, he paraded ranks from the TSU Half Unit. This comprised of fifteen Constables, two Subordinate Officers, one Inspector, and a Recorder to record all the movements of that Unit. The Half Unit left with Force vehicle driven by Constable Peters and arrived in Linden at 5.30 am. On arrival, ASP Todd was briefed by SS Hicken, after which the members of the Unit were briefed and placed on standby.

25. The ASP invited the attention of the Commission to page 8 of the Riot Drill Manual which specified the composition for a Half Unit, namely, a Unit Commander, an Orderly and

No. 1 Section Commander
No. 1 Rifleman
No. 1 TS Man
No. 2 Rifleman
No. 2 TS Man
No. 3 Rifleman
No. 2 Section Commander
No. 4 Rifleman
No. 3 TS Man
No. 5 Rifleman
No. 4 TS Man
No. 6 Rifleman
No. 1 Baton Man
No. 2 Baton Man/Driver

26. The arms and ammunitions of each member of the Half Unit are also specified in the Riot Drill. ASP Todd, in his evidence, specified the weapons for the members of the Half Unit:

The Unit Commander must have a Pistol or Revolver
Orderly - a Revolver
No. 1 Section Commander - a Rifle
No. 1 TS - CP Riot Gun
No. 2 Rifleman - a Rifle
No. 2 TS - a bag containing tear smoke Grenades
No. 3 Rifleman - one (1) greener Gun
No. 2 Section Commander- a Rifle
No. 4 Rifleman - a Rifle
No. 3 TS - a bag with twelve (12) tear smoke Grenades
No. 5 Rifleman - a Rifle
No. 4 TS - 1 1.5 Pistol
No. 6 Rifleman - a greener Gun and 10 greener Cartridges
No. 1 Baton Man - a .38 Revolver along with twelve (12)
.38 rounds, two (2) CS Grenades and one (1) baton
No. 2 Baton man would carry the same store.
The Driver - a Revolver and twelve (12) .38 live rounds

27. Sgt. Bowman identified the ammunition he issued to the ranks, as follows:

Unit Commander (UC) Todd - one (1) Gluck 17 9 mm Pistol number
EAR 490 and 17 rounds of 9 mm ammunition

Second in Command Inspector Barrington – one (1) Gluck 17 9 mm Pistol number GBU 467 and 17 rounds of 9 mm ammunition

Sgt. 12538 Junior (No. 1 Section Command) – one Shotgun No. MV17792 J and ten 12-gauge cartridges

Constable 21453 Damon (No.1 Rifleman) – one (1) FN Rifle No. 22727 and two magazines with 40 rounds of 7.62x51 mm ammunition

Constable No. 21484 George (No. 1 Tear Smoke) – Civil Protection Riot Gun No. AZ3306 and ten 1.5 cartridges

Constable No. 21074 Cush (No. 2 Rifleman) – one (1) FN Rifle No. 26480 and two magazines with forty rounds of 7.62x51 mm Ammunition

Constable No. 14432 McBean (No. 2 Tear Smoke Man) – one bag containing ten (10) tear smoke Hand Grenades

Constable No. 21031 Parker (No. 3 Rifleman) – one Shotgun No. 20959-00 and ten 12-gauge cartridges

Constable No. 14202 Cummings (No. 1 Baton Man) – one .38 Revolver No. SJ 763558, six rounds of .38 ammunition and a Warning Banner

Constable No. 21458 Timmerman (Recorder) – one .38 Revolver No. UC 874394 and six .38 rounds of ammunition

Corporal No. 15078 Bahadur (No. 2 Section Commander) – one Shotgun No. Mv80005 H and ten 12-gauge cartridges

Constable No. 14241 Blair (No. 4 Rifleman) – one FN Rifle No. 30157 and two magazines with 40 rounds of 7.62x51 mm Ammunition

Constable No. 14389 Johnson (No. 3 Tear Smoke Man) – one bag containing ten (10) tear smoke Hand Grenades

Constable No. 14363 Williams (No. 5 Rifleman) – one FN Rifle No. 7214, two magazines and forty rounds of 7.62x51 mm Ammunition

Constable No. 14388 Earl (No. 4 Tear Smoke Man) – Civil Protection Riot Gun No. AZ22906 and ten 1.5 cartridges

Constable No. 14407 King (No. 6 Rifleman) – one Shotgun and ten 12-gauge cartridges

Constable No. 21427 Jacobs (No. 2 Baton Man) – one .38 Revolver No. UC874300 and six rounds of .38 ammunition

Constable No. 14366 July (No. 3 Baton Man) – one .38 Revolver No. QF534078 and six rounds of .38 ammunition

28. ASP Todd further testified that at 11.00 am he received a telephone call from SS Hicken to report at the Mackenzie-Wismar Bridge. He did so and the Half Unit adopted the approach formation and advanced towards the scene. At that point in time, he observed that there were about 800 persons on the bridge with logs blocking the entrance. The Unit was about 200 metres away. He stood with the Half Unit to ensure they remained calm since they were afraid having been surrounded by the protesters who began to chant in a loud voice: **“The electricity hike is too high. Don’t try to stop us. We are gonna burn the bridge and paint the town in red.”** After a short time, the Half Unit was instructed to return to the Police Station and he did so.

29. At 17:55 hrs. the Half Unit was again instructed by SS Hicken to proceed to clear the bridge before it was dark. The ranks were further instructed in relation to the firing orders - Standing Orders 30 and 31 - in that they should not engage the crowd without being so instructed. Again the Half Unit went into the approach formation. ASP Todd sounded the siren and gave three blasts so that persons gathered would be made aware of the police presence, and listen to the Proclamation through the Loudhailer.

30. Permission issued for the march was premised on the following conditions:

- (1) persons in charge of the march shall be held responsible for the smooth and orderly conduct of the persons participating.
- (2) persons on the march are required to keep to the near or left side of the road that no objection to the flow of traffic is created.
- (3) persons taking part are not to walk more than three abreast.
- (4) at the conclusion thereof, the participants involved are reminded by you, the organizers, to disperse in an orderly manner; and
- (5) all orders and directions given by Police in uniforms are to be complied with.

31. It is important to note that although the permission mentioned that the march would commence at 9.00 a.m. on July 18, it did not state at what time it would have ended.

32. Both ASP Stanton and SS Hicken testified that they approached Aubrey Norton, Lincoln Lewis and Vanessa Kissoon to have the protesters leave the bridge, but without success. ASP Stanton further stated that he overheard the activists, Aubrey Norton, Vanessa Kissoon and Hinds, encouraging the protesters to remain on the bridge as it was a just cause. At the time the protesters proceeded to block the bridge with debris and remained there. At 17.05 hrs., when he instructed the Divisional Commander to proceed to clear the bridge, it was pellucidly clear that the Commissioner of Police would have come to the conclusion that the conditions on which the permission was based were breached and what was intended to be a peaceful march had transformed into an unlawful blocking of the bridge, thereby impeding the free flow of traffic.

33. On ASP Todd's reading of the Proclamation which is premised on Section 308 of the Criminal Offences Act, Cap. 8:01, persons were warned to desist from blocking the bridge as it was unlawful to do so.

34. The Proclamation reads as follows:

"His Excellency the President charges and commands all persons being assembled immediately to disperse themselves and peaceably to depart to their habitations or to their lawful businesses upon the pain of being guilty of an offence on conviction, for which they may be sentenced to imprisonment for life."

35. In his evidence in chief, Sharma Solomon admitted that he understood that the permission was granted subject to conditions. He was asked whether, based on his status as Regional Chairman, he was of the view that it was wrong to prevent the free movement of vehicles on the bridge. He agreed that it was wrong. He admitted that around 6.00 pm. he received a letter from Commander Hicken that the conditions in relation to the permission were violated and the permission granted had been rescinded.

36. According to ASP Todd, persons began to disperse while others chanted, threw stones, bottles and other objects at the Half Unit as it advanced. He then instructed that it should go in line formation. This formation is used to secure the perimeter of the road. At this stage the bottles were being thrown at a fast rate from different angles during which he was hit on his head. He reported to SS Hicken that the said Half Unit was under attack with various devices and as a consequence he was then instructed by Hicken to use tear smoke and shotgun to deal with the dispersal of the crowd. He admitted that he had anticipated that

persons on the Wismar side of the bridge would not have heard the reading of the Proclamation, but relied on persons to relay the information to others.

37. As the Half Unit advanced onto the bridge, four loud explosions like gunshots were heard coming from the direction of the Linmine area. ASP Todd continued to sound the siren and read the Proclamation, and instructed numbers 1 and 2 Baton Men to push the banner in the air. The banner read: "Disperse or we will fire".

38. As bottles were coming from all directions, he took the CP Riot Gun from Constable George - the No.1 TS - and fired a 1.5 cartridge tear smoke towards Linmine area, shooting it towards the ground to take off the velocity. He also took a hand grenade from Constable McBean and threw it in the same direction.

39. He accordingly spoke to SS Hicken by cell phone and the latter instructed him to proceed to clear the bridge by using the minimal force tear smoke and shotgun. ASP Todd again took George's CP Riot Gun and fired two more tear smoke canisters in the air in the direction of the bridge. The crowd began to disperse whilst those on the northern and southern sides continued to hurl stones and bricks. He then took two more canisters from Constable McBean and threw them towards the direction of the stones and bricks, i.e. the bridge.

40. The Half Unit was then 100 metres from the bridge. ASP Todd continued to use tear smoke from Constables McBean and George in order to disperse the crowd. As the Unit was 150 feet from the bridge, he heard a loud explosion from the

Wismar shore and observed a blazing fire with smoke in the air. He informed SS Hicken that the eastern end of the bridge was still blocked with heavy metal, bricks, wood and ply board, and persons were still hurling bottles. He observed as one bottle landed on the ground, that it contained a substance which appeared to be acid; thereupon he took Sgt. Parker's shotgun and fired a shot to the ground to take off the velocity to scare persons away. He continued to throw another canister of tear smoke and took Sgt. Junior's shotgun and discharged three rounds to the ground to take off the velocity.

41. ASP Todd admitted that when he fired the three rounds, the crowd was about 200 metres in front of the Linmine area and around the bridge and bridge area. He was facing West, in the same direction as the bridge. He had the gun in front of him and there was a crowd also on the bridge but he could not say whether the ricochet effect of the first shot would have ended up in the midst of the crowd on the bridge. He instructed the ranks to remove the obstacles blocking the bridge and Inspector Barrington to hold the eastern end of the bridge.

42. There was a blazing fire in the centre of the bridge caused by coal pots, as persons were cooking on the bridge. As the Half Unit was trying to put out the fire, they were still being attacked by bricks and bottles as they proceeded to hold the Wismar end of the bridge.

43. The Linden Patrols were also monitoring the march in relation to the bridge area. They were similarly dressed in blue as members of the Half Unit. The Patrols comprised:

A.	Sergeant	17539 English
	Corporal	18041 Kendall
	Constable	19580 Cameron
	Constable	21012 Dhanraj
	Constable	20595 Robin
B.	Sergeant	15570 Liverpool
	Corporal	15757 Adams
	Constable	17574 Beckles
	Constable	21309 Mounter
C.	Lance Corporal	18417 Bruce
	Constable	20495 Trotman
	Constable	21036 Yorrick
	Constable	21609 Rodney
	Constable	21231 Benjamin

44. There is, however, no evidence that any member of the Patrol was engaged in firing. Sgt. English, under cross-examination by Mr. Williams, stated that the Patrol could not have fired as the TSU Ranks were in front of them. It is important to note that ASP Todd, in cross-examination, stated that he was the only police who discharged cartridges from a shotgun. This would have been around the area of the bridge.

45. An Anti-Crime Patrol according to SS Hicken consists of three to five ranks. There were more than one Anti-Crime Patrol. Sgt. English was head of one of the Anti-Crime Patrols. There were police officers, apart from the Half Unit, who were monitoring the procession, traffic police, motorbike patrols – in excess of forty men and women. This did not include the TSU Half Unit.

46. Sgt. English testified that the Anti-Crime Patrol is made up of members of the Force who would normally patrol by day and night to ensure that the area is safe or crime is suppressed. SS Hicken stated that as Divisional Commander he would make arrangements to ensure security was maintained or traffic was not impeded, and that the procession must be accompanied by adequate numbers of police to ensure that the route being used was adequately policed.
47. Under cross-examination SS Hicken admitted that he told the members of the Anti-Crime Patrol to make their presence felt within the Community in establishing dominance control. They were to be within the cross-streets of the community, both in the Wismar and Mackenzie areas.
48. There were five persons in Sgt. English's patrol who were instructed by SS Hicken to uplift riot stores at the Station and to fall in with the TSU. Riot Stores were CP 1.5 cartridges and CP Guns. Constable Whyte was issued with a CP Gun with twenty 1.5 cartridges, Constable Danrad with twenty 1.5 cartridges. L/Corporal Bruce was issued with one SMG and 30 rounds, Constable Rodney - one shot gun, Constable Benjamin, a .38 revolver, while he (English) had a FN Rifle 78. These arms were issued by Constable Marks. They were briefed on the existing situation - the blocking of the bridge - and were advised to stand alongside the Riot Unit.

(ii) What training was given to the unit, individually and collectively, in preparation for the crowd control operation;

49. SS Lyndon Alves testified as to the training which members of the Unit would require when recruited in the use of all firearms. Members are instructed on Standing Order 18 with particular reference to sections 30 and 31. Collectively, on completion of their initial training, members would have gone through in-depth Public Order Training, assessing crowds, riot drill or control.

50. There is also the Public Order Training which consists of the use of batons and shields. The Half Unit which was deployed to Linden had undergone training in crowd control at the Felix Austin Training School as well as at the TSU. Recruit Training Programmes consist of foot-drills, rifle exercises, firearms training, preparation for ranges, live-firing exercises, riot unit drills and public order drills. This would have been done at the recruit initial stages of policing and would be of a month's duration prior to the graduation. After graduation, the Ranks are deployed to the various Divisions. Training is conducted at the TSU twice yearly, and is also carried out at the Divisional level on a regular basis.

51. In the opinion of the Head of the TSU, SS Alves, the Ranks who were deployed for duty on the bridge were individually and collectively properly trained for the purpose for which they were deployed but expressed a view that training of the Ranks should be reviewed in relation to the Standard Operation Procedures (SOP), that is, with regard to their carrying arms, and would prefer the use of the softer hand, that is to engage persons in dialogue before resorting to the use of tear gas or shotguns. Also that the number of training courses in the areas of human rights and human relations should be increased.

52. As regards training in the use of firearms, this is done at the initial stages. At the TSU, they are instructed in the use of all the different types of firearms used by the Unit. Training would be for the duration of two months, at the completion of which, ranks are assessed individually and are then taken to Timehri Rifle Ranges where they are allowed to fire live rounds three times from each of the different types of firearms.

53. The Standing Operation Procedure (SOP) is that once a rank uplifts a firearm and is deployed, the firearm would have to be in a certain position, that is: the safety catch would be at safe; the magazine, in the case of a rifle, would be in the rifle; in the case of a shotgun, the cartridge would be in the magazine because it has to be put in manually and the safety catch will remain at safe. That is at stage two. In the case of a shotgun, the magazine has to be changed manually. The magazine is fitted onto the shotgun.

54. ASP Todd testified that a person who joins the Guyana Police Force does not require two years' service to join the TSU, as he can do so after completing the Standard Officer's Course, the Joint Services Recruitment Orientation Course or the Police Training School.

55. In answer to a question as to his experience as regards tumultuous activities over a period of ten years, ASP Todd stated:

"I have been a trainer for the majority of my career in Riot Drill - Public Order, other tactical aspects in the Guyana Police Force. In regard to

crowd dispersal, I worked with several commanders of the TSU on the Unit, going out on crowd dispersal and on the Elections since 1997.”

56. He was also questioned as to the number of riotous activities he was engaged in as part of the Unit and he stated that:

“control of the Unit was taken by me since members of the Unit were inexperienced in unlawfully, riotous and tumultuous assemblies. I felt more confident because of my experience. I could have instructed them. I realized that the experience was not there. That in discharging tear smoke it could be complex due to the condition of the crowd and avoidance of persons being affected.”

57. In relation to crowd control, ASP Todd said that as a member of the Unit he would have been engaged in one hundred activities and as Commander of the Unit, twenty five. He did not consider all members of his Unit inexperienced in dealing with riotous and tumultuous assembly but that the persons who were carrying the tear smoke and baton section - Constables George, McBean, Johnson, Earl, Cummings and July - seven members of his Unit were inexperienced in a sense of never confronting a riotous, tumultuous assembly. He went on to say that despite the inexperience of these members, the Half Unit was capable of dispersing the crowd on the bridge, and :

“the Manual is just guidance. If the Unit goes out and as soon as it goes out it comes under heavy fire, tear smoke cannot be used.”

58. Minister Rohee, in his testimony, listed the specialized training members of the Force would receive as crowd control, crowd psychology, public order issues, use of force including lethal force, challenges of command, use of weapons, unlawful assemblies and riotous situations, joint services force and strategic management.

59. As regards training in relation to crowd control, the Commissioner testified that all ranks joining the Force are trained at the Felix Austin Police College and Tactical Services Unit. The Unit also does its own recruitment and would conduct training sessions relating to public order. All ranks are trained to use all the weapons available to the Force and undergo training in the Use of Force.

60. Concerning the use of force, SS Hicken stated that training is based on the Use of Force Continuum (British) - Riot Manual, use of the Siren, the Warning Proclamation, the Banner, Tear Smoke, use of Pellets then Shotgun. They should follow the order as listed. One should not be used before the other.

(iii) Determine whether the shooting to death of the persons was done by the police detachment on the bridge and if so determined, inquire who gave the order to fire and whether the police had justification for the use of lethal force at the scene.

61. There is no direct evidence that any of the deceased persons were actually shot by the police.
62. Nonetheless while a police witness testified that sounds like the explosions of firearms were heard coming from the bridge which was blocked and occupied by protestors there is no evidence that anyone present at the scene other than the police was armed.
63. An examination of the relevant evidence reveals that ASP Todd and Constable Rodney were the only police ranks who discharged shots from shotguns. To address this term of reference, it is imperative to analyse the evidence as it relates to each.
64. Dr Nehaul Singh, the pathologist, testified that, on conducting the post mortems, he handed over the shells he recovered from the bodies of the three deceased to Inspector Alexander who, in turn, sent them to Sgt. Jackson to be analysed. Sgt. Jackson testified that he received three envelopes, in each of which was a container with 00 buckshot cartridges with copper-coating. In his 17-year experience, he was aware that this type of cartridge was not used by the Police. He had, however, overheard his superior, Mr. Azore mentioned to Dr. Robinson that in the year 2005 the Police ceased the use of 00 buckshot cartridges. SS Alves Alves testified that he was a member of the TSU for over twenty years and during that time the Unit did not use 12-gauge 00 buckshot pellets in relation to crowd control.

65. Dr. Robinson mentioned that the Police provided him with three rounds of ammunition, two of which are in current use and the third had not been used since 2005. These were numbers 4, 6 and 00 cartridges. According to him, numbers four and six were bird pellets – small pellets, and the `00` was different to the ones which were found in the bodies of the deceased, in that while they were all buckshots, the exhibits recovered from the deceased were pellets which had a light coating of copper, whereas the ones he received from the police were simply lead.
66. This begs the question: if `00` buckshot cartridges were not being used by the Police since 2005, or for over 20 years, how is it that the Police were able to provide a sample of the 00 cartridge to Dr. Robinson? Does this not show that the Police still have `00` in stock?
67. The `00` sample which was provided did not have copper-coating. The pellets which were extracted from the deceased's body had a light coating of copper. The question arises whether the sample produced to Dr. Robinson represented merely a sample of a `00` cartridge in general or rather a sample of the specific kind of `00` cartridge which the Police had in their stock. Is it that the Police had a mixture of `00` cartridges which included `00` cartridges with a light coating of copper such as which killed the deceased?
68. ASP Todd testified that between the reading of the Proclamation and his discharging a shot from a shotgun, over 25 minutes had elapsed. He fired to the ground to take off the velocity but admitted that at the time although he had appreciated that it would ricochet in the direction of the protesters who were on

the bridge, he did not anticipate that the shot he fired would have reached very far, in that it would lose its strength before reaching anyone. The crowd was at that time 75 feet away. He had resorted to the use of shotgun after he had failed to disperse the crowd by the use of tear smoke. He was the only person who discharged a pump-action shotgun from the Unit, using No.6 cartridge. At that point in time, members of the Unit were on both sides behind him.

69. Dr. Robinson stated that he found no evidence that any of the pellets ricocheted from the road surface. He based his conclusion on the fact that there was no deformation or sign of debris on the pellets. The post mortem reports revealed that the three victims received injuries from gunshot wounds caused by '00' copper-coated bullets.

70. There is no evidence on the record which conclusively points to the fact that the three deceased were shot by members of the Unit. Neither is there any conclusive evidence that the deaths were caused by injuries received from police issued cartridges numbers 4 and 6.

71. A detailed examination of the relevant evidence revealed that Constable Colin Rodney was a member of the Linden Anti-Crime Patrol and performed duties alongside the TSU Half Unit. He testified that on reaching the end of the Bridge, on the Mackenzie end, they commenced to remove the obstacles placed by the protestors. Explosions were heard, but he was not aware that they were gunshots. At this point in time, they were instructed to hold their ground at the back of the Unit to prevent the protestors from attacking them from behind. He was then instructed by Sgt. English, the Head of his Patrol, to accompany him

along with three ranks to the GRA Building which was being attacked by protestors.

72. He went on to state that upon Sgt. English instructing L/Cpl. Bruce to release a tear smoke canister in the compound, the crowd retaliated by pelting them with bottles, stones, etc. As a consequence, Sgt. English instructed him to discharge a round from his shotgun in the air. They then formed a perimeter around the building and at this time, they noticed that the Linmine Secretariat was on fire. The Fire Service was summoned, but the tender on arrival could not gain access, as the roads were blocked. Sgt. English then instructed him to discharge another round from his shotgun. He further stated that while they were there information was received that there were protestors at the PPP Building. On arrival, they saw 200 persons in the Compound. Tear gas was fired and after the protestors retaliated by pelting missiles, he was instructed to discharge another shot in the air.

73. ASP Todd said he heard four loud explosions from the direction of Linmine area which sounded like gunshots. He fired three shots from Sgt. Junor's shotgun to scare protestors who were about 200 metres in front of the Linmine area and in and around the bridge area. Although he shot down at an angle to decrease the velocity, he agreed that the pellets would still skid on. The evidence is clear that some of the pellets scattered and injured some of the protestors. According to Dr. Robinson, a number 6 cartridge would contain about 270 small pellets.

74. It is evident that Rodney did fire two shots in the Linmine Compound and one over the PPP Office while ASP Todd also fired four shots in the area of the bridge.

75. The Crime Chief, under cross-examination by Mr. Hughes, agreed that the persons who were responsible for the death of the three protesters would have fired from a shotgun and added that it was persons other than the Police Officers who did so. He explained his conclusion in this way -

“The fact that the ammunition was not issued to the ranks that were on actual duty tells me that it was ammunition that came from somewhere else and, maybe, persons other than the Police who were deployed for duty.”

76. Commissioner Seetahal, in answer, informed him that his opinion would only establish that it was not a Police issued ammunition which was used. His response was:

“That is true but they were operating in groups and I am almost certain that if someone were to pass an ammunition or load ... these firearms go out there already loaded so if someone were to take ammunition to further load a firearm or extract and load, it would have been noticed. The interviews so far are not showing that anyone saw anyone armed with a shotgun on that day or extract any ammunition from a firearm or load a firearm while they were deployed.”

77. He was then shown a video where Rodney was identified inserting two rounds in his shotgun. In relation to this, the Crime Chief remarked that this was not in keeping with standard procedure.

78. Rodney, in his evidence, stated that he was the only person at the back of the Unit who had a shotgun, which he said he loaded around 2.20 pm. In answer to Mr. Hughes, he said he was not under threat but was preparing for any situation. When asked what the colour of the cartridge he loaded was, he said he could not recall but the normal colour was grey. He could not say whether the twenty rounds he was issued at the Mackenzie Station were of the same colour, as the Station had two colours in stock, namely grey and reddish-burgundy. He was also not aware of the size of the cartridges and admitted that by looking at a cartridge he would not be able to say whether it was 00, 04 or 06.

79. In order to determine whether it was Rodney who fired the fatal shots in the vicinity of the Linmine Secretariat, it is necessary to identify and link the chain of circumstances since there is no direct evidence of this:

- Rodney was the only rank seen loading his shotgun on a location. He said he did so about 2.20 pm around the area of the bridge because he felt threatened;
- he fired in the air at the Linmine Secretariat and over the GRA Buildings which are situated in the Linmine Compound. This was done because two Government buildings were being vandalized;
- Dr. Robinson opined that buckshot '00' pellets could be expected to travel for at least 200 yards before falling to the ground. Each pellet would retain lethal potential over such a distance. A maximum range of some 600 yards

could be achieved if the shotgun were pointing some 25 to 30 yards into the air;

- he did not know the colour of the cartridge he used although on the video he was seen taking out cartridges from his pocket and would not be able to tell the difference between 00, 06, or 04 by looking at them;
- Allan Lewis was shot with 00 cartridges and fell in that Compound, according to Janice Burgan. There is no evidence as to where exactly the other two fell. Could the deceased have all been killed by the same shooter?
- there is evidence that the Police fired No. 6 cartridges but there is no evidence as to whether any cartridge was discharged from any other source or that anyone else fired a shotgun in that Compound;
- according to SS Hicken, he received no report that any officer or the Unit was shot at;
- Unit Commander Todd informed SS Hicken that he heard three or four explosions from the area of the bridge;
- SS Hicken concluded, based on information he received. that the deceased could not have been shot from cartridges used by the Unit, i.e. police issued ammunition;
- The Commissioner of Police stated that on the day before the march, i.e. on July 17, from Intelligence Sources he gathered that persons on the march would have guns;

- Seelall Persaud, the Crime Chief, testified that Sgt. Jackson informed him that for 6 – 7 years, Police did not stock 00 cartridges, yet Mr. Azore made a sample available. Where was this stored?

80. When questioned by Mr. Hughes as to what would have become of the ammunition which was no longer in use, Persaud said ongoing training was being conducted and the oldest ammunition is first used as the expiration dates are always taken into account. The question is: how was it that Mr. Azore was able to produce a sample of the `00', albeit without copper-coating, if they were not still in stock?

81. The Commissioner of Police testified that from Intelligence Sources he had information the day before the march that some persons other than Police would have had guns. It would seem that this would have been a good reason to rescind the permission granted for the march, but for some unknown reason the march was not cancelled. Perhaps it was felt that the deployment of the Half Unit would have been adequate to cope with any of the eventualities. Senior Superintendent Hicken in answer to Commissioner Knight as to whether in a situation in which someone shoots at a policeman whether in accordance with the SOP that policeman would have to first seek permission to return fire, stated that there is provision for the Unit to have members who are called snipers – who will be on the look-out. They would be looking in both directions. In this regard, since there was information that protesters would have been armed, would it not have been prudent for more snipers to have been put in place to be on the lookout in order to infiltrate the crowd?

82. Rodney related that he discharged three shots on Sgt. English's instructions. English was instructed by SS Hicken to do so. The evidence is that both Todd and Rodney fired in the vicinity of the Linmine Compound. Janice Burgan had testified that Allan Lewis, one of the deceased, who was shot in the back, had fallen in front of her – in the Compound of the Secretariat.
83. Dr. Robertson testified that the three deceased were shot with copper-coated buckshot cartridges. It would follow, therefore, that the fatal shooting had to be done by either Todd, Rodney or an unknown person armed with a shotgun. If Sgt. English's testimony is to be believed, then the explosions sounding like gunshots which Todd said he heard at that point could not have emanated from Rodney's shotgun since Rodney was still at the Bridge. According to English, he heard the three explosions ten minutes after Todd read the Proclamation. If this is believed, then the explosions would certainly have resulted from some other cause.
84. ASP Todd, under cross-examination, said he heard explosions while he was approaching the bridge. This was before he discharged any shots. After he discharged his first gunshot, he heard only one explosion like a gunshot at 6.45 pm. In answer to Mr. Hughes, Todd said he did not see any member of his Unit fire any shot, neither did he order them to do so. Todd admitted he was the only person from his Unit who discharged a shotgun. The fact that he discharged a shotgun does not mean he necessarily killed anyone. He testified that he fired No.6 cartridge, but there is no evidence that he fired `00` cartridge.
85. If ASP Todd did fire on the ground and an examination of the pellets which killed the deceased revealed no evidence of any of them ricocheting from the

road surface, then, even assuming that the pellets discharged by him did reach the protesters, none resulted in any death. To enable a finding that ASP Todd 's firing caused the death, the Commission has to make the finding that (1) ASP Todd did not fire on the ground, and (2) he had used '00' buckshot with copper-coating.

86. There is no evidence that any police officer was shot at. SS Hicken testified that there were forty (40) ranks accompanying the march to ensure security was maintained and traffic not impeded. On a balance of probabilities, the fatal shots might very well have been fired by Rodney. There being no evidence that anyone else was armed with shotguns apart from the police, in the special circumstances of this case having regard to the evidence, would it be unreasonable to infer that it was the police?

- No police officer was injured nor is there evidence that they were fired at, which seemed to indicate that the crowd was not armed with shotgun;
- There is no evidence that persons were armed with shotguns apart from the police;
- SS Hicken said there were snipers who would have been looking in both directions but there is no evidence that the snipers identified anyone hiding;
- Disregarding the fact that it was in breach of standard operational procedure, Rodney was seen taking cartridges from his pockets and loading his gun at a location.

87. The positive evidence reveals -

- no police officer was injured;

- policemen were armed with guns;
- no evidence that anyone else was so armed.

88. From these factors, one can therefore reasonably conclude that the fatal shooting was done by the Police.

Order to Fire

89. SS Hicken testified that he authorized both Todd and English to use shotguns on July 18. He further clarified the position that the decision to use shotguns if the need arose was that of the Unit Commander, as he would have been the person on the ground. It was part of his brief in relation to the SOP for the Riot Unit regarding crowd dispersal which states tear smoke should first be used then if the crowd fails to disperse, resort would be made to the use of the shotgun.

90. ASP Todd recognized this when under cross-examination he answered Mr. Bond:

“The Manual is just a training guidance for crowd dispersal. On the ground the Manual does not face the danger. The Unit Commander takes the judgment call and uses the minimum force to avoid any injury with whatever stores he has on the Unit.”

Use of Force

91. Article 138 (1) of the Constitution stipulates:

“No person shall be deprived of his life intentionally save in execution of a sentence of a Court in respect of an offence under the law in Guyana of which he has been convicted.”

92. Article 138 (2) contains certain exceptions:

“Without prejudice to any liability for a contravention of any law with respect to the use of force in such cases as are hereinafter mentioned, a person shall not be regarded as having been deprived of his life in contravention of this article if he dies as a result of the use of force to such extent as is reasonably justifiable in the circumstances of the case –

- (a) for the defence of any person from violence or for the defence of property;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) for the purpose of suppressing a riot, insurrection or mutiny, or
- (d) in order to prevent the commission by that person of a criminal offence. “

93. It is obvious that the framers and drafters of the Constitution intended that where a killing results from the use of force, such killing is not in violation of the right to life if the degree of force is reasonably justifiable in the circumstances of the case.

94. Although a member of the Police Force has lawful authority to apprehend or to prevent an escape from lawful custody, or to maintain law and order, he does not have the right to use lethal force unless such force can be justified in the circumstances.

95. It is important to distinguish between the use of force with intent and the use of force without intent. Article 138 (1) is concerned with killing with intent which is reasonably justifiable. Article 138 (2) is concerned with the use of force which causes death whether or not death was an intended consequence but which was reasonably justifiable in the particular circumstances.

96. The common law applicable to Guyana is the law of England prior to the passing of *the Homicide Act 1957*.
97. A person who is actually being attacked in circumstances where he reasonably believes his life is in danger, or he is in danger of serious injury, may use such force as is reasonably necessary to resist the attack. It is necessary to consider whether or not he used more force than was reasonably necessary to defend himself. In considering whether or not more force than was reasonably necessary was used, one has to consider the state of mind of the person being attacked, if he honestly, instinctively thought that what he did was necessary to defend himself, then that would be the most potent evidence that his action was reasonably necessary and not excessive.
98. On being asked by Commissioner Knight whether the use of a lethal-barrelled weapon was justified, SS Hicken answered in the affirmative and stated that at 17.05 hrs., he had received a report from the Unit Commander that firearms were being discharged by persons other than the Unit and that he had heard about three or four explosions like gunshots just before he used tear smoke. If the Unit Commander had honestly felt that firearms were being discharged by persons other than the Unit, then it would seem that the use of firearm would have been reasonable in the circumstances.
99. The evidence revealed that police were being attacked by stones, missiles and other objects and in the circumstances the resort to tear gas proved ineffective. The next step was the resort to shotguns. ASP Todd stated his intention was to scare the protesters to leave the bridge.

100. In firing to the ground to take the velocity off in order to avoid injuries to the protesters would not have been unreasonable in using No.6 pellets but the use of the `00' in the circumstances would not have been reasonable but would constitute excessive force.

(iv) Inquire into instructions given and the conduct of the Guyana Police Force department in carrying out its law enforcement functions on Wednesday, 18th July, 2012 at the scene at the Mackenzie - Wismar Bridge

101. Members of the Police Force deployed for the occasion on July 18th 2012 were trained according to the Recruit Training Programme and governed by The Guyana Police Force Standing Order. Both Recruit Training Programme and the Standing Order were tendered in evidence as Exhibits 4 and 5.

102. STANDING ORDER No. 18(30) stipulates:

(a) The use of firearms must be resorted to only when other means are found ineffective to deal with the situation.

(b) The degree of fire used, should not be more than necessary to deal effectively with the situation.

(c) Whenever possible warning must be given before using a firearm.

(d) When it has been decided to open fire it must be borne in mind that this action should be preventative and not punitive.

(e) If it becomes necessary to open fire, such fire will be directed at the target, not over the target's head and care must be taken to ensure as far as possible that innocent persons are not hit

(f) Fire must cease immediately after the desired effect has been accomplished

(g) Firearm will not be discharged at a fugitive offender.

103. The evidence adduced before the Commission disclosed that the required Proclamation was read before the use of firearms. The teargas was used prior to the discharge of the firearm. There were several requests made to the protestors to clear the bridge before resort was had to teargas and firearms.

104. Acting Commissioner Brummel testified that he gave no instruction to anyone to employ the use of firearm but there was complaint that other explosions sounding like gunshots were heard. SS Hicken who on July 18, 2012 was the Divisional Commander of division "E&F" which includes Linden, testified on the issue of use of force as follows:

Mr. Knight - And from the report you received, having regard to your experience, did you think that that gave rise to justification for the use of a lethal barred weapon?

Mr. Hicken - Yes sir.

Mr. Knight - It did?

Mr. Hicken - Yes sir

Mr. Knight - Did you have any report that firearms were being discharged other than by the police?

Mr. Hicken - Yes sir.

Mr. Knight - At what stage?

Mr. Hicken - The Unit Commander informed me just before the tear smoke was used.

Mr. Knight - Which was at?

Mr. Hicken - Around 17:05 hours going on to around

18:00 hours. He said he heard three or four explosions that sounded like gunshots coming from the crowd on the bridge. As a result, he used the tear-smoke canisters. He told me that via cell phone.

105. ASP Todd testified:

“As the Unit advanced further, I heard about four loud explosions coming from the LINMINE area which sounded like gun shots. Members of the unit brought it to my attention and they started to feel afraid. I was concerned about the unit. I then went to the cell phone again informing Senior Superintendent Hicken what I, and other members of the Unit, had just heard. I continued to

use the siren and the loudhailer and read the proclamation. Then I instructed number one (1) and two (2) baton Men. By manual, their stores, as indicated, were batons. The number one baton man carried the banner and opened it and pushed it high in the air. The banner read “disperse or we will fire”.

106. This was to no avail because he heard further explosions coming from the bridge so he took Constable Parker’s shotgun and fired one shot using the ricochet method. Assistant Superintendent Todd, to use his own words, said that he employed the ricochet method “to take off the velocity, so as to scare the persons away”.

107. This approach is in keeping with the Guyana Police Force Standing Order No. 18(30)(d) which provides:

“when it has been decided to open fire it must be borne in mind that this action should be preventive and not punitive.”

108. The evidence leads one to conclude that adequate instructions were given to the members of the Police Force who were deployed for the occasion on the Bridge on the 18th July, 2012 and that the persons so deployed endeavoured to observe the stipulations of the Standing Order in carrying out its law enforcement functions.

109. The fact is however Acting Commissioner of the Guyana Police Force Mr. Leroy Brummell testified, on oath, that the police had received information one day before the proposed march that some of the persons participating in the march would be armed. Nevertheless the march was allowed to take place. In the circumstances it might have been prudent to revoke the permission granted.
110. In respect of the events on the Bridge the Police did demonstrate that they were willing to afford the protestors the option of withdrawing from the bridge without having to apply the use of force. Several requests were made inviting the protestors to withdraw from the bridge. When the protestors failed to respond positively to the requests the police employed the use of teargas to assist in getting the protestors to withdraw from the bridge. The use of firearm was employed as a last resort, so to speak, and even that approach failed.
111. Mr. Sharma Solomon is the Chairman for the Regional Democratic Council Region 10 which includes Linden the person who made the application for permission to stage “a peaceful march”. When questioned he said it did not occur to him that blocking of the Bridge was in breach of the permission which was granted to hold a peaceful march.
112. This is indicative of the attitude of the organisers of the protest and they must accept some responsibility for what subsequently transpired on the 18th July, 2012 at Linden.

113. The view is that had the protestors responded favourably to the withdrawal request made by the police the result of the event would have been completely different.

(v): inquire what if any, general or specific instructions did the Minister of Home Affairs give to the Guyana Police Force to maintain law and order in Linden immediately before, during and immediately after the events on Wednesday 18th July 2012

114. The Minister of Home Affairs, the Honourable Clement Rohee, testified before the Commission over the course of two days in November 2012 and was questioned on what instructions he gave to the police just before, during and immediately after the events of July 18th, 2012. Prior to his testimony Commissioner of Police Leroy Brummel, Deputy Commissioner of Police Seelall Persaud and Commander of the E&F Division, SS Clifton Hicken had been questioned along these lines. These witnesses were engaged not only by the members of the Commission and the Commission counsel but also by counsel for various interested parties.

Before

115. The Minister's evidence was that on July 17th 2012 following a formal meeting of the "Change Team" he had a meeting with the Commissioner, DCP Persaud and Hicken in Georgetown. The Commissioner briefed him on the fact that they were going to send a Half (riot) Unit to Linden in time for the march the next day. The Commissioner was sure that the police could handle the situation.

116. The Minister admitted to giving a general direction to the Commissioner that he should take all lawful steps to maintain law and order. He told the Commissioner he was relying on him to ensure that peace and good order was maintained while the Half Unit was in Linden. In answer to counsel for an interested party he specifically said he did not give any directions to avoid a repeat of a shooting of civilians by the police some six months before. The Minister did not agree that it was his duty to give directions to the police, to tell them how to deal with the situation in Linden, in the light of the previous shooting which he the Minister had said should not be repeated. This he said was part of the police operations and as Minister he was concerned with policy.

117. The Commissioner was adamant that he received no instructions from the Minister before the events of July 18th and insisted that all he did was to give the Minister an update on July 17th that he was sending in the Half Unit to Linden and told him who would be in charge. Similarly SS Hicken denied he received any instructions from the Minister. DCP Persaud, “the Crime Chief” did not deny that he may have had calls from the Minister and Hicken on or around July 18th but said this was a regular thing at the time given the volatile situation in Linden. There was no evidence from him of any instructions received from the Minister.

118. In summary, in so far as instructions before July 18th are concerned, the evidence pointed only to the Minister giving a direction to the Commissioner on July 17th 2012 to take all lawful steps to maintain law and order.

During

119. There is no evidence that the Minister gave instructions to anyone during the events of July 18th 2012. All that the Minister and the parties who testified on interaction with the Minister admitted was that the Minister was trying to obtain information as to what was happening in Linden on July 18th in his telephone conversations with the police during that day.

120. The Commissioner said he called the Minister before the shooting to give him an update; that the Bridge (Mackenzie-Wismar) was not yet cleared. He said he spoke with the Minister on the evening after the shooting and told him what information he then had that from the Divisional Commander Hicken: shots were fired by the police to get persons to clear the Bridge; and that missiles had been thrown at the police. The Commissioner said Hicken did not report any injuries but by then he, the Commissioner, had heard from members of the media that persons were injured and one person had died. He said the Minister wanted to know the extent of the injuries but he was not able to find this out as it was difficult getting any information from Hicken at the time.

121. The Minister testified that around 7:00 pm he received information that people had been shot at Linden and contacted the Commissioner. The Commissioner was unable to confirm that persons were shot. Sometime after 8:00 pm the Minister spoke to SS Hicken who could only provide a general description of what was taking place or what had taken place: the actions taken to disperse the crowd; that teargas was used; that buildings were burning. He could not say if any persons were killed.

122. It was sometime later around 9:00 pm that confirmation came to the Minister from the Community Police that persons were injured as a result of the events that day and required hospitalisation.

123. In summary, therefore no evidence emerged that the Minister gave any instructions or directions to the police during the events of July 18th 2012 at Linden.

After

124. The Minister testified that on or around July 19th 2012 he asked the Commissioner for a full report on the use of lethal force at Linden on July 18th. He subsequently received an Interim Report from the Commissioner but never a full report¹.

125. The Minister stated that at a meeting on July 19th 2012 between Government representatives, headed by His Excellency President Ramotar, and including Opposition representatives, headed by the Leader of the Opposition, the Opposition leader requested that Commander of the E&F Division, SS Hicken, be removed from Linden with immediate effect. This was apparently agreed and the Minister then spoke to the Commissioner and it was decided to repost Mr. Hicken to Force Headquarters.

126. The Commissioner testified that he was instructed by the Minister to move the Commander from Linden and send somebody else. The Minister he

¹ This may have been consequent on the fact that the Commission of Enquiry soon afterwards began its hearings.

said indicated that Mr. Hicken's name was being called a lot. The Commissioner agreed as he had formed the opinion that Hicken was hot tempered. He also was not happy with Mr. Hicken whom he felt as the senior man on the ground should have been able to provide him with more information as to what transpired yet after the shooting he was "hardly getting anything out of him".

127. Mr. Hicken denied that he received any instructions from the Minister at any time in relation to the events of Linden.

Summary

128. It was accepted by the Minister that he had the ministerial responsibility to issue such orders and directions for the command and superintendence of the GPF to the Commissioner of Police. In keeping with that responsibility he directed the Commissioner to effect immediate change at the command level at the E&F Police Division to replace the Commander SS Hicken on July 19th 2012. This was after the incidents at Linden on July 18th and following the meeting between Government and Opposition.

129. Otherwise both the Minister and the Commissioner were clear that the Minister had no place in relation to police operations but was in charge of policy. Operations fell solely under the purview of the Commissioner.

130. There was no evidence given at the hearings before the Commission to support the assertion that the Minister gave instructions to the GPF in relation to the incident in Linden on July 18th other than testimony from the Minister that he gave a general direction on July 17th 2012 to the Commissioner that he should take all lawful steps to maintain law and order in Linden

(vi): inquire into the actual cause of death of the three deceased

131. The three deceased who were killed during the events in Linden on July 18th 2012 were Shemroy Bouyea, Allan Lewis and Ron Albert Somerset.

132. A post-mortem was performed on the body of 24 year old **Shemroy Bouyea** on July 25th 2012 by Dr Nehaul P Singh, pathologist of the Guyana Forensic Department. The body was identified by Leonard Bouyea of Wismar, uncle of the deceased. Dr Singh found that the deceased died from one gunshot wound in the left chest which passed perpendicularly downwards between the third and fourth ribs through the heart and left lung. Cause of death was specifically identified as “perforation of heart and lung due to gunshot injuries”. There was in fact only one gunshot injury identified. Independent pathologist Professor Daisley also made the same finding.

133. A post-mortem was also performed on the body of 46 year old **Allan Lewis** on July 25, 2012 by Dr Nehaul P Singh. The body was identified by Clyde Lewis of Wismar, brother of the deceased. Dr Singh found that the deceased died from two gunshot wounds through the back, one on the upper back and the other on the lower back. The shot in the upper back passed into the chest and through to the left lung. The other passed into the abdomen. Cause of death was specifically identified as “perforation of lung and stomach due to gunshot injuries”. Independent pathologist Professor Daisley made a similar finding.

134. A post-mortem was performed on the body of 18 year old **Ron Albert Somerset** on July 25, 2012 by Dr Nehaul P Singh. The body was identified by Margaret Somerset of Wisroc, mother of the deceased. Dr Singh found that the deceased died from three gunshot wounds through the back, one on the front of the right leg just below the knee and exiting through the calf ; a second on the front of the left thigh; and a third on the upper chest passing into the chest and then the heart and left lung. Cause of death was specifically identified as “haemorrhage and shock due to multiple gunshot injuries”. Independent pathologist Professor Daisley made a similar finding.

135. Expert testimony of Forensic Scientist Dr Mark Robinson and Sergeant Eon Jackson of the Guyana Police Force was to the effect that the pellets recovered from the bodies of all three deceased were “00” buck shot size pellets. The pellets were copper coated. Such pellets would have been contained within a shotgun cartridge and the calibre of gun used was most likely a 12-gauge shotgun.

(vii): inquire into the nature of the violence and destruction and its perpetrators that immediately followed the July 18th shooting

136. Evidence was received from members of the Fire Services, the Guyana Defence Force, the Guyana Police Force and civilians as to the nature of the violence and destruction that immediately followed the shootings on the evening of July 18, 2012 at Linden. A synopsis of the events may be garnered from the evidence of Minister Rohee² as he reported what SS Hicken told him was

² Transcript of October 31, 2012, page 64

happening on the ground at around 9:00 pm: trucks were burning; buildings were on fire and people were pelting objects.

The Fire officers

137. The Chief Fire Officer, Marlon Gentle, gave a statement and testified. Two fire reports were also tendered in evidence. Station Officer Orin Brutus also gave a statement and testified before the Commission. They said that at about 8:00 pm on July 18th 2013 a call was received at Linden Fire Station reporting a fire at Linmine Secretariat Main Office which was situated close to the Mackenzie Wismar Bridge.

138. After the call from the Secretariat office two fire tenders and their crew attempted to proceed to the address of the Secretariat but on their way in the vicinity of Five Corner and Washing Pond Road they came under attack from protestors who threw stones, bottles and other missiles at them. The fire officers noticed that the police were trying to get the place cleared but the protestors kept throwing the stones and other things back on the road as soon as the police cleared the blockades.

139. The crew also observed that the road was blocked with a big log, stones, debris and burning material. Stones, about 2 or 3 inches in size were all over the road. The fire officers opted not to attempt to proceed as they felt they could go no further and were also in fear of injury. They returned to the Fire Station.

140. At about 9:00 pm a report was received at the Fire Station from the Mackenzie Police Station of a fire at the People's Progressive Party Office at Industrial Estate. Officer Brutus led a crew to the site under police escort since there were still some protestors in the area and successfully extinguished the fire, saving the building. Subsequently it was confirmed that office furniture, stationery, a television set and a computer were damaged from "interior smoke damage" according to the fire report. It was concluded as stated in the fire report that the fire was maliciously set by persons unknown.

141. At about 10:30 pm a call from the Mackenzie Police station was received at the Fire Station to the effect that the road was clear to proceed to the Linmine Secretariat which was still burning. This turned out not to be so as the fire officers discovered that the Washing Pond Road was still blocked by debris. The officers sought to use an alternative route through the Bosai Minerals entrance. When they attempted to enter through the south gate they discovered it was blocked by heavy power cables and part of the burnt Linmine Building that had collapsed across the road. They turned back.

142. Eventually at 11:45 pm the fire tenders were able to obtain egress to the Linmine Secretariat from the Washing Pond Road which was now cleared. The fire which was still burning at the time was finally extinguished at about 2:00 am that night.

143. The Linmine Secretariat comprised a building of three floors made of timber and concrete. It housed several offices including the Legal Aid Office and

the administrative department of the Secretariat. Inside the building were computers, stationery, printers, furniture and other things. The building and its contents were completely destroyed. The cause according to the Fire Department was as a result of a malicious setting of a fire by person or persons unknown.

144. While the fire officers were at the Secretariat they received a report of vehicles burning. An inspection was carried over the Bridge and Fire Officer Brutus saw two vehicles burning, at least one of which was a fuel truck.

145. The next morning at about 9:40 am it was reported that tyres were being burnt on the One Mile Extension, Wismar.

The Guyana Defence Force/Joint Services

146. Major Warren English, a serving member of the Guyana Defence Force, was deployed to Linden on July 18, 2012 at about 11:15 pm as Joint Commander of Operation Flashpoint in response to the protest activity in Linden and subsequent shootings. He was deployed with a strength of two officers, thirty other ranks and one civilian. The operation was in support of the Guyana Police Force and so he met and was briefed by SS Hicken on his arrival. Static posts were established on the east and western end of the Mackenzie Wismar Bridge and manned on a 24-hour basis. Vehicle patrols were conducted sporadically during the night around the Mackenzie area.

147. Sometime between 9:00 am and 10:00 am the next morning, July 19, 2012, Major English accompanied SS Hicken on a drive through the Wismar area to obtain a full assessment of the situation. In the One Mile area he observed burning tyres and other debris blocking the Shirley Field Highway leading to the

interior. An attempt was made by the Joint Services to clear the blockade but the crowd of about 100 to 150 protestors resisted. They threw rocks and bottles at the members of the Joint Services. A fire tender arrived but proved ineffective in putting out the fire because the water in the tender was depleted.

148. Later in the afternoon of that day (July 19th) the Joint Services attempted to clear a large blockade west of the Mackenzie Wismar Bridge. Major English was the GDF commander and ASP Todd was the GPF commander. At this time a crowd of about 700 to 900 protestors were strung along the roadway leading to the Bridge from the west of the Bridge. The crowd was expressive of disgust towards the police, in particular members of the Tactical Services Unit whom they referred to as “Black clothes killers; murderers” and members of the crowd also cursed them. While the Bridge itself was clear the road to the Bridge on the Wismar side was blocked with about a dozen logs.

149. Efforts were made to clear the logs strewn across the roadway by the police and soldiers in lifting, pushing and rolling the logs. The Joint Services obtained the assistance of a resident of Linden, one Mr. Ramchand Mangra, who used his chain saw to cut up the logs. The resident became the target of the protestors who threatened to boycott his business. He became intimidated and was visibly shaken from the threats of the crowd and stopped cutting the logs. The Joint Services decided to retreat at this point as they felt they did not have enough resources in terms of man power or equipment to control the protestors and clear the debris.

The civilians

150. The Acting Chief Executive Officer of the Linmine Secretariat, Mr. Alves, testified that about 7:50 pm he was under the Linmine Secretariat office when he heard a sparking sound emanating from the main electrical switch area. He then heard another sparking sound from another area. Together with a security officer he proceeded to investigate the second sparking sound when he noticed the south west upper section of the Secretariat building already in flames. They called the Fire Station and attempted to extinguish the fire with a fire extinguisher. This proved impossible and they decided to try to salvage what they could.
151. At this time around 9:00 pm Mr. Alves noticed two persons passing on the roadway on the eastern side of the Linmine Secretariat building.
152. Mr. Compton Fraser, a member of the political party, the People's Progressive Party, is an organiser for that party in Region 10 which includes Linden. Sometime between 7:00 pm and 8:00 pm that evening he received a telephone call from one Mark Alexander the security guard of the PPP Office building located in Industrial Area Linden. Mr. Alexander told him that a large crowd were outside the building and demanded the key to the gate. The guard gave it to them. They entered the compound and broke the lock of the building.

They entered the building and the guard saw them set it afire. The guard said he then ran away in fear for his life.

153. Mr. Fraser himself then made a telephone call to the party's offices at Georgetown. When he ventured out to the PPP Building the next day he observed the doors were wide open and on entering inside he saw the windows broken and some of the furniture burnt. The building itself remained intact.

154. Carlton Mohan was the owner of an articulated lorry GMM 6122 which was used to transport logs from the interior. Attached to it was a trailer. On July 18th 2012 the truck was being driven by one Allan Smartt together with a porter when at about 3:00pm they approached the Mackenzie Wismar Bridge. The truck was carrying a load of timber logs belonging to one Mr. Klautky and his wife of Maraibo Investments Inc. On approaching the Bridge some persons from a crowd by the Bridge stopped the truck and told Smartt to park it on the side of the road. He complied.

155. At about 5:30 pm Smartt saw the police on the Bridge and then heard tear gas being shot. He observed that the crowd backed off somewhat. Then at about 7:00 pm members of the crowd advanced to where the truck was and said all these things must be burnt. Smartt was sitting on the side of the road. People charged him and he ran. He said one person broke the right side glass of the truck and entered it. From a distance he saw the crowd set the truck afire. Before they did so they pulled off the chain that secured the logs on the trailer of the truck. The logs were not set afire. The remnants of the trailer, one iron piece on top was all that was later found of it.

156. Smartt also saw the crowd m set the fuel tanker that was nearby afire. It went up into flames.

157. Vishnu Singh was the owner of a fuel tanker truck GPP 4525 used to transport fuel to the interior. The truck driven by one Parma left on July 17th for Omai Landing and was returning on July 18th. On its return it was hijacked by protestors who surrounded the truck. Sometime around 9:00 pm the driver was in the truck when it was surrounded by protestors who told him to park up the truck. At first the driver attempted to hide in the truck but he later escaped into some bushes. The protestors broke the windshield of the truck and got inside. Some of them climbed up the ladder and went on top of the tanker and cut the rope. They drained the three drums of gasoline and threw it on the seat of the truck. They then set the truck afire. The truck was completely destroyed.

158. Video footage taken by one Mr. Vladimir Glasgow on July 18th at the scene showed among other things a truck on fire and a trailer overturned. The footage also showed debris being put on the road by civilians and logs of wood in the background.

The perpetrators

159. From all accounts the acts of violence and destruction that immediately followed the shootings on July 18th were committed by unidentified protestors, who were apparently aggrieved by what was perceived as the police action that day, specifically in terms of the shooting to death of three protestors. The evidence of Allan Smartt in particular that the burning of the trucks only

occurred after 7:00 pm after teargas had been shot and presumably the shootings had occurred supports this conclusion.

160. It is also apparent that the burning of the State-owned Linmine Secretariat building and the attempt to burn down the PPP building which occurred after 7:00 pm suggest that these events were in reaction to the shootings which would have occurred just prior to these actions. The evidence of the fire officials that when they attempted to proceed to the address of the Secretariat they came under attack from protestors who threw stones, bottles and other missiles at them in the vicinity of Five Corner and Washing Pond Road supports the contention that it was the protestors who engaged in violence immediately after the shootings of July 18th. The fire officers noticed that the police were trying to get the place cleared but the protestors kept throwing the stones and other things back on the road as soon as the police cleared the blockades.

161. Furthermore, the next morning when the Joint Services attempted to clear the blockade on the road a crowd of about 100 to 150 protestors resisted and threw rocks and bottles at the members of the Joint Services. Later that afternoon Major English was in charge with ASP Todd when the Joint Services attempted to clear a large blockade west of the Mackenzie Wismar Bridge. At this time a crowd of about 700 to 900 protestors were strung along the roadway leading to the Bridge from the west of the Bridge and they were shouting at the police, in particular members of the Tactical Services Unit whom they referred to as “Black clothes killers; murderers” and cursing them.

162. It seems clear that the violence and destruction after the July 18th shootings were occasioned by the protestors who were aggrieved by what they concluded was the police actions in shooting at the protestors.

- (c) **make recommendations, implementation of which will assist the Guyana Police Force in effectively and professionally discharging their responsibilities for the maintenance of law and order in the aforesaid community of Linden and similar communities without endangering their own safety and that of innocent persons.**

163. In addressing this term of reference it is necessary to examine in some detail the events that took place in Linden on July 18, 2012 with a view to analyzing the approach adopted by the police in exercising control over the proceedings. We will point out the weaknesses, the consequences and thereafter make specific recommendations which we hope will help to avert a recurrence.

The events

164. The Lindeners incensed at the announcement by the government that there would be a hike in their electricity rates decided to take protest action over a five day period and which would involve a march across the Wismar-Mackenzie Bridge. In Guyana demonstration is a right with, inter alia, two preconditions. If the action has the potential to inconvenience and or impinge on the rights of others because of the nature, size or location of the protest, authorization is necessary. Secondly, the collective action of those citizens involved must be lawful and peaceful. The Constitution of the Co-operative Republic of Guyana provides under Part 2, Title 1 - Protection of Fundamental Rights and Freedoms of the Individual -

“147 (1) Except with his or her own consent, no person shall be hindered in the enjoyment of his or her freedom of assembly, association **and freedom to demonstrate peacefully** and to associate with other persons ... or other associations for the protection of his or her interests.”

165. The framers of the Constitution in recognition that there are no absolute rights enacted Article 147 (4) which provides -

“Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision -

a) that is reasonably required in the interests of defence, **public safety, public order, morality or public health ...**”

166. The Lindeners applied to the appropriate Regional Police Authority for permission and received same with conditions attached to ensure that the rights of the citizens were balanced. The evidence revealed that the conditions were breached and therein was the birth of the ensuing problems. The evidence clearly established that the bridge was blocked at several points both by persons and foreign material e.g. logs. Persons going about their lawful business were unlawfully denied access to the bridge and some were set upon and beaten.

167. The police in those circumstances had the obligation imposed by law to prevent that unlawful action from taking place and/or continuing. It is noteworthy that a Member of Parliament who was at the scene on the 18th day of July when much of this was taking place or had already taken place stubbornly

refused to accept that the protesters had resorted to unlawful means to carry out what would otherwise have been a lawful endeavour. To him the police ought not to have intervened because the protest was for a just cause. The justice of a cause seldom if ever justifies a breach of the Constitution and certainly in this situation we are of the view that, whilst we empathize with the citizens, resorting to unlawful means could not have been condoned by the police. What is of utmost importance is a consideration of whether the police acted appropriately in dealing with the situation.

Police Action

168. The evidence of SS Hicken is that “from the 17th of July threats were being issued signalling that there would have been disturbances on the 18th.

169. That information was sufficient to have alerted the police hierarchy to the fact that danger lurked ominously around the corner and that operational initiatives were necessary to prevent it. A reasonable citizen would have expected that the police would have taken control of the access and egress points of the bridge, perhaps before dawn, and would have deployed personnel on the bridge to ensure that protestors could not have dominated the area. This was not done and absence of that type of proactive action gave freedom to the unlawfully inclined.

170. The Tactical Services Unit (TSU) in the Guyana Police Force is charged with the responsibility of inter alia crowd control. A full unit consists of some 32 personnel whilst a Half Unit is comprised of 17 personnel. A Half Unit was deployed to Linden and arrived there at or about 4 a.m. on the 18th of July 2012. Remarkably, the Half Unit was not deployed to the Mackenzie-Wismar Bridge the focal point of the protest until approximately 11:20 hrs. as stated in the

evidence of Asst. Supt. Todd, the Unit Commander. That deployment was ordered by SS Hicken the Ground Commander. The TSU stayed a distance of approximately “200 metres away from the protesters on the Bridge” according to Mr. Todd. Further as a result, half of the number of persons who were on the Bridge swarmed the Half Unit, surrounded the Unit, and they began to chant in a loud tone of voice, “the electricity hike is too high. Don’t try to stop us. We are gonna burn the bridge down and paint the town in red.” This was a clear forewarning as to what was to come. Mr. Todd further testified that at that time “there were about 800 persons standing in the vicinity of the Bridge”.

171. With all that was taking place SS Hicken according to Mr. Todd “returned to the Unit and gave us instructions to enbus into the vehicle and return to the Mackenzie Police Station”. We are not experts in policing but the following seem obvious to us:

1. TSU should have been deployed at the bridge shortly after their arrival in Linden to take control and prevent its blockage;
2. Having regard to the information which Mr. Hicken said was available to him from at least the night before a full unit of the TSU should have been deployed;
3. Based on the threats that were issued in the presence of the TSU and with Mr. Hicken in the vicinity, the TSU should not have been removed.

172. The initial and indeed the subsequent action by the protestors could have been prevented had the police been proactive. It seems clear to us that the

training related to crowd control needs to be re-visited and that junior and senior officers need to be the beneficiaries of this.

173. Mr. Todd further testified that “at about 17:55 hrs., SS Hicken called the Half Unit, Assistant Superintendent Stanton, Inspector Williams, Sergeant English, and all other persons at Mackenzie Police Station for a brief. In the brief, he informed us that he was waiting on a telephone call from the Commissioner of Police; that he received information that there were persons being robbed; persons were cooking, using alcohol and all other illegal activities were taking place on the Wismar shore and on the Bridge. Then, he informed Stanton and English to put the Unit on standby.

174. ASP Todd testified that “at about 18:00 hrs. he instructed the Standby Unit and I to report to the Bridge, informing us that he received a cellular phone call that we must clear the Bridge before it got dark. I then briefed the TSU Standby Unit, informing them about the firing orders, Standing Order 18, Paragraph 30 and 31. Also, I gave them specific instructions that they must not engage the crowd without my instructions. I then told the Unit to enbus into force vehicle GLL 3680, a white lorry with green canvas covering the tray.”

175. The police presence at the scene was clearly woefully inadequate and the attempt to take control of the scene at that late hour was inexplicable. The ground command was weak and depended too heavily on long distance discretion and instructions from the Acting Commissioner of Police.

176. There appears to be a real need for training in crisis management. Things were allowed to happen rather than preventing things from happening. There is a need for better co-ordinated planning of operations of this nature.

The use of force

177. There is a clear need for the revision of the use of force policy in order to adopt international best practices.

178. The evidence of Mr. Todd is instructive. He testified before the Commission that "I then went on my telephone. I then went on my cell phone and informed SS Hicken about the behaviour of the protestors. He informed me that my objective was to clear the bridge before it got dark. I continued to use the siren and I spoke through the loudhailer and read the proclamation. Bricks and bottles began to come to the Unit at a rate of two minutes per session, a fast rate, from all angles. Persons on the Unit were hit. I, also, was hit in my head. I then went back on my cell phone and informed Mr. Hicken that the Unit was being attacked with bricks, bottles and other instruments. He instructed me to use tear-smoke and shotgun, which is the SOP to deal with crowd dispersal".

179. It is to be observed that the attack did not involve firearms and although there is evidence of Mr. Todd hearing what sounded like gunshots these sounds did not come from the crowd in the immediate vicinity of the bridge. Had the police been provided with riot shields there would have been no need to discharge shotguns. It is the case that Mr. Todd who discharged the shotguns did so on the instructions of the absent Mr. Hicken who told him "to continue to proceed and clear the bridge by using the minimal force which (with) the tear-smoke and the shotgun". Even though Mr. Todd using the "shotgun...discharged a round into the ground to take off the velocity, to scare

and chase the protesters who were gathered” this was fraught with danger. Discharging a shotgun is hardly the way to “scare” persons and ought never to have been used in the circumstances. As it transpired several persons were shot, some multiple times resulting in various degrees of injury as shown from the medical certificates which were tendered in evidence. There is no evidence that one shot was discharged at a specific human target who was pelting the police with an object capable of causing death or serious injury. The shots were fired randomly causing injury to whoever was in the path and range of the pellets.

180. Firing in that way in similar circumstances should never be repeated. Even if the use of the shotgun was reasonable, and we do not conclude that it was, a firearm should never be used recklessly or negligently.

181. Based on the foregoing we are of the view that the policy on the use of force should be reviewed and done urgently.

Relationship between the Police and citizens

182. There is no doubt that the relationship between the police and the Lindeners has broken down. We do believe that restoration can be achieved, but it must be approached in a methodical and purposeful way. Community based policing is the way forward. We will not prescribe how this should be implemented. Suffice it to say there are some countries in the Caribbean and others in the international arena with working models which should be studied and adapted for use in Guyana. In Jamaica, for example, neighbourhood watch groups are employed where citizens and police work together in developing

local security strategies; community consultative committees exist, again to promote police citizen synergies and so change the dynamics of the police being seen as simply reacting to crime and public order issues rather than being integrated in the community to promote its welfare with full citizen participation. This approach aids the police in getting reliable information for intelligence purposes, contributes to citizens owning or buying into policies which redound to their benefit, citizens becoming change agents, human rights and human relations being recognized and advanced amongst other measurable benefits.

183. We were made aware that a form of community policing exists, but from what we were told enormous room for expansion and reshaping exists.

184. There is in place in Guyana a Police Complaints Authority but it seems to be constrained by lack of sufficient resources and is not widely known about. Some of the witnesses knew of it, others did not and those who did seemed not to have the requisite confidence in its ability to respond to their complaints notwithstanding the high integrity of those in charge of it. However it must be noted that the Chairman of the Authority had made several requests for independent investigators to be made available to that body but to no avail. In addition, there have been many outreach visits undertaken by him and he has made numerous appearances on television and radio to sensitise the public of the existence, role and functions of the Authority.

185. The police must be held accountable for their behaviour and where abuses occur these should be independently investigated in a professional way and thereafter appropriate action be taken whether through criminal, civil or disciplinary proceedings. Such an authority must have the necessary powers

and resources to be effective lest citizens demonstrate no confidence in it and the police treat it with disdain. There is legislation in the Region and in the Commonwealth which could be examined and thereafter appropriate provisions be enacted.

186. Police Forces traditionally resist having independent bodies investigate complaints against their members, nevertheless we recommend that the political will be garnered to provide for this. It works.

187. We got the feeling that a significant number of persons who testified view the police cynically as agents of the government acting solely in the interest of the government and by extension the political party forming the administration. There was no concrete evidence before us to substantiate that view but it is said that perception is nine-tenths of reality. This view can only be changed if there is an insistence on the highest professional behaviour on the part of the police and the government demonstrates that politics and policing cannot be compatible bedfellows. There is nothing more debilitating to proper policing than having political considerations or allegiance influencing the decisions and behaviour of the police to a particular segment of the society which is known or perceived to be antagonistic to a political persuasion. All Guyanese regardless of their political persuasion are entitled to equal treatment under the Constitution and ordinary law of the country. Our observations are intended to deal with the perception and our urging is that the perception be not ignored but that urgent steps be taken to deal with it as if it were a reality.

Human Rights

188. Internationally citizens complain about abuses perpetrated by the police against them. The Lindeners complained bitterly and with justification although

the behaviour of some was calculated to create mayhem and generally to break the law. It would serve no useful purposes for us to attempt to as it were re-invent the wheel. It exists.

189. We are of the clear view that the United Nations has adequately provided guidance on how to deal with the pernicious and pervasive practice of human rights abuse.

190. We recommend that the government urgently implements the *“Human Rights Standards and Practice for the Police”* as developed by the Office of the United Nations High Commissioner for Human Rights, New York and Geneva, 2004.

191. This should form an integral part of the recruit training programme, and for all ranks and officers on-going carousel courses. If the police abide the United Nation’s standards, Guyana Police Force will be transformed into a modern, efficient and professional organization, the envy of all civilized societies.

Management Audit

192. We now consider the merits of a management audit. We were exposed through the evidence to some important aspects of the operations of the Force. It was necessary for us to examine several records including deployment of personnel, uplifting of arms and ammunition, inventory of ammunition belonging to firearms dealers, etc. The elements of inaccuracy and unreliability

characterized the record keeping. It was with some difficulty that we were able to have particular records synchronised and reconciled. This weakness has to be addressed as it can affect discipline, operations, accountability, etc.

193. We got a sense that there is too much centralization of the decision making process and that this has the potential to affect the efficiency of ground commanders. On the 18th of July 2012 several decisions which should have been made based on the dynamism on the ground were referred to persons who were away from the action and could not have had a proper and full appreciation of how the events were unfolding. Mr. Hicken was giving instructions by telephone when his presence at the scene could have been more effective. Mr. Todd and the TSU were withdrawn from the bridge when control and command were necessary. There was no indication that the senior officers in Linden met, assessed the situation, developed an agreed approach and executed it. The Commissioner of Police was a remote participant giving instructions. Having regard to the way things were going and the potential for great danger to life, limb and property his on the spot presence before nightfall could have made a great difference. The situation warranted someone of a higher rank than Mr. Hicken being there and being seen to be in charge making decisions, giving instructions and overseeing the entire operations. The police at the bridge seemed to have lacked an objective throughout the day and when dusk approached the conveyed instruction to 'clear the bridge' appeared to have taken them by surprise.

194. Some of the procedures for engagement of the police before carrying out operations appear to be very militaristic and aspects of their standing operational procedures support that position. In our view they are anachronistic and that they are extant is reason for a review. A police force is a civil organization

responsible for the maintenance of law and order, the prevention and detection of crime, the protection of life and property, the investigation of alleged crimes and the enforcement of all criminal laws. If military presence is necessary to deal with a particular situation then the army should be deployed where permitted by law. Section 12 of the Police Act stipulates the circumstances under which the Police Force can be employed as a military Force and these are “*in the event of war or other emergency*”. In their normal duties the police operate very differently from the military. There may be rare and unusual circumstances for which the police may be required to use limited military tactics but where this exists the training must be adequate, the supervisory framework well established and appropriate protocols developed.

195. During the Enquiry indications were given from time to time related to the following probable deficiencies of the Police Force –

- The strength and establishment;
- the forensic capabilities;
- the recruit training curriculum including that related to human rights, human relations and firearms;
- the use of police personnel to perform duties which civilians seem more suited to carry out;
- the intelligence capacity and investigative proficiency;
- the internal and external accountability;
- service delivery;
- resources.

196. We recommend very strongly that a complete management audit of the Guyana Police Force be carried out so that there can be a comprehensive assessment of what is needed to modernize the organization. If this is done it

could signal a break from practices which are inimical to proper policing and endorse those which are consonant with international best practices.

197. We venture the view that such an audit team should be comprised of local, regional and Commonwealth experts, *“to carry out a structural and functional review of the Guyana Police Force and recommend both short term measures and a longer term strategic development programme to increase police effectiveness and public reassurance”*.

3 (d) Make recommendations for compensation where necessary for injury, loss or damage as a consequence of the events of July 18, 2012.

198. As we see it, this term is quite wide. It enables us to recommend the payment of compensation, irrespective of whether or not we find that the police were in any way culpable for their actions on July 18. We can make recommendations for the payment of compensation by the State where we find it is necessary to do so. However, any payment of compensation recommended has to be ex-gratia (as a favour rather from legal obligation).

199. As a result of the incident on the Mackenzie-Wismar Bridge on the afternoon of July 18, 2012 several persons were injured and three persons were shot and died as a result of gunshot injuries. In addition, several motor vehicles, machinery and buildings were set on fire by the persons who were protesting the proposed hike in the electricity rate in the town of Linden. The three persons who died as a result of gunshot wounds were **Shemroy Bouyea, Allan Lewis and Ron Somerset**.

200. In making our recommendations we considered all the circumstances in which persons suffered loss.

DECEASED PERSONS

Shemroy Bouyea

201. He was 24 years old. At the time of his death he was employed as a handyman by one Ramesh at his snackette in the Market at Mackenzie. He assisted in supporting his two brothers who were unable to work because of their mental condition and they would therefore lose that support. He himself appears not to have been in particularly good health. According to Gordon Callender, he did odd jobs. His mother is a security guard who also assisted in supporting the family. She earns \$30,000 per month. It follows, therefore, that Shemroy was not the only person providing financial support of his family.

202. We do not believe that he earned as much as ten thousand dollars per week. Shemroy was a relatively young person (24 years). Because of the peculiar family circumstances we feel that a sum of **three million dollars (\$3,000,000)** should be awarded to his estate. This amount must be held in escrow and is to be paid only on the presentation of Probate or Letters of Administration.

Allan Lewis

203. He was 46 years old. At the time of his death he was self employed doing various jobs, including carpentry, masonry and painting. He was however not

employed at all times. He left to mourn two young children ages 19 and 21 years respectively, one of whom is attending the University of Guyana majoring in mechanical engineering and has another three years to finish that course.

204. Allan supported both of his children who are now left without any substantial support. His mother is a pensioner. We do not believe that the son, Rodwell, who attends the University of Guyana, received a monthly support of fifty thousand dollars (\$50,000) from his father who only worked periodically. Taking all these circumstances into consideration, we feel that his estate should be awarded the sum of **three million dollars (\$3,000,000)** which must be held in escrow and be paid only on the presentation of Letters of Administration or Probate.

Ron Somerset

205. He was 18 years old at the time of his death and was attending the Technical Institute at Linden. His mother, Margaret, who was a Vendor in the interior but now unemployed and lives in Suriname, testified that Ron worked at an Electronic Shop at Linden which is owned by her son-in-law and assisted in supporting her and her two grandchildren. She was a most unimpressive witness and it is left to wonder whether Ron in fact assisted to support the family, bearing in mind that she received a monthly support of US\$250 from two of her children who live overseas. We do not believe that Ron was employed at the time of his death.

206. In this circumstance we award the sum of only **one million dollars (\$1,000,000)** for loss of life. This sum also must be held in escrow and only be paid on the presentation of Letters of Administration or Probate.

Injured Persons

207. A large number of persons suffered gunshot injuries, some of whom were part of the protest, which we took into consideration in making our recommendations. These injured persons were either on the Mackenzie-Wismar bridge or in the vicinity of the bridge, and the possibility exists that they were injured by pellets which were discharged from firearms which the Police used, particularly ASP Todd who said he fired towards the ground and there was the possibility that persons in the area would have been shot.

208. He said that he was fully aware when he did the ricochet firing it was at the crowd. It would be down and then ricochet towards the crowd. He said this twice. He took shot guns from Sergeant Junor and PC Parker and discharged four cartridges in the direction of the bridge where the crowd was.

209. We have dealt with each case separately and have recommended amounts which we felt were reasonable.

i. **Sheila Austin**

210. She carried on a small shop in front of her house and was not part of the protest. She was in search of her nephew when she was shot on her right leg and right hand. Her income could not have been much. She must have lost some income for a few days and suffered some measure of pain.

211. The amount awarded to her is **fifty thousand dollars (\$50,000)**.

ii. **Vladimir Glasgow**

212. He received certain minor injuries to his left arm and left leg, and was injured when he was recording on his video camera the events that were taking place on July 18 in the vicinity of the bridge. He was not seen by a doctor.

213. We do not feel that he was in any way incapacitated and lost any income. An award of **twenty thousand dollars (\$20,000)** is made to him as he must have suffered some measure of pain as a result of the injuries received.

iii. **Aliesha Barker**

214. She was not part of the protest but had gone in search of her son. She suffered injuries to both legs. A pellet was removed from her left leg. This was done at a hospital in Berbice. She incurred certain medical and travelling expenses.

215. We feel that **two hundred and eighty thousand dollars (\$280,000)** should be paid to her as most of the expenses incurred related to her medical treatment. She was unemployed at the time.

iv. **Reuben Bowen**

216. He was shot in the left leg and was a vendor in the interior. Even though the Surgeon, Dr. Joseph, who examined him quite recently, was of the opinion that Reuben would be unable to work for another year, we are of the opinion, having observed him, that he is quite capable of doing some sort of work. He should not fold his hands and do nothing. He was one of the several persons who inflated their loss and was part of the protest.

217. Bearing in mind that he was part of the protest and is capable of doing some sort of work, we award him the sum of **three hundred and ninety thousand dollars (\$390,000)** part of which is for travelling expenses, and pain and suffering.

v. **Jemeke Brummell**

218. He works at a car wash and had suffered injuries to his right leg. He was in the vicinity of the bridge and it would appear that he was part of the protest. He was another person who had exaggerated his loss of earnings. As a worker at a car wash he could not have been earning as much as \$15,000 per week.

219. We feel that an award of one **hundred thousand dollars (\$100,000)** is appropriate which is for loss of earnings, and travelling expenses incurred.

vi. **Janice Burgan**

220. She was part of the protest and had assisted in placing debris on the bridge. She received injuries to her left upper back. She was, and still is, a seamstress and is capable of continuing her work. It would seem that she attempted to mislead the Commission as to her earnings as at one time she said her earnings were \$20,000 per month but later said it was \$17,000 per week. We were not impressed by her evidence as it relates to her earnings.

221. We feel that a total sum of **one hundred and fifty thousand dollars (\$150,000)** should be paid to her.

vii. **Ulric Cameron**

222. He works at a tyre shop on the Mackenzie side of the river and was on his way home on the Wismar side of the river. He found that the bridge was blocked by protestors. He remained standing in the area of a tent which was near to the Linmine Secretariat when he was shot. He received injuries to the chest (both sides) and on the left side of his back.

223. He was admitted to Mackenzie Hospital where he spent several days after which he was transferred to the Georgetown Public Hospital where he remained until 3rd August 2012. Two pellets were extracted from his chest but two remained there. He did not incur any travelling expenses save and except \$3,000

to return from Georgetown Public Hospital to his home. He did incur certain medical and other expenses. He did not work for four months.

224. We feel that an amount of **four hundred thousand dollars (\$400,000)** is reasonable. He also attempted to mislead us as to his earnings. However his injuries seem serious.

viii. **Mortimer Cornel**

225. He is self employed and operated a car wash and does some farming. He lives on the Mackenzie side of the bridge. On July 18, 2012 he was crossing the bridge from the Wismar side when he was shot and received injuries to his left arm, left wrist, abdomen and left leg. He did not go to the hospital that day as the Police had arrested him on suspicion of arson. On his release he went to Mackenzie Hospital where he was examined by Dr. Riyasat. He no longer carries on the car wash, which has been rented out.

226. This witness impressed us as a truthful witness. He said his total loss including loss of earnings is \$155,000. There should be an award of **two hundred thousand dollars (\$200,000)** in his favour.

ix. **Michael Roberts**

227. He is a miner and on July 18 he was waiting on his wife who works as a Cleaner at the Wismar Magistrate's Court. He was under a tent near the Linmine Secretariat when he was shot on his mouth. He lost four (4) teeth as a result. He was admitted to the Mackenzie Hospital where he spent several days. He has been unable to work since. He cannot eat solid food. When he was in the

hospital, he had to be fed through a straw. Even now he finds it extremely difficult to eat solid food and would require dentures as he has lost teeth from both the upper and lower jaws.

228. His case is a very sad one as he would be unable to continue mining. He has lost 20 pounds since July 18. In the circumstances, we recommend an award of **one million five hundred thousand dollars (\$1,500,000)**.

x. **Yolanda Hinds**

229. She is a ward maid at the Mackenzie Hospital and was on her way to work when she was shot on the right leg. She went to the hospital the following day and was treated and sent home. She remained at home for 28 days and received her salary for that period. However she lost her gratuity for three (3) months.

230. Her injury, not being of a serious nature, an award of **fifty thousand dollars (\$50,000)** is made in her favour.

xi. **Dexter Scotland**

231. He is a shop owner. He was shot in his left nostril and spent twenty (20) days in hospital. He was standing on the eastern side of the bridge among a crowd of people when he was shot.

232. A CT Scan revealed that there are two small pellets in the floor of the nasal spectrum. He cannot eat properly nor open his mouth to laugh. He feels cramps in his face at regular intervals.

233. An award of **three hundred and fifty thousand dollars (\$350,000)** is appropriate.

xii. **Hector Solomon**

234. He is a Porter and part time DJ. He had assisted to place the music set which was used for the meeting on the bridge, after which he was standing nearby. When the Police discharged their firearms he started to run and was shot on his left upper chest. He was admitted to the Mackenzie Hospital where he spent a few days, after which he went to Woodlands Hospital in Georgetown where a bullet was extracted from his chest/left shoulder.

235. He said he has been unable to work since, which we do not believe. We were not convinced about his evidence. This witness had also made an attempt to mislead us. He wants us to believe that he earns as much as \$24,000 per week as a Porter. This cannot be true. His medical and other expenses have not been proved as his father who paid same is overseas and did not testify before us.

236. We are satisfied that he did receive injury to the chest and must have suffered some measure of pain. The award in his favour was **one hundred and twenty thousand dollars (\$120,000)**.

xiii. **Hugh Stephens**

237. He is a building contractor and had chaired the meeting on the bridge after which, he was returning to the Wismar side of the bridge where he lives when he heard gun shots. He felt “a sting” across his right eye and could not see, so he went home. Subsequently, he had an X-ray done which revealed that there was a metal pellet in the right eye and that he was blind. Dr. Quaicoe who had examined him on October 6, 2012 recommended that he needs to have an operation overseas in order to correct the problem with his right eye.

238. Even though he did not return to give evidence as to his loss of earnings and medical expenses so far incurred, we must do our best to award him a sum which seems reasonable bearing in mind that he is presently blind in the right eye and has to seek medical attention abroad. He must have lost some income as he was a building contractor. It must be noted that he ought not to have chaired the meeting as no permission had been granted for the meeting to be held on the bridge.

239. Accordingly, we award him a sum of **one million five hundred thousand dollars (\$1,500,000)**.

Loss of Property

240. Payments under this Head also have to be ex-gratia.

Linmine Secretariat Building and its contents

241. From the evidence, it can be concluded that those were set on fire by the protestors. There is evidence that the protestors were in the compound of the Secretariat when fire was seen coming from the building. There is also the

certificate from the fire department which revealed that the building was maliciously set on fire. In addition, there is evidence that the protestors had threatened to burn down the town.

242. The difficulty however is whether or not we can make a recommendation for the payment of compensation under this Head. The Secretariat is the property of the National Industrial and Commercial Investments Limited (NICIL) which, according to Mr. Winston Brassington, the Executive Director, is fully owned by the Government of Guyana, the only shareholder.

243. This Government entity was established during the regime of President Desmond Hoyte some years ago (1990). We cannot see how we can make a recommendation for the Government of Guyana to pay itself. This would be absurd. Accordingly the payment of compensation is not recommended.

Gordon Callender

244. He was one of the organizers of the protest. After the meeting on the bridge had ended, he remained on the bridge. Whilst there, according to him, the police started to discharge their guns. He started to run leaving a camera and a computer on the bridge. He never got them back. We are not convinced that he lost anything and are therefore unable to award him anything.

PPP/C Building and its contents

245. Compton Fraser, organizer of the PPP/C building which was clearly set on fire by the protestors stated that he visited the building on the morning of July

19. He saw several items in it damaged. A list of the items damaged and the amount it would cost to put the building back in order was prepared by a building contractor and verified by Fraser. It revealed that the cost of replacing the damaged items and to repair the building was two million five hundred and seven thousand dollars (\$2,507,000). This amount cannot be awarded. We award a sum of **four hundred thousand dollars (\$400,000)**.

Loss of logs by Mariabo Investments Inc.

246. It would appear that the logs were removed by the protestors from a trailer in order to block the bridge. The amount claimed is US\$4,305 which is approximately G\$861,000.

247. The award under this Head is **two hundred thousand dollars (\$200,000)** as it appears to us that the amount of the loss was grossly exaggerated.

Destruction of lorry owned by Narindra Latchman

248. He lost a lorry, an excavator, a pressure pump and a quantity of tools which were set on fire by the protestors. These were in the area of the Guyana Revenue Authority (GRA) building which is North East of the bridge. The total cost of the lorry etc given by Latchman is \$14,200,000.

249. The amount awarded to him is **three million dollars (\$3,000,000)** as these items were not new ones and the lorry and the excavator should have been insured.

Ramchand Jewan Mangra

250. He had assisted the Police on the morning of July 19th 2012 to cut the logs, which were blocking the bridge, in order for them to be removed from the bridge.

251. Subsequently, his plucking station was vandalized and everything in it was removed from its site. Even the shed of the building was removed. He said his total loss was one million three hundred and sixty thousand dollars (\$1,360,000).

252. Having examined Mangra's evidence, it seems rather strange that all the equipment in the building and the zinc sheets which were on the building were removed. We are convinced that Mangra did not testify truthfully as to his actual loss. We feel that an award of **two hundred thousand dollars (\$200,000)** is appropriate as he must have suffered some loss.

Carlton Mohan

253. His lorry and a trailer, on which the logs of MARIABO Investment inc. were carried, were completely destroyed as a result of being set on fire by the protestors. He placed a value of eight million dollars (\$8,000,000) on the lorry and trailer. We award him **two million dollars (\$2,000,000)** as the vehicles should have been insured and they were not new.

David Shemroy Vigilance

254. He is a beverage vendor and was in the vicinity of the bridge. He said he was beaten by the Police, who removed his gold chain from his neck and in a

struggle with the Police he lost two gold rings. He also discovered that the sum of \$300,000, which was in a bag which he had, was missing.

255. He did not impress us as a witness of truth although it is possible that he may have lost his gold chain and been beaten by the Police. We cannot award him more than **forty thousand dollars (\$40,000)**.

Vishnu Singh

256. He was the owner of a fuel tanker which was set on fire by the protestors when the driver was attempting to cross from the Wismar side of the bridge. He had imported the motor vehicle from the United Kingdom some years ago at a cost of nine million two hundred thousand dollars (\$9,200,000).

257. His award is **two million five hundred thousand dollars (\$2,500,000)** as he ought to have insured his motor vehicle to cover any loss.

Clyde Adams

258. He had loaned his music set and other accessories to Vanessa Kissoon, a member of the Guyana Parliament for the purpose of the protest on July 18. This set was placed on the bridge by Hector Solomon (jnr.) and others for the purpose of the meeting which was held on the bridge.

259. His suggestion was that these were thrown into the Demerara River by the Police. He did not actually see the Police do this. His total claim was \$810,000 which we feel has been inflated.

260. Seeing that the set was used for an unlawful purpose, we would award him a sum of only **fifty thousand dollars (\$50,000)**.

SUMMARY

261. We believe that the police were responsible for the shooting to death of the three deceased as well as the injuries caused to several other persons at Linden on July 18, 2012, as there is no evidence that anyone else had a firearm which was discharged.

262. It seems to us that ASP Todd was somewhat reckless when he discharged four rounds of ammunition in the direction of the Mackenzie-Wismar Bridge when there were hundreds of person on the Bridge and in the vicinity thereof.

263. Nonetheless, the discharge of ammunition itself by the police in the circumstances described by ASP Todd was justified having regard to the fact that the police were confronted by a very hostile crowd and there was no clear intention on the part of the police to kill or cause injury to anyone. The apparent intention was to scare the protestors into removing from the Bridge.

264. The shooting of Buckshot #00 pellets at persons in the crowd however is another matter and not surprisingly was not owned by anyone. The use of such lethal force was not justified in the circumstances.

CONCLUSION

265. We do hope that our findings will have a salutary effect on the police and that in future their approach to crowd control will see better planning and execution of those plans.

266. Organisers of and participants in demonstrations, we hope, will agree that obedience to the law in carrying out justifiable demonstrations can enhance their cause amongst well thinking members of the society whilst behavior that is chaotic can cause mayhem, death, injury and alienate empathisers.

267. Finally, we have made some recommendations which we believe can be of value to the citizens, the government and the police and sincerely hope that if they are accepted they be implemented as soon as possible.

Dated this of February, 2013

Humbly reported by:

Justice Lensley Wolfe, O. J., Retired Chief Justice of Jamaica: Chairman

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Justice Cecil Kennard, O.R., C.C.H., Former Chancellor: Commissioner

.....

Justice Claudette Singh, C.C.H., Former Justice of Appeal: Commissioner

.....

Senator K. D. Knight, QC: Commissioner

.....

Ms Dana S Seetahal, SC: Commissioner

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ANNEX

Witnesses

1. Commissioner of Police Leroy Brummel
2. Sgt. Aubrey Bowman
3. Snr. Supt. Clifton Hicken
4. Asst. Supt. Patrick Todd
5. Cpl. Donald Harry
6. Cpl. Maxwell Grant
7. Sgt. Roderick English
8. C.E.O. Gregory Dean – Digicel
9. Security Manager Edgar Blackman GT&T
10. Asst. Supt. Walter Stanton
11. Det. Const. Jermaine Tucker
12. Ms. Vanessa Kissoon
13. Mr. Vladimir Glasgow
14. Mr. Sharma Solomon
15. Dr. Mark Robinson
16. Ms. Janice Burgan
17. Mr. Marlon Gentle
18. Alieshaw Barker
19. Mr. Dexter Scotland
20. Mr. Michael Roberts

21. Mr. Ronald Lewis
22. Ms. Yolanda Hinds
23. Mr. Kenneth Chance
24. Mr. Brian Claxton
25. Mr. Desmond Trotman
26. Mr. Gordon Callender
27. Major Warren English
28. Mr. Orin Brutus
29. Mr. Winston Caesar
30. Mr. Hector Solomon Jr.
31. Mr. Rueben Bowen
32. Ms. Sheila Austin
33. Mr. Lennox Campbell
34. Dr. Nehaul Singh
35. Sgt. Eon Jackson
36. Insp. Leroy Alexander
37. Deputy Commissioner Seelall Persaud
38. Hector Solomon Snr.
39. Mr. Robert Greene
40. Constable Colin Rodney
41. Mr. Ulric Cameron
42. Mr. Hugh Stephens
43. Mr. Lincoln Lewis
44. Mr. Carlos Henry
45. Mr. Jahmake Brumell
46. Mr. Wesley Stephens

47. Mr. Ron Allicock
48. Senior Superintendent Lyndon Alves
49. Surveyor Mr. Troy Rambajan
50. Mr. Winston Brassington
51. Mr. Vishnu Singh
52. Mr. Emmet Alves
53. Mr. Ramchand Mangra
54. Constable Osafo Timmerman
55. Mr. Mortimer Cornell
56. Mr. David Vigilance
57. Mr. Allan Smartt
58. Mr. Carlton Mohan
59. Constable Mark Cameron
60. Mr. Clement Rohee
61. Mr. Compton Fraser
62. Ms. Savatri Klautky
63. Mr. Narindra Lachman
64. Mr. Leslie Adams
65. Mr. Clive Lewis
66. Mr. Rodwell Lewis
67. Ms. Jacquelin Bouyea
68. Ms. Margaret Somerset