



REPORT OF THE COMMISSION OF INQUIRY

**APPOINTED TO INQUIRE INTO PERSONS, PLACES, TIME,
CIRCUMSTANCES AND EVENTS BY AND THROUGH WHICH
ALLEGATIONS AND REPORTS CAME TO BE MADE OF AN
INTENTION OR A PLAN TO ASSASSINATE
THE PRESIDENT OF
THE CO-OPERATIVE REPUBLIC OF GUYANA.**

**SUBMITTED TO
HIS EXCELLENCY, BRIGADIER DAVID ARTHUR GRANGER, MSS
PRESIDENT OF THE CO-OPERATIVE REPUBLIC OF GUYANA**

**MR. PAUL E. SLOWE, DSM
COMMISSIONER**

**SUBMITTED ON
AUGUST 31, 2017**

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Commissioner Paul E. Slowe, DSM seated flanked by from left Patrick E. Mentore, Secretary to the Commission; Salena Marshall, Research Assistant; Ann Thompson, Research Assistant; and Julius Wright, Investigator. Not in picture Hugh Jessemy, Investigator.

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PREAMBLE

May it please Your Excellency; it is my honour to present for your scrutiny and action the Final Report of the Commission of Inquiry, which Your Excellency commissioned, into the alleged plan to assassinate the President of the Cooperative Republic of Guyana.

Kindly accept my thanks on behalf of the support staff of the Commission and on my own behalf as Commissioner, for providing us with this opportunity to serve in this undertaking. I trust that our efforts in conducting the Inquiry and compiling this Report will be vindicated in the recognition of the findings contained herein, and the necessary action on the deeply considered recommendations.

Our appreciation is extended to the Permanent Secretary of the Ministry of the Presidency, Department of Public Service who facilitated us with the quality of administrative support that deserves our acknowledgement.

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ABBREVIATIONS AND ACRONYMS

AC	Assistant Commissioner
AKA	Also known as
ASP	Assistant Superintendent of Police
CID	Criminal Investigations Department
COI	Commission of Inquiry
CONST	Constable
COP	Commissioner of Police
CPL	Corporal
CRO	Criminal Records Office
GPF	Guyana Police Force
HQ	Headquarters
INSP	Inspector
MCIU	Major Crimes Investigations Unit
MPS	Ministry of Public Security
OC	Officer-in-Charge
PLA	Police Legal Adviser
SGT	Sergeant
SO	Standing Orders
SOCU	Special Organised Crime Unit
SOP	Standard Operations Procedure
TOR	Terms of Reference

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DRAMATIS PERSONAE

NAMES	PARTICULARS
Adams, Lloyd	Age 39 years of Lot 168 James Street, Albouystown
Alonzo, Ian	Detective Assistant Superintendent of Police OC-CRO.
Baldeo, Balram	Father of Leon Baldeo resides at 336 Herstelling, East Bank Demerara.
Baldeo, Leon	Age 34 years a painter residing at Lot 30 Diamond Housing Scheme, East Bank Demerara.
Benjamin, Eon	Detective Corporal of Police # 18065 of MCIU.
Blanhum, Wendell	Detective Senior Superintendent of Police and Officer-in-Charge CID (Crime Chief).
Ceasar, Mitchell	Detective Assistant Superintendent of Police (OC-MCIU).
Chase, Travis	News Anchor for HGPTV Nightly News.
Das, Rishi	Detective Senior Superintendent of Police (Deputy Crime Chief).
David, Joel	Detective Superintendent of Police.
Deonarine, Heranjan	Detective Corporal of Police # 22877 of MCIU.
Gillard, Andriff	Age 31 years, businessman, and the owner of the King of Diamond Taxi Service based at Diamond, East Bank Demerara. He resides at Lot 57 Block 1 and 2, Great Diamond, East Bank Demerara.
Griffith, Julian	Corporal of Police # 20404 stationed at the Golden Grove Police Station.
Hicken, Clifton	Assistant Commissioner of Police, Commander, Police 'A' Division (Georgetown).

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Khan, Imran	Age 40 years, businessman of 59 Public Road Grove, East Bank Demerara and brother of Nizam Khan
Khan, Nizam	Age 38 years, businessman auto spare parts dealer who resides at Lot 58 Avenue 'A' Diamond New Housing Scheme, East Bank Demerara.
Laundry, Germaine	Detective Corporal of Police # 17862 of MCIU.
Lowe, Devon	Detective Inspector of Police of MCIU.
Narine, Prem	Detective Inspector of Police of MCIU.
Persaud, DSM Seelall	Commissioner of Police, Guyana Police Force.
Pickering, Keron	Detective Corporal of Police # 20676 of MCIU.
Pitama, Komal	Detective Sergeant of Police # 19822 of MCIU.
Ram, Anant	Inspector of Police.
Ramnarine, DSM David	Assistant Commissioner of Police.
Sewsankar, Chaitram	Detective Sergeant of Police # 17008 attached to the MCIU.
Singh, CCH, SC Justice Claudette	Police Legal Adviser
Singh, Suraj	Detective Inspector of Police MCIU.
Walker, Luanna	Hair stylist of 1687 Avenue 19 Diamond New Housing Scheme, East Bank Demerara.

EXECUTIVE SUMMARY

The Commission of Inquiry (COI) was established with comprehensive terms of reference and a relatively narrow time-frame in which to address them.

At the outset the efforts of the Commission were tested by persistent power outages and unreliable internet connectivity. Audio recordings were in many instances rendered inaudible due to the drone of the standby generator, which was further aggravated by counsel moving away from the microphone during examination of witnesses.

In this regard the Commission set itself very high standards of inquiry which, it is hoped, alleviated any fears and concerns held by any or all parties affected by the antecedent events. In the final analysis the Commission hopes that this report will be the catalyst for a sustained and more professional approach to be adopted in the conduct of police investigations, especially investigations of serious crimes and allegations such as the one under review.

The Report of the Commission identifies and sets out - as far as practicable, the actors in this matter of an alleged plan to assassinate the President of the Cooperative Republic of Guyana, and the actions or lack thereof on the part of members of the Guyana Police Force with respect to the allegations as reported by Mr. Andriff Gillard.

COMMISSION OF INQUIRY

GUYANA

Seal No. 177 of 2017 Commission of Inquiry

A Commission has been constituted for the purpose:

“To inquire into the persons, places, time, circumstances and events by and through which allegations and reports came to be made of an intention or a plan to assassinate the President of the Co-operative Republic of Guyana, to report the findings and recommendations to His Excellency, Brigadier David Granger, President of the Co-operative Republic of Guyana.”

**By the President of the Co-operative
Republic of Guyana**

PRESIDENT

WHEREAS, it is provided by Section 2 of the Commission of Inquiry Act, Cap. 19:03 of the Laws of Guyana, that the President may issue a Commission appointing one or more Commissioners and authorising such Commissioner or Commissioners to inquire into any matter in which an Inquiry would, in the opinion of the President be in the Public Interest.

AND WHEREAS, it is the opinion of the President that such an inquiry to inquire into the persons, places, time, circumstances and events by and through which allegations and reports came to be made of an intention or a plan to assassinate the President of the Co-operative Republic of Guyana would be in the public interest.

NOW, THEREFORE, acting under the provisions of the Commission of Inquiry Act, Cap. 19:03, and by virtue and in exercise of all powers enabling me in that behalf, I do hereby issue this Commission and appoint:

Pāul Slowe to be Commissioner under the said Act to inquire into the matters referred to in the following paragraph and to submit a Report on the findings as to those matters and to inquire into all incidental consequential matters connected therewith.

Given under my hand and the Seal of the
Co-operative Republic of Guyana at the
Ministry of the Presidency, Georgetown,
Guyana this Eleventh day of July, Two
Thousand and Seventeen in the Fifth-First
year of the Republic.

By the President's Command,

Minister of State

GUYANA

Seal No. 177 of 2017

TERMS OF REFERENCE

The Commission will:

1. Inquire into the persons, places, time, circumstances and events by and through which allegations and reports came to be made of an intention or a plan to assassinate the President of the Co-operative Republic of Guyana;
2. Investigate and review the full range of the Guyana Police Force's actions and responses to the reports and the extent to which such actions were conducted or executed with due diligence;
3. Determine whether any person and, in particular, officers of the Guyana Police Force had information before and after reports were made of the plan to assassinate the President and whether any such officers communicated that information to a superior authority;
4. Record and report on what official action was taken on the basis of the information received and whether there was due diligence by the officers of the Guyana Police Force in the investigation of the plan to assassinate the President;
5. Review all actions taken by the Guyana Police Force and examine whether there was evidence failure, neglect or omission to thoroughly and properly investigate the intention or plan to assassinate the President and determine whether such failure or omission was intentional;
6. Determine the blameworthiness for failure or neglect of officers or persons involved in the investigation and recommend action to be taken against persons found to be blameworthy;
7. Recommend steps that can be taken in order to prevent the recurrence of such incident and can be deemed appropriate by the Commissioner; and
8. Identify systemic issues, if any, in the Guyana Police Force's competence to investigate matters of this nature.

(B) RULES OF PROCEDURE

The Commission is directed, further, to:

9. Interview all persons, examine available documents and consider the views of all persons deemed relevant in the opinion of the Commissioner;

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10. Render the final report, findings and recommendations to His Excellency, the President, Brigadier David Granger on or before the 18th day of August, 2017 or any later date as may be determined by His Excellency;

11. Conduct the inquiry continually at the Conference Room of the Department of Public Service, Ministry of the Presidency, 164 Waterloo Street, and at such other places as may be determined in Guyana as the Commissioner may determine;

12. Conduct the inquiry in public, with reservation, nevertheless, to the Commissioner to exclude any person or persons if the Commissioner deems fit for the due conduct of the inquiry or the preservation of Order;

13. Establish rules for its own guidance, conduct and management of the proceedings before it and the times and places for such proceedings as it may from time to time consider fit;

14. Exercise the powers of the High Court to summon witnesses; to examine witnesses under oath and to call for the production of books and documents;

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

16. Commence work on the 11th day of July, 2017 and shall take appropriate steps to ensure that its work is completed and the report submitted within the aforesaid time.

The Minister of State shall appoint a Secretary to the Commission and may appoint Officers of the Commission as may be determined for the purpose of assisting the Commissioner in the discharge of his duties.

The Commissioner, subject to the above, shall establish and regulate his own procedures for the conduct of the Inquiry and shall be governed by the aforesaid provisions of the Constitution of Guyana, the Commission of Inquiry Act, Chapter 19:03, the High Court Act Chapter 3:01 and any other Laws enabling.

Given under my hand and the Seal of the Co-operative Republic of Guyana at the Ministry of the Presidency, Georgetown, Guyana this Eleventh day of July, Two Thousand and Seventeen in the Fifth-First year of the Republic.

By the President's Command,
Minister of State
GUYANA
Seal No. 178 of 2017

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INSTRUMENT

Appointing the Commissioner of the Commission of Inquiry "To Inquire into the persons, places, time, circumstances and events by and through which allegations and reports came to be made of an intention or a plan to assassinate the President of the Co-operative Republic of Guyana."

By the President of the Co-operative Republic of Guyana

President

WHEREAS, it is provided by Section 2 of the Commission of Inquiry Act, Chapter 19:03 that the President may issue a Commission appointing one or more Commissioners to inquire into any matter in which an inquiry would in the opinion of the President, be in the public interest.

AND WHEREAS, the President is of the opinion that such an inquiry into the persons, places, time, circumstances and events by and through which allegations and reports came to be made of an intention or a plan to assassinate the President of the Co-operative Republic of Guyana, will be in the public interest.

NOW, THEREFORE, acting under the aforementioned provision and by virtue and in exercise of all other powers enabling me in that behalf, I do hereby appoint -

Paul Slowe as Commissioner of the above mentioned Commission of Inquiry with effect from the date of this Instrument.

Given under my hand and the Seal of the Co-operative Republic of Guyana at the Ministry of the Presidency, Georgetown, Guyana this 11 th day of July, Two Thousand and Seventeen in the Fifty-First year of the Republic.

By the President's Command,

Minister of State

**AUTHORITY TO ADMINISTER OATH TO
COMMISSION OF INQUIRY**

Under and by virtue of the power vested in me as President of the Co-operative Republic of Guyana by Sections 2 and 5 of the Commissions of Inquiry Act. Cap.19:03, I do hereby authorise the Magistrate of the Georgetown Magisterial District to administer to Paul Slowe who has been appointed Commissioner, the Oath as set out in Section 5 of the aforesaid Act which is required by the said Act to be taken by a Commissioner.

Guyana

This 11th day of July, 2017

David Granger

President of the Co-operative Republic of Guyana

OATH OF OFFICE

I, Paul Slowe, do hereby solemnly declare that I will faithfully, fully, impartially and to the best of my ability discharge the trust and perform the duties devolving upon me by virtue of the Commission issued by His Excellency David Granger, President of the Co-operative Republic of Guyana on the 11th day of July, Two Thousand and Seventeen, under Seal No. 172 of 2017.

And I do so Swear, So Help me God!

Commissioner

Sworn before me this 11th day of July, 2017

Magistrate

Georgetown Magisterial District

THE INQUIRY PROCESS

On July 11, 2017, after receiving the Instrument appointing the Commissioner of the Commission of Inquiry to inquire into the persons, places, time, circumstances and events by and through which allegations and reports came to be made of an intention or a plan to assassinate the President of the Co-operative Republic of Guyana, the Commission of Inquiry held its first meeting (July 12, 2017) to discuss its scope of operations and working method.

The Commission requested written statements from all interested persons who were willing to submit statements or appear in person before the Commission to give evidence. This was done primarily by way of public notices placed in the news media outlets including the Stabroek News; Guyana Chronicle; and the Kaieteur News of July 18, 2017, via the Department of Public Information. Radio messages were also sent for one witness to appear. Due to certain administrative issues the public hearings were rescheduled to Thursday, July 20, 2017, and a public notice to that effect appeared in the Stabroek News; and Kaieteur News of July 19, 2017.

In a letter dated July 13, 2017, the Commission also requested statements, documents and other material from the Commissioner of Police. The police were not as forthcoming as the circumstances required which resulted in the Commission being surprised by the revelation that the police were in possession of statements and other materials which they had not submitted to the Commission. Requests were also made to the Commissioner of Police for access to official records, including firearm records.

The Commission also interviewed several persons from whom useful information was received, and witnesses deemed to have information pertinent to the inquiry were duly summoned to appear before the Commission. Several persons did appear including police and civilians and gave evidence in open sessions and *in camera*. Appendix E refers.

The Commission subpoenaed two telephone companies namely DIGICEL and GTT to produce the records of several cellular phones deemed pertinent to the inquiry.

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Four counsel applied for and were granted standing namely Mr. Ian Chang, SC in association with Mr. Brenden Glasford on behalf of the Guyana Police Force; Mr. Christopher Ram, on behalf of Mr. Imran Khan, Mr. Selwyn Pieters on behalf Mr. Travis Chase and, Mr. Glenn Hanoman on behalf of Commissioner of Police, Seelall Persaud.

By week ending July 14, 2017, support staff inclusive of Secretary of Commission, Research Assistants, and Investigators along with information technology; and audio recording support were in place; transcribers were also identified.

The Secretary organised the register of all electronic files, transcribed testimonies and other materials received by the Commission, as well as arrangements for safe storage of these materials.

The Commission requested and was granted an extension to August 31, 2017.

THE ALLEGATION

On March 29, 2017, Andriff Gillard, a businessman of mixed race residing at Lot 57 Block 1 and 2, Great Diamond, East Bank Demerara reported to the police at the Criminal Investigations Department that his neighbour, Nizam Khan, a businessman of 58 Avenue 'A' Diamond New Housing Scheme, East Bank Demerara, had offered him a sum of money to kill President Granger, or get someone to kill the President before he removed from where he was living at the time. The offer was allegedly made when Gillard approached Khan with a request to borrow six million (G\$6,000,000) Guyana dollars.

MOTIVE OF NIZAM KHAN

According to Gillard the purported motive for Nizam Khan wanting the President killed resided in the fact that certain persons, including the Khans, harboured fears that the David Granger led coalition government, which won the May 11th 2015, General and Regional Elections, would disrupt their way of life.

Gillard further claimed that the Khans and others are involved in nefarious activities, which were allowed to flourish during the previous administration and they were very concerned that the new administration, led by President David Granger, would curtail those activities.

MOTIVE OF ANDRIFF GILLARD

Gillard's motive for making the report of the alleged plan to assassinate the President when he did, approximately twenty one months after the alleged offer was made to him by Khan, was because of the perceived unfair treatment he was receiving from the police, and his belief that the Khans were influential in the treatment he was receiving. He was also of the view that Nizam Khan was behind the move by Stephen Persaud to have him removed from the property he occupied, and which Stephen Persaud's father had promised to sell to him before his (Stephen's father's) demise.

Gillard also held the view that the real possibility exists that harm would come to him at any time, because of his refusal to carry out the assassination plan, and that by coming forward if anything were to happen to him the authorities would be aware that the Khans would have been responsible.

CHRONOLOGY OF EVENTS

The sequence of events which led to the Presidential Commission of Inquiry commenced on Wednesday the 29th day of March, 2017, when Mr. Andriff Gillard, a 31 year old Guyanese businessman of mixed race residing at Lot 57 Block 1 and 2 Great Diamond, East Bank Demerara, Guyana, visited the Ministry of the Presidency at Shiv Chanderpaul Drive, Georgetown Guyana, to inform Minister of State, Mr. Joseph Harmon of an alleged plan to assassinate the President.

Minister Harmon was not in office so Gillard spoke to Mr. Ronald Backer of a staffer of the MOP, who then directed Gillard to the Ministry of Public Security (MPS) at Lot 6 Brickdam, Stabroek, Georgetown, Guyana. At that Ministry, Gillard related to a female that during June 2015, he had been offered money by another male Guyanese of East Indian descent, Mr. Nizam Khan, a businessman age 38 years of Lot 58 Avenue 'A' Diamond New Housing Scheme, East Bank Demerara, Guyana, to assassinate His Excellency Brigadier David Granger, MSS, President of the Cooperative Republic of Guyana.

This information was passed to Detective Senior Superintendent Wendell Blanhum, head of the Criminal Investigations Department (CID), (The Crime Chief) of the Guyana Police Force. Blanhum then called Assistant Commissioner Clifton Hicken, Commander of Police 'A' Division (Georgetown) by phone and informed him that Gillard was at the MPS to report a plan to assassinate His Excellency. Blanhum advised Hicken to have the Divisional Detective Officer, Superintendent Michael Kingston, escort Gillard to the CID Headquarters (HQ), Eve Leary. Hicken instructed Kingston to escort Gillard to his (Hicken's) office prior to escorting him to CID HQ. Kingston complied with the instruction.

At CID HQ, Crime Chief Blanhum interviewed Gillard in the presence of Detective Superintendent Michael Kingston and Detective Assistant Superintendent (ASP) Mitchell Ceasar, Officer in Charge of the Major Crimes Investigations Unit (MCIU). During the interview Gillard alleged that Nizam Khan had offered him seven million (G\$7,000,000) Guyana dollars to "kill President Granger or get somebody to kill the President ... and it needed to be done before the President move from where he is living." Gillard also stated that during his interaction with Nizam Khan,

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Khan showed him a long black gun which was intended to be used to carry out the assassination. Blanhum instructed Ceasar to have the MCIU commence an investigation into the matter. After ASP Ceasar received the instructions from Crime Chief Blanhum, he took Gillard to his office which is also located at CID HQ, and in the presence of Detective Sgt. 19822 Komal Pitama, interviewed Gillard, and instructed Pitama to take a detailed statement from him. Ceasar further instructed Pitama to go to Nizam Khan's residence and conduct a search. Ceasar claimed that he contacted the Police Legal Adviser on the very day in relation to the matter.

Blanhum informed Assistant Commissioner David Ramnarine, DSM, who was the acting Commissioner of Police, of the allegation made by Gillard. Assistant Commissioner Ramnarine attempted unsuccessfully to contact Minister of Citizenship, Mr. Winston Felix, DSM, who was holding the portfolio of Minister of Public Security in the absence of Minister Khemraj Ramjattan who was out of the jurisdiction. Ramnarine contacted and informed Minister of State, Mr. Joseph Harmon of the allegation made by Gillard.

Around 16:00 hours upon completion of taking Gillard's statement, Pitama accompanied by Detective Cpl. 17862 Germaine Laundry and Gillard left CID HQ in Guyana Police Force (GPF) vehicle registration number PSS 1945 driven by Detective Cpl. 22877 Deonarine, for Nizam Khan's residence at Lot 58 Avenue 'A' Diamond New Housing Scheme, East Bank Demerara, Guyana, which is approximately 11 kilometres (7 miles) from Georgetown.

Upon arrival at Nizam Khan's residence Gillard pointed out Nizam Khan, who was standing in front of his residence in the company of an unknown man. Sgt. Pitama, Corporals Deonarine and Laundry approached Nizam Khan and informed him of the allegation made against him by Andriff Gillard; Nizam Khan denied the allegation. Pitama arrested Khan and took possession of his licensed firearm while Khan retained possession of the magazine containing the ammunition for the said firearm. With the permission of Nizam Khan, Pitama accompanied by Cpl. Deonarine, escorted Khan into the house (a two storied concrete structure) ostensibly to search the building. After spending twenty minutes (according to Laundry) and one hour (according to Deonarine), they returned to the police vehicle where Laundry had been waiting with Gillard in front of Nizam Khan's home. Pitama then instructed Laundry to drive the Force vehicle, and take Gillard back to CID HQ, while he, Deonarine and Khan travelled to CID HQ in Khan's motor car purportedly driven by Deonarine.

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The party arrived at CID HQ at 17:35 hours and Nizam Khan was placed in custody and made to sit on a bench. At 18:10 hours Sgt. Pitama held a confrontation between Gillard and Khan. Gillard repeated the allegation, and Khan again denied.

While Nizam Khan was in custody his brother Imran Khan arrived at that location to enquire about him. Sgt Pitama asked Imran Khan to remain downstairs since he was conducting an investigation. Sometime after, Imran Khan indicated to Detective Corporal # 20676 Keron Pickering who was on Desk Duty at CID HQ, that he wanted to make a report that Gillard had threatened him, and he demanded that a report be taken immediately. Since Gillard had been in the company of the police for most of the day, Cpl. Pickering enquired from Imran Khan when the alleged threat was made. At that point Imran Khan started to behave in an aggressive and disorderly manner while continuing to demand that his report must be taken immediately, and said in a loud tone of voice that "we don't know who he is, he is Imran F-ing Khan and he made police lose this work" (in an apparent reference to four former police ranks who were charged with assaulting Nizam Khan, and were subsequently convicted and dismissed from the GPF).

Pickering warned Imran Khan to desist from his behavior which continued to be loud and aggressive. Pickering testified that Sgt. Pitama also warned Imran Khan to desist and told him that he Pitama, would personally record his report in the Diary which he was using at the time, when he was finished interviewing Nizam Khan. Detective Inspector Prem Narine, of MCIU who had reported to CID HQ after Sgt. Pitama called him and reported Imran Khan's behavior, instructed Detective Corporal #170008 Chaitram Sewsankar, a driver, who had reported for patrol duty to take a statement from Nizam Khan. An ordinary statement was taken.

Cpl. #18065 Eon Benjamin, of the MCIU who at that time was taking a statement from one Stephen Persaud male East Indian age 21 years of 66 Herstelling, East Bank Demerara, Guyana, in a tangentially related matter, also warned Imran Khan to desist from his disorderly behavior. ASP Alonzo, OC Criminal Records Office (CRO) also came out of his office which is located on the same floor, and observed Imran Khan's disorderly behavior.

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Khan continued with his disorderly behavior and was arrested by Cpl. Benjamin, who relieved him of his cellular phones, licensed .45 caliber semi-automatic pistol, with serial number FX34010922, and one (1) magazine with fifteen (15) matching rounds of live ammunition, which were lodged in the General Property Book.

While Cpl. Benjamin was in the process of lodging the items, Imran Khan's cellular phone rang and according to Benjamin, he saw the name Seelall Persaud registered as the caller. Benjamin then informed ASP Alonzo that Imran Khan's phone was ringing and that the name Seelall Persaud appeared as the caller. Alonzo instructed Benjamin to give Khan the phone so that he could answer the call. The phone was given to Khan and a conversation which lasted for approximately ten minutes ensued. Inspector Prem Narine shortly after received a call on his cellular phone from Commissioner Persaud who instructed him to send Imran Khan away on his own recognizance and Nizam Khan on cash bail. Narine called ASP Ceasar and informed him of the Commissioner's instruction. Ceasar instructed Narine to carry out the instruction. Corporal Laundry on the instruction of Inspector Narine returned Imran Khan's firearm, ammunition and cellular phones. It is to be noted that by this time Gillard was also detained as a result of the report made by Imran Khan of alleged threats Gillard made against him. Inspector Narine also sent both Gillard and Nizam Khan away on twenty thousand (\$20,000) dollars cash bail each, as instructed.

RESPONSE TO TERMS OF REFERENCE

TOR # 1

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

The inquiry found that the allegation by Andriff Gillard was made against one person, Nizam Khan of 58 Avenue 'A' Diamond New Housing Scheme, East Bank Demerara, Guyana. The offer was allegedly made at Khan's residence at the stated address, during June 2015.

According to Gillard he asked Khan to borrow six million Guyana dollars. Khan offered him seven million to kill the President himself, or get someone else to do it. Gillard refused the offer, and from that time the relationship between the two men became strained.

The relationship worsened when Stephen Persaud, the owner of the property where Gillard lived and operated his business, initiated court proceedings to get Gillard to remove from the property. Gillard was of the view that Nizam Khan was behind the move by Stephen Persaud.

The evidence before the commission suggest that the first time Gillard made a report of the offer of money to him by Nizam Khan to assassinate the President was on March 29, 2017, some twenty-one months after the offer was allegedly made. There is no evidence to suggest that any report was made before March 29, 2017, even though Gillard claimed that on several occasions after being detained by the police and placed in the lock-ups he would shout out that the reason for him being frequently locked up was as a result of his refusal to assassinate the President or to get someone to do it.

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TOR # 2

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

After receiving a call from the MPS, Blanhum called Assistant Commissioner Clifton Hicken, the Commander of Police 'A' Division, whose office is at Divisional Headquarters Brickdam, and informed him that Gillard was at the Ministry of Public Security to make a report of an alleged plan to assassinate the President, and requested that Hicken send the Divisional Detective Officer, Superintendent Michael Kingston, to escort Gillard to CID HQ.

Hicken instructed Kingston to have Gillard escorted to his (Hicken's) office.

According to Hicken the purpose of having Gillard taken to his office was for him to verify that Gillard was the correct person, as he did not want to have the wrong person escorted to CID HQ. Hicken stated that he did not question Gillard as he did not want to compromise the investigation.

Gillard was escorted to CID HQ by Kingston, who took him to Blanhum's office.

Blanhum summoned Assistant Superintendent Mitchel Ceasar, the head of the Major Crimes Investigations Unit (MCIU) to his office and questioned Gillard in the presence of Kingston and Ceasar. Blanhum then instructed Ceasar to have the allegation investigated by the MCIU.

Ceasar instructed Detective Sergeant 19822 Komal Pitama, who is attached to the MCIU, to interview Gillard and take a statement from him. This was done.

After taking the statement from Gillard, Pitama in company with Detective Corporals 17862 Jermaine Laundry, 22877 Deonarine, both of the MCIU, and Gillard, left CID HQ in a GPF vehicle, which was driven by Deonarine, to go to 58 Avenue 'A' Diamond New Housing Scheme, East Bank Demerara, the residence of Nizam Khan, the person against whom the allegation was made, in an effort to arrest him.

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Nizam Khan was arrested, his licensed .32 firearm was taken away, and his home searched by Pitama and Deonarine, who both stated that nothing of evidential value was found.

Laundry and Gillard returned to CID HQ in the GPF vehicle, whilst Pitama, Deonarine and Nizam Khan returned to CID HQ in Khan's vehicle. It is claimed that Khan's vehicle was driven by Deonarine.

At CID HQ Nizam Khan was told of the allegation and placed in custody and made to sit on a bench. He later gave a statement, which was taken by Detective Corporal 17008 Sewsankar, who is a driver at CID HQ, and who had reported for patrol duty that night.

Sergeant Pitama later held a confrontation between Gillard and Khan, during which Khan denied the allegation.

Khan was sent away on twenty thousand Guyana dollars (G \$ 20.000) cash bail on instructions from Commissioner Persaud.

Several interim reports were submitted by Blanhum to the Commissioner outlining the progress of the investigation. It is to be noted that in the first such report, which was submitted on April 3, 2017, Blanhum opined that the report by Gillard was malicious.

The Police Special Branch was also tasked with conducting background checks on Gillard and Khan.

A video recording of Andriff Gillard's allegations was sent to Assistant Commissioner David Ramnarine by Special Assistant Commissioner Sydney James of the Special Organised Crime Unit (SOCU).

The police regularly sought the advice of the Police Legal Advisor (PLA). However, the first piece of formal documented advice was given on April 12, 2017, when the file in the matter was first taken to the PLA.

The Commission found that the Guyana Police Force's action and responses to the allegation made by Gillard lacked the professionalism that was required in conducting an investigation, especially one that involved alleged threats on the life of the Head of State.

It is evident that the investigation into the allegation was not conducted with due diligence. This conclusion is arrived at from the following factors:

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1. The initial action was left to three subordinate officers (one sergeant and two corporals, one of whom was a driver).
2. After instructing the head of the MCIU to have his unit conduct the investigation the Crime Chief paid little attention to the investigation. The fact that Nizam Khan was sent on bail without his knowledge (even though he lied to Ramnarine when he told him that it was his decision to send Khan on bail), speaks to a lack of control and interest on his part.
3. Khan after being arrested was taken to CID HQ in his own vehicle, which according to Pitama and Deonarine, was driven by Deonarine. This claim is doubtful. As the suspect in the matter Khan should have been taken to CID HQ in a police vehicle.
4. The perfunctory search which was allegedly conducted on the premises of Khan at lot 58 Avenue 'A' Diamond New Housing Scheme, East Bank Demerara. According to Pitama, Laundry and Deonarine, the search took between twenty minutes and one hour. The Commission noted that there are two houses in the yard where Nizam Khan lives. From the evidence of Pitama, Deonarine and Khan only one of the houses was allegedly searched. It was also noted that the alleged search was conducted by Pitama and Deonarine, the driver, whilst Laundry, who from all indication was the assistant to Pitama, was left on the road with the vehicle and Gillard.
5. It is noted that according to the evidence the ranks left CID HQ about 16:00 hours, (there is no record of when they left) and returned about 17:35 hours, a clear indication that no proper search was done given the distance they had to travel and the traffic which could have been expected to be fairly heavy at that time of day.

It is also noted that apart from the alleged search of Khan's home, no attempt was made to search his business place or his car for evidence. There is also no evidence that the investigating ranks questioned Khan to find out if he had other properties where incriminating evidence could have been found.

6. The fact that Sewsankar did not caution Khan before taking the statement from him; this is a clear violation of the Judges Rules. It is also noted that Sewsankar was not a part of the investigating team, he had reported for patrol duty when he was instructed to take Khan's statement.

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7. The fact that Khan was sent on bail at 22:24 hours on the very night, after being in custody for about five hours. The records show that he arrived at CID HQ at 17:35 hours and was sent away on bail at 22:24 hours.
8. The fact that Blanhum concluded that by 08:30 hours on the following day, March, 30, that "significant progress" was made in the investigation when all that was done was two statements were taken for Gillard and Khan, the perfunctory search of Khan's residence and a confrontation between Gillard and Khan. The fact that Blanhum concluded that those basic initial efforts amounted to 'significant progress' clearly indicates a lack of understanding of what was required in an investigation of this nature. It also supports the view that the report by Gillard was treated in a cavalier manner by Blanhum and the other ranks involved in the investigation.
9. The fact that about 05:30 hours on March 30, 2017 Blanhum told Ramnarine that he believed Gillard was lying. (Blanhum stated that he never discussed this matter with Ramnarine at that time). The Commission does not believe Blanhum for reasons which are stated elsewhere in this report.
10. The fact that Blanhum in his evidence before the Commission stated that he believed that Gillard's allegation was "inherently incredible", even though the Police Legal Advisor clearly stated in her advice to him on May 16, 2017, that there was "nothing to indicate whether Gillard's allegation is a fabrication or Khan is innocent".
11. The fact that on April 3, 2017, a mere five days after the investigation commenced, Blanhum in a preliminary report to the Commissioner concluded that the allegation by Gillard was "malicious", even though at that time no one had come forward to cast doubt on the allegation made by Gillard.

The Commission is of the view that those are some clear indications that due diligence was not paid to the investigation.

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TOR # 3

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

The Commission found no evidence to indicate that any person, including officers or any other rank of the Guyana Police Force had information about a plan to assassinate the President of the Co-operative Republic of Guyana before the report was made by Andriff Gillard on March 29, 2017.

From the evidence before the Commission the first time anyone in the Guyana Police Force was informed of the plan to assassinate the President was on the morning of March 29, 2017, when someone from the Ministry of Public Security called the Crime Chief, Detective Senior Superintendent Wendell Blanhum, and informed him that Andriff Gillard was at the Ministry making the allegation.

Blanhum shortly thereafter informed Assistant Commissioner David Ramnarine, DSM, who was acting Commissioner of Police at the time.

Blanhum also informed Assistant Commissioner Clifton Hicken, Commander of Police 'A' Division (Georgetown), who was requested to have Gillard escorted from the Ministry of Public Security, to CID HQ, Eve Leary.

Ramnarine informed Minister of State, Mr. Joseph Harmon, after not making contact with Minister of Citizenship, Mr. Winston Felix, DSM, who was holding the Public Security portfolio for Minister Khemraj Ramjattan, who was out of the jurisdiction at that time.

From the evidence the allegation of the plan to assassinate the President was communicated to a superior authority on the very day the allegation was made by Gillard (March 29, 2017).

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TOR # 4

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

The official actions taken by the police on the basis of the information received (the allegation) were:

1. A statement was taken from Andriff Gillard, the person who made the allegation of the plan to assassinate the President.
2. Nizam Khan was arrested and his firearm seized.
3. A perfunctory search was conducted on the home of Nizam Khan, the person against whom the allegation to assassinate the President was made.
4. An ordinary statement was taken from Nizam Khan.
5. A confrontation was held between Gillard and Khan.
6. Nizam Khan was released on bail at 22:24 hours on March 29, 2017, on the instruction of Commissioner Persaud.
7. The advice of the Police Legal Advisor was sought on several occasions; the first being on April 12, 2017.
8. Statements were subsequently taken from three persons all of whom sought to discredit Gillard.
9. Several interim reports were submitted to the Commissioner of Police and the National Security Council.

It is evident that due diligence was not given to the report by Gillard of the alleged plan to assassinate the President. The reasons for this conclusion are stated in Terms of reference 2 above.

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TOR # 5

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

On receipt of the report of the alleged plan from Gillard the actions taken by the police are stated in terms of reference 4 above:

The Commission found that the failure of the police to properly investigate the alleged plan to assassinate the President was as a result of several factors as outlined below:

1. The police never took the allegation seriously. This may have been because of the known close relationship between Imran Khan, the brother of Nizam Khan, the person against whom the allegation was made, Commissioner Seelall Persaud and other members of the Guyana Police Force, both senior and junior.
2. The fact that Commissioner Persaud inappropriately inserted himself in the investigation at an early stage.
3. The fact that the allegation was being made almost twenty one months after the alleged offer.
4. The fact that Gillard, the accuser, was known to have several run-ins with the police.
5. The fact that the Crime Chief and others concluded, at a very early stage, that there was no truth to the allegation.

The failure to properly investigate the alleged plan to assassinate the President was a serious neglect by the responsible officers of the Guyana Police Force.

Based on the facts stated above the Commission is of the view that the failure to properly investigate the alleged plan was intentional.

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TOR # 6

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

The Commission found that the persons responsible for the failure to properly investigate are:

1. Commissioner Seelall Persaud, DSM.

According to Commissioner Persaud he first knew of the matter sometime after 16:00 hours on March 29, 2017, when he was called by his friend Imran Khan who told him that the police were at his brother, Nizam Khan, and were trying to conduct a search of his (Nizam's) home, without telling him why and what offence he had committed.

However, Assistant Commissioner Hicken, the Commander of police 'A' division, stated in his evidence that he called Persaud about 10:00 hours the same morning and informed him of the allegation being made by Gillard.

Persaud stated that he then called Detective Senior Superintendent Blanhum, the Crime Chief, who informed him of the allegation made by Gillard. He then called Imran Khan, told him what the allegation was, and asked him to advise his brother to cooperate with the police.

Persaud further stated that later that afternoon he saw a missed call on his cellular phone from Imran so he returned the call. Imran then informed him that he was at CID HQ where he was arrested for disorderly behavior. Khan further told him that he attempted to make a report of threats by Gillard against him and that the police were not taking his report. Persaud then called Detective Assistant Superintendent Mitchell Ceasar, the Head of the Major Crimes Investigating Unit, and advised him that someone senior should be at the CID HQ because of the likelihood of distractions from having both parties at the same location.

According to Persaud, later the said night, about 21:00 hours, he received a call from Imran Khan who told him that he was placed on twenty thousand dollars bail but he did not have the money to post bail.

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Persaud stated that he made one attempt to call Blanhum and Ceasar. He was unsuccessful, so he called Inspector Narine, who was on duty at CID HQ and advised him to have Imran Khan released on his own recognizance, and 'suggested' that Nizam Khan should be released on cash bail.

Commissioner Persaud should have recognized that by his intervention into this matter a conflict of interest would arise because of his close relationship with Imran Khan. He should have done the professional thing and recused himself from the matter.

Commissioner Seelall demonstrated a glaring lack of understanding of his role as the Chief Executive Officer of the Guyana Police Force. When faced with evidence which clearly showed that the investigation was poorly conducted he stated emphatically that it was not his function to ensure that the investigation into the allegation was properly conducted while maintaining his view that a proper investigation was done.

When questioned on whether he perused the file, which contained all the statements and other documents in relation to the allegation, Persaud stated that he never did so. He further stated that the reason for not doing so was because he had 'competent officers' who were looking into the matter which was reviewed by the Police Legal Advisor, who is a retired judge, on several occasions. How could Commissioner Persaud pronounce on the conduct of the investigation if, as he stated he never perused the file with all the statements and other documents, or viewed the recorded allegation?

It should be mentioned that because of Persaud's reliance on the 'competent officers' he forwarded a report which was prepared by the said 'competent officers', and which contained the incorrect date the report was made by Andriff Gillard to the police, to the National Security Council, a body headed by the President of Guyana.

By Persaud's own admission in a public television interview and at the Commission of Inquiry "any plot or plan to kill a head of state can be considered as treason"; yet he asserted that it was the correct decision to send Nizam Khan on bail at that time.

It is noted by the Commission that the lawyers representing the interest of the police and Commissioner Persaud advanced the argument that the offence being investigated was one incitement to commit murder.

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However, from all the evidence before the Commission, including the evidence of the PLA, that offence could not have been established at 22.24 hours on the night of March, 29, 2017, when Nizam Khan was sent on station bail. According to Persaud's own account the offence of treason should have been a consideration, and therefore bail should not have been granted at that time.

In an effort to support his assertion Commissioner Persaud relied on a part of Police Standing Order 74, which deals with the granting of bail to persons in police custody. Specifically the part which states that "no person should be retained in custody a moment longer than is absolutely necessary." However, he conveniently ignored the other part of the said Standing Order, which went on to say 'other than an offence concerning which there is a complete prohibition as to the grant of bail, such as treason, misprision of treason, treason felony or murder.

From the evidence given by Detective Inspector Prem Narine, who was called out on the night of March 29, 2017, because it was reported that Imran Khan, the brother of Nizam Khan, was behaving disorderly at the CID HQ, he received a telephone call on his cellular telephone from Commissioner Persaud. Commissioner Persaud instructed him to send Nizam Khan on bail and to send Imran Khan on his own recognizance.

Narine was not comfortable with the instruction so he called ASP Mitchell Ceasar, the head of the MCIU, and who was his immediate supervisor, and informed him of the instruction given by the 'chief'. Ceasar thinking that Narine was referring to Blanhum, the head of the CID, asked to speak with Blanhum. He was then informed by Narine that he was referring to Commissioner Persaud. Ceasar then told Narine that if Commissioner Persaud gave an instruction for the persons to be released on bail and recognizance, he must comply with that instruction.

Both Ceasar and Narine emphatically stated that had it not been for the instruction from Commissioner Persaud Nizam Khan would not have been sent away on bail at that time because of the serious nature of the allegation simply because the investigation had just begun.

It should be noted that Commissioner Persaud stated that he attempted to contact Detective Senior Superintendent Blanhum and Detective Assistant Superintendent Mitchell Ceasar on one occasion each, apparently to speak to them about bail for the Khans, but he was unsuccessful.

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It is instructive to note that he never made any attempt to contact acting Commissioner Ramnarine, in relation to the said matter.

Commissioner Persaud's failure to respect the chain of command of the Guyana Police Force by instructing a junior rank in such a serious matter is inexcusable, and can seriously undermine the discipline of the Guyana Police Force. It is obvious that Persaud deliberately avoided talking to Ramnarine about the issue because of the antagonistic relationship between them.

Commissioner Persaud should very well know that if he really wanted to make contact with Blahum or Ceasar, all he had to do was make contact with the Duty Officer, or any other rank at Police Force Control, to get Blahum or Ceasar to make contact with him. That course of action would have ensured that he was contacted very soon after.

The Commission concluded that Commissioner Persaud was being disingenuous when he asserted that he merely gave an opinion to Detective Inspector Narine in relation to the granting of bail to Nizam Khan, and that Narine would factor his opinion "into his own judgement" when making the decision whether to send Nizam Khan on bail.

He stated in his evidence before the Commission that there is a culture in the Guyana Police Force that suggestions from senior officers to junior ranks are taken as instructions; yet he persisted with the contention that he merely offered a suggestion to Detective Inspector Narine to put Nizam Khan on bail and did not instruct him to do so.

During the course of giving his evidence Commissioner Persaud stated that the decision to place Nizam Khan on bail was sound then and remains sound now. He further stated that he was of the view that the police conducted a proper investigation into the matter and that the allegation made by Gillard was false. This is despite not having himself perused the file, and seemingly unaware of the advice given by the Police Legal Advisor on May 16, 2017. The very PLA that Commissioner Persaud claimed he relied on because she is a former Appeal Court Judge, in her advice stated, *inter alia* that **"While I am of the view that a confrontation would be instructive. At this point in time, there is nothing to indicate that Gillard's allegation is a fabrication or Khan is innocent"**

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The Commission was not presented with any evidence to suggest that there has been any development in the investigation to Change the advice of the Police Legal Advisor as stated above. The PLA also stated in her evidence before the Commission on August 16, 2017, that she is not aware of any development in the investigation, which would cause her to Change the advice given on May 16, 2017.

The Commission found it absolutely incredulous that even to the time of giving his evidence before the Commission of Inquiry on Monday July 31, 2017, Commissioner Persaud, by his own admission, had not perused the file in this matter nor viewed the electronic medium, which was handed over to the police on March 30, by Travis Chase, of HGTV, news. How could he then assert that the investigation was properly conducted?

Commissioner Persaud's decision not to review the file or view the electronic medium containing the allegation, speaks volume about the level of importance he attached to the matter and the investigation which followed, and the regard he has for the National Security Council, a body he was required to update on the investigation.

From the evidence before the Commission it clear that there exists an antagonistic relationship between Commissioner Persaud and Assistant Commissioner David Ramnarine, the second most senior officer in the Guyana Police Force, who acts as the Commissioner when Persaud is on leave or otherwise not available. This has led to a schism in the hierarchy of the Guyana Police Force.

This is a very unhealthy and unacceptable situation given the critical role of the Guyana Police Force as the leading law enforcement body in Guyana. The Commission is of the view that it is vital that every effort should be made to rectify this worrying situation, which seems to have had an adverse effect on the morale and esprit de corps of the officer corps of the GPF.

Commissioner Seelall Persaud's action in intervening in an ongoing investigation into a serious allegation can be considered as reckless, lawless and highly questionable. This unprofessional action is compounded by the fact that at that time he was on annualized vacation leave. Further, from the evidence adduced, he gave the instruction to send the Khans away to an inspector, bypassing the Crime Chief, Senior Superintendent Blanhum, the Officer-in-Charge of the MCIU, and the acting Commissioner, Mr. David Ramnarine.

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There is absolutely no doubt that Commissioner Persaud's early intervention in the matter was as a result of his close relationship with Imran Khan, the brother of Nizam Khan, against whom the allegation was made.

It is also evident that the early intervention of Commissioner Persaud, and his known relationship with Imran Khan, prejudiced the investigation, and had a significant impact on the entire approach to same, from the inception.

Commissioner Persaud by his actions brought the office of Commissioner of Police into disrepute.

Commissioner Persaud's role as the Commissioner of Police for the Guyana Police Force has become untenable.

2. Assistant Commissioner David Ramnarine, DSM

Assistant Commissioner David Ramnarine DSM was the acting Commissioner of Police on March 29, 2017, when the report of the alleged plan to assassinate the President was made by Andriff Gillard.

From the evidence Ramnarine first became aware of the allegation on the morning of March, 29, 2017, when Blanhum called him on the telephone and reported same to him. He stated that he then instructed Blanhum to personally supervise the investigation and "keep him posted."

Ramnarine then called Minister of Citizenship, Mr. Winston Felix, DSM, who was holding the Public Security portfolio for the Minister of Public Security, Khemraj Ramjattan, who was out of the jurisdiction at that time. Having not been able to make contact with Minister Felix, he called Minister of State Mr. Joseph Harmon and reported the allegation to him. Sometime after 16.00 hours Ramnarine was informed by Blanhum that Nizam Khan, the person against whom the allegation was made, was arrested and placed in custody.

During the said night Ramnarine was informed that he was required to brief His Excellency on March 30, on the status of the investigation. As a result he immediately contacted Blanhum and Head of Police Special Branch of the GPF for updates in the investigation, including background information on Gillard and Nizam Khan.

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Ramnarine's next update in the matter was the following day, March 30, about 05:30 hours, when Blanhum called him to make his usual morning report on the state of crime in Guyana.

According to Ramnarine, Blanhum did not initially report on the status of the investigation into the allegation made by Gillard, so he inquired from him the status of that investigation. Blanhum then informed him that Nizam Khan, the person against whom the allegation was made, would be returning to CID HQ on that day. This surprised him as he was not aware that Nizam Khan had been released. He asked Blanhum who gave the instruction for Khan to be released and Blanhum told him that he (Blanhum) made that decision because he did not believe the story told by Gillard.

Ramnarine stated that he found the decision to release Khan so soon after his arrest strange, "as the police were known to keep persons accused of far less serious offences in custody for seventy-two hours". He however did not question Blanhum's judgement because he regarded him as a competent officer.

Ramnarine said he later learnt that it was at the behest of Commissioner Persaud that Khan was sent away on bail. He then realized that he was lied to and misled by Blanhum, when Blanhum told him that it was his (Blanhum's) decision to send Khan on bail.

Later that day (March 30) he received an electronic medium from Special Assistant Commissioner Sydney James, the head of the Special Organized Crime Unit (SOCU) containing the tape recorded allegation made by Gillard. He sent the electronic medium to Blanhum, without viewing the content.

Ramnarine further stated that he was asked to prepare a report in relation to the allegation. He immediately began doing so.

On the resumption of Commissioner Persaud on April 1, 2017 he (Ramnarine) informed the Commissioner of the request for the report, and that it had not been completed because he was awaiting some additional information. Commissioner Persaud then instructed him to hand over the incomplete report to him and he would have it prepared. The incomplete report was handed over to Commissioner Persaud by Ramnarine.

It should be noted that from the date of the allegation March 29, 2017, to the commencement of the Commission of Inquiry, Ramnarine acted as

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Commissioner of Police of three occasions for varying periods. (February 13 to March 31, April 27 to May 6, and May 15 to May 19).

Ramnarine stated that during those periods he attended several meetings of the National Security Council. During the NSC meeting of May 16, 2017, he was informed that the NSC was dissatisfied with the manner in which the investigation was being conducted into the allegation of the plan to assassinate the President. He was also told that information had surfaced about the possible involvement of senior police officers in the very early stages of the investigation, and that police were "lethargic and unprofessional" in their approach.

On his return to office he summoned a meeting with some senior officers of the Guyana Police Force. Those officers included Blanhum and the Head of the Special Branch of the Guyana Police Force, Superintendent Brian Eastman. Ramnarine stated that he informed the officers of the remarks made at the NSC, and inquired from Blanhum if he was aware of the names of the senior officers who the NSC was referring to as being possibly involved in the early stages of the investigation. Blanhum told him that it was best for the Head of Special Branch to provide that information.

The Head of Special Branch informed the meetings that the officers referred to were Commissioner Persaud (who gave instructions for Nizam Khan to be sent on bail), Blanhum and Ceasar.

Ramnarine stated that that was the first time he learnt that it was Commissioner Persaud who gave instruction for Nizam Khan to be sent on bail, contrary to what was told to him by Blanhum on the morning of March 30, 2017, that it was he (Blanhum) who instructed that Nizam Khan be sent on station bail.

According to Ramnarine, having been provided with this information he cautioned the officers to redouble their efforts. He also reminded Blanhum of his previous instruction for him to personally oversee the investigation.

It is noted that Ramnarine having been made aware of Commissioner Persaud's involvement, and that Blanhum lied to him when he told him that it was his decision to send Nizam Khan on bail, as the acting Commissioner at that time, should have initiated disciplinary action against Blanhum, and also should have ensured that a complete review of the actions taken by the police in relation to the allegation was conducted.

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The fact that Ramnarine failed to do so is a serious indictment against him. This may have been due to his antagonistic relationship with Commissioner Persaud, Persaud's early intervention in the matter, and his (Ramnarine's) desire to, "stay out" of the matter.

It is noted that Ramnarine acted as Commissioner of Police for varying periods as indicted above. During his testimony before the Commission he indicated that he was of the view that a proper investigation was not conducted into the allegation, yet he did not, during the periods of acting, do anything to ensure that the investigation was properly conducted, other than telling Blanhum and the other officers to redouble their efforts.

It is also noted that on receipt of the recorded allegation of the plan all Ramnarine did was to forward the medium on which the recording was made to Blanhum. Ramnarine having being made aware of the allegation should have viewed the recording and given specific instructions in relation to the conduct of the investigation.

The Commission is of the view that his failure to do so is a serious neglect.

3. Assistant Commissioner Clifton Hicken

From the evidence before the Commission Assistant Commissioner Clifton Hicken first knew of the alleged plan to assassinate the President on March 29, 2017, about 09:00 hours when he received a telephone call from Detective Senior Superintendent Wendell Blanhum, who informed him that Andriff Gillard was at the Ministry of Public Security making the said allegation, and requested that Gillard be escorted to the Criminal Investigations Department, Eve Leary.

According to Hicken, given the serious nature of the allegation, he decided to send Detective Superintended Michael Kingston, the Divisional Detective Officer, to the ministry to escort Gillard to his (Hicken's) office.

Blanhum stated that he advised Hicken to have Kingston escort Gillard to CID HQ.

Hicken further stated that when Gillard was escorted to his office he just asked him his name in an effort to confirm that he was the correct person. He never asked Gillard the nature of the allegation. From his testimony before the Commission he contradicted himself when he said that Blanhum told him

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that Gillard was at the Ministry of Public Security with information about a plan to assassinate the President.

Hicken also stated that after he confirmed Gillard's name he "forwarded him to Headquarters and informed Commissioner Persaud."

It is difficult to understand why Hicken would send the Divisional Detective Officer, the most senior detective in the division, to escort Gillard from the Ministry of Public Security to his office if he did not know the nature of the allegation. It is also difficult to understand why Hicken would have Gillard escorted to his office only to ascertain his name; something that could have been done by the Divisional Detective Officer, or some other junior rank.

The evidence strongly suggest that Hicken knew of the allegation made by Gillard, having been told of it by Blanhum. There is also strong circumstantial evidence that Hicken question Gillard about the allegation before having him escorted to C.I.D H.Q.

What did he report to Commissioner Persaud if he had no knowledge of the details of the allegation?

It should be noted that Hicken reported to Commissioner Persaud who was on leave and not the acting Commissioner. This action tends to support the evidence that there exist a serious rift in the top echelon of the Guyana Police Force and that Hicken is on the side of Commissioner Persaud.

Hicken's action in reporting the allegation to Commissioner Persaud who he knew was on vacation leave, and not to acting Commissioner Ramnarine, was prejudicial to good order or discipline.

It is clear that Assistant Commissioner Hicken, the commander of police 'A' Division, was trying to distance himself, and by extension, 'A' Division, from the investigative process, which should have been initiated by him.

Having been told of the allegation, Assistant Commissioner Hicken, as the Divisional Commander of Police 'A' Division, the division in which the allegation of the alleged plan was made, had a responsibility to ensure that at the least a record of the allegation was made in the appropriate book (s) in the division, either immediately or shortly after. Even up to the time of the Commission of Inquiry there was no record of the allegation in any of the station books (Occurrence or Crime Book).

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Hicken's failure to ensure that the initial action was taken in the Division he commands is a clear violation of Police Standing Order 62 Para 4, which states that initial enquiries into serious matters should be carried out by the Divisional CID staff.

The failure to do so amounts to negligence on his part.

4. Detective Senior Superintendent Wendell Blanhum

Detective Senior Superintendent Wendell Blanhum's performance before the Commission was arrogant, disrespectful and bordered on being contemptuous in his tone and demeanor. (Please see digital recording which accompanies this report).

He demonstrated a palpable lack of understanding of his role as the Officer in-charge of the Criminal Investigations Department of the Guyana Police Force; the department charged with the responsibility of investigating serious crimes and allegations, such as the one made by Andriff Gillard.

When asked by the Commissioner if he took steps to ensure that the report by Gillard was recorded Blanhum very arrogantly stated that that was not his job because he is a "Manager at the Executive level of the Guyana Police Force" and therefore he was not required to ensure that records of the allegation were made in the appropriate police books. Even at the time of giving his evidence he could not say if a record of the allegation was made at any police station.

In reviewing an interim report, which Blanhum submitted to the Commissioner of Police on April 3, 2017, for onward transmission to the National Security Council, it was observed by the Commission that the date when Gillard made the allegation was stated as 2017.04.03, when there was clear evidence that the date was 2017.03.29. When Blanhum was asked to explain this discrepancy he very rudely asked the Commissioner "What does that have to do with the investigation". He was told by the Commissioner that it was an indication that due diligence was not paid by him to a document that he was sending to the Commissioner of Police for onward transmission to the National Security Council, the highest security body in the country. Blanhum again in a very rude and disrespectful manner asked the Commissioner "what does that have to do with the investigation". He then attempted to justify the blatant misrepresentation as not being significant by stating that even in the courts such mistakes can be corrected.

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According to the evidence Blanhum first learnt of the plan to assassinate the President when someone from the Ministry of Public Security called and informed him that Andriff Gillard was at the Ministry making the said allegation.

Blanhum called Assistant Commissioner Clifton Hicken, informed him of Gillard's presence at the ministry, and the reason for him being there. He then requested that Hicken send Detective Superintendent Michael Kingston to the ministry to have Gillard escorted to the CID HQ.

Gillard was taken to Blanhum's office at CID HQ by Kingston at about 10:20 hours on March 29, 2017. Once at the office, Blanhum proceeded to question Gillard about the allegation, in the presence of Kingston and Ceasar. He then instructed Ceasar to have the allegation investigated. He also called Assistant Commissioner David Ramnarine who was acting Commissioner of Police at that time, and informed him of the allegation made by Gillard.

It is evident that following that action Blanhum next involvement in the matter was the following day about 05:30 hours when he informed Ramnarine that he had given instructions to send Nizam Khan on bail. The evidence clearly shows that statement was false, as it was Commissioner Persaud who instructed that Nizam Khan should be sent on bail.

Blanhum stated that on March 30, 2017, about 08:30 hours he inquired and was informed that Nizam Khan, the person against whom the allegation by Gillard was made, was sent away on bail on the instruction of Commissioner Seelall Persaud. He stated that he did not see anything wrong with Khan being sent on bail so soon after being arrested as "significant progress" had been made in the investigation.

It should be noted that at that time only the following were done:

1. Statements were taken from Gillard and Nizam Khan
2. A purported search was conducted at the home of Nizam Khan,
3. Stephen Persaud had given a statement to the police, which was tangential to the allegation under investigation.
4. A confrontation was held between Gillard and Nizam Khan.

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I should be noted also that according to Assistant Commissioner David Ramnarine, when Blanhum called him on the morning of March 30, about 05:30 hours to report on the state of crime in the country, he inquired from Blanhum the state of the investigation of the allegation made by Gillard. Blanhum informed Ramnarine that Nizam Khan was sent away on bail. Ramnarine stated that he found the sending away of Nizam Khan on bail very strange and asked Blanhum who gave the instruction for Nizam Khan to be sent on bail. Blanhum told him that it was his (Blanhum's) decision.

From the evidence given by Commissioner Seelall Persaud, Detective Assistant Mitchell Ceasar and Detective Inspector Narine, it was Commissioner Seelall Persaud who instructed that Nizam Khan be sent away on bail; even though Commissioner Seelall Persaud stated that he was merely offering an opinion and did not give an instruction.

In a statement sent to the Commission on August 16, 2017, Blanhum denied telling Ramnarine that it was his decision to send Khan on bail. He further stated "at no time did I brief Assistant Commissioner David Ramnarine on the status of this investigation at 05:30 hours on the 30th March, 2017 and I never told him that I granted bail to Nizam Khan because at 05:30 hours on the said date, I had no knowledge that Nizam Khan was placed on station bail. I maintain that I was only informed that Nizam Khan was placed on station bail at about 08:30 hours when Assistant Superintendent of Police Mitchell Ceasar briefed me at my morning meeting at the Criminal Investigations Department, Headquarters".

What a remarkable admission by the Crime Chief of a lack of involvement and control in a serious allegation, one which involved alleged threat on the life of the Head of State!

This statement by Blanhum raises several issues:

It has been established that Ramnarine called Blanhum and the Head of Special Branch sometime about 22:00 hours on the night of March 29, after he (Ramnarine) was informed that he had to brief the President at 08:00 hours on March 30, about the investigation into the allegation.

It is quite logical that Ramnarine would have requested information from Blanhum so as to be able to be brought up to date on the investigation.

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The telephone records show that Blanhum did call Ramnarine at 05:00 hours on the morning of March 30. According to Ramnarine during that call he asked Blanhum about the status of the investigation into the allegation of the plan to assassinate the President and it was at that time Blanhum told him that Nizam Khan was sent on bail. When Blanhum was asked who instructed that Khan be sent on bail Blanhum said that it was his decision.

Blanhum is saying in the letter that he did not brief Ramnarine on the status of the investigation at 05:00 hours on March 30.

The Commission found this statement by Blanhum to be quite alarming. Why would Blanhum not brief the acting Commissioner on the status of this important investigation during his routine brief at 05:00 hours on the morning of March 30, knowing that Ramnarine was required to brief the President on the 08:00 hours the very day on the progress of the investigation?

The converse can also be asked. Why would Ramnarine not inquire about the progress of the investigation at that time, knowing that he had to brief the President at 08:00 hours the very day, approximately three hours after the brief by Blanhum?

If Blanhum's statement that he did not brief Ramnarine about the status of the investigation at 05:00 hours on the morning of March 30 is to be believed, that would amount to a very serious neglect on his part.

It should also be pointed out that it has been clearly established that Blanhum knew of the allegation made by Gillard during the morning of March 29. It has also been established that he was informed later that day that the main suspect, Nizam Khan, was arrested. Further, he had a conversation with Ramnarine later that night (when Ramnarine told him that he (Ramnarine) had to brief the President on the matter). Despite that Blanhum is contending that the first time he was informed that Nizam Khan was sent on station bail was about 08:30 hours on the morning of March 30 when Ceasar told him at his morning meeting at the CID HQ.

If this statement too is to be believed it is yet another serious indictment against Blanhum.

How could Blanhum, the Crime Chief, only be informed at 08:30 hours, during a routine meeting, that the main suspect in this serious allegation, of a plan to assassinate the President of Guyana, was sent on bail?

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What type of supervision or control he exercises over the investigations into serious crimes or allegations? This is yet another indication that he paid no interest into the investigation of the allegation despite being instructed by the acting Commissioner to do so.

Perhaps this is indicative of the statement he made to the Commission that he is a "manager at the executive level of the Guyana Police Force" therefore he does not see the need to have a more hands on involvement in investigations into serious crimes and allegations.

Having regards to the above it is the view of the Commission that Blanhum lied to Assistant Commissioner Ramnarine when he told him that he was the one who instructed that Nizam Khan be sent away on bail. From the evidence it is the view of the Commission that Blanhum knew that Commissioner Persaud was on leave and therefore his intervention would have been questioned, especially because of the known hostile relationship between Commissioner Persaud and Ramnarine, so he decided to tell Ramnarine that it was his decision to send Nizam Khan on bail, knowing fully well that that was a falsehood.

On April 3, 2017, five days after the allegation was made, Blanhum submitted an interim report on the status of the investigation, and in paragraph 8 of that report concluded that the allegation made by Gillard "though very serious indeed, is a malicious one".

The evidence before the Commission clearly shows that the allegation made by Gillard was never taken seriously by Blanhum and the other members of the CID who were tasked with conducting the investigation. This can be gleaned from several factors:

1. The early classification of the allegation as an 'Incitement to commit murder';
2. The level of the ranks tasked with conducting the investigation;
3. The failure of the ranks to acquire a search warrant and to conduct a thorough search of Nizam Khan's home and other property, including his car, for evidence related to the allegation;

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4. The fact that Nizam Khan was taken to CID HQ in his own car, which indicated that there was never an intention to keep him in custody for any prolonged period of time to facilitate a proper investigation;
5. The fact that Khan's firearm was 'passed through the book' (It was lodged at 21:12 hours. and returned at 22:30 hours.);
6. The fact that Khan's statement was taken by corporal Sewsankar, a driver, when he reported for patrol duty on the night in question;
7. The fact that Khan was not cautioned before the statement was taken;
8. The fact that Khan was sent on twenty thousand (\$G20,000.00) Guyana dollars bail the very night;
9. The fact that five days after the allegation was made Blanhum concluded that the report was malicious, even though at that time no one had come forward to cast doubt on Gillard's allegation.

This no doubt was because of the person involved (Nizam Khan) and the very close relationship between his brother Imran Khan and the Commissioner of Police Seelall Persaud, which was known to Blanhum and other members of the CID, including the investigating ranks.

It should be noted that Blanhum during his testimony to the Commission on July 24, stated that he found the allegation made by Gillard 'inherently incredible' even though the advice given to him by the Police Legal Adviser, retired Appeal Court Judge, Justice Claudette Singh, CCH, SC on May 16, 2017, stated "While I am of the view that a confrontation would be instructive, at this point in time, there is nothing to indicate that Gillard's allegation is a fabrication or Khan is innocent". One is therefore left to wonder about Blanhum's motive in arriving at that conclusion in light of the advice of the Police Legal Adviser.

5. Senior Superintendent Rishi Das

Detective Senior Superintendent Rishi Das is the second in command of the Criminal Investigations Department of the Guyana Police Force.

Das stated that during the month of April 2017 he held on as head of the CID when Blanhum was out of the country on duty.

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He was required to prepare an interim report in relation to the alleged plan to assassinate the President. In order to prepare the report he perused the file related to the alleged plan.

He gave evidence that he observed that little or no effort was made to get witnesses to corroborate Gillard's allegation; while efforts were made to get persons to discredit the said story. He also stated that he formed the view that investigation was not properly conducted.

According to Das apart from preparing the report mentioned above he had very little to do with the investigation into the alleged plan. The interim report to which Das referred, contained the very mistake that was made in the report submitted by Blanhum to the Commissioner of Police for transmission to the National Security Council: that is the say the date when Gillard made the report to the police is incorrectly stated as 2017.04.03, when it was 2017.03.29.

When this was pointed out to Das he admitted that he did not actually prepare that report but merely signed one that was previously prepared by Blanhum, hence the mistake.

The Commission noted that even though Das stated in his evidence that he was of the view that the investigation was not properly conducted he as the Deputy Crime Chief did nothing to cause corrective action to be taken.

He also would have had every opportunity to direct the investigation during the time he acted as the Crime Chief.

The failure of Das to voice his concern that the investigation was not properly conducted, and to take the appropriate action when he acted as Crime Chief is a serious neglect on his part.

6. Assistant Superintendent Mitchell Ceasar

Detective Assistant Superintendent Mitchell Ceasar is the Officer in-Charge of the Major Crimes Investigations Unit of the Guyana Police Force.

According to Ceasar on March 29, 2017, he was called to the office of Blanhum, where he saw Gillard. Gillard, in his presence, made the allegation of the alleged plan to assassinate the President. Blanhum then instructed him to have the MCIU commence an investigation into the alleged plan.

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Cesar said that he instructed Detective Sergeant Pitama to take a statement from Gillard and commence an investigation into the matter.

He was not feeling well so he went home. He however maintained contact with Pitama and was updated on the progress of the investigation.

Sometime during the night of March 29, 2017, he received a telephone call from Detective Inspector Narine and was informed that 'the chief' had given instruction for Nizam Khan, the person against whom the allegation to assassinate the President was made, and who was arrested by the police, to be sent on bail.

Thinking that Narine was referring to Blanhum, he asked to speak to Blanhum. He was then told by Narine that he was referring to Commissioner Persaud. Cesar instructed Narine to comply with the instruction of Commissioner Persaud.

Cesar made it clear that had it not been for the intervention and instruction from Commissioner Persaud he would not have sent, or instructed anyone to send Nizam Khan on bail at that time, because of the seriousness of the allegation and the early stage of the investigation.

During his evidence to the Commission on July 24, Cesar alluded to a statement from a witness who had come forward to discredit Gillard's story. This witness turned out to be Luanna Walker.

It transpired that Walker is alleged to have "come forward" and gave a statement to the police on July 19, the said statement was taken by Laundry. The Commission found it strange that Cesar on July 24 (the day when he gave his evidence) did not have the details of that statement, which was allegedly given to the police on July 19, five days before he appeared before the Commission.

The Commission is of the view that Walker was procured to give the statement to discredit Gillard and that statement was backdated to July 19 in an effort to mislead the Commission.

The Commission noted that Cesar as the Head of the Major Crimes Investigations Unit did very little during the course of the investigation. By his own admission he knew that the allegation was a serious one, yet he failed to closely supervise the progress of the investigation.

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This may have been because of the close relationship between the Khans and Commissioner Persaud, which was known to Ceasar, and the fact that it was the view of many persons, including the Crime Chief, that Gillard was lying. It is also noted that Ceasar is alleged to have had a friendly relationship with one or both of the Khans. This was denied by Ceasar.

7. Detective Inspector Prem Narine

Detective Inspector Prem Narine is stationed at CID HQ and attached to the MCIU.

According to Narine he left the CID HQ on March 29, 2017 after completing work for that day.

About 19:00 hours he received a telephone call from Sgt. Pitama who informed him that there was a situation at CID HQ (in an apparent reference to the disorderly behavior of Imran Khan), and requested that he return to deal with the said situation. He returned to CID HQ sometime after and saw Imran Khan sitting on a bench. Narine spoke to Imran Khan about his behavior and took control of the situation.

A short while after, Narine received a telephone call on his personal cellular telephone from Commissioner Persaud, who instructed him to send Nizam Khan on cash bail, and to send Imran Khan on his own recognisance.

Narine then called Detective ASP Ceasar and told him of the instruction he received from the Commissioner. Ceasar told him to comply with the instruction, which he did.

Narine made it clear that had it not been for the intervention and instruction from Commissioner Persaud and the advice from Ceasar to comply with the instruction, he would not have sent away Nizam Khan on bail because of the serious nature of the allegation and the early stage of the investigation.

8. Detective Sergeant 19822 Komal Pitama

Detective sergeant 19822 Komal Pitama is stationed at CID HQ and is attached to the MCIU. According to Pitama he joined the Guyana Police Force in 2005; he was inducted into the CID in 2009 and the MCIU in 2016.

Following the report by Gillard he was deputed to conduct the investigation into the allegation.

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On March 29, 2017, he took a statement from Gillard, after which he went to the home of Nizam Khan to arrest him. He was accompanied by Detective Corporals Laundry and Deonarine.

He stated that on arrival at Khan's home at lot 58 Avenue 'A' Diamond New Scheme, East Bank Demerara, Khan was pointed out to him. He claimed that he told Khan of the allegation, cautioned and arrested him. With the consent of Khan he along with Deonarine searched Khan's home but nothing of evidential value was found.

This claim was disputed by Khan who stated that at that stage he was never told of the allegation made by Gillard and he was never cautioned.

Khan's claim of not being told of the allegation is supported by Commissioner Persaud who stated in his evidence before the Commission that Imran Khan, the brother of Nizam Khan, called him sometime after 16:00 hours on March 29, and informed him that the police were at Nizam's residence and wanted to search his home without telling him of any allegation or producing a search warrant.

Pitama then instructed Laundry to return to CID HQ in the force vehicle along with Gillard, while himself Deonarine and Khan returned in Khan's vehicle. He claimed that Khan's vehicle was driven by Deonarine.

At CID HQ he held a confrontation between Gillard and Khan during which Khan denied the allegation.

The Commission is of the view that the Crime Chief, and the head of the MCIU showed poor judgement by leaving Pitama, a relatively inexperienced detective to initiate the investigation into such a serious allegation. What is of concern also was that he was virtually left unsupervised during the initial stages of the investigation.

It is clear that Pitama made several mistakes during the initial stages of the investigation, which may have been due to inexperience, the fact that the report was not taken seriously, or the known relationship between Commissioner Persaud and the Khans, these include:

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1. His failure to obtain a search warrant to search Khan's home for evidence of the alleged plan. Pitama stated that the reason for not obtaining a warrant was because he did not need a search warrant. He further stated that if Khan had refused to allow him to search he would have then sought to obtain a warrant. This is a most outrageous statement from a detective sergeant spearheading an investigation into a serious allegation; one that involves an alleged threat against the life of the President.

Pitama also stated that one of the reasons he did not obtain a search warrant was because he had little time to do so. The Commission noted that the allegation was first made to the Crime Chief about 10:00 hours and after taking Gillard's statement, Pitama and the other ranks left CID HQ about 16:00 hours to arrest Khan. Surely after the allegation was made any competent investigator would have known that a search of Khan's home would have had to be carried out, and therefore secured a search warrant.

2. His failure to conduct a proper search of Khan's residence.

According to the evidence Pitama and the other ranks, along with Gillard, left the CID HQ about 16:00 hours on March. 29, 2017 for Khan's residence at 58 Avenue 'A' Diamond New Scheme, East Bank Demerara (there is no record to verify when they left), and returned at 17:35 hours. It is difficult to see how the ranks could have left CID HQ at 16:00 hours conduct a proper search at Khan's residence and returned to CID HQ at 17:35 hours; a total time of approximately one hour and thirty-five minutes.

It was also noted that the purported search was confined to Khan's residence; no attempt was made to search a second house, which is located in the same yard, his business place or his car, a clear indication that Pitama had no interest in conducting a proper investigation.

It is also noted that the purported search was conducted by Pitama and Deonarine, the driver of the vehicle that took the ranks to Khan's residence, whilst Laundry, who was by all account the second investigator at that time, was left on the road with Gillard.

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3. His decision to have Khan taken to CID HQ in his own vehicle, which he claimed was driven by Deonarine. This claim is doubtful. It is believed that Khan was allowed to drive his vehicle. It is noted that the police vehicle which was used to transport the ranks to Khan's residence had enough seating capacity for the three policemen, Gillard and Khan.

9. Detective Corporal 17862 Germaine Laundry

Detective corporal 17862 Laundry is stationed at the CID HQ and is attached to the MCIU.

Following the report by Gillard he was one of the ranks from the MCIU who assisted in the investigation.

Laundry's role included:

1. Being one of the ranks who visited Nizam Khan's residence on March 29, to arrest him. It is noted that Laundry was the assistant to Pitama but he was not one of the ranks who conducted the purported search at Khan's residence.
2. He lodged Khan's firearm at CID HQ, and returned same to him the very night.
3. He took statements from Leon Baldeo and Luanna Walker, both statements sought to discredit Gillard's allegation.

Laundry first gave evidence before that Commission on July 21, 2017. During his testimony he outlined his role in the investigation, which included being one of the ranks who went to the home of Nizam Khan on March 29 to arrest him, being recalled to CID HQ on the very night to deal with a situation (an apparent reference to the disorderly conduct of Imran Khan), and lodging Imran Khan's firearm. He also took a statement from Baldeo

It was later discovered by the Commission that Laundry is alleged to have taken a statement from Luanna Walker on July 19, 2017, in which she stated that she knows Gillard, and that during a conversation with him he indicated to her that he was lying on Nizam Khan when he made the allegation of the plan to assassinate the President.

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Laundry was recalled by the Commission and questioned about why he did not tell the Commission of the statement he took from Walker on July 19, two days before he gave evidence on July 21. He could not explain this anomaly.

The Commission is of the view that Laundry was being untruthful when he stated that the statement was taken from Walker on July 19. It would appear that after Walker was procured to give the statement Laundry was instructed to take same, and wanting to convey the impression that the statement was taken from Walker at an earlier date, recorded that date as July 19, forgetting that he had given evidence on July 21 and therefore would have been expected to mention that statement.

It is also the view of the Commission that Walker, like Baldeo, is a witness of convenience procured by either Nizam Khan, his associates or the police, in an effort to discredit Gillard.

Laundry's role in the investigation is very questionable: he was the assistant to Detective Sergeant Pitama on March 29, when he and the other ranks left CID HQ to arrest Nizam Khan. A search is alleged to have been conducted on the home of Khan. Laundry took no part in that search. He was recalled to CID HQ on the night of March 29 and all he claimed to have done was lodge Khan's firearm. All the statements he took were from persons who sought to discredit Gillard's allegation.

TOR # 7

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

From the evidence before the Commission it is quite obvious that the report by Andriff Gillard of the offer by Nizam Khan to pay him a sum of money to assassinate the President was not taken seriously by the ranks of the Guyana Police Force. This has been borne out by the following:

1. A relatively inexperienced detective sergeant with no proven investigative track record was assigned to begin the investigation.

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2. The party of policemen tasked to conduct the investigation was headed by the said detective sergeant, and included two detective corporals, one of them being the driver of the vehicle which conveyed the ranks to Nizam Khan's home at Diamond East Bank Demerara, to arrest him.
3. The fact that no effort was made to acquire a search warrant to be able to legally search the property of Nizam Khan for evidence relating to the alleged plan.
4. The purported search was perfunctory: lasting between twenty minutes and one hour.
5. No attempt to search the other house in Nizam Khan's yard, his business place, or other property including his car, for evidence of the plan.
6. The fact that Nizam Khan, the main suspect, was taken to CID HQ in his own car, rather than a police vehicle.
7. The fact that the statement taken for Nizam Khan at CID HQ, on the night of March, 29, was taken by Detective Corporal Sewsankar, who was not a part of the investigating team and therefore had no knowledge of the matter under investigation, and had reported for patrol duty when he was instructed to take the statement.
8. The fact that Nizam Khan was not cautioned before the statement was taken, which is a clear violation of the Judges Rules.
9. The fact that Nizam Khan was released on the very night of March 29, 2017, on twenty thousand (G\$20,000) Guyana dollars bail (the records clearly show that he left without posting bail or signing a recognisance).
10. The fact that Nizam Khan's firearm was returned to him the very night.
11. The fact that the area where the alleged conversation between Andriff Gillard and Nizam Khan took place was not revisited in an effort to determine if anyone could have seen the two together at the stated location, or could have unknowingly overheard the conversation.

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12. The fact that no attempt was made to interview either Khan's or Gillard's wife in relation to the allegation.
13. The fact that no attempt was made to ascertain whether Khan had the means to pay seven million (G\$7,000,000) dollars as alleged by Gillard.
14. The fact that on the morning of March 30, Blanhum told Ramnarine that Gillard was lying.
15. The fact that five days after the report was made it was concluded by Blanhum that the report by Gillard was 'malicious'.
16. There is no evidence that the Crime Chief or any other senior officer supervised the investigation.
17. The fact that Commissioner Seelall Persaud stated that he never perused the file in the matter, even though he was required to submit a report on the allegation to the National Security Council, and had not done so on to the time of his appearance before the Commission of Inquiry.
18. The fact that neither Commissioner Persaud nor any of his senior officers looked at the video in which the allegation was made.
19. It is evident that the Crime Chief failed to ensure that the appropriate records in relation to the allegation were made in the police division in which the offence was alleged to have been committed. Moreover, he did not ensure that copies of extracts in relation to police movements during investigations were placed in the investigating file as was previously advised by the Director of Public Prosecutions.
20. The fact that the police classified the offence being investigated as one of "incitement to commit murder."

In an effort to prevent such incidents (the unprofessional investigation into the allegation), the following recommendations are made:

1. There should be a written Standard Operations Procedure (SOP) for the operation of the Major Crimes Investigations Unit (MCIU).

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2. The investigation of all major crimes should be in accordance with the Guyana Police Force's Standing Order 64 sub-section 4, which stipulates that the initial enquiries in such cases should be carried out by the Divisional CID staff. This would allow for the appropriate records to be made in the station and divisional records.
3. Consideration must be given to the establishment of a 'task force' to investigate certain serious crimes and allegations such as the one in question.
4. Serious crimes of this nature must be reflected on the agenda of meetings of the Executive Leadership Team so that they can be better monitored at that level.
5. The conduct as displayed by the Commissioner should never be allowed to recur.

TOR # 8

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

The Commission is of the view that the Guyana Police Force has the competence to investigate matters of this nature (the allegation of the plan to assassinate the President). It is noted that the investigation was handed over to the Major Crimes Investigating Unit of the Guyana Police Force.

From the evidence of the Crime Chief and the Police Legal Advisor, the MCIU is involved in investigating numerous serious crimes which occur throughout the country.

Whilst the MCIU may be the elite investigating unit of the Guyana Police Force, the Commissioner of Police and the Crime Chief must not lose sight of the other resources available within the GPF, human and material, and must therefore make use of those resources, in whichever Division or Branch they may be found, whenever there are serious crimes and allegations to be investigated.

It is the view of the Commission that such an approach would have the effect of allowing for professional investigations to be undertaken, while at the same time permitting the MCIU to be better able to manage its workload.

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The systemic failure in this case is not only an embarrassment; it can also reflect a loss of confidence in law enforcement. It shows that investigations and their efficacy can be influenced by civilians who are connected to the top brass, particularly the Commissioner of Police.

The conduct of the Commissioner of Police and the acting Commissioner of Police in this case represents a systemic lack of confidence in the Guyana Police Force's ability to deliver adequate and effective service to the citizens of Guyana.

The lack of communication between Persaud and Ramnarine during the period of March 29 to April 2, 2017, cannot go unnoticed in light of the Commissioner's communication with Assistant Commissioner Hicken, Senior Superintendent Blanhum, ASP Ceasar, and Inspector Narine.

Further, the handover procedure between the Commissioner and the acting Commissioner is *ad hoc* no written handover is prepared. This should be formalized with appropriate instruments of office given in like manner as in the case of other acting Constitutional office holders.

Both Commissioner Persaud and Assistant Commissioner Ramnarine, the two most senior officers in the Guyana Police Force were and continued to be involved in an internecine battle which has in effect polarized the executive command and the rank and file officers. A complete organizational review, restructuring, and reshuffling of the executive command officers should be considered.

The policy of note taking and record keeping should be reviewed and revised for all police ranks from Constable to Commissioner. This is especially critical for investigators. The Commission noted with concern that none of the ranks who appeared before it, except Ramnarine, were able to produce contemporaneous recordings of their actions during this investigation.

Consideration must be given for all witnesses, reporters, and suspects to be audio and/or video recorded as the technology is available and is relatively inexpensive.

The Permanent Secretary of the Ministry of Public Security (MPS) should be the reporting entity to which conflicts involving senior officers of the GPF should be reported to for advice and action.

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The identified systemic issues of the Guyana Police Force's competence to investigate matters of this nature are at the core of the criminal justice system, as the police is its investigative arm. The systemic issues in this case can lead to a distrust of police investigations.

Justice should not be affected by one's connection to the Commissioner of Police and/or other "big boys" in the Guyana Police Force.

OTHER IMPORTANT WITNESSES

1. JUSTICE CLAUDETTE SINGH, CCH, SC

Justice Claudette Singh, CCH, SC, is a retired Guyana Court of Appeal Judge, and the Police Legal Advisor (PLA).

Justice Singh appeared before the Commission and testified that she gave several pieces of written advice to the Crime Chief in relation to the investigation of the plan to assassinate the President. The first such advice was on April 12, 2017, when the file in the matter was first taken to her.

She stated that she may have also offered oral advice to the investigators, but that would have been during discussions in relation to several other matters. She was emphatic that she never had an exclusive discussion with the investigators in relation to the plan to assassinate the President. Justice Singh stated quite clearly that advice given is always based on the file that the police present to her. The Commission noted that some of the advice given to the police in this matter related to holding of confrontations and unsigned statement. These are elementary things that the police ought to have done without having to be prompted by the Police Legal Adviser.

Justice Singh further stated that having looked at all the statements in the file, she was of the opinion that there was no evidence for her to conclude that Gillard's story of the alleged offer made to him by Nizam Khan of seven million(G\$7,000,000) Guyana dollars to assassinate the President was a fabrication or that Khan was innocent. She also stated that the evidence was too tenuous for her to advise on charges.

She has advised that the matter should remain open and investigations should continue.

2. LEON BALDEO

Leon Baldeo of lot 30 Diamond East Bank Demerara stated he is a painter and lives at the stated address. He knows Andriff Gillard. He only knows Nizam Khan as a businessman who owns a snackette, which is located on the Grove Public Road, East Bank Demerara.

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On March 26, 2017, about 11:15 hours he went to Gillard's home at lot 57 block 1 & 2 Great Diamond East Bank Demerara to cut his hair. He and Gillard engaged in a conversation during which Gillard told him that he would pay him fifty thousand (G\$50.000) Guyana dollars if he did something for him. He inquired what Gillard wanted him to do and was told that Gillard wanted him to go to the police and give a statement that he was present when Nizam Khan offered Gillard seven million (G\$7.000.000) Guyana dollars to assassinate the President. Baldeo said that he told Gillard that he could not do that.

Sometime after he learnt that Nizam Khan was locked up by the police so he went to the CID HQ on April 4, 2017 and gave a statement in relation to what transpired between himself and Gillard on March 26, 2017.

If Baldeo's story is to be believed, it means that three days before Gillard reported the alleged plan to the police he approached Baldeo to give a statement to the police in relation to a matter that he had not yet reported. It further means that had Baldeo accepted Gillard's offer and gone to the police, the police would not have known what Baldeo was talking about.

Counsel for the police, retired Chief Justice, Ian Chang, S.C., in his closing submission to the Commission, advanced the argument that the reason for Gillard wanting Baldeo to give a statement on March 26, 2017, to the police before he (Gillard) made the report was part of the clever machinations of Gillard, in that had Baldeo gone ahead and made the report to the police, the police would have been obliged to contact Gillard at which time Gillard would have supported the story told to the police by Baldeo. In such a scenario Baldeo would have been the reporter and not Gillard.

The Commission does not believe the story told by Baldeo. The Commission is of the view that Leon Baldeo is a witness of convenience procured by Nizam Khan, his associates or the police, in an effort to discredit Gillard.

The Commission noted Baldeo reported to the Commission on July 19, 2017 after a message was left with his father on the afternoon before. Being suspicious of Baldeo's apparent eagerness to come before the Commission, it was decided to observe him when he was leaving.

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Baldeo was seen entering motor car PMM 7762 in Waterloo Street, Georgetown, outside the Commission's office. A later check discovered that the said motor car is registered to Nizam Khan.

When this observation was drawn to Baldeo's attention during his evidence before the Commission he denied this.

3. LLOYD ADAMS

Lloyd Adams aka "Anthony" of 168 James Street Albouystown, Georgetown, in a statement to the police stated he is a businessman and that he knows Andriff Gillard. On Thursday April 20, 2017, about 16:05 hours he was at Jai Singh shop when he saw a program on Singh's computer in which Gillard was making the allegation about the alleged plan to kill the President. He called Gillard's telephone and a female who identified herself as Gillard's girlfriend answered. Gillard returned the call on Sunday April 23, 2017.

He told Gillard what he saw on the television, and asked him what that was all about. Adams stated that Gillard told him that "the story is nah like dah, I pelting back a lash at these people fu get back at them, is long these people deh at me and it get overbearing Anthony and these is the same people that mek I go in jail."

Adams went to the police on April 25, 2017, and gave a statement about the conversation he had with Gillard. He was later invited by the police to the CID HQ where a confrontation was held with Gillard and himself.

Adams was interviewed by the Commission on August 4, 2017. During the interview it was discovered that Adams had several brushes with the law causing him to be arrested and detained by ASP Ceasar. Those encounters included being arrested for robberies and other related offences, after which he became Ceasar's informant.

It is suspected that Adams was procured by Ceasar to give a statement to discredit Gillard, and having done so he did not expect that he would have had to give evidence before a COI. This became evident when Adams became very evasive and had to be brought to the Commission by Ceasar. This was despite being summoned to give evidence before the Commission, and radio messages being sent informing him the he was required to appear before the Commission.

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Adams stated that he went to CID HQ on three occasions to have the confrontation done. However, on those occasions Gillard did not show up. On June 20, 2017, he was in front of his home when he was approached by Detective Inspector Devon Lowe who told him that he was wanted at CID HQ. He was arrested and taken to CID HQ where he was placed in custody in the holding cage for prisoners. He remained in the cage for about ninety minutes.

He was taken out of the cage and placed to sit on a bench next to Gillard. Sergeant Pitama then asked Gillard whether the contents of the statement given by Adams were true, and Gillard said that he could not remember. Adams stated that he was never asked to repeat his story to Gillard during the "confrontation", hence he had no active involvement in the process.

The Commission is of the view that Adams was not a totally truthful witness.

4. LUANNA WALKER

Luanna Walker aka 'Diva' of 1687 Avenue 19, Diamond New Scheme, East Bank Demerara, Guyana, in a statement to the police claimed that she knows Andriff Gillard. According to Walker, some time ago she had a conversation with Gillard during which he told her, *inter alia*, that "when I do what I got to do to the man, I gone lost he away in jail, because you know, how long he come telling me that he want I kill the President". According to Walker Gillard was referring to Nizam Khan. She stated that she advised Gillard not to do anything stupid.

Walker further stated that after seeing the reports in the media about the Commission of Inquiry, and based on her earlier conversation with Gillard, she knew that Gillard was lying when he told of the offer made to him by Nizam Khan to assassinate the President.

She had a conversation with a lawyer who advised her to inform the police of the conversation she had with Gillard and her belief that he was lying.

On July 19, 2017 she reported to the police and gave a statement, which was taken by Detective Corporal Laundry.

During the course of giving her evidence Walker was asked for the name of the lawyer who advised her to report to the police. She said that she could not remember the name of the lawyer and promised to supply the Commission with that information later that day.

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Later that day a staff of the Commission contacted Walker on her cell phone and asked her for the information. She indicated that she had not reached home as yet. The staff of the Commission made several subsequent calls to the said cell phone and got a voicemail recording, which indicated that the cell phone may no longer have been in use.

During her testimony Walker could not say which police station she went to give her statement even though she claimed that she called a taxi to take her.

It is the view of the Commission that Walker was a witness of convenience, procured by the Khans or the police to discredit Gillard's allegation, and that is the reason why she was unable to say which station she asked the taxi to take her. The Commission is of the view that her testimony was a clear concoction and lacked credibility.

4. TRAVIS CHASE

Travis Chase is the lead anchor at HGPTV Channel 16/67 of Lot 1 Beterverwagting, East Coast Demerara, Guyana,

According to the evidence Gillard contacted Chase on March 29, 2017, and informed him that he had reported to the police a plan to assassinate the President.

Chase interviewed Gillard and had the interaction recorded. Chase immediately made contact with Assistant Commissioner Brian Joseph, the Head of the Presidential Guard and Special Assistant Commissioner Sydney James, head of the Special Organised Crime Unit of the Guyana Police Force, and provided both of them with digital copies of the recorded allegation made by Gillard.

According to Chase he tried unsuccessfully to make contact with the Crime Chief to ascertain whether the police were investigating the allegation. Chase stated that at a Post Cabinet meeting on April 20, 2017, he questioned Minister Harmon about the allegation and Harmon admitted that he was aware of the allegation which was being investigated by the police. Having gotten confirmation that the allegation was being investigated he aired same.

During the inquiry Chase was accused by counsel for the police and Imran Khan of 'embellishing' the story and being irresponsible in airing same. The Commission did not find that Chase embellished the story in any way.

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The Commission is of the view that Chase acted quite professionally: Having recorded the allegation he immediately handed over copies of the recording to the police. He also waited twenty-one days until he got confirmation that the allegation was being investigated before he aired the recording.

The Commission commends Mr. Travis Chase for recording the allegation and delaying its airing of same until it was confirmed that an investigation had commenced.

Statement

On August 4, 2017, Lloyd Adams was interviewed by staff members of the Commission, Detective Senior Superintendent, Hugh Jessemy who is on pre-retirement leave from the GPF, and Detective Superintendent Julius Wright, who is currently on prolonged vacation leave.

At that interview Adams stated that on the day he had the confrontation with Gillard he was arrested by Detective Inspector Devon Lowe and other members of the CID and taken to CID HQ, where he was placed in the holding cell. He was later taken out and a confrontation was held. He gave the impression that he was coerced to have the confrontation. As a result of that interview a statement was taken from Adams by Wright. Copies of that statement were given to the counsel representing various interests at the Commission.

On August 10, 2017, the Commission received a terse memo from Crime Chief Blanhum in which he accused Wright of dishonesty. Attached to the memo were a copy of a further statement taken from Adams by Lowe on August 10, 2017, and an abridged copy of the statement August 4, 2017 taken by Wright. It was clear that the abridged statement did not contain all the information given in the statement that Wright took from Adams. Blanhum indicated that he had referred the matter to the GPF Office of Professional Responsibility (OPR) for them to commence an investigation.

It would appear that Blanhum in his unseemly haste to 'lash out' at the Commission misguided himself because of the partial information he had, and on the authority of the police (OPR) to investigate the Commission.

The Commission found it very worrying that the Crime Chief would engage in what was a clear case of vindictiveness when he accused Wright of being dishonest. The Commission found it very alarming that the Crime Chief, who by his office is the most senior investigator in the GPF, would not investigate an allegation before seeking to cast aspersion on someone, especially a member of a Commission established by the President of the Cooperative Republic of Guyana. This is yet another indication that the Crime Chief lacks the maturity and competence to hold that office.

The conduct of Wright and the other staff members of the Commission of Inquiry has been quite exemplarily.

FINDINGS

The Commission supports the view of the Police Legal Adviser and the submissions made by retired Chief Justice Ian Chang SC, Mr. Christopher Ram and Mr. Glen Hanoman, who appeared before the Commission to represent the interest of the police, Mr. Imran Khan and Commissioner Seelall Persaud, respectively, that the allegation by Gillard of the alleged offer by Nizam Khan of a sum of money to assassinate the President to be unsubstantiated and therefore tenuous, for the following reasons:

- ❖ The allegation was made by Gillard about twenty one months after the alleged offer was made to him by Nizam Khan.
- ❖ In the intervening period Gillard had several interactions with police ranks, including at least one senior police officer (Das), during which he made several complaints, including a complaint against the very Nizam Khan, and he never reported the alleged plan to assassinate the President.
- ❖ He never told anyone before March 29, of the alleged plan to assassinate the President.
- ❖ The statements of Baldeo, Adams and Walker, all tend to discredit Gillard's story; even though there are serious questions about the credibility of those witnesses.
- ❖ It is evident that there is bad blood between Gillard and Khan.
- ❖ Gillard's claim that the reason he did not make the report earlier was because he was afraid of Nizam Khan. It was noted that after Gillard's eviction from 1456 19th Avenue, Diamond Housing Scheme, East Bank Demerara, Guyana, he moved closer to Khan's residence.
- ❖ Gillard did not convey the impression that he is easily scared. The fact that he made the allegation and appeared before the Commission on several occasions, even as a member of the audience for the closing arguments, cannot be described as the actions of a scared person.
- ❖ Gillard's story has not been corroborated.

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Having reviewed all the evidence the Commission has come to the inescapable conclusion that a proper investigation was not conducted into the allegation made by Andriff Gillard of a plan to assassinate the President. The reasons for this conclusion are stated in the previous sections of this report. However, a few reasons are stated below to further support this conclusion:

- ❖ From the inception it appeared that the police never believed the allegation made by Gillard.
- ❖ The deferential manner in which Nizam Khan was treated by the police. (i) After being arrested he was allowed to go to CID HQ in his own car; (ii) In custody he was only made to sit on a bench; (iii) He was briefly relieved of his firearm while he kept possession of the magazine and ammunition and; (iv) He was sent on bail.
- ❖ Commissioner Persaud's early and unprofessional intervention into the matter and instructing that Nizam Khan should be sent away on bail. It is noted that an argument was made by Persaud, his legal counsel, Blahum and others that the offence for which Nizam Khan was arrested was one of incitement or solicitation to commit murder, therefore there was nothing wrong with sending Khan on bail at that time. It is however noted that Persaud in a television interview on April 21 stated, in answer to a question, that any plot or plan to assassinate a Head of State should be considered as treason. It therefore follows that at the time when Persaud instructed that Nizam Khan be sent on bail there must have been a consideration that the allegation made by Gillard was treasonous in nature and therefore by Persaud's own reasoning Nizam Khan should have remained in custody.
- ❖ It is obvious that Commissioner Persaud's early intervention in the matter signaled to the investigating ranks that the investigation into the allegation should not be pursued with any seriousness or vigour. The actions that followed are testimony to this.

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- ❖ Nizam Khan being sent on bail a mere five hours after being arrested. It must be pointed out that despite the claim that Nizam Khan was sent away on twenty thousand (G\$20,000) dollars bail; the police records indicate that no money was lodged for Nizam Khan to go on bail. An explanation was offered by Inspector Narine that a mistake was made by the rank at Brickdam Police Station, who instead of writing the bail receipt for Nizam Khan, wrote it in the name of his brother Imran Khan who was also in police custody for disorderly behavior. It means that Nizam Khan was sent away without cash bail being posted or signing a recognisance. It therefore begs the question as to what procedure was put in place to verify that someone had posted bail for Nizam Khan before he was released.
- ❖ Blanhum's statement that by 08:30 hours on the morning of March 30 "significant progress" had been made in the investigation, when all that was done at that time were (i) the taking of two statements one each from Gillard and Khan; (ii) a confrontation was held between the two men; (iii) Khan was arrested (iv) a perfunctory search was carried out at his home and; (v) a statement was also taken from Stephen Persaud in relation to an allegation that Gillard had stolen some tyres from in front of Persaud's yard. This matter was tangential to the allegation of the assassination plan.
- ❖ Blanhum's assertion in the report to the Commissioner of Police dated April 3, 2017 that Gillard's allegation was malicious. This was despite the fact that at that time no one had come forward to discredit Gillard's story. It is noted that this was even before the file in the matter was sent to the Police Legal Advisor, and at that time no diligent effort was made by the police to corroborate Gillard's allegation, it is also noted that none has been made since.
- ❖ Blanhum's statement that the offence that was being investigated was one of incitement or solicitation to commit murder, without any consideration for who the victim might have been

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HANDOVER

During the course of the inquiry it was revealed that whenever Commissioner Persaud proceeds on leave there is no formal hand over between himself and Ramnarine. According to Ramnarine, whenever Persaud proceeds on leave he gets a telephone call, usually the afternoon before, and is told by Persaud that he (Persaud) will be proceeding on leave from the next day and he (Ramnarine) will act as Commissioner in his absence. This statement by Ramnarine is corroborated by memorandum presented to the Commission in which vacation leave is granted to Commissioner Persaud. It was noted that none of the documents is copied to Ramnarine, and there is none addressed to him informing him of his acting status.

The Commission views this arrangement as totally unacceptable. There should be a formal hand over process between the Commissioner of Police and whoever will act as Commissioner in his absence. This is especially so if the period is a prolonged absence of twenty one days or more.

The Commission is of the view that the lack of a formal hand over between Persaud and Ramnarine, and the fact that Ramnarine was not sworn as Acting Commissioner of Police and given the appropriate instrument may have led to a perception that Persaud, even though on leave, can intervene and give instructions in matters, such as the case under review.

CONCLUSION

The Commission finds that the story told by Andriff Gillard of an offer made to him by Nizam Khan to assassinate the President to be quite remarkable. This is notwithstanding the fact that the report was made some twenty one months after the alleged offer, even though Gillard had several interactions with the police in the intervening months, some of them at his own initiative. However, it is to be noted that some aspects of the allegation and related matters have a ring of truth and were confirmed during the inquiry. These include the close relationship between Imran Khan and Commissioner Persaud and Khan's disorderly conduct at CID HQ.

The Commission also found that the police conduct in this matter was far from satisfactory and lacked the diligence that was required by a professional investigative body. There is no doubt that the response by the police was conditioned by the fact that Imran Khan, the brother of the main suspect, was known to have a close relationship with Commissioner Persaud and other members of the GPF. It was also the belief that Imran Khan had considerable influence in decisions of Commissioner Persaud, in relation to police transfers and promotions. The Commissioner's early intervention in this matter lends credence to this belief. This no doubt caused the investigating ranks to be apprehensive.

During the inquiry the question of the appropriateness of granting bail to Nizam Khan at that time, was widely debated. The Commission is of the view that it was reckless to grant bail at that time, given the nature of the allegation and the little progress that had been made in the investigation. The Commission noted the submission of retired Chief Justice Ian Chang SC when he stated that section 20 of the Police Act Chapter 16:01 'Provides that any member of the Police Force for the time being in charge of a police station may inquire into the case and which (b) "if it appears to such a member of the force that such an inquiry cannot be completed forthwith, he may release such person on his entering into recognisance with or without sureties for a reasonable amount to appear at such police station and at such times as are mentioned in the recognisance"'.

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It has been clearly established that Inspector Narine was the member of the Force in charge of the station at the time. Narine emphatically stated that he would not have granted bail to Nizam Khan had he not been instructed by Commissioner Persaud to do so.

The Commission was alarmed at the discovery of the hostile relationship which exists between the Commissioner of Police and his deputy, Assistant Commissioner Ramnarine.

The Commission frowns on the lack of professional courtesy displayed by Commissioner Persaud when he deliberately did not attempt to make contact with Ramnarine, but instead made contact with several junior ranks. This action is a gross disregard for the chain of command of the GPF and can have far reaching negative consequences. *It was also noted that Persaud was in telephone contact with Inran Khan even while he was in police custody.*

The Commission noted that following a written request to the Commissioner of Police for the production of all statements, documents and material relating to the matter under inquiry, a file was promptly submitted.

During the course of the inquiry the counsel representing the interest of the police and Commissioner Persaud were in possession of documents from the police that were not presented to the Commission.

This prompted the Commission to write to the Commissioner reminding him of the earlier request to produce all documents and material relating to the matter under inquiry.

Following this reminder several documents were sent to the Commission, including an activity log, which purported to show the activities that were undertaken during the course of the investigation, and a copy of the recorded allegation made by Gillard.

The Commission is of the view that the activity log was a recent creation, falsely and belatedly concocted in an effort to create the impression that diligent efforts were made during the investigation.

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It is evident that the bitterness that exists between these two senior officers has led to schism in the officer corps of the GPF, and factions being created. This is a most unwelcomed development and everything must be done to stamp it out. Serious consideration must be given to having all the main protagonists reassigned, even if that means placement outside the GPF, which the Commission strongly feels might be appropriate at this time. No one should be made to feel that he has benefited from this unwholesome situation.

The Commission is of the view that the process to heal the cancerous schism that has been identified in the senior ranks of the GPF should commence as soon as possible. Any delay will cause the situation to continue and even become worse.

The GPF is too important a state agency to allow infantile squabbles, especially among senior members, to interfere with its operation. There is a clear indication that the main protagonists (commissioner Persaud/Assistant Commissioners Ramnarine and Hicken/Senior Superintendent Blahum) lack the professionalism to lead the GPF in this touted period of reform and transition.

The Commission is of the firm view that the recommendations contained in this report will go a long way towards repairing the damaged relationship which exist in the officer corps of the GPF and will also assist in restoring public confidence in the ability of the GPF to deliver its mandate to serve and protect the citizens of Guyana.

RECOMMENDATIONS

1. Commissioner Seelall Persaud

Commissioner Persaud's role in this matter has been outlined before in this report.

Having reviewed to the role he played the following observations are made:

- a. Commissioner Persaud improperly inserted himself into the matter even though he was on vacation leave.
- b. It is the view of the Commission that Commissioner Persaud's action in inserting himself into the matter adversely influenced the conduct of the investigations.
- c. Commissioner Persaud acted improperly when he contacted Imran Khan who was arrested at CID HQ for disorderly behavior on his cellular phone and engaged him in a fairly lengthy conversation. This no doubt had a demoralizing effect on the ranks on duty at CID HQ at that time. This is evident because up to the time of the COI, Khan had not been charged for the offence of disorderly behavior.
- d. Commissioner Persaud acted improperly when he instructed Inspector Narine to send Nizam Khan on bail.
- e. Commissioner Persaud acted improperly when he placed himself as surety for Imran Khan.
- f. Commissioner Persaud had a clear conflict of interest in this matter and should have recused himself from any dealing with same.
- g. Commissioner Persaud's failure to review the file or view the recorded allegation in this matter is a serious neglect. It was noted that in his evidence he stated that he is of the view that a proper investigation was done. That assertion is presumptuous since he never looked at the statements and other documents in the file or viewed the recorded allegation.
- h. Commissioner Persaud's action in bypassing the chain of command and instructing that Nizam Khan be sent of bail is unacceptable. His response to a question at the inquiry that he feels that to have contacted the acting Commissioner was a waste of time speaks to his general unprofessional approach in this matter.

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- i. Commissioner Persaud stated during the course of his sworn testimony before the Commission, that the first time he knew of the allegation was sometime after 16:00 hours on March 29, when he called Blanhum. According to Assistant Commissioner Hicken he told Persaud of the allegation about 10:00 hours the said day. Commissioner Persaud should be investigated for perjury in relation to his statement that he was not told of the allegation until about 16:00 hours on March 29, 2017.

Having regard to all the above the Commission is of the view that Commissioner Persaud's ability to continue in the office of Commissioner of Police has become untenable.

The Commission recommends that Commissioner Seelall Persaud should be made to resign his position as the Commissioner of Police for the Guyana Police Force, under such terms and conditions that His Excellency considers appropriate. Failing which, proceedings should be initiated in accordance with Article 225 on the Constitution of the Cooperative Republic of Guyana to have him removed from office for misbehavior.

2. Assistant Commissioner David Ramnarine

Assistant Commissioner David Ramnarine is the second most senior rank in the Guyana Police Force. As a result of this he acts as Commissioner of Police whenever the substantive Commissioner, Mr. Seelall Persaud, goes on leave, or is otherwise out of the jurisdiction.

Ramnarine was the acting Commissioner on March 29, 2017, when the report was made to the police of the alleged plan to assassinate the President.

His role in this matter has been outlined before in this report.

Having reviewed the role Ramnarine played in this matter, the following recommendations are made:

- a. Ramnarine admitted that he received the electronic medium on which the allegation was made from Special Assistant Commissioner Sydney James and he failed to view same before forwarding it to Blanhum. He stated that the reason for not viewing the recording was because he does not have the facility at his office. The Commission finds that the excuse given by Ramnarine for not viewing the recording to be a very poor one. His failure to view the recording before forwarding it to Blanhum, and on any subsequent occasion, is a serious neglect on his part for which he should be sanctioned.

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- b. Ramnarine gave evidence that he was of the view that the investigation was not properly conducted, yet as the second most senior person in the GPF he did nothing to ensure that a proper investigation was done. Even when he acted as Commissioner of Police and had the requisite authority, he did not direct nor ensure that a proper investigation was done. He should be sanctioned for this lapse also.
- c. According to Ramnarine he first learned that is was at Commissioner Persaud's behest that Nizam Khan was sent on bail after he heard uncomplimentary remarks at the National Security Council meeting of May 16, 2017, and he spoke to some senior officers on his return to office. Ramnarine having been informed that it was Commissioner Persaud who instructed that Nizam Khan should be sent on bail, contrary to what Blanhum told him on the morning of March 30, should have initiated disciplinary action against Blanhum, and ordered a review of the investigation. His failure to do so is a neglect for which he should be sanctioned.

3. Assistant Commissioner Clifton Hicken

The role Assistant Commissioner Hicken played in this matter is stated earlier in this report.

The Commission recommends the following actions against Hicken:

- a. He should be disciplined for neglecting to ensure that a record of Gillard's allegation of the plan to assassinate the President was made in the relevant station records in 'A' Division;
- b. He should be disciplined for his failure to interview Gillard to ascertain the nature of the allegation. This is a clear neglect by him.
- c. He should be disciplined for reporting the allegation to Commissioner Persaud, who was on annualized vacation leave. This conduct is prejudicial to good order or discipline.
- d. He should be disciplined for failing to report the allegation to Ramnarine, who was the acting Commissioner. This conduct too is prejudicial to good order or discipline.

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- e. He should be investigated for perjury in relation to his statement under oath that he reported the allegation to Commissioner Persaud about 10:00 hours on March 29, 2017. This claim was not supported by Commissioner Persaud's sworn testimony before the Commission.

It should not go unnoticed that Hicken stated that he reported the allegation to Commissioner Persaud who was on leave and not Ramnarine the acting Commissioner.

The evidence before the Commission strongly suggest that Hicken is part of the unprofessional wrangling that is taking place among some of the senior officers of the GPF, and which had led to some degree of polarization. It is obvious that Hicken is on the side of Commissioner Persaud.

4. Senior Superintendent Wendell Blanhum

Senior Superintendent Blanhum is the officer in-charge of the CID (Crime Chief).

He was the first person in the Guyana Police Force to receive the information in relation to the plan to assassinate the President when someone from the Ministry of National Security called him and informed him that Andriff Gillard was at that Ministry making that allegation.

His role in the investigation into this allegation has been outlined before in this report.

Having reviewed the role Blanhum played in this matter the following recommendations are made:

- a. He failed to properly supervise the investigation even though he was instructed by the acting Commissioner to personally do so. He should be disciplined for this neglect.
- b. He lied to the acting Commissioner when he told him that it was his decision to send Nizam Khan on bail. He should be disciplined for stating this deliberate falsehood.
- c. He sent a report to the Commissioner with the incorrect date that the report was made to the police by Gillard, the said report with the inaccuracy was sent to the NSC. For that he should be disciplined for failing to exercise due diligence in preparing the report.
- d. The recorded allegation was sent to Blanhum on March 30 by the acting Commissioner. Blanhum by his own admission failed to view same. This a serious neglect for which he should be disciplined.

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- e. He claimed that he was not aware that Nizam Khan was sent on bail until about 08:30 hours on the morning of March 30 when he was informed of this by Ceasar at his regular morning brief at CID HQ. This is an indication that he did not properly supervise the investigation as he was instructed to do by the acting Commissioner. He should be sanctioned for this.
- f. He was insubordinate when he took a rude, argumentative and aggressive posture at the Commission of Inquiry. He should be disciplined for this.
- g. His lack of supervision of this important investigation, his utterances, disrespect, and arrogance displayed before the Commission shows that he is incapable of functioning as the Crime Chief, the lead investigator and manager of the major investigating unit of the Guyana Police Force. Blanhum should be replaced as Crime Chief and reassigned in order to gain command experience.

The Commission is aware that since becoming the Crime Chief the CID has been credited with solving many serious crimes even some that have gone unsolved for many years. However, given his statement before the Commission that he is a manager at the executive level of the Guyana Police Force and therefore does not have to ensure that crimes and allegations are recorded in the appropriate books at police stations and his hands off attitude to this investigation; one has to question whether the recent success by the CID in solving some serious crimes had anything to do with his leadership, which seems to be lacking.

During the course of his testimony before the Commission he stated that the report into the allegation of the alleged plan to assassinate the President was prepared by Sergeant Pitama, when according to the records the said report was prepared by Corporal Benjamin of the MCIU. This is yet another clear indication of the lack of attention he paid to this important investigation, and his disregard for details. Perhaps it is symptomatic of his general approach to his job.

It is noted that Blanhum has never commanded a police sub-division or division. He therefore lacks command experience. The Commission is of the view that such experience is critical for someone functioning as the Crime Chief.

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The Commission is also of the view that this lack of experience was glaringly revealed in the manner he dealt with this investigation and some of his utterance during his testimony at the inquiry.

5. Senior Superintendent Rishi Das

Senior Superintendent Das is the Deputy Crime Chief.

The role Das played in this matter has been stated before in this report.

The Commission recommends the following action against Das:

- a. He should be disciplined for neglect of duty for failing to ensure that the correct date of the allegation made by Gillard was stated in the report he submitted to the Commissioner.
- b. The fact that he claimed that he was of the opinion that a proper investigation was not done, and he did nothing as the Deputy Crime Chief, or when he acted as Crime Chief to have the situation corrected, speaks volume of his competence to occupy such an important position.

The Commission recommends that he should be replaced as the Deputy Crime Chief. His efficacy in the CID also comes into question, and therefore he should be removed from that Department.

6. Assistant Superintendent Mitchell Ceasar

Assistant Superintendent Mitchell Ceasar is the officer in-charge of the MCIU.

His role in the investigation into the allegation has been outlined before in this report.

Having regards to the role Ceasar played in this matter the following recommendations are made:

- a. As the head on the MCIU, the unit tasked with the responsibility of investigating this matter, he failed to properly supervise the investigation. He should be disciplined for this neglect.
- b. As the officer in-charge of the MCIU at the time when the investigation began he left and went away without making any record of his movement. He should be sanctioned for this.

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7. Inspector Prem Narine

Inspector Narine's appearance and delivery before the Commission was very impressive.

He maintained his composure even under intense cross examination from counsel representing Commissioner Persaud and the Police. It was Narine who first gave evidence before the Commission of Commissioner Persaud's early interference in the investigation. He should be commended for his honesty.

Having reviewed the role Narine played in this matter it was noted that he failed to carefully examine the bail receipt, resulting in Nizam Khan being released without posting bail.

The Commission recommends that Narine should be reprimanded for this lapse.

8. Sergeant 19822 Komal Pitama

Sergeant Pitama was the lead detective in this matter.

His role in the investigation into this allegation is stated before in this report.

Having reviewed the role Pitama played in this investigation the following recommendations are made.

- a. He failed to secure a search warrant before going to the home of Nizam Khan to conduct a search. He should be disciplined for this neglect.
- b. He failed to conduct a diligent search of the home and other property of Nizam Khan. He should be disciplined for this neglect.
- c. He allowed Nizam Khan who was under arrest to travel to CID HQ in his own vehicle. This showed that he failed to perform his duties with diligence. For this he should be disciplined.
- d. Having regard to his poor performance in this investigation he should be removed from the CID.

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9. Detective Corporal 17862 Germaine Laundry

Detective Corporal Laundry was the assistant investigator in this matter.

The role he played in the investigation has been stated before in this report.

Having reviewed the role he played the following recommendations are made:

- a. He gave evidence before the Commission on July 21. At the end of his evidence he was asked if he had anything more to add and he replied in the negative. Laundry reappeared before the Commission on August 2 and stated that he took a statement from Luanna Walker on July 19 in connection with the matter under inquiry. Laundry's failure to disclose this information at the inquiry on July 21 is a neglect for which he should be disciplined.
- b. Having regard to his poor performance in this investigation he should be removed from the CID.

EPILOGUE

The Commission had many challenges in its effort to complete the inquiry, prepare the report and present same to His Excellency within the stipulated timeframe. This necessitated a request to be made for an extension to the deadline. However, those and other challenges were overcome through diligence and persistence.

During the course of the inquiry there were several revelations, which the Commission believed were outside of its mandate. However, the Commission is of the view that those revelations are sufficiently important to be dealt with by the appropriate authority. They have been included in the addendum to this report.

It is the hope of the Commission that the much talked about reform of the Guyana Police Force will be undertaken with alacrity so that some of the serious issues which were revealed during the inquiry could be addressed.

The need for competent investigators, professional managers and a professional Guyana Police Force cannot be overemphasised.

END OF REPORT



The Official Gazette

(EXTRAORDINARY)

OF GUYANA

Published by the Authority of the Government

GEORGETOWN, WEDNESDAY 12TH JULY, 2017

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c. **BILLS —NIL**

GEORGETOWN, Demerara –Printed and Published every Saturday and on such Extraordinary Days as may be directed by the Government by Guyana National Printers Limited, 1 Public Road, La Penitence, Greater Georgetown.

WEDNESDAY 12TH JULY, 2017

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APPENDIX B

THE OFFICIAL GAZETTE 12TH JULY, 2017

LEGAL SUPPLEMENT — B

GUYANA



Seal No. 177 07 2017

COMMISSION OF INQUIRY

A Commission has been constituted for the purpose:

“To inquire into the persons, places, time, circumstances and events by and through which allegations and reports came to be made of an intention or a plan to assassinate the President of the Co-operative Republic of Guyana, report the findings and recommendations to His Excellency, Brigadier David Granger, President of the Co-operative Republic of Guyana.

LS

By the President of the Co-operative

Republic of Guyana.

Mumma
PRESIDENT.

WHEREAS it is provided by section 2 of the Commission of Inquiry Act, Cap. 19:03, that the President may issue a Commission appointing one or more Commissioners and authorising such Commissioner or Commissioners to inquire into any matter in which an inquiry would, in the opinion of the President, be in the Public Interest.

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AND WHEREAS, it is the opinion of the President that such an inquiry into the persons, places, time, circumstances and events by and through which allegations and reports came to be made of an intention or a plan to assassinate the President of the Co-operative Republic of Guyana would be in the public interest.

NOW THEREFORE, acting under the provisions of the Commission of Inquiry Act, Cap. 19:03, and by virtue and in exercise of all powers enabling me in that behalf, I do hereby issue this Commission and appoint:

Paul Slowe

To be Commissioner under the said Act to inquire into the matters referred to in the following paragraph and to submit a Report on the findings as to those matters and to inquire into all incidental consequential matters connected therewith.

Terms of Reference

(a) The Commission will:

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

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

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

CONFIDENTIAL

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

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

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

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

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

(b) Rules of Procedure

The Commission is directed, further, to:

9. Interview all persons, examine available documents and consider the views of all persons deemed relevant in the opinion of the Commissioner;

10. Render the final report, findings and recommendations to His Excellency, the President, Brigadier David Granger on or before the 18th day of August, 2017 or any later date as may be determined by His Excellency;

11. Conduct the inquiry continually at the Conference Room of the Department of Public Service, Ministry of the Presidency, 164 Waterloo Street, and at such other places as may be determined in Guyana as the Commissioner may determine;

CONFIDENTIAL

12. Conduct the inquiry in public, with reservation, nevertheless, to the Commissioner to exclude any person or persons if the Commissioner deems fit for the due conduct of the inquiry or the preservation of Order;

13. Establish rules for its own guidance, conduct and management of the proceedings before it and the times and places for such proceedings as it may from time to time consider fit;

14. Exercise the powers of the High Court to summon witnesses; to examine witnesses under oath and to call for the production of books and documents;

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

16. Commence work on the 11th day of July, 2017 and shall take appropriate steps to ensure that its work is completed and the report submitted within the aforesaid time.

The Minister of State shall appoint a Secretary to the Commission and may appoint Officers of the Commission as may be determined for the purpose of assisting the Commissioner in the discharge of his duties.

The Commissioner, subject to the above, shall establish and regulate his own procedures for the conduct of the Inquiry and shall be governed by the aforesaid provisions of the Constitution of Guyana, the Commission of Inquiry Act, Chapter 19:03, the High Court Act Chapter 3:01 and any other Laws enabling.

Given under my hand and the Seal
of the Co-operative Republic
of Guyana at the Ministry of
the Presidency, Georgetown,
Guyana this Eleventh day of
July, Two Thousand and
Seventeen in the Fifth-First
year of the Republic.

CONFIDENTIAL

APPENDIX C

GUYANA

Seal No. 178 of 2017



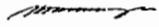
Appointing the Commissioner of the Commission of Inquiry

“To inquire into the persons, places, time, circumstances and events by and through which allegations and reports came to be made of an intention or a plan to assassinate the President of the Co-operative Republic of Guyana, report the findings and recommendations to His Excellency, Brigadier David Granger, President of the Co-operative Republic of Guyana

LS

By the President of the Co-operative

Republic of Guyana.


PRESIDENT.

WHEREAS it is provided by section 2 of the Commission of Inquiry Act, Cap. 19:03, that the President may issue a Commission appointing one or more Commissioners and authorising such Commissioner or Commissioners to inquire into any matter in which an inquiry would, in the opinion of the President, be in the Public Interest.

AND WHEREAS, it is the opinion of the President that such an inquiry into the persons, places, time, circumstances and events by and through which allegations and reports came to be made of an intention or a plan to assassinate the President of the Co-operative Republic of Guyana would be in the public interest.

CONFIDENTIAL

NOW THEREFORE, acting under the provisions of the Commission of Inquiry Act, Cap. 19:03, and by virtue and in exercise of all powers enabling me in that behalf, I do hereby appoint:

Paul Slowe

As Commissioner of the abovementioned Commission of Inquiry with effect from the date of this instrument.

Given under my hand and the Seal of the Co-operative Republic of Guyana at the Ministry of the Presidency, Georgetown, Guyana this Eleventh day of July, Two Thousand and Seventeen in the Fifty-First year of the Republic.

By the President's Command



Minister of State

CONFIDENTIAL

APPENDIX D

LAWS OF GUYANA

Commissions of Inquiry

Cap. 19:03

3

CHAPTER 19:03

COMMISSIONS OF INQUIRY ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Power to issue commission.
3. Powers to appoint fresh commissioners, and to alter and revoke commissions.
4. Commission not affected by any change of President.
5. Commissioners to take oath of office, how and before whom.
6. Power to appoint secretary; his duties.
7. Duties of commissioners defined.
8. Division of opinion of commissioners.
9. Commissioners' powers for regulating their proceedings.
10. Commissioners' powers to summon and examine witnesses, and privileges from suit.
11. False evidence, how punishable.
12. (1) Duty of witnesses summoned.
(2) Penalty for contumacy or insult, or interruption of proceedings.
13. Appearance of counsel.

CONFIDENTIAL

14. Constables detailed to attend upon commissioners; their duties.
15. Remuneration to commissioners and others, how ascertained and paid.
16. Commissions, etc., to be published in *Gazette*.

17. Proceedings for penalties how to be commenced and prosecuted.

SCHEDULE—Summons to
witnesses.

L.R.O.
3/1998

CONFIDENTIAL

LAWS OF GUYANA

4 Cap. 19:03 *Commissions of Inquiry*

CHAPTER 19:03

COMMISSIONS OF INQUIRY ACT

1953

Ed. C.

59

An Act to enable the President to issue Commissions of Inquiry with special powers.

_____ [15TH APRIL, 1933]

5 of 1933

Short title.

Power to
issue
commission.
[4 of 1972]

CONFIDENTIAL

1. This Act may be cited as the Commissions of Inquiry Act.

2. (1) The President may issue a commission appointing one or more commissioners and authorising such commissioner or commissioners to inquire into any matter in which an inquiry would, in the opinion of the President, be for the public welfare.

(2) Every such Commission shall specify the subject, nature and extent of the inquiry, and may contain directions in the following matters:

Powers to
appoint
fresh
commissio
n-ers, and
to alter and
revoke

(a) in what manner the Commission shall be executed;

(b) if there be more Commissioners than one, which of them shall act as chairman;

(c) what number of them shall constitute a quorum;

(d) the place and time where and within which the inquiry shall be made and the report thereof rendered;

commissions

(e) whether or not the inquiry shall be held in public, with reservation nevertheless to the Commissioners to exclude any person or persons if they deem fit for the due conduct of the inquiry, the preservation of order or for any other reason;

(f) and generally for the better giving effect to the purpose of the inquiry.

3. In case any commissioner shall be or become unable or unwilling to act, or shall die, the President may appoint another commissioner in his place; and any commission issued under this Act.

LAWS OF GUYANA

Commissions of Inquiry

Cap. 19:03

5

may be altered as the President may deem fit by any subsequent commission issued by the President or may be revoked altogether by a notification to that effect published in the *Gazette*.

4. No commission issued under this Act shall lapse by reason of, or be otherwise affected by the death, absence, or removal of the President issuing the same.

5. It shall be the duty of each commissioner appointed under this Act to make and subscribe an oath or affirmation that he will faithfully, fully, impartially, and to the best of his ability discharge the trust, and perform the duties devolving upon him by virtue of such commission, which oath or affirmation may be taken before any magistrate or justice of the peace, and shall be deposited by the commissioner with the Secretary to the Office of the President.

Commission not affected by any change of President.

Commissioners to take oath

of office, how and before whom.

6. The President may appoint a secretary to attend the sittings of the commission to record their proceedings, to keep their papers, summon and minute the testimony of witnesses, and generally to perform such duties connected with such inquiry as the commissioners shall prescribe, subject to the directions, if any, of the President.

Power to appoint secretary; his duties.

7. It shall be the duty of the commissioners, after taking such oath or affirmation,

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to make a full, faithful, and impartial inquiry into the matter specified in such commission, and to conduct such inquiry in accordance with the directions (if any) in the commission; and, in due course, to report to the President in writing, the result of such inquiry; and also, when required, to furnish to the President a full statement of the proceedings of such commission, and of the reasons leading to the conclusions arrived at or reported.

Duties of commissioners defined.

8. If the commissioners shall, in any case, be equally divided on any question that arises during the proceedings of the commission, the chairman of the commission shall have a second or casting vote.

Division of opinion of commissioners.

9. The commissioners acting under this Act may make such rules for their own guidance, and the conduct and management of proceedings before them, and the hours and times and places for their sittings, not inconsistent with their commission, as they may from time

Commissioners' powers for regulating their proceedings.

to time think fit, and may from time to time adjourn for such time and to such place as they may think fit, subject only to the terms of their commission.

10. Commissioners acting under this Act shall have the powers of a judge of the High Court to summon witnesses, and to call for the production of books, plans, and documents, and to examine witnesses and parties concerned on oath, and no commissioner shall be liable to any action or suit for any matter or thing done by him as such commissioner. All summonses for the attendance of witnesses, or other persons, or the production of documents, may be in the form given in the Schedule and shall be signed by one of the commissioners, and oaths may be administered by one of the commissioners, or by the secretary.

Commission-
ers' powers
to summon
and
examine
witnesses,
and
privileges
from suit.

Any witness who shall wilfully give false evidence in any such inquiry concerning the subject matter of such inquiry, shall be guilty of perjury, and be liable to be prosecuted and punished accordingly.

False evi-
dence,
how
punishabl
e.

11. (1) All persons summoned to attend and give evidence, or to produce books, plans, or documents, at any sitting of any such commission, shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey subpoenas issued from the High Court, and shall be entitled to the like expenses as if they had been summoned to attend the High Court on a criminal trial, if the same shall be allowed by the commissioners but the commissioners may disallow the whole or any part of such expenses in any case, if they think fit. The procedure for the payment of such witnesses shall be the same as nearly as may be for the payment of witnesses in the High Court, and they shall be paid at such time and in such manner as the Minister responsible for finance may direct.

Duty of
witnesses
summoned.
[4 of
1972 6 of
1997]

CONFIDENTIAL

Penalty for contumacy or insult, or interruption of proceedings.

(2) Every person refusing or omitting, without sufficient cause, to attend at the time and place mentioned in the summons served on him, and every person attending, but leaving the commission without the permission of the commissioners, or refusing without sufficient cause to answer, or to answer fully and satisfactorily to the best of his knowledge and belief, all questions put to him by or with the concurrence of the commissioners, or refusing or omitting without sufficient cause to produce any books, plans, or documents in his possession, or under his control, and mentioned or referred to in the summons served on him, and every person who shall at any sitting of the commission wilfully insult any commissioner, or the secretary, or wilfully interrupt the proceedings of the commission, shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars and to imprisonment for six months.

CONFIDENTIAL

LAWS OF GUYANA

Commissions of Inquiry

Cap. 19:03

7

(3) A person giving evidence before the commission shall not be compellable to criminate himself, and every such person shall, in respect of any evidence given by him before the commission, be entitled to all privileges to which a witness giving evidence before the High Court is entitled in respect of evidence given by him before such court.

13. Any person whose conduct is the subject of inquiry under this Act, or who is in any way implicated or concerned in the matter under inquiry, shall be entitled to be represented by counsel or solicitor at the whole of the inquiry, and any other person who may consider it desirable that he should be so represented may, by leave of the commission, be represented in manner aforesaid.

Appearance of counsel.

CONFIDENTIAL

14. The Commissioner of Police shall detail constables to attend upon any commissioners, to preserve order during the proceedings of the commission, and to perform such other duties as usually pertain to their office when in attendance upon the High Court, and to serve summonses on witnesses, and to perform such ministerial duties as the commissioners shall direct.

15. The President may direct what remuneration, if any, shall be paid to any commissioners acting under this Act, and to their secretary, and to any other persons employed in or about any such commission, and may direct payment of any other expenses attendant upon the carrying out of any such commission, or upon any proceedings for any penalty under this Act. Such sums so directed to be paid shall be paid out of moneys provided by Parliament.

CONFIDENTIAL

16.

Constables detailed to attend upon commissioners; their duties. [4 of 1972]

Remuneration to commissioners and others, how ascertained and paid.

16. All commissions under this Act and all revocations of any such commissions, shall be published in the *Gazette*, and shall take effect from the date of such publication.

17. Subject to article 187 of the Constitution, no proceedings shall be commenced for any penalty under this Act, except by the direction of the commissioners. The commissioners may direct their secretary, or such other person as they may think fit, to commence and prosecute the proceedings for such penalty.

SCHEDULE

SUMMONS TO WITNESSES

To A.B. (name of person summoned, and his calling and residence if known).

You are hereby summoned to appear before (here name the commissioners), appointed by the President to inquire (state briefly the subject of inquiry) at (place), upon the day of

19 , at o'clock, and to give evidence respecting such

inquiry. (If the person summoned is to produce any documents add), and you are required to bring with you (specify the books, plans, and documents required). Therefore fail not at your peril.

Given under the hand of commissioner, this

day of 19 .

CONFIDENTIAL

APPENDIX E

List of persons who appeared before the Commission and their respective dates

No	Names	Appearance Dates	AM/PM
1	Mr. Andriff Gillard, Reporter	20 th July 2017	A.M.
2	Mr. Komal Pitama, Detective Sergeant of Police # 19822	21 st July, 2017	A.M.
3	Mr. Germaine Laundry, Detective Corporal of Police #17862	21 st July, 2017	A.M.
4	Mr. Clifton Hicken, Assistant Commissioner of Police	24 th July, 2017	A.M.
5	Mr. Leon Baldeo, Witness	24 th July, 2017	A.M.
6	Mr. Prem Narine, Detective Inspector of Police	24 th July, 2017	A.M.
7	Mr. Wendell Blanhum, Detective Senior Superintendent of Police	24 th July, 2017	P.M.
8	Mr. Mitchell Ceasar, Detective Assistant Superintendent of Police	24 th July, 2017	P.M.
9	Mr. Rishi Das, Detective Senior Superintendent of Police	25 th July, 2017y	A.M.
10	Mr. Keron Pickering, Detective Corporal of Police #20676	25 th July, 2017	A.M.
11	Mr. Chaitram Sewsankar, Detective Sergeant of Police #17008	25 th July, 2017	A.M.
12	Mr. Suraj Singh, Detective Inspector of Police	25 th July, 2017	P.M.
13	Mr. Eon Benjamin, Detective Corporal of Police #18065	25 th July, 2017	P.M.
14	Mr. Balram Baldeo	27 th July, 2017	A.M.
15	Mr. Travis Chase	27 th July, 2017	A.M.
16	Mr. David Ramnarine, DSM, Assistant Commissioner of Police	28 th July, 2017	A.M.

CONFIDENTIAL

17	Mr. Julian Griffith, Detective Corporal of Police #20404	28 th July, 2017	A.M.
18	Mr. Joel David, Detective Superintendent of Police	28 th July, 2017	P.M.
19	Mr. Eon Alonzo, Detective Assistant Superintendent of Police	28 th July, 2017	P.M.
20	Mr. Seelall Persaud, DSM, Commissioner of Police	31 st July, 2017	A.M.
21	Mr. Nizam Khan	31 st July, 2017	P/M.
22	Mr. Anant Ram, Inspector of Police	31 st July, 2017	P.M.
23	Mr. Germaine Laundry, Detective Corporal of Police #17862 (recalled)	2 nd August, 2017	A.M.
24	Mr. Imran Khan	4 th August, 2017	A.M.
25	Mr. David Ramnarine, DSM, Assistant Commissioner of Police (recalled)	4 th August, 2017	P.M.
26	Mr. Prem Narine, Detective Inspector of Police (recalled)	4 th August, 2017	P.M.
27	Ms. Luanna Walker	9 th August, 2017	A.M.
28	Mr. Germaine Laundry, Detective Corporal of Police #17862 (recalled)	9 th August, 2017	A.M.
29	Mr. Andriff Gillard (recalled)	10 th August, 2017	A.M.
30	Mr. David Ramnarine, DSM, Assistant Commissioner of Police (recalled)	10 th August, 2017	P.M.
31	Mr. Rishi Das, Detective Senior Superintendent of Police, (recalled)	16 th August, 2017	A.M.
32	Mme. Justice Claudette Singh, CCH, SC	16 th August, 2017	A.M.
33	Mr. Lloyd Adams (<i>in camera</i>)	16 th August, 2017	P.M.

CONFIDENTIAL

APPENDIX F

List of statements and materials provided to the Commission

No.	Statements from	Subject	Date
1.	Andriff Gillard	The allegation	2017-03-29
		Description of the long gun	2017-03-29
		Confrontation with Nizam Khan	2017-03-29
		Confrontation with Leon Baldeo	2017-04-25
2.	Nizam Khan	Denial	2017-03-29
3.	Julian Griffith	Unrelated matter	2017-04-10
4.	Stephen Persaud	No relevance	2017-03-29
5.	Komal Pitama	Arrest of Nazim Khan	2017-03-30
		Confrontation with Lloyd Adams	2017-06-20
6.	Leon Baldeo	Offer by Gillard	2017-04-07
		Confrontation with Gillard	2017-04-25
7.	Stephon Hinds	Witness to confrontation between Gillard and	2017-04-25
8.	Inspector Prem Narine	Invited Gillard for confrontation	2017-04-20
		Gillard and Adams turn up at different times	2017-05-09
		Adams unavailable for a confrontation with	2017-05-10
9.	Lloyd Adams	Related his telephone conversation with Gillard	2017-04-25
		Confrontation with Gillard	2017-06-20
10.	Nandanie	Ownership of sim card.	2017-04-27
11.	Brentnol Patoir	Purchase of sim card	2017-04-28
12.	Javid Baksh	Station Diary entry of Adams reporting to CID	2017-05-04
13.	Mitchell Ceasar	Confirmation of sim card ownership	2017-05-10
14.	Chaitram	Gillard and Adams miss confrontation	2017-05-08
15.	Germaine Laundry	Unsuccessful attempt to hold confrontation	2017-04-12
		Contacted Gillard to hold confrontation	2017-04-19
		Gillard declines invitation for confrontation	2017-04-20
		Confrontation between Gillard and Baldeo held	2017-04-25
		No confrontation between Gillard and Lloyd	2017-05-09
		Confrontation between Gillard and Adams held.	2017-06-20
16.	Luanna Walker	Conversation with Gillard	2017-07-19
17.	CID HQ	Video recording of Gillard's interview with HGPTV 19/67	

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APPENDIX G

List of Written Submissions to the Commission

No.	Subject	Submitted By
1	Closing arguments	Mr. Selwyn Pieters, Attorney-at-law
2	Closing arguments	Mr. Ian Chang, SC, Attorney-at-Law
3	Closing arguments (No written submission)	Mr. Christopher Ram
5	Closing arguments	Mr. Glenn Hanoman

APPENDIX H

Ministry of Public Sec

TEL. NO: 226-2444
FAX NO: 226-2740
PFC/P-4



June 5, 2017

Mr. Seelall Persaud DSM
Commissioner of Police ✓
Office of the Commissioner
Guyana Police Force
Force Headquarters
Eve Leary

C
F

Dear Mr. Persaud

**Re: Annualised Vacation Leave – Commissioner of F
Seelall Persaud DSM**

I refer to your letter dated May 25, 2017 on the above subject an approval has been granted for you to proceed on one hundred and one annualised vacation leave with effect from July 10, 2017 to November 10, 2017 inclusive, to be spent in the United States of America.

Approval has also been granted for Assistant Commissioner of Police to perform the duties of Commissioner of Police in your absence.

Yours sincerely

D. M. Calmon
.....
Ms. Daneilla M^c Calmon
Permanent Secretary
Ministry of Public Security



Copy: Secretary, Police Service Commission
Auditor General
Accountant General

ED/lw
PCA
F. N. A.
6/10

CONFIDENTIAL

GUYANA:

POLICE SERVICE COMMISSION

SS:

Georgetown, Demerara

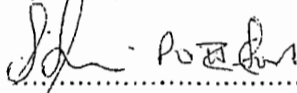
GOVERNMENT ORDER NO. PF: R-2

2016-11-04

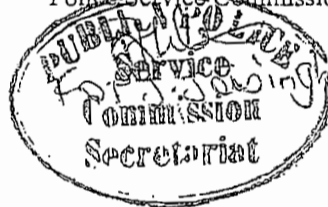
AMOUNT:

Approval has been given for Assistant Commissioner of Police, David Ramnarine within the Guyana Police Force, Ministry of Public Security to act as Commissioner of Police within the same Agency with effect from 2016-07-25 to 2016-11-01, both dates inclusive and for him to be paid an acting allowance in accordance with the Public Officers' (Acting Appointments and Acting Allowances) Regulations, 1958.

By Order,



Mr. Jaigobin Jaisingh
Secretary,
Police Service Commission.



The Accountant General

Copy: Auditor General;

Permanent Secretary (ag),
Ministry of Public Security;

Commissioner of Police;

Finance Officer,
Guyana Police Force.

CS
copy to F.O
SOA, OK Reg-
D ACC
09/11/16

CONFIDENTIAL



COMMISSIONER OF POLICE
Received: 28/11/16
Considered: 28/11/16

Ministry of Public Security

OFFICE OF THE VICE-PRESIDENT & MINISTER OF PUBLIC SECURITY

Tel. No: 225-7270

Fax Nos: 227-4806/227-0213

E-mail: homemin@guyana.net.gy

6 Brickdam,
Georgetown, Guyana.

December 2, 2016

Mr. Seelall Persaud, DSM
Commissioner of Police
Office of the Commissioner
Police Headquarters
Eve Leary
Kingston

Dear Commissioner of Police,

Re: Association of Caribbean Commissioners of Police (ACCP) Inter-Sessional Meeting – December 7-9, 2016 in Miami, USA

I am directed by the Hon. Minister of Public Security to refer to your letter dated November 28, 2016 treating with the captioned subject and wish to inform that he has indicated that Assistant Commissioner of Police, Mr David Ramnarine will act as Commissioner of Police during your absence from the jurisdiction between December 6-10, 2016.

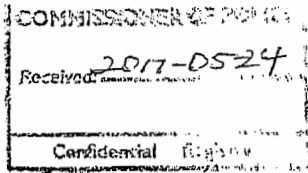
Yours sincerely,

Joycelyn Anderson
for Minister of Public Security

cc: P.S., Min of Public Security

ACA
FNA
12/02

CONFIDENTIAL



GUYANA:

POLICE SERVICE COMMISSION

SS:

Georgetown, Demerara

GOVERNMENT ORDER NO. PF: R-2

2017-05-24

AMOUNT:

Approval has been given for Assistant Commissioner of Police, David Ramnarine within the Guyana Police Force, Ministry of Public Security to act as Commissioner of Police within the same Agency with effect from 2017-02-13 to 2017-03-31, both dates inclusive and for him to be paid an acting allowance in accordance with the Public Officers' (Acting Appointments and Acting Allowances) Regulations, 1958.

By Order,

[Signature]
Ms. Marvalyn Stephens
Secretary,
Police Service Commission.



The Accountant General

Copy: Auditor General;

Permanent Secretary,
Ministry of Public Security;

Commissioner of Police; ✓

Finance Officer,
Guyana Police Force.

F.O
we spoke
[Signature]
5/25/17

ACA
FNA
[Signature]
5/25

CONFIDENTIAL

ADDENDUM

1. Alleged murder

During the course of the inquiry several issues arose, which the Commission feels are outside the scope of the terms of reference of the Commission. However, those issues are considered serious enough to be reported on with a view to having the appropriate action taken.

During his sworn testimony and interaction with the Commission, Andriff Gillard alleged that sometime ago there was a dispute with a mining claim in the interior. He alleged that the said claim is owned by Imran Khan and Commissioner Persaud.

He further stated that Trevor Adams, a mines officer with the Guyana Geology and Mines Commission was perceived by Khan to be interfering with the operations of the mines. Khan asked Gillard to approach Adams and offer him a bribe to turn a blind eye to what was going on. Gillard said that he approached Adams who refused the offer. Khan was informed of the refusal. Khan then remarked to him that if Adams did not want to take the offer he would have to have him killed. Gillard was asked to arrange for Adams to be killed but he refused.

Gillard claimed that Khan sent into the interior for one of his workers known as "Foots" for him to arrange for Adams to be killed. "Foots" is alleged to have come out of the interior and according to Gillard told him that he (Gillard) was right here and could not get the job done causing him to have to come out of the interior. Shortly after that Adams was killed.

"Foots" returned to the interior and was killed in a mining disaster.

The Commission was informed that prison escapee Uree Varswyck aka Malcolm Gordon, was charged for the murder of Trevor Adams.

It was noted that Varswyck lived in the Grove/Diamond area, an area where the Khans' are said to have lots of influence.

The Commission recommends that this allegation by Gillard should be properly investigated. However, it must be borne in mind that the alleged relationship between the Khans, Commissioner Persaud and other members of the Guyana Police Force, including members of the Criminal Investigations Department, may militate against an impartial and professional investigation, unless the investigators are carefully selected.

CONFIDENTIAL

2. Issuing of firearm licenses

During the course of the inquiry it was revealed that Imran Khan is the owner of a .45 caliber semi-automatic pistol, a .223 semi-automatic rifle and a shotgun.

The commission examined the firearms record of Imran Khan and discovered that he was given permission by Commissioner Brumell in December 2013 to upgrade his .32 semi-automatic pistol to a 9mm pistol. He was given permission in April 2014 by Mr. Seelall Persaud who was acting Commissioner at that time to upgrade the 9mm pistol to a .45 pistol.

It was also discovered that Nizam Khan has been given permission to upgrade his .32 pistol to a 5.7 x 28 pistol.

The Commission is alarmed by the discovery that high powered pistols such as .45 and 5.7 x 28 calibers, and .223 semi-automatic rifles, are issued to civilians.

In the case of the pistols it was noted that those calibers are larger and more powerful than the standard pistol issued to local law enforcement personnel.

The Commission recommends that the policy in relation to the issuing of the above high caliber firearms should be reviewed.

3. Alleged Conduct of ASP Ceasar

The Commission was provided with an audio recording of an incident which is alleged to have occurred at CID HQ on August 4, 2017.

In the audio someone, who is believed to be ASP Ceasar, can be heard using lots of expletives and ordering the ranks to put someone out of the office. That person is alleged to be Gillard who had gone to C.I.D HQ to retrieve a cellular phone, which was lodged at that location.

The audio recording was played during the HGPTV nightly news on August 7, 2017.

The Commission recommends that this incident should be investigated.

4. Alleged disorderly behavior

During the course of the inquiry it was disclosed by several police witnesses that Imran Khan behaved disorderly at the CID HQ on the night of March 29, 2017. From all indication Khan has not been charged for his disorderly conduct.

The Commission would like to recommend that Imran Khan should be charged for behaving disorderly at CID HQ on the night of March 29, 2017.

CONFIDENTIAL

The Commission would like to point out that the statute of limitation for the offence will be up on September 28, 2017. Therefore the charge should be filed as soon as possible before the expiration of the statutory period.

5. Alleged simple larceny committed by Gillard

During the course of the inquiry it was disclosed that Gillard was charged by the police with simple larceny of tyres belonging to Stephen Persaud. The circumstances surrounding this charge are questionable.

The Commission recommends that this case should be reviewed.