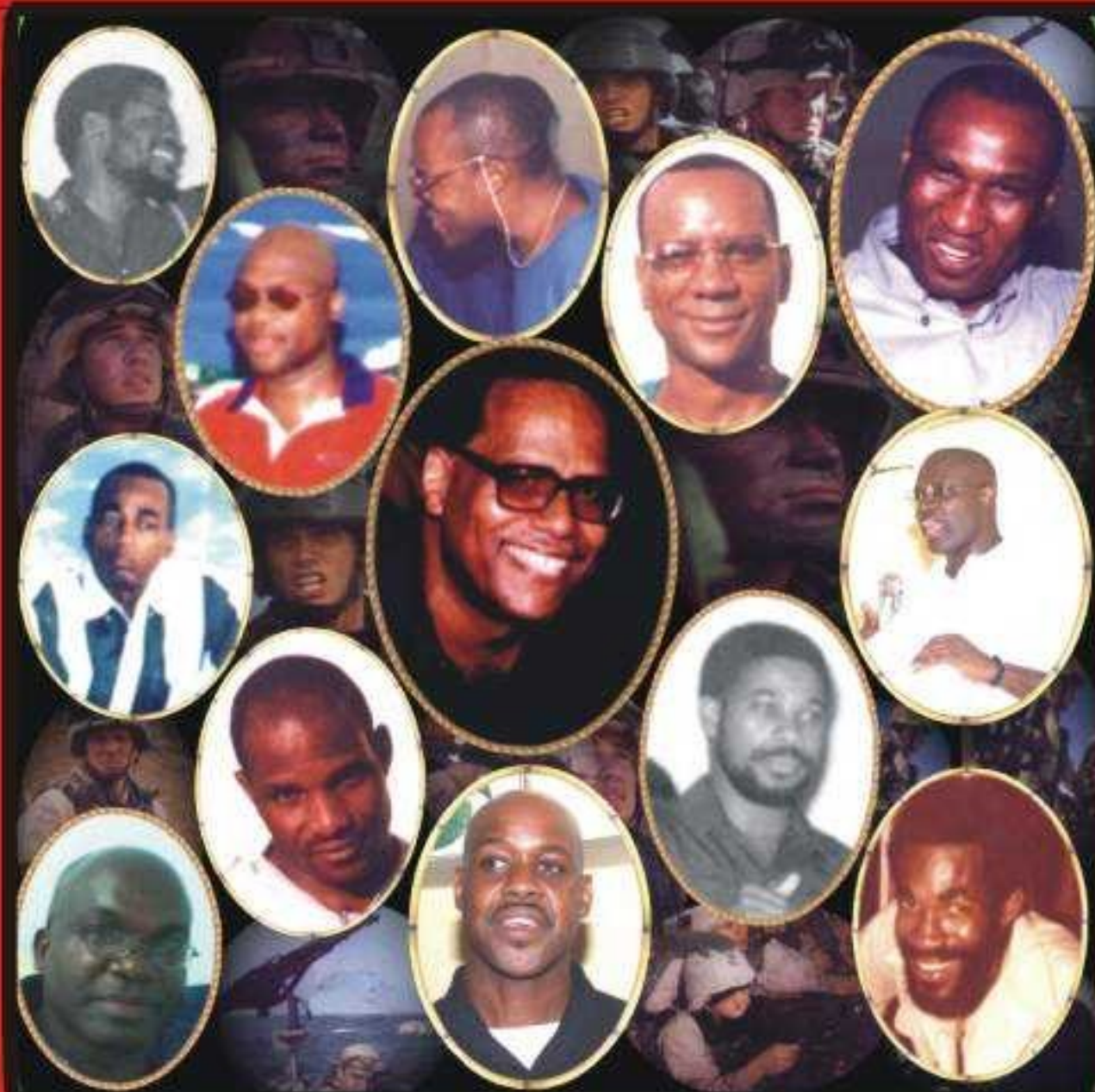


# THE QUEST FOR JUSTICE

(THE CASE OF THE GRENADA 17)



WRITTEN BY ALLAN SCOTT



Committee for Human Rights in Grenada

# **The Quest for Justice**

**The Case of the Grenada 17**

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in association with  
*Caribbean Labour Solidarity and Grenada Forward Ever*

This is a reprint of an earlier pamphlet published by *Committee for Human Rights in Grenada* as part of the campaign to free the Grenada 17. It is reprinted here as a contribution to the historical record.

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## Chapter 1

In order to justify the invasion of Grenada, the US government embarked on a massive propaganda campaign against the New Jewel Movement and against individuals leaders of the party. This propaganda campaign was initiated on October 14<sup>th</sup>, several days before the death of Prime Minister Bishop, with US spokesmen operating from their Barbados Embassy stating that a power struggle was underway between hard line leftists led by Deputy Prime Minister Bernard Coard and moderates led by Prime Minister Bishop. With the invading forces came a psychological warfare battalion, which flooded the Caribbean with “evidence” that it was this power struggle that led to the death of Maurice Bishop. At the same time, journalists were banned from the island so that the only source of information to the world’s media came from the invading forces.

The propaganda campaign initiated by the US maintained three central themes, constantly repeated in hundreds of publications, often without the slightest shred of factual evidence to support their assertions. The US claimed that there was an ideological split within the leadership of the New Jewel Movement, that there was no real crisis within the party except the results of a personal power struggle, and that there was a conspiracy by a small clique aimed at replacing Maurice Bishop with Deputy Prime Minister Bernard Coard. A detailed analysis of the NJM Party documents shows that these assertions are deliberate lies.

All of documents indicate that there was ideological unity within the leadership of the party with no conflicts on any fundamental issues or policies relating to the objectives of the revolution, how these objectives were to be achieved or the rate at which they were to be pursued. The major internal policy document, Line of March for the Party, was unanimously approved by the leadership of the Party. In introducing the document, Maurice Bishop made clear that “we cannot opt for a total state sector model as the state does not have the necessary material or financial resources, management and skills resources..... the model that we have chosen in Grenada is the mixed economy- state sector dominant type model.” Although records do not indicate who wrote which section of the document, Bernard Coard was the main spokesman on economic development within the leadership and the section of the development of the economy is totally consistent with his view that socialism could not be built overnight. The Line of March document was unanimously accepted by the Party membership on 13<sup>th</sup> September 1982. Following the invasion, the US took away 35,000 lbs of documents from Grenada for analysis. They subsequently published what they described as representative samples of these documents in a blue book, which was circulated in Grenada. Even though a comparison with the originals shows that some of the documents have been distorted, the authors of the book have had to conclude that there is no evidence to show any strong divergence of views within the leadership of the Party. The US propaganda that Bernard Coard favoured communism overnight is shown to be a pure fabrication. It is also remarkable that the US could suddenly describe Maurice bishop as a moderate, when they had consistently criticised his Government and had clearly formed plans to invade

Grenada in order to overthrow it. Any analysis of the US position on Grenada will show that the US regarded the Bishop Government as dangerously left wing.

The second US assertion was that there was no real crisis in the Party or in the country, and the events of October 1983 were nothing but a grab for power by Bernard Coard. An analysis of the NJM documents actually shows that there was a deep crisis in the Party as a whole, which threatened the disintegration of the party. There was total agreement by the leadership of the Party that this deep crisis was caused by weak leadership and required urgent solutions. The only differences were over the solutions.

The difficulties faced by the Party can be traced back to 1981. In April, the Central Committee had adopted a resolution which recognised the need for better functioning of the higher organs of the Party, and the need for greater administration and implementation within the Party. However, in December Maurice Bishop was still critical, stating that decisions were not being implemented, work was not being conducted along the lines agreed, they had failed to give guidance to the party and there was poor communication within the Party. By July the following year, it was noted that there was a downward trend in all aspects of the Party's work and a weakening of its links with the broad mass of the people. This was as a result of the weaknesses earlier noted by Maurice Bishop, and because of the sheer pressure of work. By October, Bernard Coard had resigned from the Political Bureau, citing the slackness of the Central Committee and the lack of preparation for meetings by its members.

At the October Central Committee meeting it was accepted that there were glaring weaknesses, and two members, Kenrick Radix and Caldwell Taylor were removed for their poor work record and performance. Seventeen major decisions were taken, aimed at strengthening the efficiency and the effectiveness of the work of the Central Committee members and the operation of the Central Committee. At the general meeting of the Party held in November, Maurice Bishop indicated that the Central Committee has criticised itself for its weakness in functioning and outlined some of the steps that would be taken to improve things. A further meeting was planned for the end of March, but this did not take place until the end of July 1983.

This delay was caused by the threats now being made against Grenada by the US. From the earliest days of the revolution, the US had been hostile to Grenada. In April 1979 the US Ambassador to the region met with Maurice Bishop and threatened aggression against Grenada if they did not break diplomatic relations with Cuba. In April 1980, a plot was uncovered to overthrow the revolution, kill the leadership and install a Government headed by Stanley Cyrus, which would have received immediate US recognition. On 19<sup>th</sup> June 1980 a bomb was set off at a mass rally underneath the building where the leadership was sitting. During his campaign for the 1980 US elections Reagan openly stated that Grenada had to be taught a lesson and in August the US carried out its dry run for the invasion of Grenada, the notorious "Amber and the Amberines" manoeuvres, invading the Vieques Islands, off Puerto Rico. By early 1983 the verbal threats against Grenada were being stepped up, and President Reagan made three speeches in which he referred to



Grenada as a threat to the National Security of the United States of America. On March 21<sup>st</sup>, US battleships were sighted off Grenada's shores, and the Government mobilised in expectation of invasion. The workload in mobilising the country was enormous, and added to the already excessive workload of the Central Committee members. This led to a state of exhaustion in the Central Committee members, which became more pronounced as the summer proceeded.

By August, the Party was in deep crisis. Party members, extremely dissatisfied with the Committee's position on the problems of the membership, took the path of silent rebellion and refused to carry out tasks viewed as involving excessive work. A number of members resigned from the Party and a considerable number of members were threatening to follow them. In this atmosphere, an emergency meeting of the Central Committee was convened. At this meeting, there was agreement that there needed to be a critical review of the Central Committee. Unison Whiteman said "things are pointing in the direction of a breakdown in confidence in the Central Committee" and Fitzroy Bain stated that "there is a division between the party and masses." Both of these individuals were subsequently described by the US as being part of the moderate faction. The Central Committee agreed to meet again in September to seek solutions to the current crisis.

After contributions from every member of the Committee, Maurice Bishop summed up the discussion. There was a state of deep crisis in the party and revolution, the main reason for these weaknesses is the functioning of the Central Committee, and the crisis within the Party was the main factor contributing to the crisis in the country. All of the Central Committee members were in agreement of the existence of the crisis, that the crisis was deep and that the fundamental problem lay with the Central Committee itself, its poor functioning, guidance and leadership. Since the invasion, George Louison ,a Central Committee member present at the September meeting, has denied that any crisis existed in the Party. His minuted contributions show a different view. He said that he was shocked on his arrival in the Country to see the state of the roads, which is in the worst state it has ever been since the revolution. This, he said, is because of the continued decline of the work of the Party. Having listened to a number of the comrades he agreed that there were a lot of problems in the leadership. He even made an explicit criticism of Maurice Bishop, stating "The number one problem is the quality of leadership given the process by Comrade Bishop. He loses focus and spends too much time on details".

The third US lie was that there was a conspiracy by a clique of the Central Committee aimed at removing Maurice Bishop as the leader of the revolution. There was no such conspiracy, and there was no proposal to remove Bishop either as leader of the Party, the Government or revolution. There was a proposal put openly to the Central Committee and then to the entire Party membership, to establish joint leadership of the Party. The truth, however, did not prevent the US military psychological warfare battalion from hysterically repeating that there was beyond doubt a conspiracy against Maurice Bishop.

The proposal on joint leadership was first put to the Central Committee on September 16<sup>th</sup> 1983 as part of the solution to the current crisis in the Party. It was made clear that Maurice Bishop would continue as Prime Minister and Commander in Chief, and that he would sign all of the documents of the Central Committee. The majority of the Central Committee members were in favour of the proposal, but it was opposed by George Louison who felt that it would not solve the problem of Maurice Bishop. He even went on to say that “if he fails then it may be necessary to remove the comrade in future”. George Louison was later called as a State witness in the trial of the Grenada 17 to state that there had been a plot against Maurice Bishop by the Defendants!

After a detailed discussion the Central Committee members voted on the proposal, and 9 members were in favour, one against (Louison) and three abstentions. There followed a discussion about whether all of the Party members should have access to the minutes of the meeting. This was opposed by Bishop and Whiteman, but the rest of the members voted in favour of the proposal. What is significant about this discussion is that it was the so called conspirators who were insisting that all party members should have access to the minutes so that they could see the arguments expressed to enable them to reach an informed decision.

Before a general meeting of all of the members could be held, the proposal had to be put to Bernard Coard who was not at the Central Committee meeting. Although he agreed with the Central Committee’s analysis of the poor state of work and the danger of disintegration of the Party, Coard was not keen to return to the Central Committee, let alone accept joint leadership, and he asked the Central Committee to explain his position clearly to the Party. He explained that he had resigned from the Central Committee because when he had sought to get serious action and decisions taken, some comrades had interpreted this as his trying to undermine the Party leaders position.

On 25<sup>th</sup> September a general meeting of the Party was held which lasted from 9AM to midnight. Member after member spoke in favour of the proposal on joint leadership, and close to midnight all of the Party members, including Maurice Bishop, voted in favour of the proposal. The one Party leader absent from the meeting was George Louison who was in Hungary leading the advanced delegation for the Prime Minister’s official visit. Maurice Bishop left for Hungary on 26<sup>th</sup> September, and it is clear that while he was away George Louison systematically sought to persuade Maurice bishop to renege on his acceptance of the Party’s decision. While in Hungary, he called a meeting of all of the party members who were part of the delegation and indicated that no final decision had been taken on the issue of the joint leadership issue. He indicated that Maurice needed more time, and attacked a number of the Central Committee members who supported the proposal. Outside the meeting, he told some leading Party members that there was a conspiracy, led by Bernard Coard, to remove the Prime Minister from leadership.

Comrades in Grenada say that they now know that the CIA had been successful in penetrating the NJM and that as soon as they became aware that differences had arisen inside the leadership they activated their agents with the task of fanning these differences.



It is thought that there were three CIA agents amongst the delegation to Hungary, and as a result at this crucial time Bishop was surrounded by people who were telling him not to accept the joint leadership proposal.

On their return to Grenada, some of the Party members expressed their concern about what they had been told on the trip. The members who had come with Bishop were telling them that the proposal for the joint leadership had been accepted, but Louison was telling them that no decision had been reached and there was a conspiracy against Maurice. Both George Louison and Kendrick Radix proceeded to mobilise key non-Party members, even leaking portions of the Party minutes, which contained criticism of Maurice Bishop as evidence of a conspiracy. On October 12<sup>th</sup>, Maurice Bishop ordered a rumour to be spread that Bernard Coard was planning to kill him, and on 13<sup>th</sup> October Bishop was confined to his home once the plot was discovered. (A detailed analysis of these events appears in a later chapter.)

During the trial against the Grenada 17, the prosecution contended that at sometime between 13<sup>th</sup> and 19<sup>th</sup> October, a decision was taken to murder Maurice Bishop in order to take power from him. The reality is that the Central Committee actively sought a peaceful solution to the crisis. A decision was taken by the army not to deploy any members of the army or the police at demonstrations in order to avoid confrontation. George Louison was invited to meet Central Committee members in an effort to seek a solution to the crisis. On 18<sup>th</sup> October, Party members met with Maurice Bishop to discuss a solution to the crisis that included a commitment that he would remain as Prime Minister and leader of the revolution, that he would continue as a member of the Central Committee and Political Bureau, and that if he still opposed the idea of joint leadership then this would be abandoned. Far from conspiring to remove Bishop from office, let alone kill him, the Central Committee was openly informing Party members that the collective view of the Central Committee was that a compromise must be adopted in order to end the crisis, and that it was prepared to retreat on major issues, including the decision on the joint leadership, in the interests of bringing an end to the crisis. There was considerable debate amongst Party members on this proposal, and some concern was expressed on how decisions could be enforced in the future, but the party voted to accept the position of the Central Committee.

Maurice Bishop indicated that before he could response to the proposal, he wanted to discuss it with George Louison, Unison Whiteman and the Cuban Ambassador. It was agreed that the delegation would meet with him again at 10AM the following morning, and he would then give a response to the proposal. It is known that George Louison met with Bishop at 7AM on 19<sup>th</sup> October.

Just before the next meeting with the delegation was due to take place, Maurice Bishop was snatched from his home by a crowd. While the Party leadership had been preparing for a peaceful solution, others were preparing for a civil war.

## Chapter 2

Armed forces from the United States illegally invaded the small Caribbean island of Grenada on 25<sup>th</sup> October 1983. In a press conference given the same day, President Ronald Reagan gave three reasons for this action. The overriding reason was to protect innocent lives, including up to a thousand US citizens, whose personal safety were his paramount concern. The other two reasons were to forestall further chaos, and to assist in the restoration of conditions of law and order and of Governmental institutions to the island. Any impartial analysis of the facts will show that there was no threat to any lives, that the Island was calm and that steps were already being taken to put in place an interim civilian Government until an election could be held. The truth is that the US had long planned to invade Grenada, and remove the left wing Government that it strongly opposed. Former CIA agent John Stockwell has public ally admitted to meeting with Maurice Bishop and advising him that an invasion of Grenada was being planned.

Following the tragic events on Fort Rupert where Maurice Bishop died, Grenada was left with a cabinet of three ministers, only two of whom were in the Country, and no head of Government. The senior of the three ministers, Selwyn Strachen, after consultation with leaders of the army and members of the Defence and Security Committees, invited the Armed Forces to form a Council to fill the power vacuum until a civilian government could be formed. There was concern that the Americans would use the fact of a power vacuum to invade the island, and it was felt that the armed forces were the only institution capable of filling the vacuum. At such short notice.

On October 19<sup>th</sup>, the 16 man Council issued its first statement to the nation. It was made clear that the Council would only exist for fourteen days, by which time a broad based civilian government would be established, and the country would be promptly returned to civilian rule. The statement also pointed out the grave danger and concern that the Americans would use the internal problems to justify an invasion, and indicated that a four day curfew would be established. In retrospect, the imposition of the curfew in the way that it was imposed can be seen as a serious error. The curfew was announced as a twenty four hour dawn to dusk curfew, and that anyone violating the curfew would be shot on sight. The announcement incensed the bulk of the population, and effectively alienated the Council from them. It provided a ready-made audience for the hostile propaganda beaming into Grenada from outside. It also played into the hands of the US with their propaganda line that the Council were ruthless and radical communists who had seized power.

Why was the curfew imposed? The underlying concern for the Council was that following recent events, the Americans would be determined to invade and that they needed to concentrate on preparing their defence. It was important to ensure that there were no further internal disturbances in order to demonstrate that the situation was under control and to ensure that the armed forces could concentrate on the external threat. The Council had obtained evidence by the evening of 19<sup>th</sup> October that hostile elements had played a role in stirring up the activities of the previous days, and they were concerned that the

Americans would aim to create further internal disturbances as a prelude to the invasion. It was therefore felt that it would be better to use strong words than to allow things to remain out of control.

In reality, it was made clear to the soldiers that the shoot on sight order was not to be implemented, and not a single individual was shot. Throughout the days of the curfew, in many areas people were allowed to move around. In Grande Anse people were on the beach, American students could be seen doing physical exercises and youths were playing football in Queens Park. Throughout this period, all essential services were guaranteed and there were no disturbances or looting. The looting only started after the invasion and the Americans were in control of the island.

After the events of the October 19<sup>th</sup>, and throughout the period up to the invasion, the Council kept the Governor General advised of developments and consulted him on all major decisions. This consultation was by telephone, and in two meetings that he had with members of the Council. At the first meeting held on 22<sup>nd</sup> October, General Hudson Austin explained the reasoning behind the creation of the Council, and made it clear that the army had no interest in holding power. The Council was a holding operation until a broad based civilian government could be formed within fourteen days. General Austin indicated that their proposals for the interim Government were Mario Bullen, who was to be Prime Minister, plus Andre Cherman, Richard Jacobs, Ashley Taylor, Michael Kirton, Christopher DeRiggs and Lyden Ramdhanny. Both Bernard Coard and Selwyn Strachan had made it clear that they were not interested in being part of the new Government. The Council was in the process of contacting these individuals, and the assistance of the Governor General was requested.

General Austin then raised his concern that the Americans planned to invade the island, and asked the Governor General to give whatever assistance he could to ensure that the invasion did not take place. He made it clear the Council were willing to allow representatives from any government to observe the conditions in the country, and that they were willing to meet with representatives of any government to discuss the situation in Grenada. In particular, it was made clear that the Council would make every effort to open discussions with the Americans and to give them assurances on the safety of their citizens. The Governor General's opinion was also sought on the funeral arrangements for Maurice Bishop and the other former ministers who had died.

In reply, the Governor General agreed with the need to form a broad based civilian government, and promised to speak to Cherman and Ramdhanny regarding their acceptance of membership in such a government. He made it clear that he saw no need for an invasion, and it could only lead to loss of life and cause great damage to the country. He therefore promised to contact the heads of government in the region making it clear that the situation was in control, that the Council was willing to receive representatives from their Government to observe the situation in Grenada and that the Council would be actively seeking discussions with the Americans on the situation in Grenada. The Governor General also recommended that even though the curfew would be lifted on

Monday, the schools should remain closed for a further two weeks. Finally, he pointed out that although his contract was due to expire in a year's time, he was willing to serve for a further five years.

A further meeting was held with the Governor General later in the day, at which the Council were represented by Major Leon Cornwall. At this meeting, the Governor General spoke first. He indicated that he had now picked up talks about a possible invasion, and that he was extremely concerned about it as it could lead to a senseless loss of life. He therefore proposed that the Council should propose an immediate return to civilian rule, and the setting up of a Commission of enquiry to carry out an investigation into the events of October 19<sup>th</sup>. He suggested that the Commonwealth Secretariat be requested to handle the setting up of the Commission. In reply, Major Cornwall stated that the Council had already announced the intention to return to civilian rule within fourteen days, and that they were in the process of setting the civilian government up. He accepted the suggestion for the Commission, and asked the Governor General to contact the Secretary General of the Commonwealth Secretariat on this issue. Major Cornwall then showed Sir Paul a copy of a diplomatic note from the Council to the US Government making it clear that the Council was a temporary phenomenon and that a broad based civilian government representing all classes and strata and interests would be in place within fourteen days to replace it. Sir Paul expressed his total support for the note, which was sent the next day, and promised to do all that he could to avert an invasion of the country.

On the night of October 19<sup>th</sup> BBC World Service announced that part of a US fleet destined for Lebanon was being redirected to Grenada in case it became necessary to evacuate US citizens. On the same evening, the Council were advised by a reliable source that these forces were to form part of an invasion fleet. The Council were of the view that the US intended to use the issue of the safety of it's citizens as a pretext for an invasion, just as they had done in the Dominican Republic in 1965, and therefore resolved that every effort should be made to show that there was no danger to US citizens. To this end, they decided to meet with the Director of the US medical school on the island, Dr Jeffery Bourne, and if possible, representatives of the US Government.

At the initial meeting with Dr Bourne, Major Stroude requested a meeting with the students so that the situation could be explained to them, their concerns addressed and their safety guaranteed. Dr Bourne raised the issue of a telex received from the US Embassy in Barbados, which asked him to seek permission for an Embassy delegation to come to Grenada to assess the situation. Major Stroude indicated that he saw no problem with meeting this request, and promised to get back to him.

At a subsequent meeting with the students, Major Stroude outlined the current position, gave an assurance that the Country would be under civilian rule within two weeks, and promised that they would receive assistance with food and water if the need arose. A request for water later in the day was dealt with promptly. It was made clear that anyone who wished to leave the island was free to do so, provided normal civilian channels were used. The students expressed their satisfaction with the presentation, and the majority

expressed their concern over a possible invasion, and hoped that their Government would act with restraint.

The next day, General Austin met with Dr Bourne and advised him of the process in forming a civilian Government. He repeated the guarantee that all the students and other American citizens would be safe, and again offered to provide food, water and other items if requested. It was also made clear that anyone who wished to leave the country could do so, and all necessary transport facilities would be made available. General Austin asked Dr Bourne to pass these assurances on to his Government, and requested that the school re-open as soon as possible. The next day, Dr Bourne spoke with General Austin on the telephone and informed him that the classes had recommenced and that all else was normal.

The Council assigned Major Cornwall to the task of meeting with visiting officials, and four meetings were held with American representatives between October 23 and 24<sup>th</sup>. The first meeting took place with an official of the American Embassy in Barbados, Dr Bourne, and Mr Montgomery from the British High Commission in Barbados and Mr Xelley, the British representative in Grenada. Major Cornwall indicated that several CARICOM countries had taken a decision to invade Grenada, that on their own they did not have the logistical support to carry out an invasion and would therefore need the assistance of an extra-regional power. Their information was that this power was the US, and they were aware that US battleships and marines were sailing towards Grenada. If the US did not intend to invade, they were requested to use their influence to persuade the CARICOM countries not to invade. In response, the US Embassy official stated that the US had no intention of invading Grenada, and had not been part of a decision to invade. He had only just learnt of the decision of the CARICOM countries to invade, but gave no assurance to stop this decision from being implemented. He then stated that Americans who wished to leave Grenada would be unable to do so, as LIAT had decided to suspend all flights to Grenada indefinitely. Other American Embassy officials would be arriving in Grenada by private plane later that day, and he requested permission to land and move around the country to check on the American citizens.

In response, Major Cornwall made it clear that no foreigner was in any danger in Grenada, and there had not been a single incidence of violence or crime since 19<sup>th</sup> October. LIAT had not advised Grenada that flights had been suspended, and such action was unnecessary as there was no chaos or violence in the country. The policy of Grenada had not changed, any law abiding foreign citizen could leave Grenada when they desired, and any seeking entry would be welcomed. The actions of LIAT could only be seen as a hostile act aimed at creating problems for Grenada. It was made clear that permission to land would be given to the Embassy officials, and they were free to move around the island. Major Cornwall would be free to meet with them at their convenience.

Major Cornwall met with the officials, Mr Budheit, Mrs Flahr and Mr Gary Chaplin later that day. The officials indicated that the US wished to evacuate their citizens by use of helicopters and battleships, with helicopters and planes flying overhead to provide

security. Major Cornwall indicated that the Council had no problem with the US evacuating its citizens, but the form proposed was totally unacceptable. He offered as an alternative chartered commercial flights or a tourist liner. The American officials said that they would give serious consideration to this proposal, but they would first need to check how many citizens actually wanted to leave. Major Cornwall again stressed the Council's concern over the proposed invasion and possible US involvement. He made it clear Grenada's foreign policy remained committed to peaceful relations with all CARICOM countries on the basis of non-interference in each others internal affairs, and stated that Grenada was not, nor ever would be, a threat to its neighbours. He therefore asked the delegation to secure a guarantee from their Government that they would not participate in any invasion.

In response, the American officials categorically denied that their Government had any plans to invade Grenada, but they did not respond to the request for a guarantee. The Officials requested a diplomatic note guaranteeing the safety of its citizens, and they were assured that this would be provided. The American diplomats were given full permission to visit all American citizens on the island.

Five hours later another meeting was convened, at which the American officials indicated that they had conveyed the Council's concerns about the invasion of Grenada to their Government, but no guarantee had been forthcoming. Despite the access to their citizens, they had no idea how many wanted to leave, nor did they address the issue of the safety of their citizens. Mr Budheit said that Mr Chaplin was returning to Barbados the next day to meet the Ambassador, and all of the Council's concerns would be raised with him, including a protest that US battleships had entered Grenada's territorial waters. In response, Major Cornwall provided a copy of the note guaranteeing the safety of American citizens, and made it clear that Grenada was ready to facilitate the normal departure of all Americans who desired to leave, through the airport and by civilian transport.

On October 24<sup>th</sup> another meeting took place between Major Cornwall and Mr Budheit. This meeting was brief; Mr Budheit indicated that Washington had received their diplomatic note and were studying it with a view to replying. Mrs Flahr, who has promised to attend the meeting, failed to turn up. It was later discovered that instead she had attended Government House to meet the Governor general to seek his support for the invasion.

On Friday 21<sup>st</sup> October, the Council received a cable from Mr Milton Cato, the Prime Minister of St Vincent, which requested a meeting with General Austin to discuss the situation in Grenada. He proposed a meeting, either on Carriacou or Union Island, and this meeting was arranged to take place on 22<sup>nd</sup> October on Union Island at 12,00 hours with the Permanent Secretary in the PM's office. However, the promised confirmation of the meeting was never received, and when General Austin rang to check the situation he was told the meeting was off as the Prime Minister Mr Cato had left for an urgent CARICOM meeting in Trinidad. It was at this same meeting that the final decision was made to invade Grenada.

It is clear that from October 19<sup>th</sup> there was no chaos in Grenada. The Council had made it clear that the army's rule was temporary in order to stabilise the country. An interim civilian government was promised within two weeks, and steps were being taken to set up a broad based interim government. The Governor General was being consulted and he was being supportive, and his suggestions for the setting up a Commission of Enquiry and over the funerals of Maurice Bishop and the former ministers were readily accepted. The safety of all foreign nationals was assured, and they were free to leave the island. When the US Government required assurances, they were given. There was no evidence of any violence or looting on the island, let alone any evidence that lives were in danger. The excuses given by President Reagan for the invasion of Grenada were totally untrue, not even accepted by his friend and ally Margaret Thatcher. Instead of protecting innocent lives, many innocent people, including the occupants of a mental hospital, were killed in the invasion and many more were injured. Following the invasion, there was considerable looting, especially in the capital, St Georges, the very chaos that the invasion was supposed to prevent. The Queens representative on the island, the Governor General Sir Paul Scoon, despite his stated opposition to the invasion, retrospectively invited it and happily served the invading forces, securing a further period in office.



## Chapter 3

On October 12<sup>th</sup> Errol George, Deputy Chief of Security to the Prime Minister, was asked by Cletus St Paul to attend a meeting with Maurice Bishop. At this meeting, Maurice Bishop indicated that we have a rumour to spread. St Paul then told Errol George, in the presence of the Prime Minister, that we were to go and advise several people that Bernard and Phyllis Coard were planning to kill Maurice Bishop. Maurice specified that they should say Phyllis first and then Bernard, and gave them a list of persons to whom he wanted the rumour to be communicated to. It included Theresa (Maurice Bishop's cook), Peggy Nesfield, Richard Hart and Gary from St Patrick's. Maurice then left with St Paul for a meeting of the Central Committee.

Errol George told Theresa that Phyllis and Bernard Coard were planning to kill the chief, and asked her to tell as many people as possible. However, he then drove to the Personal Security headquarters where he told Ashley "Ram" Folkes, the head of personal security, what had happened in the meeting with Maurice Bishop and Cletus St Paul. Ashley Folkes contacted the head of Counter Intelligence, Keith Roberts, and told him about the rumour. He asked Folkes where Errol George could be found, and he was told that he had gone into hiding. Keith Roberts drove to Fort Rupert to discuss the issue with the Central Committee, but when he arrived there he found that they had adjourned for lunch. He then decided to drive to Butler House, and on his way there he met Bernard Coard's car. He asked Bernard to follow him to Butler House, where he told him about the rumour. Bernard indicated that his life was now threatened and decided not to return to the Central Committee meeting.

By the afternoon of October 12<sup>th</sup> Keith Roberts started to receive reports from the Interior Ministry personnel that the rumour had reached significant sections of the population and was causing confusion and potential for chaos. He later received reports that some members of the St Paul's militia had taken up arms and had expressed a willingness to fight on behalf of Maurice Bishop. At about midnight, Keith Roberts was visited by Liam James who said that at the Central Committee meeting Maurice had denied the rumour and agreed to go on to the radio to disassociate himself from the rumour. He also indicated that Cletus St Paul had been arrested.

Errol George was visited by two officers from the Counter-intelligence Unit of the Department of National Security who took his statement about the rumour. On 13<sup>th</sup> October he attended a meeting of the entire membership of the Party at Butler House. All members of the Central Committee were present with the exception of Chris De Riggs who was abroad. Errol related the events of October 12<sup>th</sup> to the meeting in the presence of Maurice Bishop. At this meeting it was announced that the security forces had decided to ask Maurice to remain at home while the rumour was investigated...

On Saturday 15<sup>th</sup> October a demonstration was held in St George's calling for the release of Maurice Bishop. The next day, Maurice contacted Keith Roberts and asked him for a meeting. Keith Roberts drove to the house of Maurice Bishop and met with him. During

the course of the meeting, Maurice indicated that he had heard about the demonstration and that he never intended this matter to reach this far. Shortly after this meeting, Keith was contacted by Major Chris Stroud who presented him with a letter from Cletus St Paul, which was to be passed on to Lt. Col. Liam James. In the letter, St Paul admitted that Maurice Bishop had told him to go and spread the rumour that Phyllis and Bernard Coard wanted to kill him. He stated that he was very disappointed with Maurice and that he did not know why Maurice had done something such as this.

On reading this letter Keith Roberts went to speak with St Paul at Calivigny. St Paul confirmed that he had written the letter, and he agreed to write a detailed statement regarding the rumour. This statement and the original letter were given to Lt. Col. James.

On 18<sup>th</sup> October a meeting was held between Maurice Bishop and a delegation from the Central Committee with a view to resolving the crisis, but there were no concrete results, as Maurice wanted further consultation with George Louison and Unison Whiteman. By the evening, Keith Roberts had received word that a demonstration was planned for St George's on the following day. He discussed the issue with Lt. Col. Layne, who indicated that the people had the right to demonstrate if they chose, and that force should not be used to avert the demonstration.

The threatened demonstration took place the next day, and the crowd headed for Maurice Bishop's home. The security forces tried to prevent the demonstrators from entering the restricted compound of the residences of Maurice Bishop and Bernard Coard. Lt. Col. Layne went down the hill to speak to the demonstrators. While he was speaking, a woman hit him on the head with an umbrella. Layne just gave a gesture, spreading his arms, and he walked back up the hill. When he returned to the checkpoint, which was guarded by two Armoured Personnel Carriers, he gave instructions to fire if the crowd broke through to the Prime Minister's residence, but he emphasised that they should only fire into the air, they were not to fire to shoot anybody. He gave this instruction more than once. The crowd overpowered the security guards at the first checkpoint, and came up the hill. When the crowd crossed the main gate, the soldiers fired three bursts into the air, but this did not stop the crowd from entering the home of Maurice Bishop. It was assumed that the crowd would take Maurice either to the market square or to the radio station. Lt. Col James ordered Keith Roberts to evacuate all military units from the radio station so as to avoid any confrontation with the crowd.

These scenes were witnessed by a number of Central Committee members who were at Bernard Coard's house opposite. Some of the crowd hurled abuse and threatened "to deal with us", and it was decided that Bernard and Phyllis Coard should be taken to a place of safety. Major Gahagan suggested Fort Frederick, and transport was arranged. By this time, the demonstrators could be seen heading towards Fort Rupert.

There were a number of Central Committee members at the top level of the Fort, including Hudson Austin, Chalkie Ventour and Selwyn Strachen. The mobile unit from Cavivigny arrived about one and a half hours later, bringing with it Cletus St Paul. St Paul was kept

under guard by the gate on the lower level of the Fort. From the position he was in, it would have been impossible for him to see any of the Central Committee members or hear what they had to say.

Ian St Bernard told the Central Committee members that he wished to ring Fort Rupert to speak to Maurice Bishop or one of the other leaders. By this time, the telephone at Fort Frederick had been cut off, and he had to use the telephone at the nearby Water Works building. St Bernard was told by the communications officer that the general staff were under arrest and that weapons were being distributed to the demonstrators. Unison Whiteman then came on the line, and an attempt was made to discuss a peaceful settlement with him. The response from Whiteman was "There will be no compromising this time. We are in control." St Bernard was advised to give himself up to the nearest police station and that the others would be dealt with later.

When this conversation was reported to the other Central Committee members they were shocked and in a state of paralysis. The Central Committee members stayed at the top level of the Fort, staring out at Fort Rupert.

Lt. Col. Layne told Keith Roberts that the scene was total chaos. He was upset that non-military personnel were in the command post of the armed forces, and he indicated that Einstein Louison was giving out weapons to militia personnel. He also expressed concern about explosives that were being kept on Fort Rupert in underground rooms he pointed out that if a cigarette were to fall there it might destroy the entire area. Lt Col Layne also indicated that he had learned that demonstrators had been despatched from Fort Rupert to take the main ammunition warehouse of the armed forces in Frequente. He therefore had no choice but to send troops to retake the Fort.

At this point Lt. Col Layne went to the lower level of the Fort to give orders to the troops. He told them to retake the Fort and to restore order. The troops were told to fire into the air and scare as many people as possible from the Fort and secure the operations room at the compound. He also told the troops that they may come under fire as he had information that certain members of the crowd had secured arms. If they came under fire they should defend themselves, but he made it clear that this would be the last resort.

Minutes after the mobile unit left, gunshots could be heard and people could be seen jumping off Fort Rupert. A loud explosion was heard, and smoke could be seen coming from the operations room. Shortly after the gunshots had cooled down, a jeep carrying Captain Lester Redhead and Lieutenant Prime arrived at Fort Frederick and reported to Lt Col. Layne. About a minute and a half after they had left, another burst of gunfire was heard from Fort Rupert. Given the distance between the two Forts, it would not have been possible for those two officers to have been there at the time of the gunfire. This further gunfire took everyone by surprise, and General Austin was heard to say, "what is that now, what is that now".

Through a telephone call from Fort Rupert it was learnt that WO1 Mason had died on the way to hospital, that Officer Cadet Mayers was in a critical condition, that Sgt. Cameron was injured and Lance Corporal Simon was injured

Both Keith Roberts and Errol George were detained by the invading forces, and both gave detailed statements to the Barbadian police. Errol George was advised that he would be required to give evidence for the prosecution in the criminal charges relating to the death of Maurice bishop and others. He gave evidence to the preliminary Enquiry on July 11<sup>th</sup> 1984 and he expected to be called to give evidence at the trial. He was ready and willing to give evidence, but was not requested to give testimony at the trial. In his affidavit, Errol George notes that Cletus St Paul has denied knowledge of the rumour of the plot to kill Maurice Bishop and his testimony of his observations at Fort Frederick. He makes it clear that where his evidence differs from that of St Paul, his evidence is the true record of events. He is also clear that the statements and tapes that were produced at the time corroborate his affidavit.

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## Chapter 4

Following the US invasion, the Grenada 17 were all arrested by the invading forces and held incommunicado for many days. Months passed before they were taken before a magistrate or allowed to consult with counsel. During this period, the prisoners were threatened, interrogated, beaten, deprived of sleep and food and constantly harassed. Their whereabouts were kept secret, and requests to meet with them by lawyers were rejected. More than a week after the invasion, Admiral Joseph Metcalf denied knowing the whereabouts of Bernard Coard and Hudson Austin to a group of US Congressmen when in fact the two men were confined aboard a ship under his command.

A number of the Defendants were interrogated by a team of Barbadian police officers, and they allege that they were tortured into making confessions, which were subsequently submitted to the trial court as “voluntary confessions”. When the police officers came to give evidence in the trial regarding these statements, the accused made statements to the court that the statements had been obtained after they had been tortured and beaten.

In his statement from the dock, Callistus Bernard gave graphic details of his interrogation by Inspector Watson and Ashford Jones. He said that he was sat on a chair, handcuffed behind his back, from 9am until midnight, during which time he was questioned without a break. He told the court “at about midnight, I sort of drifted in sleep. Suddenly, I found something around my neck. Sergeant Ashford Jones had taken a bath towel, tied it around my neck and start choking me by pulling it tight,” When Ashford Jones realised that the choking was not making him talk, Callistus Bernard was taken into a corner where “ I was grabbed by about 7 policeman who started cuffing me with their fists to my head, groin and other parts of my body. They also used their feet. The physical pain was great....After I was stamped on in the face, my eyes were bleeding, I was completely disorientated. In the end, although in some ways it is very hard for me to say this, I did sign a statement of lies incriminating myself that I Abdullah, did all sort of fantastic things.”

Christopher Stroude claimed that he had been kept at the police headquarters from 9AM on 15<sup>th</sup> November until around 8AM the next day, and that he was tortured throughout the day on the 15<sup>th</sup> until he finally broke in the early hours of the morning on the 16<sup>th</sup>. He called for the prison diary which would prove that he was at the police headquarters between the times he had stated, but this turned out to be missing, and despite repeated complaints during the trial, it was never produced.

In his indicative statement to the Court, Ewart Layne described how he had been tortured, and how the torturers were desperate to get him to say that the Central Committee under Bernard Coard as Chairman met and took a decision to execute Maurice Bishop. Although he eventually signed a false statement implicating himself, even under torture he refused to tell lies about his colleagues. The day after his torture, Ewart Layne wrote to the Governor General spelling out what had happened to him, and he subsequently gave a voluntary statement to Inspector John setting out the true version of events.

The tales of the Defendants who were tortured show a common thread, their torturers desperate to link the members of the Central Committee with the alleged execution of Maurice Bishop. As there was absolutely no real evidence against the ten Central Committee members, it was essential to manufacture it. What is remarkable is that they were so incompetent that the statements that were obtained under torture were contradictory with each other, and they all contradicted the false evidence given by Cletus St Paul at the trial.

The trial judge held a trial within the trial in order to determine whether the statements given were voluntary, and in each case he decided that they were. In five cases the prison doctor was able to confirm the Defendants allegations by testifying that he had observed injuries such as abrasions to the chest, abdomen and genitals on the day following their questioning by the police. But in four cases he maintained, and the judge accepted, that the injuries could have been self-inflicted. In the 5<sup>th</sup> case, even the doctor was unable to provide an alternative reason for the injuries, but this did not prevent the trial judge from accepting the statement as being voluntary.

In it's grounds of appeal the defence subsequently declared that the trial judge's conduct on this issue bordered on the scandalous, and a number of important facts support this contention: -

- A) Of the 16 persons named by the defendants as being able to give evidence in support of their having been tortured, the judge decided to call only three of them as witnesses.
- B) Of the three witnesses called, he examined only one fully.
- C) Having called the police inspector who had conducted an official investigation into the allegations of torture, he failed to ask him a single question to determine what the results of his investigation had been. The judge even refused to admit into evidence the defendants statements as to their tortures, recorded and formally witnessed by the investigator, as they had not been given on oath.
- D) Although 12 defendants alleged that they were tortured, he called and questioned the prison doctor only in respect of four of them. In a fifth case, he called the doctor but sent him away without asking him a single question. Having heard the doctor's evidence relating to four of the defendants, he declared that he did not believe any of the defendants had been tortured, and ruled that all of the confessions and statements were freely and voluntarily given.
- E) A comparison of the doctor's evidence with his written records in the prison files shows that he did not always give accurate evidence. For example, in one case he stated that he did not order x-rays for possible internal injuries, the medical files show that he did. The judge declined to examine the medical files himself.

Although the Court of Appeal subsequently confirmed the trial verdicts, no judgement has ever been produced to justify their decision.

The treatment of the 17 Defendants by the invading US forces was eventually investigated by the Inter-American Commission on Human Rights. They found that taking into

account that the petitioners were civilians detained for security reasons, and that they were held in the custody of United States forces for approximately nine to twelve days, including six to nine days after the effective cessation of fighting, the petitioners were not afforded access to a review of the legality of their detention with the least possible delay. Accordingly, the Commission found that that the deprivation of the petitioner's liberty effected by the United States forces did not comply with the terms of Articles I, XVII and XXV of the American Declaration of the Rights and Duties of man. The Commission recommended to the United States that it: -

- A) Conduct a complete, impartial and effective investigation into the facts denounced in order to determine and attribute responsibility to those accountable for the violations convened, and repair the consequences;
- B) Review its procedures and practices to ensure that, in any instance where its armed forces may be responsible for detaining civilians, there be adequate safeguards in effect so that such persons should be heard with the least possible delay by a competent judicial authority with a power to order release should detention be deemed unlawful or arbitrary.

The response of the US was to effectively ignore the recommendations. They indicated that pursuant to processing the case they had carried out an investigation, and a further investigation was unwarranted. They did not accept that there were any consequences vis-à-vis the petitioners to repair. It was their view that they had fully complied with their legal obligations and took vigorous exception to the Commissions findings.

In its final report the Commission made clear that this response did not reflect full compliance. The measure of investigating recommended were aimed at both establishing the facts and holding those responsible accountable. The State's response failed to demonstrate that these objectives had been accomplished, and no measures had been taken to repair the violations of the American Declaration established. With regard to the second recommendation, the State had provided no information as to any review of its procedures in the light of the violations of the American Declaration.

The Commission therefore confirmed the original recommendations, and to date, the US Government have totally ignored them.



## Chapter 5

The Grenada constitution provides the right to a fair hearing before an independent court. For this right to be met, four elements need to be met: -

1. The Court should be free of bias,
2. The Court should be independent of the state,
3. Both sides should have access to all of the evidence, and
4. Both sides should have the right to state their case and be heard.

Any impartial analysis of the trial of the Grenada 17 will show that none of these elements have been met, and therefore their trial was both unfair and unconstitutional.

The Court in which the 17 were tried was unconstitutional. Following the revolution, the other Eastern Caribbean States effectively barred Grenada from the ECSC Court system. Following the invasion, every aspect of the 1973 Constitution was restored except the clause designating the court system for Grenada. In 1985 the Grenada Court of Appeal ruled that the High Court had a temporary validity on the grounds of necessity, but it accepted that the High Court was unconstitutional and it expected the Government to act with reasonable despatch to restore the constitutional court system. In November 1985 the Constitution Committee set up by the Government recommended a return to the ECSC court system, which included the right of appeal to the Privy Council. However, the Government refused to rejoin the ECSC system, and instead seconded a judge from the ECSC, Mr Justice Byron, for a temporary period to be acting Chief Justice. The defendants were to be tried in a temporary court presided over by a temporary judge, and it is clear that the government of Grenada was deliberately manipulating the judicial arrangements in order to deprive the accused of the much stronger legal protection afforded by the ECSC. Effectively, the accused were: -

- A) Denied the right of appeal to the Privy Council,
- B) Denied the opportunity to apply for the trial to be held on another island to avoid the local prejudice resulting from the US propaganda campaign, and
- C) Denied the right to be tried before a judge whose appointment and tenure did not depend on the Grenada government.

Even the court building itself was designed to imply the guilt of the defendants. Instead of using the courthouse, a special court was built in the grounds of the prison, and during the trial it was surrounded by armed soldiers. It was extremely difficult for members of the public to get to the trial and hear the evidence against the accused.

In September 1985 the 17 filed a constitutional motion claiming that they could not be given a fair trial because of the massive prejudicial publicity campaign against them, and that because of the previous Court of Appeal ruling that the High Court was only of temporary validity, the motion should be referred to the ECSC Court as the only court which could have jurisdiction to hear it. On 25<sup>th</sup> March 1986, Mr Justice Byron ruled that the High Court was competent to hear the motion. The 17 appealed to the Court of Appeal,

which was due to sit in May, but in April Mr Justice Byron announced that the murder trial would start immediately.

It was at this point that the 17, after consulting with their lawyers, instructed them to withdraw from the trial. Mr Ian Ramsey QC, the leader of the defence team, in a letter to all Commonwealth Heads of Government said “As lawyers trained in England and brought up in the principles of the common law, we are unable to take part, nay prohibited, from legitimising in any way a trial in or by an admittedly unconstitutional court. Not only were the 17 unrepresented at the trial, at the beginning of it they were detained in their cells for contempt while the jury was selected in their absence by the prosecution alone for much of the trial they were detained in the cells for contempt, and therefore were unable to even hear the evidence being given against them.

When the defence lawyers announced their withdrawal, the array of 140 potential jurors was present in court. They were present when the judge threatened the lawyers with contempt of court, and there was widespread clapping by the jurors who made hostile comments about the accused and their counsel. One juror shouted “they are going to get a cut arse and you to” From this array of persons twelve jurors were selected to hear the trial. A panel of jurors which displayed such open prejudice to the accused should have been disqualified from sitting. The jury was selected in the absence of the Defendants by a newly appointed Registrar who had previously been a member of the prosecution team for the trial. It has been alleged that the original Registrar was dismissed because he had selected a panel of jurors fairly, and credence to this is given by the fact that the original Registrar was re-appointed after the trial was over. It is a fundamental right that the accused have the right to object to the selection of jurors, but the accused were denied this right as the judge decided to select the jury while the accused were all serving a seven-day sentence for contempt of court.

As soon as the lawyers left the case, the pressure on the Defendants escalated. They were denied visits and letters, and they were not allowed to meet to discuss their defence. For some weeks the families were even stopped from entering the court. On 25<sup>th</sup> April, after being charged with contempt of court for the third time, eight of the Defendants were beaten by a group of policemen attached to the court. The beatings began immediately outside the court, and they were beaten all the way back to their cellblock. All eight were denied access to medical attention for more than seventy-two hours, and attended Court on 28<sup>th</sup> April with obvious injuries. The judge ruled that this was not a suitable matter for the court to investigate, and referred the matter to the Director of Public Prosecutions. No charges were ever brought against the police officers concerned. Another consequence of the contempt of court sentence was that the Defendants pens, paper and legal notes were taken away. Five documents, including a detailed analysis of the contradictions in the evidence of prosecution witnesses and a list of potential defence witnesses were never returned.

The Defendants were denied access to numerous documents that had been seized by the United States forces and which were essential to the defence case. The prosecution accepted that the documents existed, but stated that as they were in the possession of the

United States, which was claiming diplomatic immunity for them, they could not produce them. The Judge ruled that he had no jurisdiction to compel a foreign Government to produce the documents, and the Defendants were therefore denied access to them. Other documents vital to the defence had disappeared

from various departments of the Grenada government. The missing documents included: -

- A) Minutes of the New Jewel Movement Central Committee and Party meetings. These were necessary to prove that the proposal for joint leadership of the Party was not motivated by an ideological struggle and that it had been supported by the whole Party, including Maurice Bishop himself, after a full and open debate. Their production would have shown that the evidence of prosecution witness George Louison was deliberately false in a number of important respects.
- B) The written statements and tape-recorded confessions of chief prosecution witness Cletus St Paul. These would prove that he had admitted spreading the false rumour that Bernard Coard was planning to kill Maurice Bishop, and would have destroyed his credibility as the sole witness claiming to hear any order by Central Committee members for Bishop's death.
- C) The duty officer's diary from Fort Frederick army camp. This would prove that the when the Central Committee members arrived at the Fort, Cletus St Paul was not there.
- D) The official diary from Port Salines US Prisoner of War camp. This was required to support the allegations that some of the defendants had been tortured to force them to sign false confessions.
- E) The three statements made by Cletus St Paul to the police prior to the June 1984 Preliminary Inquiry. It is alleged by the defence that the late President of the Court of Appeal, Justice Haynes, had said that he had read these statements and that they were entirely contradictory to the evidence given at the trial and the preliminary hearing.

The only evidence at the trial against the ten Central Committee members was from Cletus St Paul who claimed that they met at Fort Frederick and ordered the liquidation of the elements that had freed Maurice Bishop. This evidence conflicts with the evidence given by many other of the witnesses called by the prosecution, and even the basic timescales given in his evidence show that it is untrue – he is two hours out of synch with the rest of the witnesses. A major prosecution witness, Errol George, was not called to give evidence at the trial, even though he was listed on the indictment. At the preliminary hearing, he gave evidence that contradicted that given by St Paul. In an affidavit given to the Inter American Commission on Human rights, Errol George indicates that there was no such meeting and explains that St Paul had been arrested for spreading a false rumour that Bernard Coard was planning to kill Maurice Bishop. This important evidence was never put to the jury. More remarkably, the evidence of Cletus St Paul exists in a number of contradictory forms. He gave a different version of events at the Preliminary Hearing, and we understand he gave three different versions of events in statements to the police before the trial. A full analysis of his evidence written by Ewert Layne is contained at chapter six of this booklet.

One of the original defendants, Fabian Gabriel, was given a conditional pardon on the day before the trial was due to commence. The Director of Public prosecution told the court that that this pardon could be cancelled, and he could still be tried for murder, if he did not testify fully and truthfully. During the remand period, intense pressure had been brought to bear against some of the Defendants and their families in order to induce them to give false evidence against their fellow accused. For example, Kamau McBarnette told the court “I was promised a house. Those people said to me that measures would be taken to guarantee my safety. These promises and incitements did not work and when they failed they resorted to threats such as I would be hanged, or I would spend many years in prison if I did not co-operate.”

Former US attorney General Ramsey Clark, who followed the legal process from its inception, holds the view that only four or five of the seventeen should ever have been charged and tried for the events of October 19<sup>th</sup> 1983. The evidence against the ten Central Committee members is an obvious fabrication, not supported by any of the documentary evidence and it conflicts with the evidence of the other prosecution witnesses. Both Christopher Stroud and Lester Redhead were prisoners of the civilian crowd when the shooting started at Fort Rupert, and Redhead was on Fort Frederick when the burst of fire which killed Maurice Bishop took place. Tan Bartholomew was not even in St George’s, he was at his home in the parish of St Patrick’s. There are many people in Grenada who knew these facts, but they were too scared to come forward because of the climate of hate against the defendants created by the US propaganda.

The outcome of the trial was that fourteen Defendants, including all of the Central Committee members, were sentenced to death and three were given long sentences. The defendants appealed, and at the lengthy appeal they were represented by counsel. All of the above irregularities were put to the Court of Appeal, as well as numerous misdirection’s to the jury by the trial judge. The three judges of appeal were again temporary judges being paid to hear this particular appeal. Incredibly, the judges effectively went on strike, refusing to deliver their judgement until they were paid more money, as the judgement would be very complicated. Having secured the promise of large payments for producing the written judgement, the Judges gave their verdict in July 1991. The verdict was to uphold all of the original trial decisions. Present in court to hear the verdict was Ramsey Clark, former US Attorney General, who stated that the decision was wholly political in context and tone. It included no consideration of the facts and law that made the entire proceedings illegal, false in its findings of fact and a corruption of justice. His written report on the judgement concludes with the following statement “Its opinion, repeatedly quoting from Shakespeare’s Julius Caesar, bears less relationship to historical events and the court record it purports to describe than Shakespeare’s play did to the events in Rome 1600 years before it was written. The three judges, knowing that prior inconsistent statements were made by Cletus St Paul, that his testimony was false and his description of how he witnessed what he claimed to witness was physically impossible, and if believed failed to provide evidence of guilt of any defendant and that former President Judge Haynes had declared his intention of securing the evidence of prior

inconsistent statements by St Paul, made no reference to perjury, impossibility or even credibility of Cletus St Paul on which the conviction for murder of ten Defendants who were not near the death site depends. The three judges gratuitously stated that they would have convicted of murder the one defendant who was acquitted of all charges suggesting the jury did so because of his good behaviour during the trial, highly improper jury conduct, and the three defendants convicted of manslaughter in the absence of any credible evidence in the record to support such convictions, manifesting their political prejudice and breach of duty. The decision of the three judges repeatedly misstates facts in the record. For example, they say the record strikingly failed to name a single juror who actually sat in trial as having uttered, or even heard, prejudicial remarks from the array, when the record repeatedly shows the Foreman himself was a principle antagonist threatening defendants. The background history recited at length by the Court is pure fiction, outside the record of the trial and contradicted in many key particulars by documents, press reports, professional historians and established and admitted facts. It is simply a rhetorical, political tract.” To date, the Court of Appeal has never produced a written judgement to justify their decisions.

In 1991 the Government of Grenada announced that it would be returning to the Eastern Caribbean Court System, however no firm date was given. Instead, the Governor General was given the power to choose the date. He issued his proclamation on 1<sup>st</sup> August 1991, just days after the Court of appeal had given its verbal judgement in the case of the Grenada 17. After the proclamation, had been issued, the Grenada 17 filed a motion which would have to be heard in the new court system. The response from the Government was to delay their entry to the court system so that the case would have to be heard in the Grenada Court, thus denying the 17 the right of appeal to the Privy Council. It now transpires that the other Countries in the Eastern Caribbean has no intention of allowing the Eastern Caribbean Supreme Court to hear this particular case. In March 1988 the Prime Minister of Saint Lucia, the Chair of the Court, wrote to Prime Minister Herbert Blaize stating “While the Authority welcome such a decision on the part of Grenada, they consider the time for re-admission of Grenada inappropriate until the appeals regarding the murder of prime Minister Bishop and his colleagues have been disposed of by the Appeals Court of Grenada.”

It is the view of CHRG(UK) that it can be conclusively shown that the Grenada 17 did not have a fair hearing as set out in the Grenada constitution, and that therefore their trial was unfair and unconstitutional. The Court was clearly biased against the 17 Defendants and the Court in question was not independent of the state. It was a court specifically created to deal with this one case employing contract judges paid for by the Government with funds provided by the USA. The Defendants were denied access to all of the evidence against them; indeed, they were denied access to documents that could have proved their innocence. The Defendants were denied the opportunity to hear all of the evidence against them and were not given the opportunity to state their case and be heard. The Government of Grenada has done everything within it’s power to ensure that this case never reaches the independent scrutiny of the Privy Council.

It has always been the position of CHRG (UK) that the murderers of Maurice Bishop and all of the other Grenadians that died, including the soldiers shot from Fort Rupert, should be brought to justice and punished. However, the trial of the Grenada 17 does not prove that any of the Grenada 17 were guilty of any crime. It is for this reason that they are being denied access to the Privy Council, because any competent independent court would order their release. The Grenada 17 have been denied justice, and we will continue to campaign on their behalf until justice is done and they are released.

## Chapter 6

### THE LEGAL PROCESS WAS UNFAIR

By *Ewart Layne*, 1999

We of the Grenada 17 and our supporters have been saying for 8 years now that the legal process which we were put through was unfair.

We want to make it abundantly clear that our complaint is not just about legal niceties. It is a fundamental complaint, in that we are saying that the verdicts returned against us at the trial and upheld on appeal were bad in law. That is why we say with all the conviction we can muster that justice according to law demands that we be freed. This is an entirely different issue from that of political and moral responsibility for the events, including the October 19<sup>th</sup> tragedy which we have publicly and unequivocally accepted.

This article focuses on the case against the former leaders of the NJM, collectively described as the NJM Central Committee. It is not motivated by any feelings of anger or recrimination or any desire to hit back; we have long passed that stage. The article is an effort to address and lay bare a critical aspect of the legal process, the significance of which has been buried under a mountain of propaganda.

The entire analysis, which follows, is based on the case presented by the prosecution; on evidence from prosecution witnesses.

It would be recalled that the Grenada 17 refused to recognise the court or participate in the trial except to make indicative defence statements from the dock. There was therefore no cross-examination of the prosecution witnesses nor were there any witnesses for the defence. In other words, basically only one side of the story was presented. Yet it would be established herein that even on the basis of this one side of the story if the case was fairly put to an impartial jury there could have been no convictions.

#### **Evidence of Cletus St. Paul: It's Importance**

At the trial the prosecution relied on the evidence of Cletus St. Paul to convict all those who were executive members of the NJM and hence leaders of the Revolution. His was the sole evidence against the leaders. This was made clear by the trial judge when he was explaining to the jury the importance of St. Paul's evidence. Without his evidence there could have been no convictions. Therefore, if his evidence is bad then the convictions are by that very fact bad.

Cletus St. Paul was the former chief bodyguard of PM Bishop. He was arrested on October 12<sup>th</sup> 1983, according to him on the orders of the NJM CC. He was locked up at Camp Fedon in Calivigny from October 12<sup>th</sup> 1983 to October 19<sup>th</sup> 1983.



## **J.O.F Haynes and St. Paul's Evidence**

It should be noted that at the outset of the appeal then President of the Court of Appeal J.O.F. Haynes made it clear that he considered the convictions of the NJM leaders suspect because to him St. Paul's evidence lacked credibility.

Justice Haynes also expressed his grave misgivings at the fact that St. Paul had given five (5) different Statements: three (3) to the police; one at the preliminary inquiry; and his testimony at the trial. He could not understand how the same person could give such different statements.

On account of his concern Justice Haynes ruled that he was going to call Cletus St. Paul before the court so that he could question him himself.

However, Justice Haynes died suddenly before he could question St. Paul. A new Court of Appeal was constituted. The decision to call St. Paul was shelved. The police statements of St. Paul have never been provided to the defence. And of course, all the convictions were upheld.

### **Untruth**

The untruthfulness of the evidence of Cletus St. Paul is demonstrated by the fact of its inconsistency with that given by all other prosecution witnesses.

At the end of this document are two tables which address the critical issue of time.

Table One shows the time during which some of the critical events took place. The final column to the right shows the time elapse or time gap between the various events. Table Two which follows is an expanded version of Table One and explains the movements of Cletus St. Paul on October 19<sup>th</sup>.

What emerged from the trial was a remarkable level of consistency between witnesses at different locations with regard to time. One witness was located at Old Fort; another one was located at the Mental Hospital near to Fort Frederick; another was at the Fire Station on the Carenage; yet another was at Richmond Hill Prison. Some were part of the crowd which went to Mt. Wheldale. And some were on Fort Rupert.

All the witnesses except one, based on the time they gave and the activities they described, were agreed that at least 2 hours elapsed between the time Fort Rupert was over taken by the civilian crowd and the time the tragedy started to unfold on Fort Rupert, i.e. when the APC's (Armoured People Carriers) arrived up there and the shooting started.

One witness, a Sandhurst-trained military man was located at Old Fort overlooking St. George's. He said that the APC's arrived at Fort Rupert and the shooting started at 1:15 p.m. Given that witness's background his estimate of time is likely to be highly accurate. This 1:15 p.m. estimate also corresponds to the 1:39 p.m. time officially recorded by the

Fire Station Chief for the fire alarm caused by the fire at Fort Rupert immediately following the approximately 15 minutes shootout at the Fort when the APC's arrived

Indeed, when the 11.00 a.m. time for the arrival of the crowd at Fort Rupert, which other witnesses gave, is combined with the 1:15 p.m. time for the start of the shooting at Fort Rupert given by the Sandhurst-trained military man, we get a 2 ¼ hour time gap between the two events.

The only witness whose evidence is inconsistent was Cletus St. Paul. Although St. Paul was very careful to avoid giving any times for any event at the trial, something which is itself suspect, what is clear is that his story is radically inconsistent with a two hour time gap for the two critical events, namely, the seizure of Fort Rupert and the arrival of the APC's.

### **St. Paul's Story**

St. Paul's story is that he was standing at the entrance of Fort Frederick on October 19<sup>th</sup> 1983 when he saw Bernard Coard and other members of the Central Committee arrive in a state of great urgency. That immediately upon their arrival they huddled together for a brief moment right there at the entrance, only half dozen yards from him. That he saw them shaking their heads and moving their hands though he could not hear what they were saying. That shortly after in the presence of the others, one of the CC members, Cornwall, made a very short statement to soldiers who were gathered at Fort Frederick that Bishop and others had taken over the Fort and that they must be liquidated. That immediately after Cornwall's statement Coard and the rest of the CC members left for the top level of Fort Frederick. But that Ewart Layne stayed back and spoke to some of the army commanders. And shortly thereafter, those commanders together with a contingent of troops on APC's left Fort Frederick. And that, 10-15 minutes later, he heard shooting from Fort Rupert.

### **Missing 2 Hours**

On St. Paul's version, no more that 15 to 20 minutes would have elapsed between the seizure of Fort Rupert and the commencement of the tragedy. Two hours would go missing.

On St. Paul's version, some of the people who died on Fort Rupert could not have died there. They would not have been there because they arrived there over one hour after the Fort was seized. If St. Paul is speaking the truth then it must be that those people are alive somewhere. They were not at Fort Rupert.

On St. Paul's version, some of the people who said they were in the Operations Room at Fort Rupert and who described their experience in graphic details would be lying. They could not have been there because they went to the Fort a long time after it was seized. Some close to two hours after. No one would seriously suggest that these people lied. But

that is the irresistible logic of Cletus St. Paul's evidence. If he is speaking the truth then they are lying. And if they are speaking the truth St. Paul is lying. It is as simple as that.

## **The Truth**

Table Two below lays out the truth as to St. Paul's whereabouts on October 19<sup>th</sup> 1983. The truth is that Cletus St. Paul did not see a single member of the CC arrive at Fort Frederick on October 19<sup>th</sup> 1983.

He could not have seen that because at the time the CC members were arriving at Fort Frederick Cletus St. Paul would have been at Camp Fedon in Calivigny.

Cletus St. Paul arrived at Fort Frederick a whole 1½ hours after Bernard Coard et al. He arrived there together with the unit led by Conrad Mayers. He arrived there in handcuffs, since on his own admission he was a prisoner at Calivigny since October 12<sup>th</sup> 1983. There are dozens of soldiers in our community who were at Fort Frederick or who arrived from Calivigny together with St. Paul who can verify when he, St. Paul, arrived. They would have been too fearful to go public. But anyone interested in the truth can get that from them. Indeed, those interested in the truth, can also read St. Paul's testimony at the Preliminary Inquiry. There he said on cross-examination that he arrived at Fort Frederick at 12.30 p.m. which is 1½ hours after the people arrived at Fort Rupert and Coard et al arrived at Fort Frederick.

As a footnote: it would also be observed that at the PRELIMINARY Inquiry in 1984, only a few months after the tragic events, St. Paul says nothing about seeing anything at Fort Frederick which could pass as a Central Committee meeting. However, at the trial 2½ years after the events, he recalls seeing the Central Committee members huddled together and shaking their heads – the prosecution's evidence of a Central Committee meeting. This is not a minor detail because in law the mere presence of the Central Committee at Fort Frederick, based on St. Paul's Preliminary Inquiry evidence, would not have been sufficient to secure convictions against all of them. Some form of participation in making a decision had to be established. The huddle and the shaking of heads and moving of hands is how the prosecution decided to achieve that. It was a neat legal manoeuvre which shows the presence of a legal mind.

## **The Problem the Prosecution Had**

The problem the prosecution faced is that they could obtain no truthful evidence to convict the members of the Central Committee. Yet the conviction of the surviving leaders was so important for those who had seized Grenada that they were prepared to manufacture evidence to achieve that. Because the Grenadian people were already angered by the death of Bishop in particular and the loss of the Revolution and given the job the invaders did in demonizing the surviving leaders, they were confident that Grenadians would go along. So they manufactured evidence.

It is instructive that in 1983 or early 1984, in answer to questions from the regional media to the reason for the delay in laying charges against the former leaders, Sir Nicholas Braithwaite, then head of the interim government, told the Caribbean media that there was no evidence to charge anyone. Clearly, Sir Nicholas being a man of high Christian values must have been greatly disturbed by the fact that at one time there was no evidence but then later evidence of a highly dubious nature appeared. We suspect that this doubt must have played a role in Sir Nicholas and Mrs Purcell taking the courageous decision to commute the death sentences in 1991

### **A Further Problem**

In using St. Paul to manufacture the evidence which nearly sent the former NJM leaders to the gallows, the prosecution had a further problem. The only other witness who gave testimony with regard to Fort Frederick stated that he was standing outside of the gate of Fort Frederick when Bernard Coard, Selwyn Strachan and others arrived in haste. He said that as they jumped out of their cars they shouted Forward Ever! Backward Never! And they immediately departed for the top level of the Fort about 100 yards away.

St. Paul therefore could not testify that the CC members remained down in the bottom yard in front of him for any length of time. It had to be a brief time span so that it could be argued that the other witness standing far away missed the brief delay. The other witness had previously stated that he did not know Layne so St. Paul could safely have him stay back to 'Give the orders'. It was a neat operation and that is why we are convinced, though we cannot prove, that St. Paul did not fabricate this on his own, but that a legal mind was behind this manufacture.

### **St. Paul's Evidence: How It Was 'Backed Up'**

Throughout the legal process everything was done to ensure that St. Paul's piece of fabrication could be effectively used.

Mention has already been made of the fact that his three different police statements were never handed over to the defence. `

Mention has also been made of the shelving of the decision to call St. Paul before the court to question him. Once President J.O.F. Haynes died suddenly, this decision was swept aside.

Additionally:

At the preliminary inquiry another prosecution witness, Errol George, gave evidence which gives the lie to Cletus St. Paul's evidence that he was there standing at Fort Frederick when members of the CC arrived. The prosecution refused to call that witness at the trial. And the court, despite the call of the undefended accused to do so, also refused.

There is a duty officer diary which was kept at Fort Frederick. This diary would have a record of persons who entered Fort Frederick on October 19<sup>th</sup>. It would show that Bernard Coard and others arrived at around 11.00 a.m. and that the unit from Calivigny along with a prisoner, Cletus St. Paul, arrived there at 12.30 p.m. Since this is an official document it can be used in evidence. The Americans seized this diary in 1983 and despite the appeals by The 17 to have it returned to assist them in their defence, the Americans have refused to hand it over.

At the trial the judge spent several days summing up the case and giving directions to the jury. His summing up runs into hundreds of pages. Yet, over all these days not even on one single occasion did the judge draw to the attention of the jury the fact that St. Paul's evidence does not fit with that of the other prosecution witnesses. There is not even a hint of that. The jury would therefore have retired completely oblivious of the fact that St. Paul's evidence was at odds with that of the other witnesses, and the implication of that. This failure by the judge, this non-direction, is fatal to the convictions. Any appeal court with even a modicum of integrity would quash the convictions on this ground alone not to mention scores of other grounds.

### **Not Just Legal Niceties**

So when we say that the trial was unfair we are not just speaking of legal niceties.

Not just about the fact that nine (9) separate laws were passed to deal with our case.

Not just that the self-declared unconstitutional court was kept in place because of our case and our case alone. [This was openly admitted in an official letter from the then O.E.C.S. Prime Ministers, submitted to the Appeal Court.]

Not just that a prosecution lawyer was the one who selected the array from which the final panel of jurors was drawn.

Not just the fact that the array was selected in a highly irregular manner.

Not just that the summoned array was highly biased, and demonstrated this by shouting at The 17 in open court, ***two weeks before the first witness was called***, that we were 'Criminals and Murderers'.

Not just that nothing was done by the judge to screen the panel so as to neutralise or mitigate the effect of the massive prejudice dished out by the media against the Seventeen for over 2½ years before the commencement of the trial.

Not just that the judge took the unprecedented step of metaphorically putting a gun to the head of the jury by giving them a verdict sheet which each of them had to sign and return showing how they voted on each count. Even in general elections people vote secret ballots. The issue of the secrecy of the jury process in the Commonwealth is as fundamental to the judicial process as secret balloting is to fair elections. The judge's

action amounted to duress and naked coercion of the jury. After the 2½ years and millions of dollars spent in propaganda to poison the minds of Grenadians, which juror would have signed a paper saying that he/she voted to acquit Bernard Coard, for example?

So our complaint about the lack of a fair trial is not just about the fact that the Appeal Court, following the death of J.O.F. Haynes, refused to call St. Paul to be questioned at the appeal.

It is not just about the failure of the Court of Appeal, indeed the refusal of the court of Appeal, to hand over a written judgement, up to this day, in open violation of Section 8 of the Grenada Constitution.

What we are saying is that, outside of all the above, the convictions over our heads would have been impossible. In a fair trial the verdicts would have been not guilty. In a fair appeal the guilty verdicts would have been quashed. That is what we mean when we say that justice according to law demands that we be freed

### **Political and Moral Responsibility and 16 Years Imprisonment**

This is not to say that we are bitter about the 16 years imprisonment. We have accepted it among other reasons because we view it as the price we have had to pay for being responsible in a profound sense for the disaster of October 19, 1983, for the demise of the Grenada Revolution, for the pain and suffering inflicted upon many Grenadians during the Revolution and for the pain so many have suffered since. We think that the acceptance of this punishment with dignity is the honourable thing. And that is why any fear or concern that we would seek compensation for the 16 years or seek revenge against others is totally without basis.

Grenada will soon have to face up to a new millennium. The world has to face it. We believe it is time to look forward. From our standpoint, we think it's time to bring an end to our ordeal. We just want to get on with our lives; to care for our children and families. We just want to move on.

### **Cletus St. Paul, We Have Forgiven You**

Finally, we say to Cletus St. Paul: We have forgiven you. Of course we were bitter and angry for years. But we have let go of the anger and the bitterness. We know you were committed to the Revolution. We know that you loved Maurice immensely. We are clear that the desire for revenge is what motivated you to do what you did. We pray that it would be possible to forgive yourself for something that the better side of you must tell you was wrong. We pray that with the help of God you will be able to find inner peace.

#### **TABLE 1**

#### **TABLE OF TIME SOME OF THE MAIN EVENTS OCCURRED ON OCTOBER 19<sup>TH</sup> 1983**

No.	TIME	EVENT	TIME ELAPSE
1	Approx. 0800-0900 hrs	Crowds start to gather in the streets of St. George's.	
2	Approx. 1000 hrs	Sizeable crowd reaches the entrance of Mt Wheldale (the compound which housed the homes of PM Bishop and Bernard Coard).	1 –2 hour
3	Approx. 1030 hrs	Crowd breaks into the compound of Mt. Wheldale. Bishop leaves with them.	30 minutes
4	Approx. 1100 hrs	Crowd enters Fort Rupert  Those members of the Central Committee who were at the home of Bernard Coard depart for Fort Frederick.	30 minutes
5	Approx. 1105 hrs	Bernard Coard et al arrive at Fort Frederick	5 minutes
6	Approx. 1300 hrs	Troops leave Fort Frederick for Fort Rupert	2 hours
7	Approx. 1315 hrs	Troops arrive at Fort Rupert. Shooting begins.	(10 – 15) minutes

TABLE 2

EXPANDED TABLE OF TIME OF SOME OF THE MAIN EVENTS ON OCTOBER 19TH 1983

No.	TIME	EVENT	TIME ELAPSE
1.	Approx. 0600 hrs	Unit at Calivigny rises. Cletus St. Paul is at that time a prisoner at Calivigny.	
2.	Approx. 0900 hrs	Crowds start to gather in the streets of St. George's.	2 - 3 hours
3.	Approx. 1000 hrs	Sizeable crowd reaches the entrance of Mt Wheldale.	1 hour
4.	Approx. 1030 hrs	Crowd breaks into the compound of Mt. Wheldale. Bishop leaves with them.	30 minutes

5.	Approx. 1050 hrs	Combat alarm is sounded in Calivigny.	20 minutes
6.	Approx. 1100 hrs	Crowd enters Fort Rupert Those members of the Central Committee who were at the home of Bernard Coard depart for Fort Frederick.	10 minutes
7.	Approx. 1105 hrs	Bernard Coard et al arrive at Fort Frederick	5 minutes
8.	Approx. 1230 hrs	Unit from Calivigny arrives at Fort Frederick. C. St. Paul arrives together with unit as a prisoner.	1 ½ hours
9.	Approx. 1300 hrs	Troops leave Fort Frederick for Fort Rupert	30 minutes
10.	Approx. 1315 hrs	Troops arrive at Fort Rupert. Shooting begins.	(10 – 15) minutes

*Ewart Layne* was a Lt. Colonel in the People's Revolutionary Army, and Day to Day Commander of the Army at the time of October 19, 1983. In 1996 he was awarded an LLB (Law) (Honours) degree by London University. In August 1999 he wrote the final exam for an LLM (Masters in Law) with the same London University and is awaiting results.



## Chapter 7

In 2002 CHR(G) has obtained copies of all of the documents released so far by the American Security forces to Dr Gibson as a result of his successful Court action under the American Freedom of Information Act. Despite the order of the District Court, the American security services are claiming exemption for the bulk of the documents in their possession. In particular, they have failed to release any documents on the subject of covert action in Grenada, the trial of the Grenada 17 or the evidence of Cletus St Paul. What is it in these documents that the Security Services are so desperate to hide? If the documents support the view that the 17 are guilty, and that there has been no political interference with the trial by the US Government, why are they refusing to make them public?

The documents which have been released to Dr Gibson show that a number of state officials were in regular contact with the political officer at the US embassy in Grenada. A number of the documents contain quotes to the political officer by the then Director of Public Prosecution, Vilma Hylton. The independence of the post of the Director of Public Prosecution is enshrined in the Grenada Constitution. It would be inappropriate for the DPP to be reporting to the Government of Grenada on a specific case, yet Ms Hylton was regularly reporting to the embassy of a foreign power. In August 1990 she expressed the view that the conviction of John Venter and Cecil Prime might be overturned. She indicated that she did not disagree with the former, but would find the acquittal of Prime hard to accept. In July 1991 the Political Officer asked Ms Hylton if she could assist in having the Court to focus on the security arrangements inside the courtroom, particularly on the questions of how many relatives each Defendant should be allowed in the courtroom, how many media observers etc. She is even asked if the Appeal Court announcement would be aired live over Radio Grenada. Ms Hylton said that she would ask prosecution leader Karl Hudson-Phillips to discuss these issues with Justice Smith on July 3<sup>rd</sup>.

It is also clear that the secretary for the Chief Justice, Ms Gail Slinger-Charles, was also in regular contact with the Embassy over the transcribing of the original trial records. The Political Officer was clearly concerned over the delay in producing the transcript, as the Appeal could not commence until it was ready. The Political Officer was also approached by the Grenada Government legal adviser, Edwin Heylinger, and National Security adviser Colonel Glenn Mignon, who urgently requested information regarding US Supreme Court procedures on hearing appeal cases and in particular how the Supreme Court limits the time for each appeal. The political officer advises Washington that the Government of Grenada plans to advise the court to dismiss the present appeal case and introduce legislation that would limit the amount of time available for a specific appeal and prohibit oral submissions. He therefore requests that the Grenada Government be given assistance to research this question on a priority basis.

Incredibly, members of the Judiciary involved in the case of the Grenada 17 were also in contact with the political officer in the US Embassy. In a report to Washington dated

March 1987 there are two pages of a conversation between Justice Patterson and the political officer. Justice Patterson indicates that he still believed that the sentences would be carried out that year, and the Commissioner of police claimed that three gallows had already been built. On the contempt of court case involving Ian Ramsey, Justice Patterson is quoted as saying “I was hoping I would not have to continue with the case, but as I’m sitting here it looks more and more likely that I will”. Patterson said the appointment of a new Puisne Judge was imminent, but “ I don’t think he’s capable of handling Ramsay”.

There is a reference in a report to Washington dated December 1989 to a discussion between Sir Frederick Smith and the US Embassy in Bridgetown, but what is more disturbing is another report in January 1991 where the reason for the postponement of the appeal decision is explained. The US Embassy were aware that the postponement was necessary so that the written decision of the Appeal Court would be available at the same time as the oral announcement of the decision. The Appeal Court had planned to announce its decision prior to distribution of the written decision. However, the dismissal of an appeal decision from another Commonwealth country (Malaysia) recently was brought to the attention of the court. The Malaysian Appeal Court had delivered an oral decision in a separate court sitting from the presentation of the written decision. The procedure was judged by a higher court as a point for dismissal of the Appeal Court decision and a rehearing at the Appeal level was ordered. To prevent the possibility of such a rehearing at the appeal level in this case, the Appeal Judges have decided to submit their oral and written decisions at the same time. As the Chief Appeal Judge, Sir Frederick Smith, had just returned from England, more time was needed to prepare the written decision. How would an Embassy Official have such detailed knowledge about the conduct of the Appeal unless he obtained it from the Judges hearing the case?

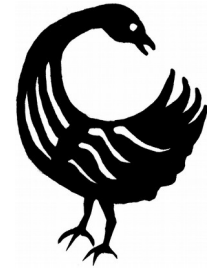
It is clear from the released documents that the written judgement was prepared by the time the Appeal Court announced it’s decision. In July 1991 Ms Hylton was able to tell her friend the Political Officer that one judgement alone is over 200 pages long, though she does not mention why she has this knowledge before the Appeal decision was known. In August the President of the Court, Sir Frederick Smith, indicated that he was not infallible, he wasn’t the pope, but he had spent too much time in writing the judgement and he saw nothing wrong with it. So the question has to be asked, where is this written judgement that took so long to write? Over seventeen years later it has still not been published. Or made available to the Defendant’s legal representatives.

Finally, the released documents clear up the mystery of the whereabouts of the PRG documents taken by the US following the invasion. The defence lawyers needed these documents for the trial and the appeal, but they were never produced. The message from the Embassy to Washington indicates that all of the PRG documents confiscated in 1983 were subsequently microfilmed and the originals returned to the Government of Grenada sometime prior to August 1985. The Commissioner of Police, Cosmus Raymond, confirmed that the Royal Grenada Police Force has custody of the documents at police headquarters. If these documents were located in Grenada, why were the defence team

denied access to them? This failure in itself must surely invalidate the original decision of the Court of Appeal.

The released documents clearly show an incredible level of interference in the case of the Grenada17 by the United States Government. The DPP, the Secretary to the Chief Justice, even the judges, were in contact with the US Embassy about the case. It is not hard to imagine what the documents the US are refusing to release would show about their involvement in the original trial. That documents denied to the defence were actually under the control of the Grenada police force is clearly a fundamental breach of natural justice. It is also clear that the three Court of Appeal judges had prepared a full written judgement before they gave their oral verdict. This vital document has never been released to the Grenada 17 or their legal advisers.

## Grenada – Forward Ever



Grenada – Forward Ever (G-FE) was formed in 2018. It recognises the tremendous social, economic and educational progress made by the Grenadian people during the Revolution of 1979. The United States invaded Grenada in 1983 to quash these gains and erase its memory from history. We will oppose this plan and will fight against all forms of colonialism and support the struggle for self-determination by oppressed people.

We will provide assistance to organisations and individuals in Grenada and elsewhere, seeking to advance the material, economic, social and general well-being of the people of Grenada in support of the advances made during the Revolution.

We will do this by: –

- Publishing and disseminating information and materials, with a focus on the history and inheritance of the Grenada Revolution.
- Undertaking research,
- Holding events, and
- Lobbying, canvassing and commissioning any other activity.
- The Importance of the Grenada Revolution

Before its sighting in 1498 by that well known charity benefactor, Christopher Columbus, Grenada was inhabited by the Caribs, who had invaded and killed the previous inhabitant, the Arawaks. The name given to Grenada by the Arawaks was believed to be Ciboney. The Caribs resisted European domination for more than one hundred years after being sighted by Columbus.

From the earliest European settlement in Grenada, enslaved Africans were kidnapped to Grenada. Contrary to popular western culture the African resisted their capture. In Grenada this manifested in numerous revolts, including the Fédon rebellion of March 1795.

Fédon was influenced by the ideas emerging from the French Revolution, especially the Convention's abolition of slavery in 1794. Fédon stated that he intended to make Grenada a "Black Republic just like Haiti". Fédon and his revolutionaries controlled most of Grenada between 1795 and June 1796. Over 14,000 of Grenada's 28,000 enslaved African joined the revolutionary forces in order to write their own emancipation and transform themselves into "citizens". However, more than 7,000 of these freedom fighters perished in the fight for independence.

Although enslavement was "abolished" in 1834 the plight of Grenada's African population remained relatively unchanged until the 1951 "revolution" of Eric Gairy. Gairy had limited success in weakening the control that Britain had over the island,

leading to independence in February 1974. Independence under Gairy was, for the people of Grenada, a mirage as Gairy did not have the ability or vision to take the people beyond the fight for independence.

Notwithstanding his incompetence Gairy tried to retain power despite his loss of popularity. He used extreme violence to keep control but was overthrown by a popular revolution on 13 March 1979 by the New Jewel Movement (NJM), led by Maurice Bishop.

The Peoples Revolutionary Government formed after the Revolution (Revo') embarked on a wide ranging series of social, economic and educational plans, which brought great and tangible benefits to the people of Grenada.

In 1983 tensions within the NJM led to the collapse of the Revo', culminating in the killing of Maurice Bishop and others close to him on 19 October of that year. The United States, which had, under Reagan, attempted on numerous occasions to undermine the Revo', used this opportunity to invade Grenada. After a week of heavy fighting the US forces, with a fig-leaf Caribbean contingent, captured Grenada and set about dismantling the gains of the Revo'.

Their first act was to put on a show-trial of the remaining leader of the NJM, the Grenada 17, who they captured following the invasion. Mounting a sustained campaign, led by their 56th US Psychological Warfare Unit, the invaders claimed that these leaders had stolen money from the Treasury; planned to slaughter all Grenadians; sold Grenada to Cuba; built underground cities for Soviet Union troops, who were to be stationed in the country; and who killed Maurice Bishop.

The Psychological Warfare Unit co-opted local and regional figures to manage the "trial", which despite was notorious for its many blatant irregularities and received many justified complaints, convicted the leaders of murder and sentenced them to death. This was condemned worldwide by numerous organisations including Amnesty International and was declared a "...travesty of justice..." by many others. After an intense campaign the death sentences were counted and replaced by life imprisonment.

The Grenada 17 were released following a global campaign.

If you have any queries or questions on our articles or the history of the Grenada Revolution please contact us and we will get back to you as soon as practicable.

Email: [info@grenada-forwardever.net](mailto:info@grenada-forwardever.net)



# The Quest for Justice

The case of the Grenada 17

By Alan Scott

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