

A Travesty of Justice



A Committee for Human Rights in Grenada publication
with a contribution by Joseph Ewart Layne

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In light of recent comments in the press in Grenada regarding the leaders of the NJM and their role in the death of Maurice Bishop and others, we are reproducing a contribution by Joseph Ewart Layne to a CHRG publication 'A Travesty of Justice' which was published in the UK in 2003.

Many Grenadians are still unaware that at least 10 of Defendants in the trial of the Grenada 17 were convicted solely on the uncorroborated evidence of just one witness, Cletus St Paul. As the trial judge advised the jury, without this evidence they could not find the Defendants guilty. This article from Joseph Ewart Layne shows that the evidence given by Cletus St Paul, far from simply being uncorroborated, is actually contradicted by virtually every other prosecution witness. The Defendants were not legally represented at the trial, and so the trial judge was under an obligation to advise the jury of this contradiction in the evidence in his directions, but our understanding is that he failed to do so. This issue should have been resolved in the subsequent appeal, but the judgement of the appeal court has never been published, though there is clear evidence that it was written.

We appreciate that this is a very emotive issue for many, especially for those who lost loved ones on the Fort, but we ask you to suspend your position and read this document with an open mind, as we believe it destroys the credibility of the prosecution case against the leaders of the NJM.

Were the NJM leaders convicted on one lie?

The entire analysis which follows is based on the case presented by the prosecution; on evidence from prosecution witnesses¹

One of the features of the Bishop Murder trial, which took place in 1986, is that the Defendants refused to recognize the court or participate in the trial except to make what they termed 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. However, when placed under scrutiny even this one side of the story reveals gaping holes in the evidence of star witness Cletus St. Paul.

¹ Anyone interested in more details or in verification of the facts set out in this document can consult Vol 1 of the Court Record in the Maurice Bishop Murder Trial

Two Crime Scenes: Fort Rupert & Fort Frederick

On the prosecution's case presented against the Grenada 17, there were two crime scenes. There was the crime scene at Fort Rupert where Bishop and others were tragically killed. And there was the alleged crime scene at Fort Frederick. Fort Frederick was the location the prosecution alleged that the decision to kill was taken. Fort Frederick was the location the prosecution alleged that the order to kill was issued. Fort Frederick was the location the prosecution alleged from where soldiers were dispatched to Fort Rupert to implement the order to kill.

The prosecution therefore needed to link the two crime scenes in order to convict the NJM leaders since none of them were at Fort Rupert at the material time.

Enter Cletus St. Paul. His was the evidence, the sole evidence, linking the NJM leaders with the killings at Fort Rupert.

St. Paul story was quite brief. He said that he had been arrested on October 12th 1983 accused of spreading a rumor alleging that deputy PM Bernard Coard and his wife Phyllis Coard had hatched a plot to kill PM Bishop. He was taken to a military camp, Camp Fedon, in the south of the island on the said 12th October 1983 where he remained locked up until 19th October. On 19th October he was moved from Camp Fedon to Fort Frederick along with soldiers of the military unit based at Camp Fedon. While he was sitting at the bottom level of Fort Frederick, in handcuffs, he saw Bernard Coard and other named members of the NJM Central Committee arrive in a state of great urgency. Immediately upon their arrival they huddled together for a brief moment right there at the entrance, only half dozen yards from him. He saw them shaking their heads and moving their hands though he could not hear what they were saying. Shortly after, in the presence of the others, one of the Central Committee members, Cornwall, made a very short statement to soldiers who were gathered at Fort Frederick. He told them that Bishop and others had taken over the Fort Rupert and that they must be liquidated. Immediately after Cornwall's statement Coard and the rest of the Central Committee members left for the top level of Fort Frederick. However, Ewart Layne stayed back and spoke to some of the army commanders. Shortly thereafter, those commanders together with a contingent of troops on armored vehicles left Fort Frederick. Ten to 15 minutes later, he heard shooting from Fort Rupert.

This was the evidence that nailed the 10 members of the NJM leadership and sent them on death row for five years before their death sentences were commuted by Prime Minister Sir Nicholas Brathwaite in August 1991.

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

In 1988, at the outset of the appeal by the Grenada 17 against their convictions, 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, according to him, there were issues of credibility related to St. Paul's evidence.

Justice Haynes said that his concern centred on the fact that St. Paul had given five (5) different statements. He gave three statements to the police. He gave a statement at the Preliminary Inquiry under oath. And he gave another statement at the trial also under oath. Notably, the three statements which St. Paul gave to the police have never, not even up to this day, been disclosed to the Grenada 17 or their lawyers.

On account of his concern, Justice Haynes ruled that he was going to exercise his power 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. And of course, all the convictions were upheld.

The Alleged Perjury of Cletus St. Paul Revealed

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

What emerged from the case presented by the prosecution at the trial was a remarkable level of consistency between witnesses at different locations with regard to the time at which two important events took place. The two events in focus are firstly the time at which the civilian crowd with Maurice Bishop entered and took control of Fort Rupert; and secondly, the time at which the armoured vehicles arrived at Fort Rupert, which culminated with the tragic killing of Bishop and others. ***All the key witnesses on this issue except, Cletus St. Paul, 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 armoured vehicles arrived on Fort Rupert and the shooting started.***

One witness was located at Old Fort; another a few miles away as the crow flies, at the Mental Hospital adjacent to Fort Frederick; another was at the Fire Station on the Carenage; some were part of the crowd which went to Mt. Wheldale to release Bishop. And some were at Fort Rupert.

One of the witnesses was a Sandhurst-trained military man. He was located at Old Fort overlooking St. George's. He saw when the armoured vehicles arrived at Fort Rupert and he heard the start of the shooting. He said that the armoured vehicles arrived on Fort Rupert and shooting started at 1:15 p.m. Further, he estimated that the shooting lasted for 15 minutes. This 1:15 p.m. given by the Sandhurst trained soldier for the arrival of the armoured vehicles plus his 15 minutes estimate for the shooting corresponds to the 1:39 p.m. time officially recorded by the Fire Station Chief for the sounding of the fire alarm. The fire alarm was caused by the fire at Fort Rupert immediately following the approximately 15 minutes shootout at the Fort referred to by the Sandhurst trained soldier.

Several other witnesses described a range of activities which took place at Fort Rupert while the civilian crowd was in control. Some witnesses indicated that they were not in the initial party of civilians who seized Fort Rupert but that they went up to the Fort Rupert, in some cases, one hour, in other cases close to two hours after they learned that Bishop was part of the crowd that had taken over Fort Rupert. Significantly, several witnesses testified that in the case of one of the persons who was killed, he had arrived at Fort Rupert about two hours after the crowd took control of Fort Rupert and just before the shooting started.

From all the relevant evidence, the inescapable conclusion is that Maurice Bishop, together with the civilian crowd, were on and in control of Fort Rupert, on October 19th 1983, for just over 2 hours before the armoured cars arrived.

Bernard Coard and Others Arrived at Fort Frederick Minutes After Crowd Seized Fort Rupert

In assessing the significance of the evidence of Cletus St. Paul it is important to establish that only a few minutes elapsed between the time the crowd arrived at Fort Rupert and the time that Bernard Coard et al arrived at Fort Frederick. From the evidence of the prosecution Bernard Coard and some other members of the Central Committee were at the home of the Coard's, at the Mt. Wheldale compound, when the demonstrators broke into the next door home of Maurice Bishop and freed him from house arrest.

From the Mt. Wheldale compound Fort Rupert could be clearly seen. This is notorious fact and it was also attested to at the trial.

The theory of the prosecution was that, upon seeing the crowd that left Mt. Wheldale with Bishop entering the Army HQ at Fort Rupert, Bernard Coard and his supporters in the Central Committee panicked and fled Mt. Wheldale to Fort Frederick.

Indeed, the aforementioned Sandhurst trained officer testified that he was monitoring the activities at Coard's home from his vantage point, through a pair of binoculars. He said that as he saw the crowd entering Fort Rupert he shifted his focus to the army headquarters for a short while. And that when he returned focus to Coard's home, everyone previously there had gone.

With the haste in which Coard and others left Coard's home, they would have arrived at Fort Frederick, less than five minutes' drive away from Mt. Wheldale, within minutes. Indeed one witness, a worker at the mental hospital, which adjoins Fort Frederick, said at the trial that from his location at the mental hospital he saw the crowd going up to Fort Rupert and about the same time he saw cars with Bernard Coard and others speed pass in front of him and entered Fort Frederick.

Based on the evidence provided by prosecution witnesses, Bernard Coard and other members of the Central Committee arrived at Fort Frederick at approximately 11:05 a.m. while the civilian crowd was still in the process of seizing Fort Rupert.

The conclusion from the above is therefore this: **there is no significant time gap between when the civilian crowd seized Fort Rupert and when Bernard Coard and others entered Fort Frederick. For all intents and purposes they were simultaneous events, casually linked to each other in the sense that: the seizure of the military headquarters by a crowd which had shortly before forcibly freed Maurice Bishop; prompted those opposed to Bishop to take refuge at Fort Frederick.**

The further conclusion is that since at least two hours elapsed between the time the civilian crowd took control of Fort Rupert and the time the armoured vehicles arrived at Fort Rupert and the shooting started; the same, at least two hours, would have also elapsed between the time that Bernard Coard and other NJM leaders arrived at Fort Frederick and commencement of the shooting at Fort Rupert. Cletus St. Paul's evidence must be analysed with this important conclusion in mind.

Missing 2 Hours

Remember that St. Paul's version is that he was seated at the bottom of Fort Frederick on 19th October 1983 when he saw Bernard Coard and other named members of the NJM leadership arrive. Thereafter based on his story events unfolded quickly. The leaders huddled; Cornwall spoke; the leaders left for the top; Layne stayed back and spoke to the soldiers who shortly thereafter departed Fort Frederick; and 15 to 20 minutes later he heard shooting coming from Fort Rupert.

On St. Paul's version, very little time would have elapsed between the arrival of the crowd at Fort Rupert and the shooting which took place immediately thereafter. This is worth repeating. Based on Cletus St. Paul's evidence given under oath, very little time would have elapsed between (i) the arrival of the civilian crowd with Maurice Bishop at Fort Rupert and (ii) the arrival on Fort Rupert of the military unit from Fort Frederick.

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 Fort Rupert was taken over by the crowd.

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 taken over by the civilian crowd; in some cases, 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 of St. Paul's Movements on 19th October 1983

The truth is that Cletus St. Paul did not see Bernard Coard nor any other member of the NJM leadership arrive at Fort Frederick on 19th October 1983.

Moreover, he could not have seen that because at the time the NJM leaders were arriving at Fort Frederick, Cletus St. Paul was at Camp Fedon in Calivigny, a few miles away.

Cletus St. Paul arrived at Fort Frederick a whole 1½ hours after Bernard Coard and other NJM leaders arrived there. He arrived there together with the unit led by Conrad Mayers. He arrived there in handcuffs.

As a footnote: it is worth noting that at the Preliminary Inquiry in 1984, only a few months after the tragic events, St. Paul in his testimony said nothing about seeing anything at Fort Frederick which could pass as a Central Committee meeting. However, at the trial 2¼ years after the events he recalls seeing the Central Committee members huddled together and shaking their heads. This is not a minor detail because in law the mere presence of the Central Committee members 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 the making of 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 participation to secure the convictions.

Conclusion

On October 19th 1983 Maurice Bishop was released from house arrest from his home at Mt. Wheldale by a large civilian crowd. That event happened at approximately 10:30 am. At the time Bernard Coard and several other leaders of NJM were on the same Mt. Wheldale compound where Bernard Coard also resided.

Upon freeing Maurice Bishop, large sections of the civilian crowd together with Bishop proceeded to the army headquarters at Fort Rupert and took control. That event took place at approximately 11:00 am.

On seeing the civilian crowd approaching and entering Fort Rupert, Bernard Coard and other leaders of the NJM fled Mt. Wheldale and took refuge at Fort Frederick, a few minutes' drive away. They arrived at Fort Frederick at approximately 11:05 am.

Upon arrival at Fort Frederick Bernard Coard and his companions immediately proceeded to the upper level of the Fort, approximately 150 metres from the bottom level.

At approximately 12:30 pm a unit of soldiers from the PRA military camp in Calivigny arrived at Fort Frederick. Cletus St. Paul arrived as a prisoner of that military unit.

Upon arrival at Fort Frederick, St. Paul remained at the bottom level of Fort Frederick under guard.

By the time St. Paul arrived at Fort Frederick, Bernard Coard and his colleagues of the Central Committee were at the top level of Fort Frederick. They had been there for over one and a half hours.

Cletus St. Paul did not see Bernard Coard arrive at Fort Frederick on October 19th 1983 as he testified under oath. Cletus St. Paul could not see Bernard Coard arrive at Fort Frederick because Bernard Coard arrived there at least 90 minutes (one and a half hours) before Cletus St. Paul. Cletus St. Paul could not see the other named members of the Central Committee who he said he saw arrive with Bernard Coard, because some of the named persons were not at Fort Frederick and those who arrived together with Bernard Coard arrived there at least 90 minutes (one and a half hours) before Cletus St. Paul.



Above is a recent photo of Fort Fredrick and surrounding buildings. Top left, there is a building with four pillars and a pick-up truck parked in front. On the right side of the vehicle, facing the picture, is where Cletus St Paul was witnessed to be sitting, handcuffed, on ammunition boxes in the veranda, on October 19th 1983. There is much evidence to suggest he arrived 1.5 to 2 hours after CC members and would not have witnessed any meeting.

Whatever one may or may not believe of the culpability of Bernard Coard and the members of the NJM Central Committee in the death of Maurice Bishop, and others, the final inescapable conclusion is this: **Cletus St. Paul's evidence given under oath, and used to convict the members of the NJM Central Committee of the murder of Maurice Bishop was a fabrication from A to Z.**

Afterword

Section 360 of the Criminal Code of Grenada states that: *Whoever commits perjury with intent to cause the conviction of any person for any crime punishable with death, shall be liable to imprisonment for fifteen years.*

The 10 leaders of the NJM were, based on the evidence of Cletus St Paul, sentenced to be hanged. In July 1991, the gallows were constructed and the first prisoners to be executed were placed in the condemned cells. However, the Mercy Committee intervened and commuted the death sentences to life imprisonment. We are therefore calling for a full police investigation into the evidence given by Cletus St Paul at the trial of the Grenada17, and if it is shown that he gave perjured evidence that nearly led to the death of 10 people, then he should be prosecuted under Section 360 of the Criminal Code.

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