

**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
CCPR/C/GUY/QPR/3**

Submitted by:

The International Decade for People of African Descent Assembly-Guyana

This report addresses the following subjects included in the List of Issues of the third report of Guyana.

- I. General information on the human rights situation including new measures and developments relating to the implementation of the Covenant
- II. Specific information on the implementation of articles 1-27 of the Covenant, including with regard to the previous recommendations of the Committee
 - a. Non-discrimination (arts. 2, 3, 23, and 26)
 - b. Right to life (art. 6)
 - c. Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)
 - d. Liberty and security of the person (art. 9)
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I. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

There has been no transformative change for ethno-racial justice and equality in the experience of the African descendant population of Guyana nor is there any indication at the level of the state of any awareness of the need to address the human rights violations and indignities that are their daily experience. In fact, to the contrary, there has been a serious erosion in their human rights and freedoms.

CONTEXT

Guyana has had a 400-year history (1621-2021) of anti-African discriminatory and hateful racist public policies by Dutch, British and successor Guyanese governments. The periods of enslavement (1621-1838), Emancipation (1838). With the passage of the Abolition of Slavery Act, slave owners were generously compensated by the British Parliament for their loss of property and were allowed to continue their unfettered ownership and operation of their plantations. However, the manumitted slaves were released in 1838 without any land or compensation for the free labor they had contributed for over 200 years as the Venn Commission revealed:

[Enslaved Africans] “had driven back the sea and had cleared, drained, and reclaimed 15,000 square miles of forest and swamps. This is equivalent to 9,000,000 acres of land. In short, all the fields on which the sugar estates are now based were cleared, drained, and irrigated by African labor forces. All the plantations now turned villages and cities were built by unpaid African labor. In the process of building these plantations, careful research has shown that Africans installed the following (1) 2,580,000 miles of drainage canals, trenches, and inter-bed drains, (2) 3,500 miles of dams, roads, and footpaths, and (3) 2,176 miles of sea and river defense. The Venn Commission of 1948 also reported that “to build the coastal plantation alone, a value of 100,000,000 tons of earth had to be moved by the hands of African slaves [without machinery]”.

Indentureship (1834-1917) - - In 1838 Guyana had a population of 98,000- but by 1917 over 500 ships docked carrying 238,909 indentured Indian immigrants. Of these only 75,898 returned to India. The vast majority accepted government grants of land and settled in Guyana. Each was given 2 acres, plus an additional 2-acre plot per child over 10 and 1/2 and acre per child under 10, they also received 1/2 acre to build a house. Thus, a family of 6 could have received a grant of 12.5 acres plus pay. Clearly, this was the continuation of the colonial government policy to divide and rule by creating a hierarchical society based on race.

Colonization (1838-1966), Independence (1966-1970), and Republicanism (1970-2021), have all had different challenges for Africans in Guyana but the overarching issue has been an environment that perniciously negates the 30 Principles of the Universal Declaration of Human Rights adopted by United Nations since December 1948. The 30 rights and freedoms set out in the Declaration include economic, social, and cultural rights.

The United Nations is very aware of Guyana's ethnically polarized society through the reports of:

- Doudou Diène, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance who visited in 2003.
- Gay McDougall, the UN Expert on Minority Issues visited Guyana's Report in 2009.
- The Working Group for People of African Descent's Report with 66 recommendations in 2017.

Even former United States President Carter understood the racial environment that existed in Guyana when he brokered a new election in 2001.

Doudou Diène, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance observed, *"Every level of Guyanese society is permeated by a profound moral, emotional and political fatigue, arising out of the individual and collective impact of ethnic polarisation."*

Ms. Gay McDougall, the UN Expert on Minority Issues in her report wrote mirroring Doudou Diene, *"The harsh reality (in Guyana) is one of ethnic polarization among Guyanese of African, Indian and indigenous descent"*. This she indicated is because of *"corrosive racial politics."*

While one hoped that the Durban Conference of 2001 and the follow-up actions such as the declaration of a decade for the people of African descent would have been a catalyst for the improvement of Human Rights in Guyana, the situation deteriorated dramatically. The controversial elections of 2020; the inequitable access to the returns from the oil sector; and the post-election exclusionary and vindictive politics of the PPP government has worsened the situation.

United Nation's rapporteurs and WGEPAD have documented the plight of people of African descent in Guyana. Now, in the midst of Guyana's fast-growing economy and oil wealth, African Guyanese face utter marginalization in all sectors, mass unemployment through racially biased layoffs and terminations from the public sector, racial bias in hiring in the private sector, racial discrimination in the award of contracts, oil blocks, banking licenses, access to investment capital, access to land for farming and commercial ventures and dramatic reduction or closure of training programmes traditionally utilized by African Guyanese as the path to employment and financial security.

This brief report highlights the dramatic erosion of the human rights of African Guyanese and the very real threat of the complete marginalization and displacement of our community. The African Guyanese community suffers systemic racism, political persecution and economic apartheid.

II. Specific information on the implementation of articles 1-27 of the Covenant, including with regard to the previous recommendations of the Committee

a. Non-discrimination (art. 2, 3, 23, 25, and 26)

Guyana is a divided society in which Africans are caught in a pernicious “winner-take-all” Westminster electoral system that engenders the ethnic divide and domination. With much at stake because of Guyana’s new oil and gas sector, the Indian dominated ruling party, the People’s Progressive Party (PPP) is openly and ruthlessly pursuing African Guyanese.

In Race and Stereotypes Blackman and Cooliman: The roots of Prejudice written by Guyanese Indian author and activist Ravi Dev, he explained that:

“The Indians defensively engaged in their own evaluation of the African with whom they were thrown into contact. In addition to British judgment of the ex-slaves as (lazy for refusing slave wages) the Indians utilized their own idiom, myths, and categories to evaluate the African ex-slaves. One consequence of the Aryan conquest of the dark skinned “Dasyus” in early Indian history has been a negative evaluation of the dark skin, which persists to the present even between Indians. When the Indians saw the Africans with their dark skin, kinky hair, large size and other negroid features they labeled them “rakshas” or “lankas” demon followers of the evil king Rawan of the Ramayana. They reasoned that after the burning of the Lanka by Hanuman, the rakshas’ hair was singed and became wooly. The indiscriminate meat-eating habits of the ex-slaves lent credence to the new Indian myth. The Indian category of caste was now extended to include the African who was placed in the position of the outcaste.” Much of this prejudice exists to the present.

The scorn of demonization and relegation did not remain a private affair it was institutionalized. The anti-dark skin prejudices which the Indians had brought with them, and which are rooted in the sanatan dharm, were politicized. The politicization preyed on the Indian insecurity and religious fear of, proffered reliance for their salvation and protection upon the People’s Progressive Party. Africans were portrayed by the P.P.P. as Rakshas people of the evil king Rawan. They were relegated to the level of outcast.

Weaponizing Race for Electioneering - The PPP’s 2020 campaign, conducted with the assistance of a Cambridge Analytica-style US firm, Mercury PR, capitalized on the Hindu caste stereotypes of the dark-skinned evil one. These tropes have always been trotted out to win elections, however the PPP and Mercury launched an all-out war on the character and humanity of African Guyanese in their effort to win the 2020 elections and control the nation’s oil wealth. The PPP’s rise to power through a destructive and divisive political campaign, has been followed by a ruthless strategy that seeks to permanently criminalize and destroy African leadership, hauling political figures before the Courts on scurrilous charges, emblazoned across the headlines but whispered when dropped. This on-going attack on the community is also destroying the self-confidence and pride of place in Guyana of all African Guyanese – particularly youth.

The impact of a “winner take all” system in a racially polarized society - Guyana’s Westminster-style political arrangements facilitate the consolidation of power of one group and has provided the opportunity for the PPP to covertly implement the British (Indian) Colonization Scheme first proposed in 1919. Under this scheme, prominent Indians in Guyana and the British Guiana Government offered India the colony of British Guiana (Guyana) to become a Colony of India.

We, the Indian representatives of the Imperial Colonization Deputation of British Guiana, now formally state that it is our desire, aim and our object, if possible, to induce more Indians from

the Motherland to join our ranks, increase our numbers and so help to make British Guiana and Indian Colony. This is really the Empire's clarion call to India.

As our population is now about 45% Indian (145,000) and our constitution involves equality of all races, we are really offering India a Colony of its own on the Northeastern Coast of South America, with fertile soil and a healthier climate than that of India or of any large tropical Colony.

If our Colonization proposition is disinterestedly approached by the Indian labour reformers in India, we have no doubt that they will approve of our Scheme, and that in the very near future the colony will be in a position by the introduction and utilization of Indian agriculturalists and Indian capitalists to place British Guiana in the front ranks of British Colonial possessions. The vast political and national advantage to India of having an Indian Colony on the South American Continent need not be emphasized.

We would then have hundreds of prosperous villages and thousands of square miles of flourishing crops springing up from the fertile soil of the Colony, and by the exploitation of the Gold, Diamond, Aluminum, (bauxite ore) and other mineral and forest wealth of British Guiana, the three-century old dream of Sir Walter Raleigh regarding our Magnificent Providence, the fabled land of El Dorado, would be realized.

The British Guiana Colonization Scheme initially targeted many areas, namely: (1) 6,300 acres in the Pomeroon behind Hampton Court estate, (2) 8,000 acres on Hog Island on the steamer route to East and West Essequibo. (3) 2,108 acres from Philadelphia to Bonasika Creek adjoining the Boerasiriri Creek and Warimia Conservancy, (4) 7,500 acres on or adjoining the Canals Polder, (5) 32,580 acres on the Mahaica, (6) 14,854 acres on the West Coast and Abary, (7) 7,450 acres on the Corentyne Coast. In addition, there were the lands of the N.W. District which required no empoldering over at least 100,000 acres.¹ Today, all of these areas are occupied mainly by Indo-Guyanese. Many elements of the British Guiana Colonisation Scheme were executed in secrecy.

The arrival of oil has hastened the full implementation and unveiled the successful accomplishment of the Colonization Scheme. While representing 39% of the population, Indians now own and control 85% of Guyana's economy; Portuguese who number less than 0.26% of the population, own roughly 12% of GDP or more land and assets than 300,000 Africans. Amerindians own 18% of Guyana through the Amerindian Act of 2006. African Guyanese, 29% of the population, own less than 7% of the nation's wealth.

The denial of economic rights - Apart from attacks on the Public Sector which provides most of the earned income for African Guyanese, the Indian-dominated PPP has systematically denied the economic rights of African Guyanese. For example:

- African Guyanese are almost entirely excluded from the allocation and sale of oil blocks. Since 2010, when oil blocks were first granted to Guyanese, with or without experience in the industry, the record of the PPP has been the following:
 - i. Edris Dookie (Indian), CGX, 4 concessions in Pomeroon, Corentyne, Georgetown, Berbice
 - ii. Nabi Oil & Gas (Indian)
 - iii. Edris Dookie (Indian), Mid Atlantic Oil & Gas, Canje Block
 - iv. Ryan Pereira (Portuguese), (Cataleya Energy), Kaieteur Block

¹ p.24 Preliminary Report of the Honourable Sir Joseph Nunan, K.C., LL.D., on the Second Deputation to India (1924)

A group of African Guyanese women was recently awarded a bloc after the community's loud protestations. The process by which they were selected was not transparent.

Distribution of land - nine Amerindian tribes received approximately 19% of Guyana's lands through the Amerindian Act of 2006. This resulted from a Reparatory Justice Act passed in Parliament. Three of the 9 Amerindian tribes: the Wai Wais, the Macushis and the Wapishanas, came to Guyana 100 to 200 years after Africans were brought to Guyana.

African Guyanese have a legitimate claim to 15,000 square miles or the 18% of Guyana which they reclaimed from the sea or made economically viable as enslaved persons, and in which process over 473,000 lives were lost. Both Indians and Amerindians fight this just claim.

African Guyanese have also been discriminated against in the distribution of commercial lands While African Guyanese, desperate for adequate housing have been deliberately distracted by the offer of house lots, prominent discussed and advertised in the media, Indo-Guyanese have been quietly granted huge swathes of lands, gold concessions, sand concessions, forestry concessions, bank loans and government contracts.

With the exception of a few brief periods in our history, since Emancipation and the purchase of abandoned plantations, public policy has sought to displace Africans from their land and to cripple their entrepreneurial efforts. The private sector is dominated by Indo Guyanese who discriminate against African Guyanese in hiring, as a result African Guyanese find themselves disproportionately employed in the Public Sector of Guyana.

Discrimination in Public Sector employment - The current Indian majority PPP government has taken several bold steps to weaponize their control of the government by firing over 1500 African Guyanese without cause and in pernicious ways and, often employing less qualified Indo-Guyanese. The position of Chief Medical Officer in the Ministry of Health is a very egregious example.

A male Indo-Guyanese doctor was promoted to Chief Medical Officer over female African Guyanese. His credentials and experience do not compare with those of the African Guyanese. He graduated from a medical school decades ago and has not sought post graduate studies but remained a junior doctor working in Obstetrics and Gynaecology in a government-run hospital in the outskirts of Georgetown for his quite lengthy career.

The African Guyanese female doctor on the other hand, won the prestigious Guyana Scholarship and studied medicine in Russia, completed a master's degree in public health at Columbia University and her PhD in Public Health at the University of the West Indies. Recognising her qualifications, the previous administration appointed her Deputy Chief Medical Officer in 2016. She is recognised internationally for her academic work where she served in senior technical and management positions on multiple international donors funded projects. She, a public health specialist, was fired, and replaced by an obstetrician.

Training programmes that are the entry point to the labor market for African Guyanese have been terminated. For example, the Bertram Collins Public Service Training College which provided a secure track into government service has been abruptly closed. The Nursing School in Linden, with its predominantly African student body, has been closed – even as Guyana struggles to manage the need for more health workers.

b. Right to life (art. 6)

Extra Judicial killings - The security forces in Guyana as well as groups that have been encouraged/sponsored by the PPP/C government have been accused of numerous extra judicial killings.

Guyana Security Forces -THE Guyana Police Force (GPF) is the primary law enforcement agency in Guyana. The legal mandate of the Guyana Police Force is the “prevention and detection of crime, the preservation of law and order, the preservation of the peace, the repression of internal disturbance, the protection of property, the apprehension of offenders and the due enforcement of all laws and regulations with which it is directly charged and shall perform such military duties within Guyana as may be required of it by or under the authority of the Minister”.

The Force is a national Force and has jurisdiction throughout Guyana. The Force is divided into several Regional Divisions and Branches. Members of the Force are usually armed, either with their personal firearms or firearms belonging to the Force and issued to individuals.

The Guyana Defence Force (GDF) is the country’s army. The role of the GDF is to defend the territorial integrity of Guyana, assist the civil power in the maintenance of law and order when required to do so, and to contribute to the economic development of Guyana. The GDF has been involved in joint operations with the GPF from time to time.

Customs Anti-Narcotic Unit (CANU) was established in 1994 with a mandate to spearhead the fight against narcotics. The members perform duties at the ports of the country and also perform other enforcement duties within the country. The members are armed similar to the members of the GPF.

The Coroners Act - In Guyana, the Coroners Act, Chapter 4:03 of the Laws of Guyana, is the primary legal framework that governs inquests. The law mandates that whenever there is an unnatural death, a Coroner’s Inquest must be held to determine if anyone was criminally responsible. This is in cases where there may not be sufficient evidence to institute a charge. These Inquests are typically held by a magistrate or other legal professional. The Act outlines the powers and responsibilities of the Coroner.

Whenever there is an unnatural death, the circumstances are investigated by the police and a file is sent to the Director of Public Prosecutions (DPP) who decides whether or not a criminal charge should be instituted. In some cases, the DPP may recommend that an inquest should be held to determine whether or not anyone is criminally liable. Although there have been numerous allegations of extra judicial killings by members of the security forces, inquests are infrequently held, and in many cases criminal charges are not instituted against anyone for these killings.

The Police Complaints Authority - The Police Complaints Authority Act, Chapter 17:02 of the Laws of Guyana empowers the Police Complaints Authority to “supervise” every investigation in which a member of the Guyana Police Force is alleged to have caused the death of someone. These investigations are typically done by the Guyana Police Force. However, during the Authority’s 2022 statutory report to the parliament of Guyana he complained that the Commissioner of Police was ignoring the law and has not been inviting him to supervise investigations where policemen were alleged to have caused the death of individuals.

Extra Judicial Killings During Different Administrations - The records will show that extra judicial killings have occurred during the administration of both the PNC/R (A Partnership for National Unity (APNU), which was in government between 2015 and 2020, and the PPP/C. However, there is compelling evidence to support the contention that the phenomenon of extra judicial killings is more prevalent during the PPP/C term in office.

This has been attributed to a more conducive environment when the PPP/C is in office which causes the members of the security service to feel more emboldened to commit these atrocities.

Phantom Death Squad - In February 2002 five notorious criminals escaped from the Georgetown Prison. This led to what is commonly referred to as a “crime spree,” which lasted for almost six years. During that period, several policemen and other innocent persons were killed. George Bacchus, a Guyanese national, made the explosive revelation that he was a member of a squad, which became known as the “Phantom Death Squad.” Bacchus further claimed that the PPP/C Minister of Home Affairs, Ronald Gajraj, was the person behind the formation and operation of the “Phantom Death Squad.” The squad was made up of serving members of the Guyana Police Force and civilians. According to Bacchus, his role was to provide information on criminal elements who were believed to be responsible for brutal crimes around the country to the minister, who would then pass on the information to the squad for those elements to be killed. The minister is on record attempting to justify the formation of the death squad during an address to Parliament.

In addition to the “Phantom Death Squad” there was also the police “Target Special Squad” also known as the “Black Clothes Squad (BCS)” which was alleged to have been involved in numerous extra judicial killings. This was in addition to several individual members of the GPF against whom similar allegations had been made.

Shaheed “Roger” Khan, a Guyanese is a convicted criminal who was active in drug trafficking and money laundering. During the “crime spree” referred to above, Khan took out a full-page advertisement in one of the daily newspapers in which he claimed that he was assisting the government in the fight against crime. It was common knowledge that Khan was the head of the “Phantom Death Squad.” The claim by Khan was never refuted by the government.

Khan, who was wanted by the authorities in the United States of America was arrested in Suriname and deported to the US where he faced trial. During the trial it was disclosed that a laptop computer, which was found in the possession of members of the “Phantom Death Squad” and which was capable of triangulating the location of cell phones was purchased in the USA. It was revealed that the laptop, because of its capability, was only sold to government agencies. Evidence was produced to show that Dr. Leslie Ramsammy, who was Minister of Health in the PPP/C government was the person responsible for authorizing the purchase of the laptop computer. This showed that there was a clear link between the government and the “Phantom Death Squad.”

It was evident that the laptop computer was used to triangulate the location of persons who were then intercepted and killed by members of the “Phantom Death Squad.”

Killings - It should be borne in mind that although extra-judicial killings occurred under the reign of both the PNC/R and the PPP/C governments, the intensity and frequency of those occurrences became particularly pernicious against African Guyanese under an Indian-led and supported PPP/C government.

A list of hundreds of persons who were victims of extrajudicial killing was compiled by human rights and other organisations. Efforts to obtain affidavits from the victim’s relatives and eyewitnesses have proven to be exceedingly difficult. Most persons claim that they are afraid of being victimized by the security forces and the political directorate if they were to provide an affidavit or other form of

testimony; while others have indicated that with the passage of time, they are willing to let “sleeping dogs lie.” A few cases are listed below:

1. **Lindo Creek Massacre:** Sometime after June 6, 2008, eight miners were killed at Lindo Creek located in the Berbice region. Those murdered were Dax Arokium, Cedric Arokium, Compton Speirs, Horace Drakes, Nigel Torres, Bonny Harry, Clifton Wong, and Lancelot Lee. Their charred remains, which bore evidence of gunshot wounds, were discovered by campsite owner, Leonard Arokium, whose son, Dax, and brother, Cedric, were among the victims. From the outset, Leonard Arokium was adamant that members of the security service had killed the victims. All of the victims were male Africans.

Ten years later a Commission of Inquiry (COI) into what became known as the “Lindo Creek Massacre” was conducted. The COI found that a thorough investigation had not been conducted by the authorities and recommended that the criminal investigation which was conducted ten years previously should be reopened. (Guyana Chronicle 15/9/2018)

1. **Peter Headley (male African)** was on May 15, 2021, fatally shot in the back whilst in his vehicle by a member of the GPF. The police investigation into the shooting death was slothful prompting public criticism. After more than five months, the DPP recommended that the rank be charged departmentally.
2. **Kevin Andries (male African)**, was on October 11, 2021, fatally shot in his buttocks during a “shootout” with police who said that they had received information that the car in which Andries and another man were the occupants, had stolen items. No stolen items were discovered, neither was any firearm recovered at the scene of the killing.
3. **Orin Boston (male African)** was on September 15, 2021, shot as he lay next to his wife in his bed by a member of the Guyana Police Force’s SWAT team, which was conducting an operation at the man’s Essequibo home at the time. Boston, a husband and father of two, and resident of Dartmouth, Essequibo Coast, was shot in his bedroom by a member of the Georgetown-based SWAT Unit during a so-called anti-crime operation. The heavily armed unit was in search of prohibited items based on intelligence received, however, none was found at his home. According to his wife, he was asleep at the time, however, the Police Force, in its initial statement, alleged that a confrontation had led to the shooting. After protests by residents turned ugly, and five months after the incident, the Director of DPP recommended a charge of manslaughter against the policeman responsible. (Village Voice News, January 14, 2022).
4. **Quindon Bacchus (male African):** On June 10, 2022, Bacchus was shot seven times to his body while he was allegedly in the process of selling an illegal firearm to police ranks during a “sting operation.” The shooting was caught on CCTV. Despite the fact that about six policemen including those of East Indian descent, participated in the incident, those charged were three African Guyanese ranks. There was compelling evidence that the head of the operation, who was an East Indian police inspector and the other East Indian ranks who were part of the operation were complicit in the death of Bacchus. Charges were instituted almost one month after the killing, following a violent protest on the East Coast of Demerara.
5. **Neon Howard (male African):** Allegedly one of the accomplices in the escape of a death row inmate, Royden Williams, was shot dead May 28, 2023, after allegedly snatching an AK-47 from

the lap of a policeman who was transporting him on an all-terrain vehicle (ATV), according to a police statement released moments after a photograph of Howard handcuffed and lying on his back just after his arrest was leaked to the media. The man was alive in the photograph and could be seen lying on his back while someone was pressing down his abdomen with one of their feet. In an earlier statement, the Police had claimed that the man was shot dead during an armed confrontation. Prior to that statement, the police had reported that Howard had been arrested without incident and was unarmed at the time of his arrest

6. The brutal and purposeful murders of the Henry Boys indicate that the lives of African Guyanese are again viewed as “property” or of having no value. These were racial killings as indicated by the X marked on their faces and not their bodies.

c. Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)

Demolition of homes and livelihoods in Cane View community, in the historic African Village of Mocha Arcadia - With the exception of a few brief periods in our history, since Emancipation and the purchase of abandoned plantations, public policy has sought to displace Africans from their land and to cripple their entrepreneurial efforts. In January 2023, the Central Housing and Planning Authority, Ministry of Housing, without prior warning, sent workers and equipment to bulldoze an entire African Guyanese community, brutally destroying the homes, farms, livestock and businesses of thirty families in the Cane View section of Mocha Arcadia. The community had existed for at least 30 years. The sworn affidavits of three of the victims of this atrocity are attached at Appendix 1 and 2

d. Liberty and security of the person (art. 9)

It is difficult from a statistical point of view to determine the number of persons by race or ethnicity who interact with the criminal justice system as either persons of interest or persons accused of the commission of a crime. The records kept by the police, the courts and the prisons do not disaggregate those who interact with the criminal justice system according to race or ethnicity. Further, there are no public records compiled by the police disclosing the names of persons arrested, processed, and charged or released from custody. Similarly, no such records exist for the courts, save for the lists of matters in the criminal assizes which are published on the website of the Office of the Director of Public Prosecutions. In any event, even if such records existed, one could not determine conclusively on the face of the records whether the persons so listed belong to one racial or ethnic group or another. Likewise, one could not determine from the face of any such records the nature of the experience of each or any individual in his/her interaction with the criminal justice system.

The records that perhaps come closest to capturing persons interaction with the criminal justice system are the case jackets and notes of evidence kept by the courts. These are not available publicly. The case jackets capture information such as the accused persons’ names, ages, addresses, employment, number of children, marital status, quantum of bail granted- if bail is granted, whether any complaints are made of police brutality, antecedents, etc. The information contained in the case jackets can give an insight into the accused persons’ educational background, financial ability to post bail and/or retain an attorney, whether there is recidivism, whether they come from so-called depressed communities, etc.

Media reports invariably do not capture accurately or comprehensively what transpires upon the arrest of persons and their experience as they are shuffled through the criminal justice system.

The empirical challenge is patent in determining how African Guyanese or any other racial or ethnic group is treated by the criminal justice system. Reliance, therefore, must be placed on several other factors to construct a picture of how the criminal justice system treats African Guyanese.

It is widely accepted that there exists in Guyana a social and economic wealth gap between African Guyanese, one the major racial groups, and other racial or ethnic groups, especially Indo Guyanese. Among the consequences of this gap are disparity in housing, disparity in education, disparity in employment and the dividends thereof, disparity in access to justice, etc, preferring the other racial groups, especially Indo Guyanese. Communities across Guyana that are deemed to be depressed are populated predominantly by African Guyanese. These communities are characterized by either inadequate or no infrastructure, substandard housing, poor healthcare, restrictive access to a quality education, and joblessness. While most criminal activities occur outside of these communities, persons from these communities are invariably suspected of being responsible for their commission and are accordingly arrested.

It is routine for persons from these communities to be arrested and detained by the police, invariably for the constitutional 72 hours before either being charged or released. This is even more common for offences of a serious nature. Oftentimes, persons are arrested by the police and detained for 'inquiries just upon complaints which are sometimes not investigated with haste, occasioning their detention for 72 hours or longer. Innumerable such persons, especially those arrested for offences of a serious nature, complain about the harsh conditions of the lockups and police brutality in the police's endeavour to procure confessions. For persons who are released from custody without charge, these complaints are invariably not pursued beyond disclosure to family members and their attorneys if they can afford to involve an attorney at all during their initial detention. Still many more of these instances are not relayed to the Police Complaints Authority. For those people who are charged and are brought before the magistrate, their complaints, if they do make any, are simply recorded. The magistrates are not empowered to act upon these complaints save to determine as a matter of evidence whether these events did in fact happen and their bearing upon any confession statements made by the accused persons. The same occurs at the high court before a judge.

On the face of it, more African Guyanese than any other racial or ethnic group interact with the criminal justice system. Much of this interaction is as a consequence of racial profiling; and much of this racial profiling is the cause of persons being detained in custody upon 'inquiries,' made subject to harsh treatment from police officers, and are then released without charge or brought before the court on trumped up charges or upon evidence that cannot objectively result in a conviction. Oftentimes in this process precious resources must be directed to retaining attorneys to secure their release or facilitate their defence. And these resources are oftentimes pooled from the scarcity of family resources that should otherwise be directed to basic needs.

For many African Guyanese appearing before the court, bail may either be denied or granted in quantum that makes its granting academic due to its sheer inaccessibility. The denial and quantum of bail might be influenced by an assortment of factors including the circumstances peculiar to the accused and the nature of the offence - even if the charge is trumped-up or the evidence would not ultimately result in conviction. There is no dedicated Bail Act in Guyana to guide in a systematic and objective way the granting of bail, so the considerations sometimes appear subjective to the magistrate or judge as well as

the sum in which bail is granted. The fortunes are graver for those who cannot afford to retain an attorney and the mere fact of this may manifest in their denial of bail and their ultimate conviction. This, of course, would have reverberating consequences for both the accused person and their family and taint, even if just in their minds, the administration of justice. There is also the worrisome practice in Guyana to invite those who are brought before the court on summonses to make an application for bail. This is contrary to common law which effectively guides the matters of bail in Guyana, save for the restricted instances in which statutes prescribe the circumstances in which bail should be granted.

Those who are remanded in custody or who are ultimately convicted and receive committal sentences must contend with overcrowding in the prisons and other conditions which they describe as subhuman. There are those who may be convicted upon evidence that do not objectively support their convictions or their convictions may be tainted by errors in the interpretation and application of the law by the court. Or their sentences may be disproportionate in the circumstances. They may not have the means to challenge these outcomes through the appellate process and would simply have to sit in prison either completely innocent or for longer than they should. Quite apart from the myriad personal impacts of these outcomes, the consequences spill over into the lives of their families and perpetrate the vicious cycle of the social and economic wealth gap.

There is another dimension to the criminal justice system which sees the employ of the state apparatus to pursue political opponents and those who are deemed to be supportive of them. The most recent incursion into this practice is the state's seemingly relentless pursuits of opposition executive and ordinary members, their supporters and those accused of marring the electoral process - primarily if not exclusively African Guyanese. Several of these persons have been taken into custody and detained for the constitutional 72 hours upper limit in circumstances that do not warrant their protracted detention even if the state is committed to being aggressive in its investigations. Several of these people have been charged, taken before the court, and placed on exorbitant bail. Some of them have been repeatedly taken before the courts on added charges warranting the lodgement of other heavy sums of bail which are not objectively justifiable when they have been diligently attending court on their other connected charges, given that the core object in the granting of bail is to ensure the attendance of the accused at court. For those people, there is no objective risk that they may not attend court; and properly, the assortment of other charges should see them released on their own recognisance. The sworn affidavit of one of the victims of this injustice is attached at Appendix 2. A status update revealing the prosecution's lack of evidence and disarray can be found at Appendix 3.

The comments herein do not capture by any stretch all the variants of how the criminal justice system is, on its face, stacked against African Guyanese. Suffice it to say, however, that the criminal justice system needs urgent reforms even to get to that stage of apparent fairness, let alone across the board fairness in substance.

e. Freedom of expression (arts. 19 and 20)

The current government and Indo Guyanese aligned with the ruling party control 90% of news media (tv stations, cable TV, radio stations and internet companies).

In 2010, Former President Jagdeo, in his self-appointed role as Minister of Communications, unilaterally issued cable TV licenses to friends and party supporters.

In July 2011, months before his departure as the 2-term President of Guyana and with elections scheduled for November 2011, he issued radio licenses to his ruling Party, the PPP; to his best friends Dr. Bobby Ramroop,; his sister Ruth Baljit ; a Permanent Secretary in the Ministry of Natural Resources

Omar Lochan (husband of the sister of Education Minister Priya Manickchand); and to a company whose Director is Kamini Persaud, the wife of then Minister of Natural Resources Robert Persaud (Ruth Baljit's sister).

Freedom Radio, which operates out of the PPPC's party headquarters, Freedom House, received five frequencies- 91.1 MHz; 90.7 MHz; 90.5 MHz; 105.9 MHz and 105.3 MHz-through New Guyana Company Limited that publishes the Mirror newspaper. Ramroop obtained five frequencies 89.3 MHz; 89.5 MHz; 89.7 MHz; 106.9 MHz and 107.3 MHz.

In addition to infringement on African Guyanese **Freedom of Expression** by the unfair allocation of frequencies to PPP aligned companies and persons, the few outlets owned by African Guyanese, are easily marginalized. They are under constant and unfair scrutiny by the regulatory body - the Guyana National Broadcasting Authority (GNBA), bombarded with notices about breaches and infractions on minor or questionable issues. While these operators do not always agree with the GNBA findings they are forced to comply due to the threat of sanctions.

In addition, media houses not aligned with the ruling party receive little, if any support from government and very little advertising business from the mostly PPP-aligned private sector. While media houses aligned with the ruling party receive government grants and advertising, those seen as Opposition-leaning or African-owned have had no increases in government-sponsored programmes or advertising.

f. Participation in public affairs (arts. 25 and 26)

Participation in public affairs is anchored on the Good Governance principle: Inclusivity and applied to Guyana in constitutional provisions such as article 9 of the constitution: “Sovereign belongs to the people, who exercise it through their representatives and the democratic organs established by or under this Constitution.” Despite the enactment of this provision, there is blatant flouting of it and other enabling provisions. The political and legal systems also provide for institutional arrangements that do not reflect and are unresponsive to the plural nature of society.

The Guyana Elections Commission (GECOM) - The composition of the Elections Commission clearly facilitates party rivalry rather than objective decision making. The two major parties are entitled to equal nominations, and the conduct of those nominees, particularly in recent times, represents an extension of party rivalry, rather than quelling that rivalry. All of the election observers of the last three general elections have noted this reality and recommended the reformation of the Commission and its composition. There has been no action in that regard. The election of the chairperson is consensual, however as the seventh person in a politically, evenly divided commission, the chair literally becomes the sole decision maker, thus undermining the intended collective decision making of the commission. While the Chair is virtually answerable to no one, not even the courts in most instances, over the past three years, the vast majority of the decisions were wholly aligned to one political side. The Chairman has not demonstrated any penchant for fairness, compromise and accommodation thereby buttressing the winner-takes all approach to governance.

The Electoral System - The electoral system which is founded on the majoritarian principle reflects and enables ethnic contestation and domination. An examination of all results, as of 1992, clearly shows that there are two major ethnic constituencies that vote along ethnic lines for the two major parties that are ethnically based. And, with plurality being the basis for the election of the President, the largest ethnic group dominates the electoral contest; accedes to office as was demonstrated in the 2011 and 2020 elections, and demonstrably pursues ethnic domination, to the exclusion of the representatives of other ethnic groups, including the Amerindians, a significant minority.

Elections Disputes - The List of Electors has been at the center of electoral disputes from 1992 to 2020. The previous government APNU +AFC attempted to sanitize the list through house-to-house registration exercise in 2019. The latter exercise was aborted, and the list of electors remains the subject of electoral dispute and petitions. Election observer groups concluded that free and fair elections in Guyana should be premised on a sanitized voters list “based on inclusive consultations and political consensus.” Nearly four years has elapsed, and another election cycle will begin in less than one year and the government has rebuffed calls for electronic voter identification at polling stations as a measure of restoring confidence in the elections results.

Exclusion - The Executive, in this instance the People`s Progressive Party, has not embraced inclusion, in practice. To the contrary, they bypass the people`s representatives and local democratic organs in which they are a minority. They contend that they are elected to govern and relate directly to the people, clearly in breach of the constitutional principle and the enabling legislation that provides the locally elected councils to be an integral part of the political system and the governance processes. The representation on statutory boards is also observed, in the breach.

Campaign Financing - **The** provisions for campaign financing are archaic and do not provide for the realization of the intent of such legislation. Also, in their present form, they are collectively observed in the breach and there is no demonstrated will to provide for efficacious campaign financing provisions, although the ineffectiveness of the present provisions are universally recognized and all observer teams

have recommended that this issue be addressed. It should be noted that the current state of affairs favors the incumbent party and marginalizes the smaller parties, in particular.

The Right to Vote - Very little has been done to provide for the differently able persons: the blind, physically handicapped, the elderly, and the hearing impaired to benefit from pre-electoral activities, and to overcome their limitations in participating in the voting process. They have called for measures, and organized sensitization sessions, but not much more has been done for them to realize the right to vote in an equitable manner. There is absolutely no provision for pre-trial persons to exercise their franchise. It is as if they do not exist. There are also inefficient arrangements for members of the disciplinary services to exercise their franchise. They list is often deficient with no logistical arrangement to remedy the disenfranchisement that may occur on ballot day. The provision for workers away from their place of registration to be allowed to vote in the district where they are working, or logistical support to get to their place of poll has not been legally, or oft-times, officially provided.

g. Treatment of aliens, including refugees and asylum seekers (arts. 7, 9, 13 and 24 (3))

The Indian PPP government of Guyana has officially banned Haitians from traveling to Guyana without first obtaining a visa in clear violation of the Guyana constitution and the CARICOM Treaty.

On July 2, 2002, Haiti became a full member of the Caribbean Community and Common Market (CARICOM). As a full member citizen of one state are free to travel to another state without a visa. This visa free travel allows a non-citizen to enter another member state and stay for six months but is not permitted to work. When the original Treaty of Chaguaramas was revised in 2001, it created the Caribbean Single Market and Economy commonly known as CSME.

It is under the CSME provisions that allows for the free movement of people and abolishing a work permit for citizens of one member state to work in another member state. CSME was to enhance regional integration and it is under the CSME that Haiti became a full member state of CARICOM.

References:

1. Constitution of Guyana
2. Local Democratic Organs Act, Chap 28:09, Laws of Guyana
3. Carter Center, 2015 General and Regional Elections in Guyana
4. The Guyana Council Of Organisations For Persons With Disabilities, Election Access Observation Report: Guyana, Local Government Elections 2023
5. European Union Election Observation Mission, Guyana 2020 Final Report

Supreme Court Registry
Demerara
Date Filed: 2023 of 18
Time Filed: 13:13

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IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA

(REGULAR JURISDICTION)

2023 – HC – DEM – CIV – FDA – 1183

BETWEEN:

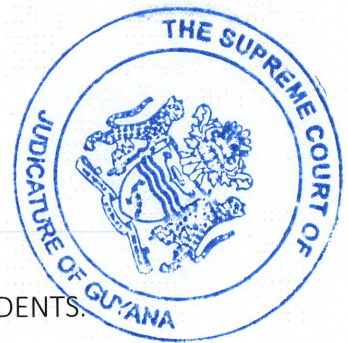
1. MARK GORDON
2. SHENIKA SIMPSON
3. LUCRECIA GEORGE

APPLICANT

-and-

1. THE ATTORNEY GENERAL
2. COLLIN CROAL
MINISTER OF HOUSING & WATER
3. GUYANA SUGAR CORPORATION

RESPONDENTS.



Jointly and severally

INFORMATION FOR COURT USE

1. This Proceeding is commenced as a:

- Statement of Claim
- Fixed Date Application

2. This Proceeding falls under the High Court's

- Appellate Jurisdiction
- Admiralty Jurisdiction
- Commercial Jurisdiction
- Criminal Jurisdiction
- Regular Jurisdiction

3. The proceeding is a(n):

- Admiralty Proceeding in personam
- Admiralty Proceeding in rem
- Probate Proceeding
- Proceeding for Judicial Review
- Proceeding for relief under the Constitution
- Proceeding for other Administrative Order
- Proceeding for Administration
- Proceeding commenced under the Summary Jurisdiction (Appeals) Act Cap (3:04)
- Other proceeding



4. I certify that the above information is correct, to the best of my knowledge.

08/18/2023

.....
Date

A handwritten signature in blue ink, appearing to read "Vivian M. Williams".

.....
Vivian M. Williams
Attorney-at-Law

Filing Attorneys: VIVIAN M. WILLIAMS
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IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA
CONSTITUTIONAL AND ADMINISTRATIVE DIVISION
PROCEEDING FOR ADMINISTRATIVE ORDER

BETWEEN

1. MARK GORDON
2. SHENIKA SIMPSON
3. LUCRECIA GEORGE

Applicants,

- and -

1. THE ATTORNEY GENERAL
2. COLLIN CROAL
MINISTER OF HOUSING AND WATER
3. GUYANA SUGAR CORPORATION

Respondents.

Jointly and severally

FIXED DATE CLAIM

2023-HC-DEM-CIV-FDA-



MG-FDA001

TO THE RESPONDENTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the Applicants. The claim made by the Applicants is set out in the following pages.

THIS APPLICATION will come on for a hearing on 9 (day), October (date), at 3:00pm (time), at the High Court of the Supreme Court of Judicature, Avenue of the Republic, Georgetown Guyana. *Before the Hon. madam Chief Justice R. George*

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Attorney-at-Law acting for you must forthwith prepare an Affidavit in Defence in Form 10C prescribed by the Civil Procedure Rules 2016 and as subsequently amended, serve it on the applicants' Attorney-at-Law or, where the applicants do not have an Attorney-at-Law, serve it on the applicants, and file it, with proof of service, at a Registry, AT LEAST (TWO or FOUR, as applicable) DAYS before the date fixed for the hearing of the application, and you or your Attorney-at-Law must appear at the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, AN ORDER OR JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

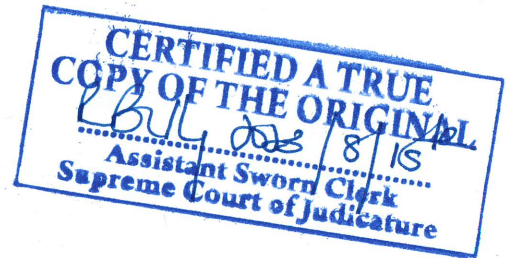
THIS NOTICE OF APPLICATION has no validity unless it is served on you at least (seven or four, as applicable) days before the date fixed for the hearing of the application.

Date: 18-8-23

K. Bond
Signature of Registry
Issued by: Kenneth Bond
Avenue of the Republic
Georgetown, Demerara

TO:

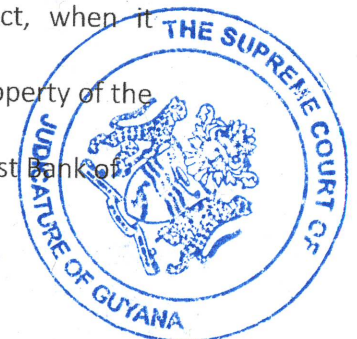
1. The Attorney General
95 Carmichael Street, Georgetown
2. Collin Croal - Minister of Housing and Water
41 Brickdam & United Nations Place, Georgetown
3. Guyana Sugar Corporation
La Bonne Intention (LBI) Estate
East Coast Demerara



APPLICATION

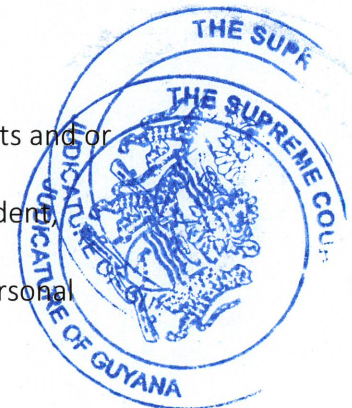
1. Mark Gordon, Shenika Simpson, and Lucrecia George (the Applicants) -
make application and pray for the following orders pursuant to Part 56 of
the CPR:

- a. A declaration that the Central Housing and Planning Authority
(CH&PA) acted ultra vires and in violation of its mandate and
provisions of the Central Housing and Planning Act, when it
demolished the homes and destroyed the personal property of the
applicants and other residents at Cane View on the East Bank of
Demerara on or about January 5, 2023.



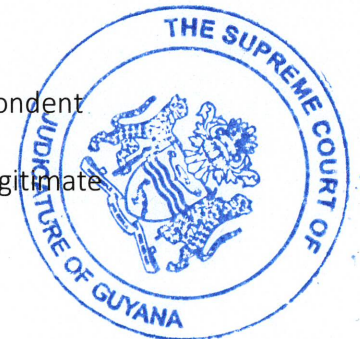
MG-FDA003

- b. A declaration that the decisions and actions by the CH&PA and the second named respondent with respect to demolition of homes at Cane View on or about January 5, 2023, are unlawful and invalid.
- c. A declaration that CH&PA and the second named respondent's resort to self-help to demolish the Applicants' home and destroy their personal property, infringes the Applicants' right to natural justice and protection of the law as guaranteed and protected by Article 144 of the Constitution of the Co-operative Republic of Guyana and the International Bill of Human Rights.
- d. A declaration that the conduct of CH&PA and the second named respondent, their servants, agents and contractors, breached the Applicants' property rights as guaranteed and protected by Article 142 of the Constitution of the Co-operative republic of Guyana.
- e. A declaration that the way employees, servants, agents and or contractors of CH&PA and the second-named respondent, trespassed and demolished the Applicants' home without a court order or warrant, infringes the Applicants' right against arbitrary entry of their home, guaranteed by Article 143 of the Constitution of Guyana.
- f. A declaration that the way employees, servants, agents and or contractors of CH&PA and the second named respondent, demolished the Applicants' home, destroyed their personal



possessions and treated the Applicants, is an infringement of the Applicants' protection from inhuman and degrading treatment guaranteed by Article 141(1) of the Constitution of the Co-operative Republic of Guyana.

- g. A declaration that Article 141(1) of the Constitution of the Cooperative Republic of Guyana, placed a positive obligation on the State to prevent ill-treatment and debasement of a citizen of Guyana in resolving disputes over occupation and ownership of government or State land regardless of whether ownership of the land is resolved in the government's favor.
- h. A declaration that section 3(2) of the Title to Land Act as amended in 2011 does not extinguish, retroactively or retrospectively, any prescriptive right that accrued in favor of the first-named Applicant before the amendment took effect.
- i. More than \$100,000.00 (one hundred thousand dollars) in damages for breach of each of the Applicants' fundamental right to protection from deprivation of property as guaranteed and protected by Article 142 of the Constitution of the Cooperative Republic of Guyana.
- j. A declaration that the conduct of the second named respondent and CH&PA is a breach of the first-named respondent's legitimate expectation, as recognized at common law.

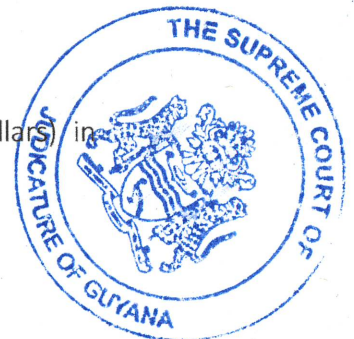


- k. An order of prohibition enjoining the Respondents from conveying, using, occupying, or erecting any structure on 11 Cane View, or further altering the land.
- l. An order of mandamus directing the second and third named respondents to transfer fee simple title to 11 Cane View to the first named respondent.

Joinder for Other Relief

Pursuant to Part 56.03 of the CPR, included herein is a joinder of claims for additional relief and remedies arising out of or related to the subject matter as follows:

2. A declaration that:
 - a. The first named Applicant is the fee simple owner of 11 Cane View by operation of law, or
 - b. the conduct and interactions between the first-named Applicant and employees, servants and agents of the CH&PA created a licence with equity in favour of the first named applicant with respect to the land identified as 11 Cane View, Mocha/Herstelling, East Bank Demerara, which remained in force and effect at the time the Respondent demolished the Applicants' home.
3. An award of more than \$100,000 (one hundred thousand dollars) in damages for trespass to the Applicants' property by the second-



MG-FDA006

named respondent, CH&PA and or their agents, servants, or contractors on or about January 5, 2023.

4. More than \$100,000,000.00 (one hundred million dollars) for Damage to property at the land known as 11 Cane View, Mocha/Herstelling, East Bank Demerara by servants and agents of the Government of Guyana on or about 5th January 2023.
5. More than \$50,000,000.00 (fifty million dollars) for loss and damage suffered by the Applicants because of the actions of the servants and agents of the Government of Guyana in forcibly removing the Applicant and his family from the land known as and referred to as 11 Cane View, Mocha/Herstelling, East Bank Demerara.
6. An award of more than \$100,000,000.00 (One Hundred Million) as exemplary damages.
7. Costs and legal fees.
8. Such further or other order as to this Honourable Court may seem just.
9. **AND TAKE NOTICE** that the grounds for the application are:
 - a. The CH&PA and the second-named respondent, acted ultra vires authority conferred upon them in demolishing homes at Cane on or about January 5, 2023, by virtue of the following:
 - i. Neither CH&PA nor the Ministry of Housing & Water was the holder of legal title or properly vested with authority over Cane View, also known as block, lettered 'X'



MG-FDA007

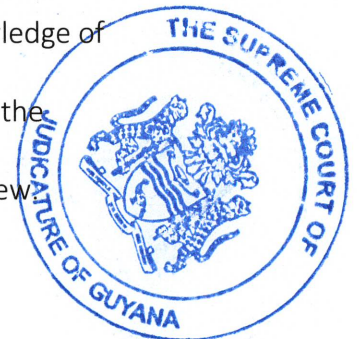
Plantation Herstelling, situate on the East Bank of Demerara.

- ii. CH&PA declared that GUYSUCO is the title holder of Cane View, and it exercises control of Cane View on behalf of GUYSUCO, the third-named respondent.
- iii. GUYSUCO is a corporation that falls under the purview of the Ministry of Agriculture such that it is separate and distinct from CH&PA and outside of the remit of the Ministry of Housing & Water.
- iv. Neither the Ministry of Housing and Water nor CH&PA were conferred with authority over the assets and affairs of GUYSUCO, including Cane View. Further, CH&PA did not acquire Cane View from GUYSUCO.
- v. GUYSUCO had actual or constructive knowledge of the representations and actions of CH&PA pertaining to Cane View and did not object or intervene to prevent the harm the Applicants suffered.
- vi. CH&PA is a creature of the Central Housing & Planning Act which at section 11, limits CH&PA's power to acquire land to acquisition for the purpose of an approved housing scheme and restrains it from using land so acquired for any other purpose.

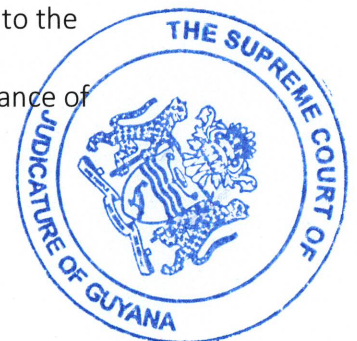
- vii. Further, sections 22(1) limits the power of CH&PA to demolish buildings, to areas declared slum clearance areas and sets forth the procedure that must be followed.
- viii. Cane View was never declared a slum clearance such that CH&PA never acquired the authority to issue a demolition order for Cane View.
- ix. Further, CH&PA did not follow the procedure set forth in section 22(1) of the Act for the issuance and execution of a demolition order, so that a demolition order never became operative.

b. Unfairness, Abuse of Power and Protection Under the Law

- i. CH&PA violated the first-named applicant's right to protection of law guaranteed by Article 144 of the Constitution of Guyana.
- ii. CH&PA and the second-named respondent deprived the first-named applicant of an opportunity to be heard before demolishing his home and evicting him from 11 Cane View despite actual or constructive knowledge of the first-named applicant's legitimate claim as the putative owner in possession of lot 11 Cane View.

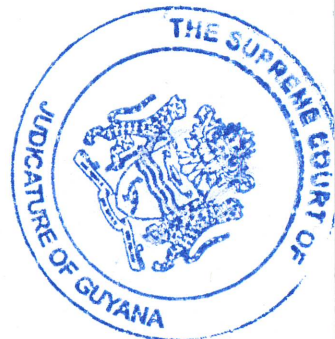


- iii. The first-named Applicant had at least, the following three meritorious bases to support a claim as the putative owner of lot 11 Cane View:
- a. The first named Applicant has prescriptive rights that accrue before the 2011 amendment of the Title to Land Act that were NOT extinguished by any retroactive or retrospective effect from the passage of the Act: or
 - b. The first named Applicant acquired a license with equity to 11 Cane View on account of the expenditure of significant funds to build a substantial structure on the land with the awareness, acquiescence, and encouragement of CH&PA and the Ministry of Housing and Water, and without their objection: or
 - c. The first named Applicant had a substantive legitimate expectation to conveyance of transported title to the land because the Respondents, their servants, employees, and or agents promised to convey title to the land to the Applicant and took positive steps in furtherance of the promise.



- iv. CH&PA violated the statutory requirements set forth in the Central Housing and Planning Act (the Act) for it to demolish a community.
- v. The Act sets forth three steps to be followed before a demolition order is issued, namely, declaration of an area as a slum clearance area; issuance of a demolition order; and publication of the demolition order.
- vi. CH&PA did not declare Cane View a slum clearance area and did not issue and publish a demolition order prior to the demolition of the homes in Cane View.
- vii. By virtue of the decisions and steps taken by CH&PA and the Ministry of Housing and Water and declarations made, Cane View is an approved scheme.
- viii. Section 36(1) of the Act requires service of a 28-day notice to quit to be served upon occupants of an approved scheme and section 36(2) requires CH&PA to obtain a warrant from a magistrate if the occupant fails to comply with the notice to quit.
- ix. The applicants were occupants of an approved scheme and no notice and warrant from a magistrate was served upon them.

MG-FDA011



- x. The way the second named respondent, his employees, servants, agents, and contractors, resorted to self-help to demolish the Applicants' home, destroy their personal possessions and the land they asserted ownership to, breached the Applicants right to protection of law and was not procedurally fair.
- xi. Legal precedents in the Commonwealth Caribbean establish that where there is continuous/uninterrupted occupation upon which a reasonable claim to ownership to occupied land is made, the resort to Self-help by the State or a person claiming ownership is unlawful and in breach of natural justice and procedural fairness.

c. **Retrospective Effect of Title to Land Act**

- i. The first-named applicant's prescriptive rights to 11 Cane View accrued before the 2011 amendment to the Title Land Act.
- ii. It is well established within common law jurisdictions that a statute is presumed NOT to have retrospective effect.
- iii. It is a fundamental rule that the presumption against retrospective effect of a statute is only disturbed when the statute's intent to have retrospective effect is clearly stated in the Act.



- iv. The Title to Land Act as amended in 2011 does not clearly state that section 3(2) has retrospective effect such as to extinguish rights that accrue before it came into effect.
- v. Further, the right to prescriptive title to land is a property right as conceived and protected under the Constitution.
- vi. Article 142 of the Constitution of Guyana guarantees protection against the taking of property without just compensation and due process.
- vii. Any retrospective effect that extinguishes property rights that accrued in favor of the applicant before section 3(2) of the Title to Land Act took effect, amounts to the taking of property without just compensation and due process.
- viii. The established common law rule with respect to retrospective effect of a statute and the guarantees of Article 142 and 144 of the Constitution compel a determination that section 3(2) of the Title to Land Act as amended in 2011 cannot be interpreted as having retrospective effect.
- ix. The resort to self-help by the second named respondent, deprived the first named Applicant the right to challenge the applicability of section 3(2) to his putative ownership claim to 11 Cane View, such that the first named



applicant's right under Articles 141 and 144 of the Constitution were infringed.

d. Licensee with Equity

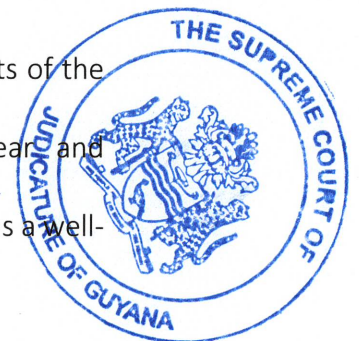
- i. A Licensee with equity is a legal status with respect to occupation of land that has been recognized and enforced by this court and the wider Commonwealth Caribbean.
- ii. It is trite law that if the owner of land encourages or allows an occupant to expend money on the land under an expectation of continued occupation, a licence with equity is created. Further, it is for the court to decide how the equity that accrues to a licensee with equity will be satisfied.
- iii. Even if the court finds that the first-named applicant is not the putative owner of 11 Can View, a license with equity was created in his favour because the Respondents were aware of the first named Applicant's occupation and expenditure of money on the land and allowed, encouraged, requested, and acquiesced to the first named Applicant's expenditure of significant funds on the land.



- iv. CH&PA and the second and third-named respondents deprived the first named applicant the right and opportunity to have a court determine the issue of a licence with equity and how it ought to be satisfied. There is precedent in the Commonwealth Caribbean that in the circumstance, the license with equity should be satisfied by the grant of fee simple title to the first-name applicant.

e. Substantive Legitimate Expectation

- i. It is now settled law that a substantive legitimate expectation is created when an agent of the state or public authority makes a clear and unambiguous promise of a substantial benefit that is devoid of relevant qualification, to an individual.
- ii. The Applicant is a 47-year individual who has been an adult at all material times.
- iii. At all material times, residents of Cane View have been a well-defined and specific group.
- iv. CH&PA and or employees, agents, and or servants of the Ministry of Housing and Water made a clear and unambiguous promise to residents of Cane View as a well-



defined group, to convey plots of land occupied in Cane View to the respective occupants.

- v. CH&PA and or employees, agents, and or servants of the Ministry of Housing and Water made a clear and unambiguous promise to the first-named applicant, to convey title/transport to 11 Cane View to him.
- vi. The promise to convey title to the applicant and residents of Cane View is devoid of any relevant qualifications.
- vii. The Applicant acting upon the terms and conditions of the undertaking by the State of Guyana, expended significant funds to build solid and expensive property on the land and invest his life savings.
- viii. The resort to self-help by CH&PA and the second named respondent, their employees, servants, agents and or contractors, to demolish the Applicant's home, destroy his possession and force him off 11 Cane View, violates his legitimate expectation of a substantial benefit, without due process.

f. Inhuman and Degrading Treatment

- i. Article 141(1) of the Constitution of Guyana protects the Applicants from inhuman and degrading treatment.
- ii. Guyana subscribes to international treaties and conventions that obligate the state to protect individuals



from inhuman and degrading treatment and it is trite law that a constitutional value that underpins citizenship is the right not to be subjected to inhuman and degrading treatment – “especially if one is in a vulnerable or disadvantaged position”.

- iii. Article 141(1) of the Constitution of the Cooperative Republic of Guyana places a positive obligation on the State to prevent ill-treatment and debasement of citizens in resolving disputes.
- iv. The Applicants are citizens of Guyana by birth who are entitled to the protection of the Constitution and at all material times were in a vulnerable and disadvantaged position, residing in the community known as Cane View Mocha/Herstelling, East Bank Demerara (Cane View).
- v. Cane View was at all material times a vulnerable community.
- vi. On or about January 5, 2023, the Respondents, their employees, servants and or agents demolished the first named Applicant’s home which was the sole residence of the Applicants and contained all their personal possession.



- vii. In the process of demolishing the Applicant's home, the Respondents, their servants and or agents destroyed all the Applicants personal possession.
- viii. Respondents used heavily armed police to restrain the Applicants from accessing their home to retrieve their personal possession.
- ix. The second named respondent, his servants, agents and or contractors used heavy-duty industrial machinery to destroy the bridges that connect Cane View to the main access road, thereby preventing access and egress to homes in Cane View such that the Applicants were without means to retrieve their personal property.
- x. With the assistance of heavily armed police, the second-named respondent, his servants, agents and or contractors caused the Applicants to stand and watch the boom of an excavator, repeatedly struck and destroy their homes and personal possession.
- xi. The Applicant was forced to watch until he broke into uncontrollable tears, as his home was dismantled from the force of the boom of an excavator, crushing two of his specially bred dogs (12-year-old Janah and 6-year-old Small Girl) that were trapped under the house.



- xii. Despite being informed by the first named Applicant of the presence of the dogs trapped under the house, agents, servants and or contractors of the second named respondent proceeded to demolish the home and restrain the Applicant from rescuing Janah and Small Girl.
- xiii. After the demolition of the Applicant's home, the agents, servants and or contractors of the second named respondent, proceeded to use the boom of an excavator to smash the personal property of the Applicants that were not yet shattered into pieces.
- xiv. Agents, servants and or contractors of the second named Respondent dug a huge pit on the land where the Applicants home stood, buried what was left of the Applicants' possession in the pit, cover the pit with dirt and then covering the entire land with a huge layer of mud.
- xv. The second named respondent, his servant, agents and or contractors destroyed essential medication for the third named Applicant, depriving her of essential medication and the means to acquire a fresh supply.
- xvi. The conduct of the second named respondent, including the deprivation of essential medication, caused the third



named applicant to suffer drastic deterioration in health, requiring the first named applicant to rush her to the hospital about 2am on January 6, 2023 (the morning after the demolition).

g. Award of Damages

i. The particulars of general and special damages are particularized in the supporting affidavits of the applicants.

ii. The Particulars of Exemplary damages

a. Respondents conduct was calculated to cause significant or maximum injury to the Applicants.

b. Respondents engaged in arbitrary and oppressive conduct intended to drive the Applicants out of their home in violation of constitutionally protected rights.

c. Respondents' conduct was calculated to cause injury over and beyond what the Applicant could recover as general damages.

d. Respondents' acts and omissions were calculated to punish the Applicant and they pursued this course by violating the Applicants constitutional and common law rights.

MG-FDA020



10. The determination of this matter by the High Court is in the public interest.

- a. It pertains to the violation of constitutionally protected rights of persons in a vulnerable and disadvantaged position and a vulnerable community.
- b. The suffering caused by the complained of conduct is ongoing and would be made exponentially worse with time such that there would be no adequate remedy at law.
- c. It raises important and subsisting issues of law that are of utmost public interest.
- d. The factual issues raised by these proceedings involve facts which are likely to be matters of formal record and therefore not likely to be in dispute.
- e. In the premises the Applicant claims against the respondents for the Orders and/or reliefs set out in Paragraph 1 above.

11. The following documentary evidence will be used at the hearing of the application:

- a. Affidavit of the applicants with the exhibits attached thereto.
- b. Affidavit of Rudolph Adams, Chairman of Mocha/Arcadia NDC
- c. Affidavits of Lelon Saul, former CEO of CH&PA
- d. Affidavit of Noma Flue-Bess, Parliamentarian with responsibility for the Cane View area

MG-FDA021

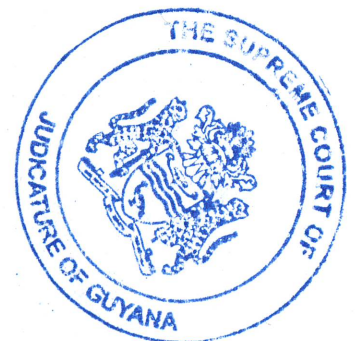


(Date of issue) _____



Vivian M. Williams
Attorney for Applicant

The Registry is located at The Law Courts, Avenue of the Republic
Georgetown, Demerara. The office is open to the public between 8:30
a.m. and 3:30 p.m. Mondays to Thursdays and 8:30 a.m. and 2:30 p.m. on
Fridays, except holidays.



MG-FDA022

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IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA
CONSTITUTIONAL AND ADMINISTRATIVE DIVISION
PROCEEDING FOR ADMINISTRATIVE ORDER

BETWEEN

1. MARK GORDON
2. SHENIKA SIMPSON
3. LUCRECIA GEORGE

Applicant,

- and -

1. THE ATTORNEY GENERAL
2. COLLIN CROAL – MINISTER OF HOUSING & WATER
3. GUYANA SUGAR CORPORATION

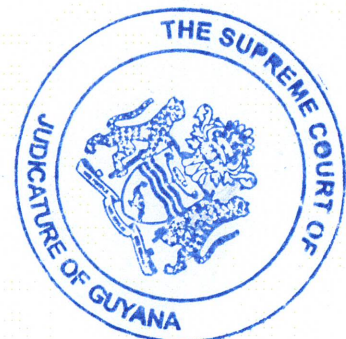
Respondents.

Jointly and severally

FIXED DATE CLAIM

2023-HC-DEM-CIV-FDA-

AFFIDAVIT OF MARK GORDON

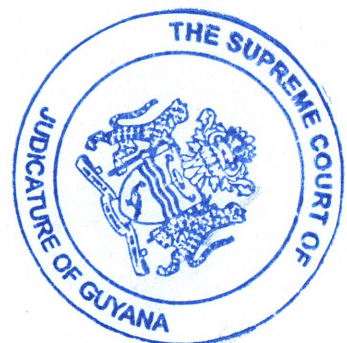


I, **MARK GORDON**, of 11 Cane View Mocha/Herstelling, East Bank Demerara, hereby MAKE

OATH AND STATE as follows:

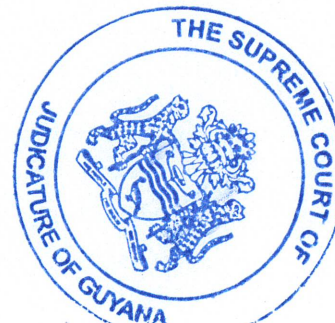
The Parties

1. I am the first-named Applicant in the above-captioned matter.
2. I am a 47-year-old citizen of Guyana by birth. **EXHIBIT MG 1** (Birth Certificate).
3. I am a male of African descent who grew up in the village of Mocha/Arcadia.
4. At all material times, I was aware that land could be acquired through continuous occupation and use.
5. The second name applicant is my fiancée who started living with me at 11 Cane View in 2020.
6. The third named applicant is the mother of my fiancée, who started living with me at 11 Cane View in 2020.
7. The first named respondent is the Attorney General. Counsel advises that the Attorney General is a necessary party for a claim against the State or the government.
8. The second named respondent is the Minister of Housing and Water and the subject Minister with responsibility for the Central Housing and Planning Authority, a government agency that was established by the Housing Act Chapter 36:20 in 1948, to serve the housing needs of citizens of Guyana.
9. Counsel advises that the third named respondent is a government owned corporation that is under the purview of the Minister of Agriculture.



Possession of 11 Cane View

10. The land known as Block letter X, Planation Herstelling/Mocha also known as Cane View, depicted in the map shown in **EXHIBIT MG 2** (Map of Mocha, Arcadia, and Cane View), became vacant and unoccupied some time before 1992.
11. In or about 1997, I started occupying the section of Cane View now known as Lot 11 Cane View by farming and building a house on the land.
12. From the time I entered upon and started occupying 11 Cane View, I was the only person on the land and in control of it.
13. After I started occupying 11 Cane View, I built a fence that I maintained until it was destroyed on or about January 5, 2023, by servant, agents, or contractors of Central Housing and Planning (CH&PA) and the second named respondent. **EXHIBIT MG 3** (Side View of House with Fence).
14. At the time I entered upon and took possession of 11 Cane View, the Title to Land Act provided for me to acquire prescriptive title to 11 Cane View from the third-named respondent or any other person or entity with a claim to legal title, after 12 years of adverse possession.
15. I occupied 11 Cane View exclusively from 1997 to January 5, 2023, openly as if I were the owner of the land and with intent to own said plot of land.
16. Counsel advises that any claim to legal title of 11 Cane View held by the third named respondent or any person or entity, extinguished in 2009 because of my exclusive and continuous occupation of 11 Cane View for 12 years as the owner or with intention to own – i.e., from 1997 through 2009.



17. After any claim to legal title the third named respondent had extinguished, I remained in exclusive possession and control of 11 Cane View until on or about January 5, 2023.

18. Counsel advises that the Title to Land Act was amended in 2011.

Caring for and Adding Value to the Land

19. When I entered upon and took possession of 11 Cane View, there was no sign of any human activity such as cultivation or any other form of use and occupancy of the land. Instead, the land was overgrown with wild vegetation.

20. I cleared the land in 1997.

21. I expended funds to build up and level the land to make it suitable for construction of a building and use and occupancy.

22. I dug and maintained drainage to reduce flooding and erosion of the land.

23. From 1997 through January 5, 2023, I landscaped and maintained the land.

24. I enhanced and maintained the fertility of the soil for cultivation.

Use of the Land

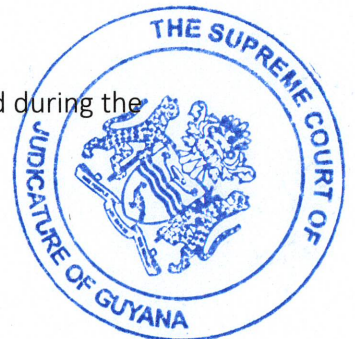
25. From 1997 through January 5, 2023, 11 Cane View was my only home.

26. Initially, I built a small wooden structure with a single bedroom and kitchen in 1997. I subsequently built a larger two-bedroom home with a living-room and kitchen in about 2010 which remained on the land until it was demolished by the respondents and their agents, servants, or contractors, on or about January 5, 2023.

27. In addition to the two-bedroom house I lived in with my family, I had large wooden pens for my pigs, ducks, and livestock. **EXHIBIT MG 4.**



28. I also had a wooden and zinc shed in the yard which was used as a workshop where I repaired brush-cutters. **EXHIBIT MG 4.**
29. I spent approximately **\$20,000,000.00** to build and maintain a two-bedroom home at 11 Cane View along with the shed in the yard, pens, and fence.
30. When my home and other structures that include the pens, sheds, and fence at 11 Cane View were destroyed on January 5, 2023, they had an estimated value of **\$30,000,000.00.**
31. I cultivated the land with various crops from about 1997 through January 5, 2023. **Exhibit MG 5.** (Cultivated yard).
32. The value of my garden that was destroyed on January 5, 2023, was no less than approximately **\$13,566,231.00.** **EXHIBIT MG 6** (Memorandum of Agricultural Economist).
33. I reared pigs, ducks, and other livestock at 11 Cane View.
34. The value of the poultry I lost because of the demolition on January 5, 2023, is **\$50,106,800.00.** **EXHIBIT MG 6.**
35. The value of the, pigs I lost because of the demolition exercise on or about January 5 and 6, 2023 is no less than approximately **\$51,792,000.00.** **EXHIBIT MG 6.**
36. Additionally, I was forced to sell 50 of my pigs at approximately **\$2,500,000.00** less than their value.
37. I also had six (6) specially bred dogs at 11 Cane View.
38. Two (2) of my specially bred dogs, valued at **\$10,000,000.00** were killed during the demolition.



39. The dogs were companions that I became very attached to. Before my fiancée and her mother moved in with me in 2020, the dogs were my only companions at home. They were like family members.

40. My estimates of the value of my livestock, animals, and garden losses were made after considering a report from agricultural economist on the value of my losses.

EXHIBIT MG 6. The report is based on information I provided to the agricultural economist about the crops and livestock I had at the time of the demolition.

Conduct of the Government

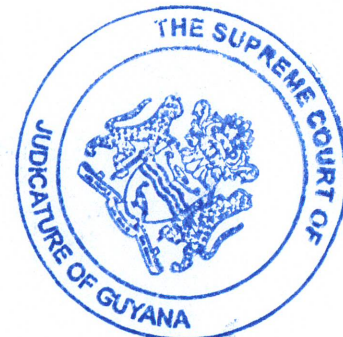
a. Meetings and Promises

41. From 1997 to 2021 none of the respondents or any government agency or official objected to my use and occupancy of 11 Cane View.

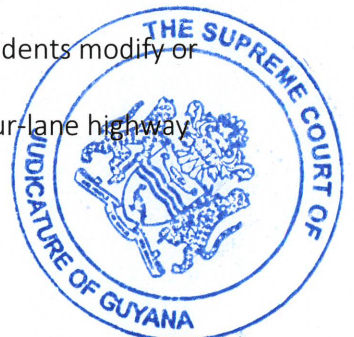
42. None of the respondents or any other government agency objected to me spending significant money on the land.

43. Respondents, their employees, agents, or representatives visited Cane View at various times between 1997 and 2020 and saw the erection of structures built on 11 Cane View and other house lots in the area, and the use and occupancy of the land, without objecting.

44. Officers from Central Housing and Planning Authority (CH&PA) and the Ministry of Housing & Water visited Cane View in about 1999/2001 (The 1999/2001 Meeting) and met with Residents of Cane View.



45. At the 1999/2001 Meeting, officers from CH&PA told Cane View residents, me included, that the government had no intention to regularize Cane View and issue title to the Cane View lands we occupied.
46. By 2008, Cane View had more than 30 families occupying distinct parcels of land. The homes were built facing the village of Arcadia. They were separated from Arcadia by a canal of about 20 feet in width and linked by several small wooden bridges at different points. **EXHIBIT MG 7** (Canal separating Cane View and Arcadia).
47. Cane View residents shared a strong bond, comradery, and reliance on each other. We were like one large family.
48. Sometime between 2008 and 2009 officials from CH&PA visited Cane View and held a meeting (The 2008/2009 Meeting).
49. I attended the 2008/2009 Meeting which was conducted by an officer from CH&PA who identified himself as Mr. Charles. I later learnt that his full name is Gladwin Charles.
50. At the 2008/2009 Meeting, Mr. Charles told me and other residents of Cane View that the government will be building a four-lane highway that will run just behind Cane View.
51. Mr. Charles told me and other residents of Cane View at the 2008/2009 Meeting to build strong structure. He advised us to build concrete structures because of the highway that will pass at the back.
52. At the 2008/2009 Meeting, Mr. Charles suggested that Cane View residents modify or turn our homes at Cane View around to face the direction that the four-lane highway



was going to be built. The homes were facing Mocha/Arcadia and backing the direction of the road at the time.

53. I was among the Cane View residents at the 2008/2009 Meeting who were told by Mr. Charles that the government will provide us with title/transport for the land we occupied such that I was promised that title/transport for 11 Cane View will be provided to me.

54. Mr. Charles told me and other Cane View residents at the 2008/2009 Meeting that a team would return to survey the land.

b. Survey of Land and Allocation of Lot Number

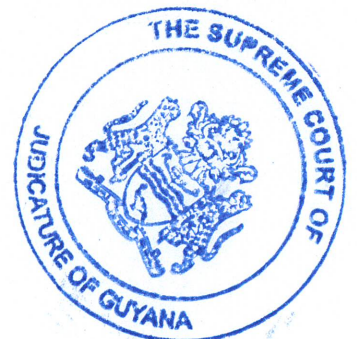
55. A team from CH&PA returned to Cane View in or about 2009 and gave residents a specific date that a team will come to survey the land (The Team of Surveyors). They asked for me or an authorized adult to be at home to grant access to 11 Cane View for The Team of Surveyors to conduct the survey.

56. I remained at home on the date that was specified for the survey.

57. The Team of Surveyors from the Ministry of Housing and Water came to 11 Cane View on the date specified and asked for my permission to enter upon 11 Cane View to conduct the survey.

58. I granted permission for The Team of Surveyors to enter 11 Cane View to survey the land.

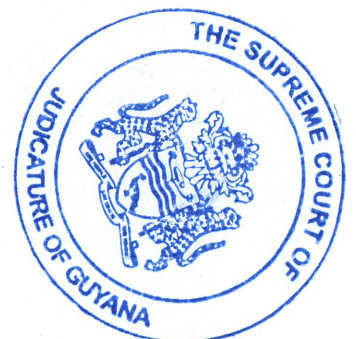
59. The Team of Surveyors placed boundary markers at the extremities of the parcel of land I occupied.



60. At the end of the survey, The Team of Surveyors showed me the boundary markers that were driven into the extremities of the parcel of land I was occupying and informed me that the boundary markers establish the boundaries of land for which title will be conveyed to me.
61. I observed the Teams of Surveyors conducting the same survey exercise at other parcels of land in Cane View that were occupied by other residents.
62. After the survey, CH&PA and the Ministry of Housing and Water assigned Lot 11 to the parcel of land I was occupying, and this information was communicated to me.
63. After assigning Lot 11 to the parcel of land at Cane View that I occupied, officials from CH&PA requested my permission to paint the lot number on the front of my home.
64. In 2009, I granted permission to officials from CH&PA to paint lot 11 on the front of my home.
65. With my permission, workers from the Ministry of Housing and Water painted Lot 11 in red on the front of my home as a signifier of the lot number for the parcel of land I was occupying. Thereafter that parcel of land became known and referenced as Lot 11 Cane View.
66. CH&PA took my name as the person to whom Lot 11 Cane View was allocated and who has a claim to Lot 11 Cane View.
67. In 2009, after the survey and the assignment of Lot 11 to the parcel of land I occupied and had a claim to, Mr. Charles informed me and other residents of Cane View that CH&PA has made a list of the names of each Cane View resident to whom a house lot was allocated.



68. I was told that the list of names of persons with claims and to whom lot numbers were allocated will be maintained by CH&PA and the Ministry of Housing and Water to convey title/transport.
69. Counsel advises that another affected resident of Cane View, Lashonda Ellis, through counsel, wrote to the Ministry of Housing & Water requesting documents and information pertaining to Cane View and the demolition. **EXHIBIT MG 8** (Ellis' Letter to Ministry of Housing).
70. Counsel advises that no response was received from the Ministry of Housing and Water to the Ellis Letter.
71. The 2009 survey was done upon the request of the Chairman of CH&PA. **EXHIBIT MG 9** (Cane View Survey).
72. Notice of the survey was served on the Company Secretary of the Guyana Sugar Corporation and the Chairman of Mocha Arcadia NDC. **EXHIBIT MG 9**.
73. The survey was posted at a conspicuous location in Cane View, so residents of Cane View became aware of its content. **EXHIBIT MG 9**.
74. The survey that was served on GUYSUICO, the third-named respondent, states that Plantation Herstelling also known as Cane View, is held by the third-named respondent, and administered by the second-named respondent. **EXHIBIT MG 9**.
75. The survey which was served on the third-named respondent and displayed to Cane View residents, states that it was done for the purpose of regularizing Cane View.
76. The third-named respondent did not object to the survey and its declared purpose.



Reliance on Promise and Commitment Given by the Government

77. Upon the encouragement and request of Mr. Charles, acting on behalf of CH&PA and the Ministry of Housing, I expended significant sums to build a strong structure to replace the small wooden home I had with a larger two-bedroom home with a living-room and kitchen in or about 2010.
78. I increased my investment in agriculture on the land by expending significant sums to build large wooden pens for the pigs, ducks, and other livestock I reared on the land, and to build the large wooden and zinc shed in the yard that I used as a workshop.
79. I put all my savings into cultivating 11 Cane View and building the structures that were erected on the land.

Further Confirmation and Commitment from the Government

80. After delays in conveying title to the Cane View lands as promised, Cane View residents raised the issue repeatedly with the government between 2018 and 2020 and received repeated assurance that the government was working on it and conveyance will be completed soon.
81. Between 2019 and 2020 Ministers of the Government and officials from the Ministry of Housing visited the Mocha/Arcadia area several times.
82. During the visits to Mocha/Arcadia between 2019 and 2020 by government Ministers and officials of the Ministry of Housing, the delay in conveying title to lands at Cane View to the occupants who had received assigned lot numbers was raised repeatedly.



83. Between 2019 and 2020 Ministers of Government and officials from the Ministry of Housing and Water repeatedly reaffirmed government commitment and promise to convey title to the Cane View lands to residents as promised by Mr. Charles.

The Demolition

84. After assuring me for two decades that title/transport to 11 Cane View would be conveyed to me without a contest and similarly assuring other Cane View residents that Cane View lands they occupied would be conveyed to them, CH&PA and the second-named resident came to the community in 2021 and requested that we move from the parcels of land we occupied at Cane View. The reason given by CH&PA was to facilitate the building of the same four-lane highway Mr. Charles told Cane View residents about at the 2008/2009 Meeting.

85. I objected to the request by CH&PA and the second-named respondent that I move from 11 Cane View because of my claim that I am the owner of 11 Cane View with the right to remain there.

86. The respondents did not provide me with a hearing or opportunity to adjudicate my claim to ownership of Cane View.

87. At about 10am in the morning of January 5, 2023, I observed a large group of men demolishing a home at lot 22 Cane View. I later learnt that the men were agents, employees or contractors of CH&PA and the Ministry of Housing and Water.



88. At about 10:30am an excavator operated by an agent, employee, contractor or servant of CH&PA and Ministry of Housing and Water or someone acting on their instructions, went to 22 Cane View and started demolishing buildings and structures.
89. I left my home and gathered with other residents, in front of 22 Cane View. To get there, I crossed one of the bridges over the canal that separates Arcadia and Cane View. On the Arcadia bank of the canal is a street known as Pepper Hill Street.
90. As I stood with other residents watching the demolition taking place at 22 Cane View from Pepper Hill Street, the men that were carrying out the demolition started demolishing the bridges that connected Arcadia with Cane View. **EXHIBIT MG 10** (Destruction of Bridges)
91. The destruction of the bridges prevented me and others that were on Pepper Hill Street from being able to return to our homes. It also hindered those who were in Cane View from leaving the community because the bridges were the only means to enter and leave the community.
92. As bridges were being destroyed, I realized that the demolition crew in Cane View on January 5, 2023, was going to destroy all the homes in the community.
93. After recognizing that all the homes in Cane View were going to be demolished on January 5, 2023, I tried desperately to get back to my home to save my personal property, pet dogs, other animals, documents and records that were at my home but was prevented by the heavily armed police that were assisting the demolition crew
- EXHIBIT MG 11** (Police at Cane View).



94. I was forced to stand and watch the excavator demolish property after property, moving from 22 Cane View towards my home at 11 Cane View.
95. While the demolition exercise was moving from one home to another towards my home, I desperately pleaded with the police to be allowed back to my home to save my personal property and animals. I told them repeatedly about the dogs that were trapped under the house that needed to be rescued but they ignored my pleas.
96. As the demolition exercise came closer and closer to my home, I became more and more desperate, anxious, and distraught. As the excavator came closer to my home that I toiled all my life to acquire, my pleas to save my personal property and pet dogs, reduced me to a beggar. The change in my tone of voice still haunts me to this day.
97. As the hurt became more detectable in the tone my voice, a police officer eventually allowed me to return to my home. I grabbed some of the dogs that were trapped and terrified under the house to rush them to safety across the canal separating Cane View and Arcadia.
98. Two of the dogs, 12-year-old Jenah and 6-year-old Small Girl were still trapped under the house. I attempted to return to rescue them but was again prevented by the police.
99. I told the police and workers from CH&PA and the Ministry of Housing and Water that Jenah and Small Girl were still trapped under the house, but they still prevented me from returning to my home.

100. Desperate attempts by me and other persons who had gathered to save my dogs and personal property at 11 Cane View, failed.
101. The measures implemented by the demolition crew with assistance from the police, prevented me from retrieving my personal property, documents, and records in my home and other structures at 11 Cane View.
102. By the time the demolition crew reached my home at 11 Cane View, there was chaos in and around the community. Residents were frantic, hysterical, wailing, desperately seeking to save their properties while the police were discharging tear gas and gun shots. **EXHIBIT MG 12** (Police Discharge Shots and Tear Gas)
103. I saw elderly, infants, and disabled residents forced out of their homes and have to stand and watch their homes and their personal possessions destroyed.
104. I saw the excavator move through the community, slamming its boom into every home, every physical structure in the community, ripping them apart and demolishing them.
105. As the excavator moved closer to my home, I was overwhelmed with fear that Jenah and Small Girl would suffer a horrifying death before my eyes.
106. I was made to stand and watch the excavator operated by the demolition crew, repeatedly and deliberately slammed its boom into my home until the house was demolished with all my possessions in it.
107. As my house crumbled and fell to the ground, Jenah and Small Girl disappeared beneath it with their last cry for hell.



108. The excavator moved closer to the rubble, and I watched the operator repeatedly slam the boom into what remained of my home, crushing it into an unrecognizable mass.
109. I watched as the operator of the excavator deliberately sought my personal possessions that were not sufficiently shattered and used the boom of the excavator to shatter them into irretrievable and unrecognizable bits.
110. The operator of the excavator then dug pits and buried what remained of my possessions.
111. My fiancée's mother (The Third-Named Applicant) has chronic illness which requires constant use of medication which she kept at our home at 11 Cane View.
112. Critical medication for my mother-in-law was among the personal possessions destroyed during the demolition. Consequently, my mother-in-law was deprived of critical medication and the means to acquire a fresh supply.
113. My mother-in-law became very stressed and seriously ill at about 2 am. on the morning of January 6, 2023 (a few hours after the demolition) requiring me to rush her to the hospital for urgent treatment.
114. The following day - January 6, 2023, the demolition crew returned to 11 Cane View and demolished the pens that housed my livestock, killing pigs and other livestock.
115. Sometime after January 6, 2023, the demolition crew covered the entire Cane View area, including 11 Cane View with a thick layer of mud that has since hardened upon the land. **EXHIBIT MG 13** (Aerial of Cane View after demolition)

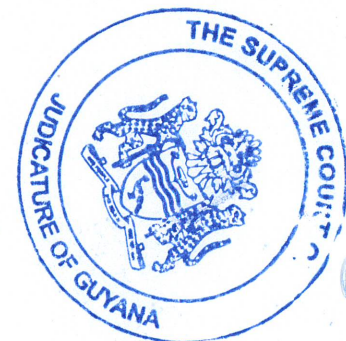


116. Cane View was NEVER designated a slum clearance area.
117. A demolition order was NEVER published by CH&PA.
118. I was never served with a notice to quit and a subsequent warrant from a magistrate.

Personal Possessions Destroyed

119. My personal possessions destroyed during the demolition are as follows:

Item	Value
1 Washing machine	\$75,000.00
6-piece Chair set	\$150,000.00
2 Wardrobes	\$130,000.00
1 Iron	\$6,000.00
1 Glass table	\$40,000.00
2 Passports	\$
2 Birth Certificates	\$
2 Beds	\$140,000.00
3 Gold chains (2) 7 ½, 8	\$700,000.00
2 45" TVs and 1- 75" TV	\$400,000.00
1 Hair dryer	\$8,000.00
Blender	\$10,000.00
Food stuff	\$200,000.00
3 Water pumps	\$250,000.00
1 Generator	\$260,000.00
2 Bicycles	\$50,000.00
1 Motorcycle	\$450,000.00
1 Wheelbarrow	\$13,000.00
1 Welding Plan	\$150,000.00
5 Grass cutters	\$600,000.00
5 Black water tanks large	\$475,000.00
Mechanic tools	\$200,000.00
Shoes	\$300,000.00
Boots	\$550,000.00
Clothes	\$1,000,000.00
2 Freezers	\$400,000.00
2 Fridge	\$300,000.00
Gas stove	\$80,000.00
1 Microwave	\$60,000.00
2 Saws	\$70,000.00
1 trolley	\$20,000.00
Farmer tools	\$600,000.00
Glasses	\$100,000.00
Wares	\$500,000.00
Bags	\$350,000.00
Cabinets	\$60,000.00
Colognes & personal hygiene products	\$175,000.00



Item	Value
Hair appliances	\$300,000.00
Loss of Livestock	\$50,106,800.00
Loss of Dogs	\$10,000,000.00
Destruction of Home	\$27,000,000.00
Destruction of Pens and Shed	\$3,000,000.00
Land	\$25,000,000.00
Destruction of Crops	\$13,566,231.00
Loss from Pigs	\$51,792,000.00
Total	<u>\$189,637,031.00</u>

120. The above items are in addition to the personal possession of my fiancée and her mother.

121. After the destruction of my property, I caused my attorneys to write to the 1st and second-named respondents seeking compensation for the destruction of my property. **EXHIBIT MG 14** (Letter to Minister/Attorney General). Counsels advise that neither the first-named respondent nor the second-named respondent responded to their letter.

122. I caused my attorney to write to the third-named respondent. **EXHIBIT MG 15** (Letter and information request to GUYSUICO). Counsel advises that no response was received from the third-named respondent.

Nightmare After the Fact

123. The demolition left me with only the clothes on my back on the morning of January 5, 2023, and the few livestock and the dogs that survived the demolition.

124. The destruction and burying of my personal documents and identity information destroyed my identity as a person. I cannot establish who I am to those who didn't know me personally.



125. After the demolition, I found it exceedingly difficult if not impossible, establishing who I am when trying to transact official business because I had nothing to establish who I am.
126. I repeatedly have to introduce myself as a victim of the Cane View demolition to gain the discretion of the persons with whom I sought to transact my affairs. Nevertheless, I was unable to complete transactions.
127. The community that I had become attached to and relied on for about a quarter of a century was also destroyed and every trace of it buried under mounds of dirt.
128. I was homeless, without possessions, without my livelihood, and without my community.
129. I was displaced and hopeless in my country of birth. I didn't even have essential items, valuable memorabilia, and identity documents.
130. As the days and weeks went by, I felt emptiness and inability cope. I felt physically, mentally, and emotionally drained.
131. I am still haunted by nightmares and flashbacks of the January 5, 2023, demolition. In my head, I still hear the painful last cries of Jenah and Small Girl, the sound of the excavator's boom crashing into my home, the sound of my home crashing to the ground and the sound of gun shots amidst the cries of children and adults.
132. I sometimes slipped back into the world of Cane View and in my mind, I exist in the pre-demolition world. I would begin to do things I did regularly at Cane View such as waking up early in the morning to tend to the livestock and animals only snapping



myself out of that reality when I attempt to complete a task, or my fiancée intervenes.

133. The impact of the destruction of my possessions and community and my resulting displacement makes me feel like a child learning to and needing assistance to walk again.

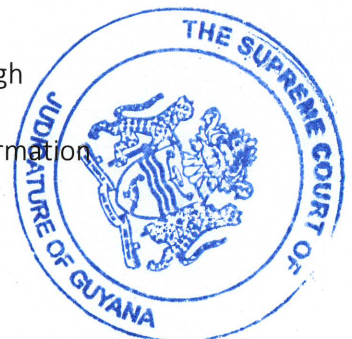
134. I started reaching out to other displaced Cane View residents to arrange meet up sessions for us to support each other. When we meet up, we practically and emotionally lean on each other.

135. The demolition leaves me feeling as if I am not a person in my country of birth. The exercise treated me and other residents of Cane View worse than animals are treated in a civilized society.

136. One of the most painful and toughest moments in my life was when I had to explain to my 12-year old daughter that the house doesn't exist anymore, and she asked to take her to Cane View so she could see for herself. Taking my daughter to 11 Cane View for her to see the emptiness that exists where my home stood and observing her pain, is an experience I can't find words to describe.

137. No one from the Ministry of Human Services and Social Security visited Cane View to assess the social and other impact of the demolition before or after the demolition.

138. Counsel advises that another affected resident, Candacie Williams, through counsel, wrote to the Ministry of Human Services and Social Security for information on its involvement in Cane View **EXHIBIT MG 16** (Candacie Williams's Letter).



139. Counsel advises that no response to the Candacie Williams' letter was received from the Ministry of Human Services and Social Security.

140. I have sought and am receiving therapy to cope with and overcome my trauma.

141. This affidavit was prepared by Vivian M. Williams on my instructions, whose place for service is at 165 Trafalgar Building, 1st Floor, Georgetown.

Dated this 14th day of August 2023.

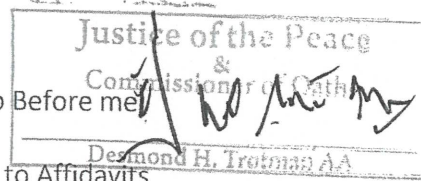
at the City of Georgetown in the county of Demerara

Mark Gordon

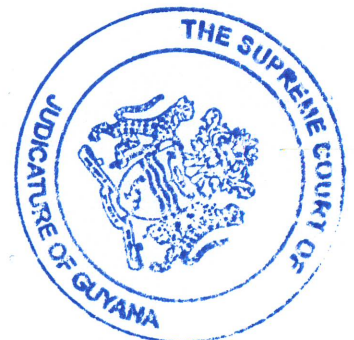
MARK GORDON



Sworn to Before me



Commissioner of Oaths to Affidavits



AFFIDAVIT OF ROXANNE ALLEN

I, **ROXANNE ALLEN**, of 16 Cane View Mocha/Herstelling, East Bank Demerara, hereby MAKE OATH AND STATE as follows:

1. I am the first-named Applicant in the above-captioned matter.
2. I am a woman of African descent who was born and raised in Guyana. **EXHIBIT RA 1** (Birth Certificate).
3. I grew up in Mocha/Arcadia and lived at 16 Cane View for about three decades preceding January 5, 2023.

Use and Occupancy of 11 Cane View

4. I started occupying the land known as 16 Cane View in 1989 by cultivating it.
5. From 1989 to 1990, I cultivated various cash crops such as ochro, callaloo and eddoes along with other crops such as ground provisions and fruit trees such as lemons, cherry, soursops, and oranges on the land.
6. In or around the year 1990, servants or agents of Guyana Sugar Corporation, the third-named respondent, flooded the land causing my crops to be destroyed.
7. I returned to the land in 1991 after the water from the flood drained off the land.
8. In December 1991 I started building my home at 16 Cane View.
9. From about the later part of 1993, I became romantically involved with Junior Ellis, the second-named respondent (**JUNIOR**).
10. After we started our romantic relationship, **JUNIOR** visited me constantly at 16 Cane View while I was cultivating land and building my home on it.
11. **JUNIOR** assisted me in cultivating the land and in building my home.



12. The home we initially built at 16 Cane View was a flat, wooden two-bedroom structure.
(The Front House). **EXHIBIT RA 2** (The Front House).
13. Though construction of our home started in 1991 it was substantially completed in 1996 such that it was built over a period of about 5 years.
14. JUNIOR lived with me continuously at 16 Cane View from the time of completion of my home in 1996 until January 5, 2023, when it was demolished.
15. I conceived and gave birth to eight children while occupying 16 Cane View. One of the eight children I gave birth to, died within a year of birth such that I raised seven children at 16 Cane View. **EXHIBIT RA 3** (Birth certificates of children).
16. In 1993 I gave birth to and subsequently raised my daughter Yoletta John at 16 Cane View.
17. In 1996 I gave birth to and subsequently raised my daughter Amanda Ellis at 16 Cane View.
18. In 1999 I gave birth to and subsequently raised my daughter Lashanda Ellis (Lashonda) at 16 Cane View.
19. In 2001 I gave birth to and subsequently raised my son Deshaun Ellis at 16 Cane View.
20. In 2003 I gave birth to and subsequently raised my daughter Lacresha Ellis at 16 Cane View.
21. In 2005 I gave birth to and subsequently raised my son Demarie Ellis at 16 Cane View.
22. In 2009 I gave birth to and subsequently raised my daughter Ariana Ellis at 16 Cane View.
23. In 2011 I gave birth to my daughter Yulianna Ellis who subsequently died.

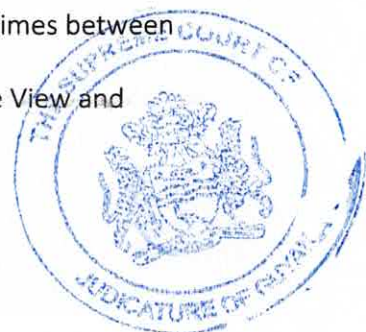


24. My daughter Lashanda and son Deshaun lived at 16 Cane View for all their lives until January 5, 2023.
25. From about 2015 my daughter Lashanda Ellis and son Deshaun assisted in building a house at the back of the one that was built at the front of 16 Cane View (The Back House). **EXHIBIT RA 4** (the Back House)
26. In addition to the Front House and Back House at 16 Cane View, we cultivated the land with various crops just as we did from 1989 to 1990 before the land was flooded by GUYSUCO in 1990.
27. I reared cattle on the land at 16 Cane View.
28. The land we occupied at Cane View that became known as 16 Cane View was fenced from about 1994. The fence was rebuilt a few times, the last time being in 2011.

Conduct of the Government

a. Meetings and Promises

29. From the time I returned to 16 Cane View in 1991 through 2021, NO ONE from the government or the Guyana Sugar Corporation (GUYSUCO) objected to our use and occupancy of 16 Cane View.
30. **NO ONE** from the Central Housing & Planning Authority (CH&PA), the Ministry of Housing and Water, GUYSUCO or any other government agency objected to me or any member of my family spending significant money on the land.
31. Officials from CH&PA, the Ministry of Housing and Water, and other government agencies, their agents, or representatives, visited Cane View at various times between 1998 and 2020 and saw the Front House and the Back House at 16 Cane View and



- homes built on other house lots in the community, and the occupation and activities conducted on the land and **DID NOT** object to occupancy or expenditure of funds.
32. When I returned to occupy 16 Cane View in 1991 other parcels land were occupied.
33. Among the people I observed occupying and living on parcels of land at Cane View in the late 1990s are Sheldon Allen, Sherwin Allen, Mark Gordon, Michelle Bryan, Leon Levy, Joyann Ellis, and George Ellis.
34. By 2008 Cane View had more than 30 families occupying distinct parcels of land. The homes were built facing the village of Arcadia. **EXHIBIT RA 5** (Section of Cane View). They were separated from Arcadia by a canal of about 20 feet in width and linked by several small wooden bridges at different points. **EXHIBIT RA 6** (Bridges connecting Cane View and Arcadia).
35. From 1991 when I started occupying Cane View to January 5, 2023, no government agency provided essential services to Cane View. Residents of Cane View worked together to overcome the challenges members of the community faced to improve the community.
36. As a community, Cane View had many children within different age groups who faced many challenges and were assisted through lessons and other social activities organized by cooperative efforts in the community. My daughter Ariana teamed up with an older girl to keep lessons for other children in the community who needed help. **EXHIBIT RA 7** is a holiday party at 16 Cane View for children from the lessons.
37. Residents of Cane View developed a very close relationship among each other and shared a strong bond and comradery from decades of reliance on each other.



38. Growing up in Mocha/Arcadia I heard stories of how our ancestors who purchased the village of Mocha gathered under a big tree for meetings (The Big Tree). The Big Tree still exists in Mocha.
39. Residents of Cane View were inspired by the story of the Big Tree so in or about 1996 I planted an almond/amma nut tree in front of 16 Cane View so that residents of Cane View could have a Tree like the one our ancestors gathered under for their meetings.
40. The Amma NUT tree has grown into a big tree that was used by Cane View residents to hold meetings and gatherings to socialize. **EXHIBIT RA 8** (The Amma NUT tree).
41. Because Cane View was not provided essential services by the government, our bond and comradery as a community was essential to our economic and social existence.
42. In or about 1999/2001 officials from CH&PA and the Ministry of Housing and Water visited Cane View and held a meeting with residents (The 1999/2001 Meeting).
43. I attended the 1999/2001 meeting.
44. Among the officials who held the 1999/2001 meeting were Mr. Gladwin Charles and a Mr. Velloza.
45. The official who held the 1999/2001 meeting, promised Cane View residents that the government will regularize Cane View and convey title/transport to residents who are occupying parcels of land.
46. In or about 2008/2009 officials from CH&PA visited Cane View and held a meeting (The 2008/2009 Meeting) in my yard at 16 Cane View.



47. I attended the 2008/2009 Meeting which was conducted by Mr. Gladwin Charles (Mr. Charles) from CH&PA.
48. At the 2008/2009 Meeting, Mr. Charles told the Cane View residents that attended the meeting that the government will be building a four-lane highway that will run just behind Cane View.
49. Mr. Charles told the Cane View residents who attended the 2008/2009 Meeting to build strong structures. He suggested that we build concrete structures because of the highway that will pass at the back of our homes.
50. Mr. Charles told the Cane View residents who attended the 2008/2009 Meeting to turn their homes at Cane View around to face the direction that the four-lane highway was going to be built. The homes were facing Mocha/Arcadia and backing the direction of the road at the time.
51. At the 2008/2009 Meeting, Mr. Charles repeated the promise made to Cane View residents at the 1999/2001 Meeting that the government will transfer title/transport to the Cane View lands to the occupants of occupied parcels of land.
52. Mr. Charles told Cane View residents at the 2008/2009 Meeting that a team from CH&PA and the Ministry of Housing and Water will come to Cane View to survey each parcel of land.

b. Survey of Land and Allocation of Lot Number

53. 16 Cane View and other parcels of land occupied in Cane View were surveyed in 2009 as promised by Mr. Charles. **EXHIBIT RA 9** (Survey Plan).
54. The Survey was done for the purpose of regularizing Cane View. **EXHIBIT RA 9.**



55. I saw the Teams of Surveyors conducting the survey at 16 Cane View and at other parcels of land in Cane View.
56. After the survey, CH&PA and the Ministry of Housing and Water assigned Lot 16 to the parcel of land my family was occupying.
57. CH&PA and the Ministry of Housing and Water painted Lot 16 in red on the front of our home to indicate the lot number for the parcel of land I occupied with my family. Thereafter that parcel of land became known as and is referenced as Lot 16 Cane View. **EXHIBIT RA 10** (Photo of Home with Lot 16 painted on it).
58. The 2009 survey was done at the request of the Chief Executive Officer of CH&PA. **EXHIBIT RA 9** (Cane View Survey).
59. Notice of the survey was served on the Company Secretary of the Guyana Sugar Corporation and the Chairman of Mocha Arcadia NDC. **EXHIBIT RA 9**.
60. The survey was posted at a conspicuous location in Cane View, so I and resident of Cane View became aware of it. **EXHIBIT RA 9**.
61. The survey states that Planation Herstelling also known as Cane View, is held by GUYSUCO, and administered by CH&PA. **EXHIBIT RA 9**.
62. The survey which was served on the third-named respondent and displayed to Cane View residents, states that it was done for the purpose of regularizing Cane View. **EXHIBIT 9**.
63. The third-named respondent did not object to the survey and its declared purpose.
64. CH&PA never had possession and control of Cane View and 16 Cane View at any time from 1989 from 1990 through 2023.



Reliance on Promise and Commitment Given by the Government

65. Counsel advises that the 2008/2009 Meeting was held, and the survey was done just about the time I acquired prescriptive title to 16 Cane View by operation of law and any claim, if any, GUYSUCO had to the land, was extinguished by operation of law.
66. After 2008/2009 when CH&PA promised to convey title/transport to 16 Cane View to us and conducted the survey for that purpose, and when counsel advises that GUYSUCO's claim to the land was extinguished by operation of law, I occupied 16 Cane View not merely with intent to own the land but as the owner.
67. The promises and actions of CH&PA caused me to believe that my prescriptive rights claim would not be contested and conveyance of 16 Cane View to me was a mere administrative process to be completed by the government and that the government was taking the necessary steps.
68. Counsel advises that the 2011 amendment to the Title to Land Act could not and did NOT revive any already extinguished claim GUYSUCO had to Cane View and 16 Cane View.
69. Counsel advises that the 2011 amendment to the Title to Land Act did NOT extinguish any claim to 16 Cane View that had already accrued in my favour by operation of law.
70. Upon the encouragement and request of Mr. Charles, acting on behalf of CH&PA and the Ministry of Housing, I spent significant sums to rebuild the Front House at 16 Cane View and to build the Back House.
71. I rebuilt the fence around 16 Cane View after the survey was completed with the assistance of my children.



72. I spent approximately an additional \$10,000,000.00 to remodel the Front House at 16 Cane View after Mr. Charles from CH&PA promised that title/transport will be conveyed to me without contest and steps were taken in furtherance of that promise.

Further Confirmation and Commitment from the Government

73. Between 2019 and 2020 Ministers of the Government and officials from the Ministry of Housing visited the Mocha/Arcadia area several times.

74. During the visits to Mocha/Arcadia between 2019 and 2020 by government Ministers and officials of the Ministry of Housing, the delay in conveying title to lands at Cane View to the occupants who had received assigned lot numbers was raised repeatedly.

75. Between 2019 and 2020 Ministers of Government and officials from the Ministry of Housing and Water repeatedly assured Cane View residents that the government was committed to conclude the administrative process needed for title to the Cane View lands to be conveyed to residents as promised by Mr. Charles, CH&PA and the Ministry of Housing and Water.

76. From late 2021 through 2022 CH&PA and the Ministry of Housing and Water started asking Cane View residents to vacate the land they occupied at Cane View.

77. The reason given by CH&PA and the Ministry of Housing and Water for requesting that Cane View residents vacate the community is because the government is building a four-lane highway.

78. After Cane View residents did not comply with CH&PA and the Ministry of Housing and Water's reply to vacate the lands they were occupying in Cane View, CH&PA and



the Ministry of Housing and Water started demanding that residents vacate the community.

The Demolition

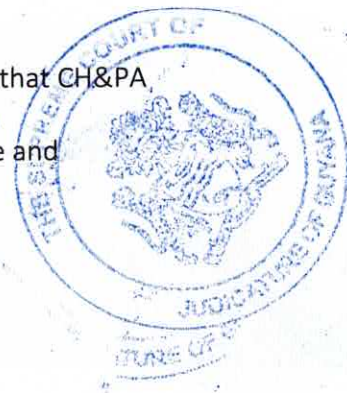
79. On January 5, 2023, a group of persons that included members of the Guyana Police Force, workers with heavy duty machinery such as an excavator, officials of CH&PA and Ministry of Housing and Water, came to Cane View and demolished all the homes and physical structures in Cane View. **EXHIBIT RA 11** (Cane View demolition).
80. I saw an excavator operated by someone who was under the instructions of officials of CH&PA, the Ministry of Housing & Water and or other officials of the government, move from one house lot to another, demolishing all the homes and buildings in Cane View.
81. The excavator destroyed all the structures on each of the properties it entered along with the personal properties inside of them.
82. The excavator came to 16 Cane View and forcibly removed me and my family from 16 Cane View. **EXHIBIT RA 12** (Demolition at 16 Cane View).
83. I tried saving my personal property, documents, and important records that were kept at 16 Cane View, but was hindered from doing so by the Police and government officials who were present. **EXHIBIT RA 13** (Picture of Roxanne and Police at 16 Cane View).
84. The officials, employees of CH&PA and Ministry of Housing and Water kept insisting that I must leave all my personal property because I would be compensated for everything.



85. Some residents managed to pull some items from their homes, but they experienced difficulties saving the items because the bridges that connected to Arcadia were destroyed by the demolition crew. **EXHIBIT RA 14** (Destruction of bridges).
86. The excavator crushed and buried personal properties that were in the yards of homes its demolished or on any vacant land in the community.
87. The demolition caused total commotion in Cane View as residents were frantic, hysterical, and desperately seeking to save their properties while the police were discharging tear gas and gun shots. **EXHIBIT RA 15** (Police with gun & firing shots in Cane View).
88. I saw the operator of the excavator digging the land burying what remained of the personal possessions of the residents whose homes were demolished.
89. All the structures on the land at 16 Cane View were demolished between January 5, 2023, and January 6, 2023.
90. My personal possessions, documents, and records were destroyed by the demolition carried out by CH&PA and Ministry of Housing and Water, their servants, agents, or contractors on January 5, 2023.
91. My home was fully furnished with modern amenities.
92. The demolition of my home and destruction of my personal property took place in front of a large crowd that had gathered at the scene and was broadcast and distributed to audiences locally and internationally by the media, including government media outlets. **EXHIBIT RA 16** (Crowd).



93. Among my personal possessions, documents and records that were destroyed during the demolition were priceless and irreplaceable items.
94. During the demolition, the respondents destroyed all that I worked hard and made significant sacrifices for all my life to acquire.
95. Sometime after January 6, 2023, the demolition crew covered the entire Cane View area, including 16 Cane View with a thick layer of mud that has since hardened upon the land. **EXHIBIT RA 17** (Layer of mud on the land at Cane View).
96. Counsel advises that the Central Housing and Planning Act requires that CH&PA declares a community a slum clearance area, issue and publish a demolition order for the community before it could demolish a community.
97. Cane View was never designated a slum clearance area.
98. A demolition order was never issued and published by CH&PA.
99. Counsel advises that the Central Housing & Planning Act limits CH&PA's power to acquire land to acquisition of land for the purpose of an approved housing scheme and restrains it from using land so acquired for any other purpose.
100. CH&PA and the Ministry of Housing and Water declared that Cane View residents were required to vacate the community and the eventual demolition of the community of Cane View was to facilitate the building of a four-lane highway.
101. The building of the four-lane highway at issue was not for the purpose of an approved housing scheme.
102. Counsel advises that the Central Housing and Planning Act requires that CH&PA issues a 28-day notice to quit upon an occupant of an approved scheme and



obtaining and serving a warrant from a magistrate before evicting an occupant who refuses to comply with the notice to quick.

103. I was never served with a notice to quit and a subsequent warrant from a magistrate by CH&PA.

104. In early 2022 the second named respondent held a meeting at Cane View at which he told residents that they need to relocate because of the construction of a four-lane highway.

105. The four-lane highway is not being built for the enhancement, improvement, or benefit of the community such that it does not constitute an amenity for the community.

Personal Possessions Destroyed

106. I lost \$12,975,430.00 of income from my crops because of the demolition exercise at Cane View. EXHIBIT RA 18 (Memo on loss of income from crops).

107. I lost \$30,250,000.00 of income from my cattle because of the demolition exercise at Cane View. EXHIBIT RA 19 (Memo on loss of income from cattle).

108. My real property and personal possessions destroyed during the demolition are as follows:

Item	Value
Land at 16 Cane View	\$25,000,000.00
Destruction of Homes	\$30,000,000.00
Loss of Income from Crops	\$12,975,430.00
Loss of Income from Cattle	\$30,250,000.00
1 Washing machine	\$54,000.00
Chair set	\$95,000.00
Wall Divider	\$68,000.00
1 Iron	\$8,000.00
1 Glass table	\$30,000.00



Item	Value
Refrigerator	\$145,000.00
1 Barbeque Grill	\$30,000.00
Decorative Map of Guyana	\$6,000.00
2 Beds	\$170,000.00
Jewelry	\$245,000.00
1 50" TV	\$65,000.00
2 Chest of Drawers	\$80,000.00
1 Hair dryer	\$8,000.00
2 Blenders	\$20,000.00
Groceries	\$65,000.00
Water pump	\$200,000.00
1 Generator	\$260,000.00
Books	\$110,000.00
8 Large Black water tanks	\$300,000.00
Construction tools	\$350,000.00
2 Transformers	\$40,000.00
Mason Tools	\$60,000.00
1 Power Saw	\$55,000.00
Shoes	\$260,000.00
Boots	\$300,000.00
Clothes	\$700,000.00
Freezer	\$70,000.00
Gas stove	\$45,000.00
2 Gas Bottles	\$20,000.00
1 Microwave	\$25,000.00
1 Cellphone with Charger	\$80,000.00
Farmer tools	\$110,000.00
Glasses	\$50,000.00
Kitchen utensils	\$80,000.00
Bags	\$150,000.00
Cabinets	\$110,000.00
2 Electric Fans	\$15,000.00
Colognes & personal hygiene products	\$95,000.00
Hair appliances	\$55,000.00
Total	<u>\$102,854,430.00</u>

109. My attorneys have written to the first and second-named respondents to initiate discussions for me to be compensated for the losses I suffered because of the demolition on January 5, 2023. EXHIBIT RA 20 (Letter to Minister and AG).



110. I am advised by my attorneys that neither the Minister of Housing and Water nor the Attorney-General responded to my request to be justly compensated for my losses.

111. The community that I had become attached to and relied on for about quarter of a century was also destroyed and every trace of it buried under mounds of dirt.

112. This affidavit was prepared by Vivian M. Williams upon my instructions, whose place for service is at 165 Trafalgar Building, 1st Floor, Georgetown.

Dated this 15th day of September 2023

at the City of Georgetown in the county of Demerara


ROXANNE ALLEN

Sworn to Before me

Commissioner of Oaths to Affidavits
101 Great St., Georgetown
to Affidavits







Date: 2021.11.29
Time: 16:01

APPENDIX 3

C.A. Nigel Hughes
Ronald J. Daniels
Attorneys-at-Law:
Firm's Name: Hughes, Fields & Stoby
Attorneys-at-Law
Address: 62 Hadfield Streets
Werk-en-Rust,
Georgetown,
Tel. Nos.: 227-4629, 227-2857
EmailAddress: n.hughes@guyanalaw.net

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

GUYANA

CIVIL JURISDICTION

2021-HC-DEM-VIC-SOC-72

In the matter of Articles 40, 139, 141,
153 of the Constitution of the Co-
operative Republic of Guyana.

BETWEEN:-

ROXANNE MYERS

Claimant

-v-

THE ATTORNEY GENERAL

Defendant

AFFIDAVIT OF WITNESS STATEMENT

I, **ROXANNE MYERS** of Lot 20 Liliedaal, East Coast Demerara, Guyana,
being duly sworn make oath and say as follows: -

1. That I am the Claimant herein.
2. The facts deposed to herein are true and correct and within my personal knowledge save and except where I state otherwise that I have been informed by a named person of any fact and I believe such fact to be true.
3. I was at all material times the Deputy Chief Election Officer at the Guyana Elections Commission (GECOM) and I worked and operated



from Office of GECOM located at 9 Fort Street, Kingston, Georgetown, Guyana.

4. On the 6th day of October, 2020, I learned for the first time via a Social media post that I was being sought by members of the Guyana Police Force for questioning.
5. I immediately thereafter requested of my then driver, Mr. Kenneth Mootoo, to transport me to the Criminal Investigations Department (CID), Police Headquarters, Eve Leary where I voluntarily submitted myself to Assistant Superintendent (ASP) of Police Mr. Mitchell Caesar in the company of my Attorneys-at-Law.
6. ASP Mr. Mitchell Caesar subsequently invited my Attorneys-at-Law and me to a room at the upper flat of the Criminal Investigations Department building, Police Headquarters, Eve Leary.
7. One of my Attorneys-at-Law accompanied me to the said room wherein ASP Caesar introduced us to Inspector of Police Mr. Nigel Stephens and Corporal of Police Mr. Desmond Johnny.
8. ASP Caesar informed me that he would like to conduct a video recorded-interview of me and that Inspector Stephens will be his scribe and that Corporal Johnny would be the videographer.
9. My Attorney-at-Law inquired from ASP Caesar at the commencement of the video-recorded interview whether I was being treated as a suspect for the commission of any offence, and ASP Caesar responded categorically that I was not being treated as a suspect for the commission of any offence. Corporal Johnny had already begun to video record the interview when my Attorney-at-Law made this inquiry.
10. The interview was commenced at 12:07 p.m. on the said 6th day of October, 2020.
11. I was asked the following questions during the course of the video-recorded interview conducted by ASP Caesar:

a. **ASP Caesar:** Ms, Myers, are you employed by GECOM?

Roxanne Myers: I reserve my right to remain silent.

b. **ASP Caesar:** Ms. Myers, are you Deputy CEO of GECOM?

Roxanne Myers: I reserve my right to remain silent.



c. **ASP Caesar:** Ms. Myers, are you, were you a part of the staff that worked during the March 2, 2020 General and Regional Elections?

Roxane Myers: I reserve my right to remain silent.

d. **ASP Caesar:** Ms. Myers, is your office located at Barrack and Fourth Streets, Kingston, Georgetown?

Roxanne Myers: I reserve my right to remain silent.

e. **ASP Caesar:** Ms. Myers, could you please state your present address.

Roxanne Myers: I reserve my right to remain silent.

f. **ASP Caesar:** Ms. Myers, do you have any supervisory control over the... of GECOM Headquarters?

Roxanne Myers: I reserve my right to remain silent.

g. **ASP Caesar:** An interview was done with Mr. Keith Lowenfield. Do you know Mr. Lowenfield?

Roxanne Myers: I reserve my right to remain silent.

h. **ASP Caesar:** In that interview Mr. Lowenfield was asked for certified copies of the Statements of Polls used to make two (2) declarations in the March 2, 2020 General and Regional Elections. He said that he was on leave and we must ask you for those documents. Are you in possession of those documents?

Roxanne Myers: I reserve my right to remain silent.

i. **ASP Caesar:** Ms. Myers, the police need those documents to conduct an investigation. Your holding those documents could cause you to be charged for obstructing an investigation.

Roxanne Myers: I reserve my right to remain silent.

j. **ASP Caesar:** Ms. Myers, when last you went to work at GECOM office at Barack and Fort Streets?

Roxanne Myers: I reserve my right to remain silent.

k. **ASP Caesar:** Ms. Myers, are you living at the address on the record at GECOM office for you?

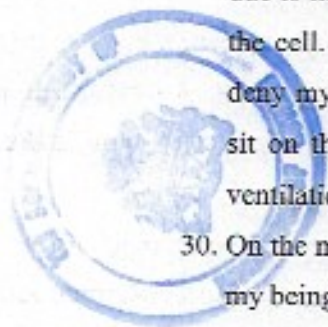
Roxanne Myers: I reserve my right to remain silent.

12. **ASP Caesar** then informed us that the interview was at an end unless Inspector Stephens wanted to ask me any question.



13. Inspector Stephens immediately requested of ASP Caesar for them, Inspector Stephens and ASP Caesar, to speak outside. They asked for an excuse and departed the room. They returned to the room a few minutes after.
14. ASP Caesar said to my Attorney-at-Law when he and Inspector Stephens returned to the room that: "Counsel, I will now have to put an allegation to your client for perverting the course of justice."
15. ASP Caesar then said the following words to me, "Ms. Myers, it is alleged that you are perverting the course of justice and as such you will be placed in custody. During the course of the investigations we will have persons to confront you with."
16. ASP Caesar immediately thereafter instructed me to exit the room. When I exited the room Woman Inspector Ms. Castello and Woman Sergeant of Police Ms. Ranatha McBean were waiting outside of the room, and they were instructed by ASP Caesar to detain me in custody.
17. I was then taken by Inspector Castello and Sergeant McBean to a room on the ground floor of the CID building, Police Headquarters, Eve Leary.
18. Sergeant McBean made an entry in the station diary wherein she recorded, inter alia, that I was being detained for "perverting the course of justice and other offences." A true copy of the said station diary entry is hereto shown to me, attached and marked "R.M.1".
19. Neither ASP Caesar nor any other police officer put any allegation to me at the time of my arrest and detention of the commission of any offence, save for ASP Caesar telling me at the end of the interview that I am alleged to have perverted the course of justice.
20. I was not cautioned by ASP Caesar or any other police officer when I was arrested and detained in custody on the 6th day of October, 2020.
21. I called Mrs. Bonita Rodney, Confidential Secretary to the Deputy Chief Election Officer, at the instance of Sergeant McBean, while at the ground floor of the CID building, Police Headquarters, Eve Leary, to collect my personal belongings while Sergeant McBean made arrangements to transport me to the Beterverwagting Police Station. Mrs. Rodney came and collected same.

22. I was transported to the Beteverwagting Police Station by Inspector Castello, Sergeant McBean and other police officers sometime in or around mid-afternoon the 6th day of October, 2020.
23. When I arrived at the Beterverwagting Police Station I asked the police officer who was booking me in to record that I have a chronic diabetic condition and that my condition is aggravated by poor ventilation, and the police officer confirmed that this record was made.
24. I was placed in a cell at the Beterverwagting Police Station after I was booked in by the police. The cell that I was placed in was filthy. The walls of the cell were dirty. The cell was outfitted with a toilet which had no flushing mechanism and there was a sustained pungent odour emanating from the cell.
25. The cell was also poorly ventilated, and no bed or mattress was contained therein.
26. I was not offered any food or anything to eat or drink while in custody at the Beterverwagting Police Station. I ate food and drank water that I received from my family.
27. I was detained at Beterverwagting Police Station from the 6th day of October, 2020 to the 9th day of October, 2020, save for intervals when I was taken back to CID, Eve Leary, and when I was taken to the hospital.
28. I was made to sit, stand, and sleep on the uncovered concrete floors of the cell throughout the course of my detention at the Beterverwagting Police Station from the 6th day of October, 2020 to the 9th day of October, 2020.
29. On the evening of the 6th day of October, 2020, I asked Woman Lance Corporal Sahadeo to permit me to sit on the bench outside of the cell due to my being affected by the poor ventilation and hot temperature of the cell. Lance Corporal Sahadeo told me that she was constrained to deny my request because she had no such instructions to permit me to sit on the bench to relieve the distress I was under due to the poor ventilation and hot temperature of the cell.
30. On the morning of the 7th day of October, 2020, the morning following my being taken to the Beterverwagting Police Station, I awoke with eyes



and feet swollen due the poor ventilation of the cell and my having to sleep on the naked concrete floor of the cell.

31. During the morning of the 7th day of October 2020, I renewed my complaints of my discomfort to the officer who was at the desk and no heed was paid to my complaints.
32. I was transported to the Criminal Investigations Department, Eve Leary, by Sergeant McBean and other police officers on the 7th day of October, 2015 at or about 2:15 p.m.
33. I was made to wait until sometime after 4:30 p.m. on the 7th day of October, 2021 for ASP Caesar to commence his interview of me. The interview was conducted by ASP Caesar in the presence of Inspector Stephens and my Attorney-at-Law, Mr. Nigel Hughes. A series of questions were put to me by ASP Caesar, to which I reserved my right to remain silent.
34. ASP Caesar during the course of the interview invited Mr. Aneal Giddings, Information Technology Manager, GECOM, to confront me. Mr. Giddings made certain utterances to which I listened and remained silent.
35. I was taken back to the Beterverwagting Police Station sometime around 7:00 p.m. on the 7th day of October, 2021. Shortly thereafter I complained to the police of feeling unwell. It was not until 9:30 p.m., after my symptoms of headache and nausea became unbearable, that any attention was paid to me and I was rushed to the Georgetown Public Hospital.
36. I received medical treatment at the Georgetown Public Hospital Corporation and was discharged the following day, the 8th day of October, 2020, sometime around 2:30 p.m., into the custody to ASP Jupiter and was taken back to the Beterverwagting Police Station. A medical report was issued in my favour. A true copy of the said medical report is hereto shown to me, attached and marked "R.M. 2".
37. I was notified by my Attorneys-at-Law and verily believe that they made several requests of the police for me to be released from custody on bail having regard to my aggravated medical condition.



38. I was notified by my Attorneys-at-Law and verily believe that in their application to the police for my release from custody on bail they emphasised that I had voluntarily submitted myself to the police and that I posed no flight risk.

39. The several requests of my Attorneys-at-Law were not acceded to.

40. I was charged on the 9th day of October, 2020 with two counts of misconduct in public office contrary to common law, the particulars of which are:

a. Roxanne Myers between the 4th and the 14th day of March, 2020, in Georgetown, in the Georgetown Magisterial District, in the County of Demerara, in the State of Guyana, while being a public officer, that is to say, the Deputy Chief Election Officer of the Guyana Elections Commission wilfully misconducted herself together with Clairmont Mingo and others, to declare a fraudulent account of votes for the General Elections of the March 2nd 2020 General and Regional Elections, the said wilful misconduct amounting to a breach of the public's trust in the office of the said Deputy Chief Election Officer of the Guyana Elections Commission, without any reasonable excuse or justification; and

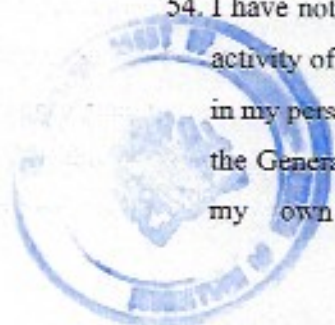
b. Roxanne Myers between the 4th and the 14th day of March, 2020, in Georgetown, in the Georgetown Magisterial District, in the County of Demerara, in the State of Guyana, while being a public officer, that is to say, the Deputy Chief Election Officer of the Guyana Elections Commission wilfully misconducted herself together with Clairmont Mingo and others, to declare a fraudulent account of votes for the Regional Elections of the March 2nd 2020 General and Regional Elections, the said wilful misconduct amounting to a breach of the public's trust in the office of the said Deputy Chief Election Officer of the Guyana Elections Commission, without any reasonable excuse or justification.

41. The Guyana Police Force issued a press release dated the 7th day of October, 2020 via its Facebook page and titled "Police Statement Regarding the Arrest of Deputy Chief Elections Officer, Roxanne Myers," wherein it was stated, inter alia, that:


"Ms. Myers was arrested on October 6, 2020 after she turned herself in at the Criminal Investigations Department (CID) Headquarters, Eve Leary, Georgetown, in the company of her Attorneys, one of whom was Mr. Hughes...Ms. Myers was promptly arrested for the offence of "conspiracy to defraud" and she was told of the allegation at the said. She then exercised her right to remain silent."

42. A true copy of the said Guyana Police Force issued press release is hereto shown to me, attached and marked "R.M. 3".
43. Neither ASP Caesar, Inspector Stephen, Inspector Castello, Sergeant McBean or any other police officer at any time on the 6th day of October, 2020 put to me the allegation of conspiracy to defraud.
44. The only allegation that was put to me on the 6th day of October, 2020 was that put to me by ASP Caesar at the end of the video recorded video wherein he alleged that I was perverting the course of justice and I was promptly arrested thereafter.
45. I was instructed by my Attorneys-at-Law and verily believe that they caused to be published a detailed account of what transpired at the CID, Eve Leary from the time of my voluntarily reporting to the said CID to the time I was transported from CID, Eve Leary to the Beterverwagting Police Station, inclusive of what transpired during the course of the ASP Caesar's interview of me. A true copy of the published response of my Attorney-at-Law is hereto shown to me, attached and marked "R.M. 4".
46. iNews Guyana published an article on the 7th day of October, 2020 titled "Lawyers claim Roxanne Myers arrested for 'perverting the course of justice'. GPF says otherwise" in which excerpts from my Attorney-at-Law's published response. A true copy of the said iNews Guyana article is hereto shown to me, attached and marked "R.M. 5".
47. I have never received any telephone calls at any time from the police or anyone holding him/herself out as a police officer notifying me that I was a person of interest to the police or that the police required my assistance on any matter of any sort.

48. I am not aware of the police visiting my home at any time during the time they purport to have been trying to make contact with me or at any other time.
49. I had been attending work regularly at the time the police purport to have been trying to make contact with me. My attendance and presence in office ensured the administrative responsibilities of the GECOM Secretariat were properly implemented in a timely manner.
50. I am not aware of and neither have I been notified by anyone of the police attending GECOM office looking for me, or the police making telephone calls to my place of work requesting to speak with me during the said time or at any other time.
51. I have not received any written correspondence from the police, whether in the form of a formal letter or informal note or any other form, notifying me that I was a person of interest to the police or that the police required my assistance in any matter of any sort.
52. I am aware that the Human Resources Manager, Ms Marcia Crawford; the Training Officer, Mr. Mohanlall Jagdeo; the Information Technology Manager, Mr. Aneal Giddings were directed by Chairperson of GECOM, Justice Claudette Singh (Rtd), to give statements to the Guyana Police Force. No such request made of or no such invitation was extended to me.
53. The prosecution in the matters for which I have been charged and for which I appear before the Georgetown Second Magistrate's Court have not disclosed to date any of the statements and/or documents they intend to rely upon in their prosecution of the matters against.
54. I have not acted illegally and neither have I participated in any illegal activity of any sort in my capacity as Deputy Chief Election Officer or in my personal capacity prior to, during, or subsequent to the conduct of the General and Regional Elections of the 20th day of March, 2020 on my own behalf, on behalf of anyone, or with anyone.



55. The elections report or declaration of results was not tendered to me, or by me to GECOM and neither was my opinion sought by the commission on any of the declarations that became contentious.
56. This Affidavit was drawn on my instructions by Mr. C.A. Nigel Hughes, Attorney-at-Law whose address for service and place of business is at Lot 62 Hadfield and Cross Streets, Werk-en Rust, Georgetown, Guyana.


ROXANNE MYERS

Sworn to at Georgetown, Demerara

This *24th* day of November, 2021



----- Forwarded message -----

From: **Nigel Hughes** <n.hughes@guyanalaw.net>

Date: Sat, Jan 27, 2024 at 8:11 AM

Subject: Roxanne Myers v Attorney General

To: Roxanne Myers <myersconsultant@gmail.com>

Good morning Roxanne,

The hearing of the above matter continued and the evidence concluded yesterday. The final witnesses were Donette James Woman Special Constable and Mitchell Ceasar Superintendent of Police.

Ms James relied on her witness statement and under cross examination testified that there were no female sanitary facilities at BV, that the cells were never cleaned while you were there and that no medical report was ever lodged or recorded in the station diary after you returned from the hospital.

Supt Ceasar relied on his witness statement and under cross examination made the following statements.

1. You were detained for the offence of perverting the course of justice.
2. No evidence of perverting the course of justice was ever put to you.
3. The statements which Aneal Giddings provided to him did not disclose any criminal offence.
4. Lowenfield refused to provide him with your address.
5. Chairman told him that you had not been at work.
6. They wanted to search your home that why you were not given bail.
7. They never attempted to search your home.
8. They wanted to search your office but were prevented by Lowenfield.
9. They never asked you to search your office.
10. They never asked you for your address.
11. The date set out in the witness statement when they went to Congress drive to search your home was a date after when you had been arrested. He said this was a typo.
12. When the allegations were put to you, you exercised your right to remain silent.
13. The reason for your detention was that they were conducting an investigation and that they were waiting on legal advice.
14. He was unable to identify any article of the constitution, law, regulation or procedure which permitted the detention of a suspect on the basis that they were continuing an investigation or awaiting legal advice.

The state closed its case. We were given three weeks to lay over written submissions and the court would email its decision after that.

We will send you our submissions when they are completed and theirs when received.

Please do not hesitate to contact us if you have any queries.

Yours Sincerely

C.A. Nigel Hughes.

Partner.

Hughes, Fields & Stoby.

62 Hadfield & Cross Streets.

Georgetown.

Demerara.

Guyana, South America.