

Office of
**MINISTER OF PARLIAMENTARY AFFAIRS
AND GOVERNANCE**



May 8, 2023

Ms. Beatriz Balbin
Chief
Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights

Dear Ms Balbin,

The Government of Guyana acknowledges receipt of the Joint Communication AL GUY 1/2023 dated March 27, 2023 submitted by your office on behalf of fifteen (15) mandate holders - Special Rapporteurs, Experts and Working Groups.

This Joint Communication regrettably is based on broad and unfounded allegations regarding the human rights violations of people of African descent in Guyana. We note that the Joint Communication also makes recommendations that your esteemed office expects the Government of Guyana to urgently address based on the assumption that the report is based on a proven methodology, objective analysis and credible findings.

The new Government of the Cooperative Republic of Guyana assumed office on August 2, 2020, after what are considered historic and unprecedented circumstances, even at the global level, following the March 2, 2020 General and Regional Elections. Notably, nineteen (19) months after a no-confidence motion was successively passed in the National Assembly on December 21, 2018, President Mohamed Irfaan Ali and the People's Progressive Party/Civic were declared the new government.

There were repeated and documented efforts by officials in the Guyana Elections Commission and the members of the former Government on March 5 and 13, 2020 to reject and derail the will of the electorate to choose their representatives in accordance with the Guyana Constitution. These brazen efforts contributed to a five (5) months delay in the declaration of the final results. The reports of the Electoral Observer Missions of the Carter Centre, Caribbean Community (CARICOM), the Organization of American States, the Commonwealth and the European Union bear witness to these tragic events.

These same Electoral Observer Missions - the Commonwealth, the Organization of American States, the European Union, the CARICOM and the Carter Centre - all concluded that March 2, 2020 Elections Day had been conducted in a free, transparent and fair manner and in accordance with the electoral laws. During the five months following these elections, 100 countries represented in the UN, Commonwealth, OAS, European Union and the CARICOM all supported and championed the Guyanese people's efforts to peacefully defend their right to choose their government, and to ensure that the legitimate government of Guyana was declared and sworn in, after the recount of all the ballot papers and several court cases, which were meant to thwart the

will of the people. Democracy was tottering on the precipice. However, with the resilience of the Guyanese people coupled with the resounding support from the international community to respect democratic principles and values, democracy prevailed.

The Report of the Commission of inquiry into the General and Regional Elections of Guyana, March 2, 2020 which was handed over the President on April 27, 2023, stated:

In summary, our inquiry reveals that there were, in fact, shockingly brazen attempts by Chief Election Officer (CEO) Keith Lowenfield, Deputy Chief Election Officer (DCEO) Roxanne Myers and Returning Officer (RO) Clairmont Mingo to derail and corrupt the statutorily prescribed procedure for the counting, ascertaining and tabulation of votes of the March 2nd election, as well as the true declaration of the results of that election, and that they did so – to put it in unvarnished language of the ordinary man – for the purpose of stealing the election(page 9-10 of the report)¹

It should be noted that several persons including those named above have been charged and are before the courts for election fraud.

The People's Progressive Party is 73 years old and its entire history has been one of struggle for democracy, justice and development. From its inception it fought for independence from British colonial rule, and after independence for the restoration of democracy after successive fraudulent elections in 1968, 1973, 1978 (referendum), 1980 and 1985 elections by the ruling People's National Congress². Finally, after 28 years, the People's Progressive Party/Civic (PPP/C) won the first free and fair general and regional elections. The country was in a state of collapse and was ranked below Haiti and Bolivia in the western hemisphere with over 60 per cent of the population living below the poverty line. The country was listed as one of the most heavily in debt.

The People's Progressive Party/Civic, both in government and in opposition, has fought for democracy, human rights, justice and the development of every citizen, the economy and the nation. The period of 1992 to 2015 was one of constructing the architecture of a democratic nation with constitutional and legislative reforms following nation-wide consultations. These reforms were combined with a pro-poor, pro-growth approach focused on reconstructing the collapsed health, education, physical infrastructure, water, electricity, agriculture and social sectors whilst introducing a national housing programme to reduce poverty and develop cleaner and safer communities.

Historically the most neglected and poorest were the Guyana's indigenous³ population under the PNC-led government. Today each Amerindian community has a nursery and a primary school and a health centre; each hinterland region has secondary schools with dormitories. Malaria, gastroenteritis, and tuberculosis were the biggest killers of the indigenous peoples, especially

¹ <https://dpi.gov.gy/report-of-the-commission-of-inquiry-into-the-general-and-regional-elections-of-guyana-on-march-2-2020>

² The PNC is the majority party in the A Party for National Unity+Alliance for Change (APNU+AFC Coalition) in the parliamentary opposition in this the 12th Parliament

³ There are 9 distinct linguistic indigenous groups known as Amerindians collectively

children; with better health care, this is no longer the case. The Amerindian Act 2006 is the only legislation that exists globally that provides for the indigenous peoples to own communal with “absolute grants forever” over their traditional lands. Today they own over 14% of Guyana’s land mass and after the state (which is the largest land owner), they are the second largest landowners in the country.

I am saying this to point out that the People’s Progressive Party/Civic, now in government again, has a history of defending and promoting democracy and human rights.

We want to assure you that the Government of Guyana is paying great attention to the dangerous and fallacious allegations that have been raised in the Joint Communication and have already collected data that refutes these allegations outlined therein. We are committed and shall be providing a formal full response with supporting documentation to each and every allegation before the stipulated date of May 25, 2023 as outlined in the Joint Communication.

However, it would be remiss of the Government to omit at this stage some contextual information about one of the organizations, which had a side event at the recently held Working Group of Experts on People of African Descent on May 3, 2023. This organization is headed by a sitting Commissioner of the Guyana Elections Commission. Moreover, this said Commissioner was part of the conspiracy, along with several senior officials and staff within the Guyana Elections Commission, as well as former Government officials, to thwart the will of the people at the March 2, 2020 general and regional elections in their attempt to keep the then government in office with fraudulent election results.

The most undemocratic elements are those who have brought our country and our democracy to the precipice in 2020, and regrettably they are also the ones who are propagating the same unfounded allegations that are have reached the Special Procedures Branch. Power was and is all that matters to these political leaders and officials, and now, they have pulled out the “race card” once again to divide a country which is ethnically, religiously and linguistically diverse. In fact, it is the most ethnically diverse nation in Latin America and the Caribbean.

Furthermore, at this juncture, that is before our full response with supporting documentation is submitted, we would like to raise a few concerns that we have after having extensively scrutinized the allegations, the observations of the Working Group of Experts on People of African Descent with regards to their recommendations following their visit to Guyana in 2017⁴ (the report was never made public) and more so, the concluding recommendations contained in the Joint Communication. Some of the latter, for example, recommendation #2, calls on the Government to address “*the spatial segregation and geographic marginalization of people of African descent Especially when it comes to ensuring equal access to livelihoods and essential public services, including health care and education*” - this is just one example that is so unrelated to Guyana that one wonders if the Special Branches made a mistake with the country it was addressing.

⁴ The People’s Progressive Party/Civic was in the parliamentary opposition

Firstly, we are very concerned that the findings presented appear that they were not objectively and widely verified. When information is received by a Special Rapporteur, we are aware that it is incumbent on the Special Rapporteur to make sure every effort is made to verify the information and seek additional details if necessary. This can be done through gathering information from sources such as government agencies, state party reports, and regional and international bodies such as CARICOM, other UN bodies including the UN Office and agencies in Guyana.

Secondly, we have noted with concern that within the correspondence sent, there is an admission that adequate data was not available; with this being mentioned, we are interested to know on what basis these claims were made and sent to the Government without an appropriate verification process.

Unlike the Inter-American Commission on Human Rights which provides the accused member state with the source documents of the complainants, the UN bodies appear to treat allegations against member states as confidential and therefore do not share the source of the complaints nor any documentation. Thus one is concerned as to what may have led to the Special Procedures Branch and fifteen Rapporteurs, Experts and Working Groups, in what appears to be an unusual and unprecedented move, to send the combined communique.

We are left to wonder what avalanche of material was provided to each and every Rapporteur, Expert and Working Groups by unknown persons/organizations which could have led to such a broad sweep of accusations against a member state. Particularly, when the reports of various UN agencies, the World Bank, the Inter-American Bank and others of similar reputable bodies make no reference to such allegations.

More worrying is that the allegations, based on the content and tone of the Joint Communication, appear to have been adjudicated to be factual, rendering the member state culpable. The recommendations alone substantiate this view that this is the position of the combined Rapporteurs, Experts and Working Groups. This is even prior to the member state having the right to reply. Surely, this, in itself, is a violation of a basic and most fundamental principle and right to be given the opportunity to reply and respond to these allegations. As a member of the United Nations, we are displeased with what appears to be a magnanimous leniency in the manner in which the processes and procedures normally undertaken in such cases was handled.

Further as a member state that has ratified eight (8) of the nine (9) international human rights conventions, we are keenly aware of the "good faith" efforts we have made over the years with our treaty obligations even though there have been many challenges being a small state in the international system. We take our obligations very seriously and try our utmost to make progress on the recommendations at the Universal Period Review and those of the Committees of the Conventions.

Thirdly, we are deeply concerned about the remedies outlined in the communication. The communication, as presented, suggests that the member state is culpable of these violations; we again find this an uncharacteristic display by UN bodies and Experts and Rapporteurs. We must add that we as member states are expected to trust mandate holders to uphold the integrity of the

complaints system and to give a fair and balanced hearing to the complainants and to the member state.

More worrying is that the correspondence ends with the message that the Special Procedures Branch may publicly express its concerns in the near future perhaps via a press release on or before the deadline.

As far as we understand, the primary objective of such communications is to contribute to promoting and protecting human rights by ensuring that State authorities are informed of allegations as early as possible, and moreover, that the member state has an opportunity to investigate the allegations, respond to their veracity, and, where applicable, take steps to prevent or address any human rights violation.

The Government would have expected that your good office would have first asked us to take all appropriate measures to investigate and address the alleged events and to respond in a timely manner.

We are acutely aware that these types of correspondence are not expected to be value judgments nor accusations. These types of correspondence, from our understanding, are meant to communicate directly with Governments on allegations of violations and to seek clarification in order to promote and protect these rights. They are not meant to imply that a government will be publicly “named and shamed” based on information that may have been collected by unverified discussions and complaints with unnamed sources, with an admitted “lack of adequate data”.

Fourthly, several of the allegations that have been listed involve programmes that were terminated prior to the current People’s Progressive Party/Civic government taking office. The Government has been working assiduously on remedying some of the problems that have resulted from the actions of the previous administration and have made many strides to this end.

We would like to, however, assure your good offices that on receipt of the Joint Communication we have actively been investigating each and every alleged fact and have already compiled information and data from various Ministries and state agencies that refute the allegations outlined in the said Communication. As such, and as stated earlier in this communication, the Government shall be providing a full response with supporting documentation by the stipulated deadline.

However, based on the foregoing we are also calling on the Special Procedures Branch to strongly consider:-

- withdrawing the joint communication, based on the concerns of principles and procedure raised in this letter, and or
- allowing the Government of Guyana to send a delegation to come before a joint meeting of the fifteen Rapporteurs, Experts and Working Groups to present its response on May 26, 2023, or shortly thereafter.

The Government of Guyana wishes to assure your esteemed office that it is committed to human rights and its treaty obligations, and we ensure and guarantee the rights of all Guyanese, as entrenched in our Constitution.

Please accept the assurances of our highest consideration.

Sincerely,



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Hon. Carl Teixeira M.P
Minister of Parliamentary Affairs & Governance