

1976, 19

19

IN THE PRIVY COUNCIL

No.29 of 1975

O N A P P E A L
FROM THE COURT OF APPEAL OF TRINIDAD AND TOBAGO

B E T W E E N :

STANLEY ABBOTT

Appellant

and

THE QUEEN

Respondent

RECORD OF PROCEEDINGS

B.M. BIRNBERG & CO.,
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Appellant

CHARLES RUSSELL & CO.,
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Solicitors for the
Respondent.

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ON APPEAL
FROM THE COURT OF APPEAL OF TRINIDAD AND TOBAGO

BETWEEN :

STANLEY ABBOTT

Appellant

and

THE QUEEN

Respondent

RECORD OF PROCEEDINGS

No. 1

Indictment

In the High
Court of
Justice
Port of Spain

INDICTMENT BY THE ATTORNEY GENERAL

STANLEY ABBOTT and EDWARD CHADEE are charged with
the following offence:-

No. 1
Indictment
23rd June
1973

STATEMENT OF OFFENCE

MURDER

PARTICULARS OF OFFENCE

10 STANLEY ABBOTT and EDWARD CHADEE, on the 2nd day of
January, 1972, at Arima in the County of St. George,
murdered Gale Anne Benson.

173/72

Karl Hudson-Phillip
Attorney General.

I hereby appoint Mr. S. Permanand, Barrister-
at-Law and Mr. S. Capildeo Jr; Solicitor to
represent accused Stanley Abbott at his trial which
is listed for Thursday 5th July, 1973.

Dated this 23rd day of June, 1973

Isaac Hyatali
Chief Justice

In the High
Court of
Justice
Port of Spain

Date - 5th, 6th, 9th, 10th, 11th, 12th, 13th and
16th July, 1973

Coram - Scott (J)

No. 1
Indictment

Acc'd No. 1 Stanley Abbott rep. by Mr. S. Permanand
and Mr. S. Capildeo Jr.

23rd June
1973
(continued)

Acc'd No. 2 Edward Chadee rep. by Mr. Prevett and
Mr. L. Sanguinette.

Plea - Acc'd No 1 - NOT GUILTY
Acc'd No. 2 - NOT GUILTY

Verdict - Acc'd No. 1 - GUILTY
Acc'd No. 2 - GUILTY

10

Order - Acc'd No. 1
Acc'd No. 2 Penalty of Death by Hanging

R. Gooding
Court Clerk
16.7.73.

I hereby Certify fees for Counsel in the sum
of \$500 and Solicitor in the sum of \$350.

Dated this 20th day of July, 1973

W.S.P.
N;
31.7.73

Garvin M. Scott
Trial Judge

20

No. 2
Minute of
Trial

No. 2
Minute of Trial

16th July
1973

PRESENT:- The Honourable Mr. Justice Garvin Scott,
on the 5th, 6th, 9th, 10th, 11th, 12th
13th and 16th days of July, 1973.

Our Sovereign Lady The Queen

vs.

1. STANLEY ABBOTT
2. EDWARD CHADEE

30

For

M U R D E R

Mr. Karl Hudson-Phillips, Q.C., Mr. Alcalde Warner Q.C. and Mr. Gerald Stewart of Counsel for the Crown.

Mr. Sash Permanand of Counsel instructed by Mr. Surendranath Capildeo, Solicitor for Accused No. 1 Stanley Abbott.

Mr. Aldwyn Prevatt and Mr. Lennox Sanguinette of Counsel for Accused No. 2 Edward Chadee.

In the High
Court of
Justice
Port of Spain

No. 2

Minute of
Trial

16th July
1973

(continued)

10

The Cause was called on - the accused were placed at the Bar the Act of Indictment was read aloud by the Registrar, to which both accused pleaded Not Guilty - Mr. Karl Hudson-Phillips joined issue for the Crown.

The following jurors were called and sworn.

20

- | | |
|---------------------------|----------------------|
| 1. Thomas Baksh (Foreman) | 2. Vernon Waithe |
| 3. Hamilton Nakhid | 4. Leontine Williams |
| 5. Catherine Martinez | 6. Dookie |
| 7. Clyde Gaspard | 8. Rudolph Frederick |
| 9. Felix Daniel | 10. Lucille Pierre |
| 11. Domingo James | 12. Baldeo Singh |

Keith Shepherd, Kelvin Louban and Karran Lutchman were challenged by the Crown. Junior R. Ferreira and Rupert Clovis were challenged by the Defence for Accd. No. 1, Lalman Maharaj was challenged by the Defence for Accd. No. 2. Hamilton Clarke said that he knew one of the accused and as a result would not like to serve.

30

Mr. Karl Hudson-Phillips outlined the case for the Crown and in support thereof called the following witnesses:-

Dr. Keith Simpson, Dr. Roland Knight, Cassimire Jobert, Dr. Michael Henley, Thelmo Rodriguez, Dr. Lincoln P. Harrison, Cpl. Theodore Phillips, Alfred Henry, Michael Matthews, Lucy Letts, Insp. Calvin Trotman, Trevor Perreira, Patrick Monix, Sgt. Aldwyn Aguilera, Nelba Lynch, Adolphus Parmassar and Supt. Ignatius McPhillips.

CASE FOR THE CROWN CLOSED

40

Stanley Abbott Accd. No. 1 when informed of the three courses of defence open to him, elected to give evidence on Oath and called no witnesses.

In the High
Court of
Justice
Port of Spain

No. 2

Minute of
Trial

16th July
1973
(continued)

During Stanley Abbott's evidence, Mr. Aldwyn Prevatt, Counsel for Edward Chadee requested that the Jury be taken out of Court, because he wanted to make a submission, and what he had to say might be prejudicial to the accused. The Jury was taken out of Court, and Mr. Prevatt submitted that His Lordship use his discretion in granting his request that Crown Counsel should cross-examine the accused first and he thereafter, instead of the other way round. He further submitted that the purpose of cross-examination on any accused is to rebut or explain any incriminatory evidence that may have been given by the witness: Para. 1543 of Kripson's On Evidence 11th (sic) Edition on Page 647. He agreed, however that although there was no direct authority for this request, there was also none against. The request was turned down, and the Jury returned. 10

CASE FOR NO.1 ACCUSED STANLEY ABBOTT CLOSED

Edward Chadee Accused No.2 when informed of the three courses of defence open to him elected to give evidence on Oath and called one (1) witness:- Winston Cozier. 20

On the 11th July, when Edward Chadee was about to resume his evidence Foreman Juror requested of His Lordship that the Jury should visit the scene of the Crime. His Lordship turned down the request, claiming that it was not necessary, but if there was anything any member of the Jury wanted to know, he would recall the relevant witness to clarify the situation. 30

CASE FOR NO.2 ACCUSED CLOSED EDWARD CHADEE CLOSED

Mr. Sash Permanand addressed the Jury on behalf of Accused No. 1 Stanley Abbott.

Mr. Lennox Sanguinette addressed the Jury on behalf of Accd. No. 2 Edward Chadee.

Mr. Karl Hudson-Phillip replied on behalf of the Crown.

His Lordship the Judge then summed up the evidence and stated the case to the jury; whereupon the Jury having retired from 1.47 p.m. to 3.21 p.m. returned verdicts of Guilty against both accused. 40

Accused No. 1 Stanley Abbott when called upon by the Registrar to state whether he had anything to offer why Judgment should not be awarded against him, declared that he had already said that he had done everything possible in the circumstances, and that he had said everything already and now it appeared that he was being called a liar.

In the High Court of Justice Port of Spain

No. 2

Minute of Trial

16th July 1973

(continued)

10

Accused No. 2 Edward Chadee when called upon by the Registrar to state whether he had anything to offer why Judgment should not be awarded against him, remained silent: whereupon His Lordship the Judge pronounced the following sentence: that the prisoners, for their Offence should be taken to the lawful prison, and thence to a place of execution and that they there suffer death by hanging.

Dated this 16th day of July, 1973.

Wendy-Sandra Punnett.

No. 3

No. 3

20

Particulars of Trial

Particulars of Trial

(1) Where tried? 1st Assize Court Port of Spain, Trinidad.

8th August 1973

(2) When tried? On the 5th, 6th, 9th, 10th, 11th, 13th and 16th days of July 1973.

(3) Name of Judge who tried? The Honourable Mr. Justice Garvin Scott

(4) Verdict by Jury? Guilty

(5) Sentence, and any orders made consequent thereon? That the Prisoners should suffer death by hanging.

30

- (a) Restitution of property.
(b) Orders referred to in Section 2.

(6) Copy of the list of exhibits directed by these Rules to be kept by the proper officer of the Court of Trial: Attached to Proceedings.

(7) Whether a Certificate under Section 5(b) was given?

.....

In the High Court of Justice Port of Spain
No. 3

Particulars of Trial
8th August 1973
(continued)

(8) Name and address of the Prosecutor? State names of Counsel and/or Solicitor for prosecution, and address of Solicitor:

Counsel for Accused No.1 Mr. S. Permanand and L. Sanguinette

(9) Whether Appellant was defended by Counsel and Solicitor privately or by Counsel at request of Court? Give name of Counsel and/or Solicitor for Appellant and address of Solicitor:

Both Accused were represented by Counsel

10

(10) Name and address of Shorthand Writer? Miss C. Wolfe and Miss M. Sharpe.

(11) Whether Appellant bailed before trial if so in what amount, and whether with sureties, if so in what amount? Both Accused not Bailed.

Dated this 8th day of August 1973.

R. Gooding

Officer of the Court Trial

No. 4
Proceedings

No. 4
Proceedings

20

Accused No. 1 arraigned and pleaded Not Guilty.

Accused No. 2 arraigned and pleaded Not Guilty.

A.G., Karl Hudson-Phillip, with him S.G., Alcalde Warner and G. Stewart, Crown Counsel.

S. Permanand instructed by Capildeo for Abbott.

L. Sanguinette with him A. Prevatt for No.2 Accused.

J U R Y

Hamilton Nakhid (26) Dookie (7)
Vernon Waithe (37) Clyde Gaspard (11)
Keith Sheppard (32) Kelvin Louban (20)
Lalman Maharaj (22) Felix Daniel (6)
Catherine Martinez (24) Lucille Pierre (30)
Domingo James (15) Baldeo Singh (35)

30

No.32 Keith Sheppard challenged by the Crown and replaced by No.9 Junior Perreira challenged by Counsel for No.1 Accused and

replaced by

No. 3 Thomas Baksh

No.22 Lalman Maharaj challenged by Counsel for No.2 Accused and

replaced by

No.37 Leontine Williams.

10 No.20 Kelvin Louban challenged by Crown and replaced by No.5 Rupert Clovis challenged by Counsel for No.2 Accused and

replaced by

No.21 Karran Lutchman challenged by Crown and replaced by No. 4 Hamilton Clarke - states he knows one of the accused and would not like to serve - Stood down.

10 - Rudolph Frederick.

Jurors selected and are duly sworn.

20 Thomas Baksh elected Foreman.

Jury informed of charge and of their duties.

Ch. 4, No. 2, Sec.22(1).

Jury informed they will not be allowed to separate or hold conversation with other persons until they have sworn on this verdict. Marshals sworn.

Attorney-General opens:-

30 Sanguinette - Objects to A.G. stating in opening that Gale Ann Benson kicking up not of any probative value.

In the High Court of Justice Port of Spain

No. 4 Proceedings (continued)

In the High
Court of
Justice
Port of Spain

No. 5

PWL Evidence of Keith Simpson

Prosecution
Evidence

No. 5

Keith
Simpson
Examination

KEITH SIMPSON, Sworn. Examination-in-Chief

Professor of Forensic Medicine. Reside at Weymouth Street, London, Registered Medical Practitioner of Trinidad and Tobago. Doctor of Medicine. Head of Department of Forensic Medicine of University of London and Guy's Hospital, London. One of the Pathologists of New Scotland Yard and Home Office in London. I am author of a number of text-books on Forensic Medicine. On the 26th February, 1972, I was in Trinidad and was here on the 27th February, 1972. During those 2 days I made notes at times of what I was doing and time I was doing them. At 6.00 p.m. on the 26th February, 1972 I went to Christina Gardens (Witness permitted to refresh memory). I went with Superintendent Mc Phillip and Supt. Gordon Mark. I was shown 2 grave lots - 10

Pits dug into earth recently excavated. I was told something about pits. On the 27th February, 1972, at 9.30 am. I went to Mortuary, General Hospital, Port of Spain. I was shown the body of a woman identified by Supt. Mc Phillip as that recovered from one of the two pits I had seen on previous evening. I made a Post Mortem examination on the body. 20

I found the body to be that of a woman about 5'6" in height and dressed only in print frock and panties. I thought that, bearing in mind the conditions of burial, that what I saw was consistent with her having died about 2 months previously. I found her to have been a healthy person and I found the following wounds:- 30

(1) There was a group of ten slashes, cuts, in the skin in front and left side of chest (witness demonstrates).

Of these - 3 lay on left down chest - there were cuts of 5", 3" and 1" in length. Four more were set in region of heart over centre of chest 2½" and 3½" in length and other 3 set over the right front chest - 4", 2½" and 1" in length. 40

None of them had penetrated the chest. They were skin wounds.

(2) I found a through and through cut entering and passing through the left arm about left of elbow.

Entering through 4" slit and emerging through a 2" slit.

(3) I found a single 1" stab wound in the back below top of shoulder blade - 1" in length and quite superficial.

(4) A very deep stab wound at root of neck - 3" long, vertical slit on skin.

In the High
Court of
Justice
Port of Spain

Prosecution
Evidence

No. 5

Keith
Simpson

Examination
(continued)

10 I found this wound had penetrated $6\frac{1}{2}$ " down into left chest - a little to left and a little backwards - penetrating lung and causing the escape of both blood and air into the chest. I was again shown the dress and I found the cuts in it corresponding with these wounds.

20 The face was not injured. The neck was not gapped or constructed and there was no sign of any sexual assault. There were certain other findings. In course of examination of interior of body I found a single finger nail lying in the back of the throat behind the tongue. It had not come from the hands of the dead woman. I also found on back of throat and breathe into windpipe and air passage some dirt, brown, or earth dirt similar to that I had seen at the pit on the scene. I found more of this dirt - in small quantity - swallowed and lying in the stomach. I formed the view that death was a consequence, first, of stab wound passing into the chest; secondly that death had been accelerated or precipitated by the face being covered in earth as if in burial whilst life was still present.

30

Wounds I saw were inflicted by some sharp instrument like a knife with a point - with at least one cutting edge and capable of penetrating at least $6\frac{1}{2}$ " long.

40 Cutlass shown me here in Court has a sharp point. It has one cutting edge and it is quite capable of penetrating well over $6\frac{1}{2}$ ". Cutlass marked "X" for identification. At the mortuary I prepared a chart. Chart shown me is what I prepared in the mortuary. It shows situations of wounds I have described (chart - not objected to - put in and marked K.S.1.)

In the High
Court of
Justice
Port of Spain

Prosecution
Evidence

No. 5

Keith
Simpson

Examination
(continued)

Wound going through and through above the level of the left elbow. I formed the view that that was the type of wound enormously seen and which I would regard as a defensive type of wound, as if the arm had been raised to ward off one of the other wounds and the knife had passed through it. At the post mortem were Supt. Mc Phillips, Dr. Healey and Dr. Massiah. There were no injuries to the face. The teeth in this case were in a good condition and well preserved in spite of lapse of time. They showed evidence of treatment by a Dental Surgeon and the dental details generally as is common when there are gold dental records would in my view form an absolutely secure identification. Wound at root of neck penetrating the lung had been driven deep into the chest scouring the edge of the bone when it had gone in and would in my view require considerable force to drive into the chest across the bone to a depth of $6\frac{1}{2}$ ".

10

20

Cross-
examination

Cross-examined Permanand:-

I found no construction around the neck. I found no evidence of force applied to mouth or neck. I found a finger nail behind her tongue. It was a complete nail. I couldn't tell from male. There were no bite marks on it. I could not determine whether nail was from male or female. I could not say how long nail was there. I thought it had entered as death was taking place.

Cross-examined Prevatt:-

Last wound $6\frac{1}{2}$ " deep stab wound caused her to collapse and start dying and from which she certainly would have died. Death might have been accelerated by inhalation of dirt. One or two breaths would have accounted for small amount of dirt I found and these would have been her last two breaths in any event.

30

I understood teeth were to be examined by Dental Surgeon and I merely noted that they were in good condition. I did not chart teeth as it was not part of my duties.

40

Re-examination

Re-examined Hudson Phillip:-

I saw no evidence of force being applied to mouth or neck but I cannot say no force had been

applied. Considerable change had taken place in tissues as a result of lapse of time and there may have been force applied. I have in the course of my experience, found finger nails in similar position. I have found a finger with nails - finger bitten off - I thought nail might have got there if some other hand were clapped across the mouth perhaps to stifle cries and the nail had been detached by teeth closing on it.

In the High Court of Justice Port of Spain

Prosecution Evidence

No.5

Keith Simpson

Re-examination (continued)

10 Attorney-General asks that Professor Simpson be relieved from further attendance.

No objection by Counsel for Nos. 1 and 2 accused.

Court grants application of Attorney-General.

No. 6

No. 6

PW2 Evidence of Roland Knight

Roland Knight Examination

ROLAND KNIGHT, sworn states:-

20 Live 23 York Mansions, Prince of Wales Drive, London, S.W.1. Dental Surgeon, - Registered Dentist of Trinidad and Tobago. I know a woman named Gale Ann Benson. I first met her socially in 1967. In 1968 she became a patient of mine. I last saw her alive in August 1971.

30 Between 1968 and August 1971 I did 25 fillings for her and a gold inlay. I remember the 3rd March, 1972, I was in Trinidad on that date. Around 9.00 a.m. on the 3rd March, 1972, I went to the General Hospital, Port of Spain, to the mortuary. I saw Supt. Mc Phillip, Insp. Trotman and Dr. Healey who is in charge of the mortuary.

40 At the mortuary I spoke to Supt. Mc Phillip. As a result I examined jaws in a cadavre* lying in the mortuary. I confined my examination to teeth in jaws. I found 28 teeth present. No wisdom tooth. Teeth were in very good condition with evidence of a lot of fillings. There were 25 fillings - 15 of these teeth were filled with conventional amalgam - 8 teeth were filled with a white material and one tooth was filled with gold.

*(sic)

In the High Court of Justice Port of Spain
 Prosecution Evidence

No. 6

Roland Knight Examination (continued)

There were 4 unfilled teeth. I recognised 25 of these fillings and the gold inlay as having been done by me. The conclusion I formed was that I would make positive identification that these were teeth of the person I had treated - Mrs. Gale Ann Benson.

Not cross-examined by Counsel for Nos. 1 or 2 accused.

Solicitor-General applies for Roland Knight to be relieved from further attendance. 10

Not objected to by Counsel for Nos. 1 and 2 accused.

Court grants application.

No. 7

Cassimira Jobent Examination

No. 7

PW3 Evidence of Cassimira Jobent

CASSIMIRA JOBENT

Live at Guanapo Heights

Not cross-examined by Counsel for Nos. 1 and 2 accused.

Attorney-General applies for Cassimira Jobent who is pregnant to be relieved from further attendance. 20

Not objected to by Counsel for Nos. 1 and 2 accused.

Court grants application.

No. 8

Michael Healey Examination

No. 8

PW4 Evidence of Michael Healey

MICHAEL HEALEY sworn states:-

Member of the Medical Board of Trinidad and Tobago and Senior Pathologist attached to the General Hospital, Port of Spain. On the 24th February, 1972, between 9.30 p.m. to 10.00 p.m. I went to Christina Gardens. I made certain observations. I saw a human body in partly uncovered state in a hole. Body was eventually exposed to determine sex. 30

It was the body of a young white female. I saw deep incised wound on left side near middle line and above collar bone - clavicle. Body was clothed in dress. I instructed that photographs be taken. Body was removed to mortuary, Port of Spain Hospital, on my advice. On the 27th February, 1972, I was present at General Hospital, Port of Spain, at the mortuary. I saw P.W.1. He performed post mortem on body I had seen in grave at Christina Gardens.

10

Not cross-examined by Counsel for Nos.1 and 2 accused.

In the High Court of Justice Port of Spain

Prosecution Evidence

No. 8

Michael Healey

Examination (continued)

No. 9

PW5

Evidence of Thelmo Rodriguez

THELMO RODRIGUEZ sworn states:-

Immigration Officer. Live at No.2 Shellbourne Lane, Belmont. Duties are to check in-coming and out-going passengers at the Airport and also at Harbour - arriving passengers.

20

Not cross-examined by Counsel for Nos. 1 and 2 accused.

No. 9

Thelmo Rodriguez

Examination

No. 10

PW6

Evidence of Lincoln Peter Harrison

LINCOLN PETER HARRISON sworn states:-

Dentist - registered with Dental Board of Trinidad and Tobago and also Member of Medical Board of Trinidad and Tobago. On the morning of the 27th February, 1972, I visited the mortuary, General Hospital, Port of Spain. Supt. Mc Phillip was present.

30

Not cross-examined by Counsel for Nos. 1 and 2 accused.

No.10

Lincoln Peter Harrison

Examination

In the High
Court of
Justice
Port of Spain

No. 11

PW7 Evidence of Theodore Phillip

Prosecution
Evidence

No.11

Theodore
Phillip

Examination

THEODORE PHILLIP sworn states:-

Corporal of Police attached to C.I.D. Port of Spain and one of the Official Police Photographers. On the 24th February, 1972, I went to Christina Gardens, Arima. I took a photograph of a dead body in a pit. I have copy available if required. This pit was north of certain burnt out premises at Christina Gardens. Body was clothed in dress and appeared to be that of a white woman. On Friday, 25th February, 1972, I went with Insp. Trotman to heights of Guanapo. Accused Chadee went with us and other policemen. There Chadee pointed out two spots to Insp. Trotman. I took photographs of these spots. In my presence one of those spots was dug up by Insp. Trotman. When that spot was dug up I saw a suit-case and other items. I subsequently took photographs of the suit-case and other items. I produced photograph of the spot which Insp. Trotman dug up and in which two suitcases were found.

10

20

Not objected to.

Marked T.P.1.

I took photograph of other spot pointed out by Accused Chadee in background - tree-trunk can be seen, right centre of photograph in front of trunk, a large stain can be seen. There were blood stains on stone resembling soot.

30

Not objected to by Counsel for Nos.1 and 2 accused.

Put in and marked T.P.2.

I took photograph of articles removed at C.I.D. Office Port of Spain. It shows two suit cases, a lumberjack, a hand bag, a pair of tall boots, a pair of lady's shoes, a pair of slippers, a pair of scissors and other small items - all were recovered at Guanapo.

Not objected to by Counsel for Nos.1 and 2 accused.

Marked T.P.3.

40

I had taken a photograph of the body at Christina Gardens and subsequently took several photographs of that body at the General Hospital, Port of Spain.

In the High Court of Justice Port of Spain

Not cross-examined by Counsel for Nos. 1 and 2 accused.

Prosecution Evidence

No.11

No. 12

Theodore Phillip

PW8

Evidence of Alfred Henry

Examination (continued)

No. 12

ALFRED HENRY sworn states:-

Alfred Henry

10

Live at Calvary Hill, Arima. I am a grave digger. On the 24th February, 1972, at about 5.30 p.m. I received instructions from my boss Mr. Allen. I went with Carlton Mitchell to Christina Gardens, Arima, at 5.30 p.m. to 6.00 p.m. I was taken to a spot where there was a load of manure. I was given instructions. I removed manure and I noticed earth had been dug. I began digging dirt with a fork. I went down about 3 feet. I saw something white. I touched it with my hand. I saw it was a body. Police were there at the time. I found dirt loose and took out the body. I saw Dr. Healey there. Body was that of a woman in a light blue dress. On instructions of the doctor the body was moved away.

20

Examination

Not cross-examined by Permanand.

Cross-examined by Prevatt:-

Cross-examination

I started digging with fork. When I got to dirt I used shovel. I finally unearthed body. Head of body was to north.

30

Not re-examined by Attorney-General

In the High Court of Justice Port of Spain

No. 12

PW10 Evidence of Lucy Letts

Prosecution Evidence

No. 12

Lucy Letts Examination

LUCY LETTS sworn states:-

Live at 32 Christina Gardens, Arima. I am a housewife. Know premises 43 Christina Gardens. Around Christmas 1971 in 43 Christina Gardens - Jamal and Mrs. Benson lived there. Mrs. Benson had spoken to me at my gate. I had seen her 3 or 4 times around. I last saw her on New Year's evening 1972 sitting on road - Christina Gardens Street. Jamal was with her. After that day I never saw her again. I also knew her as the white lady on Christina Gardens. I know Michael Abdul Malik. At that time he lived at Christina Gardens. I saw Mrs. Benson three or four times in the street or on my side walking. From where I live you can see Malik's premises - you see the bush. 10

Not cross-examined by Permanand.

Cross-examination

Cross-examined by Sanguinette.

After New Year's day I saw Jamal but I never saw 20 Mrs. Benson again. I never enquired of her.

Not re-examined by Attorney-General.

Court adjourned at 11.30 a.m.

Resumed at 1.30 p.m.

Both Accused present.

Jurors present.

Counsel for Crown and for accused present.

No. 14

No. 14

Calvin Trotman Examination

PW11 Evidence of Calvin Trotman

CALVIN TROTMAN sworn states:-

Insp. of Police - C.I.D. Port of Spain. In February, 1972, I was attached to Arima Police Station. On Thursday, 24th February, 1972, at C.I.D. Headquarters, Port of Spain, I was assisting

in certain investigations which brought me to Port of Spain. While there I saw accused Chadee - Junior Chadee, also called Edward Chadee. I spoke to accused Chadee. Accused Chadee told me he recalled having gone to home of Michael de Freitas on New Year's Day, 1972, and he was there about 9.00 p.m. Also there were Stanley Abbot, Steve Yeates, an American gentleman called Kidogo and one Sonny. He said that Michael de Freitas asked them to come down in his servant's quarters at the back of the main building as he wanted to tell them something. When they got in the servant's room Michael de Freitas told them that Halle is causing Hakim nervous strain and she must be done away with. He said he did not understand clearly what he meant and he waited for him to continue to clear up the point. He said Michael told them they will all sleep on his premises that night, they will get up at 6 a.m. the following day, go down to the manure heap on the vacant lot on the Northern side of Michael's house, dig a hole there and bury her. Chadee said he could not remember whom, but one among them asked, "What about Hakim". Michael replied, "Leave that to me, I will invite Hakim out for an early morning motor car ride and when everything is done, I will tell Hakim what is done." Accused continued - that they slept on the premises during the night, they got up at the given hour the following day, collected tools, went to the manure heap and dug a hole. When the hole was finished he saw Halle coming in a jeep down with Steve. Yeates coming towards them. Halle was invited to the edge of the hole and at that stage Stanley Abbott locked her neck, pulled her into the hole and Steve Yeates and Kidogo killed her with a cutlass with the letter K inscribed on the handle. I cautioned him, I told him he was not obliged to say anything - what ever he says may be given in evidence.

Accused went on to tell me that Kidogo, Abbott, Sonny and himself buried her afterwards. After that Steve Yeates and himself brought a jeep load of manure from Lorenzo's farm and threw it on the grave. I asked him if he would give a statement in writing. He said "Yes". I recalled Friday, 25th February, 1972. On that morning I saw Supt. Mc Phillip. He spoke to me and he handed me a gold chain and told me something. This is the gold chain. Marked "Y" for identification. Later that day I went to the mortuary, General Hospital, Port of Spain. There I saw the dead body of a white woman lying on

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Evidence

No.14

Galvin
Trotman

Examination
(continued)

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Evidence

No.14

Calvin
Trotman

Examination
(continued)

a slab in the mortuary. The body was clothed in a flowered dress and reddish panty. I took possession at a later date of the dress and panty handed me by Supt. Mc Phillip at the mortuary. I produce dress and panty - marked C.T.1. Later on 25th February, 1972, I saw Chadee at Police Headquarters. I cautioned again and began taking statement which he had promised. I made no threats to him, or promises. I held out no inducement to him. I recorded statement from him. During the course of the statement the accused said he had just remembered that after the body was buried they had taken clothing and other belongings of Halle from the room up to the heights of Guanapo, where by riverside they were burnt and what would not burn was buried in a hole which he dug personally by the side of the river. I asked if he would take me and show me where the articles were burnt and buried. The accused said, "Yes". The statement was left unfinished and we went to the heights of Guanapo.

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Chadee, Sgt. Jack, Cpl. Phillip, the photographer and myself. We went along on instructions of Chadee - was stopped near 9 or 10 mile post in the heights of Guanapo. Accused Chadee then said, "Stop vehicle." The vehicle was stopped. Chadee got out and said, "Follow him". We did so walking in southern direction towards Guanapo river bed. Lower in bed of river I saw a large stone which formed part of the western embankment of the river. On that stone there appeared to be soot which was caused by fire. At that point Chadee pointed there and said, "This is where we burnt the things". I cautioned him. From there Chadee took me to a point on the northern side of the river - 25' away out on thick grass patch. He pointed to spot and said, "It is here I buried the things that would not burn." I observed on that spot and immediately around for 100 yards it was very grassy but on that spot there was very little grass, not fully grown in other area. I took fork and dug at that spot - 2' down and I came upon several articles including grips, tall boots and several other things.

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These are the items - 1 suit case, they were found pressed together,

- 1 other suit case
- 2 suit cases - marked C.T.2.

1 leather jacket - C.T.3
 1 pair of red knee-length boots - C.T.4.
 1 leather hand-bag - C.T.5.
 1 brown belt with head-shaped buckle
 1 pair of brown shoes
 1 pair brown slippers.
 Some black wool
 1 tube Rose Mint cream
 1 empty bottle
 10 1 tube of Tangea cream
 1 empty Limacol bottle
 1 pair scissors
 1 pair scissors (smaller)
 1 tin with capsules
 1 blue ball-point pen
 1 circular glass mirror
 1 plastic rule
 2 Hippie pendants
 1 gold ring lwith 2 diamonds
 20 1 silver ring with star of David on it
 3 silver bracelets
 1 key holder
 1 gold chain
 1 reel thread
 1 playing card - 9 of clubs
 a medallion - Liberation of Jerusalem

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Calvin
Trotman

Examination
(continued)

All marked C.T.6.

On my instructions photographs were taken. I
 returned to Port of Spain with items I found.
 30 Accused Chadee was still in my company. We
 returned to C.I.D. There I completed the statement
 the accused was giving before we left. When the
 statement was completed, Mr. Cobham, Justice of
 the Peace was summoned. Justice of the Peace took
 statement, examined it and asked Chadee in my
 presence several questions. He asked if he made
 a statement, Chadee said, "Yes." He asked if any
 promises or threats were made to him to induce him
 to make a statement. He said, "No." He asked if
 40 it was made of his own free will and consent.
 Chadee answered, "Yes." Statement was read to
 him and certain notes were made by the Justice of
 the Peace at the bottom of the statement made by
 the accused. The accused Chadee himself endorsed
 the certificate at the bottom of the statement
 and signed it. Statement shown me is the state-
 ment I took from the accused Chadee.

Not objected to by Counsel for No. 2 accused.

Statement read over, put in and marked C.T.7.

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Calvin
Trotman

Examination
(continued)

Cross-
examination

On 11th March, 1972, I went to Arima Police Station. I met Sgt. Aguillera there. He handed me 3 cutlasses, one of which had the letter K inscribed on wooden handle. Cutlass shown me here in Court. X is cutlass to which I refer. On the 7th June, 1972, I saw Melba Lynch at C.I.D. Port of Spain. I show articles C.T.2 to C.T.6 and she told me something.

Not cross-examined by Permanand.

Cross-examined by Prevatt:-

On 24th February, 1972, accused Chadee was detained on enquiries. I do not know that Chadee went there voluntary but that might be so. On 24th February, 1972, there was no warrant for arrest of accused Chadee. I had cause to caution accused several times on the 24th February, 1972, when he was relating incident about Christina Gardens. Chadee continued to speak after I cautioned him. His statement was entirely voluntary. I don't know circumstances under which Chadee went to C.I.D. I know that by then we wanted to see him. I had taken statement from Adolphus Parmassar before this but concerning something else. When I first spoke to Chadee it was not the first time I was hearing of events described by Chadee. Parmassar was the person from whom I heard but Chadee described events more fully.

During Chadee's statement I can't remember having to ask him anything. He dictated it while I wrote. Accused Chadee was telling me what he said - Malik had said. I did not ask Chadee any questions to clear up anything. I got the impression Chadee was an intelligent man. Adolphus Parmassar was at the C.I.D. while statement was being taken. He was not present when the statement was being taken. Before I took written statement Chadee had spoken to me. Chadee say Kidogo and Steve Yeates killed her and that after this he, Kidogo, Abbott and Sonny buried her. Chadee did say during 1971 he was employed as a car salesman and paid regular visits to Malik's home. He never said he paid those visits for the purpose of selling cars. Chadee did not say in his written statement that he had slept there before, but in a conversation with me he said he had slept there and lived there during sometime

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in 1971. I did not take notes of that. If I asked questions during the statement that would have appeared in the statement. I spoke to accused Chadee on the 24th February, 1972. He gave me a written statement on the 25th February, 1972. I don't recall present accused said he had actually stayed there.

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Evidence

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Calvin
Trotman

Cross-
examination
(continued)

Not re-examined by Attorney-General

No. 15

No.15

10 PW12 Evidence of Trevor Perreire

Trevor
Perreire

TREVOR PERREIRE sworn states:-

Examination

Live at No.3 Perigord Road, Maraval. I am an Insurance Investigator and was debt collector agent. I know accused Chadee. I know him also as Junior. I have known him for 20 years. During 1971 he worked with me as part-time debt collector. He was also a motor car salesman with Henry Pain Ltd. I recall Wednesday, 16th February, 1972. On that day I received a call from Junior Chadee at 7.45 a.m. I recognised his voice. He asked me to meet him around 9.00 a.m. by Chase Manhattan Bank and that it was important. I saw him around 11.00 a.m. He was waiting by my car which was parked by Royal Bank. We drove around and by noon as is my custom, I collected my wife and three of us went for lunch at Queen's Park Cafe. During lunch accused Chadee said he wanted to get away from Michael X's home at Christina Gardens as a lot of wrong things were going on. Later on he said he came for me to warn the Mootoo family who live near to him at Maraval - Michael X wanted to liquidate the Mootoo family.

Mootoos live two houses away from me. At that stage my wife said, "How could they do this, the Mootoos had bad dogs." Accused said Michael X had mace. She asked what was mace. He said mace used in aerosol can and when sprayed in the dog's face put dogs to sleep. After lunch I dropped my wife back to work. The accused then said he didn't want my wife Vera to hear but things are a lot worse. They have killed two people and have then buried

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Evidence

No.15

Trevor
Perriere

Examination
(continued)

them up - one man named Joe and the other an English Woman. We then parted after four hours. I went to Mr. Malcolm Milne, Solicitor and I spoke to Mr. Milne. On Sunday, 20th February, 1972, around 4.00 a.m. Milne called me and spoke to me. As a result I went to Arima to see a race horse owned by Milne and myself. At Arima Milne told me something. At 4.15 p.m. that day I received a telephone call from the accused Chadee. I told him I see they have burnt the house at Christina Gardens. He said he had just heard it on the radio - that was why he called. I asked for Michael and his family. He said they left for Guyana on Friday. I said I don't see any reason why they should burn the house. He said, "You do not know Michael X, he has bad mind for so." On Thursday, 22nd February, 1972, I went to call my wife outside Huggins Building. I met accused Chadee who was waiting for me. We went to lunch at Mangal's Restaurant, Queen's Park East. We spoke about the burning of the house. Later that day I had a call from Milne. On the 23rd February, 1972, at 11.00 a.m. I saw accused Chadee at South Quay, outside Huggins Building. I told accused Chadee I see they have found a body at Arima at the burnt out site and I think it was time we went to the Police. I asked if his hands were clean, if he had anything to do with it. He said his hands were clean he was quite willing to go to the police. I took Chadee to my wife's office and saw David Hardy, senior partner of my wife's firm of Panell & Fitzpatrick. I told Hardy all that Chadee had said to me in the presence of the accused Chadee. I told him that a chap called Joe had been killed at Arima and they had sent Chadee to get boulders with a jeep. When he came back the place was covered up but he noticed that Joe was missing. The accused did not contradict me any way. I told Hardy there was also an English woman buried there. Hardy advised me to get Counsel for Chadee before taking him to the Police. An attempt was made to obtain service of Counsel but we did not succeed. I told Chadee, "To hell with Counsel, let's go to the Police," and I went with Chadee to Asst. Commissioner Duff's office sometime after 4.00 p.m. In Duff's office he told Mr. Duff that they were digging a soakaway at Arima for a goat pen and they sent him with the jeep to the farm to get manure and when he came back, the hole was all filled up. Everyone had taken a bath and

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was sitting in the porch and Joe was missing. Mr. Duff got up to speak to Mr. Ramdawat. I then told Chadee - Mr. Duff was then absent - I said, "Why don't you tell him about the English woman." He said he was afraid because he saw them kill her and he would get himself implicated. Chadee made no reply to that suggestion and did not favour it. Apart from telling Mr. Duff about Joe, Chadee gave Mr. Duff no further information.

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Evidence

No.15

Trevor
Perreire

Examination
(continued)

Cross-
examination

10 Not cross-examined by Permanand.

Cross-examined by Sanguinette:-

I have known Chadee for 20 years. I know his immediate family. His father was not alive in December 1971, nor was his mother. He has three sisters. In December 1971, the three sisters were all living abroad. I got to know Chadee quite well over the 20 years. In November 1971, I employed him as part-time debt collector and at that time he was a motor car salesman. At the end of December 1971, he stopped collecting my debts. I saw him on the 16th February, 1972. One of the first things he said on that day was that he had to run away from Malik's premises at Christina Gardens. Chadee did appear to be seeking advice from me, as he had no family here I considered it natural that he came to tell me about the events. It was not until the 23rd February, 1971, that I advised him to go to the police. Immediately advice was given he said he was willing to go. I spoke to Milne in connection with warning given to the Mootoos as Milne is solicitor for the Mootoos

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Re-examined by Attorney-General:-

I know the immediate family of the accused Chadee well. They were not wealthy but well off - above middle class. I have known the accused for over 20 years. I would say he is now 30 - 31 years. I am not sure if he left school 11 years ago.

Re-
examination

In the High Court of Justice Port of Spain

No. 16

Prosecution Evidence

PW13 Evidence of Partick Monix

PARTICK MONIX sworn states:-

Live at Arima Race Course and is groom employed by Laurel Stud.

No.16

Cross-examined by Permanand:-

Partick Monix Examination Cross-examination

I know accused Abbott. Abbott used to come on the farm for which I was responsible. I can't remember when he came. He came to collect manure about six times. I can't remember the first or the last time I saw him around the farm.

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Not cross-examined by Sanguinette.

re-examination

Re-examined by Attorney-General:-

I saw the accused Abbott at the farm on six occasions. I recalled a tall Indian man with glasses coming to the farm. I remember the 2nd January, 1972. I remember seeing someone come to the farm. Steve Yeates came on the 2nd January, 1972, with a white lady at 7.30 a.m.

Remanded 6/7/73 in custody.

Continuing:

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Both accused present.

Jurors present.

Counsel for Crown and for accused present.

No.17

No. 17

Aldwyn Aguilera Examination

PW14 Evidence of Aldwyn Aguilera

ALDWYN AGUILLERA sworn states:-

Sgt. of police - stationed at Arima and was stationed there in February 1972. On the 23rd February, 1972, about 11.00 a.m. I carried out a search in room at back of Abdul Malik's premises at Christina Gardens, Arima. In the course of the search I took possession of three cutlasses, one of which had the letter K engraved on the handle. Cutlass X shown me is cutlass I took

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possession of. Cutlass marked A.A.1. On Thursday, 24th February, 1972, I returned there at 7.00 p.m. with two grave diggers - Carlton Mitchell and Alfred Henry. Prior to this I had received certain instructions. I went to a piece of land north of Malik's house on the western side of the road on which Malik lived. There I saw and spoke to Asst. Commissioner Duff who pointed out a spot to me - spot was sandy, there was manure on top, it was between bamboo post and near a ravine. Grave diggers were given instructions and they began digging. After digging for 2' a stench came from the hole and after digging a further five feet I observed the dead body of a white woman. Head faced north, feet south and body was clothed in dress and panty. Dr. Healey was present and he gave instructions and the body was brought to the surface and removed. I did not accompany the body.

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Evidence

No. 17

Aldwyn
Aguillera

Examination
(continued)

Not cross-examined by Counsel for Nos.1 and 2 accused

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No. 18

No.18

PW15

Evidence of Melba Lynch

Melba Lynch

Examination

MELBA LYNCH sworn states:-

Live at Petit Valley, Diego Martin. I know premises at 26 Christina Gardens, Arima, from about August 1971. At that time Malik, his wife and children and Steve Yeates were there. I was employed by Malik for the first three weeks in August 1971, to do filing for him. After that I was not employed by him, but I visited those premises regularly. During those visits I met several people - Hakim Jamal and Halle were among them - Halle was white, fairly tall, very slim, shoulder length dark brown hair and her hair was worn in a bang; a very straight long thin nose, wide eyes. I did make observations about her clothing. Most times she wore long dresses, but I remember seeing her in what I call regular clothing - red leather knee length boots, a brown leather belt with heart shaped buckle. On Wednesday, 7th June, 1972, at the request of the police I went to C.I.D. Port of Spain. There I was shown a number of items and I identified some of those items. I identified red knee length boots, belt with heart shaped buckle, leather jacket and lady's purse as the property of Halle. I had seen

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Evidence

No.18

Melba Lynch

Examination
(continued)

Cross-
examination

her wearing them. Looking at Ext. C.T.3, C.T.4, C.T.5 and belt, part of C.T.6, I say these are articles I identified at Police Headquarters. Belt, part of C.T.6, marked C.T.6(a). Steve Yeates is now dead.

Not cross-examined by Permanand.

Cross-examined by Prevatt:-

Items I identified are not unusual items. Boots were popular two years ago, but not a leather maroon hand-bag - C.T.5. I had never seen a bag like that before. On the 1st January, 1972. I was not at Christina Gardens. 10

I recall the 1st January, 1972, as it was New Year's Day. I was with my family. In January, 1972, I was at Arima, probably in the second week of January. Leather jacket - C.T.3 - I identified. I saw the lady wearing that leather jacket. As far as I am aware she had one brown leather jacket. I know it was the lady's leather jacket.

Re-examined by Attorney-General:- 20

I had been at Christina Gardens in the second week of January 1972, On that occasion I did not see Halle.

Re-
examination

Re-examined by Prevatt; with leave of Court:-

I was not at Christina Gardens on the evening of the 1st January, 1972, or the following day in the company of Steve Yeates.

No.19

Adolphus
Parmassar
Examination

No. 19

PW16 Evidence of Adolphus Parmassar

ADOLPHUS PARMASSAR sworn states:-

Live 36 Olton Road, Arima. I am 22 years old. I will be 23 this year. On Saturday, 1st January, 1972, at 9.00 a.m. I was at 26-28 Christina Gardens at the premises of Malik. Malik spoke to me then. At that time both accused, Steve Yeates, Marvin Dean, also called Kidogo and I were present. We were all in the sitting room of the servants quarters at Malik's residence. Malik was telling 30

us that he had observed Hakim Jamal was under some mental strain and that woman known as Halle was causing Hakim this mental strain and the best way to free Hakim from this mental strain was getting rid of Halle. Malik went on to say that the following day Steve Yeates was supposed to go to Lorenzo's farm to pick up a gallon of milk and on his return he would pick up Halle and he would bring her to the northern side of Malik's premises where I, Dean, Abbott and Chadee were instructed to dig a hole. Malik said that the following morning he would take Hakim in his car and carry him away from Christina Gardens. Chadee and I were instructed to sleep in the servant's quarters of Malik's premises that night and the following morning Malik woke up at 6.00 a.m. He woke Chadee, Kidogo, Steve Yeates and myself. Malik spoke to me. I then went to 43 Christina Gardens and spoke to the accused Abbott and Abbott returned with me to 26-28 Christina Gardens. I, Abbott, Chadee and Kidogo went to the north of the premises where the manure was being stored - about 100 yards from the northern side of Malik's premises. At that spot Malik pointed out spot where he wanted us to start digging. Malik asked the time. Kidogo said it was 6.20 a.m. Malik then said we had 25 minutes in which to dig the hole. Malik called Abbott to his car and they spoke for a while and Malik left. I, both accused and Kidogo started digging the hole. When we reached about 4 feet digging the hole Steve Yeates drove up with Halle in the jeep. Jeep stopped. Steve Yeates and Halle came out of the jeep and came to where we were standing. Halle said, "Good Morning," and we replied.

Accused Abbott then told her he had something to show her. She came across and stood over the hole and asked what it was for. Accused Abbott said, "It is to put fresh matter to be decomposed." Accused Abbott asked her if she liked it. She replied "Yes" and asked, "Why?". Accused Abbott held her around the neck and jumped with her in the hole saying, "It is for you." When Abbott jumped in the hole with her, Kidogo jumped in the hole with a cutlass trying to stab her in her chest. She was struggling and she got a large wound on inner left elbow. It bled profusely. Halle was struggling and accused Abbott had one hand around her neck and the other over her mouth. After Kidogo made several attempts to stab her without success, accused Abbott called to one of us to come in the

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Adolphus
Parmassar

Examination
(continued)

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Adolphus
Parmassar

Examination
(continued)

hole to assist Kidogo. Abbott did not specify which one of us. Steve Yeates jumped in the hole and took the cutlass from Kidogo. Holding it in his left hand he placed it against her throat and with his right hand forced the cutlass into her throat (witness demonstrates). Yeates struck handle of cutlass with his right hand. I had seen that cutlass before. It is the cutlass called "gilpin" but that bent tip was filed off to form a point and on wooden handle the letter K was inscribed.

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I don't know if that letter K had any significance. I know him as Kidogo and I thought the letter K meant Kidogo.

Cutlass A.A.1 shown me is the cutlass used on that date. Originally A.A.1 had curved but that was filed off and the letter K which was inscribed, can be seen on the handle. After the cutlass was forced on her throat Abbott, Kidogo and Yeates came out of the hole. Halle was still struggling. She was lying in the hole. An order was given to start covering the hole.

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I can't recall who gave the order. I, Abbott, Chadee, Yeates and Kidogo started covering the hole. At that time the woman in the hole was still moving. Other persons covering the hole could have seen this. When we had covered about a foot, Yeates took Chadee in jeep and they went away. They returned and by that time the covering of the hole had been finished.

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When Yeates and Chadee returned, jeep had manure in it. Manure was off-loaded on the spot - about a yard or two from where the body was. We all returned to Malik's premises 26-28 Christina Gardens. When Halle was buried she wore a long dress - African gown, the sleeves were short. I first met Hakim Jamal and Halle in October 1971, at Malik's premises 26-28 Christina Gardens. I also knew Halle by name of Gail Ann Benson. Marvin Deane, also called Kidogo, I had seen about the second or third week in January 1972 at Malik's premises. I last saw Steve Yeates on the 10th February, in waters of the bay called Big Bay at Sans Souci.

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Cross-examined by Permanand:-

I visited Malik's premises regularly and there I got to know Abbott. I went there daily after some time. I worked there. Abbott worked there helping around in the garden, planting. I know he went to Lorenzo's farm. He said he went to off-load goods there. I believe he said he went to mend fences. I was not paid. I do not think Abbott was paid. I lived at Malik's for some time. I was fed. We had one solid meal a day and snacks when fruit was in season. At times we had to ask for food. Malik's house was like a prison camp. At one time I was in deadly fear for my safety. On the 1st January, 1972, at 9 p.m. there was an order by Malik that something be done. Abbott was the only one who said anything. Abbott said the best way to get rid of the woman was to give her a plane ticket and send her back where she came from. We were all present. No one supported it. From comments Malik made if his orders were not carried out it meant death. Abbott was trying to persuade Malik not to kill the woman but nobody supported it. I became involved because I thought I would be killed. I had visited Abbott's mother's home at Chaguanas. I had left Christina Gardens, Arima, and gone to Abbott's mother's home at Chaguanas.

Malik woke us around 6 a.m. on the 2nd January, 1972. After 6.20 a.m. I saw Malik about an hour after. After we went back to Christina Gardens I was told about telephone call. I did not hear telephone ringing. At one time that morning Malik called Abbott by his car. I did not hear that conversation. I did see guns around Christina Gardens. Malik was in the habit of discharging^g shots. Malik said he fired shots to let neighbours know there were guns there and they would not come in. He also said neighbours would get scared to sounds of gunshots from his yard. I did hear of plot to kill the Mootoo family. Abbott did tell Chadee and I to leave Christina Gardens. I do not recall Abbott telling us to warn the Mootoos. Abbott told us to leave Christina Gardens about 2 - 3 days before Malik left for Guyana. In December 1971, Abbott asked to visit his mother and Malik turned down the request. On the 1st January, 1972, I went with Abbott to his mother's home at Chaguanas and we had meal there. On the 1st January, 1972, Malik did not go to Chaguanas with us. I do not know where Malik went on the

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Adolphus
Parmassar

Cross-
examination

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No.19

Adolphus
Parmassar

Cross-
examination
(continued)

the 2nd February, 1972. I did go with Abbott to the Court House.

Malik did not like that and told him he would take care of him - personally. I understood it to mean he would kill him.

Cross-examined by Sanguinette:-

Abbott did tell Chadee and I to leave Christina Gardens. This was around the 15th February, 1972, or the 16th February, 1972.

After Yeates drowned everyone seemed then to be under mental strain. Abbott called us to his room and said that Malik had told him certain things to do - among them to liquidate the Mootoo family. Chadee and I were crying and I told Abbott I wanted to go back to my mother's home. Between October 1971 to December 1971 I visited Malik's premises regularly and worked at those premises. Around the end of December 1971 I started to sleep at these premises. After the incident on the 2nd January, 1972, I lived at the premises of Malik until I left as a result of the incident on the 2nd January, 1972. I was compelled to stay there. Prior to that incident I went and left the premises as I desired. Prior to the 1st January, 1972, Chadee never slept at those premises. From the 2nd January, 1972, to the 16th February, 1972, Chadee slept and lived at those premises. It was in the last week of December 1971 that I first saw Chadee at Malik's premises. Around the 15th December, 1971, Malik introduced me to Abbott. I met Marvin Deane, also called Kidogo, at Malik's premises about last week in December. In December 1971, Hakim Jamal and Halle lived at 43 Christina Gardens. Two weeks prior to the incident Deane, Yeates and Abbott lived on Malik's premises. Prior to the 2nd January, 1972, I saw the letter K inscribed on A.A.l. When Deane lived there he did no manual work. Discussions did take place about fertilizer plant and the money to be made - this was in December 1971. On the 1st January, 1972, I saw Chadee at Malik's premises. Around 2.30 p.m. on the 21st January, 1972, Chadee, Abbott and I visited Abbott's mother and returned at 7.30 p.m. to Arima. On our return, Malik, Yeates and Deane were there. Yeates had a girl friend called Melba Lynch. I think so. I am not quite sure. When we arrived back from Chaguanas, Chadee drove in the yard and Malik locked his gate. Malik usually

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10 locked his gate. Malik had dogs on the premises - a large doberman and two mongrels. There were spot-lights around those premises. Premises were enclosed - all around. About 9 p.m. that night Malik said he wanted to speak to us. Before that we were chatting among ourselves. Malik did say one of the brothers having a mental strain and Halle must be got rid of. Abbott did say the best way to get rid of Halle was to give her a plane ticket and send her back where she came from. Malik said he wanted something definite - he wanted blood. Yeates also said he wanted something definite.

20 Malik did say we had to get up early in the morning. He did order Chadee and I to sleep in that same room. Deane and Yeates also slept on the premises. The following morning around 6 a.m. Malik woke Chadee and I. I went and called Abbott. When I woke Abbott I returned to Malik's premises. Tools were collected and we went to the northern side of Malik's premises. I had to climb Malik's gate to get out. We started digging a hole. Chadee was to take out the loose dirt while the hole was being dug and he was doing that. At some time Abbott did tell Chadee, by the hole, "You can't make", and Chadee went and sat down and rest while digging continued. When the hole was 4' deep, jeep pulled up. Kidogo was there standing on the south eastern side of the hole. Abbott was on the southern side of the hole. I was standing close to Chadee. The hole was to our side. A conversation did take place then. Accused Chadee said nothing. Yeates, prior to Abbott's calling for help, was very close to the jeep. Chadee and I were then standing on the eastern side of the hole. When Abbott called for help Yeates looked at Chadee and I for a few seconds and then Yeates jumped into the hole. Neither Chadee nor I moved then. Yeates, 40 Abbott and Deane came out of the hole.

50 Order was given to cover the hole. Halle was struggling and was gasping. There was a heap of manure in the vicinity of the hole. Chadee went and took the fork out of the manure and pulled manure to the hole. While the hole was being filled Yeates called Chadee and said, "Let us go to Lorenzo's farm for manure." I don't recall Yeates saying manure being removed from the spot over the hole would make it look suspicious. After covering the hole we went back to Christina Gardens. There

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Prosecution Evidence

No.19

Adolphus Parmassar

Cross-examination (continued)

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Prosecution
Evidence

No.19

Adolphus
Parmassar

Cross-
examination
(continued)

the order was given that my mother's kitchen be rebuilt. From that day Chadee and I slept, ate and worked on the premises until 16th February, 1972, when we left. Chadee planted anthuriums and cut leaves while we were both there. Malik's place was like a prison. Order after order was being given. Whenever Chadee left the premises he was in company with Steve Yeates or others. Around the 20th January, 1972, Deane and Jamal left this country together. Around the 1st February, 1972, one Sam Brown appeared on the premises and lived there till the 16th February, 1972, or the 17th February, 1972. I remember the incident on the 8th February, 1972. I met Brown on the premises around the 1st February, 1972. Brown came and went as he pleased. This continued till the 7th February, 1972. After an incident on the 8th February, 1972, Sam Brown slept and ate with us every night and did not leave the premises till the 21st February, 1972.

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Steve Yeates met his death while attempting to save one of Malik's daughters and another girl Hasrajh from drowning. For the next 3 - 4 days all who went on Malik's premises went looking for Yeates body. Around the 14th February, 1972, to the 15th February, 1972, Malik gave the order that the Mootoos must be liquidated. Around the 13th February, 1972, to the 14th February, 1972, there was a meeting about needs - Malik, Brown, Chadee, Abbott and I were present. Malik said he wanted \$90,000.00. Chadee said he wanted money for rent for his house. After Yeates died till the 16th February, 1972, Abbott, Chadee, Brown and I lived on Malik's premises. On the morning of the 16th February, 1972, I left those premises. I knew that Chadee was also about to leave those premises. Around the 23rd February, 1972, or the 24th February, 1972, I was taken to C.I.D. I saw Edward Chadee there. I eventually saw police in the Station.

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(Objection by Permanand on ground that references to Skerritt irrelevant, expunged)
Court opposed objections on inferences.

No. 20

PW17 Evidence of Ignatius McPhillip
IGNATIUS McPHILLIP sworn states:-

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Prosecution
 Evidence

No.20

Ignatius
 McPhillip

Examination

10 Superintendent of Police in charge of C.I.D.,
 Port of Spain, in February, 1972. On the 24th
 February, 1972, at 8 p.m. in my office at C.I.D.
 Port of Spain, I received a telephone call. As a
 result I went to a vacant lot of land at Christina
 Gardens near the river bank. I arrived there at
 9 p.m. This was on the northern side of 26
 Christina Gardens. There were policemen there.
 Sgt. Aguilera, Drs. Healey, Henry and Mitchell.
 They were standing around a hole. I went up to
 the hole, looked in and saw dead body of a person
 lying in the hole in a crouched position. Head
 was north, feet were south and face facing east.
 Dr. Healey went into the hole and carried out
 examination. I then saw it was dead body of white
 female. I saw gaping wound below throat and in
 region of chest. Body was removed from the hole
 and on instructions of Dr. Healey it was taken to
 20 the mortuary, General Hospital, Port of Spain.
 The hole was 4' to 5' square and 4'6" deep. On
 the 25th February, 1972, at 8 a.m. I went to the
 mortuary, General Hospital, Port of Spain. I saw
 the same dead body lying in the mortuary and I
 removed from the neck of that body a necklace of
 costume jewellery which I subsequently handed to
 Insp. Trotman. Necklace X shown me is necklace I
 took from body. Marked I.M.P.1. On the 27th
 February, I saw Dr. Harrison and spoke with him.

30 On the 25th February, 1972, at 12.30 p.m., I
 saw Insp. Kerr. He came with Abbott to my office
 at C.I.D., Port of Spain. Insp. Kerr told me in
 the presence of Abbott that at 11.45 p.m. on the
 24th February, 1972, Abbott walked into C.I.D.
 Port of Spain and spoke to him; Insp. Kerr telling
 him that he (Abbott) has seen in the papers where
 a dead body was found in Michael X's yard in
 Christina Gardens and he had come to talk to the
 police constable who was handling the matter.
 40 I told Abbott who I was - that I was investigating
 a report that the dead body of a white woman was
 found in a hole at Christina Gardens and that I had
 information that her name was Gail Ann Benson.
 I there and then cautioned him and he related a
 story which I reduced to writing. I made no
 threats. I held out no promises to him. I used no

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force on him. That statement was reduced into writing. That statement was read over by Mr. Cobham, Justice of the Peace. This is the statement I took.

Prosecution
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Not objected to by Counsel for No. 1 accused. Statement read over, put in and marked I.McP.2.

No.20

Ignatius
McPhillip

Court adjourned 11.58 a.m.
Court resumed 1.30 p.m.

Examination
(continued)

Both accused present.

Jurors present.

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Counsel for Crown and for accused present.

P.W.17

IGNATIUS MC PHILLIP continuing:

Reminder of former oath and continuing in examination in chief:-

Following the taking of the statement I charged both accused for this offence. I cautioned them and they remained silent. On the morning of the 27th February, 1972, I went to the mortuary, Port-of-Spain General Hospital, I saw Professor Simpson and Dr. Healey. I pointed out to Professor Simpson the dead body of a white woman which I had seen removed from a hole at Christina Gardens. Professor Simpson carried out a post mortem examination. Dr. Healey and I were present. At the mortuary I took possession of a flowered cotton dress and red panty. I handed those items to Insp. Trotman. On the 3rd March, 1972, at the mortuary, General Hospital, Port of Spain, I saw Dr. Roland Knight there. In my presence he carried out the examination of the mouth of the dead body of this white woman and then spoke to me.

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Cross-
examination

Cross-examined by Permanand:-

Abbott came to the police of his own volition. He asked to speak to the person in charge of investigations. I took written statement from him. When I first saw him he was actually shaking. I formed the impression that he was nervous. He did not cry. He appeared to be

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suffering from fear or fright. I am unable to say whether it was genuine or not. I thought he wanted to get something off his mind. He appeared to want to make a frank and open statement about what he knew about Christina Gardens and he did so. He did not tell me he was afraid for his life during the taking of the statement. He did say so weeks after. He did say he did not want to be placed in the same cell with Malik. He never said Malik threatened his mother. He did say he was afraid for his mother who lived alone at Montrose. To my knowledge his mother lived alone while he was in England. I did not feel anything unusual about his request. I was present when Professor Simpson conducted the post mortem. Malik was then in custody. After Simpson's report I never examined the hands or finger nails of Abbott. Professor Simpson did say he found finger nail at the back of the throat of the dead body of the woman. I was curious about the nail. When Abbott came to my office on the 25th February, 1972, I observed the nails on Abbott's hands were intact. Up to that time I had no information that nail would be found in throat of the deceased.

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Ignatius
McPhillip

Cross-
examination
(continued)

Cross-examined by Prevatt:-

I was in charge of the investigations. Malik did arrive in Trinidad early in 1971. I did know he was reported to have written friends. Lennon did visit Malik and stay with him during 1971. The premises at Christina Gardens were luxurious premises. I did know that Chadee was employed as a salesman with Renault up to December 1971, and that up to then he had a job collecting debts for Perreira. I did take a statement from Cozier, Chadee's boss at Renault. I did know that Malik enquired from Cozier about purchasing the Renault cars through Chadee during December 1971. Cozier did indicate he received a medical certificate from Edward Chadee accounting for Chadee's absence from the job. It may have been for the period from December to January. It may have been for the period from the 5th January, 1972. I did know that Hakim Jamal lived at 43 Christina Gardens before December 1971, and that Halle lived there with him and that Stanley Abbott lived there from the 11th December, 1971, and that he arrived there on Malik's instructions. I did know that Hakim Jamal was asked by Malik, in mid December to send for trusted friend and that Marvin Deane arrived soon

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Ignatius
McPhillip

Cross-
examination
(continued)

Re-
examination

after in December 1971, and that Steve Yeates lived at Malik's before December 1971. I did hear that Parmassar used to work at Malik's from October 1971, and that on the night of the 1st January, 1972, a conversation took place. It did not occur to me that the killing of the woman was planned before the 1st January, 1972. I did know that Chadee came voluntary to C.I.D. and spoke to Asst. Commissioner Duff on the 23rd February, 1972. The body was unearthed on the 24th February, 1972.

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Re-examined by Attorney General:-

Before the body was taken from the pit at Arima I had no information from Chadee as to its presence there.

CASE FOR PROSECUTION CLOSED

Accused Abbott informed of his rights and states he will give evidence on oath and calls no witness.

Permanand:- I wish to ask that at this stage the Court be adjourned to give me a further opportunity of consulting with my client.

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Attorney General:- I have no objection to the application.

Remanded - 9/7/73 - in custody.

Continuing:

Both accused present.

Jurors present save Catherine Martinez.

Counsel for Crown and for accused present.

Catherine Martinez ill - Medical Certificate submitted.

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Remanded - 10/7/73 - in custody.

Resumed - Tuesday, 10th July, 1973.

Both accused present.

Jurors present. Medical certificate supplied that juror Catherine Martinez fully recovered and fit to serve on jury.

Counsel for Crown and for accused present.

At this stage Sanguinette for accused No. 2 asks for leave of Court to recall Supt. Mc Phillip to ask three questions.

First question - that on the 22nd February, 1972, Adolphus Parmassar was arrested - that he was charged for the murder of Gail Ann Benson and that subsequently he was no longer charged with that murder.

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Prosecution
Evidence

10 P.W.17.

IGNATIUS MC PHILLIP recalled with leave of Court.
Re-sworn and to Sanguinette:-

Adolphus Parmassar was taken into custody on the 22nd February, 1972. He was charged for the murder of Gail Ann Benson. Subsequently he was no longer charged.

Not questioned by Permanand.

To Attorney General:-

20 Proceedings against Parmassar was discontinued by Attorney General in pursuance of his powers under Sec. 62 of the Constitution. A document to this effect was duly filed by me.

30 Indictment was filed against both accused alone. Original information contained in addition to the two accused, Marvin Deane also called Kidogo and also Adolphus Parmassar. A warrant of arrest was sworn to for the arrest of Marvin Deane which is still unexecuted. Michael Abdul Malik also called Michael de Freitas was on original information as well. Michael de Freitas has been convicted of a capital offence.

DEFENCE

No. 20

In the High
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Evidence of Stanley Abbott

Defendant's
Evidence

No.21

Stanley
Abbott

Examination

Examination-in-Chief:

STANLEY ABBOTT sworn states:-

At present resides at 103 Frederick Street, Port of Spain. On the 25th February, 1972, I gave a statement - I.Mc.P.2 to Supt. Mc Phillip. I left Trinidad for the United Kingdom in 1956. I was 19. In England I met Michael de Freitas - Michael Abdul Malik first in August 1956. We became friends but we lost contact with each other almost immediately after. In 1963 I again met Malik or Michael X as he was then. I had just come out of the British army where I had done two years National Service. While I was in the army I belonged to a Transport Division and I was a Staff Car Driver. On meeting Michael X again, I knew he was completely taken up with Black Power Movements and he was a Black Muslim. He tried to encourage me to come around him. He said he was writing a book. I had no time with him. I was inclined to drink. He said Black Muslims do not drink and I was not inclined to be a Black Muslim. I again met him in the Black House at North London. I went there to visit Lloyd Villafana, a friend of mine who got involved with the Black House. Michael was the head of the Black House. This was common knowledge. We got acquainted. When I saw what the Black House was I became interested. It was no sinister den of sin. To me and thousands of black people in England it represented a place where black people could go. Six houses - four storeys high - joined together with a massive shop - front on ground floor. Inside the Black House was a Community Centre as large as the Court. Inside the Community Centre there were amplifiers and loud-speakers. Hundreds of kids played records and danced together. There were three kitchens in the Black House where kids experimented with cooking. There was a library. I took interest in youths and helped them. At that time I respected Michael X. He suddenly went on television and made a statement that he had resigned from all Black Power Movements. People at the Black House were confused as several families lived there and beseeched me to take over the running of the

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Black House. I did on the understanding that I would only hold it together till one of them could run it. I have no black power ambition. I defended Michael X to the British Press because questions they asked were painful. They wanted to know if he left because people were dissatisfied with him. My answer was yes but I lied as I felt his shame was all black people's shame and he could have hurt others who wanted to do good. By that time I had known a lot of internationally-known people through the Black House. John Lennon, former beatle, multi-millionaire; Felix Apolski, painter of the Royal Family in England, another millionaire Nigel Samuel who financed the Black Power House and inherited 24 million pounds; Alexander Strotski, a famous writer of books, Colin McGuinness, another famous writer, Dan Richter, writer of poems and books. None of these people appeared bad or evil to me.

In February 1971, I went to Michael's home, not having seen him for two weeks. He told me he was leaving for Trinidad the following day. He invited me to go with him. I said I did not want to come on any political scene - meaning Black Power. He reminded me he had already told the world he was finished with Black Power Organizations and that he was coming home to do farming. I longed for home. I had been away for 15 years. I seized the opportunity to come to Trinidad with Michael. He paid for a room at the Queen's Park Hotel and Chagacabana for me. He went to the mountains with an agent called Duval to see land for farming. On his return he said he liked what he saw and would get it. I then lived at Queen's Park Hotel. Suddenly Michael took me to Arima and I saw Christina Gardens for the first time. I met the Mootoo family. They were moving out and he was moving in. He told me of an agreement he had entered with them for their house to pay \$65,000 for a big house which didn't seem to make sense when he had come to Trinidad to do farming. From that time I told Michael I was dissatisfied - I was going back to England. I bought a one-way ticket to England in May 1971. The night before I left for England I was at Christina Gardens. Malik spoke to me about 10.00 p.m. He said he wanted a couple of favours when I get to U.K. and speak to some of the persons I have mentioned this morning, to give them his address and telephone number and what the house was like. He persuaded

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Defendant's
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No.21

Stanley
Abbott

Examination
(continued)

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Defendant's
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Stanley
Abbott

Examination
(continued)

me to stay on and cancelled my flight on the telephone. He gave me a return ticket to replace my single ticket. On the morning prior to speaking to Michael about going to England it was too late to inform my mother. Next day I asked to telephone my mother as I thought she might have gone to Piarco to see me off. I asked to use the telephone. He said he was expecting an international call. I asked to be taken to Piarco. He took me to Piarco. My mother was at Piarco with Milton Jack and Elder, both of whom I knew from boyhood. I apologised to them for the inconvenience. When Michael gave me the return ticket, prior to my leaving for England, he said I would go to England and do what he wants me to do and that I would come when he calls me. I resented being told to come and go and argued with him. That was when he first threatened my mother's life - May 1971. He knew my mother. I had taken him there. She is a sweet person. I sensed Michael was a dangerous person, reckless and ruthless at that point - in his bid to hold me. I didn't know what he saw in me. I returned to England and I spoke to the persons he had asked me to speak to. I made it my duty to keep in touch with Michael - by telephone, telegram and letter. I would have done nothing to ignite Michael - he was explosive, I thought. I received a letter in December 1971, from Michael and the letter had one word - "Come". That word "come" represented life and death to me. I arrived in Trinidad two days later via New York as that was the first available flight. When I got to Piarco I was met by Michael and Steve Yeates, whom I knew before. We had worked together at Carenage - painting up houses rented by Michael. Yeates and I were pals. They took me to Christina Gardens. Michael took me to No. 43 Christina Gardens, opposite to his home. He showed me a room and said this is my new home. I begged to go home to my mother - to release me as I had done all he had asked in the U.K. He bluntly refused. He started working me around Christina Gardens with Parmassar. I got up at 6 a.m. and had to go in the bush and cut bamboo grass for Michael's goat. I could have been bitten by snakes. Later he said his goats liked hibiscus grass and he would send us all over to find that grass. I even asked Allum to cut his hibiscus hedge and he gave us permission. Michael worked me unmercifully around his home. I worked at Lorenzo's farm for days in the broiling sun. I brought saw-dust daily from saw-mill for

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Lorenzo's farm for horses to lie on. I was helped by
 Sonny Parmassar and Edward Chadee. When I told
 Michael men on Lorenzo's farm were being paid and
 I was not, he said he was getting paid as he got a
 gallon of milk for his children. I was mortally
 afraid of Michael for my life and that of my
 mother. On the day before Xmas Eve 1971, he came
 to my room at 7 a.m. and woke me up. When I
 opened the door I saw blood on his mouth and beard.
 He said they had killed a calf on Lorenzo's farm
 and he was drinking blood. I felt scared and sick.
 I heard him speak to Hakim Jamal before Xmas that
 he should send for someone from U.S.A. whom Jamal
 could trust. A couple days later an American man -
 Kidogo - arrived. I again beseeched Michael to let
 me go home as he had someone to help him. He said
 Kidogo was a hired killer and not therefor manual
 work. That Kidogo had killed police in Boston,
 U.S.A., and that from now on I should shut up.

On the 1st January, 1972, I saw Junior arrive
 at Christina Gardens. I went to Michael and asked
 if I could go home to see my mother on Xmas day.
 He said, "O.K. How will you get there" - as he
 did not lend out his vehicles. I said I would ask
 Junior for a drop. He said, "O.K. If he would."
 I asked for Sonny to come along to spend the day
 at my mother's home. He said, "O.K." and we left.
 The three of us spent the day at my mother's home
 at Chaguanas with my sister, brother-in-law and
 children. When we returned that evening Michael
 called us and started talking about getting rid of
 Halle. He spoke about liquidation. I felt
 mortally afraid. We were sitting in a semi-circle.
 Michael with Steve Yeates on the right, Kidogo on
 his left. Chadee faced Michael. I, on his right
 and Parmassar on his left. When we left for
 Chaguanas, Malik, Jamal, Yeates, Kidogo - all so
 called "Black Muslims". By that time my relation-
 ship with Steve Yeates had changed. Yeates had
 changed while I was in U.K. Kidogo I did not speak
 to. He bought a cutlass in Trinidad. I saw him
 file that cutlass. I ask why. He said it did not
 balance properly. He inscribed K on that cutlass.
 He was fond of taking photographs of Chadee, Sonny,
 Melba Lynch and myself. I was afraid of Kidogo.
 At that meeting after Michael spoke of liquidating
 a woman known as Halle as she was giving Jamal
 mental strain, I pleaded for her life. Michael
 too denied my plea. Yeates jumped to his feet.
 He said he wanted something definite. Michael

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Defendant's
Evidence

No.21

Stanley
Abbott

Examination
(continued)

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Defendant's
Evidence

No.21

Stanley
Abbott

Examination
(continued)

pulled his beard and said he wanted blood. Kidogo just looked at me. I could see murder in their eyes. I did not look at Junior and Sonny. I had taken them to my mother's home. Junior, Sonny and I come from respectable homes. Michael outlined what we were going to do. He did not say who would kill or who would push in any hole. Meeting broke up. He told Junior and Sonny they would sleep there that night. I slept at 43 Christina Gardens. I went about 10 p.m. I woke up at 6 a.m. the following day. That night when I walked across to 43 Christina Gardens after having pleaded for Halle's life and seeing the looks of Michael, Yeates and Kidogo, I wanted to speak to Jamal but I was mortally afraid because they said they were doing it for him. The threats already made by Malik in respect of my mother's life and knowing I was discontented with him, I know when I left there death was my companion. To have gone to the police that night and spoken what Michael had plotted behind the backs of Junior, Sonny and myself I felt I would not have been believed. Michael always boasted of cloak of respectability around him. John Lennon and Yoko also stayed at Christina Gardens with Michael. World famous comedian Dick Gregory visited Christina Gardens as well as several well-known people. With his wife, children and luxurious home I did not think the police would believe me. They could not give me the protection or my mother aged 72, at Chaguanas. Her life is in mortal danger more so after today. These are the reasons why I did not go to the police.

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On the 2nd January, 1972, Sonny woke me up. I was not asleep. I did not take off my clothes that night. I laid there thinking. Sonny and Malik wanted me to come now to dig a hole for Halle. I dug. I even helped Junior dig. I felt compassion for Junior. I was accustomed to digging and working hard. Junior was a salesman and not accustomed to that type of work. Kidogo was giving orders one ordering in and then out. He said schedule was tight. Malik reversed the car to the spot where he said he wanted the hole dug. He called me to the car. I said, "Oh Lord Michael, you don't have to do that, spare the woman." I begged him. He said he did not want any of the old talk from last night. He said Yeates would drive up in the car with Halle, he would hand her over to me. I should tell her

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when she saw the hole if she got suspicious, that
 it was for stuff to be decomposed or words to that
 effect. That I was to grab the woman and take her
 into that hole. Then I was to tell her that the
 hole was for Jamal. He told me that Kidogo had
 his orders. He said if I did anything to endanger
 safety of the men around the hole, his family or
 himself, by not obeying, I would die that morning
 with the knowledge that my mother would be dead as
 that was where he was heading with Jamal. As I
 10 walked off he said to remind Kidogo the heart is
 on the left side. He wants the heart. I did as
 Michael instructed. I said in my statement I was
 moving like a zombie - a mindless, mechanical
 creature. I hid nothing in the statement but
 events at the hole are blurred. Sonny testified
 that I had the woman locked around her neck - one
 hand on her neck and one on her mouth. I am not
 saying Sonny is a liar but I believe he is confused
 20 about events at the hole. It was first time any of
 us experienced such a deed. Halle received 10
 wounds. Nothing was wrong with any of my finger
 nails. Wounds to her chest and back. If I had
 held her as Parmassar said with three people in
 the hole - four feet square - four feet deep - I
 had no cuts on my hand. It would not be possible
 for me to have held her neck while she was fatally
 stabbed. I remember resting my hand on her lips.
 She was shouting. I felt the whole village was
 30 coming down on us. I knew my mother would leave
 with Malik if she was told I was ill. I knew
 Malik was capable of murder. After the incident
 I went to Tobago. I returned to Trinidad on the
 24th February, 1972. The day I walked into C.I.D.
 Headquarters. After the incident at the hole we
 all went back to Malik's premises, 26-28 Christina
 Gardens. I had no blood on my hands or clothes.
 Kidogo had chopped himself. He was hacking away
 in the hole. He was a madman. I felt mortally
 40 afraid for my own safety. Junior went for a drink
 of water. I sat on the kitchen steps. Sonny sat
 next to me. Kidogo was cleaning the cutlass.
 Telephone near the kitchen rang - Junior answered
 the telephone call. On his return to the kitchen
 Yeates asked Junior who rang. Junior said
 Michael asked if everything was alright and he
 answered yes. Yeates then left. The following day
 I telephoned my mother from Mrs. Letts. My mother
 told me on the 2nd January, 1972, Michael and
 Jamal had come there and she invited them in and
 gave them coffee. Shortly after, Michael asked to

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Stanley
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Examination
 (continued)

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Examination
(continued)

telephone his home. Michael made a short telephone call and they left. My mother is an old woman of 72 years and lives in mortal fear of her life. On the morning of the 25th January, 1972, I was told to drive Kidogo and his wife to the airport. Jamal was in the car with Steve Yeates and Malik's children. That day Kidogo and Jamal left together for the U.S.A. On my way back from the airport he said his wife could go in the car with the kids. He would drive with me. He was very thoughtful. He said he had sent Jamal on a mission to get \$36,000 (U.S.) for him and if Jamal betrayed him he would be liquidated where ever he was. In April this year, Jamal was executed before his family in the U.S.A. I made a request to see the C.I.D. Head. I saw the Deputy of the C.I.D. I told him I was in mortal fear for my mother's life. I asked for protection for her. I told him to speak to her, to let her know the police are her friends as she respects the police. My mother said the request was granted as she told me she was under police protection. After Jamal was executed I read on the Evening News that a member of Malik's family said she was sorry, but that he had been a traitor. After the incident Malik became very brutal to Junior, Sonny and I. Some time - for 10 days - we had no food as he said we had to fast. Parmassar went to Sans Souci to bathe.

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Malik, his daughter Jennifer, Hazrah, a little Indian girl he had taken from her parents, saying he was an Imam and he would prepare her for marriage. His respectability fooled her parents. She was nothing else but a little servant girl. She did not have much work to do. We were on forced fast - the men. In Sans Souci, Hazrah, Sonny and I were in the water. Jennifer and Hazrah became afraid in the water. Malik was holding them saying "Do not worry." Suddenly we were all out of our depth. Malik was the first to leave the water. Sonny left. I stayed for 18 minutes trying to keep Hazrah and Jennifer afloat. I had not eaten for 10 days. I could no longer keep the girls afloat. The sea was rough, cruel and angry. Yeates swum past me to go to the assistance of the girls. I was fighting for my life. I felt like going down to avoid Malik, but my determination was to destroy Malik's evils. Malik sat on the rock looking at me struggling. When I got close to the rock I

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had to beg Malik to give me a hand. There were
 over 100 people then present. Malik assisted me.
 He told me after he had not seen me, I stood on
 the rock and watched Hazrah over a mile out at sea.
 She could not swim. I noticed Yeates swimming to
 shore. Hazrah going out to sea. Yeates got to
 the point of the rock where Michael was sitting.
 Yeates then began to tread water. Villagers had a
 line with bamboo attached. It was thrown and fell
 10 short. It was again thrown and fell a yard from
 his right hand. Yeates never looked or turned his
 head. We all felt he would go down. The crowd
 shouted his name. He lifted his left arm and gave
 a salute and went down. At that point Malik turned
 and walked away. Malik placed me in front of the
 jeep. Malik turned his back on Hazrah who was then
 two miles out at sea. Malik turned to dramatise
 Yeates drowning as he was trying to save Hazrah,
 but we all knew Yeates drowned himself. Yeates was
 20 Malik's lieutenant but I believed Yeates thought
 Malik was going too far. I believe Yeates killed
 himself to free Junior, Sonny and I. He knew I was
 dissatisfied and would do something. On the
 morning of the 15th February, 1972, Malik told me
 there was a job Yeates had to do, as Yeates was
 gone I had to do it." That I should go to the
 Mootoo's at Long Circular Road and try to get
 their house on the same basis as he - \$1,000
 30 deposit; \$5,000 for two years rent and \$65,000
 a year later or vacate. I was amazed. I thought
 he had paid for the premises long ago; with all
 the things he had - budgerigar - cage with 100
 budgerigars painted red called Red House and
 several other things. Sonny helped to build most
 of these things. Many times I contemplated suicide
 to be free of Malik and to free my mother, but I
 felt I could not go and leave Sonny and Junior alone.
 On the 15th February, 1972, I went to the Mootoo's
 40 home. I spoke to Christina, Eileen and Peter Mootoo
 to see if they would accept another year's rent.
 Mrs. Mootoo told me the morning things Malik had
 done - the lies that the house was his. I was
 ashamed. They asked me to return the next day
 for their decision. I told Malik when I returned.
 About an hour after, Peter Mootoo, an insurance
 man arrived. When they left Malik showed us a
 letter - that he should vacate the premises in
 three days. Malik appeared wild. He told me he
 would teach me how to understand people and
 50 business. That the answer was to liquidate the
 entire family and that by the time the next of kin

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Defendant's
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No.21

Stanley
 Abbott

Examination
 (continued)

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No.21

Stanley
Abbott

Examination
(continued)

was sorted out he would have acquired the property. He instructed me to take Sonny and Junior and carry out the destruction of the property at Long Circular Road and that the house should be looted. I agreed but said I needed a night to work out the plan to kill the Mootoo family. That night I called Junior and Sonny to my room. I spoke to them of the death of Steve Yeates. I was taking my and my mother's life in my hands. None of us trusted the other. Junior came to me two days after Halle's death and told me that Malik said he had to leave his job and stay there permanently and what should he do. I was afraid and told him, "Do what Malik said." As I looked at him and Junior, gradually I decided to pull them out of Christina Gardens alive. That night I told them of the plan to liquidate the Mootoo family. That night I knew how afraid Junior and Sonny were for their lives. We all cried and I told them they had to leave Christina Gardens the following day. Malik and his wife left for Port of Spain. I called Sonny and Junior and told them to leave Christina Gardens. If Malik even called they should find some excuse and that if I called them they should not listen as I might be under compulsion. I said to leave me as someone had to be there to bide time to see how Malik's mind was working. Sonny left on the 16th February, 1972. Junior did not want to leave me. I begged him to go as I contemplated killing Malik. It was frustration. I had even contemplated committing murder. Malik came back from Port of Spain. I said the others had left. He said, "Why didn't they say so last night." I said, "They were afraid of you then, but not anymore." We were all, however, still afraid of Malik. I said I was tired and needed rest, if he would release me. He then agreed. He gave me \$100 and said I should go to Tobago. He knew I had family in Tobago. He would not allow me to make a phone call to book flights. I went to Mrs. Letts and phoned from there. Next day I asked him to take me to the airport for the plane to Tobago. He refused. I had to plead with the taxi drivers at Arima to take me to the airport. A taxi driver took me to the airport. In Tobago I stayed indoors. My aunts are old people. I had no friends, no one to tell my troubles. When I heard and read that his house was destroyed by fire and he was in Guyana with his family, I took plane and came to Headquarters, Port of Spain, and gave Supt. Mc Phillip a truthful statement. In 16 months in prison I am more free there than the two months at Christina Gardens. My mind is now free.

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Court adjourns at 11.30 a.m.

Court resumes at 1.15 p.m.

Both accused present.

Jurors present.

Counsel for Crown and for Accused present.

Prevatt:-

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I submit that order of cross-examination be by Counsel for the prosecution and by Counsel for the accused Chadee and the accused Abbott who has given his evidence in chief. In order to make submissions I ask that the Court request the jury to retire. Ground under general discretion of the Judge.

Attorney-General:- I do not understand the application.

Jury requested to retire.

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Prevatt:- Orders of cross-examination of Abbott. Crown ought to cross-examine first, before examination on behalf of Chadee is done. I have found no direct authority for this - or against. Purpose of cross-examination is to relate or have explanation of any incriminating evidence that may have been given by the witness.

11th Edition - Phipson on Evidence, p.647

After cross-examination by the Crown I would, if necessary, have to ask leave. King v. Hyden & Ingham K.B.D. 1902, Vol. 1 at p.882.

Attorney General:-

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No proposition in law to support contention. Interests of Justice not exclusive - preserve of defence. If I cross-examine, first I would then have to obtain leave if anything arose to cross-examine on that question.

Court over-rules submission.

Jury returned.

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Stanley
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Cross-
examination

STANLEY ABBOTT reminded of former oath and cross-examined by Sanguinette:-

On the 11th December, 1971, I returned to Trinidad. Before that date I did not know Chadee. I saw Chadee for the first time in Woodbrook. I was with Jamal and Yeates. They stopped outside the car. The salesman and I were then introduced. I worked with Chadee at 26-28 Christina Gardens. All this work took place after the 2nd January, 1972, with respect to Chadee. At no time before the 2nd January, 1972, did I work with Chadee. On the night of the 1st January, 1972, a conversation took place in the servant's quarters. Malik gave instructions that the woman should be killed. On the way out Malik instructed me to ensure the gates were closed.

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Cross-examined by Attorney General:-

It was not the first occasion I had shut the gate. There were dogs, goats and other animals on the premises. Before the 1st January, 1972, I never saw Chadee around there often. When he came he came in a car. He would drive in and out freely. On the 1st January, 1972, I did see Chadee come there with a car. This was not Malik's car. He drove me to my mother's place. I did not compel him to go to Chaguanas. I heard no one use any threats to him then.

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After the 2nd January, 1972, I heard Chadee threatened. After the 2nd January, 1972, I visited my mother with Jennifer, the daughter of Malik. I drove myself. I have heard Chadee's C.T.7 (statement). It is a true statement. From what I have said Chadee took less active part than I did on the morning of the 2nd January, 1972. In respect of events in the home, if he looked he would have looked down and been in a better position to see what was going on and to see what I was doing. At one stage in the home I became completely confused. I remember Chadee's statement that she was fighting up with them but at the time I was not a part of them. I never restrained the woman, not to my recollection. I heard in Chadee's statement that Chadee said Stanley called for help. I did call out for somebody to do something. I remember that clearly, as I thought Kidogo was going to kill me at any minute too. My statement I.Mc.P. 2 is true. I did rest my hands on her lips

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Stanley
Abbott

Cross-
examination
(continued)

as she was shouting. She was shouting to Kidogo,
"Why are you doing this." She said this very
loudly and intimately as though person to person
knowing one another. Parmassar, Chadee, Yeates,
Kidogo and I were around the hole. All those
persons around lived communally for another two
weeks. I did observe them in that period. It was
Steve Yeates' finger nail that was found in the
woman's throat. It must have happened when he
placed the cutlass in the flat palm of his left
hand and then he struck the handle with his right
hand and the blade entered her throat. I don't
know how the finger nail got in her throat. I
only knew long after that he had lost a finger
nail. After the conference on the 1st January,
1972, I did not know exactly what had to be done
on the morning of the 2nd January, 1972. I know
the hole had to be dug and the woman brought to
the hole by Yeates. I did not know I was to grab
her and jump in the hole with her. I did not
sleep at 26-28 Christina Gardens that night. I
walked over to No.43 Christina Gardens about 100
yards away. Halle lived at 43 Christina Gardens.
I assisted in covering the woman when she was in
the hole. I did not start doing that while the
woman was beating up in the hole. That is not
quite correct. I have no reason to doubt that
this woman was still alive when I and others
covered up. I did all I could for her. I just
had to cover the hole. I did all I could under
the circumstances. When I met Malik at the Black
House I was self-employed as a painter; sub-
contracting to firms. Before that I worked as a
steel erector; had worked in mattress factory.
I had done a series of different jobs while in
England. Prior to that I was in the British Army.
Unarmed combat - fought in British Army -
Infantryman. I had received commendation as
despatch rider and obstacle rider. It took skill
and considerable nerve and concentration. Black
House was financed by a white man. He put \$250,000
in that operation. People were not satisfied.
There was a shortage of everything for the upkeep
of the Black House, including friends. People
were asking what happened to all the money. The
day before I left to come to Trinidad, I went to
the home of Malik in London. He took me upstairs
in his house and I saw piles of money. He gave me
my passage to come to Trinidad. He gave me no
extras. I stayed at Queen's Park Hotel and
Chagacabana. I did not pay. I lived in premises

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Stanley Abbott

Cross-examination (continued)

at Carenage. I did not pay. I was being treated alright. I went to see a man who put all the money in the Black House. While in England, Malik informed me where he was and I went to look for him. I also went to see Strake. I did sit next to Strake while he wrote Malik. Writers like me to sit next to them. They give me the impression they genuinely liked me. Strake had a philosophy called Sigma. It was in Malik's book. I can't remember my mother's birthday. It is sometime in May. I was never in the habit of sending her birthday presents. By December 1971, it must have, from Malik's point of view, cost him money. While on the mission in England I was not supported. I have never travelled abroad with Malik before coming to the Caribbean. I saw a lot of money in that house in London. I know arrangement Malik entered into with the Mootoo family in respect of the house at Christina Gardens. In February 1972, I saw so many things bought - I thought he had paid off for the house. Malik did tell me he had not paid for the house. I couldn't understand what he was doing. I rented car from my brother-in-law and paid with Malik's money. I was not giving my family some of the money that was being spent. He originally rented from Mike's but they wanted a deposit and I was able to rent from my brother-in-law without deposit. I and others drove the rented car. I lived in the same house with this woman for two weeks. I did at times speak to her. She was a pleasant person. I had never seen her do any one any harm. She was taller than me and about my size. Physically I never handled her.

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Re-examination

Re-examined by Permanand:-

Rental of car from my brother-in-law - it was towards the end of January 1972. I was in England for 15 - 16 years. I usually send my mother money depending on how things went with me. She was not in need. I sent her Xmas gifts and money to show my appreciation. I saw money at Malik's house in London. Malik said he was returning home to buy a farm. I was coming to work on a farm.

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CASE FOR ACCUSED ABBOTT CLOSED

No. 22

Evidence of Edward Chadee

In the High
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Justice
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Evidence

No.22

Edward Chadee
Examination

Accused Chadee informed of his rights and states he will give evidence on oath and will call one Winston Cozier.

EDWARD CHADEE sworn states:-

10 Live at Tunapuna, Cornell Street. In December 1971, I was a car salesman of Renault Trinidad Limited from May 1971. Before that I was a car salesman. I first started selling cars in 1962. In 1962 I was 21 years old. I worked with Trinidad Agencies Limited from 1958, Charles Mc Enearney, Neal & Massy. My father is not alive. He was a Director of Trinidad Agencies Limited. They sold automobiles and service them. I lived at Cornell Street alone. I am not married. I first met Malik in June or July 1971. I went to Laurel Stud Farm at the back of the Arima Race Course, with my sister, two friends and their children. We went to see some horses. This was a work day. While there, Malik was viewing horses. He introduced himself to us. He asked my occupation. I said, "car salesman," and he showed me a car he owned. It was parked on the roadside. I told him I knew previous owner of that car - a green Humber Super-Snipe. I asked him how much he paid for it. He said \$5,000 and that he would be interested in getting about 12 new cars in the future. He went to the pocket of his car and gave me a letter head with his address. I in turn gave him my telephone number and address of my employers. He told me further how to get to his home from Laurel Stud Farm. I then left with my family for Port of Spain. I had heard of Malik before. I thought he was a wealthy person. Early 1971 I read in the Press that Lennon visited his premises and spent some time there; also Dick Gregory a famous comedian. After that, one Sunday after while going for a drive with a friend I went to his place to see him as prospective purchaser of cars. I saw him there. I spoke to him. On arrival his daughter opened the gate for me. Malik took me on tour of his grounds. We chatted. He pointed out a house at the rear of the building which he said John Lennon of the Beatles intended for recording studio. I finally left. Malik contacted me in August. I spoke to him.

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Edward Chadee

Examination
(continued)

He said it was his birthday and he would like me to come up and celebrate his birthday. I asked what about the car business. He said that when I come up he would tell me further. I went up to the party. There were two gentlemen in the gallery and children playing. After spending two hours and I was about to leave I asked about the car business. He said he had other plans, I would have to wait a while. He was not a hot prospect - he was not ready to buy immediately. While I worked at Renault I took lunch at Morvant. I know Choy, a driving instructor previously employed by Henry Paine Limited. I knew him in 1971 when I was visiting Malik. I did mention Malik to Choy. I had received a telephone call from Malik at my office. Malik asked where I was lunching. I said, "I board at someone in Morvant." He invited me to lunch. I accepted and went to Malik's house for lunch. After lunch with Malik, his wife and Steve Yeates, I asked Malik about the car business. He said some people were coming from abroad but he was tied up - having one car - and he wanted an additional car for his wife and daughter. He asked if I could recommend a driving instructor as his daughter had no driving permit. I recommended Choy. I contacted Choy and gave him Malik's name and address. That was in October 1971. I know Gibbons. He is a car salesman at Neal & Massy. I met Hakim Jamal in 1971. I was given a prospect by Gibbins - a person who operated a business under the name of Halle. I went to Arima to see prospect and saw him and gave him information on R-16 car. I left there for Port of Spain via O'Meara Road. On my way down I dropped in at Malik's to ask about the cars. Malik was there. He said he wanted to introduce me to two friends who were staying at 43 Christina Gardens. We went there. He introduced me to Hakim Jamal and Halle. They were saying how beautiful the country was. The conversation lasted about 20 minutes. I took my car and came to Port of Spain. I met Yeates when I went there for lunch one day. On my visits I saw Parmassar working but paid him no mind as I went to see Malik. I first met Abbott - the second week in December. I was sitting in the show room of Renault Trinidad Limited. A car pulled up in front of the office on French Street. I recognised the driver as Steve Yeates. Yeates signalled me. I went to the car. I saw Hakim Jamal in the rear seat and another man in the front, whom he introduced as Stan - No. 1 accused. He asked when I

was coming up to Christina Gardens. I said I was very busy and I could not give a definite time. I was very busy then - turning a car from H to P - to replace H rights on the same Renault car. Renault were not being sold as taxi. This was the first Renault taxi to be licensed and I sold it. I know R-12 car. We were expecting a new R-12 shortly. About two days after the visit Steve Yeates paid me, I went to Malik's home at 4.30 p.m. I saw Malik. I told him of the new R-12 coming in and that we would be having a lot of used cars. He said he was in the process of opening a fertilizer business and he would be needing some cars. I finally left. I have been to Manzanilla with Malik. In mid December 1971, Malik phoned me. He said he wanted to see me. I asked what time he was available. He said between 7.30 p.m. and 8 p.m. I went there. I met Peter Farquhar and his wife. I was introduced. Malik's children were there. I asked why he wanted me. He said he was going on a moonlight picnic and thought I would enjoy it. The Farquhar family, Malik's family, Yeates, Melba Lynch, Sonny, Hakim Jamal and Halle went to Manzanilla. We returned to Christina Gardens about 10.30 p.m. to 11.00 p.m. The Farquhar family left. As I was on my way out of Christina Gardens I saw Farquhar returning on foot. He said his car had gone down the drain in O'Meara Road and he needed assistance. We went and helped to get the car out of the drain. After this I went home. I met Kidogo on Old Year's night - 1971. Malik phoned me at my office on Old Year's day asking me if I had made plans for Old Year's night. I said no. He then said they had killed a calf for Xmas and they were having a dinner Old Year's night and he would like me to attend. I attended the dinner. I met Yeates, Malik's family and Kidogo, whom I met for the first time. After supper when I was about to leave, Malik told me, "Why not sleep the night." I said I was not very far and I would go home. I left and went home. I next went there on New Year's day. On arrival I went to 43 Christina Gardens where I met Hakim Jamal and Halle. I wished them a happy New Year. Halle left Hakim and I there. Hakim and I spoke. He was reading passages from a book he himself had written. He said he was writing a book on Malik and if I could furnish him with any information about Malik. I said I could not as I did not know the man; apart from what I saw in the newspapers. Jamal had a folder with clippings of Malik which he

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Edward Chadee

Examination
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Edward Chadee
Examination
(continued)

showed me. I left Jamal and went to 26-28 Christina Gardens around 2.30 p.m. Malik was in his gallery. I wished him a happy New Year again. I had done this on Old Year's night. I saw Stanley Abbott and Sonny while talking to Malik about the car business. Abbott came up and asked if I would take him to his mother at Chaguanas. I said I could take him and did so. Abbott and Parmassar and I went in the Company's car, which I was using. I saw Abbott's mother. I saw his family. We had refreshments and left at 7 p.m. and returned to Christina Gardens at about 7.30 p.m. to 7.45 p.m. There, Abbott and Sonny were coming out of the car. I said I was going. Malik came up, opened the gate and said, "Bring the car inside." I had driven my car inside before. I drove the car inside and Malik locked the gate - closed the gate. When I drove the car in Malik said, "Stay and lime with the boys awhile." Kidogo and Steve were sitting in the gallery. The children were playing around. We all sat in the gallery chatting. At one stage I told Malik I was leaving. He said, "Why not spend the night. You have no work the following day." I said, "Alright." After a while he said he wanted to talk to us privately, to accompany him to the servant's quarters at the back of the house. This was 8.45 p.m. We all got up and went. In the servant's quarters Jennifer and Melba Lynch were sitting in the sitting-room of the servant's quarters listening to records. Malik asked them to leave and they left. Malik, Steve Yeates, Kidogo, Stanley Abbott, Sonny Parmassar and I were then there. We sat on cushions. Malik sat on chair immediately opposite to me. Sonny sat on my left. Abbott on my right. Yeates was on Malik's right. Kidogo on Malik's left. Malik started to tell us that Hakim was suffering from mental strain and it was his opinion that Halle was the cause of the mental strain. He said he wanted her to be got rid of and Abbott told him, "Give her a plane ticket and let her go back where she came from." Yeates immediately said he wanted something definite and Malik said he wanted blood and blood is the only thing to keep us together. Someone, I can't remember whom, said, "What about Hakim Jamal." Malik said he would take him for an early morning drive. Malik told me I would sleep on cushions on the floor next to Sonny and tomorrow morning we would all get up and go down where the manure heap was and there we would dig a hole. When I heard this

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I did not know what to think or do. My mind was in a mess. I had heard Abbott suggest plane ticket and after that I heard Malik say he wanted blood. Before that I had never heard any such conversation. When the conversation took place in the room, I said nothing. After the conversation, Abbott got up to leave and on his way out Malik told Abbott, "Lock the gate." Malik went to the main building. Kidogo went to the first bedroom on the right in the servant's quarters and Steve Yeates went into the second bedroom in the servant's quarters. I stayed where I was. I laid down there and started to think. Sonny lay next to me. I was thinking what I could do and the position in which I was placed - with the talk of killing the woman and Malik's saying that he wanted blood.

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Edward Chadee

Examination
(continued)

Remanded 11/7/73 in custody.

Wednesday, 11th July, 1973: continuing.

Both Accused present. Jurors present.

Counsel for Crown and for accused present.

EDWARD CHADEE re-sworn and continuing in examination-in-chief:-

I was in the sitting room with Parmassar when the others left. Room was 10' x 15'. Having been told to sleep there cushions were arranged on the floor and I positioned myself on wall side. I was thinking what I could do at this stage. I was thinking that Malik was a decent person and just suddenly I hear him refer to wanting blood. I was thinking what I could do. Everything came to my mind about getting off the premises. I was thinking if I got up I would have to cross Sonny Parmassar who was sleeping on my left, thinking that if I got out without Kidogo seeing me an alarm might have been raised by the dogs in the yard and these people would kill me because I heard them speak of digging a hole and burying someone. I still went on thinking that I might have been put into some hole they were to prepare the following morning for this woman.

After going through all these things and with all these obstacles, all I could do was to pray to God and to wish that in the morning these people

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Edward Chadee

Examination
(continued)

would forget this plan. I can't remember if I fell asleep. My mind went blank. The next thing I knew Parmassar was touching me. I got up. I realised I had dropped asleep. It was about 6.00 a.m. Kidogo and Steve came out of the two rooms directly opposite where I slept. I got up and was sitting - my back against the wall. Steve told me, "Come out into the yard along with Kidogo." I went out into the yard. I took a seat at the back of the kitchen of the main building. I saw Parmassar return to the yard. Parmassar and Kidogo started to collect tools. There was a spade, one fork, two shovels, one cutlass and a file. Steve told me, "Help carry the tools." I took up the two shovels. Parmassar had a fork and spade and Kidogo had the file and cutlass. When we reached the first gate Abbott was standing outside. We handed the tools over the gate to Abbott, then we climbed over the gate. We proceeded down to the dead end of the street, we went to manure heap with a lot of bamboo poles stuck around. Shortly after, Malik reversed his car down the street. He called Abbott to the car and spoke to him. Abbott returned and told Kidogo Malik said that he was to kill the woman and that the heart is under the left breast and that Malik wanted the hole completed in 45 minutes. Parmassar and Abbott started digging a hole, left of the manure heap. When loose dirt was dug up I was told to remove loose earth with shovel and I did so. At this time while in the hole I was thinking of the conversation I heard Abbott telling Kidogo how to kill the woman. I thought, what was I doing inside that hole knowing and hearing what these people were planning to do. I felt very weak physically and I was fumbling in the hole. Abbott then said to me, "Junior come out of the hole. Come out of there. Like you can't make. I will have to pull you out. Go and take a seat." I got out of the hole and sat near bamboo poles. Steve Yeates came with the jeep and asked if anyone had a wrist-watch. I had on mine. I said I had one. Kidogo also had a wrist-watch. Yeates and Kidogo synchronised watches and Yeates said he was going to the farm with Halle and by the time he returned in 45 minutes he wanted the hole completed. Yeates left. When the hole was 4' Kidogo said it was deep enough and he took up the cutlass and handed it to Parmassar and said, "Sharpen it." Parmassar sharpened the cutlass and handed it back to Kidogo. I was then seated in the same position. I then saw

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Edward Chadee

Examination
(continued)

the jeep with Steve Yeates, Halle at his side,
reversing on to the piece of land near the manure
heap. Steve invited Halle to see how hard the boys
were working. When they reached 3' to 4' from the
hole Abbott called her and told her, "Come and see
what we were doing here." I got up from where I
was sitting and I started to walk between the
manure heap and the hole towards where the jeep
was parked. I was walking away from the scene as
10 I did not want to see what they were going to do
as I had heard the order which Abbott had given to
Kidogo from Malik. Parmassar who was standing on
the left side of the hole started walking towards
me. When Abbott called Halle to the hole he told
her that we were digging this hole to put fresh
matter into to decompose. She then asked, "Why?"
Abbott said, "Come a little closer and see." She
walked towards him and looked at the hole and said,
"But why?" Abbott then held her mouth with his
20 right hand and held her left hand behind her back
with his left hand saying, "It is for you," and
jumped into the hole with her. Kidogo followed
immediately with the cutlass. I heard the woman
calling out for help. She was calling to Steve,
"Steve, Steve, what have I done to deserve this.
I turned away my head. I did not want to see as
I knew what they were going to do. I heard Abbott
saying, "Somebody help, somebody do something."
30 I turned and looked in the direction of the hole
and I saw the left hand of Halle upraised with a
wound bleeding and she was kicking at Kidogo. At
the sight of blood I again turned away. I saw
Steve looking at me. Steve was then standing
almost leaning against the jeep. Parmassar was
standing on my left. Steve was about 3' away from
me. Parmassar was about one foot away, - quite
close to me. Steve looked at - our eyes made four -
Steve then looked at Parmassar. He looked at us
both. Steve then walked to the hole, jumped into
40 the hole, took away the cutlass from Kidogo and
placed it on the woman's body. I could see him
with the cutlass in his hand and as it rested on
the deceased he struck the handle with his right
hand. I did not respond to Abbott's cry for help.
I wanted no part of it. When Steve found the
cutlass I heard a sound like "Uh". Kidogo, Steve
and Abbott jumped out of the hole. Someone gave
an order, "Cover".

50 On the left hand side of the hole where there
was loose dirt, Parmassar went there. I started

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to walk towards the manure heap to the right side of the hole. I glimpsed into the hole and I saw the feet of the woman beating. There was a fork stuck in the manure heap. I took the fork and started pulling manure towards the hole. While doing this Steve Yeates said, "Leave that alone, let's go for a fresh load of manure." I took a fork with me and put it in the back of the jeep. When I was entering the jeep Steve said it will look strange if we remove the manure from the heap and put it on the other side. Steve and I went to Lorenzo's farm. We both loaded in turn, the jeep with the manure. We returned to where the manure was already buried. Steve reversed the jeep down to the spot where the deceased was buried. I started to pull manure off the jeep. Sonny came and assisted me. When this was done Kidogo, Abbott, Parmassar and I walked back to Malik's premises. I went into the kitchen for water. I heard the telephone ring. I answered. I said, "Hello." 10
The person asked who was speaking. I recognized Malik's voice. He asked if everything was alright. I said yes. When I went back to the yard Kidogo, Abbott and Parmassar were seated. Steve Yeates came in walking and asked who had called. I said it was Malik. Steve asked, "What did Malik want." I said, Malik asked if everything was alright and I had answered yes." Steve Yeates then looked at me and shook his head. 20

Later on that morning Malik arrived with Hakim Jamal and Granger (an Englishman). I had seen Granger around there. Malik said we should gather tools and put them in the jeep, Sonny's mother's kitchen was falling down and we should repair it. Tools were placed in the jeep and Yeates drove the vehicle. Kidogo, Abbott and I went over to Olton Road where Parmassar's mother lived. We broke down the kitchen. I had never done that sort of work before for Malik. While there, there was need for materials - sand and cement. Malik told me to go to his house and collect a bag of cement and some sand. I did so. He sent Kidogo with me and two other young men whom I didn't know. Kidogo opened the gate and I drove the jeep in the yard. I took the bag of cement from the garage, the other men loaded the sand. When we were ready to leave I missed Kidogo. I asked one of Malik's children for Kidogo. The reply was that Kidogo had gone to No.43. I went to No.43 to call him. The back door was open. I went in. Kidogo invited me in. I 30
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I found him in a bedroom, he was putting items of lady's clothing into a crocus bag. There was one bag already filled and tied with a piece of cloth. He told me to go to 26 - Malik's home and bring around the jeep and meet him. I went back to Malik's here. There Melba Lynch asked for a lift to Arima. I said I was going to 43 to pick up Kidogo and when materials were off loaded at Olton Road I would tell Steve Yeates she wanted a lift.

10 When I got back to Olton Road, Malik and Kidogo took the crocus bags with the clothing from the jeep and placed it on the trunk of Malik's car. Cement and sand were off loaded. Cement was then mixed for the kitchen. Sonny's mother and sister prepared meal for us. I drank fruit juice. When I came out of the house I saw a lot of dry wood on the jeep. Malik went to his car with Yeates and took out the two bags from his trunk and put them on the jeep. He told me to go with Yeates, Kidogo

20 and Abbott in the jeep. Steve drove the jeep on to the main road and went towards Arima. Near Arima savannah he pulled in at the Esso Service Station, put gas in the jeep and asked the attendant for a bottle as he wanted kerosene. Abbott went to a house on the other side of the road and a woman gave him a bottle. Kerosene was obtained and we proceeded in the direction of Valencia. At the intersection of the heights of Gunapo Road and the Main Road, Yeates swung into Gunapo Road

30 proceeded for eight miles into the hills. When we reached near a wooden bridge by the valley Yeates stopped the jeep. We got out. Kidogo took the bags with him. Abbott and I took dry wood and kerosene off the jeep. Steve said he was going back to Arima, he would return in an hour with Malik and the children to take a bath. Steve left. Kidogo took the two bags to the river bed near some rocks and Abbott and I took down wood and kerosene. When we got down there, Abbott said to go up the

40 river bank above them and if anyone was coming I should call them. I saw them light a fire and start burning clothes and documents - papers. During the process Abbott called me and said dig a hole as there was some things which could not burn. I dug the hole. Abbott came up and examined the hole. He went back to where Kidogo was burning some things and Abbott returned with some grips and things which could not burn and he put them in the hole. After the grips and other things were placed in the

50 hole and covered, Abbott and Kidogo left me sitting there. Abbott told me to keep the fire burning

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because Malik said when he comes he wanted it to appear like a camp fire. I stayed there placing wood on the fire and later Abbott and Kidogo returned with a crocus bag with fruits. Jeep driven by Steve with Malik, Hakim Jamal, Granger, two of Malik's daughters arrived. They all came down to the riverside. Malik's children changed and went in the water with Steve Yeates, Jamal and Granger. When they came out of the water they warmed themselves by the fire. Later we all returned to Christina Gardens. I told Malik some time after our return, I had to leave as I had work the following days. He told me I could go home and collect my clothes for work and come back to Christina Gardens and that I would have to go to work from there the following day. I said alright. I got into the car and was about to leave when Yeates said he would come with me to get my clothes. I went to my home in Tunapuna. Steve went in with me into my room. I collected my clothes for work. The following day Steve came back with me to Christina Gardens. There Steve opened the gate and I drove in and he said to put my clothes in his room. Later that night on the porch with Malik and Parmassar, Malik told us that we have now become one of them. We were members for life and cannot resign. I slept where I slept the previous night and the following morning I got ready for work. When I was about to leave for work Hakim Jamal, Steve Yeates and Granger came and accompanied me to Port of Spain. Granger asked to be put off in front of the General Post Office and I did so. I proceeded to my office in French Street and Ariapita Avenue. Yeates and Jamal were still in the car. On the way to my office Yeates told me that I must tell my boss Jamal was interested in the car I was driving and that they wanted a demonstration. I arrived at the office. I drove into the show room. I went to Mr. Cozier's office and I told him what Yeates had told me. He gave me a gas order and I took the car out of the show room to the Service Department and took gas. I then drove out. As I drove out Yeates was in the front of the car. He had never come out of the car. Yeates said we were going to San Fernando; that his mother had sent something from New York for him and he wanted to collect them from his aunt. We got to San Fernando and he directed me to his aunt's. He collected some articles and we came back into Port-of-Spain.

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He said he wanted pigeon food at a Pet Shop on Tragarete Road. We went there. Jamal paid for the pigeon food by cheque. From there to a boutique on Maraval Road, and then on way back to Arima on the Churchill Roosevelt Highway Yeates said to pass at my home in Tunapuna as Michael had told him I would have to stay at Christina Gardens permanently. I went to my house in Tunapuna. Jamal and Yeates went with me. Yeates had told me I had to collect my clothes and bring them to Arima. They were both in my bedroom. I collected my clothes and two birds which I had. They helped me place my things in the car. During this time my landlady asked where was I going. I told her I was on a holiday, I was going to spend two weeks in the country. We arrived back at Christina Gardens and my clothes were placed in Steve's room. Later that evening a room was prepared for me at No.43. All my clothes were taken there. That night I slept at No.43. The following day I got ready for work. Malik asked where I was going. I said, "To work." He called me inside his house and told me to phone my office and say I was ill. That day he kept me with him all day driving around, showing me cows and chickens and saying it was his farm. I did telephone the office and say I was ill. The following day I told Malik that I could not be absent from work without a medical certificate. He said he would take me to a doctor and took me to Dr. Littrean in Piccadilly Street, where I got a sick leave certificate for three weeks on the ground that I was suffering from nervous strain and mental depression - things of that sort. That day he took me to Federation Park to Dr. Busby's house. He did not meet the person he went to see. We passed around the Savannah and back to Christina Gardens. I stayed at 43 Christina Gardens that night. The following day I said to Malik that I was going to the office to take the certificate. Yeates and Englishwoman Trina went with me to my office. I handed in the sick leave certificate to the typist in the Sales Department - Miss Procope - and I collected my commission cheque for December month. We went to St. Ann's Hi-Lo where I changed my cheque. Steve Yeates and Trina enquired from the Manager of Hi-Lo if he knew a person named Jones living in the area. They got an address and we went up Ho Lo Lo Road. They did not find the person. On our way I asked Steve for whom he was looking. He said Mr. Jones the Manager of C.I.B.C., Independence Square and Abercromby Street. I asked

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why he don't go to Jones' office. He said he only wanted to locate the premises because they wanted to kidnap his wife as Jones loved his wife and if she was kidnapped Jones as Manager of the bank would pay the ransom. We got back to Christina Gardens. Car was a Company car. I had that car a couple days. When I got back Malik said he wanted his children and Mrs. Letts' children to go to National Cinema I and that I should trail Jones and find where he was living. I took the children to National Cinema I and returned to Christina Gardens. I pulled in at Service Station at Curepe. I opened the bonnet of the car. I took a wheel spanner out. I smashed the cooling system of the car. I asked Malik's children if they knew where Lorenzo lived. They directed me to his home at Valsayn Park. I drove the car with the children to Lorenzo's. I told Lorenzo the car had broken down and was over heating. I sought use of the phone to call Malik. I told Malik the car was over heating, I could not make it to Arima and could he collect us. I put the car out of commission as they were planning to use that car to kidnap the woman. Malik's car was too well known. Malik came to Valsayn with Hakim Jamal. I had parked the car in front of Lorenzo's house and I gave the keys to Mrs. Lorenzo. Malik asked if I had seen Jones. I said no, Jones had already left office. I was asked if the car could be repaired. I told Malik it was a job for the Service Department and he did not pursue it. The following day I called Cozier and and told him expansion bottle was broken, car was over heating and I had left it at Lorenzo's home in Valsayn Park. For the next two weeks generally I was mowing lawns, doing gardening work around Malik's premises, going for saw-dust at Baksh's premises at Mount Hope. On the 16th February, 1972, I left Malik for good. On the night of the 15th February, 1972, Abbott called Parmassar and myself to his room and told us if we noticed two people were there that evening. I said, "Yes." He said these people were Mr. Mootoo and another whom I can't remember, had come to serve Malik with a letter for him to vacate the premises. He said Malik had not paid for the house, the house was not his and Malik wanted us to go to Mootoo's home on Long Circular Road and liquidate the whole family, whereby the will would be thrown in chaos and it would take some time for them to process this, giving him additional time to

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(continued)

10 accumulate money to pay for these premises. Both Parmassar and I started to cry. I said I wanted to go home, I could take no more. What type of thing was this - this was going through my mind. I know the Mootoo family quite well and I thought I had to get out and warn them. When the conversation was over and I was going to my room I called at Sam Brown's door. I said, "Sam." I heard a sound as if the bed was being dragged. I went in his room. He had opened the door. He lived on the premises. I asked what was the noise. He said he had the bed blocking the door. I asked, "Why?" He said he was scared for his life. We spoke. He showed me a letter which Malik had written to him when he was in the U.S.A. I thought Brown was also being fooled by Malik. I told him what had happened before his arrival. I said I was afraid for my life and I wanted to go home. He said he would not stand in my way.

20 The following morning a man called Michael, not Malik, came to meet Sam Brown to come into Port of Spain. Parmassar and I were at the back of Malik's premises. Malik was inside the house. Parmassar said he wanted to go home but he was afraid. I called Sam Brown said he was going into town with Malik in his car and when he was gone we could leave. Malik left with his wife, Brown and a young man Michael. After that
30 Parmassar and I called Abbott and told him we were going home. Abbott said it was alright and we started to cry. Parmassar told me, "Go ahead." I said, "No, you go ahead, take what you have and go home." I would leave after he had gone. Parmassar then left. I asked Abbott what he was going to do as I was leaving. He said he would take care of himself. I told Parmassar to go first as I wanted to be sure all was clear. Abbott was saying, "Go ahead," but I was not sure.

40 I asked Abbott to use the phone. I had no money for taxi. I rang Radio Trinidad but the line was busy. I called Gibbins. I said it was important to come right away. He said he could not leave he had customers. I asked a friend of mine to call Callendar or Mahabir at my office and ask them to come up or call me and I gave him the number. Callendar called me and I told him I had a hot prospect in Arima, to come right away. He said he would come to meet me. I left and went to 43 Christina Gardens and got my clothes together.

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I heard a horn blowing outside. I saw Callendar. He said he was directed to 43. I opened the gate. He brought his car in the yard. I put my clothes in the car. He asked what was going on. I said I would tell him. We left Christina Gardens. I contacted Trevor Pereira on the evening of the 16th February, 1972, and said I wanted to see him. We arranged to meet the following day. I met him on the following day and I told him about the threats to the lives of the Mootoos. After he dropped his wife at work I told him of the two bodies buried at Christina Gardens. I spoke to Parmassar the Sunday after - 20th February, 1972, and I told him I had heard of the burning of the house at Christina Gardens. I told him I wanted to see him. I met him the following day on Frederick Street. We had lunch.

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Court adjourns at 11.50 a.m.

Court resumes at 1.30 p.m.

Both accused present.

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Jurors present.

Counsel for Crown and for accused present.

EDWARD CHADEE resworn and continuing in Examination-in-Chief:-

I subsequently saw the police. I was at a house at Tunapuna on the morning of the 23rd February, 1972. I received a phone call from Pereira. He told me a body had been found on the premises of Malik and that I should come down to Port of Spain as soon as possible. I did so. We went for lunch with his wife at Queen's Park Cafe. He was trying to contact Asst. Commissioner Duff. He dropped his wife back at work. We went to Duff's home. He was not there. We went back to Pereira's wife's office. There I spoke to Mr. Hardy in Pereira's presence. I related events at Christina Gardens and Hardy said I should go to the police and that I should get in touch with Counsel before doing this. He tried without success to get Counsel. Pereira said, "To hell with Counsel, let's go to the police." I said, "Alright," and we went that very day to the police to Asst. Commissioner Duff's office. I told Mr. Duff what I knew about the body found.

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Duff went to Ramdwar's office. Pereira was telling me then to tell him about the Englishwoman. I told Pereira to be easy with me. I will. Duff called Supt. Mc Phillip who took me to C.I.D. where I gave a statement about the body they had found. Some time later that night Asst. Commissioner Duff told me that it will not be safe for me to leave Police Headquarters. I slept in the dormitory at C.I.D. and the following morning I asked to see Duff.

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10 Later I was sent for. I saw Duff. He said,
"Junior I heard from your sister," that if I needed
anything I could get it from the estate. He then
said, "You have something more to tell me, tell
me." I broke down in tears in his office. I then
told him there was an Englishwoman buried at
Christina Gardens. He asked if I knew where the
body was and I told him yes, and I sketched out a
plan on a piece of paper. I subsequently gave
20 C.T.7 - statement - to Insp. Trotman and I was
charged. While I worked with Renault Co. I had
to make Registration Cards of prospects in my own
handwriting. In December I made Registration Cards.
Pay Cards shown me are in my handwriting. I made
pay cards for prospects whom I saw during that
month. I made for Abdul Malik, Carl Young Lau.
I can't remember others.

30 (Attorney General - I do not object to produc-
tion of cards but merely to substantiate that the
cards were made, not as to the veracity of the
contents)

Fourteen cards marked E.C.1.

One of the cards refers to Abdul Malik.

Cross-examined by Permanand:-

Cross-
examination

40 I met accused Abbott the 2nd week in December,
1972. It was the first time I had met him. Between
then and the night of the 1st January, 1972, I saw
him on two occasions at Christina Gardens. I spoke
to him on one occasion. There we spoke about cars.
On the other occasion it was Old Year's night. I
saw him that night at Malik's home. We all had
supper there. Abbott was also present on Old
Year's night. After dinner, when Malik invited me
to sleep, Abbott then offered me his room but I
did not take up his offer. I saw Abbott on New
Year's day when I returned to Christina Gardens.

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examination
(continued)

Abbott spoke to me. I took him to Chaguanas, was entertained by Abbott's family and returned to Christina Gardens. Malik invited me in. I parked the car inside. The keys were in the car. Children were playing around. There was nothing sinister. Malik invited us to the servant's room - group of us. My only concern was to sell Malik 12 cars. I went to the servant's quarters. I heard the plot to kill the woman. A voice was raised in protest. I was confused even after the voice was raised in protest. I did not know Abbott's association with Malik. Abbott was disassociating himself with the killing of the woman. I was given an order to stay by Malik. I could say nothing as Malik spoke about blood. I made no suggestion. I considered they were all against me. I was invited to partake in the killing but I felt if I had protested like Abbott I would have lost my life. I felt even Abbott was against me. I had never heard that kind of talk at Christina Gardens before. Abbott had offered me a bed - he was considerate. I took Abbott to his mother's home. I had no suspicion then. In the servant's room there was talk about killing. Abbott did protest. One evening while Abbott was washing the jeep Malik told me Abbott was psychopath - mad. Abbott offered me bed. I did not think Abbott was mad. I felt Abbott was trying to trick me.

Court adjourns as Accused Edward Chadee taken ill - 2.20 p.m.

Court resumes at 2.30 p.m.

Accused Edward Chadee absent.

Accused Abbott present.

Jurors present.

Counsel for Crown and for accused present.

Adjourned - 12/7/73.

Continuing - Thursday, 12th February, 1973.

Both accused present.

Jurors present.

Counsel for Crown and for accused present.

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Medical certificate from Prison Medical Officer supplied that Chadee fit to stand trial.

EDWARD CHADEE re-sworn and continuing in cross-examination to Permanand:-

10 At Guanapo, Abbott, I and Kidogo were present. Yeates dropped us there and left. Kidogo was giving the orders. Malik described Abbott as a psychopath. Malik told me nothing about Kidogo or Steve Yeates. I did hear Abbott state in evidence that Kidogo was a hired assassin. I had not heard that on the return from Guanapo Malik imposed a fast. It was a forced fast. This was sometime in February. I am not a Muslim but there was nothing to eat and I was in fear. Abbott gave me food at No.43 during the period of the fast. Abbott, of persons there appeared the most charitable.

20 On the 2nd January, 1972, after covering the hole we returned to Christina Gardens. I answered a telephone call and recognised Malik's voice. Some 45 minutes after that call Malik appeared. Malik would have had sufficient time in 45 minutes to leave Abbott's mother's home and arrive at Christina Gardens. At Guanapo Heights someone brought fruits. I have been picking fruits with Malik at Christina Gardens - each of us looked at the other with fear and suspicion. Malik did keep everybody occupied at all times. Occupation was mainly physical labour with the exception of Kidogo. There were no discussions between us. On the 15th
30 February, 1972, Abbott told us about liquidating the Mootoo family. At that time Steve Yeates was already drowned. Hakim and Kidogo had already left. Parmassar and I were the persons Abbott told about the Mootoos.

40 Consequent on this, Parmassar and I decided to leave Christina Gardens. Abbott assisted us. On the morning of the 2nd January, 1972, Desiree Malik was in bed. I never saw her that morning - not even when I answered the telephone call. I did not see the children either. That was around 8.30 a.m. I don't know if they were in the house. Malik intended I should stay and give up my job. On the 4th January, 1972, I discussed this with Abbott. Abbott told me I should do what I thought best.

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Cross-examination (continued)

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Cross-examined by Attorney General:-

I am 31 years old. I went to Abbey School, Mount St. Benedict. My father is dead. He left me well off - not very well off. I am satisfied. I would not have liked to get a little more. I had a lady friend named Jennifer - close friend for years. I confided in her. I have been to England. Jennifer was not with me when I met Malik at Stud Farm. I was in England - April 1961 and returned in January 1972. I never told Jennifer I met Malik in England. I had not met Malik in England. I lived in London. I moved around Bayswater Nottinghill Gate. I now know Malik used to frequent these areas. On the 23rd February, 1972, I gave the police a statement in connection with another matter. I signed that statement as true and correct. I did not tell the police in that statement I was a Muslim by Religion. I signed every page at the bottom of that statement indicating I agreed with the contents.

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I see my signature at the bottom of the document shown me. I have read that portion of the statement but I see that I said I was a Muslim in that statement, but I can't remember saying that. If I were Muslim I would swear on the Koran. I am bound by my oath. I was never a Muslim. I might have told the police I was a Muslim, I can't remember that. It would not have been true, but I can't remember saying that. The statement on the 23rd February, 1972, on another matter which I gave the police was true and correct. That statement does say I am a Muslim.

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Apart from Cornell Street, Tunapuna, I have lived at several places. Jerningham Avenue, Blue Basin, Beau Lyner Village, Diego Martin. Three years before February 1972, I had changed my address on several occasions. I am accustomed to movement. It would have been a big thing to move from Cornell Street to Christina Gardens. That was compulsion. On one occasion we passed into Boutique. I am part owner of Boutique. As a car salesman I meet people in all walks of life - Stud Farmers, Doctors, Lawyers, influential Police Officers. I had to maintain free and easy access with my customers. I would describe myself as a full man of means, not scrunting, not in an impecunious state and acquainted with a lot of influential people in the Security. I first met

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Malik in July 1971, and was excited at the prospect of selling 12 motor cars. As a man of means it was not a question of life and death if I did not sell the cars. I had independent means. I did follow the prospect up to the point of sleeping in his house. It was not the prospect of the sale of 12 cars that made me consider sleeping in Malik's house. It was the prospect of the sale that made me go there on New Year's day. I went there on business - to see if I could make money. On the 31st January, 1971, I did not go to the birthday party of Trina who lived there. I was on the premises on Old Year's day. I was invited for dinner. Trina was there. I did not know it was a birthday celebration for Trina. I went back on New Year's day. I took a drive and just dropped in. On New Year's day I dropped in at the house of my other customers, not even Jennifer. Jennifer and I had had an argument.

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(continued)

I left Cornell Street, Tunapuna, for Christina Gardens, no where else. There I gave persons a lift to Chaguanas. I saw Mrs. Abbott, an intelligent, articulate and pleasant person. I saw her moving about, making preparations for her visitors. I do not go to races. I am not interested in horses for Stud purposes. I was not interested in races on New Year's day. At that time I had a company vehicle, given to me for company purposes, to assist me in running down prospects. On Saturday, 1st January, 1972, I was not expected at work till Monday, 3rd January, 1972. If you are on sick leave you are expected to hand in the vehicle - that can be inconvenient. It is not unreasonable as a rule. On the morning of the 3rd January, 1972, I did not go out to work. Before the 2nd January, 1972, I had not been with Malik to Los Iros. I had not got a battery for the van he bought from Sparrow. While at Christina Gardens after the 2nd January, 1972, Malik bought a van from Sparrow. I did not go with Malik for batteries. When I heard the conversation on the 1st January, 1972, in the servant's quarters I made no protest. At no time between that conversation and the killing of the woman I made no protest. I did carry tools. On the 25th February, 1972, I gave a statement - C.T.7 - to the police. When I gave the statement to the police, Justice of the Peace read it over and asked me if it was correct; if I was beaten or ill-treated. I told him no, which was quite

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examination
(continued)

correct. At the time I gave the statement matters were fresh but jumbled up. Since then I have now been able to straighten matters out and to sought them for myself. I did say on oath that while the others were digging I was told to bring out loose dirt. I was not doing any digging. I did tell police in statement that Sonny, Stanley, Kidogo and I went to the spot where we marked out the area. It is true that I said that, but I did not do any marking out. I was being asked questions, my mind was in a mess. Justice of the Peace read it to me late at night. Right through the day I had been going. I did tell the police I did some of the digging also. Moving loose earth is one process of digging. I was not concealing anything from the police.

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People at the hole had time - deadline - to dig that hole. Digging had to take place at a fast rate. I can't remember three persons in the hole digging. It was one in - one out. When one got tired the other came out. I was digging. I have been a salesman all my life. I was not accustomed to digging. I was told, "Boy you look like you can't make." My hand was soft but it was my mind at the thought of what would happen. I lent Steve Yeates my watch. He asked for it to keep track of the time. I made no protest. In my statement C.T.7 to the police I did not say I took a seat and tried to move as far as possible from the hole. I did not try yesterday to give that impression, that did happen. I did turn away when the woman was attacked. I can't remember if I said so in the statement. I saw her with wound on her left hand bleeding. I did not see how she got the wound. I did tell the police that when Kidogo got in the hole he attempted to stab her below her left breast and instead he cut her on the left arm. I did not see when she got cut on the left arm. At the sight of blood and kicking up I did turn away. I did not turn away when Steve plunged the cutlass into the woman. I did not plead for her. I did not say, "Oh God." When Steve Yeates jumped in the hole, Abbott, Kidogo, Yeates and the woman were in the hole. It was a big hole. There was sufficient room for Abbott to hold the mouth of the woman and her left hand behind her back while she was being attacked. When covering of the hole was started her feet were still beating. She was still alive. I made no protest. When there was the order "Cover" I

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10 understood to mean cover the hole. I did walk to the manure heap and started pulling manure to the hole. Nearest tool I saw was on that heap. I was not anxious to get to the nearest tool. I did not go to the pile of dirt taken out from digging the hole. Manure is waste matter. I don't know if something is covered with manure it rots more quickly. I was assisting in covering the hole. I was pulling manure from the left hand side into the hole. I did not tell the police about manure in the statement. I did tell the police we covered back the hole and that I assisted in covering the hole. I did tell the police that I went with Steve to Lorenzo's farm, brought one load of manure and threw it on top of the grave.

20 Later that day I drove Malik's jeep to several places. I had the keys for the jeep and the keys for my car. I went to Parmassar's house with others to break down the kitchen and returned with Kidogo and two small boys to Christina Gardens. At one stage I was all alone in the jeep with the two young boys. The jeep had gas. When I went to Guanapo River I dug a hole on the bank. I was not then more experienced in digging. By the river no one helped me dig. I was told that Steve would be back in an hour. I had more time to dig.

30 Prior to digging the hole I was on the look out to see if anyone was coming. If anyone was coming I would have raised an alarm. I was not thinking of going into fertilizer business with Malik. There was talk about fertilizer business - citrus plantation. I am man of means. Despite Medical Certificate I was driving up and down.

Re-examined by Prevatt:-

I was digging at heights of Guanapo. No one was being killed in my presence there, or about to be killed.

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Defendant's
Evidence

No.22

Edward Chadee

Cross-
examination
(continued)

Re-
examination

In the High
Court of
Justice
Port of Spain

No. 23

DW1 Evidence of Winston Cozier

Defendant's
Evidence

No.23

Winston
Cozier

Examination

WINSTON COZIER sworn states:-

I live at 3 Allan Street, Diego Martin. I am Sales Manager of Renault Trinidad Limited and in 1971 I was in that position with Henry Pain Limited and subsequently Renault Trinidad Limited. I know Edward Chadee.

Between June 1971 - December 1971 he was employed with Henry Pain Limited and Renault Trinidad Limited. He was employed as a car salesman to January 1972. 10

In December 1971, I met Michael Abdul Malik. He came to the Show Room of Renault Trinidad Limited and spoke to me. As a result I spoke to Chadee. I told Chadee Malik had enquired of him re transaction for motor cars and wanted him to get in touch with him. On the 3rd January, 1972, Chadee did come to work and I spoke to him. He asked for gasolene for the car and some people were interested in the same car he was using. I did not see Chadee subsequently. I remember the 5th January, 1972. On that day I received a Medical Certificate from my secretary. Three weeks sick leave Medical for Edward Chadee. Chadee was employed up to the 5th January, 1972. Management reached a decision as to Chadee's employment. 20

Having tendered the Medical Certificate he ought not to have kept the Company's vehicle and as a result Management took the decision not to re-employ him. The vehicle he had was eventually collected. Chadee phoned and said the car had broken down, it was over heating and parked in front of Lorcenco's house at Valsayn. I went personally for the car. On examination of the car the expansion bottle was found broken. I have known Chadee for 12 - 13 years. I first knew him working in Paints Department at Trinidad Agencies. Subsequently he became a car salesman with various firms. Chadee, I considered, a simple and unassuming person. Having dealt with Chadee I would say whenever an argument arose between car salesmen as to car transaction he would back down. 30 40

Not cross-examined by Permanand.

Cross-examined by Attorney General:-

I gave the police a statement on the 28th February, 1972. I did tell the police he did not turn out on the 2nd January, 1972. At that time I did tell the police he did not turn out on the 3rd January, 1972. My memory has not since been refreshed. On the 28th February, 1972, events were fresh in my mind. On the 28th February, 1972, I said he had not come to work on the 3rd February, 1972, but after checking I realised Chadee had sent a Medical Certificate for three weeks. Before the three weeks expired he said he was coming to work.

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Defendant's
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No.23

Winston
Cozier

Cross-
examination

He did not say anyone was holding him prisoner so he could not come to work. I told him a decision had been taken to dispense with his services for two reasons - one was that I was not satisfied with the Medical Certificate. In my view that certificate was suspect. I am not aware Chadee has a reputation of being a driver of fast cars. In my view he would always back out of an argument with other salesmen - a sort of count me out attitude.

Not re-examined by Sanguinette.

CASE FOR DEFENCE ACCUSED CHADEE CLOSED

Court adjourns at 11.00 a.m.

Court resumes at 1.00 p.m.

Both accused present.

Jurors present.

Counsel for Crown and for accused present.

Permanand addresses Jury - 1.02 p.m. to 2.09 p.m.

Sanguinette addresses Jury - 2.10 p.m. to 2.58 p.m.

Remanded - 13/7/73 - in custody.

Resumed - Friday 13th July, 1973.

Both accused present.

Jurors present.

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Counsel for Crown and for accused present.
Sanguinette addresses Jury - 9.10 a.m. to 9.44 a.m.
Attorney-General addresses Jury - 9.45 a.m. to
11.00 a.m.

Remanded - 16/7/73 - in custody.

Resumed.

Both accused present.

Jurors present.

Counsel for Crown and for accused present.

Summing up began - 9.10 a.m.
Summing up ended - 1.45 p.m.

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Jury retire - 1.48 p.m. Jury return - 3.21 p.m.

Foreman - Verdict - Unanimous.

No. 1 Accused - Guilty. No. 2 Accused - Guilty.

No. 1 Allocutus: My Lord we did all we could in
our power.

No. 2 Allocutus: Nothing

Death sentence passed on Nos. 1 and 2 Accused.

16th July, 1973.

No.24

Statement of
Edward Chadee

25th February
1972

No. 24

Statement of Edward Chadee

Court Exh. C.T.22.
/s/ W.A.Bruno
Chief Magistrate
21.9.72

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Name; EDWARD CHADEE. Sex: Male. Age: 30 years.

Occupation: Unemployed. Address: Cornell St.,
Tunapuna.

Investigating Officer taking Statement: Inspector
Calvin Trotman

Date: 25/2/72. Time Commenced: 1.25 p.m.
Place: C.I.D. P.O.S.

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Edward Chadee

25th February
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(continued)

I, EDWARD CHADEE wish to make a statement. I want someone to write down what I say, I have been told that I need not say anything unless I wish to do so, and that whatever I say may be given in evidence.

/s/ Edward Chadee 25.2.72.

States:-

10 In the later months of 1971, I was still employed as a car salesman and I paid regular visits to MICHAEL'S home at Christina Gardens. Somewhere later in the month of November or early December 1971 I went to Arima to do some work. I cannot remember the date. I took the same opportunity and past in at MICHAEL'S home, when I got there MICHAEL was there. MICHAEL told me that he is taking me across to No.43 Christina Gardens to meet HAKIM JAMAL whom he said was his friend, and that I will also meet a white woman HALLE KIMGA who is living with HAKIM as man and wife. He told me further that HAKIM don't really like her because it looks bad to see him a black man being friendly with a white woman in a country where the greater part of the population is black. I walked across with MICHAEL to No.43 Christina Gardens, and there I met for the first time HAKIM and his woman HALLE. They both appeared to be quite nice. My stay was short and I went about my business. During the weeks that followed, I paid quite a few visits to MICHAEL'S home. On Saturday, 1st 20 January, 1972, I went up to MICHAEL'S home to visit him but on arrival at Christina Gardens I went over to 43 Christina Gardens to visit HAKIM and to wish him happy new year. Having arrived there I met HAKIM and we both spoke. He invited me to the gallery and he read certain passages from a book to me. I think it was a book written and published by HAKIM himself. I then went across to MICHAEL'S 30 home it must have been about 2.30 p.m. when I got there. MICHAEL was home and I greeted him, "Happy New Year." STANLEY and SONNY were there and so too was STEVE. I had one of the Renault's Company cars with me. STANLEY asked me if I would take him down to his mother's home at Chaguanas and I said O.K. He also invited SONNY to come along. When we got there we sat and drank cake 40

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Edward Chadee

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(continued)

and ginger beer. We got back to Christina Gardens about 7.30 p.m. I was about to leave at one stage and MICHAEL who was at home told me to sleep there that night because I don't have to work the following day. STEVE YEATES, SONNY, STANLEY ABBOTT and an American negro gentleman named KIDOGO. At about 9 p.m. MICHAEL called us into the servant's room and told us that HALLE is causing HAKIM mental strain and she must be done away with. I did not know what he meant by this so I was listening to hear him say more which would clear up what he meant. MICHAEL further said that all of us will sleep on the premises. We will get up at 6.00 a.m. the following day. We will go down to the manure heap and by the side of it we will dig a hole to bury her. Someone - I can't remember - asked him what about HAKIM and he said he will invite him out for an early morning car ride to get him off the scene and when all is done, he MICHAEL will tell HAKIM about it. MICHAEL also told us that he wanted blood and it is the only thing that will keep us together. He went on to say that the hole should be finished in forty-five minutes, that STEVE who had to go to Mr. LORENCO'S farm for milk would take HALLE along for the drive and when he returned he would bring her straight to the hole which must be finished by then. SONNY, STANLEY, KIDOGO and I went to the spot where we marked out the area and started to dig. I did some of the digging also but I must have done less because the mere thought of what was to happen was worrying me. I would say STANLEY did most of the digging, he said to me, "I am going to pull you out because you like you can't make." The hole was completed on time however. STEVE had borrowed my wrist watch before he left with HALLE to collect the milk to keep track of the time. At about 7.15 a.m. I saw the jeep coming to us with HALLE sitting in front by the side of STEVE who drove. All of this was done by us on the morning of Sunday 2nd January, 1972. When the jeep came up STEVE invited HALLE outside to the side of the hole to see what was being done. When she got there she enquired what the hole was for and STANLEY said it was dug to put manure in for it to decompose quickly. She was a few feet away and he said to her, "Come and see." She went up to the edge of the hole. HALLE appeared to have found it strange and she asked why it was dug. STANLEY held her mouth and hand and jumped into the hole pulling her in at the same time saying, "It is for you."

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KIDOGO had a cutlass with him with the letter "K" inscribed on the wooden handle and he jumped into the hole but before he did this and before HALLE came there STANLEY told KIDOGO that the heart is on the left side under the breast. When KIDOGO got into the hole he attempted to stab her there, "below the left breast" and instead he cut her on the left arm. She was fighting up with them and STANLEY called for help, at which point STEVE jumped into the hole, took the cutlass from KIDOGO and he rested the end of the blade on the chest below the left breast he held it there with the left hand and with the right hand he struck the handle forcing the blade into her body. STANLEY, KIDOGO and STEVE came out of the hole but she was still beating up although she was dying. Someone who I can't remember said to cover and while she was still beating up we covered back the hole. I assisted in covering the hole. Before the covering or filling of the hole was completed, I got in the jeep with STEVE. We drove and we went to Mr. LORENCO'S farm where we brought one load of manure and threw it on top of the grave. STEVE had said that it will look strange to remove manure from the heap which was not far away and bring it to the spot where the grave was, and that is why we went for fresh manure. When this was done we went back to MICHAEL'S house and shortly afterwards the telephone in the house was ringing. I answered. I recognized the voice of the person who spoke to be that of MICHAEL, he asked me if everything was alright and I said yes. I understood him to have meant if the woman was killed and buried. She was actually killed at about 7.30 a.m. and by 8.00 a.m. the grave was covered. MICHAEL returned to his premises about 8.30 a.m. driving his Humber car PK:1411 with HAKIM by his side. As MICHAEL arrived at his home, he told us that SONNY'S mother's kitchen at Olton Road is falling down and we have to go there right away and have it repaired. He despatched STANLEY, SONNY, STEVEN, KIDOGO and I with the jeep to that house. Soon after we got there he arrived driving the Humber car and HAKIM was with him. We broke down the kitchen and made a sketch of what was wanted to rebuild. MICHAEL then told me to take the jeep and carry KIDOGO and two little strange boys who were there with me and bring one bag of cement and some sand from his premises. We went along, I drove into the yard and began loading the sand and the cement. As we got into the yard KIDOGO disappeared and I did not

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(continued)

know where he went to. One of MICHAEL'S children said he had gone over to 43 Christine Gardens and I left the jeep in the yard, walked through the empty lot and went to the house. He was actually in HAKIM'S bedroom. I saw one crocus bag in his hands into which he was putting lady's clothing and there was another similar bag already filled. KIDOGO told me to go and bring around the jeep on the other road near to that house and I did so. When I got there he threw the two bags on the jeep and we returned to Olton Road. MICHAEL took off the two bags with HALLE'S clothing and put them in the trunk of his car. The sand and cement were off loaded and then MICHAEL put the two bags back on the jeep. He then instructed STEVE, STANLEY, KIDOGO and I to take the two bags to the heights of Guanapo by the wooden bridge and dispose of them. STEVE drove the jeep and when we got to that location the bags were taken off and STEVE left us there with the bags saying he was going back to Arima. KIDOGO and STANLEY made a fire by the side of the river and they began to burn the clothing and other things piece by piece. The dress and other items of clothing were burnt but there were several things which would not burn, such as two brief cases, shoes and some other things. STANLEY then instructed me to dig a hole and bury them. I dug a hole about two feet deep about twenty-five feet from the river and I buried these things. Today, Friday, 25th February, 1972, I took you Inspector Trotman and other policemen to the spot where the fire was made but I saw none of the ashes. I showed you the spot where I buried the other things and the hole was reopened and I saw when you found the things. You put them into your car, took them to the C.I.D. and in my presence they were examined. They were; one brown leather sleeveless jacket, one brown leather hippie bag, one pair of lady's pink mod boots, one pair of brown shoes, one pair of brown slippers, three silver bracelets, one empty small bottle, one tube Avon Rosemint cream, one tube of Tangee cream, one small circular face mirror, a quantity of black wool, two hippie pendants, one tin containing Flapyl tablets, one small scissors, one plastic rule, one triangular made key holder, one empty Limacol bottle, one brown small tape spoon, one liberation of Jerusalem medalion with 7.6.1967 stamped thereon, one brown belt with a buckle made in the form of a heart, one damaged green suit case, one large scissors, one blue ball point pen, one

10 damaged brown suitcase, one silver ring with the star of David and one gold ring with two stones. All of these things were taken there by me and the persons I mentioned before on the day in question. After the dresses and other clothing were burnt and the items buried we collected more wood and kept the fire burning, it was then that MICHAEL, HAKIM and STEVE, also one GRANGER came there in the jeep driven by STEVE. Also in their company were MICHAEL'S two daughters KAREN and ALICIA and all of us had a bath in the river. No one enquired what the fire was all about. While we were on our way to the heights of Guanapo we stopped at the Esso Gas Station by the Arima Savannah and STEVE purchased a bottle of kerosene which was used to light the fire.

In the High Court of Justice Port of Spain

No.24

Statement of Edward Chadee

25th February 1972

(continued)

/s/ Edward Chadee,
25.2.72.

20 This statement was read over to me by Mr. Cobham at the C.I.D. Port of Spain on the 25/2/72. He told me that I can correct, alter or add anything I wish. This statement is true I have made it of my own free will.

/s/ Edward Chadee,
25.2.72.

QUESTION: Were any promises made to you which may have induced you to give this statement?

ANSWER: No.

QUESTION: Were you beaten or illtreated in any way?

30 ANSWER: No, I was not.

This statement comprised of eleven pages was read to Edward Chadee on the night of Friday, 25th February, 1972, at 11.10 p.m. He certified same as correct and affixed his signature to it in the presence of the undersigned.

/s/ D. Cobham
Justice
25.2.72.

In the High
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No. 25

Statement of Stanley Abbott

No.25
Statement of
Stanley
Abbott
25th February
1972

Name: STANLEY ABBOTT. Sex: Male. Age: 34 years.
Occupation: None. Address: Fitt Street, Chaguanas.
Investigating Officer taking Statement: Ignatius
McPhillip, Supt. of Police.
Date: 25.2.72. Time commenced: 12.50 p.m.
Place: Criminal Investigation Department, P.O.S.

Court Exh. I.Mc.P. 2.
/s/ W.A. Bruno,
Chief Magistrate,
22.9.72.

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I, STANLEY ABBOTT wish to make a statement.
I want someone to write down what I say. I have
been told that I need not say anything unless I
wish to do so, and that whatever I say may be
given in evidence.

/s/ S. Abbott,
25.2.72.

I left Trinidad for England in August 1956.
I was then 19 years old. I remained for 15 years.
A short while after I was in England I met
MICHAEL de FREITAS. We became friends but we
lose contact with each other shortly after. I
met him again six years ago as MICHAEL 'X' and
he asked me to come to his home but I was a drinker
and I had no time and I never went. I again met
him after a friend of mine named LLOYD VILLAFANA
also called "MIN TIP" got involved in the BLACK
HOUSE which was owned and operated by MICHAEL X.
The BLACK HOUSE was established after MICHAEL had
paid a visit to Trinidad about 18 months before.
MIN TIP was MICHAEL X left hand man, and so my
visits to the BLACK HOUSE caused a re-acquaintance
of the friendship of MICHAEL and myself. Up to
this time I was a heavy drinker and MICHAEL used
to talk to me about my drinking. He kept on and
on showing me the evils of drinking until I
eventually stopped, this was in 1970 and by that
time I used to go to the BLACK HOUSE daily. MIN
TIP got involved with the Police through the BLACK
HOUSE and he eventually left England then it was
me and MICHAEL and we began to go around together.
All the while we were going around MICHAEL kept on

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telling me about building a black Empire within a white community. This never happened any where in the world. We have it and we must expand and build. I believed in him and in what he was saying. He by then had introduced me to most of his influential friends who are internationally known whose names I rather not mention here. Then suddenly he went on Television and made an announcement saying he had resigned from all Black Power Movements leaving the BLACK HOUSE to those who were within. At this time there were a lot of people in the BLACK HOUSE which comprised mixed West Indians, they all looked to me for leadership as the BLACK HOUSE was self supporting. Those who live there did not pay any rent and it cost a minimum of £250 per week for its up-keep and no one knew where the money was coming from and the Press and Television were bugging the occupants for information about its operations now that MICHAEL X had resigned from its operation.

It was kept filled 24 hours daily. I spoke to the press telling them that MICHAEL did not have any pressure from within as that was one of the many questions they were asking. They were also asking if I was the new leader of the BLACK HOUSE. I told them that I was only holding it together till they could find someone to operate it. They also wanted to know how much it cost to run and if JOHN LENNON was going to build a restaurant in the BLACK HOUSE. During all this time I was in constant communication with MICHAEL who told me that he was available to give any advice on the BLACK HOUSE and I told this to the press. The Television announcers and photographers wanted to come in and see the set up in the BLACK HOUSE just after MICHAEL left but we did not allow them as the people started to loot and destroy the contents. I kept the people together for a few weeks then the fight for power began from people outside and so I stepped down and by doing so I saved some of the Art objects and books that were being destroyed by taking them out of the BLACK HOUSE. After this I use to visit MICHAEL at his home at 25 BERING STREET, LONDON NORTH which was his own property. It was about the beginning of 1970 he gave up the BLACK HOUSE; and I left it in late 1970. I did not see MICHAEL for about two weeks in 1971, and then an evening of February 26th, 1971, I visited MICHAEL home and he told me that he was leaving for Trinidad the next day which was the 27th February, 1971. He asked me if I would like to come to Trinidad. I told him yes. I could not travel with him on the

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Statement of
Stanley
Abbott

25th February
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Statement of
Stanley
Abbott

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(continued)

27th February, 1971, as my passport was at Trinidad House in London. He gave me a few hundred pounds and told me to catch the first plane out to Trinidad the next day which was the 28th of February, 1971. He also told me that there will be a room booked for me at the Queen's Park Hotel. I travelled to Trinidad on B.O.A.C. Airlines on the 28th February, 1971, and arrived in Trinidad in the evening. No one met me on arrival. However, I went to Queen's Park Hotel at about 7 p.m. or there about. The same evening after booking in at the Hotel I went to my mother's home at Chaguanas, leaving her telephone number with the desk operator at Queen's Park Hotel. Sometime during that night the desk operator at Queen's Park Hotel called my mother's home and told my mother that MICHAEL said that I should meet him at Sparrow's Calypso Tent where I met him and from that moment of my meeting MICHAEL he was in my head by telling me things such as back to the land we got to work hard, the land is where its at; meaning that there is nothing else but the land. We lived at Queen's Park for just over two weeks, then at Chagacabana for one month while we were fixing up a house at Carenage. While the house at Carenage was being fixed, he got Christina Gardens - some time in March 1971. MICHAEL did not live at Chagacabana for more than a few days. I remained at Chagacabana for a full month and while there my nephew Gary Khan used to come and take me to Carenage to work on the house together with STEVE YEATES, my two nephews Gary Khan and Keith Khan and a local man named Johnny; for a full month painting inside and outside and polishing the floor. When we were finished fixing the house STEVE YEATES and myself moved into it and lived there until May 11th, 1971, when I went to England on the instructions of MICHAEL to talk to some of his influential friends because he could not go back to England. I was to get them to contact him or to come to Trinidad; one of such persons whom I spoke with is NIGEL SAMUEL a very wealthy young man. He is the person who financed the BLACK HOUSE. I made the contacts. In December, 1971, I received a letter from MICHAEL telling me to come back to Trinidad. Two days after receiving this letter I arrived back in Trinidad. It was the 11th December, 1971. I was met at Piarco Airport by MICHAEL and STEVE YEATES. They took me to Christina Gardens where he showed me my new home at 43 Christina Gardens.

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I met HAKIM JAMAL for the first time at MICHAEL'S home. I also saw MRS. MICHAEL X. The children were sleeping. MICHAEL, JAMAL, YEATES and myself talked throughout the night - it was a Saturday night. While we were talking I asked to go to Carenage to see the house that I had fixed and the four of us, went to Carenage. On our way to Carenage MICHAEL kept saying how we now have an efficient group, we are going places, we have the best working group in the Universe, we are the chosen ones. I don't know if he was saying so to impress JAMAL or me. With JAMAL he kept on with his mind destroying talk. I saw the house and saw three men - negros - living there. I said the house was dirty and it appeared that the men were neglected and it looked as though MICHAEL had just placed these men there and neglected them. We did not stay at Carenage but returned to Christina Gardens. By that time it was daylight and he showed me the improvements he had done to the grounds. MICHAEL again bring up the talk about work and not being idle. On the Sunday I met SONNY and the Monday JUNIOR came in the afternoon. MICHAEL told me that SONNY was one of my brothers which I understood him to mean to understand each other and live with each other and to work hard. A few days later MICHAEL said that we were understaffed and MICHAEL told HAKIM that he should send to America for someone whom he could trust and a few days later KIDOGO an American arrived at Christina Gardens and took up residence at MICHAEL'S house. There were then SONNY, JAMAL, JUNIOR, STEVE YEATES, KIDOGO and myself living in the two houses No. 26 and No. 43. We all spent Christmas together which included MRS. MICHAEL, her children and JAMAL - lady HALLE who was an English woman who I met at MICHAEL'S house. When I arrive there on the 11th December, 1971, there were also an English couple named GRANGER and TRINA who arrived while I was there. On New Year's day we spent some time at my mother's home at Chaguanas. We returned to MICHAEL X'S home at Christina Gardens. MICHAEL called a meeting - all of us men except HAKIM JAMAL were present. MICHAEL said he wanted blood and said HALLE had to go. He told us to go to sleep early and you will get up before the sun. You will dig the hole in the back by the manure. He said he would take out HAKIM and STEVE will take HALLE over to the farm for the milk and keep her there looking at the cows until it is time. He STEVE will drive up to the manure with HALLE. MICHAEL

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Stanley
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Statement of
Stanley
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gave a dead line of three quarters of an hour to dig the hole. The manure is on a vacant lot of land by the river. On the 2nd January, 1972, SONNY came over to 43 at about 5 a.m. and called me. We walked to the vacant lot - four of us - SONNY, KIDOGO, JUNIOR and myself. Soon after we got to the vacant lot MICHAEL drove up in his car. He did not get out of the car but said, "You know the time you have to do this in." He asked if we had a watch and KIDOGO said yes he had one. MICHAEL said over by the manure all of us dug the hole. We were like zombies.

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We were under the very strong influence of MICHAEL. While we were digging for about three quarters of an hour STEVE came to the vacant lot driving a jeep and sitting in the front seat with him was HALLE. Both of them got off the jeep and walked to the hole. HALLE asked what we were digging the hole for and I told her it was to throw stuff in. KIDOGO had his own cutlass. He tried to kill her by stabbing her. He caught her arms a couple of times and I saw blood coming from them. STEVE took the cutlass from KIDOGO and killed her by stabbing her to the front of her throat; when he was in the hole I was right there maybe I pushed her and she fell in the hole, then KIDOGO jumped into the hole after he followed by STEVE. I held her mouth because she was shouting. All of us covered the hole and left for MICHAEL'S home. A few minutes after we returned, MICHAEL and JAMAL returned home. MICHAEL asked, "Is the tree planted." I don't remember if anyone answered. He asked how deep was the hole and all of us gave different versions of the depth of the hole. MICHAEL told us to put a couple of loads of manure and this was the same day. I don't remember who drove the jeep to bring the manure. MICHAEL and JAMAL left and returned shortly afterwards and said SONNY'S mother's kitchen needs breaking down and building back up let's go and do it.

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All the men went, including MICHAEL, to SONNY'S mother's home at Olton Road and break down the old kitchen and started to build a new one. MICHAEL left in his car. STEVE and KIDOGO left in the jeep. About half an hour after MICHAEL returned in his car and STEVE and KIDOGO returned in the jeep. MICHAEL told KIDOGO, JUNIOR and myself to go in the jeep with STEVE. When we moved off STEVE said we got to go up the river to burn HALLE'S clothes. Then I saw two filled crocus bags in the jeep with

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10 pieces of dry wood. We left in the jeep and while we were driving STEVE said we have to stop and buy pitch oil. He also said MICHAEL say to drop you all and come back down and to keep the fire burning because he MICHAEL will be coming up in an hour's time with the kids to bathe. He drove us to the Guanapo river and KIDOGO and JUNIOR and myself burned what we could of everything that was the personal belonging of HALLE, such as, shoes, clothing, lots of documents. What we could not burn JUNIOR dug a hole and bury them. All the others except SONNY came up to Guanapo River and bathe. MICHAEL was one who came up. He did not ask me any questions or said anything to me.

/s/ S. Abbott,
25.2.72.

20 The above statement was read over to me by Mr. Cobham. He has told me that I can correct, alter or add anything I wish. This statement is true and I have made it of my own free will.

/s/ S. Abbott,
25.2.72.

QUESTION: Were any promises made to you by any one which induced you to give this statement?
ANSWER: None. None at all.

QUESTION: Were you beaten or illtreated in any way?
ANSWER: No. Not at all.

30 This statement comprised of eleven pages, were read to Stanley Abbott at the Office of the C.I.D. on the night of the 25th February, 1972 at 9.40 p.m. He certified its corrections and affixed his signature in my presence.

/s/ D. Cobham
Justice,
25.2.72.

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REGINA

No.26

Vs.

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STANLEY ABBOTT AND EDWARD CHADEE FOR MURDER

17th July 1973

SUMMING UP OF THE HONOURABLE MR. JUSTICE GARVIN SCOTT AT THE PORT OF SPAIN ASSIZES ON MONDAY, 17TH JULY, 1973.

Mr. Foreman, Ladies and Gentlemen of the Jury,

The accused, Stanley Abbott and Edward Chadee, are charged before you with the offence of murder. The particulars of offence read as follows: Stanley Abbott and Edward Chadee, on the 2nd day of January, 1972, at Arima in the County of St. George, murdered Gale Ann Benson.

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In this, as in every criminal trial, the onus or burden of proof lies upon the Prosecution. That is to say, it is the duty of the Prosecution to establish to your satisfaction the guilt of each of the accused persons. There is no onus, no duty, no burden whatever cast upon any of the accused persons to prove his innocence to you. That onus, that burden, that duty, remains and rests upon the Prosecution from the first to the last, from the beginning till the end of a criminal trial.

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Insofar, Mr. Foreman, ladies and gentlemen of the Jury, insofar as the facts of this case are concerned you are the sole judges as to those facts. Insofar as the law is concerned, however, such directions as I shall give you, you will be bound by. If you entertain any reasonable doubt in respect of the Prosecution's case against the accused Abbott, your duty will be to resolve that reasonable doubt in his favour, to accord and give him the benefit of that reasonable doubt. Similarly, in the case of the accused, Edward Chadee, if you entertain any reasonable doubt in respect of the Prosecution's case against the accused Edward Chadee, your duty will be to resolve that reasonable doubt in favour of the accused, Edward Chadee, to accord and give him the benefit of that reasonable doubt.

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So that, Mr. Foreman and Members of the Jury, before you can convict the accused, Stanley Abbott, you must be so satisfied that you can feel sure that the Prosecution have established his guilt. Similarly in the case of the accused, Edward Chadee. Before you can convict Edward Chadee, you must be so satisfied by the evidence that you can feel sure that the Prosecution have established his guilt.

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10 Both these accused are being tried together, but you will have, as a matter of law to consider the case against each accused separately. You will have to consider the evidence affecting the accused, Abbott, separately. You will have to consider the evidence affecting the accused, Chadee, separately. The case against each accused has to be considered separately and distinctly. In the course of the evidence adduced by the witnesses for the Prosecution, written statements

20 which were not objected to were tendered by the Prosecution. Statements in one case made by the accused, Abbott, and the other case by the accused, Chadee. As far as the statement made by Abbott to the police is concerned, that written statement is only evidence as against the accused Abbott. As far as the written statement which Chadee admitted to the police is concerned, that statement which Chadee said he made is evidence as against Chadee only. You will, however, recall that Abbott went

30 into the box and gave evidence on oath. That sworn evidence given by Abbott from the witness box became evidence for all purposes in the case, including that, if you so find, of being evidence against the accused, Chadee. Similarly, when Chadee went into the box and gave sworn evidence, that became evidence for all purposes of the case including evidence, if you so find, against the accused Abbott.

40 Now both these accused are charged with the offence of murder, Murder is defined in the following terms: Where a person of sound mind and memory unlawfully killeth a human being with malice aforethought either express or implied, death following within a year and a day. Now malice aforethought doesn't necessarily mean that the murder was deliberately planned or pre-conceived. All that it means is at the time the act was done which resulted in the death, the person doing the act intended to kill or intended to do some

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grievous bodily harm. Now grievous bodily harm merely means serious bodily harm. However, you may find that it is clear from all the evidence, even the evidence of the accused persons that this was a murder deliberately planned, planned from the night before.

Before the Prosecution can sustain this charge they must prove the following ingredients: First, that the person named in the charge is dead. That is to say, that this woman, Gale Ann Benson, is in fact, dead. Secondly, that the death followed within a year and a day. Thirdly, that the killing was unlawful. Fourthly, that the killing was committed with malice aforethought. And lastly, that the killing was done by the accused, Edward Chadee and the accused Stanley Abbott.

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Now in this case, as you are aware, the person who inflicted that fatal blow is a man not now before you and for obvious reasons; the man, Steve Yeates. The Crown's case is that both these accused persons together with others were acting together. They were acting together, acting on concert, with a common design, to kill this woman, Gale Ann Benson. As far as the law is concerned, if you find that these accused persons, Abbott and Chadee, were acting together with Yeates, Marvin Dean or Kidogo and others, it is immaterial in law who actually inflicted that fatal blow, provided you find that they were acting together, acting with this common design, purpose, and that they were all participating in the act.

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Now the Crown has called Adolphus Parmassar who clearly, from all the evidence, is an accomplice. The Crown, however, is entitled to call such a witness as has been very lucidly explained to you by the Learned Attorney-General. As far as the law is concerned, whilst the Crown is entitled to call an accomplice, it is dangerous to convict on the evidence of an accomplice unless it is corroborated. However, even where there is no corroboration if you still believe the evidence of that accomplice you will be entitled to convict. As far as corroboration is concerned, corroboration is some independent testimony which affects the accused persons by tending to connect the accused

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persons with the crime. That is to say, evidence direct or circumstantial which implicates the accused persons, which confirms in some material particular, not only the evidence given by the accomplice that the crime has been committed, but also the evidence that the accused persons committed it. In this particular case you should have no great deal of difficulty in finding corroboration because corroboration in law can be afforded even by the persons' own evidence.

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10 Now in this case, the accused, Abbott, in his statement says he may have pushed this woman in the hole. But when he gave this sworn testimony he said he held her and pulled her in the hole. Now that is what Parmassar has told you. And he, himself has said that he is not stating that Parmassar is a liar, but that merely he was confused over the events that took place at the hole. Because you will recall Parmassar said he held her with one arm around her neck and one hand over her mouth. He, himself, would have received wounds. Marvin Deane also called Kidogo, was 20 stabbing the woman and he said, (that is Abbott) he called for help because at that stage he was calling for help for the woman. So there are slight discrepancies because Parmassar has told you Abbott was calling for somebody to help, in other words to help finish off the job. But Abbott corroborates Parmassar when he said Parmassar is not a liar, and he, Parmassar has said, Abbott 30 held this woman and pulled her in the hole. Later on in the case of Chadee, Chadee said he picked up earth and that is what Parmassar has told you. So again Parmassar has been corroborated by Chadee. That is as far as what Chadee did is concerned. So much so for the time being on Parmassar and corroboration.

40 'Malice aforethought', is an essential ingredient in the offence of murder - the intent to kill or cause grievous bodily harm. One doesn't know what is locked up in a man's mind. Intent is not usually capable of positive proof but is implied from overt acts. A man is usually able to foresee what are the natural consequences of his acts. So it is, as a rule, reasonable to infer that he did foresee them and intend them. But while that is an inference which may be drawn, and on the facts in certain circumstances must inevitably be drawn, yet if, on all the facts of

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the particular case it is not a necessary inference, not a correct inference, then it should not be drawn.

So that Mr. Foreman, Ladies and Gentlemen of the Jury, you see, before you arrive at the question of the intent as far as Abbott is concerned; intent as far as Chadee is concerned, you have to give consideration to the totality of the evidence, to the entirety of the evidence, consider the whole of the evidence, including any allegation as to Abbott's true intention, as to Chadee's true intention; you have to consider any explanation of his act or acts which Abbott has made, and any explanation which Chadee has made, in order to determine finally whether Abbott has been proved to have had that necessary intent and whether Chadee has been proved to have had that necessary intent.

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So much so for the law for the time being. We now pass on to the evidence adduced by the witnesses for the Prosecution at this trial. The first witness called was Keith Simpson, a Professor of forensic medicine who resides at 1, Weymouth Street, London, a registered medical practitioner of Trinidad and Tobago, a Doctor of medicine; head of the Department of Forensic Medicine of the University of London and Guy's Hospital, London, one of the Pathologists of New Scotland Yard, London and a Pathologist of the Home Office in London. This Professor is also the author of a number of textbooks on forensic medicine. On the 26th February last year he was in Trinidad and he was also here on the 27th February last year. During those two days of his stay here he made notes at the time of what he was doing and of the time he was doing them. At six o'clock on the evening of the 26th February last year he went to Christina Gardens with Supt. McPhillip and Supt. Mark. There he was shown two grave pits. He describes these as pits dug into earth recently excavated. He was told something about those pits. The following morning on the 27th, around half past nine that morning he went to the mortuary of the General Hospital, Port-of-Spain and was shown the body of a woman. That body was identified to him by Supt. McPhillip as one that was recovered from one of two pits that he had seen that previous evening.

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He conducted and performed a post mortem on that body. The following were his findings: He found the body to be that of a woman about five feet, six inches in height and dressed only in a print frock and panties. He thought that bearing in mind the conditions of the burial what he saw was consistent with her having died about two months previously. He found her to have been a healthy person and he found the following wounds:

10 Firstly, there was a group of ten slashed cuts in the skin over the front and left side of the chest and these he demonstrated to you. Three lay over the left lower rib position. These were cuts of five inches, three inches and one inch in length. Four were set in the region of the heart over the centre of the chest, two and a half inches and three and a half inches in length. And the other three set over the right front chest, four inches, two and a half inches and one inch in length.

20 None of these wounds had penetrated the chest and he described them as skin wounds. Secondly, he found a through and through cut entering and passing through the left arm about the level of the elbow, entering through a four inch slit and emerging through a two inch slit. Thirdly, he found a single one inch stab wound on the back below the tip of the shoulder blade, one inch in length and quite superficial. Fourthly, a very

30 deep stab wound at the root of the neck, three inches long through a vertical slit in the skin. That wound he found had penetrated six and a half inches down into the left chest a little to the left and a little backwards, penetrating the lung and causing an escape of both blood and air into the chest. He was again shown the dress and he found the cuts on that dress corresponded with the ones that he saw on that body. The face was not injured, the neck was not ripped or contracted and he saw no sign of any sexual assault.

40 There were certain other findings in the course of his examination of the interior of the body. He found a single finger nail lying in the back of the throat behind the tongue. That nail had not come from the hands of the dead woman. He also found in the back of the throat and breathed into the wind-pipe and air passage, some brown earth which was similar to that which he had seen at the pit on the scene at Christina Gardens. More of this dirt he found in a small quantity lying in

50 the stomach. He formed the view that death was a

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consequence, firstly of the stab wound passing into the chest; and secondly, that death had been accelerated or precipitated by the face lying covered in earth as if in burial whilst life was still present. The wounds he saw were clearly inflicted by some sharp instrument like a knife with a point with at least one cutting edge and capable of penetrating at least six and a half inches long. You will recall that the Professor was shown a cutlass here in Court. He examined that cutlass and told you it had one cutting edge and was capable of penetrating well over six and a half inches. That cutlass was then put into evidence and marked 'X', for identification.

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At the mortuary he prepared a chart showing the situations of the wounds he had described; that chart was not objected to by Counsel for both the accused persons, and was put into evidence and marked K.S.(1). In respect of the wound going through and through above the level of the left rib, he formed the view that that type of wound commonly seen and which he regarded as a defensive wound - his view is the arm had been raised to ward off one of the other wounds, the knife had passed through it. When he conducted this post-mortem, Supt. McPhillip, Dr. Healey and Dr. Massiah were present. The teeth in this case were in a good condition and well preserved despite the lapse of time. Those teeth showed evidence of treatment by a dental surgeon, and the dental details generally as is common where there are good dental records, could, in his view, form an absolutely secure identification. The wound at the root of the neck penetrating the lung had been driven deep into the chest scouring the edge, and the bone where it had gone in would, in his view, require considerable force to drive into the chest, across the bone to a depth of six and a half inches.

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In answer to Mr. Permanand, Counsel for the accused, Abbott, the Professor repeated that he had found no constriction around the neck. He had found no evidence of force being applied to the mouth or to the neck. The nail he found behind the tongue was a complete nail. There were no bite marks on it, and he was unable to determine whether that nail came from a male or a female - nor was he able to say how long that

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nail had been there, but he thought the nail had entered as death was taking place.

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In answer to Mr. Prevatt, leading Counsel for the accused Chadee, the wound which he described as six and a half inch deep stab wound caused this woman to collapse and start dying, and from that wound, she certainly would have died - that death might have been accelerated by the inhalation of the dirt. He went on to say that one of the breaths would have accounted for the small amount of dirt that he found - and these would have been her last two breaths, in any event.

In respect to the teeth he was made to understand that those teeth were being examined by a dental surgeon, and he merely noted that they were in good condition, and he prepared no chart of those teeth as that was no part of his duty.

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When he was re-examined by the learned Attorney-General in respect of the force being applied to her mouth and neck, he said he had seen no evidence of that - but he was really unable to state whether in fact any force had been applied, because considerable change had taken place in the tissues, as a result of the lapse of time, and force may have been applied.

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The next witness called was Roland Knight, who lives at 23, Rock Lancaster Prince of Wales Drive, London, Southwest 1, by profession, a dental surgeon. He is also a registered dentist of Trinidad and Tobago. He knew the woman called Gale Ann Benson. He had first met her socially, sometime in 1967, and in the year 1968 she became a patient of his. He last saw her alive in August, 1971. Between the period 1968 and August, 1971, he had done twenty-five fillings for her, as well as a gold inlay. On the 3rd January, last year, he was in Trinidad, and around 9.00 o'clock on the morning of that date he went to the mortuary of the General Hospital, Port-of-Spain, where he saw Supt. McPhillip, Inspector Trotman and Dr. Healey. At the mortuary he spoke to Supt. McPhillip, and as a result he examined the jaws in a cadaver lying at the mortuary. His examination was confined to the teeth in those jaws. He found twenty-eight present - no wisdom teeth. The teeth were in very good condition with evidence of a lot of fillings.

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Fifteen of them, of those teeth were filled with the conventional amalgam and eight teeth were filled with white material and one tooth was filled with gold. There were four unfilled teeth. He recognised twenty-five of those fillings and the gold inlay as having been done by him. The conclusion he formed was that he could make a positive identification that those were the teeth of the person he had treated - Mrs. Gale Ann Benson. This witness was not cross-examined by either of the Counsel who appeared for the accused persons.

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So that Mr. Foreman, ladies and gentlemen of the Jury, if you accept the evidence of Roland Knight, the dental surgeon, and you will remember that Professor Keith Simpson has fortified his evidence, because he has told you that dental records, in his view, formed an absolutely secure identification. So if you accept the evidence of Roland Knight, well, then, you will have one ingredient which the Crown have to establish in this case, satisfied, namely, that the person named in the charge, Gale Ann Benson is in fact dead.

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Well, I repeat again, facts are matters purely and solely within your province. If you accept that, well, clearly, that establishes that fact.

The next witness called was Cassimira Jobert who gave formal evidence. He lives at Guanapo Heights, this witness was not cross-examined by either Counsel for Abbott or Chadee.

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Dr. Healey was the next witness called, Michael Healey, a member of the Medical Board of Trinidad and Tobago, and the senior pathologist attached to the General Hospital, Port-of-Spain. On the 24th February, last year he went to Christina Gardens, and there he made certain observations. He saw a human body in a partly uncovered state in a hole. The body was eventually exposed to determine the sex. It was the body of a young white female. He saw a deep incised wound, on the left side of the chest, and near the collar bone - the clavicle. That body was clothed in a dress. He gave instructions for photographs to be taken, and on his advice the body was eventually removed to the mortuary of the General Hospital, Port-of-Spain. On the 27th February last year, he was present at the General

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Hospital, Port-of-Spain at the mortuary, and he saw Professor Simpson perform the post-mortem on this body - the body which he had seen in the grave at Christina Gardens.

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10 Now this witness was not cross-examined by either Counsel for the accused Abbott or the accused, Chadee. Thelmo Rodriguez, an Immigration Officer, gave purely formal evidence. He lived at Shelbourne Lane, Belmont, and he, like the witnesses Jobert and Dr. Healey were not cross-examined by either Counsel for the accused.

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The next witness called was Lincoln Peter Harrison, dentist, registered with the dental Board of Trinidad and Tobago. On the morning of the 27th February he was at the mortuary; as was Supt. McPhillip. That was the extent of his evidence. Purely formal, and he, like Dr. Healey and Cassimira Jobert was not cross-examined by either of the Counsel for the accused.

20 Theodore Phillip, Corporal of police, was the next witness that was called. He was attached to the Criminal Investigation Department, Port-of-Spain, and one of the official police photographers. On the 24th February last year he went to Christina Gardens, Arima. There he took a photograph of a dead body in a pit. This pit was north of certain burnt out premises at Christina Gardens. That body was clothed in a dress, and appeared to be that of a white woman. On the Friday the 25th February, 30 1972, he went with Inspector Trotman to the heights of Guanapo. The accused, Chadee, accompanied them with policemen, and there Chadee pointed out the two spots to Insp. Trotman. He took photographs of those spots in his presence. One of these spots was dug up by Insp. Trotman - that was one of the spots pointed out by the accused, Edward Chadee. When that spot was dug up he saw suit cases and other items. He subsequently took photographs of the suit cases and the other items, and he put into 50 evidence, three photographs which were not objected to by Counsel for the accused persons. Now, the photograph which he took, which you have with you of the spot pointed out by the accused, Chadee - that one is marked T.P.1. Other spot in the background can be seen - tree trunk. To the right centre, in front of the tree trunk, a large stain, which he said had black stains which appeared to be soot. The first one he took was of the spot

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marked, where the suit cases were found. That was marked T.P.1 - this other one - the trunk of the tree was marked T.P.2. This witness tells you, at Police Headquarters, he took a photograph of the articles which were dug up on this spot at Guanapo, this was T.P.3, which shows two suit cases, a lumber jack, a hand bag, a pair of tall boots, a pair of red shoes, a pair of slippers, and other small items all of which were found at Guanapo - these are in the picture T.P.3, which you have with you. This witness was also not cross-examined by Counsel for the accused persons.

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Alfred Henry, the next witness called, a grave digger, who lived at Calvary Hill, Arima. On the 24th February last year, about 5.30 to 6.00 o'clock that afternoon, he went to Christina Gardens with Carlton Mitchell in consequence of some instructions he had received from his boss, his employer, a man called Allan. Having got there he was taken to a spot where there was a load of manure. He was given instructions. He removed the manure, and he noticed the earth had been dug. He began digging that dirt with a fork, and having gone down for some three feet, he saw something white - touched it with his hand. He saw it was a body. The police were there at the time, Dr. Healey was also there. The body was that of a woman in a light blue dress, and the doctor having given instructions, the body was then taken away. He was not cross-examined by Counsel for the accused, Abbott. In answer to Mr. Prevatt, Counsel for the accused, Chadee, he said that he had started digging with the fork, but at the stage where he had got to the dirt he used a shovel, until he finally unearthed the body, and the head of that body was to the north.

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Michael Gates was the next witness called. He lived at 25, Olton Road, Arima. He was tendered for cross-examination and he was not cross-examined by Counsel for each accused person.

Lucy Letts was the next witness called. She lived at 32, Christina Gardens, Arima, her occupation, housewife. She knew the premises 43, Christina Gardens, and around Christmas of 1971 Jamal and Miss Benson lived there. Miss Benson had spoken to her about three or four occasions when she was at her gate. She had seen her for three or four times about and around, but she last saw her on New Year's eve, 1972, sitting in

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the road - that is, at Christina Gardens, sitting in the street - and at the time Jamal was with her. After that she never saw Gale Ann Benson again. She also knew her as the white lady in Christina Gardens. Michael Abdul Malik was known to her, and at the time Malik also lived in Christina Gardens. From where her house is situated, she could see, not actually Malik's house, but could see the bush. She was not cross-examined by Counsel for the accused, Abbott, In answer to Mr. Sanguinette, Counsel for the accused, Chadee, after New Year's day she saw the man Jamal, but she never saw Miss Benson again, nor had she enquired about her.

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Inspector Trotman was the next witness called. He is an Inspector of Police attached to the Criminal Investigation Department, Port-of-Spain. In February last year he was then attached to the Arima Police Station. On the 24th February he was then at the Criminal Investigation Department, Headquarters, and he was assisting in certain investigations which caused him to come into Port-of-Spain. He saw the accused, Chadee. He spoke to Chadee, Chadee told him that he recalled having gone to the home of Michael de Freitas, who, as you are aware, is also called Michael Abdul Malik, Michael 'X' among other things - that he had gone there on New Year's day, 1972 and he was there about 9.00 o'clock that night. Also present were the accused, Stanley Abbott, Steve Yeates, and the American called, Kidago, and one Sonny. Michael de Freitas asked them to join him in his servants' quarters at the back of the main building, as he wanted to tell them something. When they got in the servants' room Michael de Freitas told them that Halle is causing Hakim nervous strain. You will also recall that the woman, Gale Ann Benson, was also known by the name of Halle - that she was causing Hakim nervous strain, and she must be done away with.

Trotman went on to say that he, meaning Chadee, stated that he did not understand clearly what he, that is Malik, meant and he waited for him to continue to clear up the point. Trotman continued, that Chadee went on to state that Michael told them they were to sleep on his premises that night - they will get up at 6.00 o'clock in the morning the following day, go to the manure heap on the vacant lot on the northern side of Malik's house, dig a hole there and bury her. Chadee, according to

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Trotman, went on to state he could not remember which one among them asked what about Hakim, to which Michael replied, "Leave that to me. I would invite Hakim out for a motorcar ride the following morning, and when everything is done I will tell Hakim what is done." According to Trotman, Chadee went on that they slept on the premises during the night, they got up at the given hour the following morning, collected tools, went to the manure heap, and dug a hole. When the hole was finished he saw Halle coming in a jeep driven by Steve Yeates, coming towards them. Halle was invited to the edge of the hole, and at that stage Stanley Abbott locked her neck pulled her into the hole, and Steve Yeates and Kidogo killed her with a cutlass with the letter "K" inscribed on the handle. He then cautioned Chadee - told Chadee he was not obliged to say anything or whatever he said might be given in evidence. But Chadee went on to tell him that Kidogo, Abbott, Sonny and himself buried her afterwards. After that Steve Yeates and himself brought a jeep load of manure from Laurencos farm and threw it on the grave. He, Inspector Trotman, then asked if Chjadee would give him a statement in writing. Chadee said, yes. 10

On the morning of February 25th last year, he saw Supt. McPhillip who spoke to him and handed him a gold chain. He produced that gold chain. It was put into evidence at that stage and marked "Y" for identification. Later that day he went to the mortuary of the General Hospital, Port-of-Spain, there he saw the dead body of a white woman lying on a slab in the mortuary. The body was clothed in a flowered dress and a reddish panty. He took possession of that flowered dress and that reddish panty at a later date. He produced the panty and the dress into evidence here and those articles were marked C.T.1. Later on the 25th February last year he again cautioned Chadee at the Police Headquarters, and began taking the statement in writing which Chadee had promised to give. That statement was an entirely voluntary statement. You will recall that there was no objection on Chadee's behalf to that statement being tendered. 30 40

During the course of taking that statement Chadee told him that he had just remembered that after the body was buried they had taken clothing and other belongings of Halle from the room up to the heights of Guanapo, where, on the riverside

they were burned, and what could not be burnt was buried in a hole, which he, Chadee, dug personally, by the side of the river.

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At that stage, according to Trotman, he asked³ him whether he, Chadee, was prepared to take him and show him where the articles were burnt and buried. Chadee agreed to do so and in consequence of that he left that statement unfinished, then in company with Sgt. Jack, Cpl. Phillip, Police photographer and Chadee, they went to the heights of Guanapo. As they got near the nine or ten mile post, they were driving along and all along they were receiving instructions from Chadee as to where they should go, but approaching near the nine or ten mile post, Chadee said the vehicle should be stopped. The vehicle was brought to a stop, Chadee got out of that vehicle, stated that they should follow him, they did so and he took them in a southerly direction towards the Guanapo river bed and down in the bed of the river he saw a large stone which formed part of the western embankment of the river. On the stone there appeared to be soot caused by fire, (seen in the picture T.P.2) and at that point Chadee pointed and said, "This is where we burnt the things", and he again cautioned him.

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Chadee then took him to a point on the northern side of the river, some twenty-five feet away, and there in a thick grass patch he pointed to a spot and said, "It is here I buried the things that would not burn". There on that spot, the Inspector took a fork, dug at that spot and came upon several articles involving grips, tall boots, suitcases were found pressed together, these two suitcases were marked C.T.2; a leather jacket, C.T.3, a pair of red knee length boots, C.T.4; leather handbag, C.T.5; a brown belt with a heart-shaped buckle; a pair of brown shoes; a pair of brown slippers; some black wool; a tube of rose mint cream; an empty limasol bottle; a pair of scissors; another pair of scissors somewhat smaller; a tin with capsules; a blue ball-point pen; one circular glass mirror; a plastic rule; two hippie pendants; a gold ring with two diamonds; a smaller ring with a star of David on it; three silver bracelets; one key holder; gold chain; reel of thread; a playing card - the nine of clubs; a medallion - the liberation of Jerusalem. All these articles were marked C.T.6. You will recall

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from the evidence of Cpl. Phillip who took a photograph - T.P.3 - of these articles at the Criminal Investigation Department, Headquarters, the articles unearthed by the Inspector are those shown on this photograph, T.P.3.

Having recovered these articles the Police Officers returned to the C.I.D. Headquarters, Port-of-Spain, and on his return there he completed the statement which he had begun taking from Chadee before he had left to go to Guanapo to see where the articles had been buried. At that stage Mr. Cobham, a Justice of the Peace was called in, examined that statement, and in answer to the Justice of the Peace, Chadee stated that this statement had been made entirely voluntarily.

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Now that statement at that stage was put into evidence by the Prosecution. It was not objected to by Counsel for Chadee and I will now have it read to you to refresh your memory:-

(STATEMENT BY EDWARD CHADEE READ TO JURY)

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That statement was put into evidence and marked C.T.7.

Inspector Trotman went on to state that on the 11th March, last year, at the Arima police station, he met Sgt. Aguilera who handed him three cutlasses, one of which had the letter 'K' inscribed on the wooden handle. That cutlass was produced in Court and marked 'X', for identification. It had previously been shown, you will recall, to Professor Simpson, the Doctor who performed the post mortem and that witness said that was the cutlass handed to him by Aguilera.

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On the 7th June, last year he saw Melba Lynch at the C.I.D., Headquarters, Port-of-Spain and there he showed her the articles which had been found on the heights of Guanapo - C.T.6 - and she told him something about these articles.

Now this witness was not cross-examined by Counsel for Number one accused. In answer to Mr. Prevatt, Counsel for accused, Chadee, on the 24th February, Chadee had been detained on enquiries but he, Inspector Trotman did not know that Chadee had gone there voluntarily, of his own free will, but he says that may well have

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10 been so. He, however admitted that on that day, 24th February last year, when he first saw Chadee, there had been no warrant issued for Chadee's arrest. He had cautioned Chadee several times on that day when he was relating the incident about Christina Gardens but he admitted Chadee continued to speak even after he was cautioned. He further agreed that Chadee had given this statement - exhibit C.T.7 - voluntarily and willingly. He was unable to say under what circumstances Chadee had gone to the C.I.D., but he had known by the time he had seen Chadee that the police were interested in seeing Chadee. By that time he had taken a statement from Adolphus Parmassar but that statement was in respect of something else. He went on to add that when he first spoke to Chadee it was not the first time he was hearing of the events which Chadee has described because Parmassar was the one who first spoke of the events. But

20 Parmassar had not given him as a full a description as Chadee had. He had not had to ask Chadee any questions, Chadee dictated that statement well and he wrote it down. He had not asked Chadee any questions and the impression he had formed was that Chadee was an intelligent man. At the time when Chadee was giving this statement Parmassar was at the C.I.D., but he was not actually present when Chadee was giving him that statement. He

30 agreed that Chadee had said that Kidogo and Steve Yeates were the persons who had killed this woman and that after this killing, he, Kidago, Abbott and Sonny Parmassar had buried her. He further agreed that Chadee had said that in the year, 1971, he had been employed as a car salesman and had paid regular visits to Malik's house but he could not recall his saying that he had paid those visits for the purpose of selling Malik cars. He further agreed that in the statement which Chadee made to him, Chadee had not said that he had slept there

40 before.

The next witness called was Mr. Trevor Perreira who lives at 3, Perigord Road, Maraval. He is an Insurance Investigator and he runs a debt collection agency. The accused Chadee was a man known to him for some twenty years and in the year, 1971, Chadee had been employed by him on a part-time basis to collect debts and at that time Chadee was also employed as a motor-car salesman by Henry Pain, Limited. On the 16th February, last year he had

50 received a telephone call about quarter to eight

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that morning from Edward Chadee whom he described as Junior Chadee - you will recall that Edward Chadee is also known as Junior Chadee - and Chadee asked him to meet him around nine o'clock that morning by the Chase Manhattan Bank, that it was important. He saw him around eleven o'clock that morning when he got to his car which was parked there. He saw Chadee waiting by his car which was parked by the Royal Bank. They drove around and around noon, he, Perreira, as was his wont, went to collect his wife, and the three of them then had lunch at the Queen's Park Cafe. During lunch Chadee stated that he wanted to get away from Michael X at Christina Gardens as a lot of wrong things were going on. At a later stage, according to Mr. Perreira, Chadee stated that he had come to him Perreira, to give the Mootoo family a warning, this family lived near to Perreira. According to Perreira, Chadee was stating that Michael X wanted to liquidate the entire Mootoo family. At this stage, according to Perreira, his wife interposed, asking how they could do this, the Mootoo's have bad dogs? Then Perreira went on to state that Chadee described some fluid called mace which is put in an aerosol can and when sprayed in a dog's face puts the dog to sleep.

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This witness went on to state that after lunch he dropped his wife to work; and after his wife got out of the car the accused said he didn't want his wife, Vera, to hear, but they had killed two people and buried them up there. One was a man called Joe, and the other an English woman. He, Perreira, went to a Solicitor, Mr. Malcolm Milne, and spoke to him.

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A few days after, the Sunday morning, he had gone to Arima with Mr. Milne. They both owned a race horse. And at Arima, Mr. Milne told him something.

At quarter past four that very day they received a call from Chadee and he told Chadee, "I see they have burned the house at Christina Gardens"? Chadee, he said, replied he had just heard it on the radio and that was why he, Chadee, had called him, Perreira. Perreira then went on, that he asked Chadee for Malik and Chadee replied that Malik and his family had left for Guyana on the Friday before. He, Perreira, went on to state he told Chadee he could not see the sense of the

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house being burned. He, Chadee, replied, "You don't know Michael X, he has bad mind for so".

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10 On the 22nd February, last year, a couple days after, when Mr. Perreira went to collect his wife at lunch time, as he is accustomed to, he met Chadee waiting therefor him outside the Huggins' building. They had lunch at Mungal's, he, his wife and Chadee. Later that day he had a call from Mr. Milne. The following morning, the 23rd, he again saw the accused Chadee, around eleven o'clock at South Quay, outside the Huggins' building and he told the accused they found a body at Arima at the burnt-out site, and he thought it was time they went to the police. He then asked Chadee if his hands were clean, if he had anything to do with it? And Chadee replied his hands were clean and he was quite willing to do to the police. He then took Chadee to his wife's office, spoke to Mr. Hardy, senior partner, one of his wife's employers and he told Mr. Hardy all that Chadee had told him. And Hardy advised that they should obtain Counsel before going to the police.

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30 Efforts were made, unsuccessfully, to obtain the services of Counsel and at that stage Perreira told Chadee, "To hell with Counsel, let us go to the police". He then went with Chadee to the police, to Mr. Duff, Assistant Commissioner. This was sometime after four o'clock. In Mr. Duff's office Chadee told Duff that they were digging a soakaway at Arima for a goat pen; that he had been sent with a jeep to get manure and when he came back the hole was all filled up and subsequently a man called Joe was missing. Mr. Duff then spoke to Mr. Ramdwar and while Mr. Duff was speaking to Mr. Ramdwar he, Perreira, told Chadee, "Why don't you tell him about the English woman?" Chadee replied he was afraid because he saw them kill her and he would get himself implicated. He said he pursued that conversation no further and subsequently he left Mr. Duff's office.

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He was not cross-examined by Mr. Permanand, Counsel for accused, Abbott.

In answer to Mr. Sanguinette, one of the Counsel for accused, Chadee, he again repeated he had known Chadee for some twenty years. Chadee had no immediate family in the country. In December, 1971, his father was not alive, nor was

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his mother. Chadee had three sisters but in December, 1971, they were all living abroad. In November, he had employed Chadee as a part-time debt collector and he knew at that time Chadee was also a motor-car salesman. At the end of December, 1971, Chadee had stopped collecting debts for him. He next saw him on the 16th February, 1972 and one of the first things he said on that date was that he had to run away from Malik's premises at Christina Gardens. Perreira expressed the view that Chadee appeared to be seeking advice from him. He considered that natural as Chadee had no family in the country. It was not until the 23rd February, that he, Perreira had in fact advised Chadee to go to the police, and immediately when he gave this advice Chadee went to the police.

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When he was re-examined by the Learned Attorney-General: The immediate family of Chadee were well-known to him. They were not wealthy but well off, above middle-class. That was the evidence given by Mr. Perreira.

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The next witness, Patrick Monix, a groom employed by the Laurel Stud Farm, lives at Arima race course. He was cross-examined by Mr. Permanand: The accused, Abbott, was a man known to him. Abbott came to that farm while he was employed there, came to collect manure about some six times. But he was unable to recall the last time he saw him around that farm. He was not cross-examined by Counsel for the accused, Chadee.

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He was re-examined by the Learned Attorney-General: He said he saw the accused, Abbott at the farm some six occasions. He also recalled a tall Indian man wearing spectacles coming to that farm. On the 22nd February last year. Steve Yeates came to that farm and when Steve Yeates came he was accompanied by a white lady.

Aldwyn Aguilera, Sgt. of police, was the next witness called. In February, 1972, he was stationed at Arima. On the 23rd February, around eleven o'clock that morning, he carried out a search at the back of Abdul Malik's premises at Christina Gardens and in the course of that search he took possession of three cutlasses which he found there; one of which had the letter 'K' engraved on the handle. The cutlass marked 'K' was shown to him and he said that cutlass with the letter 'K'

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engraved on the handle was one of the cutlasses he found at the back of Malik's premises at Christina Gardens and that cutlass he had taken possession of. At that stage this cutlass was put into evidence and marked A.A.1. The following day he returned there around eleven o'clock at night with Henry and Mitchell, two grave diggers. They went to a piece of land north of Malik's house - burnt out premises - there he spoke to Assistant Commissioner Duff. A spot there was dug by these grave diggers who had been given instructions. After digging some two feet a stench came from the hole and after digging a further two feet he observed the dead body of a white woman. The head faced north, the feet faced south and the body was clothed in a dress and panty. Dr. Healey was present when this digging was being done and the body was discovered, and on his, Dr. Healey's instructions, that body was brought to the surface and removed.

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Sgt. Aguilera was not cross-examined by Counsel for either of the accused persons.

Melba Lynch was the next witness called. She lived at Petit Valley, Diego Martin. She knew the premises, 26/28, Christina Gardens because in August, 1971, she was employed by Malik for some three weeks as a filing clerk. When employment ceased she continued to visit those premises regularly and during that period she met Hakim Jamal and Halle. She described Halle as a woman, white, fairly tall and very slim with shoulder-length dark brown hair, with her hair worn in what she described as a bang. Halle had a very straight, long, thin nose and wide eyes. She had also made observations about Halle's clothing. Most of the time Halle wore long dresses. She wore red leather knee-length boots; she had a brown leather belt with a heart-shaped buckle. On the 7th June, last year at the request of the police she went to Criminal Investigation Department, Police Headquarters, Port-of-Spain, there she was shown a number of articles and she was able to identify the red knee-length boots, the belt with the heart-shaped buckle, the leather jacket and lady's purse as the property of this woman, Halle - exhibits C.T. 3,4,5 - and a belt, part of exhibit 6, which was then marked C.T.6A. She said those are the articles she identified at Police Headquarters as articles which she knew

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belonged to the woman, Halle. The man, Steve Yeates, she said, is now dead.

She was not cross-examined by Counsel for the accused, Abbott. In answer to Counsel for the accused, Chadee: The items she identified, she described them as not unusual items. Boots were, in fact, popular two years ago but not the leather Moroccan handbag - exhibit C.T.5 - that type of handbag was one she had never seen before. On the 1st January, she was not at Christina Gardens, on that day she was at home with her family, she may have been there on the 2nd. The leather jacket, C.T.3 which she identified, that leather jacket, she had seen Halle wearing and as far as she knew, Halle only had one brown leather jacket and that item she knew did belong to this woman Halle.

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When she was re-examined by the Learned Attorney-General she repeated she had been to Christina Gardens on the second week in January, 1972 and on that occasion she had not seen Halle.

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In answer to Mr. Prevatt, with the leave of the Court, she again repeated she was not at Christina Gardens on the evening of the 1st January nor was she there on the following day in the company of Steve Yeates.

Adolphus Parmassar was the next witness called. He lives at 36, Olton Road, and is now twenty-two (22) years old. On the 2nd January last year, Saturday, 2nd January, at about nine o'clock that night, he was at 26/28, Christina Gardens, the premises of Malik. At that time both accused persons, Steve Yeates, Marvin Deane also called Kidago, and he were present. They were all seated in the sitting room of the servants' quarters at Malik's home. Malik was telling them that he had observed Hakim Jamal was under some mental strain and that the woman known as Halle was causing Hakim this mental strain and that the best way to free Hakim from this mental strain was by getting rid of Halle. Malik, according to Parmassar went on to say that the following day Steve Yeates was supposed to go to Laurence's farm to pick up a gallon of milk and on his return he will pick up Halle and he will bring her to the northern side of the premises where he Parmassar, Deane, Abbott and Chadee were instructed to dig a hole. Malik, he went on to say, stated that the following

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morning he would take Hakim in his car and carry him away from Christina Gardens. Chadee and he, Parmassar, were instructed to sleep in the servants' quarters of Malik's premises that night.

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The following morning at six o'clock, Malik woke him up, woke up Chadee, Kidago, Steve Yeates and himself, Malik spoke to him. He, Parmassar then went to 43 Christina Gardens and spoke to the accused, Abbott and Abbott returned with him to 26/28 Christina Gardens. He, Abbott, Chadee and Kidago went to the northern side of the premises where the manure was being strewed, that is some hundred yards from the northern side of Malik's premises. At that spot Malik pointed out the spot where he wanted them to dig. Malik asked the time, Kidago said it was 6.20, Malik then replied they had twenty minutes in which to dig the hole.

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At that stage Malik called Abbott to his car. They spoke for a while and then Malik left. He, Abbott, Chadee and Kidago started digging that hole. When they reached some 4 ft. in digging that hole Steve Yeates drove up with Halle in the jeep. The jeep stopped, Steve Yeates and Halle came out of the jeep and came to where they were standing. Halle said good morning, and they replied. The accused, Abbott then told Halle he had something to show her. She went across to stand over the hole and asked what it was for. Abbott told her it was to put fresh matter to be decomposed. Abbott asked her if she liked it.

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She asked why. Abbott then held her round her neck and jumped with her into the hole, saying, "It is for you". When Abbott jumped into the hole, Kidago jumped into the hole with the cutlass, and you will recall, he tells you at a later stage that the cutlass with which Kidago jumped into the hole was a cutlass with a "K" on the handle, was the cutlass marked A.A.1. Kidago had tried to stab her, and she was struggling and got a large wound on the inner left rib which bled profusely. Halle was struggling, and the accused Abbott had one hand around her neck and the other over her mouth. After Kidago made several attempts to stab her without success the accused Abbott called to one of them to come in the hole to Assist Kidago. Abbott did not specify which one of them. However, Steve Yeates jumped in that hole, took away the cutlass from Kidago, holding it in his left hand, he placed it against the throat of this woman, and

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with his right hand forced the cutlass into her throat.

You will recall Parmassar demonstrated the manner in which he said Steve Yeates had done this. That Yeates struck the handle of the cutlass with his right hand at the stage where he had the point held against the throat of this woman. The cutlass, he said, is in fact a gilpin - but the bent tip had been filed away to form a point. Yeates having forced this cutlass in her throat, Abbott, Kidogo and Yeates then came out of the hole - at which stage Halle was lying in that hole, still struggling. The order was given to start covering the hole. He couldn't recall by whom, but he, Parmassar, Abbott, Yeates, Chadee and Kidogo started covering that hole, and at a stage when the woman in that hole was still struggling. He says the persons who were covering the hole could see clearly that this woman was still struggling. At the stage when they were covering the hole for about a foot, he said Yeates took Chadee in a jeep and they went away. They returned with some manure - but by that time the covering of the hole was finished.

The manure was then off-loaded about a yard or two where the body had been covered.

They then returned to Malik's premises - 26/28, Christina Gardens. At the time when this woman, Halle was buried, she was wearing a long dress - what she described as African gown - with short sleeve. He had first met Halle and Hakim at Malik's premises in October, 1971. Halle he told you, was also known by the name Gale Ann Benson; Marvin Deane was called Kidogo. He last saw him, Marvin Deane, about the second or third week in January at Malik's premises. Steve Yeates he last saw on the 10th January at Malik's premises. Steve Yeates he last saw on the 10th January, when he saw him drown in this big bay at Sans Souci - he did not see Steve Yeates come out of that water. In answer to Counsel for Abbott, he said, he, Parmassar, had visited Malik's premises regularly, and there he had got to know Abbott. He went there daily after sometime, and he and Abbott worked, helping around in the garden and planting. They had gone to Laurencio's farm; Abbott said he had gone there to off-load goods there; and he also recalled that Abbott went there to mend the fences; he was not paid, nor did he think Abbott was paid. They had

one solid meal a day, and snacks, when fruits were in season; and Malik's home he described as virtually a prison camp. He was in deadly for his safety.

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10 Around January 1st last year, around 9.00 o'clock, when Malik gave the order that something had to be done, Abbott was the only one who had registered any protest. Abbott he said, stated that the best way to get rid of the woman, Halle was to give her a plane ticket, and send her back whence she had come. Nobody who had been present, supported Abbott when Abbott made this protest. From the comments made by Malik, he, Parmassar was of the opinion that if the orders were not carried out, it meant death. He agreed Abbott was trying to persuade Malik not to kill the woman, but he had received no support. He, Parmassar, had become involved, because he thought, that he, Parmassar, would have been killed.

20 As far as Abbott's mother's home at Chaguanas was concerned, he had gone there with Abbott on a visit on the 1st January last year. On the morning of the 2nd January, Malik had awaked them around 6.00 o'clock, and the next time he saw Malik was about an hour after. When they returned to Christina Gardens, he, at that stage, had been told about the telephone call, but he had not actually heard the telephone ringing.

30 At one stage that morning before the commenced digging that pit or grave, Malik had called Abbott to his car; but he did not hear what Malik had told Abbott; nor did he think anyone else could have heard what Malik had told Abbott at that juncture. He had seen guns around Christina Gardens because Malik was in the habit of discharging shots, as he put it - Malik did this to let the neighbours be aware that he had a gun. They would be used to hearing shots and that would serve to keep neighbours from coming into the Malik premises. He had heard about this plot to kill the Mootoo family, and Abbott was the one who had told Chadee and himself about that plot, and Abbott was the one who told Chadee and himself to leave Christina Gardens; but he said he couldn't recall Abbott stating about warning the Mootoo's; and Abbott had told him this, told both Chadee and himself about leaving Christina Gardens some two or three days before Malik had actually left for Guyana. On one occasion in

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December, 1971, Malik had turned down a request which Abbott had made, that he be permitted to visit his mother at Chaguanas. And on another occasion when Abbott had taken him to the Pent House, Malik had been annoyed about this, and had remonstrated with Abbott, telling him that he would take care of him personally, which he understood to mean that Malik would not hesitate to kill Abbott.

Now, in answer to Counsel for the accused, Chadee, he again repeated, this is Parmassar, that Abbott had told Chadee and himself that they should leave Christina Gardens; they should go away, and that was around the 15th or 16th of February. After the period, the period after Yeates had drowned, everyone on those premises seemed to be under some mental strain. He again repeated that Abbott had called Chadee and himself to the room and had told them, among other things, of Malik's wanting them to liquidate the Mootoo family. He says at the stage when he and Chadee were in that room, he and Chadee began crying. He told Abbott he wanted to go back to his mother's home. Between the period October to December, 1971, he Parmassar, had visited those premises regularly, and around the end of December, 1971, he had started to sleep at Malik's premises; and he says, after the incident on the 2nd January, he lived there until he left. But he says he was compelled to stay there as a result of this incident involving Gale Ann Benson on the 2nd January, 1972.

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Prior to the 1st January, 1972, the accused, Chadee had never slept at those premises. But from the 2nd January, 1972 to the 16th February, 1972, Chadee slept and lived there; that is, from the time of this incident which occurred that Chadee slept there; and he, Parmassar, saw Chadee for the first time the last week of December, 1971. Around the mid December, 1971 Malik had introduced him to Abbott; Marvin Deane also called Kidogo he had met in Malik's premises about the last week in December, and in December, 1971, both Hakim Jamal and Halle were living at Christina Gardens. Two weeks prior to this incident, he, Deane, Yeates and Abbott lived on Malik's premises; and prior to this date, the 2nd January, he had seen the letter "K", inscribed on this handle of this cutlass. Marvin Deane or Kidogo did no manual work whatsoever. Discussions had taken place about a fertiliser plant and about the money to be made

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from this fertiliser plant. On the 1st January last year he had seen Chadee at Malik's premises, and he, Chadee and Abbott had gone to Chaguanas, where they had visited Abbott's mother. They returned about half past seven that night, and on their return, Malik, Yeates and Deane were there. Melba Lynch was the girl friend of Steve Yeates. He thought that she was the girl friend, but he was not quite sure.

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10 Having arrived back from Chaguanas, Chadee
drove in the yard, and Malik locked the gate.
Malik, he said, usually locked the gate; he had
dogs in his premises, a large doberman and two
mongrels. He also had spotlights on those
premises. The premises were enclosed all around.
Around 9.00 o'clock that night Malik said he
wanted to speak to them. Before that, they had
all been seated chatting among themselves. Malik
had said one of the brothers is having a mental
20 strain and Halle must be got rid of. Again
Parmassar repeated that Abbott had said, the best
way to get rid of Halle was to give her a plane
ticket and send her back where she came from. But
he went on to add that Malik at that stage said he
wanted something definite. Malik told them that
they had to get up early in the morning and he
Malik had ordered Chadee and himself to sleep in
the room that was the servants' quarters. But
Deane and Yeates also slept on the premises -
30 that is, the premises near that same room.

 The following morning, he again repeated, Malik
woke Chadee and himself, he went and called Abbott,
and he returned to Malik's premises. Tools were
collected, and they went on the northern side of
Malik's house. To get out, he had to climb Malik's
gate. They started digging the hole. Chadee was to
take out the loose dirt while the hole was being
dug, and that was what Chadee was doing. Chadee
himself tells you that is what he was doing, he
40 supports Parmassar there. While Chadee was doing
this, Abbott did tell Chadee, "Boy, like you can't
make". At which stage, Chadee went and sat down
nearby, while the digging continued. When the hole
was about four feet deep, the jeep pulled up, he
again repeats, it, Kidogo was then standing on the
southeastern part of the hole, Abbott was on the
southern side of the hole, and he, Parmassar, was
standing close to Chadee. He said a conversation
did take place there, but he said nothing, and the
50 accused Chadee said nothing. And prior to Abbott's

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calling for help, Yeates, he told you, was very close to the jeep. The time when he and Chadee were standing on the eastern side of the hole. When Abbott had called for help, Yeates looked at Chadee for a few seconds, looked at him for a few seconds and at that stage, Yeates jumped into the hole. Neither he, Parmassar, nor Chadee had moved then. At the stage when Abbott called for help, at the stage when Yeates looked at them, neither he, Parmassar, nor Chadee made a single move. Yeates, Abbott and Deane had come out of the hole and the order was given to cover the hole. Again he repeats, that Halle was struggling in this hole, was gasping. There was this heap of manure near the hole, and Chadee had gone to the manure, taken a fork out of the manure, and had pulled some manure to the hole. Again Chadee himself in evidence says that while the hole was being filled Yeates called Chadee, and said, "Let us go to Laurencio's farm for manure". He is unable to say whether Yeates had said, the manure being removed from that spot might look suspicious, and that accounted for Yeates telling Chadee they should go for some more manure.

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However, having gone back to Christina Gardens, an order was given that his mother's kitchen be re-built, and then the party proceeded to his mother's kitchen where work was done. From that date, Chadee and he slept, ate and worked on those premises, until the date of the 16th February, 1972. Chadee planted anthuriums, cut the lawn while they were both there. Again he repeats that Malik's place was like a prison - order after order was being given. As far as Chadee is concerned, Parmassar tells you that whenever Chadee left those premises he was in company either with Steve Yeates or one of the others. Around the 20th January, Deane and Jamal left the country together. Around the 1st January, one Sam Brown appeared on those premises, and he lived until the 16th or 17th February.

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Now as far as Yeates is concerned, Yeates met his death while attempting to save one of Malik's daughters and another girl called, Hazra from drowning - this incident at Big Bay, Sans Souci - and after this date or some three or four days after they all carried out a search for this body of Yeates but it was never found.

On the morning of the 16th February last year he had left those premises. At the time when he left he knew that Chadee was about to leave. Around the 23rd or 24th he was taken to the Criminal Investigation Department. He saw Edward Chadee there, and he eventually gave the police a statement. That was the evidence given by Adolphus Parmassar - self-confessed accomplice.

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10 But as I have told you earlier, while the law requires corroboration, it is not essential if you accept and believe his evidence - and in this case, there has been in fact, corroboration; because while there was slight differences as to what Abbott has said as to the manner in which he was holding the woman, as to what he actually said when he was in this pit, Parmassar has told you that Abbott held this woman, threw her in the hole, and that Abbott actually held Gale Ann Benson when Yeates put this cutlass to her throat and rammed it into her throat. Again, he has told you that while this woman was known as Halle he also knew her as Gale Ann Benson. So again, if you accept that, well, very clearly, that the woman named in the indictment, Gale Ann Benson is dead; because he tells you that Halle is the same woman who was called Gale Ann Benson.

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Now, Mr. McPhillip, the next witness called. In February, 1972 he was then the Superintendent in charge of the Criminal Investigation Department. On the 24th February that year, 1972, at about 8.00 o'clock that night, he received a telephone call at his office, in consequence of which he went to the vacant lot of land at Christina Gardens; he got there about 9.00 o'clock, that is, 26-28 Christina Gardens; policemen were there, among whom was Sgt. Aguilera, Dr. Healey was there, and the grave diggers Henry and Mitchell were there standing around a hole, and he says that Dr. Healey went into the hole and carried out an examination, and he saw that the dead body was a white female. He saw a gaping wound below her throat, and in the region of the chest.

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On Dr. Healey's instructions the body was removed from the hole and taken to the mortuary at the General Hospital, Port-of-Spain. On the 25th, the following morning, at 8.00 o'clock, he went to the mortuary, he saw the dead body - this same body which he had seen in this hole at

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Christina Gardens, he saw that body lying in the mortuary, and on that body was a necklace of costume jewelry which he handed to Inspector Trotman - that was the exhibit necklace "Y", which was put into evidence, and marked I.McP.1. On the 27th February, he saw Dr. Harrison, the dentist, and spoke with him. On the 25th February, half past four that afternoon, Inspector Kerr came to him with the accused, Abbott. Kerr told him that about quarter to twelve, before midnight, on the 24th February, 1972, Abbott had come to the Criminal Investigation Department and told him, Kerr, that he, Abbott had seen on the papers where a dead body was found on Michael X's yard at Christina Gardens, and that he had come to talk to the police officer who was in charge of the matter. He then told Abbott who he was, and that he was investigating the report of the dead body of a white woman found in the hole in Christina Gardens, and that he had information that her name was Gale Ann Benson. He, at that stage, cautioned Abbott, and Abbott gave him a statement which he reduced into writing. That statement he tells you was free and voluntary statement. It was signed by the accused Abbott after it was read over to him, and that statement was also read over to Abbott by a Justice of the Peace, Mr. Cobham. That statement was not objected to, was read over and put into evidence and marked I.McP.2.

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I will now have that statement read over to you:

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CLERK READS STATEMENT

That was marked I.McP.2. Following the taking of that statement from the accused, Abbott, Mr. McPhillip charged both these accused with the present offence. He further cautioned them, each of them remained silent.

On the 27th February, he was at the mortuary of the General Hospital, Port-of-Spain with Professor Simpson and Dr. Healey and he pointed out this dead body to Professor Simpson and he was present when Prof. Simpson carried out this post mortem, as was Dr. Healey.

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On the 3rd March, he was also present at the mortuary of the Port-of-Spain General Hospital

when Dr. Roland Knight carried out the examination on the teeth of this dead woman.

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10 In answer to Counsel for Abbott, Mr. Permanand, this witness stated that Abbott came to the police of his own volition and he did ask to speak to the person in charge of the investigation and he, Mr. McPhillip, had taken that written statement from him. When he first saw him, Abbott was actually shaking. He formed the impression that Abbott was nervous. Abbott didn't cry, he appeared to be suffering from fear, as he termed it, or a fright. But he went on to state that he was unable to say whether that fear or fright was in fact genuine or not. What he thought was that Abbott wanted to get something off his mind, that he appeared to want to make a frank and open statement about what he knew about Christina Gardens. Abbott didn't tell him he was afraid for his life during the entire taking of that statement, he first said

20 so weeks after. And at that stage he had said that he didn't desire to be placed in the same cell as Malik. This witness denied that Abbott had ever told him that Malik had ever threatened his, Abbott's mother, but he had said that he entertained fears for his mother as she lived alone at Chaguanas. But as Mr. McPhillip says Abbott was in England for many a year and as far as he, McPhillip was aware, Abbott's mother lived in Chaguanas.

30 In respect of the finger nail which Prof. Simpson found in the mouth of this woman, behind her mouth, he said, Abbott's hands were intact. In other words there were no nails missing. When he, Abbott, came to the police, he observed that Abbott's nails were intact.

40 In answer to Counsel for the accused, Chadee, he said investigations had revealed that Malik had arrived in Trinidad sometime in 1971 and he was aware that Malik enjoyed the reputation of having millionaire friends; and that during that year, one John Lennon had visited Malik and stayed with him. And the premises at Christina Gardens were what he described as luxurious premises. Chadee, his investigations revealed, had been employed as a salesman with Renault motor-car up to December, 1971 and that he had also been engaged in part-time collection of debts with a gentleman called Perreira. Cozier, the sales manager of Renault

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Limited, he, Mr. McPhillip, had taken a statement from Mr. Cozier who was Chadee's boss at that time and he had learned that Malik had enquired from Cozier about the purchase of twelve Renault cars and that was during the time Chadee was employed there. In December, 1971, he further agreed that Cozier admitted he had received a medical certificate from Chadee accounting for Chadee's absence from the job and that was for the period December, 1971 to January, 1972. As far as Hakim Jamal was concerned, 10 he had learned that Hakim lived at 43, Christina Gardens before December, 1971 and that Halle had lived there with Jamal. Stanley Abbott had lived there at Christina Gardens from 11th December, 1971 and that Abbott had arrived at Christina Gardens on the instructions of Malik.

He further stated that he did learn that Jamal had been asked by Malik to send for a trusted friend and thereafter the man named, Kidago, arrived some time after December, 1971. 20

Now as far as the conversation which took place on the 1st January is concerned, the Superintendent told you it did not occur to him that this killing was contemplated before the 1st January, 1971. But as told you by the Attorney-General, that in itself is unimportant. But in respect of Chadee, this witness did state that Chadee had come voluntarily to the C.I.D., and spoken to Assistant Commissioner, Duff. When he was re-examined by the learned Attorney General, this witness had stated that before the body was taken from the pit at Arima, up to that time he had no information from Chadee as to its presence there. In other words Chadee came to give this information at the time when the body was discovered. 30

Well, that was the evidence led for the Prosecution at this trial. Now before the accused, Abbott - who elected to give evidence on oath - testified, Mr. Sanguinette, Counsel for the accused, Number two, sought leave of the Court and obtained leave, to ask further questions of Mr. McPhillip. In answer to Mr. Sanguinette this witness stated that Parmassar was taken into custody on the 23rd February and charged for the murder of Gale Ann Benson. In other words he was charged in respect of this very crime and subsequently he was no longer charged. In answer to the Attorney-General this witness went on to state 40

that the proceedings against Parmassar were discontinued by the Attorney-General, as he is empowered to do and a document to that effect was filed, and this indictment, the trial now before you, is against Abbott and the accused, Chadee. But prior to that, the original information contained, in addition to the names of these two accused, the names of Marvin Deane, also called Kidago, Adolphus Parmassar, as well as Michael Abdul Malik. As stated to you by the Learned Attorney when he addressed you, the Crown is perfectly entitled to enter a noille prosequi against any accomplice and call that accomplice as a witness, which the Crown has done in this case now before you. Well, Yeates is not before you for very good reasons and as far as Marvin Deane is concerned, Mr. McPhillip told you that though a warrant has been issued for his arrest, at the present time he has not been located. As far as the other one, Malik is concerned, he has been convicted for a capital offence.

Now the accused, Abbott, elected to give evidence on oath and this he was perfectly entitled to do. Had he desired he could have remained there and not utter a single word because as I told you earlier and which you have to bear in mind, there is no onus on the accused, Abbott to prove his innocence to you. The evidence which he gave was an amplification more or less of the statement, exhibit I.McP.2, which he gave to the police. At the present time he resides at 103, Frederick Street. On the 25th February, last year, the statement I.McP.2, he gave that statement to Supt. McPhillip. He then proceeded in his evidence to tell you what has already been stated in his statement, about his life in England when he met Michael Abdul Malik, and with those details I am sure you are very familiar. What transpired about the charting up of this 'Black House'; Malik's leaving the 'Black House' and stating he was no longer pursuing those activities; his taking over, as he says, carrying on till such time as somebody could take over; and then subsequently his going to Malik sometime early in the year, 1971, paying a visit to Malik at his home in North London and Malik telling him in February, 1971, that he intended to leave for Trinidad the following day. That visit was paid when, according to Abbott in his sworn testimony, he had not seen Malik for some

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two weeks. You will recall the various names of persons whom he said he had met, persons of influence and wealth.

However, having seen Malik that day, Malik told him he wanted him to come to Trinidad with him. Then he, Abbott, replied to Malik that he, as he put it, didn't want to go on any political scene. Meaning, he didn't wish to be involved in any Black Power Movement. Malik said that he was finished with Black Power and that he was going home to do some farming. He, Abbott, had been away for fifteen years, he longed for home and he welcomed and seized this opportunity to return to his native land.

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Malik, he told you, gave him money for his passage and having returned to Trinidad he was established at Queen's Park Hotel then at Chagacabana Hotel, then later on Christina Gardens. He said Malik had told him he was with an agent going in search of land for farming and then suddenly one morning took him to Arima and there he saw Christina Gardens for the first time. When he got there the Mootoo family were moving out and Malik moving in. Malik then gave him the details of the agreement which he had made to purchase this property, \$65,000.00. But he, Abbott, formed the view that this did not make sense, purchasing this property when he had been told that Malik was coming to Trinidad to do some farming. Having become somewhat disenchanted he, then, in May, 1971, bought a one-way ticket back to London. The night before he goes however, Malik cancels the passage. He told you how his Mother and friends had gone to see him off; how he was put out; had to persuade Malik to go to Piarco and apologise to them for the inconvenience caused. And having returned Malik told him that he would give him a return ticket but that he wanted him to do certain things for him when he, Abbott, was in the United Kingdom. He, at that stage, resented being told to come and go and was arguing with him but that was when he first discovered the type of person Malik was. That was in May, 1971. Malik then threatened his Mother's life; his Mother was a sweet person and he realized what a dangerous person Malik was - dangerous or reckless, to adopt his language, ruthless. He says he didn't realize that until that stage. However, Malik had told him that he

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would like him to do certain things for him when he got back to London and he returned to England.

Having got there he spoke to several influential persons whom Malik had requested he spoke to but he said, he made it his duty to keep in touch with Malik by telephone, telegram and letter. He would have done nothing to, what he described as ignite Malik, because he said, Malik was an explosive person.

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10 In December, 1971, he received a letter from Malik with the one word, 'come', that word representing to him a matter of life and death. And in consequence of that letter with the one word, 'come' he arrived back in Trinidad within two days having taken the first plane he could get out of London and having to travel via New York in an effort to come here as soon as possible. As far as that letter is concerned you will recall in this lengthy and detailed statement, exhibit, I.McP. 2, which
20 the accused gave to the police land in which he enumerated all the events prior to coming to Trinidad, about Malik giving him a few hundred pounds to come to Trinidad.

But as far as this letter is concerned: In December, 1971, "I received a letter from Malik to come to Trinidad". When he had given his evidence here before you he said he received a letter with one single word "come". And again in his statement, he doesn't mention anything about the stage when he
30 left Trinidad, his being fearful of Malik then, there is no mention of that in his statement which he gave to the police. He merely says, he lived at Queen's Park, Chagacabana, when they worked on the house at Carenage, and that he lived in Trinidad until May 11th 1971, when he went to England on the instructions of Michael, to talk to some of his influential friends, because, he, Michael, couldn't go back to England - so that is the reason he advanced in his statement, for his
40 going back to England - that he went there to do Michael Abdul Malik's bidding because Michael Abdul Malik could not then return to England.

Now, he continues in his sworn evidence that he returned to Trinidad, because of this letter with the word "come". That word "come" represented life and death to him. And having arrived here, back in Trinidad, he was shown a room at 43,

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Christina Gardens, and told by Michael, this is his room, that he would have to live there - that was his new home. He then begged to go to his mother, begged him to release him, as he had done all he had asked him in the United Kingdom. Well he had done all that he had asked him in the U.K., but none the less, he had asked him to return. But as I say, facts are matters purely and entirely within your province - but when he begged to go back to his mother Michael bluntly refused. He then had him working around Christina Gardens with Parmassar, and he went into detail as to the work which he had to do and how he was hard pressed, having to cut bamboo grass for Michael's goats, do innumerable labouring tasks. He was worked unmercifully, according to him, around the house. Both there, and his having to work at Laurencos farm, as what he described in the broiling sun.

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However, he went on, one day before Christmas Eve, Michael came to him, and he described in rather descriptive terms about the blood in his mouth and beard, and he thought that Malik had cut himself while shaving. But he said Michael told him they had killed a calf at Laurencos farm and he was drinking blood - that made him feel sick, scared. He also tells you that he heard Michael tell Jamal to send for somebody from the States whom he could trust, and a couple days later, an American, Kidigo, a man he described to you as a hired assassin, arrived. He then again beseeched Michael to let him go, as he had someone to help him. And Michael told him Kidigo was a hired killer, and not there for manual work. Kidigo had killed police in Boston, and that from now on, he, Abbott, must shut up. Now, coming to the 1st January last year, on that date, he saw Junior, the accused Chadee, arrive at Christina Gardens. Chadee got there, then he, Abbott, went to Michael to ask to go to his mother's for the New Year, and he said he did this because Michael had forbidden him to go to see his mother, even on Christmas Day. He said Michael turned and said go, but it would be a matter for him how he got there, but that he was not to use Michael's vehicles. He then asked Junior for a drop, and Junior agreed, and he, Junior and Sonny went to his mother, where they spent the day, and were entertained by his mother at Chaguanas. They returned about that evening, and then said at that stage Michael called him in, and started taking about getting rid of Halle.

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He then felt mortally afraid. They were sitting in a semi-circle. Michael with Steve Yeates on his right, Kidogo on his left, Chadee faced Michael, he, Abbott, on Chadee's right. Parmassar on his left.

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10 Now, at the time when he left for Chaguanas, Michael, Jamal, Yeates and Kidogo, also called the black muslims, they had left them there. Sometime before he had enjoyed a fairly good relationship with Yeates, but he said when he returned from the U.K. he found Yeates to be a changed person. As far as Kidogo is concerned, he did not speak to him because Kidogo had bought the cutlass in Trinidad, and he saw him file that cutlass. When he asked him why he was doing this, he said that it did not balance properly, and Kidogo was the one who had inscribed the "K" on that cutlass.

20 Continuing with respect to the conversation which Malik had with them that night, he went on to state that Malik said the woman Halle was giving Jamal mental strain and that she should be liquidated. He Abbott, then pleaded with Michael for her life - but Michael denied his plea. Yeates jumped to his feet, stating that he wanted something definite. Michael pulled his beard and said he wanted blood, and Kidogo just looked at him. He could see murder in the eyes of these three persons - Kidogo, Yeates and Malik. He didn't
30 bother to look at Junior or Parmassar, because he said he had taken them to his mother's house and he considered them respectable persons. Michael outlined what was to be done but he did not say who would kill or who would push in any hole. He told Junior and Sonny Parmassar that they would have to sleep there that night. He slept at 43 Christina Gardens, went to bed at 10.00, got up at six the following morning. When he walked across that night from this servants' room, at the back of
40 26 Christina Gardens, to 43, where he resided, he said, after having pleaded for Halle's life, seeing the looks on Michael's Yeates' and Kidogo's faces, he wanted to speak to Jamal but he was mortally afraid, because Malik had said that they had to do it for him - that he Jamal was under mental strain - you will recall too, he said threats had already been made by Malik in respect to his mother's life and he consequently was afraid. Malik knew that he was dissatisfied with him, and that when he left there that night he felt death was his companion.

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He thought of going to the police that night, but he turned down the idea, because Malik had always told him that he invested himself with a cloak of respectability, and he felt that if he went to the police the police would scoff at his making that report and they would laugh at him - so he thought that it would not be of any use whatever to go and make any report to the police. He said they would not have believed him. That night he lay there thinking - and Sonny woke him up. He hadn't even bothered to take off his clothes. When Sonny woke him up, Sonny told him Malik says he wants him to come now to dig the hole for Hale'. He says he even helped Junior dig. He felt compassion for Junior because he was unaccustomed to digging and working hard and Junior was a salesman and not accustomed to that type of work. Kidogo was giving the orders. Ordering one in and one out, saying the schedule was tight. 10

Before this, Malik had reversed the car to where he was, and called him to the car, and when he went there, he again pleaded with Malik, "Oh God, Michael, you don't have to do that, spare the woman," begging for her. Michael told him he did not want any old talk - any old talk from last night, and told him Yeates would drive up in the car with Hale', Yeates would hand Hale' to him, Abbott, and he Abbott should tell Hale' when she saw the hole, if she became suspicious, that it was for stuff to decompose in, or words to that effect. 20 30

That he, Abbott, was to grab her, grab the woman and take her into that hole, and that he Abbott was to tell her the hole was for Jamal, and Abbott says that Malik told him Kidogo has his orders, and if he, Abbott, did anything to endanger the safety of any of the persons around that hole by not obeying, that he Abbott, would die that morning, knowing that his mother would also be dead; as that was where he was heading with Jamal. As he walked off Abbott tells you that Michael told him to remind Kidogo that the heart is on the left side - that he, Michael wanted the heart. And you could remember the evidence of the eminent doctor, Professor Simpson and the chart which he did of these stab wounds around the left side of the chest, around the area of the heart. However, Abbott went on to tell you that he did so on Michael's instructions; that when he gave his statement he was moving like a zombie - a mindless, 40

mechanical creature; that he hid nothing in his statement; that the events at the hole were blurred. Parmassar has testified, that he had held the woman, locked her around her neck and a hand over her mouth - he was not saying that Parmassar was lying, but Parmassar may have been confused about the events which took place around that hole; because he says, both he and Parmassar, it was the first time any of them was experiencing any deeds of the sort.

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The woman received ten wounds; and if he had been holding her as described by Parmassar, he, Abbott, would have received wounds; but he received not a single cut. The person who received a wound was Kidogo. He had chopped himself - he was hacking away while he was in the hole. He described Kidogo as a madman. But he Abbott felt mortally afraid for his own safety. That was why he had called and say, "Somebody come."

On their return he had heard Yeates ask Junior who telephoned, and Junior had said Michael, Junior had repeated the conversation; Michael had asked if everything was alright, and he had answered in the affirmative. Yeates had then left. On the following day, he Abbott, telephoned his mother, and he was informed by his mother that Michael and Jamal had been there; she had invited them in, gave them coffee, and that Michael had telephoned his home from there. His mother is a woman aged 72, living in mortal fear of her life.

On the morning of the 20th January, he was told to drive Kidogo and his wife to the airport; Jamal was in the car with Steve Yeates and Malik's children.

That day Kidogo and Jamal left together for the United States of America. He went on to tell you that after both these men had gone, after Jamal and Kidogo had gone, on the way back from the airport, Malik drove with him, and mentioned that he had entrusted Jamal with a mission to get \$35,000.00 from the U.S. But as I say what you have to concern yourselves with are the relevant events in respect of this incident on the morning of the 1st January 1972. Then he goes on to tell you Jamal's coming to an ultimately end in America. Again, that is a matter merely of passing interest; that doesn't really concern you; what you are concerned about is the two

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accused who are on trial before you. However, with the death of Jamal, he then spoke to the police, in fear of his mother's life, and asked for protection for her.

After this, Malik became very brutal to him - to both Chadee and himself and Parmassar. Then he goes on to recount about how Steve Yeates encountered his death, and next we come to the morning of the 15th February 1972. When he says Malik told him that Yeates had a job to do for him, but with Yeates now gone he had to go to the Mootoo's and try to arrange to get the house on the basis on which he, Malik had it. In consequence of which he went to the Mootoo's, discussed that with them and he was told that they would come on a day, or next day and inform Malik of the decision. He told Malik all this. The following day one of the Mootoos came, Peter Mootoo, and a gentleman in charge of an Insurance Company, spoke to Malik and left. Malik then showed him a letter which had been handed to him and that letter requested that he, Malik, vacate those premises within three days. Malik appeared wild and then proceeded to tell him, you will recall, that the Mootoo's would have to be liquidated and he then further told him that with the passing of Yeates he, Abbott would have to do this. When Malik told him he pretended to agree saying he needed a night to work out the details. At that stage he told both Parmassar and Chadee of Malik's plans which would involve them and that they should go.

The following day, 16th February, Parmassar left, according to him, Chadee did not want to leave him and he had to beg Chadee to leave because then he contemplated killing Malik - first time that he had contemplated killing Malik - first time that he had contemplated committing murder. Subsequently, Chadee left and when Malik came back he informed Malik that both of them had gone and Malik told him that he should go to Tobago; they were tired and needed a rest. Malik gave him a hundred dollars and he went to Tobago. Having gone to Tobago there he heard about the discovery of the body and by this time the house had been burnt. Malik was in Guyana and he came to the police and made a clean breast of what had transpired. He further told you that when he was in custody awaiting this matter he considered himself a free man because his mind was then free.

In answer to Counsel for Chadee he again repeated that on the 11th December, he had returned to Trinidad. He saw Chadee for the first time in Woodbrook at his, Chadee's place of business. At the time he was with Jamal and Yeates, when he was introduced to Chadee. That had all taken place before the 2nd January. And he said at no time before the 2nd January had he worked with Chadee. On the night of the 1st January, Malik had given instructions to kill the woman and Malik had also instructed him to ensure the gate was closed.

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In answer to the Learned Attorney General, it was not the first time he had shut that gate as there were dogs, goats and other animals on those premises. Before the first January, he had never seen Chadee around there often. When he came, he came in a car and he used to come and go freely. On the 1st January, Chadee came in his own car and Chadee actually drove him to his mother's place, but he didn't compel Chadee to take him there. After 2nd January, he had heard threats made to Chadee. After the 2nd January, he, Abbott had gone to his mother with Jennifer, one of the daughters of Malik and he had driven there himself. Chadee's statement, he had heard it read, and it was a true statement, and from what Chadee said, Chadee did in fact take a less active part than he Abbott on the morning of the 2nd January. As far as what took place at the hole is concerned, if Chadee had looked he would have seen what was going on, and what he was doing, and in fact, Chadee would have been in a better position to see what he was doing. But at one stage while he was in the hole, he, Abbott, had become completely confused. He said Chadee did see the woman fighting up with them but at that time, according to Abbott, he was not part of them. He never restrained the woman. The recollection we had from Chadee was that Stanley called for help. He said he had called for somebody to do something and he remembered saying so clearly, because at that time Kidogo was going to kill him at any minute.

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The statement which he gave Mr. McPhillip is true. He did raise his hands to her lips as she was shouting, she was shouting to Kidogo, "Why are you doing this?" she said this very loudly. He said, Parmassar, Yeates, Chadee, Kidogo and he were around the hole, and all of them had been living together for a period of some two weeks. He said

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it was Steve Yeates' finger nail that was lodged in this woman's mouth. According to him, it may well have happened when he placed the cutlass against the woman and before he stabbed her, before he inflicted this mortal blow. Again he described to you how Yeates inflicted this blow.

When Michael Abdul Malik had given those instructions he had not said who was to dig and what ought to be done, but he knew the hole had to be dug and the woman had to be brought to the hole by Steve Yeates. At that time he did not know he was to grab her and jump in the hole with her. He had assisted in covering the woman when he was in the hole, but that was not while the woman was beating up in the hole, that was not quite correct. He had no reason to doubt when that woman was being covered she was still alive, but he had done all he could for her, all he could do in the circumstances.

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He had worked at several pursuits while in the United Kingdom. You will recall he told you, he was a Dispatch Rider when he was in the British Army. He agreed with the Learned Attorney General that he had received a Commendation as a Dispatch Rider and Obstacle Rider; and that being a Dispatch Rider and one who could surmount obstacles, took skill, considerable nerve and concentration.

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In Cross-examination he again repeated that when he went to Malik before he returned to Trinidad and Malik spoke to him about farming, at that time he saw piles of money. He was given his passage to come to Trinidad. While in England he worked; he was not supported by Malik. However, when he came here, according to his own evidence, he was supported by Malik and living well, living at Queen's Park Hotel, Chagacabana Hotel and finally, at Christina Gardens. He was amazed that this place had not been purchased by Malik when he heard this talk about the Mootoo's because he had seen so many things around those premises, Malik had bought so many articles, that he couldn't understand what he was doing, he couldn't understand that Malik had not bought and paid for those premises. He agreed that a car which was rented was rented with Malik's money and had been rented from his, Abbott's brother-in-law. Because prior to that, cars had been rented from Mike's. But in the case of a car rented from Mike's, a deposit had been made; but where the car was rented from his brother-in-law no deposit was insisted upon.

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Now he had lived in the same house with this woman, Hale', and Jamal for two weeks. The woman he described to you as a pleasant woman, he had never seen her to do anybody any harm, and he said, physically, he had not handled her.

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When he was re-examined by his Counsel he said while he had not sent his mother any birthday gifts he was in the habit of sending her gifts at Christmas just to show his filial appreciation, as he put it, because she was a person that was not dependent on him.

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Well, that was the evidence which the accused, Abbott, adduced on his own behalf. As you will remember, he gave us a history of the period before he met Malik, of his life in England. But in his statement which he gave to the police there was no mention of his returning to England because he was in fear of Malik or fearful that Malik would do away with his mother. In the statement he mentions that he may have pushed this woman in the hole. Here, however, he has told you very clearly, that he merely carried out Malik's instructions. In his evidence here he mentions that he carried out instructions, and how he considered his life in danger, but as I repeat, there is no mention of that in the statement which he gave the police. Again you will bear in mind that he has admitted that he is a man who is possessed of some nerve, a man who was a Dispatch Rider, a skill which requires nerve and concentration. All this you will consider when you have to decide the conflict of what appears in his statement; whether what he has told you is true; whether he was under any strain at all, and whether, when he came to Trinidad he was not actuated by greed at the sight of those piles of money. But then again, those are facts which are purely for you.

We now pass on to the defence of the accused, Chadee, because as I again repeat, you have to consider the case against Chadee separately and distinctly, the case against Abbott distinctly and separately. Now Chadee elected to give evidence on oath, as he was entitled to do and as I repeat, had he so desired, he could have remained there and not uttered a single word because the onus is, I repeat, the onus or burden of proof rests fairly and squarely on the shoulders of the Crown. There is no duty cast on the accused, Chadee, or the

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accused, Abbott, to prove their innocence to you. However, he told you he lived at Connell Street, Tunapuna. In December, 1971, he was a car salesman employed by Renault, Trinidad, Ltd., and had been so employed from May 1971. He had been a car salesman from the year, 1962. Now, as far as Malik is concerned, you will recall he told you that one morning when he was on this stud farm in company with other persons, Malik approached him, asked him what was his avocation, he said he was a car salesman. He said Malik then indicated the car (he had known the previous owner) which he owned and at that stage Malik told him he was interested in the purchase of some twelve cars. He says having heard this he gave Malik a letter-head - Malik had given him this - he gave Malik the telephone number and the address of his employers and he then stated that he would be in touch with Malik as Malik said he wanted those twelve new cars in the future. He subsequently left with the party with whom he had gone there that morning and then one Sunday subsequently, while he was going out for a drive with a friend he decided to call on Malik as Malik was a prospective purchaser of cars. He saw him there, spoke to him, the gate was opened for him by one of his daughters; Malik took him on a tour of those grounds, pointing out the house at the rear of the building and told him that Lennon was going to start a recording studio there and he finally left.

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In August he was invited by Malik as it was his birthday. He asked what about the car business and Malik said when he came up there they would discuss that further. He went to the birthday party, met other persons there. Malik then mentioned to him about his daughter wanting driving instructions and as he had known a driving instructor he put this man on to Malik.

Now sometime subsequently, in October 1971, he said he went in search of a prospect given to him by a man named Gibbings, that is in respect of another car, and when he left there, he was on the O'Meara road, on his way down he decided to drop in on Malik. There Malik introduced him to a friend who was sitting there, Hakim Jamal and Hale'. There was some short conversation and sometime after he left and came into Port of Spain. When he had been going to those premises he had observed this man, Parmassar, working there but

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he said he had paid Parmassar no mind because when he had gone there his main concern was to sell Malik the cars which Malik had said he was interested in.

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10 He first met Abbott in December when a car came up there with Abbott and Yeates, and he was introduced to Abbott, and Jamal was also in the rear seat of that car while that car was driven by Abbott himself. When he got to that car he was introduced to the accused, asked when next he was coming to Christina Gardens. He said he was busy that period, he was trying to change the registration of a car from "H" to "P". However, subsequently, he said he went up to Malik's house for a few days after and he told Malik they were expecting a shipment and there would be a lot of used cars for sale; whether he would be interested. Malik replied that he was then in the process of opening a fertiliser business and he would be needing some cars. Sometime after he left.

20 He then goes on to tell you about the picnic which he went on to Manzanilla with Malik and the Farquhar family and Melba Lynch, Steve Yeates, Sonny, Jamal and Hale'. On their return the Farquhar party left and he goes on to tell you the Farquhar family eventually encountered some difficulty. Farquhar returned and with their combined efforts they were able to take out Farquhar's car which had run into a drain. He then went home.

30 The next time he was at those premises was Old Year's night, 1971. He had been phoned at his office. Malik had asked him whether he had any plans for the evening. In the circumstances he proceeded to go there. He had dinner there. He saidz Malik had told him a calf had been killed for Christmas and they were having this dinner. He went, met Malik's family, Yeates, Kidogo and after supper he was asked by Malik why not stay the night? He said, no; he left and went home, apparently quite freely and voluntarily. The following day he returned there; 40 that was New Year's day and he went to 43, Christina Gardens where he met Hakim Jamal and Hale' and he wished them Happy New Year. Hakim was reading a passage from a book, he told him he was writing a book, showed him clippings in respect of Malik and after some talk he left Hakim and went over to 26/28, Christina Gardens around 2.30 p.m. There he saw Malik, wished him Happy New Year

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again, because he had done it on the previous night when he had been there. At that stage Abbott came up and asked him to take him to his mother's at Chaguanas. He agreed to do so and he, Abbott and Parmassar went to Chaguanas where they had refreshments by Abbott's mother and returned about half past seven to quarter to eight that night. Having returned there he said he was leaving and Malik came up, told him to bring the car inside. He then drove the car inside and Malik closed the gate. When they drove in Malik said, "Stay and lime with the boys a while". They went to sit in the gallery.

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*(sic)

The accused, Chadee, went on to state that having gone to Chaguanas, he had returned there and Malik had asked him to stay and lime with the boys. At one stage he said, he was leaving, and Malik said, "Why not stay the night, you have no work to do the following day". He said, alright. At a later stage he then said to all of them, that is, Abbott, Chadee, Yeates and Kidogo and Parmassar, that he wanted to talk to them, to come with him to the servants' quarters at the back of the house. This was around quarter to nine. In the servants' quarters he told Jennifer and Melba who were sitting there, to leave. They left, and the others who were then there, they were seated on cushions, and Malik proceeded to tell them that Hakim was suffering from mental strain, and it was his opinion that Hale^e was the cause of the mental strain, and furtherwent on to say that she would have to be gotten rid of. Now, he supports Abbott, because he said Abbott, at that stage suggested that she be given a plane ticket. Then Yeates immediately said he wanted something definite, and Malik at that stage said, he wanted blood; blood is the only thing to keep them together. At that stage someone interposed, he couldn't remember who, asking what was to be done about Hakim Jamal; and Malik then said he would take Jamal for an early morning drive. He, Chadee was then instructed by Malik to sleep on the cushion on the floor next to Parmassar and the following morning they would get up and come down to where the manure heap was and they should dig a hole. When he, Chadee heard this he didn't know what to think or do. His mind, as he termed it, was in a mess. He had heard Abbott suggest about a plane being taken by this woman, and he heard Malik saying he wanted blood. Up to that time he had never heard any such conversation.

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He said when the conversation took place in the room he said nothing.

After the conversation, Abbott got up; and Malik told Abbott while he was on his way out, to lock the gate. Kidogo went to the first bedroom on the left, Steve Yeates in the other bedroom, that is, in the same servant's quarters. So when he had to stay that night, he was there with Parmassar in this room, with Steve Yeates and Kidogo. He sat down where he was and he started to think, he was thinking what he could do, the position in which he was placed, all this talk about killing the woman, and Malik saying he wanted blood. And he got to thinking that he considered Malik to be a decent person, and quite suddenly he heard him referring to wanting blood. He was thinking of getting off those premises but he was wondering how he could cross Sonny Parmassar who was sleeping on the cushion on the floor and to get out without Kidogo seeing him or an alarm being raised by the dogs in the yard, and he felt if he tried to escape, an alarm would be raised and he might be killed; because he had heard of these persons talk of digging a hole and burying someone. He then thought he might be put in the same hole they were going to dig. All he could do was to pray to God and to wish that in the morning this plan would be forgotten by those persons.

The next thing he knew Parmassar was shaking him. He got up, realized he had dropped to sleep; it was then about six o'clock in the morning. Kidogo and Steve came out those two rooms. Steve told him, "Come outside." He went in the yard along with Kidogo, sat down in the back of the kitchen and Kidogo started to collect tools. There was a spade, fork, shovels, one cutlass and a file. He was told to carry the tools and he took up the two shovels, Parmassar took up the spade, Kidogo the file and cutlass. Now the gate was closed and he had to climb over the gate. Then they went down to this manure heap. Shortly after they were there Malik came with his car, called Abbott and spoke to him by the car. Having done this, Abbott returned to them and told Kidogo Malik said that he, that is Kidogo, was to kill the woman and the heart is under the left breast, and that Malik wanted the hole completed in forty-five minutes. Parmassar and Abbott started digging; and while this earth was being dug

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he was told to move the loose earth with the shovel and he did so. Well, this is what Parmassar said he was doing all this time. While he was in the hole he was thinking of the conversation, about telling Kidogo how to kill the woman and he thought, what was he, Chadee, doing in that hole, knowing and hearing what those persons had planned to do? He felt very weak. Finally, he was fumbling in the hole, at which stage Abbott told him, "Junior, come out of there, like you can't make. I will have to pull you out. Come and take a seat." Well, Abbott supports Chadee in this. But the reason however Abbott advances is that Chadee was not accustomed to manual work as Chadee was a salesman. But Chadee tells you that he had to stop because of his condition of mind when he realized what these persons were actually planning to do. 10

Steve Yeates came up and asked if anyone had a wristwatch. He said he had one, Kidogo also had a wrist watch and Yeates and Kidogo synchronized watches, and Yeates said he was going to the farm with Hale' and by the time they returned, the hole should be dug. Now this incident with the watches took place before Yeates left with Hale' to go to the farm; and you will recall, he, Chadee, said he had a watch, and he gave his watch to Yeates, and Yeates synchronized his watch with that of Kidogo. This was before the digging was commenced and before the stage when, according to Chadee, he started thinking, and he felt upset, and could not actually continue digging. 20 30

By that time he says, Kidogo had called on Parmassar to sharpen the cutlass, which was done and handed back to Kidogo.

When some three to four feet had been dug he said, the jeep then arrived with Yeates and Hale'. Abbott invited Hale to see how hard the boys were working; called her and told her come and see what they were doing. At that stage he got up and started to walk towards where the jeep was parked, attempting to walk away from the scene, as he didn't want to see what they were going to do, as he had heard the orders which Malik had given to Abbott. Parmassar who was standing on the left side, started walking towards him; but Parmassar does not say this; nor does Parmassar say that Chadee started walking; but Parmassar supports Chadee, because he says at that time Yeates was near to the jeep. 40

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10 Now, he goes on to tell you that Abbott told Hale, speaking to her about the hole, that that hole was being dug there to put fresh matter in to decompose. Abbott then told her, come a little closer and see, and she walked towards it, and looked in the hole, she said but why; Abbott then held her mouth, and with his right hand held her left hand behind her back. You will recall how he demonstrated here to you, with his, Abbott's left hand, saying, it is for you, and jumped into the hole with her, at which stage Kidogo followed immediately; this woman was bawling for help, calling to Steve: "Steve, Steve, what have I done to deserve this?" He then turned his head away because he didn't want to see - because he said, he knew what they were going to do. Then Abbott says, "Somebody help, somebody do something." At that stage he looked in the direction of the hole; at that stage he saw Hale with her hand upraised and bleeding; she was kicking at Kidogo. At the sight of the blood he again turned away. Steve then looked at him, he was then standing, almost leaning against the jeep; Parmassar was standing on his left side; Steve was some three feet away; Steve looked at him. To use his expression, "Our eyes made four." In other words, Steve Yeates looked full into his eyes, then looked at Parmassar; in other words, looked at them both; and then Steve Yeates jumped into this hole, took away the cutlass from Kidogo, and proceeded to deliver this fatal blow to the woman, Gale Ann Benson. He, Chadee, had not responded to Abbott's cry for help, as he wanted no part of it.

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40 After this woman had been mortally wounded, he heard a sound - he described to you the type of sound he heard - Kidogo, Steve and Abbott jumped out of this hole; somebody gave an order to cover, and they started covering this hole. He looked into the hole and he saw this woman beating. He went to the heap of manure with a fork, and started pulling manure with the fork towards the hole. While they were doing this, Yeates said he should go with him to get a fresh load of manure in the jeep; and on their return the woman was already buried. They pulled the manure off the jeep; Sonny assisted him with this, and after this, they went back to Malik's premises. There he told you Malik telephoned, and he answered the telephone. Malik enquired whether everything was alright, and he replied in the affirmative.

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Now, after this, Yeates questioned him as to that conversation, and he told Yeates what had transpired in respect of the telephone conversation. Malik then arrived later that morning with Hakim and also Granger, an Englishman. Granger was a man whom he had seen around there. Then Malik directed that they should take tools and go and repair the kitchen which belonged to Parmassar's mother, and they all then went to Olton Road where Parmassar's mother lived. While there Malik instructed Kidogo and himself to return to Christina Gardens for some cement, and he and Kidogo and two little boys left the Parmassar's home at Olton Road for Christina Gardens.

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On getting there, he went to the garage and loaded the cement on to the jeep; but in the meantime, Kidogo had disappeared. Not seeing him, he enquired of one of Malik's daughters as to his whereabouts, and he was told that Kidogo was at 43, Christina Gardens, and he then went there in search of him. You will recall he said he went into the house. He was invited in by Kidogo, he was then in a bedroom which was occupied by this woman, Hale'. He saw two crocus bags - one already filled, and the other in which Kidogo was placing articles. He was instructed by Kidogo to bring the jeep to those premises at 43, Christina Gardens. He did so. These two crocus bags were then loaded onto the jeep, and they then returned to Olton Road. But before leaving for Olton Road,

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when he went back to the jeep, he saw the woman, Melba Lynch, who asked him for a lift to Arima; he told her he would inform Steve Yeates about that when he got back to Olton Road. At Olton Road, Malik transferred these bags to his car, then Malik took out those bags from the trunk of his car and placed them on the jeep, and then he instructed Yeates, Kidogo and Abbott, to go towards Arima in the jeep - he instructed Chadee to go with Yeates, Kidogo and Abbott in the jeep. They all got into this jeep. On their way to Arima Kidogo went to purchase a bottle of kerosine, and then they proceeded to the Heights of Guanapo, there the jeep was stopped, Kidogo got out these two bags, and he and Abbott were instructed to take off the dry wood and the kerosine off the jeep. He then left, stating he would return within an hour with Malik and the children. He was instructed by Abbott to go up on the river bank, and if anyone was coming, to warn them, and he did as he was instructed. He saw

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10 Kidogo and Abbott light a fire and burn these articles, and subsequently the articles which could not be burnt, he received instructions from Abbott to dig a hole and place them in, and he did so. He says Abbott had told him that Malik had told him he wanted the fire to be kept burning, because he wanted it to appear like a camp fire, while he, Malik would be returning there later. Well, subsequently that day Malik returned with his children, two of his daughters and some of them had a swim in the water. After they returned, which is on this day, after these articles were burned, he told Malik he had to go to work the following day. Malik said he had to collect his clothes from where he lived and stay at Christina Gardens, because from that day he would have to stay at Christina Gardens. He got in the car, but as he was about to leave, Yeates got in the car, and you will recall he told you he went to his house in which he lived in

20 Tunapuna, collected articles of clothing and returned to Christina Gardens. Later that night, whilst sitting on the porch, Malik told them that they had all become members for life, they had become one of them, and that nobody could resign. He slept where he had slept the previous night. The following morning he got ready for work. As he was about to leave, Hakim Jamal, Yeates and Granger said they will accompany him to Port of Spain. He drove with them to Port of Spain, but on the way, Yeates told him that he would have to tell his boss that he was interested in the car that he, Chadee, was driving, and that they wanted a demonstration. He had dropped off this man Granger before going to his business premises, but when he got there, he did as Steve Yeates told him. He received an order for gas, put gas petrol in the car, then Yeates bid him drive to San Fernando where he said he had to collect some parcels; that was done, and they returned to Christina Gardens.

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40 The following day again he got ready for work, but he says, Malik called him and told him that he would have to state to his employer that he was not well - that he was ill, and that he could not come to work. You will recall too, that before this, when Yeates had taken him driving that he had gone, among other things, to a Boutique which he admitted in cross-examination, in answer to the Learned Attorney General, a Boutique in which he had a half share. However, that morning, when they had

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gone driving, they had gone to several places, collected his clothes, and then returned to Christina Gardens.

But on the following day when he told Malik he was going to work, Malik told him he had to phone his boss and say he was ill, which he did, and on that day, Malik kept him driving all around, showing him the animals and stating that these were his; that was his farm. The following day again, he told Malik that he could not be absent from work without a medical certificate. Malik took him to Dr. Littrean, where he received a medical certificate for three weeks on the grounds that he was suffering from nervous strain and mental depression as he could recall it, things of that sort. From there they drove around, and returned to Christina Gardens where he stayed that night. The following day he told Malik that he was going to the office to take the certificate. At that time the Englishwoman, Trina, was there, and he Yeates and Trina went to that office, where the certificate was handed in. From there they drove to Hilo; enquires were made of a certain person whom he tells you was the wife of a bank manager, and there he was told that there was some plot to kidnap this lady, and they returned to Christina Gardens. He got back to Christina Gardens; Malik then told him he had to take his children to the cinema, and when he got back he had to trail this person. But he says, having taken the children, when he got back, he was determined to be no part of this, so he took a wheel spanner when he returned from the cinema with the children in his car, and broke what he described as the expansion bottle, which put that car out of commission. Having done this, he was able to drive the car to Mr. Lorenzo, the same gentleman who owned the farm near Christina Gardens, and from there he phoned Malik, telling him the car was out of commission, and had to be taken back to the garage for complete repairs. And having told Malik that, Malik came, they left the car at Laurencos and they were all taken back to Christina Gardens.

He says, this is Chadee, that on the 16th February, he left those premises for good, because of what he was told by Abbott the night before, the 15th, when he was told this plot to liquidate the Mootos. Both Parmassar and himself, they started

to cry. He then thought that he would have a word with the man called Brown who lived on the premises. He told you he went to Brown, and eventually was able to get to Brown, because Brown had also been fooled by Malik. He had thought so. However, the following morning, Abbott told them they could go; at that stage, even at that stage, he became suspicious; he was still suspicious. So he suggested that Parmassar go first, because he says, he didn't trust anyone. He trusted neither Abbott nor Parmassar. Parmassar left, and then he asked Abbott to use the phone - at that stage, Malik had already left, and he was able, after several efforts, to telephone various people. He telephoned a man called Callender. He got in touch with Callender, told Callender that he had a "hot prospect" in Arima, and Callender came, and this is how he was subsequently able to leave those premises.

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On the 16th he phoned Mr. Pereira, and on the 20th he told him he heard of the burning of the house, he wanted to see him, met him, spoke to him, and then he subsequently went to the police. This he did, after having been taken to Mr. Harvey, efforts being made to locate Counsel, unsuccessful efforts, he went to the police with Mr. Pereira. While there, when Mr. Duff was speaking to someone else, Pereira had told him to tell Mr. Duff about the English woman; he had asked Pereira to be easy that he would tell Mr. Duff; but Mr. Duff called Superintendent McPhillip, and he then gave Mr. McPhillip a statement about the body they had found.

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The statement, C.T.7, he says he gave to the police, which was given to Inspector Trotman. And you will recall too, he tells you, that while he worked with Renault in the course of his duties, he would have filled certain forms, registration cards, and these were produced to you and tendered in evidence, and marked E.C.1. In answer to Mr. Permanand, Counsel for the accused, Abbott, Abbott he had met the second week in December 1971, he again repeated that, he had seen Abbott on the 1st January, 1972.

He again repeats about going to Abbott mother's home at Chaguanas, and consenting to take Abbott to Chaguanas. His concern he says, as far as Malik is concerned, his main concern with Malik, was the

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sale of these twelve motor cars. He agreed that Abbott was the only one who raised a dissenting voice, when the plan to kill Gale Ann Benson was disclosed. He said he was given orders to stay by Malik, and he could say nothing, as Malik had spoken about blood; he considered that they were all against him. He had been invited to partake of this killing, but he felt at the time, if he had protested that he might have lost his life. He even felt that Abbott was against him.

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Cross-examined by the Attorney General, after having repeated again about the clothing which had been burned, some of which had been burned and buried at the heights of Guanapo, and Abbott's telling them, both Parmassar and himself about the Mootoos being liquidated. It was that which decided both he and Parmassar to leave Christina Gardens. Abbott was actually very helpful in their leaving Christina Gardens.

In answer to the Learned Attoreny General, he again repeated his father was dead. He was now 31 years old, that he is not very well off, but he is satisfied with what he has, and that he would not have liked to get a little more. In other words, he would not have liked to have obtained more money. He had a lady friend called Jennifer, but he had never told Jennifer he had met Malik in England, that he himself had been in England for some eight months, April 1971, to January, 1972. He had never told Jennifer that he met Malik while he was in England. While he knew certain parts of London quite well, he himself had not met Malik in those areas; that he had learned subsequently that Malik frequented those areas. You will recall before that, it was put to him that on the 23rd February he had given the police a statement in connection with another matter, and in that statement he had told the police he was a muslim. This he denied, and subsequently when he was shown that statement he did admit that he said he was a muslim in that statement, but he hadn't been able to remember saying it. But he was never a muslim; and he does appreciate the value of an oath - because it was put to him that in the evidence which he gave here, he took an oath on the bible, he swore as a Christian. He says that statement was another matter. The statement he gave to the police was true and correct. And what he told the police there was true and correct; and the statement did say that he was a muslim.

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He also agreed that he had lived at several places - Jerningham Avenue, Blue Basin, Beausease Jour Village, Diego Martin, and that he had changed addresses on several occasions, and that he was a man accustomed to movement; but he says, as far as Christina Gardens is concerned, he was there under compulsion. It was here that he told you that when he passed into the Boutique - that Boutique of which he was a part owner. He further agreed that as a salesman he met people in all walks of life, and that he could describe himself as a full man of means, not in an impecunious state, and that he knew several influential people in the society; but as far as Malik was concerned, he was excited about the prospect of selling him twelve cars, though as a man of means that was not to him a matter of life and death, because he was independent. For if he had not sold those twelve cars, it would not have been a matter of grave concern. He said it was not a question of cars that caused him to sleep at Malik's house. He had been on this Old Year's night party there. He had no idea it was Trina's birthday party. He had gone back on New Year's day, but he had dropped in at no other customer - not even his girl friend Jennifer. But as far as Jennifer was concerned, they had had what he described as some argument. He had not been expected at work until Monday and he agreed that when you are on Sick Leave you are expected to hand in a vehicle, because you are not entitled to use any vehicle while you are on Sick Leave. You are supposed to be ill, and consequently unable to attend your work; but he however agreed that while he was on Sick Leave he was driving this car up and down. He denied he had been to Los Iros with Malik, or had assisted in the purchase of some van for Sparrow; but on the night when this plan was discussed he had made no protest. He admitted that on the morning he had to carry tools, and he gave the statement to the police freely and voluntarily.

He was told to carry the loose earth, he was not doing any digging, but he did tell the police in his statement that Sonny Stanley Kidogo and I went to the spot where we measured out the area. So he admits that he had gone there first, measured out the area. He had done some of the digging also; moving loose earth; he said that came under the process of digging. He had not been concealing anything from the police. The digging had to be done at a fast rate. His hands

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(continued)

were soft, but that wasn't really what interfered with his digging; at the moment he was considering in his mind what was going to happen - because he had heard what Abbott had told Kidogo. He agreed he had lent Steve Yeates his watch. He had asked for the watch to keep track of time, and he had made no protest to lend him that watch. He agreed that when he gave the police the statement he had not stated that he took a seat and tried to move away as far as possible from the hole - but he said when he said it in his evidence before you here, he wasn't trying to give any impression, because that in fact took place. That he had turned away when the woman was attacked. He said he couldn't remember whether he said so in his statement. Kidogo when he got in the hole, attempted to stab her below her left breast, and instead he cut her on the left arm. He hadn't said "Oh God", or muttered any word of dissent when Steve Yeates jumped in the hole. The hole was big enough to allow all those persons to be there; for Abbott to hold the mouth of the woman, to have her left arm behind her back while she was being attacked; he had heard the order given to cover, and he had done so, and he understood perfectly what that meant. He had assisted in covering the hole. He had driven Malik's jeep several places later that day. He had the keys for the jeep, the keys for the car, but he had not attempted to make good his escape and he agreed at one stage he was alone with the two young boys. That was at the stage when he had gone to Christina Gardens for the cement. He further agreed that when he was digging the hole on the heights of Guanapo river, prior to that, he was on the look-out to see if anyone was coming, and if anyone was coming he would have raised an alarm. But he did this because at that time he well knew at that stage nobody was going to be killed. There had been talk about fertiliser business but he had not considered going into any fertiliser business with Malik. That was the evidence which Chadee gave on his own behalf.

He called as a witness, Mr. Winston Cozier. He supports Chadee to some extent. He said Chadee was a car salesman around that period and that Malik had enquired of him, Chadee, in respect of a transaction dealing with twelve cars. Malik had actually spoken to him, Cozier enquiring of Chadee, because he said Malik wanted to make some enquiries about these cars.

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On the 3rd January last year Chadee had come to him, asked for gasoline, said somebody was interested in the car he was using, but he had not seen Chadee subsequently. On the 5th January, he received a medical certificate for three weeks but the Management reached a decision in respect of Chadee's employment which was terminated. When that certificate was tendered Chadee ought not to have kept the Company's car, and as a result of that, the Management took a decision not to re-employ Chadee. He supports Chadee because he eventually collected that vehicle which he found broken down. It was over-heating due to the fact that on examination, the expansion bottle was found broken.

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He considered Chadee a simple, unassuming person and he further told you that whenever an argument between the salesmen arose, invariably Chadee was the one who backed down. He was not cross-examined by Mr. Permanand. In answer to the Attorney-General Cozier admitted he had given the police a statement on the 28th February, and he had told the police on the 4th, Chadee had not turned out. He had not told the police about the 3rd January, but his memory had not since been refreshed. After checking he found that Chadee had come to work on that day, but before his leave expired, Chadee had contacted him saying that he was coming to work and had not told him then that anybody was holding him prisoner and advanced that as his reason for not coming to work. He told him then about the decision of the Management, that he was not to be re-employed and he also told you that he, himself, was not satisfied with the medical certificate, he considered it suspect.

That was the evidence adduced by this witness, Mr. Cozier, on behalf of Chadee, and as I have told you earlier, Mr. Foreman, the case against each accused had to be considered separately. Now on the evidence as far as the accused, Abbot is concerned, you have to bear in mind that the Prosecution must prove, as far as he is concerned, that there was this plan, that he was acting in concert with others, he was present, there was participation, and that there was a common design on the part of these persons to kill this woman, Gale Ann Benson.

He has admitted that he was there, Parmassar

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has told you he was there, the accused, Chadee, whose sworn evidence has become evidence for all purposes, he has told you that Abbott was there. Now there are small differences as to the way this woman, Gale Ann Benson was held by Abbott but despite all this, Abbott himself tells you he pulled the woman in the hole and that he held her mouth because she was shouting, and he did all this at a time when Kidogo was stabbing her and was holding her, at the time when the fatal blow was inflicted. Well, he himself has told you this, so very clearly he was present, he participated and according to Parmassar, according to Chadee he was the one who called for help to finish her off. If you accept that, well, clearly, he was participating in the common design.

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Now, he has told you that he was like a zombie, mindless. Well, you will have to consider what the evidence is. I told you earlier, before you decide as to this question of intent on his part, being part and parcel of this plan; in his statement, when he returned to England, he returned to England to do what the man, Malik is unable to do himself because he cannot go to England. No question of his being in mortal fear of his life, in fear of his mother's life. Even, from his own evidence, he is instructed by Malik where Kidogo must drive this cutlass, he Malik wants the heart; that he is to hold her and take her to the hole; what has he told you? "I carried out instructions." You may form the view that he knew clearly what he was doing, no question of not knowing what he was doing, did not know he was doing wrong. That he knew clearly what he was doing. Admittedly, and it is quite perfectly plain that where there is a killing, an unlawful killing without malice aforethought, that is, without an intent to kill, in those circumstances, the killing is reduced to manslaughter. But that is in a case where there is no intent to kill. But in these circumstances can you say that there was no intent on his part that this woman, Gale Ann Benson, be killed? What he has set up is that he was terrorised, that he was in mortal dread of his life; he was in mortal fear of this man, Malik. You may or may not believe that having regard to the statement which he has made. It is true that in his statement he says he was mindless but you may consider you should disregard that having regard to what he himself says about being a Dispatch Rider, a person who has nerve. A person

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10 who has nerve because you may well consider that this was a cold-blooded, calculated, deliberate and cruel murder. If you so consider, there is no question of any lack of intent on his part; it is as plain as a pike staff; it is perfectly plain, if you accept the evidence. Even if you believe that he was in fear of his life, in fear of Malik, in fear that his Mother would be killed, and in those circumstances acted on orders of Malik, acted under duress, in those circumstances, putting his case at the highest, even if you believe it, duress is no defence to the crime of murder; no defence whatever.

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20 So that Mr. Foreman, having weighed, assessed and considered the totality of the evidence, because I have told you, you have to consider the case of each accused separately in considering the evidence as it affects the accused, Abbott, it is clear from his own evidence, the evidence of Parmassar, the statement, the evidence of Chadee, that he was present when this plan was concocted, he was present when this plan was conceived. Secondly, he was present on the morning and aided, actively aided, dug this grave, received instructions as he says from Malik. And when this woman, this poor, unsuspecting, defenceless woman is brought to this hole in accordance with instructions, he holds her, jumps with her into the hole; says, in the words of Parmassar, in the words of Chadee, "this is for you". Further, when she is being attacked by this Marvin Deane or Kidogo, and when his efforts at wiping her off are unsuccessful, he, at that stage, according again to Parmassar, according again to Chadee, "Someone help, someone come and help". At which stage Yeates jumps in, takes away the knife and delivers the fatal blow.

40 On that evidence, Mr. Foreman, Ladies and Gentlemen of the jury, if you accept it there is no question of manslaughter, it is plain and simple murder and nothing else; and that is the verdict which you are entitled to return on this evidence, if accepted by you.

Now we turn to the case as affecting Chadee. Again, from all the evidence, Chadee was present when this plan was concocted, he was present the following morning when the grave was being dug, he aided in the digging of the grave. Before the grave was dug, he handed this watch to Yeates and

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Yeates and Kidogo synchronized watches. So that he was present, he participated. But what you have to go further and find is that there was this common design, that this design common to the others, was common to him. Because he tells you he dug, Parmassar tells you that he, Parmassar, dug. Both he and Parmassar were present and dug at this hole. But there, from then on, neither he nor Parmassar, there is no suggestion in any part of the evidence that they did anything active. 10

Now, as far as participation is concerned, if a man is present whilst a felony, (like in this case, murder) is committed, if he took no part in it and does not act in concert with those who commit it, he may not be a party, he may not be a guilty party not merely because he did not endeavour to prevent the felony. So you see, whilst the presence there is prima facie evidence that he was acting in concert, that is something which you have to consider; because as I say, he did nothing to differentiate him from this man, Parmassar; there was no positive action on his part, he said nothing. But as far as participation is concerned, it is not necessary to prove that a party actually aided in the commission of the offence, that he pushed her. If he watched for his companions in order to prevent surprise; or remained at a convenient distance in order to favour their escape or if necessary was in such a situation as to be able readily to go to their assistance, the knowledge of which was calculated to give additional confidence to his companions, if that is so, the person is, in contemplation of law, aiding and abetting. But you will have to bear in mind as I say, facts are matters for you, but he has said that that night he was upset when he first heard the plan; he didn't leave; the following day he dug, well knowing what they were going to do, but while digging he became so upset at the thought of what was going to happen he could dig no longer. Well, again in this he is partially supported because Parmassar said he stopped digging, Abbott said he stopped digging. But Abbott advances another reason that he stopped digging, that Chadee was unaccustomed to that type of work. Again, further, at the stage when Abbott calls for help, neither he nor Parmassar makes the slightest move, doesn't help or go to his assistance. 20 30 40

10 So all this you will have to consider in deciding whether in your view Edward Chadee had that necessary intent, that he was part and parcel of this common design, he was acting in concert. The Prosecution is asking you to say that he was present at the plan; that he dug the grave; before doing this he lent one of the two conspirators a watch; that he was present when the woman came and when she was actually killed. So they are asking you to infer from that combination of circumstances that he was part and parcel of this plan to kill Gale Ann Benson; that he was acting in concert, acting with this common design, and that he participated. Circumstantial evidence to establish guilt must be such as would point to one and one conclusion only. I repeat again, it is for you now to decide what evidence is to be accepted. It is clear that he was there the night before; it is clear he handed this watch, according to his own admission, and he dug this grave, and it is for you to say what conclusion should be drawn from the evidence which you accept. Having decided to accept it as true, you are then to proceed further to consider whether the effect of that evidence is to point to guilt; or is neutral; or is to point to innocence. Because as I repeat, after doing all this he was there, he did nothing, said nothing; what is further, as is told by both he and Parmassar, when Abbott called for aid, assistance, Yeates
20 looked at him, as he would have you believe, expecting him to do something; looked at Parmassar, but neither of them moved. So you will have to consider having accepted the evidence, what conclusion is to be drawn from it. If you decide that part of the evidence is true, it is for you to consider whether the effect of that piece of evidence is to point to guilt. If you find he did nothing, well, then he cannot be guilty of this offence; or whether you are satisfied he was there, and if you still find he did nothing, well, then,
30 he will not be guilty again of this offence.

50 As I say, you have to find that he was participating, it is true, according to law he had not got to do anything; he hasn't got to take any actual physical part, if you form the view that he was present there to aid and assist them if anything transpired which needed assistance. But you will bear in mind the time when he was called upon to give assistance he did nothing. As I repeat again facts are matters purely, and solely for you and those are matters purely within

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(continued)

your province.

So you will have to weigh a great many pieces of evidence and in doing that you must bear in mind the fundamental principle, that the onus of proof of guilt is on the Crown and you must not convict unless you are satisfied on this case that guilt has been proved beyond all reasonable doubt.

So that, Mr. Foreman, members of the Jury, bearing in mind the directions I have given you in law, as you have been told, if you accept the evidence for the Prosecution, this woman, Gale Ann Benson is in fact, dead. According to the evidence of Professor Simpson, death, in his view, would have occurred two and a half months before. But they all told you very clearly, that on the 2nd January, this woman was murdered. So the second ingredient, that death followed within a year and a day, would have been established. That the murder was unlawful, that you could have no doubt whatsoever, about having regard to the circumstances which have been related to you in which this killing took place. That the killing was committed with malice aforethought, well, there is the intent to kill, and I have told you, in law, whether Steve Yeates or Kidogo killed or anyone else, that is immaterial, as long as you find in the case of Abbott he aided and abetted, that, in law, is malice aforethought. So you should have no difficulty there. In the case of Chadee, you have to find, further, apart from the facts, that he was present at the plot, present at the grave before it was dug, present at the killing; you have to find that there was a common design; that there was participation on his part. As I told you earlier, you have to be satisfied beyond all reasonable doubt where he is concerned, because the fact of him being there, if you find on the evidence, and it is for you to find on the evidence, he was there doing nothing, neither helping, he was just standing there, still, doing absolutely nothing; he was acting in a completely neutral manner; well that doesn't make him guilty of the offence of murder. If, after having regard to all the evidence, you form the view that at that stage when this woman was going to be killed, he had no intent to be part of it, well, then again, he is not guilty. Again, if you have any reasonable doubt, your verdict must be not guilty.

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But, if, having weighed and assessed the whole of the evidence, having reviewed the entirety of the evidence, you are so satisfied that you can feel sure that he was acting in concert, he was part and parcel of this common design to kill this woman, Gale Ann Benson, in those circumstances and in those circumstances only, Mr. Foreman, Ladies and Gentlemen of the Jury, will you be entitled to return a verdict of guilty as charged against the accused, Edward Chadee.

In the High Court of Justice Port of Spain

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(continued)

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Mr. Foreman, Ladies and Gentlemen of the Jury, will you now consider your verdicts.

VERDICT:

Both accused guilty as charged.

Allocutus:

Stanley Abbott: We never wanted anyone killed or murdered. We did everything in our power, and still we are called liars.

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Edward Chadee: I have nothing to say.

Death sentence pronounced on both accused.

No. 27

Notice and Grounds of Appeal

In the Court of Appeal

No.27

I STANLEY ABBOTT having been convicted of the offence of Murder and (being now a prisoner in Her Majesty's Prison) at Royal Gaol and being desirous of appealing against my said conviction Do Hereby Give You Notice that I apply to the Court of Appeal for leave to appeal against my said conviction on the grounds hereinafter set forth.

Notice and Grounds of Appeal

28th June
1974

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(Signed) Stanley Abbott
Applicant

Dated this 17th day of July 1973

In the Court
of Appeal

No.27

Notice and
Grounds of
Appeal

28th June
1974
(continued)

TRINIDAD AND TOBAGO

IN THE COURT OF APPEAL

THE QUEEN

VS.

STANLEY ABBOTT and EDWARD CHADEE

The following are the Grounds of Appeal of the above-named Appellant for Leave to appeal against conviction and sentence passed upon him at the Port-of-Spain Criminal Assize Court by Mr. Justice Garvin Scott.

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1. The Learned Trial Judge misdirected the Jury in point of Law when he told them "If you so consider, there is no question of any lack of intent on his part; it is as plain as a pike staff; it is perfectly plain, if you accept the evidence. Even if you believe that he was in fear of his life, in fear of Malik, in fear that his Mother would be killed, and in those circumstances acted on orders of Malik, acted under duress, in those circumstances, putting his case at the highest, even if you believe it, duress is no defence to the crime of murder; no defence whatever. So that Mr. Foreman, having weighed, assessed and considered the totality of the evidence, because I have told you you have to consider the case of each accused separately in considering the evidence as it affects the accused, Abbott; it is clear from his own evidence, the evidence of Parmassar, the statement, the evidence of Chadee, that he was present when this plan was concocted, he was present when this plan was conceived. Secondly, he was present on the morning and aided, actively aided, dug this grave.

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2. "On that evidence Mr. Foreman, Ladies and Gentlemen of the Jury, if you accept it there is no question of manslaughter, it is plain and simple murder and nothing else; and that is the verdict when you are entitled to return on this evidence, if accepted by you."

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3. The Learned Trial Judge further misdirected the Jury when he told them "Even if you believe that he was in fear of his life, in fear of Malik, in fear that his Mother would be killed, and in

those circumstances acted on orders of Malik, acted under duress, in those circumstances, putting his case at the highest, even if you believe it, duress is no defence to the crime of murder; no defence whatever."

Dated this 28th day of June 1974.

/s/ S. Permanand,
Of Counsel for Appellant.

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(continued)

No. 28

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Judgment of Court of Appeal

Coram: Sir Isaac Hyatali C.J.
C.E.G. Phillips J.A.
M.A. Corbin J.A.

Stanley Abbott v. Regina

Judgment delivered by the Hon. the Chief Justice

Stanley Abbott and Edward Chadee were convicted at the Port of Spain Assizes for the murder of Gale Ann Benson at Christina Gardens on 2nd January, 1972.

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Each of them applied thereafter for leave to Appeal against this conviction. However, on the 24th June, 1974 Chadee gave notice to the Registrar of the Supreme Court of the abandonment of his application for leave to appeal against his conviction. In the result, his appeal was on that date deemed to have been dismissed by this Court under rule 20 of the Court of Appeal Rules 1962. Abbott on the other hand has pursued his appeal before us on grounds of law and in them he complains that the learned Judge misdirected the Jury by directing them that duress was no defence to murder and by withdrawing from them a verdict of manslaughter.

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Counsel for the appellant, however, has indicated to us that he is not pursuing the appeal on the ground that duress was no defence to murder and his attempt to persuade us that the Judge had misdirected the Jury by withdrawing from them a verdict of manslaughter has been abandoned. We think he has taken the perfectly proper course in doing so.

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No.28

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In the Court
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Judgment of
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(continued)

The facts placed before the Jury in support of the indictment against Abbott for the murder of Gale Ann Benson were not in dispute. On his own admission, both in a statement made to the police on the 28th February, 1972 and in his sworn testimony at his trial, he made it abundantly clear that he was party to a diabolical plan formulated on the night of the 1st January, 1972 to liquidate Gale Ann Benson; that he took an active role on the following day in providing and preparing the setting for two of his confederates to inflict serious injuries on her with a cutlass; and that he actively participated in burying her alive in a makeshift grave which he himself had taken a substantial role in digging.

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The deceased was an Englishwoman who came to this country in December 1971, presumably in pursuit of a fascination or a passion, or both which she had for Hakim Jamal, a Black Muslim leader and author, who at the time was engaged, it would seem, in writing a book on Malik's life. Under the assumed name of Halle she lived together with Hakim at 43, Christina Gardens, Arima. Both of them, however, were the guests of Michael Abdul Malik, also called Michael 'X' and Michael de Freitas, who resided with his family in premises opposite to 43 Christina Gardens.

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Malik, who has since been convicted of another murder, had gathered around him at Arima at the relevant time a group of disciples, among whom were Steve Yeates, Adolphus Parmassar, Edward Chadee, Marvin Deane also called 'Kidogo', a resident of the United States of America and the appellant. On New Year's Eve, Malik summoned these disciples to a private room at his home around 9 p.m. and informed them that the deceased was causing Jamal mental strain and that she was to be liquidated on the following morning. Malik then outlined to them what was to be done and indicated a spot in his backyard where a hole was to be dug for her burial. Abbott pleaded for the life of the deceased, he said, but Malik said he wanted blood. On that night Abbott and the other disciples of Malik slept on Malik's premises and early on the following morning, the plan to liquidate the deceased was speedily executed. Malik appeared on the scene with his car on that morning, drove it to the spot where the hole was to be dug. He then gave his final instructions for the

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implementation of the plan and left to take Jamal for a drive.

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Abbott began to dig the hole in the presence of Parmassar, Chadee and Deane. He was the leading character in the digging of that hole. When it was about four feet deep Yeates arrived in a jeep with the deceased. Abbott then invited her to see the hole. She accepted the invitation never suspecting that it was to be her grave. She went to the edge of the hole and looked inside of it and with aroused curiosity she asked Abbott what it was for. Abbott replied it was for her. He thereupon grabbed her by the neck and jumped into the hole with her. Deane, who was introduced to the group as a hired killer, then descended upon her with a cutlass in his hand and directed several thrusts with it at her chest. The deceased struggled frantically and desperately in the hole against Abbott and Deane, but she did so in vain. Observing that she was frustrating Deane's bloodthirsty purposes, Abbott called for help. Yeates thereupon leaped into the hole, took away the cutlass from Deane, placed the tip of it against the base of her neck with one hand and hammered it in with the other. The deceased collapsed in the hole. Abbott, Deane and Yeates then jumped out of the hole and while she lay in it helpless, fluttering and still alive, Parmassar, Chadee, Yeates and Deane began to cover it up. In the course of this incredible operation, Yeates left with Chadee to get some manure. On their return the hole had been completely covered. The manure which they fetched was off-loaded on to the grave with the object of diverting attention from it.

Dr. Keith Simpson, a distinguished and internationally renowned pathologist who performed a post-mortem examination on the body of the deceased after it was disinterred from the makeshift grave, confirmed that she was buried alive after sustaining several wounds, including one at the base of her neck which he considered was the fatal one.

In the words of the learned trial Judge, whose sentiments we share, this was "a cold blooded, calculated, deliberate and cruel murder of a poor unsuspecting and defenceless woman", who, we would add, was gullible enough to allow herself to be duped by the wiles of Jamal and the blandishments of Malik and the nest of human vipers resident at his home at Christina Gardens.

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Abbott, as we have said before, complained through his Counsel that he committed this savage and heinous murder under duress; alternatively, that he had no intention to kill. The facts on which he relied to support that plea at the trial are, that he was under the spell of Malik at Arima, living like a "zombie" and as a mindless person in constant fear of his own life and of his mother's life, both of which Malik had threatened to extinguish if he, Abbott, failed to do Malik's bidding. But the fact is that he deliberately took part in a plan to kill the deceased and was the principal character in the execution of the plan to kill the deceased. This he did to save himself or his mother, or both of them from being killed by Malik.

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In a previous decision of this Court delivered on the 17th April, 1973 Malik and Abbott v. The Queen we held that duress was no defence to the crime of murder. We reaffirm that decision and would add that it is most undesirable that the law in an ordered and civilised society should confer on any human being the right to decide that his life is more precious than that of his fellow being. The conferment of such a right would undoubtedly result from admitting duress as a defence to the crime of murder, the most heinous of all crimes.

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Blackstone's statement of the common law, in his Commentaries - 'that a man under duress ought to die himself rather than escape by the murder of an innocent' - could hardly be faulted as a principle of fairness and justice. It continues to be the law of our land, and if we may say so, it is in complete harmony with common sense and the notions and standards of justice in our society.

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We do not think that the facts as given from the mouths of Abbott himself and his witnesses support the contention that he did not have the intention to kill or to do grievous bodily harm. It hardly lies in his mouth to say so, when the whole of his evidence proclaimed with disdain and with contumely that he could not possibly have any other intention than to kill this poor defenceless woman.

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Counsel in the final analysis, realised that he could not maintain or pursue this appeal on any of the grounds notified and indicated he could proceed no further. We agree with the course he

has taken and in the result the appeal is dismissed, and the conviction and sentence are affirmed.

In the Court of Appeal

No.28

Mr. S. Permanand appeared for the appellant. Mr. A. Warner, Q.C. and Mr. L. Des Vignes appeared for the respondent.

Judgment of Court of Appeal

9th July 1974 (continued)

No. 29

Order granting Special Leave to Appeal to Her Majesty in Council in forma pauperis

In the Privy Council

No.29

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AT THE COURT AT BUCKINGHAM PALACE

The 25th day of June 1975

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

Order granting Special Leave to Appeal to Her Majesty in Council in forma pauperis

25th June 1975

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 12th day of June 1975 in the words following viz:-

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"WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee a humble Petition of Stanley Abbott in the matter of an Appeal from the Court of Appeal of Trinidad and Tobago between the Petitioner and Your Majesty Respondent setting forth that the Petitioner prays for special leave to appeal in forma pauperis from a Judgment of the Court of Appeal of Trinidad and Tobago dated the 9th July 1974 which dismissed the Appeal of the Petitioner against his conviction at Port of Spain Assizes of murder and affirmed his sentence of death: And humbly praying Your Majesty in Council to grant the Petitioner special leave to appeal in forma pauperis from the Judgment of the Court of

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In the Privy
Council

No.29

Order
granting
Special Leave
to Appeal to
Her Majesty
in Council
in forma
pauperis

25th June
1975
(continued)

of Appeal of Trinidad and Tobago dated the
9th July 1974 and for further or other
relief:

"THE LORDS OF THE COMMITTEE in obedience
to His late Majesty's said Order in Council
have taken the humble Petition into consider-
ation and having heard Counsel in support
thereof and in opposition thereto Their Lord-
ships do this day agree humbly to report to
Your Majesty as their opinion that leave
ought to be granted to the Petitioner to
enter and prosecute his Appeal in forma
pauperis against the Judgment of the Court of
Appeal of Trinidad and Tobago dated the 9th
July 1974:

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"AND THEIR LORDSHIPS do further report to
Your Majesty that the authenticated copy of
the Record produced by the Petitioner upon
the hearing of the Petition ought to be
accepted (subject to any objection that may
be taken thereto by the Respondent) as the
Record proper to be laid before Your Majesty
on the hearing of the Appeal."

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HER MAJESTY having taken the said Report into
consideration was pleased by and with the advice
of Her Privy Council to approve thereof and to
order as it is hereby ordered that the same be
punctually observed obeyed and carried into
execution.

Whereof the Governor-General or Officer
administering the Government of Trinidad and
Tobago for the time being and all other persons
whom it may concern are to take notice and govern
themselves accordingly.

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N. E. LEIGH

IN THE PRIVY COUNCIL

No.29 of 1975

O N A P P E A L
FROM THE COURT OF APPEAL OF TRINIDAD AND TOBAGO

B E T W E E N :

STANLEY ABBOTT

Appellant

and

THE QUEEN

Respondent

RECORD OF PROCEEDINGS

B.M. BIRNBERG & CO.,
89 Borough High Street,
London, S.E.1.

Solicitors for the
Appellant

CHARLES RUSSELL & CO.,
Hale Court,
Lincoln's Inn,
London, WC2A 3UL.

Solicitors for the
Respondent.