



# Sexual Violence and the State in Guyana: Reflecting on the Colwyn Harding Case<sup>1</sup>

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On January 10, 2014, a story surfaced in the Kaieteur News in Guyana of Colwyn Harding, a 23-year old African-Guyanese man hospitalized at the Georgetown Public Hospital (GPH). Harding suffered severe internal injuries allegedly caused in November 2013 when police apprehended him at the house of a friend after some goods were reported stolen (someone else was later identified and arrested).<sup>2</sup> According to Harding, in addition to being beaten, he was sodomized by a constable with a condom covered wooden police baton in the presence of members of the Community Policing Group. Four persons (Harding, a 12-year old boy and two women, Teneisha Edwards and Tiffany Evans) were then taken to the Timehri police station where it was alleged further abuses took place in plain sight of other officers: the 12-year old was handcuffed to a bed; Harding was violently beaten again and left in a cell despite the fact that he was clearly in severe physical distress and orders were given for him to be taken for medical attention; and Tiffany Edwards, two months pregnant at the time, accused the same officer who had sexually violated Colwyn Harding of kicking her in her stomach, causing a miscarriage later.

After spending four days in jail, Harding, Edwards and Evans were formally charged on November 19 with assaulting a police officer and disorderly conduct. Unable to raise bail, Edwards and Harding were remanded to prison.<sup>3</sup> In mid-December, suffering from severe pain, Harding was eventually admitted to the GPH (he would spend some 33 days), where he underwent surgeries for an incarcerated inguinal hernia, with a significant portion of his intestines having to be removed. He remained handcuffed to his bed at the GPH at the time that his story became public, and the handcuffs were only removed on January 17, despite the fact that at least four days earlier he had been granted bail on his own recognizance. Harding was eventually discharged and readmitted to a private hospital where he received an independent medical examination, and in February funds were raised by the public that facilitated his travel to Jamaica for further examination and diagnosis.

Investigations into Harding's allegations only kicked into high gear after widespread outrage condemning what the Guyana Human Rights Association (GHRA) described in a press release as yet another instance of the routinization of excessive force.<sup>4</sup> This was in stark contrast to the swiftness with which the trio were denied due process, and despite Colwyn Harding's mother bringing the allegations to the attention of senior members of the Guyana Police Force (GPF) in December (initially the complaint was only seen as a disciplinary issue and not one that might require criminal charges). The constable accused of the baton rape was placed – temporarily only – under arrest, and along with some other officers was transferred from the Timehri police station where the assaults allegedly took place. The Guyana Police Force's Office of Professional Responsibility (OPR) sent the file with its recommendations to the Police Complaints Authority (PCA). In mid-May, more than six months after the alleged assault and four months after the story first surfaced in the press, Chairperson of the PCA Cecil Kennard recommended to the Director of Public Prosecutions (DPP) that two police officers be charged and disciplinary actions be taken against five or six others. On June 3<sup>rd</sup>, a male and female constable - Devin Singh and Roselle Tilbury-Douglas – were charged with assaulting Harding “so as

to cause him actual bodily harm." No charges were recommended in the case of the alleged assault on Tiffany Edwards (in fact it does not appear to have even been a matter for consideration by the OPR and PCA).

At the very least, one might have hoped for a swift response from public officials that acknowledged the severity of the allegations and affirmed a zero-tolerance approach to police brutality. Important too would have been a public commitment to an independent investigation into the specific allegations along with reassurances offered to potential witnesses that they would be protected from intimidation. The significance of this latter point was underlined a few days after the allegations surfaced in the media, when in full view of attending nurses and while still handcuffed to his hospital bed, Colwyn Harding was assaulted by male prison officers forcibly attempting to seize a cellphone left with him by his family.

Instead, in addition to the delayed and partial charges, the public was treated to a series of utterances that can only be described as defensive, accusatory and dismissive. Guyanese President Donald Ramotar's caution against hanging people without a trial (a reference to the police officers against whom the allegations had been made) did not prevent senior officials from commenting on the case in ways that underlined that they had already reached their own conclusions. Responding to a comment that Colwyn Harding might be suffering from septicemia as a result of his injuries (in fact this led to a second surgery having to be performed), Head of the Presidential Secretariat Roger Luncheon reportedly remarked that since this condition occurred or continued to persist some two months following the alleged act, 'God must be on his side.'<sup>5</sup> The Minister of Health shared selective medical information with Parliament while Harding remained chained to his hospital bed, while the following day doctors at the Georgetown Public Hospital gave a press conference; in both cases what appeared to be confidential patient information was disclosed, begging the question of patient permission about public disclosure. Despite reiterating the Government's claimed position that

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persons should refrain from pronouncing on the case until investigations were complete and “a dispassionate analysis can be made,” Minister of Home Affairs Clement Rohee (under whose portfolio the matter falls) had no problem publicly musing that from his reading of preliminary reports he believed that “the case is very complicated as the allegations made are challengeable.”<sup>6</sup> The opposition was accused of seeking to exploit the case for their own partisan ends against the minority government, a claim heightened by the fact that the lawyer representing Colwyn Harding, Nigel Hughes, is chairperson of the Alliance for Change (AFC), one of the opposition parties that comprises the parliamentary majority. Sections of the media were also singled out by President Ramotar and other government officials of being irresponsible and of having an agenda. In fact, were it not for the press reports, this shocking story might never have come to light in the first place, highlighting the conclusion of the United Nations Development Programme’s 2012 Caribbean Human Development Report about the importance of “external informal systems of police accountability” that include “an alert press and active, credible and organized human rights groups focused on police misconduct” (UNDP 2012, p.184).

Against this backdrop, there is understandable cynicism in the face of President Donald Ramotar’s eventual statement, close to two weeks after the story first appeared in the media, that his government is categorically against torture; skepticism undoubtedly compounded in early June by the report that a 15-year old had been arrested and shot in his mouth by a cadet officer allegedly playing Russian roulette during an interrogation over suspected stolen goods.<sup>7</sup> Moreover, the official promises of an independent investigation were belied by designating the Office of Professional Responsibility (essentially police investigating themselves) and the Police Complaints Authority as lead agencies to address the matter. According to its own annual reports, the PCA received 238 written complaints in 2010 and recommended none for prosecution and just one inquest, and received 241 written complaints in 2011 but recommended not a single prosecution or inquest.<sup>8</sup> It is therefore not surprising that, when reporting that security institutions across the Caribbean region are in serious crisis, the 2012

UNDP Study quoted a 2010 opinion survey carried out in Guyana in which the police force ranked 14<sup>th</sup> in response to a question about levels of trust in 15 institutions.

All this does little to reinforce public confidence that justice will be served in this case, and only contributes to a sense that, as the GHRA put it, the police “is more engaged in a cover-up than an investigation of the original brutality to Colwyn Harding.” The government’s preoccupation with accusing virtually anyone who spoke out of having a hidden political agenda should also not distract us from reflecting on what this case says about the moral and ethical fabric of Guyanese society, and in fact should be the occasion for wondering whether their response suggests that police brutality comes with the official imprimatur of state approval. Specifically, the sexual violence that Colwyn Harding was allegedly subjected to, an assault carried out in the presence of other law enforcement officers, underlines the authoritative status accorded to violent, predatory and heteronormative masculinist norms, in which the act of penetration with a police baton operates as an instrument of emasculation and violent subordination. Nor is this an isolated case. In 2009 a 15-year old held on suspected murder charges had a highly flammable liquid poured on his genitals, which were then set alight by the arresting officers (although he has since been awarded damages in the High Court, no-one has ever been arrested and brought before the courts for this gruesome and sexualized act of torture). And in January 2014, just weeks after the Harding case became news, another teenager climbed on the roof of a media house threatening suicide, alleging that he had been raped by three police officers in Georgetown.

These criminal acts, and the apparent sense among perpetrators that such sexual violence is sanctioned and that they will in fact be protected (highlighting the uneven distribution of justice that produces and is sustained by social hierarchy), occur in a context in which the supremacy of heteronormativity finds support in the law. In a 2012 study on the conditions facing LGBT persons in Guyana, Christopher Carrico concluded that the

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continued criminalization of non-heterosexual relations creates an environment in which sexual minorities in Guyana must regularly contend with “harassment, abuse, arrest, prosecution and conviction of crimes,” and where they also reported being fearful of reporting crimes committed against them (Carrico 2012, p. 4).

It is against this backdrop that we must reckon with the fact that, notwithstanding Colwyn Harding's allegations of sodomy with a baton at the hands of the police, and two independent medical reports that found physical evidence consistent with his claims, the DPP directed that the police officers be charged simply with assault.<sup>9</sup> At one level, this exemplifies the absence of effective implementation and enforcement of the recently passed and potentially far-reaching Sexual Offences Act (SOA), reinforcing a growing sense that sexual assaults occur in Guyana in an environment of relative impunity.<sup>10</sup> The DPP's failure to invoke the SOA in this case is also instructive in that it reveals how the crime allegedly visited upon the body of Colwyn Harding did not appear legible to the state as an act of horrific sexual violence against a young man in police custody.<sup>11</sup> It is reinforced by the official responses (reaching as far up as the President) to Harding's allegations: belatedly, and only under public pressure, addressing the complaint as possibly entailing a criminal act; the repeated violation of due process; the disclosure of confidential records by medical professionals entrusted with his care; publicly doubting and even ridiculing his story. Disappeared from all of this is the original allegation of sexual violation.

It is important to consider how such illegibility shapes and is shaped by hegemonic notions of masculinity. Accusing Harding and his lawyer of being part of an opposition conspiracy to extort huge sums of money from the state (through claims of damages), an editorial in the taxpayer-funded state newspaper, the *Guyana Chronicle*, went on to state:

Now he [the lawyer] is trying to get millions of taxpayers' money

through allegations of sodomy allegedly committed on a criminal with a history of armed robbery, who is reputed to live an alternative lifestyle... One wonders how that doctor is so convinced that Harding was roughly sodomised by a policeman wielding a baton and not one of his "clients". Be that as it may, Government needs to take steps that the treasury is not raped anymore by members of the Opposition and their "clients".<sup>12</sup>

In this remarkable passage, it is the accuser who becomes the perpetrator, and the entire Guyanese public who emerge as his victim. There is a deeply racialized subtext in the move to associate Colwyn Harding with the divisive arena of party politics, a chain of equivalence between Blackness, criminality and a political opposition that threatens to return the country to the days of electoral fraud and African-Guyanese political domination.<sup>13</sup>

Moreover, Harding's claims are dismissed not just because he is identified as someone who according to the editorial has a criminal past (and who therefore does not deserve due process), but crucially because of suppositions that he is homosexual and further that he engages in work - sex work - that entails deviant and disreputable acts. In fact, it is difficult not to see the editorial as suggesting that non-normative sexualities are equivalent, in this case, to armed robbery, that is that they are criminal (at the very least the 'alternative lifestyle' reinforces the claim of criminality here). Through this chain of equivalences, Harding's claim is rendered not just suspect (even impossible) but as a fraudulent, opportunistic, criminal allegation itself. His apparent rape is thus transmogrified into the potential rape of the treasury, displacing state violence and the specifically sexual forms it takes. The preemptive violence of the state against a suspect can thus be folded into a narrative in which it is the respectable citizens of the country who need to be protected from criminal sexual deviants; in fact within this logic, even the alleged rape of Harding proves that he is not a real or manly man. This fits into a broader narrative of homophobia/transphobia, as illustrated by a letter that appeared in another newspaper, the *Guyana Times*:

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A very interesting fact which this media house left out of the equation in its analysis is the fact that an organisation protested on behalf of Harding. It is a well-established fact that this group never protests on behalf of anyone unless that person is part of the lesbian/gay/bisexual/transgender (LGBT) community.<sup>14</sup>

One wonders why the involvement of an LGBT organization should be considered an interesting, indeed relevant fact. What does Colwyn Harding's sexuality have to do with his claims of sexual assault? Bringing to mind the way that female rape survivors have to contend with discussions of their sexual history (the survivor shaming and blaming tactics that constitute a further act of violence), what appear to be at stake here are underlying notions of (hetero)sexual respectability, policing the boundaries not only of who is a deserving victim, but who can even make the claim to have suffered a vicious sexual assault. Put simply, implicit in the letter is the suggestion that Harding's supposed (homo)sexuality disqualifies him from any claim of sexual abuse; his is an *unrapeable* body.

Unlike Jamaica, where it was estimated that there was an extra-judicial killing by the police for each day of the first two weeks of 2014, Guyana has no organizations that address state violence like Jamaicans for Justice, the Peace Management Initiative or Families Against State Terrorism. It is a country that some see as hopelessly divided along racialised and party lines, and where the simplest of matters is easily hijacked to partisan ends, hampering broad-based organising around a variety of issues. Other efforts to publicly challenge police brutality in recent years have for the most part been initiated by political parties (such as the joint opposition's release of a dossier documenting police brutality), leading, not surprisingly, to accusations of partisan politicization.<sup>15</sup> Discussions of the racialized character of alleged police assaults (most of the victims of extra-judicial killings have been African-Guyanese males) have also led to the dismissive response that the Opposition is invested in deepening racial antagonisms while ignoring political and other forms of violence in which Indian-Guyanese are targeted. The dangers of leaving it to political parties to take the



lead on these critical questions are highlighted by the May 2014 appeal by David Granger, leader of the People's National Congress (PNC), for all acts of police torture and shooting over the last seven years to be investigated, as if there could be no reckoning with the continuities between the current situation and the highly organized and repressive security apparatus that existed when the PNC was in power (1968-1992).<sup>16</sup>

Against this backdrop, the determination from so many quarters to keep the Harding case in the public eye is a tentative start. It has prompted outrage and statements from individuals as well as the Guyana Human Rights Association, the Bar Association, the Private Sector Commission, women's and anti-violence organizations (Red Thread, Help and Shelter), sexuality rights organizations (Society Against all Forms of Sexual Orientation Discrimination, SASOD) and labour organizations (Guyana Trades Union Congress). It also led to the formation of the Colwyn Harding Support Group, which has affirmed its commitment to "advocate, demand and fight for full justice for Colwyn Harding and other victims of police brutality."<sup>17</sup> Members of the group have accompanied Harding as well as the two other young women arrested that night to court, organized pickets and vigils, and monitored and spoken out against the preferential treatment that seems to be afforded the two officers recently charged with assault.

These concerted efforts to speak out cannot be discounted from the eventual decision to take some kind of legal and disciplinary action – even if belated and partial – against members of the police force. They underline the importance of community mobilization and vigilance in establishing public confidence in and ensuring accountability from the state and its security apparatus. Moreover, it is through collective and reflective deliberation that we might hope to address the "exceptional violence" that is constitutive of state-society relations in the Caribbean (Thomas 2011), in which the contemporary modalities of state power across the region bear the unmistakable imprint of

colonial policing, and where the rule of law more often serves to secure the interests of the powerful.

The broad-based response following the January 10<sup>th</sup> newspaper report, and particularly the visible role of sexuality, women's and anti-violence organizations, offers perhaps the greatest hope that public conversations will not tiptoe around or gloss over the specifically *sexual* violence that Colwyn Harding allegedly suffered at the hands of the police and the epistemic violence contained in the official responses to the assault. To mark the March 24<sup>th</sup> International Day for the Right to the Truth Surrounding Gross Human Rights Violations and for the Dignity of Victims, The Colwyn Harding Support Group, Red Thread, SASOD and Help and Shelter hosted a public forum on the use of sexual violence in gross human rights violations, noting that

With more frequent allegations being made against the police for utilising forms of sexual violence as a means of torture to interrogate those in their custody, over 570 cases of child sexual abuse being reported to the Childcare and Protection Agency in 2013, and with a prosecution rate of about one per cent for rape cases in Guyana, the collaborating human rights groups have taken note of how sexual violence is destroying society and are determined to work towards securing justice for victims who suffer in silence because of Guyana's flourishing rape culture.<sup>18</sup>

Making these connections is an urgent necessity; at stake are deeply historical and embedded ideas of Caribbean personhood, ideas that govern how we live our lives, and that sanction, through the routinization and normalization of violence, the policing of the boundaries of acceptability/respectability, placing profound limits on what it means to be human today.

<sup>1</sup> This is a revised version of a newspaper column I wrote, "Public Confidence, Public Accountability and the Police," *Stabroek Daily News*, February 3<sup>rd</sup>, 2014

<sup>2</sup> 'Man alleges police brutality, sodomy,' *Kaieteur News*, January 10, 2014

<sup>3</sup> Teneisha Evans was released on bail but was later apprehended for allegedly stealing from a relative in an attempt to find the funds to bail Harding. After the story became public, monies were raised to bail Tiffany Edwards. Thanks to the Society Against Sexual Orientation Discrimination (SASOD) for helping to piece together the narrative and supplying an exhaustive inventory of press coverage of the case.

<sup>4</sup> 'News reports increase urgency of needed reforms in Guyana police force,' Guyana Human Rights Association Press Release, January 18, 2014

<sup>5</sup> 'Government rules out voluntary compensation to baton-sodomized man,' *Demerara Waves*, January 16<sup>th</sup>, 2014

<sup>6</sup> See <https://www.youtube.com/watch?v=TPgCowJDIF0> (accessed August 21, 2014)

<sup>7</sup> 'Open and shut case,' *Stabroek Daily News*, May 8<sup>th</sup>, 2014

<sup>8</sup> 'Absent Home Affairs official delays 2012 Police Complaints Authority report' *Kaieteur News*, March 3<sup>rd</sup>, 2014

<sup>9</sup> "There is deep concern about the Colwyn Harding case," Letter to the Editor, *Stabroek Daily News*, June 19, 2014

<sup>10</sup> 'Sexual Offences Act still to be fully implemented,' *Stabroek Daily News*, April 27, 2014

<sup>11</sup> The charge of assault would appear to be consistent with the recommendation of retired justice Kennard, head of the Police Complaints Authority, who according to the media suggested that "there was nothing in the file to indicate that Harding had been baton-raped." GPH doctors, in their unauthorized discussion of the medical records, claimed that they had not looked for evidence of sexual assault as they had not been directed – presumably by the prison guards or the victim – to do so. In one news report, Colwyn Harding spoke of prison officials laughing when he first attempted to tell them that he had been sodomized, and of being embarrassed to disclose the assault to the doctors. See 'Colwyn Harding alleged baton assault...Witness claims he was offered \$\$\$ to change his story,' *Kaieteur News*, February 19, 2014; 'Colwyn Harding says he was embarrassed to tell doctors he was sodomized,' *iNews*, January 17, 2014; 'Doctors never offered me a diagnosis, Harding says,' *Stabroek Daily News*, January 19, 2014.

It is not clear whether the independent medical reports done in Guyana and Jamaica were included or asked for, even though there appear to be several instances in which the police were asked to supply further information. 'See 'Criminal charges to be recommended against two cops in Colwyn Harding case – Kennard,' *Stabroek Daily News*, May 22, 2014

<sup>12</sup> 'Denied access to the exchequer, Opposition still tries to rob treasury of millions,' Editorial page, *Guyana Chronicle*, February 15, 2014

<sup>13</sup> For a discussion of the Guyana Chronicle's persistent stereotyping of African-Guyanese as deviant, violent, criminal and racist in relation to Indian-Guyanese, see 'We should not be silent: Speaking out against the July 2 Guyana Chronicle Editorial,' *Stabroek News*, In the Diaspora column, July 10, 2012

<sup>14</sup> 'Much more about the Colwyn Harding matter,' Letter to the Editor, *Guyana Times*, March 12, 2014

- <sup>15</sup> For the dossier, see <http://www.guyanapnc.org/MediaCentre/PressRelease/DOSSIER%20TORTURE%20IN%20GUYANA.pdf>, accessed August 20, 2014. **WARNING:** it contains a graphic image of police torture in the prefatory note on page ii).
- <sup>16</sup> A motion was brought before parliament that was passed, without support from the government. See 'House approves motion for police torture inquiry,' *Stabroek Daily News*, May 22<sup>nd</sup>, 2014.
- <sup>17</sup> 'There is deep concern about the Colwyn Harding case'
- <sup>18</sup> 'Forum on sexual violence slated for Sunday,' *Guyana Times*, March 29, 2014; 'The police have been accused of using sexual violence against citizens,' Letter to the Editor, *Stabroek Daily News*, March 25, 2014

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