

Admas Habteslasie interviewing Justice Trotman

1:34:14

Admas Habteslasie OK this is Admas Habteslasie, it's the 17th of October. I have Justice Trotman with me today, Donald Trotman, with me today. Justice Trotman, we'll start chronologically shall we. You were born in what was then British Ghana. Can you tell us a bit about your childhood?

Justice Trotman I was born and grew up in a village on the Atlantic coast of British Guyana and attended primary school where I got my early education, at a Methodist school at which my father was the headmaster. So I was under very strict surveillance as you could imagine. The village comprised of a pretty mixed plural lot of people coming ancestrally from Africa as slaves; then Indians from India; then Chinese from China I think via Hong Kong; then Portuguese coming mainly from Madeira and one or two of the other Portuguese colonies. In that mix they were Amerindians, who were the original inhabitants of British Guyana, there are all sorts of guesses as to where they came from but I think they came from across the Pacific. But everyone who came from Africa, China, India, Portugal, met them there and many of them are still there. So I grew up in a very mixed, plural society in that village and went to the village school then I went on to secondary education in Queens College in the city called Georgetown.

02.16

The village by the way is named Golden Grove. I've been all over the world and I've returned. I'm living right back there in Golden Grove, the little village by the Atlantic Ocean, behind the savannahs.

AH How did you find yourself coming to the UK to study at the inns of court?

JT When I left my secondary school, Queens College, I worked for a year or two in the public service and had intended coming up to Oxford or Cambridge to read languages which were my early passions and really still are – languages: Latin, English, French, Spanish. Then in my job after leaving school in public service, I worked in what was then the Chief Secretary's office which is in the same building and premises of the Attorney General's chambers and a Director of Public Prosecutions and I had to meet with quite a number of them as a young civil servant, meeting these adult and, you know, legal men and women. That really encouraged me to do law and they encourage me to do law. So one of them indeed, who had just come back from the UK wasn't a lawyer but he was an engineer, and had his work connected with those legal offices. He met me one day and said "what are you intending to do?" and I said, "I'm torn between coming to do languages and coming to do law".

04.08

Then he said, well you know, think about it, what my godfather who had been very much into languages himself, he advised me to do law first and then I can still do languages if I wanted to because I could set up an independent practice when I qualify. So I took that advice and he spoke to my father who then decided, OK he'll try and make every effort – a schoolmaster with a small salary – to send me up to the UK. One of my uncles was a Judge from the Inner Temple too, so he gave me... you had to get your references, he gave me references and got me in at the Inner Temple. He had come down from Oxford and Balliol and he said look you go and

read for the Bar, you don't worry right now to get into university, you get the Bar, that is the thing and then you can go into – so this is what I did. It was only later that I went to London University to do international law and things.

AH Can you tell us a bit about the process in terms of applying and actually getting to the UK? What was it like at that time?

JT It was quite a process. I had managed to preserve and to get some of my admission documents from the Archives here about seven years ago and when I look about and look upon them it's quite a procedure. You had first of all to – because British Guyana was a colony then of the UK, so one I had to get a letter from the Colonial Office here in London, saying that they made enquiries about me and they thought I was a fit and proper person.

06.24

Then my uncle the Judge, Sydney Miller, he gave that again another reference, then a minister of religion from the Methodist church, he gave another reference. Then these all came up and I got a letter from the inn saying OK you look, we think we can risk admitting you as it were. So I came up by boat, a French boat, in October of 1956, this month, can you imagine this... and arrived, took about 13 days. I then got into London, got into some rooms, no they had sent up first of all the council of the Inner Temple had sent a package including a consolidated Regulations – they still have this now I believe, setting out the time table, courses, subjects and that kind of thing. When I got in, I did not distinguish the dining terms from the academic terms. So I got in and thought that Michaelmas term started in November as it still does...Whereas the school term, the Inns of Courts' School of Law then, started in October. So I was lazing about until one day I said I'd better come down and see how things are and met one of my friends who had travelled with me to do law. He had come in from Trinidad with the boat. He said, this is about three weeks after; "What happened? I haven't been seeing you at lectures!" I said, "What lectures?" He said, "Lectures started three weeks ago". I was thinking of the dining term in November.

08.30

Anyway we got on. So I came over to the Inner Temple. The lectures were being held in Chancery Lane, in Stone Buildings. So I came over, walked through and came down to the Inner Temple, for the first time - three weeks after I arrived, and said yes they had got word of me but had heard nothing more, they thought I had given up perhaps. After telling them about my stupid misconception of what was going on between lectures and dinners, they then gave me these forms, the admission form, and they ... and got these forms to fill in, saying that I had Donald Ashley Bevel Trotman, society, freely bound to the Rt Hon Lord Justice Birkett who was then Treasurer. Berkett, of course, I had read a book of famous trials and things, read his name in the book, where he had prosecuted a man for murder at the Old Bailey and that had fascinated me. That is long before I knew I was coming to do law or anything, where a man called Rowse, written in the book, who had been charged for murdering another man by lighting, setting fire, to a motor car, adjusting some part of the engine so the petrol would flow and it would ignite and so on.

10.19

And Berkett prosecuted, it's all in the book, and the man was found guilty. His style of prosecution had fascinated me so when I came and saw I was going to be bound to the Rt Hon Lord Justice Berkett, I was really overwhelmed. Anyway that was one

document I filled in, here it is. My writing then was far more legible than it has been [laughs] ... and I have that. Then of course that was done, and there were some other documents, signing – I had to leave I think 100 guineas or 100 pounds for dinners and other incidentals that might have cropped up along the way. Of course put me on the way to being admitted into the Inner Temple.

AH Was that the first time you had left home?

JT Oh yes, so it was quite an adventure really. You didn't know where you were coming to. I had... my father had a few friends scattered about England, but we didn't really know where. But I got into digs in Fulham Broadway because one of my cousins who had come up for occasion had been in those digs in Fulham so he introduced me by letter to the landlady in Fulham Broadway.

AH That's not the place that you describe in your book as the worst accommodation you've ever lived in?

JT Oh no, that one was one of the best. One of the worst was in Kennington, where I was... I describe it, it was quite unfit for human or any other habitation. [laughs]

12.29

Those were... in those days, central heating and things were almost non-existent in the digs of course in which you lived. To have a bath, you sort of had a bath once a week or once a fortnight. Later I discovered that the best place to have a bath was in the Inner Temple, so on Saturday mornings I would come down [laughs] and have a bath in the Inner Temple and then go up to the Library and do a little bit of work!

AH So it must have been somebody who was travelling from a colony and leaving for the first time, it must have been quite an exotic experience in a way. What were your first impressions when you arrived?

MT My first impression was coming and seeing, especially, around the... first I landed at Plymouth, on a cold misty evening, then there was a British Council, I think it still exists in a small way, which looked after the welfare of overseas students and things, so I was met there by a British Council officer, which was really very good, who put myself and others on a train to Paddington and everything looked absolutely strange and felt cold. Everybody looked strange.

14.08

You hadn't seen too many Europeans before – there were Europeans in British Guyana, working on the sugar plantations and the Civil Service but I hadn't seen so many before in one place and the same time. That fascinated me. I got down to Paddington, then I got to my digs in Broadway which had been pre-arranged but coming in the Temple area now subsequently, I was quite impressed and overawed sometimes, it seemed, everybody, barristers, dressed in Bowler hats and Homburgs and black coats and striped trousers, looking uniformly exotic and strange. That was something for me too. Long rolled brollies going around. Even when there was no rain or sun, I thought they only use those things when there was very hot sun or heavy rain back home in British Guyana. Just walking around the Temple and seeing so many... what I found, the buildings were close, both in the Temple area and outside in outer London, in the outer parts of London. Buildings were close together. We were accustomed then to have individual houses surrounded by lands. You have that in the country here too, but in London, I found that very strange because in our city, Georgetown, we had people living in houses, separately, individually and not in

flats and together. Things like that I found strange. Of course the foods I found strange.

16.08

Having to prepare my own meals in digs, that was something because growing up you had maids and your mother of course was cooking the meals, that kind of thing, so when I found I had to cook some of my own meals, that shook me up. I felt probably I had better get back to British Guyana where these silly [ideas were not there?].

AH How old were you at that point?

JT I was 20.

AH OK and you mention in your book that you became quite involved in the life of the student body – you were initially the Inner Temple representative.

JT Yes I was initially Inner Temple representative and there was a Student's Union of course which encompassed all the four Inns – it comprised students from all the four Inns, so on the Committee of the Union there was a representative who liaised with his or her Inn, which kept the other students aware of what was going on in the other Inns. I was initially that, and then I became Business Manager of the GLIM Magazine – there was a student union magazine called GLIM, after the acronym of the four Inns, and invited publications not just from students but from judges, academic professors and things. It was pretty high quality for a student magazine. I became involved when I became Treasurer of the Student Union, handling the fund. Then of course I began debating. There was an Advocacy Contest and a Debating Society and I took a very active part in those; but when I look retrospectively, to the detriment of my studies! and my examinations. But it paid off in the end.

18.38

Then I became, through my debating and advocacy – you know what student life is, you become popular from speaking and things more than from your academic performances so I became President of the Union. Those activities cumulatively really helped me throughout my personal and professional life because I was able to – the responsibilities even at that level were foundational for responsibilities at higher levels. Orderliness, organisation, relating to people, relating not only to students but the administrators of the Law School and the Temple. Here were you as a young student having discussions and negotiations with members of the Treasury Office, of the Inns of Court League of Education... so that helped me very much in after life.

20.00

As I said in my book, being President of the Union, as well as those Student Union responsibilities, were the best achievement in my life.

AH Did you find it easy to meet people? you were very active so I presume you...

JT At first it wasn't easy, imagine coming from a little village in a colony. It's quite a different, as you could well imagine. So meeting people who were in that kind of level now was very difficult at first; as a matter of fact as you might have seen in my book, I found even taking part in the advocacy contest preliminaries, it took me about a year. I would just go and sit and listen and watch these fellows and wonder if I could ever utter a word! Later I did, so that helped – those debating things helped

me to relate to people, speak to people, understand other points of view which is what advocacy and debating skills and training helped me to do. As a young man especially, you tend to see your own and listen to yourself to the exclusion of what others are telling you. You realise, you are not here to make decisions in a vacuum you have to relate to people, listen to them, agree with them; even if you disagree with them, you have to understand what they want to say and compromise in many respects, some of your own preconceptions and presumptions.

22.13

AH So out of those experiences you listed, which did you find the most challenging at the time?

JT I found most challenging being President of the Union, because at that level in the student body you not just held the position as President, you held it on behalf of the entire body of students of the four Inns, and I found that very challenging because of course you had to represent pockets of opinion – some students would want you to represent them in that respect. Others would want you to represent them. It was challenging because you had to present different views say to the administration of the school or the administration of an inn. I found that challenging but I would say beneficially so. One of the things I had to come up with – you had to make representations about things that were either unpopular with the administration: paying cricket in the Inner Temple Garden, that was one of my most memorable challenges, coming to the Sub Treasurer and saying, “Look we haven’t got a ground, a lot of our students come from cricket playing countries including British students here, we play cricket in other people’s grounds but we can’t get enough practice. We want somewhere we could at least practice. We have looked around and I being from the Inner Temple, thought I would take the lead and said well we have the Inner Temple garden and could we have that for cricket practice?”

24.22

So I came, unattended by any of the Union students, quite confident in myself that I was the Inner Temple President and spoke to the Sub Treasurer who was then Commander Rodney Flynn, who I really feel should be a man who should be not immortalised, of course, but very much remembered in the Inn. He was an old naval commander and he looked at me, very heavily or whatever the word is – and said, “Oh Trotman that’s preposterous, cricket in the Temple Garden, never heard of it!” I shook, trying to keep my courage and said, “Sir, I’m not speaking for myself, this is as the representative, I’m speaking on behalf of my fellow students and they have instructed me to make this representation”. So he said, “I’ll think it over but the Benchers would have to have the last word”. So I was sitting somewhere in the Common Room at the time and one of the secretaries from the Treasury Office came to me about two weeks after and said, “Mr Trotman, the Treasurer would like to see you”. I wasn’t thinking about that discussion, I thought it was something else. Anyway I went. I thought probably I wasn’t eating dinners or I had over eaten dinner or something. So I went and he said, “Trotman, I have good news for you – one of the Benchers remembered that when Norman Yardley who was a former English [captain] was a student here, he and his team were allowed to have cricket practice in the Inner Temple Garden. I stood up, he said “Follow me!”, so he called the Head Porter, a man called Mr Lodge, who should be in the archives, he said “Follow me”. The Head Porter, the Treasurer and me in a short procession going somewhere behind the Niblett Hall – you’ll have heard of the Niblett Hall which has been replaced now by Littleton Building and there was a large vault and in there were all the cricket gear used by Norman Yardley in the ‘40s and ‘50s; he said you can have these. So we started playing and that was one of the most revolutionary and challengeable

things we accomplished... other things of course were challenges in meeting the administration to have student parties which were not encouraged because there had been precedents of disorderly rampages and things, and student parties in the Common Room. So student parties had been suspended for some time, but some of us decided we must have this – so we started having negotiations with the Inn and with the Council to be allowed to have parties.

28.00

And we did have many, some of which are featured in my book, in the Middle Temple and the Niblett Hall particularly.

AH How did you convince them to let you start having parties?

JT Well we had to first to all vote: an oath of good behaviour that we would behave ourselves respectably and of course there would be nothing stronger than wine. Not even beer. Ginger wine was the specialty – ginger wine and things like tonic. And of course some officer from the school or the Inn was there and in the Inner Temple case, Niblett Hall, the Sub Treasurer himself would be present to keep an eye on things. We had to close by 10.30, and we knew that if you wanted to enjoy yourselves we did have to behave properly, like young gentlemen and ladies. We had to be negotiating – as you said, how did we manage to persuade them, with the Masters of the Common Room, Niblett Hall and things like that.

AH So in terms of the student body at the time, were there many other students from other countries or other British colonies?

JT Yes there were. That itself was an experience of much benefit because again, speaking a bit subjectively, in my work and travel over the years I met many of these in Nigeria, in Ghana, in the Caribbean, and of course back here in Britain whenever I came, I found that continuing link very useful.

30.23

That is what I think I would like to see more now. I've been speaking encouragingly with the Sub Treasurer and I hope to do so with the Treasurer. The Inner Temple in particular should have an outreach – they do have an outreach – but I would like to see more of an outreach into parts in Africa and the Caribbean in particular where many of our students were and are now as qualified barristers and judges. I would like to see that kind of outreach in those areas so that they can keep in touch with their alma mater.

AH In terms for you personally how was that experience of meeting other younger students?

JT Again because first of all I'd never met students or anybody else from any of those countries. That was quite an experience, for instance I had met people from India because Guyana has Indian descendents who came out from India but I had never met Nigerians, Ghanaians, people from Singapore, Liberia, Pakistan, and some of the other commonwealth places – Kenya, Uganda – so that really was quite an experience, meeting them.

32.21

It was like a... the Union and the Inn itself was like a microcosm of the Commonwealth and that is how I felt things should go in the world, though it really hasn't gone like that as you know. But that is how I think. I think to some extent that

kind of inter-relationship among us as students did help up when we got back because many of us got into positions in politics and government and things like that and if I may say so, that helped to keep the Commonwealth afloat. It may not be not necessarily, not exclusively, that but I do feel it helped to keep the Commonwealth afloat.

AH How did the British students respond to you and to other students from other parts of the world?

JT The British here? They responded very favourably because at the time most of us came from colonies and the response of the British was that they were here actually training young leaders as it were from the colonies to return and to be good leaders in the colonies and eventually, I believe, they felt of course that these trained youngsters would help to create an environment that would lead to a responsible and orderly transition from colonialism to independence without giving the British Government too much trouble!

34.28

AH Excellent. So after your studies you did pupillage in London?

JT Yes, in the Cloisters which is just there.

AH In the chambers of **Dean Pritt** I believe?

JT Ian Pritt, who as you know was a formidable force particularly in colonial courts. Some of his ... for instance as a boy at school he had come there to represent alleged seditious persons, alleged, by the British, in Guyana, he was quite a force to be reckoned with. I think his most prominently remembered set of cases was in defending the Mao Mao leaders in Kenya; that is still remembered and one has to give people like him credit for that kind of thing because, as you know now the British government has agreed to compensate many of the descendent of the Mao Mao leaders and personages. People like Pritt set the stage for that to happen so many years after. My pupil master was David Turner Samuels to whom I owe much for my own professional approach to practice and preparation of cases and presentation of cases.

36.40

AH How did it come about that you found yourself doing pupillage at those chambers?

JT Well at that time, I was torn between doing pupillage in chambers in King's Bench Walk. There was Heathcote Williams who had taken an interest. In those days – I don't know what you have now at **mass** – you had mentors....

AH It's the same system, people supervise?

JT Supervise yes. Mine was Sir Patrick Spence who was Treasurer for one year and Heathcote Williams who had chambers in King's Bench Walk also, like Patrick. They thought of placing me in Heathcote Williams's chambers but then I spoke to my father and some other people back home and saw that Pritt's chambers did a lot of work in the colonies and cases coming up to the Privy Council. Many appeals came from British Guyana as they did from other colonies up to the Privy Council and so I was encouraged really to go into chambers that had that kind of practice so that I would get experience in that kind of work when I returned home. That is what

encouraged me or propelled me into the Cloisters. There I found fellows like Platt Mills who was an institution.

38.30

He was in practice up to fairly recently. Platts Mills and David Turner Samuels and persons who came also from the colonies [Greysheh?]. So and Pritt himself. Apart from their actual competence, their personalities were an influence on me. For instance I would come into the Cloisters and Pritt, who was probably on his way out then, he was quite old, would be sitting reading Cicero and Quintilian. He said, "My boy, you must read Cicero and Quintilian if you wanted to be an advocate"... I realised that by going into pupillage that it was not just knowing the law but there were other aspects of learning that would have benefited you and they influenced me, as I said, and then the clerk would give me – for draft paper, transcripts of the Mao Mao trials and I would be reading one side of the writing. Going into Cloisters, as I said, I was encouraged because they did a lot of Privy Council work and appeals coming to the Privy Council from British Guyana, to where I was returning when I finished pupillage.

40.12

AH You mentioned a little bit about how Mr Pritt was perceived in the colonies but what did people in the UK think of that kind of work – was he a radical?

JT Yes, he wasn't much favoured if I may say so in the UK itself. I don't know in fact whether he was a communist but many people perceived him to be such. I believe he was the sort of fellow who even though he was not, he mischievously or provocatively said well ok, if you think I'm a communist, I'm a communist and perhaps behaved in such a way. He of course went to meetings in Moscow and championed causes in Russia. Things like that, nowadays he would be considered a human rights advocate but in those days he was looked upon unfavourably, as an ideological humbug or ideological mischief-maker.

AH So after that you returned to Guyana?

JT Yes I returned to Guyana in practice. Then I sort of got into the... I became a magistrate for a very short while then I decided I wanted to do international law. We had done it at the Bar but I didn't think it was sufficient and I also felt I wanted to go on that track so I came back to London and got onto the University of London and the London Institute of International Affairs, under a man called George Schotzenberger.

42.13

I think his manual is still referred to, a good little book. And then I kept going to the Hague Academy of International law.

AH So what prompted this interest in international law, where did that come from?

JT What prompted it was my interest, my growing interest, in human rights law. I saw human rights law as recall, a part of international law rather than just human rights law by itself at the time which many people seem to have been treating it as so. I saw that it really had its genesis in international law, the various conventions of the United Nations. Also my going to the United Nations itself, as a delegate, to the General Assembly and sitting as a representative of Guyana on the Human Rights Committee, which is the third committee, so I developed a practical kind of interest

and motivation for human rights law and I realise I really didn't want to be a human rights activist, but a human rights lawyer.

44.04

And then things just happened: going to the United Nations and the third committee, getting a Carnegie Endowment Fellowship to go to the Hague. Getting a UN assignment to go to Nigeria and Canada to look at human rights in the administration of justice. Things happened that way, and I developed my own interest and to some extent competence in human rights law.

AH Do you think your background and coming from Guyana to the UK to study, do you think it had any influence on your interest in human rights?

JT Yes, because even as a student here, I attended... there was an organisation called Justice. It was founded primarily by Lord Shawcross, I believe it still exists?

AH Yes absolutely.

JT And is active?

AH Yes absolutely.

JT And so as a student I used to be attending that and in one of my early sessions in the Hague, the Hague Centre for International Studies, where about 15 scholars were chosen in 1968, or '67, in preparation for Human Rights Year which was 1968, to sit down and discuss and write papers on various human rights subjects. My own assignment was writing and researching the legal and political implications of the European Convention of Human Rights.

46.14

When I look at that you know that particular set of sessions made me, and research, made me see more clearly that human rights, the practical aspects of human rights, were not exclusively legal but were very much influenced by political implications, political manipulations too. That helped me now on my own further in developing my own approach to human rights practice, so that you don't just use the conventions and the fundamental rights provision in constitutions exclusively; part of it is negotiation as well, and much of it has to do with the political structure or the political nature of the subject matter you are dealing with. It's not just a legal thing, you're not just dealing with human right as academical – you've got to face the political realities in many respects.

AH You said something interesting earlier – you mentioned that you decided you didn't want to be a human rights activist, you wanted to be a human rights lawyer. Can you explain why one is better than the other?

JT I wouldn't want to say that one is better...

AH Why you chose one...

48.06

JT I did have as a young man some revolutionary tendencies, as many young men have, you know. I saw that in some cases, people had to revolt against atrocities and things like that. That's where the activism comes in. You still need people like that because in countries where the politicians take hold of the courts, as regrettably happens, people cannot get redress through the courts, they just can't

indefinitely go on being oppressed and suppressed. So they have to be activists in using other means – unfortunately and regrettably, but that’s the only way they could get redress for their grievances because the courts aren’t giving in them that redress. I decided that I have always held that I am a firm believer in justice through the courts, both municipally and internationally. I decided look, you know, the activists have their work to do and the lawyers have their work to do and perhaps both compliment each other and both have a place in bringing about redress against atrocities and violations of human rights.

50.00

As a young man I probably would have preferred to be an activist [laughs] but one of the things I remember, **Schotzenburger**, telling us occasionally, said if by 40 you have not managed to gain success as a revolutionary, forget it [laughs].

AH So at one point you spent some time in Jamaica, you were practicing there, you were also at the Law School. Tell us a bit about that.

JT Yes, that also helped me to develop my legal thinking. It was a graduate school, a professional law school, so you were dealing with students who had been to university and who were now doing the professional part as you do here, and discussing particularly with tutorials, with students, bright students, adult students, that helped me to develop my own research abilities, my own analytical abilities, and also administrative abilities because a lot of my work there was because I was the senior tutor where I had to make up the time tables and allocate different teaching assignments to different tutors and assess their abilities and things, that helped me. There’s a Norman Manley Law School there and one of the things that I found myself asked to do, and did, was to make the course more professional: it had been still pretty academic.

52.14

Students who had come out of university, attending the professional law school, were still to a large extent attending lectures, writing exams, which is of course necessary they’d had no training in going to court, so I was asked to develop a practical programme for getting students into court and getting experience and making compulsory assignments in listening to cases, forming opinions of cases in court that they had heard and developing a more professional approach so that when they got out of the professional law school they would be thinking more and they would be more sensitized to practising approach rather than an academic approach. That helped me. There were two law schools in the Caribbean: one in Jamaica, the Norman Manley – Norman Manley was one of the leading lawyers in Jamaica – and the other one was Hugh Wooding in Trinidad – he too was a leading jurist so the law school there was... one of my jobs. Requirements of my job was to harmonise the programmes between these two law schools so that if you went to Jamaica, you just didn’t learn how to practise in Jamaican courts and similarly if you went to the Trinidad school you really didn’t want to just practise in Trinidad. We developed a Caribbean system so that whether you were from Jamaica or Trinidad or Guyana or the Bahamas or St Vincent, (I’m calling the Caribbean countries now) or St Lucia, Dominica, Granada, you could go into any part of the Caribbean and find your footing and this helped to develop a Caribbean jurist prudence rather than each country having its own.

54.28

AH This was the early ‘80s, when you were in Jamaica?

JT Yes, yes.

AH So was that Edward Seaga at the time who was Prime Minister?

JT Oh you're well versed in the politics of the time! Edward Seaga and then later Michael Manley.

AH What did you think of the engagement with rights in Jamaica, it must have been a different perspective.

JT It was a different perspective and there I got interested in looking at it historically, from the time of slavery and after slavery and then following it through the colonial period to independence. One of the things that happened to me again – things happen fortuitously in your life which help your career and develop your interest as well as your confidence which you had never yourself planned. Here am I, one of the newspapers in Jamaica called The Gleaner, probably the most prominent, asked me to write a series on human rights, both historical and current matters but whenever I write about current matters, even now, and then, in my book, I always like to put it into historical context, see what happened before.

56.11

So I did much of that, things that started happening in Cuba and in Jamaica itself and elsewhere in the Caribbean but the thing that really put me I think onto the Caribbean human rights map if I can say so, is the situation in Granada. As you know there was a revolution and an invasion or what other names one calls it. I was approached while at the law school to present a petition to the inter-American Commission of Human Rights, against the revolutionary government, the leader of which was one of my friends, Morris Bishop. So it happened at five newspapers, the Jamaica Gleaner, the Trinidad Guardian, the Trinidad Express, the Barbados Advocate and the...

AH Nation?

JT The Barbados Nation [laughs], you've got it all there. The Barbados Nation decided to bring a case against the government because the British Government had seized some shares in a newspaper called the Torchlight, a Grenadian paper, but the Trinidad Express had bought some shares in the Torchlight and so both... Trinidad was then a member of the inter-American Committee...

58.13

Anyway so they brought this petition, but the Miami Herald was behind it all. They got in touch with me and asked me to present this petition, but they first asked me to go to Grenada to institute proceedings there against the government. I sat down a couple of nights and said, I'm not going there at all; I may never leave! Am I really going to challenge the government in their own [footyard?] on such a subject? So I decided look, you know, I thought it over, I spoke to Bishop on the phone. I was negotiating then, I'm showing you where the human rights thing is not just activist... I picked up the phone, I was in Jamaica, I said, "Morris, why don't you just give back them their shares, that will end things, they would have nothing really". They really wanted to bring the government to heel but, you know, were using this question of shares; if it wasn't that they would do something. I said just give them, he said he'd think about it; he never did because he said the man who was really looking after it was this minister called Bernard Cord, the Finance Minister and he didn't want to interfere, but he would nevertheless speak to him. But before he could do that, Cord then as you know, overthrew Bishop himself.

1.00.02

I filed a petition in any case because my clients were really pushing me to file a petition, which I did. It was the first petition from the Caribbean that was heard by the inter-American Commission and as you know from the Commission it had to go to the Court. We had several sittings in the Commission presenting the thing; it was the first petition I think filed from the Caribbean. We then decided, the Commission decided, to go to have an on-site visit to Grenada. At the adjournment about a week after the invasion took place so we would never be able to go but I'm telling you how I got out of going to Grenada to do a first instance hearing. I looked it up – here is where my international law came in; I said "you know there is the exhaustion of local remedies that you must exhaust local remedies before going to the international tribunal, whatever it is". Of course as you know, most laws and legal systems have exceptions: one of the exceptions was if the courts in the country are not expected or cannot be relied upon to give you a fair hearing and to adjudicate the matter justly. So I used that. I told my client, look, why instead of wanting to send me, or to have me go to Grenada, let us go to the International Commission because we would be able to persuade the Commissioner that there is no expectation of getting justice from the local courts and so they can hear the matter; that is how I got to the Commission.

1.02.22

By using an exception to the exhaustion of local remedies.

AH You said you knew Morris Bishop personally, were you surprised by what happened?

JT Very surprised yes. Ironically I first met him at a human rights conference. That is the ironic part, at a human rights conference in Barbados, which was sponsored by the International Commission of Jurists, and the Caribbean Bar Association on Human Rights in the Caribbean. That was before he headed revolution... so ironically. We became reasonably good friends. So here it is now, he was being accused of violating human rights and there at the Barbados Conference, the international conference, he was making heavy weather – I think with justification – of Eric Gehry, who was the Prime Minister, of violating human rights, and now in the driving seat, he was being accused of violating human rights.

AH Do you think that he's one of those figures where people's views of him have changed over time and of what he did?

1.04.08

JT I think his views changed over time. Let me try to put it in a social [conduit?]. He was from one of the respectable middle class families, he was not a revolutionary in his professional early days; his views changed I would say that he was more influenced by radicals like Cord and others, he was forced almost. Left to himself, I believe he would have taken a more moderate view and a more moderate approach, but I think he was forced. Then when he got into and they got him to go in with the Cubans – that is where things started to become a little sour because the Cubans then saw an opportunity of having a toe-hole in the Caribbean, in the English-speaking Caribbean which they did not have otherwise. Even Manley in Jamaica, who was closer to them geographically and ideologically, was not going their way. Manley was sensible enough to know even if he wanted to go that way, it was not a sensible thing to do – the Americans would come down on him but Bishop was

forced into that by some of his companions and I think that is where he made a mistake.

1.06.14

He could have carried the revolution to an endpoint successfully had he just continued on a moderate sort of line. But the question you asked, more directly, was....

AH I was interested really in perceptions of that episode really in Grenada's history and how it was viewed at the time and how it's viewed now.

JT Well how it's viewed now, again the way things happen, I'm sort of connecting this: after doing that, that was in 1983 or '84 I think, I went up after the revolution, I was then asked to do a study by the UN and some other non-governmental organisations to do a survey in human rights in Grenada.

AH When was this?

JT Just after the revolution. I didn't go in during the revolution otherwise I might not have been here today. But after, this was in about '84, I did this study,; so again I went back to human rights although I am being asked to do a study of human rights in Grenada as it was then, I went back and showed what it was in the Gehry days, what it was like in the revolution and what it was like after the revolution; a bit of a study of human rights in Grenada.

1.08.10

Then, I'm sure you know how things led, years later, in 19... 2000 or thereabouts, just when the truth and reconciliation commission, the Bishop Tutu Commission was very active and coming to a head in South Africa, the South Africans persuaded the Grenada government to establish a similar truth and reconciliation commission and I was selected to chair that, a judicial commission. The Truth and Reconciliation Commission of Grenada: myself, an Anglican bishop of the West Indies and a Catholic priest from Grenada itself and then we co-opted members. We had this going on for a few years, this Truth and Reconciliation Committee, looking at allegations of violations, atrocities or alleged atrocities during the revolution, before and things and then coming up with the report, which dealt – focussed – on the reconciliation aspects. Having heard the truth and all the atrocities and what not, we felt, look this is a time for reconciliation, like the South Africans. So we put up a report focussing on what should be done to reconcile these differences that caused those atrocities to take place. That's a comprehensive report, you probably could look it up I believe, I don't know if it's on the internet.

AH So that was in around 2000 you say, so the wounds from the revolution back in '83, it was still quite fresh.

1.10.28

JT It was not fresh but it was simmering there below the surface and of course what made it appear to be sinister and not just simmeringly sinister was that there were about 18 of the revolutionaries in prison.

AH From the Bishop Government?

JT From the Bishop Government. There was a trial, they were found guilty, they appealed to the Privy Council but the Privy Council said they could not take the brief

because Grenada had ceased. The Bishop Government had abolished appeals to the Privy Council. So the Privy Council had the view, we can't entertain this appeal. So they then set up a court of appeal comprised of Caribbean jurists to hear their appeal and they upheld the conviction. So these 18 or so who were kept in detention; they claimed of course that the trials were all fixed and illegal and they were being detained illegally. It is at that stage that the South Africans persuaded the Grenada Government to set up this truth and reconciliation commission, because also one of the main movers behind that was Mbeki.

1.12.11

Mbeki – he even before he was President had quite a lot of clout there and Bernard Cord who was the leading dissident helped to overthrow Bishop. He and Cord were students in London and shared a flat and were close friends and so he wanted to do something that would eventually free Cord, but of course the others as well. At first he wanted Cord... the Government to give Cord asylum, for Cord to go to South Africa, but of course the others said he alone can't go and Cord refused. He said "I'm staying with the others, I've committed no crime" and the others took the same view. So that's how the Truth and Reconciliation came to be set up, influenced by the Bishop Tutu Commission and of course Mbeki who brought it into play. But you asked something... sometimes I go indirectly. Put the question again and let me see if I have answered it directly.

AH My question was I was really trying to get at what it was about that revolution in '83 that had such a long-standing impact on Grenada; you mentioned one of the things, the fact that they were in prison still.

JT That it was still... fresh. The wound was still there and festering.

1.14.20

It seemed to us in the Commission, we had to go around getting views, interviewing victims, the detainees themselves. At first they refused to come to the Commission then they did it through their lawyer who was from Trinidad. But there seemed to have been a fear of the Government that these detained ones still had a lot of influence and support outside and they could perhaps just rise up again and probably overthrow the new incumbent government. It was a combination of the South African Mbeki, representations, as well as a feeling of I would say, apprehension, not real fear - apprehension that so long as these fellows remained in prison and they still had support out there, they could cause some trouble. One very important detail that is indirectly connected to the Inner Temple – this could be of interest – is that the judge who tried the case at first instance was Dennis Byron, who is now a Bencher of the Inner Temple.

1.16.16

He is now Sir Dennis Byron and he is now the president of the Caribbean Court of Justice. He is a member of the Inner Temple and a Bencher of the Inner Temple. He went out to the International Criminal Tribunal in Rwanda long after, and then from there he went back to the Caribbean as a judge and he is now the Chief Justice of the Caribbean Court of Appeal and a Bencher of the Inner Temple; that's where you have an indirect connection with the Inner Temple.

AH In the course of these incredible experiences that you've had, where you've been able to look at the details of what happened on the ground in terms of human rights abuses, do you think your views on human rights have changed or how have they developed from your initial interest?

JT My initial interest was, I would say, pretty subjective – regrettably. It was more like curiosity. I had a vague feel, or feeling about things being wrong but I didn't see them in those early stages as being...

1.18.07

I had a gut feeling and I still do of right and wrong. But it's almost primitive really. It wasn't developed. But going on to these practical surveys and exercises made me see things more in a real setting like how I said earlier before that I had to consider the political aspects, the social aspects, economic aspects. To me, the thing that helped me most in developing the realist, a more realist approach was the assignments I had – the UN assignments – in Canada and Nigeria, in looking and here is where I told you, in helping me to see things, seeing myself more as a human rights lawyer than an activist. I had this assignment to go to Canada to look at human rights in the administration of justice. So it was within a juristic and a forensic setting. I had to see there, I had to look at how French speaking Canadians were ... how the courts in the English speaking provinces like Ontario, how did they get fair justice, were they treated fairly? Similarly in the French courts in the French provinces, whether the English speaking litigants or criminals, how were they treated?

1.20.16

Over in Nigeria, as you know there were at least then three main blocks: the Yoruba in the west, the Igbos in the east, the Hausas in the north – how were these various tribal litigants or criminals, how were they treated in the courts in the different states? That opened my eyes much more to seeing human rights in the context of the courts and more and more made me feel, look, the violations of human rights, if they are properly addressed in the courts, and the courts have sufficient judges in the courts, it boils down to this, have sufficient integrity and justice within themselves then that could reduce quite a lot of the need for destructive activist uprisings, let me out it that way, outside. If people feel they can get justice in the courts, they would not resort to seeking redress by violent means.

AH I'd just like to maybe go back a little bit – I think you came back to England in the '80s. Could you tell us about that?

1.22.06

JT I came back in the '80s because I had... I came back in the '80s and thought I didn't want to go back in a volatile political situation in Guyana which was taking place at the time. I didn't want to stay in Jamaica because that too was becoming pretty volatile and violent.

AH What was going on at the time in Jamaica?

JT Changes of government between Seaga and Manley so there was quite a lot of disruption, shootings, killings and so on. Even though I was not involved in it, you could get involved and of course I had a young family and I didn't want to... maybe I myself could have remained but I decided to come back to England and decided to get into chambers and getting into my old chambers, the Cloisters was almost, Turner Samuels and Platts Mills –they said it was pretty tough here, you know, it's not like when you were here some years ago. They even went so far as to advise me to try and go back to the Caribbean. But I came and I said no I can't come and just go back. Now how I got these chambers in Kings Bench Walk is interesting: one of my friends who was a student from Burma – mentioned in my book and I hope they could get hold of her if she is around, to come to the launch... her father was Chief

Justice of Burma and in my student days she and her brother were students here at the Inner Temple.

1.24.05

When they went back and we had no contact. But when I came back another student friend of ours from India, from Inner Temple: I came into the common room and she said, "oh what are you doing here, are you on holiday?" I said "no, I'm here to stay if I could." She said, "stay: you know who is here?" She said, "Mia Mia who is this girl from Burma". I said "what, you mean she is on holiday too?" She said "no, no she had to flee 'cos her father was imprisoned by the revolutionary military there – overthrown – her father was in prison because they overthrew the prime minister of Burma who was a man called Oonoo and Mia Mia who is the daughter of the chief justice, was married to the son of Oonoo". So Oonoo having been overthrown, she married now, and she had to come with her husband, otherwise they would both have been imprisoned; Mia Mia had chambers in 9 Kings Bench Walk, so they arranged to meet, she said look come in here, I've got some place so that's how I managed to get in. Meanwhile her father the Chief Justice was in prison, and her brother, who was a student with her, he was the chief prosecutor in the new regime.

AH Oh wow.

JT Amazingly so. Anyway that's how I managed to come back. I stayed and really I found I couldn't because by then I had ...

1.26.01

I was at the Law School in a senior position, I had been in practice in Guyana, I had been to the United Nations, I had done surveys in different parts and I found coming back, I got a few briefs in 9 Kings Bench Walk and thought I was operating at a very low level, much lower than I should have been, let me put it that way. So I decided to get out... A friend of mine came over, he was from the Inner Temple – heard that I was here, he was from St Vincent – he said look man, instead of you here functioning at this level, come back there's a vacancy of Solicitor General in St Vincent, you'll get it easily. I said great, you know, I come, I want a decent... no, come... so I went and became solicitor general; so I spent a little over two years and from there I remained in and about the Caribbean. From there I then went to... I did some work in Grenada then went to that human rights conference where I met Bishop and so on. I was still doing my human rights on the side if you can call it that way. Then I went to the Virgin Islands as Attorney General and DPP and had an opportunity. Before I went to the Virgin Islands I had a choice of going there or going to Nauru which I had never heard of before but the commonwealth secretariat had offered me this place, but I decided to take the one in Virgin Islands, which I haven't regretted.

1.28.08

AH So you've had prominent positions in a number of Caribbean countries over quite a long period of time: do you think the idea of a common Caribbean identity has got stronger or weaker?

JT That's an interesting question. There is of course a Caribbean Cari-com – a Caribbean community – sort of like a commonwealth, like the British Commonwealth, which is a loose arrangement of reciprocal behaviour among the states. I don't think it's getting, let me put it this way: I don't think it's any closer than the Commonwealth [laughs], than the Commonwealth is. There's understanding, relationships, relations and so on but I don't see it coming together like Europe, like the European Union or

something like that. But so far as it come together in little separate aspects say – cricket, there’s a common Caribbean or West Indian team in cricket. Then the courts of appeal now is a Caribbean Court of Appeal, intending to replace the Privy Council though several states in the Caribbean still resort to the Privy Council. I don’t see a political coming together.

1.30.22

Nor do I see an economic coming-together, though there are aspects of this peeping through because there is a dispute mechanism for settling disputes by the court from various... in fact one of the judges is coming here in a while: Desry Bernard, I don’t know whether you’ve seen any notice. I think she’s here, she’s giving a lecture I thin, I don’t know if it’s here, but she’s coming under the auspices of the institute of advanced legal studies and she’s giving a lecture on the dispute revolution mechanism of the Caribbean Court of Justice. So in those respect, but the decisions still don’t have much binding force on the states; it’s still left to the discretion of the states to implement the decisions. Coming more directly to your question, there is not, I do not see it happening in the short term of an actual community, an established unit of the Caribbean. Because they’re independences and they’re holding close to their own sovereignty and selfishly so, perhaps with some justification.

1.32.14

AH In terms of questions that’s already what I wanted to ask. Is there anything you’d like to mention that we haven’t covered?

JT Yes I would like to see... coming back to this outreach of the Inner Temple, as you know, the Inner Temple has been described as a community of communities, particularly when in that 2008 publication, “a Community of Communities”, and I would like to see the Inner Temple becoming the outreach dimensions, climaxing if you can call it that, into what I would want to call a commonwealth of communities. The Inner Temple alumni in the Diaspora coming together in what I would want to call a “commonwealth of communities”, so the Inner Temple community in Guyana, Trinidad, Malaysia, Mauritius, India, Canada – and you have an Inner Temple Commonwealth of Communities, that’s what I would like to see and end this interview in projecting that concept.

AH Thank you Justice Donald Trotman, we’ll stop there.

JT I do appreciate your finding time to interview me and to speak with me really, it’s not really been an interview, it’s a conversation and that is how it should be among inner templars: a conversation among friends.

AH Completely my pleasure.