

Made on behalf of the Plaintiff  
Witness: Robert Groh.  
1<sup>st</sup> Statement of Witness  
Exhibits: RG01  
Dated: 3<sup>rd</sup> January 2021

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**CAUSE NO.                      OF 2020**

**BETWEEN:**

**RONALD GREGORY KYNES SNR**

**PLAINTIFF**

**AND:**

**THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS**

**DEFENDANT**

**AND**

**(1) COMMISSIONER OF THE ROYAL CAYMAN ISLANDS POLICE SERVICE  
(2) DIRECTOR OF PUBLIC PROSECUTION**

**INTERESTED PARTIES**

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**WITNESS STATEMENT OF ROBERT GROH**

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1. I am a businessman and the co-owner of the property at Cayman Brac formally which is registered Cayman Brac Central Block 105A Parcel 59. The property is co-owned with Mr. Kynes. It was conveyed into my name as a joint owner in January of 2015. This is the property on which Mr. Kynes displays arts including sculptures and easels. It is called "Dreamland". It has been the centre of contentions between Mr. Kynes and members of government departments along with members of the Cayman Brac community with close relations with some of the said government personnel.
2. Whilst I am incredibly happy that despite being a co-owner of this property, I have never been the target of these people, I am certainly aware of their actions and the toll that it has taken on Mr. Kynes, who is a dear friend and associate of mine. I know Mr. Kyne has been put to significant expenses and that fighting have taken up so much of his time and life. He is an extremely sick person and terminally ill. However, since before 2014 to now he has had to expend so much of his little time fighting with these people some of which has the machinery of government behind them.

3. I believe Mr. Kynes issues arise because he calls out issues and certain persons do not like to be exposed. One such incident is his complaints regarding the old Divi hotel in Cayman Brac. I remember when myself and Mr. Kynes toured the old hotel. We both witnessed numerous male and female Cuban refugees that were living on the hotel. They lacked running water and the place was very unsanitary. We found several places that had human excrement on the floor. There were no facilities for restrooms or showers. There was a general lack of hygiene facilities. The Cayman Islands' Government allowed this. The place was watched by customs and immigration personnel on a 24 hour basis.
4. I have produced to me a bundle of documents. I shall refer to them throughout this witness statement. The documents I refer to are exhibited for ease of reference at exhibit "**RG01**". The said documents are documents which were I to see them again I would be able to identify them based on the information contained in them regarding myself and my case.
5. 1<sup>st</sup> there was an abatement notice dated May 12<sup>th</sup>, 2014 asserting that there was statutory nuisance citing long grass, weeds, collection of water containers and garbage and timber as the issues. This is exhibited at **RG01 pg. 3-4**. He was ordered to clear and clean the property or face criminal prosecution under the Public Health law.
6. I have also seen emails between March 2014 and June 2014 between the RCIPS to District Commissioner, which I understand falls under the Moses Kirkconnell Ministry for District Administration, seeking to have Mr. Kynes prosecuted for offences relating offences injurious to the public. I am only a lay person but this in in itself appears very odd to me. I thought the Police and the Office of the Director of Public Prosecution are to be independent of political or exterior control to any particular investigation. This email says to me that the District Commissioner in some way was directing or had an undue involvement. This is exhibited at **RG01 pgs. 5-9**. I was even on island 2014 at the time when a police officer visited the site and was taking pictures. I believe it was March 2014.

7. I am also aware that the main complainant was Mr. Elvis McKeever, a strong supporter of Mr. Kirkconnell. The complaints were in essence Mr. Kynes art was garbage it was devaluing his property. He also stated that Mr. Kynes was working witchcraft, I believe he termed it "obeah". I also remember that on or around the same time Mr. Kynes was suffering terribly from damages to his art by constant vandalism and was getting little support from the RCIPS despite the very small community. The matter was widely published in the Cayman Compass. I know that the 2014 complaint was never prosecuted by the Office of the Director of Public Prosecution and the investigation closed sometime in 2015.
8. After that and throughout the years Mr. Kynes continued to be subject of vandalism. Then in 2017 the same set of persons launched another attack against Mr. Kynes again. It must be borne in mind that the relationship of these persons; Dalkeith Ebanks is Mr. Moses Kirkconnell business partner, Mr. Dalkeith Ebanks sister is Anne Rose Scott, and Mr. Elvis McKeever a public supporter and advocate at Mr. Kirkconnell. Also Thomas French's wife, Carla French, is Moses Kirkconnell's sister-in-law, Kathy Kirkconnell's sister. In the initial reports on the 6<sup>th</sup> July 2017 that I have seen Mrs Annie Rose Scott and Mr. Thomas French did not take any issue of the sculptures which I knew were on the property from several weeks prior. Their complaint at that time was the names being displayed on Mr. Kynes easel. Despite their statement was taken after Mr. Kynes was arrested on 18<sup>th</sup> July 2018 for their focus was still on the names on the easel.
9. However, Mrs. Scott complaint after she indicated to the RCIPS that she will not provide a statement a few days later morphed into her stating that she found Mr. Kynes statues as being obscene. It is also key to note that on the 7<sup>th</sup> PC Hall noted that he did not consider that there was any offence. Also, on the 8<sup>th</sup> July 2017 PC McKay review and proffered an alternative charge of Harassment, alarm and distress. Despite the complainants' statements being taken after Mr. Kynes was arrested on 18<sup>th</sup> July 2018, their focus was remained on the names on the easel. The police record and copies of the witness statements are exhibited at **RG01 pgs. 10-21.**

Despite this, the previous analogous failed complaint in 2014, and the glaring side purpose of the complaints the RCIPS and the ODPP instituted and continued prosecution.

10. It was clear to anyone who had a hint of objectivity that this was not a proper prosecution. That the RCIPS and ODPP was clearly not acting with the level of independence expected. I remember seeing a piece of editorial in the Cayman Compass that I was able to find which was printed on the 23 July 2017. I do not believe that I can do better. I exhibit a copy of the article at **RG01 pg. 22-23.**
11. If that is not enough to show that my friend was the victim of a “witch-hunt” to shut him up to take away his freedom of expression and limit him in the one thing that he finds solace, his art, is the email of Mr. Roy Dell Carter of 26<sup>th</sup> September 2016. This shows that this is something that has been brewing within government personnel and their cronies for a long time. This is exhibited at **RG01 pg. 24.**
12. On the same day as Mr. Kynes’ arrested, that is the 18<sup>th</sup> July 2017, the ODPP provide by email advice on a charge of obscene publication to PC Andre Tahal. However, what was concerning was that this was also sent to the Deputy District Commissioner, Mark Tibbetts, and several other government officials. The response of Tibbett’s reply is also telling. I took this as clearly showing that the RICPS and the ODPP were being directed. The ulterior motive of the prosecution was to shut up this foreigner (Mr. Kynes) that has been allowed the privilege to be in Cayman and now dare challenge, criticize and speak to loudly. This was to make Mr. Kynes know his place. This is exhibited at **RG01 pg. 24**
13. Mr. Kynes have severely suffered due to this persecution. He could not afford an attorney and had to defend himself. He had to make several trips to the Cayman Islands. I knew his health, particularly his mental health took a severe beating. I remember during the same time he was undergoing treatment and was admitted to hospital in Cuba. Can you imagine how devastating it is to be not only fighting for your life but your freedom and your right to free speech all at once.

**Statement of Truth**

I, ROBERT GROH believe that the facts stated in this witness statement are true.

Signed \_\_\_\_\_

Dated

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**EXHIBIT RG01**

Hereto exhibited and marked "RG01" and referred to in the Witness Statement of  
ROBERT GROH Gregory Kynes witness statement at paragraph 4 of \_\_\_\_ January 2021.