

Press Release



Non-Renewal of the Employment Contract of GECOM's Legal Officer

9th April, 2025 GEORGETOWN – Deliberations on the request of Mr. Kurt Da Silva, Legal Officer to have his employment contract with the Guyana Elections Commission (GECOM) renewed concluded, at the Commission's Statutory Meeting of Tuesday, April 8, 2025, with a majority decision being taken against renewal.

It is acknowledged that, in his Performance Appraisal the Legal Officer was indeed given high scores with a proposal from the Chairman that his employment contract be renewed. In this regard, however, it is of crucial importance to emphasize that the performance review period ended on February 10, 2025, whereas the Legal Officer served in the position until March 31, 2025.

However, subsequent to the preparation of the Performance Appraisal, there was the emergence of new circumstances involving the Legal Officer, which ultimately led to the Chairman concluding that, there existed a compelling case for his employment not to be renewed.

The Legal Officer represented the Chief Election Officer in a court matter based on the provisions of Representation of the People (Amendment) Act No. 25 Of 2022 concerning the verification of the addresses of applicants for registration. However, the submissions made by the Legal Officer carried extreme potential for the emergence of harmful effects insofar as (i) confidence in the Commission's ability to conduct credible elections is concerned, (ii) postponement of the elections beyond the Constitutional deadline, which could lead to the aggravation of political conflicts, and (iii) consequences associated with legitimacy and governance.

The question that had to be answered was whether the Legal Officer's submissions to the court was done without regard as to the consequences, or in error. In this regard, it was determined that the Legal Officer's submissions to the court were made without concern for the potential consequences. Further, it appears that his submissions were supportive of the Applicant's arguments instead of the respondents whom he was authorised to represent.

The following critical factors which demonstrated a breach of professional conduct and failure to represent the interests of the client were also given due consideration.

- The primary responsibility of the Legal Officer was to represent his clients' interests diligently and faithfully. In this case, the Legal Officer acted contrary to this duty by introducing new arguments contrary to the sworn position of the CEO without prior discussion or authorization. This behaviour undermined the trust and reliance that was placed in the Legal Officer.
- The Legal Officer was required to act within the scope of authority granted by his principal in this case the CEO. By acting outside this scope, particularly in favoring the applicant, the Legal Officer violated this fundamental principle.

- The actions taken by the Legal Officer severely eroded trust and confidence in his ability to fulfil his responsibilities, especially in legal matters concerning the conduct of elections.

As a consequence, the Chairman denied the Legal Officer's request for further employment.
