

U-1-C-11(51)

1977

No. 2584

DEMERARA

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CIVIL JURISDICTION

In the matter of JOHN VICTOR STOEN,
an infant;

- and -

In the matter of an application
by GRADE INGY STOEN by and through
her lawful attorney JEFFREY A. HAAS
for a Writ of Habeas Corpus and
sub judicium.

- and -

In the matter of the Civil Law
Act, Chapter 6:01.

AFFIDAVIT IN SUPPORT OF SUMMONS

1977 *158706*
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Jeffrey A. Haas
28/1/77

M.A.A. MCGDOOM

Solicitor for the Applicant.

1977

No. 2504

DEMERARA

U-1-C-1(47)

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE
CIVIL JURISDICTION

SUPREME COURT
REGISTRY
GEORGETOWN

DATE 20/9/77

In the matter of JOHN VICTOR STOEN,
an infant,

- and -

In the matter of an application by
GRACE LUGY STOEN by and through her
lawful attorney JEFFREY A. HAAS, for
a Writ of Habeas Corpus and sub judicium,

- and -

In the matter of the Civil Law Act,
Chapter 6:01.

AFFIDAVIT IN SUPPORT OF SUMMONS:

I, Joyce Touchette, of Jonestown, Port Kaituma, North West District,
Guyana, being duly sworn make oath and say as follows:-

1. I wish to be joined as a Respondent/Defendant in the above cause
or matter as I am a person directly interested and concerned in the said
cause and am affected and will be affected by all Orders made ex parte and
otherwise and in particular the Orders made by the Honourable Mr. Justice
A.F.R. Bishop dated 6th September, 1977; 8th September, 1977; and 10th
September, 1977; and I respectfully ask that I be added as a Respondent/
Defendant.

2. I am a Member of the Organisation called the Peoples Temple of
the Disciples of Christ, who are presently engaged in large scale farming
in the North West Region of Guyana. I know the Reverend Jim Jones who is
the pastor in charge of the Organisation and I am one of his secretaries.

3. The Plaintiff Grace Stoen is well known to me and was a Member of
the Peoples Temple for seven (7) years, that is to say, between 1970 and
1976. I have read her affidavit sworn on the 18th August, 1977, in connection
with her matrimonial proceedings in California, United States of America.
This affidavit is not in respect of these habeas corpus proceedings in Guyana.
A copy of the habeas corpus writ was served on me on the 9th September, 1977,
and this included an Order of Court dated 8th September, 1977. The Plaintiff
made a number of completely wicked and untrue statements in the said affidavit
which of my own knowledge I know to be false. These include the allegations
of beating of members and the alleged twisted moral code of the Reverend
Jim Jones.

4. Grace Stoen the Plaintiff after several years as a member of the Peoples Temple gave to me a Notarised Parental Consent and Power of Attorney dated 9th March, 1976, in which she, the Plaintiff Grace Stoen and her husband Timothy Stoen consented for John Stoen who was born on January 25th, 1972, to be taken to Guyana to live and be cared for there under my guardianship or custody. In the same document she appointed the said Jim Jones and others as her Attorney, with the right to the care, custody, supervision and control of the said John Stoen anywhere throughout the world. A copy of the said document is hereto annexed and marked 'A'. The Plaintiff was, in my opinion, ill-suited to take care of the said child and voluntarily both parents (Stoen) entered into this Deed.

5. The said minor John Stoen has been in Guyana on and off for the past three (3) years and during this period he has been receiving tuition from trained teachers and at five (5) years of age can read and write. He has often travelled in the interior of Guyana with the Reverend Jim Jones; John Stoen is in excellent health and is happy living in Jonestown.

6. The Plaintiff Grace Stoen herself came to Guyana in December, 1974, bringing with her John Stoen. She liked the conditions which existed at Jonestown and signed the necessary Preliminary Immigration Papers to live in Guyana. A copy of the document application signed by her and marked 'B' is attached hereto. She confirmed that she wished to have John brought up in Guyana and the minor John Stoen has been in Guyana from October, 1976 to the present time without the Plaintiff contacting me or to the best of my knowledge, John Stoen.

7. At the present time the Reverend Jim Jones, John Stoen, and many members of the Peoples Temple are in the interior of Guyana where Reverend Jim Jones is locating new lands for development. The Peoples Temple in Guyana comprise many hundreds of persons of all races with skills and expertise who are converting the Kaituma area into a growing township and are taking care of the public health and general health of the community in that region, supplying and producing food for the community there.

8. I am advised by Counsel and verily believe that all of the Orders made by His Honour Justice Bishop, and in particular the Orders of 6th September, 8th September, and 10th September are void and/or are a nullity and are of no effect and I respectfully ask the Court that I be joined as a Respondent/Defendant and that these said Orders be revoked and/or declared null and void

and/or be set aside in that:-

- (a) The Writ of Habeas Corpus which must be served personally was never directed to be served personally and has not in fact been served on Reverend Jim Jones, and consequently all further Orders are of no effect. There is no provision in law for substituted service in cases such as the instant case;
- (b) The Plaintiff has sworn to no affidavit in connection with this habeas corpus application. The only affidavit annexed was in connection with her matrimonial proceedings in the United States of America and ought not to have been admitted in these proceedings and/or have no probative value in these proceedings. Further, if the affidavit were admitted, it does not disclose as it ought to have done, vital and material facts as set out in Exhibits 'A' and 'B' and that the minor John Stoen has been in Guyana for the past three (3) years and has been living in Guyana continuously for the past twelve (12) months;
- (c) One Jeffrey Allen Haas, an alleged Attorney, has not established and/or provided the requisite proof that he is an Attorney and/or that he is an authorised Attorney for Grace Stoen in this cause and/or that Grace Stoen has authorised him to receive John Stoen. No authority is attached and there is no proof in law that he was authorised as he claimed;
- (d) From the Exhibits filed by Jeffrey Allen Haas, there purports to be an Order from the Courts of the United States of America compelling the Reverend Jim Jones to take John Stoen to the Courts in California. This is in conflict with Haas' request that the child be handed to him in Guyana before the 6th October. There is no verification of the alleged Order or no proof that such an Order was properly made or at all;
- (e) The Plaintiff should not have obtained the aforesaid Orders, all of which were obtained ex parte without any service on Reverend Jim Jones, and these Orders including the Order awarding \$1,250.00 (one thousand two hundred and fifty dollars) costs against Reverend Jim Jones, a person who was not served, and all the said Orders ought to be recalled and/or revoked

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and/or deemed null and void and/or set aside, as they are all a nullity;

(f) The procedure adopted in respect of the service of the Writ of Habeas Corpus on Reverend Jim Jones and/or the alleged making of John Stoen a Ward of Court and taking him into custody, and/or the grant of leave to commence Contempt proceedings and the Orders in connection therewith against Reverend Jim Jones, are all irregular, contrary to the Rules observed by the Courts of Guyana and contrary to the Laws of Guyana, and contrary to the Rules of natural justice, and are an abuse of the process of the Court and are a nullity and should be set aside ex debito justitiae as a nullity.

9. The proceedings by way of writ of habeas corpus in which Reverend Jim Jones is not even named as a Respondent/Defendant are bad for want of lack of jurisdiction, of the High Court of the Supreme Court of Guyana, inasmuch as inter alia the parties are American citizens and there are proceedings in the Courts of the United States of America which are pending and alleged Orders which have been made including an Order made for the appearance of Reverend Jim Jones and John Stoen in the Courts of California on the 6th October, 1977.

10. In the premises it is not competent for any Court in Guyana to exercise its jurisdiction and to make such Orders.

11. I authorise Mr. Mohammed Ayube Ally, McDoom of McDoom & Company, Legal Practitioners of Harcourt Hall, Croal Street, Georgetown, to be and to act as my Solicitor in this matter.

Joyce Touchette

Sworn to at Georgetown, Demerara,
this 19th day of September, 1977
before me,

[Signature]
Commissioner Of Oaths To Affidavits

A Commissioner of Oaths to Affidavits

