



**PERMANENT MISSION OF THE REPUBLIC OF GUYANA TO THE UNITED NATIONS**

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The Permanent Mission of the Republic of Guyana to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the latter's Note LA/COD/50 dated December 31, 2008 wherein Governments were invited to submit information as it pertains to paragraphs 3, 4, and 5 of General Assembly resolution 63/119 of December 11, 2008.

The Permanent Mission of Guyana wishes to note with regard to paragraph 3 that the Laws of Guyana do not currently provide for jurisdiction outside of Guyana over Guyanese who commit crimes while serving as United Nations officials or experts on missions. However, while legislation is not in place, UN officials and experts on missions could be held criminally liable in the host country by virtue of section 4 of the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act, Cap. 18:01 which allows the Minister of Foreign Affairs to waive diplomatic immunity of Guyanese who are serving abroad in the abovementioned capacities. This would allow them to be charged in the Host state where the offence is committed. It would be better for the charge to be instituted in that state since all the evidence to establish the offence would be present there, such as, witnesses and exhibits.

As it relates to paragraphs 4 and 5, the present position is limited to extraditions as well as the taking of evidence, as requested by another state, through Letters Rogatory.

Extradition requests from Commonwealth, treaty and non-treaty territories would be addressed pursuant to the Fugitive Offenders Act, Cap. 10:04. Extraditable crimes include those contemplated by the Resolution on Criminal Accountability of UN officials and Experts on Missions (Resolution 63/119). The Evidence (Proceedings in Foreign Tribunals) Acts, Cap. 5:10 governs the taking of evidence for use in or by a foreign tribunal.

Regarding International cooperation, the Government of Guyana contemplates the presentation of a Mutual Assistance in Criminal Matters Bill, which once passed by the National Assembly and assented to by the President, would address the following areas: obtaining evidence; locating or identifying things/objects; obtaining things/objects by search and seizure if necessary; arranging attendance of persons; transferring prisoners; serving documents; tracing property; and obtaining orders such as restraining orders.

The Permanent Mission of the Republic of Guyana to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

