

SP VELMA T
GEORGETOWN 4014

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ACTION ARA-10

INFO OCT-01 SS-14 ISO-00 L-01 SCS-01 CA-01 SP-02 H-01
NSCE-00 INR-05 DODE-00 CIAE-00 OMB-01 INRE-00
SSO-00 /037 W

029275 301607Z /40 S

O 301406Z NOV 78

FM AMEMBASSY GEORGETOWN

TO SECSTATE WASHDC IMMEDIATE 0209

C O N F I D E N T I A L GEORGETOWN 4014

LIMDIS

E.O. 11652: GDS

TAGS: CGEN, OREP, (RYAN, LEO), GY

SUBJ: STATUS OF LEGAL ISSUES

REF: GEORGETOWN 3992.

1. AS REPORTED IN REF, ARRANGEMENTS HAVE BEEN MADE WITH
GOG FOR U.S. TECHNICAL PERSONNEL TO PARTICIPATE IN
ONGOING

INVESTIGATION. GOG HAS NOT RAISED ISSUE OF CUSTODY OR
ULTIMATE DISPOSITION OF EVIDENTIARY MATERIALS. EMBASSY
BELIEVES THAT DISCUSSIONS ON THIS SUBJECT SHOULD BE DEFERRED, IF
POSSIBLE, UNTIL TECHNICAL TEAM HAS HAD OPPORTUNITY TO REVIEW
MATERIAL AND DETERMINE U.S. NEEDS AND OBJECTIVES.

2. EMBASSY CONVEYED THIRD-PARTY NOTE OF FORMIN YESTERDAY
INFORMING GOG OF U.S. RESPONSIBILITY TO TAKE CUSTODY OF
PROPERTY OF DECEASED U.S. CITIZENS. PARTIAL INVENTORY OF
P.T. PROPERTY, WHICH CONSISTS ALMOST ENTIRELY OF ITEMS NOT
IDENTIFIED AS BELONGING TO PARTICULAR INDIVIDUALS (I.E.
BUILDINGS, EQUIPMENT, TOOLS, DRUGS, ETC.) HAS BEEN PREPARED
AND WILL BE FORWARDED TO GOG. EMBASSY OFFICIALS AND L

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REPRESENTATIVE WILL VISIT JONESTOWN TODAY TO SURVEY PROPERTY
AND, WITH CONCURRENCE OF GOG, TO AFFIX CONSUL SEALS AS
REQUIRED BY 7 FAM 445. PRECEDING ACTIONS ARE PROVISIONAL IN
NATURE. DETERMINATION AS TO WHAT PROPERTY CONSULAR OFFICER
CAN TAKE CUSTODY OF, AND CIRCUMSTANCES UNDER WHICH PROPERTY CAN
BE REPATRIATED REQUIRES EXAMINATION OF LOCAL LAW. GOG HAS
APPOINTED CDE EMERSON SIMON AS ADMINISTRATOR OF THE SETTLE-
MENT, A MOVE WHICH INDICATES THAT GOG PLANS TO TAKE AN
ACTIVE

ROLE IN DISPOSITION OF PROPERTY. EMBASSY HAS LEARNED THAT
PT WAS INCORPORATED IN JUNE, 1978 UNDER THE LAWS OF GUYANA.
THE FIVE SHAREHOLDERS AND DIRECTORS (THREE OF WHOM SURVIVE)
APPARENTLY TOOK OUT GUYANESE CITIZENSHIP. CORPORATE STATUS
MAY PRECLUDE EMBASSY FROM CLAIMING CUSTODY OF ORGANIZATIONAL
PROPERTY. L REPRESENTATIVE IS REVIEWING ARTICLES OF INCORPORATION
AND BY-LAWS AND WILL CONSULT WITH LOCAL COUNSEL.

3. MR. LLOYD LUCKHOO HAS BEEN INFORMED BY AMBASSADOR THAT HE
WILL NOT BE RETAINED BY U.S. G. AMBASSADOR EMPHASIZED THAT, WHILE

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DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY *J. S. S.* DATE 2-27-81

PREPARE FOR DEPT. DATE

REASON(S)

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IT IS PROBABLY THAT NO ACTUAL CONFLICT EXISTED, IT IS NECESSARY, IN A CASE AS SENSITIVE AS THIS, TO AVOID ANY APPEARANCE OF IMPROPRIETY. EMBASSY IS PRESENTLY SEEKING TO RETAIN LOCAL COUNSEL WITH EXPERIENCE IN LAW OF PERSONAL PROPERTY, DECEDENT'S ESTATES AND VOLUNTARY ASSOCIATIONS. COUNSEL WILL BE EXPECTED TO ASSIST REPRESENTATIVE IN PREPARING POSITION ON ISSUES OF CUSTODY AND ULTIMATE DISPOSITION OF PT PROPERTY. COMMUNICATIONS WITH GOG ON THESE QUESTIONS WILL BE THROUGH EMBASSY RATHER THAN LOCAL COUNSEL. EMBASSY HAS BEEN IN CONTACT WITH A GUYANESE JUDGE IN ORDER TO SEEK RECOMMENDATIONS. EMBASSY HOPES THAT TENTATIVE ARRANGEMENTS CAN BE CONCLUDED ON THURSDAY, SUBJECT TO FINAL APPROVAL OF DEPARTMENT.

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