

GROSS MARGARET A
78 GEORGETOWN 4066

ENCLOSURE

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ACTION SCS-06

INFO OCT-01 ARA-15 ISO-00 CA-01 L-03 H-02 JUST-02
FBIE-00 USSS-00 DODE-00 CIAE-00 INR-10 NSAF-00
PA-02 TRSE-00 SY-05 CG-00 DOTT-00 SSO-00 INRE-00
/045 7

-----052993 012159Z /64

O R 012100Z DEC 78
FM AMEMBASSY GEORGETOWN
TO SECSTATE WASHDC IMMEDIATE 9307
INFO AMEMBASSY PANAMA
AMEMBASSY BRIDGETOWN
UNCLAS GEORGETOWN 4066
E.O. 12065: N/A

TAGS: CASC, OREP (RYAN, LEO) GY

SUBJECT: CUSTODY OF VESSEL "ALBATROSS II"

1. SUBJECT VESSEL REPORTED TO BE IN BRIDGETOWN WITH PT MEMBERS [REDACTED] AND [REDACTED] ON BOARD. SHIPPING AGENT HERE HAS INFORMED EMBASSY THAT VESSEL IS REGISTERED IN PANAMA (#7941 PEXT) AND THAT REGISTERED OWNER IS A PANAMANIAN CORPORATION. CONNECTION BETWEEN CORPORATION AND PT HAS NOT BEEN ESTABLISHED.
2. QUESTION HAS ARISEN REGARDING POSSIBILITY OF ACTION BY US CONSUL, BRIDGETOWN, TO ESTABLISH US CUSTODY OVER VESSEL. SUCH ACTION DOES NOT APPEAR TO BE AUTHORIZED BY 22 USC SEC. 1175 SINCE VESSEL IS NOT PART OF ESTATE OF DECEASED US CITIZEN DOMICILED WITHIN BARBADOS AT TIME OF DEATH. ARTICLE 19 OF CONSULAR TREATY (3 USC 426) DOES NOT REQUIRE THAT DECEDENT BE DOMICILED WITHIN BARBADOS, AND THIS MAY PROVIDE INDEPENDENT BASIS FOR CONSULAR CUSTODY, ASSUMING CONNECTION BETWEEN REGISTERED OWNER AND PT CAN BE ESTABLISHED. SITUATION IS FURTHER COMPLICATED BY FACT THAT VESSEL CANNOT BE IDENTIFIED AS PART OF THE PERSONAL ESTATE OF ANY INDIVIDUAL US CITIZEN.

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SIMILAR DIFFICULTY EXISTS IN GUYANA REGARDING "ORGANIZATIONAL PROPERTY" OF PT. EMBASSY HAS ATTACHED CONSULAR SEALS TO SUCH PROPERTY IN ORDER TO PRESERVE ANY CLAIM WHICH US MAY HAVE ON BEHALF OF INDIVIDUAL US CITIZENS.

2. DEPARTMENT IS REQUESTED TO DETERMINE WHETHER EMBASSY BRIDGETOWN SHOULD BE INSTRUCTED TO CONSULT WITH GOB REGARDING ATTACHMENT OF CONSULAR SEALS TO THE "ALBATROSS", AND POSSIBILITY OF DETENTION OF VESSEL BY GOB.

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DEPARTMENT OF STATE A/CDC/MP
REVIEWED BY *[Signature]* DATE 3/2/81
PORTIONS DENIED AS INDICATED