

WILLIAMS JESSIE M
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JUSTICE - PASS TO R. KEUCH

2134

R

R 211528Z APR 79
FM SECSTATE WASHDC
TO AMEMBASSY GEORGETOWN
LIMITED OFFICIAL USE STATE 101322
E.O. 12065 N/A
TAGS: CASC, BY
SUBJECT: PROGRESS OF LAYTON TRIAL

035867

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY *[Signature]*

DATE 2/26/81

RDC or XDC EXT DATE

TS AUTH. REASON(S)

ENDORSE EXISTING MARKINGS

DECLASSIFIED RELEASABLE

RELEASE DENIED

PA or FOI EXEMPTIONS

1. ENTIRE TEXT (LOU)
2. DEPARTMENT OF JUSTICE HAS INQUIRED RE: CURRENT STATUS OF LAYTON TRIAL. JUSTICE HAS BEEN INFORMED THAT GOG MAY BE UNABLE TO CONVICT LAYTON BECAUSE OF REFUSAL OF WITNESSES TO RETURN TO GUYANA. U.S. ATTORNEY'S OFFICE IN SAN FRANCISCO BELIEVES IT HAS A STRONG CASE AGAINST LAYTON FOR VIOLATION OF STATUTE PROHIBITING ATTACK ON CONGRESSMEN. WHILE JUSTICE RECOGNIZES THE PRIMARY JURISDICTION OF GOG, IT IS UNDERSTANDABLY CONCERNED OVER THE PROSPECT THAT LAY-
3. EMBASSY IS REQUESTED TO REPORT ON PRESENT STATUS OF LAYTON CASE AND TO ASCERTAIN THROUGH CONTACT WITH ATTORNEY GENERAL SHAHABADEEN OR OTHER APPROPRIATE GOG OFFICIAL WHETHER GOG ANTICIPATES DIFFICULTY IN OBTAINING A CONVICTION. IF DIFFICULTIES ARE FORESEEN, EMBASSY MAY WISH TO INFORM GOG THAT ALTHOUGH U.S. HAS NO DESIRE TO INTERFERE WITH GOG EXERCISE OF JURISDICTION, BOTH COUNTRIES SHARE AN INTEREST IN SEEING THAT PERPETRATOR(S) OF ATTACK ON RYAN DO NOT GO UNPUNISHED. THEREFORE, IF DIFFICULTIES ARE FORESEEN AT PRESENT, OR AT ANY POINT IN THE FUTURE, U.S. WOULD APPRECIATE BEING NOTIFIED PROMPTLY OF THIS FACT BY GOG. IF CONVICTION IN GUYANA APPEARS UNCERTAIN, U.S. WOULD WISH TO EXPLORE POSSIBILITY OF RETURNING LAYTON TO THE U.S. FOR TRIAL, EITHER BY EXTRADITION OR DEPORTATION. SHOULD THESE STEPS BECOME NECESSARY, IT IS OUR HOPE THAT GOG WOULD COOPERATE WITH OUR EFFORTS, AS IT HAS IN ALL

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ASPECTS OF THE RYAN CASE TO DATE.

4. FYI. IN EARLIER DISCUSSIONS, THERE WAS SOME CONFUSION CONCERNING WHETHER EXTRADITION TREATY WAS IN FORCE BETWEEN U.S. AND GUYANA. 1931 EXTRADITION TREATY WITH GREAT BRITAIN APPLIED IN GUYANA PRIOR TO INDEPENDENCE. IN A LETTER OF JUNE 30, 1966, TO THE SECRETARY GENERAL OF THE U.N., THE PRIME MINISTER OF GUYANA STATED, IN EFFECT, THAT PRE-EXISTING TREATIES WOULD CONTINUE IN FORCE UNTIL NOTICE OF TERMINATION WAS ISSUED BY GOG. NO SUCH NOTICE WAS ISSUED RE: EXTRADITION TREATY. THUS, IT REMAINS IN FORCE.

CHRISTOPHER

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