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FM SAN FRANCISCO (89A-250) (P) (SQ. 10)

TO DIRECTOR, FBI (89-4286) (IMMEDIATE)-

SAN JUAN (89-123) (IMMEDIATE) (VIA FBIHQ)

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RY MJR

RECEIVED  
TELETYPE UNIT

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FEDERAL BUREAU  
OF INVESTIGATION  
COMMUNICATIONS SECTION

Exec AD-Adm	
Exec AD-Inv	
Exec AD-LES	
Asst. Dir.:	
Adm. Servs.	
Crim. Inv.	
Ident.	
Intell.	
Lab.	
Legal Coun.	
Plan. & Insp.	
Rec. Mgmt.	
Tech. Servs.	
Training	
Off. of Cong. & Public Affs.	
Telephone Rm.	
Director's Sec'y	

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 11/22/95 BY 9803 RDD/mjm

RE TELEPHONE CALL FROM MONICA GAW, DEPARTMENT OF STATE, WASHINGTON D.C., BUREAU OF CONSULAR AFFAIRS, ON APRIL 6, 1981.

REFERENCED TELEPHONE CALL RELAYED QUESTIONS SUBMITTED BY THE GOVERNMENT OF GUYANA (GOG) TO THE UNITED STATES ATTORNEY VIA THE AMERICAN EMBASSY IN GEORGETOWN. GOG WAS APPARENTLY ADVISED BY THE AMERICAN EMBASSY THAT THE LATENT DEFENSE TEAM IS EN ROUTE TO GUYANA AND ONE PURPOSE OF THIS VISIT BY THE DEFENSE TEAM IS TO INTERVIEW POTENTIAL WITNESSES. GOG ADVISED THAT IT IS POLICY OF THE JUDICIAL SYSTEM IN GUYANA TO REFUSE DEFENSE ATTORNEY THE PRIVILEGE OF INTERVIEWING GOVERNMENT WITNESSES UNLESS THIS PRIVILEGE IS WAIVED OR THE PROSECUTION IS

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PRESENT DURING QUESTIONING. GOG DESIRED COMMENT FROM THE UNITED STATES ATTORNEY'S OFFICE, SAN FRANCISCO.

ON APRIL 7, 1981, UNITED STATES ATTORNEY'S OFFICE, SAN FRANCISCO, FORMULATED THE FOLLOWING RESPONSE TO BE RELAYED TO THE GOG: (u)

"THE UNITED STATES IS PREPARED TO WAIVE THE RIGHT TO OBJECT TO INTERVIEW OF GUYANESE WITNESSES BY OPPOSING COUNSEL. IN THE UNITED STATES, NEITHER SIDE (PROSECUTION OR DEFENSE) CAN CONTROL THE WITNESS. IF A WITNESS WANTS TO SPEAK TO COUNSEL, HE OR SHE MAY DO SO. IF THE WITNESS DOES NOT WANT TO SPEAK TO COUNSEL, HE OR SHE MAY EXERCISE THAT RIGHT. THE WITNESS HAS THE RIGHT TO REFUSE TO SPEAK TO ANYONE PRIOR TO TRIAL. ALSO, IF THE WITNESS WANTS TO SPEAK TO OPPOSING COUNSEL, HE OR SHE MAY HAVE ANY PERSON OR PERSONS PRESENT DURING THE INTERVIEW. (u)

IN RESPONSE TO A SECOND QUESTION POSED BY STATE DEPARTMENT, THE UNITED STATES ATTORNEY'S OFFICE ADVISED THAT THE IDENTITY OF GOVERNMENT WITNESSES SHOULD NOT BE DIVULGED TO DEFENSE. IF DEFENSE MAKES SUCH A REQUEST OF EITHER STATE DEPARTMENT, AMERICAN

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EMBASSY GEORGETOWN, OR AMERICAN CONSULATE GEORGETOWN, THEY SHOULD BE ADVISED THAT THE QUESTION IS NOT A PROPER QUESTION FOR THE STATE DEPARTMENT TO ANSWER AND SHOULD BE REFERRED TO THE UNITED STATES ATTORNEY'S OFFICE.

BUREAU IS REQUESTED TO RELAY ABOVE TO DEPARTMENT OF STATE, BUREAU OF CONSULAR AFFAIRS, ~~CAC/S/CS/ARA~~, ATTENTION:

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SAN JUAN IS REQUESTED TO RELAY TO AMERICAN EMBASSY GEORGETOWN.

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