

**AGREEMENT BETWEEN THE GOVERNMENT OF THE COOPERATIVE
REPUBLIC OF GUYANA AND THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES ON THE PRIVILEGES AND
IMMUNITIES OF THE OBSERVERS OF THE ELECTION PROCESS IN GUYANA**

WHEREAS:

In a letter dated May 5, 2000, the Government of the Cooperative Republic of Guyana (hereinafter referred to as the "Government") invited the Secretary General of the Organization of American States (hereinafter referred to as the "Secretary General") to support the democratic process in Guyana, in the framework of national elections to be held on the 19th day of March 2001;

AND WHEREAS the Secretary General, in a letter dated June 30, 2000, informed the Government that the Organization of American States had accepted the Government's invitation to establish a Group of Observers (hereinafter referred to as the "Group of Observers") to conduct an OAS Observer Mission in Guyana for the said elections;

AND WHEREAS the OAS Observer Mission in Guyana (hereinafter referred to as the "Mission") is comprised of officials of the General Secretariat of the OAS (hereinafter referred to as the "GS/OAS") and other international observers specifically under contract to the GS/OAS for the Mission;

AND WHEREAS the basic privileges and immunities enjoyed by the OAS, the GS/OAS and GS/OAS' staff and contractors in Guyana are set out in Article 133 of the Charter of the OAS and in the Agreement between the Government and the GS/OAS on the functioning of the Office of the GS/OAS in Guyana and the Recognition of its Privileges and Immunities that was signed by the Parties on the 18th day of April of 1994.

NOW THEREFORE, the Government and the General Secretariat of the Organization of American States hereby agree as follows:



CHAPTER I PRIVILEGES AND IMMUNITIES

ARTICLE I

1.1 The privileges and immunities of the Group of Observers shall be those accorded to the OAS, the GS/OAS, their organs, and their staff members.

ARTICLE II

2.1 The property and effects of the Group of Observers, in any part and in possession of any person, shall enjoy immunity against any type of judicial proceeding, save in those specific cases for which said immunity is expressly waived.

2.2 However, it is understood that the said waiver of immunity shall not have the effect of subjecting any such property and effects to any type of measure of execution.

ARTICLE III

3.1 The premises occupied by the Group of Observers shall be inviolable.

3.1.1 Moreover, their property and effects, in any part of the national territory of Guyana and in possession of any person, shall enjoy immunity against search and seizure, confiscation, expropriation and against any form of intervention, be it executive, administrative, judicial or legislative.

ARTICLE IV

4.1 The files of the Group of Observers and all of the documents pertaining thereto or in its possession shall be inviolable wheresoever they are located.

ARTICLE V

5.1 The Group of Observers shall be:

- a) exempt from any internal taxation, it being understood, however, that they may not claim any type of tax exemption that is in fact a remuneration for public services;
- b) exempt from any type of customs duty, prohibition and restriction in respect of articles and publications that they may import or export for their official use. It is

understood, however, that the articles they import duty-free may only be sold within the country in accordance with the conditions agreed upon by the Government of Guyana;

- c) exempt from ordinances, regulations or moratoria of any kind. Moreover, they may have currency of any type, carry their accounts in any foreign currency and transfer their funds in foreign currency.

CHAPTER II MEMBERS OF THE GROUP OF OBSERVERS

ARTICLE VI

6.1 The members of the Group of Observers shall be those who, with the consent of the Government, have been designated by the GS/OAS and accredited with the Guyanese authorities.

ARTICLE VII

For the period during which the members of the Group of Observers exercise their functions, and during their trips to and from Guyana, they shall enjoy the following privileges and immunities:

- a) Immunity from personal detention or arrest as well as immunity from any type of legal proceeding in respect of their actions and statements, be they oral or written, done in the performance of their functions;
- b) The inviolability of any papers or documents;
- c) The right to communicate with the GS/OAS via radio, telephone, telegraph, computer, satellite or other means, and to receive documents and correspondence through messengers or in sealed pouches, enjoying for that purpose the same privileges and immunities accorded to diplomatic mail, messages and pouches;
- d) The right to utilize for their movements throughout the national territory, any means of transportation, be it by air, by water or over land;
- e) Exemption in respect of their persons and that of their spouses and children, from any type of immigration restriction and registration of aliens and any types of national service in Guyana;

f) The same privileges accorded to the representatives of foreign Governments on official Mission in respect to foreign-currency restrictions;

g) The same immunities and privileges in respect of their personal baggage as are accorded to diplomatic envoys; and

h) Such other privileges, immunities and facilities as are compatible with the foregoing, and enjoyed by diplomatic envoys, with the exception that they shall not enjoy any exemption from customs duties on imported merchandise (that is not part of their personal effects) or sales taxes or consumer taxes.

ARTICLE VIII

8.1 The provisions contained in the preceding Article do not apply to nationals of Guyana working as local contract staff in the Group of Observers, save in respect of official acts performed or statements issued in the exercise of their functions.

ARTICLE IX

9.1 The Group of Observers may establish and operate in the territory of Guyana an independent radio communication system to provide an on-going communications link between the Observers and the vehicles used by the Observers with its offices and regional headquarters, such as the central office in Georgetown and between the latter and the headquarters of the GS/OAS in Washington, D.C. The Government shall provide all the technical and administrative assistance necessary for this to be achieved.

CHAPTER III COOPERATION WITH THE AUTHORITIES

ARTICLE X

10.1 The Observers shall cooperate with the relevant Guyanese authorities to prevent any occurrence of abuse in respect of the specified privileges and immunities. Similarly, the relevant authorities shall do whatever is possible to provide the cooperation requested of them by the members of the Group of Observers.

ARTICLE XI

11.1 Without prejudice to the immunities and privileges accorded, the Observers shall respect the laws and regulations existing in Guyana.

ARTICLE XII

12.1 The Government and the GS/OAS shall take any measures necessary to procure an amicable arrangement in the proper settlement of:

- a) Any disputes that may arise in contracts or other questions of private law; and
- b) Any disputes to which the Observers may be party to in respect of matters in which they enjoy immunity.

CHAPTER IV

NATURE OF PRIVILEGES AND IMMUNITIES ARTICLE XIII

13.1 The privileges and immunities are granted to the Observers in order to safeguard their independence in the exercise of their functions of observing the national election process in Guyana and not for personal gain or to perform activities of a political nature within the territory of Guyana.

13.1.1 Therefore, the GS/OAS shall waive the privileges and immunities of any of the individual observers in the event that in its judgment the exercise of those privileges and immunities obstruct the course of justice.

CHAPTER V IDENTIFICATION

ARTICLE XIV

14.1 The GS/OAS shall supply each one of the Observers, as well as local contract staff, with a numbered identification card, which shall show the individual's complete name, date of birth, position with the GS/OAS, and photograph.

14.2 The Observers, as well as local contract staff, shall not be obliged to relinquish that identification card, but rather to present it when the Guyanese authorities so require.

GENERAL PROVISIONS

ARTICLE XV

15.1 The Government recognizes the "Official Travel Document" issued by the GS/OAS and sufficient document for purposes of travel by the Observers.

CHAPTER VI

15.1.1 Each Observer's Official Travel Document must contain a courtesy visa that allows them to enter Guyana and to remain therein until the end of the Mission.

ARTICLE XVI

16.1 This Agreement may be amended by mutual consent in writing by GS/OAS and the Government.

ARTICLE XVII

17.1 This Agreement shall enter into force on the date of its signature and shall cease to have effect once the Group of Observers has completed its Mission, in accordance with the terms of the request made by the Government.

IN WITNESS WHEREOF, the undersigned, duly authorized, do hereby sign this Agreement, in duplicate, in the city of Georgetown, Guyana on this 1 ST. day of the april month of april in the year two thousand and one.



FOR THE GOVERNMENT OF
THE COOPERATIVE
REPUBLIC OF GUYANA



FOR THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF THE AMERICAN STATES