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MONDAY 15TH JULY, 2024

THE OFFICIAL GAZETTE 15TH JULY, 2024
LEGAL SUPPLEMENT — A

GUYANA

ACT No. 10 of 2024

FUGITIVE OFFENDERS (AMENDMENT) ACT 2024

I assent.

Mohamed Irfaan Ali,
President.
15th July, 2024

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 24 of the Principal Act.

AN ACT to amend the Fugitive Offenders Act.

A.D. 2024 Enacted by the Parliament of Guyana: -

Short title. Cap. 10:04

1. This Act, which amends the Fugitive Offenders Act, may be cited as the Fugitive Offenders (Amendment) Act 2024.

Amendment of section 24 of the Principal Act.

2. Section 24 of the Principal Act is amended as follows –

(a) in subsection (1) –

(i) in paragraph (b), by deleting the word "and";

(ii) in paragraph (c), by substituting for the full stop a semicolon;

(iii) by inserting immediately after paragraph (c), as so amended, the following paragraph –

" (d) a record of the evidence of the case against the person, including evidence that would not otherwise be admissible under the laws of Guyana, shall be admissible in evidence.";

(b) by inserting immediately after subsection (3), the following subsections –

" (4) A record of the evidence of the case against a person referred to in subsection (1)(d) is admissible in evidence if it is accompanied by-

(a) an affidavit from an officer of the investigating authority, or of the prosecutor, as the case may be, stating that the record of evidence of the case was prepared by, or under the direction of, that officer or that prosecutor and that the evidence has been preserved for use in the person's trial; and

(b) a certificate bearing an official seal or stamp of a person described in subsection (5) stating that, in the opinion of that person, the record of the evidence of the case discloses the existence of evidence that is sufficient under the law of the Commonwealth country or treaty territory to justify a prosecution in that country or that territory.

(5) A person referred to in subsection (4)(b) is –

(a) the Attorney General or principal law officer of the Commonwealth country or treaty territory, or the deputy to or delegate of the Attorney General or principal law officer of the Commonwealth country or treaty territory; or

(b) any other person who has, under the law of the Commonwealth country or treaty territory, control over the decision to prosecute.

(6) Nothing in this section limits the evidence that may be admitted at any hearing to determine whether a person is liable to be extradited.

(7) A certificate under subsection (4)(b) purported to have been signed by a person described in subsection (5) shall be admitted by a court without proof of the signature or official character of the person appearing to have signed it.

(8) Without limiting subsections (4), (6) and (7), in any proceedings under this Act where direct oral evidence of a fact or opinion would be admissible, a statement made in any deposition or witness statement, official certificate or judicial document taken, given or made outside Guyana and tending to establish that fact or

opinion is, if duly authenticated, admissible as evidence of that fact or opinion.

(9) A translation of a document into English shall be admitted into evidence only where it is certified by a judicial, prosecuting or penal authority, or other officer administering a government department, of a Commonwealth country or treaty territory and purports to be an accurate translation of the original document.

(10) In this section –

"document" means data recorded in any form, and includes photographs and copies of documents;

"judicial document" means a document which purports to be certified by a judge, magistrate or a duly authorised officer of the relevant court in or of a Commonwealth country or treaty territory;

"record of the evidence of the case" includes –

(i) documents, statements or other evidence including photographs, fingerprints or other descriptions of the person which describes the identity and probable location of the person sought;

(ii) a statement of the facts of the case, including, if possible, the time and location of the offence;

(iii) a statement of the provisions of the law describing the essential elements and the designation of the offence for which extradition is requested;

(iv) a statement of the provisions of the law prescribing the punishment for the offence; and

(v) any other relevant documents.".

Passed by the National Assembly on the 8th July, 2024.

S.E. Isaacs,A.A.,
Clerk of the National Assembly.

(BILL No. 6/2024)