

No. 107

BILL NO. 25 OF 1965.

INTERNATIONAL COMMISSION OF JURISTS
(COMMISSION OF INQUIRY) BILL, 1965.

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A BILL

Intituled

AN ORDINANCE TO CONFER CERTAIN POWERS ON THE COMMISSION OF INQUIRY CONSTITUTED BY THE INTERNATIONAL COMMISSION OF JURISTS FOR THE PURPOSE OF CARRYING OUT CERTAIN INVESTIGATIONS IN RELATION TO BRITISH GUIANA.

WHEREAS at the request of the Premier of British Guiana, the International Commission of Jurists have constituted a Commission of Inquiry in relation to British Guiana;

AND WHEREAS the International Commission of Jurists have nominated Mr. Justice Seamus Henchy of Ireland (Chairman) Professor Felix Ermacora of Austria, and Professor Peter A. Papadatos of Greece to constitute the Commission of Inquiry;

AND WHEREAS the terms of reference of the Commission of Inquiry are as follows —

“To examine the balance between the races in the Security Forces, the Civil Service, Government agencies or undertakings (including land settlement schemes) and other areas of Governmental responsibility; to consider whether existing procedures relating to the selection, appointment, promotion, dismissal and conditions of service of personnel are such as to encourage or lead to racial discrimination in the areas concerned; to make such recommendations as are considered necessary to correct any such procedures with a view to the elimination of imbalance based on racial discrimination having regard to the need to maintain the efficiency of the services concerned and the public interest.”;

AND WHEREAS the Commission of Inquiry propose to commence its investigation in Georgetown on Thursday the 5th August, 1965;

AND WHEREAS it is expedient to make provision in relation to the Commission of Inquiry for certain matters for which provision is made by the Commissions of Inquiry Ordinance (Chapter 59):

A.D. 1965. Enacted by the Legislature of British Guiana :—

Short title.

1. This Ordinance may be cited as the International Commission of Jurists (Commission of Inquiry) Ordinance, 1965.

Interpretation.

2. In this Ordinance, "Commission of Inquiry" means the Commission of Inquiry constituted by the International Commission of Jurists in relation to British Guiana and includes every person nominated by the International Commission of Jurists to constitute the said Commission of Inquiry.

Commission's powers to summon and examine witnesses.

3. The Commission of Inquiry shall have the powers of the Supreme Court of British Guiana —

- (a) to summon witnesses;
- (b) to examine witnesses on oath;
- (c) to call for the production of books and documents.

Duty of witnesses summoned.

4. (1) All persons summoned to attend and give evidence, or to produce books, plans, or documents, at any sitting of the Commission, shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey subpoenas issued from the Supreme Court, and shall be entitled to the like expenses as if they had been summoned to attend the Supreme Court on a criminal trial, if the same shall be allowed by the Commission, but the Commission may disallow the whole or any part of such expenses in any case, if they think fit. The procedure for the payment of such witnesses shall be the same as nearly as may be for the payment of witnesses in the Supreme Court, and they shall be paid at such time and in such manner as the Commission may direct.

(2) If any person —

- (a) on being summoned as a witness before the Commission makes default in attending; or
- (b) being in attendance as a witness refuses to take an oath legally required by the Commission to be taken, or to produce any document in his power or control legally required by the Commission to be produced by him, or to answer any question to which the Commission may legally require an answer; or
- (c) does any other thing which would, if the Commission had been a court of law having power to commit for contempt, have been contempt of that court,

the Chairman of the Commission may certify the offence of that person under his hand to the Supreme Court of British Guiana, and that Court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the Court.

False evidence.

5. Any person who shall wilfully give false evidence before the Commission of Inquiry concerning the subject matter of such inquiry shall be guilty of perjury under section 327 of the Criminal Law (Offences) Ordinance and be liable to be prosecuted and punished accordingly.

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Privilege from suit.

6. No member of the Commission of Inquiry shall be liable to any prosecution, action or suit in respect of anything done by him as such member.

7. No person giving evidence before the said Commission of Inquiry shall be compellable to incriminate himself, and every such person shall, in respect of any evidence given by him before the said Commission of Inquiry, be entitled to all the privileges to which a witness giving evidence before the Supreme Court of British Guiana is entitled in respect of evidence given by him before such Court. Protection for
person giving
evidence.

8. Any sum of money required for the purpose of meeting any expenditure in relation to the expenses of witnesses pursuant to the provisions of subsection (1) of section 4 of this Ordinance shall be a charge on the revenues of British Guiana and accordingly shall be statutory expenditure for the purposes of Part VII of the Constitution of British Guiana. Expenses.

OBJECTS AND REASONS

The Bill seeks to confer certain powers on the Commission of Inquiry constituted by the International Commission of Jurists, at the request of the Premier of British Guiana, for the purpose of carrying out certain investigations in relation to British Guiana. The powers which this Bill seeks to confer on the Commission of Inquiry are similar to those conferred on a Commission of Inquiry appointed under the Commissions of Inquiry Ordinance (Chapter 59).

L. F. S. BURNHAM,
Premier.

(Bill No. 25/1965).