

## **BRITISH VIRGIN ISLANDS COMMISSION OF INQUIRY**

### **PRESS NOTICE**

#### **COMMISSION OF INQUIRY – HEARINGS UPDATE**

The Commission of Inquiry (“the COI”) was issued on 19 January 2021 to look into whether corruption, abuse of office or other serious dishonesty may have taken place amongst public, elected and statutory officials in recent years; and to make appropriate recommendations as to governance and the operation of the law enforcement and justice systems in the BVI. The Rt Hon Sir Gary Hickinbottom is the sole Commissioner.

The COI has held a series of hearings over the last two weeks of which the primary focus has been the production of information and documents. There are further such hearings this week. However, the Commissioner has also heard a series of applications concerning formal participation in the COI, and has made orders allowing the Cabinet, Ministers, Members of the House of Assembly and, in her own right, the Attorney General to be formal participants on the basis of their particular constitutional interest in governance.

In respect of production of information and documents, the hearings followed letters of request of mainly Ministers and other public officials to make voluntary disclosure to the COI. The disclosure made following those requests, although purportedly full, appeared incomplete; and, after five days of hearings at which the Commissioner took evidence from a number of summonsed witnesses, it was clear that the disclosure made was substantially incomplete and in poor order. The COI has written to the Attorney General with a view to remedying these deficiencies promptly, so that the Inquiry may be efficiently progressed.

Additionally, to facilitate the next stage of the COI, the Commissioner is anxious to understand the views of the Ministers and Members of the House of Assembly on governance. They have made no representations to him to date. He has therefore, through their legal representatives, written to the Ministers, Members of the House and the Attorney General asking them to set out their position on governance by reference to a series of questions.

The Commissioner has asked for the deficiencies in disclosure to be remedied and for the position statements to be lodged with him by Monday 31 May 2021. The next stage of the hearings will commence shortly after that date.

The Commissioner in his opening statement on 4 May, and in a subsequent Press Notice on 5 May, made clear why the initial hearings were to be private at least in the first instance, namely that the Attorney General wished to preserve any rights of privilege and confidentiality in any documents or information that might be referred to in the hearing. It is the Commissioner’s wish that each hearing is made public to the fullest possible extent. He has provided the Attorney General with an opportunity to make submissions on whether she considers it necessary to black out (redact) any parts of each transcript before it is made publicly available. Once the Commissioner has received those submissions, he will publish the transcript with any redactions he

considers necessary. The Commissioner is resolved to publish the transcripts as soon as possible after each hearing. To date, two transcripts have been published on the COI website, and more will follow in the coming week.

In the meantime, following the hearings the Commissioner has made a number of Orders, many requiring witnesses to produce documents previously requested but not yet disclosed; and Rulings to explain the reasons for the main decisions set out in his Orders. All the Orders and Rulings have now been published on the COI website. A list of hearings to date and those scheduled to take place in the coming week has also been published on the COI website.

In the next stage of the hearings, issues of privilege etc and redaction should not arise; and it is the Commissioner's intention that all hearings will be live streamed.

Steven Chandler  
Secretary to the Commission

17 May 2021