

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

### **PRESS NOTICE**

#### **THE COMMISSIONER'S OPENING STATEMENT FOR COI HEARINGS**

The Commission of Inquiry (“the COI”) was announced on 19 January 2021 to establish whether there is information that corruption, abuse of office or other serious dishonesty in relation to officials, whether statutory, elected or public may have taken place in recent years; to consider the conditions which may have allowed any such serious dishonesty to take place and whether they may still exist; and, if appropriate, to make independent recommendations with a view to improving the standards of governance and the operation of the agencies of law enforcement and justice in the British Virgin Islands. The Rt Hon Sir Gary Hickinbottom is the sole Commissioner.

The Commissioner started COI hearings today in Road Town. His Opening Statement is attached to this Notice.

Steven Chandler  
Secretary to the Commission

4 May 2021

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

### **The Commissioner's Opening Statement for COI Hearings** **Tuesday 4 May 2021**

As you are all aware, considering that it would be in the public welfare – that is, in the public interest – on 19 January, the then Governor issued a Commission of Inquiry (“COI”) to establish whether there is information that corruption, abuse of office or other serious dishonesty in relation to officials, whether statutory, elected or public may have taken place in recent years; to consider the conditions which may have allowed any such serious dishonesty to take place and whether they may still exist; and, if appropriate, to make independent recommendations with a view to improving the standards of governance and the operation of the agencies of law enforcement and justice in the British Virgin Islands.

I was appointed the sole Commissioner; and, since January, with the COI team, quietly but with purpose and determination, I have been fulfilling those terms of reference. They require me to report to the Governor with my findings and recommendations by July, but, if necessary, the Governor is able to extend that time to October. Whether an extension may be required is a matter I will consider over the next few weeks

To date, many have come forward with information, through the COI website portal or other means, and by face-to-face and remote meetings. I am very grateful to all those who have come forward. I should emphasise that, if anyone has information which they have not yet sent to us, which they consider falls within the scope of the COI and may be useful, they should contact the COI through the website portal or by any of the other ways set out on our website page which can be found at [www.bvi.public-inquiry.uk](http://www.bvi.public-inquiry.uk). Any such information received by the COI will remain strictly confidential.

As well as information volunteered in that way, the COI team have made requests for voluntary production of information, mainly from Ministers and other public officials who have provided a substantial number of documents. I understand this has involved public servants putting in a considerable amount of work to respond to the requests. Whilst some have asked for additional time, none has suggested that he or she has been unable to comply fully with the COI requests as a result of lack of resources. I sincerely thank them for their efforts, which I much appreciate.

Much information has thus been gathered, and much progress made. However, we have now reached a stage when oral hearings are required to ensure further progress can be made, and at the required rate.

One of the focuses of the initial hearings will be production of information. As I have said, in response to COI requests for voluntary production, in most instances, the recipient of the request has provided information and documents, with an indication that he or she has fully complied with the request. It is vital that I do have all information and documents relevant to the Inquiry, and some of these initial hearings will be to give me appropriate comfort that that is indeed the case. However, as I indicated at the outset of the COI, I intend to be flexible with regard to the conduct of the Inquiry, including the hearings, so that we make progress in an efficient way – whilst, of course, always ensuring that all are treated fairly.

In respect of documents which have been produced, various Ministers through the Attorney General have reserved their position on whether information and documents they have produced – and are continuing to produce – may be made available to the public. Consequently, some of the initial hearings will be held in private; so that, if there is reference to information or documents in respect of which privilege or confidentiality is maintained, such issues can be considered before the relevant material is made public. However, at each hearing, having heard any submissions on the point, I will determine whether the hearing (or part of it) needs to be kept private; or whether it can properly be made public and, if so, how. I have well in mind both the understandable interest that the public has in the COI, and the importance of the principles of transparency and openness.

However, in respect of a private hearing such as this, until I make a declaration that the hearing (or part of it) can be made public in some way, everything that occurs at the hearing will remain strictly confidential. Everyone involved in the hearing is subject to the obligation of confidentiality. Unless and until I declare otherwise, no one is allowed to publicise any part of it, in any way. If there is any such publicity, then I can – and usually will – investigate the cause of the leak and take appropriate action against anyone who has caused or facilitated the breach of confidence.

Further, it is important that I emphasise that no recordings can be made of any hearing – public or private – save for the authorised recording that I am causing to be made. A transcript will be made of each hearing. If the hearing is private, then a transcript may be provided to participants on the basis of a confidentiality undertaking. If a hearing is public – or if I direct that a private hearing be made public – then the default position will be that the relevant transcript will be posted on the COI website.

In commencing this next stage of the Inquiry, may I again stress that, although I have many of the powers of a High Court Judge, the COI is not a court of law. I am simply conducting an investigation, as required by my terms of reference; and the hearings are not adversarial, but inquisitorial. I would ask all those who may be involved in the hearings to bear that in mind. Counsel to the Inquiry, Mr Bilal Rawat, is not here to promote any cause: he has been appointed, by the Attorney General on my recommendation, to promote the public interest and to ensure, so far as he can, that the COI complies with its terms of reference for the benefit of all who live in this territory. That too is my overarching and primary consideration. I hope, and expect, all witnesses and those who might represent them to share those aims.

**The Rt Hon Sir Gary Hickinbottom**  
**4 May 2021**