

BRITISH VIRGIN ISLANDS COMMISSION OF INQUIRY

PRESS NOTICE

**THE COI'S FORTHCOMING WORK PROGRAMME: COMMISSIONER'S
STATEMENT, 14 JULY 2021**

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.

At the start of the hearing session held this afternoon, the Commissioner delivered a statement setting out the COI's forthcoming work programme. A copy of that statement is attached to this Notice.

Steven Chandler
Secretary to the Commission

14 July 2021

BRITISH VIRGIN ISLANDS COMMISSION OF INQUIRY

Commissioner's Statement

Wednesday 14 July 2021

As you are all aware, in January, I was appointed by the then Governor to conduct a Commission of Inquiry (“COI”) to establish whether there is information that corruption, abuse of office or other serious dishonesty in relation to public officials may have taken place in recent years; 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 would like to thank the people of the BVI for their continuing assistance and support in this task. In particular, I am acutely aware that much of the work to provide evidence to the COI has fallen on the shoulders of public servants for whose continued efforts I repeat my thanks.

On 2 June 2021, I gave a statement detailing the COI hearings I proposed to hold to cover the following particular topics:

- (1) The interests held and declared by Members of the House of Assembly and elected Ministers.
- (2) Questions arising from the position statements submitted by participants and others on governance and law enforcement and justice.
- (3) The work of the Auditor General, the Internal Auditor and the Complaints Commissioner.
- (4) The composition and function of statutory boards.
- (5) The purchase and leasing of Crown land.
- (6) The system under which the BVI Government enters into contracts both in general and in relation to specific contracts.

Given that witnesses would likely be taking holidays during August, I did not propose having hearings that month; but I hoped that we could complete all of the above topics before the end of July, and I set a timetable to that end. Despite the many challenges we have had – primarily in evidence from the BVI Government being delayed – we have kept up with that timetable to date. We are due to complete registration of interests, governance and the law enforcement and justice systems, and the work of the Auditor General, Internal Auditor and Complaints Commissioner by the end of this week, with very few loose ends left to tie up. We have also done a good deal of work on contracts.

It was proposed that we would cover statutory boards next week and Crown land in the final week of July before breaking for August. To avoid a disjointed approach, I was keen to deal with each of these topics in one go. Regrettably, we are not currently in a position to proceed with either topic. Requests were made for evidence from Ministers some weeks ago, but, despite extensions of time, in respect of each, there is a good deal outstanding. Some evidence has not yet been lodged at all. Some of the evidence that has been lodged is patently incomplete. In the last week or so, the necessary restrictions in relation to Covid 19 have no doubt made the task of collecting and submitting the necessary evidence more challenging. In any event and despite the efforts that have been made by all, the Attorney General, through her Inquiry Response Unit (IRU), has been unable to give me any confident prediction as to when

we will have all of the relevant material in relation to these topics. Even when we do receive it, the COI team will need time to analyse it and prepare for the hearings.

I reiterate that I am determined to complete this Inquiry expeditiously. However, given the current circumstances with regard to the evidence, it will be impossible to have focused hearings on these topics now. They will be rescheduled. This means that there will be no hearings concerning statutory boards next week or Crown land in the week commencing 26 July. However, if we are able to call witnesses to tie up loose ends on the topics we have done, then we shall do so. As usual, details will be published on the COI website.

The rescheduling of these hearings does not of course mean that the work of the COI will stop. Far from it. We will continue to liaise with the Attorney General, her IRU and the public servants involved with a view to obtaining the outstanding evidence we have requested, and we will continue to analyse the information that we have to ensure that future hearings remain focused. However, this work need not be done in the BVI, and indeed can most efficiently be dealt with in the UK; and therefore we propose returning to the UK during the course of the next two weeks.

It is our intention to return to the BVI in late August, when, hopefully, we will be able to resume hearings with witnesses appearing in person at our hearing room at the International Arbitration Centre. In the event that in person hearings are not possible, we will continue with remote hearings.

In my statement of 2 June 2021, I said that, it being clear that I would be unable to deliver my report to His Excellency the Governor by 19 July, I had requested an extension; and the Governor had kindly indicated his willingness in principle to grant an extension. Before identifying a new date, he asked me to report on progress in mid-July. I have given the Governor that report and, on the basis of it, he has granted an extension to 19 January 2022. That is, I hope, out of an abundance of caution; but, in circumstances in which the hearings are unlikely to be complete until October, I am particularly grateful for the extension that has been granted. The Governor, and all those who live in the BVI, may rest assured that my team and I will continue to work tirelessly to deliver the report as soon possible.

The Rt Hon Sir Gary Hickinbottom
14 July 2021