

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

### **PRESS NOTICE**

#### **COMMISSION OF INQUIRY: EXTENSION**

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. Under Instruments of Appointment dated 19 January and 14 July 2021, the Commissioner was required to deliver his Report to His Excellency the Governor by 19 January 2022.

The COI has obtained very many documents from the BVI Government, a large number of which the Commissioner will wish to rely on in his Report. As recorded elsewhere, these documents have been produced often in very poor order. Further, despite directions from the Commissioner, the elected Ministers (including the Cabinet as such) have not taken timely advantage of opportunities to make applications to the Commissioner that documents (or parts of documents) which have been sent to the COI should not be disclosed to the public. Had such applications been made in a timely way, the Commissioner could and would have been able to have published the documents already, which would have helped the BVI public to understand the issues as they arose.

The COI was established expressly for the welfare of the people of the British Virgin Islands, and the Commissioner has throughout conducted it in an open and transparent manner, so that the public have had the opportunity of seeing the COI at work and the evidence that it has been obtaining. Such openness and transparency remain important.

Therefore, whilst publication is ultimately a matter for the Governor, the Commissioner has always intended, and still wishes, to deliver to the Governor not only the Report but also the evidence upon which the Report relies in a form that might be published. The Commissioner will certainly do what he can to encourage the Governor to publish them. However, the elected Ministers have continued to reserve their position on whether certain documents they have produced to the COI should be made available to the public, purporting instead to agree to their disclosure to the Governor but no further. This potentially impacts not just on the publication of the supporting evidence, but of the Report itself insofar it relies on that evidence.

Whilst wishing appropriately to respect confidentiality that may attach to documents such as Cabinet papers, the Commissioner is firmly intent on a course that will ensure, so far as possible, that the Governor is able to make the Report and the supporting evidence, in the form prepared by the Commissioner, available to the public.

These issues are still occupying the COI. Consequently, with regret, the Commissioner has asked the Governor to extend the time for delivery of his report and

supporting evidence. The Governor has today graciously indicated that he has granted a three month extension. The Commissioner is confident that, whatever the approach of the elected Ministers may now be, that will be sufficient time for him to determine any further applications that may be made to restrain publication, and to deliver his Report and supporting evidence to the Governor in a form which the Commissioner considers can be published at large.

The Commissioner will continue to work assiduously to deliver the Report, in that form, as soon as he can.

Steven Chandler  
Secretary to the Commission

4 January 2022