

# **INTEGRITY IN PUBLIC LIFE**

## **SHARING WITH THE PUBLIC**

### **PART THREE**

#### **Certificate of Compliance - where information supplied is accurate**

**Q.** What follows the filing of a declaration of assets and liabilities?

**A.** A declaration is kept securely locked. The declaration and supporting documents may be required in a court of law, hence the Commission should be guided by the principle of a chain of custody. The envelope containing the declaration and supporting documents is given to a Compliance Officer who examines the seal on the envelope, and breaks it. The Officer records in a log book that the seal was secure and verifying that he/she broke it. The Compliance Officer makes a list of all the documents in the envelope.

The Compliance Officer examines the declaration and supporting documents to determine whether or not the information contained therein is accurate and not false.

The Compliance Officer presents a signed written Report of his/her findings to the Commission. The Commission considers the Report in addition to the declaration and supporting documents.

The Commission looks for the existence of corruption, for example, where a person in public life presents assets of a stated amount and the stated liabilities being more are met, the question arises: from where is the excess sum accessed.

Where further information is required, the Commission requests the person in public life to supply the information.

Where the information disclosed is determined by the Commission to be accurate and there seems to be no question or evidence of fraud/corruption, a Certificate of Compliance is issued to the person in public life.

### **Chain of Custody**

**Q.** What is a chain of custody?

**A.** A chain of custody is the noting of physical movement and location of a document or thing from the time of receipt to the time it is presented as evidence in court.

### **Investigatory Tribunal - Where information supplied seems not to be accurate**

**Q** Where information supplied is inaccurate, has the Commission any power to obtain correct information?

**A.** Where the Commission is not satisfied with the information supplied, and considers it necessary to inquire into the accuracy or fullness of a declaration, the Commission may advise the Governor General to appoint an Investigatory Tribunal to make inquiry.

The Governor General appoints any three members of the Commission to verify the contents and statements of that declaration, as provided in Section 35 (2) of the Integrity in Public Life Act No.24 of 2013, which reads:-

“For the purposes of an inquiry in accordance with the provisions of this section, the Governor General shall appoint an Investigatory Tribunal comprising three members of the Commission in order to verify the contents of a declaration or other statement filed with the Commission.”

**Q.** What can the Investigatory Tribunal do?

**A.** The Investigatory Tribunal may request the person in public life, or any other person, who the tribunal reasonably believes to have knowledge of the matters before it to (a) attend before the Tribunal and give information as it may require (b) furnish the Tribunal with information or documents as would assist the Tribunal in verifying the declaration. Section 35 (3) of the Act reads:-

“The Investigatory Tribunal appointed pursuant to section 2, may, subject to subsection (4), request in writing that a person in public life or any other person who the Investigatory Tribunal reasonably believes to have knowledge of the matters inquired into –

- (a) attend before the Investigatory Tribunal to give such information to the Investigatory Tribunal as it may require in order to satisfy itself that it is in possession of all material facts: or
- (b) furnish to the Investigatory Tribunal, such information or documents as would assist the Investigatory Tribunal in verifying the declaration.”

In conducting an inquiry, the Tribunal has all the powers of a Commission of Inquiry and persons may be summoned to appear before the Tribunal, except that the proceedings are held in private. The Tribunal forwards a report of its findings to the Governor General who forwards it to the Commission.

### **Mounting of a Tribunal**

**Q.** What happens if there were reasonable grounds for mounting of a Tribunal?

**A.** Where the Tribunal finds that there are reasonable grounds to believe that investigation into the assets and income of a person in public life is necessary, the Commission submits the report of the Tribunal’s findings to

the Director of Public Prosecutions so that he may make an application to the court for an Investigation Direction.

### **Cost of Inquiry**

**Q.** Has the person in public life to meet all the costs of this inquiry?

**A.** Where the Tribunal's report finds that the declaration is in fact full and proper. It shall recommend that the person in public life is entitled to full indemnity to be reimbursed from the consolidated fund for all expenses reasonably incurred, as determined by the Commission.

.....**Investigation Direction**