

STATEMENT OF INTEGRITY COMMISSION

The Integrity Commission ("*the Commission*") has noted certain statements made by the Honourable Leader of the Opposition, which statements have been reported in the press, regarding the termination of an investigation into a complaint made in December 2021 by Member of Parliament, the Honourable Saddam Hosein, against the Honourable Prime Minister of Trinidad and Tobago.

In February 2022, the Commission deliberated upon the said complaint and was then satisfied that there was no merit in an allegation, contained in the said complaint, to the effect that the Honourable Prime Minister had failed to declare, in his Declaration of Income, Assets and Liabilities for the year 2019, contrary to the requirements of section 11 of the Integrity in Public Life Act ("*the IPLA*"), his ownership in a townhouse in the Inez Gate Development in Tobago.

The Commission also concluded that while the Honourable Prime Minister had failed to include particulars of the said townhouse in his Statement of Registrable Interests for the said year, which constituted a breach of the IPLA, it was not a breach or an offence which could be referred to the Director of Public Prosecutions in pursuance of section 31 of the IPLA ("breach of the Code of Conduct") and 34 (7) of the IPLA ("offences").

The Commission was, however, satisfied that an allegation in the said complaint about a possible gift received by the Honourable Prime Minister required investigation. Accordingly, an exhaustive investigation into that allegation was undertaken by the Commission's Investigations Unit over the ensuing year. A number of reports were submitted by the investigating team during that period for consideration by the Commission. In February 2023, the Commission reviewed all reports submitted to date and directed its Investigations Unit to pursue one further issue before submitting its final report. That final report was considered at a meeting of the Commission held in June 2023. Recommendations made by the Investigations Unit, to terminate the investigation were accepted by the Commission. The reasons for terminating the said investigation, and bases

for disposing of all of the complaints, were then communicated to the Complainant and to the Honourable Prime Minister.

The Commission considers that it is important for members of the public to have an appreciation of the statutory framework in which it operates:

1. The Commission is a statutory body established to perform the statutory mandate contained within the IPLA. The Commission, in discharging that mandate must stick within the four corners of the IPLA. That means that the Commission may only exercise such powers, and do such things, as it is permitted to do under the IPLA, and nothing more. The Commission cannot seek to exercise powers which were not conferred on it under the IPLA.

Section 5. (1) of the IPLA prescribes: The Commission shall— (a) carry out those functions and exercise the powers specified in this Act.

2. In exercising the powers conferred by the IPLA, the Commission is mandated to be independent and impartial in its conduct.

Section 5(2) of the IPLA prescribes: In the exercise of its powers and performance of its functions under this Act, the Commission— (a) shall not be subject to the direction or control of any other person or authority.

The 17th Commission, appointed in January 2021, has always strived to maintain the highest standard of independence and impartiality.

3. The Commission is required to investigate complaints submitted by members of the public.

Section 33 of the IPLA prescribes: The Commission— (b) shall upon the complaint of any member of the public, consider and enquire into any alleged breaches of the Act or any allegations of corrupt or dishonest conduct.

4. The 5 Commissioners appointed to serve on the Commission do not personally conduct investigations. The Commission authorizes members of its Investigations Unit to conduct all investigations.

Section 34. (1) prescribes: In carrying out its function under section 33, the Commission may— (a) authorise an investigating officer to conduct an enquiry into any alleged or suspected offence.

The 17TH Commission has structured its Investigations Unit so as to ensure that every investigation is conducted by a team that includes a legal officer. The Commission receives a preliminary report from the Investigations Unit on a complaint and other regular updates until a final report is submitted for its consideration. The Commission has the fullest confidence in its investigators, who have diligently pursued this investigation, as they have done in relation to all investigations assigned to them.

5. The Commission may terminate an investigation under certain circumstances.

Section 34(6) of the IPLA prescribes: Where during the course of an investigation, the Commission is satisfied that there are insufficient grounds for continuing the investigation or that the complaint is frivolous, vexatious or not made in good faith, it may terminate the investigation.

It must be noted that the power to terminate an investigation resides in the Commission and not in the Chairman or Deputy Chairman personally.

6. The Commission may refer matters to the DPP in specific circumstances.

Section 31 of the IPLA (“the Code of Conduct”) prescribes: 31. (1) The Commission shall report any breach of this Part to the appropriate Service Commission, Board or other Authority and to the Director of Public Prosecutions setting out such details and particulars as it thinks fit. (2) The appropriate Service Commission, Board or other Authority may take such disciplinary action in relation to a report made pursuant to subsection (1) as it thinks appropriate in any particular case. (3) The Commission shall report to the Director of Public Prosecutions, any breach of this Part by a Member of Parliament.

Section 34 (7) prescribes: Where after the conduct of an investigation, the Commission is satisfied that there are reasonable grounds for suspecting that an offence has been committed, it shall make a report to the Director of Public Prosecutions who may take such action as he thinks appropriate.

The Chairman of the Commission, Professor Rajendra Ramlogan, has never directly or indirectly sought an appointment to the rank of “silk”. He is fully employed at the University of the West Indies and is appointed as a part-time Chairman. The Deputy Chairman of the Commission, Mr Frederick Gilkes, is an Attorney-at-Law in private practice. He did submit an application to the Honourable Attorney General, in the month of April 2023 seeking consideration of his appointment to the rank of “silk” pursuant to an invitation published in the Trinidad and Tobago Gazette, dated April 14, 2023.

Mr Gilkes participated in all meetings of the Commission at which reports relating to the said complaint were considered. All such meetings, bar the final meeting in relation to the said complaint in June 2023, took place before the said publication of an invitation in the Gazette, inviting legal practitioners to apply for appointment to the rank of “silk”. Prior to the said meeting

in June 2023, Mr Gilkes did disclose to the Commission that he had submitted an application to the Attorney General to be appointed to the rank of “silk”.

At the said June 2023 meeting, the question of Mr Gilkes recusal from considering the final report of the investigators did not arise. The Commission does not consider that Mr Gilkes’ application to the Attorney General for consideration of his appointment to the rank of “silk”, disqualified him from participating in the Commission’s deliberations on the final report of the investigators. Appointments to the rank of "silk" were made in early May 2023 and there was no pending application which the Honourable Attorney General could have broached with the Honourable Prime Minister.

The Commission wishes to state categorically, that no member of the Commission has ever received any inducements or any offer of an inducement in relation to the disposition of any complaint before the Commission. All members of the Commission received unsolicited invitations from the Office of the President to serve on the Commission.

Section (4) The Chairman and other members of the Commission shall be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.

The members of the 17th Commission have taken on the challenge of serving, to the best of their abilities, without fear or favour, in the best interests of Trinidad and Tobago.

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