

36th ANNUAL REPORT to Parliament for the Year 2023



 The
Integrity
Commission
OF TRINIDAD AND TOBAGO

REVOLUTIONISING
INTEGRITY: ALL HANDS
ON DECK

“Change does not roll in on the wheels of inevitability, but comes through continuous struggle.”

- Martin Luther King Jr



The logo is a three-bar symbol, representing three areas of human society in which integrity is fundamental:

SELF, COMMUNITY, CIVILIZATION.



The
Integrity
Commission
OF TRINIDAD AND TOBAGO

January 08, 2024

Mrs. Jacqui Sampson- Meiguel
Clerk of the House
Parliament of Trinidad and Tobago
The Red House
Parliamentary Complex
Cabildo Building
St. Vincent Street
Port of Spain

Dear Madam,

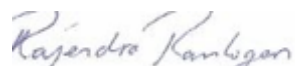
Thirty-Sixth Annual Report to Parliament for the Year 2023

The Integrity Commission of Trinidad and Tobago respectfully submits its Thirty-Sixth Annual Report to Parliament on its activities for the year ended December 31, 2023. The Report is prepared in compliance with Section 10 of the Integrity in Public Life Act, Chapter 22:01 ("the IPLA"), which states:

"The Commission shall, not later than 31st March in each year, make a report to Parliament of its activities in the preceding year, and the report shall be tabled in the Senate and the House of Representatives not later than 31st May, so, however, that the reports shall not disclose particulars of any declaration filed with the Commission."

Kindly note that we have also submitted this Report in electronic form, as requested, to the following address: coth@ttparliament.org

Yours faithfully,



.....
Prof. Rajendra Ramlogan BA Eng.Lit. (UWI)
LLB (UWI), LEC (HWLS), LLM (NYU School of Law)
PhD (Cantab.) FRCS
Chairman

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CHAIRMAN'S REPORT

CHRONICLING THREE YEARS IN THE INTEGRITY COMMISSION: A JOURNEY OF PAIN AND PROMISE



Professor Rajendra Ramlogan
Chairman
Integrity Commission of Trinidad and Tobago

“When you see that in order to produce, you need to obtain permission from men who produce nothing ... When you see that money is flowing to those who deal, not in goods, but in favors ... When you see that men get richer by graft and by pull than by work, and your laws don't protect you against them, but protect them against you ... When you see corruption being rewarded and honesty becoming a self-sacrifice ... You may know that your society is doomed.” Ayn Rand

Assuming the Chairmanship of the Integrity Commission (“the Commission”) of Trinidad and Tobago in January 2021 was an act based on much trepidation. My background research indicated a cynical public whose perception of an institution established to ensure integrity in public life was filled with disdain. I will share some of the observations of the public.

I imagine the reasoning was that if, one year after holding some high office, and in subsequent years, an official's assets increased inexplicably, the declaration would unravel the mystery. He or she might be supremely lucky, winning the Lotto once or twice a year, especially when the jackpot reaches double digits. Personally, I believe the Integrity Act and Commission are a waste of time and money: you cannot induce integrity by legislation; a person either has it or he doesn't. In the instant case, the Commission has failed to have this huge number of officials file their declarations and has failed to take any action against them. To underscore its impotence, it has resorted to publishing their names, hoping to "name and shame" them. But how do you shame people who are shameless? (Raffique Shah, TT Newsblog, April 01, 2017)

"THE EDITOR: The Integrity in Public Life Act 2000 is, in my opinion, an amusing piece of legislation. Amusing because it is largely toothless and, even more amusing, wholly unenforced. Year after year, we see published names of those who do not comply with filing the required declarations. To state it bluntly, this is an openly published list of people who have no shame. The requirement to file a declaration is described as a "duty to declare" under the act. Duty yes. Enforceable? Well, yes and no. The act has two enforcement options: the first is the aforementioned public shaming, and second, Part III, Section 11 (7) permits the Integrity Commission to make an ex parte (the offending party need not be present) application for a court order to compel compliance. Never has the second option been exercised as far as I am aware. There is a certain irony in that the act can be and was used as a political weapon. Remember Basdeo Panday remains the only person charged under the act in the last 19 years. This too despite many of those who are constantly named year after year and have repeatedly failed to file, in some

cases going back nearly ten years. The onus lies on the commission to do the right thing, follow the law as it lies and enforce the act as written. But with the commission itself lacking the will to practise integrity, things fall apart, to quote Chinua Achebe. (Mohan Ramcharan, Birmingham, England, TT Newsday 26, June, 2019)

TT Integrity Commission has been cited as one of the factors that contributes to the corruption in Trinidad and Tobago as failing to have performed their fiduciary duties to the people of this country. They have failed to bring justice to the people and have instead now become a political entity that is used to exonerate corrupt politicians and insulate these politicians from the public... If I ever get into office, I PROMISE YOU INTEGRITY COMMISSION, every last one of you imbeciles will be out of a job (Suzette Louwe, September 12, 2020)

Terrence Farrell was scathing about the ineffectiveness of the Integrity in Public Life Act, Chapter 22:11 ("IPLA") describing it as "a bad piece of legislation." The declarations of people's assets and liabilities are "a complete waste of time," he said. "They do nothing to advance what the Integrity Commission ought to be doing, which is investigate and prosecute for corruption...All it does is harass people," he said. (Terrence Farrell, Caribbean Corporate Governance Institute CCGI, November 01, 2020)

Gerry Brooks noted that despite considerable resources being spent on various institutions, including the police, the courts and the Integrity Commission - corruption was continuing: "We have to take a step back and ask why are these institutions not working... What are the road blocks?" (Gerry Brooks, Caribbean Corporate Governance Institute (CCGI, November 01, 2020)

An early examination of the workings of the Commission indicated that there was strong evidence to suggest that public cynicism of the Commission was justified. Therefore, doing nothing was not an option. Laws are not meant to be reproduced on paper with only cosmetic attempts at enforcement. Taxpayer-funded institutions like the Commission must account for their stewardship in the execution of their statutory mandate. The 17th Commission was not prepared to go through the motion of work with little regard for the adverse impact on our present and future.

“Change does not roll in on the wheels of inevitability but comes through continuous struggle.” - Martin Luther King Jr.

The first year was one of pain. Relentless and vitriolic attacks on different media forms, printed and social. A convenient conduit for those afraid of change. While as Chairman, I was the target of the personal vilification, the Commission made it clear in a media release that the transformation was a unanimous undertaking.

Change management is never an easy process. The Commission respects the right of persons who are uncomfortable with change, to choose a course which does not involve adjusting to the unfamiliarity of a changed environment. But change is necessary, if improvement is to be made in discharging the Commission’s statutory mandate. The course upon which the Commission has embarked in the last eleven (11) months has, at all times, been collectively made and unanimously agreed upon by its Members. As a single united body, the Integrity Commission stands firmly behind its decisions. The Commission’s Members are striving to discharge their duties and responsibilities faithfully, in accordance with their oath, and with the provisions of the Integrity in Public Life Act. (November 2021)

Yet by the end of the first year of the life of the 17th Commission, there emerged a new organizational edifice on which governance and integrity would be the key foundational elements. The second year saw the flowering of the seeds planted in the first, emerging in full glory. The third and final year represented the completion of the new revolutionary direction of the Commission. With an acting Registrar, Ms Isha George, young in years but old in experience, at the helm, there was a commitment to using all possible administrative tools to support a Commission seeking to redefine itself and repudiate the unenviable reputation it had earned as a non-performing institution.

Ms Jessi Geoffroy whose tenure as Unit Head of the Investigations Unit started when she was merely 24 years old, together with Ms Vanna Gobin, the 27-year-old Unit Head of Compliance, Legal, Communications and Information Technology, proved indomitable forces in the battle to redefine the Commission. These two young Unit Heads represent the best of the human capital of Trinidad and Tobago and our future. They are leaders of a Commission that saw its administrative-centric staffing arrangement move from 63% of total staff to a mere 26%. The bulk of human capital is now centred on compliance and investigation of complaints.

The restructuring of the Commission took place in the context of a shrinking budget. The stark reality of the Commission is illustrated below in the comparison of budgetary allocation. It is interesting to note that the Office of the Procurement Regulator received **twenty-five million two hundred thousand dollars (\$25,200,000.00)** in its 2024 annual budget, which is slightly less than what the Commission received in the last three years. I can only note with envy a report pertaining to David West, Director of the Police Complaints Authority,

when he appeared before the Joint Select Committee, that "the authority was well-funded in terms of its daily operations. But with an increasing number of complaints coming to it and its efforts to improve its technological capabilities, West said the PCA *"requires some funding to provide for those enhancements."* (David West, TT Newsday, November 22, 2023).

Table 1.0 Budgetary Allocations

2009-2011	2012-2014	2015-2017	2018-2020	2021-2023
\$66,857,170.00	\$83,556,000.00	58,561,925.00	\$37,322,550.00	\$25,650,452.00

Yet, notwithstanding the significant reduction in funding, it is important to note the key achievements of the Commission. The two major functions of the Commission enshrined in the IPLA are compliance that deals with the filing of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests, and the investigations of complaints of misconduct against persons in public life.

COMPLIANCE

The Bill would require a person in public life to declare, in addition to his/her income, assets and liabilities, any gifts received by spouse or dependant children. It would also allow the Commission to deal with any gaps or inconsistencies found between income received and assets declared. This would effectively place the onus on a person in public life to explain any sudden accretion in the value of his net assets and to establish the source of income which would have given rise to such accretion. The intention is that it would be easy to detect any aspect of corruption and that the Commission on an examination of a declaration, if it is found that the income and assets which have been declared would be insufficient to fund the growth in the net worth which is disclosed—so that it has raised the presumption that there must be some other

income to account for that growth. (Former Attorney-General, Ramesh Lawrence Maharaj, TT Hansard, Tuesday November 09, 1999)

The journey to execute the parliamentary intent of the filing of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests has been a turbulent one. Persons in public life have had decades of non-compliance to enjoy, and change came at times with rancour. I will simply quote from a Press Release of the Commission of November 10, 2023:

"As the Integrity Commission pursues its statutory mandate to ensure that persons in public life file declarations of income, assets and liabilities and statements of registrable interests as required by law, it has noted with increasing concern that its staff members are being subject to verbal abuse by a small minority of persons in public life. The Commission must emphasise that there is no justification for the abuse of persons tasked with enforcing the law. The Commission wishes to state that integrity legislation is not unique to Trinidad and Tobago. In fact, in Caribbean countries such as Jamaica, Grenada and Dominica, the law establishes an Integrity Commission, whose purpose is to ensure transparency, accountability and integrity in public life by overseeing and reviewing compliance with the provisions of the law. In 2015, twelve (12) Caribbean countries formed

the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies in order to exchange knowledge. In other Commonwealth countries, such as Australia and Singapore, anti-corruption bodies are also empowered through anti-corruption legislation that gives them the means to investigate and deter corruption. We acknowledge and are grateful to the vast majority of persons in public life who exercise professionalism in their interaction with the Commission, and we look forward to the same from all persons in public life. “

It is not a secret that this was a major area of public concern with respect to non-compliance by persons in public life required to make such filings. Up to the end of 2020, it was estimated that there were almost **three thousand** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests outstanding for the years 2014-2019. For the period of 2018-2020, **one hundred and nine (109)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests were subjected to *ex parte* applications to the High Court. In contrast, for the period of 2021-2023, **three thousand, three hundred and twelve (3,312)** *ex parte* orders were sought for unfiled Declarations of Income, Assets and Liabilities and Statements of Registrable Interests.

The Compliance Unit has also entered unchartered territory by trying to initiate criminal proceedings against persons in public life who have failed to file their Declarations of Income, Assets and Liabilities and Statements of Registrable Interests after being subjected to successful *ex parte* proceedings compelling them to do so. The IPLA provides under section 21(5) that “*No prosecution of an offence under this Act, other than an offence under section 20(5), may be instituted without the written consent of the Director of Public Prosecutions.*” The

Commission has noted that there are persons in public life who have chosen to ignore *ex parte* orders from the Court to file their declarations and statements of registrable interests. This is a criminal offence under Section 11(8) of the IPLA. “*A person who fails to comply with the directions of the Court, commits an offence and is liable on conviction to a fine of one hundred and fifty thousand dollars.*”

As a consequence of the launch of its aggressive program to ensure compliance with the *ex parte* orders granted by the Court, the Commission wrote to the DPP by letters dated September 13, 2021 and November 22, 2021, requesting a meeting to chart a way forward. The Commission requested from the Office of the DPP assistance regarding the development and implementation of a policy for the prosecution of matters in accordance with section 11(8) of the IPLA. Most of 2022 was spent in a futile exercise with the Office of the DPP to obtain the relevant guidance. A first meeting was held on 30 August 2022 with the Deputy Director of Public Prosecutions but led to no positive result. Finally, the Commission met with the DPP on April 04, 2023, and received the advice that the prosecutions had to be prepared by the Trinidad and Tobago Police Service in prosecutable form and submitted to the DPP for consent prior to the taking of any action. The Commission worked diligently with both officers of the Anti-Corruption Unit and members of the Fraud Squad to present a file to the DPP in a prosecutable form in November 2023. To date, there is no further response from the DPP. This is after two (2) years of diligently reaching out to the DPP. **As a result, on December 28, 2023, the Commission decided to pursue in civil court, contempt proceedings against persons failing to comply with *ex parte* orders.**

Table 2.0 Percentage of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests Filed by Statutory Deadline of May 31

Percentage filed by Statutory Deadline of May 31, 2018, for Filing Year 2017	Percentage filed by Statutory Deadline of May 31, 2019, for Filing Year 2018	Percentage filed by Statutory Deadline of May 31, 2020, for Filing Year 2019	Percentage filed by Statutory Deadline of May 31, 2021, for Filing Year 2020	Percentage filed by Statutory Deadline of May 31, 2022, for Filing Year 2021	Percentage filed by Statutory Deadline of May 31, 2023, for Filing Year 2022
20%	21%	8%	13%	25%	33%

Table 3.0 Percentage of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests Voluntarily Filed by December 31

Percentage Voluntarily filed by December 31, 2018, for Filing Year 2017	Percentage Voluntarily filed by December 31, 2019, for Filing Year 2018	Percentage Voluntarily filed by December 31, 2020, for Filing Year 2019	Percentage Voluntarily filed by December 31, 2021, for Filing Year 2020	Percentage Voluntarily filed by December 31, 2022, for Filing Year 2021	Percentage Voluntarily filed by December 31st, 2023, for Filing Year 2022
45%	58%	41%	52%	56%	70%

Table 4.0 Compliance Rate as at December 31, 2023

YEAR	Number of Persons in Public Life	Percentage of Persons in Public Life Voluntarily filing Declarations of Income, Assets and Liabilities and Statements of Registrable Interests or doing so Pursuant to an Ex Parte Order
2014	1534	88%
2015	1748	82%
2016	1419	81%
2017	1302	81%
2018	1290	82%
2019	1297	79%
2020	1293	80%
2021	1261	76%
2022	1203	70%

The zero-tolerance approach of the Commission in filing Declarations of Income, Assets and Liabilities and Statements of Registrable Interests is manifested in the record filing over the past two years by the deadline filing date of May 31.

It is now very clear that the low compliance rate for the filing of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests either through *ex parte* order or voluntarily is now a thing of the past.

Subsequent to the filing of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests, Compliance Officers examine these documents to certify that the requirements of the IPLA were followed. The sad reality is that many persons in public life have complied with their statutory obligation to file their Declarations of Income, Assets and Liabilities and Statements of Registrable Interests, but some documents, going back to 2008, were just filed away at the Commission and never examined. The Commission empathises with persons in public life now being contacted with queries on their Declarations of Income, Assets and Liabilities and Statements of Registrable Interests for a period in excess of ten (10) years that were diligently filed. The reality is that there was no examination of **one thousand four hundred and fifty-one (1,451)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests of such persons to determine if they have been acting in accordance with the expected standards of integrity as contemplated by the IPLA. Ultimately, persons in public life were denied the statutory right of having their filed Declarations of Income, Assets and Liabilities and Statements of Registrable Interests certified as being in compliance with the IPLA.

For the period of 2018-2021, **one thousand, two hundred and fifty-four (1,254)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests were examined. In contrast, for the period of 2021-2023, **three thousand, four hundred and ninety-four (3,494)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests were examined.

Table 5.0 Review Rate as at December 31, 2023

Year	Number of Persons in Public Life	Percentage of Persons in Public Life whose filed Declarations of Income, Assets and Liabilities and Statements of Registrable Interests have been examined
2014	1534	98%
2015	1748	96%
2016	1419	95%
2017	1302	95%
2018	1290	94%
2019	1297	93%
2020	1293	90%
2021	1261	84%
2022	1203	41%

After the examination of the Declarations of Income, Assets and Liabilities and Statements of Registrable Interests filed by persons in public life, the Commission may enquire about the filed documents. These queries are drawn to the attention of declarants, who are required to respond. Unfortunately, there are persons in public life who refuse to do so. The Commission over the years has accepted this practice,

although the IPLA provides the statutory basis to commence *ex parte* proceedings to compel declarants to provide further particulars to the Commission. This situation has now changed in 2023. The Commission has launched an aggressive outreach program to have persons in public life respond to queries. While most have reacted favourably, some have not. The Commission has commenced the process of filing *ex parte* applications compelling persons to respond to queries with respect to filed Declarations of Income, Assets and Liabilities and Statements of Registrable Interests. The Commission has approved the filing of *ex parte* applications covering **nine (9)** persons in public life with respect to **seventeen (17)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests with queries for the period of 2014-2022. It is expected that the *ex parte* applications will be made in January 2024.

The question is how did state of affairs occur? Thousands of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests not filed. Years of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests filed and lying unexamined in folders in the vault of the Commission. Queries not issued on filed Declarations of Income, Assets and Liabilities and Statements of Registrable Interests.

It is interesting to compare the staff expenditure on compliance analysts and legal personnel in the Compliance Unit for the period of 2018 to 2020 and 2021 to 2023. There was a **one hundred and sixteen per cent (116%)** increase in expenditure which mainly came from the moving of resources from administration into compliance. As seen above, this investment has borne fruit.

Table 6.0 Staff Expenditure on Compliance and Legal Personnel

January 2018 to December 2020	January 2021 to December 2023
\$2,661,921.00	\$5,747,585.00

INVESTIGATIONS

Turning to investigations of complaints against persons in public life, the 17th Commission at the commencement of its term of office in January 2021 received a list of **sixteen (16)** active investigations. This list included events dating back to 2007. In many instances, investigations had to be re-started in the context of challenges due to the age of the allegations. Out of the sixteen (16) cases received, the Commission has closed **four (4)** investigations on the basis that no breach of the IPLA or the Prevention of Corruption Act, Chap. 11:11 (PCA) or misbehaviour in public office was found. **Four (4)** matters were referred to the investigated entity for implementation of actions to reduce corruption. **Five (5)** complaints have been referred to persons of interest as there is a statutory requirement that such persons be advised of any adverse reports prior to referral to the DPP, before the closing of an investigation. **Three (3)** matters are in an advanced stage of investigation.

From 2021 to 2023, the Commission dealt with **fifty-seven (57)** complaints against persons in public life (submitted by the public or initiated by the Commission on its own volition). This Commission has noted that many matters are publicly reported both on social and traditional media. The Commission has heeded the concerns expressed by the public (including persons in public life) and has exercised its

power under Section 33(a) of the IPLA to launch **eleven (11)** investigations into publicly exposed allegations of corruption.

With respect to complaints launched between 2021 to 2023, the Commission closed **sixteen (16)** investigations on the basis that there was no breach of the IPLA or the PCA. The number of investigations rejected under Section 34(a), was **eleven (11)**, with the number terminated as a result of the lack of jurisdiction being **seven (7)**. **One (1)** completed investigation was referred to the DPP, **one (1)** referred to the investigated entity for implementation of actions to reduce corruption; and **one (1)** has been referred to persons of interest as there is a statutory requirement that such persons be advised of any adverse reports prior to referral to the DPP, before closing of an investigation. **One (1)** complaint led to a finding of a breach of the IPLA and referral to the DPP pursuant to Section 31 of the IPLA, but no action was taken by the DPP, as the breach did not create any offence under the IPLA, although the DPP agreed that a conflict of interest was established.

As noted in the 34th Annual Report of the Commission, an audit of the Investigations Unit conducted at the end of 2021, revealed the presence of around **ninety-five (95)** investigations that appeared to be incomplete, that is, without minutes indicating closure. These

files date back to 2001 and there is no provision in the IPLA to close them because of the effluxion of time. The Commission has terminated **eleven (11)** investigations due to the discovery of minutes closing same. **Sixteen (16)** were terminated based on letters sent to complainants and persons of interest. The number of cold cases dismissed under Section 34 of the IPLA is **seventeen (17)**. One investigation has resulted in a recommended changes pursuant to Section 5 of the IPLA. The Commission terminated **three (3)** investigations due to the absence of jurisdiction and **eleven (11)** on the basis that no breaches of the IPLA or PCA were revealed. **Three (3)** investigations were referred to the DPP by the previous Commission. The Commission took decisions to pursue **five (5)** investigations. **Twenty-eight (28)** cold cases are still to be reviewed for a decision by the Commission.

So what was the reason for this state of affairs created by these cold cases that lay incomplete in the investigative vault of the Commission? I share the concern expressed by Dr Devant Maharaj in response to a letter received upon determination of a cold case by the Commission. According to a newspaper report. “He was also concerned that it took the commission nine years to address his complaint” (TT Guardian, November 25, 2023).

Table 7.0 Complaints Resolution

Number of Complaints Received or Initiated by Commission – January 01, 2018 to December 31, 2020	Number of Complaints Received or Initiated by the Commission – January 01, 2021 to December 31, 2023	Number of Complaints Determined – January 01, 2018 to December 31, 2020	Number of Complaints Determined – January 01, 2021 to December 31, 2023
39	57	18	36

It is interesting to note that for the period of January 01, 2018 to December 31, 2020, **thirty-nine (39)** complaints were submitted to the Commission of which **eighteen (18)** were determined. In contrast for the period of January 01, 2021 to December 31, 2023 **fifty-seven (57)** complaints were filed of which **thirty-five (35)** were determined. Importantly, of complaints submitted to the 17th Commission after January 01, 2021, there are only **two (2)** complaints for 2021 and **two (2)** for 2022 that have not been resolved. This is the result of the strict implementation of an investigation timeline and the requirement for monthly progress reports to be submitted to the Commission.

A noteworthy development is the first attempt by the Investigations Unit to obtain a Court Order so as to further its investigation was filed on December 07, 2023. This has been a consequence of the non-response of a state entity to provide information and/or documents to further the investigation into a complaint.

The Commission has also taken note of the instances of corruption that have been articulated in all forms of media. Accordingly, the Commission has exercised its power under Section 33(a) of the IPLA to investigate such allegations.

“The Commission—(a) may on its own initiative;...consider and enquire into any alleged breaches of the Act or any allegations of corrupt or dishonest conduct.”

Of interest is also the comparison of staff expenditure for the period of 2018 to 2020 and 2021 to 2023. This is a mere **eighteen (18) percent** increase in expenditure with a much greater level of productivity. Indeed, between 2018 to 2020, **eighteen (18)** investigations were closed to be contrasted with **one hundred and**

four (104) for the period of 2021-2023. The inclusion of a legal officer with an investigator with an accounting/finance background has produced the desired results.

Table 8.0 Staff Expenditure on Investigations Unit

January 2018 to December 2020	January 2021 to December 2023
\$2,649,793.00	\$3,124,517.00

LEGISLATIVE REFORM

Moving to the legislative structure of the Commission. There are major deficiencies in the law that render the Commission somewhat ineffective.

A Dragon Without Fire

So where, before, the Integrity Commission merely could have only received these declarations and filed them and probably sought to get some explanation with no powers or no teeth to enforce the integrity legislation, to really investigate—as people said it was like a dragon without fire—now under these measures we are giving the Integrity Commission the power to receive complaints from the public, investigate the complaints, investigate matters even if they offend the criminal law and then obviously, in doing that, we would see they



would get the assistance of the police in that investigation and to consider whether any person is dishonest or conducive to corruption.

(Former Attorney-General, Ramesh Lawrence Maharaj, TT Hansard, October 06, 1999)

No Offences Relating to Statements of Registrable Interests

Another important feature of the Bill is to invest the Integrity Commission with the necessary authority to prepare a public disclosure statement. The statement will be compiled by the Integrity Commission from the financial declarations file and will reveal only those areas of a declarant's financial dealings which would impact upon his decision-making and which would create a perception of conflict of interest. It would not, however, reveal the net worth of the declarant whose interests do not conflict with his public functions. (Former Attorney-General, Ramesh Lawrence Maharaj, TT Hansard, Tuesday November 09, 1999)

Section 14 of the IPLA creates a requirement for the filing of a Statement of Registrable Interests. This contains some of the information found in the Declaration of Income, Assets and Liabilities. The Statement of Registrable Interests is a critical document as it is the only document accessible to the public that provides an understanding of the financial circumstances concerning a person in public life. While there are offences relating to the Declarations of Income, Assets and Liabilities, the failure to provide similar offences with respect to the Statements of Registrable Interests is ultimately a betrayal of the public and its desire for transparency and the accountability of persons in public life. It is easy to recall the furore during the last local government elections in August 2023 with respect to a person in public life not including a property in a filed Statement of Registrable Interests. The Commission was

attacked, and particular members personally, for finding a breach and not referring the matter to the Director of Public Prosecutions. This is in spite of the fact that there is no power in the IPLA to do so. Indeed, the Commission in February 2022 submitted amendments to the IPLA to the government, specifically seeking this amendment.

No Sanctions for Breach of Code of Conduct

A Commission whose strongest weapon against the lack of integrity in public life is a Code of Conduct that is devoid of sanctions is correctly described as toothless. Trinidad and Tobago, as an ex-British colony, falls within the realm of Western legal traditions. The emphasis is on the individual instead of the group. Therefore, sanctions are critical for obedience of the law. Thomas Hobbes is one of the influential thinkers on the rule of law. His perception of human nature shaped his view on the law. "Whatsoever therefore is consequent to a time of war, where every man is enemy to every man ... and the life of man, solitary, poor, nasty, brutish and short." Accordingly, Hobbes defined law as a command issued by the sovereign addressed to persons obliged to obey. An order addressed to someone not compelled to obey is not law. Therefore, it follows that if the law is disregarded and no sanctions are applied, then the law loses its stature and cannot be considered law. It becomes a tragic reflection of the failure of the governmental power with ultimate responsibility for the rule of law. The 17th Commission has found, on occasions, breaches of the Code of Conduct, which is enshrined in the IPLA. Though such breaches must be reported to the Office of the DPP, there are no sanctions contained in the IPLA to discourage such breaches. Interestingly, in one recent investigation, the DPP agreed that there was a conflict of interest, but no action could be taken as there was no offence created.

As required by the IPLA, the findings referred to the DPP were also submitted to the state entity investigated and the appropriate line minister with no response. An amendment to the IPLA was proposed in February 2022, to create offences for breaches of the Code of Conduct.

Limited Jurisdictions - The Commission has jurisdiction over persons in public life and persons exercising public functions. A person in public life refers to a person listed in the Schedule of the IPLA. "Person exercising public functions" is defined under Section 2 of the IPLA as including all persons holding office under the Public Service, Judicial and Legal Service, Police Service, Teaching Service and Statutory Authorities' Service Commission, as well as members of the Diplomatic Service and Advisers to the Government.

So, in terms of jurisdiction the arising question is what is the reach of the entities considered as statutory authorities? Section 2 of the Statutory Authorities Act Chapter 24:01 states: "*Statutory Authority*" means a local authority and any commission, board, committee, council or body (whether corporate or unincorporated) established by or under an Act other than the Companies Act declared by the President under section 3 to be subject to the provisions of this Act" What does this mean for the Integrity Commission? With regard to a body incorporated under the Companies Act of Trinidad and Tobago, the Commission would have jurisdiction only over Members of the Board of such a State entity. The Commission would only be able to investigate and pursue action against Board Members as they would be considered as persons in public life. The Commission has jurisdiction over members of the Board of such entities as being persons in public life. However, there is no jurisdiction to investigate acts, or omissions by non-Board Members (such as senior management officials). Examples of

these state companies include the National Gas Company of Trinidad and Tobago Limited and Paria Fuel Trading Company Limited.

The Commission has jurisdiction over persons exercising public functions, where such persons are employed by state entities incorporated by an Act other than the Companies Act (such as an Act of Parliament). However, such entities must also be proclaimed by the President as such under the Statutory Authorities Act. These entities include the Agricultural Society of Trinidad and Tobago. The Zoological Society of Trinidad and Tobago, and the National Lotteries Control Board.

Where a state enterprise has been incorporated by an Act of Parliament and not declared under the Statutory Authorities Act by the President, a breach of the IPLA cannot be made out against non-Board Members and action can only be taken if a case can be extended against the Members of the Board of the State Enterprise. The Commission has jurisdiction over members of the Board of such entities as being persons in public life. However, a breach of the IPLA or the PCA or a commission of an offence, cannot be made out against non-Board Members. Examples of these statutory authorities are Water and Sewerage Authority and the Trinidad and Tobago Electricity Commission.

An amendment to the IPLA was proposed in February 2022 to bring all persons exercising public functions in all state entities under the jurisdiction of the Integrity Commission whether or not such state entities are incorporated under the Companies Act or by any other mechanism.

Gifts - In 2018, the Parliament's ethics watchdog of Canada slapped Prime Minister Justin Trudeau with a fine for breaking the Conflict of Interest Act over a pair of sunglasses. Trudeau paid \$100 for failing to declare a gift worth more than \$200

within 30 days of accepting it, according to a notice from the Office of Conflict of Interest and Ethics Commissioner Mario Dion. It was posted online sometime this month.

The issue of gifts being accepted by persons in public life become a major governance issue over the past year. In June 2023, a Hollywood producer testified that he gave gifts to Israeli President Benjamin Netanyahu to persuade the current President to exercise the influence of his office for the producer's interests. This is in the context of the current trial in which prosecutors have alleged that Netanyahu has committed breach of trust, fraud and bribery. The President's lawyers have described these gifts as "friendly gestures." Politico reported that "witness accounts have shed light not only on the three cases against Netanyahu but also revealed sensational details about his character and his family's reputation for living off the largesse of taxpayers and wealthy supporters. Milchan's aide, Hadas Klein, testified last year that the Netanyahu family "loves gifts." (Politico, 2023)

Recently, in the United States, the relationship between Supreme Court Justice Clarence Thomas and billionaire Harlan Crow attracted much interest. Spotlight was cast on a trip in 2019 with a private jet and a superyacht estimated to cost in excess of \$500,000. It has now emerged that for decades Thomas has accepted luxury trips virtually every year from the Dallas businessman without disclosing them. In a statement, Crow acknowledged that he'd extended "hospitality" to the Thomases "over the years," but said that Thomas never asked for any of it and it was "no different from the hospitality we have extended to our many other dear friends." There is no issue of Crow engaged in any litigation before the US Supreme Court.

One of the strategic goals of the Commission is to preserve and promote the integrity of public officials and institutions and for matters incidental thereto. This goal is in accordance with the IPLA, which outlines, briefly and unambiguously, that gifts are contrary to the ethical standards of public office:

Section 27 (1) "A person to whom this part applies shall not accept a fee, gift or personal benefit, except compensation authorised by law, that is connected directly or indirectly with the performance of the duties of his office."

This means that there is an absolute prohibition on any person in public life or exercising a public function from accepting a fee, gift or personal benefit that is connected directly or indirectly with the performance of the duties of his office. Gifts or personal benefits that are received as an incident of the protocol or social obligations that normally accompany the responsibilities of office may be accepted with an obligation to report same to the Commission when the value exceeds \$5,000.00. Information on such gifts is lodged in the Register of Interests, which is open to public viewing.

27 (2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.

(3) Where a gift or personal benefit referred to in subsection (2) exceeds five thousand dollars in value or where the total value received directly or indirectly from one source in any twelve-month period exceeds five thousand dollars, a person in public life shall file with his declaration, a statement indicating the nature of the gift or benefit, its source and the circumstances under which it was given or accepted.

(4) For the purposes of this section, the amount of a gift comprising property, other than money, shall be deemed to be an amount equal to the value of the property

The burning issue is whether all gifts that are not connected directly or indirectly with the performance of the duties of a person in public office or exercising a public function ought to be disclosed and lodged in the Register of Interests. There can be a dollar limit for registering a gift based on the same amount applicable to gifts that are an incident of the protocol or social obligations that accompany the responsibilities of an office. The reason for the registering gifts that are not connected directly or indirectly with the performance of the duties of a person in public office or exercising a public function is based in the potential of a conflict of interest that may arise in future dealings between the gift bearer and the gift receiver. This is clearly an area for legislative consideration. An amendment to address this issue was submitted to the government on August 18, 2023.

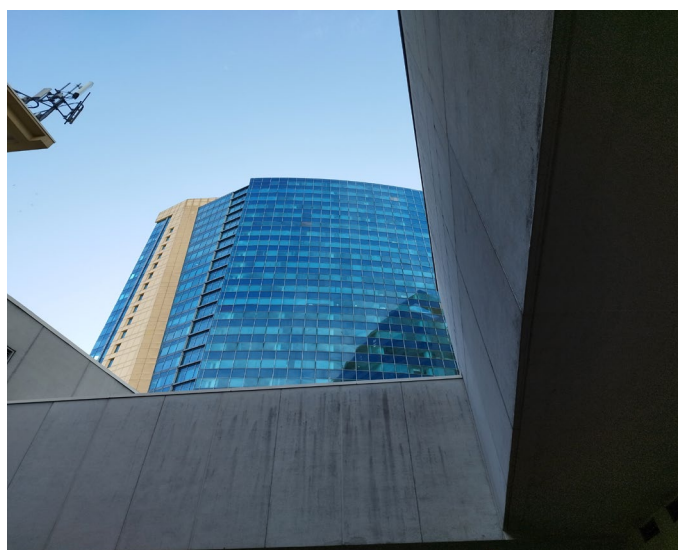
Limited Investigative Powers - A Commission that lacks proper investigative powers similar to that of the police is constantly swimming against the tide in resolving complaints against persons in public life and persons exercising public functions.

No Independent Prosecutorial Power - A Commission that depends totally on the Office of the Director of Public Prosecution to take enforcement action against those who contravene the IPLA cannot meet the aspirations of the people of Trinidad and Tobago for a corruption-free society. The IPLA provides for *ex parte* action to compel persons in public life to file Declarations and Statements of Registrable Interests. Many persons in public life have chosen to ignore the orders of the Court, and the 17th Commission has been engaged in a futile struggle for almost its entire three-year term to get a positive response from the Office of the Director of Public Prosecution. After two years of attempting to engage the Office of the DPP, the ball was passed to the Trinidad and

Tobago Police Service. It is understandable that the Office of the DPP has its challenges but that is no comfort to the Commission.

It is enviable to see the situation in Jamaica where its relatively recent Integrity Commission Act of 2017, establishes the office of Director of Corruption Prosecutions: *Section 54 (3) Where upon completion of an investigation, the Director of Investigation is satisfied that there are reasonable grounds for suspecting that - (b) An act of corruption or an offence under this Act has been committed, the Director of Investigation, shall, in his report to the Commission, recommend that the matter be referred to the Director of Corruption Prosecution who may take such action as may be deemed appropriate.*

The IPLA embodies a concerning centralization of power. Ineffective legislation supplements the status quo where power is centralized. Corruption takes advantage of these gaps that form from unilateral power. It takes advantage of the bad faith the public has in independent institutions like the Commission, which can only point in the direction of corruption, but never arrest it.



ADMINISTRATION

There is an urgent need to look beyond the statutory mandate of the Commission and focus on its administration. A Commission that is starved for funds with **0.016%** of the annual budgetary allocation for 2022; **0.015%** for 2023; and **0.013%** for 2024. How much can be expected in the fight against corruption if that is what a society is prepared to invest? Henry Kissinger famously stated, “Who controls money controls the world.” A Commission that has no influence over its financial allocation can only boast of its independence in an imaginary world.

Section 5(2) of the IPLA.-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.

When complaints are made against persons in public life and persons exercising public functions and the Commission is confronted by a plethora of senior counsels but is without a budget to seek similar expertise, it becomes an enduring battle. For the budget year of 2024, we were given **One Hundred and Fifteen Thousand Dollars (\$115,000.00)**, a token increase from the 2023 allocation of **\$45,000.00**. The Attorney General has maintained his position that the funding of legal experts by the Office of the Attorney-General is still under review, and no assistance has been forthcoming. Yet the relentless correspondence from Senior Counsels continue unabated, and the Commission is left to fend for itself. I continue to be grateful for the cadre of young attorneys at law who have embraced the legal challenges posed.

The Commission recognises the importance of job security and interconnectedness for the development of the Commission’s

human capital, which in turn impinges on the sustainability of the organisation. One of the obvious limitations to the development of the Commission’s human capital is the offer of solely short-term contracts for professionals. The short-term contract arrests opportunities for advancement and is inimical to long-term professional development. This causes employees to leave for more stable positions, creating a high employee turnover. In effect, the short-term contract compromises the security of tenure and the holistic nature of the organisation.

With a cadre of younger staff members, driven by the mantra of performance, it is critical that long-term contracts are offered to ensure that there is an adequate rate of return to the Commission from its training efforts. As noted, the 17th Commission reduced administrative staff from **63% to 25%**. The average age of the Investigations Unit was reduced from **sixty-seven (67) to twenty-nine (29)**. The average age of the Compliance Unit was reduced from **fifty (50) to thirty-three (33)**. New vigour flowed through the veins of the Commission to achieve what some thought impossible.

The Commission should represent a future for these employees instead of being a short-term option. To curb the insecurity of the short-term contract, the Commission has a ‘built-in renewal process,’ that is, rather than mutely dismiss professionals, the Commission uses performance reports to justify renewal or termination of contracts. This process, deployed out of necessity of preserving the integrity of the Commission, therefore simulates long-term employment. In fact the Solicitor General in 2021 advised, in accordance with the IPLA, that as an independent entity, the “*Commission has to be provided with staff that it requires to discharge its function in a prompt and efficient manner.*” The Solicitor General also advised that

the Commission *“has the authority to appoint or employ the officers and employees which it requires to discharge its functions”* and, due to this, *“if the Commission is of the opinion that ‘for the proper carrying out of its functions’ such persons should be given fixed term contracts instead of the current short-term contracts it can do so.”* The Commission first sent a Note for consideration by the Cabinet on March 29, 2018, on the subject of employing additional staff. A letter was then sent to all Ministries and Departments outlining proper guidelines for submission on August 19, 2020. The Commission then submitted a new Note for consideration by Cabinet on January 20, 2021. The Commission aims, as outlined in that Note, to strengthen staffing structure by creating additional offices in the permanent establishment and providing long-term contracts to ensure that the highly confidential nature of the work is preserved. No response was received on that Note and a revised Note was submitted on August 12, 2022. The Ministry of Public Administration responded to the Commission on November 01, 2022, and sought revisions of the Note. The Commission re-submitted the Note on November 28, 2022. The Commission still awaits a response.

The Commission has, on December 28, 2023, since commenced judicial proceedings led by Mr Larry Lalla, SC, Mr Kiel Taklalsingh, and Kavita Anita Moonasar, providing pro bono legal services in the absence of funding, together with our in-house counsel, Renata Ramlochan for an interpretation of the IPLA concerning the ability of the Commission to determine the terms and conditions of its contract employees, control of its organisational structure, allocation of human resources, and ultimately, the independence of the Commission.

Are the words of Smith JA true?

“Equally, the Commission is an autonomous creature of the Constitution, answerable to no one and vested with sweeping and invasive powers over persons and bodies under its jurisdiction. Its functions are very expansive and comprehensive. By way of illustration, the Commission is tasked with examining and retaining all returns filed; making inquiries to verify the accuracy of those returns; investigating complaints with respect to breaches of the Integrity Act; investigating conduct which may be considered corrupt; instructing, advising and assisting heads of public bodies in respect of practice and procedure and carrying out programs of public education”. (TSTT v Integrity Commission, CA No. 30 of 2008)

What sweeping powers does the Commission possess? Persons in public life control the organisation chart, the allocation of human resources, and funding. Obviously, no public body can expect access to an unlimited purse. No public body should be allocated taxpayers money and not held accountable. But equally, no independent body should be subjected to the challenges facing this Commission.

CONCLUSION

It is not coincidental that the main successes in the anti-corruption have occurred outside of the jurisdiction of Trinidad and Tobago. In the 1980s, there were three main corruption legal proceedings. Tesoro settled a lawsuit with Trinidad and Tobago filed in the United States, paying \$2.8 million for wire and mail fraud, racketeering, bribery, as well as violations of prostitution laws. With respect to the failed attempt at building a centralized racing facility, Sam P Wallace Company Incorporated entered into a consent agreement in the United States in 1983 when it pleaded guilty to corrupt payments

in Trinidad and Tobago and was ordered to pay a fine of USD 530,000.00.

The 1980s also featured John O' Halloran, who was accused of corruption in the acquisition of DC-9 aircrafts from McDonnell Douglas for Trinidad and Tobago. Having fled Trinidad and Tobago for Canada, he agreed to pay the Trinidad and Tobago government 4 million Canadian dollars in a lawsuit filed in Ontario. In 2023, the focus shifted to a court in Miami, when Trinidad and Tobago was awarded almost \$1 billion (TT) in the Government's successful Piarco civil asset forfeiture case, which arose out of the construction of a new airport at Piarco.

The obvious question from these examples is why after 61 years of independence we are still dependent on foreign courts for justice in corruption matters. The Commission recognizes the need to strengthen the legislative regime for combatting the pervasive presence of corruption in Trinidad and Tobago. Recommendations have been made for such legislative changes, but nothing has been forth coming. The full proclamation of the Public Procurement and Disposal of Public Property Act, No. 1 of 2015, on April 26, 2023, was a step in the right direction but much more must be done.

The unescapable reality is that since its passage, there have been two unsuccessful prosecutions under the IPLA, that of former Prime Minister, Basdeo Panday and former Minister of Energy, Finbar Gangar. Clearly, in a land where allegations of corruption flow daily like an endless stream, how relevant is the Commission?

The post-colonial legacy of corruption unleashes a pandemic on our nation that in the future would render the ravages of COVID-19, a pale comparison. Our children are being robbed of their birthright by our indifference and passive

acceptance of the thread of corruption that has slowly woven itself into the fabric of our society. To accept corruption as inevitable and an implacable social norm is to condemn our society to its doom. So where do we turn? An inquiry of the Office of the President for guidance on the issues confronting the Commission was met with the response that the well established practice of the Office of the President is not to intervene in the day-to-day operations of the Commission. Then to whom can the Commission turn for assistance in improving its relevance? According to a former Chairman of the Commission, Ken Gordon, *"You either make your Integrity Commission effective, give it the tools to get the job done as other people who are suffering these problems abroad, amending their Constitutions. We can do that or scrap it,"* he said. Unfortunately, scrapping the Commission will not rid the nation of the scourge of corruption. That is not an option.

The need to act is imperative. It can no longer be an issue about our leaders. In the hallowed halls of Parliament, there is often mention of white-collar crimes. Newspaper reporters also spread the gospel. Yet, the overarching question we must always confront is whether we the citizens of Trinidad and Tobago are prepared to demand a society where there is integrity in public life. A society where the words "All ah we Tief", will never again be uttered. A society where the slogan "Do the Right Thing Always" is not merely empty jingoism. In the words of Delia Ferreira, Transparency Institute, "People's indifference is the best breeding ground for corruption to grow".

Let this not be Sweet T&T.

As Chairman, I wish to express my heartfelt appreciation to staff of the Commission who has worked extremely hard over the past two (2) years to ensure that the statutory objectives were met and surpassed. To my fellow members who stood firm for three (3) long years in the struggle to change the culture of the Integrity Commission. I could not ask for more. Our disagreements at times have tested our resolve but we have stayed united even when divided.

Members worked hard to justify the investment by taxpayers in an Integrity Commission. The results speak for themselves. The journey has now started but there is much still to be done. Integrity in public life will remain an elusive dream in the absence of legislative and administrative changes.

The views expressed in this Chairman's message are those of the Chairman alone.



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Prof. Rajendra Ramlogan BA Eng.Lit. (UWI)
LLB (UWI), LEC (HWLS), LLM (NYU School of Law)
PhD (Cantab.) FRCS
Chairman

THE INTEGRITY COMMISSION

The Integrity Commission (*“the Commission”*) is a constitutional body created by Sections 138 and 139 of the Republic of Trinidad and Tobago Constitution and established by Section 4 of the Integrity in Public Life Act (*“the IPLA”*). Section 4 also provides for the membership of the Commission, that is to say, a Chairman, a Deputy Chairman and three (3) other members. All Commission Members must be persons of integrity and high standing; at least one (1) member must be an Attorney-at-law with at least ten (10) years’ experience. Another must be a chartered or certified accountant.

VISION STATEMENT

The Integrity Commission of Trinidad and Tobago is the premier State institution for the promotion and preservation of integrity in public affairs and making Trinidad and Tobago a corruption free society.

MISSION STATEMENT

The Integrity Commission of Trinidad and Tobago and its team of dedicated professionals promote and facilitate the highest ethical standards by:

- ensuring compliance with the Act;
- detecting and eradicating corrupt practices and dishonest conduct;
- educating the public in an effort to eradicate corruption, improve governance and engender a national culture of integrity; and
- providing excellent customer service.

OUR VALUES

Confidentiality, Integrity, Professionalism, Teamwork

OBJECTIVES

The aims and objectives of the Commission can be succinctly described as:

- implementing new provisions for the prevention of corruption of persons in public life by requiring disclosure of information relating to income, assets and liabilities of such persons;
- regulating the conduct of persons in public life/persons exercising public functions; and
- preserving and promoting the integrity of public officials and institutions.

POWERS AND FUNCTIONS OF THE INTEGRITY COMMISSION

The Commission is mandated to carry out those functions and exercise the powers specified in the Act. Among other things, the Commission:

- shall not be subject to the direction or control of any other person or authority;
- may in all cases where it considers it appropriate to do so, make use of the services or draw upon the expertise of any law enforcement agency or the Public Service;
- may for specific projects or investigations enter into contracts for the services of persons having technical or specific knowledge of any matter relating to the work of the Commission; and
- shall have the power to authorize investigations, summon witnesses, require the production of any reports, documents, other relevant information, and to do all such things as it considers necessary or expedient for the purpose of carrying out its functions.

CORRUPTION AND THE STATE OF THE COUNTRY

There are various laws that address the corruption of public officials in Trinidad and Tobago and include:

- The Integrity in Public Life Act Chapter 22:01
- The Prevention of Corruption Act Chapter 11:11
- The Public Procurement and Disposal of Public Property Act No. 1 of 2015

The Corruptions Perceptions Index 2022 ranked Trinidad and Tobago 77th out of 180 countries, with a score of forty-two (42) – one point below the global average and the regional average of the Americas. In its regional profile of the Americas, Transparency International mentioned Trinidad and Tobago only once, but suggested that the drug trade has hijacked and exposed the weakened integrity of certain institutions, as reflected by the perception of police corruption:

“In the Caribbean, drug cartels have taken advantage of weaknesses in law enforcement institutions, high levels of corruption and unguarded coastlines. According to Transparency International’s Global Corruption Barometer for 2019, 50 per cent of people consider the police corrupt in Jamaica (44), while in Trinidad and Tobago (42) that figure soars to 61 per cent.”

Furthermore, one discerns from the 2022 United States Department of State Report on Human Rights Practices: Trinidad and Tobago that two critical features of the corruption dilemma arise: official complicity and lack of justice. As noted in Section 4: Corruption and Lack of Transparency, “the law provides criminal penalties for corruption by officials, but the government reportedly did not effectively enforce the law, and officials allegedly engaged in corrupt practices with impunity.” The Report also remarks that corruption is present at many levels of government and implicates police officers, Coast Guard officials, and government officials.



REPORT ON THE UNITS OF
THE COMMISSION:
ENTRENCHING THE
TRANSFORMATION

COMPLIANCE

FILING OF DECLARATIONS OF INCOME, ASSETS AND LIABILITIES AND STATEMENTS OF REGISTRABLE INTERESTS FOR THE FILING YEAR 2022

A major statutory duty of the Commission is to mandate the filing of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests by persons in public life. A person in public life is mandated under sections 11 (1) and 14 (1) of the IPLA to file a Declaration of Income, Assets and Liabilities and a Statements of Registrable Interests by May 31st of each year. The increased vigilance of the Commission has led to a massive rise in the voluntary filing of declarations and statements of registrable interests. A filing year ends on May 31st. By the deadline date of May 31st, 2023, **eight-hundred and seventy-three (873)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests were filed during the period of January 31, 2023 to May 31, 2023.

This can be compared to the **two hundred and sixty-eight (268)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests filed for the period of January 31, 2021, to May 27, 2021, the year that the 17th Commission assumed duty. It is also significant that for the specific filing year of 2022, there has been an increase by one hundred and thirty-

eight percent (**138%**) of filed Declarations of Income, Assets and Liabilities and Statements of Registrable Interests.

By May 31st, 2021, there were **one hundred and sixty-four (164)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests filed for the filing year 2020. This must be contrasted with the **three hundred and ninety-four (394)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests filed for the filing year 2022 as of May 31st, 2023. As at December 31, 2023, **eight hundred and forty-four (844)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests have been filed for the filing year 2022.



Head of Compliance, Ms Vanna Gobin

Table 9.0 Declarations of Income, Assets and Liabilities of Registrable Interests Cumulatively Filed For Filing Year 2022

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
10	28	61	109	394	519	590	642	667	735	783	844

In 2023, one thousand, eight hundred and ninety-six (1,896) persons in public life filed Declarations of Income, Assets and

Liabilities and Statements of Registrable Interests for the filing years 2014-2022. The table below shows figures showing filings for various years.

Table 10.0 Filing of Declarations of Income, Assets and Liabilities of Registrable Interests for the Filing Years 2014-2022 as filed in 2023

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
124	134	137	114	364	208	161	120	86	114	190	144

EXAMINATION OF DECLARATIONS OF INCOME, ASSETS AND LIABILITIES AND STATEMENTS OF REGISTRABLE INTERESTS

An audit of the operations of the Compliance Unit revealed the presence of over **One Thousand Four Hundred and Fifty-One (1,451)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests that were diligently filed by persons in public life between the period of 2014 to 2020, but which simply had not been examined by the Compliance Unit as mandated by the IPLA:

Section 13. (1) The Commission shall examine every declaration that is filed and ensure that it complies with the requirements of the Act, and may request from a declarant, any information or explanation relevant to a declaration made by him and which would assist in its examination

The 17th Commission regrets this state of affairs as well as the inconvenience caused to persons in public life as the Commission sought to address the issue. The failure to examine Declarations of Income, Assets and Liabilities and Statements of Registrable Interests in a timely manner affects both persons in public life and the general public. The Commission is responsible for compiling and maintaining a Register of Interests, which refers to the filing of Statements of Registrable Interests by persons in public life as part of the compliance function. The failure to examine Declarations of Income, Assets and Liabilities and Statements of Registrable Interests filed by persons in public life undermines the public ability to access an accurate Register of Interests. It is the current approach of the 17th Commission that a person in public life submitting Declarations and Statements of Registrable Interests should have same reviewed within six (6) months of submission and not as long as

Table 11.0 Number of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests examined in 2023 for filing years 2014-2022

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
365	101	381	270	191	257	312	270	209	223	229	135

seventeen (17) years, as has occurred in the past. In 2023, approximately **two thousand, nine hundred and forty-three (2943)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests were examined for the filing period 2014-2022.

CERTIFICATION OF DECLARATIONS OF INCOME, ASSETS AND LIABILITIES AND STATEMENTS OF REGISTRABLE INTERESTS

Persons in public life are entitled to receive the assurance that they have complied with the IPLA. This is done through a certification process undertaken after the examination of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests filed by persons in public life.

Section 13(3) of the IPLA- Where, upon an examination under subsection (1), the Commission is satisfied that a declaration has been fully made, it shall forward to the person in public life, a Certificate of Compliance

The duty to certify Declarations of Income, Assets and Liabilities and Statements of Registrable Interests is mandatory as it ensures that public confidence is maintained between the Commission and persons in public life.

For the year ending December 31st, 2023, **seven hundred and thirty-three (733)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests have been certified.

PUBLISHING

Before making ex parte applications to the Court, the Commission can enforce compliance through publication of the names of persons who failed to file their Declarations of Income, Assets and Liabilities and Statements of Registrable Interests under the IPLA as follows:

Section 11(6): Where a person who is required to do so fails to file a declaration in accordance with this section or without reasonable cause, fails to furnish particulars in accordance with section 13 or fails to file the statement of registrable interests under section 14, the Commission shall publish such fact in the Gazette and at least one daily newspaper in circulation in Trinidad and Tobago.

In January 2023, the Commission published the names of **five hundred and twenty-nine (529)** persons in public life who failed to file Declarations of Income, Assets and Liabilities and Statements of Registrable Interests for the years 2014 to 2021, in the Gazette and the Trinidad and Tobago Newsday.

Following this, in November 2023, the Commission published two lists that comprised the names of **four hundred and sixty-one (461)** persons who failed to file their Declarations of Income, Assets and Liabilities (Form A) and Statements of Registrable Interests (Form B) and the names of **nine (9)** persons who did not respond to queries for further particulars, in two major newspapers (Express, Guardian) as the prelude to the taking of ex parte action.

Table 12.0 Number of Declarations Certified for 2023

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
84	36	50	55	116	41	118	47	34	21	97	34

EX PARTE ACTIONS

The Commission continues its zero-tolerance approach to non-compliance by seeking ex parte action against persons who failed to file their Declarations of Income, Assets and Liabilities and Statements of Registrable Interests between the years 2014-2022.

In 2019, the 15th Commission approved a policy to address the backlog of over **three thousand (3000)** unfiled Declarations of Income, Assets and Liabilities and Statements of Registrable Interests for the period 2014-2019. The 17th Commission, on assuming office, implemented a special project to clear the backlog and extended it into 2021. In August 2023, the Commission cleared the backlog with the final filing of ex parte applications covering 2014-2021.

As of December 31st, 2023, the Commission filed ex parte applications covering approximately **one thousand, six hundred and four (1604)** persons in public life with respect to **three thousand, three hundred and twelve (3312)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests for the period of 2014-2022.

As of December 31st, 2023, court orders were granted with respect to **two thousand, one hundred and seventy-two (2172)** Declarations of Income, Assets and Liabilities and Statements of Registrable Interests. **Nine hundred and**

fourteen (914) Declarations of Income, Assets and Liabilities and Statements of Registrable Interests were submitted in compliance with the High Court orders. **One thousand, one hundred and eighty-three (1183)** ex parte orders were served.

The Commission has recovered, as of December 31st, 2023, **nine hundred and ninety-eight thousand eight hundred dollars (\$998,800.00)** in costs in the said *ex parte* proceedings. These monies were deposited into the Consolidated Fund.

CRIMINAL ENFORCEMENT OF FAILURE TO FILE DECLARATIONS OF INCOME, ASSETS AND LIABILITIES AND STATEMENTS OF REGISTRABLE INTERESTS

The Commission has engaged with the Office of the Director of Public Prosecutions ("*the DPP*") to request assistance with the prosecution of persons who have not complied with court orders directing them to file Declarations of Income, Assets and Liabilities and Statements of Registrable Interests.

Section 20(5)(a) of the IPLA states that: "no prosecution of an offence under this Act other than an offence under section 20(5), may be instituted without the written consent of the Director of Public Prosecutions."

Table 13.0 Ex Parte Proceedings as at December 31, 2023

Number of Unfiled Declarations and Statements of Registrable Interests Subjected to Ex Parte Proceedings	Orders Granted by the Court	Court Orders Served	Declarations and Statements of Registrable Interests Filed Pursuant to Court Orders
3312	2174	1183	914

The Chairman of the Commission and the Director of Public Prosecutions, together with an advisor to the Office of the DPP, met on March 13th, 2023, and held extensive discussions on the enforcement of ex parte orders for the filing of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests that were served but not obeyed. Discussions centred on moving the process forward and collaborating with the Police Service to ensure an efficient prosecutorial process. Pursuant to this meeting, the Commission dispatched a letter to the Commissioner of Police on March 14th, 2023, seeking an urgent audience to address the issue of enforcement.

On April 4th, 2023, this meeting was held with the Police Service to discuss enforcement of Section 8 of the IPLA, by ensuring that ex parte applications against non-compliant persons in public life are in prosecutable form, i.e, showing evidence of breaches. In order to iron out any issues in this process, the Police Service, as a preliminary suggestion, proposed a memorandum of understanding treating with the preparation of files which are to be submitted to the Office of the DPP. On August 25th, 2023, representatives from the Commission had a meeting with the Fraud Squad regarding prosecutorial matters under Section 11(8) of the IPLA which states:

(8) A person who fails to comply with the directions of the Court, commits an offence and is liable on conviction to a fine of one hundred and fifty thousand dollars.

The meeting concluded with the decision that the Commission will assist police in prosecuting the offence delineated in Section 11(8) of the IPLA. The Commission has worked assiduously with the Trinidad and Tobago Police Service and in November 2023, the TTPS submitted a brief

in prosecutorial form to the DPP. A response from the DPP is still outstanding. As a result, on December 28th, 2023, the Commission approved the filing of contempt of court proceedings in January 2024 with respect to persons not complying with ex parte orders.

NON-RESPONSE TO QUERIES ON FILED DECLARATIONS OF INCOME, ASSETS AND LIABILITIES AND STATEMENTS OF REGISTRABLE INTERESTS

In order to issue Certificates of Compliance to persons in public life, it is integral that filed Declarations of Income, Assets and Liabilities and Statements of Registrable Interests contain all the required information.

The Commission reviewed the operations of the Compliance Unit and found that approximately **thirty-four (34)** persons in public life representing **eighty-five (85)** years of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests are operating on the premise that once they have filed their Declarations of Income, Assets and Liabilities and Statements of Registrable Interests, there is no need to respond to queries made in relation to such filings after completion of the examination process by the Compliance Unit. This is a premise upon which some persons in public life appear to have operated since the inception of the Commission.

The IPLA clearly provides that upon the examination of Declarations of Income, Assets and Liabilities and Statements of Registrable Interests, the Commission may require further information from persons in public life pursuant to Section 13(1) and 13(2)(a) of the IPLA.

Section 13(1) of the IPLA - “the Commission shall examine every declaration that is filed and ensure that it complies with the requirements of the Act, and may request from a declarant, any information or explanation relevant to a declaration made by him and which would assist in its examination.”

Section 13(2)(a) of the IPLA - “the Commission may require that a declarant furnish such particulars relating to his financial affairs as may be considered necessary.”

The IPLA authorises the Commission to commence ex parte proceedings under subsections 11(6) and 11(7) and to compel persons in public life who have filed their Declarations of Income, Assets and Liabilities and Statements of Registrable Interests to submit further particulars, where necessary, to facilitate the certification of their filings.

Section 11(6) of the IPLA “Where a person who is required to do so fails to file a declaration in accordance with this section or without reasonable cause, fails to furnish particulars in accordance with section 13 or fails to file the statement of registrable interests under section 14, the Commission shall publish such fact in the Gazette and at least one daily newspaper in circulation in Trinidad and Tobago.”

Section 11(7) of the IPLA - “the Commission may, at any time after the publication referred to in section (6), make an ex parte application to the High Court for an order directing such person to comply with the Act and the Court may in addition to making such an order, impose such conditions as it thinks fit.”

The Commission has decided to file, in January 2024, ex parte proceedings against **nine ((9))** persons in public life who have failed to respond to the request by the Commission for further

particulars with respect to filed Declarations of Income, Assets and Liabilities and Statements of Registrable Interests.

BLANK DECLARATIONS OF INCOME, ASSETS AND LIABILITIES AND STATEMENTS OF REGISTRABLE INTERESTS

The 17th Commission noticed a concerning trend whereby some persons in public life, in lieu of completing the required information on their Declarations of Income, Assets and Liabilities and Statements of Registrable Interests, would deliberately file incomplete or blank forms. Failure to provide the Commission with the required information constitutes a failure to comply with the requirements of the IPLA:

Section 12. (1) A declaration required under this Act, shall include such particulars as are known to the declarant, of the income, assets and liabilities of himself, his spouse and his dependent children.

Section 14. (1) A person in public life shall file with his declaration under section 11, an additional statement of registrable interests in the prescribed form, which shall contain the information required by subsection (3).

While the receipt of materially incomplete or blank Declarations of Income, Assets and Liabilities and Statements of Registrable Interests was acknowledged in the past, possibly giving the impression that they were accepted, the 17th Commission has adopted a policy of rejecting materially incomplete or blank Declaration of Income, Assets and Liabilities and Statements of Registrable Interests and subjecting the relevant person of public life to ex parte proceedings to secure filings in accordance with the IPLA.

USE OF SOURCE DOCUMENTS

The 17th Commission noted with concern the reluctance of the Compliance Unit to demand source documents to verify information contained in the Declarations of Income, Assets and Liabilities and Statements of Registrable Interests. Previously, the Compliance Unit only requested source documents in circumstances where the assets of the person in public life did not correspond to their income, in accordance with the IPLA:

Section 12(5) Where, in a declaration filed with the Commission, a person in public life discloses an income which is insufficient to support the accretion in value of the net assets disclosed so as to raise the inference that there must have been other income to account for the extent of the acquisition of such assets, the person in public life will be deemed to have been in possession of such income which has not been disclosed and the onus shall be on him to establish the source of that further income.

A policy is currently being implemented to ensure that the Compliance Unit demands all source documents such as bank information and deeds, to verify Declarations of Income, Assets and Liabilities and Statements of Registrable Interests, as per the guidelines of the IPLA:

Section 13. (1) The Commission shall examine every declaration that is filed and ensure that it complies with the requirements of the Act, and may request from a declarant, any information or explanation relevant to a declaration made by him and which would assist in its examination.

(2) The Commission may require that—

(a) a declarant furnish such particulars relating to his financial affairs as may be considered necessary;

(b) a declarant or his duly appointed agent attend at the offices of the Commission in order to verify his declaration;

(c) a declaration be certified by a chartered or certified accountant.

COMPLIANCE MANUAL

A 2012 draft Compliance Manual for use by Compliance Analysts for examining Declarations of Income, Assets and Liabilities and Statements of Registrable Interests was brought to the attention of the 17th Commission. The Manual incorporates the policies and procedures of the Compliance Division, including details on identifying persons in public life, communication with declarants, and examination of declarations. The 17th Commission has requested a review of this Draft Manual and is seeking external assistance to ensure that it meets the needs of the Compliance Unit. It is expected that this Manual will be approved in 2024.

INVESTIGATIONS

Active Cases (prior to January 01, 2021)

At the commencement of the 17th Commission's term of office in January 2021, the Investigations Unit provided the 17th Commission with a list of **sixteen (16)** active investigations. This list included matters over a decade old.

Out of the **sixteen (16)** cases received, the Commission investigated and closed **four (4)** complaints on the basis of no breach of the IPLA, the PCA or misbehaviour in public office.

The findings of **five (5)** investigations have been sent to persons of interest providing notice of adverse findings and giving an opportunity to be heard, prior to a possible referral to the DPP.

Four (4) matters have been referred to the DPP on the basis that reasonable grounds exist that a breach of the IPLA or PCA or misbehaviour in public office has occurred. The investigations of complaints have led to **four (4)** instances where directives were issued to State entities to take procedural measures to avert possible corrupt practices.



The Investigations Team with the Chairman, Professor Ramlogan

Table 15.0 Status of Active Complaints Submitted Prior to January 2021

Number of Complaints	Number of Complaints Closed Due to No Breach of the IPLA/PACA or Misbehaviour in Public Office	Number of Complaints Dismissed Under Section 34A ¹	Investigations where persons of interest were advised of adverse finding, prior to a referral to the DPP	Number Referred to the DPP (including partial referral)	Number Partially Referred to the DPP	Number of Complaints Requiring Changes in Procedures to Prevent Corruption
16	4	0	5	4	2	4

Active Cases Received Between January 2021 to December 2023

In 2023, the Commission received **twenty-five (25)** new complaints. Between the period of January 01, 2021 to December 31, 2023, the Commission received and initiated on its own behalf, **fifty-seven (57)** complaints and has closed **thirty-six (36)** or **sixty-three percent (63%)**. It is important to note that for the period of January 01, 2018, to December 31, 2020, the Commission received **thirty-nine (39)** complaints and closed **eighteen or forty-six percent (46%)**.

Out of the **fifty-seven (57)** complaints, the Commission investigated and closed **sixteen (16)** complaints due to the absence of any breach of the IPLA, the Prevention of Corruption Act ("*the POCA*") or misbehaviour in public office.

Seven (7) complaints were closed for lack of jurisdiction and **eleven (11)** for either being frivolous or vexatious, not made in good faith, devoid of sufficient grounds for an investigation or not supported by evidence of probative value pursuant to Section 34A of the IPLA. The findings of **one (1)** investigation were sent to persons of interest providing notice of adverse findings and giving an opportunity to be heard, prior to a possible referral to the DPP. **One (1)** matter has been referred to the DPP on the basis that reasonable grounds exist that a breach of the IPLA or POCA or misbehaviour in public office has occurred. **One (1)** investigation has resulted in a directive being issued to a state entity to take procedural measures to prevent corruption.

Table 14.0 Status of Complaints Submitted Between January 2021 to December 2023

Number of Complaints	Number of Complaints Closed Due to No Breach of the IPLA/ PACA or Misbehaviour in Public Office	Number of Cases Closed Due to Lack of Jurisdiction	Breach of IPLA found. However, no further action possible by Investigations Unit.	Number of Complaints Dismissed Under Section 34A	Investigations where persons of interest were advised of adverse finding, prior to a referral to the DPP	Number Referred to the DPP	Number Partially Referred to the DPP	Number of Complaints Requiring Changes in Procedures to Prevent Corruption
57	16	7	1	11	1	1	0	1

Cold Cases

Files are considered as closed when the file’s minute shows the decision of the Commission on the case. As noted in the 34th Annual Report of the Commission, an audit of the Investigations Unit revealed the presence of around **one hundred and seven (107)** investigations that appeared to be incomplete, that is, without

minutes indicating closure. This number was revised to **ninety-five (95)**. The number of cold cases was not disclosed to the Commission when it requested a list of outstanding investigations from the Investigations Unit in early 2021.

The Investigations Unit assigned a Special Investigator and Legal Officers to review all cold cases and make initial recommendations.

As noted in the 34th Annual Report of the Commission, an audit of the Investigations Unit conducted at the end of 2021, revealed the presence of around **ninety-five (95)** investigations that appeared to be incomplete, that is, without minutes indicating closure. These files date back to 2001 and there is no provision in the IPLA to close them because of the effluxion of time. The Commission has terminated **eleven (11)** investigations due to the discovery of minutes closing same. **Sixteen (16)** were terminated based on letters sent to complainants and persons of interest. The number of cold cases dismissed under Section 34 of the IPLA is **seventeen (17)**. One investigation has resulted in a recommended changes pursuant to Section 5 of the IPLA. The Commission terminated **three (3)** investigations due to the absence of jurisdiction and **eleven (11)** on the basis that no breaches of the IPLA or PCA were revealed. **Three (3)** investigations were referred to the DPP by the previous Commission.

The Commission took decisions to pursue **five (5)** investigations.

Using Court Orders to Assist in Investigations

As the Commission pursued a more aggressive path in the investigation of complaints, it has found itself increasingly faced with resistance to its efforts to obtain information and documents from State entities within which persons in public life and persons exercising public functions operate. This is even more concerning where such persons still occupy senior positions within the organisations. The Commission on December 07, 2023, has sought to exercise its statutory power under the IPLA for the first time to seek a court order to compel a State entity to respond to its enquiry for information and documents.

Section 34 (3) Where a person fails or refuses to disclose any information or to produce any documents required under subsection (2), the Commission may apply to the High Court for an Order to require the person to comply with the request.

Only twenty-eight (28) cold cases remain for a determination by the Commission.

Table 16.0 Status of Cold Cases

Number of Cases	Number of Cases still to be Reviewed by the Inv. Unit	Number Resolved by Discovery of Minutes	Number Closed in the Absence of Minutes but based on Letters to Complainant and Subject of Complaint Indicating Closure	Number of Cases Closed Due to Lack of Jurisdiction	Number of Complaints Dismissed under Section 34(A)	Number of Investigations Closed by 17th Commission on the Basis of No Breach of the Act or PCA or Misbehaviour in Public Office	Number of Investigations where persons of interest were advised of adverse finding, prior to a referral to the DPP	Number Referred to DPP	Number of Complaints Requiring Changes in Procedures to Prevent Corruption	Number of Cases Being Investigated
95	28	11	16	3	17	11	0	3	1	5

COMMISSION SUPPORT SERVICES

Budgetary Constraints

The two major areas of financial hardship are funding for staffing and funding to obtain external legal advice. The Investigations and Compliance Units are staffed entirely by persons on short term contract. Currently there are eight **(8) vacancies**. Regarding legal fees, for 2023, the Commission requested **\$80,000** on account of fees and received **\$45,000**. In turn the Commission requested **\$500,000** for legal fees for 2024 and received **\$115,000**. How can the Commission fulfil its statutory mandate under such acute budgetary constraints? How can the Commission fulfil its statutory mandate under such acute budgetary constraints?

Organisational Structure

The Commission’s internal transformation meant greater emphasis on the allocation of human resources to its core units dealing with compliance and investigation of complaints. The total number of employees is **thirty (30)**. There were shifts in the number of staff per unit to ensure equitable division of labour. Whereas in the Annual Report for 2022, the number of staff in compliance reported was **seventeen (17)**, it is now **twelve (12)**. There was a marginal increase in staff in Investigations and Commission Support Services. **Twenty-one (21)** persons are on short-term contract. The percentage of staff employed on contract is **seventy percent (70%)**.

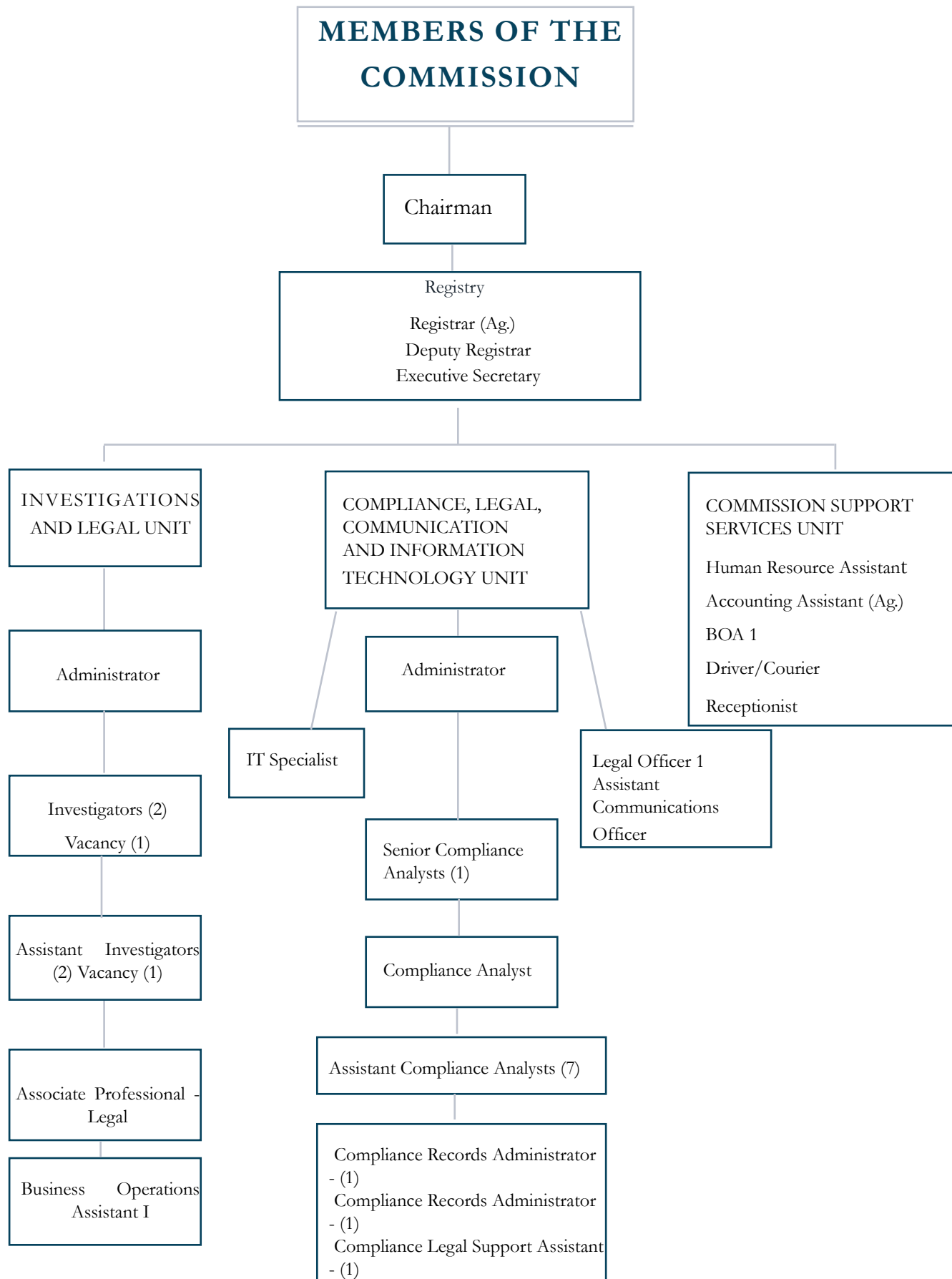
Table 18 Unit Breakdown of Staffing

	Total Number of Employees	Number of Employees in Administration	Number of Employees in Investigations	Number of Employees in Compliance
	27	7	8	12
Percentage		26%	30%	44%

Table 17.0 Fees Allocated in Draft Estimates of Expenditure for Fees Services

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
\$2,500,000	\$4,837,000	\$4,800,000	\$3,800,000	\$2,800,000	\$200,000	\$200,000	\$45,000	\$270,000	\$80,000	\$80,000	\$45,000	\$115,000

ORGANISATIONAL CHART



Digitisation

There is now a Complaint Submission Form accessible through the Commission's website under "How to Make a Complaint to Investigations." It aims to reduce the number of submissions to the Investigations Unit, which do not meet statutory requirements. The Form is one component of the entire complaint since Complainants may add further attachments if they so desire. The Form with accompanying attachments can be submitted to the Commission electronically, by registered post, by fax or in person. The Commission also advises persons to encrypt their submissions as an extra layer of protection.

The Commission has also put forward a project for the design, supply and implementation of an Electronic Document Reader Management System ("EDRMS") Solution ("the Solution"). The ultimate aim of this project is to aid in better and more efficient complaint management. One of the most important features of the project would be the automation of the complaint tracking system, which would result in quicker updates provided to Complainants. In anticipation of the possible implementation of such Solution and the completion of the Project, all investigative files (including the one hundred and seven cold cases) have been scanned.

Following this, the Commission issued a request for proposals. The tender process started on January 13, 2023. Two bids were submitted by the February 17, 2023, deadline, and were evaluated by a Committee. The Committee, however, found that the price of the highest ranked technical proposal offered by the preferred bidder was not within the range of the 'best estimate price.' As a result, the Committee proposed that the project be included as part of the draft estimates for the financial year 2024/2025. Budgetary

constraints have postponed the project, and overall have impeded the effort of making the Commission's systems more efficient. It must be noted that the Commission received zero dollars in its budgetary allocation for 2024 for its development budget. Therefore, the dream of moving the Commission into the 21st century with digitalised operations, remains an elusive one.

Communications

Internal

Meetings

Each Unit of the Commission (Investigations, Compliance, and Administration) has its own meetings as well as meetings with the Registrar and with the Chairman. The Commission swiftly treats with issues raised by members of staff in these meetings.

Staff Events

The Commission's staff started a birthday club to celebrate staff members' birthdays with small get-togethers and servings of cake and ice cream. Staff members participate in cultural activities in commemoration of holidays such as Indian Arrival Day and Emancipation Day.



Diwali Celebrations 2023

Other activities, such as the Newsletter naming competition, have motivated staff members to reflect on the dynamics between the Commission and the public and to devise a title that reflects the Commission’s purpose.

On December 15, 2023, the Commission and staff held a team building exercise that was one hundred percent (100%) funded by members and staff.



Staff Team Building Get Together

External

According to Section 5(1) (I) of the IPLA, the Commission shall:

“Carry out programmes of public education intended to foster an understanding of standard of integrity”

The Commission is tasked with overseeing the moral development of our society. The Commission’s public outreach approach is based on its core values of Confidentiality, Integrity, Professionalism, Teamwork.

Creative Arts Competition 2023

Recognizing that moral development begins at a young age, the Commission engaged

primary and secondary students in its Creative Arts Competition 2023 (Keep Your Integrity, Deviate from Dishonesty). Students were asked to explore the meaning of integrity in their art, essays, spoken word and poetry. Representatives from the Commission visited each school of the winners and presented the prizes in front of school assemblies.



The Winners of the Creative Arts Competition

Newsletter: Integrity In Perspective

For our wider audience, the Commission sought to emphasize the values and ethics that our society needs. In March 2023, the Commission disseminated its first newsletter entitled Integrity in Perspective. The primary objectives of the Newsletter are to edify the public about the role of the Commission, the present state of affairs vis-à-vis corruption, and to foster greater ties between the Commission and the Diplomatic Corps. To encourage this, the Commission translated the inaugural issue of its newsletter into French and Spanish and sent the translations to the relevant embassies.

Anti-Corruption Day 2023

In December, the International Anti-Corruption Day conference, promoted on social media pages, again proved to be a forum to discuss the workings of the Commission with key stakeholders. This was the last Anti-Corruption Day marked by this 17th Commission and the intention was to provide full accounting to taxpayers of its work.



Legal Aid Clinic

In addition, in pursuing a more grounded approach to public outreach, the Commission participated in a legal aid clinic hosted by the Transparency Institute of Trinidad and Tobago. The Clinic gave our representatives the chance to communicate with the public and to offer free legal advice. Our representatives engaged institutions, such as the Legal Aid and Advisory Authority, the Children’s Authority and the Fraud Squad, in conversations about shared mandates and the fight against corruption.

Communications Conference

In September 2023, our Communications Assistant participated in a Communications Conference, “Communications Conversations” hosted by the Office of the Prime Minister-Communications (OPM-C) in collaboration with the Public Relations Association of Trinidad and Tobago (PRATT).

Website and Social Media Presence

Furthermore, the Commission updated the design of its website to make it more visually pleasing and user-friendly. Regular posts on the website and the social media channels (such

as the newly created Twitter account) which include press releases, greetings on cultural and national holidays and general updates, led to an increase in our Facebook and Instagram reach. Notably, our content on Facebook reached twelve-thousand, two hundred and fifty-six (12,256) accounts, an increase of 59.9% from the 2022 figures.

Strategic Plan

On October 21, 2022, the Commission adopted a Strategic Plan for the period of 2022 to 2025. At the end of the first year of the implementation of the Strategic Plan, there was an audit conducted as to the achievements of the goals that had been set. A copy of the audit of the Strategic Plan is attached hereto as **Appendix 1**.

Training

The limited budget, and the fact that a large percentage of staff is employed on short-term, render it difficult to establish training programmes for staff members. The Commission, however, has discovered ways of implementing training through strategic partnerships with external agencies.

During the period October 09, 2023 to October 11, 2023, a Conference was held in Port of Spain, Trinidad and Tobago, to launch a regional platform to fast-track the Implementation of the United Nations Convention against Corruption (UNCAC). A representative, Ms. Jessi Geoffroy, Legal Officer, attended the Conference on behalf of the Integrity Commission of Trinidad and Tobago.

At the conference, deliberations took place among the Representatives and Officials of the



A member of the Investigations Team at the Legal Aid Clinic

United Nations Office on Drugs and Crime. Discussions were aimed at identifying best practices, challenges, deficiencies existing in the different jurisdictions as it related to identified priority areas such as legal frameworks, channels of reporting, public and private procurement and prosecution of corruption. Best practices, challenges and deficiencies were among those raised such as instituting ex parte action against errant/non-compliant Declarants, lack of resources, and non-existence of sanctions with respect to the Code of Conduct respectively.

A strategic roadmap, broken up into four thematic areas, was successfully adopted on the final day of the three-day Conference. The road map is intended to be a guide to respective Governments with respect to specific actions that can be taken to address the thematic priorities thereby ensuring adherence to international obligations under the UNCAC and the Inter-American Convention against Corruption (ICAC).

In June, two (2) compliance analysts and one (1) investigator received training, during a four-day exercise, on financial investigative techniques from the Internal Revenue Service (Criminal Investigation) of the U.S Department of Treasury. The analysts received instruction on money laundering, cryptocurrency, collecting and analysing financial records and interviewing for financial investigators.



"WHITHER
WHENCE"

(WHERE DO WE GO FROM HERE?)



Amendments to IPLA

The Commission submitted proposals for amendments to the IPLA (First Submission) on February 9, 2022. We have received no response. Subsequently, the First Submission was withdrawn and resubmitted on January 4, 2023. We have again received no response. Additionally, the Commission submitted a proposal for changes to the Regulations for Registration of Statements of Registrable Interests to correct an apparent error whereby the Form states “Confidential”, when in fact the parent legislation provides for public access. The Commission understands that this was originally submitted to Cabinet on April 27, 2022, but that it was subsequently withdrawn from consideration by Cabinet on October 25, 2022.

The Commission submitted proposals for major amendments to the IPLA in October 2023, as follows:

- Revised definitions of “persons exercising public functions” to exclude “Judicial and Legal Service” and to include “all Statutory Bodies and State Enterprises including those bodies in which the State has a controlling interest”
- The power to appoint staff as the Commission considers adequate
- Requirement that declarants fully disclose all interests in the Statement of Registrable Interests where the Commission is of the opinion that full disclosure has not been made, and power to compel persons to remedy same.
- Requirement for persons in public life to declare any gifts received by way of office, social obligation or in their personal capacity in both

their declaration of income, assets and liabilities as well as their statement of registrable interests.

- Access to Third Parties for Verification of Declarations and Statements of Registrable Interests
- Sanctions for Breaches of the Code of Conduct
- Authority to refer offences (discovered in the course of an investigation) not relating to a person under the IPLA or within the Commission’s jurisdiction, to the DPP.
- Creation of a criminal offence for breaching the statutory protection provided to whistle blowers.
- The Schedule of the IPLA be amended to strike out "Judges and Magistrates appointed by the Judicial and Legal Service Commission."

The Register of Interests

The IPLA states as follows:

Section 14(2): The Registrar of the Commission shall compile and cause to be entered in a Register of Interests, all information furnished pursuant to subsection (1) and shall at the request of any member of the public, permit the inspection of such Register.

The Registrar, therefore, is given the power to "permit" the inspection of the Register after a formal request by a member of the public, but this has the effect of blunting the accessibility and the transparency of the Register. This becomes more glaring when one considers that the Register of Interests in Australia and the United Kingdom are available for viewing on

Parliament websites. No applications are needed. Nonetheless, the Register of Interests attracted attention from the media and the public in 2023.

The Ownership of the Commission

The members of the Commission are appointed in accordance with Section 4 of the IPLA:

(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.

Section 5(2)(a) of the IPLA states:

“In the exercise of its powers and performance of its functions under this Act, the Commission shall not be subject to the direction or control of any other person or authority”

Though members of the Commission are appointed by the President after consultation with the Prime Minister and the Leader of the Opposition, the President does not intervene or assist with any challenges faced by the Commission. Without the assistance of the body that is directly responsible for the appointment of its managers/the commission members, the Commission is forced to advocate for changes directly to Ministries managed by persons in public life who are subject to the jurisdiction of the Commission. Public trust in the independence of the Commission is surely undermined by the spectacle of the Commission pleading for resources with persons in public life whose compliance with the IPLA the Commission is required to ensure.

COMMISSION MEMBERS APPROVING THE THIRTY-SIXTH ANNUAL REPORT OF THE INTEGRITY COMMISSION

The Thirty-Sixth Annual Report of the Commission was approved at its meeting on December 14, 2023. Below are the duly appointed Members who approved the Thirty-Sixth Annual Report. The statistics for the month of December are up to December 31, 2023 and were incorporated after the approval of the Thirty-Sixth Annual Report to ensure that it was a true reflection of the activities of the Commission for the entire year 2023. This format was implemented in light of the demission of office of Member Ms Sandra Honoré on December 16, 2023.



Professor Rajendra Ramlogan, Chairman

Prof. Rajendra Ramlogan is the Commercial and Environmental Law professor at the University of the West Indies. Professor Ramlogan obtained a Bachelor of Arts in English Literature and a Bachelor of Laws from the University of the West Indies. Professor Ramlogan graduated with a Masters of Law in International Legal Studies from the New York University School of Law and a Doctorate in International Environmental Law from the University of Cambridge. Professor Ramlogan is a Fellow of the Cambridge Commonwealth Society. Before his university career, Professor Ramlogan worked in the local oil industry and also enjoyed a stint as a Foreign Intern at the highly prestigious Washington DC law firm, Wilmer, Cutler and Pickering (now Wilmer Hale).

Professor Ramlogan has published numerous books and articles covering subjects such as Business Law, Commercial Law, Judicial Review, Sustainable Development, International Environmental Law, National Environmental Legal systems (Trinidad and Tobago and Cuba), Environmental Health, Environmental Refugees, International Environmental Crimes, Development and the Environment, Environmental Democracy, Human Rights in Japan, International Security and Energy Joint Ventures.



Mr Frederick Gilkes, Deputy Chairman

Mr Frederick Gilkes was appointed Deputy Chairman of the Integrity Commission of Trinidad and Tobago on December 17, 2018. Mr Gilkes has served as a partner at JD Sellier + Co. for thirteen (13) years and as the firm's Chief Executive Officer for one (1) year. He currently serves as Head of Chambers at the Caribbean Commercial Law Chambers and as a Senior Ordinary Member of the Law Association of Trinidad and Tobago. His extensive experience in the legal field spans Civil Litigation, Industrial Relations Litigation, Intellectual Property Litigation, Admiralty Law and Banking, Securities and Securities Law.

He was admitted to practise law in Trinidad and Tobago, Antigua and Barbuda, Grenada and its dependencies, St. Vincent and the Grenadines and the British Virgin Islands, in 1988, 1994, 2006, 2014 and 2020, respectively. Mr Gilkes has also served as Director of critical companies in Trinidad and Tobago. He has tutored and lectured at the Faculty of Law, University of the West Indies, St. Augustine Campus, principally in Criminal Law and Contract Law. He is also a certified mediator and has a keen interest in football.



Ms Eleanor Bridgeman-Volney, Member

Ms Eleanor Bridgeman-Volney was appointed Member of the Integrity Commission of Trinidad and Tobago on August 03, 2018, and is currently in her second term of appointment. Ms Bridgeman-Volney served in the Inland Revenue Division of the Ministry of Finance for thirty-five (35) years. During the period 1992 to 2015, she functioned in critical positions such as the Head of the Legal Section, in the capacity of Senior State Counsel and later as Chief State Counsel, and as one of the Board's Managers. She was admitted to practise law in Trinidad and Tobago in 1979. In 2008, she was also appointed as a Member of the Permanent Double Taxation Team of the Ministry of Finance.

Ms Bridgeman-Volney is passionate about Latin and ballroom dancing and is an avid gardener. She also has a penchant for events management.



Ms Sandra Honoré, Member

Ms Sandra Honoré was appointed Member of the Integrity Commission on December 17, 2020. She entered the then Ministry of External Affairs in 1979 and had assignments to the country's Embassies in Brazil and the United States of America. She was assigned to the Office of the Prime Minister from 1990 to 1996. At the Foreign Ministry, she served as Director of the CARICOM and Caribbean Affairs Division, Chief of Protocol and Director of the Americas Division. She was Chief of Staff to the Assistant Secretary-General of the Organization of American States (OAS) from July 2000 to July 2005, supervising many aspects of the Organisation's work on Haiti.

Ms Honoré was appointed Ambassador Extraordinary and Plenipotentiary on September 11, 2007 and assigned as Ambassador to Costa Rica in December 2008. In 2013, the United Nations Secretary-General named her Special Representative and Head of the United Nations Stabilization Mission in Haiti (MINUSTAH). She served from July 2013 until the end of that Mission in October 2017.



Mr Lyndon Brent James, Member

For the past nineteen years, Lyndon Brent James has been a qualified Chartered Accountant and was appointed to the Seventeenth Commission of the Integrity Commission in March 2021.

Mr James has had extensive experience in the oil and gas sector as a financial professional, with his formative years as an auditor examining the financial statements and internal controls of various companies over a wide array of business sectors. Mr. James is also involved in various charitable organisations within Trinidad and Tobago, on a national scale, and is a keen sports fan.



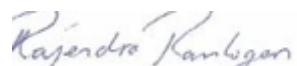
Ms Michelle Palmer, Member

Ms Michelle Palmer was appointed Member of the Commission on December 19, 2023. Ms Palmer-Keizer has spent her working life to date as a banking officer with Republic Financial Holdings Limited. She served in various senior management roles including as the Managing Director of Republic Bank (EC) Limited, General Manager, Group Marketing and Communication and Assistant General Manager of Card Business. She has also been involved as a member of the Bank's project team in various projects including the design and implementation of Republic Bank's Bonus Points Programme, the first credit card loyalty programme in Trinidad and Tobago.


Ms Palmer-Keizer has also been actively involved in the Bank Employees Credit Union eventually rising to the Presidency of the credit union from 1994 to 1997. She also served as the President of the Trinidad Hotels, Restaurant and Tourism Association from 2010 to 2014 and has held various Directorships including the Tourism Development Company, The Informative Breastfeeding Services and Vision on Mission.

SUBMISSION OF REPORT

This report is submitted to the Parliament, pursuant to Section 10 of the Act on this 8th day of January, 2024.



Professor Rajendra Ramlogan
Chairman



Frederick Gilkes
Deputy Chairman



Eleanor Bridgeman-Volney
Member



Lyndon James
Member



Michelle Palmer-Keizer
Member

REPORT ON STRATEGIC PLAN

Compliance		Investigations	
Objective	Status	Objective	Status
Completion of Review of all filed declarations and statements of registrable interests for 2014-2016	2014- 96.9% of declarations examined 2015- 95.5% 2016- 95.3%	June 2022 to June 2023 - Closure of all Cold Files (95)	As at the end of September, forty-five (45) cold cases are yet to be closed. 53% completed.
January 2022 to March 31, 2023 - Completion of Review of all filed declarations and statements of registrable interests for the years 2017- 2020.	2017 - 94.6% of declarations examined 2018- 94.5% 2019- 92.6%	January 2022 to June 2023 - Closure of all investigations for complaints filed before December 31, 2020	Four (4) closed, out of sixteen (16) received by the previous Commission. 25% completed.
June 2022 to December 2023 - Completion of Review of all filed declarations and statements of registrable interests for the year 2021.	82.1% of declarations examined	January 2022 to June 2023 - Closure of all Investigations for complaints filed in 2021	Nine (9) closed out of eleven (11) as at mid-October 2023. 81.8% completed.
June 2023 to December 2024 - Completion of Review of all filed declarations and statements of registrable interests for the year 2022	30.9% of declarations examined	January 2022 to December 31, 2023 - Closure of all Investigations for complaints filed in 2022	Sixteen (16) closed out of eighteen (18) as at mid-October 2023. 88.89% completed

<p>June 2024 to December 2025 - Completion of Review of all filed declarations and statements of registrable interests for the year 2023</p>		<p>Improve the evidence collection powers and processes for investigations</p>	<p>The Commission has requested and accepted a draft policy whereby interviewers must ensure that they transcribe and sign interview transcripts and request that interviewees also sign such documents.</p> <p>The Commission has also requested and obtained credentials for the Companies Registry Online System (CROS) of the Office of the Attorney General and Ministry of Legal Affairs.</p> <p>The Commission has implemented commencement letters to appraise persons of interest of investigations</p>
<p>Ex parte proceedings for persons not filing declarations and statements for registrable interests for the period of 2014 to 2021 to be completed by September 2022</p> <p>Ex parte proceedings for persons not filing declarations and statements for registrable interests for the year 2021 to be completed by March 31, 2023</p>	<p>Completed by August 2023 - three thousand, two hundred and ninety-five (3295) ex parte applications filed for one thousand, five hundred and eighty-nine (1589) persons in public life who didn't file.</p>		<p>Voice transcription service has not been implemented due to lack of sufficient funds.</p> <p>Adobe Pro Software has been acquired to aid with respect to scanned documents and conversion to text (OCR).</p>

<p>Implement technological solutions within the department:</p> <ul style="list-style-type: none"> • Digitization • Digitalization 	<p>Implemented:</p> <p>E-filing form that gives persons in public life the authority to start communicating with the Compliance Unit</p> <p>E-mail authorisation form</p> <p>Declarants may also file digitally - As stated on the website, “The Integrity Commission accepts information transmitted electronically in accordance with Part VII of the Electronic Transactions Act 2011. This Act gives legal effect to all electronic documents, electronic records, electronic signatures and electronic transactions. Please note that the Commission will accept the electronic filing of the Declaration of Income, Assets and Liabilities (Form A) and the Statement of Registrable Interests (Form B).”</p>		<p>Completed - under “How to Make a Complaint to Investigations” found on the Commission’s website</p> <p>Online Tracking Form - complainants can be updated on the status of investigations into their complaints</p>
<p>Redesign application form to ensure user friendly attributes and compliance to internal requirements</p>	<p>Forms are approved by the Act, and cannot be amended</p>		<p>Based on the period 2021 to 2023, there have only been two files submitted to the Director of Public Prosecutions (DPP). Feedback has not been received on one file. With respect to the second file, the Commission has received a favourable response. Database is to be created.</p> <p>However, database containing content from the Investigations Unit such as scanned files of the Unit, correspondence and Final Reports has been created.</p>

<p>Develop media releases</p> <p>Send out documentation to target Persons</p> <p>Conduct at least one virtual workshop per month and statements of registrable interests for the years 2017- 2020.</p>	<p>Media releases developed by Communications and sent to relevant stakeholders.</p> <p>Virtual workshops are conducted on a 'as-needed' basis</p>		<p>Meetings have been attended with relevant stakeholders. Namely, the Office of the DPP and the Trinidad and Tobago Police Service.</p> <p>However, meetings have not been held consistently per quarter.</p>
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