

## EXPLANATORY MEMORANDUM

(This Explanatory Memorandum is not part of the Notice but is intended to indicate its general purport )

The object of this Constitutional Instrument is to carry out Cabinet’s decision to implement the recommendations of the Governance Transition Team’s Report. This instrument is made pursuant to subsection (1) of section 147 of the 1991 Constitution.

This Constitutional Instrument proposes the following –

- (a) that the Commission should have a sole Commissioner pursuant to subsection (2) of section 147 of the 1991 Constitution
- (b) that the Chairman and Sole Commissioner should be Justice William Annan Atuguba (Former Justice of the Superior Court of Judicature of Ghana) who fulfils all the requirements outlined in paragraphs (a) to (d) of subsection (3) of section 147 of the 1991 Constitution
- (c) that the Secretary to the Commission should be Mr. Solomon S. Thomas (Deputy Secretary ministry responsible for agriculture).

*(This publication supersedes publication of Constitutional Instrument No. 66 dated 2nd August 2018)*

## CONSTITUTIONAL INSTRUMENT

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CONSTITUTIONAL INSTRUMENT NO. 67 OF 2018

*Published 27th September, 2018*

### **THE CONSTITUTION OF SIERRA LEONE, 1991 (ACT NO. 6 OF 1991)**

**THE COMMISSION OF INQUIRY (EXAMINATION, INQUIRY AND INVESTIGATION) NOTICE (3), 2018** Short title.

**WHEREAS** the Cabinet has advised that it is in the public interest to appoint a Commission of Inquiry to inquire into a matter of public interest:

**NOW, THEREFORE**, in exercise of the powers conferred on him by subsection (1) of section 147 of the Constitution of Sierra Leone, 1991, the President, hereby makes this Notice–

1. (1) There is hereby appointed a Commission of inquiry (hereinafter referred to as “the Commission”). Appointment of Commission.
2. The Chairman and Sole Commissioner of the Commission shall be Justice William Annan Atuguba. Chairman of Commission.
3. The Secretary to the Commission shall be Mr. Solomon S. Thomas. Secretary to the Commission.

Terms of  
reference of  
Commission. to-

4. The purposes for which the Commission is appointed are

- (a) examine the assets and other related matters in respect of –
  - (i) persons who were President, Vice President, Ministers, Ministers of State and Deputy Ministers; and
  - (ii) Heads and Chairmen of Boards of Parastatals, Departments and Agencies within the period from November 2007 to April 2018
- (b) inquire into and investigate whether assets were acquired lawfully or unlawfully;
- (c) inquire into–
  - (i) persons who were President, Vice Presidents, Ministers, Ministers of State and Deputy Ministers ; and
  - (ii) Heads and Chairman of Boards of Parastatals, Departments and Agencies;
- (d) ascertain as to whether the persons referred to in paragraphs (a) to (c) –
  - (i) maintained a standard of life above that which was commensurate to their official emoluments;

- (ii) owned or were in control of pecuniary resources or property disproportionate to their official emoluments or there are evidence of corruption, dishonesty or abuse of office for private benefit by them ;
- (iii) collaborated with any person in respect of such corruption, dishonesty or abuse of office;
- (iv) acted wilfully or complacently in such a manner so as to cause financial loss or damage to the government, local authority or parastatal including a public corporation;
- (v) acquired directly or indirectly financial or material gains fraudulently, improperly or wilfully to the detriment of the government, local authority or a parastatal including a public corporation, statutory Commission, body or any university in Sierra Leone
- (e) to inquire into and investigate any persons or matters as may from time to time referred to the Commission by his Excellency the President.

5. (1) The Commission shall commence its proceedings as soon as may be after the coming into operation of this Notice and shall sit in Freetown and such other place or places as the Commission may determine.

Proceedings  
of Com-  
mission.

(2) The proceedings of the Commission shall be held in public, unless otherwise decided by the Commission, in the interest of public safety or public order.

(3) Before assuming the functions of his office, the Commissioner shall take and subscribe before the President, an oath that he will faithfully, fully, impartially and to the best of his ability perform the functions of his office under this Notice.

(4) The Commission may, in the public interest, exclude the public or any particular person from its proceedings.

Rules and procedures of Commission.

6. (1) The proceedings of the Commission shall be regulated by the practice and procedure in force in the High Court with such modification, adaptation and exception as are necessary to enable the Commission to elicit all such information as may be necessary for the performance of the functions of the Commission.

(2) For the purposes of sub-paragraph (1), the Commission shall not be bound by the rules of evidence in civil or criminal proceedings.

Attendance by witnesses.

7. (1) The Commission shall have the powers, rights and privileges vested in the High Court or a Judge thereof at a trial in respect of-

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b) compelling the production of documents; and
- (c) the issue of a commission or request to examine witnesses abroad.

(2) Any person ordered to attend under subparagraph (1) shall attend at the time and place specified in the order and shall continue in attendance as directed by the Commission.

8. (1) The Commission shall submit a report to the President <sup>Report of Commission.</sup> as soon as practicable after the Commission has ended its inquiry or investigation.

(2) A report of the Commission shall be signed by the Commissioner.

MADE this day of , 2018.

JULIUS MAADA BIO,  
*President.*

SEPTEMBER 10<sup>th</sup> 2018  
FREETOWN  
SIERRA LEONE