



21 January, 2021

**His Excellency Mr Augustus J. U. Jaspert  
Governor of the Virgin Islands**

Office of the Governor  
Government House  
Road Town, Tortola,  
British Virgin Islands.

Dear Governor,

I am writing to you in connection with your public announcement of your decision to issue a Commission of Inquiry, pursuant to the Commission of Inquiries Act, and further to my letter of 19 January 2021.

As you know, I have welcomed the Inquiry. The Ministers of the Virgin Islands Government do not object to a genuine, fairly conducted and fully independent examination of any allegations of wrongdoing if there are reasonable grounds to suspect they may have substance.

It is regrettable, however, that you should have chosen to make this decision, and then announce it, including the Terms of Reference of the Commission, without consulting Ministers. As you know, Cabinet Members were first made aware of your decision from your public broadcast and later saw the email sent by your office to Members of Cabinet at 11:04 am (BVI) on 18 January 2021, attaching your letter, dated 18 January 2021, in which you informed them of your decision, which was sent just minutes before it was broadcast publicly. At about the same time on 18 January 2021, the UK Foreign Secretary made a written statement to the UK Parliament and you released a video-recording and Facebook posting of your own statement. The lining up of the international press coverage that followed would also have preceded the Members of Cabinet being informed of your decision. That is scarcely calculated to increase public confidence in your willingness to respect the constitutional role of our democratic institutions or to encourage the local collaboration and support that your letter seeks.

Ministers may, for example, have wished to make suggestions and offer advice in advance on its scope and the Terms of Reference or on other matters connected with the practical arrangements for the Inquiry to take place. As you also appreciate, Members of Cabinet were only granted sight of the Terms of Reference on 20<sup>th</sup> January, 2021 upon their request during the Cabinet meeting; and at which time, we all learned that the Terms of Reference were already in the process of being gazetted.

Nevertheless, I am determined that the elected Government of the Virgin Islands will play a full, cooperative and constructive part in the work of the Inquiry.

To that end, Government has announced today that it has appointed the international law firm Withers, together with leading counsel, The Right Honourable Sir Geoffrey Cox QC, the former Attorney General of England and Wales, to advise and represent it in all matters relating to the Commission of Inquiry, including in connection with its Terms of Reference and the directions you have given as to its conduct.

My concern is to ensure that the Inquiry is assisted in its task of reaching a *just* outcome, which will be widely accepted as having fairly and rigorously examined the facts and matters that are said to be the basis of issuing the Commission of Inquiry.

This can only be achieved if the Inquiry, as no doubt it will, acts with the maximum of transparency, applies proper probative standards to the information it receives and affords a fair opportunity for important allegations of fact to be tested. Only if that is so, will any recommendations for improvements in governance and administrative culture that it might eventually make be likely to take root and be effective.

The elected Government looks forward to the Inquiry in the hope that these important conditions will be fulfilled, and its counsel will shortly be writing to the Commissioner to request information as to his intentions in the conduct of the Inquiry, identify specific issues for his attention, and to offer its submissions on how these outcomes might best be achieved.

Finally, I note that you intend to hold a Press Conference, together with the Commissioner, tomorrow, Friday 22 January 2021. I believe that, even at this late stage, it would send a clear and positive signal of our mutual intention to work together to ensure transparency and to make the Inquiry a success, if I, or another Minister, were to participate in that event as well. If, as I hope, you are in agreement, I would be most grateful if you would provide details of the arrangements.

As a matter of courtesy and in the spirit of this letter, I wish to note that in the context of press enquiries regarding our communications, this letter may be published in due course.

Yours in BVI Love,



Andrew A. Fahie  
Premier

cc: All Members of Cabinet

