

Executive Summary of the Anti-Corruption Commission's 2021-2022 Annual Report

**Honourable Samuel Bulgin, KC, JP
Attorney General**

**Honourable Franz Manderson, MBE, Cert. Hon., JP
Deputy Governor**

Statement from the Honourable Attorney General and the Deputy Governor

The Anti-Corruption Commission (the “Commission”) was created under the Anti-Corruption Law, 2008 (now the Anti-Corruption Act (2019 Revision)) (the “Act”) which came into effect on 1 January 2010. The Commission is responsible for the administration of the Act and shall receive, consider and investigate reports to the Commission of corruption offences as set out in the Act, amongst other duties.

The Act gives effect to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and to the United Nations Convention against Corruption and covers a broad range of local corruption offences by public officials, private individuals and entities. It extends to bribery of foreign public officials outside the Cayman Islands and offences under the Act are extraditable.

The Commission works diligently with other entities, both public and private, in order to fulfil its legislative mandate. The Cayman Islands Government as a whole continues to ensure the Act is properly enforced and will continue to support the Commission in its efforts.

This Executive Summary has been laid in the House of Parliament in accordance with s.53 of the Act.

Section One – The Commission

The Commission is responsible for the administration of the Act and shall receive, consider and investigate reports to the Commission of corruption offences as set out in the Act; receive and (including from overseas anti-corruption agencies) request, analyse and disseminate disclosures of information concerning corruption offences, or suspected offences; or required by any law in order to counter corruption; and detect and investigate suspected corruption offences, attempts to commit an offence, or conspiracies to commit an offence. The Commission has additional powers, duties and functions as set out in the Act.

During the reporting period the Commission was comprised of Chairman Sophia-Ann Harris, Members Kadi Pentney, Kenrick Hall, Adrian (Gus) Pope, Simon Whicker and Ben Tonner (15 March – 20 May 2022 only). His Excellency the Governor has broad powers of oversight over the work of the Commission and may give to the Commission directions as to the policy to be followed in the exercise and performance of its functions.

The Commission’s mission is “To enhance the stability, prosperity and reputation of the Cayman Islands by sustaining the confidence and trust of the community in the integrity and good governance of its government and public institutions through fighting corruption with just, fair and effective investigations.”

Section Two – Breaches of the Act

The Commission receives reports of alleged breaches under the Act through direct communication to the Commission; requests for mutual assistance from overseas; and those reported to other law enforcement agencies. The principal offences are set out in Appendix II of the 2021/2022 Annual Report of the Commission as attached to this Executive Summary.

Section Three – Reporting Corruption

Anyone who reasonably believes or suspects that there has been an act of corruption in breach of the Act should complete and submit a report in the Reporting Form to the Commission. Reports should be made as soon as reasonably practicable after becoming aware of the conduct in question.

Individuals should be aware of the principles that guide the performance of public officers in the conduct of their duties. Public officers may incur criminal liability for corruption as follows:

- Those directly involved: A person who is directly involved in committing a corruption offence in accordance with the Act may be liable for the offence.
- Those indirectly involved: A person may be liable for a corruption offence where he/she is indirectly involved in committing the offence.
- Failure to act: An individual may be liable for a corruption offence even where he/she was not directly involved in committing the offence, but was wilfully blind to it.
- Aiding and abetting: An individual may also be liable for aiding and abetting where he has aided or assisted in the committing of the offence.

The Commission has adopted procedures to ensure confidentiality and integrity, handling conflicts of interest, and protecting witnesses.

Section Four – 2021-2022 Corruption Statistics

During the reporting period the Commission received 16 formal complaints/reports of corruption, accepted 4 complaints for investigation, and conducted 124 interviews. A total of 3 persons were arrested, and 1 person charged. The Commission submitted 92 reports to the Office of the Director of Public Prosecutions and 4 files awaiting charge ruling.

At the end of the reporting period the Commission was actively investigating 12 cases and received 5 disclosures from the FRA.

Section Five – Topical Issues

During the reporting period the Commission continued to consider desirable amendments to the Act, the amendments were compiled and the draft Bill was ready for submission to Caucus and Cabinet. The Commission also discussed developing Memoranda of Understanding with various entities. The Chairman and/or Members held meetings, as and when appropriate, with various officials to discuss matters of mutual interest and welcomed the new Secretariat Manager and expressed thanks to the outgoing Manager.

The Commission determined to retain legal counsel on a short term basis to undertake a project to assess the ACC in relation to the Jakarta Principles. Further training and development initiatives were undertaken by the Commission and members of the investigative team to further enhance the work of the Commission.

The Commission also participated in and facilitated a number of presentations and educational outreach initiative during the reporting period and endeavours to assess and facilitate requests on a case-by-case basis.

Section Six – Moving Forward

The Commission has committed to advocate for the desired amendments to the Anti-Corruption Act, and seek to enhance its independence and support. In addition, the Commission will continue support the fulfilment of the CFATF recommendations. The Commission continues to encourage the public to make factual reports/complaints of corruption and to assist the Commission where it can. Lastly, the Commission endeavours to explore ways to deliver more public education about corruption with a view to its prevention.

The full 2021-2022 Annual Report of Anti-Corruption Commission is attached to this Executive Summary.

Dated this day of 2022.

**Honourable Samuel Bulgin KC, JP
Attorney General**

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