

CONSTITUTIONAL INSTRUMENT
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CONSTITUTIONAL INSTRUMENT No. 64 OF 2018

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

**THE COMMISSION OF INQUIRY (EXAMINATION,
INQUIRY AND INVESTIGATION) NOTICE (1), 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 Commission.
2. The Chairman and Sole Commissioner of the Commission shall be Justice Biobele Georgewill
Chairman of Commission
3. The Secretary to the Commission shall be Mr. Digger Macfoy
Secretary to the Commission
4. The purposes for which the Commission is appointed are to -
Terms of reference of Commission

((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 Chairmen 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 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, and declare 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, affirmations, oaths or otherwise;
- (b) compelling the production of documents;
- (c) the issue of a commission or request to examine witnesses abroad.

- (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 after the Commission has ended its inquiry or investigation. ^{Report of Commission}

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

MADE this 1st day of August, 2018.

JULIUS MAADA BIO,
President.

AUGUST 2018,
FREETOWN,
SIERRA LEONE