



Any reply or subsequent reference to this communication should be addressed to the Contractor-General and the following reference quoted:-

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**FOR IMMEDIATE RELEASE**

**STATEMENT OF THE OFFICE OF THE CONTRACTOR GENERAL IN RESPONSE TO ALLEGATIONS WHICH WERE MADE BY THE HON. MICHAEL PEART**

**Kingston, February 13, 2008** – Reports which were carried over the country’s 2 major television stations last night have made it clear that two (2) Opposition Members of Parliament have attributed the so called “leak” of the Contractor General’s Report, on the 4M Energy Project, to the Office of the Contractor General (OCG).

The former Speaker of the House of Representatives, the Hon. Michael Peart, was quoted on television as saying that “... *based upon my investigations, it (the Report) was emailed from the Contractor General’s Office*”.

The Leader of Opposition Business in the House, Dr. the Hon Peter Phillips, was even more categoric and emphatic in his assertions when he said that “... *it is clear that the breach ... occurred from an institution which is a Commission of Parliament (in what was a clear reference to the Parliamentary Commission of the Office of the Contractor General)*”.

The Members’ allegations were made on the floor of the House of Representatives during yesterday’s sitting of the House. Although they may not have known it, what both Members of Parliament have asserted is that a person at the OCG has committed an act which, in point of fact, constitutes a criminal offence under the provisions of Section 24 and Section 29 of the Contractor General Act.



In the circumstances, the OCG wishes to formally place upon record the following:

1. Both Members of Parliament are now obliged to produce the evidence of that which they have asserted, failing which they would be deemed to be withholding evidence of the alleged commission of a criminal offence.
2. If, as the former Speaker has unequivocally asserted, the Report was “*emailed from the Contractor General’s Office*”, he should have no difficulty in publicly producing a certified copy of the subject email. The email would unequivocally identify the host address from which the email was sent, the email address of the sender, the title and size of the email and its attachment, the time that the email was sent, the date that the email was sent and the person or persons to whom the email was sent. No further or very little investigation into the matter would be rendered necessary if this information is now brought forth.
3. Should the former Speaker of the House, or the Leader of Opposition Business in the House, produce the alleged email and it is verified to be (a) authentic, and (b) dispatched and published by a member of the OCG’s staff, the Contractor General will immediately take the requisite steps to separate the implicated member of staff and to forthright refer the matter to the Director of Public Prosecutions with a recommendation for the appropriate criminal proceedings to be commenced.
4. The OCG, as an Independent Commission of Parliament, is mindful of its mandates under the law. Its members of staff are fully cognizant of the dictates of the oaths which they have sworn to and their obligations to discharge their duties solely on behalf of Parliament and, by extension, on behalf of the People of Jamaica. The OCG has always sought to discharge its statutory responsibilities forthrightly, fairly, professionally, fearlessly, and without favour and in full compliance with the law, and will continue to do so. The OCG does not, and will not, knowingly countenance any act of indiscipline, impropriety or illegality on the part of any member of its staff.



5. The conduct of the OCG's Investigation into the 4M Energy Saving Project was carried out over a period of 12 weeks. During that time, sight of the electronic drafts of the Report, as it was developed, right through to its completion and up to the very date of this Media Release, has been restricted to no more than seven members of the OCG's 45 person staff complement. All electronic copies of the final drafts of the Report, and the Report itself, have been password protected and can only be assessed by six members of the staff of the OCG, exclusive of the Contractor General.
  
6. On Monday, February 4, 2008, in keeping with its statutory obligations under the Contractor General Act, eleven (11) hard copies of the OCG's Report of Investigation were hand-delivered to certain specified State Authorities. The Reports were delivered prior to 2:00 PM, in sealed envelopes which were stapled and copiously stamped "URGENT" and "CONFIDENTIAL". It is instructive to note that the Reports were delivered by the OCG under an armed Police escort.

The copies of the Report were delivered to the offices of the following State Authorities.

- (1) The Minister of Energy – Submitted pursuant to Section 20 (1);
- (2) The Permanent Secretary of the Ministry of Energy – Submitted pursuant to Section 20 (1);
- (3) The Group Managing Director of the Petroleum Corporation of Jamaica – Submitted pursuant to Section 20 (1);
- (4) The Speaker of the House – Submitted pursuant to Sections 28 (2) and 21;
- (5) The President of the Senate – Submitted pursuant to Sections 28 (2) and 21;
- (6) The Clerk of the Houses of Parliament – Submitted pursuant to Sections 28 (2) and 21;
- (7) The Director of Public Prosecutions – Submitted pursuant to Section 21;
- (8) The Commissioner of Police – Submitted pursuant to Section 21;
- (9) The Attorney General – Submitted pursuant to Section 21;
- (10) The Auditor General – Submitted pursuant to Section 21;



(11) The Commission for the Prevention of Corruption – Submitted pursuant to Section 21;

It is extremely important to recognize that Section 24 (3) of the Contractor General Act makes it abundantly clear that there is “*nothing in this section (which) shall prevent disclosure by any person of information furnished to him pursuant to Section 20*” of the Act. In other words, the first three (3) named Authorities above were not in any way prohibited from disclosing or publishing a copy of the OCG’s Report before it was tabled in Parliament.

7. On Monday, February 11, 2008, in a meeting which was convened between the OCG and the Police High Command, two (2) additional courtesy hard copies of the Report were hand-delivered, in person, by the Contractor General, to a Deputy Commissioner of Police and to another high-ranking member of the Police High Command.
8. For security reasons, the preparation, copying, collating, packaging and dispatch of the above-referenced copies of the OCG’s Report of Investigation were personally supervised by the Contractor General himself. This included the briefing of the OCG’s dispatch driver, as well as the armed Police Officer, who was assigned by the Contractor General to accompany the driver, as the deliveries were made.
9. Except for the foregoing, the Contractor General is not aware of the dispatch or release, from the OCG, of any other copy of its Report of Investigation, whether in hard copy or in email or electronic formats.
10. The Contractor General would therefore strongly and respectfully encourage any member of the local Media fraternity, or any other person or entity, who has received a copy of the OCG’s Report of Investigation, from the OCG, or from any member of the OCG’s staff, to come forward and to publicly state what it, she or he knows.



11. It is instructive to note that Representatives of two (2) major Media Houses did make telephone contact directly with the Contractor General on the afternoon of February 4, after the OCG had communicated the fact of its submission of the Report to the local Media, via an official OCG Media Release. The Representatives of both Media Houses were unequivocally advised by the Contractor General that he could neither provide nor publish a copy of the Report until it was tabled in both Houses of Parliament and that it would be illegal to do otherwise. The two (2) Media Houses in question are the Nationwide News Network (NNN) and the Gleaner Company. The OCG is confident that the Representatives of both Media Houses will corroborate the OCG's statements and confirm that they did not receive a copy of the subject Report from the Contractor General or from the OCG.

Indeed, it is instructive to note that NNN, which first broke the story of its possession of a "*confidential and exclusive copy*" of the OCG's Report on its 5:00 PM newscast on February 4, 2008, has this morning, on its This Morning Talk Show, publicly confirmed that the Report was not leaked or sent to NNN by the OCG.

12. In the premises, and having regard to the gravity and the very serious implications of the allegations which have been made by the Hon. Michael Peart and Dr. the Hon. Peter Phillips, the OCG trusts that they will now both come forward, in the public interest, to publicly substantiate their assertions and, more importantly, to provide physical evidence of their allegations for public examination and scrutiny. In the interest of justice, it is hoped that they will do so forthwith and that they will promptly hand over to the Police the evidence which they now hold.

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