



PRESS STATEMENT

28th November 2019

The Chamber of Advocates is deeply concerned with the events that have come to light in this country in the past few days. There is little that the Chamber can add to describe those events; they speak most eloquently for themselves and any further comment would be superfluous.

The current situation is exceptional and unprecedented. It thus needs to be handled with restraint by people in power who are free of conflicts of interest or who, if conflicted, act and appear to act with unusual restraint, particularly when police investigations involve present or past ministers and holders of high office. Conflicts of interest, which in this case are self-evident, pose a clear and present danger to the investigation, and the subsequent judicial process. These are challenging times and it is in these times that our institutions and the separation of powers within the state will be tried and tested. More than ever, our institutions need to be allowed to conduct their duties calmly, but boldly and without any form of undue pressure, and with particular restraint from those who are conflicted.

The proper, measured use of pardons, for instance, is a matter of concern to the Chamber. A pardon to an individual involved in serious crime is indeed only granted in exceptional circumstances. That pardon is granted by the President of the Republic who acts upon the advice of the Executive arm of the state.

The advice of the Executive signifies that both the Commissioner of Police and the Attorney General have a vital role in properly assessing and eventually advising who should shoulder responsibility for the criminal actions and who should be exonerated *a priori* from such responsibility: a function normally belonging to the judiciary following a trial. The independence of that advice, both in fact as well as in perception, is therefore of the utmost importance. Of course, the decision rests, ultimately, with the Executive, which must be equally above suspicion, if not more so. In this particular case, the grant or withholding of a pardon – or pardons – is far more delicate than usual, for reasons which need hardly be explained. Hence the Chamber's insistence that decisions are taken by persons who are not conflicted or by persons who, if possible, are properly advised on the management of that conflict and who act with unusual restraint.

The Chamber of Advocates reiterates the importance of returning the country to a state of normality and proper governance; and to undertake with utmost urgency the required constitutional reforms to ensure the resilience and independence of vital institutions from the executive arm of the State, including particularly the requirement of a Commissioner of Police and an Attorney General elected by two-thirds majority of the House of Representatives.