



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

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MEDIA RELEASE

OCG Makes Disclosure Regarding its LNG Investigation Following Issue of DPP's Opinion in the Matter

Kingston; September 22, 2011 – The Office of the Contractor General (OCG) is in possession of a nineteen (19) page letter from the Office of the Director of Public Prosecutions (ODPP), dated September 20, 2011, in which that Office has proffered its considered opinion on the **OCG's Report of Special Investigation into Allegations Regarding the Proposal for the Financing, Development, Ownership and Operation of a FSRU LNG Re-Gasification Terminal and Natural Gas Transportation System**. The letter was copied to six (6) State authorities.

In essence, the ODPP has reviewed the OCG's FSRU-LNG Investigation Report and has, among other things, come to the conclusion that *"In the circumstances under review, Exmar Consortium was at a clear advantage when they submitted their proposal to the Technical Evaluation Committee. However, we identify no evidential, whether direct or circumstantial basis to draw the inference that their advantageous position was the result of bid-rigging or corruption on the part of Mr. Ian Moore or Mr. Stephen Wedderburn"*.

However, the OCG's FSRU-LNG Investigation Report, in so far as the matters which were considered by the ODPP are concerned, was, referred to the ODPP not for an opinion on the Report but was expressly referred, *inter alia*, to both *"the Commissioner of Police and the Learned DPP"*:

"... for them to undertake such further investigations as they may deem to be appropriate, into the actions of Mr. Ian Moore, Mr. Stephen Wedderburn and Mr. Conrad Kerr with respect to the multiple irregularities and improprieties which have been identified by the OCG during the course of its Investigation and which have been documented herein.

In particular, the matter is being referred to the Commissioner of Police and the DPP for them to determine whether Mr. Ian Moore and/or Mr. Stephen Wedderburn used their respective Public Offices in a conspiratory, fraudulent, corrupt, clandestine and/or surreptitious manner to enure a future illicit benefit for themselves, Caribbean LNG (Jamaica) Limited and/or the Exmar Consortium through, inter alia, the irregular utilization of proprietary insider information and/or through the exhibition of a bias or preferential treatment towards Exmar Marine NV, in the referenced tender process for the 'FSRU LNG Project'.



The investigations should, among other things, specifically seek to determine whether there was a conspiracy or agreement between Mr. Ian Moore and/or Mr. Stephen Wedderburn and/or any or all of the named persons to facilitate, inter alia, what could be the possible commission, on the part of any and/or all of them, of an act or acts of corruption, contrary to Section 14 of the Corruption Prevention Act, or to otherwise determine if Mr. Ian Moore and/or Mr. Stephen Wedderburn and/or any or all of the named persons may have committed or aided and abetted an act or acts of corruption or other criminal offence”.

However, and despite the OCG’s specific Recommendation that further investigations should be undertaken into the matter by Jamaica’s criminal investigation authorities, nowhere in the ODPP’s letter does it state that this has been done. Notwithstanding, the ODPP has seemingly ‘closed the door on the case’ without having had the benefit of the outcome of the referenced investigations.

In the circumstances, the OCG now feels compelled to make public the following disclosures regarding the matter. The referenced disclosures are being made pursuant to the powers that are reserved to a Contractor General by Section 24 (1) (b) of the Contractor General Act:

- (1) That the OCG’s Report of Investigation was referred by the OCG directly and separately to both the Commissioner of Police, Mr. Owen Ellington, CD., and to the Director of Public Prosecutions, Ms. Paula Llewellyn, CD, QC. This was done under separate cover of letters that were dated May 17, 2011.
- (2) That on the morning of May 27, 2011, the Contractor General telephoned the Commissioner of Police and advised him that he had wanted to meet with him in Kingston, at his office, that morning. However, after the Contractor General was advised that the Commissioner would be away from his Kingston office for that day, the Contractor General proceeded to brief the Commissioner of Police on certain very critical matters regarding the OCG’s Referral to him in the captioned regard.
- (3) That the Contractor General conveyed to the Commissioner of Police what the Contractor General regarded to be highly confidential information, regarding certain matters that were the subject of the OCG’s Investigation, which had come into the possession of the OCG during the course of its Investigation.
- (4) That the specifics of the information that was relayed to the Commissioner was of such a sensitive and pivotal nature that it could not be made public at that time. (NB. The information still cannot be made public at this time and the Commissioner would be aware of this).
- (5) That the information that was relayed to the Commissioner had a direct and material bearing upon certain matters that had been raised in the OCG’s FSRU-LNG Investigation Report, and had unquestionably strengthened the justification for the Referral that had been made by the OCG to the Commissioner of Police for a criminal investigation to be undertaken in the matter.



- (6) That the source from which the subject information had been derived by the OCG was identified to the Commissioner and was such that it was anticipated that the information would have been accorded significant and pre-eminent weight.
- (7) That the Commissioner was advised by the Contractor General that, having regard to the sensitivity of the subject information, the OCG had not, as at that time, disclosed same to any other person or authority other than to him, the Commissioner of Police.

The information that was conveyed by the Contractor General to the Commissioner of Police, as well as a record of the OCG's disclosures to the Commissioner, has been formally entered upon the OCG's files.

The OCG can also assert that, to the best of its knowledge, the referenced information that was conveyed to the Commissioner, as at the date of this Statement, is information which (a) is still current, credible, actionable and material to certain issues that have been raised in the OCG's FSRU-LNG Investigation Report; (b) justifies that the recommended criminal investigation should be pursued by local law enforcement authorities; and (c) suggests that, given the gravity of, and the implications that have been raised by, the subject information, the opinion of the ODPP is, at best, having regard to all of the circumstances of the case, pre-mature.

The OCG is also concerned that despite the fact that the ODPP, in its letter to the OCG, has conceded that the FSRU-LNG tender process was mired in irregularity and has raised several unanswered questions, the ODPP did not, however, see it fit to secure an independent criminal investigation, as was recommended, into the underlying reasons or causes for the said irregularities and unanswered questions, before 'closing the case'.

The OCG is currently in the process of preparing a formal and comprehensive response to the ODPP's letter of September 20, 2011.

The OCG is an Independent Anti-Corruption Commission of the Parliament of Jamaica which is expressly vested with the exclusive statutory mandate, under Section 4 (1) of the Contractor General Act, on behalf of the Parliament, and, by extension, on behalf of the People of Jamaica, to **"ensure"** that Government of Jamaica contracts are awarded impartially and on merit and in circumstances that do not include impropriety or irregularity.

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