



INTEGRITY COMMISSION

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Media Release

Integrity Commission Commences Prosecution of Public Officials

April 19, 2021 - The Integrity Commission has initiated criminal prosecutions against two Jamaica public officials for breaches of the Corruption Prevention Act. They are Mr. Patrick James, who was, at the material time, a Senior Motor Vehicle Inspector (Acting), employed to the Island Traffic Authority, and Dr. Gitanjali Baburam, who was, at the material time, employed to the South East Regional Health Authority (SERHA).

The matters came before the Court today, April 19, 2021, in the Kingston and St. Andrew Parish Court Criminal Division, in Half Way Tree. The Commission's Prosecution Team was led by the Commission's Director of Corruption Prosecution, Ms. Keisha Prince.

In the case of Mr. James, he is being prosecuted for his failure to declare, in his Statutory Declarations of Assets, Liabilities and Income, his ownership of three (3) motor vehicles, namely, a 2004 Honda Civic, a 2005 Nissan Tida and a 2006 Toyota Corolla Altis. In the case of Dr. Baburam, she is being prosecuted for her failure to file, without reasonable cause, Statutory Declarations for each declaration period from December 2012 to December 2017. Case Summaries of the two matters are attached.

In today's proceedings, Dr. Baburam entered a plea of Guilty on all counts. She is to be sentenced on Monday, June 7, 2021. In the case of Mr. James, Disclosure was effected on his Counsel, who requested an opportunity to peruse the documents in detail. The matter is again set to be mentioned also on June 7, 2021.

In the Commission's 2019/2020 Annual Report, the Commission's Chairman, the Hon. Mr. Justice (Ret'd.) Seymour Panton, had issued the following warning:

“All public officials who are required to file statutory declarations are being warned by this means to comply, as failure to comply will result in prosecution. No individual public official or any category of public officials will be exempted from prosecution”.

On February 12, 2021, the Commission's Executive Director, Greg Christie, had also said that the Commission had adopted a Zero Tolerance Policy regarding compliance. He said then that “there will be no exceptions”, warning that “laws are promulgated by the Parliament to be complied with and enforced, not to be arbitrarily ignored, disregarded or set aside”.

The Integrity Commission was established by the Integrity Commission Act of 2017, and came into operation in February 2018. However, its Corruption Prosecution Division was not operationalized until late 2020, following the appointment into office of the Commission's substantive executive team and the recruitment of Prosecutors by the Commission. The Prosecution Division is presently staffed by a nucleus of officers that is composed of its Director, Ms. Prince, two Senior Prosecutors, one Prosecutor, a Legal Secretary and a Paralegal.

Case Summary – Patrick James

1. Mr. Patrick James is being brought before the Court for knowingly making a false statement in his Statutory Declarations for the period December 2007 to December 2014.
2. Mr. James was at the material time a public servant employed as a Senior Motor Vehicle Inspector (Acting) to the Island Traffic Authority.
3. Mr James while being so employed failed to declare, in his Statutory Declarations for the noted period, his ownership of the following motor vehicles:
 - i) A 2004 Honda Civic;
 - ii) A 2005 Nissan Tiida; and
 - iii) A 2006 Toyota Corolla Altis
4. All the vehicles were purchased in 2007 and disposed of in 2011. It was only while being interviewed pursuant to investigations in the matter that Mr. James declared his ownership of the vehicles.
5. Mr. James, when tasked, offered explanations for the omission which were unsatisfactory. The Statutory Declaration Form specifically required Mr. James to list all the vehicles owned by him and his failure to do so, amounts to him making a false statement in declaring that the Forms provided were, to the best of his knowledge, true accurate and complete.
6. Consequently, Mr. Patrick James is being charged for the offence under **Section 15 (2)** of the **Corruption (Prevention) Act** of knowingly making a false statement in a Statutory Declaration with respect to failing to declare the aforementioned vehicles.

Case Summary – Dr. Gitanjali Baburam

It is alleged that Dr. Gitanjali Baburam, being a public servant in receipt of emoluments at or above the prescribed amount, failed to file Statutory Declarations as required by **section 4** of the ***Corruption (Prevention) Act*** for each declaration period from December 2013 to December 2017 without reasonable cause. By virtue of **section 4(7)** of the ***Corruption Prevention Act*** the reports became due on the 31st of March of the year following each corresponding period. This amounts to an offence under **section 15(2)(a)** of the Act.

Requirement to file Statutory Declaration

Dr. Baburam was employed to the South East Regional Health Authority (SERHA) for the relevant period and earned in excess of the prescribed amount of \$2,000,000 as follows:

Declaration Period	Total Emoluments
December 31, 2013	\$2,728,783.85
December 31, 2014	\$6,865,378.09
December 31, 2015	\$8,968,480.72
December 31, 2016	\$9,977,603.01
December 31, 2017	\$12,340,269.84

SERHA is an Authority established under a scheme pursuant to **section 3** of the ***National Health Services Act*** and is therefore a statutory body. Dr. Baburam as an employee of SERHA engaged to perform a “public function” is a “Public Servant” for the purposes of the ***Corruption Prevention Act***.

Dr. Baburam had failed to comply as at March 18, 2020, being the time of the completion of investigations into the matter. No reasonable cause has been presented for the failure to comply with these obligations.

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