

Commission of Inquiry

AFFIDAVIT OF DR EWART FREDERICK BROWN

I, **Ewart Frederick Brown**, of 129 South Road HS1, Smiths, in the Islands of Bermuda do hereby solemnly and sincerely swear as follows:

1. Insofar as the matters deposed to herein are within my personal knowledge, they are true and insofar as they are not within my personal knowledge, they are true to the best of my knowledge information and belief. I swear this affidavit in response to the subpoena issued by the Commission of Inquiry on the 31st August 2016 and further pursuant to a letter of 7th November 2016 asking me to address certain questions of the COI.
2. I have been advised by my attorney, Jerome Lynch QC of Trott & Duncan, and in the light of the admitted ongoing investigation by the Bermuda Police Service, the scope of which is unknown to me, into my affairs both during my time as a Minister in the PLP Government and as Premier of Bermuda that any testimony I may give may, either in part or cumulatively, may be used to incriminate me in any current or future criminal proceedings in Bermuda.
3. In the chairman's opening statement on 28th September 2016 he made it clear that the COI's remit was predicated on the Auditor General's report for the financial years ending 31st March 2010, 2011 and 2012. He said that he regarded the COI's work to extend beyond those years as both earlier and later

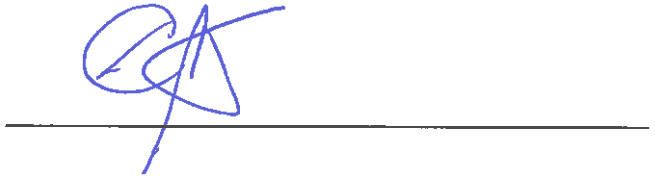
projects were pertinent to their investigation and ultimate findings. Significantly, the COI would concentrate on the tendering process and the Chairman said:

“...we decided to concentrate on one aspect, in particular, that is, the issue of tendering. Were contracts put out to tender, as required by Financial Instructions? If not, was the exception permitted by the Financial Instructions or other rules? If Cabinet approval was required, was it obtained? If not, why not?”

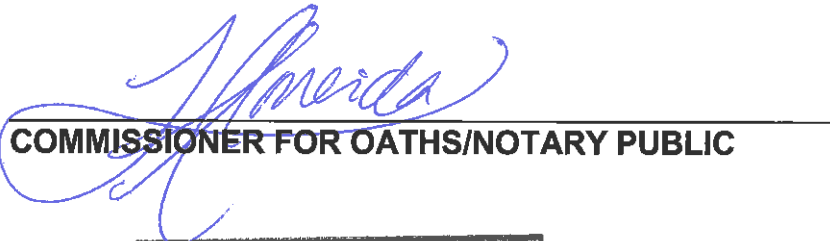
4. This “limiting” of the scope of the Inquiry nonetheless focuses attention on those who were responsible for promoting the particular project in its passage through the machinery of government, as well as those who were ultimately responsible for its award whether directly or as a result of the doctrine of Ministerial Responsibility. Given my role this is fundamental.
5. The questions that the COI seek answers to are numerous and detailed covering seven separate topics as follows: delegation of accounting responsibility to the Ministry of Tourism and Transport; Bermuda Emissions Control contract between 2001 and 2006; The Heritage Wharf 2007/8; Port Royal Golf Course 2007/8; Global Hue; Ambling 2008; and the Dame Lois Brown-Evans project under LLC.
6. I believe that some of these (although I know not which) are the very matters in which the police are interested and which forms the cornerstone of their five-year investigation. Only they know what material they have: they have not provided that information to the COI or to me. They have refused to bring their investigation to an end. It is my view that they have predicated their investigation on dubious evidence and I do not believe that the BPS will conduct themselves fairly.

7. Even though I maintain that I am completely innocent of any wrong-doing I feel compelled to claim my privilege against self-incrimination. For this reason, I ask that the subpoena be set aside as it would be unreasonable to compel me to attend before the Commission to give evidence.

SWORN by the above named)
Ewart Frederick Brown)
In the City of Hamilton)
In the Islands of Bermuda)
on this 30th day of November 2016)



BEFORE ME



COMMISSIONER FOR OATHS/NOTARY PUBLIC

Jessica M. Almeida
Commissioner for Oaths
Canon's Court
22 Victoria Street
PO Box HM 1179
Hamilton HM EX
Bermuda
Date: 30 November 2016