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COMMISSION OF INQUIRY INTO THE LEASE AND DEVELOPMENT OF ASSOMPTION ISLAND

PROCEDURES AND RULES FOR THE COMMISSION OF INQUIRY Established under the Commissions of Inquiry Act (Cap. 10 of 1962)

PART I: PRELIMINARY PROVISIONS

1. Title and Commencement

1.1 These procedures may be cited as the Procedures and Rules for the Commission of Inquiry into the lease and development of Assomption Island.

1.2 These procedures shall come into effect on the date of publication in the Gazette and shall remain in force for the duration of the Commission's mandate.

2. Interpretation

2.1 In these procedures, unless the context otherwise requires:

“**Act**” means the Commissions of Inquiry Act (Cap. 10 of 1962);

“**Commission**” means the Commission of Inquiry established by the President under section 2 of the Act;

“**Commissioner**” means any person appointed as a Commissioner under the Act;

“**Chairman**” means the Commissioner designated as Chairman by the President;

“**Non-Documentary Item**” means any tangible or intangible item that is not a Document and is relevant to the subject matter of the Inquiry Commission, including physical objects, substances, specimens, digital datasets, databases, software code, audio recordings, visual recordings, audio-visual recordings, models, prototypes, demonstration materials, samples, extracts, forensic materials, and any other item in physical or electronic form;

“**Secretary**” means the Secretary to the Commission appointed under section 7 of the Act;

“**Witness**” includes any person summoned or invited to give evidence before the Commission;

“**In camera hearing**” means a hearing held in private, closed to the public and media;

“**Confidential evidence**” means evidence given under conditions of confidentiality as provided in these procedures;

“**Anonymous evidence**” means evidence given without disclosure of the witness's identity;

“**Protected witness**” means a witness who has been granted protections under Part VI of these procedures;

“Online evidence” means evidence given by electronic means including video conferencing or other remote communication technologies;

“Physical hearing” means a hearing held at the Court of Appeal, Ile du Port, Mahe;

“Interested party” means any person whose conduct is the subject of inquiry or who is implicated or concerned in the matter under inquiry as contemplated by section 16 of the Act;

“Legal representative” means counsel or attorney representing a party before the Commission;

“Working day” means any day other than Saturday, Sunday, or a public holiday in Seychelles.

3. Nature and Purpose of the Commission

3.1 The Commission is established to conduct an inquisitorial inquiry, not adversarial litigation. The Commission’s role is to investigate, gather facts, and establish the truth in the public interest.

3.2 The Commission operates differently from ordinary court proceedings in the following fundamental respects:

- (a) The Commission actively investigates and seeks evidence rather than waiting for parties to present their cases;
- (b) There are no “parties” in the traditional sense, no “plaintiff” or “defendant”, and no “prosecution” or “defence”;
- (c) The Commission controls the scope and direction of the inquiry and determines what evidence is relevant;
- (d) The Commission is not bound by strict rules of evidence applicable in courts, though it must observe principles of natural justice and procedural fairness;
- (e) The Commission seeks to establish facts and make findings, not to determine guilt or innocence in a criminal sense;
- (f) Cross-examination is permitted at the Commission’s discretion but is not an automatic right;
- (g) The Commission may receive hearsay evidence, anonymous evidence, and other evidence that might not be admissible in ordinary court proceedings, subject to appropriate weight being given to such evidence.

3.3 The Commission’s paramount duty is to serve the public interest by conducting a thorough, fair, and transparent inquiry (subject to necessary confidentiality protections) into the matters specified in its terms of reference.

PART II: GENERAL CONDUCT OF PROCEEDINGS

4. Venue and Sittings

4.1 The Commission shall sit at the Court of Appeal, Ile du Port, Mahe, Seychelles, unless otherwise directed by the Commission.

4.2 The Commission may, in its discretion, sit at such other places within Seychelles as it deems appropriate for the proper conduct of the inquiry.

4.3 The Commission shall fix the dates, times, and duration of its sittings. The Commission may sit on such days and at such hours as it determines, including outside normal court hours if necessary.

4.4 The Secretary shall publish a schedule of hearings on the Commission's website and shall give reasonable notice to all persons required or invited to attend.

4.5 The Commission may adjourn any sitting from time to time and from place to place as it considers appropriate, pursuant to section 10 of the Act.

5. Public and Private Hearings

5.1 In accordance with section 11 of the Act, and in the absence of a direction to the contrary in the Commission or these procedures, inquiries shall be held in public to ensure transparency and accountability.

5.2 The Commission may order that any hearing or part thereof be held in camera (in private) in the following circumstances:

- (a) Where necessary for the protection of witnesses, including protected witnesses, confidential informants, or vulnerable persons;
- (b) Where evidence involves sensitive security, intelligence, or defence matters;
- (c) Where evidence contains confidential commercial, financial, or proprietary information;
- (d) Where evidence involves intimate personal matters or would cause undue harm to a person's reputation without corresponding public benefit;
- (e) Where publicity would prejudice the proper conduct of the inquiry or the administration of justice;
- (f) Where required to protect the identity of anonymous witnesses;
- (g) For any other reason the Commission considers justified in the public interest.

5.3 Procedure for In Camera Applications :

- (a) Any person may apply to the Commission for an in camera hearing by written application to the Secretary;
- (b) The Commission may of its own motion order an in camera hearing;
- (c) Applications shall state the grounds and reasons for seeking a private hearing;
- (d) The Commission shall determine such applications in its discretion, balancing the public interest in open proceedings against the specific interests requiring confidentiality.

5.4 When ordering an in camera hearing, the Commission shall specify:

- (a) Which persons may remain present during the closed session;
- (b) Whether a transcript will be kept and if so, who may have access to it;

- (c) What restrictions apply to disclosure of the evidence heard in camera;
- (d) Whether any portion of the evidence may subsequently be disclosed in public proceedings or in the Commission's report.

5.5 Pursuant to section 11 of the Act, the Commission may exclude any particular person or persons from any public hearing for:

- (a) The preservation of order
- (b) The due conduct of the inquiry;
- (c) Disruptive or disrespectful conduct;
- (d) Any other reason the Commission deems appropriate.

6. Conduct and Decorum

6.1 All persons attending the Commission's proceedings, whether in person or online, shall:

- (a) Conduct themselves with dignity and respect;
- (b) Refrain from interrupting the proceedings;
- (c) Not make recordings (audio, video, or photographic) without the express permission of the Commission;
- (d) Switch off or silence mobile phones and electronic devices;
- (e) Follow all directions given by the Chairman or any Commissioner.

6.2 Any person who wilfully insults the Commissioner or the Secretary, wilfully and improperly interrupts the proceedings, or is guilty of contempt of any Commissioner shall be guilty of an offence under section 14 of the Act.

6.3 The Commission may order the removal of any person who disrupts proceedings or fails to comply with directions.

6.4 Legal representatives shall conduct themselves in accordance with their professional obligations and shall not engage in tactics designed to obstruct or delay the inquiry.

PART III: COMMUNICATION AND ADMINISTRATION

7. Official Communications

7.1 All communications to the Commission shall be addressed to: secretary@assumptioninquiry.com.

7.2 All correspondence, applications, submissions, requests, and other communications intended for the Commission shall be sent to the Secretary at the above email address.

7.3 The Commission shall endeavour to respond to communications within two (2) working days, though complex matters may require additional time.

7.4 All substantive communications should be in writing via email. Telephone inquiries may be made for administrative matters only.

7.5 Persons wishing to communicate confidentially with the Commission should mark their communication "CONFIDENTIAL - FOR THE CHAIRMAN'S ATTENTION ONLY" and follow the procedures in Part VI regarding protected witnesses.

8. Website and Public Information

8.1 The Commission shall maintain a website containing:

- (a) The Commission's terms of reference;
- (b) These procedures and rules;
- (c) Schedule of hearings;
- (d) Information on how to contact the Commission;
- (e) Information on how to give evidence, including protections available;
- (f) Public transcripts and documents (subject to confidentiality restrictions);
- (g) The Commission's final report when delivered.

8.2 The Secretary shall ensure the website is regularly updated and accessible to the public.

9. Records and Documentation

9.1 The Secretary shall:

- (a) Record all proceedings of the Commission;
- (b) Maintain custody of all documents, exhibits, and evidence received;
- (c) Prepare transcripts of evidence taken;
- (d) Maintain a register of all witnesses;
- (e) Maintain a secure register of protected witnesses (separate from public records);
- (f) Ensure proper security and confidentiality of all records.

9.2 All records of the Commission shall be preserved and shall be delivered to the President upon completion of the inquiry or as otherwise directed.

PART IV: EVIDENCE AND WITNESSES

10. Provision of Evidence

10.1 The Commission may receive evidence in the following forms:

- (a) Oral testimony at physical hearings;
- (b) Oral testimony via online/video conferencing;
- (c) Written statements and affidavits;
- (d) Documentary evidence;
- (e) Non-documentary exhibits;
- (f) Expert reports;
- (g) Audio or video recordings;
- (h) Any other form the Commission considers appropriate.

10.2 The Commission is not bound by strict rules of evidence and may receive any evidence it considers relevant and probative, including hearsay evidence, provided that:

- (a) The evidence is relevant to the matters under inquiry;
- (b) Appropriate weight is given to the nature and source of the evidence;
- (c) Principles of fairness and natural justice are observed.

10.3 Any person who wishes to give evidence may contact the Commission by:

- (a) Sending a written statement to secretary@assumptioninquiry.com;
- (b) Requesting to appear before the Commission;
- (c) Submitting documents or other non-documentary items;
- (d) Using the confidential procedures in Part VI if protection is sought.

11. Summoning of Witnesses

11.1 Pursuant to section 12 of the Act, the Commission has power to summon witnesses and to call for the production of books, plans, and documents.

11.2 Summonses shall be in the form prescribed in the Schedule to the Act or in a form substantially similar thereto.

11.3 Summonses may be served by:

- (a) Any designated officers detailed to attend the Commission;
- (b) The Secretary or authorised staff;
- (c) Email to the last known email address of the person summoned, with confirmation of receipt;
- (d) Any other method the Commission considers effective.

11.4 A summons shall specify:

- (a) The date, time, and place of attendance;
- (b) Whether attendance is required in person or may be via online means;
- (c) What documents or items (if any) must be produced;
- (d) Any special conditions applicable to the appearance.

11.5 Reasonable notice shall be given, generally not less than seven (7) days, though the Commission may shorten this period in urgent circumstances.

12. Obligations of Witnesses

12.1 Pursuant to section 13 of the Act, all persons summoned are bound to obey the summons as fully as if summoned to the Supreme Court.

12.2 Witnesses must answer all questions put to them fully and satisfactorily to the best of their knowledge and belief, subject to:

- (a) The privilege against self-incrimination under section 14 of the Act;
- (b) Any other legal privilege recognised by law;
- (c) Objections on grounds of relevance or oppression, to be determined by the Commission.

12.3 No witness shall be compellable to incriminate himself or herself, and every witness shall be entitled to all privileges and immunities applicable to witnesses in the Supreme Court.

12.4 Witnesses must produce all documents specified in the summons unless there is lawful excuse for non-production.

12.5 Any person who fails to comply with their obligations under sections 13 or 14 of the Act commits an offence and is liable to the penalties specified in section 14.

13. Taking of Evidence

13.1 All witnesses giving oral evidence shall be sworn or shall make an affirmation or declaration as appropriate, administered by a Commissioner or the Secretary pursuant to section 12(3) of the Act.

13.2 In the examination of witnesses—

- (a) The Commission shall conduct the examination of witnesses in a manner it considers appropriate to elicit the truth;
- (b) The Commission may ask questions at any time;
- (c) The Commission may adopt an informal conversational style rather than formal examination procedures if this better serves the inquiry;
- (d) The Commission may permit interested parties or their legal representatives to ask questions, subject to the Commission's control and direction.

13.3 (a) Cross-examination is not an automatic right before the Commission;

- (b) Any person whose conduct or interests are directly affected by a witness's evidence may apply to cross-examine that witness;
- (c) The Commission shall determine such applications in its discretion, considering—
 - (i) Whether cross-examination is necessary for fairness;
 - (ii) Whether the issues can be adequately addressed through Commission questioning;
 - (iii) Whether cross-examination would assist the inquiry or cause undue delay;
 - (iv) The inquisitorial nature of the proceedings.
- (d) Where cross-examination is permitted, the Commission shall control its scope and duration.

13.4 (a) Pursuant to section 12(2) of the Act, the Commission may receive evidence by affidavit where it considers this desirable to avoid expense or delay or for any other special reason;

- (b) Written statements may be admitted in evidence without the witness appearing in person, subject to—
 - (i) The statement being verified by oath or statutory declaration;
 - (ii) The Commission being satisfied of its authenticity and reliability;
 - (iii) Any interested party being given an opportunity to respond;
 - (iv) The Commission giving appropriate weight to evidence not tested by questioning.

13.5 Pursuant to section 12(2) of the Act, the Commission may administer interrogatories to any person and require full and true replies.

13.6 The Commission may—

- (a) Appoint its own expert advisers;
- (b) Receive expert reports and testimony from qualified persons;
- (c) Direct that expert evidence be given on specified issues.

14. Documents and Exhibits

14.1 Any person summoned to produce documents must bring originals unless the Commission permits copies.

14.2 The Commission may—

- (a) Inspect and retain documents;
- (b) Make copies of documents;
- (c) Direct that documents be provided in electronic or searchable format;
- (d) Return originals and retain copies where appropriate.

14.3 Where documents contain confidential information, the Commission may—

- (a) Receive them on a confidential basis;
- (b) Review them in camera;
- (c) Order that they not be disclosed publicly;
- (d) Redact sensitive information before any public disclosure.

14.4 The Commission may accept copies, electronic documents, or other secondary evidence where it is satisfied as to authenticity.

14.5 The Commission may receive and take custody of non-documentary item and preserve, store, or otherwise maintain the non-documentary item in a secure manner to prevent loss, alteration, or degradation.

14.6 The admission of any material exhibit shall be subject to the Commission being satisfied that:

- (a) The item is relevant to the Inquiry
- (b) A sufficient description, provenance, or chain of custody has been provided to identify the item and contextualise its significance;
- (c) The admission of the item is necessary for the just and effective conduct of the Inquiry.

- (a) The Commission may impose conditions on the admission of a non-documentary item, including but not limited to conditions concerning its handling, testing, confidentiality, and ultimate disposal or return.

PART V: ONLINE EVIDENCE AND REMOTE PARTICIPATION

15. Online Evidence Facilities

15.1 The Commission shall facilitate the giving of evidence by online means using secure video conferencing or other appropriate electronic communication technology.

15.2 Online evidence may be taken—

- (a) Where a witness is unable to attend in person due to location, health, or other genuine reasons;
- (b) Where the Commission considers it appropriate for efficiency or convenience;
- (c) For protected witnesses where additional security is required;
- (d) At the Commission's discretion for any other reason.

15.3 The Commission shall establish technical requirements and protocols for online evidence, including:

- (a) Approved video conferencing platforms;
- (b) Security and encryption requirements;
- (c) Identity verification procedures;
- (d) Procedures for administering oaths remotely;
- (e) Management of documents and exhibits in online hearings;
- (f) Recording and transcription of online evidence.

16. Procedure for Online Evidence

16.1 Any person wishing to give evidence online shall:

- (a) Apply to the Secretary at secretary@assumptioninquiry.com ;
- (b) Provide reasons for seeking to give evidence online;
- (c) Provide contact details and technical capabilities; and
- (d) Comply with any technical requirements specified by the Commission.

16.2 The Commission shall determine whether to permit online evidence, considering:

- (a) The nature and importance of the evidence;
- (b) Whether the witness can reasonably attend in person;

- (c) Technical feasibility;
- (d) Fairness to interested parties;
- (e) The need to test evidence through questioning;
- (f) Any security or confidentiality concerns.

16.3 The Commission may conduct hybrid hearings where some participants are physically present at Ile du Port and others participate online.

16.4 Evidence given online shall have the same status and weight as evidence given in person, subject to the Commission's assessment of reliability and demeanour.

17. Online Hearing Protocols

17.1 Witnesses giving evidence online shall:

- (a) Ensure they are in a private, quiet location free from interruption;
- (b) Ensure adequate internet connectivity and audio/visual quality;
- (c) Display their identity as directed by the Commission;
- (d) Follow the same rules of conduct as apply to physical hearings;
- (e) Not record proceedings without permission.

17.2 The Secretary shall:

- (a) Test technology in advance with witnesses;
- (b) Ensure proper recording of online proceedings;
- (c) Manage any technical difficulties;
- (d) Maintain security of online sessions.

17.3 In the event of technical failure, the Commission may:

- (a) Adjourn briefly to resolve the issue;
- (b) Continue with other matters;
- (c) Reschedule the evidence;
- (d) Receive evidence by alternative means.

PART VI: PROTECTION OF WITNESSES - WHISTLEBLOWER PROVISIONS**18. Purpose and Scope of Witness Protection**

18.1 These provisions are designed to encourage persons with relevant information to come forward and give evidence without fear of reprisals, retaliation, or adverse consequences.

18.2 The following classes of protection are available:

- (a) “Confidential evidence” where the witness's identity is known to the Commission but not disclosed publicly;
- (b) “Anonymous evidence” where the witness's identity is not disclosed even to interested parties (subject to fairness considerations);
- (c) “In camera testimony” where evidence given in closed session;
- (d) “Redacted public records” where public transcripts or reports with identifying information removed;
- (e) “Security measures” where physical security, secure communications, or other protective measures are made available to the witness.

18.3 Any person who has relevant information may seek protection under these provisions, including:

- (a) Current or former public officers;
- (b) Employees of any entity relevant to the inquiry;
- (c) Contractors, consultants, or service providers;
- (d) Members of the public;
- (e) Any person who reasonably fears adverse consequences from giving evidence.

19. Grounds for Protection

19.1 The Commission may grant protection to a witness who demonstrates reasonable grounds to believe that giving evidence could result in—

- (a) Physical harm, threats, or intimidation to the witness or their family;
- (b) Loss of employment or other economic retaliation;
- (c) Professional or reputational harm disproportionate to the public interest in disclosure;
- (d) Discrimination, harassment, or victimisation;
- (e) Breach of a duty of confidentiality that is outweighed by the public interest;
- (f) Any other adverse consequence that might deter the witness from giving full and frank evidence.

19.2 The Commission shall balance the witness's need for protection against:

- (a) The public interest in open proceedings;
- (b) The need for interested parties to know and respond to evidence affecting them;
- (c) The reliability and weight of anonymous or confidential evidence;
- (d) Principles of natural justice and procedural fairness.

20. Application for Protected Witness Status

20.1 Procedure: Any person seeking protection shall:

- (a) Contact the Commission by email to secretary@assumptioninquiry.com with the subject line “CONFIDENTIAL - PROTECTED WITNESS APPLICATION”;
- (b) Provide a written application stating:
 - (i) A summary of the evidence they can provide (without revealing identity if seeking anonymity);
 - (ii) The specific risks or consequences they fear;
 - (iii) The type of protection sought;
 - (iv) Any supporting information or documentation.
- (c) The application itself shall be treated as confidential unless the applicant consents otherwise.

20.2 Upon receiving an application, the Secretary shall—

- (a) Acknowledge receipt confidentially;
- (b) Assign a confidential reference number;
- (c) Place the application before the Commission for consideration;
- (d) Not disclose the application or the applicant's identity except as authorised by the Commission.

20.3 The Commission shall consider the application and may:

- (a) Grant the protection sought;
- (b) Grant alternative or modified protection;
- (c) Refuse the application;
- (d) Seek additional information;
- (e) Interview the applicant confidentially before deciding.

20.4 The Commission's decision shall be communicated to the applicant confidentially via the Secretary.

21. Anonymous Evidence Procedures

21.1 Where the Commission grants anonymity, it shall issue an order specifying—

- (a) That the witness's identity shall not be disclosed;
- (b) That the witness shall be identified by a pseudonym or reference number;
- (c) Which persons (if any) may know the witness's identity;
- (d) What measures shall be taken to preserve anonymity during testimony;
- (e) Any restrictions on publication or disclosure.

21.2 (a) Anonymous witnesses may give evidence in camera with only authorised persons present;

- (b) Anonymous witnesses may give evidence via online means with identity concealment (voice distortion, visual obscuring if necessary);
- (c) The Commission may direct that the witness's physical appearance or identifying characteristics not be disclosed;
- (d) Documents provided by anonymous witnesses shall be redacted to remove identifying information.

21.3 (a) Transcripts of anonymous evidence shall use the pseudonym or reference number;

- (b) Any version released publicly shall be further redacted to prevent identification;
- (c) The Secretary shall maintain a separate sealed register containing the true identities of anonymous witnesses, accessible only to Commissioners and designated officials.

21.4 (a) The Commission shall be conscious that anonymous evidence may carry less weight than identified evidence;

- (b) Where evidence from an anonymous witness seriously implicates an interested party, the Commission shall consider whether fundamental fairness requires some form of disclosure or whether the evidence can be corroborated from other sources;
- (c) The Commission shall not rely solely on anonymous evidence to make critical findings against a person unless satisfied this is justified in the circumstances and consistent with fairness.

22. Confidential Evidence Procedures

22.1 Where a witness is granted confidentiality (but not full anonymity), the Commission shall specify:

- (a) That the witness's identity shall not be publicly disclosed;
- (b) That the witness's identity may be known to the Commissioner and necessary staff;

- (c) Whether interested parties may be informed of the witness's identity on a confidential basis;
- (d) What protective measures apply to testimony and documents;
- (e) What information may appear in public records or the final report.

22.2 (a) Where evidence from a confidential witness affects an interested party's conduct or interests, the Commission shall consider whether that party must be informed of:

- (i) The substance of the evidence;
 - (ii) The witness's identity (on a confidential basis);
 - (iii) Sufficient information to respond fairly.
- (b) The Commission may require interested parties to give undertakings not to disclose the witness's identity or take retaliatory action;
- (c) Breach of such undertakings may constitute contempt under section 14 of the Act.

22.3 Confidential witnesses shall ordinarily give evidence in camera with restricted access as determined by the Commission.

23. Security and Support Measures

23.1 The Commission may implement additional security measures for protected witnesses, including:

- (a) Secure communication channels;
- (b) Separate entrances and waiting areas at hearing venues;
- (c) Screens or other physical barriers during testimony;
- (d) Security personnel;
- (e) Restrictions on photography or recording;
- (f) Any other measure necessary to protect the witness.

23.2 The Commission may liaise with police authorities where necessary to ensure witness safety.

23.3 The Commission may permit a support person to accompany a vulnerable or fearful witness.

24. Prohibition on Retaliation

24.1 No person shall:

- (a) Threaten, intimidate, or harm any person who has given or intends to give evidence to the Commission;

- (b) Dismiss, suspend, demote, or otherwise disadvantage any employee or contractor because they gave evidence to the Commission;
- (c) Discriminate against, harass, or victimise any person because of their cooperation with the Commission;
- (d) Take any retaliatory action against a witness or potential witness.

24.2 Any such conduct may:

- (a) Constitute contempt of the Commission;
- (b) Be reported to appropriate authorities for investigation and prosecution;
- (c) Be referred to relevant regulatory or oversight bodies;
- (d) Be specifically noted in the Commission's report.

24.3 The Commission may, at any stage, issue protective orders or directions to prevent retaliation against witnesses.

25. Certificate of Indemnity

25.1 Pursuant to section 18 of the Act, the Commission may grant a certificate of indemnity to any witness who has made a full and true disclosure of all facts on which they were examined, where the Commission is satisfied it is in the public interest to do so.

25.2 Such certificate shall bar any civil or criminal proceedings (other than perjury) against the witness in respect of acts or things revealed by their evidence, upon production and proof of the certificate.

25.3 A witness may apply for a certificate of indemnity either:

- (a) Before giving evidence, indicating that full disclosure would be made;
- (b) After giving evidence.

25.4 The Commission shall consider:

- (a) Whether the witness has made complete and truthful disclosure;
- (b) Whether the public interest in obtaining the evidence outweighs the public interest in potential proceedings against the witness;
- (c) The seriousness of any wrongdoing disclosed;
- (d) Whether the witness was a primary wrongdoer or a witness to others' conduct.

PART VII: REPRESENTATION AND INTERESTED PARTIES**26. Right to Representation**

26.1 Pursuant to section 16 of the Act:

- (a) Any person whose conduct is the subject of inquiry shall be entitled to be represented by counsel or attorney at the whole of the inquiry;
- (b) Any person who is in any way implicated or concerned in the matter under inquiry shall be entitled to be represented by counsel or attorney at the whole of the inquiry;
- (c) Any other person may, by leave of the Commission, be represented by counsel or attorney.

26.2 A person seeking leave to be represented shall apply in writing to the Secretary, stating:

- (a) Their interest in the inquiry;
- (b) Why representation is necessary;
- (c) The name and contact details of their proposed representative.

26.3 The Commission may grant, refuse, or grant leave subject to conditions, considering:

- (a) The nature and extent of the person's interest;
- (b) Whether representation would assist the inquiry;
- (c) Whether representation might cause delay or obstruction;
- (d) Fairness and the proper conduct of the inquiry.

27. Role of Legal Representatives

27.1 Legal representatives appearing before the Commission shall:

- (a) Assist the Commission in its inquiry rather than pursuing adversarial tactics;
- (b) Cooperate with the Commission's procedures and directions;
- (c) Conduct themselves professionally and courteously;
- (d) Remember that the Commission is inquisitorial, not adversarial.

27.2 Legal representatives may:

- (a) Make submissions on behalf of their clients;
- (b) Ask questions of witnesses where permitted by the Commission;
- (c) Apply for procedural orders or directions;
- (d) Apply for protections for their clients;
- (e) Respond to evidence affecting their clients;

(f) Make closing submissions where the Commission invites them to do so.

27.3 Legal representatives may not:

- (a) Obstruct or delay the inquiry;
- (b) Coach or improperly influence witnesses;
- (c) Engage in aggressive cross-examination without Commission approval;
- (d) Make frivolous applications or objections;
- (e) Disclose confidential evidence or protected witness identities in breach of Commission orders.

28. Notice to Interested Parties

28.1 Where the Commission intends to examine matters that may adversely affect a person's conduct, reputation, or interests:

- (a) The Commission shall, where practicable, give that person notice;
- (b) The notice shall provide sufficient detail to enable the person to understand the matters to be examined;
- (c) The person shall be given a reasonable opportunity to respond, either by:
 - (i) Giving evidence themselves;
 - (ii) Calling witnesses;
 - (iii) Making submissions;
 - (iv) Any other means the Commission permits.

28.2 The Commission shall determine what constitutes reasonable notice based on the circumstances, but generally not less than seven (7) days.

28.3 Failure to give notice shall not invalidate the inquiry where the Commission determines that:

- (a) It was not practicable to give notice;
- (b) The person subsequently received adequate opportunity to respond;
- (c) No substantial unfairness resulted.

29. Procedural Fairness

29.1 The Commission shall observe principles of natural justice and procedural fairness, including:

- (a) Adverse findings affecting a person's interests shall not be made without giving that person an opportunity to respond;
- (b) The Commission shall act impartially and without bias;

(c) Proceedings shall be conducted fairly, though not bound by strict court procedures.

29.2 Given the inquisitorial nature of the Commission, procedural fairness does not require:

- (a) Formal pleadings or charges;
- (b) Discovery or disclosure in advance of all evidence;
- (c) Cross-examination as of right;
- (d) Strict adherence to rules of evidence;
- (e) Procedures identical to those of a court of law.

29.3 The Commission shall balance:

- (a) The rights of individuals to respond to allegations;
- (b) The public interest in an efficient and thorough inquiry;
- (c) The protection of witnesses and confidential sources;
- (d) The inquisitorial mandate to investigate and establish the truth.

PART VIII: APPLICATIONS AND SUBMISSIONS

30. Applications to the Commission

30.1 Applications to the Commission shall be:

- (a) In writing;
- (b) Sent to secretary@assumptioninquiry.com;
- (c) Clearly stating the relief sought and the grounds;
- (d) Supported by any relevant documentation.

30.2 Applications may include requests for:

- (a) Protected witness status;
- (b) In camera hearings;
- (c) Confidentiality orders;
- (d) Leave to be represented;
- (e) Leave to cross-examine witnesses;
- (f) Production of documents;
- (g) Adjournments;
- (h) Certificates of indemnity;

- (i) Any other relief within the Commission's powers.

30.3 The Commission shall determine applications:

- (a) In its discretion;
- (b) As expeditiously as possible;
- (c) After considering any responses from affected parties where appropriate;
- (d) Without unnecessary formality.

PART IX: REPORT AND PUBLICATION

31. Draft Report and Publication

31.1 Upon completion of the inquiry, the Commission shall prepare a draft report containing its findings, conclusions, and recommendations.

31.2 Before finalising the report, the Commission shall:

- (a) Identify all persons who are the subject of adverse findings or comments in the draft report;
- (b) Provide those persons with the relevant portions of the draft report that concern them;
- (c) Invite those persons to submit written comments identifying any factual errors, inaccuracies, or matters requiring clarification within a specified time period, generally not less than fourteen (14) days.
- (d) Consider any such comments received and determine whether amendments to the report are warranted.

31.3 The disclosure of draft findings is intended to:

- (a) Ensure factual accuracy of the report;
- (b) Provide a final opportunity for persons to correct misunderstandings or factual errors;
- (c) Enhance the fairness and credibility of the final report;
- (d) Allow clarification of any matters before publication.

31.4 Persons who receive portions of the draft report shall:

- (a) Treat the draft as strictly confidential;
- (b) Use it only for the purpose of identifying errors or providing clarifications;
- (c) Not disclose the draft or its contents to any other person without the Commission's permission;
- (d) Return or destroy the draft upon submission of their comments or expiry of the time period.

31.5 The Commission retains absolute discretion to:

- (a) Accept or reject any comments received;
- (b) Amend the report or maintain its original findings;
- (c) Determine the final content of the report.

31.6 Upon finalisation, the Commission shall:

- (a) Submit the final report to the President of the Republic of Seychelles in accordance with section 8 of the Act;
- (b) Submit a full statement of the proceedings and reasons for conclusions as required by section 8 of the Act, if requested by the President.

31.7 Following submission to the President:

- (a) The final report shall be published on the Commission's website;
- (b) The report shall be made available to the public in accessible format;
- (c) The Secretary shall issue a public notice of the report's publication;
- (d) Subject to any directions from the President, the report shall be published in full, except that:
 - (i) Portions containing sensitive security information may be redacted;
 - (ii) Information identifying protected witnesses shall be redacted in accordance with protection orders;
 - (iii) Confidential commercial or personal information may be redacted where appropriate;
 - (iv) Any other information the Commission or President determines should not be publicly disclosed.

31.8 The Commission shall endeavour to:

- (a) Submit the report to the President within the timeframe specified in the Commission (if any);
- (b) Publish the report on the website within seven (7) days of submission to the President, unless otherwise directed by the President.

PART X: SUBMISSIONS AND CLOSING PROCEDURES

32. Written Submissions

32.1 The Commission may invite or permit any interested party or other person to make written submissions on:

- (a) Issues arising during the inquiry;
- (b) The interpretation of evidence;

- (c) Findings or conclusions the Commission should consider;
- (d) Recommendations the Commission should make;
- (e) Any other matter relevant to the inquiry.

32.2 Written submissions shall:

- (a) Be sent to secretary@assumptioninquiry.com;
- (b) Be clearly structured with headings and paragraph numbering;
- (c) Cite evidence heard by the Commission where relevant;
- (d) Be concise and focused on relevant matters;
- (e) Comply with any page limits or formatting requirements specified by the Commission.

32.3 The Commission shall specify deadlines for submissions, and may grant extensions for good cause shown.

32.4 Where appropriate, the Commission may permit reply submissions from other parties.

33. Oral Closing Submissions

33.1 The Commission may, at the conclusion of evidence or at such other time as it deems appropriate, invite interested parties to make oral closing submissions.

33.2 The Commission shall specify:

- (a) The order in which submissions will be heard;
- (b) Time limits for each party;
- (c) The issues to be addressed;
- (d) Whether submissions will be in person or online.

33.3 Oral submissions shall be recorded and transcribed as part of the Commission's proceedings.

34. Commission's Own Research and Inquiries

34.1 The Commission may:

- (a) Conduct its own research and investigations;
- (b) Obtain expert advice or reports;
- (c) Commission studies or analyses;
- (d) Make site visits or inspections;

- (e) Gather information from any source it considers relevant.

34.2 Where the Commission relies on material obtained through its own inquiries that may affect findings against any person, that person shall be given an opportunity to respond to such material.

PART XI: CONTEMPT AND ENFORCEMENT

35. Contempt of Commission

35.1 Pursuant to section 14 of the Act, the following conduct constitutes contempt and is punishable by fine not exceeding one thousand rupees or imprisonment not exceeding one year or both:

- (a) Refusing or omitting without sufficient cause to attend when summoned;
- (b) Attending but leaving without permission;
- (c) Refusing to be sworn or make an affirmation;
- (d) Refusing without sufficient cause to answer questions fully and satisfactorily;
- (e) Refusing or omitting without sufficient cause to produce documents required by summons;
- (f) Wilfully insulting the Commissioner or the Secretary;
- (g) Wilfully and improperly interrupting the proceedings;
- (h) Being guilty of any contempt of the Commissioner.

35.2 The Commission may also treat the following as contemptuous conduct:

- (a) Deliberately giving false evidence (subject to prosecution for perjury);
- (b) Attempting to intimidate or influence witnesses;
- (c) Disclosing confidential evidence or protected witness identities in breach of orders;
- (d) Destroying or concealing evidence;
- (e) Coaching witnesses to give false evidence;
- (f) Taking retaliatory action against witnesses;
- (g) Breaching undertakings given to the Commission;
- (h) Any other conduct that obstructs or tends to obstruct the proper conduct of the inquiry.

35.3 Where the Commission believes a person may be in contempt:

- (a) The Commission shall inform the person of the alleged contempt;
- (b) The person shall be given an opportunity to explain or excuse their conduct;
- (c) If the Commission finds contempt established, it may:
 - (i) Issue a warning or reprimand;

- (ii) Refer the matter to the Attorney General for prosecution under section 21 of the Act;
- (iii) Report the contempt to relevant professional or regulatory bodies;
- (iv) Note the contempt in its report to the President.

35.4 Pursuant to section 21 of the Act, no prosecution for contempt shall be commenced except by direction or with the consent of the Attorney General.

36. Compelling Attendance

36.1 Pursuant to section 13 of the Act, the Commission has the powers of the Supreme Court to compel attendance of witnesses who fail to obey summonses.

36.2 The Commission may:

- (a) Issue bench warrants for the arrest of non-compliant witnesses;
- (b) Request police assistance in securing attendance;
- (c) Refer matters to the Supreme Court for enforcement orders.

36.3 Before taking coercive measures, the Commission shall generally:

- (a) Attempt to contact the witness;
- (b) Ascertain reasons for non-attendance;
- (c) Give the witness an opportunity to comply;
- (d) Consider whether there is sufficient cause for non-attendance.

37. False Evidence and Perjury

37.1 Any person who gives false evidence before the Commission, knowing it to be false, may be prosecuted for perjury under the general criminal law of Seychelles.

37.2 The Commission may refer suspected cases of perjury to the Attorney General or police for investigation and prosecution.

37.3 Witnesses shall be warned when sworn that giving false evidence may result in prosecution.

PART XII: COSTS AND EXPENSES

38. Witness Expenses

38.1 Pursuant to section 15 of the Act, witnesses attending to give evidence are entitled to fees allowed to witnesses attending the Supreme Court on a criminal trial.

38.2 Witnesses shall:

- (a) Submit claims for expenses to the Secretary;
- (b) Provide receipts or other documentation as required;
- (c) Submit claims within thirty (30) days of giving evidence.

38.3 The Secretary shall tax witness fees in accordance with section 15(1) of the Act.

38.4 Pursuant to section 15(2) of the Act, the Commission may disallow the whole or any part of a witness's fees where it considers appropriate, including where:

- (a) The witness's evidence was frivolous or irrelevant;
- (b) The witness unnecessarily prolonged proceedings;
- (c) The witness refused to cooperate or was in contempt;
- (d) Other circumstances make it inappropriate to award fees.

39. Legal Costs

39.1 The Commission does not generally award costs to or against parties appearing before it.

39.2 However, the Commission may, in exceptional circumstances:

- (a) Recommend that the Government reimburse reasonable legal costs incurred by a person whose conduct was investigated but who was fully exonerated;
- (b) Recommend that costs be paid to persons who provided substantial assistance to the inquiry;
- (c) Note in its report where unreasonable conduct by a party caused unnecessary expense.

39.3 Such recommendations are not binding on the Government.

40. Commission Expenses

40.1 All expenses of the Commission, including:

- (a) Remuneration to the Secretary and staff (if any);
- (b) Witness fees;
- (c) Venue and facility costs;
- (d) Technology and equipment;

- (e) Expert advisers and consultants;
- (f) Any other expenses attendant upon the inquiry;

shall be paid from general revenues as directed by the President pursuant to section 19 of the Act.

40.2 The Secretary shall maintain proper accounts of all expenditures.

PART XIII: MISCELLANEOUS PROVISIONS

41. Interpretation and Application of Procedures

41.1 These procedures shall be interpreted:

- (a) Liberally and purposively to facilitate the efficient conduct of the inquiry;
- (b) Consistently with the Commissions of Inquiry Act;
- (c) Consistently with principles of natural justice;
- (d) So as to promote the public interest objectives of the inquiry.

41.2 In case of any conflict between these procedures and the Act, the Act shall prevail.

41.3 Nothing in these procedures shall limit the inherent powers of the Commission to regulate its own proceedings under section 10 of the Act.

42. Amendment of Procedures

42.1 The Commission may amend these procedures at any time by:

- (a) Publishing amended procedures on its website;
- (b) Notifying all interested parties who have appeared before the Commission;
- (c) Allowing a reasonable transition period where appropriate.

42.2 Amendments shall not unfairly prejudice rights already exercised or relied upon.

43. Gaps and Unforeseen Matters

43.1 Where these procedures do not address a particular situation or issue, the Commission shall:

- (a) Exercise its discretion under section 10 of the Act;
- (b) Act in accordance with principles of fairness and natural justice;
- (c) Have regard to analogous procedures in other commissions or courts where appropriate;
- (d) Consider the inquisitorial nature of its mandate.

43.2 The Commission may issue specific directions or practice notes on particular issues as they arise.

44. Languages

44.1 Proceedings of the Commission may be conducted in English, French, or Creole, being the official languages of Seychelles.

44.2 The Commission shall provide interpretation services where necessary to ensure:

- (a) Witnesses can give evidence in the language of their choice;
- (b) Interested parties can understand proceedings affecting them;
- (c) The Commission can understand all evidence presented.

44.3 Documents may be submitted in any official language. The Commission may require translation where necessary for its work.

44.4 The official record of proceedings shall be maintained in English, with translations provided where appropriate.

45. Accessibility and Reasonable Accommodations

45.1 The Commission is committed to accessibility and shall:

- (a) Ensure hearing venues are accessible to persons with disabilities;
- (b) Provide reasonable accommodations for witnesses or parties with special needs;
- (c) Make adjustments to procedures where necessary to ensure full participation;
- (d) Provide assistance with technology for online participation where needed.

45.2 Persons requiring accommodations should notify the Secretary as early as possible.

46. Media and Public Relations

46.1 Subject to in camera orders and confidentiality restrictions, accredited media may attend and report on public hearings.

46.2 Media may not make audio or video recordings without the Commission's express permission. The Commission may designate an official broadcaster for important hearings.

46.3 Photography is generally not permitted during hearings except by official Commission photographers.

46.4 The Commission may issue guidelines for media coverage, including restrictions on:

- (a) Photographing protected witnesses;
- (b) Reporting information subject to confidentiality orders;
- (c) Publishing material that might prejudice the inquiry;
- (d) Contempt of Commission through media publications.

46.5 Only the Commissioner or Secretary may make official statements to media on behalf of the Commission.

46.6 The Commission may maintain official social media accounts for communication purposes. Posting contemptuous content by members of the public about the Commission or witnesses on social media may constitute contempt.

47. Relationship with Other Proceedings

47.1 The Commission's inquiry is independent of any:

- (a) Criminal investigations or prosecutions;
- (b) Civil litigation;
- (c) Disciplinary proceedings;
- (d) Other inquiries or investigations.

47.2 The Commission does not determine criminal guilt, civil liability, or impose penalties. Its role is to:

- (a) Investigate and establish facts;
- (b) Make findings based on evidence;
- (c) Make recommendations;
- (d) Report to the President.

47.3 Evidence given to the Commission—

- (a) May be used in subsequent proceedings, subject to any indemnity granted under section 18 of the Act;
- (b) Shall be available to prosecution or regulatory authorities as appropriate;

(c) May inform but does not bind other decision-makers.

47.4 The Commission may consider whether to stay or adjourn its proceedings if—

- (a) Parallel criminal proceedings may be prejudiced;
- (b) A court orders or requests a stay;
- (c) Continuing would be contrary to the administration of justice.

However, the Commission retains discretion to proceed with its inquiry where the public interest so requires.

48. Security and Safety

48.1 The Commission may implement security measures including:

- (a) Security screening of persons entering hearing venues;
- (b) Restrictions on items that may be brought into hearings;
- (c) Presence of police or security officers;
- (d) Secure transportation for protected witnesses;
- (e) Any other measures necessary for safety.

48.2 Any person who—

- (a) Threatens violence or disruption;
- (b) Brings weapons or prohibited items into hearings;
- (c) Engages in violent or threatening behaviour;

shall be removed and may be referred to police for prosecution.

48.3 The Commission may order evacuation of hearing venues in case of emergency and shall have contingency plans for such situations.

49. Technology and Electronic Records

49.1 The Commission embraces electronic communications and—

- (a) Shall accept documents by email;
- (b) May conduct hearings via video conferencing;
- (c) Shall maintain digital records where appropriate;
- (d) May use electronic case management systems.

49.2 Documents may be signed electronically where the Commission is satisfied as to authenticity.

49.3 The Commission shall—

- (a) Protect personal data in accordance with applicable laws;
- (b) Maintain secure systems for confidential information;
- (c) Implement cybersecurity measures;
- (d) Ensure appropriate data retention and destruction policies.

50. Official Seal and Formal Documents

50.1 The Commission may adopt an official seal for use on formal documents.

50.2 Documents bearing the Commission's seal or signed by the Chairman or Secretary shall be accepted as authentic unless proven otherwise.

50.3 The Commission may issue certified copies of documents or transcripts upon request and payment of reasonable copying fees.

51. Hours of Business and Contact Information

51.1 The Commission's administrative office operates during normal business hours, generally 8:00 AM to 4:00 PM, Monday to Friday, except public holidays.

51.2 The Contact Information for the Commission is:

Email: secretary@assumptioninquiry.com
Address: Court of Appeal, Palais de Justice, Ile du Port, Mahe, Seychelles
Website: www.assumptioninquiry.com

51.3 Provisions for handling urgent matters outside business hours may be specified by the Secretary.

52. Transition and Commencement

52.1 These procedures take effect from the date of their publication and apply to all proceedings from that date.

52.2 Applications or matters pending at the time these procedures take effect shall be dealt with under these procedures unless the Commission determines otherwise.

52.3 Any inconsistency with prior directions or practices shall be resolved in favour of these procedures.

PART XIV: FINAL PROVISIONS

53. Sovereignty and Dignity of the Commission

53.1 The Commission is established by the President under statutory authority and carries out functions in the public interest of Seychelles.

53.2 All persons appearing before or dealing with the Commission shall:

- (a) Show appropriate respect for the Commission's authority;
- (b) Recognise the importance of the Commission's work;
- (c) Cooperate with the Commission's legitimate requests;
- (d) Conduct themselves in a manner befitting the dignity of the proceedings.

53.3 The Commission shall conduct itself with integrity, impartiality, and professionalism at all times.

54. Review and Evaluation

54.1 The Commission may periodically review the effectiveness of these procedures and make amendments as necessary.

54.2 Public comments may be considered in evaluating and improving procedures.

55. Savings Provision

55.1 Nothing in these procedures shall—

- (a) Limit any power conferred on the Commission by the Act;
- (b) Derogate from any privilege or immunity granted by the Act;
- (c) Create rights beyond those established by law;
- (d) Limit the Commission's inherent power to regulate its own proceedings.

SCHEDULE A: FORMS**Form 1: Summons to Witness**

COMMISSION OF INQUIRY
INTO THE LEASE AND DEVELOPMENT OF ASSOMPTION ISLAND

SUMMONS TO WITNESS

(In terms of the Commissions of Inquiry Act, Cap. 10 of 1962)

To: [Full name, address, occupation]

You are hereby summoned to appear before the Commissioners appointed by His Excellency the President of the Republic of Seychelles to inquire into [state briefly the subject of inquiry] at [place] on [date] at [time] to give evidence respecting such inquiry.

[If applicable: You are required to give evidence by online video conferencing. Details of the video conference link and joining instructions will be sent to you separately.]

[If documents required: You are required to bring with you the following documents: [specify documents, books, plans, or other items required]]

You are advised that:

1. Failure to comply with this summons without sufficient cause is an offence under section 14 of the Commissions of Inquiry Act;
2. You are entitled to claim witness fees in accordance with section 15 of the Act;
3. You are entitled to the same privileges and immunities as a witness before the Supreme Court, including the privilege against self-incrimination;
4. If you require any accommodations or have concerns about attending, please contact the Secretary immediately at secretary@assomptioninquiry.com

Given under my hand this [date]

[Name]

Commissioner / Secretary to the Commission

Form 2: Application for Protected Witness Status

**COMMISSION OF INQUIRY
INTO THE LEASE AND DEVELOPMENT OF ASSUMPTION ISLAND**

APPLICATION FOR PROTECTED WITNESS STATUS

CONFIDENTIAL

To: The Secretary

Commission of Inquiry into the Lease and Development of Assumption Island

secretary@assumptioninquiry.com

1. Applicant Details (if not seeking anonymity):

Name: _____

Contact Details: _____

2. Nature of Evidence:

Please provide a brief summary of the evidence you can provide to the Commission (without revealing your identity if seeking anonymity)

3. Type of Protection Sought(check all that apply):

Anonymous evidence (identity not disclosed to anyone except Commission)

Confidential evidence (identity not disclosed publicly but may be disclosed to interested parties)

In camera testimony (evidence given in private)

Other (specify): _____

4. Grounds for Protection

Please explain what risks or adverse consequences you fear if your identity is disclosed or if you give evidence publicly:

5. Supporting Information:

Please provide any additional information or documentation supporting your application.

6. Declaration:

I declare that the information provided in this application is true and correct to the best of my knowledge and belief.

Date: _____

Signature: _____ (or state "withheld pending determination")

Form 3: Application for Leave to be Represented

**COMMISSION OF INQUIRY
INTO THE LEASE AND DEVELOPMENT OF ASSOMPTION ISLAND**

APPLICATION FOR LEAVE TO BE REPRESENTED

To: The Secretary

Commission of Inquiry

secretary@assumptioninquiry.com

1. Applicant Details:

Name: _____

Address: _____

Contact Details: _____

2. Interest in the Inquiry:

Please explain your interest in the inquiry and how you are concerned in the matters under investigation:

3. Reasons for Representation: Please explain why you require legal representation:

4. Proposed Legal Representative:

Name: _____

Law Firm: _____

Contact Details: _____

5. Declaration: I declare that the information provided in this application is true and correct.

Date: _____

Signature: _____

Form 4: Certificate of Indemnity

**COMMISSION OF INQUIRY
INTO THE LEASE AND DEVELOPMENT OF ASSOMPTION ISLAND**

CERTIFICATE OF INDEMNITY

(Issued pursuant to section 18 of the Commissions of Inquiry Act)

This is to certify that [Full Name] gave evidence before this Commission on [date(s)] and made a full and true disclosure of all facts on which he/she was examined.

The Commission is satisfied that it is in the public interest that a certificate of indemnity be granted to the said [Full Name].

Pursuant to section 18(2) of the Commissions of Inquiry Act, this certificate may be pleaded as a bar to any civil or criminal proceedings (other than a prosecution for perjury) instituted against [Full Name] in respect of any act or thing previously done by him/her and revealed by no evidence other than that given by him/her before this Commission and referred to in this certificate.

The evidence to which this certificate relates concerned: [brief description]

Dated this [date]

[Name]

Chairman of the Commission

SCHEDULE B: OATH AND AFFIRMATION**Oath for Witnesses**

I swear by Almighty God that the evidence I shall give to this Commission shall be the truth, the whole truth, and nothing but the truth.

Affirmation for Witnesses

I solemnly and sincerely affirm that the evidence I shall give to this Commission shall be the truth, the whole truth, and nothing but the truth.

CONCLUDING STATEMENT

These Procedures and Rules are designed to facilitate a thorough, fair, and efficient inquiry into the matters specified in the Commission's terms of reference. The Commission will conduct its work with integrity, impartiality, and professionalism, respecting the rights of all persons while fulfilling its public interest mandate.

All persons are encouraged to cooperate with the Commission and to come forward with relevant information. The Commission is committed to protecting witnesses who fear adverse consequences and to conducting proceedings in a manner that promotes truth-finding while respecting individual rights.

Questions about these procedures should be directed to:

secretary@assumptioninquiry.com

Made at Victoria this 15th day of December 2025



DR. MATHILDA TWOMEY-WOODS

COMMISSIONER OF INQUIRY