



**INTEGRITY COMMISSION**  
CORRUPTION PROSECUTION DIVISION  
5th FLOOR SAGICOR SIGMA BUILDING  
63-67 KNUTSFORD BLVD, KINGSTON 5

**Re: Investigation Report into Concerns that Mr. Mikael Asher Phillips, a Member of Parliament, failed to file his Statutory Declaration with the Integrity Commission for the year 2022, in breaches of the Integrity Commission Act.**

### **Allegations**

This matter concerns the filing of a Statutory Declaration for the period ending December 31, 2022. It is alleged that Mr. Mikael Asher Phillips, Member of Parliament for the North Western Manchester constituency, did not furnish the Integrity Commission with a Statutory Declaration as required under **section 41(1)(a)** of the *Integrity Commission Act (ICA)* for the period December 31, 2022.

### **Issues**

- i. Whether or not Mr. Mikael Phillips is a public official required to file a Statutory Declaration, under **sections 39(1)** and **41(1)(a)(ii)** of the *ICA*;
- ii. a) Whether or not Mr. Phillips committed an offence contrary to **section 43(1)(a)** of the *ICA*; and  
b) Whether or not his failure to pay the fixed penalty imposed by **section 43(3)** constitutes an offence under **section 43(1)(a)** of the *ICA* despite having filed the Statutory Declaration.

### **Discussion**

#### **Requirement to File**

1. When considering whether an offence was committed by Mr. Phillips, it is necessary to determine whether or not he was required to file Statutory Declaration of Assets, Liabilities and Income for the period ending December 31, 2022. **Section 41(1)(a)(i)** of the *ICA* provides that:

(1) Subject to subsection (2), a statutory declaration required to be submitted pursuant to this Part shall be made –

a. In the case of a person elected or appointed as a parliamentarian, as at the date of such election or appointment, and thereafter-

(i) where the election or appointment was at any time after the 30<sup>th</sup> day of June in any year, as at the 31<sup>st</sup> day of December in the year next following, and thereafter as at the 31<sup>st</sup> day of December in each year during any part of which he remains a parliamentarian; or...

2. **Section 41(4)** of the *ICA* states that:

(4) A statutory declaration required to be made as at a particular date shall be submitted to the Director of Information and Complaints, on or before the last day of the third month following that date.

3. A parliamentarian is defined under **section 2** of the *ICA* as a “member of the House of Representatives or a member of the Senate”. A witness statement from Ms. Camille Ashman Morris dated October 24, 2023, indicated that Mr. Phillips was a member of the House of Representatives for the period ending December 31, 2022. Mr. Phillips was, therefore, required to file a Statutory Declaration of his assets, liabilities and income, for the period ending December 31, 2022.

Failure to Submit Statutory Declaration and Discharge Liability Notice

4. **Section 43(1)(a)** provides that where a person fails without reasonable cause to submit a Statutory Declaration, he has committed an offence:

43-(1) A person who-

(a) fails, without reasonable cause, to submit a statutory declaration which he is required to submit in accordance with the provisions of this Part;

... commits an offence, and is liable on summary conviction in a Parish Court to a fine not exceeding five hundred thousand dollars, or to a term of imprisonment not exceeding six months and the Court may make an order mandating the person to comply with the requirement in respect of which the offence was committed.

5. Notwithstanding the foregoing, under **section 43(3)** of the *ICA*, the Director of Information and Complaints, with the approval of the Director of Corruption Prosecution, has the discretion to offer Declarants the opportunity to discharge criminal liability of any offence committed contrary to **sections 43(1)(a) or 43(1)(b)**. **Section 43 (3)** reads:

*The Director of Information and Complaints may, with the approval of the Director of Corruption Prosecution, serve upon to a person referred to in subsection (1)(a) (failure without reasonable cause to submit a statutory declaration) or subsection (1)(b), (failure without reasonable cause to provide information) who appears to the Director of Corruption Prosecution to have committed an offence under that subsection, a notice in writing in the prescribed form offering that person the opportunity to discharge any liability to conviction of that offence by payment of a fixed penalty in the amount of two hundred and fifty thousand dollars and by submitting the statutory declaration or required information to the Director of information and Complaints. [Emphasis added]*

6. The witness statement from Ms. Kiristel Kerr, dated May 5, 2023, indicates that by her checks, Mr. Phillips failed to submit a Statutory Declaration of his assets, liabilities and income for the period ending December 21, 2022 and was, therefore, in breach of **section 43(1)(a)** of the *ICA*.
7. The Director of Information & Complaints subsequently sought approval from the Director of Corruption Prosecution under **section 43(3)** of the *ICA* for Mr. Phillips to be served a Notice, dated May 30, 2023, granting him the opportunity to discharge any liability to conviction, for the offence under **section 43(1)(a)** of the *ICA*, by payment of a fixed penalty in the amount of two hundred and fifty thousand dollars (\$250,000) and additionally, by submitting the outstanding Statutory Declaration, before the expiration of twenty-one (21) days following the date of service of the notice. The notice was endorsed as served on the 30<sup>th</sup> of May 2023.
8. At the expiration of the notice period, documents received from the Tax Administration Department indicate that, up until June 26, 2023, no payment had been received from Mr. Phillips in this regard. Subsequent checks made by the Information and Complaints Division revealed that on May 31, 2023, Mr. Phillips submitted the Statutory Declaration due on March 31, 2023, which was within the period stipulated by the Notice. Having failed, however, to make payment of the fixed penalty, liability for the noted offence cannot be treated as having been successfully discharged.

## Conclusion

Based on the foregoing, there is prima facie evidence that Mr. Mikael Phillips is in breach of the requirements under **sections 39 and 41** of the *Integrity Commission Act*. Having been given the opportunity to discharge criminal liability pursuant to **section 43(3)** of the *ICA* and subsequently failing to complete the requirements to so do, Mr. Mikael Phillips is, therefore, liable for prosecution for an offence under **section 43(1)(a)** of the statute in relation to his obligation to submit a Statutory Declaration for the period ending December 31, 2022.

## Outstanding Material

The following documents are required to complete the file ahead of charges being laid:

1. A Certificate, pursuant to **section 31G** of the *Evidence Act*, is required from the Information Technology and Business Processes Division of the Integrity Commission, as a search of the Electronic Declaration System (eDS) was conducted to generate Mr. Phillips' Statutory Declaration Status Report on May 5, 2023.
2. A witness statement from the authorized personnel at the Finance and Accounts Branch of the Houses of Parliament, relating to an attachment to the statement from the Director of Human Resources Management & Development dated October 24, 2023, but to which she is unable to speak directly.

## Ruling

Mr. Mikael Phillips is to be charged for the offence of Failure, without reasonable cause, to Submit a Statutory Declaration for the period ending December 31, 2022, contrary to **section 43(1)(a)** of the *Integrity Commission Act*.

## Redaction

The report was reviewed for redaction pursuant to **section 54(4)** of the *Integrity Commission Act* and no redaction was deemed necessary to protect against prejudicing the prosecution.



---

Keisha Prince-Kameka (Mrs.)  
Director of Corruption Prosecution

October 8, 2024

---

Date