



## MINISTERIAL STATEMENT

To The House of Assembly

By

The Hon. David Burt, JP, MP  
Premier of Bermuda

Establishment of a Commission of Inquiry into historic losses of citizens' property  
in Bermuda

June 7, 2019

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**Mr. Speaker**, Honourable Members will recall that on 4<sup>th</sup> July 2014 this Honourable House approved a Motion in these terms:

*“THAT this Honourable House take note of historic losses in Bermuda of citizens’ property through theft of property, dispossession of property and adverse possession claims; AND BE IT RESOLVED that this Honourable House calls on His Excellency the Governor to establish a Commission of Inquiry into all such known claims and to determine, where possible, the viability of any such claims and make recommendations for any victims of wrongful action to receive compensation and justice.”*

**Mr. Speaker**, the then Governor refused to establish the Commission of Inquiry and moreover indicated that Her Majesty’s Government in the United Kingdom was not disposed to funding such an exercise in any event.

**Mr. Speaker**, the community then marched on Government House and some 2,000 people assembled to protest the then Governor's decision demonstrating a consistently expressed public depth of feeling on these historic issues. Earlier this year, the Civil Justice Advocacy Group renewed its call for such a commission to be established.

**Mr. Speaker**, in 2015, this Honourable House approved the Opposition Bill entitled the Commissions of Inquiry Amendment Act, which gave the Premier the authority to issue commissions of inquiry. Honourable Members will also recall the first and so far only use of that authority by the former Premier, the Honourable Member for Constituency 10. It is not forgotten that this authority was not used to appoint a Commission which was passed by resolution of this Honourable House.

**Mr. Speaker**, truth can be uncomfortable. Unearthing historic wrongs may be inconvenient for some. It may well be that some of those who were victims and those who committed wrongdoing have since passed on. But **Mr. Speaker**, it is never too late for justice. That justice can take many forms. For some it may simply be the opportunity to be heard and have their claims acknowledged, while for others it may confirm the legal standing they have long asserted. The process of providing justice starts with a step towards truth.

Therefore, **Mr. Speaker**, I am pleased to advise this Honourable House and the public that I shall establish a five (5) member Commission of Inquiry to fulfil the mandate of this Honourable House as expressed in the Motion passed in 2014.

The Commission will likely be comprised of a judge, counsel experienced in conveyancing, a land title officer (ex officio), two lay members and a Secretary to the Commission to provide administrative support.

**Mr. Speaker**, whilst the Terms of Reference continue to be the subject of further consideration, I can advise Honourable Members that, at a minimum they will include inviting the Commission:

- (i) To inquire into historic losses of citizens' property in Bermuda through theft of property, dispossession of property, adverse possession claims, and/or such other unlawful or irregular means by which land was lost in Bermuda;
- (ii) To collect and collate any and all evidence and information available relating to the nature and extent of such historic losses of citizens' property;
- (iii) To prepare a list of all land to which such historic losses relate;
- (iv) To identify any persons, whether individuals or bodies corporate, responsible for such historic losses of citizens' property;
- (v) To refer, as appropriate, matters to the Director of Public Prosecutions for such further action as may be determined necessary by that Office;

In closing, **Mr. Speaker**, it would be remiss of me not to recognise the significant efforts of the Honourable Member from Constituency 17, the Hon. Walton Brown, who championed this cause whilst in Opposition and has quietly kept attention to it since we assumed the mantle of Government.

**Mr. Speaker**, the process of identifying those who will sit on the Commission has now commenced and I will ensure that we assemble the best group to address these issues. Additionally, the administrative planning will now start and my hope is to revert to this Honourable House during this Session with further updates on our progress.

Thank you, **Mr. Speaker**.