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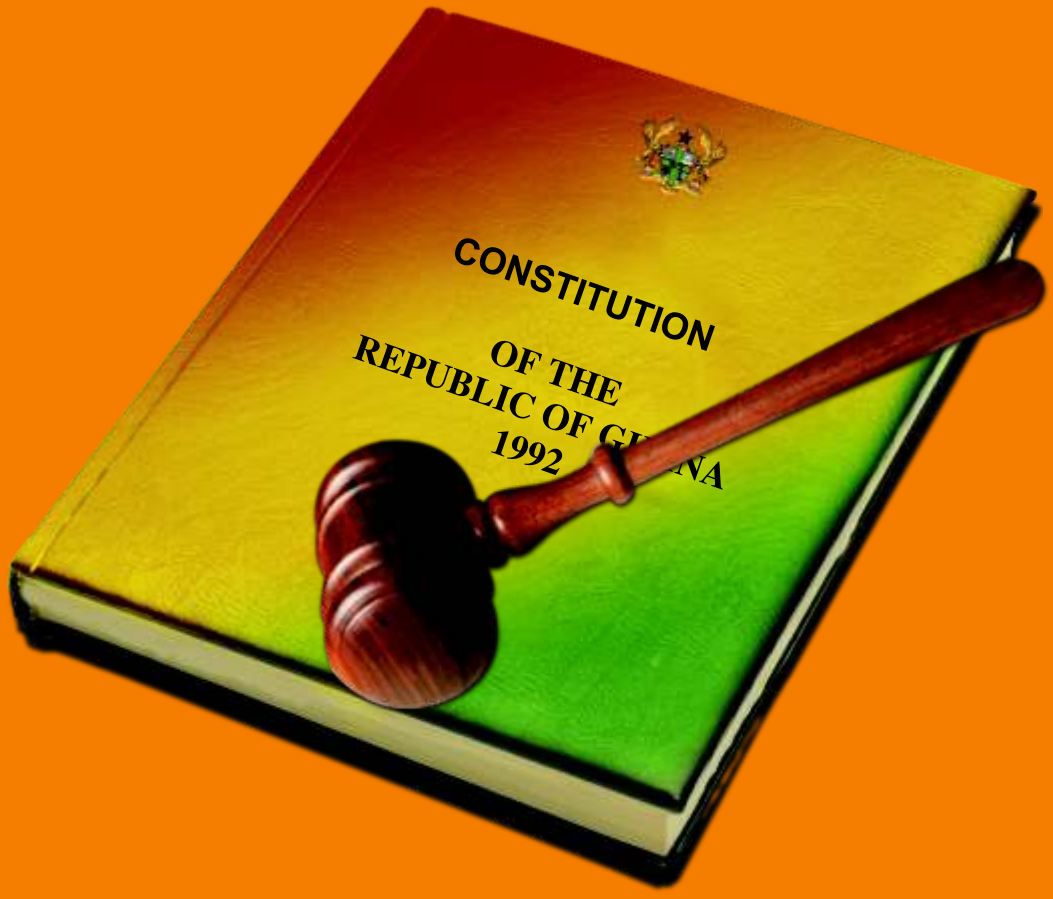
"THE ANTI-CORRUPTION MANDATES OF THE COMMISSION ON HUMAN RIGHT AND ADMINISTRATIVE JUSTICE AND THE SERIOUS FRAUD OFFICE: A DUPLICATION OF FUNCTIONS?



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"THE ANTI-CORRUPTION MANDATES OF THE COMMISSION ON HUMAN RIGHT AND ADMINISTRATIVE JUSTICE AND THE SERIOUS FRAUD OFFICE: A DUPLICATION OF FUNCTIONS?

By

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Preface

In recognition of corruption as a major obstacle to development, Ghana has over the past 18 years of the current constitutional dispensation initiated some useful institutional reforms and created a number of new constitutional and statutory watchdog agencies with anti-corruption mandates. These agencies include the Commission on Human Rights and Administrative Justice and the Serious Fraud Office (now transformed into the Economic and Organised Crime Office). The purpose of this paper is to examine the extent to which the anti-corruption mandates of these two institutions duplicate each other.

We look forward to receiving your feedback and hope you find this publication useful.

Thank you.

Jean Mensa
Executive Director

THE SERIOUS FRAUD OFFICE
PRE 7TH SEPTEMBER, 2010

Economic and white-collar crime is a global menace and is receiving attention all over the world. At both international and domestic levels, appropriate responses have been formulated to tackle the menace. The search for effective strategies in fighting the menace has led to the creation in many countries of very specialised units outside traditional institutions like the police, manned by experts and professionals especially in the fields of economics, accounting, auditing, intelligence-based investigations and law to put their collective expertise together to deal with the increasingly sophisticated methods of economic and white-collar criminals.

In Ghana, traditional law enforcement institutions have long grappled with the menace of white-collar crime. Before the establishment of the Serious Fraud Office, the responsibility of combating white-collar crime was that of the National Investigations Committee (NIC) established under the National Investigations Committee Law, 1982 (PNDCL 2) and the Office of the Revenue Commissioners (ORC) established under the Revenue Commissioners Law, 1984 (PNDCL 80).

During the 1980s through to the early 1990s, the NIC and ORC unearthed many cases of insurance malpractice, bank fraud, education service fraud, timber sub-sector manipulation and huge financial losses recorded in customs and excise malpractices at the ports. These notwithstanding, the NIC and ORC set their investigative machinery into motion only after the commission of a crime and not before. The mechanisms of both agencies for monitoring economic crimes were less than satisfactory.

Other economic institutions like the erstwhile Customs, Excise and Preventive Service (CEPS) and the Internal Revenue Service (IRS)

had their own internal monitoring mechanisms, but these mechanisms operated restrictively within specified and defined parameters for the attainment of the limited objectives of the particular institution concerned, without any effort at coordination.

This un-coordinated and fragmented approach in dealing with the menace of economic crimes in Ghana made it imperative for the government to create a vehicle for coordinating the fight against economic crimes in Ghana. It was proposed that this coordinating organ would be an economic intelligence unit, efficient and reliable to provide timely signals of actual and potential economic crimes. This was the contemplation in the establishment of the Serious Fraud Office (SFO) under the now repealed Serious Fraud Office Act, 1993 (Act 466).

Under Act 466, the Serious Fraud Office was established as a specialised agency of the Government to monitor, investigate and, on the authority of the Attorney-General, prosecute an offence involving serious financial or economic loss to the Republic. The SFO had the mission of strengthening public accountability in the utilisation and management of financial and economic resources so that maximum benefits are realised for the people of Ghana. It was mandated to:

(1) investigate a suspected offence provided for by law which appears to the [Executive] Director, on reasonable grounds, to involve serious financial or economic loss to the Republic or to a state organisation or any other institution in which the Republic has financial interest;

(2) monitor the economic activities which the Director considers necessary with a view to detecting criminal offences likely to cause financial or economic loss to the Republic;

(3) take any other reasonable measures that the Director considers necessary to prevent the commission of criminal

offences which may cause financial or economic loss to the Republic; and

(4) cooperate with the international agencies which the Director considers appropriate for the performance of a function under the Act.

Sections 11 to 14 of Act 466 gave the SFO broad powers for the discharge of its duties. Under section 11, the Executive Director, his deputies and other officers authorised by him could exercise the powers of and enjoyed the immunities conferred by law on, a police officer. The SFO also had coercive powers to (by notice in writing) require a person or a representative of an organisation whose affairs are to be investigated or any other person whom the Director has reason to believe has information relevant to the investigation, to appear before the Director or the officer and/or furnish the Office with information or produce a document at a specified time and place to answer questions or otherwise furnish information with respect to a matter relevant to the investigation. The Executive Director was empowered to take copies of or extracts from any document so produced or to require the person producing it to provide an explanation of the document. Where a document was not produced, the Director could require the person who was required to produce the document to give the best possible knowledge as to the location of the document.

Where an officer of the Office had reasonable grounds for believing that a person had failed to comply with a request to produce a document, or it was not practicable to serve a notice in relation to the production of a document, or the service of a notice for the production of a document might seriously prejudice the investigation, the officer could apply to the High Court by motion *ex parte* (without notice) for the issuance of a warrant authorising a police officer to enter and search the premises on which a document appearing to be of the description specified in the affidavit is suspected to be held.

Section 11 of Act 466 further empowered the Executive Director to (in writing) direct the freezing of the assets and bank account of a person or an organisation under investigation where he was of the opinion that it was necessary to do so to facilitate the investigation. The Executive Director was required to, within seven days of the freezing of the assets and bank accounts, apply to the High Court for a confirmation of the freezing of the assets and bank account. The person or organisation affected was required to be notified of the facts in writing within forty-eight hours of the freezing of the assets and bank account and could, with the consent of the Executive Director under section 14, draw from the bank account monies approved by the Executive Director, or operate a business or an enterprise, the subject matter of the freezing, on the terms and conditions determined by the Executive Director. The High Court could confirm the freezing of the assets and bank account for a period that the Court considered fit or could direct the unfreezing of the assets and bank account.

Section 17 of Act 466 made it an offence (punishable by a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or to both) for a person to make a statement which a person knows was false or misleading in a material particular. It was also an offence for a person to recklessly make a statement which was false or misleading in a material particular.

The Executive Director could, where authorised by the Attorney-General, in writing institute and conduct criminal proceedings arising out of an investigation conducted by the Office.

THE ECONOMIC AND ORGANISED CRIME OFFICE

The Serious Fraud Office has since 7th September, 2010 been transformed in to the Economic and Organised Crime Office under the Economic and Organised Crime Office Act, 2010 (Act 804). Like its predecessor, the Economic and Organised Crime Office has been

set up as a specialised agency. The new Office has an expanded mandate to monitor and investigate economic and organised crimes and on the Authority of the Attorney-General, prosecute these offences and facilitate the confiscation of proceeds of these crimes. The offences include money laundering, human trafficking, cyber offences and computer-related fraud.

The Office has been established against the backdrop of considerable increase in the rate of organised crime including fee fraud (popularly known as "419"), cyber fraud**,** drug trafficking and money laundering.

According to the memorandum accompanying the Bill to Parliament, the increase in the spate of such criminal activities could be attributed to the fact that the punishments for these offences have not been effective in combating the crimes. Even though the SFO was set up to investigate suspected offences involving serious financial loss, its mandate did not extend to investigation and prosecution of offences related to advance fee fraud, drug trafficking and money laundering.

The Economic and Organised Crime Office is intended to cure this defect, to detect and prevent organised crime and to generally facilitate the confiscation of proceeds of crime. The Office is established as a body corporate with perpetual succession.

Under section 4 of Act 804, the governing body of the Office is a Board appointed by the President in accordance with article 70(1)(e) of the Constitution.[1] The Board comprises a Chairperson, the Executive Director, one representative of the Inspector General of Police not below the rank of Assistant Commissioner, one

[1] Article 70(1)(e) of the Constitution provides that "The President shall, acting in consultation with the Council of State, appoint the holders of such other offices as may be prescribed by this Constitution or by any other law not inconsistent with this Constitution."

representative of the Narcotics Control Board not below the rank of director, and a representative of the Attorney-General's Office not below the rank of Principal State Attorney. The others are one representative of the Ghana Revenue Authority not below the rank of director, one lawyer in private practice with at least ten years experience nominated by the Ghana Bar Association, one chartered accountant with at least ten years experience nominated by the Institute of Chartered Accountants, and one person with intelligence background and not below the rank of director nominated by the Minister responsible for National Security.

The functions of the Board are restricted to policy formulation.

Section 5 therefore provides that the Board is to formulate policies necessary for the achievement of the object of the Office. Section 2 specifies that the objects of the Office are to detect and prevent organised crime and generally facilitate the confiscation of the proceeds of crime.

The core functions of the Office as specified under section 3 are to:

(a) investigate and, on the authority of the Attorney-General, prosecute serious offences that involve:

  (i) financial or economic loss to the Republic or any state entity or institution in which the State has financial interest,
  (ii) money laundering,
  (iii) human trafficking,
  (iv) prohibited cyber activity,
  (v) tax fraud and
  (vi) other serious offences;

(b) recover the proceeds of crime;

(c) monitor activities connected with the offences specified in paragraph (a) to detect correlative crimes;

(d) take reasonable measures necessary to prevent the commission of crimes specified in paragraph (a) and their correlative offences;

(e) disseminate information gathered in the course of investigation to law enforcement agencies, other appropriate public agencies and other persons the Office considers appropriate in connection with the offences specified in paragraph (a);

(f) co-operate with relevant foreign or international agencies in furtherance of Act 804; and

(g) perform any other functions connected with the objects of the Office.

The Office retains all the powers of the SFO and is given additional powers under section 23 of Act 804 to seize currency that exceeds the amount prescribed by the Bank of Ghana being imported into the country or exported from the country on reasonable grounds that the currency may be the proceeds of crime or is intended to be used in the commission of a serious offence. Provision is also made for the seizure of currency where the holder is unable to provide a satisfactory explanation for the source of the currency.

On application to the High Court by or on behalf of a person by whom the currency was imported, the Court may order the release of the currency in whole or in part if the seizure is no more justified. Where, however, the currency is not claimed within one month after seizure, the Court is to order forfeiture of seized currency to the Republic.

Section 24 of Act 804 further empowers an authorised officer of the Office or any other public officer authorised by the Executive Director to seize property if the officer has reasonable grounds to

suspect that the property is the proceeds of an unlawful activity. The Executive Director is, however, required to authorise the release of the property to the person from whom it was seized if no charges are preferred against the person within fourteen working days after the seizure.

Where communication in any medium, including an article sent by post or through a courier service, is likely to contain information or a substance that may be relevant to an investigation into an offence under a law in this country or a corresponding foreign law, an application may be made to the High Court without notice to the person affected and the Court may, where appropriate, order an authorised officer of the Office under section 25 to:

a. intercept, detain and open the article in the course of transmission by postal or courier service,

b. intercept a message transmitted or received by any means of communication,

c. intercept or listen to any conversation by any means of communication,

d. enter premises and install on the premises a device for the interception and retention of communications of specified description and remove and retain the device.

Section 26 further grants the Office the powers of search by a police officer with or without a search warrant under the Criminal and Other Offences (Procedure) Act, 1960 (Act 30). These powers may be applied where an authorised officer has reasonable grounds to suspect there is tainted property on a person, land or premises. The authorised officer is empowered to seize the property which the officer believes on reasonable grounds will afford evidence as to the commission of a serious offence.

THE ANTI-CORRUPTION MANDATE OF THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

The Commission on Human Rights and Administrative Justice (CHRAJ) as an anti-corruption agency is tasked under article 218(1)(e) to investigate all instances of alleged or suspected corruption and the misappropriation of public monies by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigations.

The Constitution further mandates the CHRAJ, under article 287, to investigate allegations that a public officer has contravened or has not complied with a provision of Chapter Twenty-Four (Code of Conduct for Public Officers) of the Constitution and to take such actions as the Commissioner considers appropriate in respect of the results of the investigation or the admission.

The Whistleblower Act, 2007 (Act 720) also gives the CHRAJ additional statutory functions in the fight against corruption. The CHRAJ is one of the many institutions listed under section 3 of Act 720 to which a disclosure of impropriety could be made. The CHRAJ is also tasked under section 13 of Act 720 to investigate complaints of victimisation of a whistleblower. It is further empowered under section 14 of Act 720 to make an order considered just in the circumstances including an order for reinstatement, reversal of a transfer, or transfer of the whistleblower to another establishment where applicable. An order of the Commission under this section is of the same effect as a judgment or an order of the High Court and is enforceable in the same manner as a judgment or an order of the High Court.

Apart from the powers to issue subpoenas requiring the attendance of a person before the Commission and the production of a document or record relevant to an investigation by the Commission, the commission can also cause a person contemptuous of a subpoena

issued by the Commission to be prosecuted before a court, question a person in respect of a subject matter under investigation before the Commission, and require a person to disclose truthfully and frankly any information within the knowledge of that person relevant to an investigation by the Commission; the CHRAJ does not have the elaborate powers conferred on the Economic and Organised Crime Office.

DUPLICATION OF FUNCTIONS OR NOT?

As noted above, the SFO was tasked under section 3(1) of Act 466 to investigate a suspected offence provided for by law which appears to the Executive Director on reasonable grounds to involve serious financial or economic loss to the Republic or to a state organisation or any other institution in which the Republic has financial interest. The focus of the SFO was, therefore, not necessarily limited to corruption cases. Act 466 appeared to contemplate investigations of all offences provided for by law so far as there was a reasonable ground that the offence under investigation involved serious financial or economic loss to the State.

As noted elsewhere, Act 466 was enacted around the same time as section 179A of the Criminal Offences Act, 1960 (Act 29) on causing loss, damage or injury to property.[2] It has been suggested that given

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[2] Section 179A provides that:
(1) A person who by a wilful act or omission causes loss, damage or injury to the property of a public body or an agency of the Republic commits a criminal offence.
(2) A person who in the course of a transaction or business with a public body or an agency of the Republic intentionally causes damage or loss whether economic or otherwise to that body or agency commits a criminal offence.
(3) A person commits a criminal offence through whose wilful, malicious or fraudulent action or omission
(a) the Republic incurs a financial loss, or
(b) the security of the Republic is endangered.
(4) In this section "public body" includes the Republic, the Government, a public board or corporation, a public institution and a company or any other body in which the Republic or a public corporation or other statutory body has a proprietary interest.

the SFO's mandate to investigate matters suspected to involve serious financial or economic loss to the Republic or to a state organisation or any other institution in which the Republic has financial interest, and considering the timing of both pieces of legislation, section 179A of Act 29 was tailor made for the SFO or vice versa.

Act 466 did not define what kind and magnitude of financial loss to the State is considered "serious" enough to set the investigative machinery of the SFO into motion. It has, however, been argued that "in contrast to the open-ended language of the statute, the legislative history of [Act 466] suggests that the SFO was established to investigate primarily "complex frauds and serious economic crimes," such as cross-boarder crime (e.g. money laundering), public contracting and procurement fraud, tax evasion, securities fraud, bank fraud, electronic fraud and other white-collar crimes that require a mix of specialised professional expertise to detect."[3]

In practice, however, the SFO handled cases ranging from fairly straightforward or mundane to those that could be considered to be moderately sophisticated. Prempeh notes that administratively, the SFO defined, for its own operational guidance, the following set of factors for determining whether a matter falls within the scope of its investigative mandate:

1) The target or suspect, or an accomplice should have been a public officer,

2) The mode of commission of the offence must have involved multiple transactions or steps, or

3) The loss or threatened loss to the State must have been substantial.[4]

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[3] Kwasi Prempeh, "Making the Policy of 'Zero Tolerance for Corruption' a reality in Ghana: A focus on Serious Fraud Office", Critical Perspective No. 12, CDD-Ghana (2003)
[4] Ibid

The SFO regularly set a threshold amount for determining whether the loss or threatened loss to the State was substantial. In spite of this, the SFO investigated many cases which fell below the minimum threshold amount.[5] Ministries, departments and agencies and District Assemblies dominated the list of organisations that the SFO investigated. The SFO also investigated non-state firms for cases where losses to the financial interest of the State were suspected or implicated.[6]

By the very nature of many of the cases which the SFO actually investigated, the persons who formed the subject matter of those investigations, and the instances of alleged or suspected corruption and misappropriation of public monies investigated, it would not be far fetched to say that the operations of the SFO and the CHRAJ in many instances overlapped and duplicated each other. This is evidenced by the preponderance in the SFO cases of generally non-complex corruption cases which dominate the kind of cases investigated by the CHRAJ.[7] Except for a few cases, the CHRAJ's corruption cases have been marked by the absence of complexity, originally contemplated for cases to be investigated by the SFO due to its specialised character.

Besides, the SFO also investigated cases involving abuse of office and conflict of interest.[8] The former Commissioner of CHRAJ has expressed the view that in the light of articles 218 and 287 of the Constitution, such cases should fall properly within the anti-corruption mandate of the CHRAJ.

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[5] Ibid

[6] Ibid

[7] Cases like the P.V. Obeng and others case, the SSNIT/Singer House investigations, the Appiah Ampofo Case, and more recently, the Richard Anane case and Mabey and Johnson case.

[8] For instance both the CHRAJ and the SFO investigated the SSNIT/Singer House Case.

The seeming duplication of functions between the SFO and the CHRAJ derived mainly from the apparently open-ended language adopted in Act 466 and the lack of legislative specificity regarding the scope of the SFO investigative mandate.[9] The SFO took a very expansive view of its mandate – investigating "suspected offence provided for by law which appears to the [Executive] Director on reasonable grounds to involve serious financial or economic loss to the Republic or to a state organisation or any other institution in which the Republic has financial interest."

The new Economic and Organised Crime Office Act, 2010 (Act 804) appears to have provided some clarity on this matter. It is quite obvious that with the transformation of the SFO into the Economic and Organised Crime Office, and the enlargement of its mandate under the Economic and Organised Crime Office Act, the functions of the new Office are now more distinct from those of the CHRAJ.

These objects of the new Office as clearly spelt out under section 2 of Act 804 are to prevent and detect organised crime and generally to facilitate the confiscation of the proceeds of crime. To achieve these, the Office functions to:

(a) investigate and, on the authority of the Attorney-General, prosecute serious offences that involve:

    (i) financial or economic loss to the Republic or any State entity or institution in which the State has financial interest,
    (ii) money laundering,
    (iii) human trafficking,
    (iv) prohibited cyber activity,
    (v) tax fraud, and
    (vi) other serious offences;[10]

[9] Note 3 supra

[10] "Serious offence" is defined under section 74 of Act 804

(b) recover the proceeds of crime;

(c) monitor activities connected with the offences specified in paragraph (a) to detect correlative crimes;

(d) take reasonable measures necessary to prevent the commission of crimes specified in paragraph (a) and their correlative offences;

(e) disseminate information gathered in the course of investigation to law enforcement agencies, other appropriate public agencies and other persons the Office considers appropriate in connection with the offences specified in paragraph (a);

(f) co-operate with relevant foreign or international agencies in furtherance of Act 804; and

(g) perform any other functions connected with the objects of the Office.

"Serious offence" is defined under section 74 of Act 804 to include:

(a) participation in an organised criminal group, terrorism and terrorist financing, money laundering, human trafficking, people smuggling, sexual exploitation, illicit trafficking in narcotic drugs, illicit arms trafficking, trafficking in stolen and other goods, corruption and bribery, serious fraud, counterfeiting and piracy of products, smuggling, extortion, forgery, insider trading and market manipulation,

(b) murder, grievous bodily harm, armed robbery or theft

where there are predicate offences for a serious offence and

(c) any other similar offence or related prohibited activity punishable with imprisonment for a period of not less than twelve months.

"Serious offence" has been defined to include "corruption and bribery" and to that extent, the functions of the Economic and Organised Crime Office could be said to duplicate the functions of the CHRAJ, but there is an understanding between the two offices that corruption and bribery properly belongs to CHRAJ and is not the main focus of the Office. While in very broad terms, a number of offences listed as serious offences may generally be considered as different aspects of corruption,[11] they are matters which fall outside the mandate of the CHRAJ. The new Office has powers which CHRAJ does not have. For example, the CHRAJ cannot prosecute any offence. Where issues of criminality arise in its investigations, the CHRAJ is obliged to refer such issues to the Attorney-General.[12]

Similarly, human trafficking, money laundering, tax fraud and cyber fraud are specific criminal offences which fall exclusively within the

[11] Under the United Nations Convention against Corruption and the African Union Convention on Preventingand Combating Corruption, both of which were ratified by Parliament on 14th December, 2005, corruption is understood to encompass different acts and omissions. The UN Convention for instance seeks to criminalise not only the basic forms of corruption such as bribery and the embezzlement of public funds, but also trading in influence, abuse of office and the concealment and laundering of the proceeds of corruption. Offences committed in support of corruption, including money-laundering and obstructing justice, **are also dealt with.** (See generally Chapter III of the United Nations Convention against Corruption). The African Union Convention on Preventing and Combating Corruption similarly makes provisions for different aspects of corruption (See article 4 of the Convention)

[12] See article 88 of the 1992 Constitution and the Supreme Court case of the **Republic v. Commission on Human Rights and Administrative Justice; Ex-Parte Richard Anane** [2007-2008] 1 SCGLR 340 where it was held at page holding 1 and elaborated at page 363 that "the findings and recommendations made by the Commission relating to committing of perjury by the applicant were made without jurisdiction …" because "the Commission is not vested with the jurisdiction to deal with criminal offences like perjury ...".

domain of the Attorney-General and other investigative bodies including the police and the Economic and Organised Crime Office. Where such crimes are unearthed in the course of the exercise of the human rights, ombudsman and anti-corruption mandates of CHRAJ, it would be required to refer such matters to the EOCO.[13]

It is also quite obvious that the two anti-corruption agencies have more distinct functions than they do have in common. Of course, they are both engaged in the fight against corruption, within the context of a broad understanding of corruption, but they focus on different aspects of corruption in the broad sense. It is only to the extent that the functions of the Economic and Organised Crime Office encompass any of the components of corruption, as broadly defined by the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption, and misappropriation of public monies, that it can be said those functions overlap with the functions of the CHRAJ.

Another obvious distinction is that from the mandate of the Economic and Organised Crime Office, it appears that it does not matter whether a person under investigation holds public office or is a private person or private entity. The commission or suspicion of any of the offences listed as serious offences would arguably constitute enough jurisdictional trigger for the Economic and Organised Crime Office.[14]

For the CHRAJ, it would appear that its anti-corruption mandate is targeted at public officers and public institutions. However, the Commission has taken the position that where a private individual or entity is alleged to be to be involved or implicated in an act of bribery

[13]Ibid

[14]This appears to be Ghana's fulfilment of its obligations under the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption to tackle private corruption.

or corruption allegedly committed by public officials or allegedly involved or implicated in the misappropriation of public funds involving public officials, then the Commission could investigate that private person or individual.[15]

CONCLUSION

As noted elsewhere, the scale of corruption and economic crime in Ghana is far too monumental for any one agency to tackle it effectively. Its pervasiveness and multidimensional nature warrants a multi-pronged and multi-agency response.[16] CHRAJ and the Economic and Organised Crime Office are only two of such multiple anti-corruption agencies. Considering their respective competencies and powers, it is quite obvious that the objective in the establishment of the Economic and Organised Crime Office is to focus its resources on cases of corruption involving complex criminality, while the CHRAJ is to focus on abuse of office, conflicts of interest and other relatively less complex cases of corruption that do not involve fraud and other complex criminal matters.

To the extent that the two agencies are involved in the fight against corruption, there may be some situations that their operations and

[15] This issue is currently before the Supreme Court in the case of **CHRAJ v. Attorney-General and Baba Kamara**, Suit No. J1/03/2010. In that case, the CHRAJ is seeking:

a. A declaration that upon a true and proper construction and/or interpretation of article 218 of the Constitution 1992 of the Republic of Ghana, the Commission On Human Rights and Administrative Justice has the mandate to investigate a private individual, entity and/or person who is alleged to be involved or implicated in an act of bribery or corruption allegedly committed by a public official or officials and who is being investigated by the Commission.

b. A declaration that on a true and proper interpretation of Article 218(e) of the 1992 Constitution, the mandate of the Commission On Human Rights and Administrative Justice "to investigate all instances of alleged or suspected corruption and misappropriation of public moneys by officials" covers situations in which an individual, entity and/or person though not a "public official" is alleged to be involved or implicated in an act of alleged bribery or corruption involving public officials and which is under investigation by the Commission

[16] Note 3 supra

activities may overlap. As has been proposed, this calls for the two agencies to share their investigative and training resources and establish a permanent mechanism for mutual referral of cases in order to avoid duplication of their efforts.[17]

[17] Ibid

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