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Former Palau leader accused of concealing land transactions

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The former President of Palau, Tommy Remengesau Jr, is now facing 19 counts of violating the islands' code of ethics. Mr Remengesau, who is now a senator, has been charged for allegedly concealing property transactions in disclosure statements he submitted for the years 2000 to 2003. Palau's Special Prosecutor Michael Copeland filed the charges.

Presenter: Nasya Bahfen

Speaker: Michael Copeland, special prosecutor for Palau

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COPELAND: Under Palauan law we have a code of ethics and under that code of ethics every minister, president, senator and other covered people, are required to disclose in February of each year all of the land that they own; land that they have bought or sold; all sources of income and vehicles and other assets that they might own. So, on one disclosure statement that's signed under penalty of perjury we're able to see the assets and the income of those covered people.

BAHFEN: And is there a timeframe on that requirement or must they declare absolutely everything?

COPELAND: The requirement is for the previous calendar year. So every February, and also on each election, they are, covered people, are required to report their assets and sources of income, gifts, et cetera for the previous year.

BAHFEN: Your office has filed some charges against the senator (Remengesau). Can you tell me what exactly are the charges that he is facing?

COPELAND: We charge him under the code of ethics and the information and affidavit of probable cause alleges that a former president, Remengasau, had several pieces of land that he failed to disclose on his ethics disclosure statement. We were doing an audit of his ethics disclosure statement and these audit results are from the years 2000 and 2003. Those are the years we have released so far and we have charged him with concealing assets on his ethics disclosure statement.

BAHFEN: Do you know of any similar cases in Palau's political past?

COPELAND: The ethics disclosure code was passed around 1990 or 1991 I believe, no, no, no even later than that and it sat largely dormant for a number of years. When I took office in February, as a special prosecutor, I saw that these it was a really good law and it was a really good source of information and this is not the only one that we are conducting. We're conducting audits on a number of people And in fact we had a conviction on the speaker of the house in the state of Koror, in January, for lying on his ethics disclosure statement.

BAHFEN: Would you say almost that this particular case is almost like a landmark or a litmus case that might set a precedent?

COPELAND: Well, I hope so. Palau is really a great country and transparency is a big thing here now. It's been here now, the last elections and it's what everybody's talking about. And I think now more people are going to be at the upper end are going to be held accountable and I don't know if I would call it landmark or not.

BAHFEN: You seem to be quite positive about the current code of ethics. Would you say that's sufficient for treating cases of this nature?

COPELAND: Well, the issue that we having is this is for the years 2000 and 2003. In Palau they have a thing called statute of limitations. The statute of limitations says that crimes that are over six years old here, you can't prosecute. The second is the code of ethics, it has an extended statute of limitations so that you may prosecute a person within four years after leaving office, so even if it's more than six years old. The audit period from 2000 to 2003 is all outside of the statute of limitations for any other crime except for violations to the code of ethics. But in general, the code of ethics is good, because it requires everyone to list their assets and their income. If they lie on it, they are also guilty of perjury and probably misconduct of office, and if they lie on it probably they would be charged with money laundering as well, depending in the circumstances. So I really like the code of ethics and I like these disclosure statements, because it is a simple way that you can see if a person's assets are explainable by their income.

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