**In the Matter of the Commissions of Inquiry Act 1888 & 2005**

**and**

**In the Matter of an Inquiry into the retirement of the former Commissioner of Police convened by a Commission issued by HM Government of Gibraltar on the 4th February 2022 in Legal Notice No 34 of 2022 (“the Inquiry”)**

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Gibraltar

Wednesday 08 February 2023

Before

**SIR CHARLES PETER LAWFORD OPENSHAW, DL**

**Commissioner of the Inquiry**

**Maurice Turnock: Secretary to the Inquiry**

**Julian Santos: Counsel to the Inquiry, 5RB Chambers**

**Hope Williams: Junior Counsel to the Inquiry, 5RB Chambers**

**Charles Simpson: Solicitor to the Inquiry, Triay, Gibraltar**

**Lawyers representing Mr Ian McGrail, Former Commissioner of Police:**

**Caoilfhionn Gallagher KC, Doughty Chambers**

**Adam Wagner, Doughty Street Chambers**

**Charles Gomez, Charles A. Gomez & Co, Gibraltar**

**Daniel Benyunes, Charles A. Gomez & Co, Gibraltar**

**Lawyers representing The Hon. Fabian Picardo KC MP, Chief Minister,**

**Nicholas Pyle OBE, Deputy Governor of Gibraltar, and**

**Michael Llamas CMG KC, Attorney General for Gibraltar:**

**Sir Peter Caruana KC, Peter Caruana & Co**

**Chris Allan, Peter Caruana & Co**

**Philip Dumas, Peter Caruana & Co**

**Lawyers representing Dr Joseph Britto, Head of the Gibraltar Police Authority:**

**James Neish KC, TSN**

**Shane Danino, TSN**

**Lawyers representing current members of Gibraltar Police:**

**Nicholas Cruz, Cruzlaw**

**Arcelia Hernandez Cordero, Cruzlaw**

**Lawyers representing Gibraltar Police Federation:**

**Gilbert Licudi KC, Hassans**

**Charles Bonfante, Hassans**

**JUDGMENT**

**APPROVED**

THE COMMISSIONER:

1. In her oral submissions before me this morning, Ms Gallagher KC has not pressed her original suggestion that I should appoint solicitors from London. She says, although not precisely in these terms, that the population of Gibraltar is small, the circle of legal professionals is smaller still, everyone knows everyone else, and she suggests only an outsider can bring true independence and experience of work in inquiries.

2. In my opinion, based on what I have seen, read and heard for myself, Gibraltar has a strong and highly competent legal profession. Complex, sensitive, serious, high profile and high value cases are often contested in the courts here between advocates from Gibraltar. The subject matter of this inquiry arose in Gibraltar. It concerns citizens of Gibraltar. I have no doubt that the inquiry can properly and competently be served by having advocates and solicitors from Gibraltar. It would, as it seems to me, be impractical, inconvenient and unnecessarily expensive to have solicitors from London. Accordingly, I have appointed Mr Charles Simpson of Triay.

3. Ms Gallagher further observes that no one on the inquiry team has experience of inquiries. In the United Kingdom there recently have emerged a small circle of advocates experienced in inquiries, but they do not have a professional monopoly of such work, not even in the United Kingdom and certainly not here in Gibraltar. Competent and experienced advocates are adaptable but there have in the past, even in the recent past, been many inquiries in the United Kingdom where neither the judge nor counsel have had previous inquiry experience. I am anxious to confirm, as I do, that Mr Santos and his junior have given me sound and skilled advice. They have done all that is asked or required of them; they have worked extremely hard and they seem to me to be outstandingly competent. I have complete confidence in them and I am not therefore presently minded to recommend the engagement of King's Counsel or indeed of any other counsel, but I do undertake to keep that under review. I think that, as it turns out, that is actually all she asked of me, and that I willingly accept.

4. I hope that attention might move away from these matters to concentrate on the inquiry's core business of finding the facts of the issues as we defined at the last hearing.