
***Inquiry into the Retirement of the Former Commissioner of Police Mr
Ian McGrail (“the Inquiry”)***

**Determination of an application for funding of legal representation for
Edward Asquez**

1. This is a determination of an application for a Legal Expenses Funding Award (“**the Application**”) made to the Inquiry on behalf of Edward Asquez MBE (“**the Applicant**”).
2. The Application is in largely identical terms to the application previously received from Thomas Cornelio, John Perez and Caine Sanchez, the three individuals charged following the investigation into the alleged hacking and/or sabotage of the National Security Centralised Intelligence System and alleged conspiracy to defraud (“**the Conspiracy Investigation**”). The Applicant was also arrested on suspicion of conspiracy to defraud Bland Limited, and was released without charge.
3. The Applicant approached the Inquiry in response to the Public Call for Evidence, offering to provide assistance and information. In response, the Inquiry has requested that The Applicant prepare a sworn statement. The Applicant has since applied for a legal expenses funding award in accordance with the Protocol Relating to Legal Representation at Public Expense (“**the Funding Protocol**”), and proposes to engage the same legal team as Mr Perez, Cornelio and Sanchez, namely:
 - a. Ben Lion Cooper KC (KC 2020), Doughty Street Chambers (London); and
 - b. Ellis Wolfe Sareen (2008), Foundry Court Chambers (London).
4. Like Mr Cornelio, Perez and Sanchez, the Applicant is not a Core Participant in the Inquiry, and so his participation is currently limited to provision of evidence to the Inquiry.

5. I have determined the Application for funding as required by paragraph 1(b) of the Funding Protocol. The reasons set out in paragraphs 11-13 my ruling on the Cornelio/Perez/Sanchez application apply equally to the Applicant. I am therefore satisfied that the Applicant should receive a funding award by reference to the considerations in paragraph 4 of the Funding Protocol. As to the question of the Applicant's financial means, I am satisfied that on the basis of the financial information provided by the Applicant, he would be unable to fund legal representation without financial assistance.
6. I am also satisfied, in accordance with paragraph 9 of the Funding Protocol, that it would be appropriate for Mr Cooper KC and Mr Sareen to jointly represent the Applicant and the other three individuals charged in the Conspiracy Investigation, due to their similar interests.
7. I therefore conclude and recommend to His Majesty's Government of Gibraltar (**'the Government'**) that:
 - a. The Government should fund the Applicant's two legal counsel, on the condition that time spent is divided between leading/junior counsel on a 20/80 per cent basis. The legal counsel team will need to be approved admitted and enrolled as a barrister or solicitor under the provisions of the Supreme Court Act 1960, as required pursuant to paragraph 7 of the Funding Protocol.
 - b. The Applicant's legal team should include a lawyer already approved, admitted and enrolled as a barrister or solicitor in Gibraltar, and practicing from a permanent place of business in Gibraltar. The purpose for this is to ensure that the Applicant's legal team has a presence in Gibraltar for inter alia the service of documents; the purposes of liaising with the Inquiry; and to instruct and / or advise legal counsel on matters of Gibraltar law.
 - c. Funding should be limited to that which is necessary for the following matters:
 - i. A review of a voluntary submission and material prepared by the Applicant pursuant to the Call for Evidence dated 23 September 2022 (if any);

- ii. Considering the request issued by the Inquiry to make a witness statement, so far as is necessary and properly to represent the Applicant's interests in the Inquiry; and
 - iii. Advice in relation to and for the purpose of making a witness statement.
- d. Funding should also include reimbursement of the Supreme Court fees for the admission and enrolment of Mr Cooper KC and Mr Sareen as a barristers for the purposes of the Inquiry under section 28(2) of the Supreme Court Act and / or section 6(3)(b) of the Legal Services Act 2017 and Part 2 of the Register (as defined in the Legal Services Act 2017), as required by paragraph 7 of the Funding Protocol.
- e. The hourly rates for counsel shall be subject to the maximum hourly rates listed in paragraph 12(e) of the Funding Protocol.
8. I draw the attention of the Applicant and his legal team to paragraphs 18 to 28 of the Funding Protocol, by which the assessment of budgets and bills will be managed.
9. I am willing to consider any further application under paragraph 14 of the Funding Protocol, on the matter of the limits of the Funding Award.

Sir Peter Openshaw

5 December 2022