
INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE

MR IAN MCGRAIL (THE “INQUIRY”)

OPEN SUBMISSIONS ON BEHALF OF THE GIBRALTAR POLICE AUTHORITY (THE “GPA”) IN ADVANCE OF THE FOURTH PRELIMINARY HEARING
(19 JULY 2023)

13th JULY 2023

I. WITNESS EXAMINATION PROCEDURE

1. The GPA agrees with the approach advocated by CTI at paragraphs 17 to 23 of his submissions as this would strike a fair balance between giving parties the right to examine witnesses where and to the extent appropriate and avoiding wasting time in unnecessary duplication of examination. However, it would be premature at this stage to make submissions as to which witnesses should, in addition to the Unrestricted Witnesses be subject to, the traditional model (para. 20 of CTI’s open submissions) on the categorising of witnesses (para. 23 of CTI’s submissions) until the process of disclosure is complete and a list of facts has been agreed. Until that happens it will not be clear which facts remain in dispute and which witnesses require the application of the traditional model. In any event, it is submitted that decisions should not be cast in stone and the Commissioner should not hesitate in exercising his discretion to depart from such decisions, if appropriate, at any stage of the Inquiry.

II. FINALISATION OF THE LIST OF ISSUES AND CONSIDERATION OF AGREED FACTS

2. The GPA agrees with the approach advocated by CTI at paragraphs 24, 25 and 26 of his submissions. However, the proposed deadline for finalising a list of agreed facts realistically can only be met if outstanding disclosure of witness statements and documents is provided timeously to the CPs. As CTI states at paragraph 26 of his open submissions:

“The process of agreeing facts is likely to be a lengthy and detail-orientated process....”

III. GBC BROADCASTING APPLICATION

3. The GPA agrees with CTI’s submissions on this matter for the reasons stated by him at paragraph 28 of his submissions.

IV. RESTRICTION ORDERS

4. The GPA makes no submissions at this stage on this issue.

V. THE 19 WITNESS STATEMENTS

5. This will be addressed by the GPA in closed submissions.

James Neish KC

Shane Danino

TSN