
INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE

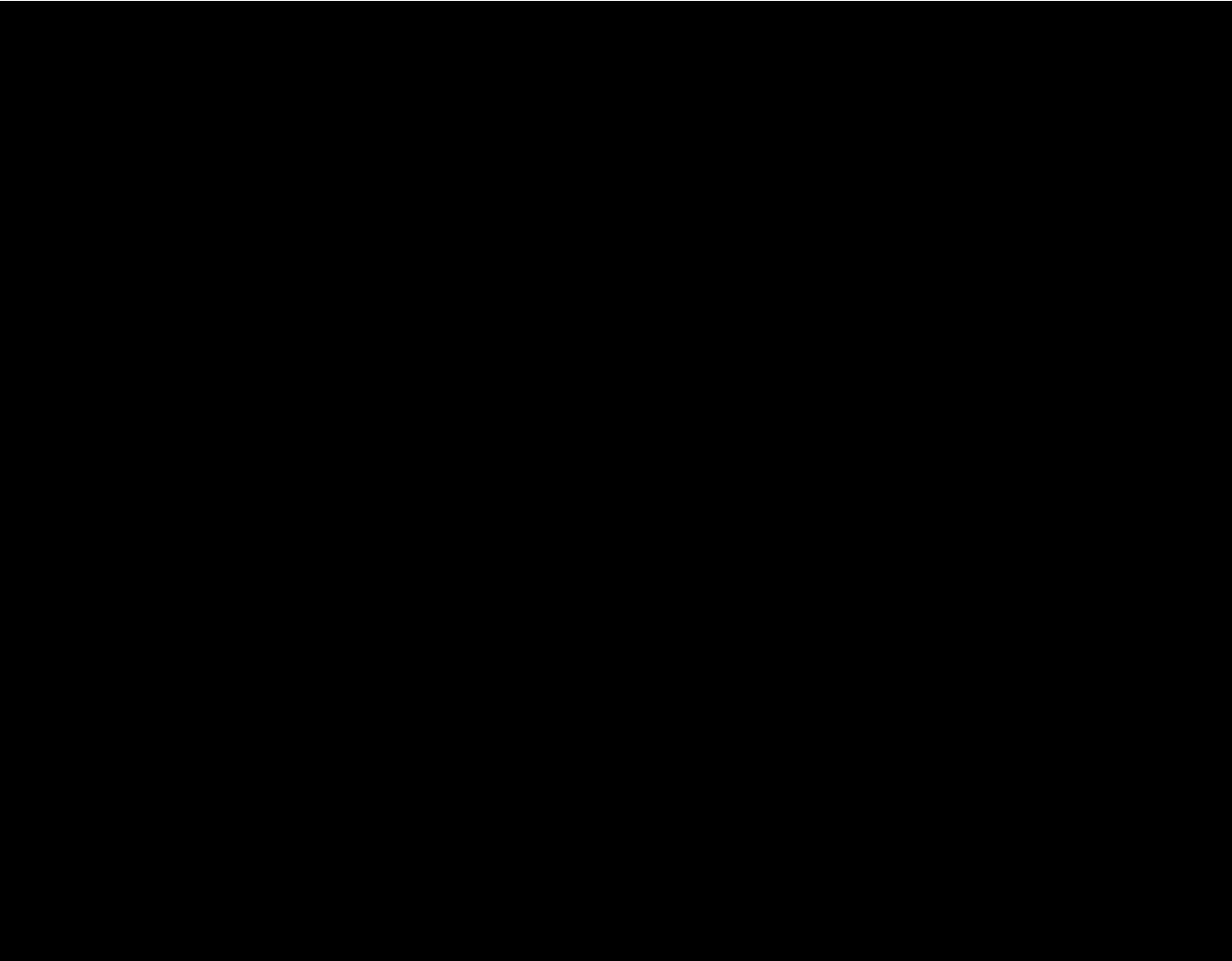
MR IAN MCGRAIL (THE “INQUIRY”)

*SUBMISSIONS ON BEHALF OF THE GIBRALTAR POLICE AUTHORITY (THE “GPA”) IN
ADVANCE OF THE FIFTH PRELIMINARY HEARING
(25/26 OCTOBER 2023)*

17 OCTOBER 2023

1. NOLLE PROSEQUI

The GPA makes no submissions in respect of the nolle prosequi but notes paragraphs 21 to 23 (inclusive) of the decision of the Chief Justice of 8th August 2023 in Thomas Cornelio and Others v Rex (2023/GSC/029).





3. PROVISIONAL LIST OF ISSUES

The GPA submits that the wording of issue 6 should be amended to the following:

“The difficult relationship between Mr McGrail and the Gibraltar Police Federation, and particularly **whether** any **and, if so, what** complaint(s) were made by the Gibraltar Police Federation (the “Federation”) and/or its members to the Gibraltar Police Authority about Mr McGrail and **whether** any **and, if so, what** allegations of bullying or intimidation by Mr McGrail **were** discussed by the Gibraltar Police Authority (“the Federation Complaints”).”

We wrote to the Solicitors to the Inquiry on 5th October 2023 and copied all CPs stating the reasons for the proposed amendments. We attach a copy of that letter for ease of reference.

4. CATEGORISATION OF WITNESSES

Appointment of Mr McGrail as Commissioner of Police- Process

Mr Lavarello stated at paragraph 34 of his Sworn Witness Statement dated 20th October 2022 that Mr Pyle stated that he would not support either candidate (Mr McGrail or Mr Ullger). Mr Pyle denies that and suggests that Mr Lavarello is mistaken [at paragraph 27 of his Second Affidavit dated 4 July 2023]. There is a clear conflict of evidence on this point which, if the Inquiry considers requires determination, Mr Lavarello would need to give oral evidence. It is therefore submitted that Mr Lavarello

should be re-categorised as a Category 1 witness for the narrow purpose of determining this issue.

James Neish KC

Shane Danino

TSN