

<p>1 (Thursday, 2 May 2024)</p> <p>2 (10.00)</p> <p>3 MR SANTOS: Good morning, sir. Our first</p> <p>4 witness is the former Chairman of the</p> <p>5 Gibraltar Police Federation, Mr Maurice</p> <p>6 Morello.</p> <p>7 THE WITNESS: Former.</p> <p>8 MR SANTOS: Yes.</p> <p>9 MR MAURICE MORELLO, sworn</p> <p>10 Questioned by MR SANTOS</p> <p>11 MR SANTOS: Good morning, Mr Morello.</p> <p>12 A. Good morning.</p> <p>13 Q. Can you please tell us when did you serve</p> <p>14 ... sorry, there should be a file in front of you</p> <p>15 marked "Witness statements". Can you just,</p> <p>16 please, open that file and there will be, what</p> <p>17 you should see in front of you is your witness</p> <p>18 statement --</p> <p>19 A. Yes, that's right.</p> <p>20 Q. -- to this Inquiry.</p> <p>21 A. That's right.</p> <p>22 Q. Can I just ask you to check that it is your</p> <p>23 statement and that it has your signature on</p> <p>24 the final page, please?</p> <p>25 A. Yes, it is my statement and, yes, my</p> <p style="text-align: center;">Page 1</p>	<p>1 ceased or are you still a member of the GPF?</p> <p>2 A. No, once you retire you cannot be</p> <p>3 a member of the GPF.</p> <p>4 Q. Now, there is no dispute between you and</p> <p>5 Mr McGrail that the relationship between</p> <p>6 you was fractured and difficult. The Inquiry</p> <p>7 has not deemed in proportionate or</p> <p>8 appropriate to go into the reasons for the</p> <p>9 difficulty of that relationship or to apportion</p> <p>10 blame for that relationship. But from your</p> <p>11 perspective, was the Gibraltar Police</p> <p>12 Authority aware of the difficult relationship</p> <p>13 between you and Mr McGrail?</p> <p>14 A. Yes.</p> <p>15 Q. Is there, as far as you know,</p> <p>16 a documentary record of a formal complaint</p> <p>17 made by the GPF to the Gibraltar Police</p> <p>18 Authority?</p> <p>19 A. If you consider the survey, which is</p> <p>20 basically, um, the members complaining, that</p> <p>21 document was given to the GPA. So that is</p> <p>22 in fact a complaint, not only from the GPF</p> <p>23 and the Chairman, but from that whole</p> <p>24 membership.</p> <p>25 Q. When you say the document, do you</p> <p style="text-align: center;">Page 3</p>
<p>1 signature is at the end.</p> <p>2 Q. Thank you. Do you confirm that the</p> <p>3 contents of that statement are true to the best</p> <p>4 of your knowledge, information and belief?</p> <p>5 A. Yes.</p> <p>6 Q. Thank you. At the moment it is working</p> <p>7 well, but I just ask you to make sure that you</p> <p>8 speak into the microphone so that you can be</p> <p>9 heard, please. Can you please tell us when</p> <p>10 did you serve as the Chairman of the</p> <p>11 Gibraltar Police Federation?</p> <p>12 A. So, I was elected as the Chairman of the</p> <p>13 Gibraltar Police Federation in May 2019.</p> <p>14 Um, and I retired in May 2023.</p> <p>15 Q. What does the role of Chairman of the</p> <p>16 GPF entail?</p> <p>17 A. If we refer to the Police Act, um, you are</p> <p>18 looking after the welfare and efficiency of its</p> <p>19 members. But it entails a lot of things.</p> <p>20 Discipline, welfare, you name it.</p> <p>21 Q. And, as you say, you are now retired</p> <p>22 from that role. Are you also retired from the</p> <p>23 RGP?</p> <p>24 A. Yes.</p> <p>25 Q. And has your membership of the GPF</p> <p style="text-align: center;">Page 2</p>	<p>1 mean the results of the survey?</p> <p>2 A. No, they get the results of the survey,</p> <p>3 plus the comments, which is the most</p> <p>4 damning part of the survey.</p> <p>5 Q. And you handed that to the GPA?</p> <p>6 A. Absolutely.</p> <p>7 Q. How did you hand it? Was it by email or</p> <p>8 by hand?</p> <p>9 A. I think they would have got it by email,</p> <p>10 yes.</p> <p>11 Q. Other than the survey, is there any other</p> <p>12 document which you considered to be</p> <p>13 a formal complaint by the GPF to the GPA?</p> <p>14 A. No. The only other complaint is that</p> <p>15 when I went to speak to the Board.</p> <p>16 Q. We are just about to take you there. If we</p> <p>17 go to A1225, please. This is your statement</p> <p>18 on the screen. You can follow this either on</p> <p>19 the screen or in the hard copy that you have</p> <p>20 in front of you. Paragraphs 145 and 146 are</p> <p>21 the ones that I want to focus on. And you</p> <p>22 say as follows:</p> <p>23 "At some point after being served with the</p> <p>24 Written Warning and Regulation 9 notices, I</p> <p>25 spoke to Dr Joey Britto on the phone, and</p> <p style="text-align: center;">Page 4</p>

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<p>1 asked if I could address the GPA Board, not 2 only in relation to the ongoing internal 3 investigation but the general relationship 4 with the GPF/Command and the authoritarian 5 style of leadership. 6 "This meeting was held at the GPA offices at 7 Casemates Square [sometime in February 8 2020] where I can recall that most of the 9 GPA Board were in attendance. The meeting 10 commenced and the first thing I said was 11 'how do I file a complaint of bullying against 12 the Commissioner of Police?'" 13 Can I just ask you, please, you say that it 14 took place some time in February 2020. Are 15 you able to be more specific as to when that 16 happened? 17 A. No. 18 Q. Do you have any notes of attending that 19 meeting? 20 A. No. 21 Q. Do you have a diary entry or calendar 22 invites? 23 A. There is ... the Secretary of the Federation 24 may have an entry in his phone, but I don't 25 think so.</p> <p style="text-align: center;">Page 5</p>	<p>1 Q. So that was after Mr McGrail's 2 retirement. 3 A. Absolutely. 4 Q. In terms of the GPA members who were 5 in attendance at the meeting that you deal 6 with in your statement at 145 and 146, was 7 Mr Pyle present at that meeting? 8 A. Yes. 9 Q. Can we now look at A1442, please? This 10 is Dr Britto's statement, fourth witness 11 statement, 1442, to this Inquiry. And at 12 paragraph 5 he says: 13 "I do not recall any meeting with Mr Morello 14 in February 2020. If there was no formal 15 meeting with Mr Morello there would not 16 have been produced any minutes." 17 Then if we look over the page, paragraph 6: 18 "I can confirm that two meetings of the GPA 19 were held in February 2020, one on the 6 20 February 2020 and the other on 27 February 21 2020. Neither meeting was attended by Mr 22 Morello or any other member of the GPF." 23 How do you respond to that evidence where 24 Dr Britto suggests that there was no meeting 25 in February 2020 as far as he can recall?</p> <p style="text-align: center;">Page 7</p>
<p>1 Q. Do you remember which members of the 2 GPA were in attendance at that meeting? 3 A. I remember that most of them were there. 4 Maybe there was missing a couple. 5 Q. Is anybody -- 6 A. But the majority of them were there. 7 Mr Britto was there, Miss Collado, 8 Mr Carreras. Um, Mr Pyle, Mr Gomez, 9 sorry, what is her name, Ms Figueras. So the 10 majority of the Board was there. 11 Q. Where there any other occasions when 12 you met the GPA or was this the only time 13 you met them as a board? 14 A. No, I met them on other occasion. But 15 that was not to make a complaint against 16 Mr McGrail. 17 Q. And -- 18 A. I went ... can I finish, please? I went 19 because Mr Ullger, or Mr McGrail had been 20 retired, and Mr Ullger had informed me that 21 he had information that they wanted to bring 22 over a UK commissioner. He pleaded with 23 me. On three occasions he called me at my 24 house, pleading for me to go and give in 25 a good word for him. And I did.</p> <p style="text-align: center;">Page 6</p>	<p>1 A. I'm not sure how Mr Britto can say this. I 2 can clearly recall going to a meeting at the 3 GPA offices and telling Mr Britto, "I want to 4 put a complaint of bullying against 5 Mr McGrail." I said it twice. The whole 6 world was there and they were all listening. 7 He put his hands in his head and he says to 8 me, "Maurice, don't do this to me." And I 9 said it again, "How do I file a complaint of 10 bullying against the Commissioner of Police? 11 And what is the process to do this?" And 12 there was silence in the room. And after 13 a few seconds I said to him, "There is no way 14 I can make a complaint of bullying against 15 the Commissioner of Police. He is exempt 16 from the Disciplinary Regulations 1991. He 17 is not accountable for any discipline matters. 18 And there is no form of making a complaint 19 in the Employment Tribunal either." That 20 was the point I was trying to highlight. 21 Q. I am going to take you to your evidence 22 on this briefly, but we are just sticking at the 23 moment to whether in fact there was 24 a meeting. Because you will appreciate that 25 there is a dispute of evidence. I want to take</p> <p style="text-align: center;">Page 8</p>

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<p>1 you to B5878, please. (Pause). B5878, these 2 are minutes of a meeting of the Gibraltar 3 Police Authority held on 6 February 2020 at 4 9.30 am. We can see who was present at the 5 meeting. It looks like a number of the 6 individuals you refer to were there, although 7 Mr Pyle it looks like was not present. Can 8 we now look at page 5881, please? At the 9 top of that page we can see a reference to 10 a meeting. The heading says: "Meeting with 11 GPF and COP." And then it says: 12 "The Chairman gave an overview of the 13 situation between the GPF and the RGP. He 14 mentioned that he had asked the GPF for 15 a policy based on the Dignity at Work, 16 however the GPA would have to be the 17 appellant body. The Chairman suggested 18 that the Authority should advise the 19 Commissioner of Police to seek guidance on 20 how federations in the UK function. He also 21 suggested advising the COP to take a step 22 back on the proposed disciplinary action 23 against the GPF. However, the Authority 24 will listen to his views [sounds like that is 25 a reference to the Commissioner of Police]</p> <p style="text-align: center;">Page 9</p>	<p>1 A. My evidence is that that meeting 2 happened. 3 Q. Yes, sorry, I just want to clarify because 4 when you talk about the UK, was that not 5 a different meeting to the one where you talk 6 about a complaint of bullying? 7 A. Yes. Sorry, yes. 8 Q. So it is the meeting of the ... the UK 9 meeting, if I can call it that, is the one where 10 you say that Mr Pyle was opposite you. 11 A. Yes. 12 Q. What I am focusing on is the meeting that 13 you say happened in -- 14 A. Mr Pyle was also (inaudible). 15 Q. Was also present. 16 A. 100 per cent. 17 Q. So your evidence is not that you were at 18 this meeting that took place on 6 19 February 2020 because Mr Pyle was not 20 there. But I just want to clarify one further 21 thing, which is that there is a reference there 22 to the Chairman updating the Authority on 23 the situation and he says he mentioned that 24 he had: 25 "Asked the GPF for a policy based on the</p> <p style="text-align: center;">Page 11</p>
<p>1 on the matter at the meeting at 10.30." 2 And then at the bottom there is a reference to 3 the fact that the Commissioner of Police 4 joined the meeting and explained the 5 situation between the GPF and the RGP and 6 the meeting ended with the Commissioner of 7 Police agreeing to go down the route of 8 mediation and review. 9 Dr Britto's evidence is that that title "Meeting 10 with GPF" is a misleading title, that there 11 was in fact no meeting with the GPF. But I 12 just want to give you the chance to comment 13 on these minutes. As I say, those minutes are 14 dated 6 February 2020. 15 A. Is that the same meeting where Mr Pyle 16 apologised for not being there? 17 Q. Yes. 18 A. No, that's not the meeting then. So, 19 Mr Pyle was sitting opposite me. He 20 questioned the reasons for me giving 21 a reference for Mr Ullger on numerous 22 occasions. It was clear to me that he wanted 23 to bring in a commissioner from the UK. 24 Q. So, is your evidence that, I think your 25 evidence is --</p> <p style="text-align: center;">Page 10</p>	<p>1 Dignity at Work. However, the GPA would 2 have to be the appellant body. The Chairman 3 has suggested that the Authority should 4 advise the Commissioner of Police to seek 5 guidance. He also suggested advising the 6 Commissioner of Police to take a step back." 7 That is a similar topic to the one that you 8 have raised in terms of bullying. So I just 9 want to ask you whether you believe that this 10 is something which followed from 11 a discussion that you had of the nature of that 12 you say you did with Dr Britto. Sorry, let me 13 just be a bit clearer. You say that you raised 14 the bullying by the Commissioner in early 15 February or late January and this is on 6 16 February and there is a reference to the 17 Chairman having asked you for a policy 18 based on Dignity at Work. 19 A. Yes. 20 Q. When you made that complaint, did the 21 suggestion of a Dignity at Work policy, was 22 that raised by the Chairman? 23 A. I remember speaking to the Chairman 24 about, um, copying of the Dignity at Work 25 on bullying (inaudible). Um, I'm not sure if</p> <p style="text-align: center;">Page 12</p>

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<p>1 it was there or maybe in a meeting with him 2 alone, I cannot recall. 3 Q. Was it -- 4 A. I don't know, I'm not sure if it was in that 5 meeting, but it was spoken about, yes. 6 Q. What I am asking you is not about this 7 specific meeting, but when you raised, when 8 you say you raised a complaint of bullying -- 9 A. Yes. 10 Q. -- with the Chairman, was it the same 11 conversation where he asked you for a policy 12 based on Dignity at Work or was that 13 a different conversation? 14 A. I'm not sure. I'm not sure. 15 Q. If we can look at B5883, two pages on 16 from here, this is a meeting of 27 February 17 and fewer in attendance and Mr Pyle is not 18 there either. So would you accept then that 19 the 27 February 2020 meeting does not seem 20 to be the meeting at which you said the 21 things that you say in 145 and 146? 22 A. I cannot be certain of the dates. So, if 23 that's what it says there, yes. 24 Q. If we look at A1493 now, please. This is 25 the witness statement of Mr Leif Simpson,</p> <p style="text-align: center;">Page 13</p>	<p>1 and they do not have any recollection of that 2 meeting either. This does not mean that 3 Mr Morello did not say this to me at some 4 point, whether at a meeting or during another 5 encounter, but I have no recollection of that. 6 It is simply that there is no record or 7 recollection on the part of the GPA." 8 Then if we go to A333, paragraph 7, he 9 responds to Mr Simpson's statement. He 10 says: 11 "I have checked the records of the GPA and 12 can find no record of a GPA meeting having 13 been held in January 2020. I have consulted 14 the other members of the GPA at the time 15 and neither they nor I have any recollection 16 of such a meeting. This is not to say that 17 Mr Simpson and Mr Morello did not meet 18 with us on other occasions, it is simply that I 19 have no recollection of any specific meeting. 20 I have been reminded by Mr Francis Carreras 21 that we met Mr Simpson and Mr Morello 22 informally twice, once over coffee at the 23 Waterfront and the other at the office of the 24 GPA. I cannot remember those meetings. I 25 also recall having met Mr Henry Bautista</p> <p style="text-align: center;">Page 15</p>
<p>1 who was your secretary at the time, and he 2 says at paragraph 155: 3 "After being served with the Written 4 Warning and Regulation 9 notices, we spoke 5 to Dr Joey Britto on the phone, and asked if 6 we could address the GPA Board, not only in 7 relation to the ongoing internal investigation 8 on us, but the general relationship with the 9 GPF and Command. 10 "This meeting was held at the GPA offices at 11 Casemates Square (on the 31st January 2020) 12 where I recall that most of the GPA Board 13 were in attendance." 14 And he says exactly the same as what you 15 say in terms of what you said to the GPA. 16 Could 31 January be the date of the meeting 17 that you were referring to? 18 A. It could be, yes. 19 Q. If we go to A330, this is Dr Britto's 20 second witness statement. Paragraph 4 I 21 want to focus on. He says: 22 "I do not recall any meeting of the GPA 23 attended by Mr Morello in February 2020 nor 24 is there any record of such a meeting. I have 25 asked other members of the GPA at the time</p> <p style="text-align: center;">Page 14</p>	<p>1 informally on one occasion but have no 2 specific memory of such a meeting." 3 So you see Dr Britto's evidence is that he 4 does not recall a meeting and there is no 5 record of a meeting in January or 6 February 2020. But your position is that you 7 recall a meeting at that time. 8 A. That meeting happened. 9 Q. In January/February. 10 A. In January/February, whenever it was. In 11 fact I put in a subject access request to the 12 GPA asking for the minutes of that meeting. 13 I asked for the minutes of that meeting and 14 a letter which Mr McGrail sent to the 15 Governor, allegedly, trying to curtail the 16 powers of the Federation. Those are the two 17 things I wanted, the minutes and the letter. I 18 got none. 19 Q. When did you submit that subject access 20 request? 21 A. The subject access request must have 22 been submitted when I was compiling the 23 statement, probably in the summer of 2022. 24 Q. And what dates did you give for the 25 meeting in that subject access request?</p> <p style="text-align: center;">Page 16</p>

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<p>1 A. I'm not sure. I'm not sure. I would have said meetings with the GPA and GPF.</p> <p>2</p> <p>3 Q. So --</p> <p>4 A. Plus the letter.</p> <p>5 Q. So it was not specifically that meeting, it was a number of meetings that you were referring ... you were seeking minutes.</p> <p>6</p> <p>7</p> <p>8 A. But in particular it was that what I was looking for, the minutes of that meeting.</p> <p>9</p> <p>10 Q. Are you able to provide us with a copy of that subject access request?</p> <p>11</p> <p>12 A. I would have to look for it, but ... maybe, I'm sure the GPA would have it.</p> <p>13</p> <p>14 Q. Do you agree with Dr Britto's evidence that you and Mr Simpson met Dr Britto and Mr Carreras twice informally, once over coffee at the Waterfront and the other at the GPA office?</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 A. Yes.</p> <p>20 Q. Could either of those have been the occasion on which you raised this or do you --</p> <p>21</p> <p>22</p> <p>23 A. Absolutely not. Absolutely not.</p> <p>24 Q. So you say that when you raised this, it was at a formal GPA meeting.</p> <p>25</p> <p style="text-align: center;">Page 17</p>	<p>1 Q. -- in an informal coffee meeting.</p> <p>2 A. In those two occasions they were, yes.</p> <p>3 Q. If we can go back to your statement now, paragraph 146, this is A1225. Just picking up with the second sentence there, you say: "The meeting commenced and the first thing I said was 'how do I file a complaint of bullying against the Commissioner of Police?'"</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 "The room was silent and I can recall Mr Britto saying words to the effect 'no please, no, that's all we need now'. Again, I repeated the same 'how do I file a complaint of bullying against the Commissioner of Police?'" I paused for a few seconds and said, 'you can't, there is no recourse'.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 "I informed persons present that the point I was trying to make was that there were no processes to make complaints against the Commissioner or Assistant Commissioner such as were in place in the UK. Both these individuals expressly fall outside the remit of the Police (Discipline regulations 1991. Consequently, conduct which falls short of criminal offences but which would constitute</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 19</p>
<p>1 A. This was a formal GPA meeting with the majority of the Board present.</p> <p>2</p> <p>3 Q. What was discussed in those informal coffees briefly?</p> <p>4</p> <p>5 A. Probably the same as we always discussed, the management style of Mr McGrail, the unhappiness of the workforce, the survey. We wanted the GPA to take, let's say, the survey by the horns and make the RGP accountable ... or, not accountable, to approach the survey in the same manner as they were approaching the HMIC recommendations. We wanted to see progress on the complaints made by the members in the survey.</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16 Q. So in those meetings is it your position that you made complaints about Mr McGrail in those informal meetings --</p> <p>17</p> <p>18</p> <p>19 A. Yes.</p> <p>20 Q. -- but not formal complaints, just verbal complaints, to the GPA?</p> <p>21</p> <p>22 A. A verbal complaint is a complaint.</p> <p>23 Q. Yes, I am not suggesting that it is not, but it was a verbal complaint --</p> <p>24</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 18</p>	<p>1 disciplinary offences for any other member of the force would not be so for the Commissioner and Assistant Commissioner.</p> <p>2</p> <p>3</p> <p>4 "I followed this up by saying that if there had been a process for doing so, this would have already been done. I gave the Board a summary of events that had transpired since being elected as Convenor and the issues raised in our Staff surveys, at which point a Board member stated 'that is clearly bullying, and the problem clearly here is Mr McGrail!'"</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 Just focusing first of all on where you say, "How do I file a complaint of bullying against the Commissioner of Police?" Did you want to make a complaint of bullying against Mr McGrail at the time?</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 A. If there would have been a process to be able to do so, I would have done so.</p> <p>18</p> <p>19 Q. Then you say in 148, the second sentence:</p> <p>20</p> <p>21 "I gave the Board a summary of events that had transpired since being elected as Convenor and the issues raised in our Staff surveys."</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Those events, that summary of events that</p> <p style="text-align: center;">Page 20</p>

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<p>1 you refer to, are those the kinds of things that 2 you raise in your witness statement to the 3 Inquiry? 4 A. Yes. 5 Q. Then you say, after giving that summary: 6 "A Board member stated 'that 7 is clearly bullying, and the problem clearly 8 here is Mr McGrail.' 9 Do you recall which board member said that? 10 A. Yes. 11 Q. Who was it? 12 A. Mr Carreras. 13 Q. And when he said that, what was said 14 afterwards, or did the meeting just end? 15 A. No, the meeting continued. Um, I'm not 16 sure if we said anything more about the 17 bullying, but the meeting continued for 18 another, another good 45 minutes. 19 Q. You moved on to other topics? 20 A. That's right. 21 Q. Did you and the GPA agree to do 22 anything to respond to that bullying? 23 A. To which bullying? 24 Q. To -- 25 A. To myself?</p> <p style="text-align: center;">Page 21</p>	<p>1 hold the police accountable. 2 Q. How many GPA meetings in total would 3 you say that you attended? 4 A. We had meetings scheduled on a monthly 5 basis. That does not mean we met every 6 month, but we tried to meet every month. 7 Q. With the GPA? 8 A. With the GPA Chairman, or usually 9 brought someone along, with Mr Carreras 10 usually came along. But with the Board, 11 with the majority of the Board, there was 12 only two meetings. 13 Q. They are the two that you referred to. 14 A. The two that we refer to, that's right. 15 Q. Can we go to A1220, please? This is 16 paragraph 120 of your witness statement and 17 you say here: 18 "I met with Dr Joey Britto [GPA] and I 19 explained to him that the issue of this written 20 warning by a Commissioner of Police to the 21 Chairman of the Federation was totally 22 unacceptable. I explained that Mr McGrail 23 was still using the fact that we were 24 'warranted officers' to justify his actions to 25 discipline me (he used the 'warranted</p> <p style="text-align: center;">Page 23</p>
<p>1 Q. No, you say that Mr Carreras said, "That 2 is clearly bullying --" 3 A. Yes. 4 Q. "-- and the problem clearly here is 5 Mr McGrail." Did you and the GPA at that 6 meeting or subsequently agree to do anything 7 to respond to the bullying that had been 8 identified? 9 A. No. 10 Q. Was anything done about it in the 11 aftermath? 12 A. No. 13 Q. Did you follow up with the GPA as to 14 what Mr Carreras had said and asked whether 15 they were doing anything about it? 16 A. No. 17 Q. Why not? 18 A. The Authority, although very supportive, 19 for me it didn't have the oomph to take on the 20 organisation. They didn't have ... they didn't 21 want any confrontation with the RGP. They 22 just went along with what they said. All you 23 have to look is at the surveys, year after year 24 after year. I'm still waiting for them to come 25 out publicly saying that they are going to</p> <p style="text-align: center;">Page 22</p>	<p>1 officers' term frequently in all our meetings 2 as this would [he thought] enable him have 3 control over us, as per the Police Act 2006). 4 Mr Britto was informed that we required to 5 clarify the position of the Convenors and as a 6 result we would be approaching No 6 to draft 7 out a 'Convenors Agreement'. The 8 Convenors Agreement was drafted, although 9 this was never ratified. A copy of this was 10 sent to AC Ullger on numerous occasions, 11 but no feedback was ever received." 12 Was that at the same meeting, one of the 13 other ... was that at one of the two meetings 14 that you refer to or was that at a separate 15 meeting? 16 A. That was probably at a separate meeting. 17 Q. Was that a meeting with Dr Britto alone 18 or with -- 19 A. It could have been Dr Britto alone or he 20 could have been accompanied by someone. I 21 can't remember. 22 Q. But not a majority of the Board type 23 meeting. 24 A. No. 25 Q. In your view, when you met Dr Britto on</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 this occasion that you refer to in paragraph 2 120, was that a complaint to the GPA? 3 A. Even though he was not inviting it, it was 4 actually a verbal complaint to the GPA, that's 5 right. 6 Q. Other than the occasions that we -- 7 A. If you want me to go into the detail 8 surrounding the written warning, I will do so. 9 Q. That is going beyond the matters that we 10 are interested in, Mr Morello, but thank you 11 for the offer. Other than the occasions that 12 we have discussed, I think you have already 13 said that you made complaints, verbally or 14 written, to the GPA about Mr McGrail on 15 other occasions. Is that correct? 16 A. Yes. 17 Q. Did you have any conversations or 18 correspondence with Mr Pyle about the 19 relationship between the GPF and the RGP? 20 A. Conversations or correspondence, excuse 21 me? 22 Q. Well, let us deal with each of them one 23 by one. 24 A. I had no correspondence with Mr Pyle 25 and the only conversations I had with him</p> <p style="text-align: center;">Page 25</p>	<p>1 assassination by him. At the time I made the 2 reference to the GPA regarding him, he was 3 a friend of mine. 4 MR SANTOS: Do you mean in the 5 application process that you made 6 a reference? 7 A. It must have been just before this. 8 Q. Can we just look at an email dated 10 9 March 2023 which Mr Ullger was referred 10 to? We are just digging that out briefly. 11 (Pause). It should be on your screen now. 12 And that is an email that was referred to 13 earlier this week. And in that email I think in 14 summary what the Commissioner of Police is 15 telling all police staff is that he has tried to 16 work with the Chairman and Secretary of the 17 Federation but it has been an almost 18 impossible task and he can no longer work 19 with them. 20 Q. Do you agree that the relationship 21 between Mr Ullger and the GPF became 22 difficult? 23 A. It became difficult absolutely and by this 24 time, 10 March 2023, he was aware of the 25 allegations made by the whistle-blowers</p> <p style="text-align: center;">Page 27</p>
<p>1 was at those meetings. 2 Q. So separately you did not have any 3 conversation with him. 4 A. No. 5 Q. Do you remember Mr Pyle saying 6 anything about the relationship between the 7 RGP and the GPF? 8 A. Not really. 9 Q. Once Mr Ullger took over as 10 Commissioner, how did the relationship 11 between the RGP and the GPF develop? 12 A. You have to remember that Mr Ullger 13 was a very good friend of mine. I use the 14 term in the past tense. Um, you have seen 15 the words he used to describe me. He 16 described me as a rebel. I would describe 17 myself more as assertive, robust. 18 THE CHAIRMAN: Sorry, more as? 19 A. Sorry? Assertive, assertive. 20 MR SANTOS: I think he said, "I would 21 describe myself more as assertive." 22 A. Assertive, I'm not a rebel. 23 Q. Assertive rather than a rebel. 24 THE CHAIRMAN: Assertive. 25 A. Yes. It was more a character</p> <p style="text-align: center;">Page 26</p>	<p>1 against many senior managers of the RGP. 2 Q. When did it become difficult roughly in 3 terms of dates? 4 A. In terms of dates it started becoming 5 difficult, um, after the incident and the death 6 at sea because he said I have a personal 7 interest in looking after the two officers. His 8 position was that he had to stand by the RGP, 9 the organisation. I stood by the two officers. 10 But then things became much more difficult 11 when we had (inaudible) coming forward, 12 making serious allegations of criminality 13 against the senior command officers of the 14 RGP. So he saw me as the instigator for it, I 15 say, for use of a better word. 16 Q. So you say that that is really the cause of 17 the breakdown in your relationship with him. 18 A. Yes, 100 per cent. 19 Q. Commissioner of Police Ullger has given 20 evidence to the Inquiry that his relationship 21 with the GPF has improved now that there 22 are now conveners. What is your reaction to 23 that? 24 A. Well, it's quite laughable actually. I have 25 information that Mr Ullger threatened to sue</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 the new conveners if they released the survey 2 with the comments unredacted. Or what he 3 wanted basically was to redact certain 4 comments and if they didn't he would ... they 5 would sue him. Sorry, he would sue them. 6 Q. So is your evidence -- 7 A. So it ... that relationship, he wants to, in 8 the eyes of the public, make believe that he is 9 getting on better with the new conveners or 10 in a move to discredit myself and 11 Mr Simpson. 12 Q. So you dispute that the relationship is 13 a good one between him and the conveners. 14 A. No, I don't think it is that good. I don't 15 know the ins and outs, but I can tell you in 16 the same manner as Mr McGrail tried to, let's 17 say, when I left, I left certain conditions for 18 the conveners in place so that nothing 19 happened to them in the same light that 20 happened to me four years ago where there 21 was nothing in writing. But Mr Ullger is 22 trying to change some of those conditions, 23 which would require a change of the Police 24 Federation Regulations. And basically what 25 he wants is power and control over the</p> <p style="text-align: center;">Page 29</p>	<p>1 Has anyone ever approached you with 2 an offer of a new role in exchange for giving 3 evidence to this Inquiry? 4 A. Never, never. 5 Q. What about a cash payment? 6 A. Never. 7 Q. Have you met or corresponded with 8 Mr Michael Crome since the Inquiry was 9 announced at the end of July 2020? 10 A. Have I liaised with Michael Crome? 11 Q. Have you communicated with him? 12 A. Yes. And before you asked me if I had 13 a monetary offer. I am willing to show you 14 my bank accounts if you require. 15 Q. What were your discussions with 16 Mr Crome about? 17 A. Are you talking about whistle-blowers in 18 particular? 19 Q. Well, in relation to the Inquiry. Or 20 discussions with -- 21 A. No, nothing in relation to the Inquiry, 22 sorry. 23 Q. You have discussed with him 24 whistle-blowers, you said. 25 A. Whistle-blowers, you have to recall that</p> <p style="text-align: center;">Page 31</p>
<p>1 Federation, in the same way like Mr McGrail 2 did. 3 Q. From when Mr Ullger took over was 4 anything done to address the concerns that 5 you had raised about bullying within the 6 RGP? 7 A. We wrote a bullying policy. I cannot 8 recall what month or what year it was. It was 9 a start. That policy was very basic and it had 10 quite a few loopholes. In the end, coming to 11 the end of my tenure, um, we had a working 12 group to work on that bullying policy. But 13 the position ... that we finished something. 14 And the position in 2018/2019 was that 15 bullying did not exist in the police. In fact, I 16 heard Mr Ullger speaking about the AAP 17 work streams and one of the work streams 18 was bullying. Um, I sat in a work stream, 19 a bullying work stream, together with 20 Mr Pozo, the Secretary of the Federation was 21 sitting there, Mr Yeats, and at the start of the 22 meeting, the open sentence was, by 23 Mr Yeats, "We start on the premise that 24 bullying does not exist in the RGP." 25 Q. Can we now move to a new topic, please?</p> <p style="text-align: center;">Page 30</p>	<p>1 Mr Michael Crome was a single point of 2 contact for the government. So any matters 3 related to the GPF would be referred to him. 4 Q. So when you talk about whistle-blowers, 5 were you a point of contact for him in 6 relation to the whistle-blowing -- 7 A. Yes. 8 Q. -- allegations? Have you met or 9 corresponded with the Chief Minister since 10 the Inquiry was announced? 11 A. In 2020? 12 Q. Yes, 2020. 13 A. Maybe once or twice, I'm not sure. 14 Q. In relation to the whistle-blowing? 15 A. No. 16 Q. In the process of making your statement 17 to the Inquiry, did you discuss your statement 18 with Michael Crome? 19 A. No. 20 Q. Or the Chief Minister? 21 A. No. 22 Q. Did Michael Crome at any stage 23 communicate any requests from the Chief 24 Minister to you? 25 A. No.</p> <p style="text-align: center;">Page 32</p>

<p>1 Q. In relation to your evidence or anybody 2 else's evidence. 3 A. No, no. 4 Q. Were you ever offered enhanced pension 5 rights for giving evidence to the Inquiry? 6 A. No. And I know exactly where you are 7 going. I gave my evidence of my own free 8 will. Now we are going into the letters of 9 assurance. Um, I got a letter of assurance 10 that if my position became untenable, um, as 11 I was at retirement age, I could retire. And 12 this, I'm not sure how the term goes, you talk 13 about enhancement of pension rights. That is 14 (inaudible). 15 Q. Well, I do not want you to adopt my 16 language. You got pension ... when you 17 retired -- 18 A. Yes. 19 Q. -- was that at a pension that was at the 20 appropriate level for a GPF Chairman? 21 A. That's right. 22 Q. And in terms of your rank as a police 23 officer at the time, is it correct to say that if 24 you had been in the position at your level of 25 service as a police officer, would you have</p> <p style="text-align: center;">Page 33</p>	<p>1 Q. Yes. Without going into any detail as to 2 advice or discussions you may have had, 3 have you met with Mr James Levy KC since 4 the Inquiry was announced? 5 A. Mr Levy, um, we frequent or the GPF or 6 the Chairman and Secretary frequent Hassans 7 quite a bit. So Mr Charles Bonfante would 8 have been a point of contact in Hassans and 9 Mr Levy very possibly would have walked 10 into some of the meetings and given advice 11 to Mr Bonfante, yes. 12 Q. As your lawyer. 13 A. Yes. 14 Q. It sounds from your previous answers as 15 though you are aware of the other witness 16 statements that have been given to the 17 Inquiry by, I think the figure is about 23, 18 members of the GPF. 19 A. I'm not sure it's 23, but what I can tell you 20 is that one of those whistle-blowers that has 21 been a point of ... accredited to the RGP isn't 22 so. Um, I heard Mr Ullger on Tuesday speak 23 about a certain inspector that had been 24 moved after an addiction, but this is way 25 before my time. This is in 2018. And I can</p> <p style="text-align: center;">Page 35</p>
<p>1 got the same pension or is it a different 2 pension as a result of being the GPA 3 Chairman? 4 A. The GPA Chairman and Secretary get 5 allowance. That allowance is pensionable. 6 Q. Yes. 7 A. So I got the pension with the allowance. 8 Q. Sorry, I said GPF not ... I said GPA. 9 MR NEISH: (Inaudible). 10 MR SANTOS: Apologies. Let us just be 11 clear about this. You were pensioned on the 12 basis of being GPF Chairman. 13 A. That's right. 14 Q. If you had remained in the RGP and 15 stayed as an RGP officer and had retired at 16 the same time based on your service, I think 17 it is right to say that the pension would not 18 have been at the same level as GPF 19 Chairman because -- 20 A. You mean if I would have stepped down 21 from the role of Chairman and continued in 22 my role as sergeant in RGP. 23 A. Yes. 24 Q. Is that what you mean? 25 A. Yes.</p> <p style="text-align: center;">Page 34</p>	<p>1 tell you for a fact that it was Mr Ullger who 2 approached Number 6 so they could find this 3 man a job. So when he talks about this 4 certain inspector, as if we had moved him, 5 that's not right. That is completely false and 6 misleading. 7 Q. Has that individual submitted a witness 8 statement to the Inquiry? 9 A. Yes, he has. 10 Q. Did you play any role in co-ordinating or 11 organising the statements that were submitted 12 to the Inquiry by these whistle-blowing 13 witnesses? 14 A. What do you mean by that, sir? So 15 basically my role here was people would 16 approach me, I would listen to what they had 17 to say, I spoke to a point of contact in the 18 government and I raised in the end to 19 complete these affidavits with the 20 (inaudible). That's it. That is my role in ... if 21 you asked me did I listen in to the, um, 22 evidence that they were giving, absolutely 23 not. None of my business. 24 (10.42) 25 Q. Did you - so you effectively facilitated</p> <p style="text-align: center;">Page 36</p>

<p>1 communication with the government. 2 A. Basically. 3 Q. Did any of them give witness statements 4 without receiving a letter of assurance? 5 A. The letters of assurance were given much 6 later. I don't have one in front of me so I 7 can't give you the dates. My officers were 8 working for months after giving those 9 statements. If the letters of assurance came 10 because the RGP senior command 11 persecuted, victimized, and harassed officers 12 to get the information or -- first of all to find 13 out who had given statements and what 14 information was contained in them. It was 15 the RGP who made those officers untenable 16 in the RGP. 17 Q. So, is your position that the dates of the 18 letters of assurance is much later than the 19 dates of those witness statements that were 20 given to the inquiry? 21 A. I think so, yes. I remember that the dates 22 of those statements, as my statements are 23 dated, November 2023 or something, but 24 that is not the date I wrote it. That is the date 25 it was submitted by - or checked - by the</p> <p style="text-align: center;">Page 37</p>	<p>1 were signed without any discussion about a 2 letter of assurance, and a letter of assurance 3 came some time afterwards? 4 A. That's my recollection, yes. 5 Q. How did members know to go to you to 6 file statements? Did you invite them to 7 come? Did you send out --? 8 A. No, no. 9 Q. -- an invitation? How did it come about? 10 A. It must have come about by word of 11 mouth. 12 Q. Were they encouraged to file statements 13 which were critical to Mr McGrail? 14 A. No. 15 Q. Was there any encouragement to file 16 statements favourable to Mr McGrail? 17 A. No. 18 Q. Were there any statements which you 19 assisted with which were favourable to Mr 20 McGrail? 21 A. I didn't assist, remember? I've told you a 22 few days ago that -- 23 Q. Whatever role you played -- 24 A. No, I -- 25 Q. -- in relation to these statements, did you</p> <p style="text-align: center;">Page 39</p>
<p>1 lawyer, and I went and signed it, but my 2 statement was drafted in the summer of 2022. 3 Q. Well, I just want to be clear on this. In 4 terms of when those statements were signed - 5 - 6 A. Yes. 7 Q. - were they signed before or after letters 8 of assurance were obtained? 9 A. The statements were given before. The 10 letters of assurance came after. 11 Q. Were they signed before the letters of 12 assurance were given to the individuals? 13 A. No. Well, the statements - the statements 14 for the criminal allegations were given first. 15 The assurances came later. 16 Q. Yes. I just want to focus on - I have 17 asked you three times whether the statements 18 were signed before the letter of assurances 19 were -- 20 A. Yes. Of course. 21 Q. When they were signed had a letter of 22 assurance already been promised to those 23 individuals? 24 A. No. 25 Q. So, your position is that these statements</p> <p style="text-align: center;">Page 38</p>	<p>1 come across any statements that were -- 2 A. - that were favourable to Mr McGrail? 3 Q. - favourable? 4 A. I don't think so. 5 Q. How was Mr Crome involved in this 6 process? 7 A. Remember, Mr Crome is the person who 8 individuals spoke to and gave him their 9 accounts. 10 Q. So, when they were drafting these 11 statements, they were speaking to Mr 12 Crome? 13 A. No, they gave the account verbally. 14 Q. They gave the account verbally to Mr 15 Crome? 16 A. Yes. 17 Q. Prior to drafting their statements. 18 A. That's right. 19 Q. Why were they giving their account to 20 Mr Chrome? 21 A. He is the -- he is our liaison with the 22 government, so he would go to a minister and 23 explain whatever had been - he had been 24 informed, and then he came back and that's 25 it.</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 Q. Were they speaking to him because they 2 were giving him the information in exchange 3 for an assurance as to their job? 4 A. No. The assurances - I have explained - 5 the assurances came later. 6 Q. Well, why would they need to speak to 7 Mr Crome if not in relation to that? 8 A. Sorry? 9 Q. Why would the need to speak to Mr 10 Crome about their evidence to the inquiry? 11 A. We - the - whoever we give the 12 whistleblower statement to. We heard Mr 13 Ullger say that he would have liked the 14 individuals came forward to him and he 15 would protect them. Have you have seen 16 how Mr Ullger has spoken about the 17 whistleblowers? All he has spoken is 18 derogatory language about them, and what 19 happens in the hypothetical question that the 20 complaints are about him, and his senior 21 command. Who, who -- 22 Q. I am just focusing on why Mr Crome was 23 involved. It sounds from what you are 24 saying that Mr Crome was involved in this 25 process because there was a question of</p> <p style="text-align: center;">Page 41</p>	<p>1 time. There could have been maybe others. 2 If you give me the list, I will tell you. 3 Q. If they were no longer police officers, 4 why would they need protection? 5 A. Because Henry Bautista didn't have 6 protection. 7 Q. So, is your position that none of the ones 8 who has received - sorry -- that all of the 9 ones who received letters of assurance were 10 members of the GPF, and police officers, at 11 the time? 12 A. Not all. 13 Q. So -- 14 A. No. Not everyone on the list got a letter 15 of assurance. I've explained before that one 16 of the so-called whistleblowers on that list 17 was moved in 2018. He didn't require 18 whistleblower protection. 19 Q. And he was no longer presumably a 20 member of the GPF? 21 A. That is right. 22 Q. Were you involved in the process? 23 A. (No audible response) 24 Q. Have you read those witness statements? 25 A. No.</p> <p style="text-align: center;">Page 43</p>
<p>1 whistleblowing at the time of drafting - of 2 discussing this evidence. 3 A. Mr Crome would go - I don't know - but 4 Mr Crome would go to a minister and inform 5 them of whatever he had been informed. 6 Q. He would -- 7 A. And he would come back and say: you 8 need to put this in an affidavit - in the form 9 of an affidavit. 10 Q. Why would a minister be involved in a 11 police officer giving evidence to an inquiry? 12 A. You are asking, but the statements were 13 given to the inquiry because if we gave them 14 to anyone else, they would be swept under 15 the carpet. 16 Q. No, my question is a different one. 17 A. Yes, and the reply to that is, I don't know. 18 Q. Were all of these, who you dealt with, 19 members of the GPF? 20 A. Yes. 21 Q. Were they all still police officers at the 22 time of giving their evidence? 23 A. Oh, one was not, and that is the former 24 Convener of the Federation, Henry Bautista 25 He wasn't a member of the Federation at the</p> <p style="text-align: center;">Page 42</p>	<p>1 Q. Whose job was it to assure - to satisfy 2 themselves that there was a genuine 3 whistleblowing scenario? 4 A. Certainly not mine. 5 Q. The members of the GPF that submitted 6 the statements to the inquiry were 7 represented by Hassans. Do you know 8 whether they paid for those legal services? 9 A. The GPF paid for those services. 10 Q. They paid. Can we go to C6945, please? 11 This is a transcript of your evidence to the 12 trial in the Magistrates' Court -- Mr 13 McGrail's trial in the Magistrates' Court last 14 year. In that evidence, I just want to pick it 15 up from about two-thirds of the way down, 16 there is a section that starts, "Well, we meet 17 with the officers and make sure that...", can 18 you see that box? 19 A. Yes. 20 Q. "Well, we meet with the officers and 21 make sure that, erm, when they were -- the 22 information that they were providing, some 23 of it or some of the allegations that were 24 made are very very serious in nature, so to 25 protect this officer, we would assure them</p> <p style="text-align: center;">Page 44</p>

1 that they had a safety net. " It looks from
 2 your evidence there, like the assurance was
 3 being given at the time that they were
 4 providing information. Is that correct?
 5 **A. No, they were not given or promised any**
 6 **letters of assurance. What they were**
 7 **informed of is that -- it was if that they came**
 8 **forward, they would be protected or given**
 9 **protection.**
 10 Q. So, it was in exchange for giving
 11 evidence to the inquiry that they were offered
 12 protection?
 13 **A. No. They were - well, the protection**
 14 **came because of the nature of the statement**
 15 **they were giving, and the possible**
 16 **repercussions in their employment.**
 17 Q. Did anyone attend and give a statement
 18 and not get an assurance?
 19 **A. You mean a verbal assurance?**
 20 Q. Yes.
 21 **A. Maybe.**
 22 Q. Maybe, did you say?
 23 **A. Maybe, yes.**
 24 Q. Do you recall whether somebody
 25 attended --

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1 **A. I know that I have told -- I have informed**
 2 **you of the list of 23; it's not right. I mean,**
 3 **we did not do 23.**
 4 Q. How many would you say that you did?
 5 **A. I'm not sure because the list, I did not**
 6 **count it but it is - we can probably get it**
 7 **down to 14 or 15.**
 8 Q. Where were these meetings held?
 9 **A. Some in the offices, or most of them in**
 10 **offices I suppose.**
 11 Q. Where else?
 12 **A. Maybe over a coffee sometimes, in**
 13 **somewhere private.**
 14 Q. Like where?
 15 **A. Do you want me to name the restaurant?**
 16 Q. If it is a --
 17 **A. So, in the restaurant --**
 18 Q. So, the meetings either took place in your
 19 offices or in a restaurant?
 20 **A. -- or in the restaurant, that is right.**
 21 Q. You say it is about 14, that you were
 22 involved in - or received the letters. Are
 23 they all, no longer with the RGP.
 24 **A. None are with the RGP; that's right.**
 25 Q. You say you have no knowledge whether

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1 they have suffered victimization or needed
 2 protection.
 3 **A. I am aware of what I told you before, that**
 4 **the RGP was asking around and trying to**
 5 **find out who the officers that had come**
 6 **forwards with these allegations were, and**
 7 **eventually people started to get anxious and**
 8 **stressed and they required certain protection.**
 9 Q. But that -- you say the RGP got involved
 10 but that was after those witnesses had already
 11 met --
 12 **A. Yes.**
 13 Q. - to discuss their evidence with Mr
 14 Crome.
 15 **A. That's right. You have to remember that**
 16 **some of the witnesses, or whistleblowers that**
 17 **came forward were working for several**
 18 **months after, and I ask you now: what**
 19 **would have happened if they didn't have a**
 20 **letter of assurance?**
 21 Q. Well, it is not me who answers they
 22 questions, Mr Morello. Do you have any
 23 records or these individuals suffering
 24 victimization?
 25 **A. No, I don't, no.**

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1 Q. Do you know whether any of these
 2 individuals started any claims in the
 3 Employment Tribunal, complaining of
 4 victimisation?
 5 **A. One.**
 6 Q. One. What happened with those
 7 proceedings, do you know?
 8 **A. He left the RGP. The RGP threw the ball**
 9 **into the long grass and eventually the**
 10 **complaint was filed. Mr Cruz is aware of**
 11 **that, but --**
 12 Q. Within the Employment Tribunal --
 13 **A. Yes. Within the Employment Tribunal.**
 14 Q. Can we just now, go to 6949 which is a
 15 bit further on in your evidence to the
 16 Magistrates' Court. Just at the bottom there
 17 you say, about six boxes from the bottom,
 18 "... but this had never happened before.
 19 There had never been a whistleblower".
 20 Sorry, that is not your words; that is the
 21 words of the Magistrate. "This has never
 22 happened before, there had never been a
 23 whistleblower", and you say, "Not that I am
 24 aware of". Magistrate says, "In x number of
 25 years?" You say, "I don't think that we have

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<p>1 ever used - gone down that route before". Is 2 that correct? You have never used the 3 whistleblowing provisions prior to this? 4 A. Never. 5 Q. If we can go to C6762, please? Sorry, I 6 have got my - I have got the wrong 7 reference. I just want to show you a copy of 8 the letter of assurance that - just bear with 9 me one second so that I can try and find it. 10 (After a pause) 6933. 6932. This is a letter 11 dated 9 February 2023. It is a letter sent 12 from Mr Crome to the Chief Minister, 13 making a proposal about whistleblowing 14 protections. Were you aware that it was the 15 Chief Minister that Mr Crome was in 16 communication with? 17 A. I knew from the letters when I saw them. 18 Q. Were all the letters addressed to the Chief 19 Minister? 20 A. I think so. 21 Q. You were shown this letter at the sexual 22 assault trial. Had you seen the letter prior to 23 then, to that trial? 24 A. No. 25 Q. Had you seen any similar letters prior to</p> <p style="text-align: center;">Page 49</p>	<p>1 be given protection, then the officer would 2 verbally explain their evidence, and then a 3 letter would follow but probably after the 4 witness statement was signed. Is that 5 correct? 6 A. Yes. 7 Q. Did you ever speak to Mr Crome about 8 the contents of the letters? 9 A. No. 10 Q. Did you play any role in drafting the 11 letters? 12 A. No. 13 Q. Did you receive a letter like this one? 14 A. It's similar. 15 Q. When was your letter dated? 16 A. I don't know. I don't know. Do you have 17 it? 18 Q. I do not have it. 19 A. I will find it and I will give it to you. 20 Q. Thank you. Was it - do you remember 21 whether it was given to you before or after 22 you signed your affidavit? 23 A. After. 24 Q. After? 25 A. Yes.</p> <p style="text-align: center;">Page 51</p>
<p>1 that trial? 2 A. No. 3 Q. So, you never saw the letters of assurance 4 as part of your -- 5 A. I saw them -- What do you mean, prior? 6 Before, or afterwards? 7 Q. Before the trial. 8 A. The trial of Mr McGrail? 9 Q. Yes. 10 A. That was in June 2023, am I right? 11 Q. I believe that is correct, yes. 12 A. I could have seen it, yes. Before the - the 13 letters was (inaudible) 14 Q. At what stage in the process would you 15 normally see the letter of assurance? 16 A. At the point that they were given to -- 17 Q. To the witness. 18 A. - the witness. Yes. 19 Q. So, the order was that there would be a 20 meeting with the officer, between the officer 21 and Mr Crome. Is that correct? 22 A. Yes. 23 Q. Were you present for those meetings? 24 A. Yes. 25 Q. They would be assured that they would</p> <p style="text-align: center;">Page 50</p>	<p>1 Q. What was it that was offered to you? 2 Was that retirement? 3 A. That is right. 4 Q. What was offered in that letter was 5 ultimately fulfilled as far as -- 6 A. Yes. 7 Q. Whilst you were Convener of the GPF, 8 you worked with Mr Simpson. He was your 9 secretary. Is that correct? 10 A. That's right. 11 Q. Is he still working as a police officer 12 now? 13 A. No. 14 Q. Do you know where he is working now? 15 A. He is working within the GDC. 16 Q. To your knowledge, was he given the 17 letter of assurance? 18 A. Yes. 19 Q. So, the benefit that he was, or what was 20 offered to him in the letter of assurance was 21 at a role at the GDC? 22 A. Yes. 23 Q. Do you know of any other benefit that he 24 was given? 25 A. No.</p> <p style="text-align: center;">Page 52</p>

<p>1 Q. Thank you, Mr Morello. I do not have 2 any further questions. 3 MR WAGNER: I am likely to have some 4 follow up questions, but I would appreciate a 5 break now to be able to take some 6 instructions if at all possible. 7 THE CHAIRMAN: Yes. 8 MR SANTOS: Do you want to break? 9 THE CHAIRMAN: Certainly. 10 MR SANTOS: Ten minutes? 11 THE CHAIRMAN: How long do you want? 12 MR WAGNER: If we can do fifteen 13 minutes, that would be really appreciated. 14 Thank you. 15 MR SANTOS: Perhaps if anyone else 16 wishes to ask questions, can they? 17 MR NEISH: Please, Mr Chairman, I would 18 like to ask a few questions. I promise you 19 there will be -- (Inaudible) 20 THE CHAIRMAN: That is absolutely fine. 21 MR NEISH: Thank you. 22 THE CHAIRMAN: Okay, thank you. 23 (A short break) 24 THE CHAIRMAN: Has everyone agreed an 25 order?</p> <p style="text-align: center;">Page 53</p>	<p>1 establish that there was no formal complaint 2 made. 3 A. There was a complaint made but there 4 was no process to be able to carry it from -- 5 Q. You were complaining about the 6 commissioner, but you did not make a formal 7 complaint because there was no process. 8 Would you agree? 9 A. No. I don't agree. A formal complaint 10 was made, but there was no process to be 11 able to carry that out. 12 Q. I see. Maybe it is a difference of 13 wording. As I say, the GPA accepts that you 14 complained about the Commissioner of 15 Police but not that you made a formal 16 complaint. Would you agree with me to that 17 extent? 18 A. You are playing with words now, Mr 19 Neish. 20 Q. Well, we will leave it at that. You say 21 that you attended a meeting with the GPA, a 22 formal meeting with the GPA, in February, 23 possibly January. 24 A. Yes. 25 Q. Would you take it from me that there was</p> <p style="text-align: center;">Page 55</p>
<p>1 MR SANTOS: I believe so, yes. 2 THE CHAIRMAN: Okay. 3 MR SANTOS: I believe Mr Neish is going 4 first. 5 THE CHAIRMAN: Yes. 6 QUESTIONED BY MR NEISH 7 Q. Mr Morello, Good morning. 8 A. Good morning. 9 Q. I will be quite brief, hopefully. You have 10 stated in your evidence that there is no 11 formal procedure, set in the Police Act 12 enabling a complaint to be made against the 13 Commissioner of Police. That is correct, is it 14 not? 15 A. Yes. 16 Q. So, in the absence of such procedure, 17 would you agree that it would have been 18 impossible for you to have made a formal 19 complaint? 20 A. Yes. 21 Q. If I may address that by way of comment, 22 the GPA does not dispute that in your 23 dealings with Dr Britto, you did raise 24 numerous issues of discontent between you 25 and the Commissioner. I just want to</p> <p style="text-align: center;">Page 54</p>	<p>1 no meeting held in January, of the GPA. 2 A. What I can tell you is - I can't tell you the 3 specific dates. I can tell you that both 4 meetings took place. 5 Q. Okay. Both meetings took place. Do you 6 have a file note of any of those meetings? 7 A. No. 8 Q. Do you have any emails, or WhatsApp 9 messages which might support your 10 contention that those meetings took place? 11 A. No. 12 Q. Do you have anything at all which would 13 support your contention that those meetings 14 took place? 15 A. No. 16 Q. Apart from your word, is there any -- 17 A. No. 18 Q. - independent -- 19 A. Well, we have Mr Simpson who will 20 corroborate that we were there, and Mr Pyle, 21 I am sure will corroborate we were also 22 there. 23 Q. So, Mr Pyle would corroborate that you 24 were at that meeting. Now would you take it 25 from me that Mr Pyle did not attend either</p> <p style="text-align: center;">Page 56</p>

<p>1 meeting of the GPA held in February 2020. 2 A. Are you saying that Mr Pyle wasn't 3 present on both occasions when I addressed 4 them both. Is that what you are saying? 5 Q. Yes. Yes. 6 A. No. 7 Q. Okay. 8 A. Mr Pyle was sat opposite me. 9 Q. Okay. So, Mr Pyle was sitting opposite 10 you, so therefore both sets of minutes of the 11 GPA are incorrect, or you are mistaken. 12 A. I am not mistaken. 13 Q. You are not mistaken. Now, there was a 14 meeting at which Mr Pyle was present and at 15 which you were present, and this was a 16 meeting held on 6 July. Could we turn to 17 B2088. You will see that that meeting was 18 held on - it is headed 6 June - it is dated 6 19 June 2020. That was mistakenly headed. It 20 should be dated 6 July 2020, but you will see 21 that at that meeting, Mr Pyle was present. 22 THE CHAIRMAN: Well, hang on. Why are 23 you saying that it is in July rather than June? 24 MR NEISH: That was clarified, I believe, 25 with the solicitors to the inquiry because we</p> <p style="text-align: center;">Page 57</p>	<p>1 that you attended the GPA meeting in 2 February, and in the light of GPA members 3 having no recollection whatsoever of that 4 meeting, but the fact that there was a meeting 5 on 6 July 2020, would you not agree with me 6 that you might be mistaken and the meeting 7 that you had in mind is in fact the meeting of 8 6 July 2020. 9 A. Reading this email, this is the meeting I 10 had with the Board, giving my vote of 11 confidence for Mr Ullger. 12 Q. Yes. 13 A. Yes, I mean if that was the date - that is 14 the date. 15 Q. What I am putting to you is that, that is 16 the only meeting which you held - formal 17 meeting which you held with the GPA during 18 the course of 2020, up to that date. 19 A. No. You are mistaken on this. 20 Q. I am mistaken -- 21 A. You -- 22 Q. So, you sat opposite Mr Pyle at a meeting 23 which Mr Pyle did not attend? That is what 24 you are asking this -- 25 A. No, I am not saying that. I do not know</p> <p style="text-align: center;">Page 59</p>
<p>1 were asked to clarify the dates and it was 2 established, and it is dealt with in the fifth 3 witness statement of Dr Joey Britto. 4 MR SANTOS: I recall that being clarified in 5 Mr Britto's evidence. 6 THE CHAIRMAN: Okay. 7 MR SANTOS: We will get the reference for 8 you, sir. 9 THE CHAIRMAN: Yes. 10 MR NEISH: Thank you, sir. 11 THE CHAIRMAN: Sorry, give me the date 12 again? 13 MR NEISH: It is dated 6 June 2020, but it 14 should be 6 July 2020. 15 MR SANTOS: The relevant reference is 16 page A1465, paragraph 3 of Dr Britto's 17 evidence. 18 THE CHAIRMAN: Okay. Thank you. 19 MR NEISH: (To the witness) So, Mr 20 Morello, you will see that Mr Pyle was 21 present at that meeting, and so were you and 22 Mr Simpson. 23 A. Yes. 24 Q. So, in the absence of any supporting 25 documentation to support your contention</p> <p style="text-align: center;">Page 58</p>	<p>1 what dates we met with the GPA. I am 2 telling you that on both occasions when we 3 met the GPA, or the Board, Mr Pyle was 4 there. 5 Q. Okay. So, therefore, if Mr Pyle was not 6 present, the meetings were not held in 7 February. I would just like to move on to the 8 subject data access request which you - this 9 is the first we have heard of this. Do you 10 have any record of the subject access data 11 request which you made? 12 A. Not, but I -- 13 Q. You have a copy? 14 A. I don't think I have a copy, but I am sure 15 the GPA will have one. 16 Q. No, the GPA does not have one. This is 17 the first that the GPA has heard about this. 18 A. So, you are saying basically that I am 19 mistaken -- 20 Q. Well -- 21 A. - on many things. I am mistaken or lying 22 for trying to obtain documents from the 23 GPA. 24 Q. I will not put it to you that you are lying 25 but I would certainly put it to you that you</p> <p style="text-align: center;">Page 60</p>

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<p>1 are mistaken.</p> <p>2 A. How am I mistaken?</p> <p>3 Q. Well, have you been able to produce a --</p> <p>4 A. I have not got those documents.</p> <p>5 Q. You have made no reference to it in your</p> <p>6 witness statement.</p> <p>7 A. I am not sure.</p> <p>8 Q. Well, check. (After a pause) Mr</p> <p>9 Morello, in fairness to you, might you be</p> <p>10 confused with an informal request which you</p> <p>11 made to the GPA, for production of the letter</p> <p>12 which you alleged - which Mr McGrail had</p> <p>13 written to the Governor and copied to the</p> <p>14 GPA?</p> <p>15 A. No. I asked for both. I asked for the</p> <p>16 minutes --</p> <p>17 Q. I see.</p> <p>18 A. - and the letter, and the letter - Mr Britto</p> <p>19 informed that you didn't have the minutes or</p> <p>20 you hadn't -- the GPA hadn't written any</p> <p>21 minutes, and that they didn't have the letter I</p> <p>22 was requesting which was IM40 or IM41. I</p> <p>23 don't know whether the inquiry has been</p> <p>24 given this letter.</p> <p>25 Q. Very well, Mr Morello. I will just leave</p> <p style="text-align: center;">Page 61</p>	<p>1 Mr Ullger had asked to try and seek</p> <p>2 employment for any person at all. Can I</p> <p>3 suggest to you that that perhaps is what you</p> <p>4 are getting confused with?</p> <p>5 A. The information that came to me wasn't</p> <p>6 that. The information that came to me was</p> <p>7 exactly how I have relayed the information to</p> <p>8 you.</p> <p>9 Q. Is that inspector, to your knowledge, the</p> <p>10 same person who is currently facing criminal</p> <p>11 proceedings for giving false evidence in a</p> <p>12 judicial review?</p> <p>13 A. He is. Yes.</p> <p>14 Q. So, where did this information come</p> <p>15 from?</p> <p>16 A. Sorry?</p> <p>17 Q. Where did this information that you</p> <p>18 suggest had come from?</p> <p>19 A. I am not sure who gave this information,</p> <p>20 but I think it was, at the time, credible</p> <p>21 information.</p> <p>22 Q. From the same inspector perhaps?</p> <p>23 A. No, no. Not from (inaudible)</p> <p>24 Q. Okay. All right. Let us move on to</p> <p>25 another subject. You mentioned that there</p> <p style="text-align: center;">Page 63</p>
<p>1 it that the GPA does not have a copy of the</p> <p>2 subject data access request, and would just</p> <p>3 invite you, if you do have a copy, to produce</p> <p>4 it to the inquiry.</p> <p>5 A. Okay.</p> <p>6 Q. Thank you, Mr Chairman.</p> <p>7 QUESTIONED BY MR CRUZ</p> <p>8 Q. Good morning, Mr Morello.</p> <p>9 A. You referred to this morning in your</p> <p>10 evidence of - which you suggested, and I</p> <p>11 think it is the way you suggested it, is that Mr</p> <p>12 Ullger approached Number 6 Convent Place</p> <p>13 to try and, in essence, obtain some sort of</p> <p>14 employment for a person. Is that what you</p> <p>15 were suggesting?</p> <p>16 A. I wasn't suggesting it, I was telling it.</p> <p>17 Q. You were telling it. Okay.</p> <p>18 A. The information I have is that.</p> <p>19 Q. Right, but can I suggest to you that in</p> <p>20 fact, it might be the other way round. In</p> <p>21 other words, Number 6 was asking</p> <p>22 specifically what had happened to a</p> <p>23 particular inspector, and Mr Ullger was</p> <p>24 communicating the answer to Number 6 that</p> <p>25 asked for that information. It was not that</p> <p style="text-align: center;">Page 62</p>	<p>1 was another claim that was in the</p> <p>2 Employment Tribunal and that I knew all</p> <p>3 about it. Well, I do actually, but in relation</p> <p>4 to that, you suggested that it had been kicked</p> <p>5 into the long grass by the --</p> <p>6 A. That is exactly what you did, Mr Cruz.</p> <p>7 You kicked it into the long grass.</p> <p>8 Q. Kicked it in the long grass.</p> <p>9 A. Yes.</p> <p>10 Q. Can I put it to you - well, are you</p> <p>11 familiar with the details of that matter?</p> <p>12 A. Vaguely.</p> <p>13 Q. Vaguely. Can I put it to you that that</p> <p>14 matter has absolutely nothing to do with this</p> <p>15 inquiry?</p> <p>16 A. (No response)</p> <p>17 Q. Would you have any evidence to suggest</p> <p>18 otherwise?</p> <p>19 A. No.</p> <p>20 Q. No. Can I suggest to you that that</p> <p>21 proceedings, still in place, has not been</p> <p>22 prosecuted by the particular individual.</p> <p>23 A. No.</p> <p>24 Q. The RGP simply has not been prosecuted.</p> <p>25 A. Not yet, no.</p> <p style="text-align: center;">Page 64</p>

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<p>1 Q. Sorry?</p> <p>2 A. Not yet. No.</p> <p>3 Q. No, no. It has not.</p> <p>4 A. No, it hasn't.</p> <p>5 Q. No. Correct. In terms of the suggestion</p> <p>6 that the RGP has harassed people, do you</p> <p>7 think - are you aware as to how the RGP</p> <p>8 found out about the existence of</p> <p>9 whistleblowers?</p> <p>10 A. No. I don't.</p> <p>11 Q. Okay. Well you started to give evidence</p> <p>12 yesterday about that, that the RGP found out</p> <p>13 in essence, through the inquiry. They did not</p> <p>14 know about these whistleblowers. Would</p> <p>15 you say trying to inquire where your officers</p> <p>16 are when they do not turn up to work, is</p> <p>17 harassment?</p> <p>18 A. I don't think so, but --</p> <p>19 Q. Well, you don't think so.</p> <p>20 A. No, no. Hold on. This is what - the</p> <p>21 information that has been relayed to you. I</p> <p>22 mean whistleblowers, many of them,</p> <p>23 continued working for months --</p> <p>24 Q. Yes.</p> <p>25 (10.36)</p> <p style="text-align: center;">Page 65</p>	<p>1 you had with Mr Britto at the waterfront.</p> <p>2 A. Yes.</p> <p>3 Q. You agree that you sometimes met with</p> <p>4 Dr Britto at the waterfront?</p> <p>5 A. Yes.</p> <p>6 Q. Is it possible that some of those meetings</p> <p>7 happened after Mr McGrail retired?</p> <p>8 A. Possibly.</p> <p>9 Q. Yes. You said that you met or you may</p> <p>10 have met or corresponded with the Chief</p> <p>11 Minister, you said maybe once or twice. Is</p> <p>12 that your evidence?</p> <p>13 A. In what timeframe?</p> <p>14 Q. Well, let us start with at all.</p> <p>15 A. Have I corresponded with the Chief</p> <p>16 Minister?</p> <p>17 Q. Yes.</p> <p>18 A. Yes, on occasions.</p> <p>19 Q. On occasions. Did you meet or</p> <p>20 correspond with the Chief Minister after Mr</p> <p>21 McGrail retired?</p> <p>22 A. Possibly.</p> <p>23 Q. Possibly. Did you text the Chief</p> <p>24 Minister?</p> <p>25 A. No.</p> <p style="text-align: center;">Page 67</p>
<p>1 A. And I am sure you are here to defend the</p> <p>2 RGP's position, but it can be the case or it</p> <p>3 cannot be the case. I am not arguing against</p> <p>4 and you're arguing to the contrary, so -</p> <p>5 Q. I understand. My only question, and I</p> <p>6 will make it perhaps a bit clearer: do you</p> <p>7 think that trying to inquire where your</p> <p>8 officers have gone, 22, where you are trying</p> <p>9 to inquire about where your officers have</p> <p>10 gone, would you say that that constitutes</p> <p>11 harassment?</p> <p>12 A. The number - first of all, the number is</p> <p>13 wrong. It is not 22, and it is not inquiring</p> <p>14 about the officers' welfare. It was more than</p> <p>15 that. It was bringing officers into offices on</p> <p>16 numerous occasions and asking them</p> <p>17 whether they had supplied information</p> <p>18 against the RGP.</p> <p>19 Q. Yes.</p> <p>20 A. And if you are arguing against that, your</p> <p>21 information is wrong.</p> <p>22 Q. I see, okay. Thank you, Mr Morello.</p> <p>23 Questioned by MR WAGNER</p> <p>24 Q. Good morning, Mr Morello. I want to ask</p> <p>25 you first about the informal meetings that</p> <p style="text-align: center;">Page 66</p>	<p>1 Q. Did you meet with him privately?</p> <p>2 A. Privately? Well, I mean -</p> <p>3 Q. Just the two of you.</p> <p>4 A. No. If you call meeting the Chief</p> <p>5 Minister at No. 6 privately -</p> <p>6 Q. Yes.</p> <p>7 A. - I could have gone to No. 6, yes.</p> <p>8 Q. So, you had meetings with the Chief</p> <p>9 Minister at No. 6 after Mr McGrail retired?</p> <p>10 A. Possibly.</p> <p>11 Q. Yes, and in those meetings was anything</p> <p>12 to do with the whistleblowers discussed?</p> <p>13 A. No.</p> <p>14 Q. No, and nothing to do with the inquiry</p> <p>15 was discussed?</p> <p>16 A. No.</p> <p>17 Q. Was anything to do with Mr McGrail</p> <p>18 discussed?</p> <p>19 A. No.</p> <p>20 Q. Were any minutes taken of those</p> <p>21 meetings?</p> <p>22 A. No, I wouldn't have taken any minutes,</p> <p>23 no.</p> <p>24 Q. Was this after you retired as GPF chair?</p> <p>25 A. I retired last year?</p> <p style="text-align: center;">Page 68</p>

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<p>1 Q. Yes.</p> <p>2 A. No.</p> <p>3 Q. It wasn't?</p> <p>4 A. What are you asking me? Are you asking</p> <p>5 me -</p> <p>6 Q. Did you meet with the Chief Minister</p> <p>7 after you retired?</p> <p>8 A. No.</p> <p>9 Q. Were those meetings arranged through</p> <p>10 Mr Crome?</p> <p>11 A. No.</p> <p>12 Q. How were they arranged?</p> <p>13 A. Through No. 6.</p> <p>14 Q. No. 6 contacted you directly?</p> <p>15 A. No, no, I would contact the PA for Mr</p> <p>16 Picardo.</p> <p>17 Q. Okay. I want to ask you about your letter</p> <p>18 of assurance. You gave evidence this</p> <p>19 morning that the letter said something to the</p> <p>20 effect of, if your position became untenable,</p> <p>21 as you weren't of retirement age, you could</p> <p>22 retire and I am not sure how the term goes, "I</p> <p>23 got an enhancement". Can you just explain</p> <p>24 that, please?</p> <p>25 A. Explain what?</p> <p style="text-align: center;">Page 69</p>	<p>1 be extra?</p> <p>2 A. How many thousands a year extra?</p> <p>3 Q. Hmm.</p> <p>4 A. In fact, I'm losing money.</p> <p>5 Q. You are losing money?</p> <p>6 A. Of course.</p> <p>7 Q. How are you losing money?</p> <p>8 A. If you calculate what I was earning then</p> <p>9 and what I am earning now as a pension,</p> <p>10 what you end up is losing money effectively</p> <p>11 because -</p> <p>12 Q. As in you are not earning as much as</p> <p>13 your salary?</p> <p>14 A. That's right.</p> <p>15 Q. No, no, I am asking you if you compare</p> <p>16 the two figures, so compared to what you</p> <p>17 would have been getting if you had a pension</p> <p>18 for 24 years versus what you did get because</p> <p>19 it was puffed up to 27 years -</p> <p>20 A. And you're asking about the difference?</p> <p>21 Q. What is the difference?</p> <p>22 A. I don't know. You would have to ask the</p> <p>23 Financial Secretary or Principal Auditor for</p> <p>24 that because I don't know.</p> <p>25 Q. Would it be thousands?</p> <p style="text-align: center;">Page 71</p>
<p>1 Q. Explain what you mean by</p> <p>2 "enhancement"?</p> <p>3 A. The pension was puffed up, so as not to</p> <p>4 lose - or not to lose the years to get the</p> <p>5 maximum service.</p> <p>6 Q. I am sorry, not to lose, but you had not</p> <p>7 done those years. You had not worked those</p> <p>8 years.</p> <p>9 A. No.</p> <p>10 Q. How many years did you have left?</p> <p>11 A. So, I worked 24 years and some months</p> <p>12 and to get to the maximum service is 27</p> <p>13 years and three months.</p> <p>14 Q. So, it was about three years that it was</p> <p>15 puffed up?</p> <p>16 A. Something like that.</p> <p>17 Q. Is that right? So, instead of receiving a</p> <p>18 pension as if you had worked 24 years, you</p> <p>19 ended up receiving a pension as if you</p> <p>20 worked 27 years? Is that right?</p> <p>21 A. That is correct.</p> <p>22 Q. That is quite a big, additional amount, is</p> <p>23 it not?</p> <p>24 A. If you say so.</p> <p>25 Q. How many thousands per year would that</p> <p style="text-align: center;">Page 70</p>	<p>1 A. No.</p> <p>2 Q. It wouldn't?</p> <p>3 A. Mr Wagner, not, but -</p> <p>4 Q. It would not be thousands?</p> <p>5 A. Thousands of pounds per month? I am</p> <p>6 happy for you to speak to the Financial</p> <p>7 Secretary and ask him for a breakdown.</p> <p>8 Q. Well, how did it come about that you</p> <p>9 were offered that?</p> <p>10 A. This - what I was involved in, I was of</p> <p>11 retirement age and it was more financially</p> <p>12 viable to retire me than employ me.</p> <p>13 Q. It was more - sorry? I am sorry if I</p> <p>14 wasn't clear. How did it come about that you</p> <p>15 were offered that amount? What was the</p> <p>16 process?</p> <p>17 A. No, I wasn't offered anything. It was just</p> <p>18 given (inaudible)</p> <p>19 Q. Well, was it not in a letter of assurance?</p> <p>20 A. The letter of assurance defined - it</p> <p>21 doesn't say - I don't think it said any amount.</p> <p>22 Q. No, no, so the letter of assurance</p> <p>23 presumably said, "If you retire now -</p> <p>24 A. Yes.</p> <p>25 Q. -- you will be given a pension as if you</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

<p>1 had retired in a few years' time". Is that what 2 it said? 3 A. Well, it didn't say that but words to the 4 effect. 5 Q. To the effect of that? 6 A. Yes. 7 Q. How did that come about? Were you just 8 given that out of the blue or was there some 9 negotiation? 10 A. There was no negotiation. 11 Q. You were just offered it? 12 A. We were given letters of assurance in 13 case our positions became untenable. 14 Q. I get that, yes. 15 A. So, as a result of that, the letter of 16 assurance, which was given to me, was that. 17 Q. So, I am going to ask you again. Did you 18 open your emails one day and find a letter of 19 assurance exactly as you ended up signing it 20 with that offer in it or was there a 21 negotiation? 22 A. I tell you again, there was no negotiation. 23 Q. It was just out of the blue from Michael 24 Crome? 25 A. Well, I don't think Michael Crome has</p> <p style="text-align: center;">Page 73</p>	<p>1 Q. Not particularly? 2 A. No. 3 Q. Then I will not ask you a question about 4 it. You do not remember exactly when you 5 got the letter of assurance; is that right? 6 A. Yes, I don't know. 7 Q. When did you retire? 8 A. In May 2023. I can't remember the date, 9 but - 10 Q. Do you remember how long after you 11 receive the letter of assurance that you 12 retired? 13 A. You mean the gap between one and the 14 other? 15 Q. Yes. 16 A. I don't know. 17 Q. Was it a long gap? 18 A. I'm not sure. 19 Q. Was it weeks, months, days? 20 A. I'm not sure. 21 Q. Okay. Are you going to provide that 22 letter of assurance to the inquiry? 23 A. Not here, to the inquiry. If you want it, 24 you can ask for a production order. I am not 25 giving it to you. I gave it - I gave that to the</p> <p style="text-align: center;">Page 75</p>
<p>1 the authority to do that but the letter came 2 from him, yes. 3 Q. Yes and were you surprised when you 4 suddenly received this puffing up of your 5 pension by three years? 6 A. No, it's quite common in governments to 7 - it's not a severance package but I 8 understand that there are sections - I am not 9 sure it's the right term, but in the budget to be 10 able to do these, or there are probably routes 11 to be able to do this. 12 Q. Yes. How did you come - 13 A. I don't - well, what -- 14 Q. How did you come to understand that? 15 A. What I know, Mr Wagner, is that 16 everything is above board. 17 Q. Well - 18 A. Contrary to what you are suggesting, but 19 if you have any complaints, speak to the 20 Financial Secretary, speak to the Principal 21 Auditor, speak to whoever was the Chief 22 Secretary. They would have signed that off. 23 Q. Are you familiar with the Employment 24 Act? 25 A. Not particularly, no.</p> <p style="text-align: center;">Page 74</p>	<p>1 inquiry. I gave it to the inquiry in confidence 2 for the Chairman and Mr Santos over there. 3 Q. Well, that is between you and the inquiry. 4 I am not asking you to give it to me. What I 5 am asking - the reason I am asking if there 6 was a gap between the letter of assurance and 7 your decision to retire - was there any time 8 between the letter of assurance and your 9 decision to retire for your position to become 10 untenable? 11 A. My position became untenable because of 12 the RGP. I continue saying it. They are 13 masters of victimisation, harassment, 14 corrosive behaviour. I got information for 15 my - he's not a (inaudible) as a Chief 16 Inspector. At the time he said to me, 17 "Maurice, if you are going to apply for a post 18 of chairman, make sure you get it because 19 they are waiting for you to come back to 20 make your life a misery." 21 Q. Did you tell any of this to the 22 government? 23 A. Yes. 24 Q. You did? How did you tell the 25 government?</p> <p style="text-align: center;">Page 76</p>

<p>1 A. Verbally, over the phone.</p> <p>2 Q. Was it in writing?</p> <p>3 A. I told Mr Cromer verbally.</p> <p>4 Q. You told Mr Cromer verbally?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know of others who received</p> <p>7 enhanced pension packages as a result of</p> <p>8 letters of assurance?</p> <p>9 A. No. I know that people received letters</p> <p>10 of assurance. If they received enhanced</p> <p>11 pensions, I don't know.</p> <p>12 Q. So, just to be absolutely clear, you are</p> <p>13 saying that that letter appeared out of the</p> <p>14 blue with no knowledge before and no</p> <p>15 conversations before from you about what</p> <p>16 offer you were going to receive?</p> <p>17 A. There have never been offers out of the</p> <p>18 blue. I was given the protection from the</p> <p>19 government. I think that my position became</p> <p>20 untenable and then the letter of assurance</p> <p>21 came with the wording, whatever it says</p> <p>22 there.</p> <p>23 Q. But the terms of it, and I just want to be</p> <p>24 absolutely clear -</p> <p>25 A. No, the terms, I have already - Mr</p> <p style="text-align: center;">Page 77</p>	<p>1 evidence relating to Mr McGrail?</p> <p>2 A. What evidence would that be?</p> <p>3 Q. I am asking you.</p> <p>4 A. I have to ask you because I don't know.</p> <p>5 Q. And you said you have not approached</p> <p>6 anybody - you do not remember approaching</p> <p>7 Mr Alecio and him refusing, do you?</p> <p>8 A. No.</p> <p>9 Q. You said that Mr Levy may have popped</p> <p>10 into a meeting with you and Mr Bonfante.</p> <p>11 Did you ever exchange any correspondence</p> <p>12 with Mr Levy?</p> <p>13 A. No.</p> <p>14 Q. Any calls?</p> <p>15 A. I could have called him, yes.</p> <p>16 Q. You may have -</p> <p>17 A. Yes, I could have called.</p> <p>18 Q. You called Mr Levy directly?</p> <p>19 A. Yes.</p> <p>20 Q. How many times?</p> <p>21 A. I don't know.</p> <p>22 Q. Was it more than once?</p> <p>23 A. It could have been.</p> <p>24 Q. Did you discuss what we have been</p> <p>25 discussing now?</p> <p style="text-align: center;">Page 79</p>
<p>1 Wagner, I've explained to you, I did not</p> <p>2 negotiate those terms.</p> <p>3 Q. Those terms came out of the blue? They</p> <p>4 weren't offered in a meeting and then put in</p> <p>5 writing? They weren't discussed at all by</p> <p>6 you and Mr Crome or anyone? Is that what</p> <p>7 your evidence is?</p> <p>8 A. Yes.</p> <p>9 Q. No discussions?</p> <p>10 A. (no reply)</p> <p>11 Q. Did you approach any individuals asking</p> <p>12 them if they would be prepared to give</p> <p>13 evidence to the inquiry relating to Mr</p> <p>14 McGrail?</p> <p>15 A. No.</p> <p>16 Q. Are you sure about that?</p> <p>17 A. Positive.</p> <p>18 Q. Do you remember a former PC, Joey</p> <p>19 Alecio?</p> <p>20 A. Yes.</p> <p>21 Q. Do you remember approaching him?</p> <p>22 A. I spoke to Joey before but not for - I</p> <p>23 think I never approached him for - to ask for</p> <p>24 a statement for the inquiry, no.</p> <p>25 Q. You didn't ask him anything about the</p> <p style="text-align: center;">Page 78</p>	<p>1 A. No.</p> <p>2 Q. So, it was completely unrelated to the</p> <p>3 inquiry?</p> <p>4 A. No</p> <p>5 MR SANTOS: You just have to be careful.</p> <p>6 THE WITNESS: Mr Levy is part of Hassans</p> <p>7 and he has gone into meetings. I am not</p> <p>8 going to discuss what advice he gave Mr</p> <p>9 Bonfante or not because that's encroaching</p> <p>10 on the legal privilege and I'm not going to</p> <p>11 (inaudible).</p> <p>12 MR WAGNER: Did you exchange any text</p> <p>13 messages with --</p> <p>14 A. No.</p> <p>15 Q. -- Mr Levy? You answered the question</p> <p>16 before you heard the question. Did you</p> <p>17 exchange any text messages -</p> <p>18 A. No, sorry, I didn't.</p> <p>19 Q. Did you ever come across Lewis</p> <p>20 Baglietto?</p> <p>21 A. No. I've known Lewis for a long time,</p> <p>22 but I never - I never - I haven't spoken to</p> <p>23 him in years.</p> <p>24 Q. You didn't come across him in any of the</p> <p>25 meetings?</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 A. No.</p> <p>2 Q. Did you correspond directly with Mr</p> <p>3 Crome?</p> <p>4 A. Yes.</p> <p>5 Q. Did you text him?</p> <p>6 A. With banter, yes.</p> <p>7 Q. With banter?</p> <p>8 A. (no reply)</p> <p>9 Q. Were you in email contact with him?</p> <p>10 A. Yes.</p> <p>11 Q. Would you be prepared to provide those</p> <p>12 text messages and emails to this inquiry?</p> <p>13 A. Everything - I know where you're going.</p> <p>14 Everything that I had was given to Mr</p> <p>15 McVea. You can ask Mr McVea to give it to</p> <p>16 you.</p> <p>17 Q. I am sorry, I will ask you again. Would</p> <p>18 you be prepared to provide relevant emails</p> <p>19 and messages to the inquiry?</p> <p>20 A. What do you call - what do you consider</p> <p>21 relevant?</p> <p>22 Q. Anything to do with the inquiry.</p> <p>23 A. There are no emails with Mr Crome</p> <p>24 relevant - reference the inquiry.</p> <p>25 Q. What about text messages?</p> <p style="text-align: center;">Page 81</p>	<p>1 This is a witness statement that Mr Crome</p> <p>2 gave in the criminal trial of Mr McGrail</p> <p>3 when he was acquitted. First of all, in</p> <p>4 paragraph 1 it says, "I'm currently</p> <p>5 undertaking the role of the GPF liaison</p> <p>6 officer on behalf of the Office of the Chief</p> <p>7 Minister". Now, you gave evidence earlier</p> <p>8 that you were in touch with Mr Crome</p> <p>9 because that was how you got to the</p> <p>10 government. Is that right?</p> <p>11 A. That's right.</p> <p>12 Q. But he did not work - his role was not for</p> <p>13 the government. It was directly in the office</p> <p>14 of the Chief Minister. Did you realise that?</p> <p>15 A. At some point, yes, but then he moved on</p> <p>16 and he still kept - he was still our single</p> <p>17 point of contact even though he'd moved on.</p> <p>18 Q. At the time, he was working with the</p> <p>19 Chief Minister for -</p> <p>20 A. Sorry?</p> <p>21 Q. He was working for the Chief Minister</p> <p>22 directly. Did you know that at the time?</p> <p>23 A. At what time?</p> <p>24 Q. When you were the liaison for the</p> <p>25 witness statements by the individuals that</p> <p style="text-align: center;">Page 83</p>
<p>1 A. No, there are no text messages either.</p> <p>2 Q. So, everything was done by -</p> <p>3 A. By voice -</p> <p>4 Q. - by conversations?</p> <p>5 A. That's right.</p> <p>6 Q. Nothing was put in writing?</p> <p>7 A. That's right.</p> <p>8 Q. Was that suggested to you that nothing be</p> <p>9 put in writing?</p> <p>10 A. No.</p> <p>11 Q. It was just you were corresponding by</p> <p>12 email and text message about lots of other</p> <p>13 things, but on this nothing was put in</p> <p>14 writing?</p> <p>15 A. So, you're telling me to arrange a meeting</p> <p>16 or for someone to meet in the office, I have</p> <p>17 to write an email? Isn't it quicker just to call</p> <p>18 him and tell him, "Tomorrow, nine o'clock,</p> <p>19 my office"?</p> <p>20 Q. Yes, but what about forwarding</p> <p>21 statements? Did you not forward statements</p> <p>22 to Mr Crome?</p> <p>23 A. I'm not sure if I forwarded any statements</p> <p>24 to Mr Crome.</p> <p>25 Q. All right. Let us go to C9633, please.</p> <p style="text-align: center;">Page 82</p>	<p>1 have given evidence to this inquiry.</p> <p>2 A. He was our liaison, yes, up to 20 - well,</p> <p>3 until I retired, and he had moved away from</p> <p>4 No. 6.</p> <p>5 Q. I am just asking whether at the time you</p> <p>6 knew he was working for the Chief Minister</p> <p>7 directly.</p> <p>8 A. Well, I didn't know he was working for</p> <p>9 the Chief Minister directly because he was a</p> <p>10 data protection officer and he was</p> <p>11 somewhere else.</p> <p>12 Q. Okay. Paragraph 3, if we could just</p> <p>13 scroll down a bit - so here Mr Crome</p> <p>14 describes the process relating to one witness</p> <p>15 who was the individual who gave evidence</p> <p>16 who was the complainant in the prosecution</p> <p>17 and it says this: "On 22 January 20223, I</p> <p>18 received an email from the RGPF Chairman,</p> <p>19 which contained a statement which made</p> <p>20 allegations towards the former Commissioner</p> <p>21 of Police, Ian McGrail." Now, I think it is</p> <p>22 right that you gave evidence earlier that you</p> <p>23 never saw statements. Do you want to revise</p> <p>24 that evidence now?</p> <p>25 A. Even if I forwarded that email to Mr</p> <p style="text-align: center;">Page 84</p>

21 (Pages 81 to 84)

<p>1 Crome, which may have contained that 2 statement, that doesn't mean I've read it. 3 Q. So, you would just forward any old 4 statement that came in without checking 5 what was in it? 6 A. Any old statement? 7 Q. Well, I mean, are you giving evidence -- 8 A. In fact, in that we are talking about the 9 sexual assault trial? 10 Q. Yes. 11 A. In that I gave evidence to the - in court. 12 Q. You did. 13 A. I did and I explained, because I think the 14 allegation was that I had tampered or I had 15 written that statement myself. 16 Q. I am not asking any of that. 17 A. No, no, but - 18 Q. I am just asking that you gave evidence to 19 this inquiry earlier that you never saw a 20 statement but here Mr Crome is saying you 21 forwarded him the statement, so I am asking 22 how do we reconcile these two things. 23 A. Well, if in this occasion I forwarded a 24 statement, well then I did. 25 Q. So, it is just that occasion that you saw a</p> <p style="text-align: center;">Page 85</p>	<p>1 Q. The Cloud's gone? 2 A. Sorry? 3 Q. The Cloud's gone? That's what - you 4 couldn't get them? 5 A. No, I didn't say the Cloud is gone. I said 6 the subscription had expired. 7 Q. Yes. 8 A. And they had erased those emails. 9 Q. Okay. If we just go a little further down, 10 at paragraph 4, this email was then forwarded 11 directly to the Chief Minister who 12 subsequently instructed that this information 13 be laid before the inquiry relating to the 14 former Commissioner of Police for the 15 Commissioner of the Inquiry to determine 16 whether it was relevant or not. Was that, as 17 far as you were aware the process, that you 18 would forward the statements to Mr Crome 19 and Mr Crome would forward them directly 20 to the Chief Minister? 21 A. Well, I don't know who he forwarded the 22 information to. 23 Q. No. 24 A. In fact, I haven't read Mr Crome's 25 statement.</p> <p style="text-align: center;">Page 87</p>
<p>1 statement - 2 A. It must have done - it must have been. 3 Q. And that just happens to be the one that 4 Mr Crome was talking about - was the only 5 one where you saw a statement? 6 A. It must have been, Mr Wagner. If not, I 7 would tell you. There is no issue. 8 Q. So, you did not see any other statements? 9 A. No. 10 Q. Did you forward any other statements to 11 Mr Crome? 12 A. I don't think so. 13 Q. And would you be prepared to provide 14 evidence to the inquiry of your emails to Mr 15 Crome just to make sure that you do not 16 remember that wrongly either? 17 A. I don't have my emails. 18 Q. Who has your emails? 19 A. The emails were on a Cloud and when we 20 tried to retrieve them, the subscription had 21 expired and even though we called the 22 provider, and we did that through a lawyer, 23 we were not able to retrieve them. 24 Q. These are the GPF emails? 25 A. Yes, well my emails, yes.</p> <p style="text-align: center;">Page 86</p>	<p>1 Q. Mm. 2 A. If he has provided one to the inquiry. 3 Q. He then says, "As a consequence of the 4 instruction received by the Chief Minister, I 5 contacted the chairman of the RGPF via 6 telephone to arrange to meet to explain the 7 assurances that the Gibraltar government 8 would afford her in accordance with the 9 Employment (Public Interest Information) 10 Act 2012". I know you are not a lawyer, but 11 are you aware of any part of the Employment 12 (Public Interest Information) Act 2012 which 13 refers to alternative employment? 14 A. No. I don't know. 15 Q. You do not know? Are you aware of any 16 part of that Act which refers to enhanced 17 pensions? 18 A. I don't. 19 Q. No. Would it surprise you to learn that 20 there is no part of the Employment Act 21 which refers to any of those things? 22 A. No, sorry. I can't answer the question. 23 Q. It is just because you were very clear 24 before that this was all above board and - 25 A. And it is. It is above board. I have been</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

<p>1 told it is above board.</p> <p>2 Q. You never checked the law?</p> <p>3 A. What I am told is that there are provisions</p> <p>4 for this to occur.</p> <p>5 Q. Yes.</p> <p>6 A. Now, you can ask where the (inaudible)</p> <p>7 is, if there are or not.</p> <p>8 Q. Okay. Well, you can take it from me</p> <p>9 there are not and then it says at 6: "The</p> <p>10 meeting was held in the presence of Sergeant</p> <p>11 Maurice Morello, the chairman, and PC Leif</p> <p>12 Simpson, the Secretary. At this meeting I</p> <p>13 explained that if she wished to volunteer a</p> <p>14 statement to the inquiry into former</p> <p>15 Commissioner, Ian McGrail, then her</p> <p>16 Majesty's Government" - sorry, "His</p> <p>17 Majesty's Government of Gibraltar", or I</p> <p>18 guess at the time, "her", "would afford her</p> <p>19 full protection including a transfer to another</p> <p>20 government entity if her position within the</p> <p>21 RGP became untenable as a consequence of</p> <p>22 her disclosure. The individual confirmed that</p> <p>23 she understood what I had explained to her</p> <p>24 and stated that she wished to continue with</p> <p>25 her statement to the inquiry." There was a bit</p> <p style="text-align: center;">Page 89</p>	<p>1 A. Yes.</p> <p>2 Q. Possibly after reading it, possibly not,</p> <p>3 you don't remember.</p> <p>4 A. (no reply)</p> <p>5 Q. And then he forwards it to the Chief</p> <p>6 Minister. You then meet, you and Mr</p> <p>7 Simpson meet with Mr Crome and the</p> <p>8 individual and the assurance is discussed. Is</p> <p>9 that right?</p> <p>10 A. Possibly yes, yes. Well, I guess, yes, if</p> <p>11 you (inaudible) yes.</p> <p>12 Q. This is only last year. Do you not</p> <p>13 remember this happening?</p> <p>14 A. Yes.</p> <p>15 Q. You do remember it happening? Is it at</p> <p>16 No. 6? Is that where the meeting was?</p> <p>17 A. No, no, that's probably been in our</p> <p>18 offices.</p> <p>19 Q. In your offices. Not at Hassans?</p> <p>20 A. Why would you say that?</p> <p>21 Q. I'm just asking.</p> <p>22 A. No.</p> <p>23 Q. Did any of the meetings take place at</p> <p>24 Hassans?</p> <p>25 A. Remember, I took - I didn't carry on with</p> <p style="text-align: center;">Page 91</p>
<p>1 of confusion earlier about whether people</p> <p>2 gave their statements after they received the</p> <p>3 assurances.</p> <p>4 A. This is not an assurance. This is a verbal</p> <p>5 assurance, not an assurance letter.</p> <p>6 Q. Well, presumably the verbal assurance</p> <p>7 would arrive before the written assurance.</p> <p>8 A. Yes, but this is not like - this is not the</p> <p>9 written assurance.</p> <p>10 Q. I understand.</p> <p>11 A. What this lady got was a certain form of</p> <p>12 protection.</p> <p>13 Q. Well, she got the -</p> <p>14 A. And of course [he had to go?] until the</p> <p>15 untenability bit.</p> <p>16 Q. Yes.</p> <p>17 A. And she wanted to carry on.</p> <p>18 Q. I get it.</p> <p>19 A. For, I don't know, some reason.</p> <p>20 Q. So, the process is - just take it in steps -</p> <p>21 you receive the statement, correct, in this</p> <p>22 case?</p> <p>23 A. In this case, yes.</p> <p>24 Q. Yes. You forward it to Michael Crome,</p> <p>25 correct?</p> <p style="text-align: center;">Page 90</p>	<p>1 this lady after, or provide the affidavit in the</p> <p>2 sense that I didn't go with her.</p> <p>3 Q. These meetings took place for all of the</p> <p>4 witnesses that got assurances?</p> <p>5 A. Most of them. Most, I said most. Some,</p> <p>6 some.</p> <p>7 Q. Most. You talked about 14 or so.</p> <p>8 A. Something like that.</p> <p>9 Q. And you were always at those meetings?</p> <p>10 A. Possibly, yes.</p> <p>11 Q. And did any of those meetings take place</p> <p>12 at Hassans?</p> <p>13 A. No.</p> <p>14 Q. No. Did Mr Bonfante attend any of those</p> <p>15 meetings?</p> <p>16 A. With witnesses?</p> <p>17 Q. Hmm.</p> <p>18 A. I think he may have helped to or assisted</p> <p>19 in providing the statements.</p> <p>20 Q. Yes. Did Mr Levy attend any of those</p> <p>21 meetings?</p> <p>22 A. I don't know. I don't think so but -</p> <p>23 Q. You do not think so or you do not know?</p> <p>24 A. I don't know.</p> <p>25 Q. Or did you remember him attending any</p> <p style="text-align: center;">Page 92</p>

<p>1 of those meetings?</p> <p>2 A. I can't tell you which, exactly which</p> <p>3 meetings Mr Levy attended.</p> <p>4 Q. Yes.</p> <p>5 A. I have been to Hassans over the years 200</p> <p>6 times.</p> <p>7 Q. No, no. I am asking about these meetings</p> <p>8 where you discussed the assurances.</p> <p>9 A. But I don't know.</p> <p>10 MR SANTOS: I think you must be careful</p> <p>11 about (inaudible) communications. I am not</p> <p>12 talking about discussions that took place in</p> <p>13 meetings between Mr Morello and the GPS</p> <p>14 lawyers.</p> <p>15 MR WAGNER: Okay. Just paragraph 7.</p> <p>16 On 2 February 2023 a letter was presented to</p> <p>17 the Chief Minister as chairman of the</p> <p>18 Gibraltar Development Corporation. What</p> <p>19 was the relevance of him being the chairman</p> <p>20 of the Gibraltar Development Corporation?</p> <p>21 A. I don't know - what was the relevance of</p> <p>22 the chairman?</p> <p>23 Q. What role did the Gibraltar Development</p> <p>24 Corporation play in all of this?</p> <p>25 A. I don't know. You are going to have to</p> <p style="text-align: center;">Page 93</p>	<p>1 individuals that you were representing as the</p> <p>2 chair of the GPF which was itself a core</p> <p>3 participant in the inquiry having this close</p> <p>4 liaison with another core participant in the</p> <p>5 inquiry, the Chief Minister? Did that</p> <p>6 concern you at all?</p> <p>7 A. No.</p> <p>8 Q. Did it ever occur to you that it might</p> <p>9 benefit the Chief Minister if individuals came</p> <p>10 forward who were critical of Mr McGrail in</p> <p>11 the inquiry?</p> <p>12 A. It was that letters were, or sorry, the</p> <p>13 information was about Mr McGrail and</p> <p>14 others, not only Mr McGrail.</p> <p>15 Q. I am sorry, I am going to ask again. Did</p> <p>16 it ever occur to you that it might benefit the</p> <p>17 Chief Minister if individuals gave evidence</p> <p>18 to the inquiry that undermined Mr McGrail?</p> <p>19 A. No, I didn't have any concerns -</p> <p>20 Q. That thought never crossed your mind?</p> <p>21 A. No, I'm sorry.</p> <p>22 Q. You just saw it all as helpful to your - to</p> <p>23 the individuals. Did it ever occur to you that</p> <p>24 if people were being offered, for example,</p> <p>25 enhanced pension packages, that might</p> <p style="text-align: center;">Page 95</p>
<p>1 ask someone else.</p> <p>2 Q. No, no, but is it not right, Mr Morello,</p> <p>3 that a number of individuals were offered</p> <p>4 jobs at the Gibraltar Development</p> <p>5 Corporation?</p> <p>6 A. Yes.</p> <p>7 Q. Yes, so it's --</p> <p>8 A. Yes, I think that's right, but I don't know</p> <p>9 the answer to your first question.</p> <p>10 Q. And do you know the Chief Minister was</p> <p>11 chairman of the Gibraltar Development</p> <p>12 Corporation?</p> <p>13 A. Why would I know that?</p> <p>14 Q. I am just asking if you did.</p> <p>15 A. No, I didn't.</p> <p>16 Q. Yes. So, just to be absolutely clear, did</p> <p>17 you know the Chief Minister was - talking</p> <p>18 about summer - by early 2023, did you know</p> <p>19 the Chief Minister was involved in this</p> <p>20 inquiry?</p> <p>21 A. Yes -</p> <p>22 Q. Did you know he was a core participant</p> <p>23 in this inquiry?</p> <p>24 A. Yes.</p> <p>25 Q. Did you have any concern at all about the</p> <p style="text-align: center;">Page 94</p>	<p>1 prevent them later availing themselves of</p> <p>2 whistleblower protections under the Act</p> <p>3 because they received some sort of monetary</p> <p>4 benefits to doing the whistleblowing?</p> <p>5 A. I wouldn't call it a benefit.</p> <p>6 Q. Well, I mean extra money is a benefit, is</p> <p>7 it not?</p> <p>8 A. Well, you can call it a benefit; I can call it</p> <p>9 maybe something else. What I can tell you</p> <p>10 about those individuals that came forward is</p> <p>11 that they were very brave individuals to make</p> <p>12 those very serious allegations against the</p> <p>13 highest of officers in the RGP and those</p> <p>14 officers, some of those officers, were even</p> <p>15 promoted by Mr McGrail himself.</p> <p>16 Q. Yes. What about the three officers who</p> <p>17 have been -</p> <p>18 A. And let me tell you something. In the</p> <p>19 short term, they haven't - in the short term,</p> <p>20 we talk about the GDC grade 4 and all the</p> <p>21 allowances. In the long term, these people</p> <p>22 have lost out because these people would</p> <p>23 have been the backbone of the RGP</p> <p>24 command in years to come.</p> <p>25 (12.06)</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

<p>1 Q. Yes, so the RGP has lost out?</p> <p>2 A. Absolutely.</p> <p>3 Q. Do you think that the three individuals</p> <p>4 who are being prosecuted for giving false</p> <p>5 evidence, were they brave for coming</p> <p>6 forward?</p> <p>7 A. It hasn't gone to trial so --</p> <p>8 (Inaudible due to several people speaking at</p> <p>9 the same time)</p> <p>10 THE WITNESS(?): A very unfair question,</p> <p>11 Mr Wagner, a very unfair question.</p> <p>12 MR WAGNER: I will withdraw the</p> <p>13 question.</p> <p>14 THE CHAIRMAN: Yes.</p> <p>15 MR SANTOS: There is live criminal</p> <p>16 proceedings so we have to be very careful.</p> <p>17 MR WAGNER: All right. No, I am sorry</p> <p>18 for asking that question. Just carrying on the</p> <p>19 statement:</p> <p>20 "2 February a letter was presented to the</p> <p>21 Chief Minister as Chairman of the GDC, by</p> <p>22 myself,"</p> <p>23 that is Mr Crome,</p> <p>24 "with the terms of protection being offered as</p> <p>25 a consequence of her disclosure to the</p> <p style="text-align: center;">Page 97</p>	<p>1 A. Sorry?</p> <p>2 Q. You only know about your own. It is just</p> <p>3 that --</p> <p>4 A. I can't give you an explanation for that.</p> <p>5 Q. It is just in your evidence earlier I think</p> <p>6 you said that nobody's statements were given</p> <p>7 after they received the letters of assurance.</p> <p>8 A. That's my understanding of it.</p> <p>9 Q. That was your understanding. You were</p> <p>10 asked why you were in touch with Mr</p> <p>11 Crome, who was working for the Chief</p> <p>12 Minister, you said you did not have</p> <p>13 anywhere else to go other than the</p> <p>14 government. Those witnesses were making</p> <p>15 serious complaints, not just about Mr</p> <p>16 McGrail but about others. Why did you not</p> <p>17 go to the GPA?</p> <p>18 A. Who would they have referred that</p> <p>19 complaint to?</p> <p>20 Q. I am sorry, why did you not go to the</p> <p>21 GPA?</p> <p>22 A. This was an extremely serious - an array</p> <p>23 of serious criminal allegations and I felt that</p> <p>24 the GPA could not handle this.</p> <p>25 Q. So you took a decision not to go to the</p> <p style="text-align: center;">Page 99</p>
<p>1 inquiry. The letter stated that if her position</p> <p>2 within the RGP became untenable as a</p> <p>3 consequence of her statement to the inquiry,</p> <p>4 she would be offered a transfer to the GDC</p> <p>5 under the following terms: GDC Grade 4,</p> <p>6 personal to holder, current RGP salary scale</p> <p>7 and points, retention of any further</p> <p>8 allowances and retention of her current</p> <p>9 pension rights. After the Chief Minister</p> <p>10 consulted with the minister with</p> <p>11 responsibilities for whistleblowing, approval</p> <p>12 was given from the Chief Minister,"</p> <p>13 and just going a little bit further down, she</p> <p>14 got a hard copy. Then you can take it from</p> <p>15 me, Mr Morello, that her statement to the</p> <p>16 Inquiry is dated after she received the</p> <p>17 assurance letter. Is that your understanding?</p> <p>18 A. No, it's not my understanding. I don't</p> <p>19 know when she produced that statement, but</p> <p>20 the statement, it could be that it came after,</p> <p>21 but in the case - like in my case, I drafted</p> <p>22 mine in the summer of May 2022, the date on</p> <p>23 my statement is November 2022, five months</p> <p>24 after. So I cannot --</p> <p>25 Q. You only know about your own.</p> <p style="text-align: center;">Page 98</p>	<p>1 statutory authority with responsibility for</p> <p>2 complaints against the police.</p> <p>3 A. I gave the statements to the minister with</p> <p>4 responsibility for whistleblowing through Mr</p> <p>5 Crome.</p> <p>6 Q. No.</p> <p>7 A. That is exactly what --</p> <p>8 Q. Instead - so just to get this straight,</p> <p>9 instead of going to the GPA ...</p> <p>10 A. Yes.</p> <p>11 Q. ... the statutory body responsible for</p> <p>12 complaints, you accept that?</p> <p>13 A. Yes.</p> <p>14 Q. You went to an individual who worked</p> <p>15 for the Chief Minister, who was a core</p> <p>16 participant in this inquiry. Is that right?</p> <p>17 A. No. I went to Mr Crome, who was our</p> <p>18 single point of contact in the government,</p> <p>19 who liaised with the minister with</p> <p>20 responsibility for whistleblowing. That is</p> <p>21 what happened.</p> <p>22 Q. You said that you think someone may</p> <p>23 have been rejected, so you may have not</p> <p>24 agreed to assist somebody who came to you.</p> <p>25 Is that your memory or is it just a guess?</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 A. Where have you got that from? 2 Q. Sorry, I have not asked very clear. You 3 were asked if anybody approached you ... 4 A. Yes. 5 Q. ... and you said, no, actually, we do not -- 6 A. We didn't approach anyone, that's right, 7 individuals came to us with the complaint. 8 Q. I am not asking whether individuals came 9 to you, I am asking whether, once you were 10 discussing someone's evidence with them or 11 potential evidence, did you turn anyone 12 away, or was everybody accepted into the 13 scheme? 14 A. There could have been individuals whose 15 evidence was relevant really. 16 Q. Could have been, or were? 17 A. Could have been. 18 Q. Were there? 19 A. I said could have been. 20 Q. Do you remember -- 21 A. I don't remember specifics, no. 22 Q. Did you do anything to assure yourself 23 that the evidence was true? 24 A. I genuinely thought when the allegations 25 came through that they were true. In fact,</p> <p style="text-align: center;">Page 101</p>	<p>1 A. They could have fallen under the remit or 2 the umbrella of - so possibly they could have, 3 they could have charged me for that, yes. 4 Q. They could have what, sorry? 5 A. They could have sent me a bill for that, 6 yes, if they fall under everyone. 7 Q. What do you mean by falling under the 8 remit of the umbrella? How would the GPF 9 have an umbrella for people who were no 10 longer members? 11 A. I'm telling you they could have. I'm not 12 saying they did. 13 Q. Just for example, those three individuals - 14 - 15 A. (Inaudible). 16 Q. Just - those three individuals gave 17 statements to the Inquiry in summer last year, 18 2023, and those statements were in the same 19 format as all the other statements that were 20 provided by Hassans. 21 A. Yes. 22 Q. How did it come -- 23 A. I'm aware that those statements were 24 drafted much sooner than that. That doesn't 25 mean - I'm telling you about the dates, that</p> <p style="text-align: center;">Page 103</p>
<p>1 some of the evidence that came to light were 2 open secrets. 3 Q. I just want to ask you about legal fees. 4 Did the GPF pay legal fees for people who 5 were no longer GPF members? 6 A. Don't think so. 7 Q. Did not some of the individuals who were 8 given assurances move, quite early in the 9 process, to other - to the Civil Service? 10 A. Like who? 11 Q. For example, the three individuals who 12 are being prosecuted I am not going to ask 13 you about, but did they not move to the GDC 14 in about 2021? 15 A. One removed in 2018, I think. 16 Q. Yes, and the others? 17 A. And the others, if you say it's 2021 I'll 18 have to take your word for it, yes, but they 19 remained police officers until they moved. 20 Q. Right, but after they moved were you still 21 involved? 22 A. After they moved the GPF can't cover 23 those costs. 24 Q. It had nothing to do with their statements 25 to the inquiry.</p> <p style="text-align: center;">Page 102</p>	<p>1 they - I don't know what dates are on those 2 statements. I'm sure they were drafted 3 before. 4 Q. Did you ever say to anybody - do you 5 ever remember having a conversation where 6 you said: "Sorry, you have left the RGP now, 7 we are no longer - you are going to have to 8 find legal funding from somewhere else"? 9 A. Yes, I've spoken about legal funding with 10 officers who have left and I cannot fund 11 certain aspects of what they are asking me. 12 Q. You said the GPF paid for the legal fees. 13 They must have been quite substantial if you 14 were instructing Hassans. 15 A. Could have been. 16 Q. Did the GPF receive any funds from 17 anywhere else to help them pay those legal 18 fees? 19 A. No, and in fact you have given me the 20 opportunity to now say it, that I sit here 21 unrepresented. This Inquiry has deemed it 22 appropriate not to fund my representation 23 here, because they deem or they say that the 24 Federation has money to pay for the legal 25 costs here, which in effect is not true,</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 because we were fighting a judicial review, 2 we lost that judicial review, we were going to 3 take it to the Court of Appeal. We were 4 being asked by the families of the deceased 5 for approximately £35,000. The RGP was 6 asking of its own members in an amount over 7 £60,000. So I sit here unrepresented because 8 the Inquiry has deemed it appropriate not to 9 fund my representation. 10 Q. Thank you, Mr Morello. 11 A. Thank you. 12 THE CHAIRMAN: Do you want to ask any 13 questions, Sir Peter? 14 (No audible reply) 15 Re-examination by MR SANTOS 16 MR SANTOS: Mr Morello, just picking up 17 on that point, have you personally ever 18 sought - apologies. Have you personally 19 ever sought funding from the Inquiry? 20 A. No, not personally. I did it as Chairman 21 of the Federation on two occasions, and it 22 was denied. 23 Q. Yes. Your affidavit refers in two places 24 to a subject access request that you made to 25 the RGP.</p> <p style="text-align: center;">Page 105</p>	<p>1 Q. How many years' service did you actually 2 perform? 3 A. 24 years and 2 months. 4 Q. Putting your pension to one side, were 5 you in receipt of any ex gratia payment? 6 A. An ex gratia payment. 7 Q. Were you in receipt of any ex gratia 8 payment as part of your retirement? 9 A. I was paid the annual leave which was 10 owed to me. 11 Q. That is it. 12 A. That's it. 13 Q. Thank you. 14 A. And I can confirm that they paid it to me 15 at the wrong rate and I've still got a claim 16 against the government. 17 MR SANTOS: Thank you, Mr Morello. 18 THE CHAIRMAN: Okay, thank you very 19 much. 20 THE WITNESS: Thank you. 21 (The witness withdrew) 22 (Pause) 23 MR SANTOS: Our next witness, sir, is Mr 24 John Goncalves, MBE, former Chairman of 25 the Gibraltar Police Authority.</p> <p style="text-align: center;">Page 107</p>
<p>1 A. Yes. 2 Q. In relation of correspondence relating to 3 Mr McGrail. Might you be confused when 4 you refer to a subject access request, with 5 that subject access request, or are you sure 6 that you sent a separate subject access 7 request to the GPA? 8 A. No, no, I sent subject access request to 9 the RGP, to the GPA, to HR Government and 10 to the Governor, and I especially sent it to the 11 Governor because I knew that letter, he had 12 to have that, but he replied saying he didn't. I 13 knew for a fact that he did. 14 Q. Just to clarify this question of your 15 pension, I asked you earlier whether your 16 pension was commensurate with that of a 17 Chief Inspector by virtue of your position as 18 the GPF ... 19 A. Yes. 20 Q. ... and you said that was correct. Now, 21 then there is this question about 24 years and 22 27 years. Is the position that you are in 23 receipt of a pension that is commensurate 24 with a Chief Inspector of 27 years' service? 25 A. That's right.</p> <p style="text-align: center;">Page 106</p>	<p>1 MR JOHN GONCALVES, sworn 2 Examination in chief by MR SANTOS 3 MR SANTOS: Mr Goncalves, you should 4 have a file in front of you that is marked 5 witness statements. Can I please ask you to 6 open that and check: behind the first tab 7 should be your first sworn witness statement 8 to this Inquiry. Can I please ask you to check 9 that that is the case and that your signature is 10 on the final page of that statement? 11 A. Yes, it is. 12 Q. Do you confirm that the contents of that 13 statement are true to the best of your 14 knowledge, information and belief? 15 A. I do. 16 Q. Can I now ask for you to turn and look 17 behind the second tab and check that that is 18 your second sworn witness statement to this 19 Inquiry and that your signature is on the final 20 page, please. 21 A. It is. 22 Q. Do you confirm that the contents of that 23 witness statement are true to the best of your 24 knowledge, information and belief? 25 A. I do.</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 Q. Mr Goncalves, you were Chairman of the 2 GPA from 20 May 2013 till the end of July 3 2018, is that correct? 4 A. That's correct. 5 Q. Can you please explain what you 6 understand the function, role and 7 responsibilities of the GPA to be? 8 A. I will try to go through the various 9 functions, in spite of the fact that this ended 10 seven years ago. The overarching mission 11 statement, as it were, was the safeguarding of 12 the independence of the RGP and to protect 13 or ensure the effectiveness, efficiency and 14 probity of RGP. High at the top of the 15 mission statement was our powers to call the 16 Commissioner to account if the need arose. 17 We also had various functions. In fact if my 18 memory serves me right, the Act provided 19 that we had to meet four times annually. My 20 recollection is that we met practically every 21 month. We were responsible for various 22 things like preparing the annual report. We 23 also presided over all the selection boards 24 within the RGP. We acted as the appeal 25 court, as it were, for anything that came up</p> <p style="text-align: center;">Page 109</p>	<p>1 A. I wasn't asked for any qualifications, no. 2 Q. And to become Chairman of the GPA? 3 A. I became Chairman. 4 Q. Directly. 5 A. Directly. 6 Q. Did you receive any training when you 7 became a member of the GPA? 8 A. No, not as such. I made it my business to 9 contact the previous chairmen and, you 10 know, get as much information as I could 11 from them. I obviously read the Act more 12 than once. I borrowed, and I don't know how 13 useful that was, on the 15 years' experience I 14 had in the Supreme Court, working in the 15 Supreme Court, where I had the opportunity 16 to be acquainted with lots of things which are 17 performed by RGP. But other than that, no. 18 Q. Did you receive any remuneration for this 19 role? 20 A. Any -- 21 Q. Remuneration. 22 A. No, not at all, no. Neither I nor any of 23 the members of the GPA were paid. 24 Q. How is the GPA funded, as far as you are 25 aware?</p> <p style="text-align: center;">Page 111</p>
<p>1 from the Police Complaints Board, and I am 2 sure that there were other things which I am 3 missing out on. 4 Q. Is there a selection process to become a 5 member of the GPA? 6 A. Well, I can talk about how I was selected. 7 I was called by the Chief Minister and 8 invited to become the Chairman of the GPA, 9 which to be absolutely honest took me aback 10 because I must confess I knew little about the 11 GPA other than I knew the previous 12 chairman, Richard Garcia and Eddie 13 Guerrero. The proposal by the Chief 14 Minister, if accepted, would go to the 15 specified appointments committee, which 16 then met and decided. That was my own 17 experience. I assume that other members 18 were treated in like manner. 19 Q. Did you have to make an application 20 yourself or was your name simply put 21 forward -- 22 A. No, not at all, not at all, it came out of the 23 blue completely. 24 Q. As far as you are aware, are any 25 qualifications required to sit on the GPA?</p> <p style="text-align: center;">Page 110</p>	<p>1 A. As far as I'm aware, it's funded by 2 government. 3 Q. Did you consider when you were at the 4 GPA that it was sufficiently resourced to 5 perform its role and its responsibilities? 6 A. At the time we had two clerk/typists, and 7 their working hours were something like 8 9.00am to 3.00pm Monday to Friday. They 9 did all the filing and all the secretarial work. 10 With hindsight, I think that the functions of 11 the GPA are serious enough to have a more - 12 or rather an upgraded resource. I am not 13 talking about remuneration, which I think - I 14 became Chairman of the GPA under the 15 impression that this would be a monthly 16 meeting and maybe a couple of hours here 17 and there, and in fact it practically became a 18 full time job. 19 Q. I was about to ask you: how many hours 20 a week would you say that you roughly spent 21 on average? 22 A. Easily 30, easily, sometimes more, 23 sometimes less. There was no demand on me 24 to be at work from such a time to such a 25 time, and in fact I remember, to my wife's</p> <p style="text-align: center;">Page 112</p>

<p>1 annoyance, taking a lot of work home. 2 Q. Can we look at A338, please. This is 3 your witness statement which you have in 4 front of you in hard copy if you prefer, your 5 first statement. I want to ask you about 6 paragraph 11, which is where you deal with 7 what is referred to as the airport incident in 8 2017. You say: 9 "On 9 May 2017 I met the Chief Minister at 10 his request. At that meeting the Chief 11 Minister asked the GPA to inquire into an 12 incident which had occurred at the airfield on 13 8 February 2017." 14 Did the Chief Minister inform you why he 15 was asking you to look into that incident? 16 A. My recollection is that the Chief Minister 17 called me to his office, mentioned that there 18 had been an incident in February and asked 19 the GPA to inquire into the incident. I must 20 add that this was three months after the 21 incident and I was aware superficially that 22 there had been an incident, but I found - and 23 all the members agreed, not just with this 24 incident - that it wasn't the business of GPA 25 to get involved in any operational matters</p> <p style="text-align: center;">Page 113</p>	<p>1 my failing. But he told me that he wanted 2 this done, I am sure he knew that I would do 3 it to the best of my ability, but that was it. 4 Q. You say that you were asked to inquire 5 into an incident which had occurred at the 6 airfield on 8 February 2017. Were you also 7 required to look into the arrests that followed 8 on 1 March 2017, or did that fall outside the 9 remit of the investigation? 10 A. It fell outside the remit of the 11 investigation. I was never asked to delve into 12 that at all. 13 Q. If we go to paragraph 14 on the following 14 page, you say: 15 "On 15 May 2017 a meeting was held to 16 further consider the Chief Minister's request 17 to me. It was agreed that as the GPA had no 18 authority to involve the Ministry of Defence 19 it should proceed under the provisions of 20 section 19 of the Police Act in order to 21 submit a report to him. During the course of 22 the meeting Mr Nick Pyle reported on a 23 conversation which he had held with the 24 Governor Lieutenant General Edward Davis, 25 who envisaged that the GPA would</p> <p style="text-align: center;">Page 115</p>
<p>1 concerning the RGP and this obviously was 2 an operational matter, so although we knew 3 superficially that something had happened I 4 didn't have any details at that time. 5 Q. Did the Chief Minister express any views 6 to you about the way that the incident had 7 been handled by the RGP? 8 A. No, not at all. In actual fact, I must say at 9 this stage that in my five years as Chairman 10 of the GPA neither the Chief Minister nor the 11 Governor ever got involved in any of our 12 dealings, and least of all tell us or say 13 anything that we could take it as interfering. 14 Q. Did you understand that the Chief 15 Minister was generally supportive or 16 disapproving of the RGP's actions in relation 17 to that incident? 18 A. No. No, not at all, no. Either one thing 19 or the other. 20 Q. Yes. You say in -- 21 A. May I say, Mr Santos, that the Chief 22 Minister knew me and knows me, has known 23 me for a long time, and he knows that I am 24 not the kind of person that takes lightly to 25 being told what to do - perhaps sometimes to</p> <p style="text-align: center;">Page 114</p>	<p>1 recommend that an independent inquiry be 2 held." 3 What information did Mr Pyle give about 4 that conversation with the Governor? 5 A. This was a meeting that was held 6 specifically to deal with the Chief Minister's 7 request. I had already mentioned this on 8 11th, I believe, because that was the normal 9 monthly meeting we had and I brought this 10 up under any other business. It was decided 11 then to meet specifically for this and do it as 12 a matter of urgency. I must stress at this time 13 that because all the members of the GPA had 14 their own jobs, it wasn't very easy to call a 15 meeting or to convene a meeting where 16 everybody should be present at very short 17 notice, so I think we did well in being able to 18 meet within four days. Now, to answer your 19 question, I remember Mr Pyle informing the 20 committee that His Excellency had discussed 21 this with him and that he envisaged or would 22 be confident that the GPA would call an 23 inquiry, but I don't recollect Mr Pyle 24 mentioning anything else at that stage. 25 Q. Did Mr Pyle share his views as to the</p> <p style="text-align: center;">Page 116</p>

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<p>1 incident or the subsequent arrests at that 2 stage? 3 A. No. I don't remember at all. 4 Q. Did he explain why the Governor 5 envisaged that the GPA would recommend 6 an inquiry? 7 A. No, he didn't, he just stated the fact that 8 His Excellency envisaged that we would call 9 an inquiry. I think at that stage we had 10 already made it quite clear that we had no 11 jurisdiction over a third party and we couldn't 12 interview anyone or talk to anyone outside 13 the RGP. That's still my belief. 14 Q. Did you feel obliged to recommend an 15 inquiry as a result of what the Governor had 16 said? 17 A. I don't think we felt obliged. We took 18 note, but not obliged. As I said before, we 19 did our own thing. 20 Q. Am I correct that the GPA's review 21 involved looking at documents submitted by 22 the Commissioner of Police Yome and then a 23 meeting with Mr Yome, Mr McGrail, Mr 24 Ullger and Mr Tunbridge? 25 A. Yes. Initially the Commissioner at the</p> <p style="text-align: center;">Page 117</p>	<p>1 when the Inquiry was called and I was 2 summoned to provide information I asked the 3 current Chairman, Dr Britto, if I could have 4 access to the office and to minutes and so 5 forth. There were various sets of minutes 6 that I couldn't find, and among them were 7 notes or minutes of this particular meeting 8 that we held with the senior police officers. 9 Nevertheless I remember that as a result of 10 that meeting I prepared and submitted a letter 11 to the Chief Minister where a number of 12 matters were put there. 13 (12.36) 14 Q. Was there any other evidence gathering 15 beyond going to the police officers? Did you, 16 for example, take evidence from the MoD 17 personnel? 18 A. Minutes from the? 19 Q. Evidence from the MoD officers? I think 20 you said earlier that you took the view that 21 you could not take ... 22 A. No, no, we didn't take, we didn't contact 23 anybody from the MoD because one of the 24 members of the GPA at the time was a lawyer 25 from Hassans (Vikram Nagrani), whom I hold</p> <p style="text-align: center;">Page 119</p>
<p>1 time, Mr Yome, and I were involved or 2 discussed the matter, and then eventually we 3 had reports. I seem to remember Mr McGrail 4 submitted a very, very detailed report - I 5 don't remember offhand but it is one of the 6 exhibits, it was in the region of probably a 15 7 page report with full details. After we had 8 seen that and we had seen, off the top of my 9 head, a finding, a legal finding by Lord 10 Pannick, which was also -- 11 Q. A legal opinion. 12 A. Legal opinion, sorry, by Lord Pannick, 13 and then a letter from Admiral Radakin, who 14 was the Chief of Staff, I believe, at the time, 15 we called a meeting - I called a meeting of 16 the GPA to interview, talk to Commissioner 17 Yome, Superintendent McGrail, 18 Superintendent Ullger, and I'm not too sure it 19 was Chief Inspector Tunbridge. This was a 20 quite long meeting held in the offices of GPA 21 towards the end of August. 22 Q. Was Mr Pyle present at that meeting? 23 A. I don't think he was. I wouldn't recollect 24 it. You see, I couldn't - I didn't keep any 25 papers once I finished on 31 July 2018, and</p> <p style="text-align: center;">Page 118</p>	<p>1 in high respect, and he was unofficially a legal 2 adviser and he was the one that immediately 3 said, "We cannot talk to or investigate or 4 interview anyone outside the RGP on this" and 5 this is what we did. We never had any contact 6 whatsoever with anyone from the MoD. 7 THE CHAIRMAN: I appreciate that you had 8 no jurisdiction, as you put it, and could not 9 investigate them, but why not ask them for 10 their account? 11 A. I was instructed by the GPA member who 12 was unofficially our legal adviser that we 13 would be, it would be out of order for us to do 14 that, and I acted accordingly. 15 Q. And, obviously, you accepted that advice? 16 A. I accepted that, yes. 17 MR SANTOS: During the course of the 18 investigation and the deliberations, did anyone 19 raise concerns about Mr McGrail's actions? 20 A. No, at all. 21 Q. Did Mr Pyle ever raise concerns about Mr 22 McGrail's actions to you or the GPA at any 23 time? 24 A. Not in my presence, not to the GPA at any 25 time.</p> <p style="text-align: center;">Page 120</p>

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<p>1 Q. Can we look at A247, please?</p> <p>2 A. Where would I find A247?</p> <p>3 Q. This is going to appear on the screen. Are</p> <p>4 you happy to read from the screen?</p> <p>5 A. Yes, I am.</p> <p>6 Q. Just at 21.7, this is Mr Pyle's first affidavit</p> <p>7 to this inquiry and he says, "I raised my</p> <p>8 concerns over the RGP's above behaviours</p> <p>9 and, in particular, Mr McGrail's, formally, on</p> <p>10 numerous occasions with the Gibraltar Police</p> <p>11 Authority, the Governor, the Chief Minister</p> <p>12 and with the Foreign Commonwealth and</p> <p>13 Development Office." Do you have any</p> <p>14 recollection of Mr Pyle raising such concerns</p> <p>15 with you?</p> <p>16 A. About the airport incident?</p> <p>17 Q. About the airport incident or generally?</p> <p>18 A. I don't, I don't have any recollection and in</p> <p>19 fact the first I heard of this was when I saw,</p> <p>20 when I saw this. No.</p> <p>21 Q. So, nothing about the airport incident from</p> <p>22 Mr Pyle?</p> <p>23 A. Nothing to me or nothing to the Police</p> <p>24 Authority.</p> <p>25 Q. And nothing generally about Mr McGrail</p> <p style="text-align: center;">Page 121</p>	<p>1 and the other three senior officers. That was,</p> <p>2 as far as I was aware, the only evidence that</p> <p>3 we could look into. If I may, Mr Santos ...</p> <p>4 Q. Yes.</p> <p>5 A. ... it is very clear in my mind even now that</p> <p>6 the police officers involved, the senior police</p> <p>7 officers involved, exercised great restraint in</p> <p>8 view of the - I can't find the word, but</p> <p>9 probably "disdain" that they were facing from</p> <p>10 MoD officers. Qualifying that, we never</p> <p>11 spoke to them, so it was one side of the story.</p> <p>12 Q. Yes.</p> <p>13 A. But we chose after much deliberation to</p> <p>14 accept that the evidence that was being</p> <p>15 provided to us by the RGP was the truth and</p> <p>16 nothing but the truth.</p> <p>17 Q. Your focus was, you say, on the runway</p> <p>18 incident itself rather than the subsequent</p> <p>19 arrests on the 1st of March?</p> <p>20 A. We had no remit on doing anything other</p> <p>21 than the airfield incident.</p> <p>22 Q. Why did you come to the conclusion that</p> <p>23 the Chief Minister should consider a full</p> <p>24 inquiry about lessons learned?</p> <p>25 A. I really can't answer that. I don't think I</p> <p style="text-align: center;">Page 123</p>
<p>1 from Mr Pyle?</p> <p>2 A. No.</p> <p>3 Q. Can we go to B2157, please? This is an</p> <p>4 email dated - the middle email is one from</p> <p>5 Miss Hanlin of the GPA dated the 20th of</p> <p>6 March 2018 and it says, "Dear Darren</p> <p>7 [addressed to the Chief Secretary], the</p> <p>8 Chairman has instructed me to forward you the</p> <p>9 email below. The letter/email below was sent</p> <p>10 by hand but it seems it may have been lost.</p> <p>11 The email below is a copy of the contents of</p> <p>12 the letter sent to the CM ..." and then the email</p> <p>13 below that, 6th of December 2017, is an email</p> <p>14 setting out the contents of that letter. Is that</p> <p>15 the letter that the GPA sent to the Chief</p> <p>16 Minister on the back of the investigation?</p> <p>17 A. That's correct.</p> <p>18 Q. You conclude that, "The RGP's actions</p> <p>19 were considered, deliberated, entirely</p> <p>20 proportional and highly commendable." Can</p> <p>21 you explain briefly why the GPA reached that</p> <p>22 conclusion?</p> <p>23 A. The GPA reached this conclusion on the</p> <p>24 back of the investigation or the interviews that</p> <p>25 we held with the Commissioner at the time</p> <p style="text-align: center;">Page 122</p>	<p>1 came to any conclusion. I think I received a</p> <p>2 request from the Chief Minister, which ...</p> <p>3 Q. Sorry, let me just be a bit clearer with you.</p> <p>4 If we go to the bottom of this email, you say -</p> <p>5 there is that conclusion that I have already put</p> <p>6 to you - and then you say, from the third line,</p> <p>7 "As such, we do not doubt the effectiveness</p> <p>8 and probity of the policing demonstrated by</p> <p>9 the RGP in respect of the incident." Then you</p> <p>10 say, "We would take the liberty of adding,</p> <p>11 though it may not be our place to do so, that</p> <p>12 the actions of certain MoD personnel in</p> <p>13 respect of the incident deserve censure and that</p> <p>14 you should consider whether a full inquiry</p> <p>15 ought to be undertaken by a body independent</p> <p>16 of the RGP and the MoD so that lessons may</p> <p>17 be learned from this incident." So, there was a</p> <p>18 suggestion there by the GPA that the Chief</p> <p>19 Minister should consider whether a full inquiry</p> <p>20 ought to be undertaken. Why was that</p> <p>21 suggestion made from your recollection?</p> <p>22 A. For a number of things. First of all, it was</p> <p>23 still clear in our mind that the Governor</p> <p>24 envisaged that we would call an inquiry. We</p> <p>25 couldn't call a full inquiry because we couldn't</p> <p style="text-align: center;">Page 124</p>

<p>1 involve anybody other than the RGP. And, 2 secondly, we felt that the matter was serious 3 enough to be taken further, and that's why we 4 decided that we had come as far as we could 5 and that a full inquiry ought to be undertaken 6 by an independent body of the RGP and the 7 MoD. As my last words say, " ... so that 8 lessons may be learned from this incident." 9 Q. Do you understand why no inquiry was 10 held subsequently? 11 A. Why it wasn't held? I have no idea. 12 Q. If we go back to Mr Pyle's statement, 21.7, 13 picking up from halfway down Mr Pyle says, 14 "I pushed hard for a review, not an inquiry, 15 into the incident to expose the RGP 16 behaviours. This was accepted by the Chief 17 Minister, who tasked the GPA to conduct their 18 own review. Their report exonerated the RGP. 19 The GPA methodology, however, was, in my 20 opinion, seriously flawed, not least as they did 21 not conduct any interviews with MoD, nor 22 seek any information from them." You 23 respond to this in your second statement at 24 A347, paragraph 9 and you say, "I am 25 surprised by Mr Pyle's statements and, again,</p> <p style="text-align: center;">Page 125</p>	<p>1 said that he was not present at the meeting of 2 the 15th of May? 3 A. No, no, no, I said he wasn't present - I 4 didn't know he was present at the meeting held 5 at the end of August, 31st of August, I believe, 6 with the Commissioner Yome and the senior 7 police officers. 8 Q. My apologies. 9 A. It's clear that he was present at the 11th and 10 15th, and I think the minutes which are 11 exhibited reveal that. No, I didn't say he 12 wasn't present. 13 Q. My mistake. Apologies. 14 A. It's okay. 15 Q. Then the second thing you say is that, "At 16 the GPA meeting of the 15th of May, Mr Pyle 17 reported on a conversation held with the 18 Governor when the Governor said that he 19 envisaged that the GPA would recommend 20 that an inquiry be held." And then four lines 21 down, "In communicating to the Chief 22 Minister the GPA's decision that it had no 23 jurisdiction to involve the MoD in an inquiry, I 24 stated, 'Once this is done you may wish to 25 consider the possibility of a full inquiry</p> <p style="text-align: center;">Page 127</p>
<p>1 cannot let them go unchallenged for the 2 following reasons. One, Mr Pyle was present 3 at the meetings that the GPA held on the 11th 4 and 15th of May (with the minutes exhibited) 5 when the GPA decided that the Chief Minister 6 should be informed that the GPA had no 7 jurisdiction to involve the MoD in its inquiries 8 but that it should propose that it should 9 proceed under the provisions of s.19 of the 10 Police Act. The Chief Minister was so 11 informed and agreed that the GPA should 12 proceed on that basis. Mr Pyle did not dissent 13 from the course of action ..." 14 A. Excuse me, I couldn't follow the last bit. 15 Q. Sorry about that. 16 A. " ... and agreed that the GPA should 17 proceed", yes. 18 Q. Yes, and, "Mr Pyle did not dissent from the 19 course of action decided by the GPA." It 20 looks from what you are saying there, where 21 you have referred to minutes exhibited to your 22 statement, which we can have a look at, that 23 Mr Pyle was present at the meetings of the 24 11th and the 15th of May. So, is it perhaps the 25 case that you were mistaken earlier when you</p> <p style="text-align: center;">Page 126</p>	<p>1 commissioned by the Authority.' Further, after 2 the GPA meeting on the 31st of August 2017, 3 I wrote to the Chief Minister on the 5th of 4 September 2017 informing him of the decision 5 reached and suggesting that he should consider 6 whether a full inquiry ought to be undertaken 7 by a body independent of the RGP and MoD 8 so that lessons might be learned from the 9 incident." And you say, "I am not privy as to 10 the reasons why an inquiry was not so held." 11 And, finally, you make the point, "The 12 intemperate criticisms of the RGP by senior 13 MoD people, which seem to be adopted by Mr 14 Pyle in his witness statement, are not 15 substantiated in the light of, firstly, the joint 16 opinion of Lord Pannick [as he is referred to] 17 and then the letter from Rear Admiral 18 Radakin." You also refer to the fact that, "The 19 Governor and the Chief Minister would not 20 appear to have shared his concerns." So, is 21 that effectively the basis, your basis for saying 22 that you disagree that the process was flawed? 23 A. Absolutely. 24 Q. But you accept that you did not take any 25 evidence from anyone other than the RGP</p> <p style="text-align: center;">Page 128</p>

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<p>1 themselves?</p> <p>2 A. Yes, but I don't think that necessarily</p> <p>3 makes the process flawed. We went to - not</p> <p>4 great pains - we went into great detail and our</p> <p>5 questioning of Commissioner Yomi and the</p> <p>6 three senior police officers wasn't - you know,</p> <p>7 it was, shall I say, a very thorough and even</p> <p>8 tough set of questions. I can't remember</p> <p>9 clearly but I'm sure that meeting went beyond</p> <p>10 three hours.</p> <p>11 Q. Did Mr Pyle ever raise his concerns about</p> <p>12 the GPA's methodology to you?</p> <p>13 A. No.</p> <p>14 Q. You were on the selection panel when Mr</p> <p>15 McGrail and Mr Ulger applied for the role of</p> <p>16 Commissioner of Police in December 2017, is</p> <p>17 that correct?</p> <p>18 A. I was the Chairman of that selection panel,</p> <p>19 yes.</p> <p>20 Q. Am I correct that the process consisted of a</p> <p>21 written application, a presentation and an</p> <p>22 interview?</p> <p>23 A. Yes, there were written submissions sent</p> <p>24 in, first of all, by the two candidates, very</p> <p>25 extensive and very well drafted submissions,</p> <p style="text-align: center;">Page 129</p>	<p>1 A. I considered it was as thorough and as</p> <p>2 professional as it could be, and if I may add, I</p> <p>3 was very pleased to hear Commissioner</p> <p>4 Ulger's description of it two days ago in this</p> <p>5 place, particularly because he was the</p> <p>6 unsuccessful candidate, let's put it that way.</p> <p>7 Q. If we can go to paragraph 25 of your</p> <p>8 statement, at A341, you say, "Before</p> <p>9 proceeding to explain the process which led to</p> <p>10 the appointment of Mr McGrail as</p> <p>11 Commissioner of Police, I wish to state that I</p> <p>12 did not at any time receive any objection to the</p> <p>13 said appointment from either the Governor or</p> <p>14 the Chief Minister. However, the Deputy</p> <p>15 Governor, Mr Nick Pyle, was a member of the</p> <p>16 GPA at the time and commented at a meeting</p> <p>17 of the GPA that he felt that, 'Applications to</p> <p>18 fill the vacancy of Commissioner of Police</p> <p>19 should not be limited to officers from the RGP</p> <p>20 but should be open to police officers in the</p> <p>21 UK.' That view received no support from any</p> <p>22 of the other members of the GPA. The Deputy</p> <p>23 Governor further told me that he would not</p> <p>24 support Mr McGrail's application, to which I</p> <p>25 replied that it was unfair to prejudice any</p> <p style="text-align: center;">Page 131</p>
<p>1 then there were two Powerpoint presentations</p> <p>2 where the things that we wanted them to tell us</p> <p>3 about were exposed and then there was an</p> <p>4 interview process which consisted primarily of</p> <p>5 a panel of four, who were Mr Pyle, Mr</p> <p>6 Gomez, who was the Chief Secretary of the</p> <p>7 Government at the time, the Reverend Patron</p> <p>8 and myself. But the other five members of the</p> <p>9 GPA were sat behind us and, although they did</p> <p>10 not participate in the initial interviews, once</p> <p>11 our four interviews had taken place, I invited</p> <p>12 any of them to ask further questions, and I</p> <p>13 cannot tell you who did, but I remember that</p> <p>14 some of them took the opportunity. So, it was</p> <p>15 a long grilling, put it that way.</p> <p>16 Q. You said four interviews, and is that</p> <p>17 because each panel member conducted an</p> <p>18 interview?</p> <p>19 A. Absolutely, yes.</p> <p>20 Q. You also took references from the</p> <p>21 Commissioner of Police Yomi, I believe?</p> <p>22 A. Yes.</p> <p>23 Q. Did you consider the process to be</p> <p>24 sufficiently thorough for a role as important as</p> <p>25 Commissioner of Police?</p> <p style="text-align: center;">Page 130</p>	<p>1 applicant before the selection process had</p> <p>2 commenced." Did Mr Pyle explain his</p> <p>3 reasons, the reasons for his view that the</p> <p>4 vacancy should be open to police officers in</p> <p>5 the UK?</p> <p>6 A. This happened at the meeting that I</p> <p>7 convened some time in October in advance of</p> <p>8 the selection, precisely to discuss and agree the</p> <p>9 process that was going to take place or was</p> <p>10 going to be put in effect. Early in that meeting</p> <p>11 when we were talking about who could be,</p> <p>12 who could apply for the job, he mentioned that</p> <p>13 he felt that the vacancy should be open to</p> <p>14 officers in the United Kingdom, and that met</p> <p>15 with complete opposition from all the other</p> <p>16 eight members, and it wasn't taken into effect,</p> <p>17 put in the plan. Then when the meeting was</p> <p>18 over, still in the place where we met because</p> <p>19 the GPA at the time - I was there about two</p> <p>20 years ago, but it hasn't changed - there's an</p> <p>21 entrance where the two clerks are sitting and</p> <p>22 then there's a little corridor which leads to</p> <p>23 what we used to call the meeting room, the</p> <p>24 board room. The meeting had just finished</p> <p>25 and I remember clearly - this stayed in my</p> <p style="text-align: center;">Page 132</p>

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<p>1 mind - Mr Pyle moving me or pulling me to 2 one side and quietly telling me, "I cannot 3 support McGrail." And then I said, "Nick, I 4 think that's very unfair since we've just 5 finished the process, we've all agreed, and we 6 still haven't started it and you are prejudging a 7 possible candidate." Now, I don't know 8 whether I'm out of turn, but this is not the 9 recollection that Mr Pyle has of this, because 10 he refers to when he suggested that there 11 should be candidates from the UK, he says 12 somewhere - and I'm sure you'll find it for me, 13 but I've read it - that he was surprised that 14 there were only two candidates. At that time 15 there were no candidates, we hadn't even 16 started the process. It was at that meeting that 17 we agreed the process and kick-started it after 18 that. So, I must challenge that bit of Mr Pyle's 19 witness statement somewhere. He mentioned 20 this before we had even started. 21 Q. And I will take you there but you are just 22 jumping, running a little bit ahead. I have 23 allowed you to because I am going to come on 24 to those points, but I just want to focus, first of 25 all, on the proposal of police officers from the</p> <p style="text-align: center;">Page 133</p>	<p>1 that, if there was sufficient competence and 2 skill here, that we should take it from our own. 3 Q. Just focusing now on the other comment 4 that you say that he made at the end of the 5 meeting, and this was the meeting at which 6 you had agreed on the process rather than 7 discussing candidates, you say? 8 A. No, that's the initial meeting. 9 Q. Yes, sorry, the comment he made around 10 not, you say, not support McGrail's 11 application, you say that that took place at the 12 meeting where the process for the application 13 was agreed by the GPA? 14 A. Correct, but that wasn't part of the meeting. 15 The meeting had finished. 16 Q. Yes. Sorry, yes. 17 A. In fact, Mr Santos, I think this was the only 18 meeting we had as far as the process is 19 concerned. I don't remember having any 20 meeting to discuss candidates. This was all 21 done when the Powerpoint presentation, when 22 we had had time to read their applications and 23 the Powerpoint presentation and interviews 24 had taken place, which was on different days, 25 it wasn't every - it was one, two and then the</p> <p style="text-align: center;">Page 135</p>
<p>1 UK being permitted to make applications. Did 2 he give an explanation as to why he wanted to 3 open it up to police officers in the UK? 4 A. Other than this is done in other places, and 5 I must say that I remember clearly my 6 reaction, my immediate reaction was that I was 7 aware of that, that being the reason why the 8 Bank of England had to choose a Canadian to 9 be its boss, which perhaps was out of turn, but 10 I remember clearly saying this. 11 Q. So, why did you not support the view? 12 A. Because we felt, and we discussed this, we 13 felt that there was sufficient competence, 14 sufficient skill here to return to other times and 15 I also mentioned that, if we found after the 16 process that none of the candidates were 17 competent, and at the time we didn't know 18 who the candidates were going to be, then I 19 would support taking it further, but I knew at 20 the time that, I'm not entirely sure, but I think 21 there were three possible candidates because 22 there was also, I think it was a Chief 23 Superintendent, Mr Netsu, who eventually 24 didn't apply because he was retiring shortly. 25 But I was clear and so were the other members</p> <p style="text-align: center;">Page 134</p>	<p>1 decision-making. The decision-making wasn't 2 done on the day immediately after the 3 interviews, it was a few days later. 4 Q. Did he explain why he would not support 5 Mr McGrail? 6 A. No. 7 Q. Did you know why he would not support 8 Mr McGrail? 9 A. I didn't know why. I don't think I should 10 be speculating, but he clearly didn't like him. 11 Q. Did you have any suspicion why he did not 12 like him? 13 A. Well, subsequently, yes, but not at the 14 time. 15 Q. At the time? 16 A. At the time, no. 17 Q. Was anyone else present when Mr Pyle 18 said this to you? 19 A. In the room, yes, but this was in the corner 20 of the room and, you know, people were 21 talking and so on. This wasn't done in the 22 presence of anybody, no. 23 Q. I have probably got about another 10 24 minutes of questions, so I think we probably 25 should break for lunch but I just want to show</p> <p style="text-align: center;">Page 136</p>

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<p>1 one more document. If we can go to A431, 2 please? Paragraph 34. This is the statement of 3 Mr Lavarello, who is giving evidence after 4 you, and he refers to a meeting on the 5th of 5 December 2017, and was that meeting actually 6 once the application process had been carried 7 out and the candidates had been interviewed? 8 Well, let me put it in a different way. The 5th 9 of December 2017 is not the meeting at which 10 you say that Mr Pyle made that comment to 11 you, is it? 12 A. I'm sorry, am I looking at the right one? 13 You said, you mentioned Mr Lavarello? 14 Q. Yes, this is Mr Lavarello's statement to the 15 inquiry and it is paragraph 34 of his statement 16 and he refers to a meeting of the 5th of 17 December 2017, and I was going to show you 18 something which Mr Lavarello says that Mr 19 Pyle said about the candidates, but I have 20 noticed that this is - I have just noticed that this 21 is a meeting of the 5th of December 2017 and I 22 just wanted to clarify with you whether the 23 meeting of the 5th of December is when you 24 say that Mr Pyle made that comment to you, 25 apart from the rest of the meeting?</p> <p style="text-align: center;">Page 137</p>	<p>1 should break there. 2 THE CHAIRMAN: Yes, we will break for 3 lunch. 4 MR SANTOS: Thank you. 5 THE CHAIRMAN: Unless you have a 6 pressing engagement this afternoon? 7 A. No, it's okay. 8 (13.04) 9 (The short adjournment) 10 (14.01) 11 MR SANTOS: Good afternoon, sir. Good 12 afternoon, Mr Gonçalves. We were just 13 dealing with Mr Lavarello's evidence, and we 14 had made -- you had made the point that the 15 conversation that Mr Lavarello was referring 16 to was on a different occasion to the meeting 17 where, in your evidence, Mr Pyle took you to 18 one side at the end of a meeting to say that he 19 would not support Mr McGrail as an 20 applicant. I just want -- 21 A. Yes. 22 Q. Sorry. 23 A. Sorry. 24 Q. I just want to just continue to look at Mr 25 Lavarello's evidence and over the page -</p> <p style="text-align: center;">Page 139</p>
<p>1 A. No, no, no, no, the comment ... 2 Q. Later on? 3 A. ... Mr Pyle made to me - no, no, no, it was 4 in October. 5 Q. Yes, that is exactly what I am trying to 6 clarify: it was not at this meeting? 7 THE CHAIRMAN: It was before the process? 8 MR SANTOS: Yes. 9 A. I'm sorry ... 10 THE CHAIRMAN: Do not worry, I 11 understand the position. 12 MR SANTOS: Sir, as I say, I have probably 13 about 10 minutes. I am happy to go on or I am 14 happy to break for lunch. I do not know 15 whether there are questions that might follow 16 and, if there are questions that might follow - it 17 does look like there may be some questions 18 that might follow. 19 MR WAGNER: I have one question. 20 THE CHAIRMAN: It is very rare that you 21 have one question, Mr Wagner. 22 MR WAGNER: It is, but it is one question. 23 MR SANTOS: I think Sir Peter has also 24 indicated to me that he might have a question, 25 at least one question, so I think probably we</p> <p style="text-align: center;">Page 138</p>	<p>1 well, just first of all, on 34, he says: "On 2 Tuesday 5th December 2017 the GPA met to 3 consider what advice should be given to [His 4 Excellency] the Governor. It deliberated at 5 length on the different strengths of the 6 candidates, taking into account all the 7 information at its disposal, the performance 8 of the candidates in delivering their written 9 and oral presentations and their interviews ... 10 It felt that both candidates were suitable but 11 by a majority of 7-2 considered that 12 [Superintendent] McGrail was the stronger of 13 the two." Just jumping over three lines, at 14 the end of the third line from the bottom, Mr 15 Lavarello says, "The two dissenting 16 members were Mr Nick Pyle and Mr 17 Danino". Do you remember those two being 18 dissenting members? 19 A. Yes, sir. 20 Q. He says, "At one point in the selection 21 process, I cannot recall exactly when, Mr 22 Pyle suggested that the post of Commissioner 23 should be open to officers in the United 24 Kingdom and Overseas Territories." That 25 seems similar to what you were saying earlier</p> <p style="text-align: center;">Page 140</p>

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<p>1 about something that Mr Pyle said. Does that 2 accord with your recollection of what Mr 3 Pyle said to you about opening up the 4 process? 5 A. Yes, I remember that, but not on the 5 6 December. 7 Q. Not on 5 December. Earlier on. Yes. 8 Then he says, " At some point Mr Pyle said 9 he would not support either candidate which 10 could only mean that he wanted the new 11 Commissioner to be appointed from outside 12 the RGP". Do you recall Mr Pyle saying 13 anything to that effect? 14 A. Not on the deliberating thing. Not on 5 15 December. I don't, but this was a meeting 16 which had people having their conversations. 17 You know what happens. Nine people 18 around the table and until such time as I 19 called the meeting to order, and we each had 20 our say individually, there was a lot of 21 conversation going on. So, it would be 22 unfair for me to say that I remember that. I 23 don't remember that. 24 Q. Do you recall him saying at any stage that 25 he would not support either candidates?</p> <p style="text-align: center;">Page 141</p>	<p>1 may have benefited from a wider field of 2 candidates, including external candidates, I 3 nevertheless marked both IM and Richard 4 Ullger ... as suitable and credible candidates 5 for the post." Do you accept that account by 6 Mr Pyle? 7 A. No, I have to challenge it. It's incorrect, 8 and as I explained before, he told me he 9 would not support Mr McGrail after - 10 immediately after the meeting that I 11 convened and that we held to discuss the 12 selection process. At that time, there were no 13 applicants because we hadn't put out the 14 application, and when he says that "...there 15 were only two candidates and expressed the 16 view that policing in Gibraltar...", the first 17 part is incorrect. He didn't know -- and as 18 any of us knew -- that there were only two 19 candidates because, as I repeat, the 20 applications hadn't gone out. That he said 21 that policing in Gibraltar could benefit from 22 not quite a wider field, but UK specifically - 23 candidates from the UK, yes; that is what he 24 said at the meeting, I stress, and I repeat, 25 before the process started.</p> <p style="text-align: center;">Page 143</p>
<p>1 A. Do I recall? 2 Q. Do you recall at any stage, Mr Pyle 3 saying that he would not support either 4 candidate? 5 A. No, I don't. 6 Q. Then he says: "The suggestion that the 7 vacancy should be open to police officers of 8 outside forces was considered by the other 9 members, but in the end the suggestion was 10 dismissed as it was considered that it was 11 unnecessary given that two perfectly suitable 12 candidates had applied" That is consistent 13 with your evidence. Is that correct? 14 A. Yes. 15 Q. Now, if we look at Mr Pyle's account 16 which is at A266, paragraphs 25 and 26 on 17 that page, his second affidavit, he says, "I 18 wish to respond to the evidence given by JG, 19 the then Chairman of the GPA, regarding his 20 assertion ... that I told him I would not 21 'support McGrail's application' for the post of 22 Commissioner of Police. This is incorrect. 23 Whilst I made clear that I was surprised that 24 there were only two candidates and 25 expressed the view that policing in Gibraltar</p> <p style="text-align: center;">Page 142</p>	<p>1 Q. At the end of the process. What do you 2 remember his position being in terms of Mr 3 McGrail and Mr Ullger? 4 A. At the end of the - when -- 5 Q. Once you had carried out the process and, 6 in December, were meeting to discuss what 7 advice to give to His Excellency the 8 Governor. 9 A. No, I don't remember anything untoward 10 or anything out of the ordinary from him or 11 from any of the other candidates. His 12 selection was - actually after we all had our 13 say, that is the meeting where we deliberated, 14 I then asked everyone individually to state 15 who they favoured, and then he and Mr 16 Danino - I don't like the word "dissenters" - 17 were the ones that voted in favor of Mr 18 Ullger, and the other six and myself voted in 19 favour of Mr McGrail, but there was no 20 comment that I remember from anyone. 21 Q. My next question was going to be: did he 22 express any view as to the suitability of Mr 23 McGrail at that meeting? 24 A. No, absolutely not. No. 25 Q. Did he express that he disapproved of Mr</p> <p style="text-align: center;">Page 144</p>

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<p>1 McGrail's application - sorry - Mr McGrail 2 being made Commissioner? 3 A. No. 4 Q. He did not? 5 A. No. 6 Q. Just going back to the point you were 7 making about there being only two 8 candidates at that stage, but that there were 9 no candidates from the outset, would it be 10 right to say that there were only, in the RGP 11 at the time, a small number of officers who 12 had carried out the requisite course in order 13 to be considered for the post? 14 A. As far as I can recall there were three. 15 Q. There were three. 16 A. As I mentioned before, there was Mr 17 Richard Mifsud. I am not too sure whether 18 he was - his title was Assistant 19 Commissioner or whether it was Chief 20 Superintendent. 21 Q. Had he done the, I think it is called, the 22 strategic command course. 23 A. Yes. 24 Q. Something like that -- 25 A. As far as I am aware, yes.</p> <p style="text-align: center;">Page 145</p>	<p>1 better candidate. I agreed, adding that I 2 thought that [Mr Ullger] had a more modern 3 leadership and management approach which 4 would serve the RGP well. That is why and 5 how I came to vote for the appointment of 6 Mr Ullger, and certainly not because I had, 7 still less had I expressed, any predetermined 8 view that I would not support [Mr McGrail's] 9 candidacy, despite the concern that I had in 10 March 2017 about [Mr McGrail's] conduct in 11 relation to the arrest of three senior MOD 12 officers in Gibraltar." So, Mr Pyle's evidence 13 is not only that that was his reasoning, but 14 that he explained his reasoning at that 15 meeting that he was swayed by the report of 16 Commissioner Yome. Do you recall him 17 saying something to that effect? 18 A. No, I don't. no. In fact, I can remember - 19 and this may not be relevant - that Mr Yome, 20 his comments - I assured Mr Yome that we 21 may or may not use his comments at 22 interview time, but if we did on any matter, 23 he would not be mentioned. In other words, 24 they would be comments from us. That is 25 the only thing I remember, but this was</p> <p style="text-align: center;">Page 147</p>
<p>1 Q. Just then looking at paragraph 26. Mr 2 Pyle says: "I expressed my view that both 3 candidates had performed well, both were 4 clearly credible and that I had scored them 5 within a point of each other. I therefore 6 looked a bit deeper for something to find 7 something to separate them." So, Mr Pyle's 8 evidence is that he in fact expressed his view 9 that both candidates had performed well, and 10 both were clearly credible. Do you recall 11 him saying something to that effect? 12 A. No, I don't. What I do remember is that 13 all nine of us agreed and said so, that both 14 candidates were perfectly credible and 15 competent to do the job. 16 Q. So, from your perspective -- 17 A. Before I went into the final countdown, 18 as it were. 19 Q. Including Mr Pyle? 20 A. Including Mr Pyle. 21 Q. Then he says, "I said I was swayed by the 22 reports on each candidate written by the 23 outgoing Commissioner of Police, Eddie 24 Yome ... I said that it was clear to me that 25 [Mr Yome] thought that [Mr Ullger] was the</p> <p style="text-align: center;">Page 146</p>	<p>1 before, do it is irrelevant to your question 2 really. 3 Q. In terms of - from your perspective - is it 4 your position that Mr Pyle did not simply 5 express the preference for Mr Ullger without 6 giving any reasons? 7 A. At the time of just saying "McGrail or 8 Ullger", I don't remember anyone saying 9 anything. Before that, as I said, each one 10 was invited to give his reasons and Mr Pyle 11 may well have said what he says here, but it's 12 not something that has stuck in my mind. 13 Q. Your evidence, therefore, is that he had 14 indicated at the outset that he would not 15 support Mr McGrail's application, but 16 nevertheless, at the end of the process, he 17 recognised the suitability of both candidates. 18 Did you raise with him this apparent 19 turnaround on his part? 20 A. No, the comment he made to me in 21 October, at the end of the meeting that we 22 had to discuss the process, was a head-to- 23 head, a man-to-man comment, which I left 24 there, and I didn't think it appropriate to refer 25 to that.</p> <p style="text-align: center;">Page 148</p>

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<p>1 Q. Did Mr Pyle refer to the airport incident 2 at any stage during these deliberations? 3 A. No. 4 Q. Did he refer, at any stage, to an assault on 5 a helicopter pilot and the allegation that that 6 assault had not been properly investigated by 7 the RGP at any stage, in this process? 8 A. Not only didn't he say that, this incident 9 was never known to us, or discussed by us, 10 and again, I found out about it when the 11 papers for the inquiry were given to me, and 12 I looked, when I went down a couple of years 13 ago to have a look at minutes and that, there 14 was no trace of any description or any 15 mention of that. 16 Q. If we go to A199, please, this is an 17 exchange between Mr Pyle and Mr Picardo 18 on WhatsApp, and I just want to focus on the 19 bit in blue, light blue. The third paragraph 20 which is a message on 14 May 2020 at 09:58 21 in the morning, and Mr Pyle says to Mr 22 Picardo, "Agree. As we thought at the time, 23 wrong appointment. Remind me to tell you 24 about the recruitment process which was 25 abject". Your response to that in your second</p> <p style="text-align: center;">Page 149</p>	<p>1 you had May, June and July, those three 2 months, as an overlap. During those three 3 months, did you or the GPA have any 4 concerns about Mr McGrail's performance as 5 commissioner? 6 A. Not at all. No concerns at all. Mr 7 Santos, I would like to go back, if I may to 8 this "abject" comment. 9 Q. Yes. 10 A. I don't know the word to use, but I would 11 like to challenge that, because that to me is 12 close to an affront, or even an insult to the 13 people who may have had the authority at the 14 time. I cannot agree that it was anywhere but 15 an excellent process and if it was abject, 16 which I cannot agree, as I say in my second 17 affidavit, Mr Pyle was then part of that abject 18 conduct. We had a letter from Governor 19 Davis immediately after I conveyed the 20 decision to him, where - and it is exhibited in 21 my first affidavit - and both he and the chief 22 minister thanked the authority for its 23 diligence and faultless conduct throughout 24 the whole process. So, Mr Pyle is 25 completely out of order in calling it "abject".</p> <p style="text-align: center;">Page 151</p>
<p>1 affidavit, A347, paragraph 6, you say, "I am 2 surprised at, and cannot let go unchallenged, 3 Mr Pyle's description of the selection process 4 as 'abject' given that the process was 5 approved by all members of the GPA, 6 including him. Until I read the above email, I 7 was not aware that Mr Pyle was critical of 8 the selection process as he had approved it 9 and had not raised with the GPA any 10 criticism of it. Mr Pyle did not support Mr 11 McGrail's appointment and wanted to open 12 the vacancy of Commissioner of Police 13 Officers in the United Kingdom and 14 Commonwealth. However, that does not 15 make the selection process -- which he had 16 approved -- flawed, much less 'abject'. Did 17 you or anyone else have any concerns as to 18 the process of selection of Mr McGrail? 19 A. Absolutely not. 20 Q. Did Mr Pyle raise any concerns with you 21 as to the process? 22 A. No. 23 Q. Mr McGrail was selected as 24 Commissioner of Police on 5 December 25 2017, and commenced on 1 May 2018. So</p> <p style="text-align: center;">Page 150</p>	<p>1 Q. In those three months that you overlapped 2 with Mr McGrail in your respective roles, did 3 Mr Pyle raise any concerns as to Mr 4 McGrail's performance as Commissioner? 5 A. No. Not at all. 6 Q. Did anyone else make any complaints to 7 the GPA about Mr McGrail during your time 8 of overlap? 9 A. Not at all. I think it is important at this 10 stage to mention that immediately that the 11 announcements were made, I made - the first 12 step I took was to call New Mole House and 13 ask to see both Mr McGrail and Mr Ullger, 14 and I saw them individually and I was very 15 comforted at the time to hear from Mr Ullger 16 that he was perfectly satisfied with the way 17 that the process had been made and thanked 18 me for the way that GPA had conducted 19 itself, and that stays with me. 20 Q. How would you describe your 21 relationship with Mr McGrail during your 22 three months of overlap? 23 A. My relationship with Mr McGrail has 24 always been a very good one. During the 25 three months, brief three months, before, in</p> <p style="text-align: center;">Page 152</p>

1 **the almost five years that I was there while**
 2 **he was superintendent and chief inspector, I**
 3 **think before that - not too sure - and before I**
 4 **even heard of the GPA because we have**
 5 **known each other for - he is much younger**
 6 **than I am - but we have known each other**
 7 **for quite a long time. We both shared a**
 8 **common interest in that we both played**
 9 **basketball.**
 10 Q. We discussed this morning, the selection
 11 process for the GPA and the resources. Do
 12 you think that training for a position on the
 13 GPA, particularly chairman, do you think
 14 that would be something that would be a
 15 good idea -- would be helpful?
 16 **A. I think it would be very helpful. Yes.**
 17 THE CHAIRMAN: Sorry, I did not catch
 18 that reply.
 19 **A. I think it would be very helpful to have**
 20 **some form of training. Or education - in**
 21 **inverted commas - as well.**
 22 MR SANTOS: I think you already said that
 23 you think that it would be good for the GPA
 24 to be better resourced.
 25 **A. It would be. It would be. We - in my**

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1 **time, we were very lucky to have a**
 2 **professional lawyer, and he helped us**
 3 **tremendously, and we had people from**
 4 **different walks of life and different**
 5 **experiences who used that to the best of our**
 6 **ability, but to have - I don't know, it has got**
 7 **its pros and cons. Maybe if you have**
 8 **somebody who is too knowledgeable on**
 9 **police matters it could be counterproductive,**
 10 **but this is purely a personal opinion, seven**
 11 **years after the - after I finished.**
 12 Q. Finally, do you think that the chairman,
 13 or members of the GPA should be
 14 remunerated for the time that they spent
 15 working on the Committee?
 16 **A. I think that anyone who give up time the**
 17 **way that we did deserves some kind of, you**
 18 **know -- not suggesting a wage or salary, but**
 19 **some kind of bonus, but this is being wise**
 20 **after the event.**
 21 Q. Thank you Mr Gonçalves. I think that
 22 some of the other representatives may have
 23 questions for you.
 24 THE CHAIRMAN: Mr Neish?
 25 QUESTIONED BY MR NEISH.

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1 Mr Gonçalves, just a couple of points. The
 2 first is to clarify the process which you
 3 followed under section 19 of the Police Act,
 4 and I am saying this more by way of
 5 clarification so that the inquiry is aware what
 6 the provisions are. I read you the relevant
 7 provisions of section 19.2 which provide, "It
 8 shall also be the duty of the Commissioner
 9 (a) to provide the Authority with all such
 10 other information and documents specified or
 11 described in a notification given by the
 12 Authority to the Commissioner; and (b) to
 13 produce or deliver up to the Authority all
 14 such evidence and other things so specified
 15 or described, as appear to the Authority to be
 16 required by it for the purposes of the carrying
 17 out of any of its functions." Now, your
 18 function in this particular case was looking
 19 into the airfield incident.
 20 **A. Correct.**
 21 Q. You obtained the necessary documents
 22 and other information in the form of verbal
 23 instructions or verbal information from the
 24 various groups. So, in what way do you --
 25 THE CHAIRMAN: Presumably from the

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1 RGP?
 2 (14.23)
 3 MR NEISH: (To the witness): The RGP, the
 4 RGP, yes, certainly, because this is the
 5 process that was followed. It was a limited
 6 process whereby the authority obtained the
 7 information in order to report back to the
 8 Chief Minister on the airport incident, so as
 9 far as section 19 is concerned or what it
 10 provides, your process was fully complied
 11 with?
 12 **A. It was because we got the information**
 13 **from Commissioner Yome who in turn**
 14 **provided the statement of Mr McGrail and**
 15 **the documents from Lord Pannick --- the**
 16 **legal opinion from Lord Pannick and the**
 17 **letter that was received by Commissioner**
 18 **Yome from the chief of staff, Rear Admiral -**
 19 **-- I never get his name right.**
 20 Q. Radakin.
 21 **A. Radakin, and also the viva voce evidence**
 22 **we got from Commissioner Yome,**
 23 **Superintendent McGrail, Superintendent**
 24 **Ullger and Chief Inspector Tunbridge. I**
 25 **think that's as far as we could go as far as**

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<p>1 section 19 --- complying with section 19 is 2 concerned. 3 Q. Yes, now, just one final point, you 4 mentioned in your evidence to the Counsel to 5 the Inquiry that you were virtually working 6 on a full time basis for the authority and you 7 spent at least 30 hours of your time per week 8 on authorities ---- 9 A. On average. 10 Q. On average. Would you consider that 11 perhaps the authority might be well served by 12 having a professional executive officer to 13 service the needs of the authority? 14 A. Professional --- depending on the 15 professional. We were lucky to have Vikram 16 Nagrani with us who steered us on the right 17 path in legal matters. If by professional, you 18 mean --- 19 Q. No, I mean to take care of the 20 administrative and other work that falls on 21 the ---- 22 A. Not necessarily with the role of chairman 23 but --- 24 Q. No, not the chairman, I mean a separate 25 executive?</p> <p style="text-align: center;">Page 157</p>	<p>1 Questioned by MR WAGNER: 2 Q. Good afternoon, you mentioned in 3 relation to the airport incident that when you 4 were investigating it, you had a copy of a 5 letter from Rear Admiral Radakin. Is that 6 right? 7 A. That's correct. 8 Q. Can I just take you to B2349 and I do not 9 know whether you remember or not but does 10 this look like the letter dated 8 March 2017? 11 A. Yes. 12 Q. And do you recall this letter? 13 A. I recall this letter being provided to me at 14 the meeting --- no, no, before we had the 15 meeting on 31 August when we were 16 investigating this and this was sent to me by 17 Commissioner Yome. 18 Q. If we go further down, that paragraph 19 there says, "Joint forces command regret the 20 events that took place in Gibraltar on 8 21 February, including the events at Gibraltar 22 international airport and the disputes as to 23 jurisdiction which led to the confusion by 24 British Forces Gibraltar about the appropriate 25 handling of the individual suspected of</p> <p style="text-align: center;">Page 159</p>
<p>1 A. Yes, yes. In hindsight, yes. I must 2 confess that I never made a case for it but, 3 yes, I would think so. Also before I finished 4 as the chairman in 2018, a year before I had 5 been appointed deputy mayor of Gibraltar so 6 --- although that wasn't a lot, it was clearly a 7 little bit more that I had to do which is 8 independent but, nevertheless, took up my 9 time. 10 Q. I have just one final point. On legal 11 advice, even though there may be a lawyer 12 serving on the authority, do you have access 13 to independent legal advice or do you have to 14 ask for funding in order to have such access? 15 A. I don't remember ever having to --- or 16 going down that path. Perhaps we took 17 advantage of Vikram Nagrani (?) but, no, no. 18 I was trying to think whether I ever had 19 recourse to the Attorney General but --- 20 Q. Did you have funding for independent 21 legal advice? 22 A. The funding was provided by government 23 for whatever we needed and I --- no, I don't 24 recall ever having sought legal advice. 25 MR NEISH: Thank you.</p> <p style="text-align: center;">Page 158</p>	<p>1 downloading indecent material whilst in the 2 United Kingdom and the detailed 3 management of this particular case. It was 4 the view of joint forces command that the 5 case was to be subject to exclusive service 6 police jurisdiction which turned out not to be 7 correct. This was on the basis that joint 8 forces command was unaware that any 9 potential offences that had been committed 10 by the alleged suspect whilst in Gibraltar or 11 on your suspicions in this respect." Was it --- 12 without taking you to all the rest of it, was it 13 your interpretation of this letter that it was an 14 apology by the Ministry of Defence? 15 A. I think it would be unfair to ask me to 16 interpret the contents of a letter that were not 17 addressed to me, but in spite of that fact, if it 18 is not an apology, it is very close to it. At no 19 time is the word --- I don't --- well, it says, 20 "Joint forces command regrets the events that 21 took place." 22 Q. Yes. 23 A. So the regret could be interpreted but it's 24 purely a personal ---- 25 Q. Was it your understanding that the basis</p> <p style="text-align: center;">Page 160</p>

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<p>1 of this letter was that they had been acting on 2 a wrong assumption about their jurisdiction? 3 A. Yes, which in the investigation we 4 carried out we found that not only the three 5 senior officers concerned, but the station 6 commander, the chief of staff and the proba 7 marshal were of sufficient high rank to have 8 made sure that what was being said to them 9 on more than one occasion by the RGP 10 should have been investigated a little bit 11 more and, further to that, Mr Pyle was the 12 interim governor at the time and I would 13 have imagined that in his position he would 14 have made sure that that was the case instead 15 of letting the whole thing ---- 16 THE CHAIRMAN: I do not think he was the 17 interim governor at the time. 18 MR WAGNER: Of the airport incident, he 19 was at the time. 20 THE CHAIRMAN: He was? 21 MR WAGNER: He was. 22 THE WITNESS: The governor was away 23 from Gibraltar and Mr Pyle --- 24 SIR PETER CARUANA: He was the Acting 25 Governor.</p> <p style="text-align: center;">Page 161</p>	<p>1 statutory ---- 2 MR WAGNER: Okay. (To the witness): 3 But Mr Pyle was the interim --- the acting 4 governor at the time? 5 A. Yes. 6 Q. And he was on the GPA when you were 7 making the decision? 8 A. Well, no, Mr Pyle and his predecessor 9 had made it very clear that when they were 10 acting governor or deputy to the governor 11 which I think is probably the correct title, 12 they did not participate in any GPA activity. 13 Q. But when you were investigating the 14 airport incident, was he involved? 15 A. Well, he was no longer ---- 16 Q. Yes. 17 Q. --- acting governor, so he would ---- yes. 18 Q. So whilst you did not hear from the MOD 19 officials, you did have this detailed letter 20 from Rear Admiral Radakin at the time? 21 A. Yes, the letter from Rear Admiral 22 Radakin came to me a good six months after 23 the event. I think it was --- I don't know the 24 date of the letter, it is probably there but it 25 was passed on to me before we had the</p> <p style="text-align: center;">Page 163</p>
<p>1 THE CHAIRMAN: Yes. 2 THE WITNESS: The title, sir, is ---- 3 THE CHAIRMAN: Correct. Sir Peter's 4 intervention is entirely correct. 5 MR WAGNER: I am sorry, I do not think 6 there is such a thing as the interim governor 7 and I do not think there is such a thing as the 8 acting governor. Okay. 9 SIR PETER CARUANA: There is an acting 10 governor ---- 11 MR WAGNER: Yes. 12 SIR PETER CARUANA: --- or when the 13 governor is away ---- 14 MR WAGNER: Yes. 15 SIR PETER CARUANA: --- and then there 16 is a section 23 appointment in between 17 governors and that is what is loosely called 18 interim governor but it is very different to 19 acting governor. 20 MR WAGNER: No, no, I understand but my 21 understanding is that they are not statutory 22 terms, they are just --- they are being used 23 but anyway ---- 24 MR SANTOS: The acting governor is a 25 statutory, the interim governor is not a</p> <p style="text-align: center;">Page 162</p>	<p>1 meeting with Commissioner Yome and Mr 2 McGrail and so on. 3 Q. Okay. You said at the beginning of your 4 evidence, when you were asked about the 5 functions of the chair, you said that 6 safeguarding the independence of the GPA 7 was the main thing. 8 A. Safeguarding the independence of the 9 RGP. 10 Q. Of the RGP? 11 A. Yeah. 12 Q. Was it also important to safeguard the 13 independence of the GPA? 14 A. Well, naturally, we considered ourselves 15 a totally independent body. 16 Q. Would you say that there were --- was 17 your understanding that there were lines that 18 needed to be respected between the GPA, the 19 government and the governors? 20 A. There were lines, yes,. 21 Q. And you said that in your five years as 22 the chair ---- 23 A. Excuse me, Mr Wagner --- 24 Q. Yes, sorry. 25 A. In the Act there is provision for both the</p> <p style="text-align: center;">Page 164</p>

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<p>1 Governor and the Chief Minister to --- in fact 2 the Governor can call the GPA to account 3 and the Chief Minister can ask questions or 4 give instructions --- not so much give 5 instructions and those are the lines, yes. 6 Q. As in those are the powers that each ---- 7 A. Yes. 8 Q. --- statutory authority has to interact with 9 each other? 10 A. That's correct. 11 Q. And there is a clearly defined --- did the 12 Chief Minister ever contact you expressing 13 concerns about Mr McGrail? 14 A. No, never. 15 Q. Did the Chief Minister ever contact you 16 offering advice about how to exercise your 17 statutory powers? 18 A. No, never. 19 Q. Would you have been surprised if he had 20 had done? 21 A. Very surprised. 22 Q. I am guessing that the answer is no but 23 did you ever --- did you ever ask the Chief 24 Minister to edit any of your correspondence 25 that you were sending out as GPA chair?</p> <p style="text-align: center;">Page 165</p>	<p>1 that your investigation after the airport 2 incident was limited to the incident itself on 3 the 8th? I think I correctly understood you to 4 say that. Is that correct? 5 A. Yes, sir. The 8th and the --- particularly 6 the statement which was provided by Mr 7 McGrail started before the 8th, it started at a 8 time that we received the report that 9 Watterson had been arrested. 10 Q. So when you say in your witness 11 statement that you considered the actions of 12 the RGP to be deliberated, entirely 13 proportionate and highly commendable, you 14 were referring to how they had handled the 15 incident at the airfield itself on the 8th? 16 A. And before. 17 Q. And before. 18 A. Two days before, I think. 19 THE CHAIRMAN: But not the arrests? 20 SIR PETER CARUANA: No, not the 21 arrests, I am just coming to that. (To the 22 witness): So not the arrests? 23 A. Not the arrests. 24 Q. It was implicit in your answer that it was 25 not the arrests?</p> <p style="text-align: center;">Page 167</p>
<p>1 A. Ask the Chief Minister to edit my 2 correspondence? 3 Q. Yes, or to review your correspondence to 4 make sure that --- 5 A. No, not at all. I wouldn't dream of it. 6 Q. Why do you say would not dream of it? 7 A. Because I don't think it was my business 8 to ask the Chief Minister or for that matter 9 anyone other than the member of the 10 authority that I mentioned before, who was a 11 legal person, to have a look at it but just have 12 a look at it. I can do my own 13 correspondence. 14 Q. Would it also have been important to 15 maintain the independence of the GPA to 16 avoid those kind of interactions? 17 A. That is the primary action --- the primary 18 reason why I wouldn't ask the Chief Minister 19 or anyone to have a look at my 20 correspondence. 21 MR WAGNER: Thank you. 22 Questioned by SIR PETER CARUANA: 23 Q. Mr Gonçalves, there are just one or two 24 matters, if I may, please. Did I correctly 25 understand your evidence this morning to be</p> <p style="text-align: center;">Page 166</p>	<p>1 A. Not the arrests, yes. 2 Q. Did you hear about the arrests later? 3 A. I think the first I heard of it was when I 4 read it in the Chronicle, I think. I'm not too 5 sure. 6 Q. As chairman of the Gibraltar Police 7 Authority at the time, did it strike you as 8 surprising that the RGP should have arrested 9 or what did you --- or was it on the cards as 10 far as you were concerned because they 11 arrested the three most senior MOD officials 12 in Gibraltar. Did that strike the GPA as 13 something noteworthy? 14 A. I wouldn't say noteworthy but it didn't 15 surprise me because as far as I'm concerned, 16 no one is above the law. 17 Q. No, of course not, there is no --- but as 18 you had described the events at the airfield in 19 terms of deliberated and proportional, I just 20 wondered whether the GPA ever considered 21 whether the manner --- it may be that you 22 never heard about the manner, but the 23 manner of the arrests had been deliberated 24 and proportional as well? 25 A. I have to go forwards to the month of</p> <p style="text-align: center;">Page 168</p>

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<p>1 August which was six months after the event 2 and three months after I had been asked by 3 the Chief Minister to enquire into this, that I 4 had all the information regarding the airfield 5 incident and how I think the main player in 6 the airfield was Superintendent Ulger who 7 on more than one occasion asked the station 8 commander to provide him with information 9 regarding the possibility of Sergeant 10 Watterson being on board the aircraft and 11 there being devices on board the aircraft and 12 on more than one occasion she denied that 13 that was the case. That is really the crux of 14 the matter as far as ---- 15 Q. No, perhaps I can simply ask you this, did 16 you or the GPA as a whole ever become 17 aware of the manner in which these three 18 senior officials had been arrested? 19 A. No, the manner they were arrested, but 20 not how they were arrested ---- 21 Q. You do not know how they were 22 arrested? 23 A. No. 24 Q. And the GPA never considered it 25 necessary to show an interest in that and</p> <p style="text-align: center;">Page 169</p>	<p>1 discussion between the GPA member? 2 A. Yes. 3 Q. And how long --- I think you say at 4 considerable length, can you give the Inquiry 5 an idea of how long the deliberations took 6 that resulted you in advising the governor 7 one name as opposed to the other? 8 A. I cannot be very accurate about it but I 9 would say that the best part of an hour. 10 Q. An hour? 11 A. It could be less, it could be more but 12 more likely more than less. 13 Q. Can I ask whether there was an pre- 14 established --- in this October meeting, the 15 process meeting, was there any established, 16 pre-established criteria by which the 17 candidates were going to be selected or 18 compared one to the other? 19 A. There was a pre-established criteria and it 20 is exhibited to I believe my first affidavit as 21 to the questioning of the --- at the time of 22 interviews and if I remember correctly, those 23 --- that criteria was before everyone 24 afterwards, days later, and the members were 25 invited to use not a universal marking system</p> <p style="text-align: center;">Page 171</p>
<p>1 enquire --- to establish proportionality? 2 Admittedly it was the section 19 enquiry 3 request, I accept that, but this was not a 4 sufficiently noteworthy event for the GPA to 5 take a spontaneous interest? If the answer is 6 no, it is no." 7 A. No, the answer is no. 8 Q. Okay, thank you. Can I ask you one or 9 two things about the process? I am going to 10 ask you a series of questions so that you can 11 help the Chairman have a wider 12 understanding of how the process worked 13 and unfolded in practice. 14 A. Is that the selection process, Sir Peter? 15 Q. Yes, yes, I am sorry, I should have 16 introduced the subject, you are right, thank 17 you. So the candidates applies, yes, and they 18 each submitted a bundle of presentations and 19 then they attended, they were interviewed? 20 A. They attended and had a PowerPoint 21 presentation each on the matters that we 22 asked them to address and then days later 23 they were interviewed. 24 Q. Right, and when that had been done, I am 25 assuming at the meeting of the 5th there was a</p> <p style="text-align: center;">Page 170</p>	<p>1 but their own system if they so wished to 2 come to a final conclusion. 3 Q. I am going to ask you about that in a 4 moment, so was there a pre-determined list 5 of qualities, characteristics, considerations 6 that would inform the selection decision? 7 A. As I have said, it was the same which was 8 used as the criteria for interviews. If that 9 exhibit can be produced, because I can't 10 remember off the top of my head, to be 11 absolutely honest, what they were. 12 Q. All right. 13 A. There was a considerable list. There 14 wasn't like three or four, there were ---- 15 Q. A list of factors? 16 A. Some personal and others professional. 17 Q. I think in fact there is a list of things in 18 your witness statement actually? 19 A. It is as an exhibit to my witness 20 statement, yes. 21 THE CHAIRMAN: The relevant criteria? 22 SIR PETER CARUANA: Yes. 23 MR SANTOS: It is B2167. 24 SIR PETER CARUANA: (To the witness): 25 Those are the various matters? Is that ----</p> <p style="text-align: center;">Page 172</p>

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<p>1 A. That's --- in 2167</p> <p>2 Q. When it came to --- I want to ask you</p> <p>3 about the matter that you yourself have</p> <p>4 raised, was there a pre-established scoring or</p> <p>5 rating system?</p> <p>6 A. No, there wasn't a pre-established one.</p> <p>7 This was --- each member of the authority,</p> <p>8 all nine of us and obviously they could use</p> <p>9 that as a marker to each come up with his or</p> <p>10 her conclusions.</p> <p>11 Q. The preferred candidate?</p> <p>12 A. Yes.</p> <p>13 Q. So effectively there is --- one member of</p> <p>14 the board might have given a very significant</p> <p>15 consideration to strategic perspective and</p> <p>16 another one might have given the same</p> <p>17 amount to resilience and not so much to --- in</p> <p>18 other words, each member of the board</p> <p>19 decided what importance to give to each</p> <p>20 criteria?</p> <p>21 A. I can answer that by telling you that from</p> <p>22 the little I remember of it, I had the list in</p> <p>23 front of me and I decided to mark out of 10</p> <p>24 for each particular one for each candidate but</p> <p>25 that would be my marking.</p> <p style="text-align: center;">Page 173</p>	<p>1 as I said, by their PowerPoint presentations,</p> <p>2 their interviews as well as their written</p> <p>3 submissions and we, by a majority of 7 to 2,</p> <p>4 took more notice of that than the professional</p> <p>5 reports from Mr Yome.</p> <p>6 Q. Did it surprise you or would it surprise</p> <p>7 you that there were no minutes of this</p> <p>8 meeting?</p> <p>9 A. Would it surprise me that there were no</p> <p>10 minutes?</p> <p>11 Q. Yes. You said that you could not find</p> <p>12 any or that they were not taken or they were</p> <p>13 lost, I think you said in your witness</p> <p>14 statement, so would you expect to find</p> <p>15 minutes of such an important meeting and</p> <p>16 decision? If your decision had been</p> <p>17 challenged, how would you have</p> <p>18 demonstrated that it had been properly made?</p> <p>19 A. It would surprise me that there were no</p> <p>20 notes taken. I couldn't say that there were</p> <p>21 notes taken but I know that there was</p> <p>22 sufficient intelligence gathering by the nine</p> <p>23 people there to be able to reach a conclusion</p> <p>24 which was what the process was about.</p> <p>25 Q. I think you say at paragraph ---</p> <p style="text-align: center;">Page 175</p>
<p>1 Q. That is your personal decision?</p> <p>2 A. That's my personal decision, yes.</p> <p>3 Q. That was the system --- but there wasn't</p> <p>4 any such system?</p> <p>5 A. Sir Peter, I didn't want --- I didn't think</p> <p>6 that it would be fair for me to try and</p> <p>7 influence anybody. I wanted it to be an</p> <p>8 absolutely transparent score for each of the</p> <p>9 nine candidates.</p> <p>10 Q. I think we have heard from questions put</p> <p>11 to you by the CTI before lunch that --- I</p> <p>12 would surmise that ex-Commissioner Yome's</p> <p>13 recommendations or views did not prevail.</p> <p>14 Would that be fair?</p> <p>15 A. They did not prevail in the sense that he</p> <p>16 favoured the candidate that we didn't favour.</p> <p>17 Q. Yes, and were there any --- was there any</p> <p>18 specific reason why Mr Yome's professional</p> <p>19 assessment was not preferred by people with</p> <p>20 admitted lack of experience in policing</p> <p>21 matters? I mean, acknowledging that it was</p> <p>22 your decision not his ----</p> <p>23 A. Yes, possibly, possibly because it was</p> <p>24 one of various factors, the others being that</p> <p>25 we wanted to see the candidates personally,</p> <p style="text-align: center;">Page 174</p>	<p>1 A. I cannot say that there were no minutes</p> <p>2 taken.</p> <p>3 Q. In fairness to you, just to remind you of</p> <p>4 your own words, I think it is paragraph 36 of</p> <p>5 your witness statement, which is --- is</p> <p>6 someone going to come to my rescue?</p> <p>7 A324?</p> <p>8 MR SANTOS: A342.</p> <p>9 SIR PETER CARUANA: Sorry. (To the</p> <p>10 witness): So paragraph 36. I am hoping to</p> <p>11 find somewhere there --- yes, the very last</p> <p>12 sentence, "I do not recall if minutes were</p> <p>13 made, but if they were made, they cannot be</p> <p>14 found." That is your evidence.</p> <p>15 A. Yes.</p> <p>16 Q. Is there a minute book in the GPA? Or</p> <p>17 was there in your time? I do not suppose you</p> <p>18 can speak as to other people?</p> <p>19 A. There was a folder where the minutes</p> <p>20 were clipped on to something like this.</p> <p>21 Q. A lever arch file of some sort?</p> <p>22 A. Yes.</p> <p>23 Q. A file of some sort?</p> <p>24 A. Yes.</p> <p>25 Q. So if the minutes are not there, either they</p> <p style="text-align: center;">Page 176</p>

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<p>1 have been removed or they never existed. Is 2 that correct? 3 A. Correct. 4 Q. So if there are no --- would you like to 5 express for the Chairman's consideration, he 6 may not consider this a forensic question or a 7 forensic answer even by you, but do you 8 think it is more likely than not that minutes 9 would have been taken of a meeting as 10 important as this? 11 A. I would agree with you. 12 Q. So the absence of minutes in the minute 13 book, if these minutes had been taken, the 14 absence of minutes in the GPA minute book 15 would appear to be not a very reliable gauge 16 of whether meetings take place. Would you 17 agree? 18 A. That the meeting took place? 19 Q. Yes, given your last answer, would you 20 agree that the absence of minutes in the 21 GPA's minute book would appear to be of 22 limited reliability as evidence of whether a 23 meeting has taken place or not? Not this one 24 but other meetings? 25 A. I am sorry ---</p> <p style="text-align: center;">Page 177</p>	<p>1 criticised the process? 2 A. If Mr Pyle felt that way, I am sure that at 3 the time he would have brought it up and he 4 didn't. 5 Q. Well, he can account for himself on that 6 question but, yes. I have one final issue if I 7 might raise with you on something that you 8 said this morning in your evidence --- well, 9 yes, this morning before lunch, you said that 10 you challenged --- you said that Mr Pyle had 11 to be mistaken in respect of paragraph 25 of 12 his witness statement because there were no 13 candidates at the time. Do you remember 14 this business about --- 15 A. Yes. 16 Q. --- about there only being two candidates 17 and you said he must be wrong because there 18 were no candidates at the time? 19 A. Yes. 20 Q. Is it possible, Mr Gonçalves, that you are 21 mistaken --- Mr Lavarello's case is on 5 22 December, that you might yourself be 23 mistaken about when your conversation with 24 Mr Pyle took place? You have anchored it 25 firmly in the process October meeting, but in</p> <p style="text-align: center;">Page 179</p>
<p>1 Q. That is a rather --- 2 A. I don't agree. 3 Q. I understand, yes. 4 A. May I say, Sir Peter ---- 5 Q. Of course. 6 A. --- that my letter to the Governor 7 conveying the decision of the GPA had the 8 necessary information because minutes 9 would not go into what the PowerPoint 10 Presentations, for example, referred to, so I 11 think that that is probably the nearest --- and 12 I am not saying it is, and there could be 13 minutes which I don't remember but my 14 letter to the Governor had enough detail there 15 to be the equivalent of a minute. 16 Q. So, Mr Gonçalves, an hour or less of 17 deliberation, an absence of minutes, no 18 official scoring system, do you think that this 19 suggests an appropriate degree of formality 20 for a process to select an appointment as 21 important as the Commissioner of Police? 22 A. Yes, I do. 23 Q. Do you think that whatever one might 24 think of the use of the word "object" that Mr 25 Pyle may have been referring to that when he</p> <p style="text-align: center;">Page 178</p>	<p>1 what circumstances do you think you and Mr 2 Pyle would be having a conversation which 3 lead him, according to you - he does not 4 think he said it at all but according to you he 5 said, "I can't [1352:06] support Ian McGrail," 6 in circumstances where Ian McGrail had not 7 yet applied because, by your own words, 8 there still were no candidates? 9 (14.42) 10 A. It was perfectly known to those in the 11 authority that only Ian McGrail, Richard 12 Ullger, and Richard Mifsud, were likely to 13 apply. As it turned out, Richard Mifsud 14 didn't. If Mr Pyle had anything against Mr 15 McGrail, and it turns out that he did because 16 it says somewhere that his lack of - or his 17 lack of confidence in Mr McGrail started 18 only five months after they arrived in 19 Gibraltar at the time of the airport incident, 20 but I didn't know that at the time. It's 21 absolutely clear now with hindsight that he 22 did want Mr McGrail to be Commissioner. 23 Q. Yes, and just a few minutes after my 24 learned friend Mr Santos had asked you 25 about this issue, you yourself gave evidence</p> <p style="text-align: center;">Page 180</p>

<p>1 in a slightly different context this morning 2 about - I think it was in answer to the 3 question also from Mr Santos, "Why didn't 4 you support Mr Pyle's idea about opening the 5 process to UK applicants?" that you said 6 something, "Because" I think you said, "I am 7 clear about that, because there is people in 8 Gibraltar possible" - I think you said, 9 "possible candidates available in Gibraltar". 10 A. I've lost you. 11 Q. I beg your pardon? 12 A. You said why didn't I report? 13 Q. No, no. When Mr Santos asked you this 14 morning why didn't you support the idea. 15 A. Support? 16 Q. Support - I beg your pardon - support the 17 idea of UK candidate, Mr Pyle's idea of UK 18 candidates being able to apply, you said that 19 you were clear about that and it was because 20 there were two or three potential candidates 21 available in Gibraltar. Do you remember 22 saying that? 23 A. I said that in the context that I am very 24 much a believer that if there is talent in 25 Gibraltar to fill any post, then we should call</p> <p style="text-align: center;">Page 181</p>	<p>1 disagreement with his proposal. 2 Q. For the reasons that you have articulated, 3 that there were candidates available in 4 Gibraltar - 5 A. Yes. 6 Q. - of which there were three qualified, one 7 about to retire, leaving two? 8 A. Yes. 9 Q. Can you have a look again at paragraph 10 25 then of Mr Pyle's witness statement? 266. 11 You see, Mr Pyle expressed surprise that 12 there were only two candidates. Why is he 13 mistaken because there were no candidates, 14 when you yourself say that the board had 15 already itself discussed that there were two 16 candidates. I am just trying to give you an 17 opportunity to reflect not on the two 18 candidates' businesses, or the UK business 19 but on whether you think it follows that Mr 20 Pyle's paragraph 25 is mistaken given that 21 the board itself had rehearsed the availability 22 of two effective candidates, three qualified 23 and one about to retire leaving two, which is 24 what the man says there. 25 A. There are three things in that last</p> <p style="text-align: center;">Page 183</p>
<p>1 that - 2 Q. Yes. I might very well agree with you but 3 do you recall saying it this morning? 4 A. That I didn't support, because I felt that it 5 was - 6 Q. Yes, that you said that this morning. 7 A. Yes. 8 Q. And had that been discussed in the board 9 before your side conversation after the 10 meeting with Mr Pyle? Had the board, had 11 the GPA board, itself discussed who were 12 going to be the likely candidates, in the 13 October meeting, in the process meeting? 14 A. No, no. 15 Q. So, this was just a thought in your own 16 mind - 17 A. We knew. We knew 18 Q. - that had not been articulated in the 19 board meeting itself? 20 A. We knew who was - I think eligible is 21 the word - to apply, likely to apply, and early 22 in that meeting, when Mr Pyle brought up the 23 question of opening it up to UK officers, the 24 totality of the other members of the board, 25 seven plus myself, eight, voiced our</p> <p style="text-align: center;">Page 182</p>	<p>1 sentence and the only one I agree with is the 2 middle one. I don't agree that he says, 3 "Whilst I made clear that I was surprised that 4 there were only two candidates" - 5 Q. Yes, those are the words that you picked 6 on. 7 A. May I finish, please? 8 Q. Yes. 9 A. " -- and expressed the view that policing 10 in Gibraltar may have benefited from a wider 11 field of candidates", it would well read, "I 12 expressed the view that policing in Gibraltar 13 may well benefit from a wider field of 14 candidates." He did not mention anything 15 about the candidates, and as far as, "I 16 nevertheless marked off both IM and Richard 17 Ullger as suitable and credible candidates for 18 the post." I don't recall him ever having said 19 that. 20 Q. That is not my point. That is not my 21 question. You said that you took issue with 22 Mr Pyle in this paragraph and that you 23 thought that he was wrong because he refers 24 to there being only two candidates at a time 25 when there were no candidates because this</p> <p style="text-align: center;">Page 184</p>

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<p>1 was still October and nobody had applied. 2 And I am just inviting you to consider, in the 3 light of the conversation we have had in the 4 last five minutes, that in fact there is nothing 5 - this does not, his reference to two 6 candidates here does not show that he is 7 wrong because in that very meeting the board 8 had discussed the fact that there were two 9 effective candidates. 10 A. No, we hadn't. 11 Q. Well, yes, you had identified there were 12 three superintendents that were qualified. 13 A. Yes, but - 14 Q. One was about to retire leaving two. 15 A. But we didn't discuss that this meeting at 16 all. We discussed the process for selection. I 17 am saying - I've said that we obviously knew 18 that there were three possible candidates. 19 Q. Yes, the board members knew that - 20 A. We didn't discuss that - 21 Q. No, no, never mind whether it was - but 22 it was known that there were three candidates 23 of which only two would apply because one 24 was about to retire, correct? That was your 25 evidence this morning. I mean, I didn't know</p> <p style="text-align: center;">Page 185</p>	<p>1 Questioned by MR SANTOS 2 Q. Good afternoon, Mr Lavarello. 3 A. Good afternoon. 4 Q. Can I please ask you to look at the file in 5 front of you? There should be a witness 6 statement in there for your sworn witness to 7 this inquiry dated 20 October 2022. Can I 8 please ask you to confirm that that is indeed 9 your statement and that your signature is on 10 the final page? 11 A. Yes, it is. 12 Q. Thank you. And do you confirm that the 13 contents of that witness statement are true to 14 the best of your knowledge, information and 15 belief? 16 A. Yes, they are. 17 Q. Thank you. Can you please explain to us, 18 Mr Lavarello, what your professional 19 background is? 20 A. Yes, I'm a chartered accountant. I am a 21 registered auditor and a registered insolvency 22 practitioner. I'm a partner in 23 PricewaterhouseCoopers. I spent the last 30 24 years doing both audits and insolvency work, 25 investigations, accounting investigations,</p> <p style="text-align: center;">Page 187</p>
<p>1 that; you told me. 2 A. We didn't know at the time that there 3 were not going to be three candidates. We 4 didn't know that. it was only when Mr 5 Mifsud did not apply that it was apparent that 6 - and it became known to us that he was 7 retiring. 8 Q. Okay, thank you, Mr Goncalves. 9 MR SANTOS: I have no questions, thank 10 you, Mr Goncalves. 11 THE CHAIRMAN: Thanks very much 12 indeed. Thank you. 13 (The witness withdrew) 14 MR SANTOS: Our next witness is Mr Edgar 15 Lavarello, a member of the GPA. I think we 16 may as well - 17 THE CHAIRMAN: Take our short break 18 now? 19 MR SANTOS: -- take our short break now. 20 THE CHAIRMAN: I entirely agree. 21 MR SANTOS: Thank you. 22 (14.59) 23 (Adjourned for a short time) 24 (15.12) 25 MR EDGAR LAVARELLO, sworn</p> <p style="text-align: center;">Page 186</p>	<p>1 forensic accounting, etc. 2 Q. Thank you. How long have you known 3 Mr McGrail? 4 A. Only from when I was appointed to the 5 board, to the GPA. I didn't know him before 6 that. 7 Q. Do you have a personal relationship with 8 him? 9 A. No, none at all. 10 Q. You have been a member of the GPA 11 since 2016. Correct? 12 A. Yes, that's correct. 13 Q. Did you go through a selection process to 14 become a member? 15 A. I do not think so. I was called up and 16 asked whether I would be happy to sit on the 17 board. I said I would and then they told me 18 that I would need to be selected by both the 19 Chief Minister and the Governor at the time, 20 and if they selected me, they would let me 21 know. I think that was the process. 22 Q. Who called you up? 23 A. John Goncalves. 24 Q. So, you did not have to apply or submit 25 an application?</p> <p style="text-align: center;">Page 188</p>

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<p>1 A. I didn't apply, no. I didn't apply.</p> <p>2 Q. Did you receive any training when you</p> <p>3 became a member?</p> <p>4 A. No, we received no training.</p> <p>5 Q. Do you think it would be a good idea for</p> <p>6 members of the GPA to receive training?</p> <p>7 A. I think I'm a member on quite a number</p> <p>8 of boards and have been in the past. I don't</p> <p>9 think that we ever received any training on</p> <p>10 any of those boards. I mean, certainly as</p> <p>11 when you first join, in the first few months,</p> <p>12 for certain, certainly the first couple of years,</p> <p>13 you are generally following the lead of the</p> <p>14 more senior members of the board, and you</p> <p>15 spend more time on the board and you</p> <p>16 understand the workings of the board itself.</p> <p>17 Then a lot of it is learning as you are going</p> <p>18 along, so I would say that I am more useful</p> <p>19 now than I was when I first joined.</p> <p>20 Q. That is a helpful answer. I do not mean</p> <p>21 to sound like I am having a go at you but do</p> <p>22 you think that it would benefit new members</p> <p>23 to receive training?</p> <p>24 A. Yes, there probably should be an</p> <p>25 induction, you know. It does not have to be a</p> <p style="text-align: center;">Page 189</p>	<p>1 Q. How many hours a week do you spend</p> <p>2 roughly in this role?</p> <p>3 A. There is usually a meeting a month,</p> <p>4 sometimes a meeting every two months. The</p> <p>5 meetings take about two-and-a-half hours. I</p> <p>6 am also the treasurer to the authority so I also</p> <p>7 spend some time in going through the</p> <p>8 monthly RGP accounts. I would say maybe</p> <p>9 four hours a month on that, so we are not</p> <p>10 talking about a huge amount of time but</p> <p>11 maybe a day a month, perhaps.</p> <p>12 Q. Do you believe that the role should</p> <p>13 receive remuneration as a member?</p> <p>14 A. I didn't accept it expecting to be paid. I</p> <p>15 accepted it because I thought that I wanted to</p> <p>16 contribute something to Gibraltar and to</p> <p>17 society in the same way that I am on the</p> <p>18 board of the Red Cross, on the board of, you</p> <p>19 know, other societies.</p> <p>20 Q. And when you are selected as a member,</p> <p>21 you are selected for three years; is that</p> <p>22 correct?</p> <p>23 A. Yes, it's a three-year appointment, which</p> <p>24 can be renewed for another three years.</p> <p>25 Q. In your view, do you consider that as a</p> <p style="text-align: center;">Page 191</p>
<p>1 full day's training but I would have thought</p> <p>2 that an induction of a couple of hours would</p> <p>3 be useful, certainly to explain to the members</p> <p>4 what the role of the board is, who it reports</p> <p>5 to, who reports to us, some fairly basic</p> <p>6 points, I suppose.</p> <p>7 THE CHAIRMAN: And, for example, the</p> <p>8 constitutional importance of independence?</p> <p>9 A. Yes, yes, a reminder of that, certainly. I</p> <p>10 mean, I would have been aware of that</p> <p>11 particular point but certainly a reminder</p> <p>12 would be helpful.</p> <p>13 MR SANTOS: You say you would be aware</p> <p>14 of that particular point.</p> <p>15 A. Yes.</p> <p>16 Q. Why would you be aware?</p> <p>17 A. Right, so I knew about the Gibraltar</p> <p>18 Police Authority beforehand. I knew what</p> <p>19 they did. I had read the Act when I was</p> <p>20 asked to join. I wanted to make sure that I</p> <p>21 knew what I was getting myself into, so I'd</p> <p>22 done some research myself.</p> <p>23 Q. Did you - do you - receive any</p> <p>24 remuneration for your role?</p> <p>25 A. No, we do not get paid. It's a voluntary -</p> <p style="text-align: center;">Page 190</p>	<p>1 whole the members of the GPA have the</p> <p>2 adequate experience and skills to discharge</p> <p>3 the GPs responsibilities?</p> <p>4 A. I suppose you run a risk of trying to</p> <p>5 appoint members that are either from</p> <p>6 judiciary or ex-policemen because they</p> <p>7 would know more about the running of the</p> <p>8 board, but then how independent would it</p> <p>9 be? The fact is that the members come from</p> <p>10 different backgrounds. They are individuals.</p> <p>11 I knew some of the - I know some of the</p> <p>12 members on the board personally, because I</p> <p>13 have some contact with them. There are</p> <p>14 others who I only met when I joined the</p> <p>15 board for the first time and subsequently</p> <p>16 members have joined the board since I've</p> <p>17 been there who I've never met before. I think</p> <p>18 that that varied background of different</p> <p>19 people is helpful and useful. We're supposed</p> <p>20 to be an independent committee and I think</p> <p>21 that having people from various different</p> <p>22 backgrounds can only be useful.</p> <p>23 Q. Do you believe that the GPA has</p> <p>24 sufficient resources to perform its</p> <p>25 responsibilities and duties adequately?</p> <p style="text-align: center;">Page 192</p>

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1 **A. We probably have sufficient resources if**
 2 **nothing happens. When there are issues, like**
 3 **for example, I've heard everyone talk about**
 4 **the airport incident or the incident with Mr**
 5 **McGrail himself, then I suspect that the**
 6 **board is not adequately supported by - well,**
 7 **that there isn't sufficient expertise at the**
 8 **board level for us to make perhaps some of**
 9 **those decisions or reach some of those**
 10 **conclusions other than ourselves. There's no**
 11 **advice, no external advice in terms of**
 12 **lawyers and so on or a team of people to help**
 13 **out. Before when you were referring about**
 14 **remuneration, certainly the role of the**
 15 **chairman of the board is much more involved**
 16 **than that of the individual members. I would**
 17 **say that the chairman's role and the time that**
 18 **the chairman has to spend on these matters is**
 19 **probably underestimated by people.**
 20 **Q. You refer to advice and we have seen that**
 21 **the GPA did seek independent legal advice at**
 22 **the time of the section 34 process in late**
 23 **May, early June. Was that the only occasion,**
 24 **in your experience, that the GPA sought**
 25 **external legal advice?**

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1 **A. Well, I think Mr Goncalves mentioned**
 2 **earlier this morning that he had become**
 3 **regularly on the board. Vikram used to give**
 4 **us quite a lot of advice. There was one time**
 5 **when we had an issue where Vikram did**
 6 **advise. He used the resources of Hassans**
 7 **and we did agree that he should be**
 8 **remunerated for that because the amount of**
 9 **time he was spending on it was**
 10 **disproportionate to the amount of time that**
 11 **he would normally spend on board matters,**
 12 **so there was that one other occasion.**
 13 **Q. And in those circumstances, how is the**
 14 **funding arranged?**
 15 **A. The funding is arranged through**
 16 **government. As the treasurer, obviously I**
 17 **see the accounts every month. I can't**
 18 **remember how exactly it happened but it got**
 19 **arranged that there is a contact within**
 20 **Treasury and government we can talk to. At**
 21 **the end of the year when the government**
 22 **statistics come out, they do email me and I**
 23 **don't think I've ever met them but certainly**
 24 **been in contact with them by email and I**
 25 **prepare the budget for the board and those**

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1 **are sent to Treasury and form part of the**
 2 **government's statistics, so funding is**
 3 **arranged in that way for the Treasury.**
 4 **Q. Turning now to the airport incident, the**
 5 **GPA was requested by the Chief Minister to**
 6 **conduct a review of the airport incident. Am**
 7 **I correct that that review involved a review**
 8 **of documents submitted by Commissioner**
 9 **Yome?**
 10 **A. Yes.**
 11 **Q. And then an interview or a meeting with**
 12 **Commissioner Yome, Mr McGrail, Mr**
 13 **Ullger and Mr Tunbridge?**
 14 **A. Yes, that was the extent of the**
 15 **investigation.**
 16 **Q. From your recollection, was Mr Pyle**
 17 **present at the GPA meeting which the RGP**
 18 **officers attended?**
 19 **A. I honestly cannot remember. I mean,**
 20 **most of the members were present at the**
 21 **meetings most of the time but there were**
 22 **times where the odd member could not turn**
 23 **up because he had other - for whatever**
 24 **reason they couldn't make it. I do remember**
 25 **that the members that would turn up the least**

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1 **would generally be Mr Pyle or whoever the**
 2 **member was, the Chief Secretary who's**
 3 **representing government, yes, so they were**
 4 **the two members who generally had conflicts**
 5 **and could not turn up to meetings, so I**
 6 **wouldn't be surprised if he wasn't there but I**
 7 **can't remember.**
 8 **Q. During the course of that investigation**
 9 **into the airport incident, did anyone within**
 10 **the GPA raise concerns about Mr McGrail's**
 11 **actions?**
 12 **A. No, and I would go as far to say that**
 13 **actually we were - certainly myself - I can't**
 14 **speak for the other members, but I was**
 15 **actually quite pleased by the actions that had**
 16 **been taken. I mean, this was - my**
 17 **understanding is, as it was explained to me -**
 18 **that it was a request from the UK Police**
 19 **Force for the Gibraltar Police to apprehend**
 20 **an individual in Gibraltar who had some**
 21 **child pornography on his laptop and I**
 22 **thought the fact that the police had**
 23 **apprehended the individual was good news.**
 24 **Q. Is it right to say that the focus of that**
 25 **investigation was on the runway incident in**

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<p>1 early February 2017 and not on the arrest of 2 three MoD officials that took place on 1 3 March? 4 A. Yes, that is correct. 5 Q. And it is correct also to say that no 6 accounts were sought from the MoD officials 7 themselves? 8 A. That is also correct, absolutely. 9 Q. Did Mr Pyle raise any concerns about Mr 10 McGrail's actions during the course of the 11 investigation? 12 A. I cannot recollect anyone raising any, you 13 know, concern. 14 Q. Do you recall Mr Pyle ever raising any 15 concerns as to Mr McGrail's actions in his 16 role as Commissioner or previously? 17 A. My view was that this was extremely 18 embarrassing for the MoD, that the MoD had 19 made a mistake, that they had tried to assist 20 potentially a criminal to escape from the 21 police, you know, and when all the facts 22 came out, anybody from the MoD who had 23 made any - who had raised any objections at 24 the time were silenced by the facts of the 25 case. I mean, I don't know how anyone</p> <p style="text-align: center;">Page 197</p>	<p>1 Governor, the Chief Minister and with the 2 Foreign Commonwealth and Development 3 Office." Do you recall Mr Pyle raising 4 concerns formally with the GPA as to Mr 5 McGrail's actions? 6 A. No, not only formally but I can't recall 7 them being raised informally. As I say, I 8 think this was a huge embarrassment to the 9 MoD. I don't think at the time anyone dare 10 speak out against what had happened because 11 it was so embarrassing for them. 12 Q. Looking from about half of the paragraph 13 down, the same paragraph, Mr Pyle says, "I 14 pushed hard for a review (not an inquiry) into 15 the incident to expose the RGP behaviours. 16 This was accepted by the Chief Minister who 17 tasked the GPA to conduct their own review. 18 Their report exonerated the RGP. The GPA 19 methodology, however, was in my opinion 20 seriously flawed, not least as they did not 21 conduct any interviews with MoD nor seek 22 any information from them." Do you agree 23 with Mr Pyle's views? 24 A. No. I mean, from what I recall, I suppose 25 that the MoD were upset by the fact that the</p> <p style="text-align: center;">Page 199</p>
<p>1 could come out and say, "Actually, what the 2 Gibraltar Police have done was wrong and 3 we should have let this person get away." No 4 one was saying that. No one was criticising 5 the Gibraltar Police. 6 Q. Just in terms of the subsequent arrests, 7 did Mr Pyle ever raise any concerns about 8 those arrests? 9 A. No, and I wasn't very aware about the 10 facts behind them. Those - if it was raised or 11 spoken about at the board meetings, it was 12 more unofficially rather than officially, you 13 know. It could have been before the meeting 14 started and after the meeting finished rather 15 than during the meeting itself. I certainly 16 don't recall anyone bringing that matter to us 17 on an official basis. 18 Q. If we can go to A247, please, this is Mr 19 Pyle's first statement to the inquiry and he 20 says at paragraph 21.7: "I raised my 21 concerns over the RGP's above behaviours" 22 and that is in relation to the arrests in early 23 March 2017 - he says, "and in particular Mr 24 McGrail's formally on numerous occasions 25 with the Gibraltar Police Authority, the</p> <p style="text-align: center;">Page 198</p>	<p>1 RGP parked a car in the middle of the airport 2 and didn't allow the aircraft to take off. The 3 facts were that there was someone who the 4 UK Police believed was a paedophile on 5 board a plane. The RGP had been lied to, I 6 think, in my recollection were the facts that 7 came out. I cannot see how that was - I don't 8 know - unnecessary behaviour by the RGP. 9 Q. I am sorry to cut across you - 10 A. Yes - 11 Q. -- but those comments there towards the 12 end of the paragraph are more focused on the 13 methodology of the investigation rather than 14 the conclusions that were drawn, and I think 15 it is fair to say that Mr Pyle is highly critical 16 of that methodology. 17 A. Yes. 18 Q. Do you accept the criticism of the 19 methodology? 20 A. Look, I understand. I understand what - I 21 now understand what you're saying. So, we 22 took - we received a report from the 23 Commissioner at the time and we based our 24 findings on the Commissioner's report. We 25 didn't think that - or we didn't believe - that</p> <p style="text-align: center;">Page 200</p>

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<p>1 we had the powers to interview anyone else 2 or consult with anyone else, so we based our 3 findings on the Commissioner's report. The 4 GPA, I don't think, has the resources or the 5 know-how to conduct an investigation. It's 6 the RGP that conduct the investigation and 7 report to the GPA and based on those 8 findings will then make a decision and I 9 think that that's the way it was done. Now, 10 Mr Pyle possibly thought that we should 11 have conducted our own investigation but 12 with whom?</p> <p>13 Q. Well, I think the main point that has been 14 made by Mr Pyle is that there was no input 15 from the MoD side and that therefore it could 16 be said that it was a one-sided account that 17 you had received.</p> <p>18 A. Yes.</p> <p>19 Q. Do you accept that?</p> <p>20 A. My recollection is that probably there 21 wouldn't have been many people from the 22 MoD that ever wanted to speak out and I 23 can't imagine anyone from the MoD would 24 have wanted to say anything other than what 25 actually happened. I don't know how they</p> <p style="text-align: center;">Page 201</p>	<p>1 qualified than the other but it was going to be 2 more a question of talking to them, listening 3 to them and then making a decision of what, 4 in my opinion, were two very good 5 applicants and either of them could have 6 taken the post.</p> <p>7 Q. If we go to your statement at paragraph 8 34, which is at A431, please, just picking up, 9 this paragraph refers to a meeting of the GP 10 on 5 December -</p> <p>11 A. Yes.</p> <p>12 Q. - where you met to consider what advice 13 should be given to His Excellency the 14 Governor --</p> <p>15 A. Yes.</p> <p>16 (15.31)</p> <p>17 Q. -- in essence, making a final decision as 18 to which candidate to recommend. If we can 19 pick it up three lines from the bottom, at the 20 end of that line you say, "The two dissenting 21 members were Mr Nick Pyle and Mr Danino. 22 At one point in the selection process, I cannot 23 recall exactly when, Mr Pyle suggested that 24 the post of Commissioner should be open to 25 officers in the United Kingdom and Overseas</p> <p style="text-align: center;">Page 203</p>
<p>1 could defend their actions.</p> <p>2 Q. Turning to Mr McGrail's appointment, 3 you were on the selection panel when Mr 4 McGrail and Mr Ullger applied for the role 5 of Commissioner of Police in 2017, correct?</p> <p>6 A. I was.</p> <p>7 Q. Am I correct that the process consisted of 8 a written application, a presentation and a 9 review?</p> <p>10 A. That is correct.</p> <p>11 Q. Sorry, and an interview?</p> <p>12 A. And an interview, yes, yes.</p> <p>13 Q. In your view was that a sufficiently 14 thorough process for a role as important as 15 Commissioner of Police?</p> <p>16 A. Yes, I thought it was. I mean, I think the 17 interviews were conducted over two days, or 18 there was a presentation first and then the 19 interview afterwards. We all had the 20 opportunity to ask the questions we wanted 21 to ask. I don't think that there was any 22 question as to the, let's say, qualifications of 23 either of the two applicants, so this was not 24 whether we needed to decide whether one 25 applicant was more qualified or better</p> <p style="text-align: center;">Page 202</p>	<p>1 Territories."</p> <p>2 A. Yes.</p> <p>3 Q. "At some point Mr Pyle said he would 4 not support either candidate which could 5 only mean that he wanted the new 6 Commissioner to be appointed from outside 7 the RGP. The suggestion that the vacancy 8 should be open to police officers of outside 9 forces was considered by the other members, 10 but in the end the suggestion was dismissed 11 as it was considered that it was unnecessary 12 given that two perfectly suitable candidates 13 had applied."</p> <p>14 A. Yes.</p> <p>15 Q. Did you share Mr Pyle's view about 16 opening up applications to overseas 17 candidates?</p> <p>18 A. I did in general. Can I make one thing 19 clear?</p> <p>20 Q. Yes.</p> <p>21 A. Which I think perhaps isn't clear from my 22 witness statement, when I say at one point in 23 the selection process, I didn't mean on that 24 date 5 December. What I meant was the 25 selection process leading up to that date. By</p> <p style="text-align: center;">Page 204</p>

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<p>1 that date, 5 December, we had already</p> <p>2 decided or we were deliberating as who it</p> <p>3 should be. Did I agree with Mr Pyle? I</p> <p>4 agreed with his point of view generally. My</p> <p>5 concern was that by the time it was</p> <p>6 mentioned, which was right at the start of the</p> <p>7 process but we had a few months to make the</p> <p>8 selection because we knew that</p> <p>9 Commissioner Yome was about to retire, I</p> <p>10 didn't think there was sufficient time to open</p> <p>11 this up to UK candidates. If you are going to</p> <p>12 open a process up to UK candidates then</p> <p>13 surely you need to give at least three to six</p> <p>14 months' notice. It would have meant us</p> <p>15 having to perhaps redraft adverts, place</p> <p>16 adverts in UK papers, etc. So for me it was</p> <p>17 an issue of timing rather than that I thought</p> <p>18 that the decision was a wrong decision.</p> <p>19 Q. Did Mr Pyle explain his basis for</p> <p>20 proposing opening up to the UK?</p> <p>21 A. I don't think he did but I mean it would</p> <p>22 make sense that the reason was to see</p> <p>23 whether we had other suitable candidates or</p> <p>24 better suitable candidates.</p> <p>25 Q. Did any of the other GPA members</p> <p style="text-align: center;">Page 205</p>	<p>1 JG, the then Chairman of the GPA, regarding</p> <p>2 his assertion that I told him I 'would not</p> <p>3 support Mr McGrail's ..."</p> <p>4 Yes, sorry, I am just helpfully reminded by</p> <p>5 my junior that we do not necessarily need to</p> <p>6 go into paragraph 25. Let me just check 26.</p> <p>7 Yes, 26, Mr Pyle says:</p> <p>8 "I expressed my view that both candidates</p> <p>9 had performed well, both were clearly</p> <p>10 credible and that I had scored them within a</p> <p>11 point of each other. I therefore looked a bit</p> <p>12 deeper to find something to separate them. I</p> <p>13 said I was swayed by the reports on each</p> <p>14 candidate written by the outgoing</p> <p>15 Commissioner of Police, Eddie Yome. I said</p> <p>16 that it was clear to me the EY thought that</p> <p>17 RU was the better candidate. I agreed,</p> <p>18 adding that I thought RU had a more modern</p> <p>19 leadership and management approach which</p> <p>20 would serve the RGP well. That is why and</p> <p>21 how I came to vote for the appointment of</p> <p>22 Mr Ullger, and ..."</p> <p>23 Do you remember Mr Pyle saying those</p> <p>24 things during the course of the meeting to</p> <p>25 determine the advice to give to the</p> <p style="text-align: center;">Page 207</p>
<p>1 support his view of opening up?</p> <p>2 A. I believe that generally the view was that</p> <p>3 this was a good idea but just that the timing</p> <p>4 was wrong, and that's probably supported by</p> <p>5 the fact that after Mr McGrail retired and Mr</p> <p>6 Ullger was Acting Commissioner and then</p> <p>7 we had to appoint a new commissioner, we</p> <p>8 considered whether we should open this to</p> <p>9 UK candidates or not, and the board decided</p> <p>10 that we should not, that we had sufficient</p> <p>11 confidence in Mr Ullger to ask him to</p> <p>12 continue, and now with Mr Ullger retiring</p> <p>13 the board is also considering whether this</p> <p>14 should be open to UK candidates and a</p> <p>15 decision has been taken that an advert would</p> <p>16 be placed in the UK, so the intention was</p> <p>17 always that perhaps this is the route we</p> <p>18 should follow, but at the time the timing was</p> <p>19 not right.</p> <p>20 Q. If we can go to A266, please, this is Mr</p> <p>21 Pyle's second affidavit to the Inquiry and I</p> <p>22 just want to show you paragraphs 25 and 26,</p> <p>23 evidence which he gives in response to Mr</p> <p>24 Goncalves's evidence. He says first of all:</p> <p>25 "I wish to respond to the evidence given by</p> <p style="text-align: center;">Page 206</p>	<p>1 Governor?</p> <p>2 A. I cannot recall. I mean, there was a</p> <p>3 general consensus of all the board members</p> <p>4 that they had both performed very well, that</p> <p>5 it was going to be a very close vote.</p> <p>6 Certainly my view was that even if the</p> <p>7 candidate that I was voting for did not</p> <p>8 succeed, I was not going to be unhappy. I</p> <p>9 think that's how close it was.</p> <p>10 Q. In your evidence though you say that Mr</p> <p>11 Pyle had mentioned during the process - let</p> <p>12 me just get the words exactly correct. Sorry,</p> <p>13 just bear with me. Yes, A432, at the top of</p> <p>14 A432, after what you say about opening it up</p> <p>15 you say:</p> <p>16 "At some point Mr Pyle said he would not</p> <p>17 support either candidate."</p> <p>18 At what point did Mr Pyle say that?</p> <p>19 A. That would have been, and I am trying to</p> <p>20 think of whether that could have been - that</p> <p>21 could have been at the meeting of 5</p> <p>22 December. This was not a comment that Mr</p> <p>23 Pyle necessarily would have said to the entire</p> <p>24 board. I was sat next to him and we were</p> <p>25 talking and in conversation most of the time.</p> <p style="text-align: center;">Page 208</p>

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<p>1 Whether this was something that he said to 2 me personally or whether he said to the entire 3 board, I do not know. So this may have not 4 been an open comment. 5 Q. Mr Goncalves's evidence was that by the 6 time of that meeting, as far as he was aware 7 and as far as it appeared, Mr Pyle and the rest 8 of the board in fact considered that both 9 candidates were suitable. 10 A. Yes, and certainly when Mr Goncalves 11 went round the table asking people for their 12 comments the general consensus of 13 everybody, including Mr Pyle, was that they 14 were happy with what they had heard. 15 Q. So is your evidence that Mr Pyle openly 16 said one thing and then to you directly said 17 another? 18 A. Yes. So it's a bit like the comment about 19 that we should open this up to officers in the 20 United Kingdom, this was not just one 21 conversation, this was mentioned to me 22 several times. So not only during meetings 23 but outside meetings as well. 24 Q. That he would not support either 25 candidate.</p> <p style="text-align: center;">Page 209</p>	<p>1 reasons why he wanted to open it up to UK 2 commissioners. 3 Q. Given that he ended up supporting Mr 4 Ullger rather than abstaining as you say, is it 5 possible that perhaps he said he would not 6 support Mr McGrail, rather than saying that 7 he would not support either candidate? 8 A. I know - at the time there was ... In my 9 mind there was no sort of conspiracy theory 10 here or anything like that. Yes, Mr Pyle was 11 just voicing his views of what he felt. My 12 feelings were that he would have preferred a 13 UK commissioner. I did not get the feeling 14 that he was against Mr McGrail any more 15 than he was in favour of Mr Ullger, yes. I 16 did not get that feeling. 17 Q. Can we go to B1439, please. These are 18 Whatsapp exchanges between Mr Pyle and 19 the Chief Minister. If we go to the bottom of 20 that page, Mr Pyle says to the Chief Minister: 21 "Agreed. As we thought at the time, wrong 22 appointment. Remind me to tell you about 23 the recruitment process, which was abject." 24 A. Okay, I can't actually see that. 25 Q. Sorry, it is the final message at the</p> <p style="text-align: center;">Page 211</p>
<p>1 A. No, that he thought it should be open to 2 officers from outside the United Kingdom 3 because there may be a better candidate 4 there. My feeling had been that he might 5 abstain, so I was actually surprised when he 6 voted for Mr Ullger, because as we were 7 going round the table I thought by the 8 comments he had made and the 9 conversations we had had that he would 10 abstain. 11 Q. Your recollection is that he made those 12 comments ... 13 A. Yes. 14 Q. ... perhaps to you directly, but he made 15 them at the same meeting. 16 A. It would have been at one of the two 17 meetings and it could have been before the 18 meeting or after the meeting, yes. 19 Q. Did he explain to you why he would not 20 support either candidate? 21 A. No. Other than that he thought ... We 22 had had conversations on a one to one basis 23 and he thought that the RGP would benefit 24 from a non-Gibraltar commissioner. I think 25 that that was his belief, which is one of the</p> <p style="text-align: center;">Page 210</p>	<p>1 bottom -- 2 A. Right, okay, yes. 3 Q. "Agreed. As we thought at the time -- 4 A. "We thought the time was wrong," yes, 5 okay. 6 Q. He says: 7 "Remind me to tell you about the recruitment 8 process, which was abject." 9 A. Yes. 10 Q. Do you agree with his description of the 11 process as abject? 12 A. No, I don't. I thought the process was 13 quite thorough. We all had the opportunities 14 to ask as many questions as we wanted. We 15 had the opportunity to speak to both 16 candidates. I don't know what was abject 17 about it. 18 Q. Did Mr Pyle raise concerns about the 19 process with you at the time? 20 A. No. Other than the fact that he wanted it 21 to be open to UK recruits, no. 22 Q. Did any other member of the GPA raise 23 concerns about the process? 24 A. No. 25 Q. Turning now to A1225, please, this is Mr</p> <p style="text-align: center;">Page 212</p>

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<p>1 Morello's evidence to the Inquiry. We are 2 just changing topic now to the Gibraltar 3 Police Federation. Mr Morellos' evidence at 4 145 is: 5 "At some point after being served with the 6 Written Warning and Regulation 9 notices, I 7 spoke to Dr Joey Britto on the phone, and 8 asked if I could address the GPA Board, not 9 only in relation to the ongoing internal 10 investigation but the general relationship 11 with the GPF/Command and the authoritarian 12 style of leadership. 13 "This meeting was held at the GPA offices at 14 Casemates Square where I can recall that 15 most of the GPA were in attendance." 16 Do you recall Mr Morello attending a GPA 17 meeting to address the board at any point? 18 A. Okay, so that particular meeting which 19 took place, was supposed to have taken place 20 in February 2020, I was asked twice to look 21 at my records to see was there any 22 recollection of that meeting. If that meeting 23 ever took place, I was not there. I keep 24 timesheets, I keep a diary. I also have all my 25 emails, I don't delete them. I went back,</p> <p style="text-align: center;">Page 213</p>	<p>1 Q. If we can go over to the final page, there 2 is a reference to meeting with GPF and 3 Commissioner of Police. 4 "Chairman gave an overview of the situation 5 between the GPF and the RGP. He 6 mentioned that he had asked the GPF for a 7 policy based on the Dignity at Work. 8 However, the GPA would have to be the 9 appellant body." 10 That seems to be suggesting that there was 11 some contact between the Chairman and the 12 GPF. 13 A. Yes. 14 Q. Obviously the Chairman's evidence is 15 that the title meeting with GPF and COP is 16 misleading. Do you recall that discussion? 17 A. I do, and the Chairman would have met 18 with the Police Federation. In fact I think 19 there may have even been one meeting when 20 I met with them up at the police club. We 21 went there one morning. I can't remember 22 what the contents of the conversation were, 23 but I do remember, but I can't remember who 24 was present. I do remember attending the 25 club, I remember having a cup of tea and</p> <p style="text-align: center;">Page 215</p>
<p>1 there were no emails talking about a meeting 2 around that time, so according to my diary 3 and according to my timesheets I was not at 4 that meeting, but not only that there were no 5 emails informing me that there would be a 6 meeting, so I don't think that meeting ever 7 took place. 8 Q. Are there any meetings of the GPA which 9 are not reflected in your timesheets or 10 emails? 11 A. No. They are all on there. 12 Q. There were two meetings of the GPA in 13 February 2020. Do you recall that? 14 A. Yes. So -- 15 Q. Were you there at those meetings? 16 A. I can't recall now without looking at my 17 diary and my timesheets but I would have - 18 every single meeting I attended would be on 19 my timesheets. 20 Q. Can I just show you very quickly B5878, 21 please. This is a meeting on 6 February 22 2020. Sorry, B5878. This is a meeting on 6 23 February 2020, and your name is marked as 24 present. 25 A. Yes.</p> <p style="text-align: center;">Page 214</p>	<p>1 having a chat - we were there for a couple of 2 hours talking about general, you know, 3 certain general - I don't know, the police 4 generally, but there was nothing that came 5 out of that meeting where there were any sort 6 of to-do points or anything like that. 7 Q. Mr Simpson suggests that the meeting 8 could have been on 31 January 2020. Does 9 that accord with your ...? 10 A. Okay, it might have been. If I had been 11 asked I would have checked my diary and 12 my timesheets. 13 Q. Yes. Perhaps can we ask that you do so, 14 and if there is anything significant you - is 15 that your diary -- 16 A. (Inaudible). 17 Q. Oh, you are making a note. 18 A. No, no, I am going to make a note to 19 check, yes. So you think it might be on the 20 ...? 21 Q. 31 January 2020. 22 A. 31 January 2020, okay. I will let you 23 know through TSN, yes? 24 Q. Thank you. Putting to one side the 25 formalities and whether in fact there was a</p> <p style="text-align: center;">Page 216</p>

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<p>1 meeting in January or February 2020, do you 2 recall any meeting of the GPA with Mr 3 Morello where he said things to the effect of 4 what he has set out in his witness statement, 5 namely where he has asked the question: 6 "How do I file a complaint of bullying 7 against the Commissioner of Police?" Dr 8 Britto replied saying: "No, please, no, that's 9 all we need now." He repeats: "How do I file 10 a complaint," and then says: "You can't, there 11 is no recourse." Do you recall an exchange 12 of that nature? 13 A. I do not recall that meeting. If Mr 14 Morello ever came to the GPA offices to a 15 meeting, and he might have done, those 16 meetings were generally very short. They 17 were not very frequent, there could have 18 been maybe two perhaps, I don't think there 19 would ever have been more than that. They 20 were very short meetings, no more than half 21 an hour, and it was more or less to introduce 22 him to the rest of the board members, where 23 he explained what his role was within the 24 RGP, and that was the extent of those 25 meetings. There were never any meetings in</p> <p style="text-align: center;">Page 217</p>	<p>1 relationship he had with the GPF? 2 A. Yes, absolutely, yes. 3 Q. As far as you are aware, does the GPA 4 comply with its requirement under section 5 6(4) of the Police Act to keep minutes of 6 every meeting? 7 A. We normally keep minutes of every 8 meeting. There are some meetings, for 9 example when we are receiving a report from 10 the Commissioner of Police, where no 11 minutes would be kept, or very brief minutes. 12 There would be some meetings where other 13 matters perhaps are discussed, so, for 14 example, where the salary increases of the 15 employees perhaps were discussed or there 16 were other matters such as that where there 17 was no-one at the main board room taking 18 minutes of those meetings. A summary 19 would then usually be - or the meeting would 20 then usually be summarised by the Chairman 21 and circulated but no minutes were taken, 22 although where decisions had been made or a 23 decision had been made, those decisions 24 would be summarised and circulated to the 25 members.</p> <p style="text-align: center;">Page 219</p>
<p>1 which he came to enquire how he could 2 make a complaint or file a complaint. I do 3 not recall any meeting like that. 4 Q. Do you recall him ever making 5 allegations to the GPA about bullying by Mr 6 McGrail? 7 A. By Mr Morello? Sorry? 8 Q. Mr Morello -- 9 A. Making those allegations, no, I do not 10 recall. 11 Q. Were you aware that Mr Morello had met 12 Dr Britto and Mr Carreras informally on a 13 couple of occasions, for example for coffee 14 at the Waterfront and on another occasion at 15 the GPA office? 16 A. I was aware that they had probably met 17 informally, I was not aware that they had met 18 at the Waterfront, but they could have met 19 anywhere. Mr Carreras, I think, at the time 20 was Chairman of the Police Complaints 21 Board and he probably would have met him 22 with that hat on rather than as a GPA 23 member. 24 Q. Were you nevertheless aware of what Mr 25 McGrail describes as the very difficult</p> <p style="text-align: center;">Page 218</p>	<p>1 Q. If a complaint had been made to the GPA 2 by the GPF of bullying by Mr McGrail, 3 would you expect it to be reflected in the 4 minutes? 5 A. I would have expected it to be reflected, 6 yes. I suppose other GPA members would 7 have recalled it as well, possibly. 8 Q. Turning now to the section 34 process, do 9 you consider that the GPA had a duty to 10 carry out the section 34 process 11 independently? 12 A. The section 34 process -- 13 Q. This is a process for inviting Mr McGrail 14 -- 15 A. To resign. 16 Q. ... to retire. 17 A. Okay. To retire, sorry, yes. Okay, so I 18 was not actually at that meeting. An urgent 19 meeting was called and it was only called the 20 day before, and we were asked whether we 21 could attend the next morning - or the 22 afternoon, I can't remember. I couldn't make 23 it because I had other things on my agenda, 24 probably client matters, so I couldn't make 25 that meeting at all. I think from my witness</p> <p style="text-align: center;">Page 220</p>

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<p>1 statement I explained how I found out. The 2 decision had already been taken by the time I 3 was informed of it. My view at the time was, 4 I think, the view of the majority of the 5 members, which was that if the Chief 6 Minister had said that he had lost confidence 7 in Mr McGrail and the Governor had said 8 that he had lost confidence in Mr McGrail, 9 then how could Mr McGrail continue? That 10 was the extent of my assessment of the 11 situation. I was not aware of the other cases 12 which were ongoing at the time, so that did 13 not come into play in my decision making, 14 bearing in mind that the decision had already 15 been made. I was a little bit - well, when I 16 was told that the reason behind the Chief 17 Minister's and the Governor's loss of 18 confidence in the Commissioner was the fact 19 that it was the boat accident, I did think that 20 quite some months had passed since then and 21 therefore it must be that other evidence had 22 come to light that we were not aware of, 23 which caused them to lose confidence in the 24 Commissioner, that it could not the accident 25 itself because, if it had been the accident,</p> <p style="text-align: center;">Page 221</p>	<p>1 Q. Do you consider that the GPA did arrive 2 at an independent decision then? 3 A. Based on that decision alone, in other 4 words that the Governor and the Chief 5 Minister had both lost confidence in the 6 Commissioner, that decision alone and 7 nothing else. 8 Q. When you told Dr Britto that you could 9 not attend the emergency meeting ... 10 A. Yes. 11 Q. ... did Dr Britto stress that it was 12 important for you to attend? 13 A. This was done by email. I was probably 14 busy at the time and couldn't answer all of 15 my emails immediately. It was possibly 16 followed up by Whatsapps nut I can't 17 remember whether the Whatsapps came in 18 after the meeting had taken place. It would 19 have been impossible for me to attend. If I 20 couldn't attend it was because I had clients 21 out here in Gibraltar, or something, or 22 something else that I already had in my diary 23 and I couldn't move and couldn't change. 24 The notice given was, if I remember, not 25 more than 24 hours.</p> <p style="text-align: center;">Page 223</p>
<p>1 then why wasn't the decision taken several 2 months before? 3 Q. I have not wanted to stop you because 4 you have been giving evidence on other 5 relevant points, but my question to you was 6 whether you consider that the GPA had a 7 duty to carry out that process independently? 8 A. Whether we independently should make 9 the decision? Yes, and I think that we had a 10 duty to independently make the decision. 11 The issue here was to what extent can, I 12 suppose, the Governor and the Chief Minister 13 influence the GPA? Absolutely has to be a 14 GPA independent decision but I suspect in 15 the back of our minds we were thinking: how 16 could the Commissioner continue when he 17 doesn't have the support of the Governor or 18 of the Chief Minister? I think it would have 19 been different if it had been one of those two 20 parties saying: "I have no confidence in the 21 Commissioner," but when both of them are 22 saying that they have no confidence in the 23 Commissioner, it is difficult to see how a 24 Commissioner could continue under those 25 circumstances.</p> <p style="text-align: center;">Page 222</p>	<p>1 Q. Can I ask you to turn to page A433, 2 which is paragraph 37 of your witness 3 statement. We pick it up about five lines 4 from the top of that page. You say - actually 5 it is the third line on screen now, you say: 6 "He informed me that he had convened an 7 emergency meeting and of the decision taken 8 at that meeting. I do not recall the details of 9 the conversation but the gist of it was that Dr 10 Britto said that only 5 members had been 11 personally present and that the non-attendees 12 were being consulted. He informed me that 13 he had been called to a meeting on 18 May 14 2020 with Mr Pyle, in his capacity as Interim 15 Governor, and the Chief Minister. At that 16 meeting he had been told that they had both 17 lost confidence in Mr McGrail because of his 18 failure to adequately implement the police 19 inspectorate's report and to inform him where 20 the incident at sea had occurred outside 21 British Territorial Waters. This incident had 22 resulted in the death of two Spanish 23 nationals. Mr Britto said that Mr Pyle and 24 the Chief Minister had asked him to initiate 25 the section 34 process under the Police Act</p> <p style="text-align: center;">Page 224</p>

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<p>1 2006 with a view to inviting Mr McGrail to 2 retire." 3 Is that the most detail that you are able to 4 provide about that telephone call? 5 A. That was a meeting. So what actually 6 happened was we were going -- 7 Q. Sorry, yes. 8 A. Yes. 9 Q. If you go further up, yes. 10 A. So we were due to speak and we were 11 due to speak that morning, but as it happened 12 as I was on my way to work Mr Britto was 13 taking his dog for a walk, I think, and that's 14 how we bumped into each other. 15 Q. Sorry, thanks for the correction, but is 16 that as much detail as you are able to give? 17 A. Yes. I mean, it was a two minute 18 conversation, possibly, you know. 19 Q. So that is the level of detail that Dr Britto 20 went into when he was explaining the 21 reasons to you. 22 A. Yes, that is about it, I think. Now, 23 whether the - yes, so whether - at that 24 meeting he had been told that they had both 25 lost confidence in McGrail because of his</p> <p style="text-align: center;">Page 225</p>	<p>1 A. I am not aware of that. 2 Q. If that was one of the reasons for the 3 Chief Minister losing confidence, do you 4 think that it should have played a role in your 5 deliberations? 6 A. I think it should have, yes. 7 Q. As far as you are aware, did Dr Britto 8 consider asking the Chief Minister or Mr 9 Pyle to attend before the Gibraltar Police 10 Authority to explain themselves? 11 A. No, not as far as I am aware. 12 Q. Did you consider asking Dr Britto to call 13 a further GPA meeting so that you and other 14 absent members could contribute to the 15 discussion? 16 A. No, I did not consider that. At the time I 17 thought the decision had been made, and that 18 was it. 19 Q. You go on to say that you agreed with the 20 decision for the same reasons. Is it fair to 21 characterise your reasons for agreeing that 22 effectively you saw that there was no option 23 because the Chief Minister and the Governor 24 had lost confidence? 25 A. Yes, and that was my main reason.</p> <p style="text-align: center;">Page 227</p>
<p>1 failure. That bit there, whether we had 2 subsequent conversations when he explained 3 that to me, but at the time the gist of the 4 meeting with Dr Britto was: the Governor 5 and the Chief Minister have lost confidence 6 in the Commissioner, we have no choice but 7 to ask him to resign. 8 Q. Did Dr Britto refer to Operation Delhi or 9 the search warrants? 10 A. No. And I was not aware of that at the 11 time. 12 Q. Did Dr Britto refer to an allegation that 13 Mr McGrail had lied to the Chief Minister? 14 A. No. I was not aware of that at the time 15 either. 16 Q. Are you aware that the Chief Minister 17 now states that his primary reason for losing 18 confidence in Mr McGrail was that he is 19 alleged to have - Mr McGrail is alleged to 20 have lied about obtaining the DPP's advice 21 on the search warrants? 22 A. No, I was not -- 23 Q. Sorry, you are aware now? 24 A. No, I am not aware. I have just - no. 25 Q. Oh, sorry.</p> <p style="text-align: center;">Page 226</p>	<p>1 Q. Rather than the incident at sea and -- 2 A. Absolutely. I mean, if I can come back to 3 the other point about the Police Inspectorate's 4 report ... 5 Q. Yes. 6 A. ... I think that is quite misleading. The 7 RGP have to work within a budget. As the 8 treasurer, I get to see the figures and I get to 9 see what the money is spent on. The budget 10 hadn't increased for the last five years, yet 11 they were being asked to take on more and 12 more duties. One of the areas that was a 13 concern to me was the increase in the number 14 of fraud crimes and internet crimes, which 15 hadn't existed before. There wasn't an 16 additional budget for that, so the RGP had to 17 cope with the number of crimes that were 18 increasing within the budget. We had 19 discussed the Police Inspectorate's report. 20 There were some points there that needed to 21 be attended to and needed to be addressed, 22 but within the budget that the RGP had it was 23 a question of deciding: do we investigate 24 crime or do we do a little bit of 25 administration to put some of these points</p> <p style="text-align: center;">Page 228</p>

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<p>1 right? I did not consider that as a reason for 2 asking Mr McGrail to resign. 3 Q. Has the police budget increased since 4 2020 until now? 5 A. Not significantly and certainly nowhere 6 close to inflation. 7 Q. I ask you that because there has been a 8 subsequent HMIC report where it has been 9 deemed that the recommendations were met 10 ... 11 A. Yes. 12 Q. ... except for three of them, which were 13 partially met. 14 A. Yes. 15 Q. Has that been achieved within the same 16 or similar budgetary constraints? 17 (16.01) 18 A. Yes, but you probably need to take other 19 points into account, which are that in recent 20 years a number of civilian individuals have 21 been taken on by the RGP. I know that this 22 was happening previously - I probably didn't 23 know the RGP accounts in as much details as 24 the Commissioner himself but there are some 25 roles that are now being done by civilians</p> <p style="text-align: center;">Page 229</p>	<p>1 great outcome. There were concerns that it 2 could become a bit of a political issue. As it 3 turned out, it possibly wasn't as big of a 4 political issue as we thought it might have 5 been. We had expected there to be more 6 protests, from Spain perhaps, and certainly a 7 lot of bad press on it. A lot of that didn't 8 transpire, I suppose, but we had discussed it 9 and those were the things we had discussed. 10 Q. You said earlier that the incident at sea had 11 happened in early March and that you 12 considered that there must have been 13 something to cause it to be given as a reason a 14 couple of months later ... 15 A. Yes. 16 Q. ... almost three months later. Two and a 17 half months later. Did you query why this was 18 the case? 19 A. No, not at the time. So - and I say at the 20 time: my decision was only that the Governor 21 and the Chief Minister have lost confidence in 22 the Commissioner. That was the only decision 23 and the only thing that was on my mind at the 24 time and the only reason, the only thing I was 25 thinking about. Subsequently to that, I was</p> <p style="text-align: center;">Page 231</p>
<p>1 which previously were done by police and 2 therefore police have been released to do 3 other things. So, some of the functions have 4 changed perhaps." Did you, when you were 5 confronted with this and when you, after 6 meeting Dr Britto, did you consider whether it 7 would be appropriate to hear from Mr McGrail 8 before inviting him to retire? 9 A. Yes, and I believed that the process was 10 that we had written to him asking him or 11 telling him that we were minded to ask him to 12 retire but that he would be appearing in front 13 of us, putting his side of the story forward. So, 14 at the time when I met with Mr Britto that 15 morning, Dr Britto that morning, I always 16 believed that there would be another meeting 17 in which Mr McGrail would be addressing the 18 board. That was my belief. 19 Q. Had the GPA discussed the incident at sea 20 before this date? 21 A. Yes, we had. 22 Q. Did the GPA have concerns about the 23 incident at sea? 24 A. There were concerns because two 25 individuals had died. I mean, that's never a</p> <p style="text-align: center;">Page 230</p>	<p>1 told, and I don't know, I don't think it was at 2 one of our meetings, but it was probably 3 walking down the main street, chatting to 4 some of the other members, that there were 5 allegations that the Commissioner had lied to 6 the Governor - not to the Chief Minister but to 7 the Governor - and told him that he didn't 8 know where the accident had taken place, 9 when he did know where the accident had 10 taken place. Whether those allegations were 11 true or not, I do not know. 12 Q. In terms of the s.34 provision, it says that, 13 "The Authority, acting after consultation with 14 the Governor and the Chief Minister and with 15 the agreement of either of them, may call upon 16 the Commissioner to retire." Are you aware of 17 the fine criteria listed in s.34 that the Authority 18 is required to consider when deciding whether 19 to invite the Commissioner to retire? 20 A. So, I can't remember them now. I would 21 have read them after the facts, after the 22 incident took place. I probably hadn't read 23 them before. 24 Q. And what about at the time of your 25 conversation with Dr Britto?</p> <p style="text-align: center;">Page 232</p>

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<p>1 A. I wouldn't have been aware, no. I would</p> <p>2 have been aware of them after then, after that</p> <p>3 time.</p> <p>4 Q. Do you accept that loss of confidence is</p> <p>5 not one of those criteria?</p> <p>6 A. I cannot recall but if you tell me it's not on</p> <p>7 there, it's not on there.</p> <p>8 Q. "Efficiency, effectiveness, probity,</p> <p>9 integrity, independence of policing in</p> <p>10 Gibraltar" - I am remembering them off the</p> <p>11 top of my head, I am reading them off a</p> <p>12 screen.</p> <p>13 A. Yes.</p> <p>14 Q. Would you accept that loss of confidence</p> <p>15 is not within them?</p> <p>16 A. Yes.</p> <p>17 Q. Why in that case did you consider that the</p> <p>18 loss of confidence was such an important</p> <p>19 factor?</p> <p>20 A. Okay, I couldn't see how a the</p> <p>21 Commissioner could conduct his role properly</p> <p>22 if he didn't have the confidence of the Chief</p> <p>23 Minister and the Governor. I mean, that was</p> <p>24 just my view at the time. Whether that was in</p> <p>25 the Act or not, I just couldn't understand how</p> <p style="text-align: center;">Page 233</p>	<p>1 influence over the Commissioner, but it never</p> <p>2 crossed our minds that there was any</p> <p>3 conspiracy theory behind this, you know? We</p> <p>4 took what we were being told at face value and</p> <p>5 the decision was made on that basis.</p> <p>6 Q. Is it then not ultimately a decision of the</p> <p>7 Chief Minister and the Governor and not of the</p> <p>8 Authority?</p> <p>9 A. To the extent that that decision is</p> <p>10 reasonable, we ought to take it into account, so</p> <p>11 this is not a Chief Minister saying, "I don't like</p> <p>12 this person, therefore please remove him."</p> <p>13 You know, this was the Chief Minister and the</p> <p>14 Governor both saying, "Actually, we've lost</p> <p>15 confidence and we've lost confidence for these</p> <p>16 reasons ..." I might not agree with the reasons</p> <p>17 but they had lost confidence, they were the</p> <p>18 Chief Minister and the Governor, after all, and</p> <p>19 we didn't feel that we should question the</p> <p>20 reasons why they had lost confidence.</p> <p>21 Q. Would it not have been necessary to listen</p> <p>22 to Mr McGrail's side of the story before</p> <p>23 arriving at that decision?</p> <p>24 A. Yes, and I thought that we would be</p> <p>25 listening to his side of the story, so when we,</p> <p style="text-align: center;">Page 235</p>
<p>1 someone, one, could conduct their job</p> <p>2 properly; two, would actually want to be there,</p> <p>3 when the two people that you are reporting to</p> <p>4 are saying, "We don't trust you/we don't</p> <p>5 believe you" or whatever. That was - it was a</p> <p>6 quick decision we had to make, spur of the</p> <p>7 moment and that was just my general gut</p> <p>8 feeling, that this just didn't feel right.</p> <p>9 Q. In your view, was there anything that Mr</p> <p>10 McGrail could have said at that point that</p> <p>11 made remaining in his post viable?</p> <p>12 A. If we had known all the facts that we know</p> <p>13 now, perhaps the board would have reached a</p> <p>14 different decision.</p> <p>15 Q. If you consider that the Chief Minister and</p> <p>16 the Governor losing confidence or saying that</p> <p>17 they have lost confidence in the Commissioner</p> <p>18 means that the Authority must effectively, or is</p> <p>19 forced to invite a retirement, does that not</p> <p>20 rather hand over the decision-making process</p> <p>21 to the Chief Minister and the Governor?</p> <p>22 A. Look, it wasn't an easy decision. The</p> <p>23 Authority is there to, I suppose, act as an</p> <p>24 independent party so that the Chief Minister</p> <p>25 and the Governor cannot exercise undue</p> <p style="text-align: center;">Page 234</p>	<p>1 when the board had taken the decision, and</p> <p>2 again bearing in mind that I wasn't at that</p> <p>3 meeting, I had assumed that the decision had</p> <p>4 been taken to inform Mr McGrail of the views</p> <p>5 of the Chief Minister and the Governor and</p> <p>6 that he had been asked to come and put his</p> <p>7 side of the story, as it were, to the board. That</p> <p>8 was my understanding.</p> <p>9 Q. If we go to the letter, it is at C4315. This</p> <p>10 letter was given to Mr McGrail on the 22nd of</p> <p>11 May 2020.</p> <p>12 A. Yes.</p> <p>13 Q. There were two letters. This is the first</p> <p>14 that was given. Did you have any input into</p> <p>15 the drafting of that letter?</p> <p>16 A. No, I didn't, and I think I probably saw that</p> <p>17 letter after it was delivered rather than before</p> <p>18 because I didn't meet Mr Britto until the 22nd</p> <p>19 of May, I don't think I saw the letter before it</p> <p>20 was sent.</p> <p>21 Q. Do you think that you and your fellow</p> <p>22 members should have had the opportunity to</p> <p>23 participate in drafting that letter?</p> <p>24 A. There isn't really a member of the board</p> <p>25 who is, let's say, an executive member of the</p> <p style="text-align: center;">Page 236</p>

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<p>1 GPA; we all have other jobs that we do, most 2 of us. Some of us are retired. I'm not, I've got 3 a full-time job. Anything, if there's anything 4 close enough to being an executive member of 5 the board, it was the Chairman, who spent 6 much more time on board matters than the rest 7 of the members did. It was quite normal for 8 the Chairman himself to write on behalf of the 9 board. Obviously, that correspondence would 10 be shared with us afterwards. There were a lot 11 of letters that the Chairman used to write on a 12 lot of different matters, which were not edited 13 by the board or shown to the board before they 14 were sent out. Therefore, at the time I did not 15 see this as being any different. 16 Q. But this is a pretty important, momentous 17 letter, though. 18 A. Yes, and, absolutely, I agree. You know, 19 maybe I'm reading different sections to the 20 ones you're reading, but I read, "Please note 21 s.34(2) states that, 'You shall have an 22 opportunity to make representations before the 23 Authority and that these shall, of course, be 24 fully taken into consideration.'" And that was 25 the bit, and I thought, well, he will have an</p> <p style="text-align: center;">Page 237</p>	<p>1 that Mr McGrail perhaps turns around and 2 says, "Actually, yes, I have overstepped my 3 mark, I think I should just retire, I don't want 4 to give you an explanation." I don't know. 5 We didn't know at the time what the situation 6 was. That it could have been better phrased? 7 Absolutely. I'm not a lawyer. That the GPA 8 should have probably gone to a lawyer to get 9 legal advice before issuing this letter? For 10 sure. That, had it been shown to me, would 11 have I made any suggestions to change it? 12 Possibly not because I'd probably know no 13 better than Dr Britto does. 14 Q. Can we look at C4285, please? This is the 15 second letter that was sent to Mr McGrail on 16 the 22nd of May. A lengthier letter. Did you 17 see a draft of this letter before it was sent to 18 him? 19 A. I cannot recall whether I saw a draft or not. 20 Certainly, I am familiar with the letter. And if 21 I did see a draft, whether I commented upon it 22 at all - if I have commented on it, there would 23 be a record of it in my emails. If I made any 24 comments, it would have been in writing and 25 there would be a record of it.</p> <p style="text-align: center;">Page 239</p>
<p>1 opportunity to put his case forward and we 2 will listen to it. 3 Q. That is correct but I should read to you the 4 first paragraph, which says, "In view of the 5 grave concerns expressed by both the 6 Governor and the Chief Minister in respect of 7 certain aspects of policing that have led to a 8 serious and regrettable loss of confidence in 9 you as the Commissioner, the Authority feels 10 that it is left with no option but to exercise the 11 powers afforded to the Authority under s.34(1) 12 of the Police Act. Given the above, the 13 Authority invites you to retire in the interests 14 of policing in Gibraltar." 15 A. Yes. 16 Q. Those first two paragraphs rather suggest - 17 they do more than suggest, they effectively 18 state that the Authority is already inviting the 19 Commissioner to retire before giving him the 20 chance to make representations ... 21 A. Yes. 22 Q. ... or at the same time as giving him the 23 chance to make representations? 24 A. Yes, and, look, at the time we didn't know 25 what the issues were and it could have been</p> <p style="text-align: center;">Page 238</p>	<p>1 Q. Were you aware that the Chief Minister 2 drafted parts of this letter at the time? 3 A. No, I was not. 4 Q. As a member of the GPA, would you have 5 considered it appropriate for the Chief 6 Minister to have input into the drafting? 7 A. So, when I first found out that the Chief 8 Minister had had input into the drafting of the 9 letter, I was quite surprised. 10 Q. Why? 11 A. I wouldn't have expected him to. If it 12 needed to be drafted by a lawyer, I would have 13 expected us to have asked to have independent 14 legal representation. 15 Q. As far as you are aware, why did Dr Britto 16 seek independent legal advice? 17 A. You mean once we went to James Neish? 18 Q. Yes. 19 A. Okay, so ... 20 Q. And when was that? That is perhaps the 21 first thing to ask. 22 A. At the point that we received the letter 23 from Charles Gomez. 24 Q. Did you suggest seeking legal advice? 25 A. Yes, and when Dr Britto suggested that we</p> <p style="text-align: center;">Page 240</p>

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<p>1 should speak to James Neish, I thought it was 2 a very good idea. I had known Mr Neish for 3 quite a few years and I thought he was the 4 right person to give us the right advice. 5 Q. Do you think in retrospect that the GPA 6 should have sought independent legal advice at 7 the outset of the process rather than in reaction 8 to the Gomez letter? 9 A. Yes. 10 Q. Thank you, Mr Lavarello. 11 A. Thank you. 12 Q. I do not know whether there are any 13 questions? I believe there are some questions. 14 MR NEISH: I may have some questions and I 15 do not know yet, but I would rather go back to 16 the last ... 17 THE CHAIRMAN: I think that is appropriate, 18 in any event, yes. 19 Questioned by MR WAGNER 20 Q. Good afternoon, Mr Lavarello. Just going 21 back to the beginning of your evidence when 22 you were asked about training. 23 A. Yes. 24 Q. And you said, "Well, there probably should 25 be some sort of induction, maybe a couple of</p> <p style="text-align: center;">Page 241</p>	<p>1 relating to the independence of the GPA from 2 those individuals in their offices, is that fair? 3 A. Yes. 4 Q. As well as taking legal advice - sorry, 5 before I ask that. I think it is right to say that 6 the - and you may not know this - Chief 7 Minister and the Governor first approached Dr 8 Britto on the 18th of May and the meeting was 9 arranged within a couple of days ... 10 THE CHAIRMAN: Hang on, it looks as if 11 you are making a statement rather than asking 12 a question. 13 MR WAGNER: I apologise. I will ask a 14 question. Were you aware that Dr Britto was 15 approached on the 18th? 16 A. I am aware now because it's in my witness 17 statement, but only because I was told after the 18 event. In fact, I was probably told after the 19 21st. 20 Q. Were you aware that the meeting of the 21 GPA which you could not attend was arranged 22 within a couple of days of that? 23 A. At the time I did not know. 24 Q. Would you agree looking back now that 25 the GPA needed to give itself more time to</p> <p style="text-align: center;">Page 243</p>
<p>1 hours." Would it be fair to say, though, that at 2 the time when you had been on the GPA, and 3 without induction, you would expect all the 4 members, and especially the Chair, to know 5 that the GPA is meant to be independent from 6 the Chief Minister? 7 A. Yes, and for the whole point of the GPA, I 8 suppose the way it was set up was a balance 9 between the Chief Minister and the Governor. 10 Q. Yes. You said you thought that the GPA 11 should have given itself, should have taken 12 legal advice at the beginning. 13 A. Yes. 14 Q. Rather than when it did. Would you agree 15 that the Governor and the Chief Minister 16 approaching you - I do not mean you, I mean 17 the GPA - to say, "You must invoke s.34 18 because we've lost confidence" - would you 19 agree that that was a complex situation for the 20 GPA to be in? 21 A. Yes, I would say so, yes. 22 Q. And which, presumably, you had never 23 experienced before in your time? 24 A. I would say it was extraordinary. 25 Q. Yes. And it, at the least, raised issues</p> <p style="text-align: center;">Page 242</p>	<p>1 consider this complex scenario? 2 A. Yes, I agree. 3 Q. You said, if it had only been one party 4 losing confidence, or one of the Governor or 5 the Chief Minister, that may have made a 6 difference. 7 A. Yes. I mean, it really was extraordinary 8 circumstances to have both the Governor and 9 the Chief Minister saying that they had both 10 lost confidence in the Commissioner. I mean, 11 I don't think - and we're talking about training, 12 you know, and whether we should have had 13 training - I don't think any training could have 14 prepared us for this situation. 15 Q. It is unlikely the training would have 16 predicted that situation? 17 A. Absolutely. 18 Q. It probably would now, though? 19 A. Yes. 20 Q. But did anybody consider the fact that Mr 21 Pyle was not the permanent Governor, he was 22 the Acting Governor? 23 THE CHAIRMAN: Well, Interim ... 24 MR WAGNER: Hold on a minute. There is 25 nothing in the Constitution which refers to</p> <p style="text-align: center;">Page 244</p>

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<p>1 Interim or Acting, so it is a complete term of 2 art that seems to have been built up from 3 somewhere else. He was the Interim Governor 4 and was being replaced, or was being, the 5 permanent Governor was coming in within a 6 couple of weeks. 7 A. Yes. No, and at the time personally I was 8 not aware of that. 9 Q. Yes. If you had known that, do you think 10 that may have made, or at least made you 11 pause, you being the GPA, pause? 12 A. Possibly a bit more, yes. 13 Q. And think, "Maybe - he may have a 14 problem, Mr Pyle may have a problem with 15 the Commissioner but we don't know the 16 views of the incoming Governor"? 17 A. Yes. 18 Q. And might that have made a difference as 19 well? 20 A. Yes. So, the facts that we had were very 21 limited at the time. Certainly, the facts I had 22 were very limited, they were only a two 23 minute conversation. 24 Q. You said, I think, that you simply did not, 25 you were not aware of Op Delhi at that point?</p> <p style="text-align: center;">Page 245</p>	<p>1 A. Yes. 2 Q. And also to hear from Mr McGrail? 3 A. Yes. 4 Q. And would you have also wanted to hear 5 from the Chief Minister himself? 6 A. Would we have the power to do that? I 7 don't know. 8 Q. Well, he has come to you and Dr Britto has 9 already heard from him, he has met with him, 10 so just assume ... 11 THE CHAIRMAN: I think really you have 12 taken it about as far as you can because he was 13 not at the meeting. 14 MR WAGNER: No, but I am asking whether 15 he would have wanted to hear from him 16 directly? 17 A. We would have wanted to have known all 18 the facts before making a decision, I suspect, 19 bearing in mind I wasn't at the meeting where 20 the decision was made. 21 Q. No, but knowing what you know now and 22 knowing what you did not know then, are you 23 not concerned that you did not know those 24 facts at the time and were not told them? 25 A. Yes, so, absolutely, before making any</p> <p style="text-align: center;">Page 247</p>
<p>1 A. Correct, I wasn't aware. 2 Q. And I think your evidence was that, if that 3 was one of the reasons for the Chief Minister 4 losing confidence, it should have played a role 5 in discussions? 6 A. Yes. 7 Q. Yes. 8 A. Absolutely. I mean, it's different, you're 9 going to reach a different decision if you're 10 told that there are three facts compared to you 11 being told that there are 20 facts. 12 Q. Is it not more than that because, and I do 13 not know whether you have followed, how 14 much you have followed this inquiry, but the 15 Chief Minister was involved - I put it lightly - 16 was involved in the factual circumstances of 17 the criminal investigation and was also close to 18 Mr Levy: if you had known that his primary 19 reason for losing confidence related to the Op 20 Delhi investigation and he had all those 21 personal connections, would you have treated 22 that as an important factor? 23 A. That would have probably been even more 24 reason to go running to a lawyer. 25 Q. Yes, and also to take more time?</p> <p style="text-align: center;">Page 246</p>	<p>1 decision anyone would want to know all the 2 facts. 3 Q. And you said if you had known all the 4 facts you know now, perhaps the board would 5 have reached a different decision? 6 A. Yes. 7 Q. Why so? 8 A. And bearing in mind I wasn't at that 9 meeting where the decision was made, I would 10 have certainly suggested caution to reaching 11 any decision on facts which were, let's say, a 12 little bit greyer and not so black and white as 13 they had originally been presented. 14 Q. Yes, and that might, is it fair to say, that 15 might have unwound the assumption you were 16 making that, once the loss of confidence was 17 stated, there was no way back? 18 A. Yes, and the board may have reached a 19 different decision. 20 Q. You said when you found out that the 21 letter, the second letter on the 22nd of May 22 was partly drafted by the Chief Minister, you 23 were surprised. 24 A. Yes. 25 Q. Did you have any other reactions apart</p> <p style="text-align: center;">Page 248</p>

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<p>1 from surprise that the Chief Minister was 2 editing a letter from the GPA Chair? 3 A. I was surprised. My initial reaction as not 4 one of surprise because I felt there was any, 5 again, conspiracy theory behind it, because the 6 conspiracy theories hadn't come out at the 7 time, it was more surprise of: how does the 8 Chief Minister have time to attend to these 9 matters when he's got so much else on his 10 plate? 11 Q. You just thought, "How has that come to 12 be"?" 13 A. Yes, it just didn't make sense. 14 Q. And when you found out about his 15 involvement in Op Delhi and the centrality of 16 the search warrant to the decision ... 17 THE CHAIRMAN: I think you have taken 18 this far beyond what this witness actually has 19 personal knowledge of. 20 MR WAGNER: I am asking for his opinion. 21 THE CHAIRMAN: I know you are, but I do 22 not think his opinion is - you are putting so 23 many hypotheses to him. It is impossible for 24 him to answer it properly. 25 MR WAGNER: Respectfully, I am not</p> <p style="text-align: center;">Page 249</p>	<p>1 post in the RGP, so it is a nuclear option, if I 2 can call it that: would it not be helpful to a 3 board member to have some detailed 4 knowledge about the workings of the Act, 5 including the removal of senior people, before 6 he is invited to express a view on how that 7 flows through? 8 A. I think that possibly at the time no-one 9 envisaged that this would ever happen. 10 Whether it would be - with hindsight, it's very 11 easy to say we should have had training on this 12 particular point. But at the time, if training 13 had been delivered to us, I suspect no-one 14 would have even anticipated that this point 15 would arise. Possibly a better question, which 16 has been asked of me, is whether, if something 17 like this arises, shouldn't we have gone to seek 18 legal advice immediately rather than making 19 the decision ourselves? 20 Q. Let me put the question in slightly different 21 terms. Would you agree that having a proper 22 understanding of the mechanism to remove, be 23 it through a lawyer explaining it to you, would 24 have been very helpful to you before you were 25 invited to express views or not?</p> <p style="text-align: center;">Page 251</p>
<p>1 putting hypotheses to him, I am putting the 2 facts to him and asking him for his opinion as 3 a member of the GPA board. 4 THE CHAIRMAN: Mr Britto is coming 5 tomorrow, and he was actually there. 6 MR WAGNER: Well, so was he, and he was 7 a member of the board. All I want to know is: 8 knowing what he knows now, what does he 9 think about the letter being edited? 10 THE CHAIRMAN: When you say he knows 11 all about Op Delhi, he does not know all about 12 Op Delhi at all. 13 MR WAGNER: I have no further questions. 14 THE CHAIRMAN: Yes. 15 Questioned by MR CRUZ 16 Q. Mr Lavarello, just a couple of questions. 17 You talked about training and so on. 18 A. Yes. 19 Q. I think you alluded to the fact that you did 20 not really understand s.34 until now, or very 21 recently? 22 A. Yes. 23 Q. So, given that it is a process which 24 involves a removal by the GPA, not the 25 Governor, not the Chief Minister, of the senior</p> <p style="text-align: center;">Page 250</p>	<p>1 A. Before the incident, yes. As part of the 2 general training of joining the committee, as I 3 say, I don't think anyone could have expected 4 this to occur. 5 Q. No, I understand that. Now, twice in your 6 answers you talked about loss of confidence, 7 and that was not part of it. 8 A. Yes. 9 Q. And you said it is important because 10 people are answerable to the Governor and the 11 Chief Minister. 12 A. Yes. 13 Q. Do you recognise that under the Police Act 14 the police are not, save in the case of default, 15 answerable to the Governor or, in relation to 16 only certain proscribed matters, to the Chief 17 Minister, but they are answerable to the GPA - 18 do you understand that they are answerable to 19 the GPA? 20 A. Yes, absolutely, but it was still within my 21 mind, there was a conundrum: how could a the 22 Commissioner of Police continue 23 as the Commissioner when both the Governor 24 and the Chief Minister were saying that they 25 had no confidence in him?</p> <p style="text-align: center;">Page 252</p>

<p>1 Q. Yes.</p> <p>2 A. This was an issue, this was ...</p> <p>3 Q. I understand. I just wanted to clarify that</p> <p>4 you understood that they were answerable to</p> <p>5 the GPA?</p> <p>6 A. Yes.</p> <p>7 Q. And in so far as resources - this is my last</p> <p>8 question, sir - are concerned - it might be a</p> <p>9 long question: Mr Lavarello, I think you have</p> <p>10 been a member of the Financial Services</p> <p>11 Commission?</p> <p>12 A. Yes.</p> <p>13 Q. That is a Commission that regulates</p> <p>14 business, that has a CEO, with a hundred plus</p> <p>15 people?</p> <p>16 A. Yes.</p> <p>17 Q. And that Commission is financially</p> <p>18 rewarded?</p> <p>19 A. Yes.</p> <p>20 Q. And the amount of work it does on a</p> <p>21 monthly basis is similar to the GPA?</p> <p>22 A. For each individual member, I would say</p> <p>23 fairly similar, yes.</p> <p>24 Q. And would you agree that it - you may or</p> <p>25 may not remember, I know you have been on</p> <p style="text-align: center;">Page 253</p>	<p>1 Q. Quickly, Mr Lavarello. Can I just take you</p> <p>2 back to A433 briefly and your paragraph 37?</p> <p>3 So, at the bottom of page 13 there, internal</p> <p>4 page 13 - if we can just stop there. Can we</p> <p>5 just take it from, "He said"? Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. "He said ..." - so, this is Mr Britto because</p> <p>8 you had not been at the meeting?</p> <p>9 A. Yes.</p> <p>10 Q. So, this was Mr Britto reporting to you</p> <p>11 what had happened at the meeting. "He said</p> <p>12 that those present at the emergency meeting</p> <p>13 had agreed that Mr McGrail should be invited</p> <p>14 to retire mainly because of the incident at sea</p> <p>15 ..."</p> <p>16 A. Yes.</p> <p>17 Q. "... and because, given the loss of</p> <p>18 confidence by the Interim Governor and the</p> <p>19 Chief Minister, his position had become</p> <p>20 untenable." "I said [this is you speaking] that I</p> <p>21 agreed with that decision for the same reasons</p> <p>22 [plural]. I did not attach much importance to</p> <p>23 the issue of the implementation of the Police</p> <p>24 Inspectorate report. I was more concerned by</p> <p>25 the loss of life resulting from an accident</p> <p style="text-align: center;">Page 255</p>
<p>1 it for a while, or you used to be - board</p> <p>2 members are on about £20,000 and the</p> <p>3 Chairman about 30?</p> <p>4 A. Yes.</p> <p>5 Q. And that is a well resourced Commission?</p> <p>6 A. Yes, and the difference, obviously, is, as a</p> <p>7 member of the Financial Services</p> <p>8 Commission, when you turn up to a board</p> <p>9 meeting, you are given papers to read</p> <p>10 beforehand and the documentation is a lot</p> <p>11 greater than it is as a member of the GPA.</p> <p>12 Q. Would you describe that as more</p> <p>13 professional?</p> <p>14 A. Yes, the GPA doesn't have the support, the</p> <p>15 financial support or the individuals working</p> <p>16 within it.</p> <p>17 Q. And you can say Yes or No to this</p> <p>18 question: would you accept that the policing of</p> <p>19 Gibraltar, its security and all the things that</p> <p>20 you do as an RGP and a Police Authority are</p> <p>21 at least as important as regulating financial</p> <p>22 services, if not more?</p> <p>23 A. If it's a Yes or No answer, then Yes.</p> <p>24 Q. Thank you.</p> <p>25 Questioned by SIR PETER CARUANA</p> <p style="text-align: center;">Page 254</p>	<p>1 involving an RGP vessel outside British</p> <p>2 Gibraltar territorial waters and its potential for</p> <p>3 international repercussions."</p> <p>4 A. Yes.</p> <p>5 Q. Would you agree with me that that is a</p> <p>6 slightly different focus to the one that you</p> <p>7 have given orally here today, which was</p> <p>8 basically just loss of confidence? I mean, you</p> <p>9 agreed with the two reasons given to you: the</p> <p>10 first one, which you described as "mainly",</p> <p>11 was the incident at sea, and the second one</p> <p>12 was the loss of confidence reason?</p> <p>13 A. Yes.</p> <p>14 Q. So, just to give you the opportunity to</p> <p>15 clarify that?</p> <p>16 A. Yes, absolutely. So, those were the two</p> <p>17 reasons that were given to me. In fact, three</p> <p>18 reasons were given to me. For me personally,</p> <p>19 the issue was the loss of confidence, that was</p> <p>20 the big issue for me. The loss at sea, I think,</p> <p>21 as I say, it was certainly - what do I say here?</p> <p>22 It was concerning ...</p> <p>23 Q. Yes, you were more concerned?</p> <p>24 A. Absolutely, yes, yes, yes, absolutely. And</p> <p>25 the loss at sea was a concerning issue. My</p> <p style="text-align: center;">Page 256</p>

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<p>1 thought process at the time was probably one 2 of, if this had happened back in March, and 3 now it was May, why hadn't that decision been 4 taken any sooner? That was just one of the 5 thoughts at the back of my mind. 6 Q. Okay, I just give that because that is what 7 it says here, "Mainly because of the incident at 8 sea" - the delay was as evident when you 9 wrote this statement as it is today, and it was 10 still mainly the reason, and you were still 11 concerned by it. That is all, I just wanted you 12 to put that into perspective. You were asked 13 by my learned friend, Mr Santos, whether - in 14 fact, you were not asked, you were told in his 15 question that loss of confidence is not one of 16 the reasons cited in the Act. Do you remember 17 that? 18 A. Yes. 19 Q. And you agreed with him. Amongst the 20 reasons given in the Act are effectiveness and 21 efficiency. Do you think that the effectiveness 22 and efficiency of policing in Gibraltar would 23 be adversely affected if the Commissioner of 24 Police lacked the confidence of both the 25 Governor and the Chief Minister?</p> <p style="text-align: center;">Page 257</p>	<p>1 Britto. 2 Q. But why would you have made a different 3 decision if your evidence here today is that 4 your principal reason, despite what it says in 5 your statement, is that you did not see how a 6 Commissioner of Police could carry on if he 7 had lost the confidence of both the Governor 8 and the Chief Minister? What difference does 9 it make what reasons they had for losing 10 confidence given that your view was that in 11 those circumstances it is untenable? 12 A. So, it may have made a difference if that 13 loss of confidence was completely unfounded 14 or wrong or there were ulterior motives. 15 Q. You mean not a genuine loss of 16 confidence? 17 A. Yes, correct. 18 Q. That the reasons for the loss of confidence 19 are irrelevant? 20 A. Yes. 21 Q. So, you were hoping to fit into one board 22 meeting what this Commission has got to 23 establish for itself? 24 A. Yes. 25 Q. A very ambitious ask.</p> <p style="text-align: center;">Page 259</p>
<p>1 A. Yes, one has got to lead to the other. 2 Q. So, loss of confidence then may not be 3 separately cited but you think it may arise in 4 respect of factors that are cited? 5 A. Yes. I mean, how - and I suppose at the 6 back of our minds, or certainly at the back of 7 my mind was: how could a Commissioner of 8 Police continue to do his job if he doesn't have 9 the support of the Governor or the Chief 10 Minister? 11 Q. Moving on, you said that, if you had 12 known facts that you know now, the board 13 may have come to a different conclusion - do 14 you remember saying that? 15 A. Yes, may have. 16 Q. To give you thinking time. 17 A. Yes. 18 Q. What facts do you know now that you 19 think may have caused the board to come to a 20 different conclusion? 21 A. Operation Delhi, conversations that took 22 place after the airport incident between Mr 23 Pyle and other individuals. None of those 24 points came into my mind at the time when I 25 had the conversation with Mr Britto, or Dr</p> <p style="text-align: center;">Page 258</p>	<p>1 A. A two minute conversation. 2 Q. You said that you would have paused, in 3 answer to my learned friend, Mr Wagner, you 4 said that you would have, you might have 5 paused if you had known that the new 6 Governor was about to arrive. Do you recall 7 saying that? It might have caused you to 8 pause? 9 A. Yes, I don't think that that would have been 10 the only reason. I mean, with hindsight, we 11 should have paused, yes, yes. 12 Q. But would the arrival of the new Governor 13 have had any degree of pause in value if you 14 had known that the Governor had to come - Sir 15 David Steel had not yet arrived - was briefed 16 and content for Mr Pyle to proceed? 17 A. Again, those are facts that we should have 18 taken into account. 19 Q. But would it have caused you to pause in 20 those circumstances? 21 A. As a result of that, no, not under those 22 circumstances. 23 Q. And that, indeed, the Foreign Office were 24 fully briefed and, indeed, advising Mr Pyle, 25 would that then have neutralised the pause</p> <p style="text-align: center;">Page 260</p>

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<p>1 value that Mr Wagner invited you to accept? 2 A. Potentially, yes. 3 Q. And in terms of the - my final point, 30 4 seconds - in terms of the drafting and the Chief 5 Minister's drafting of parts of the letter - two 6 points quickly: are you aware when that 7 drafting took place? Before or after your 8 board decision? 9 A. I'm not aware. 10 Q. If it was after your board decision, do you 11 agree that it did not effect your board's 12 decision? 13 A. If it was after the decision, it didn't effect 14 the decision. 15 Q. And do you know what the amendments 16 were? Have you studied that document? 17 A. No. 18 Q. So, you do not know what drafting the 19 Chief Minister was inputting and why? 20 A. No. All I know is that, from the evidence, 21 the Chief Minister drafted parts of it. 22 Q. Parts of the letter. 23 A. I don't know. 24 Q. Thank you very much. 25 Questioned by MR NEISH</p> <p style="text-align: center;">Page 261</p>	<p>1 A. Yes, as a result of the loss of life at sea. 2 Q. And at the time you had no knowledge 3 whatsoever of Operation Delhi? 4 A. No knowledge at all. 5 Q. And if you had known about Operation 6 Delhi, would you have been somewhat more 7 cautious? 8 A. I suspect we would have. 9 Q. We go on to the process and the meeting of 10 the GPA was inquorate. Mr McGrail was not 11 afforded a fair hearing. So, serious mistakes 12 were made by the GPA, were they not? 13 A. Yes. 14 Q. But these were mistakes made in good 15 faith? 16 A. Yes, they were innocent mistakes. I mean, 17 I don't think anyone on the board of the GPA 18 had an ulterior motive for wanting to remove 19 Mr McGrail or for wanting to do anything. 20 You know, the nine members of the GPA were 21 nine ordinary citizens. 22 Q. That is right. It is a bad mistake made in 23 good faith, without any knowledge of 24 Operation Delhi or any of the underlying 25 unpleasant currents which were flowing</p> <p style="text-align: center;">Page 263</p>
<p>1 Q. Mr Lavarello, you have been referred to 2 s.34 and your duties. If I may just refresh your 3 memory of what s.34(1) says, s.34(1) of the 4 Police Act, that is: "The Authority, acting after 5 consultation with the Governor and the Chief 6 Minister, and with the agreement of either of 7 them, may call upon the Commissioner to 8 retire in the interests of efficiency, 9 effectiveness, probity, integrity or 10 independence of policing in Gibraltar." Now, 11 that subsection does not require any fault or 12 misconduct on the part of the Commissioner 13 for him to be invited to retire. 14 A. Yes, agreed. 15 Q. And I think you answered my learned 16 friend, Sir Peter, on this point, that the loss of 17 confidence by both the Governor and the Chief 18 Minister would have rendered the role of the 19 Commissioner impossible to discharge? 20 A. Yes, and that was what played an 21 important part in my decision. 22 Q. Yes, and at the time that you took your 23 decision, you assumed that the loss of 24 confidence by both the Governor and the Chief 25 Minister was loss of confidence in good faith?</p> <p style="text-align: center;">Page 262</p>	<p>1 beneath the surface? 2 A. Absolutely. None of those things were 3 ever discussed and they were not known to 4 me. 5 Q. And it was you who decided, or who 6 suggested that independent legal advice should 7 be obtained following Gomez & Co's letter to 8 the GPA? 9 A. I can't remember whether I suggested it or 10 someone else suggested it. If the minutes say I 11 suggested it, then I did. It certainly would 12 have been something that I would have 13 supported, if I didn't suggest it. 14 Q. So, once I was instructed and I advised the 15 GPA, you took that advice ... 16 A. Yes. 17 Q. ... and you wrote to both the Governor and 18 the Chief Minister saying, "We have made a 19 mistake and we are retracting our invitation to 20 Mr McGrail to retire"? 21 A. Yes. 22 Q. And not only that but you also said, "We 23 feel we have acted in such a way which may 24 display such bias on our part that we can no 25 longer consider this matter afresh"?</p> <p style="text-align: center;">Page 264</p>

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<p>1 A. Yes.</p> <p>2 Q. So, as soon as you were advised that you</p> <p>3 had made a mistake, you did whatever you</p> <p>4 could to correct that mistake?</p> <p>5 A. Absolutely. We followed the legal advice</p> <p>6 we received and we took those steps.</p> <p>7 Q. And that decision was taken</p> <p>8 independently, you did not go running to the</p> <p>9 Chief Minister or to the Governor saying,</p> <p>10 "Can we please retract" ...</p> <p>11 A. No.</p> <p>12 Q. It was an independent decision?</p> <p>13 A. Yes.</p> <p>14 Q. So, in so far as you may be criticised for</p> <p>15 exercising lack of independence, or not</p> <p>16 exercising independence, that is only in so far</p> <p>17 as the examination of the reasons given by the</p> <p>18 Governor and the Chief Minister for their loss</p> <p>19 of confidence?</p> <p>20 A. Yes.</p> <p>21 Q. And those are perhaps due to your</p> <p>22 ignorance of Operation Delhi and all the</p> <p>23 underlying currents?</p> <p>24 A. Yes, I mean, again, I wasn't at the original</p> <p>25 meeting, so I don't know what was discussed</p> <p style="text-align: center;">Page 265</p>	
<p>1 at the original meeting, and the conversation I</p> <p>2 had with Dr Britto after the event was one</p> <p>3 which seemed - yes, it was a complicated and</p> <p>4 difficult decision to make, but it almost</p> <p>5 seemed as if there was no other right decision</p> <p>6 to make.</p> <p>7 Q. And it would in fact have been appropriate</p> <p>8 to have taken legal advice before taking the</p> <p>9 decision rather than after?</p> <p>10 A. Absolutely, yes.</p> <p>11 Q. But it was a bad mistake, innocently made?</p> <p>12 A. Yes.</p> <p>13 THE CHAIRMAN: I have got the point, Mr</p> <p>14 Neish.</p> <p>15 MR NEISH: Yes. I am sorry. Thank you. I</p> <p>16 do not think I need to ask any further</p> <p>17 questions.</p> <p>18 THE CHAIRMAN: Thank you very much</p> <p>19 indeed for coming.</p> <p>20 A. Thank you very much.</p> <p>21 (The witness withdrew)</p> <p>22 THE CHAIRMAN: Tomorrow morning at</p> <p>23 10.</p> <p>24 (Adjourned until 10 am, Friday, 3 May 2024)</p> <p>25 (16.44)</p> <p style="text-align: center;">Page 266</p>	

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