

COMMISSIONS OF INQUIRY ACT

RETIREMENT OF THE FORMER COMMISSIONER OF POLICE

ISSUE OF COMMISSION

SWORN SECOND WITNESS STATEMENT
OF FRANCIS CARRERAS

I, FRANCIS CARRERAS OBE of [REDACTED] former
Commissioner of Income Tax, member of the Gibraltar Police Authority **MAKE**
OATH AND SAY AS FOLLOWS: -

1. This Witness Statement is supplemental to that made by me on 18 October 2023 ("my First Witness Statement"). I make it in my capacity as a member of the Gibraltar Police Authority ("GPA") and Chairman of the Police Complaints Board ("PCB"). The contents of this Witness Statement are true to the best of my knowledge, information and belief. The facts stated herein are known to me personally unless otherwise stated. Where the facts stated are not known to me personally I have stated the source of my information and verily believe them to be true.

2. I annex hereto as "FC1" paper bundle containing copies of documents to which I shall refer in this Witness Statement.

3. I make this Witness Statement pursuant to the letter dated 16 February 2023 ("the February letter") addressed to me by Triay Lawyers, Solicitors to the Inquiry [Page 1 of FC1]. However, before answering the specific questions put to me in the February letter I would respectfully correct a misstatement in that letter of what I said at paragraph 10 of my First Witness Statement. It is stated at numbered paragraph 1a of the February letter as follows:-

"In paragraph 10, Mr Carreras describes receiving complaints from two individuals about Mr McGrail's handling of the Airport Incident"

With respect, that is not what I stated at paragraph 10 of my First Witness Statement. What I did in fact state was the following:-

"I received complaints from two individuals, who I believed to be MOD employees, alleging that Mr McGrail acted outside the remit of a search warrant served on the Joint Provost and Security Unit (the "JPSU") in relation to the Airport Incident."

4. It is therefore clear that I did not state that the complaints received by the PCB were about Mr McGrail's conduct in the Airport Incident itself but about the narrower allegation that Mr McGrail had acted outside the remit of the search warrant in question. I then went on to state in that same paragraph that our investigation revealed that Mr McGrail had not been involved in the execution of the search warrant nor had he been involved in the search of the premises. His only involvement had been to apply to the Gibraltar Court on behalf of the Royal Gibraltar Police for a warrant to enter and search the JPSU. The PCB did not find that Mr McGrail had abused his authority.

5. My replies to the questions put to me at numbered subparagraphs 1a to d are as follows:-

(i) Question 1a

The finding of the PCB that it had not found that Mr McGrail had abused his authority was communicated to the GPA whose members included the Chief Secretary of HMGOG, Mr Darren Grech, and the then Deputy Governor, Mr Nick Pyle. This finding was not communicated to anyone else apart from the complainants and the professional standards department of the Royal Gibraltar Police.

(ii) Question 1b

I confirm that I am not aware of any allegation or complaint made to the GPA or the PCB in respect of bullying and/or intimidation by Mr McGrail.

(iii) Question 1c

I am not aware of any complaints received by the PCB in respect of Mr McGrail's involvement in any of the following matters;

The Assault Investigation

The Incident at Sea

The HMIC Report

The Conspiracy Investigation and/or Search Warrants

The Federation Complaints; or

The Alcaidesa Claims

6. Insofar as the request at numbered paragraph 2 of the February Letter is concerned, the documents in my possession or control which fall within the category of documents requested are copied at Pages 3 to 90 of FC1. Those documents are listed in the Index to FC1, which I reproduce hereunder for ease of reference.

- a. Copy of Search Warrant to enter premises – JPSU Gun Wharf (document no.2)
- b. Complaint made to the Police Complaints Board by Scott O'Malley (document no.3)
- c. Complaint made to the Police Complaints Board by Claire Bell (document no.4)
- d. Police Complaint's Board registration of complaint made by Scott O'Malley (document no.5)
- e. Police Complaint's Board registration of complaint made by Claire Bell (document no.6)
- f. Police Complaints Board file cover- Scott O'Malley (document no.7)
- g. Police Complaints Board file cover- Claire Bell (document no.8)
- h. Email correspondence between the Secretary to the Police Complaint's Board and Claire Bell (document no.9)
- i. Royal Gibraltar Police Docket relating to complaint made by Scott O'Malley and Claire Bell (document no.10)
- j. Police Complaints Board findings on complaint made by Claire Bell (document no.11)
- k. Police Complaints Board findings on complaint made by Scott O'Malley (document no.12)
- l. Request by Scott O'Malley for the Gibraltar Police Authority to review the decision of the Police Complaints Board (document no.13)
- m. Request by Claire Bell for the Gibraltar Police Authority to review the decision of the Police Complaints Board (document no.14)
- n. Draft decision of the Gibraltar Police Authority following request for review by Scott O'Malley (document no.15)
- o. Decision of the Gibraltar Police Authority following request for review by Scott O'Malley (document no.16)

- p. Decision of the Gibraltar Police Authority following request for review by Claire Bell (document no.17)

SWORN by the above-named Deponent
at
Suite 7, Hadfield House, Library St, GX11 1AA
Gibraltar this 9 day of March 2023

Personal Data

Before me

Personal Data

Commissioner for Oaths



This Sworn witness statement is filed by TSN on behalf of the Deponent