

**In the Matter of the Commissions of Inquiry Act**

**-and-**

**In the Matter of an Inquiry into the retirement of the former Commissioner of Police convened by a Commission issued by HM Government of Gibraltar on 4 February 2022 in Legal Notice No 34 of 2022 ("the Inquiry")**

---

**AFFIDAVIT OF  
EDWARD DAVIS**

---

**I, Lt. Gen. (Ret.) Edward Grant Martin Davis CB CBE, of [REDACTED]**

**MAKE OATH and say as follows:**

1. On 19 January 2016 I was appointed Governor and Commander-in-Chief of Gibraltar by Her late Majesty, Queen Elizabeth II. I held this office until 18 February 2020.
2. Prior to my appointment as Governor, I served in the Royal Marines for 34 years, during which time my military appointments included: Deputy Commander of NATO Land Forces in Izmir, Turkey, [REDACTED] Commander 3 Commando Brigade Royal Marines and Commandant General of the Royal Marines (including Commander of UK Amphibious Forces). As Commander 3 Commando Brigade Royal Marines, I commanded the 6555 multi-national personnel of the UK Task Force in Helmand Afghanistan during the period April to October 2011.
3. My current roles are: Chair of the Gibraltar Branch of the Commonwealth Enterprise and Investment Council; Chair of the Entain Foundation and; Strategic Director for Capewell Europe Limited.

4. I swear this affidavit in response to the request by Sir Peter Openshaw DL, the Commissioner appointed to conduct this Inquiry, communicated to me by letter to my solicitors dated 24 January 2023 from the (then) Solicitors to the Inquiry, Attias & Levy (“**the Inquiry’s Letter**”), which requested me to prepare and produce:
- (a) a statement under oath proving an account of the actions of the Royal Gibraltar Police (**RGP**) on: (i) 8 February 2017 in obstructing an aircraft at Gibraltar airport to remove an employee of the UK Ministry of Defence who was under arrest by the UK Service Police; and (ii) 1 March 2017 in arresting three senior Ministry of Defence members of staff and seizing and removing service personnel equipment from HM Naval Base and an officer’s home (therein and hereinafter referred to as “**the Airport Incident**”), including:
- (i) My account of events leading to and in the aftermath of the arrests, in particular as they involved Ian McGrail, former Commissioner of Police;
- (ii) My interaction with any of the following persons (if relevant), either during the Airport Incident, or in its lead-up or aftermath:
- I. Ian McGrail, former Commissioner of Police;
  - II. Edward L Yome, Commissioner of Police at the time of the Airport Incident (“**Mr Yome**”);
  - III. Fabian Picardo KC MP, the Chief Minister (“**the Chief Minister**”);
  - IV. Michael Llamas KC, Attorney General (“**the Attorney General**”);
  - V. Nicholas Pyle OBE, Deputy Governor (“**Mr Pyle**”);
  - VI. Any other member of HM Government of Gibraltar;
  - VII. Commodore Mike Walliker OBE RN, the Commander British Forces at the time of the Airport Incident;
  - VIII. Any other member of the British Forces either based in Gibraltar or in the United Kingdom;
  - IX. Dr Joseph Britto, Chairman of the Gibraltar Police Authority, or any other member of the Gibraltar Police Authority;

- X. Paul Richardson, former Superintendent;
- XI. Superintendent Mark Wyan (formerly Detective Inspector);
- XII. Any UK Ministers and/or the Foreign Commonwealth and Development Office;

(iii) My recollection of the following meetings or conversations:

- I. A telephone conversation about the Airport Incident with Mr Yome, former Commissioner of Police, which the Inquiry believes took place whilst I was abroad in Singapore;
- II. A meeting on or shortly after 8 February 2017 between myself, Mr Yome and the Commander British Forces.

(iv) In particular, I am asked to address whether I considered that an independent review was needed into the Airport Incident. If so, I am asked whether such a review was conducted. If not, I am asked why not.

(b) Any documents or communications (including but not limited to electronic communications such as emails, word documents, PDFs and SMS, WhatsApp or other instant messages) in my possession or control with the persons listed above relevant to the subject-matter of the Inquiry, in native format.

5. Insofar as the content of this affidavit is within my personal knowledge, it is true and, insofar as it is not, it is true to the best of my knowledge, information and belief, and the sources of such beliefs are identified herein as appropriate and relevant.

### **Account of the Airport Incident**

6. At the outset I would like to highlight the following:

6.1. Upon completion of my tenure as Governor on 18<sup>th</sup> February 2020, I handed over to the FCDO all electronic devices and ceased to have access to all email accounts and other document repositories used during my time as Governor. I therefore no longer have in my possession or control any written or electronic documents or communications (including emails or WhatsApp

messages) relating to the Airport Incident or any other matter relating to my tenure. As a result, I am unable to produce any of the material requested in the Inquiry's Letter (as set out at paragraph 4(b) above) and the account that follows is my present recollection of these events, unaided by any contemporaneous documents; and

- 6.2. While I was aware that Mr McGrail was the senior officer in charge of the investigation, all of my interactions with the RGP in relation to the Airport Incident were with the then Commissioner, Mr Yome. I had no interactions with Mr McGrail.

Lead-up

7. I was away from Gibraltar between Friday 3<sup>rd</sup> February 2017 and Wednesday 15<sup>th</sup> February 2017 for a number of work commitments in the UK and a period of leave in Singapore (Tuesday 7<sup>th</sup> to Monday 13<sup>th</sup> February 2017). During this period, all of my interactions and communications relating to the Airport Incident were via voice call or text or WhatsApp message, using my mobile phone.
8. On 6<sup>th</sup> and 7<sup>th</sup> February 2017, I received several text messages from the then Commissioner of Police, Mr Yome. I recall taking one telephone call from him on 7<sup>th</sup> February 2017 at circa 1800hrs UK time while I was still in the UK. I do not recall speaking with Mr Yome via telephone while I was in Singapore. In these communications, Mr Yome informed me that there was an ongoing investigation into serious offences allegedly involving a serving member of British Forces Gibraltar ("BFG"). I requested that Mr Yome engage with the then Commander of British Forces ("CBF") to ensure that both civilian and military legal and due process imperatives were met in a mutually-supporting manner, and I offered to assist in any way that Mr Yome thought I could be helpful.
9. After the above telephone conversation with Mr Yome, I tried to telephone and then texted CBF to alert him to the fact that Mr Yome would be getting in touch with him regarding the ongoing investigation allegedly involving a serving member of BFG.
10. At this stage, while I appreciated the seriousness of the allegation and the fact that the investigation gave rise to issues concerning both the military and civilian authorities, I did not believe it was anything that the military and civilian authorities could not work

their way through together, in a collaborative manner, and come to a satisfactory outcome which met their respective legal and due process imperatives. It was not until I received a telephone call from the Chief Minister the following day that I became aware that anything was wrong.

*During*

11. The Chief Minister telephoned me on 8<sup>th</sup> February 2017 (I believe at circa 1800hrs Gibraltar time) to seek my assistance. He informed me about the events on the airfield and how the RGP had obstructed the runway to prevent a military aircraft carrying the suspect from taking off. I did not (and still do not) think that this was an appropriate way for the civil and military authorities to conduct themselves with regard to the ongoing investigation. Matters should not have reached such a stage. I took the view that the stand-off had to stop immediately, and that the suspect should not leave Gibraltar until the issue was resolved.
12. Therefore, immediately after this telephone call from the Chief Minister, I rang CBF and told him to keep the subject service member in Gibraltar until the RGP had had time to complete their preliminary enquiries into the alleged serious offences. I also told him to instruct the Military Police to hand over the service member's computer to facilitate the RGP's preliminary enquiries.

*Aftermath*

13. On 14<sup>th</sup> February 2017, I met with the MOD's Director of International Security Policy and the Commander and Chief of Staff UK JFC, in London, to give my account of the Airport Incident and to recommend that an independent review into the incident be conducted. I cannot recall the detail of these meetings; but my recollection is that both the MOD's Director of International Security Policy and the Commander and Chief of Staff UK JFC supported having an independent review into the incident.
14. My sense at the time was that there was potential for significant and long-term damage to relations between Gibraltar and the UK. I, therefore, saw my role as concentrating on getting both parties back to working together in a mutually-supportive and appropriate way as soon as possible. Accordingly, this was the focus of my deputy, Mr Pyle, and I upon my return to Gibraltar.

15. From my return to Gibraltar on 15<sup>th</sup> February 2017 until the RGP ended its investigation on 10<sup>th</sup> March 2017 into the three British Forces senior officers who were arrested on 1<sup>st</sup> March 2017, I had numerous in-person conversations with the Chief Minister, the Attorney General, the then Commissioner of Police, Mr Yome, and the then CBF. I cannot recall the specifics of any of these conversations, but my counsel throughout them all remained focused on finding an outcome to the investigation that accommodated both civilian and military legal and due process imperatives in a mutually-supporting manner.
16. I was not involved in the operational execution of the RGP's investigation into the three officers. Necessarily independent of the investigation, I saw my role as Governor to advocate that the relationship between the military and civilian Police authorities be reset and strengthened as soon as possible. This relationship being fundamental to the safety and security of Gibraltar, and its constitutional stability.
17. At some stage during this period, I also had a telephone call with the then Minister for Europe to give him my account of the Airport Incident and to recommend that an independent review be conducted.
18. Throughout the entire period of the Airport Incident, as was routine, I had regular conversations with my deputy, Mr Pyle. I cannot recall any specific conversations, but they would have been to the effect described above, namely, that the Office of the Governor was to focus on advocating an outcome to the investigation that accommodated both civilian and military legal and due process imperatives in a mutually-supporting manner.

*Communications with specific listed individuals*

19. The Inquiry's Letter specifically asks me to give an account of my interaction with a list of individuals or entities at any stage of the Airport Incident. I have set out above all of the interactions which I recall, and I do not believe that I had any interactions with any of the other individuals listed in the Inquiry's Letter. In particular, I should state that I did not have any interactions with Mr McGrail. While I was aware that he was the officer in charge of the investigation, all of my interactions with the RGP were with the then Commissioner, Mr Yome.

Whether a review should have been conducted

20. As I have stated above, I did indeed consider that an independent review into the Airport Incident was needed. It is a view I advocated widely among all parties concerned from immediately after the incident. It is fair to say that both Police authorities, military and civilian, had their views about the way the other party had conducted the investigation; and that conducting the investigation in such a manner was not an appropriate way for the investigation to be conducted. Both parties thought that fault lay with the other party. I, therefore, considered that an independent review would be beneficial to determine whether, if there was fault, where did it lie, and how could this fault be best addressed to prevent a future reoccurrence of the Airport Incident. In my view, there were clearly lessons to be learned.
21. A review was not conducted. As I recall, this was due to the fact that, by the time the parties felt they were in a position to take part in a review (not until the autumn of 2017), it was considered that a review would be to the detriment of the significant progress that had by then been made in resetting and strengthening the relationship and cooperation between the RGP and MOD/BFG which, as I have stated above, is fundamental to the safety and security of Gibraltar, and its constitutional stability.

SWORN by the above-named deponent )  
at 933 EUROPORT )  
Gibraltar )  
this 27 day of March 2023 )

Personal Data

Before me,

Personal Data

/ / THOMAS F. STAGNETTO

Commissioner for Oaths

This Affidavit is filed by Messrs Peter Caruana & Co of Suite 933, Europort, Gibraltar, solicitors for Edward Davis.