

First Affidavit
Richard Mifsud
15th August 2022

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 CONVENE BY A COMMISSION ISSUED BY
HER MAJESTY'S GOVERNMENT OF GIBRALTAR ON
THE 4 FEBRUARY 2022 PURSUANT TO LEGAL
NOTICE NO. 34 OF 2022 ("THE INQUIRY")

FIRST AFFIDAVIT OF RICHARD MIFSUD

I, **Richard Mifsud**, retired former Assistant Commissioner of the
Royal Gibraltar Police, of [REDACTED]
[REDACTED] MAKE OATH AND SAY as follows:

1. I served in the Royal Gibraltar Police (RGP) for almost 36 years. I retired on the 23rd February 2019 holding the rank of Assistant Commissioner. I am in receipt of a letter dated 10th August 2022 requesting me to provide information pertinent to the Inquiry into the retirement of former Commissioner of Police Ian McGrail in June 2020.
2. I will deal with the specific request for information later in this statement, however I thought it appropriate and of benefit to the Inquiry to know that in keeping with my obligations under the Official Secrets Act and the General Data Protection Rules (GDPR) I retained no records of meetings, other notes, emails etc. upon retiring from the RGP. Any such records should however be available to the Inquiry in the RGP's servers and/or records. I am therefore unable to provide any supporting documentation that might assist the Inquiry. I am similarly unable to provide any WhatsApp or SMS as I handed in my RGP issued mobile phone upon retirement. The relevant mobile number is +350 [REDACTED] Personal Data.
3. Given the above I make this statement to the best of my recollection, knowledge and belief. For ease of reference, I

will retain the same numbering system contained in the aforementioned letter of the 10th August 2022.

1. Request for Information and Evidence

4. I officially retired from the RGP on the 23rd February 2019, though effectively I stopped working on the 18th January of that same year when I took pre-retirement leave. My retirement therefore pre-dated Mr McGrail's retirement in June 2020 by some 16 months. It is for this reason that whilst I stand ready to assist the Inquiry however I can, I have no knowledge that might assist the Inquiry with the specific reasons surrounding Mr McGrail's retirement.

(a) The Airport Incident

5. I do recall this matter, however I should qualify that my recollection only refers to the aftermath of the events of that day as I was away on holiday in Rome at that time and was not operationally involved. I returned to Gibraltar on the 12th February 2017, a Sunday and I was back in the office on Monday the 13th February, at which point I would have learned in greater detail of the events that had transpired on the 8th February.
6. My recollection of those meetings and discussions upon my return, and at a remove of 5 years is that this matter was being operationally led by Mr McGrail in his capacity as the Superintendent in charge of the Crime Division, in close consultation with the then Commissioner of Police Eddie Yome. It is also my recollection, that given the sensitive nature of the events, this matter was briefed up to both the Governor and the Chief Minister. It is also my recollection that the Attorney General was closely consulted on the matter and that the RGP obtained and executed orders issued by a Supreme Court judge.
7. It is also my recollection that the matter revolved around an Armed Forces service member deployed to Gibraltar who was subject to investigations into sexual offences and whom the RGP wished to interview. It is my recollection that the individual in question was being taken away from Gibraltar to the United Kingdom in a military transport aircraft despite requests by the RGP to the contrary. This led to a difference of positions and ultimately resulted in the well known and documented events of the 8th February 2017.

8. It is also my recollection that there were subsequent arrests of the then Commander British Forces Commodore Mike Walliker RN, his deputy Colonel Frank Green and the RAF Station Commander whose name I regrettably cannot recall. These arrests also entailed searches of offices at the Tower HM Naval Base. I do not recollect searches of private residences but given the contents of paragraph (a) of the letter of the 10th August 2022 these must also have taken place.
9. My final recollection is that the three military officers were released from their arrests with no charges being preferred and I believe the person who was the subject of this event was transported to the United Kingdom.
10. Without reference to relevant documentation, I have no further recollection of those events and can therefore provide no additional information that might assist the Inquiry further in this particular regard at this time.

(b) The Helicopter Pilot Investigation

11. I have absolutely no recollection of the investigation into this assault on a helicopter pilot and crew member in March 2017. Regrettably I do not even recollect any such incident. That said, and as I qualified at (a) above, without reference to relevant documentation I am unable to assist the Inquiry further in this particular regard at this time.

(c) The Appointment of Mr McGrail as Commissioner of Police

12. For personal reasons I elected not to apply for the post of Commissioner upon Mr Yome's retirement. The post was therefore competed for by the then Superintendents Ian McGrail and Richard Ullger, with the former being successful. I have no recollection of any such complaints being raised.
13. Any such matter would more properly have been handled as between the Chair of the Gibraltar Police Authority, the Chief Minister and the Governor. I suspect I would not have been made privy to any such discussions and neither would I have expected to be unless they deemed it appropriate.
14. As I qualified at (a) above without reference to relevant documentation I am unable to assist the Inquiry further in this particular regard at this time.

2. Meetings with Various Persons

15. With the exception of (b) and (c) above and although I have no granular recollection of the specific matters discussed without referring to relevant documentation, it is almost certain that I will have attended meetings with all those persons mentioned.
16. Although I have no recollection of the matter described at (b), there is a likelihood I will also have attended meetings regarding that.
17. I do however doubt I met with Mr Rocca given I effectively retired a month after his appointment, and I do not recall engaging with him professionally following his appointment.
18. As I qualified at 1(a) above without reference to relevant documentation I am unable to assist the Inquiry further in this particular regard at this time.

3. Meeting Minutes and File Notes

19. I would imagine that meeting minutes and file notes will have been made at the time and that minutes may have been circulated to relevant parties however I am not in possession of any such documentation. I am therefore unable to provide copies to the Inquiry.
20. I have no further recollection that might assist the Inquiry in its deliberations. I stand ready to answer any and all questions I am posed.

SWORN by the above named Deponent
at SUITE 33, VICTORIA HOUSE
26 MAIN STREET, GIBRALTAR
this day of 15 of August 2022

Before me

JEEVAN DASWANI LLB (HONS)
COMMISSIONER FOR OATHS
BARRISTER-AT-LAW
Suite 33, Victoria House,
26 Main Street, Gibraltar

Personal
Data

Personal Data

Commissioner for Oaths