

INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE

SECOND AFFIDAVIT OF LEWIS BAGLIETTO

I, **LEWIS BAGLIETTO**, of 11th Floor, Madison Building, Gibraltar, Barrister-at-Law, **MAKE OATH AND STATE AS FOLLOWS:**

1. I make this second Affidavit in order to deal with the 2 matters which have arisen from my oral testimony before the Inquiry on 18 April 2024, and in order to exhibit a non-privileged note of a telephone conversation with the DPP which I only located yesterday.

Meeting with Chief Minister in early June 2020

2. Further to my oral evidence and the exchanges during my testimony at [T9/163/2-166/4] I have further reflected and obtained independent advice from Leading Counsel as to whether any additional answer can be provided regarding my meeting with the Chief Minister in early June 2020 as regards whether it was relevant to the Inquiry's terms of reference. Without waiving legal advice privilege, I am only able to state that for reasons of litigation privilege I am unable to provide any such additional information. I would, however, reiterate what I stated in my oral testimony, namely, that the meeting did not concern the contested Op. Delhi search warrant or the retirement of Mr. McGrail.

Disclosure of Voluntary Attendance document dated 12 May 2020

3. In my answer at [T9/67/8] when asked whether I had disclosed any information from within that document to any third party, I answered "no". In an additional answer provided by me at [T9/192/11] I stated that I "didn't disclose this letter or the contents of this letter to any person who was not acting for Mr Levy to the best of my knowledge".
4. Since giving my oral testimony, however, I have checked my original emails sent to the Attorney General in the period of 12-17 May 2020. In doing so, I have established that I did, in fact, attach

the 12 May Voluntary Attendance document to the email that I sent to the Attorney General on the night of 12 May (that is, the document at pages 11-13 of Exhibit HJML3).

5. I believe I missed this fact during my oral evidence, because at page 9 of Exhibit HJML3 the attachment to the e-mail only refers to "*Scanned from Xerox multifunction printer pdf*". In the further copy of that e-mail at page 14, which includes that e-mail below the Attorney General's reply, the attachment is (unsurprisingly) not attached. In addition, the body of the e-mail does not refer to the document having been attached.
6. While I had frankly forgotten actually sending the document and while the e-mail does not explain why it was attached, the email refers (at p. 9 of HJML3) to the fact that although "*they left with [JL] a copy of a proforma relating to section 21 warrants of arrest, it is plain that the warrant which they claim to have had must have been a Section 12 warrant*". It would therefore appear that the document was sent to the Attorney General to establish the s.21 proforma issue which can be seen at p. 13 of HJML3.
7. Based on that, and nearly four years on, I can only surmise that the reason the document was attached was to establish the sloppiness of Mr Levy being given a document referring to section 21 of the Criminal Procedure and Evidence Act 2011, and not s. 12, which would further underscore the lack of care and propriety taken in seeking a search warrant against him. I also believe there would have been a public interest justification in sending this document to the Attorney General as the Crown's senior Legal Officer in the jurisdiction in the context of a claimed abuse of power.
8. In making this clarification, I wish to reiterate that I did not discuss the substance of the allegations contained in the document with the Attorney General, as stated in my answer at [T9/67/8-14].
9. Save as stated above, I believe, to the best of my knowledge and recollection, that I did not disclose that document to any third party.

Handwritten Note of telecon with DPP on 27 May 2020

10. On Thursday 2 May 2024 I saw, for the first time since asked to provide evidence to the Inquiry, that in a file which largely contained privileged documents and documents already exhibited by

Mr Levy, there was a handwritten note of a telephone conversation which I had with the DPP on 27 May 2020. I exhibit it marked "LB2", along with a typed-up version attached for ease of reference.

11. I cannot recall how the telephone conversation came about. From the content, it seems likely that I would have called the DPP that day with queries as to what further information the RGP was prepared to disclose to Mr Levy concerning the application for the warrant prior to him tendering his voluntary statement. My letter to the Magistrates' Court of the following day and the DPP's reply on 29 May at pages 80 to 85 of HJML3 also concerned Mr Levy's requests for information and documents relating to the application for the warrant.
12. I should also point out an obvious clerical error at the top of the second page of my handwritten note when, instead of referring to "CR" (Christian Rocca), I referred to "CM".

Personal Data

SWORN by the above-named deponent

At **MADISON BUILDING**, Gibraltar

This **3** day of May 2024

Before me,

Personal Data

COMMISSIONER FOR OATHS

Jeevan Daswani
Barrister-at-Law & Acting Solicitor
Commissioner for Oaths