

**COMMISSIONS OF INQUIRY ACT**

**RETIREMENT OF THE FORMER COMMISSIONER OF POLICE**

**ISSUE OF COMMISSION**

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**SWORN THIRD WITNESS STATEMENT  
OF JOHN GONÇALVES MBE**

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I, **JOHN GONÇALVES** of [REDACTED] Personal Data former Chairman of the Gibraltar Police Authority **MAKE OATH AND SAY AS FOLLOWS: -**

1. I make this statement in my capacity as former Chairman of the Gibraltar Police Authority (the "GPA"). This Witness Statement is supplemental to those sworn by me on the 31<sup>st</sup> August, 2022 and 6<sup>th</sup> July 2023 respectively. I make this statement specifically in response to evidence given by Mr Pyle on Day 19 of the Inquiry, whereby he made certain allegations in relation to representations made by me as the GPA Chair during the Selection Process which led to the appointment of Mr McGrail as Commissioner of Police. The afore mentioned allegations were raised by Mr Pyle for the first time during his oral evidence and I have therefore not had an opportunity to address them previously as they have not been dealt with by him or even mentioned in his written evidence.
2. The contents of this statement are true to the best of my information, knowledge and belief and 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. I use the same expressions and abbreviations as in my previous Witness Statements.
3. On Day 19 of the Inquiry, in response to questions put to Mr Pyle by Mr James Neish KC and Sir Peter Caruana KC in relation to the Selection Process, Mr Pyle set out as follows:

*"...I do remember one other point, that when I conjured or I was swayed by Commissioner Yome's recommendation, the chair of the GPA stated that we should disregard that recommendation, and I can quote the words pretty much verbatim: because they have history."*

**[Transcript day 19, page 7, line 16-23]**

...

*"...Do you know what the history was?"*

*"...No, I mean, it was I think on a report for a promotion that Mr McGrail had sat for which he didn't get. This was part of the pack provided to the GPA. So I suspect this is somewhere in the evidence. And I think it is why in my conclusion and referring Commissioner Ullger I mentioned a more modern leadership style, so I was forward looking. And I think the comment that I remember from Commissioner Yome's report, and bearing in mind this is at the time, was that there is an element of Mr McGrail being, I am going to try and remember the word, I think it was um, you know, strict or autocratic or words to that effect."*

**[Transcript Day 19, page 292, lines 3-18]**

4. I refute Mr Pyle's evidence in this regard as at no point did I, as chairman of the GPA or otherwise, direct the members that they were to disregard Commissioner Yome's recommendation (which I presume is a reference to Commissioner Yome's written assessment on Mr McGrail presented to the GPA members as part of a package of documents provided to all members on both candidates) because Mr McGrail and Commissioner Yome "had history", or for any other reason.
5. Throughout the time I held the post of chairman of the GPA I was very zealous to uphold the independent status which I believed the GPA should maintain. This was indeed at the forefront of my mind and was the case throughout the entire Selection Process followed to appoint Commissioner Yome's successor.
6. I would reiterate that the Selection Process followed was one that was unanimously agreed by all members of the GPA, including Mr Pyle. All members were provided with copies of a number of documents on both candidates relevant to the selection process, which included but were not limited to:
  - (i) a bundle from Commissioner Yome containing a confidential written assessment on each candidate; and
  - (ii) a senior command course report.

The afore mentioned documents are in fact exhibited as documents no.18 and 19 of Appendix A to my First Sworn Witness Statement.

7. At all times during the Selection Process I was very careful not to say anything that could be perceived to favour either of the candidates involved in the process. My main aim was for each and every member of the GPA to arrive at their own independent decision on which candidate was best suited for the role of Commissioner having considered the ample information presented to them, the presentations made by both candidates and the personal interviews they had been a part of, devoid of any internal or external influence. In the circumstances, regardless of whether or not there was any "history" between Commissioner Yome and Mr McGrail as alleged, it is not a matter which I would have brought to the GPA members' attention for the purpose of the Selection Process or otherwise.

SWORN by the above named Deponent

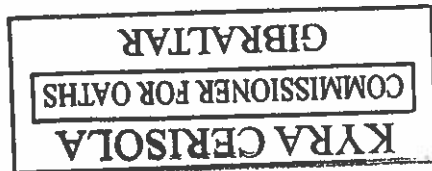
at  
Suite 7, Hadfield House, Library St, GX11 1AA  
Gibraltar this 21<sup>st</sup> day of May 2024



Before me



Commissioner for Oaths



This Sworn Witness Statement is filed by TSN on behalf of the Deponent.