

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

**FIRST AFFIDAVIT OF MICHAEL
JOHN DELANE WALLIKER**

I, Michael John Delane Walliker, a Company Clerk of [REDACTED]

[REDACTED] MAKE OATH AND SAY as follows:

1. This affidavit may assist the Inquiry, given my involvement in the events covered in paragraphs 2(a) & (b) of the "Call for Evidence."
2. I left Gibraltar in September 2018 and I retired from the Royal Navy in January 2020. Although I have retained a few emails and documents relevant to the incidents, I cannot claim a perfect memory. Should further information or clarity be required by the Inquiry Chairman, I would advise them to approach MoD.
3. The bottom-line up front is that I believe that had an Inquiry been constituted in the Summer of 2017 to investigate the behaviour and actions of senior members of both RGP and MoD, it would have found compelling evidence to question Supt McGrail's competence in his rank and position and therefore his suitability for further promotion and responsibility.

4. Starting with the "runway incident" on 8 February, I was not on the Rock that day (and nor was His Excellency the Governor). I therefore played no direct part in the events, but I was kept up-to-speed with them as they unfolded.

5. My first reaction was to wonder why the RGP felt compelled to insert themselves - unnecessarily in my view - into a criminal investigation being conducted by the Bedfordshire Police. At this stage, the UK-based police force was requesting the seizure of IT equipment belonging to a member of British Forces Gibraltar (BFG), who had arrived on the Rock only a few weeks beforehand (Sgt W). The plan was for the equipment to be examined back in UK, by accredited Home Office experts, to ascertain if it contained incriminating material that might lead to an arrest and charge. The equipment had been seized by the staff of Provost Marshal (Gibraltar) on 3 Feb and scheduled for transportation back to UK. The decision to send Sgt W back to UK was taken separately and based on a duty of care to a potentially vulnerable individual, rather than on any presumption of guilt, and certainly not as an attempt to prevent him from being arrested and charged by RGP. There was no indication that a crime had been committed in Gibraltar by Sgt W and at no stage did the RGP produce any compelling evidence to substantiate their claim. Indeed, to this day, I cannot understand what additional evidence if any was available to the RGP to enable them to obtain a Warrant - at the second time of asking - that ultimately led to the suspension of an ongoing police investigation whilst the RGP's forensics expert failed to find any evidence of criminal activity on Sgt W's IT equipment. The evidence was there, in the form of thousands of illegal images of children and was found within a few days of the equipment being examined back in UK. At that time,

there was concern back in UK that the actions of RGP had potentially hindered the investigation in UK.

6. Notwithstanding my concerns over the issuing of a Warrant, the general behaviour of RGP officers on 8 February from the very top down was bizarre, potentially dangerous and unbecoming. When I arrived back on the Rock, I received a full debrief from my Chief of Staff, The RAF Station Commander and the Provost Marshal. I made my feelings known to HE The Governor and The Chief Minister, and upwards through my command chain via a 2* Naval Officer (COS JFC) to the Joint Force Commander (COMD JFC) - a 4* General. I recommended that an Inquiry be conducted as a matter of urgency as the narrative on the Rock appeared to eulogise the actions of the RGP whilst demonising the actions of MoD. During an interview with the Chief Minister a few days after the Incident, I was able to correct a couple of errors of fact in the RGP's report of the incident, but I could not alter his view that 'his' police force had behaved exceptionally well, at the operational level, but that MoD personnel had not. To his mind the RGP had saved the MoD from 'itself' and to my mind they had behaved disgracefully. My opinion has not changed since that day.

7. The report by Supt McGrail into the Incident (dated 10 Feb 2017) was given to me by the Deputy Governor and it confirmed my view that the RGP had not behaved correctly. The report itself was poorly written and the fact that Supt McGrail did not use the correct spelling for the surname of the RAF Station Commander caused me to conclude that the administration of the RGP was sloppy and sub-optimal. When I suggested that the report should be corrected, I was told that I should not have been given access to it - a deeply worrying statement from the (then) Commissioner of Police.

8. Turning to the arrests, I can add little to any statements that the Inquiry has – presumably – sought from the three UK Armed Forces officers who were subjected to unnecessary and disproportionate treatment. It was an open secret that the three officers were being investigated on suspicion of conspiring to pervert the course of justice and I had spoken personally to both CoP and Supt McGrail in the days leading up to the arrests and confirmed that all three were happy to report to New Mole House, accompanied by a solicitor. My aim was to avoid a public arrest, which I believed to be in the best interests of all. My assessment is that the RGP intended to humiliate the MoD in as public a place as possible – and I personally witnessed RGP officers giving each other ‘high fives’ outside the Tower as my Chief of Staff was being placed under arrest. The Provost Marshal was arrested in the Arrivals Section of Gibraltar Airport as he stepped off an aircraft following a short spell back in UK. That was wholly unnecessary.
9. I personally witnessed the behaviour of Supt McGrail on the day of the arrests. It was utterly unprofessional and from that moment on, I had lost any confidence in him. I felt that he had acted with only self-interest in mind and without a shred of integrity or emotional intelligence.
10. The actions of RGP during the arrests led me to cement and reiterate my request that an Inquiry be conducted.
11. There has been considerable speculation as to why no Inquiry was ever conducted. My understanding from my chain of command was that the Chief Minister had argued for not having an Inquiry to save the “MoD’s blushes.” I have also been told that the FCO prevailed upon MoD at a senior level to let the matter rest and furthermore to allow the RGP to save

face by announcing that the three BFG personnel had been released without charge, as a favour to MoD. The simple truth is that following several hours of questioning, all three officers were indeed released without charge, but only because there was nothing to charge them with.

12. Add all the above together, and my assessment is that any Inquiry conducted before the announcement that CoP was retiring would have concluded that Supt McGrail was neither a competent nor a credible candidate to succeed Commissioner Yome.

13. Turning to the incident involving the investigation into an assault on a helicopter pilot, the irony is that there is no evidence of any investigation being conducted whatsoever. At the time, there were rumours that an assailant had been arrested, but allowed to go home to change his clothes, and that he was released without charge only a few hours later. When I spoke to Supt McGrail about the incident, I was told that whilst the RGP was investigating the incident, there was evidence that the helicopter pilot was drunk and abusive and therefore deserved what he got. I reported this conversation back up my command chain as further evidence that the RGP was operating to a standard far below that which the general public should expect. It gave me further ammunition to request an Inquiry and this time, for it to be broadened to include systemic cultural issues including that of exceptionalism, rather than just focus on operational judgement.

14. No Inquiry was conducted and when the CoP announced his retirement, Supt Ian McGrail was one of two contenders. The decision in late 2017 to appoint him as CoP was shocking. I made my feelings known to HE The Governor and I believe that he felt the same way. I cannot comment on the process as I was not privy to it.

15. For obvious reasons, I cannot comment on events that occurred after I had left my position as Commander British Forces, but I believe that the events in 2017 that I was involved in played out as they did because the then Supt McGrail was already out of his depth.

Personal Data

M J D WALLIKER
SWORN by the above named Deponent)
at 74 COLEMAN STREET)
this 24 day of November 2022)

Signed by Michael
John Deane Walker
who was identified by
his bank passport no.

Personal Data

Before me



Personal Data

Commissioner for Oaths/Notary Public

This Affidavit is filed by

MY COMMISSION
EXPIRES WITH LIFE

Viney Jung, Notary Public
74 Coleman Street
London EC2R 5BN
Tel: **Personal Data**



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