

INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE

WITNESS STATEMENT OF DAVID WEBER

1. I am David Henry Weber and make this statement in response to a letter received by me dated 7 November 2022 from Attias & Levy ref SVC/SGC/ILC/182 (the 'A&L letter').
2. I am a solicitor admitted to practise in England and Wales and in Gibraltar.
3. I am currently, and I was at all times during events covered by this statement, engaged as a consultant providing legal services, originally to Hassans International Law Firm and subsequently to Hassans International Law Firm Limited (together 'Hassans'). Prior to that time, I had worked as a lawyer for the French oil company Total and before that I was a senior equity partner at the international law firm of Linklaters which I joined as an articled clerk in 1976.
4. My involvement in relation to the 36 North Limited project (the 'project') began in April 2018 when I was asked by James Levy KC to assist him on the preparation of legal documents required for the implementation of the project. While my main involvement was on behalf of Hassans and Astelon Limited, the corporate vehicle used to hold Hassans' interest in 36 North Limited, I did also occasionally provide some legal advice to the other shareholders and 36 North Limited itself.
5. To the best of my recollection, I have had no contact with any of the following persons mentioned in the A&L letter in relation to any of the matters covered by that letter:
 - a. Edward Asquez
 - b. Ian McGrail
 - c. Fabian Picardo KC MP
 - d. Michael Llamas KC
 - e. Christian Rocca KC
 - f. Nicholas Pyle
 - g. Lt Gen Ed Davis
 - h. Magistrates' Court including Clerk, Deputy Clerk, Stipendiary Magistrate or any of the Justices of the Peace
 - i. Albert Mena
 - j. Neil Costa
 - k. Dr Joseph Garcia
 - l. Darren Grech
 - m. Joseph Britto or any other member of the Gibraltar Police Authority
 - n. Maurice Morello or any other member of the Gibraltar Police Federation
 - o. Lloyd Devincenzi
 - p. Paul Richardson

- q. Mark Wyan
 - r. James Gaggero
 - s. Any member of the Foreign, Commonwealth and Development Office.
6. I will now respond to the Inquiry's request to provide information regarding my involvement in the matters set out in the A&L Letter as forming part of the Inquiry's Terms of Reference.
 7. I have read the witness statement provided to the Inquiry by the senior partner of Hassans, James Levy KC, and its exhibits. Exhibit HJML2 contains email exchanges to which I was a party. Those emails include legal advice I gave to Hassans and Astelon Limited which those entities were prepared to disclose in connection with Mr Levy's statement exhibited at HJML1. I do not propose to re-exhibit those documents already provided to the Inquiry by Mr Levy.
 8. Insofar as I, at any point, may have offered legal advice to 36 North Limited and its shareholders other than Astelon Limited, I am not able to waive privilege in respect of that advice.
 9. Turning to the question of my role in relation to 36 North Limited, my first task was to request compliance approval from the firm's compliance department. For that purpose, I obtained copies of passports and proofs of address for John Perez and Thomas Cornelio, the two individuals who would be closely involved in the project.
 10. My role in relation to setting up the project was to draft the relevant corporate and contractual documentation and to provide legal advice in relation to the same. The matters in respect of which I was involved are apparent from the contents of Exhibit HJML1.
 11. The development of the project documents took place during the period April to August 2018. During that period, I had regular contact with James Levy, John Perez and Thomas Cornelio in order to discuss the content of the project documents. The nature of my contact with them can be gleaned from HJML2.
 12. I was engaged by Astelon Limited, as lender, in the drafting of a Loan Facility Agreement under which finance was provided to 36 North Limited for the project.
 13. I was also involved, advising Astelon Limited as lender, when 36 North Limited suffered financial difficulties later in 2018 and 2019 and became unable to deliver on the cash flow forecasts underpinning the Loan Facility Agreement.
 14. I was introduced to Caine Sanchez at the outset regarding the MOU but had no contact with him afterwards regarding the definitive agreements that were developed between Hassans, John Perez and Thomas Cornelio.
 15. In June 2019, I prepared a Notice pursuant to the Loan Facility Agreement cancelling the Lender's obligation to make further advances to 36 North Limited by reason of its default.

16. In September 2019, on the instructions of Astelon Limited following the receipt from 36 North Limited of revised cash flow forecasts, I prepared a Supplemental Facility Agreement providing for a further advance under the Loan Facility Agreement and making amendments to the Loan Facility Agreement.
17. In June/July 2019 I was instructed by 36 North Limited in relation to a letter before claim it had received from the solicitors for Bland Limited, which letter was responded to by 36 North Limited and not pursued by Bland Limited.
18. As stated by Mr Levy at paragraph 41 of his statement provided to the RGP at HJML1, I met Mr Perez and Mr Cornelio soon after they had been arrested, when they denied the allegations of tampering and sabotage and reassured us that there had been no improper conduct on their part.
19. I was also present at the meeting with Mr Perez and Mr Cornelio to which Mr Levy refers at paragraph 64 of HJML1.
20. In March 2021, at the request of Astelon Limited, I prepared a letter requiring 36 North Limited to repay the advances made under the Loan Facility Agreement and the Supplemental Facility Agreement.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

**Personal
Data**

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David Henry Weber

Dated this 27 April 2023