

INQUIRY INTO THE RETIREMENT OF  
THE FORMER COMMISSIONER OF POLICE  
(‘THE INQUIRY’)

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AFFIDAVIT OF EDWARD JOSEPH ASQUEZ MBE

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I, EDWARD JOSEPH ASQUEZ MBE of [REDACTED] make oath and say as follows : —

1 I make this affidavit in response to the request from solicitors to the Inquiry that I should provide a statement under oath on matters relevant to the subject matter of the Inquiry and any relevant documents.

**I. INTRODUCTION**

2 Along with Thomas Cornelio (‘TC’), Caine Sanchez (‘CS’) and John Perez (‘JP’), I was investigated, arrested and detained by the Royal Gibraltar Police as part of their operation known as Operation Delhi (‘Op Delhi’). I was not charged, however, as TC, CS and JP were.

3 I have had the benefit of an order made by the Commissioner of the Inquiry granting me public finding for representation in similar terms to that of TC, JP and Cs. The lawyers representing me are the same lawyers who represented TC and JP in the criminal proceedings relating to Op Delhi. The Inquiry will no doubt want to consider this affidavit along with the sworn statements provided by TC, CS and JP and I have therefore adopted a similar structure.

4 Whilst I have not been supplied with unredacted copies of the statements made on behalf of Ian McGrail and the ‘Government Parties’, it is clear that facts concerning decisions in the course of Op Delhi and the subsequent prosecution may be in dispute between the core participants, and may become an important focus of the Inquiry.

5 As a suspect in the investigation of Op Delhi, I was not privy to decisions made about the progress of the investigation at the time they were made, and have little direct evidence of the motivations of those who made them. However, I firmly believe that Op Delhi would not have proceeded as it did without improper influence from James Gaggero at Bland and the RGP’s submission to said influence. They alleged that I, along with JP, TC and CS conspired to effectively steal the

intellectual property in the form of the National Security Central Intelligence System (“NSCIS”) from Bland. He was obviously wrong, because Bland did not own this intellectual property. Whilst James Gaggero’s annoyance at the loss of key employees is understandable, I, along with JP, TC and CS feel strongly that the RGP should not have allowed James Gaggero to suborn the resources of the state to prosecute Bland’s grievances.

6 Annexed to this statement are the voluntary statements which I provided to the Royal Gibraltar Police (‘RGP’) in connection to their investigation of me during Op Delhi.

## II. UNDERLYING FACTS

### *Employment with Bland 2010–2018*

7 I joined Bland as Operations Director in June 2010 after having served in the Royal Gibraltar Regiment for 25 years, and retired as Quartermaster of the Regiment.

8 I have known JP since about 1985. We are close friends and have been for many years. JP joined Bland around a year before me and he was CEO during my working time there before his departure in 2018.

9 I have known TC since 2012 when he was employed by Bland as Head of Software Development. I would work with him as part of my involvement with Wavetecx which was a trading style for marketing the work of TC and his team.

10 My responsibilities in Bland were varied, but in particular, I was tasked with ensuring group companies were properly set up operationally and also to ensure health and safety compliance. During my time at Bland, I was involved in the setting up of Operations Support Group (‘OSG’); I also project managed the Cash Management Centre (‘CMC’).

11 As part of my responsibilities in business development, I was later involved in Wavetecx and, in particular, the promoting of bespoke security systems. I was not involved in the design, development or running of the NSCIS itself, which was a bespoke system made for His Majesty’s Government of Gibraltar. At no time did I have any access to this system, nor did I have any knowledge of how it operated either during my employment with Bland or after.

12 The genesis of the NSCIS was the implementation of cameras at the Gibraltar-Spain Frontier in around 2014 which would track the number of cars

entering and exiting Gibraltar. My only involvement with the project at this point was liaising with the Gibraltar Electricity Authority to open their manhole covers to enable Bland to install fibre optic cables.

13 It was not until around a year later, in or about 2015, that I became aware through management meetings at Bland, of a national security system being developed which would later become the NSCIS. It was around this time that representatives of authorities like the RGP, Borders and Coastguard and HM Customs would attend regular meetings at Bland's main office to discuss the national security system that was being developed. At no time was I involved or attended any of these meetings.

14 In around early 2017, Wavetex was registered as a business name. This was my introduction and first involvement with the NSCIS proper. I was tasked with introducing the concept behind the NSCIS to potential customers, which itself was based on a system which had been developed by TC and his team. Neither myself nor Wavetex was responsible for the running of the NSCIS, which had been set up prior to the inception of Wavetex.

15 Despite my work with Wavetex, I still retained my other responsibilities in Bland. My involvement with Wavetex never went any further than simply promoting the concept of bespoke security systems which could be developed by TC and his team. I myself have no knowledge or expertise in software development. I was also not involved in any dealings with HMGoG or CS regarding the NSCIS as this was not something which was in mine or Wavetex's remit.

16 I had always been under the assumption that the NSCIS was the property of HMGoG and that TC and his team were merely running the system. This belief was based on my own assumption, perhaps given my military background, as it appeared unrealistic to me that a government would allow a private company to own their main system of national security. Had the position been otherwise, I would have expected to have been told about it and I never was.

#### *Departure of JP and TC from Bland — 2018*

17 I am aware that JP and TC left Bland in July 2018. Due to my close personal relationship with JP, I was aware that he intended to leave Bland for some time and was aware of his intention to form 36 North.

18 Around late July/August 2018, I was called into a meeting with James Gaggero. He informed me that JP had planned his departure from Bland months in

advance and that 36 North had already been registered as a company. This was the first I had heard of this. At this hearing, I noted Mr Gaggero's threatening tone as he attempted to elicit information from me about JP and 36 North — information which I did not have. James Gaggero then suggested to me that I could be 'implicated' as I had travelled with JP on business trips. At the time, I did not know what he meant by being 'implicated', but later events cause me now to believe that Mr Gaggero had at this point, already begun to develop his allegations against JP, TC, CS and myself. James Gaggero then challenged me about using these trips for 'private business' with JP which I strongly refuted.

19 In this meeting, I told Mr Gaggero that I did not want to discuss JP and TC nor did I want to hear his allegations against them. I told him that we should be focussing on our other successful businesses, reassuring our existing clients, and to begin looking for a replacement for TC. I said this because at the time, I was under the assumption that Bland's IT Department would continue to exist despite TC's departure and as such, we needed to find a replacement for him.

20 Following this first meeting, James Gaggero began a campaign against me to discredit me which I think this was prompted by my relationship with JP and my refusal/inability to provide information on him and 36 North. Mr Gaggero began isolating me from all Head Office matters. I was also made aware that John Paul Payas, manager of OSG and one of James Gaggero's right hand men, was informing contractors that I was 'feeding information' to JP whilst I was still employed by Bland, which was not true and very embarrassing for me.

21 I had two further meetings with Mr Gaggero in late August/early September 2018 in which he accused me again of speaking to JP and insinuating again that I was feeding information to JP. He once again asked me to provide information on JP and 36 North which I again told him I was unable to, as I was not privy to any information about 36 North. I again advised him to focus on our existing businesses, however at this, he suggested that I may be made redundant that year due to the state of the accounts.

22 On 4 September 2018, James Gaggero called a meeting of all senior Bland employees in which he informed everyone that JP and TC had pre-planned their departures and had registered 36 North prior to their departures in order to take away Bland's contracts. He also stated that 'some people here are still speaking to that man (JP)' in which he was obviously referring to me.

23 I was aware around this time that TC had essentially been 'subcontracted' by Bland after his departure to, as far as I was aware, assist in the transfer of software development contracts including the NSCIS, to 36 North. At this time TC was still regularly meeting with Mr Gaggero. During this time, I saw no effort at all, to recruit a software developer to replace TC and his team despite my repeated recommendation to do so.

24 I would like to make clear that at no point, either during my time at Bland or afterwards, was I a director, shareholder or employee of 36 North nor did I ever benefit financially from it.

25 Following the initial accusations by James Gaggero, I began being excluded from all managerial meetings and was not informed of key management decisions. I believed this was to stop me from being privy to information which Mr Gaggero suspected I would then pass on to JP. I believe it was also a way of punishing me for refusing to provide him with information on JP and 36 North, even though I did not have any knowledge to begin with. These were not tolerable working conditions and it was obvious that I had no future at Bland.

26 On 30 September 2018 I left Bland. On leaving, I concluded a compromise agreement in which I agreed not to make any disparaging statements about Bland. I have been advised that, as a person providing evidence to the Inquiry, I am protected from suit by s10 of the Commissions of Inquiry Act 1888. I have therefore not restricted or edited this sworn statement as a result of the compromise agreement. However, I want to be clear that my complaint is directed primarily towards James Gaggero personally and the RGP, not Bland the company.

27 In October 2018 I registered and set up my own company, ALS Telematics Ltd.

### **III. ARREST AND POLICE INVESTIGATION**

*May 2019 – June 2020*

28 Both JP and I were arrested on 10 May 2019 which was the day of the Gibraltar Regiment's 80<sup>th</sup> anniversary dinner which JP and I were invited to. Our absence was noted by all those present and I have been told by people who attended that it was the conversation of the night. I understand that the RGP had started their investigation in around December 2018. To this day I believe that the arrest day, 10 May 2019, was selected intentionally to cause maximum reputational damage.

29 Police came to my home at around 9:00 AM to inform me that I was being arrested and that they had a warrant to search my home. The warrant was executed in the presence of me, my wife, my son and my daughter. All of our personal mobiles were seized and retained. I am unsure to this day why my family's mobiles were seized.

30 As part of the warrant, a number of documents were also seized. The only document which was relevant to the NSCIS and thus relevant to the investigation was a sort of information pamphlet which explained the NSCIS system which I had taken home some years previously for my own benefit in order to better understand how the system worked. All of the other documents that were seized related to other personal work projects and materials of my own company ALS Telematics Ltd, and so were irrelevant to the investigation into the supposed conspiracy to defraud Bland of the NSCIS system. I still do not know why these irrelevant documents were taken but I feel that it was intimidate me and to obstruct my work.

31 I was then taken to New Mole House Police Station at about 12:00 PM, but was not interviewed until around 5:30 PM. I was not provided with any pre interview disclosure and so I was not privy to any of the complaints that had been made against me, however I felt it was obvious that the complaint had been made by James Gaggero and that it related to JP and TC's departure from Bland. During this interview I recall, the interviewer assuming that I was an employee of 36 North. This was not true, and was a basic fact which could have been easily verified prior to my arrest. In the interview (which lasted around half an hour) I made no comment to the questions I was asked.

32 Following the interview, I was surprised to learn that my detention was being extended, supposedly because the police wished to interview me again. This second interview never materialised however and so I was not released until 12:30AM on 11 May 2019. I cannot think of any other reason to prolong my detention other than to prevent me from attending the Regiment dinner and maximise my embarrassment.

33 I have been informed that, following my arrest, James Gaggero called a meeting of senior Bland employees where he informed them that JP, TC and I had been arrested and were criminals. I believe that the reason he called this meeting was to have Bland employees spread the word of our arrest.

34 Shortly after my arrest, my lawyer, Robert Fischel KC, was provided with a list of questions from the RGP for me to answer, which I refused to provide them with.

35 On 31 July 2019, Mr Fischel attended a meeting with (then) Chief Inspector Wyan and Detective Superintendent Richardson, in which they offered to end their investigation into me, if I was prepared to make a statement which could assist in the prosecution of JP, TC and CS. I was informed of this offer by lawyer on 14 August 2019 which I promptly rejected. This offer felt like an attempt to coerce me into taking the side of Bland and the RGP.

36 In around early January 2019, I ran into Det Supt Richardson by coincidence whilst walking my dog. I did not know who he was but he appeared to know me. He introduced himself to me as the senior investigating officer in my case. He told me that he had bought a house in my estate and then proceeded to discuss the investigation. He asked me if I was going to answer the questions which had been provided to me. He told me that they (the RGP) needed the answers in order to consider my release. He also knew about a bundle of documents that myself, JP and TC were preparing regarding the investigation and mentioned that they were just waiting to receive it. This was to be the complaint that we filed on 24 January 2020 as detailed below. I do now know how Set Supt Richardson knew about this however. I felt very uncomfortable discussing the investigation in a public place and felt that this was a further attempt to put pressure on me to take the side of Bland and the RGP.

37 A 29-page complaint was indeed made to the RGP on 24 January 2020 by myself, TC and JP regarding James Gaggero's and Bland's conduct including:

- (1) Making a false report to the RGP including wasteful employment of the RGP;
- (2) Unauthorised investigation by Bland, PwC and Infosec Consulting Systems Limited into the NSCIS as well as the platforms for the Department of Employment, Department of Social Security and Department of Education ('the HMGoG Platforms');
- (3) Unauthorised access by Bland to 36 North servers and personal data held therein;
- (4) Unauthorised access to HMGoG Platforms by Bland;

- (5) Unauthorised disclosure of NSCIS access codes by James Gaggero and/or Bland to PwC and Insofec Consulting Limited (now Red Maple Technologies Ltd) contrary to s367 of the Crimes Act 2011;
- (6) Unauthorised access to computer material by or on behalf of James Gaggero and Bland contrary to s.362 of the Crimes Act 2011 from July 2018 to October 2018;
- (7) Unauthorised access with intent to commit or facilitate commission of further offences contrary to s363 of the Crimes Act 2011;
- (8) Unauthorised acts causing or creating risk of serious damage contrary to s366A of the Crimes Act 2011;
- (9) Unauthorised acts with intent to impair or with recklessness as to impairing, operation of computers etc. contrary to s.364 of the Crimes Act 2011; and
- (10) Fraudulent invoicing by Bland in respect of NSCIS during the period October 2018 to, at least, April 2019 [REDACTED]  
[REDACTED]

38 This complaint (which contained a schedule of a further 51 pages) was sent directly to (then) Commissioner of Police Ian McGrail and to Chief Inspector Wyan by email.

39 Chief Inspector Wyan replied to our email around two days later and effectively dismissed our allegations. He informed us that he could not investigate our allegations because HMGoG had not made any complaint, that we were not the victims but HMGoG was. We were all appalled at this response given that the RGP had arrested us without hesitation without first establishing if Bland owned the NSCIS platform or whether they were themselves a 'victim'.

40 What was also very concerning was that it was clear that the RGP were conducting a completely one-sided investigation.

41 On 6 April 2020, my lawyer, sent an email to Chief Inspector Wyan, Chief Inspector Finlayson, the Director of Public Prosecutions Christian Rocca KC and His Majesty's Attorney General Michael Llamas KC in which he questioned certain operational decisions made by the RGP in their investigations. He stated inter alia:

*I am copying in the Director of Public Prosecutions and Her Majesty's Attorney General for Gibraltar because this unilateral conduct is troubling me and I have to ask myself, given the identity, wealth and influence of the complainant,*



*James Gaggero, whether or not undue pressure is being or has been placed on the RGP.*

42 I attended a further police interview on 24 June 2020 in which I read my prepared statement which is annexed to this sworn statement. A further voluntary statement was submitted on 5 August 2021.

43 I did not hear anything back from the RGP until 15 September 2020 when I surrendered to my police bail. I was informed then by a Police Officer that the senior investigating officer, Det Supt Richardson, believed that there was insufficient evidence to charge me and so I was subsequently released.

#### **IV. FURTHER RELEVANT INFORMATION**

44 Because I was not charged, I have not been served with evidence and disclosure in the criminal proceedings. I do not think I can usefully add anything to the information that TC, CS and JP have provided

#### **V. CONCLUSION**

45 I understand that some core participants to the inquiry will contend that the prosecution arising from Op Delhi was a meritorious case, improperly brought to an end by political interference; however, this is not correct. I, along with JP, TC and to an extent CS, were the victims of James Gaggero's desire for revenge after what he saw was a betrayal of himself and of Bland by JP, TC and myself. This is evident from his treatment of me following JP and TC's departure from Bland, but also from his false allegations against us and his continued interference in the RGP's investigation.

46 I do not know how James Gaggero was able to influence the RGP's investigation, however I do not believe that someone with less influence than him would have been able to do so.

47 It is clear to me that the RGP failed to independently ascertain the ownership of the NSCIS before any merit was given to James Gaggero's complaint. Furthermore, it is also evident that when I was arrested on 10 May 2019, the RGP had failed to ascertain the stakeholders, in 36 North. As a result, I believe that the decision to arrest me was mainly influenced by Mr Gaggero and not on any evidence which the RGP had gathered before our arrests.

48 I believe that the RGP conducted a one-sided investigation that ignored our complaints and the incontrovertible evidence which exonerated us. It was clear

from the beginning that the RGP had made no effort to ascertain the ownership of the NSCIS and effectively acted on the instruction of James Gaggero.

SWORN by

PHASOUEZ, MBE



Signature

Before me:



at SUITE 7, HADFIELD HOUSE,  
LIBRARY ST. GIBRALTAR  
(place)

JAMES P. HAMMOND  
(full name of witness)

on 14<sup>th</sup> February 2023  
(date)

Barrister & Commissioner for oaths  
(qualification of witness)

of SUITE 7, HADFIELD HOUSE,

LIBRARY STREET, GIBRALTAR  
(address of witness)