

Commissions of Inquiry Act/Inquiry Act 2024

INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE

**Convened by a Commission issued by His Majesty's Government of Gibraltar on 4th
February 2022 in Legal Notice No.34 of 2022**

**RGP's Submissions in response to GOG Parties Application to re-open evidence
in the Inquiry**

A: Introduction:

1. These submissions follow the Oral Closing Submissions of the 25-26 June 2024 (“**June Final Hearing**”) and are a response to the very recent application by the Government of Gibraltar parties’ to reconvene the Inquiry and reopen the evidential part of the Inquiry (“**GOG Application**”). For the avoidance of doubt the GOG Application consists only of submissions (“**GOG Submissions**”) contained in a letter from their solicitors Peter Caruana & Co (“**PC&C**”) to the Solicitors to the Inquiry (“**STI**”) dated the 25 November 2024 (“**GOG 1st Application Letter**”) as reaffirmed and confirmed by a second letter from PC&C to the STI on the 10 January 2025 (“**GOG 2nd Application Letter**”). The GOG Submissions follow the STI’s notification to all Core Participants (“**CPs**”) of the GOG Application, by way of letter on the 9 December 2024 (“**STI 9 December Letter**”).
2. In the GOG 1st Application Letter at paragraph 6 the GOG Parties indicated that they had other written submissions, specifically:

“The Government Parties further submit and apply that their written submissions in relation to this matter, which will be provided under separate cover of even date, should not be provided to any other Core Participant until such time as the Commissioner has ruled on this application, and then only if he rules against it.”

3. Evidently since these have not been shared the RGP cannot respond to the same but reserve the right to fully respond to the said unseen submissions, if, as and when they are shared with other CP's.
4. The GOG 1st Application Letter identified the making of the GOG application on the following terms:

Accordingly, by this letter, the Government Parties make application to the Chairman for an order that:

4.1. the written submissions should be made orally at a reconvened, live-broadcast oral hearing of the Inquiry; and

4.2. the oral evidence hearings should be re-opened to recall Mr McGrail and Mr Ullger and thus allow them to be cross-examined by CTI and other CPs about the substantive content of these WhatsApp messages, and their failure, in the case of Page 2 of 5 the RGP to disclose them sooner and, in the case of Mr McGrail, to disclose them at all, as Mr McGrail has had the opportunity to do and has done of Mr Picardo and others.

5. In the GOG 2nd Application Letter, the GOG Parties now wish to expand the evidential hearing (the GOG Application) further:

“to include the cross-examination of Mr Yeats (in relation to his 5th witness statement) and of Mr Richardson (in relation to his 4th witness statement).”

6. The STI 9 December Letter requested that the RGP provide further disclosure of WhatsApp exchanges over an expanded date range (to those requested on the 27 June 2024, provided on the 2 September 2024 (“**RGP’s September Disclosure**”) and circulated to CPs on the 4 November 2024) together with a witness statement from a senior officer (as therein explained) by the 20 December 2024.
7. The RGP provided such further disclosure (“**RGP Further Requested Disclosure**”) and witness statement as requested on the 20 December 2024 by way of the Fifth Witness Statement of Assistant Commissioner of Police Cathal Yeats of the same date. (“**5WSCY**”) accompanied by a covering letter of

the same date from the RGP's solicitors Ellul & Cruz attached as Annex 1 hereto ("**E&C Letter**").

8. The E&C Letter largely addressed the uninformed and incorrect assumptions and conclusions by the GOG Parties that suggested that the RGP had not given full or timely disclosure. It also observed and notified the STI and Counsel to the Inquiry ("**CTI**") that should there be a re-opening of the evidential part of the Inquiry, the RGP believed it may be of assistance to the Chairman and CPs if the then Minister for Justice, the Honourable Samantha Sacramento (in messages in the RGP's September Disclosure and the RGP Further Requested Disclosure referred to as "**SS**") gave evidence, as a material witness to assist the Chairman in his assessment "*into the reasons and circumstances leading to Mr Ian McGrail ceasing to be Commissioner of Police in June 2020 by taking early retirement.*" ("**Inquiry Mandate**"). COP Ullger now recalls having recently reviewed and considered those WhatsApp exchanges for the first time, obtained from the Police Service Northern Ireland ("**PSNI**") in July 2024 from a mirrored Mr Ian McGrail phone (as explained in 5WSCY) that the Minister for Justice was at the material time (May-June 2020) very surprised at the decision making by the Chief Minister Mr Picardo and Acting Governor Mr Pyle in relation to Mr McGrail tenure. Finally, the E&C Letter was used as an opportunity to notify the STI/CTI and Chairman that there are no longer any criminal investigations/ prosecutions ongoing (or contemplated) that would restrict CTI or any CP from cross examining any witness, unlike the position during the evidential stage of the Inquiry. It may be in the context of a re-opened Inquiry that witnesses should be called or recalled to further expand on lines of questioning specifically related to the "Whistleblower" investigations, that may go to the issue of credibility. A matter for CTI and others.
9. The RGP Further Requested Disclosure was circulated by the STI to all CP's on the 24 December 2024.

RGP Position

10. The RGP (subject to the observations below) primary position is one of neutrality, in that its officers including of course the COP Ullger are very willing to give further live evidence at a reconvened live evidence session of on any

matter that the Chairman believes will assist him to consider and determine the Inquiry Mandate.

11. However, there are numerous factors that the RGP believe may be relevant to the exercise of the Chairman's discretion.

Additional Delay and Costs

12. It is clearly entirely for the Chairman to decide whether given the RGP Further Requested Disclosure which followed on from the RGP September Disclosure and the explanations sought and given by the RGP in 5WSCY (and those by others) there is a useful and proportionate purpose served by a re-convened Inquiry with a further live evidential session. Inevitably that will require the Chairman, CTI and STI and all CP's and their counsel to coordinate diaries. The reconvened hearing will take place, and then no doubt there will then need to be the opportunity for further closing submissions by all CP's.
13. As identified in the STI 9 December Letter the GOG Application has had the effect of delaying the Maxwellisation Letters process and this will delay the outcome of the next stages of the Inquiry considerably. That of course will probably result in the final report not being sent to the Government and then published until Autum 2025 more than a year after the June Final Hearing.
14. Equally and the RGP consider important, there will then be an important substantial additional cost that will be borne by the Gibraltar taxpayer.

Late Timing of GOG Application

15. The GOG Parties made the GOG Application after a very late request on the 24 June 2024 (by its lawyers PC&C) by email to the STI for additional disclosure, namely the day before the June Final Hearing ("**GOG Parties Disclosure Request**").

Correct and Timely Disclosure by the RGP

16. For reasons explained in 5WSCY and in the E&C Letter (and repeated below) the RGP does not accept that it has in any way failed in its disclosure obligations, nor in the timeliness of its disclosure.

17. It is evident from 5WSCY and specifically CY/WS5/1 that the RGP, at all material times, proactively and in close and careful liaison with the former STI Attias & Levy and the current STI carried out its disclosure in accordance with both the Inquiry Documents Protocol and the guidance in Civil Procedure Rule 31, as directed by STI Attias & Levy.
18. In order to seek clarification, the RGP (COP Ullger and ACOP Yeats) and its solicitors Cruzlaw LLP (as they were then) met with STI Attias & Levy on the 20 October 2022. This was followed by a letter of the 4 November 2022 from STI Attias & Levy to Cruzlaw LLP which explained in writing relevant issues, including those related to “1 Request for documents from RGP officers;” “1.1 Test of relevance;” “1.2 Deadline for Compliance;” “1.3 Timetable for disclosure;” “Access to RGP database;” and “3. Further information on your disclosure obligations”. It was made clear that guidance should be sought from “CPR methodology” and that the STI: “*did not intend to require Core Participants to run searches by the Inquiry team*”, but further guidance was offered.
19. In response on the 11 November 2022 Cruzlaw LLP wrote to STI Attias & Levy explaining its proposed course of action, and explaining and documenting its proposed methodology (as requested).
20. On the 23 November 2022 Cruzlaw LLP wrote again to the STI Attias & Levy explaining the progress it had made in disclosure and its expectations (that save some matters that were out of its control and related to ITLD) it was ready to meet the intended 1 December 2022 deadline. However, Cruzlaw LLP recognising the Data Breach issues suffered by STI Attias & Levy asked for reassurance about transferring Data, specifically as all RGP witness statements provided by the RGP (to STI Attias & Levy) on the 22 November 2022 as per agreed timescales had been returned unopened.
21. STI Attias & Levy were replaced with STI in early 2023 and following meetings with STI and CTI at Cruzlaw LLP, CTI and STI adopted an alternative disclosure regime which fundamentally (and contrary to the previously agreed process) involved in essence all raw data being reviewed by STI, redacted and circulated.

22. Disclosure followed in due course to all CPs very well in advance of the evidential part of the Inquiry in April 2024, keeping in mind that the hearing of the live evidence was delayed from Autumn 2023 until Spring 2024.
23. At no time prior to the GOG Parties Disclosure Request (the day before the June Final Hearing) did the GOG parties (or others including STI) highlight any apparent concerns including those it deems now important enough to merit the GOG Application, which if granted will have the above-described consequences of delay and costs on the Chairmans report.
24. The suggestions made by the GOG Parties in the GOG Submissions that the RGP has made late, and non-spontaneous disclosure, is both incorrect, and previously evidently ill-informed. It is regrettable that having had the benefit of 5WSCY that the GOG Parties do not (at least clearly) resile from such an accusation. Indeed their position is worse. Now informed but still incorrect.
25. For reasons explained in 5WSCY (and evidenced specifically in CY/WS5/1) the RGP responded to STI request for further disclosure on the 27 June 2024, the same day, by requesting clarification of both the date range and relevance. STI explained in a response of the same day that date range was the 12 May 2020 until the 9 June 2020 and the issues were those in the PLOI. The email exchanges are as follows:

24 June 2024 times at 9:46:

“Dear Sirs

We note that we have not been provided with disclosure of any WhatsApp messages between:

1. *Mr McGrail and COP Ullger;*
2. *Mr McGrail and ACOP Yeats;*
3. *Mr McGrail and Supt Wyan;*
4. *Mr McGrail and any other member of the RGP SMT;*
5. *Mr Richardson and Supt Wyan;*
6. *Any RGP SMT group chat (other than some messages relating to the Airfield Incident [C757 et seq]).*

We would be grateful if you could confirm whether the Inquiry has sought disclosure from Mr McGrail and/or RGP SMT members of any such relevant WhatsApps and, if so, what their responses have been.

*Yours faithfully,
Peter Caruana & Co”*

27 June 2024 timed at 15:28

“Dear Nick,

I refer to the below message received from Caruana & Co. The Inquiry would be grateful if you could disclose the relevant WhatsApp conversations from the relevant time period between the persons listed below.

I look forward to hearing from you.

Best wishes

Seb”

Sebastian Triay”

27 June 2024 timed at 3:59

“Hi Sebastian,

For what period and in relation to what matters?

12 May 2029- 9 June 2020?

Nick”

27 June 2024 timed at 16:14

“Hi Nick,

Sorry for not being clearer, yes the period 12 May 2020 to 9 June 2020, and in relation to the list of issues.

Best wishes

Seb

Sebastian Triay”

26. This request was sent by Cruzlaw LLP to RGP the same day. The next day, Friday the 28 June 2024 COP Ullger explained to Cruzlaw LLP that he did not

have WhatsApp communications with Mr McGrail prior to July 2021, having lost messages with numerous persons (such as family members) as well as Mr McGrail, he presumed because of a change of phone in June 2020. He suggested an alternative pragmatic solution, namely the possibility of obtaining a data from Mr McGrail's phone from SIO John McVea, held by PSNI (that SIO McVea had obtained in the context of a criminal investigation). He requested that Cruzlaw LLP seek Mr McGrail's permission.

27. Cruzlaw LLP on the very same day sought permission from Charles Gomez & Co ("**CG&C**") as solicitors for Mr McGrail. Such permission was granted by email from CG&C to Ellul & Cruz ("**E&C**") on the 2 July 2024 (subject to a review of material by CG&C).
28. Messages were obtained from the mirror image held by PSNI and sent to CG&C directly by COP Ullger on the 14 August 2024 (for review by them) and on the 20 August 2024, approval was given by CG&C with the recommendation that redacted and unredacted versions should be provided to STI (to allow STI to verify any redactions prior to circulation to other CPs).
29. On the 22 August E&C wrote to STI and CTI explaining that E&C had received most of the required disclosure, but that Mr Cruz (who had conduct of the matter) was away and would be meeting the RGP on the 2 September 2024. He advised that he could send complete disclosure on that date, or most disclosure immediately. Ms Hope Williams assistant CTI responded on the 23 August 2024 expressing the preference for the former option to avoid possible duplication in any review.
30. On the 2 September 2024 a USB Memory stick with all RGP's September Disclosure was provided that was then circulated by STI to all CP's on the 4 November 2024.
31. This has all been explained with supporting documents in 5WSCY but what it dispels is any suggestion by GOG Parties in its GOG Submissions that the RGP has double standards, or that the RGP has done anything other than give the full and timely disclosure sought, in the manner sought and at all material times. As and when expanded or further disclosure has been sought (as is not unusual in an Inquiry) it has been given in a very timely fashion.

32. Evidently before July 2024 COP Ullger could not give disclosure of messages between him and Mr McGrail, because he simply did not have them as explained in the 5WSCY paragraph 5. In fact, he could have stopped there in response to the STI following the GOG Parties Disclosure Request (and complied with his disclosure obligations as he had no documents under his control) but chose to make immediate efforts to source the WhatsApp exchanges by alternative means. Other RGP Officers such as ACOP Yeats (as he explained in paragraph 4 of the 5WSCY) gave full disclosure in accordance with best advice, Documents Protocol and guidance from STI/CTI.

Effective Relevance of WhatsApp Exchanges

33. In the circumstances it is of course for the Chairman to determine the relevance of the RGP's September Disclosure and the RGP Further Requested Disclosure to the Inquiry Mandate, but the RGPs position (save as provided below in paragraph 44) is that they do not really impact on the Inquiry Mandate in a significant way, nor would any cross examination be likely to take matters further. Indeed, these further disclosures by and large do little more than show empathy by senior RGP officers specifically COP Ullger and ACOP Yeats for the position Mr McGrail found himself in during the relevant period approaching the 9 June 2020.

34. In the context of that empathy, it is important to correct another incorrect suggestion by GOG Parties in the GOG Submissions, namely that the RGP position and Mr McGrail's position were immediately aligned, or in the words of PC&C in the GOG 1st Application Letter paragraph 5.2 when referring to the credibility of the case theory advanced by Mr McGrail: *"with the active coincidence of view and support of the RGP"*.

Mischaracterization of the RGP position by GOG Parties.

35. The RGP's has made the point repeatedly in its Opening Written and Oral Submissions and its Closing Written and Oral Submissions that its primary concern has been and remains the failure to adhere to "**process**". The failure by the GOG Parties to respect the Constitution, the Police Act, the Rule of law by adopting no, or no proper process in the removal, or effective removal of a serving COP even if the reasons for such removal are those identified by the GOG Parties.

36. The RGP has left the matter entirely for the Chairman. In its Closing Submissions it said:

“Even if as they both [Mr Picrado and Mr Pyle] have suggested they had lost confidence in a COP, in this case Mr McGrail for reasons they explain (a matter for the Chairman) then the RGP believe that either inviting the GPA to utilize their section 34 powers or resorting (even if possible) to section 13f, without any constructive engagement is most worrying.

The process which was chosen given the overwhelming evidence (including that of both Mr Picardo and Mr Pyle) the RGP suggests was borne out of a desire to remove Mr McGrail without any adherence to the Police Act, or without regard to the importance under the Constitution to respect the independence of the GPA, and thereby the RGP.

Taken even at its highest, and assuming Mr Picardo KC and Mr Pyle, versions of events are to be accepted, or preferred, they were complainants (albeit interested and probably conflicted).

It was incumbent, the RGP submits, for them to have reduced their complaints to writing, communicated those complaints formally to the GPA and allow the GPA appropriate time, space and independence to consider the complaints. The GPA could then have properly engaged with the section 34 process. All parties appear to agree that this should involve a process that is neither predetermined, nor inevitable, and should subscribe to the Constitutional, ECHR rights to a fair hearing (that every person should enjoy) or those at least identified in section 34 itself.”

37. Therefore, the RGP rejects totally the suggestion that it has done anything other than maintain a neutral position, albeit it has always explained (from the outset) that neutral does not translate to finding the middle ground.

38. As it made clear in its Headline Observations:

“A wrongful process and procedure to bring about the removal of a serving Commissioner of Police (“COP”) in an unlawful manner (in breach of the Constitution 2006 (the ECHR) and Police Act 2006 and the rules of natural

*justice or fairness) was engaged in, **irrespective of whether confidence in Mr McGrail had been irretrievably lost as suggested, or for the reasons given, or alternatively the reasons suggested by Mr McGrail.** Those with Constitutional responsibilities to act as a check and balance on the executive failed to do so adequately or at all. There was an individual and collective failure to uphold the Rule of Law by safeguarding the Independence of the GPA or the RGP.” [emphasis added].*

GOG Parties possible Motives for GOG Application

39. The RGP does not believe that the RGP’s September Disclosure and the RGP Further Requested Disclosure has any meaningful impact on that conclusion, nor will any cross examination by the GOG Parties or other be likely to impact the Chairman’s conclusions, whatever they are.
40. Indeed, the RGP has concerns that the GOG Parties are not really motivated by concerns about Open Justice, or that they really believe that the said disclosure can in anyway impact the Chairmans conclusions on the Inquiry Mandate. Rather they appear to be nothing more than a naked attempt to see if they can cause public reputational damage to the RGP and specifically its senior management and more specifically COP Ullger by putting the RGP (who have not failed in their disclosure obligations) in the same category as GOG Parties Witnesses who may have concerns as to whether they have fallen short of their disclosure obligations. Paragraph 5.2 (v) and 5.8 and 5.9 of the GOG 1st Application Letter paragraphs speak to that possible motive and the Chairman should not be immune to this possibility.
41. The RGP never focussed on any issue of non-disclosure of WhatsApp (or other messages) by the GOG Parties contrary to what the GOG Submissions suggest. This may have been a matter for other CP’s and their counsel. The RGP does not recall even 1 question to Mr Picardo, Mr Pyle or Mr Llamas on the question of disclosure, or non-disclosure, yet the GOG Submissions are littered with entirely unfair suggestions that this was precisely what the RGP did (alongside others).
42. If this late and imaginative application was about persuading the Chairman of a substantive issue it would suffice for the matter to be reduced to written submissions that can of course appear on the Inquiry Record. Indeed, one

would have expected the GOG 2nd Application Letter to have forensically explained what specific disclosure provided in the RGP's September Disclosure and the RGP Further Requested Disclosure purports to establish, that could not already be established on the basis of current evidence before the Chairman (or be dealt with by written submissions).

43. The RGP suspects that the GOG Parties are motivated by the desire to "*spin*" perceived, or alleged disclosure failures by the RGP (which on proper analysis are not real) in the public domain whether to create an antidote to any eventual conclusion on this issue of disclosure that may be contained in the Chairman's published report or for some other purpose.
44. Additionally, and alternatively a possible motive behind the GOG Application is to delay the process that will lead to the finalising and publication of the Chairmans report, and, in that sense, it has already been partly effective. As it stands, we are unlikely to see a public report any time soon because of the delay occasioned.

Alternative Useful Purposes for a Reconvened Live Evidential Hearing

45. However, the RGP repeats its primary position that of neutrality in that its officers including of course the COP Ullger are very willing to give further live evidence at a reconvened live evidence session of on any matter that the Chairman believes will assist him to consider and determine the Inquiry Mandate.
46. In that context if the public are to suffer delays and further costs (occasioned by a reconvened public evidential hearing) what the Chairman may wish to consider is whether given the exchanges in the RGP's September Disclosure and the RGP Further Requested Disclosure between COP Ullger (ACOP as he was then) and Ms Samantha Sacramento (the then Minister for Justice) the Honourable Ms Sacramento (now freed from a Government role) may prove to be a material witness in assisting the Chairman in assessing the Inquiry Mandate.
47. COP Ullger will give evidence that having recently read those exchanges he now recalls that at the material time the said Minister was most surprised by the suggestions of loss of confidence on the basis of the PLOI and

specifically the HMIC Report and Operation Kram. It would indeed be surprising if such alleged concerns had not been shared with the Minister in whose portfolio the RGP fell to be considered.

48. Finally, as explained in the E&C Letter should the Inquiry be reconvened the limitations on cross examination of witnesses occasioned by the Whistle Blower criminal investigations live at the time of the hearing of evidence in April-May 2024 no longer would exist, albeit that is a matter for the CTI and other CPs and not a matter that the RGP (for obvious reasons) will raise any questions about.

Nicholas P Cruz
Counsel for RGP
Ellul & Cruz
17 January 2025.

ANNEX 1

Our Ref: NCP/AHC/497A

20 December 2024

Your Ref: CS/ST/X16.1

Solicitors To Inquiry
28 Irish Town
Gibraltar
GX 11 1AA**FAO: Charles Simpson Esq. & Sebastian Triay Esq.**

Dear Sirs,

Inquiry into the retirement of the Former Commissioner of Police- Recent RGP disclosure and additional queries ("Further RGP Queries")

I refer to your letter dated the 9 December 2024 to us reference the above ("**STI 8 December 2024 Letter**") and separately the letter attached to your email of the same day to all Core Participants including the letter from Peter Caruana & Co dated the 25 November 2024 ("**PC&C Application Letter**").

Please find attached the Fifth Witness Statement of Assistant Commissioner of Police Cathal Yeats ("**5WSCY**") for the RGP (which should be self-explanatory) as requested together with USB memory stick enclosing the RGP further disclosure ("**RGP Further Disclosure**").

We believe that the 5WSCY addresses all your questions 1-6 and 1-2 in the STI 8 December 2024 Letter. In the timeframe you have given us and given Mr Cruz was away 10-17 December and ACOP Yeats and SI Wyan we have addressed as best we can all requirements.

On the USB memory stick we also enclose the unredacted material in relation to the WhatsApp exchanges between Mr McGrail and ACOP Yeats, Mr McGrail and Mr Richardson and Supt Wyan for the expanded date range from that previously requested (12 May-9 June 2024) to 1 January 2020-30 June 2020. There are no messages available for disclosure between Mr McGrail and Mr Tunbridge, (from their work phones) as explained in 5WSCY paragraphs 16,17 and 29. You will see that it is quite minimal. The RGP does not believe that there is any material that is relevant for disclosure purposes to the PLOI, albeit one could say there maybe a few messages that are connected in some way with the PLOI such as those

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suggesting empathy with Mr McGrail's plight in the last few days before his departure. Moreover, in the case of Mr Richardson it is a matter where he is a CP and separately represented. It will take you little time (we imagine) to review that unredacted material.

On the USB Memory stick you will also find from the "McGrail mirrored phone" obtained with his consent from the Police Service Northern Ireland this summer the redacted exchanges between Mr McGrail and Mr Ullger for the extended date range of 1 January 2020-30 June 2020. To be clear and the 5WSCY makes the point at paragraph 5 and 13, that for reasons explained in COP Ullger email dated the 28 June 2024 for reasons that he does not readily understand but he suspects is as a result of a change of phone in June 2020, COP Ullger did not have access to these messages before this summer (see email 28 June 2024 timed at 13:05 contained in Exhibit CY/WS5/1) in July after your request of the 27 June 2024.

There are 477 pages involving 2732 separate messages. COP Ullger has reviewed and Mr Cruz as Counsel has reviewed, adopting a policy of leaving unredacted any message connected with the PLOI, not necessarily relevant in the context of the test of relevance that would be properly adopted, or was agreed with your predecessor STI Attias & Levy. Many may serve little, if any purpose. However, given the incorrect, and uninformed suggestions about non-disclosure, or untimely and non-spontaneous disclosure by the GOG Parties in the PC&C Application Letter we have taken a very wide view on the disclosure exercise you have tasked us with.

Moreover, the entire 477 pages and 2732 separate messages in unredacted format are also included on the USB memory stick so that any analysis by the RGP, or Mr Ullger specifically, or Mr Cruz can be reviewed by STI/CTI as against the raw material.

We will address the uninformed accusations in the PC&C Application Letter in the context of RGP submissions in response to those that will be received by Peter Caruana & Co on the 10 January 2025 in the context of the GOG parties attempt to re-open the evidence stage in this Inquiry.

In the context of that review (and the possible reopening of the evidence aspect of the Inquiry) it is evident to Mr Cruz and the RGP that there are some exchanges between COP McGrail and ACOP Ullger (as they were then) reference the then Minister for Justice, the Honourable Samantha Sacramento (in messages referred to as "SS") that could suggest she could be a material witness. COP Ullger now recalls (having considered those messages) that she was at the material time (May-June 2020) very surprised at the decision making by the Chief Minister. CTI/STI and or CP's may need to consider whether such a similar application should be made in respect of The Honourable Ms Sacramento.



The RGP also take the opportunity of alerting the STI/CTI and Chairman that there are no longer any criminal investigations/ prosecutions ongoing or contemplated that would restrict CTI or any CPO from cross examining any witness, unlike the position during the evidential stage of the Inquiry. It may be in the context of a re-opened evidence stage of the Inquiry that witnesses should be called or recalled to further expand on lines of questioning specifically related to the "Whistleblower" investigations that may go to the issue of credibility.

We trust we have covered every issue and in good time for you to share the material with CP's as envisaged.

Yours sincerely

A handwritten signature in blue ink that reads "ELLUL & CRUZ". The signature is written in a cursive, slightly stylized font.

ELLUL & CRUZ

Encl.