

Commissions of Inquiry Act

**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**

**FOURTH WITNESS STATEMENT OF
SUPERINTENDENT MARK WYAN**

1. My name is Mark Wyan and I am a Superintendent of the Royal Gibraltar Police ("the RGP").
2. I write this statement in response to alleged delays and failures in disclosure as highlighted by the Government Parties in their application to reconvene, dated 25th November 2024, and the subsequent Ruling by the Chairman, dated the 10th February 2025.
3. In a letter dated 14th July 2022, the Solicitors to the Inquiry ("STI") requested my cooperation in preparing and producing:

"Any documents (including but not limited to electronic documents such as emails, word documents, PDFs and SMS, WhatsApp or other instant messages) in your possession or control relevant to the subject-matter of the Inquiry and the matters referred to in paragraph 1 above ..."

4. In compliance with this request my search for information and evidence extended to my private mobile phone. This included a search for WhatsApp or other instant messages between myself and both Mr. Richardson and Mr. McGrail.
5. A manual search of my current private mobile phone revealed that there were no messages with either Mr. Richardson or Mr. McGrail that were relevant to the subject matter of the Inquiry.

6. At the time of the letter I was still in possession of my previous personal mobile phone which had been in use during the relevant period. However, this device was non-functional and I was unable to access any information stored within it.
7. As a result of my findings at paragraph 6 and 7, I was unable produce to the Inquiry any Whatsapp messages between myself and Mr. Richardson or between myself and Mr. McGrail.
8. In an email on the 24th June 2024 the Government Parties requested confirmation of whether WhatsApp messages between various RGP officers had been disclosed to the Inquiry. These included WhatsApp messages between myself and Mr. Richardson, and between myself and Mr. McGrail.
9. Whilst responding to this request the Commissioner of Police informed me that the RGP was considering seeking the consent of Mr. McGrail to disclose data which had been forensically extracted from his personal mobile device in relation to another matter. This prompted me to consider the use of RGP forensic software as a means of accessing data on my non-functional device. I subsequently handed over my previous mobile phone to DC Garcia of the Digital Forensics Unit ("DFU").
10. On or around the 26th July 2024 DC Garcia informed me that he had carried out a forensic extraction of data held on my previous personal phone. He subsequently produced a forensic extraction report containing relevant messages between myself and Mr. Richardson for onward transmission to the Inquiry. No relevant messages were found between myself and Mr. McGrail.
11. Whilst acknowledging that Mr. McGrail consented to the disclosure of data that had been forensically extracted in relation to another matter, to the best of my knowledge and belief, no other party has willingly volunteered their personal device for forensic extraction and analysis to ensure that material that was otherwise lost or inaccessible could be disclosed to the Inquiry.
12. It is noteworthy that, although only disclosed by the STI on the 11th February 2025, Mr. Richardson disclosed all relevant Whatsapp messages between him and I on the 15th June 2023, in advance of the main hearing.

STATEMENT OF TRUTH

I believe the contents of this witness statement to be true.



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NAME: Mark WYAN

DATE: 11th March 2025