

In the Matter of the Commissions of Inquiry Act

**In the Matter of an Inquiry into the retirement of the former Commissioner of Police
convened by a Commission issued by HM Government of Gibraltar on 4 February
2022 in Legal Notice No 34 of 2022 (“the Inquiry”)**

Sworn Statement of Samantha Sacramento

I, Samantha Sacramento, of [REDACTED] Gibraltar, **MAKE
OATH** and say as follows :

1. Following the General Election in December 2011, I served in the Cabinet of Her Majesty's, and later His Majesty's Government of Gibraltar for twelve years, over three terms of office. I retired from politics at the last General Election in October 2023.
2. Throughout my time in Government I held a wide number of portfolios. At the material time of the period in question I was the Minister for Justice, having been appointed after the October 2019 General Election. At this time, among other responsibilities, I was also the Minister with responsibility for Civil Contingencies.
3. I am a Barrister by profession. I was called to the Bar in England and Wales in 2000, and lived in the UK until my return in Gibraltar in 2004. I started practice at the law firm of Attias & Levy in 2004 where I worked throughout until I was elected to Government in December 2011. I have not practiced since. I have been on a work sabbatical since my retirement from Parliament in October 2023. I will return to work soon.
4. This Inquiry has issued a Section 21 Notice dated 5th February 2025 under the Inquiries Act 2024 (the Notice), requiring me to provide a sworn statement and disclosure.
5. The letter accompanying the Notice explains that the premise for the request for a statement is “on the basis of new disclosure received from the RGP in late 2024, the Inquiry now has further reason to believe that you were privy to further

discussions and correspondence which is relevant to the Inquiry's terms of reference."

6. I have always considered that my involvement in the matters relevant to the terms of reference was minimal, if at all as I will turn to explain in greater detail.
7. I have not, nor should I have, seen the submissions that have been put forward to the Chairman for him to have reached this conclusion, nor have I been served with copies of any such disclosure (nor should I have been) but I am happy to provide a further statement once I have sight of such disclosures, if this is required or deemed necessary.
8. I was not consulted on nor did I form part of any decision making process that led to any of the decisions reached by the Chief Minister or the (Acting) Governor. Nor did I consider that I needed to be and it was not a requirement under the Police Act in any event. The outcome of the state of play may have been communicated to me, but that would have been for my information and after the event and after decisions had been taken, if at all.

General observations

9. As the Minister for Justice I also had responsibility for HM Prison, the Probation Service and general criminal justice policy.
10. The responsibility for the Police is that of the Chief Minister as described in the Police Act. The Minister for Justice does not feature in the Police Act. However I saw my role as providing support to the RGP through the Commissioner as well to work with the Commissioner on achieving the Government's policy objectives and meeting manifesto commitments.
11. The way that I structured my working relationship with the Commissioner, as with most other heads of department, was to meet monthly to discuss whatever relevant agenda items may arise. Invariably, priorities seemed to revolve around budgets and human resources. This was a common theme among the majority of other departments that I was responsible for.
12. Whereas I very keenly set out to make progress in the criminal justice field when appointed to this role unfortunately, a few months into the term plans were all too soon thwarted by the onset of the Covid-19 pandemic. This became very much the focus of my work. Although I tried to keep my monthly meetings schedule with my heads of department, this became increasingly difficult and as from March

2020, unless urgent or imperative, most matters had to give way to dealing with the pandemic. I did however endeavour to keep to my monthly meeting with the Commissioner of Police.

13. Mr McGrail had already been in post as Commissioner of Police when I was appointed Minister for Justice in October 2019. I did, however, already have a working relationship with Mr McGrail before I was the Minister for Justice because of other portfolios that I held. I had in the past chaired statutory and non-statutory committees and working groups in relation to, but not limited to, safeguarding, domestic abuse, MAPPA (Multi Agency Public Protection Arrangements for sex offenders), the Drugs Advisory Council and these groups were made up by heads of the relevant organisations attending so I would have met him in the past in these committees.
14. By virtue of our already existing working relationship, Mr McGrail was already aware of the social policy and social justice issues on my agenda when I was appointed Minister for Justice. Very early on, Mr McGrail explained to me his intention to restructure the RGP and set up a designated safeguarding unit and we also discussed domestic abuse at length.
15. I consider that Mr McGrail and I enjoyed a good working relationship. It was formal, professional and one that I considered to be a good one.
16. Before I turn to the issues themselves, I think it is important to remind the context of other pressures at the time.
17. On or about mid January 2020 we were advised by the Director of Public Health of a virus emerging in Wuhan. By the end of January 2020 a specific Strategic Coordination Group was set up to, at that stage monitor the situation and explore what safeguards we required. I chaired this group in my capacity as Minister for Civil Contingencies together with the Minister for Public Health and it was made up of Heads of Department throughout the public sector. This group was soon streamlined to key departments in order to make it more strategic. The Commissioner of Police formed part of this high level strategic group.
18. By the first week in March the situation had progressed and that week started to escalate very quickly. By the end of that week we were advised by the Director of Public Health to cancel large events and avoid gatherings.

19. By the following week I was almost permanently based at the Strategic Command Centre at Number Six Convent Place (also frequently referred to as “the bunker”) until around August 2020.
20. The Covid-19 pandemic was a difficult time worldwide, of that there is no doubt. In Gibraltar, everyone played their part in keeping the community safe. From the perspective of the Government, this presented additional pressure to that already placed upon us by Brexit. I say this because an understanding of everything else that was happening at the time I think is important.
21. It is relevant also that the Royal Gibraltar Police was held in high regard by the public at this time. Uniformed officers were very visible on the streets and they were very much a part of keeping Gibraltar safe during the pandemic and whereas so many people were working from home for their personal safety, the public would see that the RGP were visibly on the front line and therefore exposing themselves to the virus.

Matters listed in the Schedule to the Notice

Disclosure

22. I have been asked to provide disclosure of relevant documents. I have specifically made arrangements for access to my former Government email account and, because my account had been deactivated upon my departure from Government, it has been somewhat complicated to retrieve and reactivate. While I have had read-only access to emails, I am making further arrangements to be able to export these so as to give disclosure, but I am not presently in a position to do so. I did not want the disclosure process to delay the provision of my statement, and so I will provide disclosure separately in due course.
23. Insofar as concerns the disclosure of communication by WhatsApp, I am not in possession of all my WhatApps during this period.
24. All my professional life I have only ever used a BlackBerry mobile phone, until the commencement of the Covid-19 pandemic. The volume of work at the start of the pandemic was exponential to the extent that I noticed that the BlackBerry operating system would lag and sometimes crash and I felt that it was slowing down my ability to work. I also feared that the mobile would just stop working (as was often happening with that generation of BlackBerries) and during this exceptionally busy period I could not afford the risk of not having a mobile device,

particularly since I was no longer based at my own office during this time. I asked my personal assistant to purchase a new mobile so that I could have a backup device in case mine failed. This would have been on or around the middle of March because I think that we were heading towards lockdown. I distinctly remember my assistant telling me that it would be impossible to source replacement Blackberry as these usually had to be ordered so he purchased an iPhone instead.

25. It took me a few days to transfer the SIM card from one mobile phone to the other and even though I used the same SIM I noticed that the WhatsApp chats did not transfer from one device to the other but I didn't really give this a second thought given what I was dealing with at the time.
26. I remember that after using the iPhone a few days I did not like it because the keyboards were so different and I felt that I worked faster on the BlackBerry so I changed the SIM card back to the Blackberry again. By this point I was using both devices, especially as I had to frequently cross refer to documents and data for Covid purposes. This meant that I used both the iPhone (without a SIM card and when connected to wifi) and the BlackBerry (which had the SIM card) for email communication but only the BlackBerry for WhatsApps (since WhatsApps require a SIM card). As I was not using the BlackBerry continuously I was no longer experiencing the lags.
27. Once I started using the iPhone for emails I became more used to it and at some point I once again transferred the SIM to the iPhone and it became my principal mobile. I cannot say with certainty when this was. It may have been a few weeks later or possibly a month or so later, but I cannot say with certainty.
28. Having checked my emails, I know that in May 2020 I was still using the BlackBerry device because of the automatically generated BlackBerry signature on the email footer. Whether I was using it for WhatsApp as well as email I simply cannot say.
29. I would like the Inquiry to understand that during this time, because of dealing with the pandemic, we would literally be galloping through the day and it felt that there were not enough hours to do everything that needed to be done.
30. Unfortunately I lost the BlackBerry device on or around October 2021 so I am unable to retrieve the WhatsApps from that device. I do not think that there would have been that many WhatsApps relevant to the matters under Inquiry in any event.

31. I do however still have the same iPhone that I used at the time. I have specifically searched through a number of individual and group chats generally, not just with those who are parties to the Inquiry, to see if I could determine when I started using the iPhone with the SIM card and most chats that are historic commence in September 2020. I have, however, found one that commenced in May 2020 which suggests I may have been using it for WhatsApp then, though I am not sure if that was continuous or not. It is for this reason that I am unable to disclose each and every one of the WhatsApp messages.
32. Indeed, of the few WhatsApps with me that would be relevant, I would imagine that these have been already been put before the Inquiry by other parties. I am aware that some have been referred to in oral evidence during the course of the hearing and of the ones that I heard being referred to, I agree that these were sent or received as they were described in the oral evidence as I remember them to be.
33. I have not seen the actual text of the messages as disclosed because I am not privy to any exhibits or disclosure in these proceedings. For the sake of completeness I would be happy to confirm the authenticity of any texts that others have disclosed should the Inquiry deem it necessary to disclose these to me for my confirmation.
34. I will deal with the specific exchanges with the individuals in greater detail when referring to each topic below.
35. I have been asked to provide an account of my interactions with a list of individuals and bodies on matters relevant to the Inquiry's Terms of Reference.
36. I can confirm to the best of my knowledge and belief that I have never had any interactions in relation to the matters relevant to the Inquiry's Terms of Reference with any of the following listed:
- a. Michael Llamas KC,
 - b. Christian Rocca KC, or anyone at the OCPL
 - c. Nicholas Pyle,
 - d. Lt General Ed Davis,
 - e. The Magistrates' Court
 - f. Albert Mena,
 - g. Maurice Morello
 - h. Lloyd DeVincenzi
 - i. Paul Richardson
 - j. Superintendent Mark Wyan

- k. James Gaggero
- l. Thomas Cornelio
- m. Caine Sanchez
- n. Eddie Asquez
- o. Any member of the Foreign or Commonwealth office

37. My interactions with the following individuals I will further particularise below.

- p. Ian McGrail
- q. The Hon Fabian Picardo KC
- r. Dr Joseph Britto
- s. Richard Ullger

1 Issue 4 the HMIC report

38. I distinctly remember the matter of the HMIC report.

39. The HMIC report was about the Force as a whole. In the context of the situation, I had only been the Minister for Justice for six months, almost three of which had been subsumed by Covid, so this was early days for me in that respect and I was still getting to understand how the RGP worked as an organisation and what its main issues were.

40. I first received the report from Dr Joey Britto by email on the 21 April 2020. I must have missed the email and I was prompted by my office on the 27th April that Dr Britto wanted to meet with me to discuss the report and they set up the meeting.

41. Mr McGrail also sent me the report by email on the 28th April 2020.

42. Initially, I quickly read the report and it worried me and I remember that despite being incredibly busy with my Covid responsibilities, because I was concerned about its content, I read it through more carefully a second time to fully understand it.

43. When I read the report for the first time, I was extremely concerned with its content, and I momentarily questioned whether Mr McGrail was up to the task of resolving the issues at hand. I never discussed these thoughts with anyone. Given everything else that was going on, I rationalised the matter thinking that the solution would come quicker by working together and providing support. In my

view it was another serious problem we were faced with but one that needed work to resolve quickly.

44. Upon a more careful second reading of the report, I saw it in a better light. I remember thinking that the report was quite badly drafted. I got the sense that it was quite formulaic in its approach and it read as if those preparing the report used a matrix and explanations did not read as badly as the headlines. In my mind I saw that the issues had solutions and I awaited my meeting with Mr McGrail to fully understand his views on the report but I did not consider that the problems posed were insurmountable.
45. Following the consideration of the report as I have just explained, I knew that Mr McGrail was very worried about the report so I sent him a message to try to reassure him of my support.
46. My Outlook diary entry shows that I met Dr Britto and Mr McGrail on the 30th April 2020.
47. I remember that when Mr McGrail and Dr Britto attended the meeting with me they were both genuinely concerned about the report and clearly worried. My vivid recollection of that day was how respectful they both came across about the entire process and how serious this was to them. Mr McGrail assured me that he had already worked on a very clear road map to implement the recommendations and that he felt that things were in hand. The general approach was that he had requested this report, ahead of the scheduled time, because he wanted an objective audit of what he needed to do.
48. I remember that during the meeting there was some discussion around publication of the report. While they both expressed that they thought that it should be published, I didn't understand why we were even debating it as my view was that there needed to be full transparency and it ought to be published. In any event I considered that I was being consulted but it was not a decision for me whether it ought to be published, though we all agreed that it should be.
49. My view was that it was one more problem that I was faced with and that I had to be "solution-focused". At the end of the meeting I thought this was not a problem that was insurmountable and I made it very clear to Mr McGrail that he could count on my support in relation to the fixing of these issues.
50. My position has always been the same. I would describe my approach as pragmatic. We had a problem that had to be fixed and I saw that I also played a role

in doing so by providing support, I made this clear to Mr McGrail and Dr Britto as well as the public following a question after one of the live covid press conference briefings that Mr McGrail and I attended together shortly thereafter.

51. Mr McGrail sent me his roadmap by email later that afternoon.

52. I wouldn't normally update the Chief Minister after my meetings with the Commissioner but on this occasion, I considered the matter to be a serious one and one of concern and so I thought that I needed to let him know. I cannot remember if I sent him a WhatsApp or I told him in person but I told him words to the effect that we had received the HMIC report and that it was rubbish, that it was something that we had to deal with and that I had to support the police in helping them resolve matters. He had not read the report.

53. After my meetings the report was still on my mind that evening so I read it once again, with focus on understanding what needed to be done to remedy the situation.

54. Finally, I expressed my support for the Commissioner at the covid press conference in relation to the HMIC report because that was a reflection of how I felt. I thought that it was important to reassure the public, particularly because of the already difficult circumstances arising from the pandemic.

55. Clearly I took a pragmatic approach to the HMIC report. Although I considered the matter to be serious, I did not think that the issues raised therein were insurmountable and I thought that the best course of was to support Mr McGrail in achieving the objectives in the roadmap that he had set out, at the end of the day it was about the bigger picture.

2 Issue 5 (the Conspiracy Investigation):

56. I was not aware of the RGP's investigation into the alleged hacking and/or sabotage of the NCIS and alleged conspiracy to defraud prior to 12 May 2020.

57. I became aware that the RGP executed a search warrant against Mr James Levy KC in connection with that investigation when Mr McGrail informed me by message on the 12th May 2020. At that time he happened to be in a meeting that I was chairing and he was sat not far from me. I acknowledged his message with a reply saying thank you and I continued to chair the meeting.

58. To the best of my knowledge and belief, I did not have any conversations in person, by telephone or electronic communication with Mr McGrail, the Chief Minister, the Attorney General, the DPP or Mr Lloyd Devincenzi or anyone else listed at (a) to (f) of the schedule on or after the 12th May about the RGP's actions on the 12th May.

59. Save that at some point, not on the 12th May, but after, I believe the Chief Minister informed me that he had met with Mr McGrail and that the meeting was a robust one. I think it was in conversation in his office but it was not a scheduled meeting for that purpose. I cannot remember much about it but I was not apprised of the detail.

3 Mr McGrail's retirement

60. I cannot say I experienced a loss of confidence in Mr McGrail in April or May 2020. However, I consider that I was not placed to have done so. Insofar as the HMIC report, I have provided my detailed explanation, and insofar as the execution of the search warrant on Mr Levy I was not involved so I did not know the detail of what had happened.

61. In all honesty, by the 29th May I did not consider that I played a role in the situation.

62. I do not recall a meeting with Mr Ullger on the 29th May. I have checked my Outlook calendar and do not see that a meeting was scheduled.

63. I do recall Mr Ullger speaking to me one morning in May, it was very informal. I cannot remember when it was exactly but it would have been after the 12th May, it could have been that week or the week after, I don't know. At the time I was based at the Strategic Command Centre at Number 6 Convent Place. One morning before a scheduled Covid-19 SCG meeting that I was due to Chair and Mr Ullger attend, Mr Ullger asked if he could have a word. We were in the kitchen and we shut the door for privacy. He told me that Ian was in a bad way after what had happened with the Chief Minister and that it had had an impact on his mental health. Obviously at a human level I felt sorry for Mr McGrail, I understand how serious mental health issues can be and I was concerned for his wellbeing and I was mindful of that.

64. To me, the discussion that ensued felt more like Mr Ullger expressing his feelings for his friend, Mr McGrail, as opposed to a meeting in his capacity as Assistant COP and an attempt for him to advocate on behalf of his friend. While of course

they were work colleagues, I understood them to have a long standing friendship as well and I had always considered them to be quite close. I felt that he was trying to get me to sympathise and in some way bridge the rift and somehow mediate the situation between the Chief Minister and Mr McGrail. To me, it was more of a general request without going into any specifics and it somehow felt like a cry for help.

65. I remember telling Mr Ullger that I liked Mr McGrail and we had worked well together and that I hoped he was ok, especially after Mr Ullger told me he was not well and was badly affected. My concern for Mr McGrail was at a personal level and was regardless of the merits of whatever had happened with the Chief Minister on 12 May.

66. Although I had not been privy to the meeting between the Chief Minister and Mr McGrail on the 12th May by this point I knew somewhat of what had transpired. Mr Ullger told me what Mr McGrail said that had happened. I think that their hope was that tempers had settled and I could somehow intervene. I told Mr Ullger that while I felt sorry that Mr McGrail was having a hard time I was not sure what he was asking me to do or indeed what I could do. Realistically, after what had happened and where I had not been at all involved, I told Mr Ullger that I was hardly in a position to call the Chief Minister, and what exactly would he propose that I tell him.

67. Quite apart from the specific incidents, I was very conscious that we were living through a very bizarre period in our lives and there were times where we could find ourselves more emotionally fragile, so with this in mind I told Mr Ullger that if the opportunity arose and if anyone asked me I would see if anything could be done. As it happened the opportunity did not arise

68. I was conscious that I needed to commence the meeting that I was due to be chairing so I went from the kitchen to the formal meeting room to chair what would have been a lengthy Covid meeting.

69. I never conveyed the conversation that I had with Mr Ullger to the Chief Minister as I did not think it was appropriate to do so and no opportunity to discuss it arose. I did not discuss our conversation with anyone else either.

70. I have no recollection of any discussions in relation to Mr McGrail's retirement (save that I cannot discount the possibility that it was raised by Mr Ullger in the kitchen meeting), and to the best of my knowledge and belief I was certainly not involved in any decisions in relation to it.

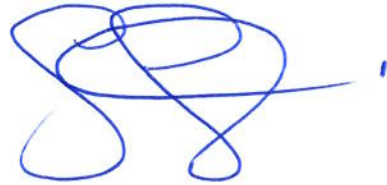
71. I have been asked whether I had read the letter from Charles Gomez & Co to the GPA dated the 29th May 2020. I have no recollection of having read the letter and to the best of my knowledge and belief I have not done so. Indeed I have specifically searched my Outlook emails and I have not found any such correspondence.

SWORN by the above-named deponent)

At 180/1 MAIN STREET)

Gibraltar)

This 4th day of February 2025



Before me,



LOUISE MONTEGRIFFO
Commissioner for Oaths

Commissioner for Oaths