

In the Matter of the Commissions of Inquiry Act

-and-

**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")**

**FIFTH STATEMENT OF
FABIAN PICARDO KC MP**

**I, Fabian Picardo KC MP, Chief Minister of His Majesty's Government of Gibraltar, of
No. 6 Convent Place, Gibraltar SAY as follows:**

1. I make this statement further to a letter from the Solicitors to the Inquiry dated 13th December 2024. In the said letter, I am requested to provide a sworn statement on two questions, as follows:

"1. Why there was no communication (other than political broadcasts) between Mr Levy and the Chief Minister via WhatsApp after September 2019.

2. Whether Mr Levy and the Chief Minister were using an alternative method of written Communication after September 2019 (and in particular during May 2020), for example Signal, email or other social media.

2. In relation to question 2, I was also asked that, if an alternative method of written communication was used after September 2019, I should disclose any relevant messages by reference to the List of Issues ("relevance" or "relevant" as the context may require).

QUESTION 1: WhatsApps after September 2019

3. I am surprised to be asked to provide a sworn statement in answer to question 1, given that it is substantially the same question I was already asked by Counsel to the Inquiry on Day 16 of the Oral Hearings. My answers before the Inquiry were on oath and therefore stand as my reply to this request for a sworn statement. The most pertinent parts of the transcript are at page 227 of Day 16, as follows:

"1 ...that one that you refer to in May 2019?

2 A. Yes.

*3 Q. Is there a reason why we do not have any
4 more? Are you able to say why we don't
5 have any more recent WhatsApp messages
6 than that?*

*7 A. Well, no more recent WhatsApp
8 messages which are relevant.*

*9 Q. Yes, but I am working on the assumption,
10 which I think is a fair, safe assumption that
11 there would be some relevant WhatsApp
12 communications around the time?*

*13 A. No, there was a lot of discussion around
14 the time and therefore a lot of conversations
15 around the time, not necessarily so much
16 WhatsApping going on around the time, in
17 particular with Mr Levy."*

4. My answer applies equally to the period from September 2019.

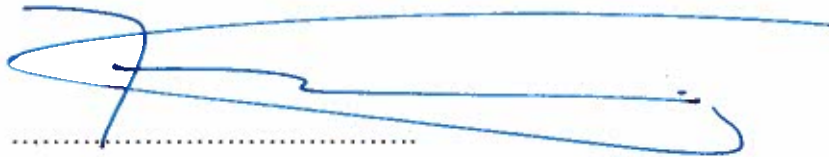
QUESTION 2: Other methods of written communication alternative to WhatsApp used with James Levy KC after September 2019.

5. As stated above, and in my oral evidence, I can confirm that there were no relevant communications between me and Mr Levy KC on any social media platform (including but not limited to WhatsApp, Signal and Telegram), email (other than as already disclosed if relevant) or other alternative methods of written communication.

STATEMENT OF TRUTH

I believe that the facts set out 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.

Signed:



Fabian Picardo KC MP

Date: 10 January 2025

This Statement is filed by Messrs Peter Caruana & Co of 6 Irish Town, Gibraltar, solicitors for Mr Fabian Picardo KC MP.