IN THE SUPREME COURT OF GIBRALTAR

IN THE MATTER OF AN APPLICATION FOR URGENT INTERIM RELIEF CONCERNING A DECLARATION UNDER SECTION 52(1)(f) OF THE IMMIGRATION, ASYLUM AND REFUGEE ACT

CHALLENGED AS UNLAWFUL AND UNCONSTITUTIONAL UNDER SECTIONS 1, 8, 10 AND 16 OF THE GIBRALTAR CONSTITUTION

BETWEEN:

ANTHONY FARRELL
Appellant

-and-

THE PRINCIPAL IMMIGRATION OFFICER, THE CHIEF MINISTER, AND THE GOVERNOR OF GIBRALTAR
Respondents

AFFIDAVIT OF TRUTH / WITNESS STATEMENT

OF ANTHONY FARRELL

I, **Anthony Farrell**, 445 Marina Bay, Ocean Village, Gibraltar, state the following:

A. Introduction

1. I am the Applicant in these proceedings. This statement is made in support of my urgent application to prevent enforcement of the 21 October 2026 decision of the Principal Immigration Officer declaring me a prohibited immigrant under section 52(1)(f) of the Immigration, Asylum and Refugee Act.

2. The facts stated in this statement are within my personal knowledge unless otherwise indicated. Where court documents or correspondence are referenced, they are referenced on the basis of those records.

3. The **21 October 2026 declaration** made by the RGP Commissioner and Principal Immigration Officer Owain Richards contains an overt misrepresentation concerning the available relief. Owain Richards **LIED** by **falsely** claiming *"you may only appeal this decision to His Excellency the Governor of Gibraltar"*. Section 16 of the Gibraltar Constitution Order 2006 permits application for redress of any decisions or orders that are challenged on constitutional grounds, without prejudice to any other action with respect to the same matter that's lawfully available.

4. Currently I have two separate appeals before the courts of Gibraltar: a criminal appeal concerning the alleged conviction under section 11(1)(b) of the Terrorism Act 2018, and a civil appeal concerning the judgment in *Helen Carter v Anthony Farrell*, Supreme Court Claim 2026/ORD/017. The appeal for constitutional redress, judicial review and an urgent interim injunction being filed with this signed affidavit / witness statement today, 09 November 2026, will make it three appeals presently before the courts of Gibraltar. There is also one appeal before the Governor concerning the same 21 October 2026 declaration.

5. The Court is being politely asked to lawfully preserve my ability to pursue these appeals effectively by preventing my removal from Gibraltar until the legality and constitutionality of the immigration decision can be properly examined and appropriate arrangements made to safeguard my participation in those proceedings.

B. Criminal appeal and the previous refusal of deportation

6. The conviction under section 11(1)(b) of the Terrorism Act 2018 has been appealed. My criminal appeal is *Rex, Respondent v Anthony Farrell, Appellant*, Supreme Court Case No: CR/25/28757/V. The Notice of Appeal was filed on 07 October 2026, two weeks prior to receiving the 21 October 2026 declaration.

7. On 24 September 2026, at my sentencing hearing, the Crown's application for a recommendation that I be deported was rejected by the Stipendiary Magistrate. The Court imposed a six-month conditional discharge, for what it considered to be *"a minor offence"*.

8. A written objection to dismiss the Crown's application was personally filed, and was successful. With only 27 days between the criminal proceedings and the dubious immigration declaration, the two actions are closely connected in time. The Stipendiary Magistrate's decision is therefore relevant to my challenge to the subsequent immigration action taken for undisclosed reasons, on the basis of undisclosed information, from an undisclosed source, purportedly deemed to be "reliable" according to undisclosed criteria used to make that determination.

9. My criminal appeal requires me to gather evidence, obtain transcripts, prepare grounds, consult and construct arguments in preparation for the Respondent's notice and upcoming hearing, review the prosecution evidence, consult legal counsel, and file documents as required. These tasks can only be done in person, since Gibraltar doesn't have an electronic filing system. The original documents, records and other materials needed for the criminal appeal are presently located in Gibraltar.

10. My removal from Gibraltar would unjustly prejudice me in both the civil and the criminal appeals, as it would effectively terminate my access to the court and its records. These obstacles could and likely would terminate the current appeals prematurely, which would have both legal and financial consequences on me that are unfair, unlawful and thus completely unacceptable.

C. Civil appeal 2026/CACIV/010

11. As the Appellant in Court of Appeal proceedings **2026/CACIV/010**, the appeal of the 14 August 2026 judgment by Liam Yeats in *Helen Carter v Anthony Farrell*, Supreme Court Claim 2026/ORD/017, neutral citation 2026/GSC/043, is pending. Grounds of Appeal were filed on 17 September 2026.

12. The appeal challenges the grant of summary judgment and the consequential injunction. It raises serious questions concerning the interpretation and application of section 91(3) of the Crimes Act 2011, the treatment of disputed evidence, procedural fairness and freedom of expression.

13. An application for a stay of enforcement of costs orders totalling £26,500 while the appeal is pending has also been filed.

14. As with the criminal proceedings, I am representing myself in the civil proceedings. This requires me to prepare the appeal record, identify the relevant evidence, obtain court documents, transcripts and relevant correspondence, and comply with procedural requirements, sometimes on very short notice.

15. There have already been procedural irregularities with obtaining court records. Notice was verbally received from Supreme Court administration on 13 October 2026 that a sealed court bundle filed on 22 April 2026 had allegedly been shredded. That position later shifted upon written challenge. This issue was resolved only through personal interaction with the Court and opposing counsel, an avenue that would no longer be available after removal from Gibraltar.

16. This civil action is not just being fought for personal reasons. It is being fought for the people of Gibraltar against oppressive, harmful and – in numerous instances – lethal public health policies which are plaguing all of Gibraltar. So removal by unlawful means, while expected from a corrupt establishment, would be detrimental not just to this case, but to the people of Gibraltar.

17. My unlawful removal would also shine a spotlight on the corruption itself, as it would unjustly violate God-given and constitutionally protected rights that are supposed to be afforded to everyone in Gibraltar.

D. Practical consequences of removal

18. On **21 October 2026**, I was served with a declaration issued by the Commissioner of the Royal Gibraltar Police, acting as Principal Immigration Officer,

under section 52(1)(f) of the Immigration, Asylum and Refugee Act. That notice, wherein the RGP Commissioner Owain Richards **LIED** concerning the relief available to me from such an unlawful declaration, requires me to depart Gibraltar within 21 days of service.

19. According to the notice, the grace period for voluntary departure runs up to and including 11 November 2026. There presently has been no confirmation received that enforcement will be suspended while the declaration is being lawfully challenged.

20. On **14 October 2026**, before the immigration declaration was served, a formal application was personally filed requesting that Nigel Davis not sit on the panel determining civil appeal 2026/CACIV/010, on grounds of apparent bias.

21. On **23 October 2026**, Nigel Davis unlawfully refused that request. On **28 October 2026**, a further, lawful demand for his recusal was filed. These documents establish the ongoing procedural activity in my civil appeal and identify another possible source behind the declaration. They are referenced without asking this Court to determine the merits of the recusal dispute in the present application.

22. Nigel Davis's ruling indicated that the civil appeal was prospectively assigned to the spring 2027 session, although no specific hearing date or panel has been fixed.

23. I have, for lengthy periods, peacefully resided in Gibraltar since July 2018. These legal proceedings, despite their mischaracterization and abuse by some in positions of power, are embraced for the collective benefit, protection and defence of Gibraltar.

24. There is a genuine concern that the declaration would not merely require temporary travel outside Gibraltar but would classify me as a prohibited immigrant without any basis in law, potentially preventing my return when the Court of Appeal requires my participation.

25. My ability to fund legal representation, travel and accommodation outside Gibraltar is a hardship which would further prejudice me and similarly deprive me of God-given rights that are supposedly guaranteed under the Gibraltar Constitution.

26. If removed, how would I return to Gibraltar for appeal hearings or other necessary steps? The declaration also purports to prohibit my re-entry. This is unreasonable, unlawful, unconstitutional and thus unacceptable.

E. Section 8 of the Gibraltar Constitution

27. Section 8 of the Gibraltar Constitution, if not ignored, reportedly protects the administration of justice and the **fair** determination of legal proceedings.

28. That protection should prevent the proposed removal, which threatens to interfere with my effective ability to pursue four pending appeals, rather than merely affecting my personal preference to remain in Gibraltar.

29. These are not minor nor merely personal issues. A successful outcome in the civil appeal could provide Gibraltarians who have been injured or killed by irresponsible public health policies a pathway to seek compensation from the pharmaceutical manufacturers, as is currently being done in the United States for millions of residents at the state level. This could therefore benefit the injured individuals and surviving family members of the deceased, and Gibraltar as a whole.

30. There are also very serious criminal implications in the civil appeal that would be ignored if this appeal is effectively decided by this unlawful deportation effort, coming on the heals of an unsuccessful attempt by the Crown only 27 days earlier.

31. I sincerely submit that those consequences should be carefully considered before the immigration declaration is enforced, and that the Court should have the opportunity to examine the legality of the decision and the alleged basis for it **before** removal is allowed to take place.

F. Urgency and relief requested

32. There is a reasonable concern that enforcement may occur before the Court can determine the legality of the immigration declaration.

33. Removal could cause unlawful prejudice that would be difficult or impossible to remedy after the event, particularly if I am unable to re-enter Gibraltar to participate in the appeals.

34. The companion application is therefore lawfully made for an urgent interim injunctive order preventing removal or enforcement of the 21 October 2026 declaration, pending an expedited hearing and/or further order of the Court.

35. This Court has my assurance to continue to comport myself appropriately, as always, and in accordance with The Law, pending a proper determination of these issues.

36. This statement is being personally made in support of preserving my access to justice and the effective determination of my pending appeals, for the good of Gibraltar.

STATEMENT OF TRUTH

I believe that the facts stated in this application are true and correct, to the best of my knowledge, and that matters based upon information or belief have been identified accordingly.

Faithfully yours,



Anthony Farrell
Appellant and Applicant

DATE: 09 November 2026