IN THE MAGISTRATES COURT OF GIBRALTAR

BETWEEN:

REX

-v-

ANTHONY FARRELL

JAMIE HAMMOND for the **Crown**
Litigant in person

TRANSCRIPTION OF HEARING dated 24th day of September 2026

BEFORE**: MR CHARLES BONFANTE, STIPENDIARY MAGISTRATE**

Judge On the 18th of August Mr Farrell you were found guilty after trial of displaying an article in such circumstances as to arouse reasonable suspicion that you were a supporter of a prescribed organisation, Contrary to Section 11, Subsection 1(b) of the Terrorism Act. The facts are that on the 10th of September 2025 you had a sandwich board with a printout of a letter written by a John Anthony Hill, you refer to as the Gibraltar messenger which concerned a suspension of a nurse for allegedly Anti-Semitic statements. Within the text of the letter was a paragraph 20, which contained 2 sentences that given the positive and approving language used I found to be supportive of the prescribed organisation. I have not been referred to any sentencing guidelines for this offence, however during the trial I was provided by The Crown with a UK Supreme Court Authority dealing with the UK equivalent of this charge, a case of power, PWR and the DPP 2022, UK Supreme Court 2. That case concerned 3 defendants who attended a protest in London and were carrying flags

of a prescribed organisation. Two defendants were dealt with by way of conditional discharges. Of course each case tells on its own facts but it is indicative of the level of seriousness and how that conduct can be dealt with. Here the letter was not about the prescribed organisation itself, it was about something else. The reference to the prescribed organisation it seems to me was wholly misconceived and unnecessary and it appears to the author of the letter that that was also the case, as I note that, that reference was removed from the letter that was ultimately sent. The reference to the prescribed organisation was certainly less conspicuous and within the body of considerable text and less conspicuous than waving a flag. Assessing seriousness of the offence assisted by the case, the Supreme Court case power, this is a case at the lower end. In my view it can be dealt with in a similar way to the case of power. I note you have a previous conviction for the parliament offence although that offence postdates this one. Taking all matters into account Mr Farrell will you stand please? I impose a 6 month conditional discharge. Thank you. You may take a seat. I shall now deal with the application. In order to make a commendation I must be satisfied that Section 12 of the Immigration, Asylum and Refugee Act applies to the Defendant. If it applies I then have a discretion whether or not to make the commendation for deportation. I have been referred to guidelines on how to exercise that discretion. The case of Nazare 1983 falling of reports at 880 it says that first the court must consider whether the accused presence in the UK, in this case Gibraltar is to its detriment. The judgement says the more serious the crime and the longer the record, the more obvious it is that there should be an order recommending deportation. On the other hand a minor offence would not merit an order. The offence we are dealing with is a summary on the offence and one where the courts sentencing powers are limited to 6 months that is to say half the maximum sentence this court can impose. That of itself is not determinative but in my view relevant in considering the seriousness of the crime. I note that in power the UK equivalent offence was described as a far less serious

summary offence by reference to the other terrorism offences. There is nothing in the circumstances of the case that suggest this is particularly serious as reflected in the sentence I have just imposed. The guidance also refers to the defendants record and gives us an example a series of shoplifting offences on different occasions might merit a recommendation. The defendant does have a previous conviction for disturbing Parliament when he stood to read out a statement. I recall that on that occasion he immediately stopped when approached by the police officer and was thereafter cooperative. There is no other evidence before me on reprehensible conduct by the defendant in support of this application. In my view this is not a record that gives rise to a genuine and sufficiently serious threat to the requirements of public policy affecting one of the fundamental interests of society, nor is it one that would merit the making of an order. I have not determined whether or not Section 12 of the Immigration, Asylum and Refugee Act applies but having found that even if it did, I would not make the order, I dismiss the application. Okay that deals with everything does it not?