IN THE SUPREME COURT OF GIBRALTAR

IN THE MATTER OF THE GIBRALTAR CONSTITUTION ORDER 2006

AND IN THE MATTER OF SECTIONS 52 AND 59 OF THE IARA (IMMIGRATION, ASYLUM AND REFUGEE ACT)

AND IN

THE MATTER OF AN URGENT APPLICATION FOR CONSTITUTIONAL REDRESS, JUDICIAL REVIEW AND INTERIM RELIEF

BETWEEN:

ANTHONY FARRELL
Appellant

-and-

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

GROUNDS AND MOTION/APPLICATION FOR CONSTITUTIONAL REDRESS, JUDICIAL REVIEW AND AN URGENT INTERIM INJUNCTION

To: The Registrar of the Supreme Court of Gibraltar:

A. Relief sought

Pursuant to Section 16 of the Gibraltar Constitution Order 2006, the Applicant seeks urgent interim relief, including an interim injunction, restraining the Respondents and those acting on their behalf from enforcing the potentially unconstitutional declaration made under section 52(1)(f) of the Immigration, Asylum

and Refugee Act ("IARA"). By this declaration, the Applicant has been classified as a “prohibited immigrant”, required to depart Gibraltar within 21 days and was told his only recourse was an appeal to the Governor **[Tab A-1, i.e. Tab 1 in Tab A]**. That is a lie, told by Owain Richards, the RGP Commissioner and Principal Immigration Officer, and directly contradicts The Gibraltar Constitution Order 2006.

Section 16(1) of the Gibraltar Constitution Order 2006 **[Tab B]** states the following:

> 16.-(1) If any person alleges that any of the foregoing provisions of this Chapter has been, is being or is likely to be contravened in relation to him, then, **without prejudice to any other action with respect to the same matter that is lawfully available**, that person may apply to the Supreme Court for redress.

The Applicant is therefore entitled by law to apply to the Supreme Court for redress in this matter, contrary to the RGP Commissioner’s **false** claim. And to clarify, the Chief Minister has been included among the named Respondents due to immigration being one of his primary administrative duties.

Pending final determination of this application, or further order of the Court, the Applicant seeks:

a. **An urgent interim injunction** restraining the Respondents, their officers, servants, agents or anyone acting on their behalf or at their direction from:

1. removing, deporting, escorting or otherwise compelling the Applicant to depart Gibraltar pursuant to, or in reliance upon the challenged declaration made under section 52(1)(f) of the Immigration, Asylum and Refugee Act (“IARA”) on 21 October 2026 **[Tab 1]**.

2. taking any steps to enforce the requirement that the Applicant depart Gibraltar under that declaration; or

3. treating the Applicant's failure to depart within the period specified in that declaration as a basis for enforcement action, **until the Court has determined this application or made a further order.**

b. **An interim order suspending the enforcement and operation of the declaration dated 21 October 2026**, insofar as necessary to give the injunctive relief sought above and pending further order of the Court.

c. **An expedited hearing** of the application for urgent, interim relief at the earliest practical opportunity.

d. An order requiring the Respondents to preserve and disclose the decision-making record, the reasons for the declaration, the information relied upon and relevant communications concerning the decision.

e. Such further or alternative relief as the Court considers just.

At final hearing, the Applicant seeks:

a. A declaration that the decision made under section 52(1)(f) of IARA was unlawful if found to have been taken for an improper purpose, without proper consideration of relevant matters, or in breach of constitutional rights;

b. An order quashing the challenged declaration dated 21 October 2026;

c. A declaration concerning the constitutional validity and/or lawful interpretation of sections 52(1)(f), 52(2) and 52(3) of the IARA;

d. Appropriate constitutional redress under section 16 of the Gibraltar Constitution, if a contravention of a protected right is established; and

e. Costs and such further relief as the Court considers appropriate.

B. Relevant facts

The Applicant is the subject of a conviction under section 11(1)(b) of the Terrorism Act 2018 in **CR/25/28757/V**, **which is presently under appeal**.

Before sentencing, the Crown applied for a judicial recommendation that the Applicant be deported, **which failed**.

The Applicant objected to that application, **which succeeded**.

On **24 September 2026**, the Stipendiary Magistrate rejected the Crown's application, noting it was contradictory and disproportionate **[Tab A-2, i.e. Tab 2 of Tab A]**. The Applicant received a six-month conditional discharge. The Crown's deportation application was **denied**.

Within twenty-seven (27) days, the Commissioner of the Royal Gibraltar Police, apparently acting as Principal Immigration Officer, served a declaration purporting to classify the Applicant as a "prohibited immigrant" under section 52(1)(f) of IARA.

The Applicant contends that the close sequence of these events, between the failed judicial deportation application and the deceitful executive immigration declaration (made for undisclosed reasons, based on undisclosed information from an undisclosed source), requires scrutiny of the latter decision's purpose, reasons and evidential basis.

The Applicant is also pursuing a civil appeal, **2026/CACIV/010**, against the judgment and order of 14 August 2026 in *Helen Carter v Anthony Farrell*, Claim 2026/ORD/017, neutral citation 2026/GSC/043 .

The civil appeal challenges, among other matters, the interpretation of the statutory defences to harassment under section 91(3) of the Crimes Act 2011, the granting of summary judgment despite the Claimant's self-contradictory testimony, the treatment of disputed evidence (which was ignored and/or reported to have been shredded), and the compatibility of the injunction with freedom of expression.

The Applicant has additionally sought a stay of enforcement of costs orders totalling £26,500.

Compulsory departure would materially prejudice the Applicant's ability to prepare and pursue the criminal and civil appeals, obtain and review records, secure witness evidence, and participate effectively in proceedings.

C. Evidence of prior crime-prevention activity

On **24 July 2024**, the Applicant submitted a **crime report** to the Royal Gibraltar Police concerning suspected wrongdoing associated with COVID-19 public-health policy, mortality reporting and the adequacy of public disclosure (a copy of which is on record, included in the aforementioned application for a stay of enforcement of costs orders).

The report included statistical comparisons, concerns about inconsistent or unavailable mortality information, and requests for more complete public records. It was presented as a report of suspected wrongdoing requiring investigation. An addendum to that report was subsequently submitted to the RGP on 05 November 2024, among other correspondence with the RGP and its commissioner at that time, Richard Ullger.

Those reports predate the civil proceedings brought by Helen Carter in February 2026 and are relied upon as contemporaneous evidence of the Applicant's stated crime-prevention purpose.

The Applicant’s crime reports are relied upon to establish the existence, chronology and substance of his reported concerns, and the material available to him when undertaking the relevant activities. This is why, in the civil proceedings, the Applicant invoked the statutory defence under section 91(3)(a), concerning conduct pursued for the purpose of preventing or detecting crime, and the separate defence under section 91(3)(c), concerning reasonableness in the particular circumstances.

The civil appeal challenges the application of those provisions and the treatment of material evidence, which was ignored and/or later reported to have been shredded. Those matters remain for the Court of Appeal. The 21 October 2026 declaration which, on its face appears unconstitutional, would materially prejudice active civil and criminal proceedings and deny the Applicant access to justice.

D. Ground 1 — Improper purpose and abuse of statutory power

The Applicant contends that there are reasonable grounds to investigate whether the decision under section 52(1)(f) was taken for a purpose other than the lawful administration of immigration control.

The material circumstances include:

a. The Crown's unsuccessful judicial application for deportation;

b. The Stipendiary Magistrate's refusal to consider deportation on **24 September 2026,** for such *"a minor offence"* **[Tab A-2]**;

c. The subsequent executive declaration, hand-delivered 27 days later without explanation, on **21 October 2026 [Tab A-1]**;

d. The Crown's reliance in its deportation application on the Applicant's publications and criticism of Gibraltar public authorities; and

e. The Applicant's ongoing appeals, including this one, and longstanding reporting of suspected wrongdoing.

The Applicant accepts that the absence of a judicial recommendation does not, by itself, extinguish every separate immigration power.

Nevertheless, if the executive declaration was used to substantially bypass the Stipendiary Magistrate's decision, punish protected expression, carry out threats from private individuals and/or obstruct ongoing proceedings, as appears to be the case, its exercise would be liable to challenge for improper purpose and abuse of power.

The Applicant seeks disclosure sufficient to identify the true reasons for the decision, including when and by whom the process was initiated and whether any new information arose after the sentencing hearing.

E. Ground 2 — Failure to consider relevant matters and procedural unfairness

The Applicant contends that the decision-maker behind the 21 October 2026 declaration **[Tab A-1]** was required to exercise the statutory discretion lawfully, taking into account material considerations and disregarding irrelevant considerations.

Relevant considerations potentially included:

a. The Stipendiary Magistrate's refusal to recommend deportation over what he considered to be “a minor offence” **[Tab A-2]**;

b. The nature and circumstances of the problematic arrest, section 11(1)(b) criminal conviction and the sentence imposed;

c. The pending criminal appeal of the 11(1)(b) conviction;

d. The pending civil appeal and costs-stay application;

e. This appeal and the one to the Governor;

f. The practical effect of removal on access to justice;

g. The Applicant's immigration and residence status, ties to Gibraltar and personal circumstances;

h. The distinction between lawful political expression and conduct lawfully relevant to immigration control; and

i. The provenance, reliability and accuracy of information used to classify the Applicant as undesirable or prohibited.

The Applicant seeks the decision record to determine whether these matters were considered and whether any opportunity for meaningful representations should have been afforded as a matter of law.

F. Ground 3 — Section 1 of the Gibraltar Constitution: protection of the individual against arbitrary or improperly influenced public power

Section 1 of the Gibraltar Constitution Order 2006 recognises and protects the fundamental rights and freedoms of the individual, including the protection afforded

under the law and the rights to liberty and security of the individual, subject to the provisions and qualifications of the Constitution.

The exercise of statutory immigration powers by a public authority **must** be independent, lawful and directed towards the purpose for which those powers were conferred. Such powers must **not** be exercised arbitrarily, in bad-faith/dishonestly or as a means of giving effect to improper pressure or demands originating from private individuals.

The Applicant has raised a specific concern that the information relied upon by the Principal Immigration Officer under section 52(1)(f) of the Immigration, Asylum and Refugee Act may have originated, directly or indirectly, from private individuals who had previously made threats or statements which the Applicant reasonably understood as threats against him.

In particular, the Applicant's letter to the Governor dated 5 November 2026 identifies alleged threats and verbal statements attributed to Moshe Hassan and Shlomo Levy, together with concerns about possible retaliatory conduct involving other named individuals. The Applicant does not presently assert as an established fact that any of those individuals supplied the information relied upon by the Principal Immigration Officer. Rather, the Applicant seeks disclosure and independent judicial scrutiny of whether any such information was received, the nature of that information, and whether it was considered or acted upon.

The concern is material because the declaration of 21 October 2026 provides no particulars identifying the source, substance or nature of the information relied upon, nor the reasons why that information was considered reliable, nor why it justified the conclusion that the Applicant was an undesirable immigrant.

If the declaration was materially prompted by information supplied by a private individual, the decision-maker was required to assess that information independently, including its accuracy, reliability, relevance, possible motive and

consistency with other material available to the decision-maker. The statutory power could not lawfully be used as an instrument for implementing a private threat, personal grievance, retaliatory demand or other collateral purpose.

An arguable, material issue therefore exists as to whether the decision was genuinely the independent exercise of a statutory immigration discretion, or whether public coercive power was materially influenced or procured by private pressure or information that was not properly tested.

The Applicant therefore seeks disclosure of the identity or appropriate description of the source or sources, the substance of the information relied upon, the assessment of its reliability, and all relevant communications between the decision-maker and any private person or public authority concerning the Applicant. If disclosure of any particular information is lawfully restricted, the Applicant seeks, at minimum, sufficient particulars or a basis to permit meaningful representations and effective judicial scrutiny, subject to any properly justified confidentiality measures.

If the evidence establishes that the declaration was made in consequence of improper private pressure, without genuine independent assessment, or for a collateral purpose, the exercise of power would constitute an unlawful and constitutionally incompatible interference with the Applicant's protected rights, for which redress may be sought under section 16 of the Constitution **[Tab B]**.

These matters are relied upon in support of the Applicant's request for urgent interim protection, pending disclosure and determination of the legality and constitutional compatibility of the decision, and the powers exercised to make it.

G. Ground 4 — Section 8 of the Constitution: protection of the law and access to justice

The Applicant relies upon section 8 of the Gibraltar Constitution insofar as it protects the fair and effective determination of civil rights and obligations and the administration of justice **[Tab B]**.

The Applicant is actively pursuing two appeals, in addition to this one and the one before the Governor. Removal before the determination of these **four appeals** will materially impair the practical ability to pursue those proceedings, while denying access to justice.

Specific prejudices have been identified by the Applicant, which include upcoming hearings, requirements for personal attendance, access to original documents, limitations on remote participation, and difficulties obtaining representation or preparing the appeal record from outside Gibraltar, particularly given Gibraltar does not currently accept electronic filing.

Removal without adequate consideration of those consequences will amount to an unjustified interference with effective access to justice, among other deprivations of constitutionally guaranteed rights.

The Applicant does not assert that the mere existence of an appeal automatically confers a right to remain. The claim is based on the actual prejudice threatened by enforcement in the particular circumstances.

H. Ground 5 — Section 10 of the Constitution: freedom of expression

The Applicant has publicly criticised government policy and the conduct of public officials, including Gibraltar's public-health response, both generally and specifically in regard to the COVID-19 bioweapon injections.

The Crown's unsuccessful deportation application expressly referred to his campaigning and publications.

Bearing this in mind, the immigration declaration must **not** be unlawfully used to penalise lawful political expression, public-interest reporting or the submission of complaints and crime reports to policing authorities.

The Applicant acknowledges that freedom of expression is subject to lawful restrictions, including those protecting the rights and safety of others, and that the

civil court has made findings – albeit questionable findings of harassment that ignore the crime detection and prevention purposes that were reasonably deployed – which are currently under appeal.

The issue for this claim is whether the immigration decision was materially influenced by protected expression rather than lawful immigration considerations.

I. Ground 6 — Proportionality and other constitutional rights

The effect of the Applicant's removal upon his pending proceedings, personal circumstances and ability to exercise protected rights must be assessed in accordance with the applicable constitutional and statutory framework.

Further violations of rights under Sections 3, 9, 11 and 13 of the Gibraltar Constitution 2006 may also require consideration, subject to their express qualifications and exceptions **[Tab B]**.

The Applicant reserves the right to refine these grounds once the decision-maker's reasons and the relevant records are disclosed.

J. Ground 7 — Constitutional validity and operation of section 52(1)(f), read with sections 52(2) and 52(3) of IARA

The Applicant challenges the constitutional validity and/or operation of section 52(1)(f) of the Immigration, Asylum and Refugee Act, read together with sections 52(2) and 52(3), insofar as those provisions are interpreted or applied to permit a person to be excluded or removed from Gibraltar without adequate procedural safeguards and without an effective opportunity to obtain judicial protection.

Section 52(1)(f) confers a broad discretion to declare a person a prohibited immigrant by reference to undisclosed information received from an undisclosed source or government, purportedly considered to be reliable by the Principal Immigration Officer.

Such a power **must** be exercised consistently with constitutional guarantees, the principles of natural justice, the rule of law and the requirement that statutory discretion be exercised for a proper purpose.

The right of appeal to the Governor under section 52(2), when combined with the express restriction in section 52(3) on remaining in Gibraltar while that appeal is considered, fails to provide an effective remedy in circumstances where enforcement occurs **before** the person has a meaningful opportunity to challenge the decision.

The fact that the decision was made for undisclosed reasons, on the basis of undisclosed information from an undisclosed source is problematic. Further, the fact that the available relief was either intentionally or incompetently misrepresented is likewise problematic. Total transparency should accompany any lawful decision, and the top law enforcement official in Gibraltar should know and consider all of the rules, rights and available relief **before** making decisions.

The process is further complicated through restricted access to the Governor himself. An attempted hand-delivery of the appeal letter to the Governor was made at the Convent on 05 November 2026, and was rejected by an employee there, who refused to pass it on to the Governor. On the advice of that employee, the appeal letter was posted back to the Convent that same day.

The appeal letter to the Governor was also emailed, with both the Attorney General and RGP Commissioner copied. That email, sent 06 November 2026, was also rejected with the following note:

> The email you sent below has been withheld by FCDO. If you wish to communicate with The Convent, please use our Enquiries route via: **Enquiry.Gibraltar@fcdo.gov.uk.**

Another attempt to deliver the appeal letter electronically was made on 06 November 2026, to the email address listed above. A third-party delivery attempt of a hard copy of the appeal letter was also made on 06 November 2026, which

hopefully was successful. Receipt of the appeal letter by either means has thus far not been acknowledged by the Governor or his office.

The difficulty encountered in simply trying to deliver the appeal to the Governor highlights further constitutional deficiencies with the process. If the Governor is the *"only appeal"* option available to the Applicant, as the RGP Commissioner Owain Richards falsely claimed, and access to the Governor via electronic or paper correspondence is restricted or denied, those impediments further erode or completely remove constitutional rights, including to be fairly heard.

In the Applicant's particular case, the declaration giving him 21 days to leave Gibraltar was served on **21 October 2026**, less than one month after the Stipendiary Magistrate rejected the Crown's application for a judicial recommendation of deportation **[Tab A-2]**.

The declaration did not provide sufficient particulars of the information relied upon, its substance, its reliability, or the reasons for concluding that the Applicant was an undesirable or prohibited immigrant. The declaration also misrepresented the relief available to the Applicant, which had the effect of depriving the Applicant of constitutionally guaranteed rights that are available, even before all of the difficulties encountered while attempting to deliver the appeal to the Governor.

In addition to this appeal and the one before the Governor, the Applicant is pursuing a criminal appeal and a civil appeal, 2026/CACIV/010, as previously stated. In the latter proceedings, an application concerning the composition of the appellate court was filed on 14 October 2026, before the immigration notice was served. Subsequent procedural developments confirm that the appeal remains active.

Enforcement before meaningful review risks materially prejudicing the preparation and pursuit of those proceedings and thereby engages section 8 of the Gibraltar Constitution.

Further, the seriousness and consequences of the decision require a fair opportunity to know and answer the substance of the case against the Applicant, subject to any **lawfully** justified restriction.

The Applicant accordingly seeks:

a. A declaration that the challenged provisions must be interpreted and applied consistently with the Constitution;

b. A declaration, if necessary and legally available, that any statutory operation authorising removal without constitutionally adequate safeguards is invalid to the extent of the inconsistency;

c. An order quashing the particular declaration of 21 October 2026 **[Tab A-1]**;

d. Urgent interim relief in the form of an immediate injunction restraining enforcement pending effective judicial scrutiny; and

e. Such further constitutional or public-law relief as the Court considers appropriate.

The Applicant reserves the right to amend this ground following disclosure of the decision-making records and further submissions concerning the scope of sections 1, 8, 10 and 16 of the Constitution.

K. Section 59(3) of the IARA

The Applicant notes that section 59(3) of the IARA restricts the making of a Governor's order under section 59(2) of the same act while a relevant appeal concerning a court recommendation or the underlying conviction is pending.

In this case, the Stipendiary Magistrate refused to recommend deportation over such a minor offence, where a notice of intention to appeal the conviction itself had already been filed. The Applicant further notes section 53(4) of the IARA, which

directly links the treatment of a declaration under section 52 with section 59. **Section 59(3) provides the automatic statutory stay while the appeal of the conviction is pending.**

These provisions are therefore relevant to the statutory context and to the need to distinguish carefully between judicially recommended deportation and closely following executive immigration action, if they can be differentiated in this instance.

L. Urgency and balance of justice

The challenged declaration requires departure within 21 days of service pursuant to the notice dated 21 October 2026. That 21 day period would therefore expire on 11 November 2026 (Armistice Day), depending upon how it's counted.

Without an injunction, the 21-day period will expire before the Court can hear the constitutional challenge. This risks the Applicant being removed before the legality of the declaration can be determined.

The resulting prejudice will be difficult or impossible to remedy retrospectively, particularly if removal impairs the preparation and prosecution of ongoing appeals, **which are supposed to be protected under section 59(3) of the IARA and the Gibraltar Constitution Order 2006**.

The obvious solution is simple as well as lawful. Maintaining the Applicant's existing position for a short period pending an expedited hearing would preserve the Court's ability to determine the dispute effectively, subject to any genuine, evidenced public-safety considerations advanced by the Respondents, bearing in mind the Stipendiary Magistrate on the day of dismissing the Crown's application for deportation said of the Applicant *"In my view this is not a record that gives rise to a genuine and sufficiently serious threat…"* **[Tab A-2]**.

The Applicant undertakes to continue to comport himself appropriately, as always, and lawfully, pending determination.

M. Disclosure and preservation

The Applicant requests that the Respondents preserve and, where ordered, produce:

a. The full decision record relating to the section 52 declaration;

b. The information relied upon and its source;

c. Records identifying the decision-maker and legal authority exercised;

d. Communications concerning the unsuccessful Crown deportation application;

e. Records showing consideration of the Stipendiary Magistrate's rejection of the Crown’s bid for deportation **[Tab A-2]** and the pending appeals;

f. Any assessment of the effect of removal on the Applicant's ability to pursue those appeals; and

g. Any record of consultation with other public authorities concerning the proposed removal.

N. Evidence to be filed

The Applicant intends to rely upon a sworn witness statement and upon filings and documents that are already part of the Court Record, including:

a. The section 52(1)(f) declaration and proof of service **[Tab A-1]**;

b. The Crown's deportation application and the Applicant's objection, ahead of the 24 September 2026 hearing in CR/25/28757/V;

c. The Stipendiary Magistrate's sentencing order/transcript of the official record of the refusal to deport at the 24 September 2026 hearing **[Tab A-2]**;

d. The notice and grounds of criminal appeal in CR/25/28757/V;

e. The civil judgment, order and grounds of appeal in 2026/CACIV/010;

f. The 19 October 2026 application for a stay of costs in 2026/CACIV/010;

g. The 24 July 2024 RGP crime report, filed with the application for a stay of costs in 1016/CACIV/010;

h. Relevant correspondence concerning the civil court record; and

i. Any further documents requested by the Court, if available.

O. Conclusion

The Applicant respectfully presents that there is a serious and arguable challenge to the legality and purpose of the immigration declaration, which hopefully is self-evident.

The temporal proximity between the unsuccessful judicial deportation application by the Crown **[Tab A-2]** and the executive declaration by the Principal Immigration Officer **[Tab A-1]**, the overlap with the Applicant's campaigning, the threats levied against the Applicant and their potential impact, the existence of these four unresolved appeals and the injustice that this would unnecessarily cause, warrant urgent judicial scrutiny.

There are also constitutional issues concerning the use of section 52(1)(f) of the IARA, both generally and particularly, where section 52(2) is combined with the express restriction in section 52(3) on remaining in Gibraltar while the appeal – of an undisclosed reason for deportation, based on undisclosed information from an undisclosed source – is being considered.

The Applicant seeks an interim injunction restraining enforcement of the declaration dated 21 October 2026, in the terms set out in section A above, pending an expedited hearing and further order of the Court.

Such an order is necessary to preserve the status quo and prevent removal of the Applicant **before** the Court has the **lawful** and proper opportunity to examine the legality and constitutional compatibility of the decision and the statutory provisions under which it was made. To do otherwise would render the constitutional guarantees of protected individual rights meaningless and effective relief from an unlawful order substantially more difficult or impossible to obtain.

STATEMENT OF TRUTH

I believe that the factual evidence stated in this application is true, insofar as they are within my own knowledge, and that legal matters based upon information or belief have been identified accordingly.

Faithfully yours,



Anthony Farrell
Appellant and Applicant

DATE: 09 November 2026

APPENDIX

Tab A – The 05 November 2026 letter to Governor Ben Bathurst, appealing the Section 52(1)(f) Declaration and Notice served on 21 October 2026, which has the following two items in its appendix:

Tab 1 – the Section 52(1)(f) Declaration and Notice served on 21 October 2026; and

Tab 2 – the Stipendiary Magistrate's Order/Official Transcript from the 24 September 2026 Sentencing Hearing on 11(1)(b) Conviction and Deportation Application by the Crown

Tab B – Excerpts from the Gibraltar Constitution Order 2006, provided for quick reference, with boldface emphasis added

TAB A

Letter to the Governor of Gibraltar
to Suspend Unlawful Removal Order
05 November 2026

Includes:

Tab 1 - Declaration Letter and Notice of Deportation under Section 52(1)(f) of the Immigration, Asylum and Refugee Act (IARA), sent by Owain Richards, RGP Commissioner and Principal Immigration Officer, 21 October 2026

(referenced as Tab A-1)

Tab 2 - Stipendiary Magistrate's Order / Official Transcript from the Sentencing Hearing on the 11(1)(b) Conviction, Rejecting the Deportation Application by the Crown, 24 September 2026

(referenced as Tab A-2)

To The Governor of Gibraltar

Address:
Office of the Governor
The Convent
Main Street
GX11 1AA
Gibraltar

Email:
enquiry.gibraltar@fcdo.gov.uk

Telephone:
+350 2004 5440
+350 2002 4250

URGENT

LAWFUL REQUEST FOR IMMEDIATE INTERVENTION TO SUSPEND UNLAWFUL REMOVAL ORDER

Cc:

Commissioner of the Royal Gibraltar Police /
Principal Immigration Officer Owain Richards
Royal Gibraltar Police
Police Headquarters
New Mole House
Rosia Road
GX11 1AA
Gibraltar
Email: reception@royalgib.police.gi

Attorney General of Gibraltar
Michael Llamas, CMG KC
Attorney General's Office /
Government Law Offices
40 Town Range
GX11 1AA
Gibraltar

Email: info.glo@gibraltar.gov.gi

From:
Anthony Farrell

05 November 2026

To: The Governor of Gibraltar

From: Anthony Farrell

Re: Unlawful Declaration under section 52(1)(f) of the Immigration, Asylum and Refugee Act in violation of section 59(3) that requires Immediate Action

Greetings and good wishes to you Governor Ben Bathurst.

This urgent letter is delivered to you today to inform you of a troubling, unlawful attempt to circumvent and override not only the court's authority and that of the Constitution of Gibraltar, but yours as well.

On **21 October 2026**, I was served with a notice signed by the Commissioner of the Royal Gibraltar Police Owain Richards, apparently acting in the capacity of Principal Immigration Officer. This declaration purports to classify me without reason or explanation as a "prohibited immigrant" under section 52(1)(f) of the Immigration, Asylum and Refugee Act ("IARA") and requires my departure from Gibraltar within 21 days. Please see the relevant section from the IARA below, along with a copy of the notice itself attached in **Tab 1**:

> Section 52(1)(f) a person who, in consequence of any information received from any source considered by the Principal Immigration Officer to be reliable or from any government, is deemed to be an undesirable immigrant*

This 21 October 2026 declaration from RGP Commissioner Owain Richards comes only 27 days after a court ruling by Stipendiary Magistrate Major Charles Bonfante, that dismissed a deportation application by the Crown over what was deemed to be "a minor offence". Please find a copy of that ruling in **Tab 2**.

On 07 October 2026, I timely filed a notice of appeal of my conviction in **CR/25/28757/V**, which predates the 21 October 2026 declaration. A separate, civil appeal is also currently in the Court of Appeal in **2026/CACIV/010**, *Helen Carter v Anthony Farrell.*

Pursuant to section 59(3) of the IARA, not even you have the authority to deport someone when they have an appeal pending of the underlying conviction.

> 59(3) An order shall **not** be made under subsection (2) by the Governor so long as any appeal is pending against the recommendation of the court or against the conviction on which the recommendation of the court was made.

Section 52 and 59 actions are not unrelated legal mechanisms. The effect of declarations made under section 52 are specifically and directly linked to section 59 by section 53(4) of the IARA.

> 53(4) Any prohibited immigrant may be dealt with in the same manner as an unauthorized person may be dealt with under section 59.

Further, there are also serious constitutional issues concerning the use of section 52(1)(f) of the IARA, both generally and particularly, where section 52(2) is combined with the express restriction in section 52(3) on remaining in Gibraltar while the appeal of the declaration is pending. In this case, an appeal of the constitutionality of a declaration and notice of deportion made for undisclosed reasons based on information from an undisclosed source.

This raises some serious, troubling questions, e.g.:

1) Who gave the Principal Immigration Officer powers that supersede/override a Court order, the Constitution of Gibraltar and the powers of the Governor?

2) As the Principal Immigration Officer is also the Commissioner of the Royal Gibraltar Police, has he not unlawfully exceeded his powers in assuming they supersede and/or override your own power as Governor?

3) If the RGP Commissioner has exceeded his authority, is Gibraltar now a de facto police state rather than a democracy, exercising policing powers they do not and/or should not have?

4) If this action was coerced by a “reliable” source, regardless of whether that source is in the public or private sector, doesn’t that information need to be publicly disclosed so it can be challenged in accordance with the constitutionally guaranteed right to a fair trial?

5) If the information is so damning that it warrants deportation, why not reveal it, and thus avoid even the appearance of impropriety or corruption?

6) Was this 21 October 2026 declaration by Owain Richards merely carrying out threats levied against me by Moshe Hassan, who threatened to *“deck”* me if I didn’t leave because *“We Jews control Gibraltar”*? Or was it the veiled threat from Shlomo Levy of Hassans, who said my “*biggest mistake” was* naming his dad, James Levy, on the envelope of an amicus curiae (friend of the court) brief I submitted in relation to the McGrail Inquiry? Or was this retaliation by Marlene Hassan-Nahon and/or Naomi Hassan-Weisfogel for my support of the nurse falsely accused of antisemitic remarks that she could not possibly have made? Or all of the above?

7) Is this why the RGP refused to issue me a crime report when the veiled threat by Shlomo Levy was reported? Is this also why the 2024 crime reports I submitted to former RGP Commissioner Richard Ullger, who was always friendly and kind to me, ultimately were never acted upon?

The purpose of the constitution is to enumerate, guarantee and protect the rights of the people from government use of coercive force, like this 21 October 2026 declaration. It also appears this declaration is an unlawful, desperate attempt to prevent my pending appeals, in order to cover up the very corruption and crimes against Gibraltarians that have been personally reported, which have been carried out by the government, the RGP and the GHA.

Removal while these appeals remain pending would risk substantially prejudicing my ability to bring these cases to a lawful and just conclusion. The rights and protections afforded to each of us under the law, including effective access to justice under section 8 of the Gibraltar Constitution, must be expressly and carefully considered **before** any **lawful** enforcement action is taken.

There is also the larger question of internal security. If the government, RGP and GHA are controlled by private sector individuals able to exert pressure on them through personal or corporate channels, who will investigate this corruption and rectify it?

The record reflects that my campaigning, crime reports and actions were motivated by genuine concerns for the people of Gibraltar, the protection of public health and the prevention and detection of suspected wrongdoing. If speaking out against dangerous government policies and corruption is enough to get a British Citizen deported from an oversees British territory without reason or a fair hearing, what does that say about the state of affairs in Gibraltar? The local media is watching this situation very carefully, particularly in light of the recently implemented treasonous TGEU and the 90/180 day rule for British visitors to Gibraltar.

I do not accept that the use of immigration powers should be permitted to frustrate the practical exercise of constitutional rights, overrule the judicial process, and/or supersede the powers of the Governor of Gibraltar. Hopefully that is a perspective that you share, along with my love of Gibraltar, its people and its bright future. If so, please act swiftly to put an immediate stop to this injustice.

Yours faithfully,



Anthony Farrell

TAB 1

Declaration Letter
and Notice of Deportation under Section 52(1)(f) of the Immigration, Asylum and Refugee Act (IARA)
21 October 2026

Royal Gibraltar POLICE | Delivering a Safer Gibraltar through Excellence in Policing

Owain Richards MSt (Cantab)
Commissioner of Police
New Mole House, Rosia Road, Gibraltar • Tel (+350) 20072500 • Centrex 2210 • www.police.gi

Our Ref: OR167

Served on: 21st/10/26

Anthony Farrell
DoB: 04/01/1960
PoB: Widnes, UK
British Passport No. 143859647

IMMIGRATION ASYLUM AND REFUGEE ACT

By virtue of the powers conferred upon me by virtue of Section 52(1) (f) of the *Immigration, Asylum and Refugee Act,* I hereby declare you a **Prohibited Immigrant**. You are therefore prohibited from remaining, entering or seeking to enter Gibraltar.

You are being afforded a period of 21 days to make arrangements to depart Gibraltar voluntarily. This grace period has been assessed as sufficient to allow you to organise your personal affairs to depart Gibraltar. Should you fail to depart Gibraltar within the specified period, enforcement action will be taken.

In accordance with Sections 52 (2) and (3) of the *Immigration, Asylum and Refugee Act,* you may only appeal this decision to His Excellency the Governor of Gibraltar. However, should you decide appeal this decision, you shall not be entitled to remain or enter Gibraltar whilst your appeal is being considered.

Yours faithfully

Owain Richards, MSt. (Cantab)
Principal Immigration Officer

TAB 2

Stipendiary Magistrate’s Order/Official Transcript from Sentencing Hearing on 11(1)(b) Conviction and Deportation Application by the Crown
24 September 2026

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?

TAB B

Relevant Excerpts
from the Gibraltar Constitution 2006
Sections 1, 3, 8, 9, 10, 11, 13 & 16

Gibraltar Constitution Order 2006

Excerpts below from Sections 1, 3, 8, 9, 10, 11, 13, 16:

Fundamental rights and freedoms of the individual

1. It is hereby recognised and declared that in Gibraltar there have existed and shall continue to exist without discrimination by reason of any ground referred to in section 14(3), but subject to respect for the rights and freedoms of others **and for the public interest**, each and all of the following human rights and fundamental freedoms, namely –

(a) **the right of the individual to life, liberty, security of the person, the enjoyment of property and the protection of THE LAW;**

(b) **freedom of conscience, of expression, of assembly, of association** and freedom to establish schools; and

(c) the right of the individual to protection for his personal privacy, for the privacy of his home and other property **and from deprivation of property without adequate compensation**,

and the provisions of this Chapter shall have effect for the purpose of affording protection to the said rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others **or the public interest**.

Protection of right to personal liberty

3.-(1) **No person shall be deprived of his personal liberty save as may be authorised BY LAW in any of the following cases**, that is to say –

(a) in consequence of his unfitness to plead to a criminal charge or in execution of the sentence or order of a court, whether in Gibraltar or elsewhere, in respect of a criminal offence of which he has been convicted;

(b) in execution of the order of a court punishing him for contempt of that court or of another court or of a tribunal;

(c) in execution of the order of a court made to secure the fulfilment of any obligation imposed on him by law;

(d) for the purpose of bringing him before a court in execution of the order of a court;

(e) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under any law;

(f) in the case of a person who is a minor as prescribed by law, for the purpose of his education or welfare;

(g) for the purpose of preventing the spread of an infectious or contagious disease;

(h) in the case of a person who is, or is reasonably suspected to be, of unsound mind or addicted to drugs or alcohol or a vagrant, for the purpose of his care or treatment or the protection of the community;

(i) for the purpose of preventing the unlawful entry of that person into Gibraltar, **or for the purpose of effecting the expulsion, extradition or other LAWFUL removal of that person from Gibraltar** or for the purpose of restricting that person while he is being conveyed through Gibraltar in the course of his extradition or removal as a convicted prisoner from one country to another or the taking of proceedings relating thereto.

(2) Any person who is arrested or detained shall be informed as soon as reasonably practicable, in a language that he understands, of the reasons for his arrest or detention. Any person who is arrested or detained shall have the right, at any stage and at his own expense, to retain and instruct without delay a legal practitioner of his own choice, and to hold private communication with him, and in the case of a minor as prescribed by law he shall also be afforded a reasonable opportunity for communication with his parent or guardian, provided that when the person arrested or detained is unable to retain a legal practitioner of his own choice or be represented by a legal practitioner at the public expense as may be prescribed by any law, he may be represented, and hold private communication with, such person as the court may approve.

(3) Any person who is arrested or detained –

(a) for the purpose of bringing him before a court in execution of the order of a court; or

(b) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence, and who is not released, shall be brought without undue delay before a court;

and if any person arrested or detained as mentioned in paragraph (b) is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial, and without prejudice to the generality of the foregoing such conditions may include bail.

(4) **Any person who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.**

(5) Any person who is unlawfully arrested or detained by any other person **shall be entitled to compensation therefor from that other person**.

Provisions to secure protection of law

8.-(1) If any person is charged with a criminal offence, then, unless the charge is withdrawn, **the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established BY LAW**; and, except with his own consent or as may be prescribed by law, **the trial shall NOT take place in his absence**.

(2) Every person who is charged with a criminal offence –

(a) **shall be presumed to be innocent until he is proved** or has pleaded **guilty;**

(b) **shall be informed as soon as reasonably practicable, in a language that he understands and in detail, of the nature of the offence;**

(c) **shall be given adequate time and facilities for the preparation of his defence;**

(d) **shall be permitted to defend himself in person** or, at his own expense, by a legal representative of his own choice or, when the interests of justice so require, by a legal representative provided at the public expense;

(e) **shall be afforded facilities to examine, in person** or by his legal representative, **the witnesses called by the prosecution before any court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before that court on the same conditions as those applying to witnesses called by the prosecution;**

(f) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the offence.

(3) When a person is tried for any criminal offence, the accused person or any person authorised by him in that behalf shall, if he so requires and subject to payment of such reasonable fee as may be specified by or under any law, be given within a reasonable time after judgment a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(4) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for a criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed.

(5) **No person who shows that he has been tried by a competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial of that offence, save upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.**

(6) **No person shall be tried for a criminal offence if he shows that he has been granted a pardon, by a competent authority, for that offence.**

(7) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(8) Any court or other authority required or empowered **by law** to determine the existence or extent of **any civil right** or obligation **shall be established by law and shall be independent and impartial**; and where proceedings for such a determination are instituted by any person before such a court or authority, **the case shall be given a fair hearing within a reasonable time.**

(9) Except with the agreement of all the parties thereto, **all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before any other authority, including the announcement of the decision of the court or other authority, shall be held in public.**

(10) Nothing in subsection (9) shall prevent the court or other authority from excluding from the proceedings (except the announcement of the decision of the court or other authority) persons other than the parties thereto and their legal representatives to such extent as the court or other authority –

(a) may by law be empowered to do so and may consider necessary or expedient either in circumstances where publicity would prejudice the interest of justice, or in interlocutory proceedings, or in the interests of public morality, the welfare of minors as prescribed by law or the protection of the private lives of persons concerned in the proceedings; or

(b) may by law be empowered or required to do so in the interests of defence, public safety or public order.

(11) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of –

(a) subsection (2)(a), to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts;

(b) subsection (2)(e), to the extent that the law in question imposes conditions that must be satisfied if witnesses called to testify on behalf of an accused person are to be paid their expenses out of public funds;

(c) subsection (5), to the extent that the law in question authorises a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force, so, however, that any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under that disciplinary law.

(12) In this section –

"criminal offence" means a crime, misdemeanour or contravention punishable under the law of Gibraltar;

"legal representative" means a person lawfully in or entitled to be in Gibraltar and entitled to practise in Gibraltar as a barrister or, except in relation to proceedings before a court in which a solicitor has no right of audience, as a solicitor.

Protection of freedom of conscience

9.-(1) Except with his own consent, **no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.**

(2) Except with his own consent (or, if he is a minor as prescribed by law, with the consent of his guardian), no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion that he does not profess.

(3) No religious community or denomination shall be prevented from or hindered in making provision for the giving, by persons lawfully in Gibraltar, of religious instruction to persons of that community or denomination in the course of any education provided by that community or denomination.

(4) No person shall be compelled to take any oath that is contrary to his religion or belief or to take any oath in a manner that is contrary to his religion or belief.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) or (3) to the extent that the law in question makes provision –

(a) **in the interests of defence, public safety, public order, public morality or public health**; or

(b) **for the purpose of protecting the rights and freedoms of other persons,** including the right to observe and practise any religion or belief without the unsolicited intervention of persons professing any other religion or belief, except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

(6) References in this section to a religion shall be construed as including references to a religious denomination and cognate expressions shall be construed accordingly.

Protection of freedom of expression

10.-(1) Except with his own consent, **no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his correspondence.**

(2) **Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision –**

(a) **in the interests of defence, public safety, public order, public morality or public health;**

(b) **for the purpose of protecting** the reputations, **rights and freedoms of other persons or the private lives of persons concerned in legal proceedings and proceedings before statutory tribunals**, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or

regulating telephony, other methods of telecommunication or electronic communication transmission systems, telegraphy, posts, wireless broadcasting, television, public exhibitions or public entertainments; or

(c) for the imposition of restrictions on public officers, except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Protection of freedom of assembly and association

11.-(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests.

(2) **Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section** to the extent that the law in question makes provision –

(a) in the interests of defence, public safety, public order, public morality or public health;

(b) for the purpose of protecting the rights and freedoms of other persons;

(c) for the imposition of restrictions upon public officers; or

(d) for the registration of trade unions in a register established by or under a law and for imposing reasonable conditions relating to the procedure for entry on such a register (including conditions as to the minimum number and qualifications of persons necessary to constitute a trade union qualified for registration),

except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Protection of freedom of movement

13.-(1) **No person shall be deprived of his freedom of movement, and for the purposes of this section the said freedom means the right to move freely throughout Gibraltar, the right to reside in any part of Gibraltar, the right to enter Gibraltar, the right to leave Gibraltar and immunity from expulsion from Gibraltar.**

(2) Any restriction on a person's freedom of movement that is involved in his **lawful** detention shall not be held to be inconsistent with or in contravention of this section.
(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision -

(a) for the imposition of restrictions, by order of a court, on the movement or residence within Gibraltar of any person either in consequence of his having been found guilty of a criminal offence under the law of Gibraltar or for the purpose of ensuring that he appears before a court at a later date for trial in respect of such a criminal offence or for proceedings preliminary to trial or for proceedings relating to his extradition or other lawful removal from Gibraltar;

(b) for the imposition of restrictions on the movement or residence within Gibraltar of any person who does not belong to Gibraltar, **provided it is reasonably justifiable in a democratic society**, or the exclusion or expulsion from Gibraltar of any such person;

(c) for the imposition of restrictions on the acquisition or use by any person of land or other property in Gibraltar;

(d) for the imposition of restrictions on the movement or residence in Gibraltar or on the right to leave Gibraltar of persons generally or any class of persons that are reasonably required –

(i) in the interests of defence, public safety, public order, public morality or public health; or

(ii) for the purpose of protecting the rights and freedoms of other persons,

except so far as that provision or, as the case may be, the thing done under the authority thereof **is shown not to be reasonably justifiable in a democratic society**;

(e) for the removal of a person from Gibraltar to be tried outside Gibraltar for a criminal offence or to undergo imprisonment outside Gibraltar in execution of the sentence of a court in respect of a criminal offence of which he has been convicted; or

(f) for the imposition of restrictions on the right of any person to leave Gibraltar in order to secure the fulfilment of any obligations imposed upon that person by law, except so far as the provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Enforcement of protective provisions

16.-(1) **If any person alleges that ANY of the foregoing provisions of this Chapter has been, is being or is likely to be contravened in relation to him, then, WITHOUT PREJUDICE TO ANY OTHER ACTION WITH RESPECT TO THE SAME MATTER THAT IS LAWFULLY AVAILABLE, THAT PERSON MAY APPLY TO THE SUPREME COURT FOR REDRESS.**

(2) **The Supreme Court shall have original jurisdiction to hear and determine any application made by any person in pursuance of subsection (1)**, and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of the foregoing provisions of this Chapter to the protection of which the person concerned is entitled.

(3) The Supreme Court shall have such powers in addition to those conferred by subsection (2) as may be prescribed for the purpose of enabling that court more effectively to exercise the jurisdiction conferred upon it by this section.

(4) The Chief Justice may make rules with respect to the practice and procedure of the Supreme Court in relation to the jurisdiction and powers conferred upon it by or under this section (including rules with respect to the time within which applications to that court may be made).