



PRESS RELEASE

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Bills for Mutual Legal Assistance and Extradition Passed in Parliament

A Bill for the Mutual Legal Assistance (Council of Europe) Act 2018 and a Bill for the Extradition Act 2018 were unanimously passed in Parliament.

The Mutual Legal Assistance Bill, when extended to Gibraltar by the UK, will give effect to the Council of Europe's European Convention on Mutual Assistance in Criminal Matters. Mutual legal assistance agreements between countries serve the purpose of gathering and exchanging information in an effort to enforce public or criminal laws. Gibraltar currently provides assistance to, and seeks assistance from, most European Member States under the European Investigation Order Regulations 2017. The Mutual Legal Assistance Bill enables HM Government of Gibraltar to request the extension of the Council of Europe's Convention on Mutual Assistance in Criminal Matters, made in Strasbourg on 20 April 1959, to Gibraltar, as it presently does not apply. The Bill was certified as urgent by the Honourable the Chief Minister stemming from her Her Majesty's Government of Gibraltar's Brexit contingency planning, as the Convention has been identified by the United Kingdom as necessary to mitigate the effects of a potential no deal Brexit.

The Extradition Bill enables Gibraltar to request the extension to Gibraltar of the European Convention on Extradition 1957 and its four protocols. Extradition is the procedure by which a state, upon receipt of a formal request by another state, turns over an individual charged with, or convicted of, a crime. The Extradition Bill is based on the UK's Extradition Act 2003. Gibraltar is now in a position to offer a similar legislative framework, by adopting the UK's model for legal assistance in the fight against crime. The Bill enables Gibraltar to request the extension of the European Convention on Extradition 1957 and its four protocols. The Convention and the four protocols do not yet extend to Gibraltar. As with the Mutual Assistance Bill, this Bill was also certified as urgent for the same reasons.

The Government Law Office has been working with the United Kingdom's Home Office officials, who urged Her Majesty's Government of Gibraltar to enact the necessary legislation, before the end of the year, if the United Kingdom's ratification of the Convention is to be extended to Gibraltar by exit day.



The Minister for Health, Care and Justice, the Honourable Neil F. Costa MP said: “It is important that the world understands that our Parliament stands united in its solidarity to fight crime. The passing of these important Bills guarantee the elements of our criminal justice system that seek to ensure two important objectives. The first is to ensure that those who have to face trial, or sentence, cannot avoid the consequences of their criminality by fleeing from a jurisdiction. Our second aim is to ensure that the evidence to prove criminality that is located outside the state where they are facing investigation or prosecution is easily obtained by nations. I would like to sincerely thank Honourable Members of the House for the unanimous backing of these Bills, which serve to protect our community and empower Gibraltar further in the fight against crime. I also wish to thank our Government lawyers for their diligence in the drafting of the Bills.”