



## PRESS RELEASE

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### **Exactly no one will be surprised by the GSD's latest misconceived tilting at seeking the limelight at any cost**

One would have thought that Mr Feetham would seek to hide his blushes, rather than being reminded that if he thinks that the parole system is too lenient, he can only blame himself. It was Mr Feetham who brought in the Prison Act. The architect of the law in question, now laments a result that is the direct and natural consequence of his own actions whilst Justice Minister.

It is Mr Feetham's law that fails to provide for a structured and mandatory system for representation by the victims of crime and for those representations to decide whether or not to release a prisoner.

It is Mr Feetham's law that expressly limits the effects of representations on behalf of the victim to be relevant only in respect of licence conditions and not on whether release on licence is approved.

Mr Feetham is, therefore, wrong, wrong, wrong, when he said yesterday (Monday) that his Prison Act provides an obligation for the Parole Board to ask the victims for their views and for those views to be taken into account when deciding whether to grant parole. His law merely requests the Parole Board to have regard to any relevant information that may be available. Simply put, no legal obligation exists for the Parole Board to seek victims' views. He either never considered this issue when he passed the law, or failed to ensure that it achieved this objective. Either scenario is shocking. He could have, at the very least, reminded himself of his failure to address this question he now considers so vital, by simply checking the law online.

It gets worse. Mr Feetham says the GSD kept the period before prisoners are eligible for parole to one-third of time served, due to the conditions of prisoners at the old Moorish Castle prison. One is tempted to say: "Hello?" The new prison at Windmill Hill became operational on 28 August 2010 and the Prison Act was commenced on 23 September 2011. The purported reason, therefore, no longer existed.

Mr Feetham also says that the GSD noted that the qualifying period needed to be kept under review. Curiously, this was never raised when the Bill was debated in Parliament. Other matters



were raised by Mr Feetham, however. This can only suggest that there was never an intention on his part, or the GSD, to keep the parole eligibility period under review.

The Law Commission, comprised of leading experts in their different fields, not to mention the learned Stipendiary Magistrate and a Gibraltar Supreme Court Justice, is carefully scrutinising the Prison Act 2011, in particular, the point at which persons serving a sentence of imprisonment become eligible for release on parole, and will be considering all options, especially how to protect the public and the victims of crime. It should be noted that even if the Law Commission had made a recommendation to amend the point of eligibility for parole, and this became law following its passage through Parliament, it could not have, as a matter of law, affected current persons serving a sentence. This is because these amendments would have to be prospective. The Law Commission will consider these sensitive issues carefully, reflectively and rationally.

It must not be forgotten either that the Parole Board discharges, selflessly, a crucial, sensitive and difficult civic obligation, for which the Government is extremely grateful.

A former Minister for Justice should cease politicising the work of the Law Commission and the Parole Board, even when his party continues to haemorrhage electoral support, and have the decency to remain silent when he is directly responsible for the present-day situation.