

## **OPPOSITION PRESS RELEASE NO.101 OF 2006**

**The Opposition finds the conduct of the Ministry of Defence ('MOD') extremely disturbing in the case involving two Gibraltar Security Police ('GSP') officers that have been dismissed without the benefit of a Disciplinary Hearing and where the MOD has failed to comply with an order of the Chief Justice of the 29<sup>th</sup> June 2006 to reverse the dismissal decision. It is incredible that almost two months later the order of the Court has not been complied with.**

**This failure to comply with a Court order would not be tolerated in the case of any private individual and it suggests that the MOD in Gibraltar conducts its affairs as if it considers itself above the law. This is not surprising since the MOD has attempted in the past to argue that it could not be sued in Gibraltar. It is also regrettable that as a parliamentarian, Tom Watson MP – Under Secretary of State for Defence, in his recent flying visit did not see fit to include in his agenda getting the MOD to respect the rulings of the Gibraltar Court.**

**It is also relevant to reflect on how important it is to ensure the independence of the judiciary and that the selection of judges or their security of tenure should not be exposed to the whims of UK Ministers, who may find their rulings uncomfortable.**

**The Chief Justice's ruling of the 29<sup>th</sup> June is of importance in that it concerns the question of the termination of employment of persons who had been suspended from work on full pay pending a Disciplinary Hearing and no such Disciplinary Tribunal took place. Moreover, this has happened when the underlying issues are still the subject of pending Court hearings. The action taken by the MOD in anticipating the results of the pending Court hearings by sacking the employee has the hallmark of the strategy normally associated with irresponsible employers who seek to pre-empt unfavourable results. One expects the Crown, in its relationship with Public Servants, to adopt policies and have a conduct that is better than this.**