
**INQUIRY INTO THE RETIREMENT OF THE FORMER
COMMISSIONER OF POLICE**

Questions on the Discontinuance of the Prosecution

Questions for the Attorney General and Messrs Perez, Cornelio and Sanchez:

1. What was the legal basis on which the prosecution was discontinued: (a) section 59 of the Gibraltar Constitution; (b) section 223 of the Criminal Procedure and Evidence Act; (c) both; or (d) some other basis?

Questions for all Core Participants (with the exception of the GPF):

2. In the factual context of the Inquiry, is it relevant to ask why the Attorney General discontinued the prosecution?

3. If so, is it within the Terms of Reference of the Commission to ask the question?

4. If so, can the Attorney General properly be asked why he discontinued the prosecution?

5. If so, is the Attorney General entitled – or even required – by law to decline to answer the question in (2) above?

6. Is the Inquiry entitled to draw inferences from a failure by the Attorney General to answer the question in (2) above?

7. In relation to questions (2) and (4) above, is the Inquiry either bound by, or alternatively required to afford persuasive weight to, the Judgment?