



# CIRCULAR

## **STATEMENT BY THE DIRECTOR OF PUBLIC PROSECUTIONS ON THE MATTER OF COMMISSIONER OF POLICE V MICHAEL FOY**

The Office of the Director of Public Prosecutions finds it necessary to issue a statement on what we deem are the facts of the case presented in the matter of the Commissioner of Police v Michael Foy.

We stand firm in our belief that any person who contravenes any of the laws of the Virgin Islands, regardless of their nationality, should be held accountable and allowed to receive a fair trial.

It was on 8<sup>th</sup> June, 2020, that The Accused, Mr. Michael Foy was caught in Territorial waters near Peter Island and Norman Island by Her Majesty's Customs. The Accused was the captain of a commercial fishing vessel, "Rebel Lady," which was carrying 7,000 pounds of fish. Also on board were Indonesian nationals, who could not speak any English and were holders of C- 11 Transit Visas, which is only applicable to persons working on a fishing vessel.

The Accused admitted to Customs Officers that he was the captain of the vessel and claimed that he received permission to enter the Territory. Investigations by the Police confirmed, however, that permission was sought and denied by the Chief Immigration Officer as the borders of the Territory were closed as part of the Territory's response to the COVID-19 Pandemic.

The following complaints were preferred against the Accused.

- Illegal entry contrary to section 20(3) of the Immigration Ordinance Cap 130
- An unregistered and unlicensed foreign fishing vessel contrary to section 57 (b) of the Fisheries Act 1997 as amended
- Entering the Territory and failing to arrive at a Customs Port contrary to section 22 (1) (a) of the Customs and Duties Management Act, 2010.

Pursuant to the 2010 Customs and Duties Management Act the vessel was detained and The Court made an order for the fish to be forfeited and resold to benefit the Government pursuant to section 75 of the Fisheries Act, 1997 as amended.

The Accused was denied bail as he has no connection or legal status to the Territory.

As the Office of the Director of Public Prosecutions, it is our duty to ensure that the law is properly enforced, the relevant evidence is placed before the Court and the duties of disclosure are complied with.

We believe that all accused, victims and witnesses have a right to a fair trial and act in the interest of justice. Therefore, we will not issue any further comments on this matter.