

**SPECIAL IMMIGRATION APPEAL COMMISSION**

Appeal No: SC/98/2010  
Hearing Date: 20<sup>th</sup> March 2014  
Date of Judgment 8<sup>th</sup> May 2014

BEFORE:

**THE HONOURABLE MR JUSTICE IRWIN  
UPPER TRIBUNAL JUDGE GILL  
SIR PAUL LEVER**

BETWEEN:

**J1**

Appellant

and

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondents

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MS S HARRISON QC (instructed by Birnberg Peirce and Partners) appeared on behalf of the appellant.

MS K GRANGE (instructed by the Treasury Solicitor) appeared on behalf of the Secretary of State.

MS C McGAHEY (instructed by the Treasury Solicitor Support Office) appeared as Special Advocate.

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**W(ALGERIA) RULING  
(OPEN)**

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MR JUSTICE IRWIN:

1. In this case there has been a second application that the Commission should make an order of absolute and irrevocable confidentiality, covering a body of evidence, pursuant to the decision of the Supreme Court in *W (Algeria) and Another -v- SSHD* [2012] UKSC8. The principles governing such an application were set out fully by me in the ruling of 14<sup>th</sup> January this year, in respect of a similar application made by this appellant in respect of a part of the evidence he wished himself to give under those circumstances. That application failed, this application has succeeded. In respect of this evidence, the conditions laid down by the Supreme Court for the making of this very unusual order are fulfilled.

2. In respect of the evidence advanced, it is relevant. It bears directly on some of the issues of concern raised by the appellant. The evidence and its surrounding circumstances give rise to a real basis of concern on the part of the witness and there is a proper foundation for the need for such an order. The evidence proposed to be advanced subject to these conditions, is evidence about which the Secretary of State can properly and effectively take instructions and is in a position properly and effectively to test what is said under the conditions of the order. It is not possible or proper to seek to say more, but it is important that, when such an unusual order is made, the fact of its making is public, hence this ruling.

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