

SPECIAL IMMIGRATION APPEAL COMMISSION

Appeal No: SN/11/2014
Hearing Date: 9th & 10th December 2014
Date of Judgment: 23rd February 2015

BEFORE:

**SIR JOHN ROYCE
UPPER TRIBUNAL JUDGE A McGEACHY
MR H WARREN-GASH**

BETWEEN:

R1

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Ms M CUMBERLAND (instructed by the Treasury Solicitor) appeared on behalf of the Secretary of State.

Mr M GOUDIE (instructed by the Special Advocates Support Office) appeared as Special Advocate.

OPEN JUDGMENT ON DISCLOSURE UNDER RULE 38

Sir John Royce:

1. R1 is a Moroccan national. He was arrested on 6th June 2008 and was sentenced to one month's imprisonment for fraudulent use of a false passport. He was administratively removed from the UK on 31st July 2008.
2. He returned to the UK on a false passport in June 2010 and was placed into immigration detention pending administrative removal. An appeal to SIAC ensued. He claimed asylum but that was refused in January 2012.
3. He was on SIAC bail from April 2011 but absconded in January 2013. He was subsequently located in Manchester in March 2013 and was detained. He was removed from the UK administratively on 15th November 2013. He maintains his appeal against an exclusion order.

DISCLOSURE:

4. We have adopted the principles set out in the OPEN Judgment of Irwin J in *AHK and Others v SSHD* 18th July 2014.

We have borne in mind the obligation on the Commission under Rule 4(3) to have before it all the material needed to reach a just conclusion. We bear in mind that disclosure into OPEN will inevitably be partial.

We have sought to ensure that disclosure has been such that the issues can be fairly and justly determined.

Constructive discussions between Mr Goudie and Ms Cumberland have resulted in additional material being moved from CLOSED to OPEN.

Additionally we have ordered some further disclosure:

We order that there should be disclosed to the Appellant that:-

- 1) On the external hard-drive of the computer recovered from R1 in June 2008 were extremist videos including a lecture by Abu Qatada and Osama Bin Laden.
5. We were informed that the police retain copies of what was recovered from the computer and hard-drive although the originals are no longer in existence. We were informed that the police will allow access to this copy material and no doubt those representing the Appellant would wish to examine the material on the computer and hard drive. If this is to be done it must be done in good time so as not to prejudice the hearing date of 12th May. Any application to move the hearing date to enable examination of the material would not be favorably received.