

File No: SC/20/2003

Date of Judgement: 00/07/2004

**SPECIAL IMMIGRATION APPEALS COMMISSION**

Before:

The Honourable Mr Justice Sullivan

Mr G Warr

Mr M G Taylor CBE

**P**

**Appellant**

-and-

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**Respondent**

**FIRST OPEN REVIEW JUDGEMENT**

1. This is the open determination on the first review of the certificate issued by the Secretary of State for the Home Department in the case of P under section 21(1) of the Anti-Terrorism, Crime and Security Act 2001. His appeal was dismissed by the Commission in an Open Judgement handed down on 27<sup>th</sup> January 2004. Section 26(2)(a) requires that the Commission hold a first review of the certificate as soon as is reasonably practicable after the expiry of six months after the appeal was finally determined.
2. By letter dated 27<sup>th</sup> January 2004 the Commission gave notice to the parties and the Special Advocate that its review would commence on 27<sup>th</sup> July 2004.

3. Pursuant to rule 24(3) of the Special Immigration Appeals Commission (Procedure) Rules 2003 the Respondent filed an Open Statement ('the Open Statement') for the purposes of the review, supported by an Open Statement of Security Service Witness K, on 13<sup>th</sup> July 2004.
4. No material has been received from P.
5. We have considered the review on paper, reading the material submitted by the Respondent against the background of the earlier Open Judgement in P's case. We have also had regard to the Open Generic Judgement as updated by the First Review Open Generic Judgement.
6. It is not our task to consider whether or not the earlier Judgement in P's case was correct on the merits. In reviewing the certificate we have to examine the new material to see if it, together with the earlier material as analysed in the judgement, shows there to be a continuing basis for maintaining the certificate, or whether there is significant new material showing either that those earlier conclusions were wrong, or that circumstances have changed so that the certificate should no longer be maintained.
7. The First Review Open Generic Judgement concluded that there continues to be a direct terrorist threat to the United Kingdom from a group or groups of largely North African Islamic terrorists linked in various ways to Al Qa'eda.
8. The Open Statement updates the earlier material in respect of P as follows:
9. (1)At the time of his detention in January 2001 P had an extensive network of associates amongst Islamist extremists in the United Kingdom and overseas. Since P's appeal was heard in December 2003 one of his contacts, Abu Hamza, has been arrested, and is detained in HMP Belmarsh facing extradition proceedings by the United States. Other associates of P remain at large. (2)As a result of more recent intelligence, a number of P's contacts who were relatively unknown or whose significance was not fully realised in December 2003 have now come to feature prominently in investigations by the Security Service. (3)It is assessed that should P be released from custody he would have no difficulty in re-establishing his connections to Islamist extremist networks which continue to pose a threat to UK national security. His continued detention is proportionate to the threat that he continues to pose to national security.
10. We see no reason not to accept the evidence and assessments in the Open Statement. There is nothing to cast doubt on the continued validity of the conclusions in the Open Judgement handed down on 27<sup>th</sup> January 2004 and there has been no material change of circumstances. It follows that the certificate is properly maintained.
11. We have reached this conclusion upon the basis of the open material referred to above. We have also considered the Closed Judgement in P's case and the Closed Statement and accompanying

documents filed for the purposes of this review by the Respondent on the 13<sup>th</sup> July 2004. We do not consider that any purpose would be served by a Closed Review Judgement. We merely observe that the closed material supports and in some respects strengthens the assessment in the Open Statement and does not detract from it in any way.

The Honourable Mr Justice Sullivan