

him to reply to as envisaged by the Rules. Tyndallwoods who represented C and D told the commission in a letter dated 28th April 2004 that they did not intend to participate in the review process on behalf of their clients because the whole SIAC procedure was unfair. In the event no material was received from any person certified either before the SSHD's material was submitted or after.

1. We point out that the SSHD is under an obligation, regardless of whether or not the person certified puts in material, to put in material which satisfies the requirements of rule 24(3) within the time limit, i.e. 14 days before the review is due to commence. Whether or not that means that the person certified can then reply to it by way of his main evidence, which we accept is not what the Rules envisage, the obligation on the SSHD is clear.

1. The material which the SSHD must put in appears from Rule 24(3): it must give reason for the continuation of the certificate, any fresh evidence upon which he relies for its continuation, and confirmation that any previously given evidence upon which he continues to rely remains true. This is a duty of continuing scrutiny upon him.

1. The SSHD filed updated generic open and closed material and updated open and closed individual material in the case of each person certified. He also provided written submissions. As we have said we received nothing from any of the persons certified.

1. As the Rules envisage we considered the reviews in each case on paper, reading or re-reading the earlier open and closed generic and individual determinations and the updated material. We are producing our decision in the form of an open and closed generic judgment, which will be updates to the first generic judgment and will form part of the overall individual judgment, and individual open and closed judgments. This repeats the format adopted for the appeals.

7. We start our consideration of the material on the basis that it is not our task, and could not be, to consider whether or not the earlier judgments on the material before the Commission were correct on the merits. We have to examine the new material to see if it, together with the earlier material as analysed in the judgments, 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 now the certificate should not be maintained.

1. The updated open generic material, as we explain in the first review update to the open generic judgment, continues to show that there is a direct terrorist threat to the United Kingdom from a group or groups of largely North African Islamic extremists, linked in various ways to Al Qaeda.

1. The SSHD's open individual material shows that although there has been some disruption to the activities and associates of A, there continue to be contacts both in the UK and abroad who are at liberty, which would enable A, if released, to re-establish the support network with which he was

involved. We accept that he has the intent, capability and would if at liberty in the UK, have the opportunity to provide vital support to it. The SSHD has shown the continuing certification to be justified.

MR JUSTICE OUSELEY

CHAIRMAN