

File Nos: SC/1/2001, SC/2/2001, SC/3/2001, SC/4/2001

SC/6/2001, SC/7/2001, SC/9/2001 & SC/12/2001

Date of Judgment: 2nd July 2004

SPECIAL IMMIGRATION APPEALS COMMISSION

Before

The Honourable Mr Justice Ouseley

Mr G Warr

Mr J Mitchell

A, B, C, D, E, G, H AND ABU RIDEH

APPELLANT

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

RESPONDENT

FIRST REVIEW OPEN GENERIC JUDGEMENT

1. This Judgment is to be read as an update to the Commission's Generic Judgment in the first ten appeals which it considered. It is delivered as part of the Judgments on the First Review of the eight persons certified and listed above. It is to be read with the individual open judgments in their individual cases.
1. It reflects the SSHD's additional open material which we have no reason to reject. No submissions were put in by any of the persons certified in relation to it nor did they submit any evidence.

The Current Threat from Al Qa'eda

1. On 1st December 2003 in its report to the United Nations Security Council, the monitoring group reported that the Al Qa'eda ideology had continued to spread, raising the spectre of further terrorist attacks, more of which would be carried out by suicide bombers and from which no region would be spared. Iraq had become a fertile ground for Al Qa'eda. Although some Al Qa'eda funding had been cut off, many of its sources remained and it had shifted its financial activities to less regulated areas. It was still able to obtain considerable funds for its activities. There was concern about weapons being smuggled out of Iraq and the increasing prospect of Al Qa'eda acquiring weapons of mass destruction. It had already taken the decision to use chemical and bio-weapons and the possible use of a dirty bomb was of grave concern.
1. The threat to the UK had not diminished according to the Secretary of State. The risks had been made clear by the attack in Istanbul in November 2003 and the March 2004 attack on Madrid. The Metropolitan Police Commissioner emphasised that Al Qa'eda was still active

in London and the UK.

Osama Bin Laden

1. The SSHD produced evidence of continuing urging by Al Zawahiri and Bin Laden to attack those who were seen to co-operate with the West, including the President of Pakistan.? There were radio messages calling on Iraqis and Muslims to undertake martyrdom operations inside and outside the US and the statement also contained specific threats of retaliation against the UK for its activities in Iraq.? The statement of 15th April 2004 from Bin Laden offering reconciliation to European countries conditional on the withdrawal of their troops from Muslim countries did not include the US, against which and whose interests Jihad would continue.? The statement referred to the attack in Madrid.? In May 2004 Bin Laden offered a bounty for the killing of UK and US civil and military personnel in Iraq.
1. Although since late 2003 according to the SSHD, the core of Al Qa?eda had become fragmented and its capability degraded, that had changed the appearance and the nature of Al Qa?eda and its relationship with the overlapping networks of groups and individuals to which it was linked.? The degradation had occurred at the core, not at the networks which continued to pose a very significant threat to the UK, as the Istanbul and Madrid attacks illustrated.

GSPC

1. The SSHD evidence as to the continuing activities of the GSPC affirmed its alignment with support for Jihads worldwide, including those orchestrated by the Taliban leader Omar and also Bin Laden.? The public statement of support which it issued in September 2003 affirmed its longstanding involvement with Islamist extremist activity outside Algeria.? It had a new leader and was particularly active in the south of Algeria, where it had been responsible for the kidnap of 32 European tourists.

Attacks since 1993

1. Trabelsi was sentenced to 10 years imprisonment for his part in a plot to blow up a military base housing US soldiers in Belgium.? A co-leader of the TFG was sentenced in September 2003 to 6 years imprisonment in Belgium for organising recruitment of Al Qa?eda volunteers.? The shoe bomber Richard Reid was sentenced in January 2003 in the US to 110 years imprisonment plus 3 life sentences.? For the Bali nightclub bombing attack in April 2004, three individuals had been sentenced to death in Indonesia and more than 20 others given jail sentences, 3 for life.? On 20th November 2003 two vehicle borne improvised explosive device attacks took place in Istanbul at the British Consulate and the headquarters of the HSBC Bank ? 33 people died and 450 were injured.? On 11th March 2004, ten bombs exploded on 4 commuter trains making their way into Madrid train stations, killing 191 people and injuring more than 1,800.? It was concluded as the evidence emerged that Islamic militants were likely to have been behind the attack.? On 2nd April 2004 another unexploded bomb was found on the high speed rail link between Madrid and Seville, containing explosives matching those used in the 11th March attacks.? It is believed that the Moroccan Islamic Combatant Group which is closely associated with the JIA and which supports Al Qa?eda?s holy war against the West was responsible for the attacks.? The Group members engaged in the operation were thought to be closer to Al Qa?eda than to their own group.? 17 of the 22 individuals detained were Moroccans.? The ringleader and six other suspects died in an apparent suicide explosion on 3rd April 2004 as police prepared to enter their apartment.

Chechnya

1. The Caucasus was a continuing area of concern because its lawlessness and remoteness made it easy for members of the Arab Mujahideen to operate there. Its borders allowed easy access to conflict areas in Iraq, Afghanistan and Chechnya. It provided a gateway into Europe through Turkey. The infrastructure, whilst basic, was sufficient for those there to gain funds and equipment. The Basayev terror group which includes the so-called 'black widows' female suicide bombers had links to the Arab Mujahideen support networks. The Security Service had evidence of support networks evolving into or generating operational cells to carry out attacks. The Algerian network linked to Abu Doha was one and the network responsible for attempts to deploy contact poisons in the UK was another. Many support networks included individuals who had experience of fighting in Jihads or who attended training camps and given the right circumstances, were in a position to carry out terrorist operations. Consequently, the SSHD contended their many support networks have the potential to pose a significant threat to the UK.

The threat at April 2004

1. Although the evidence of the SSHD was that the core of Al Qaeda had become fragmented and its capability degraded, the fragmentation had led to the overlapping networks of groups and individuals linked to Al Qaeda continuously to pose a very significant threat to the UK. Al Qaeda's influence remained, Bin Laden's ideology and the expertise of Al Qaeda was being spread to the network of groups and individuals linked to Al Qaeda, as the centre found it more difficult to operate. Al Qaeda's lethal intent and desire to inflict mass casualties remained, for some this included the desire to use suicide tactics and CBRN devices. The personal links between individuals remained as significant as ever. The attacks in Istanbul and Madrid showed both the threat to Europe and to the UK continued. Bin Laden and his deputy Al Zawahiri remain alive and able to use the media to encourage Jihadists. The threat was assessed to remain as high as at any time since 11th September 2001.
1. The content of the Open Generic Judgment is well supported and strengthened by the material in the closed evidence.

MR JUSTICE OUSELEY

CHAIRMAN