

Control Orders



Strengthening National Security

Robin Simcox

CONTROL ORDERS

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NATIONAL SECURITY**

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2010

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Control Orders: Strengthening National Security

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ABOUT THE CSC

The CSC is a non-partisan think-tank that studies issues related to community cohesion in the UK. Committed to the promotion of human rights, it is the first think-tank in the UK to specialise in studying radicalisation and extremism within the UK. The CSC is headquartered in London, and was founded in 2007 to promote human rights, tolerance and greater cohesion among the UK's ethnic and religious communities and within wider British society.

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EXECUTIVE SUMMARY

Control orders allow the British government to impose a series of restrictions on individuals to prevent or limit their involvement in suspected terrorist activities.

Those placed under control order have included:

- Faraj Hassan al-Saadi, convicted in Italy for membership of a terrorist group and described as the 'European envoy' of Musab al-Zarqawi, the former head of al-Qaeda in Iraq
- Mahmoud Abu Rideh, referred to in correspondence between senior al-Qaeda lieutenant Ayman al-Zawahiri and al-Zarqawi, a suspected fundraiser for the now proscribed Armed Islamic Group (GIA), and closely linked to al-Qaeda
- Abu Qatada, the al-Qaeda ideologue convicted *in absentia* in Jordan of terrorist offences
- Two Brits closely linked to the transatlantic airline 'liquid bomb' plot
- Six Iraqis suspected of a plot to detonate car bombs in London and of recruiting volunteers for jihad in Iraq. Two have subsequently escaped their control order
- A British Muslim who was partially radicalised by another British Muslim under a control order and then escaped his control order to fly to Pakistan in order, it is believed, to engage in jihad
- A suspected member of the Tunisian Fighting Group, convicted *in absentia* in Tunisia of terrorist offences
- A senior member of the Libyan Islamic Fighting Group (LIFG), a proscribed terrorist group, convicted *in absentia* in Morocco of terrorist offences relating to the May 2003 bombings in Casablanca
- Three members of the LIFG convicted in the UK of terrorism offences. One of these individuals had also fought jihad in Afghanistan and transferred money to a suicide bomber in Iraq
- An Ethiopian suspected of undertaking terrorist training in Somalia, who was also associated with the 21/7 suicide bomb plotters
- Zeeshan Siddiqui, who attended a terrorist training camp in Pakistan with members of the 7/7 and 'fertiliser bomb' cell and escaped his control order by jumping out the window of a psychiatric unit

The government places control orders on individuals who cannot legally be deported, often as they face potential torture in their homeland. This is in contravention of Article 3 of the European Convention on Human Rights (ECHR). Control orders are also often issued against those who cannot be prosecuted because the evidence against them was gained

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from secret intelligence and cannot be used in a criminal court. Restrictions contained in control orders include home curfew; electronic tagging; and banning travel abroad, the use of mobile phones, and the internet.

The legislation was introduced in March 2005. As of December 2009, there had been 45 individuals subject to control orders, and only 12 were still in force. At least 58% (n=26) of those under a control order are known to have entered the UK seeking asylum. At least 20% were known to be British citizens (n=9), and 16% (n=7) of those given control orders have absconded. This report studies those placed under control order between 2005-2009.

The control order system is flawed, with legal disputes and changes in legislation being compounded by the fact that the system's effectiveness has been limited and that the controls issued are often seen as an affront to basic human rights. However, at a time of a heightened terrorist threat, they are a useful national security tool. An overstretched Security Service is dealing with a large number of UK-based al-Qaeda sympathisers. Rather than weakening the current national security structure, politicians should be strengthening the state's ability to reduce the terrorist threat. Yet both the Conservative Party and the Liberal Democrats have called for the potential abolition of control orders, which would have the opposite effect.

Control orders perform an important function imperfectly. The new government should seriously consider retaining the system while robustly addressing its deficiencies.

'If effective control orders are struck down... the people go back into the pool of people we are concerned about and the security services will take very difficult decisions about who not to keep an eye on, and let's just hope they choose the right people and not the wrong people.'

**John Denham,
then Chair of the Home Affairs Select Committee,
June 2006**

'In stark terms, the potential cost of losing control orders is that the UK would be more vulnerable to a successful terrorist attack.'

**Lord Carlile,
Government's Independent Reviewer of Terrorism Legislation,
February 2010**

'[Control orders are] unpleasant, repellent and disgusting.'

**Dominic Grieve,
then Shadow Attorney General,
March 2005**

'A Conservative government would review the morally objectionable and costly control order regime.'

**Baroness Neville Jones,
then Shadow Security Minister,
November 2009**

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As of December 2009, 45 individuals had been placed under control order since the scheme was introduced. The courts have ruled that, because the men have not been charged with an offence, their names cannot enter the public sphere and they have therefore been assigned a government designated alias. Where this ruling has been successfully challenged, the full name appears in the text.

The report studied those under control orders as of the end of 2009. All those placed under control order are profiled in this report, with the exception of AJ, BF and BX, of whom no details are publicly available.

This report documents the individual cases and lays out the nature of the open-source evidence made publicly available in British courts. Therefore, there will also be secret evidence being used against these suspects that is not mentioned in the entries. On occasion it is the essence of the secret evidence that persuades judges of the need to place suspects under control orders. Because the accused do not get the chance to offer a comprehensive defence of themselves in court for the public record, the evidence that is laid out in the report offers only a partial insight into the case. Furthermore, the documentation does not always specify the exact nature of the case, or details such as the age or nationality of the controlee. Therefore, the information available on each individual is not always exhaustive. An anonymous government source was also interviewed for this report.

As of the end of 2009, twelve people were still under control orders. There will be individuals profiled in this report that – for a variety of reasons – are no longer being monitored. In such cases, where control orders are known to have been revoked or quashed, this is specified in the notes section of the individual entry.

Example and explanation of specific sub-headings for ‘Profiles’ section

Each individual has an entry which details their case and background as well as indicating affiliations to groups and associates where known. The following sub-headings are used to standardise the information presented.

Name: The name of the individual – normally the government designated alias – as it appears on court documentation. Where unavailable, the name most commonly used by media sources when referring to the individual has been cited. Where possible the author has reproduced all aliases outside of those natural differences that occur when translating names from Arabic into English.

Date placed under control order: All entries are listed by the date of control order issued.

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Target: Where applicable, the specific individual, group, building, or institution that was explicitly intended to be the subject of a suspected terrorist attack.

Network: Suspected links to cases, plots or cells; links to known terrorist networks or groups, some of which are proscribed by the UK Home Office (see glossary of organisations); and links to known extreme Islamist groups that are not currently proscribed by the Home Office.

Other networks the author has chosen to include are explained below:

- **Tablighi Jamaat [TJ]** – Tablighi Jamaat, or literally ‘the group that propagates the faith’, is a primarily apolitical, religiously conservative, Sunni-Deobandi movement which operates in over 150 countries and has an estimated 70-80 million members. Founded in India during the 1920s, TJ aims to revive religious practices which are in line with a conservative interpretation of Islam and encourages Muslims to live under Islamic law. Membership of the group, however, does not indicate an affinity with Islamism, nor does it indicate links to Islamist or terrorist organisations. It has been included as a network because of its non-ideological connections to Islamism-inspired terrorism. For example, federal investigators in the USA have evidence of al-Qaeda operatives using the movement’s global reach and its history of travelling missionaries in order to travel without attracting suspicion.¹ Furthermore, some analysts have claimed that TJ’s literal interpretation of Islam has, on occasion, served as a precursor towards developing an ideological, Islamism-inspired interpretation of Islam.

Known associates: Includes known links to other individuals listed in this report; links to other known terrorists; and links to senior figures in extreme Islamist groups. Associates are grouped according to network or case affiliation. If the individual profiled was part of a terrorist cell, then other members of that cell are also listed as known associates, even if they may not have had personal interaction with fellow cell members. When this is the case, the notes section will specify who knew whom within the cell. Affiliations are denoted in square brackets and separated by semi-colons.

Gender: The sex of the figure profiled.

Age when placed under control order: The age of the figure profiled when placed under the control order.

Nationality: The status of belonging to a particular country by birth or naturalisation.

Origin: The cultural roots of the figure profiled, indicating ethnic heritage as well as place of birth. For example an individual born in the UK to parents who had emigrated from Pakistan is described as British Pakistani; an individual born in Ethiopia who subsequently gained British nationality is described as Ethiopian.

¹ ‘A Muslim Missionary Group Draws New Scrutiny in U.S.’, *New York Times*, 14 July 2003, available at www.nytimes.com/2003/07/14/national/14ISLA.html?pagewanted=1; for more information on Tablighi Jamaat see Graham Fuller, ‘The Future of Political Islam’, *Foreign Affairs*, Mar.-Apr., 2002, p. 49, article available at www.foreignaffairs.com/articles/57806/graham-e-fuller/the-future-of-political-islam

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Control order residence: The town or city and county the individual lived in when the control order was issued and, where applicable, where the controlee has to live under the terms of his control order. For London addresses the information is listed by ward where known, London borough, and London sub-region.² The individual's place of birth or place where the individual was raised is included in brackets where known.

Occupation: The job held at time of the control order being issued. Previous jobs held are also included where known.

Education: Level of educational attainment at time of charge, and the institutions the individual attended are included, where known. When this includes undergraduate and postgraduate study, the degree subject is listed when known.

Notes: Description of the case and activities the individual has been involved in, providing relevant information to compliment the entry. Accordingly, notes vary in length.

Sources: All sources used.

² The author has used the most recent London sub-regions, defined in The London Plan: Spatial Development Strategy for Greater London, Greater London Authority, February 2008, available at www.london.gov.uk/thelondonplan/docs/londonplan08.pdf

GLOSSARY

GROUPS & ORGANISATIONS PROSCRIBED BY THE HOME OFFICE RELEVANT TO CONTROL ORDERS

The following is a list of organisations mentioned in this report and proscribed by the Home Office. The complete list of proscribed organisations can be found at: www.homeoffice.gov.uk/publications/counter-terrorism/proscribed-terror-groups/proscribed-groups?view=Binary

- **Al-Muhajiroun:** Founded in the UK in 1996 by Omar Bakri Mohammed, al-Muhajiroun is also known as al-Ghurabaa, Saviour/Saved Sect, Ahlus Sunnah Wal Jama'aah and Islam4UK. The group, currently led by Anjem Choudary, calls for the removal of secular regimes and the establishment of an Islamist state in the UK. In January 2010, the Home Office confirmed that al-Muhajiroun is a proscribed organisation, as the group is an alternative name for al-Ghurabaa and Saviour/Saved Sect – groups banned in 2006.
- **Al-Qaeda (AQ):** The aims of al-Qaeda are to create an Islamist state governed by Islamic law; the expulsion of Western forces from Saudi Arabia; the destruction of Israel; and the end of Western influence in the Muslim-majority countries. The group is inspired and led by Osama bin Laden.
- **Ansar Al Islam (AI):** This is a Sunni Salafi group from Halabja, northeast Iraq. The group is anti-Western, and opposes the influence of the US in Iraqi Kurdistan. The group has been involved in operations against Multi-National Forces-Iraq.
- **Armed Islamic Group (Groupe Islamique Armée) (GIA):** The aim of this group is to create an Islamist state in Algeria. It will use all necessary means, including violence, to achieve its aims.
- **Egyptian Islamic Jihad (EIJ):** The aim of this group is to overthrow the Egyptian government and replace it with an Islamist state. In September 1998 the group's leadership allied itself to al-Qaeda.
- **Libyan Islamic Fighting Group (LIFG):** The group seeks to replace the Libyan government with an Islamist state. The group has mounted several operations inside Libya, including a 1996 attempt to assassinate Mu'ammar Qadhafi. Until September 2009, the group was also part of the wider global Islamist extremist movement, inspired by al-Qaeda. The group has now publicly renounced the use of violent tactics to achieve its stated aims. However, according to the list of proscribed organisations provided by the UK government, it is still banned.
- **Salafist Group for Call and Combat (Groupe Salafiste pour la Predication et le Combat) (GSPC):** The group aims to create an Islamist state in Algeria using all necessary means, including violence. The group aligned itself with al-Qaeda's

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global jihad in 2004. It has now been renamed itself as Al-Qaeda in the Islamic Maghreb.

OTHER GROUPS & ORGANISATIONS REFERENCED IN CONTROL ORDERS

- **Ansar al-Sunnah [AaS]:** A Sunni Salafi group operating in Iraq, AaS are a faction of Ansar al-Islam. They have been responsible for a large amount of bombing operations, as well as beheading of hostages, in Iraq. They have targeted government officials, politicians, journalists, humanitarian aid workers, doctors, judges, professors, and others they believe to be collaborating with foreign forces in Iraq.
- **Islamic Movement of Kurdistan [IMK]:** Formed by Kurdish Islamic scholars in 1987, many of the Islamic movements in Kurdistan are offshoots of the IMK. The group currently has two seats in the Kurdish parliament.
- **Jama'at Al-Tawhid Wal-Jihad (JTJ):** JTJ were the group led by Abu Musab al-Zarqawi that eventually became known as al-Qaeda in Iraq. The group's initial aim was the replacement of the Jordanian Monarchy with an Islamist government. They also focussed on training militants in Afghanistan and Iran.
- **Tablighi Jamaat (TJ):** For more information, see Methodology.
- **Tunisian Fighting Group (TFG):** TFG are an offshoot of the Tunisian Islamic Front. Formed in the summer of 2000, their ultimate goal is to establish an Islamic state in Tunisia. They have had ties with al-Qaeda and the GSPC. TFG are also believed to have been involved in the assassination of Ahmad Shah Massoud, the leader of the United Islamic Front for the Salvation of Afghanistan (commonly known as the Afghan Northern Alliance) shortly before 9/11. The TFG are sometimes known as the Tunisian Combat Group.
- **Tunisian Islamic Front (FIT):** Founded in 1986, the FIT are an organisation which the Tunisian government claims has the aim of establishing an Islamic state by a violent overthrow of the present regime.

INTRODUCTION

Control orders were introduced by the British government under the Prevention of Terrorism Act 2005, which came into force on 11 March of that year.³ They allow the Home Secretary to impose a series of restrictions on terror suspects for the purposes of protecting the public from the risk of terrorism, and in order to prevent or limit involvement in suspected terrorist activities in the UK or abroad. They can be used on any citizen based in the UK, but have so far only been used to limit al-Qaeda inspired terrorism. The government enforces control orders on those suspects who:

- Cannot legally be deported (because, for example, it is feared that they would be tortured in their homeland in contravention of Article 3 of the European Convention on Human Rights (ECHR))
- Cannot be prosecuted (because the evidence against the suspect was gained from intelligence sources in sensitive situations and could not publicly be disclosed or used in a criminal court).

The courts have ruled that, because the men have not been charged with an offence, their names cannot enter the public sphere. Therefore, the majority of suspects are referred to under government designated aliases (for example, A, AY, BC). There are rare exceptions to this where this ruling has been successfully challenged in court (for example, the name of Zeeshan Siddiqui, formerly AD, was released following a court case won by the BBC).

Control orders are part of the government's counter-terrorism strategy CONTEST. The Control Order Review Group (CORG) – comprised of law enforcement officials and Security Service representatives – meets quarterly to ensure every control order remains under formal and audited review.

As of December 2009, there had been 45 individuals subject to control orders since the legislation was introduced (the total number of control orders issued is higher, as some individuals have had multiple orders made against them). Only 12 were still in force.

Of the 33 controlees who are no longer under control order:⁴

- 13 have had their control orders revoked. Two of these were revoked on the basis that the government was required to disclose more information in order to comply with Article 6 (the right to fair trial) of the ECHR. The government chose not to do so because of the perceived threat to national security from revealing the requested information.
- 10 were served with notices of intention to deport and were either held in

³ 'Prevention of Terrorism Act 2005, Chapter 2, 2 (1), "Control Orders"', available at www.opsi.gov.uk/acts/acts2005/ukpga_20050002_en_1

⁴ Fifth report of the independent reviewer pursuant to Section 14(3) of the Prevention of Terrorism Act 2005, Lord Carlisle of Berriew Q.C., 1 February 2010, p.8-9

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custody or granted bail. Six have now been deported.

- Five control orders expired, following the controlees absconding from their control orders. In total, seven controlees have absconded.
- Three have had their control orders quashed.
- Two have not had their orders renewed, as they were no longer deemed to be necessary.

At least 58% (26 controlees) of those under control orders are known to have entered the UK seeking asylum; at least 20% are known to be British citizens (9 controlees); and 16% (7 controlees) of those given control orders have absconded.

THE RESTRICTIONS

The Prevention of Terrorism Act 2005 states that a control order is ‘an order against an individual that imposes obligations on him for purposes connected with protecting members of the public from a risk of terrorism’⁵

The criteria for a control order are:

- Reasonable grounds to suspect that the individual is or has been involved in terrorism-related activity
- A necessity to protect members of the public from the risk of terrorism

A control order includes a variety of restrictions, including all or some of the following:⁶

- A home curfew
- Electronic tagging
- The surrendering of the suspect’s passport, and therefore a ban on foreign travel
- Restrictions on movement within the UK
- A ban on the use of mobile phones and the internet
- The monitoring of all phone calls
- A requirement to attend a particular place of worship
- Restrictions on those the suspect is allowed to meet
- Restrictions on where the suspect can live
- Restrictions on who is allowed to enter the suspect’s home

⁵ PTA 2005, 2, 2 (1)

⁶ Ibid.

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- A ban on being at certain locations at specified times or on specified days
- A requirement to allow people specified by the Home Office access to their premises, permission to search the premises, and if necessary remove any item which could contravene the terms of his control order
- A requirement allowing the suspect to be photographed
- A requirement to report in to a specified person at a specified time and place
- A requirement to provide advanced warning to the government about the suspect's movements

The control order lasts 12 months, which can be renewed for a further 12 months provided that the original criteria are still met.

The Home Secretary has to apply to the judiciary for permission to issue a control order. The only exception to this is if the Home Secretary believes the urgency of the case requires an order to be made without this permission. When this occurs the case is referred to the court within seven days to consider whether or not the Home Secretary's reasoning is flawed. If so, the order can be quashed in its entirety or certain obligations within the order can be quashed or modified.⁷

Breaching the terms of any type of control order can be punishable with an unlimited fine or a five year prison sentence.

⁷ Only 'non-derogating' control orders have ever been issued, however the government also has recourse to issuing 'derogating' control orders. These have similar restrictions but can only be issued in a 'public emergency' and involve the option for the government to derogate from whole or part of Article 5 of the ECHR, the right to liberty and security. The control order lasts six months.

BACKGROUND

THE DEPORTATION OF FOREIGN TERROR SUSPECTS

Control orders are a product of the government's inability to deport certain foreign terror suspects following a landmark 1996 ruling, *Chahal v. the United Kingdom*.⁸ The European Court of Human Rights (ECtHR) ruled that Karamjit Singh Chahal – a Sikh militant who the British government was attempting to deport back to India – could not be deported to a nation where he could face human rights abuse, as this would be a breach of Article 3 of ECHR (prohibition of torture). This set a precedent of the human rights of the individual being absolute, even when balanced against national security.

The government attempted to circumvent this after the July 7 terrorist attacks in London by signing Deportation With Assurance (DWA) arrangements with Algeria, Jordan, Ethiopia, Libya and Lebanon, which should allow for deportation in return for an assurance that the deportee will not be mistreated upon return to his home nation. However, a relatively low legal threshold is required to avoid deportation and even if the DWA is enough assurance in the UK courts, this is not a guarantee it will be accepted in the ECtHR. DWAs have been insufficient to deport terror suspects to Libya, due to potential breaches of Article 3 that could take place. In February 2009, while the Law Lords ruled that Abu Qatada could be deported to Jordan, an appeal was immediately submitted to the ECtHR. A verdict on this is due in late 2010, and until then Abu Qatada remains detained in the UK.

If control orders are scrapped by the new government, the problem will still remain. What do governments do when they cannot legally deport individuals posing a national security threat? This situation was acknowledged by Lord Carlile, the government's independent reviewer of terrorism legislation, as making 'the UK a safe haven for some individuals whose determination is to damage the UK'.⁹

◆ The Labour Party

Attempts by the UK government to deport foreign nationals have consistently been in breach of the ECHR. The Human Rights Act (HRA), which came into effect in October 2000, enshrined the ECHR into British law. The HRA ensured that British courts took the ECHR into account when making their rulings. Claimants could use the HRA to appeal in British courts, rather than having to resort to courts in Europe.

The deportation of foreign terror suspects is no longer being given the same importance as it was when Tony Blair was Prime Minister. In 2006, Blair said that most foreign prisoners – whether connected to terrorism or not – should be deported, 'irrespective of any claim

8 'ECHR: Chahal v. the United Kingdom', 22414/93, 15 November 1996, available at <http://sim.law.uu.nl/SIM/CaseLaw/hof.nsf/e4ca7ef017f8c045c1256849004787f5/c28f4ac45dada004c1256640004c3154?OpenDocument>

9 Fifth report of the independent reviewer pursuant to Section 14(3) of the Prevention of Terrorism Act 2005, Lord Carlile of Berriew Q.C., 1 February 2010, p.27

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that they have that the country to which they are going back may not be safe.¹⁰ A month after the 7/7 attacks, when discussing deportation of foreign terror suspects, Blair stated that 'should legal obstacles arise [to deportation], we will legislate further including, if necessary, amending the Human Rights Act in respect of the interpretation of the European Convention on Human Rights.'¹¹

One of the measures he considered was to amend the HRA so judges balanced the human rights of the individual and the risk that they could be mistreated against the overall public safety.¹² This proposal was rejected in the ECtHR, and the party rejected repeal or reform of the HRA in 2006.¹³ Such sentiments were never voiced by Blair's successor, Gordon Brown. The only new initiative he took was a Green Paper on a new bill in March 2009 titled *Rights and Responsibilities: Developing our Constitutional Framework*. This bill would have built on existing HRA regulations, and would offer 'a new constitutional instrument, reflecting the values that give rise to [fundamental] rights and responsibilities.'¹⁴ It would encourage the notion that human rights come with responsibilities, and they must be utilised in a way that respects the human rights of others. It was labelled a 'charade' and a 'cosmetic exercise' by the then Shadow Justice Secretary Dominic Grieve.¹⁵

As the Labour Party introduced the HRA, they generally defended both the act and its principles. The then Prime Minister, Gordon Brown, rejected the possibility of repealing it, calling the HRA a 'shield and a safeguard for us all' in December 2008.¹⁶

Yet dissatisfaction has been voiced as to how it has been used and interpreted. Several Labour ministers spoke out against the problems of balancing counter-terrorism and adhering to the HRA – often after control orders rulings have gone against the government. Following the quashing of control orders against the Iraqi cell in June 2006, John Denham, speaking as chair of the home affairs select committee, said:

When many of us, as I did, supported the Human Rights Act and indeed still support it, we thought that on great matters of state of this sort, if the elected Parliament had taken a careful view of what was in the wider public interest that would be given considerable weight by the courts. That doesn't seem to be what's happening at the moment and that's why I don't think it's over the

10 'Blair sparks new deportation row', *BBC News*, 17 May 2006, available at http://news.bbc.co.uk/1/hi/uk_politics/4988756.stm

11 PM's Press Conference, 5 August 2005, available at www.number10.gov.uk/Page8041

12 'Blair "to amend human rights law"', *BBC News*, 14 May 2006, available at <http://news.bbc.co.uk/1/hi/uk/4770231.stm>

13 'Government drops pledge to repeal Human Rights Act', *Daily Mail*, 20 July 2006, available at www.dailymail.co.uk/news/article-396739/Government-drops-pledge-repeal-Human-Rights-Act.html

14 *Rights and Responsibilities: Developing Our Constitutional Framework*, Ministry of Justice, March 2009, available at www.justice.gov.uk/publications/docs/rights-responsibilities.pdf

15 'Bill of Rights dismissed as cosmetic exercise', *Daily Telegraph*, 24 March 2009, available at www.telegraph.co.uk/news/newstopics/politics/5039210/Bill-of-Rights-dismissed-as-cosmetic-exercise.html

16 'Gordon Brown strongly defends the Human Rights Act', *The Herald*, 10 December 2008, available at www.heraldscotland.com/gordon-brown-strongly-defends-human-rights-act-1.897039

BACKGROUND

top to talk about an emerging constitutional crisis.¹⁷

Following the House of Lords rulings that altered control order restrictions – after it was ruled that they breached the ECHR – in May 2007, the then Home Secretary John Reid said that ‘the [legal] means we have of fighting [terrorism] are so inadequate that we are fighting with one arm tied behind our backs.’¹⁸

In July 2006, former Home Secretary Charles Clarke spoke out against the judicial interpretation of the HRA, saying that ‘one of the consequences of the Human Rights Act is that our most senior judiciary are taking decisions of deep concern to the security of our society without any responsibility for that security’. Clarke believes, ‘the outright refusal of any of the law lords to discuss the principles behind these matters... fuels the dangerously confused and ill-informed debate which challenges Britain’s adherence to the European convention on human rights.’¹⁹ Shortly before Brown’s comments in December in support of the HRA, the then Justice Secretary Jack Straw voiced his dissatisfaction at the judgements that made the Act appear to be ‘a villain’s charter’.²⁰

The critical statements about the HRA made by Labour MPs led to a rebuke from a senior Parliamentary committee. In November 2006, the Joint Committee on Human Rights criticised both Blair and other senior ministers such as John Reid for seeking to deflect the attention away from the impact ‘EU law’ had on the courts’ ability to deport foreign nationals and ‘helping to perpetuate the myth that it is the courts which are responsible for frustrating the Government’s wish to deport more foreign nationals.’²¹

◆ The Conservative Party

Prime Minister David Cameron stated that the answer to deporting foreign national terror suspects lies in the abolition of the HRA and the creation of a British Bill of Rights.²² Cameron has called the HRA, ‘practically an invitation for terrorists and would-be terrorists to come to Britain, safe in the knowledge that... they won’t be sent back because the process is so complicated.’²³ The drafting of a Bill of Rights was number three of ten key

17 ‘Terror law clash “threatens constitutional crisis”’, *The Times*, 29 June 2006, available at <http://business.timesonline.co.uk/tol/business/law/article680903.ece>

18 ‘Reid warning to judges over control orders’, *Guardian*, 25 May 2007, available at www.guardian.co.uk/politics/2007/may/25/uk.topstories3

19 ‘Clarke blames judges for confusion on rights’, *Guardian*, 4 July 2006, available at www.guardian.co.uk/politics/2006/jul/04/uk.humanrights

20 ‘Cameron “will scrap Human Rights Act” in campaign for UK Bill of Rights’, *Daily Mail*, 8 December 2008, available at www.dailymail.co.uk/news/article-1092716/Cameron-calls-UK-Bill-Rights-Straw-reveals-plans-overhaul-Human-Rights-Act.html#ixzz0Saumr5et

21 ‘Blair rapped over Human Rights Act’, *Metro*, 14 November 2006, available at www.metro.co.uk/news/article.html?in_article_id=25093&in_page_id=34

22 While this policy is closely associated with Cameron, former leader Michael Howard also pledged to repeal the HRA unless it could be reformed.

23 ‘Cameron “could scrap” rights act’, *BBC News*, 25 June 2006, available at <http://news.bbc.co.uk/1/hi/5114102.stm>

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election pledges Cameron made to *The Sun* newspaper in October 2009.²⁴ According to the then Shadow Justice Secretary Dominic Grieve, it could be introduced ‘in the course of a parliament’²⁵ and would be compatible with the ECHR.

Cameron said that being unable to ‘deport... foreign nationals who threaten our country’ was ‘disgraceful’ and ‘crazy’. He cited the *Chahal* case as being the root cause of the problem, and believes that ‘you have got to restore... the situation, pre-the *Chahal* case, where the Home Secretary could think, “right, well what is the risk to Britain, and what is the risk to the individual?”, and make a reasoned judgement, and I think it is linked to the Human Rights Act.’ Cameron said that the Bill of Rights would ‘restore the power to the British Home Secretary’ to weigh up the risks to national security against the rights of the individual, and that the Conservatives ‘would do what is necessary to restore that power, in terms of being able to deport foreign nationals who threaten Britain.’²⁶

Cameron’s conflation of *Chahal* with the HRA is misleading, as the *Chahal* judgement occurred two years before HRA was introduced.²⁷ The Bill of Rights plans to return greater power to the Home Secretary – and away from the ECtHR – in areas of law where there is a ‘margin of appreciation’ (the margin of appreciation allows the ECtHR, when considering a breach of ECHR, to acknowledge that the ECHR will be interpreted differently from nation to nation). As Cameron has stated, ‘This means that the court in Strasbourg will tend to respect and uphold the principles laid down in the Bill of Rights *whenever they can* [emphasis added].’²⁸

However this margin of appreciation could not be applied to the deportation of foreign terror suspects. Many of those profiled in this report could not be deported because it would have breached Article 3 of the ECHR. Under the Conservatives’ plans this would still be the case. According to David Pannick QC, Article 3 ‘prevents a State from balancing its own interests against the risk of ill-treatment because the prohibition on torture is absolute... it makes no difference to the European Court when applying the margin of appreciation whether national rules are set out in a constitutional document or in a statute. The European Court is interested in substance, not form.’²⁹

The previous government have already unsuccessfully attempted similar initiatives to the

24 ‘David Cameron: My blueprint for Britain’, *The Sun*, 2 October 2009, available at www.thesun.co.uk/sol/homepage/news/2664870/David-Cameron-My-blueprint-for-Britain.html

25 Joshua Rozenberg, ‘Retaining Rights’, *Standpoint*, November 2009, available at <http://standpointmag.co.uk/node/2320/full>

26 David Cameron on Radio 5 Live, 16 April 2008, available at www.youtube.com/watch?v=leih7CgM_ck

27 Cameron’s plans were attacked in the press by a variety of prominent lawyers. Lord Pannick QC said that ‘No competent lawyer could have advised Mr Cameron on this analysis’, and called his plans ‘ill-informed’, ‘incoherent’ and ‘inevitably doomed’. Lord Carlile called Cameron’s proposals ‘mere political burling, policy with all the signs of having been written on the edge of a paper napkin’. Lord Falconer described them as ‘utter nonsense’, while Lord Goldsmith called the plans ‘misconceived’ and ‘dangerous’.

28 ‘Cameron answers critics over plan to scrap Human Rights Act’, *The Times*, 26 June 2006, available at www.timesonline.co.uk/tol/news/politics/article679560.ece

29 ‘Crisis, what crisis? It’s just political posturing’, *The Times*, 11 July 2006, available at <http://business.timesonline.co.uk/tol/business/law/article684608.ece>

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one that Cameron proposes. As Lord Carlile explained:

The government sought by intervention in the ECtHR to argue that (a) where a person seeks to resist removal on the grounds of risk of ill-treatment in their home country, this may be balanced against the threat they pose to national security if they remain; and (b) where the person poses a risk to national security, this has an impact on the standard to which he must establish a risk of ill-treatment – he should at least be required to show that it is more likely than not that he would be subject to ill-treatment contrary to Article 3. The ECtHR rejected both arguments.³⁰

Pannick believes the UK will remain bound by *Chahal*, 'unless the United Kingdom denounces the European Convention on Human Rights and withdraws from the Council of Europe (which would also mean leaving the European Union):³¹ The then Shadow Justice Secretary Dominic Grieve says that even if the Conservatives were to withdraw from the ECHR, this would not resolve the problem, as non-ECHR countries such as the USA 'can no more deport undesirable inmates held at Guantanamo to their home countries where they might be tortured than we can or should, because it is bound by another international convention for the prohibition of torture'.³²

Conservative policy on the Bill of Rights was complicated by the 2010 election. Ken Clarke was appointed as Justice Secretary in the Conservative-Liberal Democrat coalition government that emerged from the election. Speaking in June 2006, Clarke had previously said that the idea of a British Bill of Rights was 'xenophobic and legal nonsense', and that Cameron was 'going out there to try to find some lawyers that agree with him, which I think will be a struggle myself'. Upon his appointment, Clarke stated that he was unsure 'how high a priority' the Bill of Rights was going to be given.³³

Furthermore, senior Liberal Democrat figures – who now hold cabinet positions in the new government – have criticised any attempt to abolish the HRA. Chris Huhne, the now Energy and Climate Change Secretary, had called Cameron's plans to abolish the HRA 'shameful'.³⁴ Nick Clegg, the now deputy Prime Minister, previously said that:

There is a profound hypocrisy to say 'we're all liberal now' on civil liberties, when they [the Conservatives] want to actually destroy one of the cornerstones that

30 Fifth report of the independent reviewer pursuant to Section 14(3) of the Prevention of Terrorism Act 2005, February 2010, p.27

31 Lord Tebbit, a Conservative peer, has made the same argument. However withdrawal from the ECHR is a fringe view within the party.

32 Dominic Grieve, 'It's the interpretation of the Human Rights Act that's the problem – not the ECHR itself', Conservative Home, 14 April 2009, available at <http://conservativehome.blogs.com/platform/2009/04/dominic-grieve-.html>

33 'Coalition government: Conservatives drop plan to scrap European Human Rights Act', *Daily Telegraph*, 14 May 2010, www.telegraph.co.uk/news/newstopping/politics/conservative/7721590/Coalition-government-Conservatives-drop-plans-to-scrap-European-Human-Rights-Act.html

34 Chris Huhne, 'We need human rights, not citizens rights', *Guardian*, 24 March 2009, available at <http://www.guardian.co.uk/commentisfree/2009/mar/24/human-rights-responsibilities-bill>

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protects British liberties in the Human Rights Act.³⁵

He went on to say, days after being appointed deputy Prime Minister, that 'any government would tamper with [the HRA] at its peril.'³⁶ The Conservative Home Secretary, Theresa May, confirmed that Conservative policy would have to take into account the Liberal Democrat stance on the HRA, saying that 'We are currently in discussions with our coalition partners about what we will be doing in this area.'³⁷

An Italian solution?

A precedent has been set by Italy, which has ignored ECtHR rulings in order to deport foreign nationals. For example:

- Mourad Trabelsi was deported to Tunisia in December 2008, despite requests by the European Court that he be allowed to remain in Italy until the court had fully examined the case. Trabelsi was convicted in Italy in July 2006 for being part of an al-Qaeda cell which was collecting funds and sending fighters to Iraq
- Essid Sami Ben Khemais was deported to Tunisia in June 2008, despite the ECtHR ruling that he should not be until they had examined his claim that he would face torture in Tunisia. Khemais was the head of an al-Qaeda cell operating in Italy, and was convicted in an Italian court in 2002 of criminal association with the intent to obtain and transport arms, explosives and chemicals
- Ali Ben Saffi Toumi was deported to Tunisia in August 2009. Toumi was found guilty in Italy in October 2007 of membership in a terrorist organisation involved in recruiting volunteers to be sent to Iraq

The deportation of Toumi led to the following rebuke in August 2009 in a statement issued by Herta Däubler-Gmelin, the Chair of the Council of Europe Parliamentary Assembly Legal Affairs Committee, and Christos Pourgourides, the rapporteur on the implementation of Strasbourg Court judgments:

It is totally unacceptable to ignore binding interim measures ordered by the European Court of Human Rights. It is disgraceful, for a mature democracy like Italy, to have sent Ali Toumi back to Tunisia last Sunday, a case in which there exists an imminent risk of irreparable damage to the applicant... the Italian authorities have taken measures in flagrant disregard of the Court's orders. This intolerable behaviour must be condemned by the Council of Europe without delay.³⁸

³⁵ 'Clegg rejects Tory alliance call', *BBC News*, 20 September 2009, available at <http://news.bbc.co.uk/1/hi/8264994.stm>

³⁶ 'Tories haven't sold out over human rights, says May', *BBC News*, 19 May 2010, http://news.bbc.co.uk/1/hi/uk_politics/8691330.stm

³⁷ *Ibid.*

³⁸ 'News de la Semaine', Council of Europe, 6 August 2009, available at http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=4849

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Lord Carlile has warned against the UK following the approach taken by Italy, as 'it has done considerable reputational damage to Italy (not least in relation to extradition requests it makes)'.³⁹ However, it does prove that there is room to ignore direction from the ECtHR if a government is determined enough to do so.

³⁹ Fifth report of the independent reviewer pursuant to Section 14(3) of the Prevention of Terrorism Act 2005, Lord Carlile of Berrere Q.C., 1 February 2010, p.29

CONTROL ORDERS: A BRIEF HISTORY

After the al-Qaeda terrorist attacks in the US on 9/11, the then Home Secretary David Blunkett introduced the Anti-terrorism, Crime and Security Act 2001. Part of this legislation introduced the detention without trial of foreign terror suspects, and their deportation if they were deemed a threat to national security. When deportation was not possible under Article 3 (prohibition of torture), detention without trial was seen as the next alternative. In order to pass the act, the government was required to opt out of parts of Article 5 of the ECHR concerning the right to liberty and security. In December 2004, however, the House of Lords ruled that the detention of foreign terror suspects without trial was still incompatible with ECHR under Article 5 as well as Article 14 (prohibition of discrimination) because it allowed detentions 'in a way that discriminates on the ground of nationality or immigration status.'⁴⁰

FACT BOX

Detention without trial has a regular historical precedent in Britain at times of war, being used four times in the last century.

◆ **During the First World War, the 1914 Defence of the Realm Act allowed the Home Secretary to detain without charge suspected Axis sympathisers, those of German descent and, from 1916, the Irish suspected of involvement in the Easter Uprising.**

◆ **During the Second World War, Rule 18B of the Emergency Powers Act of 1939 was used to detain suspected fascist sympathisers without trial.**

◆ **In August 1971, the British government used the Civil Authorities (Special Powers) Act to introduce internment in Northern Ireland in response to continued IRA violence, a policy that lasted four years. 342 men were arrested and detained without trial on one day – over seven times the number of Islamist terror suspects put under control orders in the history of their existence.**

◆ **During the 1991 Gulf War, the government used the Immigration Act to detain over 50 terror suspects without trial, yet none would be convicted of any crime.⁴¹ Deportation notices were also given to 167 Iraqi, Jordanian, Lebanese and Yemeni nationals.⁴²**

As Article 3 prevented the deportation of these individuals, the government passed the Prevention of Terrorism Act in March 2005, which introduced the control order system. From their outset, control orders have been a concessionary measure emerging from a protracted legal battle. They are a last resort.

40 'A (FC) and others (FC) (Appellants) v. Secretary of State for the Home Department (Respondent); X (FC) and another (FC) (Appellants) v. Secretary of State for the Home Department (Respondent), House of Lords, Session 2004–05 [2004] UKHL 56, p.47, 16 December 2004, available at http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/16_12_04_detainees.pdf

41 'Arabs faced "McCarthyite questioning"', *Guardian*, 18 March 1991

42 'MI5 lists "suspect" Arabs in the UK', *Guardian*, 18 February 1998

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When attempting to pass the legislation, the government informed the Opposition that there could be potentially thousands of individuals placed under control order.⁴³ However, only a relatively small number of suspects were immediately placed under the new measures, and legislative problems quickly developed. In April 2006 the High Court labelled control orders 'conspicuously unfair' and 'incompatible' with the HRA following MB's appeal against his control order.⁴⁴ The Home Secretary successfully appealed this ruling, yet more legal challenges were quickly forthcoming. In June 2006 Mr Justice Sullivan ruled that the control orders placed on six Iraqi men were incompatible with their right to liberty under Article 5. He quashed their control orders, and when this ruling was upheld by the Court of Appeal, the Home Secretary was forced to reissue them under less restrictive terms. Before he could do so, one of the men under suspicion (Bestun Salim) disappeared. By the start of October 2006, Zeeshan Siddiqui had also absconded from his control order⁴⁵ and by June 2007 a total of seven placed under control orders had escaped.⁴⁶ Tony McNulty – then a security minister – was forced to admit that 'control orders are not even our second – or third – best option for dealing with suspected terrorists. But under existing laws they are as far as we can go.'⁴⁷

House of Lords rulings changed the system further in November 2007 when they ruled that 18 hour curfews were a violation of Article 5.⁴⁸ This again forced the government to reissue less restrictive control orders.⁴⁹ In June 2009, the House of Lords then ruled that the use of secret evidence gained by the Security Service in control order cases – the details of which the judges were privy to but the terror suspect was not – denied the suspects a fair trial. The House of Lords ordered that these cases be heard again, on the grounds that the defendants were unaware of what they were accused of and what evidence was being used against them, a violation of the right to a fair trial under Article 6.⁵⁰

This ruling called into question the viability of the control order scheme and with the Home Office forced to either release more information on the suspects or rescind the order, the government chose to do the latter. On 7 September 2009, Alan Johnson

43 Anonymous interview with author, 7 December 2009

44 'UK terror suspect wins challenge against control order', *The Times*, 12 April 2006, available at <http://business.timesonline.co.uk/tol/business/law/article704651.ece>

45 'Two terror suspects are on the run', *Daily Telegraph*, 17 October 2006

46 'Al Qaeda "sergeant" becomes seventh terror suspect on the loose after snubbing control order', *Daily Mail*, 22 June 2007, available at www.dailymail.co.uk/news/article-463498/Al-Qaeda-sergeant-seventh-terror-suspect-loose-snubbing-control-order.html

47 Ibid.

48 'Counter-Terrorism Policy and Human Rights (Fourteenth Report): Annual Renewal of Control Orders Legislation 2009; The Government Reply to the Fifth Report on the Joint Committee on Human Rights, Session 2008-09, HL PAPER 37, HC 282 (London: The Stationery Office), May 2009, p.3, available at www.official-documents.gov.uk/document/cm76/7625/7625.pdf

49 The longest curfew enforced on controlees is 16 hours. The average curfew is 12 hours. As of December 2009, two controlees had no curfew, and if they are included, the average curfew time becomes 10 hours. See Fifth report of the independent reviewer pursuant to Section 14(3) of the Prevention of Terrorism Act 2005, February 2010

50 'Disarray over terror control orders after law lords ruling on secret evidence', *The Times*, 11 June 2009, available at www.timesonline.co.uk/tol/news/uk/article6469431.ece?token=null&offset=0&page=1

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revoked the control order of suspect AF because the government did not want to release secret-intelligence evidence at public court hearings.⁵¹ On 24 September 2009, Johnson revoked AE's control order in the same circumstances.⁵² Earlier in the month, on 10 September 2009, the Home Secretary ordered an independent review into control orders in order to advise 'whether the assessment that the regime remains viable is right.'⁵³ Lord Carlile, the independent reviewer of terrorism laws, began a full inspection.

In the meantime, as part of an attempt to retain the system, Johnson proposed introducing control orders that were less restrictive, and which imposed obligations on controlees that were light enough so that Article 6 did not apply. These obligations only included the relinquishing of the suspect's passport, ordering them to report to a police station daily, forbidding them to associate with other suspects, and visiting airports, railway stations or ports. The government hoped that this would ensure that it did not have to disclose secret evidence. This proposal was rejected in the High Court in November 2009, with Mr Justice Collins stating the need for there to be 'an irreducible minimum' of information disclosed, even with lighter control orders. The two individuals the government were attempting to place under these new control order restrictions were BC and BB, who were suspected of attempting to travel abroad to an unspecified destination for terrorist purposes. The judge further commented that 'the inability of a citizen to travel is one of the marks of a totalitarian regime which has no regard for human rights.'⁵⁴

Days later, the Conservative Party pledged to review control orders if they were elected, with a view to abolishing the scheme. The then Shadow security minister Baroness Neville-Jones said in November 2009 that:

Control orders deny due process to the defendant, do not provide a reliable remedy to the security problem posed by terrorist suspects, and on top of all that cost hundreds of thousands of pounds. A Conservative government would review the morally objectionable and costly control order regime with a view, consistent with the security situation, to replacing it by the trial of suspects through the normal court system.⁵⁵

In February 2010, Lord Carlile submitted his review, which was largely supportive of the

51 'Minister frees control order man', *BBC News*, 7 September 2009, available at <http://news.bbc.co.uk/1/hi/uk/8240997.stm>

52 'Government forced to revoke second control order against terror suspect', *Guardian*, 24 September 2009, available at www.guardian.co.uk/politics/2009/sep/24/control-order-revoked-imam-ae

53 'Home Secretary Alan Johnson orders review of control orders', *Daily Telegraph*, 16 September 2009, available at www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/6196815/Home-Secretary-Alan-Johnson-orders-review-of-control-orders.html

54 'Control order lite regime thrown out by the High Court', *Daily Telegraph*, 11 November 2009, available at www.telegraph.co.uk/news/6546681/Control-order-lite-regime-thrown-out-by-the-High-Court.html

55 'Tories: We'll review control orders', *Guardian*, 17 November 2009, available at www.guardian.co.uk/uk/feedarticle/8811919. The 'hundreds of thousands of pounds' quote was actually an underestimation by Baroness Neville-Jones. The government spent £13m on control orders between 2006 and 2009, £2.7m of that on administration and the rest on legal costs. According to the Joint Committee on Human Rights, this did not include the cost of court hearings.

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system. It emphasised the reluctance with which the government used control orders, stating that 'nobody, least of all those who have to administer and enforce them, likes control orders... the continuing relatively low number of control orders, set alongside the vastly greater number of known terrorism suspects, confirms that the Home Secretary remains rightly reluctant to expand their use'.⁵⁶ However, he found that overall, control orders 'remains necessary... for a small number of cases where robust information is available to the effect that the suspected individual presents a considerable risk to national security and conventional prosecution is not realistic'. He concluded that the system actually functioned 'reasonably well'.⁵⁷

⁵⁶ Fifth report of the independent reviewer pursuant to Section 14(3) of the Prevention of Terrorism Act 2005, Lord Carlile of Berrere Q.C., 1 February 2010, p.17

⁵⁷ *Ibid*, p.1

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A and others [A, B, E, G, H, I, Mahmoud Abu Rideh, K, Omar Mahmoud Mohammed Othman [aka Abu Qatada al-Falastini; aka Sheikh Omar Abu Omar], P, Reda Dendani]⁵⁸

Date placed under control order: March 2005

Nationality: Eight are Algerian; one is Jordanian [Abu Qatada]; one is Tunisian [E]; one is stateless [Mahmoud Abu Rideh – born in a Palestinian refugee camp in Jordan]

Notes:

Q, I, Mahmoud Abu Rideh, A, B, E, G, H, K, P and Abu Qatada were all detained in prison in the wake of the attacks that took place on 9/11. Six were detained on 19 December 2001, with the remainders detained on various dates until October 2003, and placed under control orders in 2005. All were asylum seekers in the UK.

In 2009, nine of these eleven men took their case to the European Court of Human Rights (ECtHR), arguing that they had been unlawfully detained (relating to their initial detentions, not their control order). They were awarded almost €30,000 between them, as well as €60,000 in legal costs. The following information comes from the court documentation pertaining to their hearing in the European Court.

The ‘first applicant’, as listed in ECtHR, is Mahmoud Abu Rideh, the ‘third applicant’ is E, and the eighth and ninth of the ‘applicants’ are Abu Qatada and H [for more details, see individual entries]. The ‘second applicant’ left the UK in December 2001, and the ‘fourth applicant’ left the UK on 13 March 2002, therefore neither were ever placed under a control order.

The ‘fifth applicant’, born in 1969, is an Algerian terror suspect arrested by his government in 1991 before leaving for Saudi Arabia. He moved to Pakistan in 1992, from where he often travelled to Afghanistan. In 1995 he moved to the UK, claiming asylum, which was rejected. During his application he claimed that his leg was injured by a shell in Afghanistan in 1994. However his statement to the UK’s Special Immigration Appeals Commission (SIAC) claimed that he had developed polio as a child, leaving him with a paralysed right leg.

It is believed that this suspect was a member of the Armed Islamic Group (GIA) and, after its split from the GIA, the Salafist Group for Call and Combat (GSPC). He is also accused of providing support in the form of supplying false documents and arranging for young Muslims in the UK to travel to Afghanistan for terrorist training. He was detained in the UK

⁵⁸ The information about these eleven control order suspects comes from an appeal document in which the case of all 11 men was heard together. All were foreign terror suspects detained in Belmarsh prison in the months after 9/11, with some detained without trial for over three years prior to the control order regime being introduced.

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on 19 December 2001. Upon his arrest, it is alleged that he possessed a copy of a fatwa issued by Osama bin Laden, a GSPC commiqué and a hand drawn diagram of a rocket. Analysis of his hard drive showed that he had visited an internet site specialising in US military technology. Due to health concerns he was released from prison in April 2004 on bail under strict conditions.

The 'sixth applicant' is an Algerian born in 1967 who moved to the UK in 1989 to study, later taking part in what media sources described as a 'marriage of convenience'. His claim for asylum was rejected and he was detained in the UK on 19 December 2001. He was accused by the UK government of belonging to the GSPC, and beforehand the GIA, of whom it was suspected he had helped fund through credit card fraud. He was also suspected of gaining telecommunication equipment and providing logistical support for the GSPC, as well as the mujahideen in Chechnya.

The 'seventh applicant,' was born in Algeria in 1971 and entered the UK on false French identity papers, according to the court, 'in or before 1994'. He is suspected of being a member of the GIA, before becoming a leading member of the GSPC in 1997 or 1998; to have been in contact with Abu Doha, suspected of being a top al-Qaeda operative, and A in buying telecommunication equipment for extremists in Chechnya and Algeria. He was imprisoned for four months on driving offences in December 2001, and was placed in detention after his sentence ended in February 2002.

The 'tenth applicant' is an Algerian who claimed asylum in Britain, via Abu Dhabi and Afghanistan, in February 1999. His claim was refused in February 2001. In the same month, just days before, he had been charged with possession of articles for suspected terrorist purposes, conspiracy to defraud and conspiracy to make false instruments. At the time of arrest he was found with around 40 blank French driving licences, passports, identity cards, a credit card reader, an embossing machine and laminators. The case did not proceed and he was released in May 2001. However he was detained in January 2003 and a deportation order was made against him. The SIAC noted that he was linked to a network of extremists led by Abu Doha. It was alleged that he provided logistical support in the form of false documentation and money raised through credit card fraud. He was also a regular at Finsbury Park Mosque when it was being run by extremist preacher Abu Hamza al-Masri, and was said to have supported at least two terrorist cells planning chemical and biological attacks in the UK. A bomb explosion – apparently on a bus in Algeria – resulted in the amputation of his left hand at the wrist and his right arm below the elbow. He was eventually transferred to a mental health hospital, but remained under a control order.

The 'eleventh applicant' was said to have provided money and logistical support for a North African extremist network based in Pakistan and Afghanistan linked to al-Qaeda and to have assisted members of the Abu Doha network in travelling to Afghanistan, Chechnya and Pakistan. An Algerian national, he entered the UK in February 1998 on a false Italian identity card and claimed asylum the next week. He lived in the Abu Hamza-run Finsbury Park Mosque for over a year between 1999 and 2000. In July 2001, while his

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asylum claim was being processed, he travelled to Georgia using a fake French passport and was deported back to the UK. He had been attempting to travel to Chechnya, and was found in possession of telephone numbers associated with a senior member of Abu Doha's cell and a member of the GSPC (not named in court documentation) known to have been involved in fundraising with the Chechen mujahideen.

This trip resulted in his asylum claim being terminated and a second claim was refused on 21 August 2001. He then absconded before being arrested on 10 October 2001 and placed at an immigration detention centre. He was to abscond again in February 2002, before being re-arrested in September of the same year. He was found in possession of a false Belgian passport bearing the photograph of a senior member of Abu Doha's network. He was certified by the Secretary of State as an international terrorist, and alleged senior member of Abu Doha's terror network, under section 21 of the 2001 Act. Section 21 allows the Secretary of State to issue a certificate under this section if they reasonably believe that the person's presence in the UK to be a national security risk or if they suspect that person to be a terrorist.

It is unclear what control order aliases correspond to which 'applicants'. However Q revealed that he was Reda Dendani, an Algerian who arrived in the UK in 1998 as an asylum seeker. He was placed under control order before being deported back to Algeria in January 2007 and was charged with membership of a terrorist organisation active abroad upon his return there. He was imprisoned for eight years and was 32 years old at time of conviction. However it is unclear if Q was one of those who applied to the European Court.

K was also deported at the same time as Dendani, and placed under arrest in Algeria. It is unclear if the K that applied to the European Court is the same man deported from the UK and arrested in Algeria.

Sources:

'Britain remands Algerians on terrorism charges', *BBC News*, 17 February 2001, available at <http://news.bbc.co.uk/1/hi/world/europe/1176031.stm>

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'Profile: Imad Yarkas', *BBC News*, 26 September 2005, available at <http://news.bbc.co.uk/1/hi/world/europe/4282764.stm>

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'Midland terror man jailed for eight years', *Sunday Mercury*, 16 December 2007

European Court of Human Rights, *A. and others v. The United Kingdom* – 3455/05 [2009] ECHR 301 (19 February 2009), available at www.bailii.org/eu/cases/ECHR/2009/301.html

Omar Mahmoud Mohammed Othman [aka Abu Qatada al-Falastini; aka Sheikh Omar Abu Omar]

Date placed under control order: 11 March 2005

Target: N/A

Network: Al-Qaeda [AQ]; Egyptian Islamic Jihad [EIJ]; Armed Islamic Group [GIA]; Salafist Group for Preaching and Combat [GSPC]; Ansar al-Islam; Tunisian Fighting Group; Jama'at al-Tawhid

Known associates: Osama bin Laden, Ayman al-Zawahiri [AQ]; Abu Dahdah [AQ recruiter]; Baghdad Meziane [AQ fundraiser]; Abu Doha [Los Angeles Airport bomb plot, AQ – alleged]; Djamel Beghal, Kamel Daoudi [AQ, US Embassy in Paris bomb plot]; Nizar Trabelsi [AQ, NATO airbase bomb plot]; Abu Hamza al-Masri [radical Finsbury Park Mosque preacher convicted of soliciting to murder]; Khalid al-Fawwaz [Advice and Reform Committee]; Abdullah el-Faisal [radical preacher convicted of soliciting to murder]; Omar Bakri [founder, al-Muhajiroun]; Rachid Ramda [financer, Paris Metro bombing '95]; Richard Reid ['shoe-bomber']; Zacarias Moussaoui ['20th hijacker' on 9/11]; Yasir al-Sirri [former member, EIJ]; Abu Hawsher [Millennium Conspiracy, Jordan]; Jerome Courtailler [convicted of belonging to an international criminal organisation]

Gender: Male

Age when placed under control order: 44/45

Nationality: Jordanian

Origin: Palestinian

Control order residence: Unspecified; Bermondsey, Southwark, South East London [place of arrest]; Acton, Ealing, West London [b. Bethlehem, West Bank]

Occupation: Unemployed

Education: Unspecified

Notes:

Abu Qatada was placed under a control order on the day the scheme was introduced.

Abu Qatada arrived in the UK in September 1993 on a forged UAE passport, after teaching Afghan children in Peshawar, Pakistan for two years. He applied for political asylum on the basis that he would be tortured if he returned to Jordan as a result of his political activities and support for an Islamist revolution there. In June 1994, Abu Qatada was given refugee status and was granted leave to remain in the UK until 30 June 1998.

By 1995 Abu Qatada was providing spiritual and religious advice to a number of extreme Islamists – many of whom have since committed terrorist acts motivated by his speeches

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and writings. Reports in 1997 indicated that he recruited widely for Afghan training camps; he is also thought to have raised funds, provided logistical support and recruited for the mujahideen in Chechnya from 1999–2001. He applied for indefinite leave to remain in the UK in May 1998, but the application remained undetermined at the time of his arrest in 2001.

Between 1995 and 1999 Abu Qatada used his base at the Four Feathers Social Club in Baker Street, North London, to issue a series of fatwas that encouraged and instigated acts of terrorism in the name of jihad. In March 1995, he issued a fatwa providing religious justifications for the killing of wives and children of 'apostates' in Algeria. In December 1996, Abu Qatada proclaimed that it was acceptable to fight Jews in the UK and voiced the same opinion in October 1999, adding that it was acceptable to kill Jewish children and American and English citizens. In September 1998 he said it was legitimate for GIA followers to break Western laws and to take Western women for sex or sale – but they had to be careful to conceal their activities.

Abu Qatada was convicted *in absentia* in Jordan in April 1999 for conspiracy to cause explosions in the 'Reform and Challenge' case. The case relates to an attempted bomb attack on an American school and a car bomb explosion outside the Jerusalem Hotel that was frequented by American tourists in Amman in 1998. The prosecutor at the trial said Abu Qatada was the mastermind of the plot. He was sentenced to life imprisonment, and Jordanian authorities requested his extradition from the UK. However they withdrew the request in early 2000, as no extradition treaty officially existed between the UK and Jordan. In the autumn of the same year, Abu Qatada was convicted *in absentia* in a Jordanian court of involvement in an attempted bomb plot case known as the 'Millennium Conspiracy'. He was convicted of conspiracy to cause explosions at Western and Israeli targets in Jordan, to coincide with the millennium New Year celebrations.

In February 2001, Abu Qatada – who also contributed articles to *Al Ansar*, the weekly newspaper of the GIA – was questioned over alleged connections to a German terrorist cell. He was found in possession of £170,000 cash, including £805 in an envelope labelled "For the Mujahedin in Chechnya". No charges were brought. He went into hiding in December 2001.

In 2002 he declared that suicide bombings were legitimate, before being arrested in October of the same year and detained in Belmarsh prison under the Anti-Terrorism, Crime and Security Act 2001. In 2004, videotapes of his sermons urging attacks on Rome were found in Italy. He was then freed in March 2005 after the House of Lords found that his detention contravened ECHR under Articles 5 (right to liberty) and 14 (prohibition on discrimination – in this case, discrimination against foreign nationals). He was subsequently placed under a control order.

The governments of Jordan and the UK reached a memorandum of understanding on 10 August 2005 to deport Abu Qatada to Jordan. The Jordanian government made assurances that it would comply with international human rights standards in its treatment of him.

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The day after, he was served with a notice of intention to deport by the UK government and was arrested.

Abu Qatada appealed the UK government's notice of intention to deport on the basis that its decision was incompatible with the ECHR under Articles 2 (right to life), 3 (prohibition on torture), 5 (right to liberty), 6 (right to fair trial) and 8 (right to privacy); with the Refugee Convention; and that, following his detention and then control order, it was an abuse of government power to subject him to deportation. This appeal was dismissed by the SIAC on 26 February 2007, stating that the 'national security basis for the deportation is well proved', since Abu Qatada was regarded by many terrorists as a spiritual advisor whose views legitimise violent acts.

Abu Qatada appealed the SIAC's decision and on 9 April 2008 the Court of Appeal judged that it would allow the appeal with regards to Articles 3 and 6, but dismissed it on all other grounds. On 17 June 2008 Abu Qatada was again released on bail – a decision made by the SIAC based on the Court of Appeal's judgement. He was placed under house arrest with a 22 hour curfew. During that time he met with Yasir al-Sirri, a former member of the terrorist group EIJ, who was sentenced to death *in absentia* in Egypt for his part in a 1993 car bomb attack. However, in November 2008 he was re-arrested and jailed indefinitely for breaching his bail conditions, as there was an increased risk of him absconding – he allegedly plotted to flee the UK to Lebanon. He was held in Long Lartin, a maximum security prison, which is where he remains. In February 2009, the House of Lords ruled that Abu Qatada could be deported as they ruled that there were no reasonable grounds for believing that he would be denied a fair trial in Jordan. Abu Qatada is currently appealing the House of Lords decision to the ECtHR, arguing that his deportation to Jordan would contravene the ECHR, as the assurances made by the Jordanian government cannot be relied upon. A hearing is expected in late 2010.

It emerged in April 2009 that Abu Qatada issued a series of letters, whilst in prison, congratulating al-Qaeda fighters and saying that Muslims should not join the police or army in a non-Muslim country. His letters have featured on jihadist websites.

Abu Qatada has been linked to a number of terrorists and extreme Islamist groups. It is thought that he had connections to and received funds from Osama bin Laden and al-Qaeda. Though Abu Qatada denied ever having met bin Laden, or formally being part of al-Qaeda, intelligence reports claim the two held talks in Pakistan in 1989. In 2002, a poem attributed to Abu Qatada appeared on an Arabic based newspaper, which praised and glorified bin Laden and the 9/11 attacks. He was also in close contact with Khalid al-Fawwaz, who was bin Laden's media liaison officer in the UK, currently detained in the UK awaiting extradition to the United States.

Abu Qatada has also been linked to EIJ, now merged with al-Qaeda, through Ayman al-Zawahiri – bin Laden's 'right hand man'. The two met in Afghanistan, where it is thought that al-Zawahiri served as a mentor to Abu Qatada. He has also been described as bin Laden's spiritual ambassador to Europe and the 'spiritual head of the mujahedin in Britain'

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by a Spanish judge. Those who attended Fatimah Centre Mosque (where he was once based) in London described Abu Qatada as the head of al-Qaeda in Europe and that he was known to organise trips to Afghanistan for military training. In January 2002, his sermons were found in 9/11 hijacker Mohammed Atta's flat in Hamburg, Germany. His writings were also found in possession of al-Qaeda members in Pakistan in 2002.

Abu Qatada funded and served as the former spiritual advisor to the terrorist group GIA until 1996, seeing himself as their representative in London. He provided advice to Rachid Ramda, a former leader of GIA in the UK, jailed in France for financing the 1995 Paris metro bombings. After distancing himself from the organisation, he then became the spiritual leader of GIA's splinter group, the GSPC.

As well as being an advisor to other extreme Islamist and terrorist groups in Morocco, Tunisia and Libya, such as the Tunisian Fighting Group, Abu Qatada was also the spiritual leader to the Jama'at Al-Tawhid movement – led by Abu Musab al-Zarqawi, which later became part of al-Qaeda in Iraq. He has been linked to the Kurdish Islamist group Ansar al-Islam, whom he had advised to seek more support from al-Qaeda and to whom he had given money. Allegedly, he was also involved in providing funds and spiritual guidance to extreme Islamists in Indonesia and had contact with an extreme Islamist group in Sweden and terrorist suspects based in Milan, Italy.

Abu Qatada was a close associate of Abu Doha, an Algerian terrorist linked to al-Qaeda who was arrested in the UK in 2001 in connection to a planned bomb attack on Los Angeles Airport. Abu Qatada allegedly also received money from and admitted to being in regular contact with Abu Dahdah, accused of running safe houses for terrorists in Spain as well as recruiting volunteers to carry out attacks on behalf of al-Qaeda. He also gave religious advice to Zacarias Moussaoui, the '20th hijacker' on 9/11, and the 'shoe-bomber' Richard Reid, who attempted to detonate a bomb concealed in his shoe mid-flight in December 2001.

It is thought that Abu Qatada radicalised Djamel Beghal, who was jailed in France for plotting to bomb the American embassy in Paris. Beghal went to Afghanistan to train at the advice of Abu Qatada. Both Beghal and Baghdad Meziane – convicted in the UK for fundraising for al-Qaeda and credit card fraud – regarded Abu Qatada as their spiritual mentor, and attended his prayer meetings at the Four Feathers Social Club. It is believed that Meziane had daily telephone contact with Abu Qatada. French authorities alleged that Kamel Daoudi and Nizar Trabelsi, both involved in US Embassy bombings plots, attended Abu Qatada's classes at the Four Feathers.

Abu Qatada also served as a mentor for another London based extremist preacher, Abu Hamza al-Masri – currently jailed in the UK for soliciting to murder and inciting racial hatred. He is also linked to Omar Bakri – the former leader of Islamist group Hizb ut-Tahrir in Britain who went on to set up al-Muhajiroun in 1996. Abu Qatada, Omar Bakri and Abu Hamza spoke regularly together at London rallies during the 1990s. Abdullah el-Fasial, convicted in Britain in February 2003 of soliciting to murder and incitement to racial hatred, also admitted knowing Abu Qatada and serving as his translator.

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E

Date placed under control order: 12 March 2005

Target: Unspecified

Network: Tunisian Islamic Front [FIT]

Known associates: Nizar Trabelsi, Mohammed Fethi, 'Aiter', Abdelkrim El-Haddouti, Hassan El-Haddouti, Said El-Haddouti [NATO airbase bomb plot]; Tareq Maaroufii [FIT]; Abu Nadhir [Bosnian mujahideen]; Abdesattar Dahmane [assassination of NA leader Ahmad Shah Massoud]; H [control order]

Gender: Male

Age when placed under control order: 41

Nationality: Tunisian

Origin: Tunisian

Place of residence: North West London

Occupation: Unspecified

Education: Unspecified

Notes:

E was placed under control order on 12 March 2005 – the day after the legislation came into force. According to the High Court, he was suspected of being a member of the Tunisian Fighting Group, an offshoot of the Tunisian Islamic Front, 'had links to terrorist planning', provided accommodation for extremists and facilitated travel arrangements for terrorists. Both FIT and the Tunisian Fighting Group have links to al-Qaeda and the GSPC.

Born in Tunisia, E arrived in the UK in 1994 as an asylum seeker. His asylum interview notes refer to membership of Islamic Jihad, although he claimed this was a translation error and he was actually referring to the TIF. In May 1998 he was arrested in London in connection with a suspected terrorist plot in France. Another controlee, H, was also thought to have been arrested in relation to this. E was detained for three days and then released, for which he was paid £18,500 in damages and received an official police apology.

E's claim for asylum in the UK was refused in January 2001, but he was granted leave to remain until 2005. During this time, in July 2003, he was convicted *in absentia* by a Tunisian military court for his links to a terrorist organisation, sentenced to ten years in prison and five years administrative control. On 19 May 2004 he was convicted *in absentia* by a Tunisian military court to a year imprisonment and five years administrative control for setting up a terrorist group.

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The control order was renewed in March 2006. E challenged its renewal in February 2007 – arguing that the Home Secretary had made no reasonable attempt to decide whether or not he should be prosecuted and that it was a breach of the rights of his wife and child. The appeal was dismissed by the House of Lords.

The obligations imposed on E involved:

- Electronic tagging
- Residence and curfew restrictions
- Reporting to a monitoring company daily
- A restriction on visitors to his home
- A restriction on whom he can meet with
- Permitting the police entry to his residence
- Restrictions on communications equipment including telephone and internet
- A ban on having more than one bank account

E is linked to a variety of extremists including Nizar Trabelsi, Mohammed Fethi, to whom he provided false visas, 'Aiter', Abdelcrim El-Haddouti, Hassan El-Haddouti and Said El-Haddouti, all of whom were convicted in Belgium for their role in a plot to bomb a Belgian air base used by NATO; Abdesattar Dahmane, believed to be recruited by a cell that E was part of, and one of two Tunisians involved in the assassination on 9 September 2001 of Ahmad Shah Massoud, the Northern Alliance's leader in Afghanistan; Abu Nadhir, a Tunisian extremist and former member of the Bosnian mujahideen whom E provided with a false passport; and Tareq Maaroufii, former head of the Belgian Tunisian Fighting Group who claims that E was responsible for arranging for European jihadists to travel to Afghanistan. Maaroufii was jailed in Belgium for six years on terrorism charges in 2003 over his role in Massoud's assassination.

Sources:

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v E [2007] EWHC 233 (Admin) (16 February 2007), available at www.bailii.org/ew/cases/EWHC/Admin/2007/233.html

'Control order ruling: Key cases', *BBC News*, 31 October 2007, available at <http://news.bbc.co.uk/1/mobile/uk/7070391.stm>

Mahmoud Abu Rideh [aka J]

Date placed under control order: 12 March 2005

Target: N/A

Network: Al-Qaeda [AQ] [suspected]; Armed Islamic Group [GIA] [suspected]; Maktab Al-Khitmet

Known associates: Abu Hamza [radical Finsbury Park preacher]; Abu Zoubeida, Ayman al-Zawahiri [AQ]; P [control order]; Farj Hassan al-Saadi [control order]

Gender: Male

Age when placed under control order: 34

Nationality: Stateless

Origin: Palestinian

Control order residence: Unspecified

Occupation: Unspecified

Education: Unspecified

Notes:

Mahmoud Abu Rideh arrived on a Jordanian passport in the UK in late December 1994/ early January 1995, seeking asylum. His asylum claim was refused in February 1997. In the same year it is believed that Rideh was disseminating extremist literature, including *Al-Ansar*, a publication produced by the GIA. Despite this, Rideh was given indefinite leave to remain in the UK in November 1998.

Detained on 17 December 2001, Rideh was described by the then Home Secretary David Blunkett as 'an active supporter of various international terrorist groups, including those with links to Osama bin Laden's networks'. The Security Service believed Rideh to be in contact with senior members of al-Qaeda and responsible for raising and distributing funds, procuring false documents and helping jihadists access Afghan training camps. He was placed under control order in March 2005, and spent four years in detention prior to this.

The open evidence in the case against Rideh stated that a police investigation into his finances showed that between 1997 and 2001, when he was reliant on state benefits totalling approximately £11,330, his personal bank account received credits of almost £150,000. Rideh then quickly transferred this money – in sums as large as £20,000 – to international destinations. He claimed that the funds were transferred for humanitarian purposes, such as donating to an Arab school in Kabul, to wells and food for Afghan people, and relief for widows. However the Security Service assessed that some of the

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transfers were for terrorism-related purposes and that the majority of school projects Rideh offered support to in Afghanistan were linked to the families of jihadists.

Rideh was born in a refugee camp in Jordan and brought up in Gaza. His wife and children have British passports. In a statement made to the SIAC on 18 October 2002 Rideh claimed that he and his family came to the UK from Pakistan, where he had been working with the Islamic Services Bureau. When Rideh's case was before the High Court, Mr Justice Beatson commented that:

...[T]his Bureau is probably identical with Maktab Al-Khitmet, a body on the UN list of entities associated with Al Qaida. The reason given for this assessment, that the literal translation of Maktab Al-Khitmet is "Office of Services" or "Services Bureau", is a reasonable one. Although Mr Husain (*note – Rideh's lawyer*) asked witness "I" whether Maktab Al-Khitmet still existed, he did not challenge the assessment that it was the entity for which the Respondent (Rideh) worked in Pakistan.

Maktab Al-Khitmet was the precursor organisation to al-Qaeda created by Abdullah Azzam, a key jihadist ideologue, which served as a charitable front-group for Osama bin Laden and funded the Afghan mujahideen.

Rideh was suspected of being associated with a range of extremist figures. These include Abu Hamza al-Masri, the radical Finsbury Park preacher with whom Rideh was said in court to be 'heavily involved'; Abu Zoubeida, a senior al-Qaeda member with whom he is 'well-acquainted'; and Mustapha Melki, an Algerian extremist linked to Abu Doha. There was also a letter sent in the summer of 2005 by Ayman al-Zawahiri to Musab al-Zarqawi (al-Qaeda's number two and the former leader of al-Qaeda in Iraq respectively) which the court accepted referred to Rideh. Al-Zawahiri was writing to al-Zarqawi to ask if he was in contact with Rideh. Rideh was also associated with Farj Hassan al-Saadi, convicted of terrorism offences in Italy and who was under a control order in the UK.

In July 2009 Rideh gained permission to leave Britain. He was offered a certificate of travel by the government, allowing him to move abroad. There were also concerns as to the state of his mental health, and his case was taken up by the human rights campaign group Amnesty International.

Sources:

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v Rideh [2007] EWHC 804 (Admin) (04 April 2007), available at www.bailii.org/ew/cases/EWHC/Admin/2007/804.html

'Terror suspect wins battle to leave Britain', *Independent*, 4 July 2009, available at www.independent.co.uk/news/uk/home-news/terror-suspect-wins-battle-to-leave-britain-1731260.html

H

Date placed under control order: March 2005

Target: N/A

Network: Salafist Group for Call and Combat [GSPC]; Armed Islamic Group [GIA]

Known associates: E [suspected]

Gender: Male

Age when placed under control order: Unspecified

Nationality: Algerian

Origin: Algerian

Control order residence: Unspecified

Occupation: Unspecified

Education: Unspecified

Notes:

H was born in Western Algeria in 1972, arriving in Afghanistan in 1991 to teach Arabic in a refugee camp. He arrived in the UK on a false passport in August 1993, claiming asylum on the grounds that as he had been to Afghanistan and was a supporter of the Islamic Salvation Front, a proscribed Islamist party in Algeria, he would be persecuted if he returned to his home nation.

On 11 April 1994 he was given leave to remain for four years and was granted indefinite leave to stay on 12 August 2000 on the basis that he remained a refugee. On four occasions H was arrested and released without charge. The first three related to credit card fraud, and then in May 1998 he was arrested for alleged terrorist activities, likely to be related to a suspected terror plot to coincide with the World Cup in France, in which 10 others were also arrested, including E. On each occasion he was released without charge, and received compensation for the 1998 arrest.

Despite the introduction of the Anti-Terrorism, Crime and Security Act of December 2001, H was not detained until 22 April 2002. This delay was due to the loss of a file containing information about him. At the time of his arrest a phone bill was found at his home in the name of Imad Yarkas, jailed in Spain in 2005 for 27 years for conspiracy to commit murder and being a member of a terrorist organisation, in connection with the 9/11 al-Qaeda attacks in the US.

An SIAC panel heard in 2003 that while in Afghanistan, he worked for the mujahideen, was provided with weapons training and was injured while fighting Afghan government forces. H said that he had learned how to use a Kalashnikov out of self protection, and that

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he had sustained his injury when standing nearby to a rocket, the flame of which burnt him. The SIAC panel said of H's time in Afghanistan that while 'his sympathies lay with those who eventually formed the Taliban... that is not of itself sufficient to give rise to a reasonable suspicion that he had been an active fighter'.

The government attempted to deport H to Algeria on the grounds that he was an 'active supporter' of the GSPC, fundraising and distributing their propaganda. He also distributed *Al-Ansar*, the newspaper of the GIA. In October 2003, an SIAC panel ruled that H was 'an international terrorist within the meaning of section 21' of the Anti-terrorism, Crime and Security Act of December 2001. However he was not deported, and was eventually placed under control order.

Sources:

H and the Secretary of State for the Home Department, Special Immigration Appeals Commission, Appeal No. SC/12/2002, 29 October 2003, available at www.siac.tribunals.gov.uk/Documents/outcomes/sc122002h.pdf

European Court of Human Rights, A. and others v. The United Kingdom – 3455/05 [2009] ECHR 313 (19 February 2009), available at www.bailii.org/eu/cases/ECHR/2009/301.html

MB

Date placed under control order: 5 September 2005

Target: British and American troops in Iraq [suspected]

Network: Unspecified

Known associates: Unspecified

Gender: Male

Age when placed under control order: 21/22

Nationality: British

Origin: Kuwaiti

Place of residence: South Yorkshire [b. Kuwait]

Occupation: Unspecified

Education: Unspecified

Notes:

MB was born in Kuwait and became a naturalised British citizen in January 1998, when his mother was given indefinite leave to stay in the UK. He was detained at Manchester Airport in March 2005 while trying to travel to Syria but was released following an interview. The next day he attempted to travel to Yemen from London Heathrow. The Security Service believes that he was planning to fight coalition forces in Iraq, and MB was therefore put under control order in September 2005.

The restrictions imposed upon him included:

- Residing at one specific address
- Reporting to his local police station daily
- A ban on international travel and the surrender of his passport
- Permitting police officers and those authorised by the Secretary of State to enter his home at any time to ensure he was complying with the control order

In April 2006, MB took his case to the High Court, claiming his detention was a breach of his right to a fair trial. This was accepted by the judge, Mr Justice Sullivan, who declared that control orders were a breach of human rights. The then Home Secretary John Reid successfully appealed this in August 2006, persuading three senior judges that although MB could not see the evidence against him, there were safeguards in place to ensure he received a fair hearing.

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Sources:

England and Wales Court of Appeal (Civil Division) Decisions, *Secretary of State for the Home Department v MB* [2006] EWCA Civ 1140 (1 August 2006), available at www.bailii.org/ew/cases/EWCA/Civ/2006/1140.html

United Kingdom House of Lords Decisions, *Secretary of State for the Home Department v MB* [2007] UKHL 46 (31 October 2007), available at www.bailii.org/uk/cases/UKHL/2007/46.html

'Control order ruling: Key cases', *BBC News*, 31 October 2007, <http://news.bbc.co.uk/1/mobile/uk/7070391.stm>

Bestun Salim [aka LL]; GG; HH; NN; JJ; KK

Date placed under control order: 23 November 2005

Target: UK civilians [suspected]

Network: Ansar al-Islam/Ansar al-Sunnah [suspected – Salim, GG]; Unspecified [HH, NN, JJ, KK]

Known associates: Abu Musab al-Zarqawi [AQ, suspected associate – Salim]; AE [control order, suspected associate – Salim]

Gender: Male

Ages when placed under control order: Unknown

Nationalities: Iraqi [Salim has claimed he is Iranian]

Origins: Kurdish [LL, GG, NN]; Unspecified [HH, JJ, KK]

Control order residence: Manchester, Greater Manchester [Salim]; Chesterfield, Derbyshire [GG]; West Midlands [HH]; Derby, Derbyshire [NN]; Unspecified [JJ, KK]

Occupation: Unspecified

Education: Unspecified

Notes:

The Security Service believed that six asylum seekers were part of a team recruiting UK volunteers for jihad in Iraq. They also suspected they were central to a plot to attack London and other cities using cars packed with explosives. It was suspected that the plot was linked to Musab al-Zarqawi, the now-deceased former leader of al-Qaeda in Iraq. All men were arrested on 8 October 2005 relating to the plot, but released without charge and placed under control order a month later.

All had the following restrictions imposed:

- An 18 hour curfew
- Electronic tagging
- Forced to live in a specific area
- Restrictions on access to money and communications
- Vetting of visitors by the Home Office
- A ban on contacting specific individuals
- Their homes were to be made available for police search at all time

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- A ban on a variety of communications equipment
- A requirement to attend a specific mosque

On 28 June 2006, the High Court ruled that the control order measures were in breach of Article 5 of the ECHR, their right to liberty and security, and the men's control orders were quashed. This ruling was upheld by the Court of Appeal. The government was forced to issue less restrictive control orders, which saw the men's curfew reduced to 14 hours. These control orders were issued on 31 July 2006.

Bestun Salim was specifically believed to be fundraising for insurgent groups. The government believed that Salim was part of Ansar al-Islam – now known as Ansar al-Sunnah – a terrorist outfit in Northern Iraq linked to the network of al-Zarqawi. A control order issued in May 2006 on AE (an Iraqi Kurdish imam) specified that he could not contact Salim. In July 2006, Salim was charged with seven breaches of his control order. Salim disappeared from his Manchester flat soon after the less restrictive control orders were issued on 31 July 2006, and is thought to have travelled abroad. He has not been tracked down and is banned from returning to the UK.

GG arrived in the UK in 1999 without documentation, claiming asylum. He was granted leave to remain for four years in January 2002. His application for further leave to remain is not yet decided. In March 2003 he was arrested under the 2001 Terrorism Act. During his interview with the police he said that he left Iraq due to imprisonment and torture by the authorities, after they learned he worked for the political party the Patriotic Union of Kurdistan. GG was released without charge. He was also stopped and questioned at Heathrow Airport in May 2004 when intending to fly to Iran, but was released without further action being taken. He was travelling with a man calling himself Ako Golbakh, whose real name is Sawara Mahmud, NN's cousin, now in custody in Iran and involved with Ansar al-Sunnah. GG was said to have links with Ansar al-Sunnah and is suspected of donating financially to the group. GG claims that he and Mahmud met on a plane returning to London from Iran in October 2003, and said that he did not know that Mahmud was related to NN or involved with Ansar al-Islam. GG claimed that the men only kept in occasional contact but had arranged to fly to Iran together.

A statement made in the past by GG while detained in the UK has stated that he approves of the use of violence against coalition troops in Iraq. A week after his arrest on terrorism charges, on 15 October GG was released from police detention into immigration detention, with the intention being to deport him to Iraq. When this was not possible, GG was placed under a control order. The control order issued on 31 July 2006 meant that GG had the following restrictions imposed:

- A 14 hour curfew placed upon his address in Derby
- An electronic tag
- Travel only permitted within a specified area

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- The police could search his home at any time
- A ban on mobile phones, computers, or access to the internet

However there was no restriction on visitors. In October 2007 his curfew was extended to 16 hours and he was not allowed visitors. However he was able to attend a mosque daily. Following a renewal of his control order on 28 July 2008 he was obliged to live in Chesterfield, Derbyshire and had his curfew maintained, although restrictions on visitors were removed. In February 2009, GG was allowed to return to Derby but had visitor and mosque restrictions imposed.

HH entered the UK after saying that he was fleeing persecution in Iraq. He is a suspected al-Qaeda recruiting sergeant.

The control order issued on 31 July 2006 meant that HH had the following restrictions imposed:

- A 14 hour curfew
- An electronic tag
- Living in a specified address in a certain area
- Restricted access to money and communications
- Visitors had to be authorised by the Home Office
- His home could be searched by the police.

He escaped his control order on 18 June 2007, and his whereabouts are currently unknown.

NN says that he arrived in the UK in December 2000, giving a false name and details. On 7 August 2001 he was granted exceptional leave to remain until 15 June 2005.

Under the terms of his 31 July 2006 control order, NN had the following restrictions imposed:

- A 14 hour curfew placed upon his address in Derby;
- An electronic tag
- Travel limited to a specified area
- The police could search his home at any time
- A ban on mobile phones, computers, or access to the internet

However, there was no restriction on visitors. October 2007 saw his curfew changed to 16 hours. Following the renewal of his control order in July 2008, the curfew was reduced to 13 hours a day on the condition that all visitors to his office had to be vetted by the Home Office and he was prohibited from attending meetings outside his residence. In 2009

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NN's control order was quashed by Mr Justice Collins because NN was now married, had a young child and had not done anything to suggest he would pursue terrorist goals. The Home Secretary argued that he would be likely to do so if the control order was dropped – however Mr Justice Collins was persuaded by the view that the suspect had probably lost his usefulness to terrorist groups after being under a control order for two years. When making the judgement, however, the judge acknowledged that the initial control order placed on NN was justified, as was the view that NN was a 'key player' in a proposed terrorist attack. He went on to say that:

...[[It is important to assess what the attack planning was aimed at and where and the length of time over which NN was involved. I am satisfied that any attack planning was limited to activities in Iraq. What was planned was support for such terrorist activities in Iraq.

NN has applied for indefinite leave to remain in the UK, a claim that had not been decided at the time that his control order was quashed.

JJ arrived in the UK on 20 October 2001 and was in the UK legally. KK is a failed asylum seeker who cannot be returned to Iraq for unspecified reasons. Their current status is unspecified.

Sources:

'Ten arrested in raids against groups linked to al-Zarqawi', *The Times*, 10 October 2005, available at www.timesonline.co.uk/tol/news/uk/article576826.ece

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v JJ & Ors [2006] EWHC 1623 (Admin) (28 June 2006), available at www.bailii.org/ew/cases/EWHC/Admin/2006/1623.html

'Control order absconder named', *BBC News*, 25 May 2007, available at <http://news.bbc.co.uk/1/low/uk/6691311.stm>

'A fanatic on the loose', *Daily Mail*, 22 June 2007

'Al Qaeda "sergeant" becomes seventh terror suspect on the loose after snubbing control order', *Daily Mail*, 22 June 2007, available at www.dailymail.co.uk/news/article-463498/Al-Qaeda-sergeant-seventh-terror-suspect-loose-snubbing-control-order.html

'Seventh terrorist suspect slips control order', *Daily Telegraph*, 22 June 2007

'Seventh terror suspect absconds', *Guardian*, 22 June 2007, available at www.guardian.co.uk/uk/2007/jun/22/terrorism.politics

'Seventh terror suspect disappears under 'ineffective' control orders', *The Times*, 22 June 2007, available at www.timesonline.co.uk/tol/news/uk/crime/article1969185.ece

'Control orders ruling: Key cases', *BBC News*, 31 October 2007, available at <http://news.bbc.co.uk/1/hi/uk/7070391.stm>

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v GG [2009] EWHC 142 (Admin) (12 February 2009), available at www.bailii.org/ew/cases/EWHC/Admin/2009/142.html

Ibrahim Adam [aka AC]; Lamine Adam [aka AB]

Date placed under control order: February 2006

Target: British soldiers in Iraq [suspected]

Network: Unspecified

Known associates: Anthony Garcia [brother, 'fertiliser bomb' cell]; Omar Khyam, Jawad Akbar, Waheed Mahmood, Salahuddin Amin ['fertiliser bomb' cell – associates of Lamine Adam]; Cerie Bullivant [control order]

Gender: Male

Ages when placed under control order: 20 [Ibrahim]; 26 [Lamine]

Nationalities: British [Ibrahim]; Unspecified [Lamine]

Origins: Algerian

Place of residence: Barkingside, Redbridge, North East London

Occupation: Unspecified [Ibrahim]; Driver [train, London Underground] [Lamine]

Education: Unspecified

Notes:

Ibrahim and Lamine Adam are brothers who were put under a control order after the Security Service feared that they planned to travel abroad to engage in terrorist activity, targeting British soldiers in Iraq.

The order was imposed in February 2006, triggered by an incident a month before when Ibrahim Adam was arrested with Cerie Bullivant at London Heathrow Airport as he was about to fly to Syria. According to the Security Service, Ibrahim intended 'to carry out extremist Islamic activity', possibly travelling on to Iraq to fight jihad or conducting a 'martyrdom operation'. Bullivant has since had his control order quashed and his name cleared [see Cerie Bullivant's entry]. Lamine Adam, Ibrahim's brother, was allegedly supposed to join them in Syria at a later date and may have planned to travel on to Iraq to fight jihad or conduct a 'martyrdom operation'.

Ibrahim and Lamine are the brothers of Anthony Garcia, jailed for life for his role in al-Qaeda's 'fertiliser bomb' cell. This plot involved plans to bomb a range of targets, including the Bluewater shopping centre and the Ministry of Sound nightclub. Lamine was repeatedly mentioned as an associate of those convicted during the 'fertiliser bomb' trial. Al-Qaeda supergrass Mohammed Junaid Babar said that Lamine Adam allegedly wanted to bomb a nightclub in Britain but at the time did not know how to make an explosive device. Babar's testimony was not considered strong enough for prosecution.

PROFILES

Ibrahim and Lamine both escaped their control orders in May 2007 and have not been seen since.

Sources:

'Profile: Control order absconders', *BBC News*, 24 May 2007, available at http://news.bbc.co.uk/1/hi/uk_politics/6688823.stm

'Find them; New security shambles as three terror suspects under control orders go on run', *Daily Mail*, 24 May 2007

'Fanatics' Nightclub culture decadent target', *Daily Mail*, 30 June 2007

'Police check Bluewater gang's links to attempted club blasts', *Sunday Times*, 1 July 2007

'The control order detainees', *Guardian*, 31 October 2007, available at www.guardian.co.uk/uk/2007/oct/31/terrorism.politics1

'Four men who went on the run', *Daily Telegraph*, 1 November 2007

'Jury clears terror suspect who broke his control order', *Daily Mail*, 14 December 2007

'Bullivant control order to be lifted', *Press Association*, 29 January 2008

'Judge overturns control order on convert to Islam', *Guardian*, 29 January 2008, available at www.guardian.co.uk/uk/2008/jan/29/terrorism.world1

AE

Date placed under control order: 18 May 2006

Target: Unspecified

Network: Islamic Movement of Kurdistan [IMK]

Known associates: Shabaz Abdul Rahman; Jutiari Wali Ali [aka Kaiwan Hamidi]; Ali Tawfik Mohammed Amin, Bahez Draey, Bestun Salim, Saifaddin Muhammad Yaba [all individuals that AE was banned from associating with under the terms of his control order]

Gender: Male

Age when placed under control order: 29/30

Nationality: Iraqi

Origin: Arab father, Kurdish mother

Place of residence: Peterborough, Cambridgeshire

Occupation: Unemployed

Education: Lost an appeal to have his control order restrictions relaxed in order to study AS level courses in Chemistry and Human Biology

Notes:

AE, an Iraqi Kurdish imam, arrived in the UK in 2002, claiming asylum. He claimed to have fled Iraq after being imprisoned at Abu Ghraib by Saddam Hussein's Baathist regime for his political activities.

AE was given right to remain in the UK but was issued with a control order in May 2006. The then Home Secretary John Reid believed AE was: involved in providing support for terrorists in Iraq; that he had received terrorist training; that he had taken part in terrorist activities; and that he was radicalising individuals in the UK.

The Security Service believe that since arriving in the UK, AE acted as a spiritual leader in the Iraqi-Kurd community; was involved in document fraud on behalf of extremist contacts; was a leading member of Islamist circles in Peterborough; and had delivered extremist speeches at a mosque there.

Under the terms of his control order, AE was served with a control order that imposed:

- An electronic tag
- A 12 hour curfew
- Travel and communication restrictions

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- A requirement to permit entry to police officers and monitoring officers to his residence at any time
- A restriction on visitors, mosques he could visit, bank accounts and money transfers
- A ban on meeting certain individuals
- A ban on leading prayers

Despite this, the Security Service believed that AE continued to associate with extremists, especially within the Iraqi-Kurd community.

In March 2008, the Law Lords rejected AE's appeals against his control order. They accepted that the Home Secretary had 'reasonable grounds' to believe that AE:

- Received terrorist training and had taken part in terrorist activities
- Was involved in providing support for the jihadist insurgency in Iraq and in radicalising individuals in the UK
- Was well known in the Iraqi Kurdish community and was a leading extremist figure in Peterborough
- Had voiced Islamic extremist views
- Was in contact with Iraqi Kurds associated with Ansar al-Islam and others linked to extremism

In September 2009 AE had his control order revoked after a House of Lords ruling that those under control order had to be given the details of secret evidence being used against them. The Home Office claimed that this ruling had 'nothing to do' with the decision to revoke AE's control order.

Sources:

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v AE (Rev 1) [2008] EWHC 585 (Admin) (20 March 2008), available at www.bailii.org/ew/cases/EWHC/Admin/2008/585.html

Secretary of State for the Home Department v AF & Anor [2009] UKHL 28 (10 June 2009), available at www.bailii.org/uk/cases/UKHL/2009/28.html

'My life under a control order', *BBC News*, 10 June 2009, available at <http://news.bbc.co.uk/1/hi/uk/8092761.stm>

'Terrorist suspected released from control order', *Daily Telegraph*, 24 September 2009, available at www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/6226749/Terrorist-suspect-released-from-control-order.html

Zeeshan Siddiqui [aka AD]

Date placed under control order: May 2006

Target: N/A

Network: Al-Qaeda [alleged – AQ]; ‘fertiliser bomb’ cell

Known associates: Asif Hanif [Tel Aviv suicide bomber]; Mohammed Junaid Babar [former AQ fixer]; Mohammad Sidique Khan, Shehzad Tanweer [7/7 cell]; Omar Khyam, Jawad Akbar, Anthony Garcia [‘fertiliser bomb’ cell]; Mohammed Momin Khawaja [‘fertiliser bomb’ cell, convicted in Canada]; Mohammed Shakil [convicted of conspiring to attend a place for terrorist training]

Gender: Male

Age when placed under control order: Unspecified [conflicting media reports – described as 28 in March 2006, but both 26 and 27 in news reports in June 2007]

Nationality: British

Origin: Unspecified

Place of residence: Hounslow, West London

Occupation: Former London underground station assistant

Education: Cranford Community School [1992-1997]; Arabic and Islamic law at the School of Oriental and African Studies, University of London

Notes:

Zeeshan Siddiqui is an apparent explosives expert who was allegedly approached to become a London underground suicide bomber by the ‘fertiliser bomb’ cell that planned the Bluewater shopping centre and Ministry of Sound bombings. He is said to have left the group when doubting their commitment to carry out the attack.

Siddiqui formerly attended the same school as Asif Hanif, a British suicide bomber who attacked Mike’s Bar in Tel Aviv in April 2003. Siddiqui allegedly left Britain to join the mujahideen in Lebanon but returned after a month. At some stage Siddiqui began an Arabic course at the University of London’s School of Oriental and African Studies, yet did not complete his studies.

In July 2003 Siddiqui was in Pakistan, where he is said to have met 7/7 bomber Mohammad Sidique Khan at a training camp run by the ‘fertiliser bomb’ plotter Omar Khyam in Malakand, Pakistan. Khyam was allegedly planning to use Siddiqui as a suicide bomber. Also present at the Malakand training camps were Mohammed Shakil, convicted in April 2009 for conspiring to attend a terrorist training camp; Mohammed Junaid Babar, the al-Qaeda supergrass; Mohammad Momin Khawaja, Anthony Garcia and Jawad Akbar,

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all jailed for their role in the 'fertiliser bomb' cell; and Shujah Mahmood, Omar Khyam's younger brother who has not been convicted of any crime. Siddiqui is also said to be a close associate of 7/7 bomber Shehzad Tanweer.

Siddiqui was arrested in either March or May (sources conflict) 2005 in Pakistan over suspicions he was a close aide to an al-Qaeda commander. According to Pakistani intelligence, Siddiqui admitted to spending two years fighting in Afghanistan and Kashmir and his diary contained telephone numbers of several senior al-Qaeda leaders. However Siddiqui was eventually sent back to Britain where he was questioned over his links to British terror cells. When there was not enough evidence to charge him he was placed under a control order. Siddiqui has maintained that he had no links to terrorism and said that he did not write the diary, which he has called 'a fake and a fabrication'.

Siddiqui escaped from his control order in October 2006 by jumping out the window of a psychiatric unit. He had been referred to the institute after breaching the conditions of his control order. His whereabouts are currently unknown.

Sources:

'Wanted: The red-haired man of terror with links to Madrid', *Daily Mail*, 11 July 2005

'Heston man wanted to be "a holy warrior"', *Newsquest Media Group*, 21 July 2005

'Briton held in Pakistan wants chance to prove his innocence', *Daily Telegraph*, 5 October 2005, available at www.telegraph.co.uk/news/worldnews/asia/pakistan/1499968/Briton-held-in-Pakistan-wants-chance-to-prove-his-innocence.html

'The fanatic set free to sponge in Britain', *Daily Express*, 7 March 2006

'Two terror suspects are on the run', *Daily Telegraph*, 17 October 2006

'Jihadi diary: Inside the Mind', *BBC News*, 14 June 2007, available at www.news.bbc.co.uk/1/hi/magazine/6750911.stm

'Terror suspect on the run named as tube worker with links to 7/7 gang', *Daily Mail*, 14 June 2007, available at www.dailymail.co.uk/news/article-461957/Terror-suspect-run-named-tube-worker-links-7-7-gang.html

'Man linked to bomb gang revealed to be on the run', *Guardian*, 14 June 2007, available at www.guardian.co.uk/uk/2007/jun/14/terrorism.july7

'Judge names terror suspect', *Daily Telegraph*, 15 June 2007

AF

Date placed under control order: 2 June 2006

Target: Unspecified

Network: Unspecified

Known associates: TT, QQ [Libyan Islamic Fighting Group [LIFG]]

Gender: Male

Age when placed under control order: 25/26

Nationality: British

Origin: British Libyan

Place of residence: Manchester, Greater Manchester [b. Derby, Derbyshire; r. Libya]

Occupation: Occasional security work

Education: Degree in banking [unspecified Libyan university]

Notes:

AF was born in Derby to a Libyan father and British mother in 1980 but was raised in Libya. He has been described as ‘well-educated’, obtaining a degree in banking from Libya. He and his father left to return to the UK in December 2004 because of a feud between his family and the Gaddafi tribe and to increase his employment opportunities. AF can only speak limited English – although he has taken two English courses, including one at college in May 2006.

It was alleged by the Home Secretary that AF was linked to members of the LIFG in Manchester. He had been under surveillance since May 2006 and is linked to TT (a family friend associated with members of the LIFG) and QQ (said to be affiliated with the LIFG). AF was arrested in May 2006 and released without charge on 2 June 2006, with a control order being served the same day. It was accepted in court that the open material was insufficient to suspect AF of involvement in terrorism-related activity and that the substance of the case against him was contained within closed material.

His original control order included an 18 hour curfew, yet this was reduced to 14 hours after the six Iraqis [see entry on Bestun Salim *et al*] won their case against the British government at the High Court. As of August 2009 his curfew stood at 16 hours. He was also:

- Electronically tagged
- Required to reside at his current address

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- Required to report to a monitoring company daily
- Required to allow police and others authorised by the Home Office to search his flat
- Placed under travel restrictions in a defined area of Greater Manchester
- Banned from meeting six specific individuals
- Required to have visitors to his flat vetted
- Required to have his attendance limited to one mosque, at which he could not lead prayer, lecture or give religious advice
- Banned from using the internet, a mobile phone and overseas travel
- Only allowed the use of one bank account

In July AF won a landmark ruling when the House of Lords unanimously ruled that his detention under the control order regime was illegal as he had been denied a fair hearing prior to detention and had not been told sufficient details of the case against him. Rather than disclose the secret evidence that constituted the majority of the case against AF in an open court, the Home Secretary revoked the control order in September 2009.

Sources:

England and Wales High Court (Administrative Court) Decisions, *Secretary of State for the Home Department v AF (Rev 1)* [2007] EWHC 651 (Admin) (30 March 2007), available at www.bailii.org/ew/cases/EWHC/Admin/2007/651.html

'Control order ruling: Key cases', *BBC News*, 31 October 2007, available at <http://news.bbc.co.uk/1/mobile/uk/7070391.stm>

United Kingdom House of Lords Decisions, *Secretary of State for the Home Department v AF & Anor* [2009] UKHL 28 (10 June 2009), available at www.bailii.org/uk/cases/UKHL/2009/28.html

'Top terror suspect is freed over secrets fear', *The Times*, 7 September 2009, available at www.timesonline.co.uk/tol/news/politics/article6824172.ece?token=null&offset=0&page=1

Cerie Bullivant [aka AG]

Date placed under control order: 19 June 2006 [1st control order]; December 2007 [2nd control order]

Target: N/A

Network: N/A

Known associates: Ibrahim Adam, Lamine Adam [control orders]

Gender: Male

Age when placed under control order: 23/24

Nationality: British

Origin: British Caucasian

Place of residence: Dagenham, Barking and Dagenham, North East London [b. Harrogate, North Yorkshire]

Occupation: Unemployed [at time of 1st control order]; nurse [as part of his mental health degree, course started while under control order]

Education: Warren Comprehensive School, Chadwell Heath, Barking and Dagenham, North East London [five GCSEs; two A-Levels]; University of East London [2001-Jan 2002, dropped out]; BSc, mental health nursing, South Bank University, London [March 2007 – dropped out while under a control order]

Notes:

Cerie Bullivant was placed under a control order in an effort to prevent him from undertaking terrorist activities abroad. It was eventually quashed after it was ruled that there was not sufficient evidence to justify this view.

Bullivant was born in Harrogate, North Yorkshire, and moved to London with his mother at the age of four, while she was studying for a degree. He also spent two years in foster care with different families.

Bullivant began a course at the University of East London in 2001, dropping out January 2002. He subsequently began work in what was described in the High Court as 'casual work in nightclubs and bars', while he is also known to have worked in a fast food restaurant. He was known to be socially active, but was frustrated with his lack of achievements and felt his life was directionless. In 2004, he converted to Islam. Bullivant claimed he was attracted to the religion because of its 'moral code'. He was unemployed from 2004-2006, acting as primary carer for his mother, who had suffered from depression and had attempted suicide six times.

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Bullivant began to befriend Ibrahim Adam and Lamine Adam, having met them playing football in 2005 [the Adam brothers were eventually placed under a control order and believed to have travelled abroad to fight jihad – see Lamine Adam and Ibrahim Adam entry]. Bullivant said that he was not aware that their brother was Anthony Garcia, jailed for life for his role in the ‘fertiliser bomb’ cell.

On 28 January 2006, the anti-terrorism unit received a telephone call from a friend of Bullivant’s mother, saying that Bullivant was becoming increasingly secretive, owned a tape described as ‘brain-washing’ and was being given £4,000 by someone in his local mosque to study abroad in Syria. Bullivant’s mother said her friend knew nothing about her son, sounded drunk at the time of her phone call to the anti-terrorism unit, and that she herself had no concerns about his trip.

On 30 January 2006, Bullivant and Ibrahim Adam attempted to fly to Syria from London Heathrow. When stopped by the authorities, they claimed to be visiting Syria in order to learn Arabic. The High Court heard that the Security Service believed the real purpose of the trip was to be ‘carrying out Islamist extremist activities which would involve assisting in fighting against western forces in Iraq or Afghanistan or training for such fighting’. The Security Service were suspicious that Bullivant only had a visa valid for 15 days, and a return ticket for 21 March 2006, which was inconsistent with his claim to be going to study Arabic for a substantially longer period.

However, Bullivant stated that it was a standard form of visa, and that it was normal for an application to be made in Syria for an extension of this visa. Furthermore, it was cheaper to buy a return ticket and, if necessary, alter it if he did not know precisely when he was going to return (which was the case, due to his mother’s ill health). Bullivant and Ibrahim Adam were prevented from taking their flight, and the Adam brothers were placed under control orders in February 2006. Yet it was not considered necessary to do the same to Bullivant at this time.

In mid-May 2006, it was discovered that Bullivant was arranging a trip to Bangladesh, the purpose of which he said was to help an orphanage there. The proposed trip did not take place, yet the Security Service assessed that Bullivant was showing an intention to travel abroad for a terrorism-related purpose. He was subsequently placed under a control order. His restrictions included:

- A requirement to surrender his passport
- A ban on going to any airport, seaport or any part of a railway station giving access to international travel
- A requirement to live at a specific address
- A requirement to report daily to a police station

However, there were no curfew provisions.

In March 2007, Bullivant began a BSc in mental health nursing at South Bank University and

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got married. In the same month, he and the Adam brothers were arrested on suspicion of attempting to obtain a false passport, yet they were not charged. Bullivant absconded from his control order on 22 May 2007, along with the Adam brothers. He gave himself up just over a month later, on 25 June. Bullivant admitted to staying with the Adam brothers during this time, although refused to say where. He claimed he did not leave the country, but said that the Adam brothers seemed keen to do so. He also stated that by the time he absconded, he no longer had a relationship with his wife or her family.

Bullivant's control order had expired on 18 June 2007, and by absconding he had broken the terms of his control order by not reporting to his police station on a daily basis. He was subsequently charged with breaching the terms of his control order.

On 13 December 2007, Bullivant was cleared of breaching his control order, after jurors were asked to consider whether Bullivant had a 'reasonable excuse' for his actions. The jury accepted that the requirements of the control order had affected Bullivant's mental health to the extent that he could not face being subject to its obligations, and that he therefore absconded due to anxiety and depression. After the case, Bullivant was immediately issued with a new control order. This included electronic tagging, a 15 hour curfew, a ban on associating or communicating with four individuals (including the Adam brothers), and a requirement to notify the Home Office about employment proposals.

Bullivant eventually began appealing the application of his original control order. During this appeal, it was heard in the High Court that Bullivant:

...[H]ad no interest in, and indeed kept away from any who expressed, extremist views... He would not support jihad in the form that it was happening but if a country was defending itself that was a different matter. He did not, like many, approve of the invasion of Iraq but he had no sympathy with what was now going on there, in that Muslim was fighting Muslim, and he had never thought of involving himself in any such activities.

Regarding Bullivant's original planned trip to Syria, Mr Justice Collins ruled that 'the explanations given by [Bullivant] cannot be rejected as improbable' with regards to the ticket and visa situation that initially raised suspicion amongst the Security Service. The judge also said that:

There is no good reason to doubt that he did want to learn Arabic... and that Syria was the best place in which to do that... the points relied on by the security service in connection with the trip to Syria carry little weight when analysed. Only if it is assumed that the respondent did have the intention ascribed to him could they be used as pointers to reasonable suspicion.

The fact that Bullivant had absconded but made no effort to travel abroad during this time was also in his favour, as 'it has never been suggested that he has been involved in the terrorism-related activities within the UK.' Furthermore, Bullivant claimed that he had only absconded due to the anxiety and depression caused by the obligations within the

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control order, and that the jury in his court case relating to the breaches of his control orders 'did not disbelieve him'. Mr Justice Collins went on to say that:

I have concluded that on the material now available the previous control order would not have been upheld... I am satisfied that the Secretary of State had reasonable grounds for suspicion and the making of the order was justified at the time and I do not think that there was any reason to revoke it prior to any hearing before the court. But, for the reasons I have given in this and in the closed judgment, I am not prepared to uphold the present order, nor would I have upheld the previous one.

Bullivant's control order was subsequently quashed.

Sources:

'Court clears control order nurse', *BBC News*, 13 December 2007, available at <http://news.bbc.co.uk/1/hi/uk/7142492.stm>

'Profile: Cerie Bullivant', *BBC News*, 13 December 2007, available at <http://news.bbc.co.uk/1/hi/uk/7142880.stm>

England and Wales High Court (Administrative Court) Decisions, Secretary of State, R (on the application of) v Bullivant [2008] EWHC B2 (Admin) (29 January 2008), available at www.bailii.org/ew/cases/EWHC/Admin/2008/B2.html

AH

Date placed under control order: 29 August 2006

Target: Coalition forces in Iraq [suspected]

Network: Unspecified

Known associates: Muktar Said Ibrahim [21/7 cell]

Gender: Male

Age when placed under control order: 24

Nationality: Iraqi

Origin: Unspecified

Place of residence: Norwich, East Anglia

Occupation: Driver [taxi]

Education: Unspecified

Notes:

AH arrived in the UK on 21 July 2000, claiming asylum. This claim was refused on 30 October 2001, but he was allowed exceptional leave to remain for four years. He travelled to Iraq in the summer of 2004, returning in September. On 11 December 2004, AH and an individual named Anhar Hussain drove future 21/7 bomber Muktar Said Ibrahim, Rizwan Majid and Shakeel Ismail to Heathrow Airport to travel to Pakistan. Ibrahim is known to have received terrorist training there.

On 26 January 2005 he was detained in the UK, pending deportation to Iraq. He appealed this decision and the Secretary of State withdrew the application on 23 November 2005, allowing him to be released from immigration detention, but he was arrested immediately under the Terrorism Act of 2000 and charged with possessing documents likely to be useful to a person committing or preparing an act of terrorism – charges which he was acquitted for on 29 August 2006.

On 31 July 2006 an application was granted for a control order, under which AH was placed immediately after his acquittal. AH was placed under this control order because:

- Of suspicion that he collected funds for jihadists in Iraq
- He used anti-surveillance techniques such as using telephone kiosks for communication and driving 'erratically' to escape surveillance
- He and Anhar Hussain drove Ibrahim, Majid and Ismail to Heathrow Airport for terrorist training in Pakistan

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- He was an associate of BC, a suspected prominent Islamist extremist associated with al-Qaeda and the Taliban. BC has been designated as an al-Qaeda facilitator by the US government and listed as a terrorist financier by the British Treasury

When the control order was issued, AH was required to:

- Wear an electronic tag
- Adhere to a 14 hour curfew in a flat in Norwich, Norfolk
- Report daily to his monitoring company
- Not associate or communicate with anyone else under a Home Office control order
- Permit police officers entry to his home to search and remove any items
- Not use any communication equipment other than a landline telephone
- Only attend a specified mosque
- Inform the Home Office about any intended departure from the UK
- Only use one bank account
- Relinquish his passport
- Give the Home Office any details about future employment

These restrictions were significantly relaxed in April 2008 and it is thought that AH has since had his control order revoked.

Sources:

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v AH [2008] EWHC 1018 (Admin) (9 May 2008), available at www.bailii.org/ew/cases/EWHC/Admin/2008/1018.html

AL

Date placed under control order: 28 December 2006

Target: Unspecified

Network: Abdul Rahman's terrorist cell

Known associates: Abdul Rahman, Aslam Awan [Abdul Rahman's terrorist cell]; AK [control order, Abdul Rahman's terrorist cell]

Gender: Male

Age when placed under control order: 32/33

Nationality: British

Origin: Unspecified

Place of residence: Lancashire

Occupation: Unspecified

Education: Unspecified

Notes:

AL was placed under a control order in December 2006. He was involved in the radicalisation of AK, who apparently left the UK for Pakistan to fight abroad after a control order was served on him on 3 January 2007 [see entry on AK].

It is alleged that by December 2006, AL and AK were intending to travel abroad for terrorist purposes, to train and fight in the Afghanistan/Pakistan border area and possibly return to the UK to engage in terror related activity. AL was placed under a control order that aimed to prevent him travelling abroad and limit his ability to radicalise British Muslims. Its restrictions aimed to ensure that he:

- Resided at a certain address
- Reported daily to a police station
- Allowed police and other authorised persons into his home
- Surrendered his passport and travel documents
- Could not travel to an airport, seaport or railway station without prior permission
- Could not leave the country
- Could not contact AK or any person under a control order
- Had to provide details of any employment

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On 3 January 2007, AK absconded. Shortly before leaving the UK he had contacted AL, who reported these phone calls as part of an effort to conform to his control order.

British intelligence say that AL was also associated with Abdul Rahman, who in November 2007 became the first person in Britain to be convicted of a charge of disseminating terrorist information and helped AK to escape his control order. Rahman admitted to possessing a letter sent from Afghanistan encouraging Muslims to join the jihad in Afghanistan and Pakistan. The letter instructed Rahman to disseminate this among six other Muslims, including AL and AK. In 2007 the High Court heard that AL was also associated with a man referred to as 'Awan', in all likelihood Aslam Awan, who was part of Rahman's terrorist cell. Awan is now thought to be fighting jihad in Pakistan.

AL was convicted at the age of 17 for fraud and robbery, resulting in ten months detention at a young offender's institution. He was convicted again in 2006 for possession of cannabis and heroin, receiving a conditional discharge.

Sources:

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v AL [2007] EWHC 1970 (Admin) (17 August 2007), available at www.bailii.org/ew/cases/EWHC/Admin/2007/1970.html

'Shop worker Abdul Rahman admits urging Muslims to jihad', *The Times*, 21 November 2007, available at www.timesonline.co.uk/tol/news/uk/article2914795.ece

R v Rahman; R v Mohammed [2008] EWCA Crim 1465

AK

Date placed under control order: 3 January 2007

Target: Unspecified

Network: Abdul Rahman's terrorist cell

Known associates: Abdul Rahman, Aslam Awan [Abdul Rahman's terrorist cell]; AL [control order, Abdul Rahman's terrorist cell]

Gender: Male

Age when placed under control order: 22/23

Nationality: British

Origin: Unspecified

Place of residence: Manchester

Occupation: Student

Education: Pharmacy degree [not completed]

Notes:

AK was placed under a control order in January 2007. British intelligence concluded in December 2006 that he, along with contolee AL, were imminently intending to travel abroad for terrorist related purposes.

AK was therefore served with a control order in which he had to:

- Reside at a certain address
- Report daily to a police station
- Allow police and other authorised persons into his home
- Surrender his passport and travel documents
- Not travel to an airport, seaport or railway station without prior permission
- Not leave the country
- Not contact AL or any person under a control order
- Provide details of any employment

However, with the help of Abdul Rahman [for further details, see AL's entry], he immediately escaped. AK had stayed with Rahman in Manchester for four days in October 2006 and on 3 January 2007 – the day the control order was served against AK – Rahman withdrew £480 which, according to the charge Rahman accepted, was used by AK at Birmingham

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International airport to purchase a £421.70 ticket to Tehran, Iran. Shortly before leaving the UK, AK contacted AL, who reported these phone calls as part of an effort to conform to his control order. According to British intelligence, in all likelihood AK travelled to Lahore, Pakistan, for terrorist purposes. During his trial Rahman pleaded guilty to possessing the 'call to arms' letter written by Aslam Awan [for more details, see AL's entry], which he was instructed to give to AL and AK.

AL was believed to have had a radicalising effect on AK. On 18 October 2006 AK's mother went to Manchester police to voice her concerns over the influence that AL was having over her son. It was her belief that around the summer of 2006, AK had changed from 'a nice boy studying pharmacy' to a potential Islamist extremist, having met AL either in the mosque or at her husband's garage (it is unclear from the court documentation whether this is a reference to AK's father). He had subsequently failed his second year exams.

She believed that AL had brainwashed her son into regarding the UK as his enemy and turned him against his parents. AK now wanted to quit university and had stopped seeing his old friends. AL apparently gave him money, food, clothes, let him use his car and was planning to go away with him for four months. AK admitted to knowing AL, having met in late summer 2006. British intelligence analysed that AL's primary role in the radicalisation process had been to distance AK from his family and provide encouragement, advice and support. However they determined that he had not actually been the main influence.

Sources:

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v AL [2007] EWHC 1970 (Admin) (17 August 2007), available at www.bailii.org/ew/cases/EWHC/Admin/2007/1970.html

R v Rahman; R v Mohammed [2008] EWCA Crim 1465

AM

Date placed under control order: 21 June 2007

Target: N/A

Network: Transatlantic airline 'liquid bomb' cell

Known associates: Mohammed al-Ghabra [suspected al-Qaeda [AQ] fixer]; Rashid Rauf [AQ, suspected associate]; AY [control order]

Gender: Male

Age when placed under control order: 18/19

Nationality: British

Origin: Indian

Place of residence: Unspecified

Occupation: Financial services salesman

Education: Has a conditional offer to begin a full time university degree in September 2010 [took a foundation course for two months in February 2009 and two weeks in July 2009]; had previously planned to start a university course in September 2009 in accounting and financial studies

Notes:

AM is believed to be an al-Qaeda sympathiser involved in terrorism related activity in the UK and who travelled to Pakistan in 2004 and 2005 to attend terrorist training camps. The Security Service suspect he will attempt to travel abroad to participate further in terrorism related activity, possibly undertake further terrorist training and would seek to establish contact with al-Qaeda.

The core of the case against AM related to his suspected involvement with the transatlantic 'liquid bomb' cell, having contact with the plotters from late 2005. The Security Service assessed that AM was in contact with Rashid Rauf – a British citizen believed to be al-Qaeda's 'director of European operations' and possibly Abu Abaida al-Masri, a senior al-Qaeda commander believed to be the senior operational planner of the plot. The Security Service assessed that AM may have met both Rauf and Abaida during his visits to Pakistan in 2004 and 2005, although AM denies this.

The Home Secretary submitted a statement to the courts in April 2009 further highlighting AM's potential involvement in the transatlantic 'liquid bomb' cell. The submission highlighted how AY (now under a control order, and acquitted during the trial pertaining to the plot) continued to pose a national security threat, and during the plot was in contact with an individual 'up north' who he referred to as 'lizzy', and who he was arranging

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to meet in order to help AY obtain a false passport. The Security Service 'strongly assessed' that AY was actually a senior member of the plot preparing to travel to the north in order to provide 'Izzy' with the operational details needed to carry out an attack as part of the overall plot. AY is also thought to have been passed a video camera to take to the North of England to help 'Izzy' film a martyrdom video. The Security Service believe 'Izzy' to be AM. They believe that AY was planning to brief AM on his role in the plot, instruct him on how to construct explosive devices and record the martyrdom video, which would then have been forwarded on to al-Qaeda.

In August 2006, when the transatlantic 'liquid bomb' cell were arrested – shortly before they intended to carry out the attack – the Security Service determined that AM 'did not show the typical characteristics of an individual preparing to martyr himself'. However this assessment had since changed and it was their belief that AM was a member of a sleeper cell awaiting instructions to carry out an attack ever since his return from Pakistan in December 2005. Furthermore, despite his immediate plans being disrupted by AY's arrest, he remained committed to conducting a terrorist attack and had continued to engage with individuals linked to al-Qaeda.

The further basis for AM's control order was his interception in international waters near Oman – where AM claimed he was on holiday – by the Royal Navy on 17 April 2007. AM went to Oman with an individual named Mohammed. The two took a boat ride, along with an individual named Saeed, who had come to meet Mohammed. The Royal Navy was suspicious of the location of the boat, which they intercepted and subsequently searched. AM had no identification on him and when questioned by the Navy, AM provided a false name. He also provided a false date of birth and when asked for his address, gave the address of a distant relative in Preston, Lancashire. AM maintains that this was because he was panicking, and frightened.

The men were eventually allowed to travel on, but were informed that their boat would be monitored. When they got back to land, Saeed was said to have disappeared, while AM told Mohammed he had paid an extra £250 to his ticket so he could return to the UK immediately. He said that upon return to the UK he had not had any contact with Mohammed and had changed his telephone number to ensure Mohammed could not get back in touch.

In May 2007, AM claims the Security Service made contact with him. During this time, they showed him a picture of Saeed and he was told that he was a high value target in relation to the transatlantic 'liquid bomb' cell. AM said that he did not recognise the man in the picture.

A December 2008 statement to the court by the Security Service on behalf of the Home Secretary stated that AM had assisted his family in replacing hard drives of their computers, seemingly as there was material stored on there that the AM family would not want the authorities to witness. The Security Service assessed that this may have contained extremist material.

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AM is thought to have links to Mohammed al-Ghabra, a key suspected al-Qaeda operative based in London who the US government say 'provides material and logistical support to al-Qaeda and other terrorist organisations' and the British Treasury lists as a terrorist financier. Al-Ghabra was linked to the transatlantic 'liquid bomb' plot and also allegedly arranged for 21/7 cell member Muktar Said Ibrahim to fly to Pakistan for terrorist training. If not placed under control order it was feared that al-Ghabra would assist AM in facilitating his travel abroad for terrorism related purposes.

AM said the reasons for his trips to Pakistan in 2004 and 2005 were family holidays and visits to close family friends. He denied having met al-Ghabra, stated that his lifestyle 'often contradicts Islam', and is not interested in politics. He described his life as 'non religious, playing pool, drinking beer, going to clubs, seeing girls' and said he was opposed to 'martyrdom' and suicide bombing.

AM resides in 'the north of England'. Under his control order he was subject to a 12 hour curfew – with the exception of one day a week, where he was allowed to stay out at nightclubs until 2am. However AM did not take advantage of this, stating that for it to be worthwhile to for him to visit nightclubs, it would have to be extended to 4am. He was also required to:

- Live in a specified flat, which could be searched at any time
- Wear an electronic tag
- Not use the internet
- Obtain approval from the Home Office to meet anyone outside his flat or receive visitors.

Despite this, it was believed that AM broke the terms of his control order by continuing to meet associates both inside and outside his flat without notifying the Home Office.

As of December 2009, the control order was still in place. When making the decision to keep his control order in place, Mr Justice Wilkie commented that AM is:

...[H]ighly intelligent, calm and cautious beyond his years. He was only prepared to say in oral evidence whatever was contained in his written evidence. He is strong minded and disciplined. In the face of the overwhelming evidence against him, his firm consistent denials are, in my judgment, simply untrue. They have been maintained with a degree of calmness and self confidence which, in my judgment, is consistent with the view of the Security Service that he is a disciplined, trained and committed person whose commitment remains unimpaired... He was and remains prepared to be a martyr in an attack designed to take many lives. He remains highly trained, security conscious and committed.

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Sources:

'Fixer for 21/7 plot free in London', *Sunday Times*, 21 July 2007, available at www.timesonline.co.uk/tol/news/uk/crime/article2076241.ece

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v AM [2009] EWHC 572 (Admin) (23 March 2009), available at www.bailii.org/ew/cases/EWHC/Admin/2009/572.html

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v AM [2009] EWHC 3053 (Admin) (21 December 2009), available at <http://www.bailii.org/ew/cases/EWHC/Admin/2009/3053.html>

AN

Date placed under control order: July 2007

Target: Unspecified

Network: Unspecified

Known associates: Faisal Siddiqui, Saqib Ahmad, Khalid Kelay [believed to have helped facilitate their extremist participation in terrorist activities overseas, including Iraq]

Gender: Male

Age when placed under control order: 25/26

Nationality: British

Origin: Unspecified

Control order residence: Unspecified

Occupation: Unspecified

Education: Unspecified

Notes:

AN is suspected of acting as a link between extremists based in London and al-Qaeda linked extremists abroad. He was also a frequent visitor to the Middle East, where it is thought he had been involved in planning terrorist attacks, including in Iraq. The case against him made by the Home Secretary also specified that 'he has facilitated extremists to participate in terrorist related activities overseas' and that he has 'openly advocated support for violent extremist activities'.

AN moved to Syria in September 2005 but was detained and deported back to the UK in March 2007. He then attempted to escape from his control order on 9 September 2007 and it was argued by the Home Secretary that he remains committed to travelling abroad to carry out terrorist acts.

In July 2009 the House of Lords revoked the control order against AN, saying that the suspect had not been made aware of the 'essence' of the case against him. As a result, Home Secretary Alan Johnson was making plans to immediately place AN under a new control order but under different terms.

AN is currently detained at Belmarsh prison and is awaiting trial for breaching his control order.

Sources:

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v

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AN [2008] EWHC 372 (Admin) (29 February 2008), available at www.bailii.org/ew/cases/EWHC/Admin/2008/372.html

Secretary of State for the Home Department v AF & Anor [2009] UKHL 28 (10 June 2009), available at www.bailii.org/uk/cases/UKHL/2009/28.html

Secretary of State for the Home Department v AN [2009] EWHC 1966 (Admin) (31 July 2009), available at www.bailii.org/ew/cases/EWHC/Admin/2009/1966.html

'High Court revokes control order', *BBC News*, 31 July 2009, available at <http://news.bbc.co.uk/1/hi/uk/8178341.stm>

AP

Date placed under control order: 10 January 2008

Target: Unspecified

Network: Unspecified

Known associates: Mohammed Hamid, Mohammed al-Figari [Hamid & Atilla Ahmet's terror training camps]; Ramzi Mohammed, Muktar Said Ibrahim, Hussain Osman, Yassin Omar, Adel Yahya [21/7 cell]; Ali Muhiddin [convicted for terrorist training offences]

Gender: Male

Age when placed under control order: 29/30

Nationality: Ethiopian

Origin: Ethiopian

Place of residence: Tottenham, Haringey, North London [previously Oval, Lambeth, South West London]

Occupation: Unemployed; formerly worked as a shelf stacker at a supermarket

Education: A-level in Italian; access course in computing at City of Westminster College; began a 3-year foundation course in computing studies at South Bank University

Notes:

AP was born in Ethiopia, the son of an Ethiopian diplomat. He was raised alongside his brothers and sisters in a private Catholic school in Italy, where his father was posted. When his father lost his post due to political turmoil in Ethiopia, AP's mother brought him and his siblings to the UK in December 1992, claiming asylum.

AP – who was 14 at the time – attended various Catholic schools, but became embroiled in drugs and minor crime, eventually being sent to a young offender institution for robbery and actual bodily harm. AP was released in November 1998 and on 6 October 1999 he and his siblings were granted indefinite leave to remain in the UK. AP obtained a shelf-stacking job in a supermarket but was fired in March 2001 for attending work while under the influence of drugs.

AP's mother and father separated in approximately 1985. His mother converted to Islam, as she believed it would make it easier to obtain a divorce, and re-married a Muslim man. AP became interested in Islam in 2001. Following traumatic personal circumstances surrounding the birth of his son, AP fasted with his mother, breaking his fast with a friend at Ladbroke Grove Mosque, where he was given a Koran by an imam. He then began to occasionally attend Brixton Mosque.

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AP's mother suggested he visited family members in Ethiopia, which he did in mid-2001, the majority of whom were devout Muslims. AP claimed that they encouraged him to change his lifestyle and he became more devout. He began to regularly visit family in Ethiopia during the next few years and developed his interest in Islam. He was now regularly attending Brixton Mosque, and also began to gain educational qualifications.

AP and an individual named Magan Hashielmi (described in the High Court as an 'extremist'), were two of five men arrested in October 2002 for causing grievous bodily harm while trying, they claim, to evict some squatters from a property in London. Two of the other men arrested – Delroy Bowen and David Jetawo – were also linked to Abu Hamza. The High Court specified how AP claimed that he was 'merely attending an Islamist social gathering at the property', and he was released without charge.

AP gained an A-level in Italian in the summer of 2003 and the following academic year began a computer course at the City of Westminster College, before starting a full-time 3-year foundation course in computing studies at South Bank University in September 2004. In May 2005 he had travelled to Somalia with Ethiopians Dawit Semeneh and Joseph Kebide, Nathan Oqubay, a British citizen originally from Eritrea, Zulgai Popal from Afghanistan, Hamdi Dualeh, a British citizen originally from Somalia, and Damian Benjamin, of the West Indies. The Home Secretary made the case that they went there to receive terrorist training in Somalia.

Semeneh and Kebide were subsequently deported from the UK on the grounds of national security. AP claimed that an airline error prevented him from returning to London and he could only afford to fly to Ethiopia, to visit his wife and child. During this time he heard about the attacks that took place in London on 7/7 and 21/7. Despite hearing that the police wanted him for questioning and claiming that he wanted to return to the UK to clear his name, he stayed in Ethiopia for the next 15 months. When he attempted to return, he alleges that he was detained at the airport in Ethiopia for two weeks and questioned over his connections to the bombings. He was eventually released and a week later attempted to fly back to London.

He landed in the UK on 27 December 2006, however on 22 December he had been excluded from entering the country on the grounds that his presence was not conducive to the public good, and was therefore detained at an immigration centre upon arrival. On 5 January 2007 he was arrested under the Terrorism Act 2000, before being released without charge to immigration detention four days later. On 11 January, AP lodged an appeal against his removal from the country to the SIAC and on 16 March 2007 he was allowed to return to the UK under certain conditions, including having to live at a certain address and with restrictions on whom he could communicate with. On 10 January

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2008 he was put under a control order, and on 11 January 2008 was once again granted indefinite leave to remain in the UK.

Under the terms of his control order, AP was required to live in North London, and was subject to a 16 hour curfew, electronic tagging and other restrictions on whom he could associate and communicate with. From August 2008, AP was required to live in a specific town, 150 miles from London.

AP was linked to a variety of extremists. He knew Ali Muhiddin,⁵⁹ convicted of terrorist training offences, and Ramzi Mohammed, an attempted 21/7 suicide bomber. AP claimed he knew Mohammed through football matches they would play together. Four of the people who AP also played football with – Semeneh, Kebide, Oqubay and Popal – would eventually travel to Somalia with him.

At the start of May 2004, AP was part of a camping trip to Cumbria with other young Muslims. The Home Secretary stated that this was a terrorist training camp. It was organised by Mohammed Hamid, who was convicted in February 2008 of soliciting to murder and providing terrorist training. AP would regularly visit Hamid in his home, having met him through Ramzi Mohammed. Ramzi Mohammed, Muktar Said Ibrahim, Hussain Osman, Yassin Omar and Adel Yahya were also in attendance at the camp. These five constituted the 21/7 cell; four were bombers and Yahya pleaded guilty in November 2007 to collecting information useful to a person committing or preparing an act of terrorism in relation to the plot. Others at the camp included: Mohammed al-Figari (convicted in February 2008 for obtaining terrorist training and possessing a document containing information useful for a person committing or preparing an act of terrorism); Moussa Brown (acquitted of terror training offences but assessed by MI5 to hold extremist views); and Semeneh and Kebide (who have not been convicted of any terrorist offences).

Sources:

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v AP [2008] EWHC 2001 (Admin) (12 August 2008), available at www.bailii.org/ew/cases/EWHC/Admin/2008/2001.html

England and Wales High Court (Administrative Court) Decisions, AP v Secretary of State for the Home Department [2009] EWCA Civ 731 (15 July 2009), available at <http://www.bailii.org/ew/cases/EWCA/Civ/2009/731.html>

⁵⁹ There is no reference in publicly available documents to an Ali Muhiddin convicted for terrorist training offences. It could be a reference to Muhedin Ali, who had mutual friends with AP and in all likelihood knew him. Ali was convicted in February 2008 for failing to disclose information about acts of terrorism, namely the intended detonation of suicide bombs on underground trains near Shepherd's Bush and Oval stations by Hussain Osman and Ramzi Mohammed respectively on 21/7.

Farj Hassan al-Saadi [aka Faraj Faraj Hassan Al-Saadi; aka Abu Hamza al-Liby; aka Mohammad Abdullah Imad; aka Imad Mouhamed Abdellah; aka "Hamza the Libyan"; aka AS]

Date placed under control order: 3 April 2008

Target: Unspecified

Network: Ansar al-Islam; al-Qaeda [AQ]

Known associates: Abu Musab al-Zarqawi [AQ]; Radi Abd El Samie Abou El Yazid El Ayashi, Ciise Maxamed Cabdullaah, Mohammed Tahir Hammid, Mohamed Amin Mostafa, Daki Mohamed, Nassim Saadi, Cherif Said Ben Abdelhakim, Lotfi Rihani, Hamadi Bouyahia, Lazher Ben Khalifa Ben Ahmed Rouine, Imed Ben Mekki Zarkaoui, Mourad Trabelsi, Kamel Ben Mouldi Hamraoui, Nouredine Drissi [Italian AQ cell]; Mohammed al-Ghabra [suspected AQ financier]; BM, NN, Mahmoud Abu Rideh [control order]; Y [Dhamat Houmet Daawa Salafia] [DHDS]; Saleh Hadeen Mohammed [Libyan extremist]; U [Los Angeles Airport bomb plot, Strasbourg market bomb plot]; G [international terrorist subject to SIAC bail]; Z [GIA]; Riad Boukhezarm [Abu Hamza's Finsbury Park Mosque]

Gender: Male

Age when placed under control order: 27

Nationality: Libyan

Origin: Libyan

Control order residence: Leicester, Leicestershire

Occupation: Unemployed

Education: Unspecified

Notes:

Farj Hassan al-Saadi was found guilty *in absentia* in Italy of belonging to a terrorist group and being part of a terrorism plot in 2002. At the trial, he was described as the 'European envoy' of Abu Musab al-Zarqawi, the head of al-Qaeda in Iraq. The Italian authorities claim that they bugged telephone conversations between al-Zarqawi and al-Saadi, that he had attended al-Qaeda training camps in Afghanistan, and that by September 2002 they had evidence to show that his cell was intending to carry out an attack in Europe. Between 2001 and 2002 it is believed al-Saadi was in contact with al-Qaeda linked individuals in Iran and Pakistan, for whom he provided logistical support for terrorism related activity.

He – along with 14 other suspected terrorists – were charged in Italy with:

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- Fabricating, receiving, providing, and hiding forged documents to be used by individuals in order to reach military camps in Iraq and to move throughout Europe in order to maintain contacts with other transnational cells and to assist illegal immigrants in entering Italy and the European Union
- Recruiting individuals for training in military camps, mainly with Ansar al-Islam in Iraq
- Collecting money for terrorist-related activities
- Organising actions to carry out the terrorist cells plans
- Planning to commit international terrorist activities in Italy and Europe
- Providing terrorists living in European and Middle Eastern countries with forged documents
- Maintaining contacts with extremists throughout Europe, the Middle East, and Western Asia – in Pakistan, Iran, Yemen, Iraq, Malaysia, and Afghanistan
- Providing cell members with weapons and explosives

The SIAC ruled in 2007 that the cell:

...[C]learly was a group of men with extremist Islamist views supportive of violence against the West which had been acting together for some time in the ways we have set out including recruiting for Al Qaeda, raising money for terrorist activities and obtaining false documents for that purpose. This group can properly be regarded as a serious terrorist group.

Al-Saadi is assessed as being the main contact between those linked to al-Qaeda in places such as Iran and Pakistan and the rest of the cell. SIAC, in its judgment, stated that al-Saadi was 'a highly respected member of the group and that he may well have been its leader for a while'. An appeal court in Milan stated in 2008 that al-Saadi was 'without the slightest doubt the most prominent figure in the group'.

According to al-Saadi, he left Libya in approximately October 1997, staying in Jordan with Libyans who would eventually be deported on the basis of their membership of the LIFG. At the beginning of 1998 he travelled to Turkey with one of these Libyans, staying in Istanbul with members of the Libyan community until August 1998. He then left to study in Karachi, Pakistan in August 1998, before heading straight to Islamabad. He then lived in Peshawar with Libyans connected to the LIFG for nearly a year, studying at a mosque and learning the whole of the Koran. After a year, those he was living with gave him an ultimatum to join the LIFG or leave. Therefore, he left at the end of 1999, eventually travelling to Islamabad and claiming asylum at the United Nations. He was required to check in every two weeks there, and was travelling back and forth from Peshawar, where in 2000 he met his wife. In July 2000, Pakistan began to clamp down on Libyans living in Pakistan and al-Saadi's brother suggested he should join him in the UK. It was assessed by

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the Security Service, and claimed by the Italian prosecution in court, that between 1997 and 2001 al-Saadi attended a terrorist training camp in Afghanistan alongside al-Zarqawi. The Security Service also believe al-Saadi could have 'engaged in extremist fighting' afterwards.

While in Pakistan, al-Saadi obtained a Moroccan passport with an Italian visa. In June 2001 he then went to Karachi, and got an Iranian visa before heading to Quetta and then into Kandahar, Afghanistan. He stayed at a guesthouse suspected of links to al-Qaeda, though al-Saadi said he was unaware of this. He stayed for two days, before leaving for Iran. He spent a week in Tehran before flying directly to Rome. Throughout, he was in contact and receiving financial support from his brother and the Libyans with whom he had previously stayed.

Al-Saadi arrived in Italy in June/July 2001. He destroyed his Moroccan passport and claimed asylum under a false name, claiming to be Palestinian. He was told to leave Italy within two weeks and resolved to go to Switzerland, eventually crossing the border successfully and living in a refugee camp there until December 2001. He made a formal asylum application but said he did not adjust to Switzerland and so returned to Italy to work in construction for a short period in order to save money to come to Britain. He obtained a fake identity card, but was arrested for trying to enter the UK.

Al-Saadi returned to Italy, again finding work in construction. He eventually managed to obtain a false passport in the name of Josef Zetonal, which he used to enter Britain in March 2002. In April 2002 he claimed asylum in his true name. On 16 May 2002, he was detained following an arrest for unlawful entry and in the same year was convicted of possessing a stolen passport. On 7 February 2003, the Italian government requested his extradition in order to face a variety of charges, including terrorism offences. In November 2003, al-Saadi was added to the permanent register of al-Qaeda and Taliban members held by the United-Nations Sanctions Committee and had his assets frozen by the UN. The Bank of England banned him from opening a bank account in the UK.

Al-Saadi was remanded in prison in the UK in May 2004, pending a decision on the Italian extradition application. On 17 December 2004, a piece of paper containing an illustration of weapons and an extremist slogan written in Arabic was found in al-Saadi's cell, although he denies any responsibility. While detained in prison, al-Saadi was also posted DVDs with the titles 'The Twin Towers' and 'Al Qaeda'.

The British government missed a legal deadline regarding his extradition in October 2005, and therefore failed to send him back to Italy. On 18 December 2006, al-Saadi was acquitted in Italy on the terrorism charges, a decision which was appealed. He remained detained on immigration charges in the UK until 2007, when he was released without charge. On 27 April 2007, the SIAC concluded that al-Saadi was a clear danger to national security but ruled that he could not be deported to his country of origin, Libya, as this would constitute a breach of Article 3 of the ECHR (prohibition on torture). The Home Secretary appealed this decision but on 16 May 2007 al-Saadi was released from detention.

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On 7 February 2008, the Italian Court of Appeal upheld the appeal of the prosecution against al-Saadi's acquittal, therefore he and his co-defendants were convicted of charges of associating for a terrorist purpose. He was sentenced to 5 years 10 months. Despite this, the UK Court of Appeal upheld the SIAC's ruling regarding al-Saadi's deportation to Libya in April 2008. Al-Saadi was subsequently placed under control order.

On 21 December 2009, his control order was revoked as it was deemed no longer necessary. There was no allegation of any terrorist activity for a period of 7½ years, and Mr Justice Wilkie ruled that there was insufficient evidence that he would engage in terrorist related activity. The judge acknowledged that he was not accepting the assessment of risk from the Security Service and the Home Secretary. He acknowledged he was also differing with the SIAC's 2007 conclusion because it was made two and a half years previously and that there had been no evidence since then of al-Saadi being willing to re-engage in terrorism.

Al-Saadi is believed to still be in contact with a variety of extremists. These include:

- Mohammed al-Ghabra, a key suspected al-Qaeda operative based in London, designated by the US Government as a provider of 'material and logistical support to al-Qaeda and other terrorist organisations' and by the British Treasury as a terrorist financier
- BM, placed under a control order in April 2009
- Mahmoud Abu Rideh, placed under a control order in March 2005 and who has now left the UK
- Y, leader of Algerian terrorist group Dhamat Houmet Daawa Salafia, linked to the 'ricin bomb' plot in the UK and currently on bail in the UK
- Saleh Hadeen Mohammed, who is suspected of involvement with Libyan related extremism
- U, a high ranking extremist linked to international terrorist planners and assessed to have knowledge of a series of planned terrorist attacks, including the Los Angeles airport bomb plot in 2000 and the Strasbourg bomb plot of 1999/2000, who is currently in detention in the UK
- G, an international terrorist with numerous extremist contacts, who is currently subject to SIAC bail and was involved in fund raising and facilitating the travel of extremists to undertake jihad before his detention in 2001
- Z, an Algerian subject to deportation proceedings and assessed as having provided logistical support to terrorists based in the UK and being a leading member of the GIA in the UK
- Riad Boukhezarm, a central figure at the Finsbury Park Mosque and associate of Abu Doha
- NN, placed under a control order in December 2005

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Sources:

'Muslim terrorist living in the Midlands', *Sunday Mercury* (Birmingham), 22 March 2009, available at www.sundaymercury.net/news/crime-news/2009/03/22/muslim-terrorist-living-in-the-midlands-66331-23201047/

Hassan v Council & Commission (Common foreign & security policy) [2009] EUECJ C-399/06 (03 December 2009), available at www.bailii.org/eu/cases/EUECJ/2009/C39906.html

England and Wales High Court (Administrative Court) Decisions >> Secretary of State for the Home Department v Saadi [2009] EWHC 3390 (Admin) (21 December 2009), available at www.bailii.org/ew/cases/EWHC/Admin/2009/3390.html

'Fact sheet – Designation of 15 individuals tied to an Al Qaida cell in Italy', *US Treasury – Office of Public Affairs*, available at www.treas.gov/press/releases/reports/italianalqaidacellfactsheet.htm

'Security Council al-Qaida, Taliban sanctions committee approves changes to entries of thirteen individuals, one entity on consolidated list', United Nations Security Council, available at www.un.org/News/Press/docs/2009/sc9586.doc.htm

AT

Date placed under control order: 3 April 2008

Target: N/A

Network: Libyan Islamic Fighting Group [LIFG]

Known associates: AW, AU [co-convicted, LIFG, control order]; AV [LIFG, control order]

Gender: Male

Age when placed under control order: 45

Nationality: Libyan

Origin: Libyan

Control order residence: Unspecified

Occupation: Unemployed

Education: Unspecified

Notes:

AT was placed under a control order in April 2008. The Home Secretary believed that AT was an influential member of the LIFG, had supported terror networks by providing false documentation, had transferred funds to the LIFG and was found to have possessed violent Islamist material at a raid in his Birmingham home in October 2005. AT himself admitted that he was a member of the LIFG when he entered the country and remained so until January 2004.

AT arrived in the UK via Iran in July 2002, claiming asylum. This was refused in March 2003 but he successfully appealed and has lived in the UK ever since. On 12 May 2004 he was sentenced to 3½ years in jail after pleading guilty to counterfeiting and forgery charges. Controlee AV claimed that he visited AT on several occasions while he was in prison.

AT was released on 1 July 2005 and was living in Birmingham when, in October 2005, he was detained under immigration powers pending deportation to Libya.

In December 2005, he was arrested for his role in conspiring with LIFG members AU and AW to provide resources for terrorist purposes, pleading guilty in June 2007 to making property available for terrorist purposes. The cell was convicted in June 2007 for providing false passports and more than £20,000 a year to the LIFG. AT coordinated the supply of money and documents, whilst AU was the most active member of the support group and AW was a forger.

AT, along with his associates, claimed that he did not know the money and passports were being used to support Islamist extremism and thought he was funding humanitarian

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causes instead. However at AU's home police found AW's computer, which contained terrorist related material such as photographs of hostages being beheaded; statements from LIFG-supporting armed Islamist groups in Algeria; statements on attacking American interests; and statements by Omar Abdel Rahman, the 'blind Sheikh' convicted of plotting to blow up New York's World Trade Center in 1993. The judge presiding over the case said some of the funds were sent to Islamist activists whose interests were to do with a wider Islamist jihad that went beyond Libya.

He was sentenced to 22 months in prison, meaning that he was immediately discharged due to time spent on remand. He was re-detained under immigration law but released on bail by the SIAC in August 2007 before being put under a control order eight months later. His restrictions included:

- A 12 hour curfew
- A ban on meeting certain individuals
- A restriction on visitors
- An obligation to commit to personal searches
- A boundary he was obliged to stay within

This control order was modified in March 2009, meaning that AT was no longer obliged to commit to personal searches.

AW and one other member of the Libyan cell convicted in June 2007 have since had their control orders lifted. AT's current status is unclear.

Sources:

England and Wales High Court (Administrative Court) Decisions, *AV & AU v Secretary of State for the Home Department* [2008] EWHC 1895 (Admin) (31 July 2008), available at www.bailii.org/ew/cases/EWHC/Admin/2008/1895.html

Secretary of State for the Home Department v AT & Anor [2009] EWHC 512 (Admin) (20 March 2009), available at www.bailii.org/ew/cases/EWHC/Admin/2009/512.html

'Terrorist suspects released from house arrest after peace deal', *Daily Telegraph*, 13 November 2009, available at www.telegraph.co.uk/news/6564850/Terrorist-suspects-released-from-house-arrest-after-peace-deal.htm

AW

Date placed under control order: 3 April 2008

Target: N/A

Network: Libyan Islamic Fighting Group [LIFG]

Known associates: AU, AT [co-convicted, LIFG, control order]

Gender: Male

Age when placed under control order: 36

Nationality: Libyan

Origin: Libyan

Control order residence: Unspecified

Occupation: Unemployed

Education: Unspecified

Notes:

AW arrived in the UK on 16 October 2002 and claimed asylum, the result of which has not been determined. In January 2004 he was arrested at his Birmingham home on counterfeit and forgery charges. He pleaded guilty to these charges and was imprisoned for 3½ years, before being released on 21 July 2005. However, as with AT, he was re-arrested on terrorism charges in December 2005 and pleaded guilty to the charges in June 2007. He was released on bail by the SIAC in July 2007 [for more details on this case and AW's specific role, see AT's entry].

AW was placed under a control order in April 2008 after the case was made by the Home Secretary that he was a prominent member of the LIFG and that he specialised in the production of false documents and facilitated the transfer of funds for the LIGF abroad. AW admitted to being a member of the LIFG, although he denies that he still is.

The control order was quashed in March 2009 on the grounds that the decision to make the control order was made on a materially erroneous basis.

Sources:

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v AT & Anor [2009] EWHC 512 (Admin) (20 March 2009), available at www.bailii.org/ew/cases/EWHC/Admin/2009/512.html

Fifth report of the independent reviewer pursuant to Section 14(3) of the Prevention of Terrorism Act 2005, Lord Carlile of Berrirew Q.C., 1 February 2010, p.9

AU

Date placed under control order: 4 April 2008

Target: Unspecified

Network: Libyan Islamic Fighting Group [LIFG]

Known associates: AT, AW [co-suspects, LIFG, control order]; Abu Laith [former leader of the LIFG]; Fadhil Saadi [Tunisian suicide bomber]; AR [LIFG, control order]

Gender: Male

Age when placed under control order: 41/42

Nationality: Libyan

Origin: Libyan

Control order residence: Ealing, West London [previously Hackney, North East London]

Occupation: Unemployed

Education: Degree in Geology and Geological Engineering from Benghazi University, Libya

Notes:

AU is a member of the LIFG who arrived in the UK in November 1994 from Saudi Arabia, claiming asylum. His claim was based on the fact that he could not return to Libya because he belonged to an unnamed group there that aimed to overthrow the government and replace it with an Islamist one. He left Libya in 1991, initially travelling to Egypt before heading for Saudi Arabia, where he said he spent the years 1991-1994 at Medina University reading Islamic Studies. However, when attempting to claim asylum in the UK he said he had been to Pakistan in 1992, before going on to take part in jihad against communists in Afghanistan.

Despite having his asylum claim refused, he was not removed from the UK as it was deemed unsafe for him to return to Libya. In November 1999 he was granted leave to remain in the UK.

On 21 November 2002, AU was arrested while trying to travel to Iran from London Heathrow. On 23 November he was detained under Section 21 of the Anti-Terrorism Crime and Security Act 2001 and was recommended for deportation. He successfully appealed this to the SIAC in 8 March 2004, as they were unconvinced that AU was linked to al-Qaeda and that he had knowingly supported extremists linked to al-Qaeda. AU was released on 18 March 2004 following a failed government appeal against the decision, but he was detained again on 3 October 2005 under section 3(5) of the Immigration Act 1971,

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with the intention to deport him to Libya. On 12 December 2005, he was charged with terrorist offences, one of which he would eventually plead guilty to and which related to offences that took place between 19 February (the date when the Terrorism Act 2000 came into force) and the date of his detention, 21 November 2002. It was these offences that he was eventually jailed for, alongside control order suspects and fellow members of the LIFG, AT and AW (for more details on this case and AU's specific role, see AT's entry).

AU served just over four months before being transferred to an immigration detention centre. On 13 November 2007 he was released on conditional bail. On 4 April 2008 a control order was issued against AU with the following conditions:

- To stay at a flat in Hackney, North East London, rather than his family home in Edgware, North London
- To stay under a sixteen hour curfew
- To wear an electronic tag
- To report to a monitoring company daily
- Prohibition of communications with twelve Libyan individuals whom the government were trying to deport
- To allow police and others approved by the Home Office to enter his flat
- Prohibition of internet and mobile phone use
- Prohibition of attending all but one mosque
- Surrendering his passport
- Imposition of a control boundary, which meant he could not leave Hackney

On 29 August 2008 a change to the control order was made requiring him to live at a West London address. Accordingly, the boundary restriction was changed and restricted his movements to an area covering most of Ealing. It was stated in court that 'there is no credible information' to suggest that AU would not resume his LIFG activities if his control order was revoked.

AU is also believed to be linked with Abu Laith (the now deceased former leader of the LIFG) and Fadhil Saadi, a Tunisian suicide bomber based in Italy who received transferred money from AU. Saadi killed himself in Iraq in 2003.

AW and one other member of the Libyan cell convicted in June 2007 have since had their control orders lifted. AU's current status is unclear.

Sources:

Special Immigration Appeals Commission, M and Secretary of State for the Home Department [2004], SC/17/2002, available at www.siac.tribunals.gov.uk/Documents/outcomes/documents/sc172002m.pdf

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England and Wales High Court (Administrative Court) Decisions, *AV & AU v Secretary of State for the Home Department* [2008] EWHC 1895 (Admin) (31 July 2008), available at www.bailii.org/ew/cases/EWHC/Admin/2008/1895.html

England and Wales High Court (Administrative Court) Decisions, *Secretary of State for the Home Department v AU* [2009] EWHC 49 (Admin) (20 January 2009), available at www.bailii.org/ew/cases/EWHC/Admin/2009/49.html

'Terrorist suspects released from house arrest after peace deal', *Daily Telegraph*, 13 November 2009, available at www.telegraph.co.uk/news/6564850/Terrorist-suspects-released-from-house-arrest-after-peace-deal.htm

AR

Date placed under control order: 4 April 2008

Target: N/A

Network: Libyan Islamic Fighting Group [LIFG]; Al Tadjamah

Known associates: AU, AV [LIFG, control order]; Abu Abdullah al Sadeq [head of LIFG]

Gender: Male

Age when placed under control order: 36/37

Nationality: Libyan

Origin: Libyan

Control order residence: Bury, Lancashire [previously Oldbury, West Midlands]

Occupation: Unspecified

Education: Unspecified

Notes:

AR left Libya on 19 November 2000 and arrived in the UK in January 2004, arriving via China. He immediately claimed asylum, on the basis that he was part of the Al Bayraaq cell of the Al Tadjamah group. As they are strongly opposed to the Libyan government, AR claimed he would be captured and possibly executed if he returned. While his claim was initially refused in March 2004, his appeal in May 2005 to an immigration judge was successful, who believed his claim to be credible on asylum and human rights grounds.

AR was detained on 3 October 2005 under immigration powers. His computer was seized and extremist material recovered from it. In December 2005 he was served with a notice of deportation on the grounds that he was a threat to national security. However on 27 April 2007 – despite acknowledging that he was a threat to UK national security – the SIAC allowed his appeal. On 9 April 2008, the SIAC again refused a further government appeal to deport AR. In anticipation of this ruling, the government had placed AR under a control order on 4 April 2008.

When making the case for the control order, the Home Secretary made the case that:

- AR was not only a senior member of the LIFG but that he had associated with extremists in Afghanistan, Pakistan and China, including the leader of the LIFG, Abu Abdullah al Sadeq
- Since arriving in the UK, AR had associated with senior LIFG members
- AR had been disseminating extremist propaganda

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- AR had the ability to produce forged documents for terrorist purposes and had possibly done so
- AR had a family link to Sharjane Abdelmajid Fakhel, the alleged leader of the group that carried out the Madrid bombings. Fakhel blew himself up, along with four other suspects, during a police raid in Madrid

The control order required that he live in Oldbury, West Midlands; be placed under a 12 hour curfew; and have a boundary placed on his movements. On 7 November 2008 he was required to move to Bury, Lancashire and be confined within a boundary surrounding it.

The Home Secretary claimed in 2008 that AR has been a senior member of the LIFG for many years, and since arriving in the UK had associated with AU and AV, both members of the LIFG.

Sources:

England and Wales High Court (Administrative Court) Decisions, Secretary of State for the Home Department v AR [2008] EWHC 3164 (Admin) (19 December 2008), available at www.bailii.org/ew/cases/EWHC/Admin/2008/3164.html

AV

Date placed under control order: 4 April 2008

Target: N/A

Network: Libyan Islamic Fighting Group [LIFG]

Known associates AR, AT [control order suspects, LIFG]; Abu Abdullah al Sadeq [head of LIFG]; Abu al-Mundhir [LIFG]

Gender: Male

Age when placed under control order: 48

Nationality: Libyan

Origin: Libyan

Control order residence: Birmingham, West Midlands

Occupation: Unspecified

Education: Unspecified

Notes:

AV arrived in the UK in September 2002 as an asylum seeker, and was granted indefinite leave to remain as a refugee in September 2004. In October 2005 he was detained under immigration laws and was served notice of deportation on the grounds that he was a national security threat. He appealed this decision to the SIAC, and was granted bail. However a police search of his property in October 2005 uncovered extremist material, including terror training manuals and explosive recipes, cassettes and books connected to jihad and a CD-Rom called 'A Special Training Course on the Manufacture of Explosives'. In July 2007 he pleaded guilty to terror offences in the UK, admitting to writing a document on how to set up a terror cell.

A month earlier AV was convicted *in absentia* in Rabat, Morocco, for his involvement in the suicide bombings of May 2003 in Casablanca that killed over 40 people. AV's name was added to the Council of the European Union's list of persons, groups and entities associated with Osama bin Laden, the al-Qaeda network and the Taliban, resulting in the freezing of his funds and other financial resources in-line with Article 2 of EC Regulation No 881/2002.

AV is a former senior-member of the LIFG. The group's leaders, Abu Abdullah al Sadeq and Abu al-Mundhir, were long term colleagues and he was a member of the Shura Council; the LIFG's supreme governing council. He had also visited AT in prison several times and was associated with AR, an LIFG member in the UK.

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Upon AV's release in April 2008, he was served with a control order that imposed:

- A 16 hour curfew
- A restriction on visitors and on communications equipment
- A restriction on the number of bank accounts held
- Travel restrictions
- A containment boundary to limit his movements to certain parts of Birmingham

In 2008 the curfew was reduced to 12 hours. In March 2009 the curfew was reduced to 3 hours and his containment boundary was extended.

In April 2009, Mr Justice Mitting ruled that because the Libyan government and the LIGF appeared to be on the verge of negotiating a peace deal, that AV was no longer a threat to public safety. His control order was revoked.

Sources:

England and Wales High Court (Administrative Court) Decisions, *AV & AU v Secretary of State for the Home Department* [2008] EWHC 1895 (Admin) (31 July 2008), available at www.bailii.org/ew/cases/EWHC/Admin/2008/1895.html

England and Wales High Court (Administrative Court) Decisions, *Secretary of State for the Home Department v AV* [2009] EWHC 902 (Admin) (30 April 2009), available at www.bailii.org/ew/cases/EWHC/Admin/2009/902.htm

AY

Date placed under control order: September 2008

Target: Transatlantic aircraft [suspected]

Network: Transatlantic airline 'liquid bomb' cell [suspected]; Tablighi Jamaat [TJ]

Known associates: Mohammed al-Ghabra [suspected AQ fixer]; Rashid Rauf [AQ]; AM [control order]

Gender: Male

Age when placed under control order: 36

Nationality: British

Origin: Unspecified

Control order residence: Unspecified [originally from Birmingham, West Midlands]

Occupation: Unspecified

Education: Attended the University of Portsmouth

Notes:

AY was placed under a control order after being acquitted of all charges relating to an al-Qaeda inspired plan to detonate homemade liquid bombs on transatlantic planes en route to the USA and Canada. Prosecutors alleged that, along with Abdulla Ahmed Ali and Assad Sarwar (both jailed for life for their role in the plot), AY was a key figure in the cell and co-ordinated the entire operation. However, this was not proven in court. As part of his control order, AY cannot use the phone or internet to communicate and has limitations imposed on who can visit him.

AY entered the UK from South Africa on a fake passport on July 18, 2006, and started living in an unfurnished flat in Barking, North East London. His entry into the UK coincided with other members of the cell purchasing and stockpiling bomb-making ingredients.

When first questioned, he identified himself under a false name. The prosecution alleged that AY held meetings with Ali and Sarwar and made several telephone calls to the men. When AY's Barking flat was searched, police discovered large amounts of jihadist material, a camcorder, a satellite navigation system and batteries bought in Pakistan. A mobile phone containing only two numbers was discovered under a carpet in the bedroom. One of the numbers was Ali's. The other was a Pakistani number and belonged to an unidentified man known only as B. In the days leading up to the arrest of the men, AY, Ali, and Sarwar were regularly in touch via telephone and made calls to companies specialising in hydrogen peroxide. Many of the calls were being made using international calling cards. The prosecution claimed this was an attempt to conceal the calls.

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At AY's trial, the jury were not informed that he had met suspected al-Qaeda operative Mohammed al-Ghabra in South Africa and London in the spring and summer of 2006.

AY was a close friend of Rashid Rauf, the plot's suspected mastermind. Rauf is a British citizen and a key al-Qaeda figure, who acted as a facilitator in a number of UK terrorism plots and allegedly helped British Muslims attend terrorist training camps in Pakistan. Rauf escaped Pakistani police custody and it is suspected – but not verified – that he was killed by a US airstrike. AY studied at the University of Portsmouth in 2001, where he is thought to have become involved with Tablighi Jamaat. Rauf had enrolled there just two years earlier. Both men left the UK in 2002 because, according to law enforcement sources, British police wanted to question AY on charges relating to the murder of Rauf's uncle.

Sources:

Richard Greenberg, Paul Cruickshank, and Chris Hansen, 'Inside the Terror Plot that "rivalled 9/11"', MSNBC, available at www.msnbc.msn.com/id/26726987/

'UK terror chief under house arrest', *The Times*, 14 September 2008, available at www.timesonline.co.uk/tol/news/uk/crime/article4748813.ece

BC & BB

Dates placed under control order: 24 February 2009

Target: Unspecified

Network: Unspecified

Known associates Unspecified

Gender: Male

Age when placed under control order: Unspecified

Nationality: Unspecified

Origin: Unspecified

Control order residence: Unspecified

Occupation: Unspecified

Education: Unspecified

Notes:

BC and BB were both placed under control order after being suspected of planning to travel abroad to commit terrorist acts.

Initially placed under control order in February 2009, Mr Justice Mitting ruled on 5 October 2009 that further disclosure of the case against BB and BC was needed in order to comply with Article 6 of the ECHR (right to fair trial). The Home Secretary ruled that such disclosure was not possible on national security grounds, and therefore revoked the orders and replaced them with new ones on 9 October, which were intended to be light enough to ensure that Article 6 would not apply, and no further disclosure of material to BB and BC was required. Under these control orders, BB and BC were to:

- Remain at their present addresses and give at least two working-days notice if they intended to stay overnight at another address
- Report to a nominated police station every day
- Surrender any document facilitating overseas travel
- Not contact one another

However, the High Court ruled that these control orders still breached Article 6, as the orders still interfered with the individuals' private rights. The judge has, however, allowed the Home Secretary to appeal this decision.

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Sources:

Secretary of State for the Home Department, R (on the application of) v BC & Anor [2009] EWHC 2927 (Admin) (11 November 2009), available at <http://www.bailii.org/ew/cases/EWHC/Admin/2009/2927.html>

England and Wales High Court (Administrative Court) Decisions >> Secretary of State for the Home Department, R (on the application of) v BC & Anor [2009] EWHC 2927 (Admin) (11 November 2009), available at www.bailii.org/ew/cases/EWHC/Admin/2009/2927.html

'Control order lite regime thrown out by the High Court', *Daily Telegraph*, 11 November 2009, available at www.telegraph.co.uk/news/6546681/Control-order-lite-regime-thrown-out-by-the-High-Court.html

'Setback for Government over "secret evidence" for control orders', *The Times*, 12 November 2009, available at <http://business.timesonline.co.uk/tol/business/law/article6913306.ece>

BM

Date placed under control order: 1 May 2009

Target: N/A

Network: Unspecified

Known associates: Farj Hassan al- Saadi [control order]

Gender: Male

Age when placed under control order: 36

Nationality: Unspecified

Origin: Unspecified

Control order residence: Ilford, Redbridge, North East London [previously Leicester, Leicestershire]

Occupation: Unspecified

Education: Unspecified

Notes:

BM was placed under a control order in May 2009 and is described by the Security Service as a 'prominent member of a network of Islamist extremists'. He is known to be associated with Farj Hassan al-Saadi, convicted of terrorism offences in Italy and who was under a control order in the UK.

The control order originally required BM to stay at his mother's house in Ilford, Essex. He was eventually moved to Leicester in 2009 in order to stop him contacting fellow extremists and reduce the risk of him escaping his control order. However, this decision was revoked by the High Court in July 2009 as it had been made on the basis of secret evidence and BM had not been given enough information to mount a fair defence. He was therefore allowed to return back to Ilford.

Sources:

'Court revokes exile decision', *BBC News*, 3 July 2009, available at <http://news.bbc.co.uk/1/hi/uk/8132374.stm>

'Evidence "not enough" as terror suspect scores win', *The Times*, 3 July 2009, available at www.timesonline.co.uk/tol/news/uk/article6631124.ece

England and Wales High Court (Administrative Court) Decisions, *BM v Secretary of State for the Home Department* [2009] EWHC 1572 (Admin) (03 July 2009), available at www.bailii.org/ew/cases/EWHC/Admin/2009/1572.html

BH

Date placed under control order: 1 May 2009

Target: Unspecified

Network: Unspecified

Known associates: Unspecified

Gender: Male

Age when placed under control order: Unspecified

Nationality: Unspecified

Origin: Unspecified

Control order residence: Ilford, Redbridge, North East London

Occupation: Unspecified

Education: Unspecified

Notes:

BH was placed under a control order in May 2009. He was placed under a 12 hour curfew and had a boundary placed on his movements, thereby containing him to Ilford and parts of Barking, North East London.

Sources:

BH v Secretary of State for the Home Department [2009] EWHC 2938 (Admin) (17 November 2009), available at <http://www.bailii.org/ew/cases/EWHC/Admin/2009/2938.html>

BG

Date placed under control order: Unspecified

Target: Unspecified

Network: Unspecified

Known associates: Unspecified

Gender: Unspecified

Age when placed under control order: Unspecified

Nationality: Unspecified

Origin: Unspecified

Control order residence: Unspecified

Occupation: Unspecified

Education: Unspecified

Notes:

BG's control order was upheld on 15 December 2009. However no details of his case have been made available in the public record for legal reasons.

Sources:

Fifth report of the independent reviewer pursuant to Section 14(3) of the Prevention of Terrorism Act 2005, Lord Carlile of Berrirew Q.C., 1 February 2010, p.11

CONCLUSION

The key reason as to why control orders were deemed necessary was an inability to deport the initial foreign national terror suspects detained without trial in the wake of 9/11. This inability stemmed from the fact that the then government strictly adhered to the ECHR. It seems that the new government will also defer to the ECtHR, and not follow the example of Italy, who have on occasion ignored direction from the ECtHR in order to deport those it feels are a threat. If this is the case, then deportation of foreign terror suspects will continue to be an issue, and the case for retaining control orders will remain.

The control order system certainly has flaws. The legal disputes have been compounded by the fact that over 15% (n=7) of those under control orders have absconded. Security Service intelligence, heavily relied on to justify issuing control orders, is imperfect. Neither the 7/7 nor the 21/7 cells were deemed a big enough threat to be put under control order, despite both of those cells being on the Security Service radar. Cerie Bullivant had his control order quashed in February 2008 after the High Court ruled that MI5 showed 'no reasonable suspicion' that he was a threat to national security or that he intended to fight abroad. While the judge acknowledged that Bullivant associated with suspected terrorists, this case highlighted the danger of essentially putting people under control order for having subversive thoughts.

Control orders also effectively rule-out the possibility of a successful prosecution against those under them. If the state was unable to get the material needed for conviction in a criminal court when the suspects had complete freedom, the restrictions on freedom and communication that control orders entail make it (in theory) now virtually impossible. The government is hoping that these individuals are either under control order long enough that they:

- Lose their desire to perform or assist in terrorism
- Lose their potential usefulness to terrorist recruiters owing to their prolonged detention
- Can have their actions controlled as a short-term measure

It could take a significant amount of time for any of these things to occur, which raises the moral issue over how long individuals should be kept under a control order. In the case of NN, the judge was of the view that as the control order was in place for two years, that the controlee would have lost his use to terrorist groups – yet Mahmoud Abu Rideh, for example, was kept under a control order for over four years. There is clearly a lack of consistency being applied in this area.

However, it should also be acknowledged that control orders can be effective when routes such as deportation are not available. As Lord Carlile's review stated, 'Unless control orders were replaced by some equally disruptive and practicable system... the repeal of control orders would create a worryingly higher level of public risk'. The problem for

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those supporting the system is that it is impossible to prove that control orders have stopped terrorist attacks. The failures of the Security Service are better known than their successes.

The threat from Islamist terrorism remains, with:

- As of 2007, approximately 2,000 terror suspects being monitored⁶⁰
- As of 2008, over 4,000 British Muslims having attended terrorist training camps in Afghanistan and Pakistan⁶¹

Yet despite the threat, in 2004:

- MI5 could 'only provide a reasonable level of coverage for 6% of the overall known threat'⁶²
- 52 'essential' MI5 targets – defined as 'an individual who is likely to be directly involved in or have knowledge of plans for terrorist activity, or an individual who may have knowledge of terrorist activity' – had no coverage at all⁶³
- Over 60% of MI5 targets' coverage was described as 'inadequate' or 'none'⁶⁴
- Despite an increase in funding and subsequent improvements made since then, the Head of MI5 has stated that 'even today, they can still only "hit the crocodiles nearest the boat"⁶⁵

Abolishing control orders – as the Conservatives have threatened to do, and which was Liberal Democrat policy⁶⁶ – is a safe political move that would allow one to appear as a staunch defender of civil liberties. However, at a time of a heightened terrorist threat, control orders are a useful national security tool. An overstretched Security Service is dealing with a large number of UK-based al-Qaeda sympathisers. Rather than weakening the current national security structure, politicians should be strengthening the state's ability to reduce the terrorist threat; a government abolishing control orders may well be doing the opposite. Without control orders, al-Qaeda linked controlees – like Mahmoud Abu Rideh, Abu Qatada and Farj Hassan al-Saadi – would all find it easier to operate in the UK and commission acts of terrorism.

60 'MI5 watch 2,000 terror suspects', *BBC News*, 2 May 2007, available at <http://news.bbc.co.uk/1/hi/uk/6613963.stm>

61 'British Muslims have become a mainstay of the global "jihad"', *Independent*, 29 November 2008, available at www.independent.co.uk/news/world/asia/british-muslims-have-become-a-mainstay-of-the-global-jihad-1040232.html

62 Could 7/7 Have Been Prevented?: Review of the Intelligence on the London Terrorist Attacks on 7 July 2005, Intelligence and Security Committee, May 2009, p.41, available at www.cabinetoffice.gov.uk/media/210852/20090519_77review.pdf

63 *Ibid.*, p.27

64 *Ibid.*, p.41

65 *Ibid.*, p.45

66 'Johnson pushes ahead with control orders, despite criticism', *Politics.co.uk*, 1 February 2010, available at [www.politics.co.uk/news/legal-and-constitutional/johnson-pushes-ahead-with-control-orders-despite-criticism-\\$1357027.htm](http://www.politics.co.uk/news/legal-and-constitutional/johnson-pushes-ahead-with-control-orders-despite-criticism-$1357027.htm)

CONCLUSION

Control orders perform an important function imperfectly. An incoming government should seriously consider retaining the system while robustly addressing its deficiencies.

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Control Orders

Strengthening National Security

Control orders allow the state to place restrictions on terrorist suspects who cannot be deported or prosecuted. The system is often derided as an affront to human rights, and key members of the new coalition government have been fiercely critical of it.

However, the individuals placed under control order are widely acknowledged in British courts as being national security threats. They have included members of al-Qaeda and other proscribed groups; convicted terrorists; and those committed to training and fighting for jihad abroad.

Control Orders: Strengthening National Security reviews the evidence provided in court as to why these individuals have been placed under control order. It highlights the seriousness of the threat they are assessed to pose, and makes the case that politicians should be strengthening the state's ability to reduce the terrorist threat.

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