

SC/15/2005

**IN THE SPECIAL IMMIGRATION  
APPEALS COMMISSION**

**Omar OTHMAN aka ABU QATADA (O)**

**Appellant**

v

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**Respondent**

**BAIL ORDER**

**13 November 2012**

SIAC orders the release of Omar Othman, the Applicant, on bail to appear at SIAC as and when directed by SIAC on his own recognisance (£nil) on the following conditions:

(1) He shall permit himself to be fitted with and shall thereafter at all times wear an electronic monitoring tag ("the tag"). The Applicant shall permit himself to be fitted with the tag either in prison or at his home, or elsewhere directed by or on behalf of the SSHD and for those purposes and for the purpose of conveying him to his home, he shall accept the directions and control of those authorised by the SSHD to convey him there. The Applicant must not damage or tamper with the tag, the tag monitoring equipment, and / or the telephone provided by the monitoring company (including the associated line). The Applicant must charge the tag on a daily basis using the charging equipment provided by the monitoring company. The Applicant must not remove the charging equipment from ~~your~~ residence without the permission of the Home Office. *h u*

(2) He shall reside at [redacted] and the Secretary of State ["The Residence"] and shall remain in The Residence at all times, save for one period of eight hours every day of the week.

"The Residence" in the case of a house encompasses only the house and does not include any outside space associated with it. "The Residence" in the case of a flat encompasses only that flat and, in particular, does not include any communal area either inside or outside to which any person not within the residence would have unrestricted access.

(2A) The Applicant shall be permitted outside The Residence [redacted] each day subject to the marked boundary

*P.00 - 16.00*

notified to SIAC. The Applicant shall not be permitted to enter any rail station including any London Underground station within the marked boundary.

- (3) The Applicant must report to the monitoring company by telephone on the first occasion he leaves the residence after each individual curfew period has ended and on the last occasion he returns to it before the end of each individual curfew period begins.
- (4) He must permit entry to persons identifying themselves as police officers, representatives of the SSHD or of the monitoring company at any time to verify his presence at the residence and / or to monitor his compliance with the bail conditions imposed by SIAC. Such monitoring may include but is not limited to:
  - (a) a search of the residence or any vehicle owned, of which he is the registered keeper or used by the Applicant or any member of his family;
  - (b) removal of any item to ensure compliance with the remainder of the conditions as imposed by SIAC;
  - (c) inspection/modification or removal for inspection/modification of any article to ensure that it does not breach the conditions imposed by SIAC;
  - (d) permitting the installation of such equipment as may be considered necessary to ensure compliance with the conditions imposed by SIAC;
  - (e) the taking of his photograph.
- (5) The Applicant shall not apply for or have in his possession any travel ticket which would take him to an area outside that marked on the attached map unless it be for the purpose of a visit to which the SSHD has consented.
- (6) The Applicant shall be prohibited from boarding, entering or riding any motorised vehicle.
- (7) The Applicant shall not permit any person to enter his residence, save for:
  - (a) the following family members:
    - (i) his wife
    - (ii) his children
  - (b) his nominated legal representative;
  - (c) in an emergency, members of the emergency services or health care or social work professionals;
  - (d) any person aged 14 or under;
  - (e) any person required to be given access under the tenancy agreement for the residence, a copy of which shall be supplied to the SSHD;

- (f) any person required to be given access further to paragraph 4 above.

He shall not permit any other individual to enter his residence except with prior approval of the SSHD. In relation to those other individuals, he must supply the name, address, date of birth and identity photograph of the individual. The prior approval of the SSHD shall not be required for subsequent visits by an approved individual.

The Applicant shall not permit more than one individual to be present with him in his residence at any time. The individuals at paragraphs 7(a), (b), (c) and (f) above are to be disregarded for the purposes of this restriction.

- (8) He shall not, outside of the residence,
- (a) meet any person by prior arrangement, other than:
    - (i) a person referred to in obligation 7(a) - (f) above;
    - (ii) for health or welfare purposes at an establishment on a list provided to and agreed by the SSHD before his first visit;
    - (iii) for academic or training purposes at an establishment notified and agreed by the SSHD before his first attendance in accordance with paragraph 17 or 18 below;
    - (iv) for employment purposes at a place of employment notified and agreed by the SSHD before his first attendance in accordance with paragraph 19 below;or
  - (b) attend any prearranged meetings or gatherings save with the prior agreement of the SSHD. The Applicant must supply such information as is considered necessary by the SSHD for her to consider any request for such agreement. If the agreement is made subject to conditions, the Applicant must comply with the conditions. For the avoidance of doubt, a meeting shall be deemed to take place outside of the residence if one or more parties to it are outside the residence and a meeting comprises the Applicant meeting with one or more other individuals.

In the event that the Applicant finds himself in a genuinely chance situation whereby he encounters an acquaintance in the street without pre-arrangements, or he is approached by any individual outside his residence (except in the course of the trade or profession such as shopkeeper or bus driver) the Applicant must, after any initial greeting, disengage himself from the situation (whether by explaining the terms of his bail order or by making an excuse). If the Applicant wants to spend further time with the acquaintance he has just encountered, he should instruct his legal team to make an

application for him to meet with the person at a later date in accordance with the conditions of his bail.

Any person who the Applicant has been given permission by the SSHD to meet outside his residence shall be on the list of cleared visitors and a list of cleared visitors will be exchanged between the parties for the avoidance of any doubt.

- (9) He shall not, directly or indirectly, at any time or in any way, associate with or have any communications from or with the following individuals or groups of individuals:
- (a) Those contained within the confidential annex supplied to SIAC, SASO and the Applicant.
  - (b) Any individual who has been notified to him by the SSHD and / or who is, at the relevant time, subject to a TPIM imposed under the TPIM Act 2011 or SIAC imposed bail.
  - (c) Any person currently in prison, whether on remand or following conviction;
  - (d) Any person who has previously been convicted of a TACT offence<sup>1</sup>.
  - (e) Any person not physically present in the United Kingdom.
- (9A) By way of exception to paragraph 9(e), the Applicant shall be permitted to contact his father, mother, brothers and sisters, subject to the telephone numbers of these family members being notified to the SSHD in advance of the contact taking place.
- (9B) (a) It shall be for the Applicant to ensure that any person with whom he is communicating does not fall into one of the categories described at sub-paragraphs 9(b)-(e) above. If the Applicant receives a communication in person or by telephone from such a person, the Applicant must, after any initial greeting and having established that the person falls into one of these categories, disengage himself from the meeting or telephone call (whether by explaining the terms of his bail order or by making an excuse).
- (b) If the Applicant receives any communication from any person listed or described in paragraphs 9(a)-(e) above, the fact of that communication and the content of that communication shall be reported to SIAC and the SSHD within 2 working days.

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<sup>1</sup> A criminal offence under the Terrorism Act 2000 or, the Terrorism Act 2006.

(10) He shall not :

- (a) Bring or permit into the residence, or
- (b) Use or keep (whether in or outside the residence, whether directly or indirectly)
  - i. any mobile telephone, whether or not it is capable of connecting to the internet; or
  - ii. any computer whether or not it is capable of connecting to the internet; or
  - iii. any communications equipment or equipment capable of connecting to the Internet or components thereof (including but not limited to mobile telephones, fax machines, pagers, computers, public telephone and / or internet facilities) or electronic storage devices (including but not limited to zip drives, writable DVD or CDs and / or USB pen drives) other than one fixed telephone line in the residence (other than the dedicated line maintained by the monitoring company). The telephone must on request be delivered up to a person authorised by the SSHD for inspection and approval prior to it being permitted into or to remain in the residence.
- (c) It shall not be a breach of this condition to permit any person to bring into the residence a mobile telephone provided that any such mobile remains switched off at all times whilst the Applicant is also in the residence.

(11) For the avoidance of doubt:

- (a) He may not use any mobile communication device including mobile phone;
- (b) He may not use any landline phone, whether private or public, outside the residence;
- (c) He may not permit while he is in the residence any other person to use a mobile phone in the residence;
- (d) He may not use any computer or connect to or use by any means, directly or indirectly, the internet at any time;
- (e) He may not permit any person to bring any computer into the residence; and
- (f) He may not possess or use, whether inside or outside the residence, whether directly or indirectly, any computer or component thereof whether or not it is capable of connecting to the internet.

(12) He shall not maintain or use more than one account ("account" including amounts in which he has an interest or over which he has any element of control). Such account must be held with a bank or other approved financial institution within the UK. The following information must be provided to a person authorised by the SSHD;

- (a) details of a permitted account opened or closed subsequent to the release on bail, within 2 days of its opening or closing;
  - (b) statements of the permitted account on a monthly basis, to be provided within 7 days of their receipt.
- (13) He shall not have in his possession at any time any credit, debit or switch card not issued to him by the issuing bank or store in the name in which he is hereby bailed.
- (14) He shall not transfer, or arrange for others to transfer, any money, or send any documents or goods to a destination outside the UK (whether by himself or through an intermediary) without the prior consent of the SSHD.
- (15) He shall not buy, sell or in any way procure, provide to others, or assist in procuring or providing to others, any form of communications equipment or computer equipment.
- (16) He must surrender his passport, identity card or any other travel document to a police officer or other persons authorised by the SSHD as soon as reasonably practicable and in any event no later than 24 hours after release on bail. He shall not apply for or have in his possession or available for his use any passport, identity card, travel document(s) or travel ticket which would enable him to travel outside the United Kingdom.
- (17) He shall not commence any training course or academic study course provided by a third party unless and until:
- (a) he has provided the SSHD with the following information at least 7 days prior to the commencement of the training course or academic study course:
    - (i) the name and address of his training course provider or academic study course provider;
    - (ii) the nature and location of his training course or academic study course;
    - (iii) if known, the date on which he expects the training course or academic study course to commence and the timing of the training course or academic study course; and
  - (b) he has received approval in writing from the SSHD for his attendance at the training course or academic study course.
- (18) Where he is already undertaking a training course or academic study course, he must provide the SSHD within 7 days of notification of the imposition of this obligation with the details required under obligation 17(a). He must immediately cease his involvement in the training course or academic study course if he receives notification in writing from the SSHD to do so.

(19) He must not take up any new employment unless and until:

- (a) he has provided the SSHD with the following information:
  - (i) the name and address of his intended employer
  - (ii) the nature and location of his work; and
  - (iii) if known, the date on which he expects the new employment to commence, and
- (b) he has received approval in writing from the SSHD for the new employment.

(20) The Applicant is not permitted to lead prayers, give lectures, preach or provide religious instruction or advice, other than to his wife and children at his residence.

(21) The Applicant is not permitted to publish or permit to be published any document or statement without the prior approval of the SSHD and shall not make any statement that he has reason to believe is likely to be published.

(22) The Applicant is not permitted to attend any mosque.

(23) His contact number for the Immigration Service is [REDACTED]  
This number can be reached seven days a week from 7am to 8pm.

MR JUSTICE MITTING

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13 November 2012

I have read, understood and undertake to abide by the above terms.

Signed: .....