

PRESS RELEASE.

The Secretary of State for the Home Department has been found in contempt of court on the 18 June 2012 in the case of *Aziz Lamari v Secretary of State for the Home Department*[2012] EWHC 1630 (Admin)

This finding of contempt stems from a Judicial Review application in relation to the detention of the Claimant, an Algerian national, who was detained under immigration powers for a period of about 17 months at the date of the hearing.

Following an indication by His Honour Judge Cotter QC (sitting as Deputy High Court Judge of the Queens Bench Division) at a hearing on 25 May 2012, to avoid an order for release, the Secretary of State gave an undertaking to release the Claimant by 8 June 2012. This undertaking was incorporated in an Order sealed on 6 June 2012.

On 8 June 2012, enquiries were made with the Treasury Solicitor acting on behalf of the Secretary of State and with the Secretary of State's Criminal Casework Directorate (CCD) on the Claimant's release. The Treasury Solicitor and the Secretary of State could not provide an explanation as to why the Claimant had not been released.

He was still not released on 11 June, and remarkably, on 12 June, the Secretary of State made an application to be released from the undertaking stating that the person who provided the undertaking was not authorised to do so.

On 13 June, we made an application for Mr Lamari to be released forthwith following the undertaking provided by the Secretary of State. This application was refused by His Honour Mr Justice Haddon-Cave.

On 14 June 2012 at approximately 9pm, Mr Lamari was released from detention to accommodation provided by the Secretary of State.

Duncan Lewis on behalf of their client filed an application for an order for committal of the Secretary of State for breaching the Order of 6 June 2012 and for breaching her undertaking provided at the hearing of 25 May 2012.

This application was heard before Judge Cotter QC at Exeter Crown Court on 18 June 2012. Upon hearing submissions from Counsel, Judge Cotter QC made a finding that the Secretary of State was in contempt in relation to her breach of the undertaking.

Judge Cotter QC held *“that there has been the most regrettable and unacceptable behaviour of the Secretary of State on 11 June 2012 which led to an intentional breach of her undertaking when she not only refused to release Mr Lamari but had re-reviewed the matter. Courts must work on the basis that undertakings will be complied with. The purpose of Orders is that they are to be obeyed and he recognised the seriousness of a failure to do so.”*

He went on to state that a clear message must be sent that circumstances which occurred on 11 June must not occur again and by making a finding of contempt it is hoped that it will not occur again.

In addition to this, judgment was handed down and a finding of unlawful detention was made. Judgment should be out in due course.

Counsel for the Claimant – Christopher Jacobs instructed by, Duncan Lewis.