



Ministry
of Justice

Report on use of closed material procedure (from 25 June 2017 to 24 June 2018)

December 2018

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**Report on use of closed material procedure
(from 25 June 2017 to 24 June 2018)**

Presented to Parliament pursuant to section 12 of the Justice and Security
Act 2013

December 2018



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Report on use of closed material procedure (from 25 June 2017 to 24 June 2018)

Section 12(1) of the Justice and Security Act 2013 (“the Act”) requires the Secretary of State to prepare (and lay before Parliament) a report on the use of the closed material procedure (CMP) under section 6 of that Act. Under section 12(4) of the Act, the report must be prepared and laid before Parliament as soon as reasonably practicable after the end of the twelve month period to which the report relates.

The report is submitted in the form of the tables below. The first set of tables (“Applications”, “Declarations”, “Revocations”, “Final Judgments”) lists numbers, as prescribed by section 12(2) of the Act. The second set of tables (“Additional Information”) provides the names of the cases referred to in the first set; this additional information is provided at the discretion of the Secretary of State under section 12(3) of the Act.

This is the fifth annual report on this subject and covers the period from 25 June 2017 to 24 June 2018.

Applications

<u>Applications for a declaration that a CMP application may be made in proceedings during the reporting period</u>	
Made by the Secretary of State	11
Made by persons other than the Secretary of State	2
<u>Applications for a revocation of a declaration made by a court that a CMP application may be made in proceedings during the reporting period</u>	
Made by the Secretary of State	0
Made by persons other than the Secretary of State	0

Declarations

<u>Declarations</u> that a CMP application may be made in proceedings during the reporting period	
in response to applications made by the Secretary of State during the reporting period	3
in response to applications made by the Secretary of State during previous reporting periods	2
in response to applications made by persons other than the Secretary of State during the reporting period	0
in response to applications made by persons other than the Secretary of State during previous reporting periods	0
of the court's own motion	0

Revocations

Revocations of declarations for CMP during the reporting period	
in response to applications made by the Secretary of State during the reporting period	0
in response to applications made by the Secretary of State during previous reporting periods	0
in response to applications made by persons other than the Secretary of State during the reporting period	0
in response to applications made by persons other than the Secretary of State during previous reporting periods	0
of the court's own motion	0

Final judgments

<u>Final judgments which are closed judgments</u> – made regarding the outcome of the application for a CMP under section 6 Justice and Security Act 2013 proceedings during the reporting period.	0
<u>Final judgments which are NOT closed judgments</u> – made regarding the outcome of the application for a CMP under section 6 Justice and Security Act 2013 proceedings during the reporting period.	2
<u>Final judgments which are closed judgments</u> – made to determine substantive proceedings.	1
<u>Final judgments which are NOT closed judgments</u> – made to determine substantive proceedings.	3

Additional information

APPLICATIONS	Application made by the Secretary of State?	Claimant(s)	Defendant(s)
Applications for a <u>declaration</u> that a CMP application may be made in proceedings during the reporting period	Yes ¹	Abdusalam	Secretary of State for the Home Department, Attorney General
	Yes	B	Secretary of State for the Home Department
	Yes	ND	Secretary of State for the Home Department
	Yes ²	Kamoka and others	Security Service and others
	Yes ³	Abushima and others	Security Service and others
	Yes ⁴	Saleh Mohamed	Security Service and others
	Yes	Belhaj	Director of Public Prosecutions, Secretary of State for Foreign and Commonwealth Affairs
	Yes	Abdule	Secretary of State for Foreign and Commonwealth Affairs, Secretary of State for the Home Department, Attorney General

¹ The application for a CMP was made by the Secretary of State for Foreign and Commonwealth Affairs.

² The application for a CMP was made by the Secretary of State for the Home Department on behalf of all defendants.

³ The application for a CMP was made by the Secretary of State for Foreign and Commonwealth Affairs on behalf of all defendants.

⁴ The application for a CMP was made by the Secretary of State for Foreign and Commonwealth Affairs on behalf of all defendants.

APPLICATIONS	Application made by the Secretary of State?	Claimant(s)	Defendant(s)
	No ⁵	Police Federation, John Murray	Secretary of State for the Home Department and Secretary of State for Foreign and Commonwealth Affairs
	Yes	James Martin	Secretary of State for Northern Ireland (judicial review)
	Yes	Veronica Ryan	Secretary of State for Northern Ireland (judicial review)
	No ⁶	Colin Keys	Chief Constable of the Police Service of Northern Ireland
	Yes ⁷	Anton Craig	Chief Constable of the Police Service of Northern Ireland, Public Prosecution Service for Northern Ireland, Ministry of Defence, and Secretary of State for Northern Ireland

⁵ The application for a CMP was made by the Claimants, but it was refused.

⁶ The application for a CMP was made by the Chief Constable of the Police Service of Northern Ireland.

⁷ The application for a CMP was made by the Secretary of State for Northern Ireland on behalf of all defendants.

DECLARATIONS	Claimant(s)	Defendant(s)
Declarations that a CMP application may be made in proceedings during the reporting period.	Abdusalam	Secretary of State for the Home Department, Attorney General
	B	Secretary of State for the Home Department
	ND	Secretary of State for the Home Department
	AS	Secretary of State for the Home Department ⁸
	Belhaj	Jack Straw, Sir Mark Allen, Secret Intelligence Service, Security Service, Attorney General, Foreign and Commonwealth Office, Home Office

⁸ The judgment in this case was made on 13 July 2018 and will therefore be captured in next year's report.

FINAL JUDGMENTS	Claimant(s)	Defendant(s)
<p>Final judgments which are closed judgments –</p> <p>made regarding the outcome of the application for a CMP under section 6 Justice and Security Act 2013 proceedings during the reporting period.</p>	None	
<p>Final judgments which are NOT closed judgments –</p> <p>made regarding the outcome of the application for a CMP under section 6 Justice and Security Act 2013 proceedings during the reporting period.</p>	Abdusalam	Secretary of State for the Home Department, Attorney General
	Belhaj	Jack Straw, Sir Mark Allen, Secret Intelligence Service, Security Service, Attorney General, Foreign and Commonwealth Office, Home Office ⁹
<p>Final judgments which are closed judgments –</p> <p>made to determine substantive proceedings.</p>	Campaign Against Arms Trade	Secretary of State for International Trade (judicial review)
<p>Final judgments which are NOT closed judgments –</p> <p>made to determine substantive proceedings.</p>	Roddy Logan	Police Service of Northern Ireland
	W2	Secretary of State for the Home Department
	Campaign Against Arms Trade	Secretary of State for International Trade (judicial review)

⁹ This case was settled so there was no final judgment to determine substantive proceedings.

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