



Ministry
of Justice

Report on use of closed material procedure (from 25 June 2014 to 24 June 2015)

October 2015



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

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Report on use of closed material procedure (from 25 June 2014 to 24 June 2015)

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 s.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 s.12(3) of the Act.

This is the second annual report on this subject and covers the period from 25 June 2014 to 24 June 2015.

Applications

<u>Applications for a declaration</u> that a CMP application may be made in proceedings during the reporting period	
Made by the Secretary of State	9
Made by persons other than the Secretary of State	2 ¹
<u>Applications for a revocation of a declaration</u> made by a court that a CMP application may be made in proceedings during the reporting period	
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

¹ These applications were made by the Chief Constable of the Police Service of Northern Ireland.

Revocations

<u>Revocations</u> 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	5
<u>Final judgments which are closed judgments</u> - made to determine substantive proceedings	2 ²
<u>Final judgments which are NOT closed judgments</u> - made to determine substantive proceedings	2

² Parts of these judgments were closed and parts open, so the cases are reflected in both parts of the table – see page 9 for more details.

Additional Information

APPLICATIONS	Application made by Secretary of State?	Defendant(s)	Claimant(s)
<u>Applications for a declaration</u> that a CMP application may be made in proceedings during the reporting period	Yes	Secretary of State for Foreign and Commonwealth Affairs & Others	Kamoka and others
	Yes	Secretary of State for the Home Department	R(AI-Fawwaz)
	Yes	Secretary of State for Defence & Secretary of State for Foreign and Commonwealth Affairs	R(KAB)
	Yes	Secretary of State for the Home Department	R (on the application of AZ)
	Yes	Secretary of State for the Home Department	Miah
	Yes	Secretary of State for the Home Department	XH
	Yes	SIAC and AHK AS FM AM SNMA as interested parties	Secretary of State for the Home Department
	Yes ³	Secretary of State for Defence, Frederick Scappaticci & Chief Constable of the Police Service of Northern Ireland	Margaret Keeley
	Yes	Secretary of State for Northern Ireland	Michael Gallagher
	No ⁴	Chief Constable of the Police Service of Northern Ireland, Frederick Scappaticci & Secretary of State for Defence	Margaret Keeley
No ⁵	Chief Constable of the Police Service of Northern Ireland	Simone Higgins	

³ This application was made by the Secretary of State for Defence.

⁴ This application was made by the Chief Constable of the Police Service of Northern Ireland.

⁵ This application was made by the Chief Constable of the Police Service of Northern Ireland.

<u>DECLARATIONS</u>	Defendant(s)	Claimant(s)
Declarations that a CMP application may be made in proceedings during the reporting period	Secretary of State for the Home Department	R (Al-Fawwaz)
	SIAC and AHK AS FM AM SNMA as interested parties	Secretary of State for the Home Department
	Attorney General and Secretary of State for the Home Department.	Martin McGartland & Joanne Asher ⁶
	Secretary of State for the Home Department	R (on the application of AZ)
	Secretary of State for Foreign and Commonwealth Affairs	Sarkandi & Others ⁷

<u>FINAL JUDGEMENTS</u> – Judgments made regarding the outcome of the application for a CMP declaration	Defendant(s)	Claimant(s)
Final judgments which are NOT closed judgments, given under section 6 Justice and Security Act 2013 proceedings (CMP) during the reporting period	Secretary of State for Foreign and Commonwealth Affairs ⁸	Sarkandi & Others
	Attorney General and Secretary of State for the Home Department ⁹	Martin McGartland & Joanne Asher
	SIAC and AHK AS FM AM SNMA as interested parties ¹⁰	Secretary of State for the Home Department
	Secretary of State for the Home Department	R (on the application of AZ)
	Secretary of State for the Home Department ¹¹	R (Al-Fawwaz)

⁶ The declaration was made in response to an application made by the Secretary of State during the previous reporting period. The claimants appealed this declaration but the declaration was upheld.

⁷ The declaration was made in response to an application made by the Secretary of State during the previous reporting period. The claimants appealed this declaration but the declaration was upheld.

⁸ This case is subject to appeal. Appeal judgements will appear in next year's report.

⁹ This case is subject to appeal. Appeal judgements will appear in next year's report.

¹⁰ The judgment was given orally. No written judgment is as yet available.

¹¹ The judgment was given orally. No written judgment is as yet available.

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<u>FINAL JUDGEMENTS</u> – Judgments made in determining substantive proceedings	Defendant(s)	Claimant(s)
<u>Final judgments which are closed judgments, given under section 6 Justice and Security Act 2013 proceedings (CMP) during the reporting period</u>	Secretary of State for the Home Department	R (Al-Fawwaz)
	SIAC and AHK AS FM AM SNMA as interested parties	Secretary of State for the Home Department
<u>Final judgments which are NOT closed judgments, given under section 6 Justice and Security Act 2013 proceedings (CMP) during the reporting period</u>	Secretary of State for the Home Department	R (Al-Fawwaz)
	SIAC and AHK AS FM AM SNMA as interested parties	Secretary of State for the Home Department

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