



Ministry
of Justice

Report on use of closed material procedure (from 25 June 2018 to 24 June 2019)



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

December 2020



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Report on use of closed material procedure (from 25 June 2018 to 24 June 2019)

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 sixth annual report on this subject and covers the period from 25 June 2018 to 24 June 2019.

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	3
Made by persons other than the Secretary of State	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	2
in response to applications made by the Secretary of State during previous reporting periods	4
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	1
of the court's own motion	0

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.	2
<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.	3
<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	NN	Secretary of State for the Home Department
	Yes	Liberty	Secretary of State for the Home Department, Secretary of State for Foreign and Commonwealth Affairs
	Yes ¹	IG	Special Immigration Appeals Commission (Judicial Review)
	No	Momen Motasin	Crown Prosecution Service, Commissioner of the Police for the Metropolis

	Claimant(s)	Defendant(s)
DECLARATIONS Declarations that a CMP application may be made in proceedings during the reporting period	NN	Secretary of State for the Home Department
	IG	Special Immigration Appeals Commission
	Abdule	Secretary of State for Foreign and Commonwealth Affairs and others

¹ This was a Judicial review of a decision by SIAC. The application for a CMP was made by the Secretary of State for the Home Department on behalf of SIAC.

	Kamoka and others ²	Security Service and others
	Abushima and others ³	Security Service and others
	Saleh Mohamed ⁴	Security Service and others
	Colin Keys	Chief Constable of the Police Service of Northern Ireland

<u>FINAL JUDGMENTS</u>	Claimant(s)	Defendant(s)
Final judgments which are closed judgments – made regarding the outcome of the application for a CMP under section 6 Justice and Security Act 2013 proceedings during the reporting period.	Abdule	Secretary of State for Foreign and Commonwealth Affairs and others
	AS	Secretary of State for the Home Department
Final judgments which are NOT closed judgments – made regarding the outcome of the application for a CMP under section 6 Justice and Security Act 2013 proceedings during the reporting period.	Abdule	Secretary of State for Foreign and Commonwealth Affairs and others ⁵
	AS	Secretary of State for the Home Department
Final judgments which are closed judgments –	B ⁶	Secretary of State for the Home Department
	ND ⁷	Secretary of State for the Home Department

² This case was settled so there was no final judgment to determine substantive proceedings.

³ This case was settled so there was no final judgment to determine substantive proceedings.

⁴ This case was settled so there was no final judgment to determine substantive proceedings.

⁵ This claim was withdrawn so there was no final judgment to determine substantive proceedings.

⁶ This case was heard together with ND v SSHD (but not consolidated), so there is a joint judgment.

⁷ This case was heard together with B v SSHD (but not consolidated), so there is a joint judgment.

made to determine substantive proceedings.	Campaign against the Arms Trade	Secretary of State for International Trade ⁸
Final judgments which are NOT closed judgments – made to determine substantive proceedings.	B	Secretary of State for the Home Department
	ND	Secretary of State for the Home Department
	Campaign against the Arms Trade	Secretary of State for International Trade ⁹

⁸ Judgment in the Court of Appeal

⁹ Judgment in the Court of Appeal

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