



Ministry
of Justice

Report on use of closed material procedure (from 25 June 2019 to 24 June 2020)



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

April 2021



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Report on use of closed material procedure (from 25 June 2019 to 24 June 2020)

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 seventh annual report on this subject and covers the period from 25 June 2019 to 24 June 2020.

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	6
Made by persons other than the Secretary of State	0
<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	4
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

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.	0
<u>Final judgments which are closed judgments –</u> made to determine substantive proceedings.	0
<u>Final judgments which are NOT closed judgments –</u> made to determine substantive proceedings.	0

Additional information

<u>APPLICATIONS</u>	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	Z3	Secretary of State for the Home Department
	Yes ¹	Reprieve	Prime Minister
	Yes	Abu Zubaydah	Secretary of State for the Home Department and others
	Yes	Abdelmonin	Secretary of State for the Home Department
	Yes	Kind	Secretary of State for the Home Department
	Yes ²	Begum	Secretary of State for the Home Department

¹ The application for a CMP was made by the Secretary of State for the Home Department on behalf of the Prime Minister.

² This application was made at a stage of the proceedings where it was not clear if closed material would need to be relied on (it was linked to two other claims from the same Claimant). The Claimant did not object to the application and the Court stated that no declaration would be made unless and until the Secretary of State for the Home Department told the Court that she wished to rely on closed material in the case. As no closed material was relied upon, a declaration was not required.

<u>DECLARATIONS</u>	Claimant(s)	Defendant(s)
Declarations that a CMP application may be made in proceedings during the reporting period	Z3 ³	Secretary of State for the Home Department
	Reprieve	Prime Minister
	Abdelmonin	Secretary of State for the Home Department
	Kind	Secretary of State for the Home Department

<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.	None ⁴ .	
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.	None.	
Final judgments which are closed judgments – made to determine substantive proceedings.	None	
Final judgments which are NOT closed judgments – made to determine substantive proceedings.	None	

³ This claim was withdrawn so there was no final judgment to determine substantive proceedings.

⁴ In relation to the declarations made during this reporting year none were opposed so there are no s.6 judgments.

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