



Ministry
of Justice

Report on use of closed material procedure (from 25 June 2020 to 24 June 2021)

July 2022



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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 2020 to 24 June 2021)

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 months 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 eighth annual report on this subject and covers the period from 25 June 2020 to 24 June 2021.

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

Declarations 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	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	1

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	1

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.	2
<u>Final judgments which are NOT closed judgments</u> – made to determine substantive proceedings.	3

Additional information

<u>APPLICATIONS</u>	Application made by the Secretary of State?	Claimant(s)	Defendant(s)
<u>Applications for a declaration</u> that a CMP application may be made in proceedings during the reporting period	Yes	Saifullah	Secretary of State for Defence
	Yes	Mokhlif	Secretary of State for the Home Department
	Yes	D9	Secretary of State for the Home Department
	Yes	R (Amanat Ullah)	The National Crime Agency (The Secretary of State for Defence and the Secretary of State for Foreign and Commonwealth Affairs Interested Parties)
	Yes	R (Campaign Against Arms Trade No 2)	Secretary of State for International Trade
	Yes	Bunting	Secretary of State for Northern Ireland

<u>DECLARATIONS</u>	Claimant(s)	Defendant(s)
Declarations that a CMP application may be made in proceedings during the reporting period	Mokhlif ¹	Secretary of State for the Home Department
	R (Campaign Against Arms Trade No 2)	Secretary of State for International Trade
	Abdelmonim	Secretary of State for the Home Department
	Zayn al-Abidin Muhammad Husayn	Home Office, Foreign & Commonwealth Office and Attorney General
	C1 ²	Secretary of State for the Home Department

<u>REVOCATIONS</u>	Claimant(s)	Defendant(s)
of CMP declarations during the reporting period	C1 ³	Secretary of State for the Home Department

¹ This claim was withdrawn so there was no final judgment to determine substantive proceedings

² Declaration made on the Court's own motion

³ Declaration made on the Court's own motion

FINAL JUDGMENTS⁴	Claimant(s)	Defendant(s)
Final judgments which are closed judgments – made to determine substantive proceedings.	Kind	Secretary of State for the Home Department
	The Queen on the Application of IG ⁵	The Special Immigration Appeals Commission
Final judgments which are NOT closed judgments – made to determine substantive proceedings.	Kind	Secretary of State for the Home Department
	C1	Secretary of State for the Home Department
	The Queen on the Application of IG ⁶	The Special Immigration Appeals Commission

⁴ **CORRECTION.** Whilst preparing this report, an omission has come to light from last year's report. In the interest of transparency, it should be noted that the following judgment of 29 July 2019 was not included in the previous annual report for 2019/20: *R (on the application of National Council for Civil Liberties (Liberty)) v Secretary of State for the Home Department and another (National Union of Journalists intervening)* [2019] EWHC 2057 (Admin). The reason for the omission was that the Divisional Court did not consider it necessary to deal with the s.6 CMP application; in other words, a CMP application was made (and was reported in the annual report 2018/19) but it was never determined by the court.

⁵ This was a judgment of the Court of Appeal refusing permission to appeal on the papers - the s.6 declaration having been made by the High Court in March 2019 (as reported in the 2018/19 Report).

⁶ This was a judgment of the Court of Appeal refusing permission to appeal on the papers - the s.6 declaration having been made by the High Court in March 2019 (as reported in the 2018/19 Report).

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