



Ministry
of Justice

Report on use of closed material procedure (from 25 June 2021 to 24 June 2022)

January 2024



Ministry
of Justice

Report on use of closed material procedure (from 25 June 2021 to 24 June 2022)

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

11 January 2024



© Crown copyright 2024

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/official-documents

Any enquiries regarding this publication should be sent to us at humanrights@justice.gov.uk.

ISBN 978-1-5286-4639-0

E03051297 01/24

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of
the Controller of His Majesty's Stationery Office

Contents

Report on use of closed material procedure (from 25 June 2021 to 24 June 2022)	3
Applications	4
Declarations	5
Revocations	6
Final judgments	7
Additional information	8

Report on use of closed material procedure (from 25 June 2021 to 24 June 2022)

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 ninth annual report on this subject and covers the period from 25 June 2021 to 24 June 2022.

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	15
Made by persons other than the Secretary of State	7

<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	12
in response to applications made by the Secretary of State during previous reporting periods	1
in response to applications made by persons other than the Secretary of State during the reporting period	2
in response to applications made by persons other than the Secretary of State during previous reporting periods	2
of the court's own motion	4 ¹

¹ One declaration was made to cover a group of 25 actions

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

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.	2
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.	1
Final judgments which are closed judgments – made to determine substantive proceedings.	2 ²
Final judgments which are NOT closed judgments – made to determine substantive proceedings.	2 ³

² This figure includes a judgment to determine an application for an interim injunction.

³ This figure includes a judgment to determine an application for an interim injunction.

Additional information

APPLICATIONS	Application made by the Secretary of State?	Claimant(s)	Defendant(s)
Applications for a declaration that a CMP application may be made in proceedings during the reporting period	Yes	Ahmed Alamin Ali Qunoun	The Security Service, The Secret Intelligence Service, The Attorney General, The Secretary of State for Foreign, Commonwealth and Development Affairs & The Secretary of State for the Home Department ⁴
	Yes	Ahmed Alamin Ali Qunoun	The Security Service, The Secret Intelligence Service, The Attorney General, The Secretary of State for Foreign, Commonwealth and Development Affairs & The Secretary of State for the Home Department
	Yes	Mr Abuzid Ammar Almabrook Elbuzidi & Mr Almahdi Abdulhameed Almahdi Alharati	Foreign, Commonwealth & Development Office, Home Office & Attorney General
	Yes	MBX & Others	Secretary of State for the Home Department
	Yes	GLO & Others	Secretary of State for the Home Department
	Yes	AX & Others	Secretary of State for the Home Department

⁴ Application refused – refused on timing of application, not on the merit of the application.

APPLICATIONS	Application made by the Secretary of State?	Claimant(s)	Defendant(s)
	Yes	ALO & Others	Secretary of State for the Home Department
	Yes	ALO & Others	Secretary of State for the Home Department
	Yes	YRO & Others	Secretary of State for the Home Department
	Yes	O3	Secretary of State for the Home Department
	Yes	AZ & Others	Secretary of State for the Home Department
	Yes	WDK	Secretary of State for the Home Department
	Yes	ITO & Others	Secretary of State for the Home Department
	No	Her Majesty's Attorney General	BBC
	Yes	R (Noorzai)	Secretary of State for Defence
	Yes	R (Ullah)	National Crime Agency ⁵
	No	C1	Secretary of State for the Home Department
	No	Roseann Gilbride on behalf of Michael Gilbride	Chief Constable of the Police Service of Northern Ireland, Ministry of Defence and Northern Ireland Office
	No	Alan McClure	Chief Constable of the Police Service of Northern Ireland

⁵ Secretary of State for Defence and Secretary of State for Foreign, Commonwealth and Development Affairs are Interested Parties.

APPLICATIONS	Application made by the Secretary of State?	Claimant(s)	Defendant(s)
	No	Patrick Frizzell as personal representative of the estate of Brian Frizzell	Chief Constable of the Police Service of Northern Ireland, Ministry of Defence, Secretary of State for Northern Ireland, Alan Oliver, James Harper and Anthony McNeill
	No	Margaret Lundy on behalf of and as personal representative of the estate of Alan Lundy	Chief Constable of the Police Service of Northern Ireland and the Ministry of Defence
	No	Abdallah Alzouabi	The Home Office and Chief Constable of Sussex Police

DECLARATIONS	Claimant(s)	Defendant(s)
Declarations that a CMP application may be made in proceedings during the reporting period	MBX & Others	Secretary of State for the Home Department
	GLO & Others	Secretary of State for the Home Department
	AX & Others	Secretary of State for the Home Department
	ALO & Others	Secretary of State for the Home Department
	ALO & Others	Secretary of State for the Home Department
	YRO & Others	Secretary of State for the Home Department
	O3	Secretary of State for the Home Department
	AZ & Others	Secretary of State for the Home Department

DECLARATIONS	Claimant(s)	Defendant(s)
	WDK	Secretary of State for the Home Department
	Her Majesty's Attorney General	BBC
	R (Noorzai)	Secretary of State for Defence
	Roseann Gilbride on behalf of Michael Gilbride	Chief Constable of the Police Service of Northern Ireland, Ministry of Defence and Northern Ireland Office
	Patrick Frizzell as personal representative of the estate of Brian Frizzell	Chief Constable of the Police Service of Northern Ireland, Ministry of Defence, Secretary of State for Northern Ireland, Alan Oliver, James Harper and Anthony McNeill ⁶
	Margaret Lundy on behalf of and as personal representative of the estate of Alan Lundy	Chief Constable of the Police Service of Northern Ireland and the Ministry of Defence ⁷
	Elizabeth Monaghan on behalf of Robert Monaghan	Chief Constable of the Police Service of Northern Ireland ⁸
	Gabriel Magee	Chief Constable of the Police Service of Northern Ireland
	Simone Kathleen Higgins	Chief Constable of the Police Service of Northern Ireland
	Anthony Lee	Chief Constable of the Police Service of Northern Ireland
	Tracey McNally	Chief Constable of the Police Service of Northern Ireland, the Ministry of Defence and the Secretary of State for Northern Ireland

⁶ Application by the Plaintiff's representatives but declaration made of the court's own motion

⁷ Application by the Plaintiff's representatives but declaration made of the court's own motion

⁸ Declaration made of the court's own motion

	<p>Single declaration covering 25 cases:</p> <ol style="list-style-type: none">1. Peter McCabe Snr v Ministry of Defence, Police Service Northern Ireland & Peter Keeley2. Peter McCabe Jnr v Ministry of Defence, Police Service Northern Ireland & Peter Keeley3. Jeanitta McCabe v Ministry of Defence & Police Service Northern Ireland4. Winnifred McCabe v Ministry of Defence, Police Service Northern Ireland & Peter Keeley5. Steven McCabe v Ministry of Defence & Police Service Northern Ireland6. Kevin McCabe v Ministry of Defence, Police Service Northern Ireland & Peter Keeley7. Maria McCabe v Ministry of Defence, Police Service Northern Ireland & Peter Keeley8. Caroline McCabe v Ministry of Defence & Police Service Northern Ireland9. Lorraine Donnelly v Ministry of Defence, Police Service Northern Ireland & Peter Keeley10. Desmond McCabe v Ministry of Defence & Police Service Northern Ireland11. Lawrence Delcassian v Ministry of Defence & Police Service Northern Ireland12. Colin Hutchinson v Ministry of Defence & Police Service Northern Ireland13. Martin Haw v Ministry of Defence & Police Service Northern Ireland14. Patrick Quinn v Ministry of Defence & Police Service Northern Ireland15. Mariann Cooper v Ministry of Defence & Police Service Northern Ireland16. Anne Reilly obo Joanne Reilly (Deceased) v Ministry of Defence & Police Service Northern Ireland17. Robert Fullerton obo William Fullerton v Ministry of Defence & Police Service Northern Ireland
--	--

	<p>18. Cyril Smith v Ministry of Defence & Police Service Northern Ireland</p> <p>19. Sam Rosenfeld v Ministry of Defence & Police Service Northern Ireland</p> <p>20. Anne Marie Cinnamond v Ministry of Defence & Police Service Northern Ireland</p> <p>21. Tess Kelly v Ministry of Defence, Police Service Northern Ireland & Peter Keeley</p> <p>22. Helen McEvoy v Ministry of Defence & Police Service Northern Ireland</p> <p>23. Caroline Ward & Marian McQuade v Ministry of Defence & Police Service Northern Ireland</p> <p>24. Gerard Tinnelly & Charles Tinnelly v Ministry of Defence & Police Service Northern Ireland</p> <p>25. Catherine McEvoy v Ministry of Defence & Police Service Northern Ireland</p>
--	---

FINAL JUDGMENTS	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.	Ahmed Alamin Ali Qunoun	The Security Service, The Secret Intelligence Service, The Attorney General, The Secretary of State for Foreign, Commonwealth and Development Affairs & The Secretary of State for the Home Department ⁹
	C1	Secretary of State for the Home Department ¹⁰
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.	Simone Kathleen Higgins	Chief Constable of the Police Service of Northern Ireland
	Anthony Lee	Chief Constable of the Police Service of Northern Ireland

⁹ Application refused – refused on timing of application, not on the merit of the application.

¹⁰ Application refused

FINAL JUDGMENTS	Claimant(s)	Defendant(s)
Final judgments which are closed judgments – made to determine substantive proceedings.	Her Majesty’s Attorney General	BBC ¹¹
	Michael Gallagher	Secretary of State for Northern Ireland
Final judgments which are NOT closed judgments – made to determine substantive proceedings.	Her Majesty’s Attorney General	BBC ¹²
	Michael Gallagher	Secretary of State for Northern Ireland

¹¹ The final judgment determined the application for an interim injunction

¹² The final judgment determined the application for an interim injunction

E03051297

978-1-5286-4639-0