

ANNEXE – List of cases in which an application under section 6 has been made

This list has been prepared by SASO on the basis of their records, and other information available to them. It has been prepared to assist the SAs in their submission to the s.13 review, and in turn to assist the Reviewer. In the absence of a collated list of cases under the JSA, clearance for this list to be published and distributed more widely has been sought, with a view to assisting others who may be minded to contribute to the review¹. Any proposed corrections or apparent omissions would be welcomed.

The list is believed to be current as at 20 May 2021, but is subject to insertion of further details and dates.

Cases shaded in green are proceeding in Northern Ireland, the remainder are in England and Wales. No JSA cases in Scotland are known.

SAs' names in red are 'in closed' in the case; in green they remain 'in open'.

	Case (anonymised where applicable)	Case type and nature of allegations ²	s.6 App'n	s.6 Dec'n	Outcome	OPEN Reference	Lead SA	Junior SA(s)
1	KAMOKA I & ors	Damages - UK action against Libyan citizens, multiple claimants	C1-5 app 27/04/18; C6-9 & C10 app 25/05/18	Strike out by D: 23/07/15; Substantive: 14/12/2018	Settled	[2015] EWHC 3307 (QB); [2019] EWHC 290 (QB)	Angus McCullough QC	(i) Jennifer Carter-Manning, (ii) Tom Forster, (iii) Rachel Toney (iv) Paul Mertens
2	AHK	Judicial Review – SSHD challenge to preliminary decisions of SIAC			SSHD's challenge allowed	[2016] 2 All ER 620	Judith Farbey QC	Martin Goudie
3	Al-Fawwaz	Judicial Review - refusal to provide intelligence material to US court		20/11/2014	Dismissed at full hearing	[2015] EWHC 468 (Admin)	Martin Chamberlain QC	Esther Schutzer-Weissmann

¹ As at the date of this submission, the request for clearance had not been granted on the basis that (a) some of the cases post-dated the period of the review from 25.6.13 to 24.6.18; and (b) it was a disproportionate diversion of resources for the Government to clear the contents of this list that fall outside the scope of the review. See §§30-32 of the SAs' submission.

² Additional wording was inserted on 23.06.21 at the request of GLD's client on 22.06.21 so as to make clear that what is stated in this column does not constitute finding(s) of fact.

	Case (anonymised where applicable)	Case type and nature of allegations	s.6 App'n	s.6 Dec'n	Outcome	OPEN Reference	Lead SA	Junior SA(s)
4	Sarkandi	Judicial Review - proposal to add C to list for financial restrictions		11/07/2014	Claim withdrawn	[2015] EWCA Civ 687	Angus McCullough QC	Ben Watson
5	CF	Damages - UK involvement in mistreatment		07/11/2013	Struck out for non-compliance with directions	[2014] 2 All ER 378	Hugo Keith QC	Zubair Ahmad
6	Mohamed Ahmed Mohamed (formerly anonymised as CC)	Damages - UK involvement in mistreatment		07/11/2013	Struck out for non-compliance with directions	[2014] 2 All ER 378	Hugo Keith QC	Zubair Ahmad
7	Miah	Judicial Review			?			
8	Martin McGartland & Joanne Asher	Damages – failure to provide psychiatric care and/or access to benefits		08/07/2014	CMP not pursued	[2014] EWHC 2248; [2015] EWCA Civ 686	Angus McCullough QC	Jennifer Carter-Manning
9	T McCafferty	Damages - NI unlawful detention, misfeasance, breach Arts 5 & 8 ECHR and breach of statutory duty	19/06/2014	26/05/2016	Ongoing	[2018] NI 72	Neasa Murnaghan QC	
10	AZ	Judicial Review - refusal to issue travel document		30/04/2015	JR refused	[2015] EWHC 3695 (Admin)	Angus McCullough QC	Martin Goudie
11	Kamoka et al	Damages; appeal strike out decision			C's appeal successful	[2017] EWCA Civ 1665	Angus McCullough QC	(i) Jennifer Carter-Manning, (ii) Tom Forster, (iii) Rachel Toney
12	XH	Judicial Review - challenge to passport cancellation			Dismissed	[2015] EWHC 2932 (Admin); [2016] EWHC 1898 (Admin); [2017] EWCA Civ 41	Ashley Underwood QC	Bilal Rawat

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13	(K) (of K,A & B)	Judicial Review - breach of duties to Afghan civilians			JR refused	[2019] EWHC 1757 (Admin), [2016] EWCA Civ 1149	Kieron Beal QC	Zubair Ahmad
14	Gallagher M	Judicial Review - NI challenge of failure to hold public inquiry into whether Omagh bomb could have been prevented		01/12/2016	Final judgment awaited	[2016] NIQB 95	Ashley Underwood QC	Joseph Kennedy
15	Keeley M	Damages - NI			Defendants' stay application to heard 07.05.21	[2017] NIQB 95	Angus McCullough QC [and for Defendant FS, Ben Collins QC ³]	Neasa Murnaghan QC [and for FS, Joseph Aiken QC]
16	Morley E	Damages - NI PSNI alleged to have caused or permitted murder of P's son		23/01/2017	Settled	[2017] NIQB 95	Angus McCullough QC	Neasa Murnaghan QC
17	MR	Judicial Review - challenge to cancellation of passport	12/02/2016	24/03/2016	JR refused	[2017] EWHC469 (Admin)	Angus McCullough QC	Shaheen Rahman
18	TH	Judicial review of refusal to renew passport	15/02/2016	27/06/2016	Withdrawn		Stephen Cragg QC	Bilal Rawat
19	Roddy Logan v PSNI	Damages - NI wrongful arrest	28/04/2016		s.6 declaration not made	[2017] NIQB 70	Ashley Underwood QC	Philip Henry
20	Lee A	Damages - NI wrongful arrest, false imprisonment, assault and misfeasance	09/03/2016	28/06/2016	Ongoing	[2016] NIQB 81	David Scoffield QC / Sean Doran QC	Zubair Ahmad
21	Higgins/Sloan	Damages - NI wrongful arrest, false imprisonment, assault and misfeasance	09/03/2016	28/06/2016	Ongoing	[2016] NIQB 81	David Scoffield QC / Sean Doran QC	Zubair Ahmad
22	AS	Judicial Review - challenge to cancellation of passport	13/05/2016	17/10/2017	JR refused		Ashley Underwood QC	Martin Goudie

³ Ben Collins QC and Joseph Aiken QC are appointed as SAs for Freddie Scappaticci the other claims in this list in which he is a defendant

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23	KCM	Judicial Review - challenge to withdrawal of passports		08/11/2016	Withdrawn		Helen Mountfield QC	Bilal Rawat
24	Hodgins G	Damages - NI	April 2016		Defendants' stay application to be heard 07.06.21		Ashley Underwood QC	Martin Goudie QC
25	YR	Damages - UK involvement in Iraqi detention		22/03/2017	Settled	[2017] EWHC 547 (QB)	Angus McCullough QC	Martin Goudie
26	AA	Damages - UK involvement in Iraqi detention		22/03/2017	Settled	[2017] EWHC 547 (QB)	Shaheen Rahman QC	(i) Zubair Ahmad QC; (ii) Rachel Toney
27	Campaign against the Arms Trade	Judicial Review - UK licensing of arms sales to Saudi Arabia		Between June and Sept 2016	C won on appeal	[2017] EWHC 1726 (Admin)	Angus McCullough QC	Rachel Toney
28	ZMS & HTF	Damages - Iraqi civilians unlawful detention and treatment		22/03/2017	Settled	[2017] EWHC 547 (QB); [2018] EWHC 1623 (QB)	Jeremy Johnson QC	Zubair Ahmad
29	XYZ	Damages - Iraqi civilians unlawful detention and treatment		22/3/17 - refused	Settled	[2017] EWHC 547 (QB)	Jeremy Johnson QC	Zubair Ahmad
30	AI	Judicial Review - challenge to cancellation of passport			Withdrawn?	[2017] EWCA Civ 41	Stephen Cragg QC	Shaheen Rahman
31	W2	Judicial Review - deprivation of citizenship (with SIAC appeal)		10/03/2017	Dismissed at first instance and by CA	[2017] EWCA Civ 2146	Ashley Underwood QC	Dominic Lewis
32	Hegarty R	Damages - NI			Defendants' stay application to be heard 07.06.21		Ashley Underwood QC	Martin Goudie QC
33	Re H	Wardship Proceedings		14/11/16	Settled		Zubair Ahmad	

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34	Maftah E	Damages – UK action against Libyan citizens, multiple claimants		23/02/2017	Settled	[2019] EWHC 2383 (QB)	Angus McCullough QC	(i) Jennifer Carter-Manning, (ii) Tom Forster, (iii) Rachel Toney
35	Maftah E	Judicial Review - challenge to financial restrictions		23/02/2017	Settled	[2017] EWHC 1422 (Admin)	Angus McCullough QC	(i) Jennifer Carter-Manning, (ii) Tom Forster, (iii) Rachel Toney
36	Abdulrahim A	Damages - UK action against Libyan citizens, multiple claimants		No s6 dec	Settled		Angus McCullough QC	(i) Jennifer Carter-Manning, (ii) Tom Forster, (iii) Rachel Toney
37	Abdulrahim A (JR)	Judicial Review - challenge to financial restrictions		No s6 dec	Settled		Angus McCullough QC	(i) Jennifer Carter-Manning, (ii) Tom Forster, (iii) Rachel Toney
38	Abdulbaqi Khaled	Damages – UK action against Libyan citizens, multiple claimants		23/02/2017	Settled	[2019] EWHC 2383 (QB)	Angus McCullough QC	(i) Jennifer Carter-Manning, (ii) Tom Forster, (iii) Rachel Toney
39	Khaled	Judicial Review - challenge to financial restrictions			Settled	[2017] EWHC 1422 (Admin)	Angus McCullough QC	(i) Jennifer Carter-Manning, (ii) Tom Forster, (iii) Rachel Toney

	Case (anonymised where applicable)	Case type and nature of allegations	s.6 App'n	s.6 Dec'n	Outcome	OPEN Reference	Lead SA	Junior SA(s)
40	Saleh Mohamed	Damages - UK action against Libyan citizens, multiple claimants		07/01/2019	Settled		Angus McCullough QC	(i) Jennifer Carter-Manning, (ii) Tom Forster, (iii) Rachel Toney
41	Monaghan E	Damages - NI	08/03/2017				Ashley Underwood QC (tbc)	Philip Henry (tbc)
42	Heenan	Damages - NI	Yes	No	Ongoing		None yet appointed	None yet appointed
43	Gabriel Magee	Damages - NI wrongful arrest, false imprisonment and assault	08/05/2017	No	Ongoing		Angus McCullough QC	Philip Henry
44	Belhaj PLC	Damages - UK involvement in extraordinary rendition		21/07/2017	Settled	[2017] EWHC 1861 (QB)	Jeremy Johnson QC	(i) Zubair Ahmad, (ii) Rachel Toney, (iii) Shaheen Rahman QC
45	Belhaj (DPP)	Judicial Review - challenge of failure to prosecute Mark Allen (re extraordinary rendition)	08/08/2017	No s.6 dec made (in absence of jurisdiction)	Withdrawn	[2017] EWHC 3056 (Admin) (DC) and [2018] UKSC 33 (SC)	Jeremy Johnson QC	Zubair Ahmad
46	Colin Keys	Damages - NI relating to alleged PSNI unlawful failure to prevent PIRA robbery	28/09/2017	30/11/2018	Ongoing		Greg Berry QC	Ian Skelt
47	KA	Damages - UK involvement in detention and torture	06/03/2018		Withdrawn		Charlie Cory-Wright QC	Tom Forster
48	B	Judicial Review - challenge to cancellation of passport	17/01/2018	25/01/2018	JR refused	[2018] EWHC 2651 (Admin)	Helen Mountfield QC	Paul Mertens
49	Police Federation, John Murray v SSHD & SSFCO	?						
50	Abdule, Yusuf & Ors	Damages - UK involvement in detention and torture	01/05/2018	21/12/2018	Withdrawn	[2018] EWHC 3594 (QB)	Shaheen Rahman QC	Gareth Weetman
51	James Martin	Judicial Review - NI refusal to grant compensation under CJA1988	19/01/2018		s.6 declaration not required - no CMP		Greg Berry QC	Philip Henry

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52	Veronica Ryan	Judicial Review - NI refusal to grant compensation under CJA1988			s.6 declaration not required - no CMP		Greg Berry QC	Philip Henry
53	ND	Judicial Review - challenge to cancellation of passport		25/01/2018	JR refused	[2018] EWHC 2651 (Admin)	Angus McCullough QC	Jennifer Carter-Manning
54	(A) (of K, A & B)	Judicial Review - breach of duties to Afghan civilians			JR refused	[2019] EWHC 1757 (Admin)	Martin Goudie QC	Aaron Watkins
55	(B) (of K, A & B)	Judicial Review - breach of duties to Afghan civilians			JR refused	[2019] EWHC 1757 (Admin)	Tom Forster QC	Rachel Toney
56	Anton Craig	Damages - NI relating to alleged unlawful arrest and detention	22/05/2018		Ongoing		Greg Berry QC	Philip Henry
57	IG	JR of SIAC interim decision	16/01/2019	19/03/2019	JR permission refused		Angus McCullough QC	(i) Martin Goudie, (ii) Dominic Lewis
58	Motasim, M [In Justice list as Momen Motasin]	Damages - relating to HMG conduct in prosecution that was discontinued.	15/01/2019		Ongoing		Peter Carter QC	Dominic Lewis
59	NN	Judicial Review - challenge to cancellation of passport	12/04/2019	15/05/2019	Withdrawn		Shaheen Rahman QC	Jennifer Carter-Manning
60	NCCL (Liberty)	Judicial Review - challenge to lawfulness of Pts4-7 Investigatory Powers Act 2016	09/05/2019		Ongoing		Angus McCullough QC	Rachel Toney
61	McNally T	Damages - NI	30/01/2020				Greg Berry QC	Philip Henry
62	Z3	JR - unlawful immigration detention	10/09/2019	20/09/2019	Withdrawn		Shaheen Rahman QC	Rachel Toney
63	Saifullah v MOD	Judicial Review - challenge to failure to adequately investigate deaths of Afghan civilians killed by British troops	24/09/2020		Ongoing		Angus McCullough QC	Jennifer Carter-Manning QC
64	Husayn, ZAM (Abu Zubaydah) v FCO, SSHD, AG	Damages - challenge to UK involvement in detention and torture	28/02/2020	11/01/2021	Ongoing		Angus McCullough QC	Martin Goudie QC, Rachel Toney

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65	Reprieve & Others v Prime Minister	Judicial Review - challenge to failure to hold a public inquiry into allegations of UK involvement in rendition and torture		19/03/2020	Ongoing		Angus McCullough QC	Tim Buley QC
66	Eric Kind v SSHD	Judicial Review - challenge to refusal of DV clearance		02/03/2020	Quashing Order made		Tim Buley QC	
67	Abdelmonim V SSHD	Judicial Review - challenge to revocation of entry visa	07/02/2020	10/07/2020	Ongoing		Martin Goudie QC	
68	Rosin McAliskey v PSNI	Damages - NI relating to alleged unlawful arrest and detention	09/03/2020		Settled		Greg Berry QC	Ronan Daly
69	Mokhlif N A v SSHD	Judicial Review - challenge of entry visa refusal		19/10/2020	Decision withdrawn, so JR withdrawn		David Lemer	
70	CAAT2 v SSID	Judicial Review - challenge to export licensing decision (made after the first CAAT JR appeal)	22/01/2021	20/04/2021	Ongoing		Angus McCullough QC	Rachel Toney
71	C1 (JR2)	Judicial Review - challenge to power to revoke ILR		27/11/2020	Ongoing		Ashley Underwood QC	Jennifer Carter-Manning QC
72	R (Ullah) v NCA & Others	Judicial Review - challenge to NCA decision not to sanction damages payment agreed in 'AA'	12/02/2021		Ongoing		Angus McCullough QC	Rachel Toney
73	Suzanne Bunting v SSNI	Judicial Review - NI challenge relating to whether to hold an Inquest		[s.6 app heard, but adjourned]	Ongoing		Greg Berry QC	Michael Chambers
74	C1 (JR3)	Judicial Review - challenge of deportation decision	[7.5.21, SA request for s.6 declaration]		Ongoing		Ashley Underwood QC	Jennifer Carter-Manning QC
75	D9	Judicial Review - challenge of exclusion and power to revoke ILR, linked SIAC proceedings	27.5.21		Ongoing		Martin Goudie QC	David Lemer