

**Question for written answer E-011319/2013/rev.1
to the Commission**
Rule 117
Gianni Vattimo (ALDE)

Subject: Compatibility of secret evidence, trials and closed material procedures with European fundamental rights standards

The UK legal system allows for so-called 'closed material procedures' (CMP), i.e., essentially, the use of secret evidence provided by the authorities in courts and tribunals which is not accessible to the defendant or to his/her lawyer. Following the hearing the court may issue a 'closed' judgment together with an open one, and the secret judgment is never given to the individual or her/his lawyer, remaining completely hidden from public view.

This procedure is used in the Special Immigration Appeals Commission, which deals with deportations and citizenship. It can also be used in proceedings related to individuals allegedly involved in terrorism-related activity.

The recently adopted Justice and Security Act 2013 further extended the use of CMP across the civil justice system for use in cases that give rise to national security concerns. Amendments were tabled by the government to the Civil Procedure Rules in order to implement such modifications, with little time for debate and scrutiny and with no previously published draft.

The government has indicated that there are currently 20 cases pending to which a CMP may apply in the future, including the civil case brought by Abdel Hakim Belhaj, who alleges UK involvement in his rendition and subsequent torture in Libya. In preliminary hearings lawyers for the government have made it clear that if the case proceeds they will apply for it to be heard under CMP.

UN bodies and NGOs have repeatedly expressed concern at the growing use of CMPs in the UK and the use of secret evidence.

Is the Commission aware of the use of secret evidence, secret trials and secret judgments in the UK? Is the Commission aware of any other Member States with similar provisions and, if so, what measures will it take? Does the Commission not believe that such procedures mark a serious departure from the basic requirements of fairness in judicial procedures, thereby violating Directive 2012/13/EU on the right to information in criminal proceedings?