

IN THE INVESTIGATORY POWERS TRIBUNAL

BETWEEN:

- (1) ABDEL HAKIM BELHADJ**
- (2) FATIMA BOUDCHAR**
- (3) SAMI AL SAADI**
- (4) KARIMA AIT BAAZIZ**
- (5) KHADIJA SAADI**
- (6) MUSTAFA AL SAADI**
- (7) ANAS AL SAADI**
- (8) ARWA AL SAADI**

AMNESTY INTERNATIONAL LIMITED

Claimants

and

- (1) SECURITY SERVICE**
- (2) SECRET INTELLIGENCE SERVICE**
- (3) GOVERNMENT COMMUNICATIONS HEADQUARTERS**
- (4) SECRETARY OF STATE FOR THE HOME DEPARTMENT**
- (5) THE SECRETARY OF STATE FOR FOREIGN AND
COMMONWEALTH AFFAIRS**

Respondents

ORDER

UPON the Respondents conceding that from January 2010, the regime for the interception/obtaining, analysis, use, disclosure and destruction of legally privileged material has not been in accordance with the law for the purposes of Article 8(2) of the ECHR and was accordingly unlawful.

AND UPON the Security Service and GCHQ confirming that they will work in the forthcoming weeks to review their policies and procedures in the light of the draft Interception Code of Practice and otherwise.

AND UPON the Respondents confirming that the undertakings given to the Tribunal on 22 January 2014 shall continue until the conclusion of the hearing provided for in paragraph 4 below.

IT IS ORDERED THAT:

1. there be a declaration that since January 2010 the regime for the interception/obtaining, analysis, use, disclosure and destruction of legally privileged material has contravened Article 8 ECHR and was accordingly unlawful.
2. the hearing fixed for 10 – 13 March 2015 to determine this preliminary issue is vacated, and no further production therefor is required to be given by the Respondents.
3. the factual issue as to whether the Claimants' legally privileged communications have in fact been intercepted/obtained, analysed, used, disclosed or retained ("relevant interception") shall be considered by the Tribunal in a CLOSED hearing.
4. there will be an Open hearing to consider, on the hypothetical assumption (the true position being neither confirmed nor denied), that there has been relevant interception, what if any remedies should be granted to the Claimants, at 10.30 am on Thursday, 12 March 2015 in the Rolls Building in a court to be notified.
5. the Claimants shall serve and lodge written submissions as to what remedies ought to be granted to them on the hypothetical assumption (the true position being neither confirmed nor denied) that there has been relevant interception, by 12 noon on 3 March 2015: the Respondents shall serve and lodge written submissions in response by 4 pm on 5 March 2015: Counsel to the Tribunal shall serve any submissions by 10 am on 9 March 2015.