



Ministry of Defence

-v-

Global Media and Entertainment Ltd and others

Press Summary: For release at 12 noon, 15 July 2025

This summary is provided by the court for the assistance of those reporting the judgment, which was handed down this morning (neutral citation [2025] EWHC 1806 (KB)). It does not form part of that judgment.

Introduction

- 1 Mr Justice Chamberlain today handed down a judgment which explains why a super-injunction, granted on the application of the Ministry of Defence (“MOD”) on 1 September 2023, is now being discharged nearly two years later.
- 2 The super-injunction applied contra mundum (i.e. “against the world”). It prevented those who knew about it from disclosing:
 - (a) the fact of the release by someone working for the UK Government of a dataset containing personal information and contact details of persons who applied for relocation to the UK from Afghanistan following the Taliban coup in 2021; and
 - (b) the existence of the injunction itself.
- 3 It was granted and maintained because the MOD assessed that public disclosure of the compromise of the dataset would expose thousands of people to the risk of extra-judicial killing or serious violence by the Taliban.

The dataset and the application for an injunction

- 4 The MOD ran two schemes, the Afghan Relocations and Assistance Policy (“ARAP”) and an ex gratia scheme later called the Afghan Citizens’ Resettlement Scheme (“ACRS”). These enabled people who had worked with the UK in Afghanistan prior to 2021 to apply to the MOD for relocation to the UK. The dataset contained personal information about more than 33,000 applicants. It was released in error in early 2022.
- 5 In August 2023, it became known to the MOD that part of the dataset had been published on a Facebook page. Shortly after this, the MOD applied for an injunction.

The decision to grant and maintain a super-injunction

- 6 Although the MOD did not originally apply for one, the judge to whom the application was first made, Mr Justice Robin Knowles, decided on 1 September 2023 to grant a super-

injunction—i.e. an injunction which prohibited disclosure of the existence of the order, as well as the underlying information.

- 7 Mr Justice Robin Knowles’s reasons were set out in a written ruling handed down in private on 2 September 2023. It is published today.
- 8 Neither the initial hearing, nor any of the subsequent hearings, has taken place in public. At some of the hearings, representatives of the media who have been notified of the injunction have been present. The media organisations now involved are the entities which own The News Agents (a podcast), The Independent, The Times, The Daily Mail, The Daily Telegraph, The Financial Times and the Press Association.
- 9 There have also been CLOSED hearings from which media representatives were excluded, initially under the inherent jurisdiction (before the media organisations became parties) and then under the Justice and Security Act 2013. The interests of the media defendants have been represented at these hearings by Tom Forster KC and Paul Mertens, initially as Advocates to the Court and then as Special Advocates.
- 10 The super-injunction was continued by Mr Justice Chamberlain after hearings on 13 October 2023, 31 October-1 November 2023, 1 and 18 December 2023, 22 January 2024 and 1-2 February 2024. He gave judgments explaining his reasons on 23 November 2023 (“Judgment no. 1” [2023] EWHC 2999 (KB)) and 15 February 2024 (“Judgment no. 2” [2024] EWHC 312 (KB)).

The reasons for the maintenance of the super-injunction

- 11 In Judgment no. 1, at [35]-[39], Mr Justice Chamberlain noted that the grant of a super-injunction gave rise to serious free speech concerns. The information to which it related was highly relevant to a series of policy decisions being taken by Government about how to safeguard those whose safety had been jeopardised by the release of the dataset. The super-injunction had the effect of completely shutting down the ordinary mechanisms of accountability which operate in a democracy. This led to a “scrutiny vacuum”.
- 12 Nonetheless, the judge decided on 23 November 2023 that the super-injunction should be continued, based on the MOD’s assessment that there was a “real risk that (i) the Taliban do not already know about the compromise of the dataset; (ii) disclosure of the fact of the dataset would cause them to take steps which lead to their obtaining it; and (iii) in that case, many thousands whose details are included in the dataset could be killed or injured and the UK Government would have no realistic way of safeguarding them”: see [43]. At that stage, the aim was to allow time for a safeguarding plan to be formulated.
- 13 By the time of Mr Justice Chamberlain’s Judgment no. 2, on 15 February 2024, a plan had been formulated, though some of the details were still under discussion. He decided that the injunction should be continued again for a short period. However, he directed an evidential hearing at which a representative of the MOD would give oral evidence and face questioning by counsel for the media representatives in OPEN (but in private) and by the Special Advocates in CLOSED.

The initial decision to discharge the super-injunction

- 14 The evidential hearing took place on 30 April and 1 May 2024. By that time, there had been further policy decisions about the response to the disclosure of the dataset. In his Judgment no. 3, Mr Justice Chamberlain noted that, by this time, the cohort who had been offered relocation to the UK amounted to about 20,000 people: see [34]. The cost

of this programme amounted to “several billion pounds: the sort of money which makes a material difference to Government spending plans and is normally the stuff of political debate”: see Judgment no. 3, [24].

- 15 At [53], Mr Justice Chamberlain recorded his view that the super-injunction was on balance likely to be having a protective effect on the relocation cohort, but there was a significant chance that it was in fact endangering some of them. The effect of the super-injunction on the larger non-relocation cohort was likely to be adverse overall. Moreover, the sheer scale of the decision-making, in terms of the numbers involved and the financial cost, meant that further secrecy was not feasible and was objectionable in principle: see [46]-[47]. He therefore ordered that the injunction be discharged with effect from 21 days after the handing down of his judgment, but stayed the order pending appeal.

The appeal to the Court of Appeal

- 16 The MOD appealed to the Court of Appeal. That Court decided on 26 July 2024 that Mr Justice Chamberlain had been wrong to discharge the injunction and reinstated it, subject to periodic review by the judge: [2024] EWCA Civ 838.

Events since 26 July 2024

- 17 Since the handing down of the Court of Appeal’s judgment, Mr Justice Chamberlain has kept the super-injunction under regular review. He received regular evidential updates and held OPEN (private) and CLOSED hearings on 11 and 15 November 2024 and 20 and 21 February 2025. Although there were evidential developments which were germane to the assessment in various ways, there was nothing to indicate a sufficiently material change in the evidential position before the Court of Appeal to justify discharge of the injunction, applying the approach set out in that court’s judgment.
- 18 Prior to the hearing on 20 February 2025, Mr Justice Chamberlain was informed that the Government had commissioned a review of the relocation policy, to be conducted by a retired civil servant who had not been involved in any of the decisions under review. The review was initially to be concluded in the spring of 2025 but took longer than anticipated. Directions were given that, as soon as the report had been prepared, it was to be placed before the court.
- 19 There were further hearings on 9, 19 and 23 May 2025, in part to deal with an application to vary and clarify the injunction by a firm of solicitors representing more than 600 claimants who were aware that there had been some kind of data breach and were considering bringing a data protection claim.

The discharge of the injunction

- 20 On 25 June 2025, Mr Justice Chamberlain received a copy of the review report, prepared under the supervision of the retired civil servant Paul Rimmer. An OPEN version of that report is published with this judgment. It includes the conclusion, with respect to individuals whose data is included in the dataset, that acquisition of the dataset by the Taliban is “unlikely to substantially change an individual’s existing exposure given the volume of data already available”. It also includes the conclusions that “it appears unlikely that merely being on the dataset would be grounds for targeting” and it is “therefore also unlikely that family members—immediate or more distant—will be targeted simply because the ‘Principal’ appears in the... dataset”.

- 21 These conclusions fundamentally undermine the evidential basis on which Mr Justice Chamberlain (in Judgment nos 1 and 2) and the Court of Appeal relied in deciding that the super-injunction should be continued.
- 22 At a CLOSED hearing on 7 July, Mr Justice Chamberlain heard submissions from Special Advocates acting in the interests of individuals involved in judicial review proceedings against the Ministry of Defence. They sought to persuade him to modify the super-injunction to enable the OPEN representatives in their cases to make submissions opposing its discharge. The judge declined to do that, for reasons which he gave in CLOSED. An OPEN version of those reasons will be made available separately.
- 23 In essence, Mr Justice Chamberlain concluded that there was no plausible basis on which a challenge to the conclusions in the review report would have any real prospect of success. There was no tenable basis for the continuation of the super-injunction. This was particularly so given the serious interference it involved with the rights of the media defendants to freedom of expression and the correlative right of the public to receive the information they wish to impart.
- 24 Mr Justice Chamberlain therefore decided on 7 July 2025 that the super-injunction should be discharged at 12 noon today, Tuesday 15 July 2025, to allow time for affected persons to be informed before the general public and for further protective measures (which cannot be described in OPEN) to be implemented. The judge took into account that news of the underlying matters should be made public before the Parliamentary recess.

The application for a further contra mundum injunction

- 25 On Tuesday 8 July 2025, Mr Justice Chamberlain heard an application by the MOD for a separate injunction imposing limited further restrictions on the disclosure of the dataset, extracts from it or information derived from it. After OPEN (private) and CLOSED hearings, he agreed to grant an interim injunction in terms much narrower than those sought by the MOD, pending a further hearing next Tuesday 22 July 2025.
- 26 The precise terms of the interim injunction can be seen from the order, which is being made public today. In essence, it will permit full reporting of almost all the relevant circumstances surrounding the data incident, but will prohibit anyone who has, has had or comes into possession of the dataset or information derived from it from: disclosing (i) the personal data contained in it; and (ii) certain other specified matters.

Matters arising from the internal review

- 27 Mr Justice Chamberlain has asked for further submissions about a CLOSED matter arising from Mr Rimmer's review.
- 28 In Judgment no. 4, at [33], he said: "It will be for others to consider whether lessons can be learned from the way the initial assessments in this case were prepared and whether the courts were, or are generally, right to accord such weight to assessments of this kind."

Postscript

- 29 The judge noted that it was one of the many remarkable features of the litigation, and very much to the credit of the media organisations and individual journalists involved, that there had been no mention in the media of the underlying matters while the super-injunction remained in force.

Ends