

SOLDIER AD

SOLDIER 203

APPLICATIONS FOR SCREENING

RULING

SOLDIER AD

1. Soldier AD, who was on duty in Londonderry at the time of Bloody Sunday, is due to give evidence to this Inquiry on 13 October 2003.

2. On 1 October he lodged an application for an order that he may give evidence screened. The application is in the usual form, Part A – open and Part B – closed. Part A has been distributed to the interested parties; Part B necessarily remains confidential to the Tribunal.

3. The application has a twofold basis. The first is expressed as a genuine and reasonable fear of reprisals by terrorists if he can be traced. This fear is said to be heightened by reason of the fact that he fired live rounds on the day and claims to have shot a gunman. The second basis derives from medical evidence that his ability to give evidence to the Tribunal will be impaired if he is not screened.

4. On receipt of this application the Inquiry followed its usual practice of seeking a threat assessment from the appropriate authority. There have been, we are told, administrative hold ups in following the procedures necessary for an assessment. In any event an assessment is not yet to hand.
5. However, the Tribunal has considered the contents of Part B and it is apparent, even on the material available, that if Soldier AD gives evidence unscreened his anonymity is likely to be destroyed. This is by reason of his personal circumstances.
6. If his anonymity is lost he would be exposed to a significant increase in the risk of reprisals.
7. The principles to be applied in a case such as this have been explored in a number of rulings and we do not repeat them. However, we draw attention to our recent ruling on a screening application by INQ 0005 where we considered the effect of delay (Ruling of 2 October 2003).
8. Part A sets out the circumstances which led to this application being made so late. There is a reasonable explanation and it does not affect our view that the applicant's fears are genuine. Since it is the loss of anonymity which lies at the heart of the application, a particular threat assessment is not likely to detract from the need to provide screening. We are therefore in a position to deliver our ruling at this stage.

9. We should add that the decision to order screening is based on the increased risk of reprisals. It is unnecessary to deal with the ground based on the applicant's medical condition.
10. There will be an order in the terms sought by paragraph 2 of this application.

SOLDIER 203

11. The Tribunal has also received an application for screening from Soldier 203. This soldier has already given evidence unscreened, but has been asked to give further evidence.
12. This application too has been made at a very late stage. However, on the basis of the confidential material now put before us, we are satisfied that screening is necessary in order to preserve the anonymity of this applicant and that the lateness of the application does not detract either from its genuineness or its validity. By reason of the confidential material now to hand it seems to us to be unnecessary to obtain a particular threat assessment in relation to Soldier 203.

13. Accordingly there will be an order in the terms sought by paragraph 2 of the application.

Lord Saville

The Hon. William Hoyt

The Hon. John Toohey

10 October 2003