

The Bloody Sunday Inquiry

Questioning of Witnesses

Ruling

We have on a number of occasions made clear to the interested parties that we deprecate repetitive or hostile questioning by successive counsel whose clients have the same interest, since repetitive questioning is likely to waste time and successive hostile questioning may be unfairly oppressive to the witness concerned. Thus, we have made clear that where interested parties have the same interests, there shall be the greatest possible co-operation between their counsel, so that the same topics are not raised with a witness time after time in ways which serve no useful purpose and which may be unfairly oppressive.

We have received an application from those acting on behalf of the family of James Wray expressing concern that they may not have a full and fair opportunity of questioning certain witnesses in relation to what occurred in Glenfada Park, where James Wray was shot, and requesting both that our ruling on successive questioning should be modified and that there should be an alteration in the order in which counsel for the families question the soldier witnesses so that, in some cases, counsel for the Wray family can start the questioning.

To date, the questioning of the soldiers by the families has, with few exceptions, been started by counsel acting for those families represented by Madden & Finucane.

We are not persuaded that there is any need to modify what we have said about the questioning of witnesses or indeed to order any alteration in the order in which counsel for the families question the soldier witnesses.

Clearly, it is neither practicable nor desirable to lay down inflexible rules since the circumstances in which witnesses give evidence and are questioned vary so much. As we have made clear in the past, our ruling is not an end in itself but a means to an end, which is to ensure that everybody is treated fairly. Thus we have allowed, and we will continue to allow, questioning by successive counsel with the same interests, where we consider it appropriate for the witness's evidence to be tested by more than one interested party and where we perceive no unfairness to the witness in allowing that course to be taken.

What we are not disposed to allow, however, is successive questioning that serves no useful purpose or which unnecessarily increases the inevitable stress on the witness. In this regard we must once again emphasise that we expect all concerned to co-operate in making the maximum effort to ensure that the risk of repetitive or oppressive questioning is not created by a failure properly to co-operate in identifying issues and topics that can appropriately be raised by one party on behalf of all.

In these circumstances we believe that under the present arrangements the Wray family will be given a fair and proper opportunity of questioning the witnesses concerned.

Lord Saville

The Hon. William Hoyt

The Hon. John Toohey

10 July 2003