THE BLOODY SUNDAY INQUIRY

APPLICATION BY SOLDIER L FOR SCREENING

RULING

1. Some days ago we issued a subpoena to compel the attendance of Soldier L at this Inquiry. On his own contemporary account Soldier L shot on Bloody Sunday and may have hit a civilian.

2. We took the course of issuing a subpoena after being informed by Soldier L's counsel that Soldier L was refusing to attend the Inquiry, despite being given notice many weeks earlier of the date on which we wished him to attend.

3. Soldier L did not comply with the subpoena, nor did he or his lawyer provide us with any good reason for his failure to do so. We accordingly took the view that on the information before us, we had no alternative but to put in hand the process of reporting Soldier L to the High Court for contempt of this Tribunal. At this time, Counsel for Soldier L told us that he had no further information that he could usefully put before us to persuade us not to take this course.

4. The next day, Soldier L's counsel informed us that Soldier L was now willing to give evidence but wished to be screened. We accordingly directed that he should make an application to that effect forthwith.

5. This application is now before us. In its original form it was based on the proposition that screening was necessary in order to protect Soldier L's Article 2 rights in the sense of protecting him from possible attempts on his life. However, by an amendment to his application it was also submitted that for Soldier L to give evidence unscreened would expose him to an unacceptable risk to his health. We have seen medical evidence in relation to this latter submission. As is our normal practice this evidence has not been made public

or distributed to the interested parties. However, we have concluded that this medical evidence does provide good grounds for allowing the application and so we do direct that Soldier L may give his evidence screened.

6. The application was, of course, made very late indeed. However, we sought and have been given reasons for this state of affairs and we have concluded that the failure to apply earlier does not in the circumstances detract from the genuineness or validity of the application based on medical grounds.

7. It remains to say that, in the circumstances, we see no point in considering the merits of the unamended application based on Article 2.

Lord Saville

The Hon. William Hoyt

The Hon. John Toohey

1st October 2003