

Protocol – Witnesses

1. In the next months, the Inquiry will be identifying those witnesses whom it will be necessary to interview and take statements from. It is expected that all persons so identified will co-operate fully with the Inquiry and make themselves readily available for interview and to give evidence, where that is deemed appropriate. The Inquiry has powers to compel witnesses to provide witness statements and give evidence but hopes that it will not be necessary to use those powers. However, there should be no doubt that the Inquiry will not hesitate to exercise those powers should that become necessary for it to carry out its work.
2. All identified witnesses will be contacted by the Inquiry team in order to make an appointment for them to be seen and interviewed. Following that interview a full statement of the witness' evidence will be compiled. Thereafter, the witness will be given the opportunity to review the statement before it is signed and made available to those represented parties participating in the public hearings. Appointments for interview will either be at the Inquiry offices in Edinburgh or nearer to the witness' home if that is more convenient.
3. This is a Public Inquiry and, as a general rule, all witness statements will, in due course, be put into the public domain and published on the Inquiry's website. Personal information, other than that relating to the name and designation of the witness, such as private addresses, telephone numbers, contact details or other information that might identify where an individual resides will not be disclosed and will be redacted.
4. Any witness who is unhappy with the above proposals should make this known to the Inquiry as soon as possible. Claims for anonymity will be considered on an individual basis and must be supported by reasons. Similarly if a witness does not wish to give his/her evidence in public, s/he should notify the Inquiry of this and at the same time set out the reasons why. All representations received by the Inquiry will be considered and a decision communicated in due course. Where appropriate this may be after hearing oral representations.
5. All witnesses will be entitled to an award of funding to cover the reasonable cost of legal assistance to enable them to prepare for, and deliver, their evidence. However, an application has to be made to the Inquiry for such an award before any costs are incurred. All such applications will be considered in accordance with the Costs Protocol, to be found on this website.
6. Any witness who the Inquiry considers may be the subject of potential criticism by the Inquiry or who may be subjected to questioning by the Inquiry that tends to suggest some 'wrongdoing' will be advised in advance of being called to give oral evidence of any such matters and of the evidence in support of them. Any such notification will be given within sufficient time for the witness to prepare his/her response and any such witness will be entitled to be legally represented.
7. The Inquiry does not have the power to grant immunity from prosecution but will consider applications from witnesses or their representatives on an individual

basis. In appropriate case the Inquiry will ask the Attorney General to consider giving an undertaking in respect of immunity. All such applications must set out, in full, the reasons for the request.

8. All witnesses the Inquiry intends to call to give evidence will be notified in advance of that fact and all represented parties will be notified which witnesses the Inquiry intends to call.