

THE BILLY WRIGHT INQUIRY

Chairman: Lord MacLean

DECISION BY THE PANEL

In the Application by

Witness 'AC'

For

Anonymity and screening at the Billy
Wright Inquiry

INTRODUCTION

1. Persons likely to be called as witnesses before the Billy Wright Inquiry ('The Inquiry') were invited to submit applications for anonymity and/or screening in accordance with the Inquiry's Anonymity Protocol of 30 June 2006. The Inquiry has received a number of such applications.
2. Witness 'AC' submitted an application requesting anonymity along with further confidential papers that were for the eyes of the Inquiry Panel only. Any information from those documents that has been taken into account by the Panel in their deliberations is referred to in general terms where appropriate in this decision.
3. The Inquiry received an individual Threat Risk Assessment for Witness 'AC' from the Police Service of Northern Ireland (PSNI). Any such information from that document that has been taken into account by the Panel in their deliberations is referred to in general terms where appropriate in this Decision.
4. The Inquiry also received a generic Risk Assessment dated 16th August 2007. An explanation as to the various categories of risk was submitted on 5th October 2007.

5. Parties who have been granted Representative status at the Inquiry have been given the opportunity to see a copy of the application. Comments have been received from the family of Billy Wright through their solicitor John McAtamney. Responses to those comments were received by those representing the witness.
6. The Panel met and considered each application separately. Decisions were taken after due consideration of all of the above material and having also considered the Reports of the International Monitoring Commission (IMC), and in particular the 17th Report in November 2007.
7. The Inquiry being conducted by the Panel is a Public Inquiry and there is a presumption that its proceedings should be conducted in, so far as is possible, openly and in public. However, the Panel also has a duty to act fairly and in a manner compatible with the European Convention of Human Rights (ECHR).
8. In approaching this and other applications we have had regard to the opinions of their Lordships in the case of *In re Officer L (Respondent) (Northern Ireland) [2007] UKHL 36* at paragraph 29 and have considered the applications on a common law basis, having regard to Article 2 issues where that is necessary. We have also taken account of Article 8 issues where they arise.

THE APPLICATION – WITNESS ‘AC’

9. Witness ‘AC’ seeks anonymity whilst giving evidence. His application is predicated on the fact that he is a serving Civil Servant associated with the Northern Ireland Office.

Article 2

10. The individual Threat Risk Assessment provided for witness 'AC' by PSNI assesses the present threat to him from Irish related terrorists as 'moderate'. The generic Risk Assessment places the existing threat to Civil Servants as 'moderate'. 'Moderate', in threat assessment terms, means that an attack is 'possible but not likely'. There is no intelligence or information to indicate a specific threat to him from terrorists. There is no evidence or indication before us that by requiring him to give evidence before the Inquiry that the level of risk would increase, let alone meet the high threshold required by Article 2.

Common Law

11. The applicant has expressed subjective fears for his safety should he be required to give evidence openly in public. Those fears are based on his position as a serving Civil Servant, the history of attacks against Civil Servants in Northern Ireland and the nature of the subject matter of this Inquiry. We have noted all of these factors and have taken them into account. We have carefully considered the applicant's work history, set out in the closed part of the application, and, in particular, we note that his concerns relate to the post that he occupied nine years ago.
12. We note that the applicant continues to work in the Northern Ireland Office. We have had full regard to the Reports of the IMC, including the 17th Report from November 2007. In particular, we have taken into account that dissident Republican terrorist groups continue to pose a threat. However, although there were three paramilitary murders, all by dissident republicans, constituting the largest number in a six-month period for 2 years, the total number of casualties from both shootings and assaults has again fallen.
13. We have taken into account the Individual Threat Risk Assessment provided to us that indicates there is no current threat to the applicant from either Republican or Loyalist paramilitaries. The assessment concludes that the evidence he gives may have some influence on the level of threat to him thereafter. The Generic Risk Assessment also places the existing threat to this applicant at 'moderate', although an

individual's actual evidence to the Inquiry may have an impact on his level of threat. This witness will be called principally to giving evidence about his role within the Private Office of the Northern Irish Prisons and Security Minister. We consider his evidence to be uncontroversial. There is no indication that the 'moderate' threat to him will increase in the event that he is required to give evidence at the Inquiry without the provision of anonymity and screening.

14. In the whole circumstances, we do not consider that it would be unfair to require the applicant to give evidence before the Inquiry without the protection of identity. Accordingly, the application is refused.

RNM MacLagan
3 March 2008

SIGNED BY THE CHAIRMAN FOR AND ON BEHALF OF THE INQUIRY PANEL