

# THE BILLY WRIGHT INQUIRY

Chairman: Lord MacLean

## DECISION BY THE PANEL

In the Application by

Witness 'CI'

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 'CI' submitted an application requesting anonymity and screening. Any information from these 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 Panel did not have the benefit of sight of an individual Threat Risk Assessment from the Police Service of Northern Ireland and the Security Service for this witness as the Witness failed to complete the paperwork required to request such an Assessment. This was despite a number of reminders being sent to him.
4. The Inquiry did receive a generic Risk Assessment along with an explanation as to the various categories of risk and a copy of that was sent to the applicant.

5. The Panel reached its decision after due consideration of all of the above material and having also considered the Reports of the International Monitoring Commission (IMC), in particular the 18th Report from May 2008.
6. 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).
7. 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 ‘CI’

8. Witness ‘CI’ seeks anonymity and screening whilst giving evidence. His application is predicated on the fact that he was part of the Key Person’s Protection Scheme (KPPS) and because of his current employment.

#### ARTICLE 2

9. The Generic Threat Assessment places the existing threat to civilian witnesses to the Inquiry as ‘low’. ‘Low’ means that an attack is ‘unlikely’. A ‘low’ level of threat does not therefore meet the high threshold of a ‘real and immediate’ risk to his life as required by Article 2 of ECHR.

## COMMON LAW

10. As stated above the applicant bases his application on the basis that he was part of the KPPS and because of his current employment. He has not elaborated on this but has been asked to do so more than once. The applicant has not referred to fears for his safety. The nature of his concerns regarding his employment are that he is currently encountering serious problems and he feels these will be exacerbated if he were to give evidence publicly in his own name. We find these concerns to have little substance. We fail to see how the confidence placed in him in his current job could, in any real way, be diminished by the evidence he has to give to this Inquiry and there is no material lodged in support of this proposition. We also note that the applicant was a Member of the Legislative Assembly (MLA). Nonetheless, we have noted all of these factors and have taken them into account, along with the other points made in support of the application. We note further that as a serving MLA the applicant will have enjoyed a public profile and that his name is in the public domain.
11. The generic Threat Assessment indicates that the nature of the applicant's evidence to the Inquiry may have an impact on his level of threat. The applicant will speak to meetings he had with David Wright while he was a MLA between 1998 and 2003. This evidence is important, but is unlikely to be particularly controversial.
12. We have had full regard to the Reports of the IMC, including the 18th Report from May 2008. In particular, we have taken into account that dissident republican terrorist groups continue to pose a significant threat. We note the belief of the IMC that dissident republicans have sought to target the homes of police officers or others thought to possess weapons, with a view to stealing them, but we note there is no reference to any attacks on serving or former politicians. The LVF has not been involved in any terrorist activity during the same period. 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. 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.

14. Accordingly, the application is refused.

*R. Maclean*

*2 July 2008*

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