

THE BILLY WRIGHT INQUIRY

Chairman: Lord MacLean

DECISION BY THE PANEL

In the Application by

Witness 'AB'

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 'AB' submitted an application requesting anonymity along with further private papers that were for the eyes of the Inquiry Panel only. Any information from those documents which 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 assessment for Witness 'AB' in February 2007 and an updated threat assessment in November 2007. The Inquiry also received a generic Risk Assessment dated 16 August 2007. An explanation as to the various categories of risk was submitted on 5 October 2007.
4. 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 and responses to those comments were received by those representing the applicant.

5. The Panel have met and considered this application. 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.
6. The Inquiry being conducted by this 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

8. Witness ‘AB’ seeks anonymity and screening whilst giving evidence. His application is predicated on the fact that he is a former Civil Servant associated with the Northern Ireland Prison Service (NIPS).

Article 2

9. The Generic Threat Assessment places the existing threat to former civil servants at ‘moderate’. ‘Moderate’, in threat assessment terms, means that an attack is possible but not likely. The individual threat risk assessment provided for him assesses the present threat to him from Irish related terrorists as ‘low’. If the applicant gives evidence without anonymity and screening, the level of threat will rise to ‘moderate’.

An increase in threat to 'moderate' would not meet the high threshold of a 'real and immediate' risk to his life required by Article 2 of the ECHR.

Common Law

10. 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 former Civil Servant, the level of threat to Civil Servants in Northern Ireland and the nature of the subject matter of this Inquiry. We have taken full account of his work history, his personal circumstances and all of the other factors referred to in the application.
11. We have taken into account that the threat assessments indicate there will be an increase in threat to the applicant based on the evidence he provides. This witness will be called principally to give evidence about his attendance at a meeting where an important decision was made. He attended in an administrative capacity and had no input in the decision-making process. We therefore consider his evidence to be largely uncontroversial. 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. 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 fallen.
12. 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.



21/08/08

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