

# THE ICL PUBLIC INQUIRY

**Inquiry Chairman: The Right Honourable Lord Gill**

## **Witness Protocol**

(Written statements)

1. The Inquiry wishes the evidence initially to be in written form
2. All persons who are known to have relevant evidence to give will be asked to provide a written statement setting out that evidence in accordance with the witness statement structure protocol, as set out on this website. Further requests may be made in due course either for an additional written statement or statements from those persons or for written statements from others
3. Any other persons who believe that they may be able to give relevant evidence should contact the Inquiry as soon as possible. The Solicitor to the Inquiry, or one of her colleagues, will ascertain the nature of that evidence and inform them how to proceed thereafter.
4. Requests for written statements will be made by the Solicitor to the Inquiry. They will identify the matters or issues with which the Inquiry wishes the statement to deal. Persons requested to provide a statement should also have regard to the Inquiry's terms of reference when considering the topics they should address in the statement. Should a statement fail to address all of the topics with which the Inquiry is concerned a request for a further statement providing clarification or focussing on areas of particular concern may be made.
5. It is unlikely that public funding for legal assistance will be available where a person is a witness of fact and is unlikely to be the subject of criticism. Further guidance is available in the Legal Representation at Public Expense protocol.
6. A person may arrange for a statement to be provided to the Inquiry as follows:
  - (i) The Solicitor to the Inquiry, or one of her colleagues, can assist with the preparation of the statement. In such cases the person requested to provide a statement will have the opportunity to make such amendments or additions to the draft statement as he or she may see fit prior to the statement being signed.
  - (ii) Alternatively, persons requested to provide a statement may prefer to prepare their own statement. In doing so it is open to them to seek the help of a legal or other representative (such as an official of a trade union or professional body).
7. Persons requested to provide a statement need not include their addresses in their statements. 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 etc will not be disclosed and will be redacted.

8. Any witness that the Inquiry considers may be subject to potential criticism by the Inquiry 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 may be entitled to be legally represented.
9. 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.
10. The Inquiry Chairman requests that it be noted that whether a witness is called to give oral evidence is a matter for his discretion. He is aware that a number of witnesses whose evidence may be required are elderly and that others have suffered trauma. In the event that a person who is requested to provide a written statement is concerned as to their fitness to attend at the Central Community Hall, Maryhill to give oral evidence, they are invited to submit medical evidence as to their fitness to attend to the Inquiry for consideration by the Chairman at the time of submitting their written statement.

**Issued under the authority of the Chairman 2 May 2008**