

THE ICL INQUIRY

Inquiry Chairman: The Right Honourable Lord Gill

Witness Statement Protocol

The Purpose of this Protocol

1. The purpose of this protocol is to ensure that witness statements:
 - conform to a common standard; and
 - are supplied to the Inquiry in a format which will enable the Inquiry readily to ascertain the matters to which the statement relates.

2. It applies:
 - where a core participant is invited to submit evidence by the chairman; and/or
 - where the Inquiry has made a specific request of an individual.

3. This Protocol should be read in conjunction with the Inquiry Procedures document which can be found on the Inquiry Website at www.theiclinquiry.org under the heading “Key Documents”.

Statement Format

4. Witness statements submitted to the Inquiry should be on single-sided A4 size sheets which comply with the following format requirements:

- Font and size Arial 12 ;
 - Header and footer of not less than 2.54cm and margins not less than 3.17cm to the left and right (normally the default settings for Word); and
 - Line spacing of 1.5.
5. Each page should be numbered sequentially, and each paragraph should be numbered sequentially (ie. 1,2,3, etc....) from the beginning to the end of the statement.
 6. Wherever possible an electronic copy (preferably in Word) should be submitted as well as a hard copy. Hard copies should be sent to:

The Inquiry Secretary
The ICL Inquiry
3rd Floor,
Lothian Chambers,
59-63 George IV Bridge,
Edinburgh,
EH1 1RN.

and electronic copies to info@theICLinquiry.org. Please ensure that 'tracked changes' are not visible in the electronic version.

The Statement Maker

7. Except where a specific individual has been requested to provide a statement to the Inquiry, statements submitted for or on behalf of organisations should be prepared by or under the instruction of a person (or persons) who should be able to speak about the content of the statement at the Inquiry's public oral hearings.

8. If an organisation's statement refers to the actions taken by specific individuals who are able to give relevant factual evidence to the Inquiry, it is requested for separate statements to be prepared by those individuals and submitted together with the organisation's main statement.

Structure of the Statement

9. The statement of a witness who is giving evidence in relation to his or her occupational capacity should state the witness's full name, the name and address of the employing organisation, and the witness's position or role within that organisation. Where appropriate, a brief C.V. should be included setting out relevant experience and qualifications to make the statement.
10. A witness who is giving evidence in a private capacity need not include his or her home address in the statement. An address should be provided separately to the Inquiry where the Inquiry does not already hold an address.
11. Thereafter the body of the statement should deal with the substance of the witness's evidence.
 - Unless it is self evident briefly state why the person is making the statement
 - Where it is addressing factual events these should be set out chronologically
 - Where it is addressing specific issues these should be clearly identified means of sub-headings

The contents should be self explanatory in that relevant self evident questions raised by what is stated should be explained within the text, or it made clear that the witness is unable to answer the self evident

follow on question, e.g. use of the term “I believe” should be avoided. If it is used, an explanation as to why the witness “believes” should be included.

12. The statement should end with:

- confirmation that its contents are true;
- the witness’s signature; and
- the date of signing.

13. Where a witness makes a second or further supplementary statement this should be stated at the outset of the second or further statement.

Reference to Supporting Documents

14. If a document is referred to during the course of a statement:

- a) if the document is less than five pages long the document should be exhibited to the statement;
- b) if the document has not been previously disclosed to the Inquiry by the witness or his/her employer, the complete document must be supplied;
- c) if the document has been previously disclosed and is longer than five pages, then it is sufficient to quote from the relevant document and to exhibit to the statement only the page or pages from which the quotation is taken. The cover page of the document should also be supplied to help with the identification of the document within the Inquiry’s database;

Queries Relating to Witness Statements

15. Any queries relating to the content or format of witness statements, or any exhibit thereto, should be directed to the Inquiry Solicitor or her deputy, at the Inquiry's designated postal address stated above, or sent by email to jglass@scotcourts.gov.uk or kmcartney@scotcourts.gov.uk.

Issued under the authority of the Chairman 2 May 2008