

# THE BILLY WRIGHT INQUIRY

Chairman: Lord MacLean

## DECISION BY THE PANEL

In the Application by

Witness 'FB'

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 'FB' has submitted an application requesting anonymity and screening. Witness 'FB' also submitted with the application further confidential papers that were for the eyes of the Inquiry Panel only. 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 received an individual Threat Risk Assessment for the applicant from the Police Service of Northern Ireland (PSNI), along with a redacted version. No conclusion adverse to the application has been based on any material undisclosed to the applicant. Any such information from that document which 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 along with an explanation as to the various categories of risk. A copy of this was sent to the applicant.
5. Parties who have been granted Representative status at the Inquiry have been given the opportunity to see a copy of the application and of any supporting documentation. Comments were received from the family of Billy Wright through their solicitor John McAtamney and a response to those comments was received from those representing the witness.
6. The Panel met and considered all of the above material together with the Reports of the International Monitoring Commission (IMC), in particular the 18th Report from May 2008.
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 on 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 considered Article 8 issues where they arise.

#### The Application – Witness FB

9. Witness 'FB' seeks anonymity and screening whilst giving evidence. His application is predicated on the fact that he is a retired Officer from the PSNI.

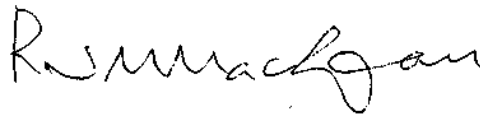
## Article 2

10. The individual Threat Risk Assessment provided for Witness 'FB' by PSNI assesses the present threat to him from terrorists as 'moderate'. The Generic Risk Assessment places the existing threat to retired Police Officers at '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 former Police Officer, the history of attacks against Police Officers in Northern Ireland, the nature of the subject matter of this Inquiry and his role in the investigation following the murder of Billy Wright. We have noted all of these factors and have taken them into account.
12. The witness is concerned that, should his identity be disclosed, the subsequent heightening of his 'profile' would have an adverse impact on his current job. We note that this job is not in Northern Ireland and that his evidence is unlikely to be controversial. He has been the subject of threats on a number of occasions in the past. These are detailed in the confidential statement attached to the application and in the individual Threat Risk Assessment. However, there has been no intelligence indicating a threat to the witness in the past five years. We have also taken into account the stress placed on the witness's family over the years and his desire to keep a low profile. The witness apprehends that the threat level under which he and his family currently live will be exacerbated by the act of testifying before the Inquiry without his identity being protected. However, this view is not supported by the individual Threat Risk Assessment.

13. Although the Generic Risk Assessment places the existing threat to this applicant at "moderate", it also indicates that an individual's actual evidence to the Inquiry may have an impact on his level of threat. The applicant will be called to speak to the investigation into the murder of Billy Wright. We consider his evidence to be factual and uncontroversial.
14. Reference is made in the application to the IMC Reports. We take account not only of the parts of the Report identified in the Application, but also the totality of information contained within all of the Reports. We have taken into particular account the terms of the 18th Report from May 2008. We note that dissident republican terrorist groups continue to pose a significant threat. The LVP has not been involved in any terrorist activity during the same period and is thought to have no political purpose. There was only one paramilitary murder in the period. The total number of casualties from shootings and assaults has risen. However, the figure for shootings is the second lowest since 2003 and is said to confirm the trend for less casualties from shootings.
15. In the whole circumstances, we do not consider that it would be unfair to require the witness to give evidence before the Inquiry without the protection of anonymity and screening. Accordingly, the application is refused.



14. 5. 2008

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