

The Bloody Sunday Inquiry: FAQs

<http://www.bloody-sunday-inquiry.org.uk/index2.asp?p=1>

1. When was the Inquiry set up?

The Bloody Sunday Inquiry was announced by the Prime Minister Tony Blair in a statement to the House of Commons on 29 January 1998.

2. Why was the Inquiry set up?

The basis for the current Inquiry was new evidence that was not available to Lord Widgery. The weight of new material available was such that the events of 30 January 1972 required re-examination.

3. What is the Inquiry's status?

The Inquiry is set up under the Tribunals of Inquiry (Evidence) Act 1921. This means the Tribunal has the same legal powers as the High Court to require individuals to attend before it and to provide documents.

4. What are the Tribunal's terms of reference?

The Tribunal's terms of reference are to inquire into: "the events of Sunday, 30th January 1972 which led to loss of life in connection with the procession in Londonderry on that day, taking account of any new information relevant to events on that day".

5. Who is leading the Inquiry?

The Inquiry is being conducted by an international tribunal of judges, chaired by the Right Honourable Lord Saville of Newdigate. The other Tribunal members are the Honourable William L. Hoyt (formerly Chief Justice of New Brunswick, Canada) and the Honourable John L. Toohey (former Justice of the High Court of Australia).

6. What is the duty of the Tribunal?

The Tribunal, Counsel, the Inquiry Solicitor and the Inquiry Secretary all have the same duty, which is to seek the truth about what happened on Bloody Sunday. That duty, which is the object of the Inquiry, is to be carried out with fairness, thoroughness and impartiality.

7. Is this a trial?

No, this is an Inquiry not a trial. It is inquisitorial not adversarial. The Tribunal takes the initiative in trying to ascertain the truth. Unlike an adversarial contest, it is for the Tribunal to seek all the relevant material. Its task is not to decide in favour of one party or another. Indeed, from the point of view of the Tribunal, there are no parties or sides.

There will be those who have material evidence to give or who have a legitimate interest in challenging such evidence, but the Tribunal will not treat them as sides or parties in an adversarial contest. The inquisitorial format is a means of seeking out the truth in a way that would not be possible in adversarial proceedings.

8. What was the role of Counsel to the Inquiry?

Christopher Clarke QC, Alan Roxburgh, Cathryn McGahey and Bilal Rawat were Counsel to the Inquiry. Their primary role was to advise the Tribunal and to assist the Inquiry by presenting the evidence to the Tribunal and questioning the witnesses on their behalf.

9. When and where did the Tribunal hold its hearings?

The Inquiry sat in the Guildhall, Londonderry, Northern Ireland.

The opening statement from Lord Saville was made on 3 April 1998. Oral hearings commenced on 27 March 2000 with the opening speech by Christopher Clarke QC, Counsel to the Inquiry. The first witness to give oral evidence was heard on 28 November 2000 and the Inquiry finished hearing the main body of witnesses on 13 February 2004.

In June 2004 two additional witnesses were heard and there were further hearings regarding written submissions from the interested parties. Counsel to the Inquiry gave a two-day closing speech beginning on the 22 November 2004. One further witness was heard in January 2005.

The oral hearings normally ran from 9:30–12:00hrs and 12:45–15:00hrs, Monday to Thursday, although it was not unusual for sessions to run on longer and the days varied on occasion, for example, to accommodate a Bank Holiday.

There were also occasional Friday sittings.

10. Why did the hearings move from Londonderry to Central London?

In December 2001 the Court of Appeal ruled that the evidence of the soldier witnesses should not be taken in Londonderry on the grounds that they have reasonable fears for their safety. The Tribunal concluded that for this part of the evidence the Inquiry hearings should move to Great Britain.

On 14 March 2002 the Inquiry announced that the venue for the hearings would be Central Hall, Westminster.

The Inquiry then sat in London between Tuesday 24th September 2002 (Day 237/Witness 572) and 21st October 2003 (Day 386/Witness 842).

The Inquiry returned to the Guildhall, Londonderry on 29 October 2003 to hear the remaining oral evidence.

11. What happens after the closing speech?

The members of the Tribunal have retired to write their report. It is extremely difficult to predict how long the outstanding work will take, but they consider it most unlikely that they will complete the report before the end of 2007 at the earliest, and they may need a longer time even than that.

12. Who were the witnesses?

The Inquiry interviewed and received statements from around 2,500 people and 922 of these were called to give oral evidence.

The number of witnesses in each category called to give oral evidence was as follows:

- * Civilian 505
- * Experts and Forensic Scientists 9
- * Media (including photographers) 49
- * Military 245
- * Paramilitary or Former Paramilitary 35
- * Politician and Civil Servant (including intelligence officers) 39
- * Priest 7
- * RUC 33

13. Which parties have legal representation?

Although this is an inquisitorial inquiry and not an adversarial contest, the Tribunal has allowed the families of those who died on Bloody Sunday, those who were wounded that day, and soldiers to be represented.

They are represented by various different firms of solicitors and the Treasury Solicitor. In addition, a number of individuals have been granted a measure of legal representation.

14. Who questioned the witnesses?

Normally, questions were put to witnesses by Counsel to the Inquiry. When appropriate, subject to the discretion of the Tribunal, questions could be put by Counsel for the interested parties. The Tribunal also questioned some witnesses.

15. What was 'screening'?

In some instances witnesses were 'screened' while giving their evidence. This meant they were only visible to the Tribunal, counsel and other legal representatives. Members of the public and media could hear the evidence being delivered but could not see the witness while this was done.

It was up to the Tribunal to decide whether an application for screening would be granted.

16. Were screened witnesses giving evidence anonymously?

No. Although they were screened from view during hearings, the witness's name was in the public domain. Applications for anonymity were separate.

Witnesses who gave evidence anonymously could also apply to be screened. Again, it was up to the Tribunal to make

a decision on these applications.

17. Why were some of the military witnesses granted anonymity?

This was done for security reasons. The Tribunal ruled in October 1999 that all soldiers whose identity is not already clearly in the public domain would not be identified in the course of the Inquiry's proceedings unless the Tribunal directed or ruled otherwise. This gave effect to the judgement of the Court of Appeal of 28 July 1999.

18. Have any witnesses been granted immunity from prosecution?

No. However, the Attorney General has stipulated that any written material or oral evidence provided by a witness cannot be used to incriminate that witness in any later criminal proceedings. It was considered essential that in order to reach the truth of what happened on Bloody Sunday witnesses should not refuse to co-operate on the grounds that they may incriminate themselves.

This does not rule out the possibility of future criminal proceedings against an individual, only that their own evidence to the Bloody Sunday Inquiry cannot be used against them.

For more information on this ruling see the 25 February 1999 press notice on the Inquiry website www.bloody-sunday-inquiry.org.

19. Who was present at the hearings?

The Tribunal, Counsel to the Inquiry, other Inquiry staff, the legal representatives of the interested parties, and stenographers (who produce transcripts of the hearings using Livenote software) were present continuously.

The media and the public were also welcome and attended. In the Guildhall the upper gallery had seats reserved for the public and the lower gallery had separate areas for the use of family members and the media. There were also separate family, public and media seating areas at Central Hall.

There was a media centre located at 1 Guildhall Street where CCTV and evidence display screens linked to the Hearing Chamber, land lines, a fax, ISDN line, photocopier were available to journalists. During the London hearings, a similar facility was available adjacent to the hearing chamber in Central Hall.

20. Was it possible to follow the proceedings from Derry during the sittings in London?

Yes. Those interested in following the Inquiry could view the hearings live on screens via CCTV in the main hall in the Guildhall. Media could continue to use the press facility at 1 Guildhall Street.

21. What is Livenote?

Stenographers recorded the proceedings contemporaneously in electronic form. Tribunal members, Counsel to the Inquiry and Counsel for the interested parties all had instant access to the transcripts via computer, and were able to highlight particular sections and make notes as the text appeared on their screens in real time. Hard copies could be run off at any time and distributed to the media centre. Perfected transcripts were produced at the end of each day's evidence and placed on the Inquiry's website www.bloody-sunday-inquiry.org.

22. What is the scale of the information with which the Inquiry has had to deal?

Approximately 2,500 witness statements have been received by the Inquiry and 33 bundles of evidence comprising about 160 volumes, including 13 volumes of photographs, have been sent to representatives of the interested parties to the Inquiry. It is estimated that these bundles contain 20-30 million words. In addition, the bundles contain 121 audiotapes and 110 videotapes.

The evidence has also been recorded electronically and been sent in CD-ROM format to the interested parties.

23. What is the cost of the Inquiry?

The total cost of the Inquiry to Government is currently expected to be £172 million.

24. What was the cost of moving the Inquiry to London?

An estimated £15 million of net additional costs arose from the transfer of the hearings to London.

25. Are witness schedules for the hearings available?

By clicking on "What's New" then "Witness Schedules", a list of witnesses heard is on the Inquiry website

www.bloody-sunday-inquiry.org.

26. Will the public have access to documents referred to at the hearings?

Unless the Tribunal directed otherwise, all documents put in evidence were displayed on screens in the main hall and wherever there was CCTV coverage of the proceedings so that the press and public could see them.

Transcripts of the proceedings and the written statements of those witnesses who have given oral evidence are also on the Inquiry's website: www.bloody-sunday-inquiry.org.

The Inquiry does not have the resources to provide hard copies of these documents to the public on demand. Limited exceptions may be made, at the discretion of the Inquiry staff, in order to assist journalists reporting the proceedings or for other good reasons.

It is intended to publish evidence documentation as part of the final report.

27. Why did it take so long for the public hearings to get underway?

The number of years that have elapsed since the events of 30 January 1972 meant that a tremendous amount of research had to be devoted to tracking down material and witnesses.

The sheer volume and range of material which had to be collated, together with the task of finding, interviewing and taking statements from about 2,500 witnesses, not all of whom were easily accessible, was very time consuming.

28. How can I keep in touch with the Inquiry's progress?

The Bloody Sunday Inquiry has an Internet site at www.bloody-sunday-inquiry.org that has up to date information on the Inquiry, including all its proceedings to date.

All correspondence should be sent to the Inquiry's London address: The Bloody Sunday Inquiry, PO Box 18031, London SW1Y 4WG. The Inquiry may also be contacted by email at enquiries@bloody-sunday-inquiry.org.