

Protocol for hearing evidence by the Iraq Inquiry in public, and for identifying witnesses

This protocol addresses:

- how the Iraq Inquiry will decide whether evidence should be heard in public or in private; and
- how the Inquiry will decide whether the identity of a witness should be published or not.

Giving Evidence in Public

1. In view of the Inquiry's commitment to openness, the Inquiry will hear all evidence in public unless the Inquiry Committee judges that it should be heard in private. The Committee will make its judgement on a case by case basis, starting from the principles set out in the Witness Protocol and taking into account the answers to the following questions about the individual witness and the evidence he/she expects to give
 - a. Would the matters on which the witness will give evidence, if revealed in public, damage national security or other vital national interests? There are a number of categories of information which could satisfy this criterion – see Sensitive Information. In the event of disagreement between the Inquiry and the lead department, a process of negotiation between the Inquiry and HMG shall be followed, as set out in Documents and Other Written and Electronic Information.
 - b. What is, or was, the official role of the witness? Ministers, senior military officers, members of the Senior Civil Service and their equivalents, and former holders of those posts, should expect to give evidence in public unless national security requires otherwise. The potential for embarrassment to these witnesses will not justify secrecy. In the case of more junior staff the Inquiry will normally agree to requests for a private session, for example to protect any who may wish to give evidence that runs counter to others.
 - c. Is there any other genuine reason (such as health or security concerns) why a witness would have difficulty appearing or being entirely frank in public?
2. Where there are good reasons for a particular witness to give some of his/her evidence in private, the Inquiry will still hear evidence from that witness in public to the greatest extent possible. It cannot be assumed that any witness will be heard wholly in private simply because some of his/her evidence justifies being heard in private. In general a private session will address only the evidence which must be heard in private. The Inquiry will hold a separate public session which will explore all other relevant matters.
3. In all cases where the Committee concludes that the balance lies in a private hearing for all or part of a witness's evidence, it will give careful consideration how best to draw on and explain in public what was covered in the private session. Any publication of evidence given in private, whether for this purpose or in the Inquiry Report, will be redacted as necessary to protect national security and meet other relevant concerns. This will be done in consultation with the witness and in line with the process set out in Documents and Other Written and Electronic Information, or an equivalent process where confidences belonging to parties outside HMG are at issue.

Anonymous Witnesses

4. The great majority of witnesses to the Inquiry will be identified at public evidence sessions and in the Inquiry Report. Exceptions are likely to be limited to the following categories of witnesses, although the Committee will consider all such requests carefully in accordance with the principles set out in the Witness Protocol
 - a. Members and past members of the Intelligence and Security Agencies or other organisations who have not been avowed as such, and whose

effectiveness and personal security may be put at risk if they are identified;
and

- b. Junior staff or contractors who are giving evidence in confidence, who have reasonable concerns that their safety, career or future employment may be at risk if they are identified.