

# **In the matter of the Iraq Fatality Investigations**

Inspector: Sir George Newman

## **General Ruling on Anonymity**

1. As a general principle, anonymity will be available where appropriate to soldiers to allow them to give their evidence, both written and oral, anonymously.
2. The reasons why it may be appropriate to grant anonymity include:
  - i. That such a course is consistent with the aim of the inquiry which is to carry out an effective investigation into all the facts but not to concern itself with criminal or civil culpability;
  - ii. That the identities of the soldiers have already been publicised and are, in that sense, in the public domain, but that the exposure was many years ago and their lives have since moved on;
  - iii. That the soldiers have already been through a public trial in which they were exposed to serious allegations and they have the benefit of not guilty verdicts in respect of those allegations;
  - iv. That fresh public exposure in the media and otherwise may give rise to risks to themselves and their families and adverse public criticism;
  - v. That they have the benefit of an undertaking from the Attorney-General, the Army Prosecuting Authority, and the Office of the Prosecutor at the ICC in connection with the evidence they propose to give in these Investigations.
3. The reasons against a grant of anonymity include:
  - i. That the Investigation must be accessible to the families of the deceased and the families have an expectation that the identity of the soldiers will be revealed to them;

- ii. That the public interest requires their identities to be revealed in order to subject their conduct to public scrutiny;
  - iii. That there is greater public interest in revealing the identity of more senior army officials and those whose conduct is relevant to the wider circumstances of the death than the identity of junior soldiers;
4. It is undesirable for there to be blanket anonymity as soon as my terms of reference are settled. However, a general respect for the rights of the soldiers to request anonymity should be recognised. It is highly desirable that pending contact from the IFI and the opportunity for a soldier to request anonymity that he or she should not act so as to prejudice any subsequent application that they may wish to make. Once any request for anonymity is made, I will rule on that request according to the reasons set out above.

SIR GEORGE NEWMAN

4 October 2016