

**In the matter of an investigation into the death of
Mr Ahmed Jabbar Kareem Ali**

PUBLIC STATEMENT OF THE INSPECTOR, SIR GEORGE NEWMAN

1 JULY 2016

Media Contact with Witnesses

1. The legal framework for the IFI investigations includes a requirement for them to be publicly accessible. The Divisional Court drew up clear pointers for the way in which the Inspector could achieve a proper balance between full public hearings and the form of a more streamlined process, which was nevertheless public.

2. The procedures adopted by me have been published and I have spoken to them in the course of a hearing specially arranged for the media on 22 January 2016. The published procedures include provision that only the Inspector has the right to ask questions of the witnesses. Public accessibility to a witness is provided for by the right for anyone to suggest lines of inquiry and questions for the Inspector to adopt. He is obliged to consider the suggestions and to decide whether or not they should be put. Secondly the purpose in publishing statements on the website is to keep the public aware of the lines of inquiry which have been taken up by the Inspector and to prompt lines of inquiry and / or questions from the public which can then be considered by the Inspector. It may also provide information about witnesses who might assist the Investigation. Responsible reporting by the media will be welcome. It may assist in enlarging the public accessibility to the Investigation. The fact that a witness statement is on the website does not mean that the witness has been released as a witness or can be taken as having completed his evidence. The opposite is the case. The witness is available to be asked questions by the

Inspector throughout the course of the investigation until the final report has been published.

3. The fundamental principle that the Inspector controls the questions was clearly established by the Divisional Court. There are no advocates. There is no cross examination. Questioning of witnesses only takes place through the Inspector.
4. Two measures of protection are available to witnesses. If it is appropriate a legal adviser can be appointed at public expense to assist the witness in the preparation and in the course of his or her evidence. Secondly a witness can seek an anonymity order.
5. Regrettably during the last week a journalist has breached these procedures. Advantage was taken of the publication of a witness statement on the website where the witness had not claimed anonymity and where he had revealed sufficient details of his current whereabouts to enable him to be traced. The journalist contacted him asking to question him about his evidence. He had no right to do so. He should have sent his questions to me. The witness was very disturbed and upset by the approach and gave an immediate response before contacting his lawyer and the IFI.
6. This breach of procedures had the clear potential to interfere with and / or to inhibit the progress of the Investigation. If the integrity of the investigations is threatened by future failures to follow the procedures the practice of publishing statements may have to be reviewed and there may be an increased demand for anonymity. Public accessibility will thereby be reduced. I shall assume that the procedures will be adhered to in the future although I have received no assurance that such is the case. If anyone wishes to make representations to me to review and amend the clear effect of what I have laid down they are at liberty to do so and should prepare written representations and deliver them to me. I shall then rule on the issues which have been raised.

SIR GEORGE NEWMAN