

In the matter of an investigation into the death of Mr Nadheem Abdullah

Inspector: Sir George Newman

Anonymity Ruling

1. I have been asked by the soldiers alleged to have been involved in the immediate circumstances surrounding the death of Mr. Nadheem Abdullah to allow them to give their evidence, both written and oral, anonymously.
2. The reasons advanced for the request are:
 - i. The terms of reference specifically contemplate that as a general principle anonymity will be available where appropriate;
 - ii. That such a course is consistent with the aim of the inquiry which is to carry out an effective investigation into all the facts and not to concern itself with individual or collective culpability;
 - iii. That such an order will not interfere with or in any way substantially prejudice the objects of the investigation;
 - iv. That the identities of all the soldiers have already been publicised and are, in that sense, in the public domain but that the exposure was many years ago, all have the benefit of not guilty verdicts flowing from that exposure, their lives have moved on since those acquittals, and each has the benefit of an undertaking from the Attorney-General and the Army Prosecuting Authority in connection with the evidence they propose to give in these investigations;
 - v. That fresh public exposure in the media and otherwise may give rise to risks to themselves and their families and adverse public criticism;
 - vi. That in the circumstances it would be disproportionate and unfair for them to have to give their evidence under conditions in which the investigation reveals their identity.

3. Against this I have weighed whether the family will by the grant of anonymity be deprived of a legitimate expectation that the investigation into the facts would include the disclosure of the identities of all the soldiers. The family have informed me that they object to the grant of anonymity as they anticipated that the identities of the soldiers would be revealed to them in these investigations. But the reasons which have been advanced to me by the soldiers, in my judgment, are overwhelming and point to the balance being in favour of the grant of anonymity.

4. Members of the family attended the court martial and some gave evidence as witnesses. The identities of the soldiers were at that time made known to them or at the very least were being capable of being ascertained by them. The trial took place in public and each of the soldiers and their families were exposed to serious allegations which were made against them. Repetition in these investigations and consequent fresh exposure will serve no sufficient strong purpose and the families' desire for repetition cannot outweigh all the factors I have listed which are in favour of it being granted.

I so order.

SIR GEORGE NEWMAN

6 October 2014