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Our Reference
Your Reference
Date 14 November 2008

Dear Duncan

THE CHAIRMAN'S OPENING STATEMENT

On 15 October the Chairman in his opening statement invited submissions on the order made by the Judge Advocate at the court martial about the publication of certain features and information relating to the defendants. The Chairman also requested submissions on any related matter affecting other service personnel. The Ministry of Defence believes that first and foremost representations of this sort should be made by the lawyers who will advise and represent the individual witnesses who are required by the Inquiry. There are, however, two points that we should like to make.

First, in order to assist the Inquiry the MoD requested fresh threat assessments from Joint Terrorism Analysis Centre in respect of the defendants at the court martial. In each case the threat from international terrorism during the course of the Inquiry has been assessed as low; this means that an attack is unlikely.

Secondly, the Inquiry may call witnesses who are former or current employees of the MoD and whose attendance at the Inquiry will give rise to issues which engage the public interest. The MoD fully accepts that there is a strong public interest in the inquiry's proceedings being as open as possible. Only in exceptional circumstances, where the disclosure of a witness's identity or appearance would, for example, cause real harm to national security, would we make a request that he should be granted anonymity or screened from the press and public.

At this stage of the Inquiry it is impossible to estimate how many witnesses might fall into this category but the number is likely to be small. The general practice is to confine public interest applications to soldiers who serve in special units or who are engaged in other sensitive work, such as the gathering or exploitation of intelligence. So far as the soldiers to whom the Judge Advocate's order applies are concerned, there are unlikely to be public interest considerations save for the two who currently serve in the Intelligence Corps. Their position is the subject of an urgent assessment which will be communicated to the Inquiry shortly.

Yours sincerely

Bill Byatt