

Independent Commission for Reconciliation and Information Recovery

Charter of Commitments to witnesses

This Charter describes the standards of care the Commission commits to for all witnesses providing information or evidence during an investigation

October 2024



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Introduction

As a witness, the information you give may be vital for the Commission to investigate a case and provide answers to victims, survivors, and their families. You may also play an important role in promoting reconciliation, which is another key aim of the Commission.

The Commission sees it as an essential duty to offer care and support to everyone who acts as a witness in our investigations.

This document summarises the standards of care you can expect from the Commission if we ask you to give information or evidence about an event related to the Troubles/Conflict that we are investigating.

It applies to all witnesses in any type of investigation the Commission carries out, except expert witnesses (this means people who are asked to give an opinion because they have specialist knowledge).

Types of investigation, and what they mean for witnesses

The Commission carries out three different types of investigations – Focused, Culpability, and Liability. If you are asked to be a witness, we will tell you what type of investigation we are conducting, what this may mean for you in your role as a witness, and how the information you give us may be used.

For example, you may be asked to produce documents, provide a written statement or to attend the Commission to answer questions.

In the case of a Liability Investigation, you may be asked to give evidence in court.

People who ask us to carry out investigations are referred to as 'requesting individuals' and they may also be witnesses in the investigation. You can read more detail about the different types of investigation in our [Operational Design Framework](#), which can be found on our website icrir.independent-inquiry.uk.

Our standards of care for witnesses

The Commission understands that being asked to recall violent events from the past may have a significant impact on witnesses, particularly those who are vulnerable.

We commit to the following standards of care towards everyone who acts as a witness. These include offering you support, keeping you informed about the progress of the case you are involved with, and protecting your safety and security.

All Commission staff work according to our Trauma and Resiliency Informed Model. This means we consider the effect it may have on you personally to provide information about events that happened during the Troubles/Conflict.

This is a summary of the standards of care we commit to:

1. **To build and maintain a good relationship with you, and treat you with respect, fairness, dignity and sensitivity.**
2. **To give you clear information about what we are asking of you.** You will be given a named point of contact at the Commission who will provide you with information and support. As far as possible, this will be the same person throughout your contact with us as a witness.
3. **To assess your individual needs, including your physical and mental health, and any concerns you have about safety and security.** As far as we are able, we will make arrangements to meet your needs and can also signpost you to independent support organisations. If you give evidence in court we can assess if you are eligible for special measures which protect vulnerable and intimidated witnesses.
4. **To support you in giving information or evidence to the Commission.** For example, if you make a written statement, the person taking it will let you check it and make changes to any inaccuracies you point out.
5. **To protect you from intimidation.** We will keep your personal information securely and encourage you to report to us and the police if you are subjected to any intimidation or feel there is any risk to you. We and the police will take appropriate action to ensure your safety.
6. **To protect your safety in our final reports.** As a witness you may be named in our final reports, but we will not include your name if that would be a risk to the life or safety of you or any person. If you are significantly criticised in a report, you will be shown a draft of the relevant section and you will have the opportunity to give your views and make challenges.
7. **To enable you to give comments about your experiences or make a complaint.** We would welcome your feedback on your experiences as a witness so we can improve our services. If you are dissatisfied with the actions of a member of our team, you can raise this with your point of contact, or make a formal complaint if this does not resolve the issue. You can also make a formal complaint to an independent authority if you think any of our team have misused their police powers.

You can read more detail about our standards of care and what you may be asked to do as a witness in our standards set out below.

More standards we comply with

As well as our Charter of Commitment to witnesses, the Commission complies with the [Witness Charter \(Northern Ireland\)](#), [Witness Charter \(England and Wales\)](#), and [Standards of Service \(Scotland\)](#), depending on where the investigation takes place.

Some witnesses will also be victims, and the Commission has a [Charter of expectations, commitments, and agreements between the Commission and Requesting Individuals](#) and will comply with the [Victims' Charter](#), [Victims' Code of Practice](#) and [Victims' Code Scotland](#) for victims and bereaved families.

Standards of care for witnesses

Standard 1: Ensuring fair treatment.

As a witness, you will be treated fairly and with respect according to your needs irrespective of race, religion, background, gender, age, sexuality, or any disability. Where required, additional support will be provided, and any reasonable adjustments will be made to ensure that you have equal access to information and support services.

The Commission is taking a trauma and resiliency informed approach to its work. This means the Commission recognises a risk that people who engage with it may experience further trauma. All staff with whom you will have contact with will adhere closely to the Commission's Trauma and Resiliency Informed Model.

Standard 2: Contact from the Commission.

The Commission will contact you directly about providing information as a witness. In some cases, your former employer may contact you first, but this will be followed by contact from the Commission.

When we contact you, we will provide you with clear information about why we are contacting you and what we

are asking of you. This is to help you provide the best information or evidence to us.

You will be provided with a named point of contact in the Information Recovery team. Where possible, this person will remain your point of contact throughout your engagement with us.

We will tell you what type of investigation the Commission is conducting. We will ask you to respond to our contact within the timeframe requested and will seek to make arrangements that are suitable and convenient for you.

Standard 3: Assessing your needs.

If you are providing information or a statement, we will carry out an initial assessment of your needs as a witness. This will cover when and how you can be contacted and what communication needs you may have. We will encourage you to share any information that may impact your engagement with the Commission. You can tell us in advance about any issues or concerns you may have regarding safety and security, or concerns about your mental or physical health. We will handle the information you provide sensitively and securely.

Our presumption will be that if the information you give us is used by the Chief Commissioner to make findings about the case, you will be named as a witness in our reports, unless it is necessary not to name you. We will not include your name where doing so would be a risk to the life or safety or any person, a risk to national security, or where it might prejudice criminal proceedings in the United Kingdom. If you have any concerns about being named as part of any investigation we are carrying out, you should let us know and we will discuss this with you.

The Chief Commissioner will consider and decide on any requests for anonymity. Such requests can be made and decided on as early as needed in the process of the investigation.

Your information will be used to ensure that arrangements are made to meet your needs. If the investigation involves you giving information as part of Enhanced Inquisitorial Proceedings (EIP), or if you are called to give evidence in court, we will seek your views on special measures (explained further below) that might help you give your best evidence during the investigation and any public hearings. More details of the EIP

can be found on our website at [Operational Policy Enhanced Inquisitorial Proceedings \(EIP\) - Independent Commission for Reconciliation & Information Recovery \(icrir.independent-inquiry.uk\)](https://icrir.independent-inquiry.uk/)

We can signpost you to general support organisations and can refer you to independent emotional support if that is appropriate.

We want to ensure that you can provide the best evidence you can. This may include speaking to our investigators in a location of your choice or having your interview recorded. Investigators recognise you may have caring responsibilities or other needs which require a flexible approach. This will be discussed with you.

You are able to bring someone with you when you meet with the Commission, such as a family member or support worker from a voluntary organisation. This person may be asked not to attend if the Information Recovery Team considers this would be contrary to your interests, or where the criminal proceedings or conduct of the case would be prejudiced as a result of their attendance, but if this happens, we will discuss this with you.

In some cases, you may be entitled to welfare support from your former employer. We will provide details of this support to you when they contact you about being a witness, or you can contact your former employer directly.

You do not need a legal representative when engaging with the Commission as a witness. If you decide you would like a legal representative, we cannot pay for this, but you may be able to apply for legal aid in some circumstances, such as if you are required to give information in Enhanced Inquisitorial Proceedings.

It is likely that you will be asked to provide information to the Commission voluntarily. However, the Commission has powers which mean that witnesses can be compelled to provide information. If you decide not to engage or cooperate with the Commission in breach of a notice received, you can be fined up to £5000. If you receive a notice compelling you to attend at a date and time specified and you do not intend to comply, you should seek independent legal advice.

Standard 4: Providing information or evidence.

You may be asked to provide information, and/or attend the Commission at a date and time specified to answer questions. You may also be required to produce documents that the Commission has asked for or to provide evidence in the form of a witness statement.

You may be shown information prior to or during your interview to help you recall past events, such as any statement you made to the police or other investigator previously.

When you make a written statement, the person taking it will:

- explain the purpose of the statement,
- consider what help you may need to make the statement and explain what will happen next, including if the case is likely to go to court or you must attend the Commission to answer any further questions,
- ensure that they understand what you are telling them and that this is accurately recorded,
- allow you to read it to check that it is an accurate record, or ask someone else to read your completed statement back to you,
- change any inaccuracies you point out,
- add any further information you want included and
- ask you to sign your statement to confirm that you agree with what has been recorded in it.

Standard 5: Security and action on intimidation.

We take the security of information exceptionally seriously. This means we will keep your personal information securely and in accordance with our data retention policies. We will also ask that you do not discuss the questions you are

asked, or details of any information shared with you, with anyone else except your legal representative until the investigation is at an end and the final report has been published by the Commission.

You should immediately bring any act of intimidation – or risk of intimidation – to the attention of the Commission and the police, who will carry out an investigation and take appropriate action to ensure your safety. The Commission will also consider whether any additional measures may be required to protect you and will never do anything that would put, or risk putting, your safety at risk.

Standard 6: After you have provided information or evidence.

As a witness you may be named in the final published report produced by the Commission. As set out in Standard 3, we will not include your name where doing so would be a risk to the life or safety of any person, to national security, or where it might prejudice criminal proceedings in the United Kingdom. This decision is made by the Chief Commissioner, and you should let us know if you have any concerns.

If you are significantly criticised in a report, you will be provided with a draft copy of the relevant sections of the report and the opportunity to make representations. Even if you are not criticised or named in the Commission

report, you will be informed when the final report is to be published. If you are a witness in a case which is subject to a prosecution, you may need to appear in court and give evidence. The Commission must share information about your needs with the prosecuting authority to ensure the relevant rights and entitlements are put in place for you, and work with you to support you through this process. If this happens, we will provide you with further information about what to expect and how we will keep you updated.

Further information about how we use your personal information can be found in our Privacy Notice: [ICRIR Privacy Notice - Independent Commission for Reconciliation & Information Recovery](#).

Standard 7: The right to make a complaint.

We would welcome your feedback on your experiences as a witness so we can improve our services.

All Commission staff should comply with our Code of Conduct and with these standards. If you are dissatisfied with the actions of a member of our team, you should raise the issue with your point of contact in the Information Recovery team, if you are comfortable doing so. If you do not feel comfortable doing so, or remain dissatisfied, you can

make a complaint through the internal complaints procedure. More information on our complaint's procedure can be found here: [ICRIR Complaint Handling Procedure - Independent Commission for Reconciliation & Information Recovery](#).

The Commission also has agreed arrangements with the [Police Ombudsman for Northern Ireland](#) (PONI), the [Independent Office for Police Conduct](#) (IOPC), and the [Police Investigation and Review Commissioner](#) (PIRC) to provide independent oversight of the use of police powers by designated Commission officers in Northern Ireland, England and Wales, and Scotland.

They can independently investigate a complaint involving allegations of serious misuse of police powers by Commission officers. If you wish to make a complaint about the serious misuse of police powers by our officers, you can approach any of these organisations directly, or can make the complaint to the Commission directly, who will signpost you to the relevant organisation.

Special Measures

Special measures are available in court proceedings to help vulnerable and intimidated witnesses to give evidence in the best way to increase its quality and with as little stress for the witness as possible. Special measures can include:

- Video-recorded evidence in chief, where the interview with a witness is visually recorded and can be played as the witness's evidence in a trial.
- Live link, enabling a witness to give evidence from outside the court room over a televised link.
- Screens, which prevent the defendant from seeing the witness.
- Use of a registered intermediary, to assist vulnerable witnesses in giving their evidence.
- Aids to communication, which you may be able to use if you have a disability that means you need support to assist you in understanding or answering questions.

The law sets out who can be considered eligible for special measures, and eligibility will depend on the jurisdiction (England and Wales, Scotland or Northern Ireland) in which the case is being heard.

If you are required to give evidence as a witness in criminal proceedings following an investigation by the Commission, we will discuss this further with you and will undertake an assessment of your needs. In all jurisdictions, the granting of special measures is a decision for the court.

If you are required to attend the Commission to provide information and answer questions as part of Enhanced Inquisitorial Proceedings, we will discuss with you whether you would be assisted by special measures such as the ones outlined above. Permission for any special measures during the EIP will be a decision for the Commission.

Accessible Document Request Service

If you require any document in an accessible format, please contact us at equality@icrir.independent-inquiry.uk or speak directly with your Case Support Worker



Contact us about an investigation:

028 9036 2093

General enquiries:

028 9036 2006



Contact us about an investigation:

casesupport@icrir.independent-inquiry.uk

General enquiries:

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www.icrir.independent-inquiry.uk