

Omagh Bombing Inquiry: Protocol for the commemorative and personal statement hearings

June 2024

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Introduction *[Paragraphs 1 – 5]*

1. The purpose of this protocol is to provide guidance to those who wish to contribute to and participate in the commemorative and personal statement hearings. The hearings will commemorate each person murdered in the bombing and will hear from those who have been affected by the events on 15th August 1998.
2. Before anyone reads the substantive protocol below, the Chairman wishes to make clear that it does not contain any personal details or reference to any person who died, survivors or any other individual. However, the document does necessarily address the types of matters that witnesses may wish to include in their evidence during the commemorative and personal statement hearings. This content may well therefore be difficult and distressing to read.
3. The hearings will be the first substantive evidence heard by the Inquiry. The hearings will have two key purposes:
 - a. First, to commemorate publicly each person who was killed in the bombing. This will take the form of **‘pen portraits’** to explain who each person who died was in life, recognise their individuality and allow family members to set out the impact of their death and the atrocity.
 - b. Second, to hear **personal statements** from those who were injured in or were directly affected by the bombing. This will recognise the wider impact of the atrocity on the community in Omagh and beyond.
4. This evidence will be central to the Inquiry. It will be a key starting point in framing the Inquiry’s investigation into whether the bombing could have been prevented by the UK State. It will allow the Chairman, his team, Core Participants and the wider public to understand the effect of the bombing in Omagh. This will further allow the Inquiry to have that evidence in mind as it then proceeds to consider evidence as to preventability.
5. It is recognised that commemorative and personal statement evidence is deeply personal and sensitive to each person who provides it. It is vital that no family member, survivor or other witness feels that they must participate in this process; it is a matter for each person whether and, if so, how they wish to be involved in this phase of the Inquiry. No one is required to share their experience if they do not wish to do so, and no one will be required to give evidence. The Chairman and his legal team will assist potential witnesses to discuss how and if

they wish to participate in the hearings and accommodate their wishes as far as possible.

Pen portrait evidence

Gathering evidence *[Paragraphs 6 – 11]*

6. This part of the protocol sets out guidance on how family of a person who died in the bombing can provide a pen portrait to the Inquiry.
7. As far as possible, the Inquiry will help each family to present their pen portrait in the style and format to best represent the person who is being commemorated. This may include, but is not limited to, the following:
 - a. **Witness statement.** As far as possible, there should be one statement on behalf of each deceased person. The statement may be provided by multiple authors, provided it is signed by each of them. A template statement that families can use to create their statement is appended to this protocol.
 - b. **Video-recorded statement.** If a family wishes to prepare a video for their pen portrait evidence, they may do so. A family member may, for example, wish to pre-record the reading of a written statement and have this played during the commemorative hearings. A video could also include interviews with one or more family members. It could also include video material of the deceased, e.g. from previous family recordings. There is no expectation or requirement that video presentations should be professionally created but as set out at paragraph 12, if a family indicates the intention to produce a video, technical support will be provided by the Inquiry if the family requires it. It is a matter for each family to determine how they wish to provide their evidence. Recordings on mobile phones or tablets, for example, would be entirely appropriate and could then be converted by the Inquiry into a format that can be presented at the hearings.
 - c. **An audio presentation.** If family members wish to pre-record an audio-recorded reading of a written statement and have this played at the Inquiry hearing they may do so. The guidance set out above in 7(b) in terms of creating a presentation also applies here.

- d. **A slide presentation.** Family members may also wish to prepare a series of slides, for example showing pictures of their deceased family member, as a standalone presentation about them or alongside the reading of a written statement.
 - e. **Presentation of a photograph of the deceased person.** Family members may wish to show a photograph of the deceased person while the pen portrait evidence about each deceased person is given. This photograph will be available to be viewed on screens in the hearing room.
8. If a family member wishes to share with the Inquiry a copy of any previous written statement, video or audio recording that they have made about their family member then they may do so. It would assist if any such material is explained in an accompanying statement and formally exhibited.
9. The content and length of family members' pen portrait evidence will be a matter for them. No one is required to provide a pen portrait if they do not wish to do so. It is recognised that this will be highly personal and individual evidence. However, to help assist family members, the types of topics that family members may wish to consider are set out below. These topics are not intended to be prescriptive or exhaustive.
- a. Who the deceased was: their qualities, their personality.
 - b. Family life.
 - c. Working/school life.
 - d. Hobbies or personal interests.
 - e. Achievements.
 - f. Future plans and aspirations.
 - g. Family anecdotes or particularly fond memories.
 - h. The effect of the family member's death on the family collectively and/or on any particular member of the deceased's family.
10. The Inquiry legal team are acutely aware that due to the age of some of those who were killed in the bombing some, or all, of the above topics may not apply. If there are any additional memories or, for example, plans for the future that were not pursued because of the person's death, which the family wish to refer to or include in their evidence, then they should feel free to do so.
11. The pen portrait evidence should not overlap with evidence about any preventability issues that will be given to the Inquiry in due course. The pen portrait evidence should not include any comments or seek to apportion blame

in relation to any treatment provided on the day of the bombing or organisations that individuals may consider to be responsible for failing to prevent the bombing. Where family members have relevant evidence to give concerning organisations or individuals they may consider to be responsible for failing to prevent the bombing, there will be an opportunity to provide that evidence during later phases of the Inquiry.

The closing date for pen portrait evidence *[Paragraphs 12 – 15]*

12. The Chairman requests that family members, or their legal representatives, inform the Solicitor to the Inquiry by **4pm on Monday 9th September** of:
 - a. The name of the deceased person they wish to commemorate.
 - b. The format of any pen portrait evidence that they wish to provide in relation to their deceased family member(s), e.g. written statement, video presentation etc.
 - c. Who, as far as is known, will be providing the statement or contributing to a video or audio presentation, and their contact details (or, if represented, confirmation of their legal representative's contact details).
 - d. If applicable, the need for multiple pen portrait presentations for a deceased person and, briefly, the reasons for this.
13. Should any of the above subsequently change, the Solicitor to the Inquiry should be informed as soon as possible. This will assist with planning the arrangements for the hearings.
14. The Chairman requests that any pen portrait evidence is submitted to the Solicitor to the Inquiry by **4pm on Friday 1st November 2024**. If, at any point, any family needs further time to prepare their pen portrait evidence beyond this closing date this should be raised with the Solicitor to the Inquiry as soon as possible. Every effort will be made to accommodate reasonable requests for further time.
15. As set out above in paragraph 5, there is no requirement or expectation that a bereaved family should provide a pen portrait. No reasons or explanation will be sought if a family chooses not to provide that evidence. Should a family choose not to provide pen portrait evidence in relation to their deceased family member the Chairman may still wish to hear some evidence about the deceased person, as far as that is already in the public domain, so that the life of each person who died can be commemorated.

Personal statement evidence

Gathering evidence [Paragraphs 16 – 23]

16. A personal statement is an account from a person who was affected by the events in Omagh on 15th August 1998 to set out what they experienced and how that has affected them. A personal statement can cover any matters that a person wishes to share about their experience, but it should not provide views on any preventability issues, including any perceived failures on behalf of the UK State to prevent the bombing.
17. Personal statement evidence must be set out in the form of a written witness statement. Generally, the statement should be provided by the affected witness, not a third party (save for the reasons explained in paragraph 22). It should provide their story about what happened to them on 15th August 1998 and what the subsequent impact has been on them. Further guidance on possible topics to cover in personal statements are set out below in paragraphs 20(a) to (d).
18. In exceptional circumstances, where a witness wishes to provide the Inquiry with an account of their experience but believes they cannot do so in a witness statement, they should contact the Inquiry to explore whether there is any further support that the Inquiry can provide to that individual to facilitate the provision of their evidence.
19. If a witness wishes to share with the Inquiry a copy of any previous written statement, video or audio recording that they have made about their experience on 15th August 1998 and the subsequent associated impact then they may do so. Any such material should be referred to in their witness statement and formally exhibited, to confirm it is an accurate and truthful account.
20. The types of matters that a witness may wish to consider including in their statement are set out below. These topics are not intended to be prescriptive or exhaustive. The Inquiry team may, in some circumstances, need to review and discuss topics that witnesses have included in their statement(s) to ensure they are relevant to the Inquiry.
 - a. What the witness was doing in Omagh on 15th August 1998 and who they were with;
 - b. What they can recall about the hours prior to the detonation of the bomb;
 - c. What they can recall about the immediate period after the detonation of the bomb, including –

- i. The moment of the detonation;
- ii. What impact the blast had on the physical location where they were at the time;
- iii. Any physical injuries they suffered;
- iv. What happened to anyone else they were with at the time of the detonation;
- v. Any support or medical treatment they administered or received at the scene; and
- vi. Any other relevant information about their immediate experience

d. Details about any subsequent impact (including on their mental health) that the events of 15th August 1998 have had on them.

21. It is acknowledged that the contents of the personal statements may contain information that is both distressing and graphic. A witness should only provide information that they are comfortable and willing to share with the Inquiry. A statement can be as long or as brief as the witness wants.

22. The Inquiry recognises that many hundreds of people were, and continue to be, affected by the bombing. Sadly, the Inquiry cannot call every affected person to give evidence at the commemorative and personal statement hearings. Despite this the Inquiry is committed to receiving evidence from anyone affected by the bombing who wishes to provide evidence to the Inquiry. If there are individuals in Omagh, or elsewhere, who wish to provide evidence on behalf of their community to explain the impact and effect of the bombing that is welcomed. This evidence may be from one individual on behalf of others, such as a community organisation, a charity, a union or a support service. It may also be from a representative on behalf of an organisation to reflect the experience of a group of its employees (for example the police, a hospital or the ambulance service) or a representative on behalf of a group of professionals (for example nurses, doctors and paramedics) to include reflections from as many people as possible.

23. A template statement that any witnesses wishing to provide personal statement evidence may use is appended to this protocol. It is expected that personal statements will be prepared and provided to the Inquiry without the need for legal assistance. In exceptional circumstances, should a witness wish to apply for legal representation to support them to provide a statement they may do so, in accordance with the Inquiry's costs protocol.

Closing date for personal statement evidence *[Paragraphs 24 – 28]*

24. The Chairman requests that individuals wishing to submit personal statements inform the Solicitor to the Inquiry of their wish to do so via email or letter by **4pm on Monday 9th September 2024** and of:

- a. Their name.
- b. Date of birth
- c. Contact details (address, email address and telephone number)
- d. A summary explanation of what evidence they wish to provide (e.g. evidence as a witness to the bomb being detonated or the immediate aftermath, evidence as a witness who assisted in the response, evidence as a survivor who was injured or not as the case may be).
- e. If the personal statement is being made on behalf of a collective of individuals, who, as far as is known, will be the representative on behalf of the group (and the information set out at a-c above) and who the personal statement speaks for collectively.

25. A witness indicating their wish to provide a statement via email should use the email address solicitors@omagh.independent-inquiry.uk. A witness indicating their wish to provide a statement via letter should use the address; Omagh Bombing Inquiry, Colby House, Stranmillis Court, Belfast, BT9 5BF. When indicating a wish to provide a personal statement the witness is asked to ensure that either the email or letter includes the information set out at paragraph 24 above.

26. If a witness wishes to seek support from a legal representative for the preparation of their personal statement any such application should also be submitted by **4pm on Monday 9th September** taking note of the observations at paragraph 23 above. Any application must also comply with [the Inquiry's costs protocol](#).

27. Each email or letter submitted by a witness will be reviewed by the Inquiry and, provided the witness has relevant evidence to share, they will receive a written request with further guidance about providing their statement.

28. For any witness who receives a written request from the Inquiry, they will be asked to submit their personal statement to the Solicitor to the Inquiry by **4pm on Friday, 1st November 2024**. If, at any point, a witness needs further time to prepare their statement beyond this closing date this should be raised with the Solicitor to the Inquiry as soon as possible. Every effort will be made to accommodate reasonable requests for further time.

Disclosure of evidence *[Paragraphs 29 – 32]*

29. An important aspect of this phase of the Inquiry is to make public the commemorative and personal statement evidence. This will be done either by publishing the evidence received on the Inquiry website and/or calling witnesses to give evidence. This will ensure that the evidence is understood by the widest possible audience and that the Inquiry complies with its own obligations to facilitate public access to its hearings.
30. With this in mind, the pen portrait and personal statement evidence should be prepared on the basis that it will be disclosed to the Chairman and his team, Core Participants in the Inquiry and, in due course, made public by being published on the Inquiry's website. As far as possible, save for details that contain personal and irrelevant information, all pen portrait and personal statement evidence will be published in some form by the Inquiry.
31. Each family that provides a pen portrait will, if they wish, be invited to give evidence at the hearings. Due to the potential number of personal statements that will be received, it may not be possible to call every individual who provides a personal statement to give evidence at the oral hearings. However, every effort will be made to invite as many witnesses to give oral evidence as possible. If a witness wishes to submit a personal statement but does not wish to give oral evidence, then they can indicate that to the Inquiry and it shall not preclude anyone from providing their written account to the Inquiry.
32. The Chairman recognises that some witnesses may wish to provide evidence which is personal and sensitive, which they would not wish to be disclosed to Core Participants and/or the public. Where a witness has any such concerns, this should be made clear when the personal statement or pen portrait is provided to the Inquiry. The Chairman will then consider whether there is information that should be removed from the statement or pen portrait before it is disclosed or made public in accordance with the Protocol on Application for Restriction Orders.

Timetable *[Paragraph 33 – 34]*

33. Subject to paragraph 32 above, a copy of each personal statement and the pen portrait evidence will be disclosed to Core Participants. Following the receipt of the personal statement and pen portrait evidence on 1st November 2024 the Inquiry will review the pen portraits and personal statements. A draft timetable

will be circulated to indicate which witnesses will be called to give evidence at the commemorative and personal statement hearing and when (day and time).

34. At least a week before the commemorative and personal statement hearings a final timetable will be circulated to all Core Participants. This will also be published on the Inquiry's website.

Visit to the Inquiry hearing venue [Paragraph 35]

35. In advance of the commemorative and personal statement hearings, arrangements will be made for all bereaved family members and witnesses who wish to do so to attend the hearing venue in Omagh, with their legal representatives (for those represented), prior to giving evidence/attending for the hearings. The Chairman requests that any family member or witness wishing to take up the offer of an advance visit should indicate their wish to do so when submitting their evidence so that arrangements can be made.

Timing, length and structure of the commemorative and personal statement hearings and public access [Paragraph 36 – 37]

36. The commemorative and personal statement hearings will take place at the Strule Arts Centre in Omagh, from 27 January 2025 for a period of three to four weeks. The evidence will be heard following the Chairman's and Counsel to the Inquiry's opening statements, the reading of the names of those who died and the observance of a minute's silence.
37. The hearings will take place in public. Space in the hearing room may be limited and priority will be given to bereaved families and survivors who wish to attend, together with anyone supporting them. It is likely that the hearings will be livestreamed through the Inquiry's website, subject to the wishes of those who are asked to give evidence.

Length of the commemorative hearings [Paragraph 38 – 43]

38. The commemorative and personal statement hearings are likely to take approximately three or four weeks, with the Inquiry sitting four days a week. This is a time estimate that will be kept under review as the evidence is gathered and it becomes clearer what structure the hearings will take.

39. The hearings will take place in two parts. The first part will hear pen portrait evidence from and on behalf of bereaved families. This evidence will be adduced first after the steps outlined in paragraph 36. The second part will hear personal statement evidence from survivors and others. The evidence for each part will be heard on separate days and, as far as possible, in separate weeks.
40. The Chairman is mindful of the distressing nature of both parts of this evidence, the need to ensure that each person is afforded sufficient time and space during the hearings to give their evidence and the need to ensure that bereaved families and survivors, if they wish to attend, are not expected to sit through long days of what is likely to be difficult evidence to give, and to hear/view. For those reasons, the Chairman intends to limit the hearings to consideration of a small number of witnesses per day.
41. It may assist all witnesses to provide a broad indication of the time that they may consider will be needed for giving their evidence. In the Chairman's view a range from five minutes to one hour provides a reasonable and realistic approximation. These timings are only intended as a guide to assist and are not prescriptive.
42. There will be breaks throughout the commemorative and personal statement hearings. This is essential given the nature of the evidence and the need for bereaved families and survivors to have time and space following their evidence, while also allowing them to attend the evidence given by other witnesses. The Chairman will have breaks between each witness's evidence, as well as scheduled mid-morning, lunchtime and mid-afternoon breaks (if the Inquiry is sitting into the afternoon).
43. Should family members wish to have their pen portrait evidence grouped together with that of other bereaved family members, e.g. so that the presentation for one deceased immediately follows that of another or is on the same day, every effort will be made to accommodate such wishes. The Chairman requests that family members inform the Solicitor to the Inquiry when their pen portrait evidence is submitted in accordance with the timetable set out in paragraphs 12 to 15 of any such wish.

Support available during the commemorative hearings [Paragraph 44 – 45]

44. This phase of the Inquiry is likely to be difficult and distressing for families and others affected. Support, counselling and medical services will be available

throughout the commemorative hearings. Details of these services will be confirmed in due course. We are currently developing this provision in collaboration with local support groups, and those across Northern Ireland.

45. The WAVE trauma centre in Omagh provides support and services across communities, for those affected by the troubles, and can be contacted through their website or 028 8225 2522 if you need support when interacting with the Inquiry.

The role of the pen portrait and personal statement evidence later in the Inquiry report *[Paragraph 46]*

46. Details of the pen portrait and personal statement evidence will be included in the Inquiry's report. This evidence is central to the Inquiry's proceedings and should form part of the Inquiry's conclusions. In addition, the full pen portrait and personal statement evidence provided during the hearings will be available on the Inquiry's website (subject to any information being removed from statements at the request of witnesses or bereaved families-in accordance with paragraph 32 of this protocol).

Appendix 1: Personal Statement Witness Statement Template



IN THE OMAGH BOMBING INQUIRY

For Inquiry use do not complete

Witness Name:

Statement Number:

Dated

FIRST WITNESS STATEMENT OF

[Insert name]

I, *[insert name]*, will say as follows:

Statement of Truth

I believe the content of this statement to be true.

Signed:

Dated: