

Assessors Protocol

1. Appointment and removal of Assessors

1.1 The purpose of this Protocol is to explain the role and procedure for the use of Assessors by the Chair pursuant to section 11 of the Inquiries Act 2005 (the Act).

1.2 If following the initial appointment of Assessors, the Chair takes the view that he requires the assistance of additional Assessors, either for the duration of the Inquiry or for a defined part of the Inquiry, he may appoint further Assessors at any time.

1.3 The Chair may, with the consent of the Secretary of State for Northern Ireland, terminate the appointments of Assessors appointed by the Secretary of State. The Chair may additionally, at his discretion, terminate the appointment of any future Assessor whom he may choose to appoint if he no longer requires their assistance or for any other reason.

1.4 Assessors will notify the Chair in writing of any interest in the subject matter of the Inquiry of which they are aware. The Inquiry will maintain a register of relevant interests held by the Assessors.

2. Role of Assessors

2.1 The Assessors' function will be to provide advice to the Chair in dealing with any matter in which the Assessor has particular knowledge and experience.

2.2 In this Inquiry, the Assessors' areas of expertise are as follows:

Baroness O'Loan - policing, including covert policing expertise and the investigation of misconduct; the use of intelligence and its application; and

Francesca Del Mese - national security and the oversight of security forces; policing; human rights; transitional justice; and the use of intelligence and its application.

2.3 This allows flexibility in addressing various aspects of the Inquiry as needed. Assessors are expected to familiarise themselves with the Terms of Reference and the areas that the Inquiry will seek to investigate.

2.4 An Assessor will take such part in Inquiry proceedings as the Chair may request. The role of any Assessor will include but not be limited to:

- a. Reviewing any evidence on any specific issue on which they have appropriate knowledge and experience.
- b. Offering general advice and explanation on any specific issue on which they have appropriate knowledge and experience. This may include providing internal papers or reports, subject to paragraph 3 below.
- c. Advising on potential avenues of enquiry, informing decision making, advising on presentation of the Inquiry's work and steps to be taken in preparation for hearings.
- d. Attending the whole or part of any hearing, seminar or briefing.
- e. Providing Counsel to the Inquiry suggested lines of questioning for witnesses in respect of any matters within their knowledge and experience.
- f. Providing advice and assistance to the Chair regarding recommendations in his final report.
- g. Providing the Chair with any other assistance, or advice, on any matter relevant to the Inquiry within the knowledge and experience of the Assessor. The Chair may delegate to Assessors specific tasks or responsibilities as needed, to meet the Inquiry's evolving requirements.

3. Advice

3.1 The Chair will make requests of an Assessor for advice in writing and that advice shall be provided in writing. Except in cases where the Chair deems advice to be sensitive, advice will be shared with Core Participants and published on the website. This remains at the Chair's discretion. If the Chair wishes to use any matter raised by the Assessors in such discussion in preparing his report, then he will request that Assessor shall provide advice under these terms.

3.2 The Chair retains the authority and responsibility for commissioning the Assessors in their work. The Chair should agree in advance to any new lines of inquiry proposed by the Assessors and should instruct the Inquiry Secretariat to detail the resourcing which may be required to support such work. Any such work will commence once the proposal and its resourcing has been approved by the Chair.

3.3 The Chair retains full discretion over the extent to which any advice or recommendations from Assessors are considered and is not bound by such advice in making findings or recommendations. Any findings of fact on any relevant issue, and any recommendations ultimately made are matters for the determination and judgment of the Chair alone, regardless of the source(s) of advice and information he may have consulted.

3.4 The findings of fact and any recommendations made in the Inquiry's report(s) to the Minister are matters for the Chair's determination alone.

4. Hearings and witnesses

4.1 Assessors will normally be expected to attend hearings when evidence is being taken in relation to matters within the scope of their expertise. When that is not possible, however, they will be expected to familiarise themselves with the proceedings from the transcripts.

4.2 Assessors will declare to the Chair, in advance and in writing, any direct and substantive prior knowledge they may have of a witness as an interest under paragraph 1.4. When considered appropriate by the Chair, Assessors will recuse themselves from offering advice in the case of any potential, perceived or actual, conflict of interest. Any conflict of interest will be formally recorded by the Inquiry Secretariat.

4.3 Assessors are not expected to ask questions of witnesses, but they may suggest lines of questioning to Counsel to the Inquiry on matters falling within their expertise. This may include lines of inquiry for hearings and/or follow-up questions given in writing after a hearing (for example, a Rule 9 request by the Inquiry for an additional witness statement).

4.4 Except as outlined in this document in provision of advice, no Assessor shall give evidence to the Inquiry, nor shall they be subject to questioning or cross-examination, except in exceptional circumstances where the Chair deems it necessary for the effective conduct of the Inquiry.

5. Point of Contact

5.1 If you have any queries about this Protocol, you can contact the Inquiry by enquiries@finucane.independent-inquiry.uk. All written correspondence should be addressed to the Solicitor to the Inquiry.

6. Review

6.1 If this Protocol requires amendment during the course of the Inquiry, an updated version will be published on the Inquiry's website at the earliest opportunity. This will include on the occasion of any

substantive change in its contents or should any Assessor be appointed to or leave the Inquiry. Any amendments will be subject to the review and approval of the Chair.