

The Inquiry into Historical Institutional Abuse 1922 to 1995

Media Protocol

All media representatives who are covering the Inquiry, and all editors responsible for such coverage, are requested to ensure that they read this protocol with care, and abide by the guidance which it contains. As you will be aware, the process of giving oral evidence will be a stressful one for many witnesses taking part in the public hearings. While the Inquiry is doing everything it can to minimise that stress, it is very important that the media acts with due sensitivity and care.

It should be noted that **the Inquiry has published a Restriction Order with regard to witnesses who have been granted full or partial anonymity**. Restriction Orders are also in place with regard to (i) unpublished evidence and documents relating to the Inquiry (ii) evidence and documents produced during a closed session of the Inquiry. Further details are contained below, and copies of these Orders, which are legally binding, are appended to this Protocol. None of these Orders should in any way impede the media in covering the Inquiry properly and responsibly.

Filming, photography and audio recording outside Banbridge Courthouse

While filming, photography and audio recording is permitted outside the Courthouse, except where it would contravene the relevant Restriction Order, we would ask the media to abide by the following guidelines:

- In general, the media should act with care and sensitivity to all witnesses, any family or friends who may accompany them, and all others taking part in or attending Inquiry hearings.
- **When filming or taking photographs** of the Courthouse building and/or other 'general shots', **camera crews and photographers should remain in a fixed position on the opposite side of Victoria Street to the Courthouse**, to avoid causing unnecessary stress to witnesses, or to their family and friends, as they leave or enter the building. TV crews and photographers should ensure that they are not blocking the pavement or in any way preventing pedestrians from walking along it freely.
- **We would ask especially that witnesses, their families or friends are not followed** as they leave or enter the building.
- **Most witnesses will be granted partial or full anonymity *prior* to commencing their oral evidence. They will fall, therefore, under the terms of Restriction Order No. 1 which forbids the disclosure of their identity, inadvertent or otherwise, *unless* they have given *written* permission for their identity to be disclosed. The Order specifically forbids the publication or broadcast of any photograph or other image of the facial features of any witnesses covered by the Order, unless *written* permission has been obtained.**

- The media will be notified in advance whether or not each witness has been granted partial or full anonymity, and therefore falls under the terms of Restriction Order No. 1. Only where a witness is not covered by Restriction Order No. 1 may that witness's identity be disclosed.
- To help journalists, Table 1 explains how witnesses should be treated under the different possible scenarios which pertain to Restriction Order No. 1

Table 1: sample scenarios pertaining to Restriction Order No. 1

<ul style="list-style-type: none"> • In common with most witnesses, Witness A and Witness B have both been granted anonymity in advance of the hearing at which they are giving evidence. The media see them arriving together at Banbridge Courthouse. At this point (and prior to the hearing), their identity cannot be disclosed, and no photograph or other image of the facial features of either of them can be published or broadcast – unless they give written permission.
<ul style="list-style-type: none"> • When Witness A commences evidence, she is asked whether she would prefer to maintain anonymity. She confirms that she wishes to maintain her anonymity. Restriction Order No. 1 therefore continues to apply. Witness A's identity cannot be disclosed, and no image of her facial features can be published or broadcast during or after the hearing, <i>unless</i> she gives her written permission to the contrary.
<ul style="list-style-type: none"> • When Witness B commences evidence, he is asked whether he would prefer to maintain anonymity, He says that he does not wish to have anonymity and is content for his identity to be disclosed. From this point on, Restriction Order No. 1 no longer applies, and the media are able to disclose his identity, and to publish or broadcast images of his facial features <i>without</i> having to obtain Witness B's permission first. However, in these circumstances, the Inquiry still asks the media to treat such witnesses with due sensitivity and care.
<ul style="list-style-type: none"> • Witness C has not been granted anonymity and is, therefore, not covered by Restriction Order No. 1. Prior to the hearing, the media is not prevented from disclosing Witness C's identity or from publishing or broadcasting an image of their facial features by a Restriction Order of the Inquiry. This remains the position <i>unless and until</i> Witness C makes a successful application for anonymity during the hearing. In such an instance, Restriction Order No. 1 comes into force once that application has been granted.

- If filming or photographing any individuals entering or leaving the Courthouse building, TV crews and photographers are asked to ensure that Restriction Order No. 1 is observed, and to avoid close-up shots of anyone who is clearly in distress.
- While the Inquiry will issue advance hearings schedules which will indicate which witnesses have been granted full or partial anonymity, **it is the responsibility of the media to ensure that they do not inadvertently disclose the identity of any witness who is covered by Restriction Order No. 1.**

- Where a witness has expressly agreed to give a broadcast media interview, such interviews may only be filmed or recorded outside the Courthouse gates. Please see the section below on media interviews.

Filming, photography and audio recording inside Banbridge Courthouse

No filming, photography or audio recording is normally permitted inside Banbridge Courthouse or its grounds. This applies not only to the Inquiry Chamber, but to all rooms and public areas within the Courthouse, and to the grounds which lie inside the gates of the Courthouse. The only exceptions envisaged by the Inquiry are as follows:

- During a pre-hearings media briefing when there will be a facility for filming and photography by accredited media in the Inquiry Chamber.
- During the Opening Hearing when a pool TV crew and pool photographer will be provided with a limited facility to film and photograph part of the Opening Hearing, on condition that the resulting footage, sound recording and photographs are made available in a timely fashion to all accredited media outlets who request such access.

Media interviews

The Inquiry has no wish to prevent the media from interviewing any witness or other attendee at the Inquiry's hearings who *expressly wishes* to be interviewed. At the same time, it is important that no undue pressure is put on any witnesses or other attendees to carry out media interviews. It is also important that due sensitivity is exercised by the media when making interview requests and carrying out such interviews.

- **As the Inquiry's legal team is representing all witnesses who are survivors or victims of institutional abuse or neglect, any journalist who wishes to interview a witness who falls into this category should approach the Inquiry's Press Officer, Liz Fawcett, in the first instance. Where she is not in attendance or otherwise immediately available, the request should be made through the Inquiry's Secretary, Andrew Browne, or one of his Deputy Secretaries.**
- **Any requests for interviews with other witnesses should be made through the lawyer(s) representing the individual in question.**
- **Where a witness's legal representative has indicated that their client is willing to be interviewed, written permission must still be obtained from that witness when they are covered by Restriction Order No. 1, prior to the interview taking place.**
- When interviewing any witnesses who have given their written permission for an interview to take place, journalists should ensure that they make clear to the interviewee when they are actually recording an interview or writing down words which may be printed, and how any information or quotes provided by an interviewee are going to be used.

- **Journalists should only use the seating allocated for the media in the Chamber.** When this is full, they should use the media room which has a live video feed of the proceedings.
- **When in the Courthouse, journalists should treat any witnesses and their companions, family and friends with due sensitivity.** It should be remembered that they will often have little or no experience of dealing with the media, and may well have no wish to engage with the media. If a journalist does talk to any such individuals, he/she should disclose immediately who they are and which media outlet they represent.

Restriction Order No. 1

A copy of this Order is available here: http://www.hiainquiry.org/index/restriction_order_no_1.pdf and you should read it carefully. **The Order places a duty on the media and other relevant parties to ensure that any witness who has been granted full or partial anonymity by the Inquiry should not be identified, inadvertently or otherwise.** The Inquiry will ensure that its weekly hearings schedules indicate which witnesses are covered by the Order. Media representatives are asked to remember that they must not identify witnesses to whom this Order applies through the following means, **unless they have been given written permission by the witness in question:**

- The publication or broadcast of the witness's name or any other details which might lead to their identification, or their address or contact details.
- The publication or broadcast of any photograph or other picture (e.g. drawing) of the facial features of the witness.

Restriction Order No. 2

A copy of this Order is available here: http://www.hiainquiry.org/index/restriction_order_no_2.pdf and you should read it carefully. Except where the Chairman directs otherwise, the Order forbids the disclosure or publication of any evidence or documents directly relating to the Inquiry, unless or until it is produced in evidence during a public hearing or is published on the Inquiry's website. **The media should ensure that they do not publish or broadcast any information which is the subject of this Order, prior to it being produced in evidence during a public hearing or published on the Inquiry's website. If you are unsure about the status of any information which you are given in relation to this Order, please contact the Inquiry's Press Officer.**

Restriction Order No. 3

A copy of this Order is available here: http://www.hiainquiry.org/index/restriction_order_no_3.pdf and you should read it carefully.

Except where the Chairman directs otherwise, the Order forbids the disclosure or publication of any evidence or documents which are produced in a closed session of the Inquiry, *unless or until* it is produced in evidence during a public hearing or is published on the Inquiry's website. **The media should ensure that they do not publish or broadcast any information which is the subject of this Order, unless or until it is produced in evidence during a public hearing or published on the Inquiry's website. If you are unsure about the status of any information which you are given in relation to this Order, please contact the Inquiry's Press Officer.**

Any queries relating to this guidance should be directed to the Inquiry's Press Officer. If you are in attendance at the Inquiry on a day when the Press Officer is not present, please refer any queries about this guidance to the Inquiry Secretary, Andrew Browne, or to one of his Deputy Secretaries.

Liz Fawcett, Press Officer to the Inquiry

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