



INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

CORE PARTICIPANT STATUS FAQ'S

THURSDAY 6TH APRIL 2023

Q: What is a core participant?

A: A core participant is an individual, organisation or institution that has a significant interest in the work of the Inquiry and who has been designated a Core Participant by the Chair with their consent. They have a formal role and special rights in the Inquiry process. These include receiving early disclosure of relevant documentation, making legal submissions, suggesting questions and receiving advance notice of the Inquiry's report.

It is not necessary to be a core participant in order to provide evidence to the Inquiry.

Q: Who decides whether I am a “core participant”?

A: The Chair decides whether applicants will be designated as a core participant. He will consider the matters set out at Rule 5(2) of the Inquiries Act 2005, which can be found within the guidance for potential core participants. This can be found under the Documents page of our website.

Q: How do I apply to become a core participant?

A: Individuals or organisations need to apply to the Chair, setting out their reasons for applying. Further information can be found in the Document section of the website. We are asking for applications to be received by the Inquiry not later than Thursday 20 April 2023. However, designation of core participant status may take place at any stage. Whether a person has a significant interest in the matters the Inquiry is concerned with may only be discovered during the course of the inquiry's proceedings. If the Chair considers that an application for core participant status cannot yet be determined on the basis of evidence considered to date, he may defer consideration of that application.

Q: What is the difference between a core participant and witness?

A: If a person is designated a core participant then they will:

- a. receive electronic disclosure of evidence the Chair considers relevant to their participation, subject to any restrictions made under section 19 of the Inquiries Act 2005 including terms of confidentiality, in advance of this being disclosed at a public hearing.
- b. be able to make opening and closing statements at any hearing;
- c. be able to suggest lines of questioning to be pursued by Counsel to the Inquiry;
- d. be able to apply to the Inquiry Panel to ask questions of witnesses during a hearing.

A person or organisation can be both a witness and designated a core participant.

A witness is a person who provides evidence relating to the matters set out in the Terms of Reference to the Inquiry. For example, by providing the inquiry with a witness statement or documents. Witnesses may also be asked to attend to give oral evidence during a public hearing. In addition, witnesses as well as core participants may be legally represented if they wish. Section 40 of the Inquiries Act 2005 gives the Chair the power to award expenses and legal costs to those who provide the Inquiry with evidence, whether they are core participants or not.

Q: Is a core participant entitled to legal representation?

A: Anyone designated as a core participant is entitled to appoint a legal representative if they wish. A legal representative of a core participant can make opening and closing statements and may apply to the Inquiry to ask questions of witnesses, although usually the questioning of witnesses is conducted by counsel to the inquiry.

Where two or more core participants have similar interests, the facts they are likely to rely on during the inquiry are similar, and it would be fair and proper to do so, the Chair must direct that they are jointly represented. If the joint core participants do not agree which lawyer to appoint, the Chair may appoint one for them.

Q: Can I get funding for my legal expenses and am I automatically entitled to that?

A: Section 40 of the Inquiries Act 2005 gives the Chair the power to make awards to cover expenses, which includes reasonable legal costs.

Core participants (or witnesses) are not automatically entitled to have their legal costs paid by the Inquiry, and decisions will be made on a case-by-case basis. The Chair would ordinarily expect major institutions and organisations to be able to fund their own legal costs, and those of individuals who are or have been employed by them.

Anyone who is designated as a core participant can apply for funding, and further guidance will be provided on the Inquiry's website shortly.

If you require any more information, please contact us on enquiries@iia.independent-inquiry.uk