



# AGO

Attorney General's Office

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3<sup>rd</sup> November 2011

*Dear Solicitor,*

## **UNDERTAKING AS TO THE USE OF EVIDENCE**

The Attorney General, in consultation with the Director of Public Prosecutions, has agreed to provide an undertaking to witnesses to the Inquiry as to the use that may be made by prosecuting authorities of the evidence they give to the Inquiry.

The Attorney General has agreed to provide the following undertaking:

*"This is an undertaking in respect of any person who provides evidence to the Inquiry. 'Evidence' includes oral evidence, any written statement made by that person preparatory to giving evidence to the Inquiry or during the course of his or her testimony to the Inquiry, and any document or information produced to the Inquiry solely by that person.*

*This undertaking applies only to evidence given about matters which are within the terms of reference of the Inquiry.*

*No evidence a person may give before the Inquiry, nor any evidence as defined above, will be used against that person in any criminal proceedings, save that this undertaking does not apply to:*

- a. *prosecution for any offence arising from the provision, by that witness, of false evidence to this Inquiry, or for any offence arising from the witness' involvement in having conspired with or procured others to give false evidence; or*
- b. *Any witness who gives evidence in relation to matters occurring after a relevant period of detention or alleged rendition, who shall only be protected*

*by this undertaking to the extent that those matters are themselves relevant to treatment during the period of detention or alleged rendition.*

*It is further undertaken that in any criminal proceedings against any person who provides evidence to the Inquiry in relation to a matter within its terms of reference, no reliance will be placed on evidence which is obtained during an investigation as a result of the provision by that person of such evidence to the Inquiry.*

*This undertaking does not preclude the use of information and/or evidence identified independently of the evidence provided by that person to the Inquiry."*

The Attorney General is content that you publish this undertaking in any form you consider appropriate.

Yours sincerely  


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