

FILE 714/97



ATTORNEY GENERAL'S CHAMBERS  
9 BUCKINGHAM GATE  
LONDON SW1E 6JP

Tel: 0171 271 2440 Fax: 0171 271 2432

# NEWS RELEASE

25 February 1999

## BLOODY SUNDAY INQUIRY

The Attorney General, the Rt Hon John Morris QC MP, today responded to the request by the Bloody Sunday Tribunal that he should give an undertaking to witnesses making evidence available to the tribunal as to the status of that evidence. The Attorney General has provided an undertaking in the following terms:

"An undertaking in respect of any person who provides evidence to the Inquiry, that no evidence he or she may give before the Inquiry relating to the events of Sunday 30 January 1972, whether orally or by written statement, nor any written statement made preparatory to giving evidence, nor any document produced by that person to the Inquiry, will be used to the prejudice of that person in any criminal proceedings (or for the purpose of investigating or deciding whether to bring such proceedings) except proceedings where he or she is charged with having given false evidence in the course of this Inquiry or with having conspired with, aided, abetted, counsel procured, suborned or incited any other person to do so."

Lord Saville (who is chairing the Inquiry and assisted by Sir Edward Somers and Mr Justice Hoyt) had sought the undertaking because witnesses before the tribunal would ordinarily have a right to refuse to answer questions which might incriminate them. They had advised the Attorney General that such an assurance was necessary to assist the tribunal in performing its duty to seek the truth about what happened on Bloody Sunday.



In responding to Lord Saville, the Attorney General said that he had noted the view that only an undertaking given by the Attorney General would be sufficient to enable the Inquiry to protect the right of witnesses not to incriminate themselves and also put the Inquiry in the position of getting as much relevant information as possible. He went on:

"I have carefully weighed that consideration against the very important public interests relating to the integrity of the administration of justice and the upholding of the rule of law in Northern Ireland. In that context, many years have now passed since the incident and evidence sufficient to justify the institution of criminal proceedings has not emerged. Subject to what may happen in the course of the Inquiry, there does not seem any significant likelihood that further evidence would now emerge and the grant of an undertaking cannot be regarded as in any way diminishing the existing prospects for satisfactory investigation and prosecution of any criminal offences which may have been committed on Bloody Sunday. As to the Inquiry, its effectiveness is, for the reasons you have explained, likely to be enhanced rather than diminished by the grant of the undertaking which should, in any event, encourage witnesses to testify rather than deter them. I have therefore concluded that the public interest on balance requires me to adopt that course."

The Attorney General went on to emphasise that the grant of the undertaking as to the status of the evidence does not amount to an immunity for any person who may have committed criminal offences. He went on:

"I should say, for the avoidance of doubt, that, although the undertaking is cast in terms which preclude the use of evidence given by a witness as the basis of criminal investigation into the conduct of that witness, this does not amount to any form of immunity."

---

**Notes to Editors**

If you have any questions on the above, please call Rupert Cazalet, the Attorney General's press officer on 0171 271 2405.