

MOD-83-0000469-A

**From:** Anderson Kate (AGO)  
**To:** Ben.Dustin [REDACTED]  
**Cc:** Grellis John (AGO)  
**Subject:** Potential Undertaking - Iraq Fatalities Investigation  
**Date:** 29 August 2017 16:31:00  
**Attachments:** 140804 - L fr Attorney General re Undertaking.jpg  
image001.png  
image002.png  
image003.png

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Dear Ben,

The Attorney General has confirmed that he is content for the existing undertaking that he has given to Sir George Newman, a copy of which is attached, to apply to his investigation into the death of Tanik Sabri Mahmud.

Please let me know if you require anything further.

Best Wishes

Kate

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Sir George Newman  
Inspector  
The Iraq Fatalities Investigation  
HQ London District  
Horse Guards  
London  
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4<sup>th</sup> August 2014

*Dear Sir George*

Thank you for your letter of 14<sup>th</sup> May, addressed to the Attorney General, seeking an undertaking limiting the use of any evidence given by a witness to the Investigation in any future criminal investigation or prosecution.

The Attorney General has considered your request in consultation with the Director of Public Prosecutions and the Director Service Prosecutions. With their agreement, and on the basis that an undertaking is needed in the following terms in order to allow you to carry out your Investigation, the Attorney General provides the following undertaking:

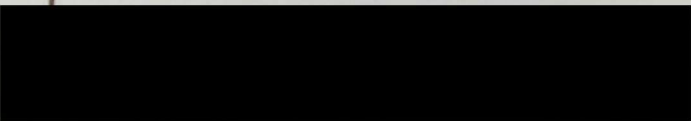
*This is an undertaking in respect of any person who provides evidence to the Iraq Fatalities Investigations (IFI) relating to a matter within its terms of reference. "Evidence" includes oral evidence, any written statement made by that person preparatory to giving evidence to the IFI or during the course of his or her testimony to the IFI, and any document or information produced to the IFI solely by that person.*

*No evidence a person may give before the IFI, nor any evidence as defined above, will be used in evidence against that person in any criminal proceeding save that this undertaking does not apply to any proceedings in which it is alleged that a person has wilfully misled the IFI or conspired with others so to do.*

*It is further undertaken that in any criminal proceedings brought against any person who provides evidence, as defined above, to the IFI, no reliance will be placed on evidence which is obtained during an investigation as a result of the provision by that person of evidence to the IFI. This undertaking does not preclude the use of information and/or evidence identified independently of the evidence provided by that person to the IFI.*

The Attorney General is happy for you to use this letter to draw attention to the undertaking in any way you find convenient.

*Yours sincerely*

  
Kevin McGinty  
Deputy Legal Secretary  
[kevin.mcginty](mailto:kevin.mcginty) 