



DPP

Commonwealth Director of Public Prosecutions

26 July 2005

MEDIA RELEASE

Commonwealth DPP seeks Corby lawyer cooperation

The DPP has received a very general request for indemnities from the lawyers acting for Ms Schapelle Corby. The DPP has a power to grant indemnities under section 9(6D) of the DPP Act 1983. That section provides as follows:

“The Director may, if the Director considers it appropriate to do so, give to a person an undertaking that the person will not be prosecuted (whether on indictment or summarily):

- (a) for a specified offence against a law of the Commonwealth; or
- (b) in respect of specified acts or omissions that constitute, or may constitute, an offence against a law of the Commonwealth”.

This section relates to Commonwealth offences and not State offences. Indemnities in relation to State offences are matters for State authorities. The section does not cover immunity from prosecution in Indonesia.

The DPP has informed Ms Corby’s lawyers that it will provide whatever assistance it can and requested Ms Corby’s lawyers to provide the names of proposed witnesses and a statement of what those witnesses will say.

To assist in this process the DPP has advised that the names and information from these people can be provided to the DPP on the basis that it will be considered only for the purpose of considering an indemnity application and no other purpose. This would enable the information to be provided to the DPP under protection and without fear of it being used for any prosecution action.

Not only is it not possible for the DPP to offer some general indemnity for any activity to the world at large, it would be inappropriate for it to do so. The DPP would have no idea who it would be indemnifying, or what activity or they have been involved in or what offences they may have committed.

Parliament has quite rightly set the parameters for the exercise of this significant indemnity power by way of the legislative provision in section 9(6D). The DPP needs to have some specific information on which to base a decision. The DPP has offered a way in which this information can be provided with full protection for any witness and will then consider the matter expeditiously.

“We are hopeful that Mr Hatupea will cooperate with our quite straight-forward request which we have fully explained to him”, the DPP said.

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