

**CRIMINAL JUSTICE (EVIDENCE)  
(NORTHERN IRELAND) ORDER 2004**

**S.I. 2004 No. 1501 (N.I. 10)**

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**EXPLANATORY MEMORANDUM**

**COMMENTARY ON ARTICLES**

*Cases where a witness is unavailable*

38. **Article 20** sets out a series of categories under which first hand hearsay evidence, whether oral or documentary, will be admissible, provided that the witness is unavailable to testify for a specified reason.
39. The specified reasons are that the person is:
- Dead;
  - Unfit because of bodily or mental condition;
  - Absent abroad;
  - Disappeared; or
  - Unwilling to give evidence through fear.
40. A number of conditions apply to the admissibility of such evidence.