

A group of four children of Asian descent are smiling and pulling on a rope in a park setting. The children are of various ages, and the background shows green trees and grass. The text is overlaid on a red rectangular background in the lower right portion of the image.

LEGAL TOOLKIT FOR WITNESSES

(with a focus on vulnerable witnesses)

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INTRODUCTION¹

This toolkit seeks to assist caregivers and professionals, who support vulnerable witnesses who have to testify in criminal trials.

Vulnerable witnesses include:

- a. children and young people;
- b. the elderly;
- c. persons with developmental, mental, or physical disabilities;
and
- d. persons who have suffered some form of trauma arising from the commission of the offence.



Any witness will naturally feel anxious about testifying in Court before a Judge and being questioned by different people. This may be all the more so when the witness is also the victim of an offence. A victim may find it difficult to relive a traumatic experience in the unfamiliar setting of a courtroom.

A vulnerable witness can be greatly assisted and comforted if he is physically and mentally prepared to attend court. Helping a vulnerable witness to understand: (a) his role in the criminal justice process; and (b) what to expect in Court, can help to allay any unfounded fears or anxiety, and enable the vulnerable witness to be a more effective witness.



Caregivers include parents, guardians, and family members. Professionals include counsellors, social workers, and child protection workers. This toolkit seeks to assist caregivers and professionals in providing essential support to vulnerable witnesses by setting out key information witnesses should know. Such information includes:

- a. the trial process (in general);
- b. the role of witnesses in the criminal justice process; and
- c. key persons in the courtroom.

Lawyers should note that this toolkit was written with the aim of assisting vulnerable witnesses who are unfamiliar with the criminal trial process². It is hoped that this toolkit will also assist lawyers in orientating and preparing such witnesses for a criminal trial, while remaining within the boundaries of legal and professional ethics.

This toolkit is developed by:

- a. the State Courts;
- b. Hagar Singapore Ltd;
- c. students and staff from the National University of Singapore Faculty of Law's Centre for Pro Bono & Clinical Legal Education; and
- d. the Community Justice Centre.

Supporting materials for this toolkit, such as picture books for children, are available on the webpages of the State Courts³, Hagar Singapore Ltd⁴, and the Community Justice Centre⁵.

²Nothing contained in this toolkit should hence be construed as legal advice, or as a substitute for legal advice.

³Webpage address: <https://www.statecourts.gov.sg> (last accessed: 13 May 2020).

⁴Webpage address: <https://hagar.org.sg/> (last accessed: 13 May 2020).

⁵Webpage address: <https://cjc.org.sg/> (last accessed: 13 May 2020).

OVERVIEW OF THE CRIMINAL JUSTICE PROCESS



The criminal justice process usually begins when an offence is committed and a police report is made⁶. Police officers will conduct investigations by gathering evidence. This includes interviewing witnesses and the person accused of the offence. An **Investigation Officer** or “IO” is the police officer in charge of investigating if any offence has been committed.

The length of investigations can vary as it depends on a number of factors. These factors include the number of offences; the complexity of the offences; the availability of witnesses; the number of witnesses; and the need to obtain medical and psychiatric reports. During this time, a witness may be interviewed more than once. The interviews may be conducted by more than one police officer or by other professionals, such as psychologists and psychiatrists. These interviews can take place soon after the offence is committed or later. When a witness is interviewed, the interview may be recorded in the form of a written statement that the witness must then sign.

When a witness is a vulnerable witness or a victim of a sexual offence, the police may use various means to make the interview process easier for such witnesses. These include officers who have been specially trained to adopt appropriate techniques when interviewing vulnerable victims of sexual offences.

Once a person has been **charged with an offence** (or offences), that person is referred to as the **accused**. In general, a person will usually attend Court and be brought before a **Judge** to be charged with an offence (though this is sometimes done through live video-link, without the accused being physically present in the courtroom itself). If an accused is remanded in prison or hospitalised, he may appear before a Judge to be charged through live video-link. Witnesses do not need to attend Court when a person is charged.

The **Public Prosecutor** has control and direction of all criminal prosecutions in Singapore. The Public Prosecutor relies on his **Deputy Public Prosecutors** and **Assistant Public Prosecutors** (collectively, the “**Prosecution**”) to handle a case. The Prosecution represents the State.



Why do you need to know this?

A caregiver:

- a. who knows about the criminal justice process can support a vulnerable witness by:
 - (i) answering questions about the process; and
 - (ii) helping the witness cope with any stressful moment in the process.
- b. may be one of the few persons the vulnerable witness trusts.
- c. who can properly explain the criminal justice process to a vulnerable witness will build confidence in the witness.
- d. who is aware of the criminal justice process can ask the right people the right questions at the right time, and so, better support the vulnerable witness.

⁶But, it is not a case where a police report must be made for the criminal justice process to commence.

A witness cannot decide if an accused should be charged and prosecuted in Court. Only the Prosecution decides this.

The **Judge** is a neutral third party who ensures that proceedings are conducted in a manner that is fair to everyone: the Prosecution, the accused, and the witnesses.

After an accused is charged, the Prosecution may ask the Judge to direct that the accused be detained in prison (or, to be **remanded**) until the trial of the accused. A trial is a process in which a Court decides if an accused is guilty of the offence or offences he has been charged with.



An accused may not need to be remanded in prison and may be released after he is charged. A witness should inform the IO if the witness is ever threatened by the accused. The Judge will consider the safety of the witnesses in deciding if an accused should be remanded (if he had earlier been released) or stay in remand (if he is already in remand for other reasons). An accused who is released from remand is usually released on bail. It is a condition of the accused's bail that the accused must not interfere with any witness or otherwise obstruct the course of justice.

If a lawyer represents the accused, the accused's lawyer is referred to as the "**Defence Counsel**". The Defence Counsel acts on behalf of the accused. Like the Prosecution, Defence Counsel must follow rules on proper behaviour in Court.

After an accused has been charged, the **Prosecution** and the **Defence Counsel** will prepare the case for trial. This may take some time, depending on the complexity of the case and the availability of the witnesses.

Where an accused does not have the means to engage a lawyer, and has been charged with certain offences, he can apply to the **Criminal Legal Aid Scheme** for criminal legal assistance⁷. An accused who qualifies for assistance will then be assigned a volunteer lawyer.

An accused who is not represented by a lawyer (referred to as an **“Accused-in-Person”**) will represent himself in Court. The State Courts’ “Guidebook for Accused In Person”⁸ helps the Accused-in-Person understand and navigate the criminal justice process.

In the lead-up to the trial, the Prosecution and the Accused-in-Person or Defence Counsel (if the Accused-in-Person has a lawyer) (collectively the “Defence”) will attend Court every few weeks to update the Court about the progress of the case. These updates are provided at sessions known as mentions and pre-trial conferences. Witnesses (including the victim) do not need to attend these mentions and pre-trial conferences. Witnesses for the Prosecution and the Defence only need to attend Court when they are required to give evidence during the trial of the accused.



⁷More information about the Criminal Legal Aid Scheme can be found at <http://probono.lawsociety.org.sg/Pages/Criminal-Legal-Aid-Scheme.aspx> (last accessed: 13 May 2020).

⁸The Guidebook for Accused In Person may be accessed at <https://www.statecourts.gov.sg/CriminalCase/Pages/VulnerableWitnessGuidelines.aspx> (last accessed: 13 May 2020).

WHEN AN ACCUSED PLEADS GUILTY



Instead of claiming trial, an accused can choose to **plead guilty**. This is when the accused admits to the Court that he committed the offence stated in the charge. When this happens, there is no need for a trial. The Court will convict the accused based on his admission that he had committed the offence.

It is for the accused to decide if he wishes to plead guilty. An accused may decide to plead guilty if he knows the evidence against him is very strong.

When an accused pleads guilty, witnesses generally do not need to go to Court.

After an accused pleads guilty, he is convicted on the charges relating to the offences he had admitted committing. The Judge must then decide the punishment the accused deserves. A sentence is the punishment imposed by the Court on an accused. To help the Judge decide on the appropriate sentence:

- a. The Prosecution may make **submissions on sentence**, raising, for instance, the loss or harm suffered by the victim. To highlight such loss or harm, the Prosecution may also submit a **Victim Impact Statement** to the Court. This is a written statement made by the victim on the loss or harm the victim has suffered as a result of the accused's offence. The victim need not be in Court when the Victim Impact Statement is tendered to the Court. The victim must, however, be truthful in stating the loss or harm suffered. A Court need not accept a Victim Impact Statement if it is of the view that it is untrue or exaggerated.
- b. The Accused-in-Person or Defence Counsel (if the accused has a lawyer) may make a **mitigation plea**, highlighting, for instance, the accused's youth or a mental condition that led to the accused committing the offence - so as to justify why the accused is deserving of a more lenient sentence.

A witness may need to go to Court for a special hearing – called a “**Newton Hearing**” – if the accused disputes facts that will affect the sentence to be imposed.



Why do you need to know this?

Not every police investigation leads to a trial.

An accused may also be **convicted** (found guilty of the offence he is charged with) without a formal trial, if he decides to plead guilty instead. In these situations, witnesses (including the victim) generally do not need to go to Court to give evidence.

THE CRIMINAL TRIAL



An accused can choose to plead guilty or **claim trial**. Where an accused exercises his right to claim trial, the Prosecution must produce evidence and call witnesses to prove – beyond reasonable doubt – that the accused did, in fact, commit the offence he has been charged with. This must all be done before a Judge and in a courtroom. The Judge must then consider all the evidence and the law, and decide if the Prosecution has proven, beyond a reasonable doubt, that the accused did commit the offence he had been charged with.

There is no jury system (or jury trial) in Singapore. A single Judge hears all trials.



Why do you need to know this?

A witness will usually never see the whole trial⁹.

Although witnesses are a fundamental part of the trial process, fairness and justice dictate that a witness cannot hear other witnesses (for the same trial) give evidence until the witness has finished giving evidence. Witnesses who understand the entire trial process and where they fit in will be better placed to give evidence.

⁹Unless the witness is the first witness for the Prosecution, and decides to follow the rest of the trial after giving evidence.



General layout of a courtroom

A trial always takes place in a courtroom. Criminal trials in Singapore are heard in either the High Court (which is part of the Supreme Court) or the **State Courts**. Trials involving very serious offences like murder and rape that carry heavy penalties (such as the death penalty or life imprisonment) are heard in the High Court. The majority of trials involving criminal offences are, however, heard in the State Courts.

Court proceedings must be respected. There are strict rules of behaviour and strict dress codes. Everyone in Court must be respectful, speak politely, and be dressed neatly. The Judge sits on a platform, while the Prosecution and Defence sit in front of the Judge in a row. There is a “witness box”, where the witness must sit in when giving evidence. There will be a microphone the witness must speak clearly into. There are also designated areas – the “gallery” – for members of the public to sit.

Roles in Court

During the trial, the **Judge** will hear all the witnesses, look at all the evidence, and consider submissions by the Prosecution and the Defence Counsel (or the Accused-in-Person). After the trial is over, the Judge will have to decide if the accused has committed the offence(s) he had been charged with. The Judge will decide this by applying the law to the evidence that had been presented during the trial. The evidence can take many forms – including, testimony from the witnesses, footage from CCTV cameras, photographs, sketch plans, drawings, objects (such as knives), as well as documents.

The **Court Officer** in the Court assists the Judge, by ensuring that the Judge has everything needed to conduct the trial.

Police officers in the courtroom make sure that everyone is safe and that Court proceedings are conducted in an orderly manner.

In the courtroom, the **Prosecution** will first call its witnesses and present the evidence that has been gathered to prove to the Judge that the accused committed the offence(s) he had been charged with. The IO will usually assist the Prosecution to manage the appearance of witnesses during the trial.

The **accused** must always be present in Court during his trial – so that he can hear (and see) all the evidence presented against him. If an accused cannot be in Court because he is unwell, the trial cannot start (or continue) until the accused is able to return to Court. In these circumstances, a medical certificate expressly stating that the accused is not fit to attend Court must be presented to the Court.

The accused has the right to question the truth and reliability of the evidence presented by the Prosecution (such as the witnesses' version of events). The accused can also present his own evidence and call his own witnesses to tell the Court his side of what happened.

If a witness or the accused cannot speak English or can only communicate using sign language, a Court **interpreter** will be present in Court to interpret what is said. A request for an interpreter must be made to the Court in advance before the trial begins. The request can be communicated to the Court by the Prosecution or the Defence Counsel.



The general rule is that all criminal trials are open to the public.

Sometimes, members of the **Media** will be present in Court during a trial, to report on the case. In certain cases, the Judge can order the media not to report certain information (such as names and addresses) that may lead to the identification of one or more parties in the case (such as the victim or the accused, especially if the accused is related to the victim). Such an order is sometimes referred to, informally, as a “Gag Order”. In such instances, it is also usually the case that the Judge's written judgment or grounds of decision (which will be publicly available) will not contain information that may lead to the identification of the parties.

Unless the Judge orders otherwise, all **Members of the Public** can attend Court to witness the proceedings at trial. Members of the Public sit in the gallery in the courtroom. Court proceedings are, generally, open and accessible to all. However, in trials involving a vulnerable witness, the Judge may order that the trial take place without members of the public and the Media being present¹⁰.

¹⁰See page 31 on “Protection of Vulnerable Witnesses in Court”.

Start and end of each day in Court

The people required to attend the trial will be present in the courtroom at the start of each day of trial. These include the Court Officer, the Prosecution, Defence Counsel (if there is one), and the accused.

Once all the people required to attend Court on that day are present in the courtroom, the Court Officer will inform the Judge. The Court will be **in session** when the Judge enters the courtroom. A witness who wishes to see the courtroom before a trial starts can make a request to the Prosecution or the IO for such a visit to be arranged.

A trial is a formal proceeding with strict rules. The Prosecution, the Defence Counsel, and the Judge must be dressed formally. In the High Court, all the lawyers and the Judge wear black robes during a trial. In the State Courts, only the Judge wears a black robe.

Everyone in Court must stand when the Judge enters the courtroom. The Court Officer will let everyone know when the Judge is about to enter the courtroom. The Judge will enter the courtroom and go to his seat. The Judge will bow, and everyone else in the courtroom will then bow. Bowing is a sign of respect for the justice process.

Everyone must also bow when the Judge leaves the courtroom. The Judge will let everyone know when he is either **standing down** or **adjourning** the trial. The trial process will then pause and resume on another date and time. Everyone in the courtroom must stand when the Judge stands. The Judge will bow, and everyone will bow in response. This is again a sign of respect for the justice process.



APPROPRIATE BEHAVIOUR IN COURT



Everyone in Court must always refer to the Judge as “Your Honour”.

When Court is in session, there are strict rules as to who can speak, when they can speak, and what they are permitted to speak about. Anyone who wishes to speak when it is not their turn must ask the Court for permission (whether through the Prosecution or the Defence Counsel).

In order to maintain the dignity of Court proceedings, court users are strictly prohibited from making any video and/or image recording in all hearings.

When Court is in session, anyone who enters and leaves the courtroom must bow in the direction of the Judge on entering the courtroom or just before leaving the courtroom.

Bad behaviour of any kind or form is not condoned in Court.



STAGES IN A CRIMINAL TRIAL



A trial can last a day, or take place over days, weeks, or months. The length of a trial depends on many factors. These include the number of witnesses involved and the availability of witnesses. The dates of a trial are usually fixed a few months in advance. Either the IO (where the witness is to be called by the Prosecution) or the Defence Counsel (where the witness is to be called by the accused) will inform the witness when the trial will be. A witness will usually know of the dates a trial is likely to take place on, but will often know of the exact date and time he needs to be present in Court closer to the date of the trial (or sometimes even after the trial has begun).

A witness should know of the following stages in a criminal trial:

- a. Case for the Prosecution
- b. Case for the Defence; and
- c. Calling of rebuttal evidence (if any).

Case for the Prosecution

The Prosecution will always start a trial by presenting the **evidence** gathered during investigations. Such evidence includes **witness testimony**, documents, letters, emails, video evidence, as well as photographs.

Evidence is presented one witness at a time. Each witness for the Prosecution will be called into Court. When the witness enters the witness box, the witness will be required to take an oath or affirmation. This is a promise to tell the truth. There are generally three stages in the giving of evidence from the witness box: Examination-in-Chief, Cross-examination, and Re-examination. These three stages are described in detail below.

After a witness has finished giving evidence, that witness will leave the witness box. The next witness will then enter the witness box. The Prosecution will close its case once its last witness has testified.



Why do you need to know this?

Trials go through several stages and can take time. A witness who understands the stages in a trial will be better able to appreciate the role they play in the trial process.

Case for the Defence

The accused can decide if he wishes to testify if he is called on by the Court to give evidence in his defence. If he chooses to testify, he will be the first witness for the Defence. He will have to enter the witness box, where the Defence Counsel and the Prosecution will ask him questions.

If the accused chooses not to testify, the remaining witnesses for the Defence will be asked questions – one at a time – by the Defence Counsel and the Prosecution.

Calling of rebuttal evidence

After the last witness for the Defence has given evidence, the Prosecution has the right to call rebuttal evidence. The Prosecution can call new witnesses and/or ask witnesses who have already testified to return to Court to answer (more) questions.

The trial process then ends. No witness will need to give evidence after this stage.

After the trial process ends, the Judge will ask parties to prepare written closing submissions that set out all their arguments. The Prosecution and the Defence Counsel (as well as the accused) will then be asked to return to Court for the **verdict**. The verdict is the decision of the Judge as to whether the accused is guilty or not guilty of the offences he was charged with. It is not necessary for witnesses to be present when the Judge delivers his verdict.

If the Judge is of the view that the Prosecution has proven – beyond reasonable doubt – that the accused is guilty of the offences he was charged with, the Judge will convict the accused. Otherwise, the Judge will acquit the accused.

An accused who is convicted of an offence will be sentenced. The **sentence** is the punishment imposed by the Court for committing the offence. To help the Judge decide on the appropriate sentence:

- a. the Prosecution may make **submissions or arguments** on the sentence that should be imposed; and
- b. the Accused-in-Person or Defence Counsel (if the accused has a lawyer) may make a **mitigation plea**.



WHAT WITNESSES DO IN COURT



Why do you need to know this?



It is important that caregivers know what a witness must do in Court, so they can answer questions a witness may have about the process.

A witness will usually have to wait in a special room called a “witness room”, before the witness actually gives evidence in the courtroom. A witness may sometimes have to wait a while before his turn to give evidence, as another witness may be giving evidence before him.

A witness is not allowed to listen to the evidence of other witnesses before he gives evidence. No witness is allowed to sit in the gallery of the courtroom during the trial until he has completed giving evidence.

A witness who has yet to give evidence must also not be told of what happened in Court. The evidence of a witness must be based on his personal knowledge, and must not be influenced by anyone else.

When it is a witness’ turn to give evidence, the witness will then be brought into the courtroom. There, the witness will be shown to the “witness stand” (or the “witness box”).

When a witness enters the witness box, the witness will be required to take an oath or make an affirmation. This is a solemn declaration that the witness will tell the truth. If the witness is a Christian or a Catholic, taking the oath will require the witness to hold the Bible while swearing to tell the truth. In all other cases, the witness will make an affirmation instead. In either case, the witness must raise his right hand to take the oath or make an affirmation. The witness can sit down after taking the oath or making an affirmation.

The witness will need to answer questions from the Prosecution and the Defence Counsel (or the Accused-in-Person, if the accused does not have a lawyer). The Judge may also ask the witness questions. Regardless of who asks the questions, the witness should always address his answer to the Judge.

There are three stages in the giving of evidence from the witness box:

- a. **Examination-in-chief.** This is the first stage. The party who asked the witness to come to Court (the Prosecution or the Defence Counsel) will ask the witness questions. These questions tend to be open-ended, and usually start with “Who”, “What”, “When”, “Why”, and “How”. The witness may also be referred to various documents, photographs, or videos and asked questions about these. The purpose of examination-in-chief is for the witness to tell the Court what the witness knows about the case in the witness’ own words.
- b. **Cross-examination.** This is the second stage, where the other party will ask the witness questions. These questions are usually not open-ended, and tend to be more direct. The witness may also be referred to various documents, photographs, or videos (not necessarily those the witness was referred to during examination-in-chief) and asked questions about these. The purpose of cross-examination is to test the truth of the witness’ evidence. When the Prosecutor or the Defence Counsel says “I put it to you that ...”, the Prosecutor or the Defence Counsel is putting his case to the witness. This is part of the cross-examination process in Court. If the witness disagrees with any “put” statement, the witness should say so. If the witness wishes to elaborate, the witness can ask the Judge for permission to do so.
- c. **Re-examination.** This is the final stage. The Prosecution or the Defence Counsel who asked the witness questions in examination-in-chief may ask the witness some questions to clarify matters arising from the evidence given by the witness during cross-examination.



Once a witness enters the witness box, he cannot speak to anybody about the case (including other witnesses, the Prosecution, the accused, and the Defence Counsel) or discuss his evidence with anybody. If a witness does not finish giving evidence in one day, and the trial is adjourned to another day, the witness cannot, similarly, speak to anybody about the case or discuss his evidence with anybody.

A witness is released after re-examination. This means that the witness has finished giving all of his evidence and can leave the courtroom. Unless the witness is asked to provide rebuttal evidence, the witness will not be asked to return to Court.

Caregivers and professionals should not talk to the witness about his evidence in Court. They must be careful not to say anything that might affect a witness's perception or recollection of events. A witness can be emotionally supported with words of encouragement, empathy, and kindness. However, the witness must never be told what he is supposed to say in the courtroom. Anyone who knows that a witness is being influenced to say things that are not true must inform the IO immediately.



WHAT WITNESSES SHOULD WEAR IN COURT





A witness must always dress neatly and decently when entering a courtroom. If a witness is unsure as to what to wear to Court, he should check beforehand with the party calling them as a witness (either the Prosecution or the Defence Counsel). Please refer to the link on **page 36** for more information about how someone should dress when he attends court.

The witness should bring along a jacket or a sweater, as the courtroom can sometimes be cold. The witness should also bring a bottle of water, in the event he gets thirsty while testifying in the witness box.

BEING AN EFFECTIVE WITNESS



A caregiver may wish to inform a witness who is going to testify of the following:

- a. Remain calm and polite. It can be stressful to be a witness, but try not to get upset or become flustered when giving evidence. If you are upset, ask the Judge for time to calm down.
- b. Speak slowly and clearly, so that your evidence is understood by everyone. There is no need to rush through your evidence.
- c. If there is an interpreter assisting you, you should wait for the entire question to be interpreted to you before you answer it. You may wish to break up your answer into shorter parts to give the interpreter time to interpret your answer.
- d. Always direct your answers to the Judge.
- e. Do not speculate. Be sure that your answers are based on what you actually saw or heard, and not based on what you think probably happened.
- f. You should say “I do not know”, if you do not know the answer.
- g. You should say “I am not sure”, if you are not sure.
- h. You should say “I cannot remember”, if you cannot remember.
- i. You can ask for a question to be repeated if you did not hear the question clearly.
- j. You can ask for a question to be rephrased using simpler terms if you do not understand the question.
- k. You can ask for a question to be broken up into parts if there are many parts to the question and you are not sure as to what exactly is being asked.
- l. You can ask for words or terms to be explained if you do not understand them.
- m. Do not argue with the party asking you the questions or interrupt him when he is speaking.
- n. Spell out any names or unusual terms.

- o. You may ask the Judge for more time to read a document that you have been referred to, before you answer any questions about the document.
- p. Do not nod or shake your head, as your evidence is being recorded. Your response should always be spoken, and you can say “Yes” or “No” instead.
- q. Do not joke. Answer the question and then stop. Do not give unnecessary or irrelevant information. The Judge is interested only in the facts.
- r. Please make sure your mobile-device is in “silent” mode. Your mobile-device should not ring while you are giving evidence.
- s. Tell the truth. It is your duty to tell the truth. If you lie in Court, you may be charged for telling lies in Court (or “perjury”). You may then be fined or imprisoned.
- t. If you need a break after giving evidence for some time, you can let the Judge know. If you do not feel well, you should let the Judge know as well.
- u. If you are not comfortable with the types of questions being asked, you can let the Judge know. The Judge will then decide if the question is relevant. If the Judge decides the question is relevant, you must answer the question truthfully.



PROTECTION OF VULNERABLE WITNESSES IN COURT



Witness Support Programme

The Witness Support Programme provides emotional support to witnesses in criminal cases who have to give evidence in Court against the accused, and who are:

- a. children below 18 years of age;
- b. adults who have a mental capacity that is below the age of 18; or
- c. vulnerable adult witnesses (eg, victims or eye-witnesses of violence-related or sexual offences who may be traumatised as a result of the alleged offence, or elderly victims above 65 years old).

Volunteers from the State Courts and the Singapore Children's Society conduct the Programme. The support to the witness under this Programme is through a Volunteer Support Person ("VSP").

Amongst others, a vulnerable witness under the Programme can expect a visit to the State Courts (accompanied by the VSP) before the trial. The VSP will also brief the witness to familiarise the witness with the environment and Court procedures during a trial. If allowed by the Judge (on the application of the Prosecution or the Defence Counsel), the VSP may sit with the witness while the witness is giving evidence in the courtroom or *via* video-link in a witness room (that is next to the courtroom).

More information about the Witness Support Programme can be found online¹¹.

¹¹<https://www.statecourts.gov.sg/cws/CriminalCase/Pages/VulnerableWitnessGuidelines.aspx>
(last accessed: 13 May 2020).

Giving evidence through video-link¹²

The Court may allow the evidence of a person in Singapore to be given through a live video-link during the trial in certain cases – for instance, where the witness is below the age of 16, or where the offence concerned is a “child abuse offence”¹³ or a “sexual offence”¹⁴. Where this is allowed, the witness will not be in the same courtroom with the accused. Instead, the witness will give evidence *via* video-link in a witness room (that is located just next to the courtroom).

Use of “shielding measures”¹⁵

In certain cases, the Court may allow a witness to give evidence while prevented by a “shielding measure” (such as a screen) from seeing the accused – for instance, where:

- a. the witness is below the age of 16;
- b. the witness is the alleged victim of a “child abuse offence”¹⁶ or a “sexual offence”¹⁷; or
- c. the Court is satisfied that:
 - (i) the witness is afraid of the accused or of giving evidence in the presence of the accused, and such fear will diminish the reliability of the witness’ evidence; or
 - (ii) the witness will be distressed if required to give evidence in the presence of the accused, and such distress will diminish the reliability of the witness’ evidence.

Where this is allowed, the witness will be in the same courtroom as the accused even though the witness will be shielded from seeing the accused by this “shielding measure”. However, this “shielding measure” must not prevent the witness from being able to see, and to be seen by:

- a. the Court;
- b. the prosecutor;
- c. the lawyer representing the accused; and
- d. any interpreter or other person appointed to assist the witness.

¹²Section 281 of the Criminal Procedure Code CPC.

¹³The scope of a “child abuse offence” is defined in s 2(l) of the CPC.

¹⁴The scope of a “sexual offence” is defined in s 2(l) of the CPC.

¹⁵Section 281A of the CPC.

¹⁶The scope of a “child abuse offence” is defined in s 2(l) of the CPC.

¹⁷The scope of a “sexual offence” is defined in s 2(l) of the CPC.

Closed door (or “in camera”) hearings¹⁸

All criminal trials are, generally, open to the public. For trials involving certain types of offences or where expedient in the interests of justice, public security, or propriety, the Judge can order that the hearing take place in private or “in camera”. In such cases, no member of the public or the media can be present in the courtroom to observe the trial or to report on the case.

“Gag orders”¹⁹

The Court has the power to order that:

- a. the name, address or photograph of any witness; or
- b. any evidence or any other thing likely to lead to the identification of the witness by a person other than a party to the proceedings,

which is contained in any Court document intended to be produced before the Court, to be removed or sufficiently redacted.

Indecent and scandalous questions²⁰

The Court may forbid any question that it regards as indecent or scandalous, unless the question is relevant to the case.

Questions intended to insult or annoy²¹

The Court will forbid any question that appears to be intended to insult or annoy.

Restrictions on questions and evidence involving “child abuse offence” or a “sexual offence”

Where the accused has been charged with a “child abuse offence”²² or a “sexual offence”²³, there are restrictions on:

- a. the questions that may be asked of the alleged victim of the offence in cross-examination; and
- b. the evidence that may be adduced about the alleged victim²⁴.

¹⁸Section 153(1) of the Women's Charter and s 7(2) of the State Courts Act.

¹⁹Section 8(3) of the Supreme Court of Judicature Act.

²⁰Section 153 of the Evidence Act.

²¹Section 154 of the Evidence Act.

²²The scope of a “child abuse offence” is defined in s 2(1) of the CPC.

²³The scope of a “sexual offence” is defined in s 2(1) of the CPC.

²⁴For Supreme Court, see <https://www.supremecourt.gov.sg/contact-us>; and for State Courts, see <https://www.statecourts.gov.sg/cws/Pages/default.aspx> last accessed: 13 May 2020).

OTHER RESOURCES



Getting to the Courts

Information about getting to the State Courts or the Supreme Court is available online.²⁵

What to wear and bring to Court

Information about what to wear and bring to the State Courts and the Supreme Court is available online.²⁶

Picture books for children

Caregivers can use two picture books to help children understand court processes:

- a. Who Will Be in Court
- b. Sara Goes to Court

These books are available online.²⁷

Victim Assistance Scheme

The Victim Assistance Scheme is for victims of criminal assault who have not received compensation from the offender.

The Community Justice Centre administers the scheme.

More information about the scheme can be found online.²⁸

Allowances for witnesses

The Criminal Procedure Code (Witnesses' Allowances) Regulations 2010 set out when a witness may be able to claim an allowance for his attendance in court and the sums that may be claimed.

²⁵For Supreme Court, see <https://www.supremecourt.gov.sg/contact-us>; and for State Courts, see <https://www.statecourts.gov.sg/cws/Pages/Location-and-Operating-Hours.aspx> (last accessed: 13 May 2020).

²⁶For Supreme Court, see http://www.ifaq.gov.sg/SUPREMECOURT/apps/fcd_faqmain.aspx?FAQ=32824; and for State Courts, see <https://www.statecourts.gov.sg/cws/Pages/Information-for-visitors.aspx> (last accessed: 13 May 2020).

²⁷See <https://www.statecourts.gov.sg/cws/Witness/Pages/Resources.aspx> (last accessed: 13 May 2020).

²⁸See <https://www.statecourts.gov.sg/cws/Witness/Pages/Resources.aspx> (last accessed: 13 May 2020).

NOTES

This section is for you to make any notes or reminders that may help you.

[illegible]



