



# RESPONSIBILITIES OF WITNESSES

## What a Witness Does

As a witness giving evidence in Court, your duty is to answer questions put to you by lawyers, prosecutors or the Judge truthfully. You should not alter your evidence to benefit anyone or try to influence the evidence of any other witness.

## What to Wear

Dress neatly and decently. If you want more advice on what to wear, ask the lawyer or prosecutor who requested you to give evidence as a witness.

## Subpoena

### What a Subpoena is

A subpoena is an order that a person attend Court on a specified date and time to give evidence as a witness. Sometimes, a subpoena requires the person to produce documents and if so, the subpoena will state the documents which you are required to produce.

### What to Do When You Receive a Subpoena

Unless the subpoena is set aside by the Court, it is compulsory for you to attend Court on the stipulated day and every other day of the hearing until the case is completed. If you fail to attend, you will be guilty of contempt of Court and may be fined or imprisoned.

You may contact the firm of solicitors that served the subpoena on you and speak to the lawyer to discuss the case. Find out from the lawyer the type of questions that you will be asked and where the hearing will be held. If necessary, arrange to meet the lawyer to discuss the case.

You may be asked to make a sworn statement of the evidence that you are to give in Court.

If you have to apply for leave and have difficulties, the lawyer may be able to give you a letter to assist you in obtaining leave. If the hearing in Court is for more than one day, find out from the lawyer approximately when you are required to attend Court so that your time may be saved.

Trials in Court are conducted in English. If you require an interpreter, inform the lawyer so that he or she can ensure that an interpreter is made available on the day of the hearing.

## In Court

Usually, witnesses wait outside the courtroom or in a special waiting room. Prior to giving evidence, do not discuss the case with anyone who has witnessed the ongoing proceedings (including other witnesses who have already given evidence). When it is your turn to give evidence, the lawyer, prosecutor or a court clerk will call your name. You will be shown where to stand or sit.

## In the Witness Box

When you enter the witness box, a court official will ask you to 'tell the truth, the whole truth and nothing but the truth'. (If you are a Christian, you will be asked to swear on the Bible).

Address the Judge as 'Your Honour'.

Giving evidence can be a slow and tiring process. What you say may have to be written down as you say it. Your answers are to be addressed to the Judge. The Judge will want to make notes. Speak slowly, clearly, and ensure that the judge is able to record evidence.

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

1. **Examination-in-chief** - This is the first stage. The lawyer or prosecutor who asked you to come to Court will ask you for your full name, address and occupation so that everyone in the Court knows who you are. Then he or she will question you. If you have already given a sworn statement, you may be asked to confirm the contents of your sworn statement.
2. **Cross-examination** - In the second stage, lawyers representing other parties of the case or the prosecutor may then ask you questions. They may also refer you to various documents and ask you questions about these documents. When the lawyer says 'I put it to you that ...', he or she is putting his or her case to you as per their client's version of facts. Do not get upset by this. If you disagree, say so.
3. **Re-examination** - Lastly, the lawyer or prosecutor, who asked you questions in the examination-in-chief, may question you some more to clarify matters arising from the cross-examination.

At any time during the proceedings, the Judge may also question you.

## When You are Giving Evidence

Keep calm. Speak slowly. This will help you to say exactly what you mean.

Although lawyers ask the questions, always direct your answers to the Judge.

If you do not know, say so. You can use 'I am not sure', 'I do not know', or 'I cannot remember' depending on the situation. Do not guess.

Do not let any question or person irritate you or make you angry. He or she may get you to say something he or she wants you to say. Just tell the truth. Do not argue.

Try to answer questions simply. If you have not heard the question clearly, ask for it to be repeated. If you do not understand the question, ask for an explanation. If you wish to explain your answer in detail, ask the Judge for permission to do so.

If you need time to read a document before answering a question, ask the Judge for more time.

Do not joke.

Tell the truth. It is your duty to tell the truth. If you lie in Court, you will be charged for telling lies in Court ('perjury') and fined or imprisoned.

### **After Giving Evidence**

When you have completed giving evidence, you may leave the witness stand with the permission of the Judge. However, the Judge may order that you be recalled as a witness, if necessary.

It may be inconvenient for you to give evidence in Court. For instance, you may need to take leave from work or get someone to look after the children. But your duty as a witness is important. Discuss your difficulties with the lawyer or prosecutor who wants you to give evidence or with your own lawyer. Ask about expenses. You will be allowed to claim a reasonable sum to recover your expenses of going to, remaining at, and returning from Court.

Remember, by coming forward as a witness, you are assisting the Court and doing your duty as a responsible member of society.