



Helping witnesses in criminal proceedings

I have a client who needs help to testify in court. What can I tell her?

There are several things that can make testifying easier for your client:

- The witness can testify from behind a screen. This means the witness would not be able to see the accused.
- The witness can have a support person. This means that someone would sit next to the witness box while the witness testifies.
- All or some members of the public can be ordered to leave the courtroom while the witness testifies.
- If the accused does not have a lawyer, a lawyer can be appointed by the court strictly to cross-examine the witness.
- Publication bans may protect the witness's identity.
- The Crown can use the witness's videotaped evidence during the trial. The witness will still have to be cross-examined in person.

Talk to the Crown about these things. Most of these aids can only be used if the judge agrees. Some publication bans are automatic: ask the Crown if there will be a ban, and if so, what the ban will cover.

How does the judge decide?

The judge thinks about what the witness needs and what type of case it is:

- Child witnesses or witnesses with certain disabilities often get the testimonial aids they apply for.
- Other vulnerable witnesses may get a testimonial aid if the judge thinks it's necessary.
- Victims of certain crimes are often able to have a lawyer cross-examine them if the accused is self-represented.

Remember that you need to ask the Crown to apply to the judge. It's best to talk to the Crown before the case begins. That will allow time to make the application. However, the witness or Crown can ask the judge at any time during the court proceedings.

Can the accused person object?

Yes. However, these aids are intended to protect the accused's rights while making it easier for witnesses to testify. The judge will make the final decision.

Where can I get more information?

Call 920-6911 and speak to the manager of victim services for the NWT.



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Something bad happened to me. Do I have to go to court?

If you have papers telling you that you have to go to court, you do have to go. You will have to tell the judge what you know about what happened.

What if I'm too scared to talk to the judge?

The judge can make it easier for you to talk about what happened. There are many ways for the judge to do this, but some of the more common things are:

- You can testify from behind a screen. This means you would not be able to see the person who is on trial.
- You can have someone sit next to you while you talk about what happened. This person can't talk for you, but sometimes it helps to have a friend next to you.
- The judge can tell everyone to leave the room while you talk about what happened. Only the people who have to be there would be allowed to stay.
- Sometimes the person who is on trial doesn't have a lawyer. You can ask to have a lawyer appointed to do the cross-examination. That means that after you tell the judge what happened, that lawyer will ask you questions about it.
- Your friends can come to court with you. They sit in the courtroom where you can see them while you talk about what happened.
- The judge can order a publication ban. That means reporters won't be able to report certain things that could identify you, like your name.
- Sometimes you can tell your story on videotape. You will still probably have to answer a lawyer's questions in court.

Talk to the Crown attorney if you need help to talk about what happened. The Crown is the lawyer who is prosecuting the case. The judge always makes the final decision.

How does the judge decide?

The judge thinks about what you need and what type of case it is. If you really think you need help to talk about what happened, tell the Crown exactly why you need help. It's best to talk to the Crown before the case begins, but you can ask for help at any time.

Where can I get more information?

Talk to your local victim services worker.

- Fort Good Hope: (867) 598-2247 or (867) 598-2352
- Fort Smith: (867) 872-5911
- Hay River: (867) 874-7212
- Inuvik: (867) 777-5493 or (867) 777-1555
- Yellowknife: (867) 920-2978 or (867) 669-1490