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Subject: Media Release - Best Practices Toolkit on Cross-Examination of Vulnerable Witnesses

Attachments: Combined Best Practices Toolkit on Cross-Examination of Vulnerable Witne....pdf

Media Release – THE LAW SOCIETY OF SINGAPORE INTRODUCES AN UPDATED BEST PRACTICES TOOLKIT ON THE CROSS-EXAMINATION OF VULNERABLE WITNESSES

23 August 2019

During his speech at the Opening of the Legal Year on 8 January 2018, the President of the Law Society, Mr Gregory Vijayendran, stated that:

“The nuance and sensitivity to vulnerable witnesses is in the interests of gaining the best evidence from them and in the interests of the administration of justice. This should not detract from an advocate discharging duties to a client or vigorously advancing a rationalizable case theory in a given case without fear or favour. These guidelines will also serve as a toolkit for younger advocates to gain appropriate pointers on cross-examination of such witnesses.”

In August 2018, the Vulnerable Witnesses Best Practices Toolkit, that provided tips on the cross-examination of vulnerable witnesses such as child witnesses and complainants of sexual witnesses, was launched.

On 21 August 2019, a seminar jointly organised by the Law Society of Singapore and AWARE on “Balancing Accused’s Rights with Complainant’s Rights in Sexual Assault Trials” was held. The focus of this seminar was on skills building for defence counsel on the cross-examination of sexual assault survivors and laying the ground rules for best practices. The updated Best Practices Toolkit was launched at this seminar. The Law Society updated the Best Practices Toolkit to expand on the scope of the general guidance offered on cross-examination, to encompass witnesses with mental disorders as well as elderly witnesses.

As with the first Toolkit launched last year, the Law Society has been mindful of not being overly prescriptive and that the general tips in the updated Toolkit *“are not meant to be prescriptive, nor exhaustive on how to approach the cross-examination of vulnerable witnesses, which should be left to the discretion of counsel.”*

President Vijayendran stated during his Opening Remarks at the joint seminar that:

“Via sensible, sensitized cross-examination nuanced to the vulnerability of a sexual offence complainant, you can be a healer, an indirect healer. How? Through skilfully aiding a truthful reconstruction of events that took place in the interests of administration of criminal justice. And you can also be an agent of restoration. Restoring the voice to the voiceless by respecting the witness’ dignity as a vulnerable participant in the courtroom.”

A copy of the Toolkit is enclosed.

ABOUT THE LAW SOCIETY

Established in 1967, the Law Society of Singapore is a body established under the Legal Profession Act. It carries out various statutory functions prescribed under the Legal Profession Act, including maintaining and improving the standards of conduct and learning of the legal profession in Singapore, the facilitation of the acquisition of legal knowledge by members of the legal profession, and protecting and assisting the public in all matters ancillary or incidental to the law.

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