



**JUDICIARY
BRUNEI DARUSSALAM**

**WHAT HAPPENS
IN
COURT?**



WHAT HAPPENS IN THE COURT?

In criminal trials taking place in the Magistrate's Court, Magistrates listen to all the evidence and decide whether the person accused of the crime (the defendant) is guilty or not. If the defendant is found guilty (this is called a conviction) the Magistrate usually decides on the sentence. All Magistrates are legally qualified. In court there will also be a prosecutor, who appears for the prosecution, and there may be a lawyer who argues for the defendant.

The more serious cases are dealt with in the Intermediate Court or the High Court in front of a Judge. The Judge decides whether the defendant is guilty or not. The Judge will decide on a sentence. Judges and other lawyers who speak in these courts wear robes.

As well as being a witness in a straightforward criminal case, you may be involved in a preliminary inquiry (committal hearing) at a Magistrate's Court to decide whether there is enough evidence for a trial in the Intermediate Court or the High Court.

There will be a clerk/interpreter who is responsible for interpreting the proceedings. He will also call witnesses, take messages and generally help to run the court. There may be other people in the court such as the police and welfare officers, newspaper reporters and members of the public

WHERE DOES EVERYONE SIT?

The Magistrate sits behind a raised bench and the witness box is usually to the left side of the court. In the Intermediate and High Court, lawyers and Judges wear robes.

BEFORE YOU GO TO COURT:

- Take all the papers you have about the case with you;
- If you think you will need an interpreter, inform the court clerk in advance;
- Make sure you have the address of the court;
- Be prepared for quite a wait before it is your turn to give evidence. You may want to take a book or magazine to read;
- If you like, you can take a friend to keep you company.

WHEN YOU ARRIVE AT COURT:

- Give the receptionist the name of the defendant and show the papers you have brought with you, so that he can tell you where to wait;
- It is much better not to talk to anyone about the evidence you will be giving in case you are asked about this in court. If you have discussed the case with other people, you might find, when you get into court, your evidence is doubted. (You can of course speak to prosecutors, lawyers or other people dealing with the case);
- Don't leave the court until you are told that you are no longer needed;
- If you have an important reason to leave early, inform the clerk/interpreter before the case starts;
- If you want to have a look at the court room before your case starts, you can do this first thing in the morning or at lunchtime;
- If you have made a statement and you want to see it before you give evidence, you will normally be allowed to. Ask the police officer/prosecutor to get a copy;
- Some cases are delayed or even put off until another date. This may be because an earlier case has gone on longer than expected or an important person in the case has not arrived. Sometimes a defendant pleads guilty on the day of the trial, so that witnesses are told at the last minute that their evidence is not needed;
- If you leave the court for any reason, inform the clerk/interpreter.

WHEN YOU GIVE EVIDENCE

When you are called into the court you will be shown to the witness box. Remain standing for the swearing in. If you find standing difficult, ask to sit down. You will then be sworn in, that is to tell the truth. If you prefer you can affirm, that is promise to tell the truth.

Remember:

- The defendant will have pleaded not guilty. Your evidence will help the court to decide whether he or she is guilty or not;
- If you are not sure of the answer, say so;
- Take your time and speak slowly and clearly;
- Ask for the question to be repeated if you do not understand or cannot hear;
- The Magistrate or Judge will not know anything about the case, so take care not to leave anything out of your evidence.

If you are a witness for the prosecution, you will be asked questions by the Prosecutor first. Then the Defence will ask some questions: this is called cross-examination. When the cross-examination has finished, the Prosecutor may ask a few more questions.

If you are a witness for the Defence, the Defendant's lawyer asks you questions first. A Magistrate or the Judge may also ask you questions.

After you have finished giving evidence, you may be told that you are released. This means that you are free to leave but you can stay and listen to the rest of the case if you want to. Sometimes you might have to stay after you have given evidence. This usually only happen when something new has come up while you are giving evidence.

Giving evidence is a vital public duty.

For further information, contact us at:

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