



Translated from English to Mandarin	"Giving evidence in Court"
Translated	June 2013

联邦罪案证人指南

出庭作证

引言

通过出庭作证，证人为我们的司法系统做出必要和重要的贡献。本手册旨在帮您了解您作为证人的职责。

出庭准备

确认出庭作证日期

庭审过程可能很费时间而且开庭日期经常会变更。我们建议您在规定开庭日期前一天向您的CDPP检控官查询法院案件的情况以及要求您到庭的时间。

参观法庭

您会发现事先到法院，了解审判庭是什么样子，以及了解在您出庭作证之日每人应坐的位置，对您会有帮助。这将帮助你熟悉审判庭的环境。

通读您的陈述书

作为证人，您需要用您自己的语言向调查人作出陈述，讲述您所记得的所发生的一切。出庭前您应通读您的陈述书。在作证前，想一想您的陈述书中所涵盖的事项，例如日期、时间、姓名、事件以及所用话语。记住，很重要的一点是，不要与任何其他证人讨论您的证词。出庭作证前您可能被要求同检控官会面。若您希望在您的陈述书中添加或更改任何内容，请在聆讯前预先告知检控官。

考虑您的着装

虽然没有特别的着装要求，我们还是建议您的服装穿着应干净整洁。审判庭是正式场所，法官、检控官及辩护律师都身穿职业服装，有些情况下，他们会戴假发穿长袍。

出庭当日

到达法院后，请即刻联系调查人员或CDPP检控官，让他们知道您已到达。他们将告诉您应在何处等待。虽然各法院的做法可能会有所不同，但庭审通常在上午10点开始，到下午4点

结束，中间有短暂的早茶时间和一小时午餐时间。需要到达法庭的时间会事先通知您，很可能是书面通知。

审判或聆讯在某日开始并不一定意味着你就会在那一天作证。在法庭准备好听您作证之前，您可能需要等待一段时间。CDPP检控官将尽其所能告知您诉讼的进程，并告知您何时须出庭作证。他们将尽一切努力确保不会给您带来不必要的麻烦。

在作证前，您不能进入审判庭内。您可以带一本书或者杂志以便在等待时阅读。一位法庭职员会告诉您轮到您作证的时间及您的座位。在您作证后，您可以坐在审判庭内的旁听席。CDPP检控官将会告诉您何时可离开法庭。

若有如下情况，请您在审判或聆讯前早一点告知CDPP检控官：

- • • 您为您的安全担忧。
- • • 您说英语或理解英语有困难。
- • • 您有可能影响您作证能力的特殊需要或残障。

审判庭

刑事检控过程可能是长期、复杂的，它会涉及到很多人。在审判庭里你会见到以下人员：被告、法官及其助手、检控官、辩方律师、法庭记者、法庭职员、以及在某些情况下还有陪审团。

在法庭上，检控官将就被控犯罪嫌疑人的案子进行陈述。在Local（地方）或者Magistrate's Court（初级法院）中，该嫌疑人被称为 defendant（被告），在District（区），County（中级/县）或者Supreme Courts（高级法院）中，该嫌疑人被称为 the accused（被控告人）。在被证明有罪之前，被控告人是被推定为无罪的。Local或者Magistrate's Court中的法官或者District, County或者Supreme Courts中的陪审团必须相信，“无可置疑”，此人犯下了罪行，才能定罪。

作证

作证时，您必须当庭说出事实。当您第一次走上证人席时，您将被要求发誓或宣誓说出事实。

当您出庭作证时，CDPP检控官和辩方律师均会问您问题。通常CDPP检控官会先向您提问。然后是辩方律师提问。这被称为盘问。法官或者初级法院法官也可能向您提问。

下列建议，会有助于您出庭回答问题。

- 仔细听问题，并确保您明白问题的意思再回答。
- 若您未听懂问题，可以如实说未听懂。
- 千万不要试图猜测问题的答案。若您不知道答案，或者不记得，如实说明是十分重要的。不要觉得有压力而必须迅速回答问题。要从容思考然后回答。
- 尽量清楚并大声地回答。
- 您可能多次被问到同一个问题。
- 您应该称法官或初级法院法官为“尊敬的法官大人（Your Honour）”，若您忘记，请称呼先生（sir）或女士（madam）。

联系CDPP

若您对出庭、证词、或案件其他相关事宜有任何疑问，请告诉CDPP检控官。

GIVING EVIDENCE IN COURT – English Text

INTRODUCTION

Witnesses make a necessary and valuable contribution to our justice system by giving evidence in court. The purpose of this pamphlet is to assist you understand your role as a witness.

PREPARING FOR COURT

CONFIRM YOUR DATE FOR GIVING EVIDENCE IN COURT

The court process can take time and court dates often change. We recommend that you check the status of the court case and the time that you are required to arrive at court with the CDPP prosecutor the day before the scheduled court date.

VISIT THE COURT

You may find it helpful to go to court beforehand to see what a courtroom looks like and to know where everyone will sit on the day you give evidence. This will help you familiarise yourself with the courtroom environment.

READ OVER YOUR STATEMENT

As a witness you would have made a statement to the investigator telling them in your own words everything you remember about what happened. You should read over your statement before going to court. Before you give evidence try to think about the matters covered by your statement such as dates, times, names, events and words used. It is important to remember not to discuss your evidence with any other witnesses. You may be requested to attend a conference with the prosecutor before giving your evidence. If there is anything in your statement you would like to add or change, bring it to the attention of the prosecutor in advance of the hearing.

THINK ABOUT YOUR ATTIRE

While there are no particular dress requirements, we would encourage you to wear something neat and tidy. The court room is a formal environment and the judge, prosecutor and defence counsel will be wearing professional dress and may in some instances wear wigs and robes.

YOUR DAY IN COURT

Once you arrive at court try and make contact with the investigator or CDPP prosecutor to let them know you have arrived. They will show you where to wait. Courts usually sit from 10am to 4pm, with a short break for morning tea and an hour for lunch, though the practise of courts may vary. You will be advised beforehand, most likely in writing, of the time you are required at court.

Just because a trial or hearing starts on a certain day that doesn't necessarily mean that you will give evidence on that day. You may have to wait before the court is ready to hear your evidence. The CDPP prosecutor will do their best to keep you informed as to the status of the proceedings and advise you of when you will be required to give evidence. Every effort will be made to ensure you are not inconvenienced more than necessary.

You cannot be present in the court before you give your evidence. You might like to bring a book or magazine to read while you are waiting. A court officer will let you know when it is your turn to

give evidence and show you where to sit. Once you have given your evidence you may sit in the public seating area of the courtroom. The CDPP prosecutor will advise you when you are no longer required by the court.

Well in advance of the trial or hearing you should advise the CDPP prosecutor if:

- You have concerns for your safety.
- You have difficulty speaking or understanding English.
- You have any special needs or a disability that may affect your ability to give evidence.

THE COURTROOM

The criminal prosecution process can be long and complex and it involves a lot of people. You can expect the following people to be present in the courtroom: the accused, the judge and their staff, the prosecutor, defence counsel, the court reporter, the court officer, and in some instances the Jury.

In court the prosecutor presents the case against the person accused of the crime. This person is referred to as the defendant in the Local or Magistrates' Court and the accused in the District, County or Supreme Courts. The accused is presumed to be innocent until proven guilty. The Magistrate in the Local or Magistrates' Court or the Jury in the District, County or Supreme Courts must be satisfied 'beyond a reasonable doubt' that the person committed the crime.

GIVING EVIDENCE

You must tell the truth in court when you give your evidence. When you first go into the witness box you will be asked to swear an oath or affirm to tell the truth.

When you give evidence in court you will be asked questions by both the CDPP prosecutor and the defence counsel. The CDPP prosecutor will generally ask you questions first. Then the defence counsel may ask you questions. This is called cross examination. The Judge or Magistrate may also ask you questions.

Below are some suggestions to assist you in the process of answering questions in court.

- Listen carefully to the questions and make sure you understand what is being asked before you answer.
- If you do not understand the question it is ok to say so.
- Never try to guess the answer to a question. If you do not know the answer to the question, or cannot remember it is important to say so. Don't feel pressured to answer the question quickly. Take your time to think before answering.
- Try to answer clearly and in a loud voice.
- You may be asked the same question more than once.
- You should address the Judge or Magistrate as "Your Honour", or if you forget sir or madam.

CONTACT WITH THE CDPP

If you have any questions about your appearance in court, your evidence, or anything else to do with the case, talk to the CDPP prosecutor.