



### **Every witness is important**

- The court must return a fair verdict and witnesses are therefore essential.
- By testifying you enable the court to act reasonably and fairly.

### **What do you do on the fixed trial date and time?**

- You have to appear in court in person.
- It is advisable to arrive at court half an hour before the proceedings commence.
- Inform the public prosecutor immediately of your presence.
- Request the public prosecutor to read through your statement.
- If anything important is not contained in your statement, you should inform the prosecutor.
- It often happens that witnesses have to wait before they are called to testify.
  - you are not allowed to attend the court case in which you will be testifying
  - you have to wait outside
  - be present until you are excused by the prosecutor or the magistrate.
- You should not discuss the case concerned with other witnesses.

### **In the court**

- You have to take an oath or solemnly affirm that your testimony will be truthful before you testify.
- You will be questioned by the public prosecutor.
- You may only address the court.
- The correct form of address in a lower court is: "Your Worship" and "My Lord" in higher courts.
- You may only testify on aspects within your knowledge and will be guided by the prosecutor.
- Evidence related to you by someone else is inadmissible.
- You may also be questioned by the accused or his legal representative. You must listen carefully and address your answers to the court. Stay calm and do not argue with the court, the lawyer or the prosecutor.

- It is also possible that the court may want to question you.
- Speak clearly and audibly throughout.
- If the accused pleads guilty the court may pronounce judgment without hearing any evidence. The public prosecutor will inform you if you don't have to testify.

### **You are protected**

- You needn't be scared of testifying.
- You can be protected against intimidation.
- If you fear intimidation or are at any time threatened, you must report it to the public prosecutor or the investigating police officer.
- In court the presiding officer will ensure that you are not intimidated or questioned unreasonably.
- If your testimony takes a long time and you become tired or indisposed, you have to inform the court.

### **Minor witnesses**

- If you are a minor you may be assisted in court by a parent or guardian or another adult.

### **Witness fees**

- You are entitled to payment of a prescribed *fee* in certain instances. This is not compensation for your testimony.
- It is intended to limit the witness's expenses due to court attendance and, in certain instances, loss of income.
- If you believe that you qualify for such a payment, the public prosecutor must certify that you attended court, whereafter you have to report to the clerk of the court concerned to receive payment.

### **Witness friend**

- If you don't know where to go or have any queries, you may approach the witness friend.
- If the witness friend is not present, you may approach the clerk of the court.

Thank you for your willingness to assist the court in the execution of its functions. Without your co-operation justice will not prevail.

Issued by:

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