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POLITIET



**BEING A  
WITNESS IN  
A CRIMINAL CASE**

## BEFORE YOU APPEAR IN COURT

- Witnesses are very important in ensuring due process.

- If the police or the defence counsel consider it necessary that you appear in court to give evidence, you will be summoned in writing as a witness. You will receive what is called a witness summons.

- If you wish, you may contact the court a few days beforehand and ask to be shown the courtroom where you are to testify so as to familiarise yourself with the premises.

- You are obliged to appear if you have been summoned as a witness. If you do not appear voluntarily, the police may bring you to court forcibly. The court may also fine witnesses who fail to appear.

- If you are ill and feel that you cannot appear in court, the court may exempt you from appearing, but you must document your illness with a medical certificate. It is the court, not your physician, who decides whether you have to appear.

- Before you appear in court, you might want to think through what happened in connection with the incident you are to give evidence about. It may refresh your memory to look at notes, photos or anything else you may have from the incident.

- Several courts have established a witness service with witness support volunteers who offer witnesses personal support and practical guidance before they testify. If the court where you are to testify has such a witness support service, you will be informed of this when you are summoned by the police.

## THE DAY OF THE TRIAL

- The District Court has three judges for each case. The person who chairs the proceedings is the presiding judge. He or she sits in the middle of the judge's bench and is always a jurist. The two other judges are laymen and are called lay judges. The persons appearing in court as lay judges have been randomly selected by the court from a list of persons appointed for such service by the municipal council.

- The prosecutor sits to the left of the witness box. The prosecutor represents the State and works at the prosecutor's office as prosecuting attorney or public prosecutor. The accused attends with his/her defence counsel and sits to the right of the witness box.

- You must show up at the appointed time and report to the reception desk when you arrive.

- The trial will already have started when you are called to testify. The summons will state the courtroom you are to appear in. You must remain in the witness room for this courtroom or in its immediate vicinity until you are called.

## OBLIGATION TO TESTIFY

A person summoned to witness is obliged to appear and give evidence in court. However, in certain cases a witness may be excused from the obligation to give evidence. This applies to witnesses who are closely related to the accused and witnesses who have been asked to answer questions that may result in penal sanctions for themselves. The judge must make sure that the rules for exemption from the obligation to testify are observed.

## PROCEDURES AT THE TRIAL

- Before you are called in to testify, the prosecutor will have held his or her opening statement, which is a presentation of the case as seen by the police. The accused will also have given evidence and he or she will have answered questions from the judge, the prosecutor and the defence counsel.

- This means that you will not hear the testimony of the accused. The reason is that your own testimony is not to be influenced by what has emerged during the trial.

- It is not certain that you will be called exactly at the appointed hour. This will depend on how quickly the accused and any other witnesses give evidence. Be prepared to wait.

- The prosecutor will come to get you in the corridor or the witness room when it is your turn to testify.

- When you enter, the judge will ask you to go to the witness box, which is in the middle of the room. The judge will first ask you to state your name, where you live, etc. Then you will be asked to affirm that you will tell the truth. At the judge's question, you answer "I do so affirm".

- The accused will be present in the courtroom when you give evidence. If you feel very uncomfortable about this, you may contact the prosecutor some days before the trial begins to mention it to him or her. In some cases, the judge may then decide that the accused must sit elsewhere or leave the room while you give evidence. What you have said will be related to the accused when he or she returns to the room.

- You will be asked questions: first by the prosecutor, then by the defence counsel. The judge and the lay judges may also put questions to you.

- You should try to speak loudly and clearly and give the most continuous and chronological statement possible. Try to include all details that may be significant to the case.

- You are to give evidence orally and you may not read out any written statement you may have brought with you. However, you may tell the judge that you have written down some cues and request permission to use them to refresh your memory.

- Please note that the accused, the prosecutor and the defence counsel have read the police documents. Therefore, the accused will also normally know what you have earlier told the police. The three judges do not know the contents of the police documents and therefore do not know what you have told the police.

- The public may attend the trial unless it is a hearing closed to the public.

- In exceptional cases, the court may decide that a witness may testify by way of distance examination, i.e. by telephone or video conference.

## WITNESSES WHO ARE THE VICTIMS IN THE CASE

A person who is the victim of a criminal offence

is called the victim at the trial. The victim and any bereaved parties are entitled to attend the trial.

When a counsel has been appointed for the victim, the victim will normally give evidence before the accused and will therefore appear when the case starts. The police have prepared a brochure entitled "Rights of victims and bereaved parties", which you may obtain by contacting the police.

## AFTER YOU HAVE TESTIFIED

After you have testified, you may attend the rest of the trial if you wish to. What remains will be any other witness statements, the presentation of written evidence and the closing statements of the prosecutor and the defence counsel.

## COVERAGE OF EXPENSES

Witnesses in criminal proceedings are normally entitled to the reimbursement of travel expenses and the payment of a per diem according to the Government Travel Allowance Scale. The court will inform you of expenses that are recoverable. If you have lost earnings because you have given evidence, the court may compensate this loss.

You must produce written documentation of the loss, for example confirmation from your employer. You must also present your tax card. The form for claiming compensation for lost earnings is available in court. Normally, travel expenses and compensation for lost earnings are not paid in cash, but will be transferred to your bank account.

In certain cases the court may decide that the expenses of a person accompanying a witness are also to be refunded. This may be the case if the witness needs an assistant due to physical disabilities, illness, age or other infirmities or due to other special circumstances.

## FOR FURTHER INFORMATION

See [www.domstol.no](http://www.domstol.no). Here you will also find a link to the local court you have been summoned to, with practical information about the courthouse and your appearance in court. Also see [www.politi.no](http://www.politi.no).