

**The Statement on  
the Treatment of Victims and Witnesses**

**“NO WITNESS, NO JUSTICE”**

I am pleased to release the new guidelines for prosecutors on the handling of victims and witnesses, entitled *The Statement on the Treatment of Victims and Witnesses* (2009) (*The Statement*). Victims and witnesses are entitled to expect a smooth and co-ordinated service from the criminal justice agencies, and as prosecutors we have a vital role to play in advancing this process. As prosecutors responsible for bringing offenders to account, we recognise that we must ensure the co-operation of victims and witnesses and inspire their confidence, and we acknowledge that *‘No Witness, No Justice’*.

The preparation of *The Statement* has been a major criminal justice initiative of the Prosecutions Division of the Department of Justice for 2008-2009. *The Statement* has revised the earlier prosecutors’ guidelines, and as part of that process we have studied developments in other major common law jurisdictions, including England and Wales, Scotland, Northern Ireland, Canada, New South Wales, South Australia and the United States of America. *The Statement* promotes transparency in an essential area of criminal justice, and acknowledges that those involved in criminal proceedings are entitled to the best possible deal.

*The Statement* is a practical document which incorporates latest thinking in the area of victims’ rights, and encourages best practice. It is also aspirational, and reflects the vision of those who prosecute criminal cases. *The Statement* sets benchmarks for prosecutors, and explains to the public how victims and witnesses should be treated throughout the course of criminal proceedings and the standards of service they may expect to receive.

*The Statement* is a road map for prosecutors, which places victims and witnesses at the heart of our calculations in the course of decision-making, once cases are underway, and after trials or appeals are concluded. *The Statement* recognises that if criminals are to be prosecuted and convicted, those who are victims of crime or witnesses to crime must be willing to make reports to the police and to testify at court, and they must have confidence in the ability of the criminal justice system to safeguard their interests. If there are no witnesses there can be no justice.

*The Statement* is a means to promote public trust in the legal system. Its guidelines are intended to ensure that prosecutors focus on the interests of victims and witnesses from the beginning of criminal cases to the end. In particular, *The Statement* requires prosecutors to pay full regard to the rights enjoyed by victims and witnesses, including :

- the right to privacy and confidentiality
- the right to be treated with respect and understanding
- the right to witness protection
- the right to information throughout trial proceedings
- the right to have their views considered in the making of prosecution decisions
- the right to be advised of the basis of decisions not to pursue cases
- the right to receive adequate and prompt responses to concerns arising from a prosecutorial decision
- the right to liaison at each stage
- the right to expedition in the processing of cases, particularly those involving children and vulnerable witnesses
- the right to proper facilities at court for the reception of witnesses
- the right to as much notice as possible as to the time of giving evidence in court
- the right of vulnerable witnesses to have special measures in place

at court to facilitate the giving of evidence, including the giving of evidence by means of a live television link and the removal of wigs and gowns in suitable circumstances

- the right to have the court informed of the impact of any proposed postponement on the witnesses
- the right to protection from abusive questioning or unjust criticism
- the right to have the court informed of the consequences of the crime at the sentencing stage, including updated medical information and any financial impact on the witness
- the right to have the results of cases explained
- the right to seek witness expenses
- the right to apply for compensation or restitution
- the right to an appropriate interpretation service at the court
- the right to information on the progress and outcome of appeals and reviews of sentence
- the right to have property held for court purposes returned as soon as practicable to its lawful owner once a case concludes.

These are all important rights and as prosecutors our task is to make them into a daily reality. The criminal justice system depends on victims and witnesses to achieve its ends. We recognise that reporting offences to the police and giving evidence at court can be a daunting experience for many people. *The Statement* therefore puts the interests of victims and witnesses at the centre of our approach to prosecuting, and recognises their importance in making justice work. *The Statement* is a pact between the prosecutors and those who are the victims of crime and the witnesses to crime, and its measured application will be a priority of those who prosecute cases and prepare cases for trial. As prosecutors we are committed to bringing offenders to account, and this requires us to be responsive to the individual requirements of victims and witnesses and also sensitive to their concerns.

*The Statement* will be issued to Public Prosecutors, Court Prosecutors, Departmental Prosecutors and Counsel who prosecute on fiat. It will be made available to the general public from today, and it will be placed on the departmental homepage (<http://www.doj.gov.hk/eng/public/victimsandwitnesses.htm>). *The Statement* will become operational on 7 September 2009. I commend it to everyone concerned with the success of criminal justice in Hong Kong.

Director of Public Prosecutions  
Department of Justice  
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