

Statement on Treatment of Victims and Witnesses released

The Director of Public Prosecutions, Mr Grenville Cross, SC, of the Department of Justice, today (September 1) released "The Statement on the Treatment of Victims and Witnesses", which prescribes the new guidelines for prosecutors.

Mr Cross said the preparation of the statement had been a major criminal justice initiative of the Prosecutions Division of the Department of Justice for 2008-2009.

"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," he said.

Mr Cross said the statement had revised the earlier prosecutors' guidelines which were issued in 2004, and as part of that process 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, had been studied.

He described the statement as a practical document which had incorporated latest thinking in the area of victims' rights, and encouraged best practice.

"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'," he said.

Mr Cross pointed out that the statement was a means to promote public trust in the legal system and required prosecutors to pay full regard to the rights enjoyed by victims and witnesses, including the right to privacy and confidentiality, the right to witness protection, the right to information throughout trial proceedings, the right to expedition in the processing of cases, particularly those involving children and vulnerable witnesses, and the right to proper facilities at court for the reception of witnesses.

The statement also emphasises the right of vulnerable witnesses to have special measures in place at

court to facilitate the giving of evidence, 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 apply for compensation or restitution and the right to information on the progress and outcome of appeals and reviews of sentence.

"These are all important rights and as prosecutors our task is to make them into a daily reality. The criminal justice systems depends on victims and witnesses to achieve its ends," he said.

The statement will be issued to Public Prosecutors, Court Prosecutors, Departmental Prosecutors and Counsel who prosecute on fiat and will become operational next Monday (September 7).

The statement will be made available to the public from today, and placed on the departmental homepage <http://www.doj.gov.hk/eng/public/victimsandwitnesses.htm>.

Ends/Tuesday, September 1, 2009