



JUSTIS- OG POLITIDEPARTEMENTET

Ministry of Justice and the Police

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Follow-up of witnesses in criminal cases in Norway

A Norwegian working party has evaluated practical, non-judicial measures to strengthen the follow-up of witnesses in criminal cases. The report, which proposes 27 different measures, was submitted to the Minister of Justice on 26 June 2006. The committee was chaired by the Ministry of Justice with members from the police, the prosecution service, the courts and the legal profession.

Target group

The report was directed primarily at the follow-up of witnesses who are not themselves the victims of a criminal act, but who have observed, or have knowledge about, matters that can shed light on a course of events. The measures suggested can to some degree also apply to other witnesses.

Conclusion

The working party's main view is that there is a need to take better care of witnesses at every stage of criminal proceedings in Norway. Specific measures and offers of various kinds of follow-up may lead to more witnesses coming forward, and contribute to the solving of individual cases and more efficient criminal prosecutions. The proposals of the working party are based on a holistic approach to criminal justice, including better information to witnesses, better communication with witnesses and individual follow-up where this is considered necessary.

Work

The working party considered that more knowledge of the situation was required, particularly about what challenges we are facing in getting witnesses to come forward. Among other things the committee has conducted a population survey and obtained experiences from the players in the Norwegian criminal prosecution system. Even if the survey shows that by and

large, actors in the Norwegian criminal prosecution system take good care of witnesses, and that people in principle are positive about coming forward, areas that ought to be improved were also uncovered. Surveys and study visits have been of assistance in considering what measures should be taken.

In order to get information on the British investment in the programme “No Witness, No Justice”, the working party visited the Crown Prosecution HQ in England in February 2006. Among other things, the committee was interested in the idea of a nationwide, uniform approach to the encounter with victims and witnesses, including the arrangement whereby witnesses who feel the need for it are given a single point of contact. Some of the committee’s recommendations are inspired by the British programme, adapted to Norwegian conditions.

Proposals

The Committee proposes 27 measures to be taken by the police, the prosecution authority and the courts. Some of these measures also cover the defence counsel’s meeting with witnesses, plus the development of the system of counselling offices. Below follows a brief sketch of some recommendations:

Counselling offices for victims of crime, next of kin and witnesses

- To expand the system of counselling offices for victims of crime, next of kin and witnesses to all 27 police districts. The offices should provide counselling, guidance and help at all stages of a criminal prosecution.
- To establish a national, toll-free helpline for victims of crime, next of kin and witnesses.

At the scene of the crime, during the investigation and during the indictment procedure

- To improve the information given by the police to witnesses at the scene of a crime, during the investigation and during the indictment procedure.
- Individual follow-up of witnesses in criminal cases where there is a basis for this, including consideration of one police contact who can offer advice and provide guidance, and contribute to the implementation of the necessary practical and legal measures to protect the witness.
- User-oriented information in witness summonses regarding the role of the witness, including a suggestion to the witness to contact the police or others who can provide advice, if the witness has experiences that mean he or she needs assistance.

- A reminder to summonsed witnesses by e-mail or SMS, shortly before the main hearing.
- To inform witnesses by letter when the prosecution authorities conclude their deliberations without sending the case to trial.

During the court case

- To create a nationwide system of witness support before, during and after a court case. The witness support personnel should among other things inform the witness about the facilities of the courthouse, the course of events, the role of the prosecution and witness, and assist with individual facilitation where necessary.
- Offer individual facilitation at the courthouse for witnesses with special needs, for example provide induction loops, access for wheelchairs and Zimmer frames.
- Give the witness an opportunity to wait separately from the accused and other witnesses at the courthouse.
- Use videoconference and other remote meeting technology where there is legal authority for this and it is thought expedient. Teleconferencing is a contribution to more effective and flexible court proceedings. Witnesses, who would for example experience extra stress or difficulty in attending the hearing or have a long way to travel, may be spared the journey through this system.
- Locally-adapted information about the court to the witness. This may for example include the address and telephone number of the court, transport opportunities, distance from public transport, parking facilities, where to report, how to find one's way around the courthouse, appropriate dress, opportunities to buy food and drink, and how to be reimbursed for expenses. The information should contain a suggestion that the witness contact the court if he or she has special needs.

Defence counsel

- The defence counsel should provide their witnesses with comprehensive and adequate information about the witness role, including handing out an information folder. The Norwegian Bar Association should be asked to create an electronic link on its homepage to information customised for witnesses.
- The Norwegian Bar Association's Committee for Criminal Law and Criminal Proceedings should be requested to have on its agenda the ethical problems that lawyers encounter in their contact with witnesses, including greater attention to how witnesses are treated in court by the professional players.

Other measures

- To prepare multilingual and public-oriented information for witnesses, including an information folder and an Internet portal.
- To prepare teaching material for primary and lower secondary school about criminal jurisprudence, including the role of the witness.
- Research to obtain further knowledge about people's experiences with witnessing in criminal cases, including the witness' individual encounters with the players in the criminal justice system.

Follow-up

The report has been circulated for consultation with a deadline for submissions of autumn 2006. In the further follow-up the Ministry of Justice will consider the group's recommendations in context with other action plans and reports that affect the proposals. This will apply in particular to measures previously proposed vis-à-vis the victim and the next of kin's encounter with the actors in the criminal justice system.