

**AGAINST CHILD ABUSE**  
**Responding to**  
**PRE-TRIAL WITNESS INTERVIEWS BY PROSECUTORS**

The Against Child Abuse has strived for the best interest of the child notion in any judiciary process and the importance to avoid having vulnerable witnesses, children in particular, to repeat their sad and traumatic stories time and again. However, we are in principal supportive of the proposed pre-trial witness interviews (PTWI) with the three-folds purpose listed in page 11, para 27 but would urge for the following to be take seriously into considerations:

1. Purpose of such PTWI made very clear so that all parties, prosecutors in particular are fully aware of its significance and do not ask for the such interview merely as a routine only.
2. Thorough training of relevant professionals, prosecutors and law enforcers to ensure such interviews properly conducted to avoid further stresses to children and other vulnerable witnesses.
3. Code of Practice and Guidelines is made specific to avoid any coaching or contamination of evidence.
4. Such will be fair and thorough assessments not depriving witnesses the opportunity to testify in court.
5. An appeal channel is put in place so that if a prosecutor decides after the PTWI not to further pursue and yet the victim or its representative insisted to appear in court, there would be a fair mechanism to handle.
6. The HK current Solicitors' Guide does not seem to prohibit prosecutors who are solicits from interviewing prosecution witnesses about the evidence given. There are no sound grounds for the Bar Code to do otherwise.
7. In the views collected from Prosecutors during the period from 1 April to 31 Dec. 2008, 80% of them indicated that they do not think interviewing the witness will be beneficiary. However, they are the ones who will be conducting such interview and unless they make sense of such, changing the system without

practicing is a waste of efforts.

8. If there is any change making this PTWI a reality, there should be a trial period of at least two years and cases should be properly documented and impact assessment built in.
9. Witnesses should be properly alerted by their relevant professionals, social workers or law enforcers of the purpose and significance of such PTWI which may affect the prosecutors' decision of not pursuing or not pursuing such cases.
10. To invite prosecutors and policy makers in such area from some countries mentioned in the consultation paper to come and help with the training and sharing of good practices and alerting us to some possible difficulties and their resolutions.
11. We propose not to limit such PTWI to any particular stage to stress the importance to ensure such done properly and during necessary stages so that witnesses will not be unnecessarily requested to meet which may add to the stresses and their statement confused because of their age and the problems' complexity.
12. We propose that such PTWI should not be limited to any type of crime, but since in the survey it reflected that the need seems stronger in sex related crimes, this should be highlighted to enable prosecutors requesting for such when need arises.
13. The contents of such should be video taped and records properly kept with dates, time, place and specifics of such indicated. The confidentiality of such records must be properly ensured.
14. We recommend for the prosecutor who conduct the trial to conduct the PTWI so that it would be first hand assessment of the witness rather than second hand which was the entire reason why PTWI was requested in the first place.
15. We propose to attach a survey on the views and preferences of the witnesses, children in particular on this project at the end of this two year trial period.
16. We urge for the Video taped evidence of children collected through the years be

properly studied and used for training of multidisciplinary professionals. The Video Tape of PTWI also to be properly studies and used in the future for training purpose with confidentiality properly respected.

17. We also urged to improve the duration of the entire judiciary process particularly for child witnesses as such could prolong the suffering and confuse the memory of young and vulnerable witnesses.

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