

IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE

REGISTRAR'S CIRCULAR NO. 4 of 2007

**CRIMINAL TRIALS IN THE HIGH COURT
WITNESS AND EXHIBIT NUMBERING**

Registrar's Circular No. 3 of 2001 sets out a uniform standard for witness and exhibit numbering in criminal trials in the High Court. As a number of practices require updating, the Honourable the Chief Justice has directed that all criminal trials in the High Court shall apply the following uniform standard with effect from 1 November 2007.

1. Preliminary Inquiry

1.1 At the Preliminary Inquiry ("PI"), the conditioned statements tendered by the prosecution shall be marked sequentially as PI-PS1, PI-PS2 and so on. The exhibits shall be marked sequentially as PI-P1, PI-P2 and so on.

2. Sequential witness numbering at High Court criminal trials

2.1 The current practice of assigning witness numbers in ascending order (starting with PW 1 for prosecution witnesses and DW 1 for defence witnesses) in the sequence in which they are called, even for those whose statements are read only and are not required to take the witness stand, shall continue.

3. Witnesses called during a trial within a trial

3.1 Circular No. 3 of 2001 contemplates a situation where there is one accused person, or one trial within a trial. However there may be statements from more than one accused person, or more than one statement from the same accused person, which may necessitate more than one trial within a trial.

3.2 The prefix "1T" shall be used to denote the first trial within a trial, and, if necessary, "2T" shall be used to denote the second trial within a trial, and so on. The practice of assigning witness numbers in ascending order to each witness in the sequence in which they are called, even for those whose statements are read only and are not required to take the witness stand, shall continue. As such, prosecution witnesses in the first trial within a trial shall be assigned 1T-PW 1, 1T-PW 2 and so on, while defence witnesses shall be assigned 1T-DW 1, 1T-DW 2 and so on. Prosecution witnesses in the

second trial within a trial shall be assigned 2T-PW 1, 2T-PW 2 and so on, while defence witnesses shall be assigned 2T-DW 1, 2T-DW 2 and so on.

4. Numbering of conditioned statements, exhibits and charges

4.1 Since August 2007, before the commencement of a criminal trial, defence counsel have been asked to identify the conditioned statements and exhibits that will not be challenged at trial. These statements and exhibits are then compiled by the prosecution into a bundle of agreed documents (“the agreed bundle”) for use at trial. In respect of statements from investigating officers (and other officers engaged or assisting in the recording of statements) which refer to their roles in the investigation or the recording of challenged statements from accused persons, these statements shall be included in the agreed bundle, except that all references to the recording of the challenged statements shall be redacted. The marking of the statements and exhibits at trial shall follow the marking used at the PI, except that the prefix “PI” shall be excluded.

4.2 Statements and exhibits, as well as evidence pertaining to the manner of recording such statements or exhibits, that are being challenged by the defence at trial shall not be included in the agreed bundle. If these statements and exhibits are eventually admitted at trial, they shall be marked according to the PI marking, except that the prefix “PI” shall be excluded.

4.3 Hence, conditioned statements tendered at trial by the prosecution shall be marked sequentially as PS1, PS2 and so on. The exhibits tendered at trial by the prosecution shall be marked sequentially as P1, P2 and so on.

4.4 Where additional exhibits are tendered in the course of trial, the exhibit numbering shall follow on from the last marking of the PI bundle. It shall be the duty of the parties to inform the trial judge of the last marking of the PI bundle.

4.5 Charges shall be numbered in ascending order according to the order in which they are tendered, and shall be denoted by the prefix “C”. As such, the first charge shall be “C1”, while the second charge shall be “C2” and so on. If an amended charge is tendered, the charge shall be additionally marked with the suffix “A” to reflect that this is an amended version of the charge. Hence, the amended first charge shall be “C1A”, while the amended second charge shall be “C2A” and so on. If the amended charge is subsequently re-amended, the charge shall be marked with the suffix “B”. Hence, the re-amended first charge shall be “C1B”, while the re-amended second charge shall be “C2B” and so on.

4.6 For the avoidance of doubt, in trials where the accused has chosen to plead guilty, the current practice of marking exhibits in the sequence in which they are called shall continue.

5. List of prosecution witnesses and exhibits

5.1 To assist the Court, the prosecution shall file a list of witnesses and exhibits for each criminal trial in the High Court at least 3 days before the trial. The list is to be in two parts:

- (a) witnesses with agreed conditioned statements and agreed exhibits; and
- (b) witnesses without conditioned statements and witnesses whose conditioned statements and exhibits have to be proved or whose evidence may be relevant to the proving of such statements and exhibits.

5.2 Parties shall also inform the Court as to the agreed statements on which no examination of the makers is contemplated, so that those witnesses will not be put through the inconvenience of attending the trial. Parties shall make clear that such witness' statements shall be admissible at the trial without their presence.

6. Amendments to witnesses' conditioned statements and supplementary witnesses

6.1 Currently, where the prosecution wishes to prefer an amended conditioned statement of a witness, that statement shall additionally be marked with the suffix "A" to reflect that this is an amended version of the witness' conditioned statement tendered at the PI. This practice shall continue.

6.2 However, where the prosecution wishes to tender an amended or new statement at trial, in order to prevent delay in the proceedings, the prosecution shall give to the Court and the defence a copy of the amended or new statement at least 7 days in advance.

7. Reference to witness by counsel and the court

7.1 Currently, the primary means for referring to a witness shall be by his name. The secondary means shall be the reference to his PW or DW number. This practice shall continue.

Dated this 24th Day of October 2007



KOH JUAT JONG
REGISTRAR
SUPREME COURT