IN THE HIGH COURT OF FIJI

AT LAUTOKA

CRIMINAL JURISDICTION

CRIMINAL CASE NO.: HAC 124 OF 2016

STATE

-v-

OSEA CAWI

Counsel	:	**Ms S. Navia / Ms S. Alagendra for State**
	:	**Ms K. Vulimainadave for Accused**
Date of Ruling	:	**19 September 2018**

RULING ON CHILD FRIENDLY COURT PROCEDURE

1. The accused is charged with one count of Rape of a child under the age of 13. Before the trial, the State made following applications to facilitate the child victim to give evidence.

   a. That the trial be conducted *in camera* closing the court to public.

   b. That the name of the victim be suppressed.

   c. That a screen be used to screen the accused from the child witness.

   d. That a support person from the Women's Crisis Centre be allowed to be seated beside the child victim.

2. In addition to these applications, the State also sought permission under Section 134 of the Criminal Procedure Act (CPA) to read in evidence-in-chief the statement given by the child victim to police (victim statement). The State Counsel indicated that the child witness will be available in court for cross-examination.

3. When the child victim was called to the witness box and when she was going through the competency test, the Court found her to be a shy and reluctant witness. The State made a further application that the judge and the counsel be attired as laymen without gowns and wigs and be seated with the child witness at the bar table.

4. The Defence Counsel did not object to any of the applications for special arrangement being put in place to facilitate the child victim to give evidence. However, she, after a consultation with the accused, objected to the State's application to read the victim statement in evidence-in-chief.

5. Having heard Counsel for both sides on this matter, I allowed the applications made by the State. I give my reasons as follows:

Special Arrangements for Child Witnesses

6. With the dramatic increase of child sexual abuse cases in Fiji, a greater number of children are being brought into contact with the criminal justice system. Accompanied by this trend are the legal and psychological dilemmas that such cases pose raising fears that child victims of sex offences will be further harmed by the courts. One of these dilemmas concerns how to prosecute an offender without causing additional trauma to children and without infringing the right to a fair trial of the accused.

7. There can be no doubt that childhood sexual abuse is often a traumatic experience. Courtrooms are ascetic, formal settings capable of intimidating adults, let alone children. It is common knowledge that testifying can be a traumatic experience even for adult witnesses [The Supreme Court in ***Kumar v State*** [2016] FJSC 44; CAV0024.2016 (27 October 2016)]; revisiting the abuse in courtroom testimony adds to that trauma.

8. The adversarial court system, established with adult defendants and witnesses in mind, does not easily accommodate children's special needs. It is common knowledge that children have particular difficulty with public speaking, especially when the audience is composed of strangers. This is exacerbated when they have to speak about intimate matters of a sexual nature. Children have very little knowledge and understanding of the court process and the knowledge which they do have is seriously flawed by misconceptions. (Cashmore & Bussey, 1990; Pierre-Puysegur, 1985; Saywitz, 1989; Warren-Leubecker et al., 1989)

9. Various pressure groups and courts have made recommendations for changes in current procedures when a child victim testifies. Shameem J in ***State v Nadruguca*** [2005] FJHC 31; HAC0030D.2004S (21 February 2005), allowed child friendly special arrangements (which include the steps proposed by the State in this case) to ensure that the evidence of children is taken without prejudice to the accused's right to a fair trial.

10. The court has a duty to ensure that the accused has a fair trial, but also that the child victim has equal access to justice. In considering the latter, the court has a duty to consider the particular vulnerabilities of a child witness.

11. Fiji, in 1993, ratified the Convention on the Rights of the Child (CRC). By ratifying the Convention, Fiji has undertaken to fulfill the obligations under the CRC and to take all appropriate legislative measures to protect the children from all forms of physical or mental violence, injury or abuse, or exploitation or sexual abuse.

12. Article 3 of CRC states as follows:

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration"

13. The CRC recognizes the need to respect right to privacy of children (Article 16). It also emphasizes the need to support children who have been neglected, abused or exploited to recover physically and psychologically and reintegrate into society (Article 39). The justice system of the State party is required to pay special attention to restoring their health, self-respect and dignity.

14. Pursuant to obligations undertaken under the CRC, the Government of Fiji has incorporated the provisions relating to rights of the child into its Constitution and subordinate legislation.

15. Section 41(2) of the Constitution recognizes best interests of a child as the primary consideration in every matter concerning the child. Section 15(9) of the Constitution provides that if a child is called as a witness in criminal proceedings, arrangements for the taking of the child's evidence must have due regard to the child's age.

16. Section 21 of the Juveniles Act allows Juvenile Courts to craft child friendly criminal procedure to cater for special needs and protections of children. In view of Section 3(2)(b) of the CPA, all other courts too are at liberty to apply the special procedures applicable to the hearing of criminal proceedings involving juveniles. Accordingly, the law permits this court to evolve special procedures to accommodate child witnesses without jeopardizing the right to a fair trial of the accused.

17. Our laws, the Constitution, the CPA and the Juveniles Act in particular, allow the promotion of child friendly courts and procedures in the best interests of child victims and witnesses. The use of videotaped testimony, the extension of hearsay exceptions, and closed-circuit television, early docketing of cases involving child

victims, and the use of expert witnesses to testify about the effects of sexual abuse are some of the special measure that can be taken under legislative provisions. In addition, courts are being asked to rule on the use of innovative procedures in individual cases. The purpose of these reforms is to minimize the presumed traumatic effects on children of court appearances and maximize children's ability to provide accurate testimony.

18. Within this legal and policy framework the Court in this case has decided to allow the applications of the State for special child friendly procedures.

Closed Courts/ Screens/ Support Person

19. Although the hearings of courts must be open to the public, the courts can deviate from this norm when the interests of justice so require [Section 15 (4) of the Constitution]. The provision that mandates public hearings does not prevent the making of laws relating to the trials of children, or to the determination of family or domestic disputes, in a closed court. Section 15 (5) (a) of the Constitution permits the exclusion by a court or tribunal from particular proceedings (except the announcement of the decision of the court or tribunal) of a person other than parties and their legal representatives if a law empowers it to do so in the interests of justice, public morality, the welfare of children, personal privacy, national security, public safety or public order [Section 15 (5) (b) of the Constitution].

20. Provisions in the Juveniles Act should be read in conjunction with the Constitutional provisions and Part XX of the CPA to facilitate child witnesses in court. Part XX of the CPA provides for protecting vulnerable witnesses in general whether they are adults or children. The law does not define the term "the vulnerable witness". Therefore, the courts have been given a wide discretion to decide whether the witness before it is a vulnerable witness. Child witnesses can be considered as vulnerable witnesses without specific evidence being led to the effect that the child is likely to be unable to testify through fear, or would suffer emotional trauma from testifying, in open court.

21. Before the commencement of any trial, the prosecutor can apply to court for directions as to the procedures by which the evidence of a vulnerable complainant or witness is to be given at the trial [s 295(2) of the CPA]. The judge or magistrate is required to hear and determine applications in chambers, and give each party an opportunity to be heard in respect of those applications. During the course of any trial also, the court can hear and consider such applications by either party and make appropriate orders.

22. The judge or magistrate has a discretion to call for and receive any reports from any persons whom the judge or magistrate considers to be qualified to advise on the effect on the complainant or the vulnerable witness of giving evidence in person in the ordinary way or in any particular mode provided for in Section 296 (3) of the CPA.

23. In the United States, the principal hurdle to special measures for child witnesses is the Sixth Amendment to the American Constitution, which provides that "in all criminal prosecutions, the accused shall enjoy the right ... to be confronted with the witnesses against him ..." The right of confrontation, if interpreted strictly, could bar all hearsay evidence, and require a face-to-face encounter between a witness and the accused. However, the U.S. Supreme Court has generally given a fairly flexible interpretation to the right of confrontation, to permit the orthodox adversarial trial to be adjusted for child witnesses.

24. In ***Maryland v. Craig,*** 497 U.S. 836 (1990) the US Supreme Court approved state legislation which permitted the child witness and the prosecuting and defence lawyers to withdraw to another room, with the judge, jury and defendant watching on a video link. The court found that the 'Confrontation Clause' does not guarantee an absolute right to a face-to-face encounter with witnesses at trial. Its central purpose, to ensure the reliability of the prosecution's evidence by subjecting it to rigorous testing in an adversarial proceeding before the trier of fact, is served by the combined effects of the physical presence of the defendant, testimony under oath, the right to contemporaneous cross-examination, and observation of demeanor by the trier of fact. A physical confrontation with witnesses may be denied only where this is necessary to further an important public policy, and the reliability of the testimony is otherwise assured.

25. A separate constitutional hurdle for the admissibility of a child's testimony videotaped before trial is that it is technically hearsay. The U.S. Supreme Court has found hearsay evidence admissible where the declarant is available to be cross-examined at trial. The court has established two general requirements for hearsay to be admissible: the prosecution must show that the declarant is "unavailable"; and the evidence must bear adequate indicia of reliability.

26. The Supreme Court's refusal in *Maryland v. Craig* (supra) to establish a requisite level of apprehended harm to the child witness to justify using CCTV has encouraged States to adopt definitions of "unavailability" which go beyond the usual reasons, such as illness or refusal to testify, to include levels of emotional damage which usually amount to serious or significant harm.

27. In Canada, the use of screens or live television link is authorised for witnesses under age 18 or who have difficulty communicating the evidence due to physical or mental disability, if the judge is of the opinion that keeping the complainant from seeing the accused is necessary "to obtain a full and candid account of the acts complained of from the complainant". In a trial of charges of child molestation or sexual assault, a videotaped interview with a complainant under age 18 is admissible as part of the child's examination-in-chief.

28. Explicitly espousing a "common sense approach" to the evidential problems of child abuse prosecutions, the Supreme Court of Canada has upheld the constitutionality of screens and videotaped interviews as necessary measures "to sensitise the law to the realities of the child witness".

29. In ***R. v. Levogiannis*** [1993] 4 S.C.R. 475, in a widely quoted passage, the Supreme Court of Canada said:

> *"... The examination of whether an accused's rights are infringed encompasses multifaceted considerations, such as the rights of witnesses, in this case children, the rights of accused and courts' duties to ascertain the truth. The goal of the court process is truth seeking and, to that end, the evidence of all those involved in judicial proceedings must be given in*

a way that is most favourable to eliciting the truth. In ascertaining the constitutionality of [screens under] section 486(2.1) of the Criminal Code, one cannot ignore the fact that, in many instances, the court process is failing children, especially those who have been victims of abuse, who are then subjected to further trauma as participants in the judicial process ...

..The plight of children who testify and the role courts must play in ascertaining the truth must not be overlooked in the context of the constitutional analysis in the case at hand"

30. In England, major changes have been introduced to the area of evidence of child witnesses in court proceedings by enacting the Criminal Justice Act 1991. The Act allows children under the age of 14 to give unsworn evidence and to substitute a pre-recorded interview with a child witness for the child's evidence-in-chief in cases involving certain sexual offences and offences of violence or cruelty.

31. The Youth Justice and Criminal Evidence Act 1999 ("YJCEA") enables courts to give "special measures and directions" (SMDs) to protect children and other vulnerable witnesses. The "primary rule" provides that children who are the alleged victims of, or are eye witnesses to, sexual offences are entitled to give their direct testimony by way of a video recorded interview, usually conducted by the police or social workers, and to be cross-examined and re-examined in a videotaped pre-trial hearing, colloquially known as "full Pigot". These legislative reforms were inspired by the report of the Home Office's Advisory Group on Video Evidence, December 1989 (chairman Judge Pigot QC). The statute deems such witnesses to be "in need of special protection", and hence it is not open to the court to find that these SMDs would not maximise the quality of their evidence. Where this is done the child is still cross-examined in the conventional way at trial, using the line link where appropriate.

32. The "YJCEA" has radically altered the orthodox adversarial trial model for the reception of evidence from all witnesses under 17, and also from adult witnesses where the quality of their testimony is likely to be affected due to intimidation, or due to their vulnerability because of the sexual nature of the offence charged or their mental or physical incapacity. Sections 16 to 30 of YJCEA set out an array of SMDs which the court in a pre-trial hearing may select to enhance the quality

of the testimony for prosecution and defence witnesses considered eligible on these grounds. In addition, the court may order that the child witness benefit from communication aids, an intermediary, a screen (where a live video link is not mandatory), a direction that the evidence be heard *in camera*, or removal of wigs and gowns.

33. The European Court (Strasbourg tribunals) has taken a fairly robust approach, and views the term "witness" as "autonomous", and so is to be defined in the context of the ECHR rather than domestic law; thus Article 6(3)(d) refers to **evidence in any form taken by the prosecuting authorities, regardless of whether that person is called to testify before the court. As a general principle if the prosecution intends to rely upon any written witness statement, the defence must be given the opportunity to contest that evidence** ***Asch v. Austria*** [1991] E.C.H.R. 123 98/86 (ECtHR). This approach is directly relevant to the case at hand.

34. The Strasbourg tribunals have recognised that the fair trial guarantee does not mandate a simplistic approach with the defence as sole stakeholder in the process. The court accepted in ***Doorson v. Netherlands*** (1996) 22 EHRR 330, [1996] ECHR 14 that witnesses' interests are also protected by the ECHR and are a legitimate consideration in devising fair trial procedures.

35. Although no special legislation has been enacted in Fiji in this regard, powers given under Part XX of the CPA to a judicial officer to make appropriate orders in respect of vulnerable witnesses can be used to facilitate child witnesses to give better evidence.

36. Although there is no provision that defines a vulnerable witness, the presumed traumatic effects on children of court appearances and the need to maximize victim's ability to provide accurate testimony provide a reasonable basis for courts in Fiji to give directions under Section 296 of the CPA in allowing the applications of the State, while at the same time ensuring a fair trial to the accused.

37. Under Section 296 (c) of the CPA, courts can give direction that, while the vulnerable witness is giving evidence or is being examined, a screen, or one-way glass, be placed in relation to the complainant or vulnerable witness that he or she cannot see the accused but the judge or magistrate, the assessors, and counsel for the accused can see the person.

38. In making an order to facilitate a child witness to give evidence as provided for in Sections 295 and 296 of the CPA, the judicial officer is required to direct his mind to fair trial safeguards of the accused under Section 15 (1) of the Constitution and to the procedure to be followed under the Part XX of the CPC [***Lotawa v State*** [2014] FJCA 186 (5 December 2014)].

Admissibility of Out of Court Victim Statement

39. The Defence Counsel objects to the application of the State to read the victim statement in evidence- in-chief. The objection was based on two grounds:

a) that the State had not complied with procedural requirement under Section 134 (1) (c) of the CPA and;

b) that reading of witness statement in evidence-in-chief is prejudicial to accused's right to a fair trial under the Constitution.

40. It is apposite at this stage to examine the provisions of the Juveniles Act that allow out of court witness statements of juveniles to be admitted in evidence, although those provisions cannot be applied to the present case.

41. Section 13 of the Juveniles Act makes provisions to keep juveniles out of court as far as practicably possible. If the court is satisfied that the attendance before the court of any juvenile victim is not essential to the just hearing of the case the case can be proceeded with and determined in the absence of such juvenile.

42. Where a magistrate is satisfied by the evidence of a medical practitioner that the attendance before a court of any juvenile victim would involve serious danger to his or her life or health, he can take in writing the deposition of the juvenile on oath, and subscribe the deposition and add thereto his reasons for taking it and the names of the persons, if any, present when it was taken [Section 14(1) of the Juveniles Act].

43. Section 14 (2) of the Juveniles Act provides that any deposition of the juvenile so taken must be admitted in evidence either for or against the accused person without further proof if it is signed by the magistrate before whom it was taken. However such depositions are admissible only if it is proved that reasonable notice of the intention to take the deposition had been given to the accused or that it was taken in the presence of the accused and that he or his barrister and solicitor had the opportunity of cross-examining the juvenile making the deposition. It is noticeable that these provisions are rarely used in our courts and obviously not applicable to the present case.

44. The State in this case has made the application under Section 134 of the CPA. For easy reference, I reproduce the Section 134 of the CPA:

> *(1) In any criminal proceedings, a written statement by any person shall, if such of the conditions mentioned in sub-section (2) as are applicable are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.*
>
> *(2) The conditions referred to in sub-section (1) shall be that —*
>
> *(a) the statement purports to be signed by the person who made it;*
>
> *(b) the statement contains a declaration by that person to the effect that it is true to the best of his or her knowledge and belief and that he or she made the statement knowing that, if it were tendered in evidence, he or she would be liable to prosecution for any*

statement in it which he or she knew to be false or did not believe to be true;

(c) at least 28 clear days before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings;

(d) none of the other parties or their lawyers within 14 days from the service of the copy of the statement serves a notice on the party so proposing, objecting to the statement being tendered in evidence under this section.

(3) The conditions stated in sub-section (2) (c) and (d) shall not apply if the parties agree before or during the hearing that the statement shall be tendered.

(4) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section—

(a) if the statement is made by a person under the age of 21 years, it shall state the age of the person;

(b) if it is made by a person who cannot read it, it shall be read to the person before signature in a language he or she understands and shall be accompanied by a declaration by the person who read the statement to the effect that it was so read; and

(c) if it refers to any other document as an exhibit, the copy served on any other party to the proceedings under sub-section (2)(c) shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party on whom it is served to inspect that document or a copy of it.

(5) Notwithstanding that a written statement made by any person may be admissible as evidence under this section —

(a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence; and

(b) the court may of its own motion, and shall on the application of any party to the proceedings, require that person to attend before the court and give evidence or to submit to cross-examination.

(6) So much of any statement as is admitted in evidence under this section shall, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.

(7) Any document or object referred to as an exhibit and identified in a written statement rendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement. (emphasis added)

45. The State Counsel contends that a copy of the victim statement that is intended to be read in evidence-in-chief was disclosed to the Defence well in advance, more than two years prior to the hearing date, and therefore the condition in Section 134 (2) (c) has been satisfied. She further submits that the child witness will be available in court to face cross-examination and therefore no prejudice will be caused to the accused.

46. According to Section 134 (2)(d) of the CPA, a witness statement can be tendered in evidence only if none of the other parties or their lawyers within 14 days from the service of the copy of the statement serves a notice on the party so proposing, objecting to the statement being tendered in evidence under this section.

47. My reading of the provisions mentioned above is that the witness statement that is intended to be tendered in evidence should be served on the other party of the proceeding at least 28 clear days before the hearing indicating the intention that the same would be tendered in evidence under Section 134 of the CPA. Such a course of action would enable the opposing party to file objections if any within 14 days from the service of the copy of the statement.

48. Mere service of the copy of the witness statement with other disclosures would not give a clear indication to the opposing party that the same would be tendered

in evidence under Section 134 and therefore such a course action in my opinion would not satisfy the condition in Section 134(2)(c). It always appropriate to advise the court and notify the opposing party in advance about special arrangements that are being proposed.

49. The State in this case had not given a clear indication to the Defence 28 clear days before the hearing date that the victim statement will be tendered in evidence. However, the Defence has been given ample time and opportunity to peruse the witness statement to prepare for cross-examination of the witness in court.

50. Therefore, no prejudice will be caused to the accused because the State is calling the child witness to the witness box for her to face cross-examination. The statement of the victim statement is extremely short and the short notice given to the Defence at the last moment will not materially affect accused's right to confront the witness in cross-examination.

51. A permission given to read child victim statement in evidence-in-chief can also be justified under Part XX of the CPA where special provisions are provided for vulnerable witnesses. Section 296 (1) (a) of the CPA permits the court to give directions to the effect that the evidence be admitted in the form of a videotape, with such exclusions (if any) as the judge or magistrate may order under subsection (2), where a videotape of the evidence was shown at a preliminary hearing. However, where a recording of any evidence is to be shown at the trial, the judge or magistrate must give such directions as the judge or magistrate may think fit relating to the manner in which any cross-examination or re-examination of the witness is to be conducted. [Section 296(3) of the CPA].

52. It is clear that these provisions allow the courts to admit out of court statements in the form of prerecorded videotapes provided that those statements are subjected to cross-examination. It is my considered view that this rationale should equally be applicable to out of court written witness statements of a child victim. The State has indicated that they are calling the child witness to court allowing the witness to be cross examined. The judge, the assessors and the Counsel for accused will have the benefit to observe the demeanor of the child witness while giving evidence. Therefore, no prejudice will be caused to the accused.

53. The crux of the argument of the Defence is based on the common law adversarial trial model, where the courts place primacy on the rights of the accused, as the only person in jeopardy of punishment in the trial. Therefore it is intrinsically incompatible with that model to balance those rights against the interests of other participants in the criminal justice system, and specifically witnesses.

54. Principles of fair trial also require that in appropriate cases the interests of the defence are balanced against those of witnesses or victims called upon to testify. Courts must have regard to the special features of criminal proceedings concerning child rape and other sexual offences. Such proceedings are often conceived of as an ordeal by the victim, in particular where the latter is unwillingly confronted with the accused. In the assessment of the question whether or not in such proceedings an accused received a fair trial account must be taken of the right to respect for the child victim's private life and his or her emotional and psychological stresses associated with such proceedings. Therefore, the court accepts that in criminal proceedings concerning child sexual abuse certain 'affirmative actions' are required to be taken for the purpose of protecting a vulnerable victim provided that such actions can be reconciled with an adequate and effective exercise of the rights of the accused.

55. The Court was adjourned for the Defence Counsel to consult the accused on the application by the State and to explain to him the legal consequences of his objection. When I inquired from the Defence Counsel, she was resolute. She seriously wanted to pursue the objection on the basis of the instructions she had received from his client and sought a ruling. The Defence Counsel stated;

> *"just this morning I had informed our client of the application that will be made by the State and my instructions are that my client wants the complainant to give evidence and, he also wants to hear the child or the victim tell her story. He does not consent for the child's statement to be tendered in without the victim telling her story. Those are my instructions my Lord and I am bound by my client's instructions".*

56. The Defence Counsel further informs the Court that she did not object to other applications by the State to facilitate the child victim to give evidence but no further concessions can be allowed.

57. As submitted by the State Counsel, directions for special arrangements to facilitate child witness are not given out of kindness. They are not favours that the accused or his counsel has done in these proceedings. The Courts are bound to uphold the Constitution and ensure that the best interest of the child is served by setting a leveled playing field for vulnerable witnesses to access justice. The Courts are also bound to protect children during the trial process to eliminate secondary victimization which could have lifelong consequences for children.

58. The Office of DPP is endeavoring to keep up with a massive number of child rape cases which are listed for hearing and they need to have Court proceedings expedited keeping up with what is happening in the landscape of Fiji.

59. In response to Defence Counsel's emphasis on the bounded duty towards her client, I would like to quote from the article of Robert F. Cochran Jr. titled '*Professionalism in the Postmodern Age: Its death, Attempts at Resuscitation, and Alternate Sources of Virtue'* published in *Notre Dame Journal of Law* (http://scholarship.law.nd.edu/ndjlepp).

> *"The traditional lawyer's notion of professionalism was quite different from that of the hired gun. The traditional lawyer did not do what he was told by the client; he told the client what to do. Whereas some of today's lawyers see their obedience to client wishes as a mark of professionalism, the traditional lawyer saw his control of the relationship as a mark of professionalism. Judge Clement Haynsworth reflected this view to a law school graduating class:*
>
> > *[The lawyer] serves his clients without being their servant. He serves to further the lawful and proper objective of the client, but the lawyer must never forget that he is the*

master. He is not there to do the client's bidding. If is for the lawyer to decide what is morally and legally right, and, as a professional, he cannot give in to a client's attempt to persuade him to take some other stand..... During my years of practice,... I told [my clients] what would be done and firmly rejected suggestions that I do something else which I felt improper".

(Clement F. Haynsworth, Jr. Professionalism in Lawyering, 27 SCL Rev. 627,628 (1976)

60. For all the reasons stated above, I allow the applications of the State and order that following measures be taken to protect and to facilitate the child victim in court without prejudice to the accused's right to a fair trial.

a. The trial be conducted *in camera* closing the court to public.

b. The name of the victim be suppressed.

c. A screen be used to screen the accused from the child witness

d. A support person from the Women's Crisis Center be allowed to be seated beside the child witness.

e. A female interpreter be made available to interpret child witnesses' evidence.

f. the statement of the child witness be read in evidence-in-chief subject to cross examination.

61. I rule accordingly.

HIGH COURT OF FIJI LAUTOKA

Aruna Aluthge

JUDGE

At Lautoka

19th September, 2018

Solicitors: **Office of the Director of Public Prosecution for the State**

Office of the Legal Aid Commission for the Accused