



USAID
FROM THE AMERICAN PEOPLE



**AFRICAN WILDLIFE
FOUNDATION**



**Wildlife
Conservation
Society**



Wildlife Judicial and Prosecutorial Assistance Training Series

YOUR ROLE AS A WITNESS

A HANDBOOK FOR UGANDAN WILDLIFE LAW ENFORCERS

Wildlife Judicial and Prosecutorial Assistance Trainings Series

Your Role as a Witness:

A Handbook for Ugandan Wildlife Law Enforcers

(October 2021)

© 2021 African Wildlife Foundation

Copyright Permission: The contents of this booklet may be reproduced in whole or in part and in any form for educational non-profit purposes without special permission from the African Wildlife Foundation, provided acknowledgement of the source is made.

Disclaimer

This handbook is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The handbook was authored by Didi Wamukoya on behalf of the African Wildlife Foundation (AWF), a Subrecipient of the USAID/Uganda Combating Wildlife Crime Activity implemented by the Wildlife Conservation Society (WCS). The contents of this handbook are the sole responsibility of the author and do not necessarily reflect the views of USAID, the United States government, AWF or WCS.

Proposed Citation: Wamukoya, D., *Your Role as a Witness: A Handbook for Ugandan Wildlife Law Enforcers* (African Wildlife Foundation, 2021).

Contents

About African Wildlife Foundation	(i)
About Uganda Wildlife Authority	(ii)
About the USAID/Uganda Combating Wildlife Crime Project	(iii)
Overview, Aims and Objectives	(iv)
Abbreviations and Acronyms	(v)

Chapter 1 Introduction

1.1	Who is a witness?	2
1.2	What is my role as a witness?	3
1.3	What are my rights as a witness?	4
1.4	What are my privileges as a witness?	5
1.5	What can get me into trouble as a witness?	6
1.6	Who is an expert witness?	7

Chapter 2 Pre-Trial

2.1	How do I record my witness statement?	9
2.2	How do I amend my witness statement?	11
2.3	How is my attendance in court secured?	12
2.4	How do I refresh my memory before the trial?	14

Chapter 3

Trial

3.1	What should I wear to court?	16
3.2	What should I carry to court	18
3.3	How do I locate my case?	19
3.4	What should I do after I locate my case?	20
3.5	What court formalities should I observe?	21
3.6	What are the do's and don'ts while in court?	22
3.7	What do I do if my case is adjourned before I testify?	23
3.8	How do I know that it is my turn to testify?	24
3.9	How do I take oath?	25
3.10	How do I address the court?	26
3.11	Who can ask me questions?	27
3.12	How do I testify?	28
3.13	What do I do if I forget something I had written in my statement?	29
3.14	How do I respond to the defence lawyer's questions?	30
3.15	How do I tender an exhibit in court?	31

Chapter 4

Post-Trial

4.1	What do I do after I finish giving my testimony?	33
4.2	Where can I follow up on the progress and final outcome of the case?	34

About African Wildlife Foundation

African Wildlife Foundation (AWF) is a Non-Governmental Organisation whose mission is to ensure that wildlife and wild lands thrive in modern Africa. One of the key threats to wildlife in Africa is poaching and trafficking in wildlife and their products. AWF's three main strategies in addressing the problem are to stop the killing, stop the trafficking and stop the demand.

AWF has in place a Counter Wildlife Trafficking Action Plan (CWTAP) aimed at combating Illegal Wildlife Trade (IWT). The CWTAP implements Goal 3 of AWF's Strategic Vision 2030 which is to conserve Africa's wildlife in-situ and reduce poaching and trafficking as major causes of wildlife decline.

Through the CWTAP, AWF aims to contribute significantly to reduce wildlife trafficking and unlawful exploitation of wildlife resources by focusing on priority landscapes, sites, ports and movement routes. In view of the fact that wildlife trafficking is linked to organized crime, serious corruption, violence and instability in parts of Africa, AWF's intervention will not only contribute to saving species, but also to improving socio-economic well-being of the countries in which we work.

See www.awf.org for more information.

About Uganda Wildlife Authority

Uganda Wildlife Authority (UWA) is a semi-autonomous government agency that is mandated to conserve and manage Uganda's wildlife. It was established in 1996 under the Wildlife Statute which became an Act in 2000. UWA is mandated to ensure sustainable management of wildlife resources and supervise wildlife activities in Uganda both within and outside the protected areas.

UWA's mission is to conserve, economically develop and sustainably manage the wildlife and protected areas of Uganda in partnership with neighbouring communities and other stakeholders for the benefit of the people of Uganda and the global community. It currently has 10 national parks and 12 wildlife reserves under its jurisdiction.

See www.ugandawildlife.org for more information.

About the USAID/Uganda Combating Wildlife Crime Project

The United States Agency for International Development (USAID)/Uganda Combating Wildlife Crime (CWC) is a five-year Activity (May 13, 2020 — May 12, 2025) implemented by Wildlife Conservation Society (WCS) with African Wildlife Foundation (AWF), Natural Resource Conservation Network (NRCN) and the Royal United Services Institute (RUSI) as sub recipients.

The goal of the Activity is to reduce wildlife crime in Uganda. The Activity aims to achieve this by strengthening the capacity of CWC stakeholders to detect, deter and prosecute wildlife crime, enhancing coordination and interagency collaboration, institutional strengthening and capacity building, and promoting use of high-quality data and analyses to inform anti-wildlife crime approaches.

The primary beneficiaries of the Activity include the Ministry of Tourism Wildlife and antiquities, Uganda Wildlife Authority and other security and law enforcement agencies involved in combating wildlife crime. The activity also targets non-state actors, including the private sector and park-adjacent communities, to combat poaching, illegal trade and trafficking of wildlife and wildlife products in Uganda.

Law enforcement officers including rangers, dog handlers and other law enforcement personnel are bound to go to court as witnesses in wildlife cases. Unfortunately, their training does not prepare them for their role as witnesses in criminal trials and they lack skills in recording witness statements, understanding court procedures and often crumble under cross-examination.

This Witness Handbook is designed to help Wildlife Rangers and other law enforcement personal involved in wildlife crime to find their way through the court system once they become witnesses to a wildlife crime and are required to give their testimony. The Handbook addresses issues related to witness testimony from the pre-trial phase to trial and finally the post-trial phase.

Abbreviations and Acronyms

AWF	African Wildlife Foundation
CWTAP	Counter Wildlife Trafficking Action Plan
ID Card	Identity Card
IO	Investigating Officer
IWT	Illegal Wildlife Trade
NWCCTF	National Wildlife Crime Coordination Task Force
USAID	United States Agency of International Development
UWA	Uganda Wildlife Authority
WCS	Wildlife Conservation Society

Chapter 1

Introduction

1.1 Who is a Witness?

1. A witness is a person who observes a crime taking place.
2. The general rule is that all persons are qualified to be witnesses and to testify before a court of law.
3. This includes:
 - (a) Anyone who saw the crime taking place.
 - (b) Anyone who heard the accused saying something that would incriminate him.
 - (c) Anyone who knew or saw the accused preparing to commit the crime.
 - (d) Anyone against whom the crime was committed.
 - (e) Anyone who has facts or knowledge about circumstances surrounding commission of the offence.



1.2 What is My Role as A Witness?

1. Record a written statement of what you saw or did or conceived in relation to the crime.
2. Provide accurate information about your personal details without revealing too much information that may jeopardise your personal security.
3. Attend court whenever called upon to do so.
4. Give truthful information to the court about the facts of the case.
5. Answer questions put to you by the prosecutor, defence lawyer and the court truthfully.



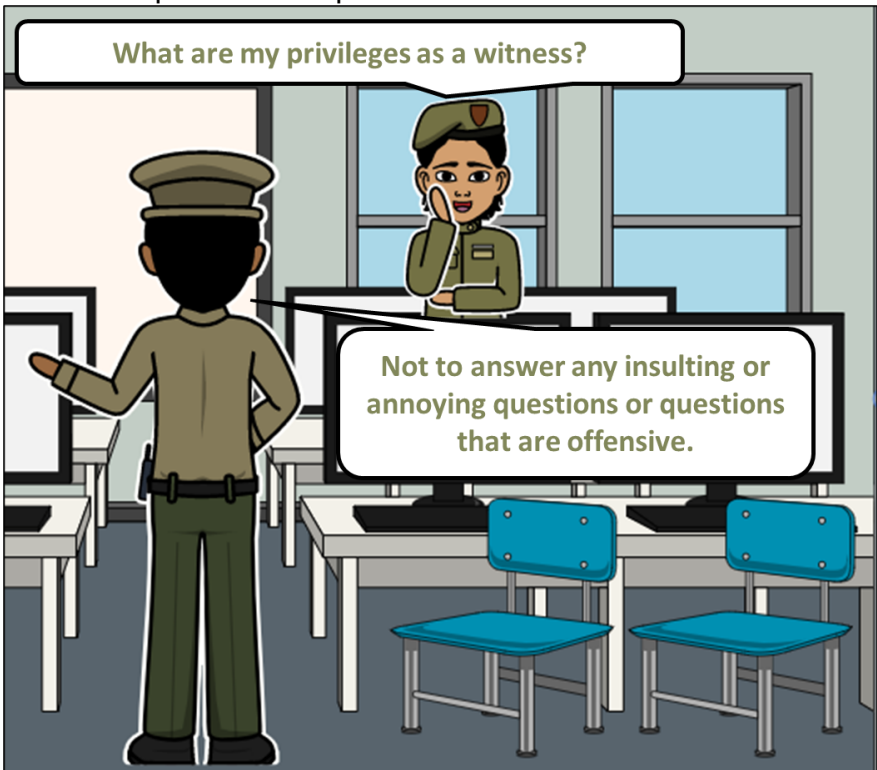
1.3 What Are My Rights as A Witness

1. To be informed by the investigating officer on the progress of the case and of the dates and times you are required to go to court.
2. To be treated with dignity and respect at all times.
3. To testify in a language that you are competent in and comfortable with.
4. Not to be intimidated by the investigating officer, the prosecutor, the defence lawyer, the accused person or the magistrate.
5. To be guided by the prosecutor when giving testimony.
6. To refresh your memory prior to or during the case.



1.4 What Are My Privileges as A Witness?

1. As a public officer, you have the following privileges as a witness:
 - (a) Not to disclose any information given to you by a member of the public in the course of your duties in order to protect public interest.
 - (b) Not to answer any scandalous or indecent questions that have no bearing on the case before the court.
 - (c) Not to answer any insulting or annoying questions or questions that are offensive.

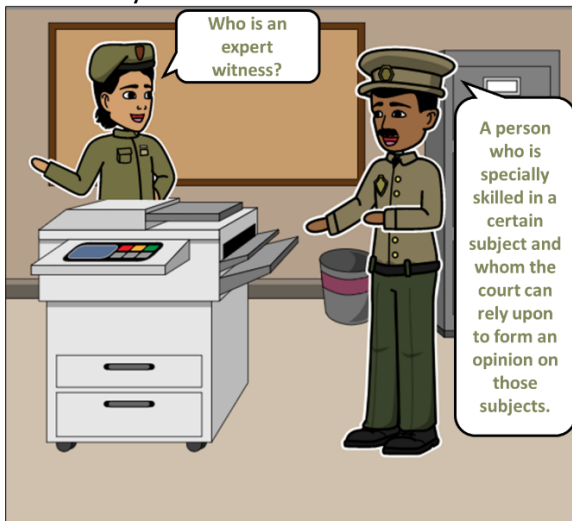


1.5 What Can Get Me into Trouble as A Witness?

1. Contempt – this is conduct that obstructs the court's duties such as showing disrespect to the magistrate. This is a crime and is punishable.
2. Perjury – this is lying on oath or giving false testimony and is also punishable as a crime.
3. Hearsay – this is talking about something that you did not see or hear but heard from someone else. It is not a crime but will not be accepted as evidence.
4. Disobeying a court summons – you will be guilty of contempt of court and a warrant for your arrest will be issued.
5. By having your credit impeached under the Evidence Act by:
 - (a) Evidence of other witnesses who testify that they, from their knowledge of you, believe you to be unworthy of credit.
 - (b) Proof that you have been bribed, or have accepted the offer of a bribe, or have received any other corrupt inducement to give your evidence.
 - (c) By proof of former statements inconsistent with any part of your evidence which is liable to be contradicted.

1.6 Who is an Expert Witness?

1. These are persons who are specially skilled in certain subjects and whom the court can rely upon to form an opinion on those subjects.
2. The court may seek expert opinions on the following subjects:
 - (a) Foreign law
 - (b) Science
 - (c) Art
 - (d) Handwriting
 - (e) Finger impressions
 - (f) Existence of right or custom
 - (g) Usages or tenets
3. Persons called as expert witnesses must demonstrate their expertise by showing:
 - (a) Their training and qualifications in the particular subject under scrutiny.
 - (d) Their experience in the particular subject under scrutiny.



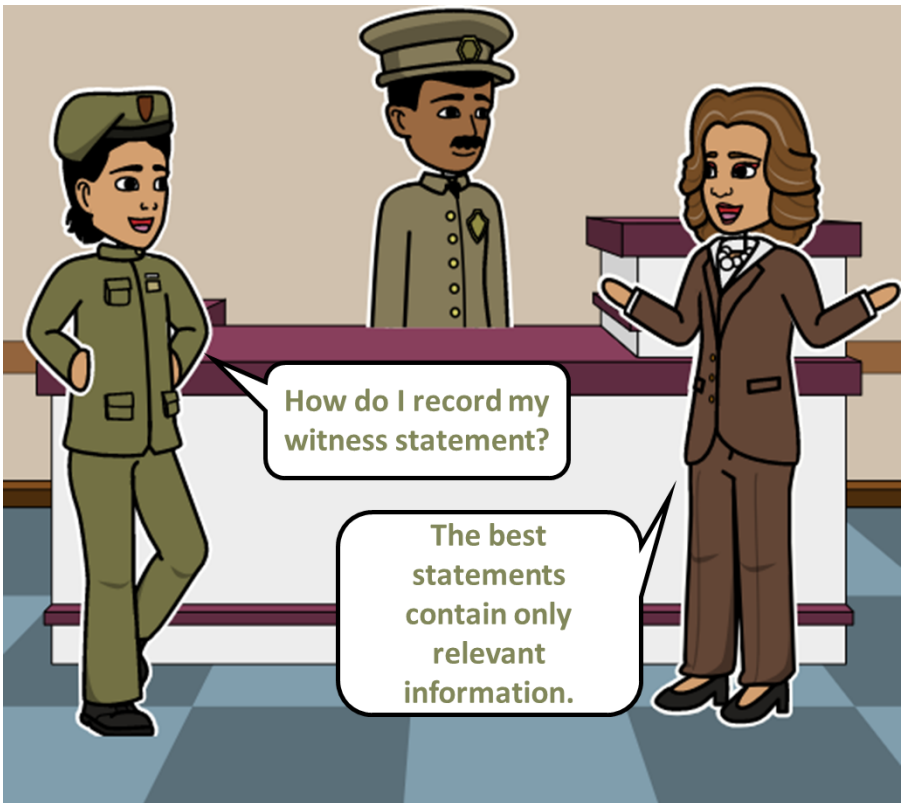
Chapter 2

Pre-Trial

2.1 How Do I Record My Witness Statement?

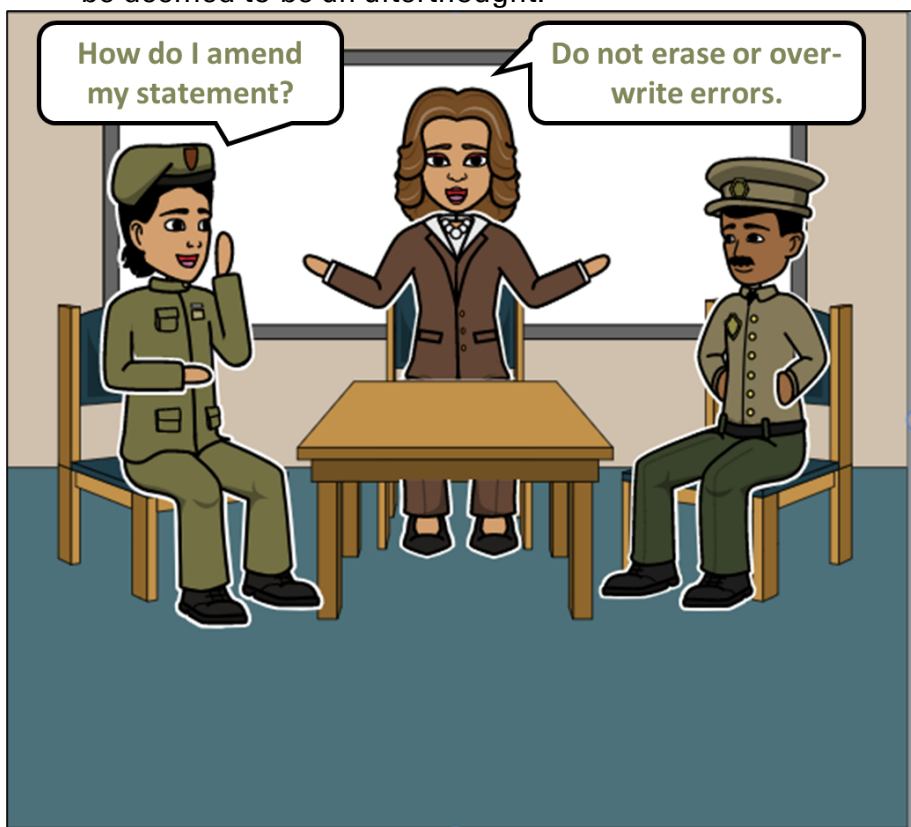
1. A statement is a document made by or taken from a person containing details of the knowledge that person has of an incident.
2. The best statements contain only relevant information.
3. The statement should record what the witness did, saw, heard or felt/ conceived in relation to the crime.
4. The purpose of recording statements is:
 - (a) To provide a written record of the incident.
 - (b) To refresh your memory on the trial day.
 - (c) To assist the prosecutor in planning the case.
 - (d) To discourage you from changing your testimony at the trial.
5. The statement writing rules are:
 - (a) All statements must be written in ink to prevent later claims by you that the statement has been altered.
 - (b) Record your statement as soon as possible and where possible, on the same date of the incident.
 - (c) Indicate the page number of each subsequent sheets of paper used. For example, if statement is 3 pages indicate page 1 of 3 etc. This is to avoid any malicious loss of subsequent sheets.

- (d) Do not write on both sides of the paper.
- (e) Use simple language at all times.
- (f) Sign each page of your statement.
- (g) If someone else is writing down the statement for you, make sure you confirm its accuracy before you sign.



2.2 How Do I Amend My Witness Statement?

1. All errors should be crossed through using a single line and signed by the person making the statement.
2. Do not erase or over-write errors.
3. If you left out crucial information, you may record a further statement.
4. Further statements should be recorded as close as possible to the date of the initial statement or they will be deemed to be an afterthought.



2.3 How Is My Attendance in Court Secured?

1. Generally, you should appear voluntarily to give evidence in a case.
2. However, your attendance in court can be secured in the following ways:
 - (a) Invitation by the Investigating Officer or Prosecutor
 - (b) Witness Summons
 - (c) Warrant of arrest
3. Witness Summons
 - (a) If you refuse to voluntarily attend court, the court will issue a summons.
 - (b) A summons is usually issued by a Magistrate in duplicate.
 - (c) You will sign at the back of both the original and the copy and keep the original.
 - (d) The copy is taken back to court as evidence that you received the summons and it is filed in the court file.
 - (e) The contents of a summons are:
 - (i) The court you are to attend.
 - (ii) The case number.
 - (iii) Your name and address.
 - (iv) The offense committed by the accused.
 - (v) An order to attend court.

- (vi) The date and time of the case.
- (vii) The court seal.
- (viii) The signature of the Magistrate.

4. Warrants

- (a) If you fail to go to court after the issue of a summons, the court can issue a warrant for your arrest.
- (b) The court will do this where:
 - (i) There is proof that the summons was served to you at a reasonable time before the date and time of the case.
 - (ii) There is proof that you received the summons.
 - (ii) You do not have a sufficient excuse for refusing to attend court.
- (c) The contents of a warrant are:
 - (i) The court you are to attend.
 - (ii) The case number.
 - (iii) Your name.
 - (iv) The name of the officer who is directed to arrest you.
 - (v) The date of the warrant.
 - (vi) The reason for your arrest
 - (vii) The signature of the magistrate.
 - (viii) The court seal.
 - (ix) An order to the officer to arrest you and bring you to court.

2.4 How Do I Refresh My Memory Before the Trial?

1. You can refresh your memory by referring to any writings you made at the time of the incident.
2. Such writings include:
 - (a) Your witness statement.
 - (b) Your notebook.
 - (c) The occurrence book entry.
 - (d) The radio message reporting the incident.
3. In order to ensure that you can refresh your memory before the trial, ensure that you keep a copy of your witness statement as the original will go into the police file.



Chapter 3

Trial

3.1 What Should I Wear to Court

1. There are no explicit regulations on how one must dress when in court.
2. Nonetheless, you must always be smartly and decently dressed when attending court. If you attend court in your uniform, do not bring a firearm to court as it may be intimidating to other court users. If you must carry a firearm, make sure it is a concealed arm e.g. a sidearm.
3. Your standing orders will guide you on how to dress when attending court.
4. The general rules of dressing to court are:
 - (a) Clothing should be neat and well ironed.
 - (b) Clothing should be formal.
 - (c) Clothing should have conservative colours.
 - (d) Shoes should be closed and formal.
 - (e) Hair should be neat.
 - (f) Jewellery should be conservative.
5. What to avoid Wearing to Court
 - (a) Clothing:
 - (i) Sleeveless clothing.
 - (ii) Extremely tight clothing.
 - (iii) Sportswear.
 - (iv) Hats, caps or other headgear unless worn for religious purposes.
 - (v) Shorts.
 - (vi) Crop tops.
 - (vii) Miniskirts or mini dresses.
 - (viii) T-Shirts.
 - (ix) Jeans.
 - (x) Bright coloured clothing.

(xi) Leggings or tights.

(b) Shoes:

- (i) Flip-flops (slippers).
- (ii) Sports shoes.
- (iii) Open toed shoes.
- (iv) Gum boots/ farm boots unless worn as part of your uniform.

(c) Jewellery:

- (i) Excessive jewellery.
- (ii) Sunglasses unless medically prescribed.
- (iii) Unconventional jewellery such as on the head or around the ankles.
- (iv) Hide any visible tattoos.



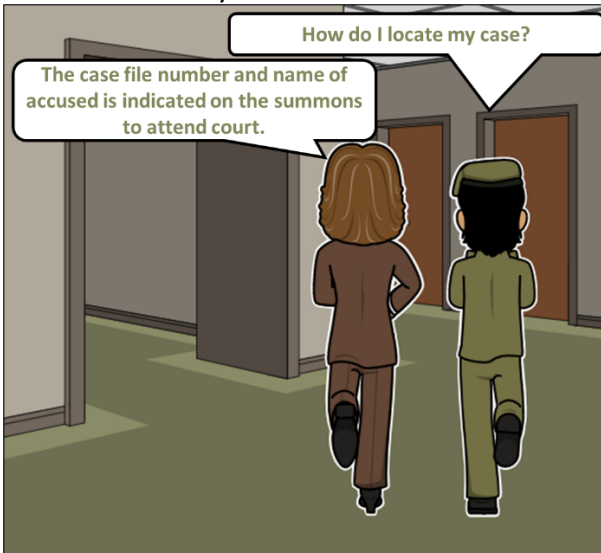
3.2 What Should I Carry to Court

1. Your national ID card and staff ID card – the court may require you to confirm your identity before you testify.
2. A copy of the bond or witness summons summoning you to attend court – this will have details of the case number and courtroom you are to testify in.
3. Any documents or exhibits the IO may ask you to bring to court.



3.3 How Do I Locate My Case

1. The case file number and name of accused is indicated on the summons to attend court.
2. Once you reach the court building, there is a notice board which contains a list of all cases to be heard on that date. This list is known as the cause list.
3. The cause list usually contains:
 - (a) The court room number
 - (b) The name of the magistrate.
 - (c) The case number.
 - (d) The name of the accused person.
4. If you do not find your case on the cause list, you can make an inquiry at the inquiries desk of the court or at the court registry.
5. You can also liaise with the IO to direct you to the courtroom where your case will be heard.



3.4 What Should I do After I Locate My Case?

1. Go into the courtroom where the case is to be heard and ask for the prosecutor.
2. Show the prosecutor your summons.
3. The prosecutor will mark in his file that you are present.
4. The prosecutor will tell you to go through your witness statement.
5. The prosecutor will ask you some questions to clarify any issue in your statement.
6. If the IO asked you to come to court with any documents or exhibits, the prosecutor will ask to see them.
7. If it is the IO who brought the exhibits, the prosecutor will ask you to confirm that they are the same ones you are referring to in your statement.
8. The prosecutor will then ask you to sit down in the court room and wait for your turn to testify.
9. Note that the prosecutor has many cases and witnesses to attend to on that day and may not spend a lot of time with you.

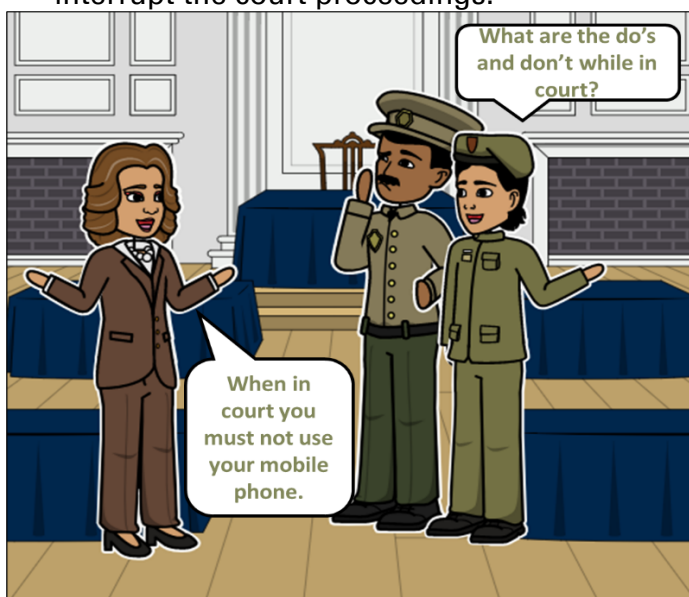
3.5 What Court Formalities Should I Observe?

1. When you enter the court which is not in session, when the Magistrate comes in you must rise to your feet and bow.
2. When the magistrate leaves the court when you are still inside, you must rise to your feet when he stands up and bow.
3. When you enter a court which is already in session you must bow before the magistrate and then take your seat.
4. When you leave a court while it is still in session you must bow before the magistrate and then leave.
5. When giving testimony, you should be standing unless you are advised to sit down.



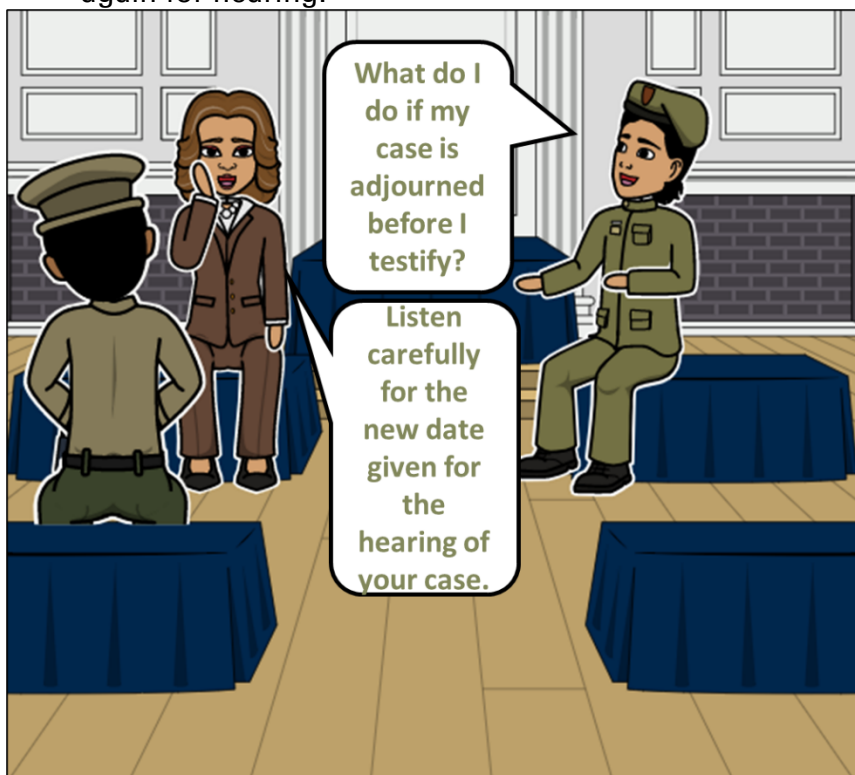
3.6 What are the Do's and Don'ts While in Court?

1. When in court you must not do the following:
 - (a) Chew gum.
 - (b) Eat or drink anything.
 - (c) Read a newspaper, magazine or novel while the court is in session.
 - (d) Use your mobile phone. Ensure you always switch it off.
 - (e) Talk to your colleagues.
 - (f) Walk in and out unnecessarily.
 - (g) Do anything that will otherwise disturb or interrupt the court proceedings.



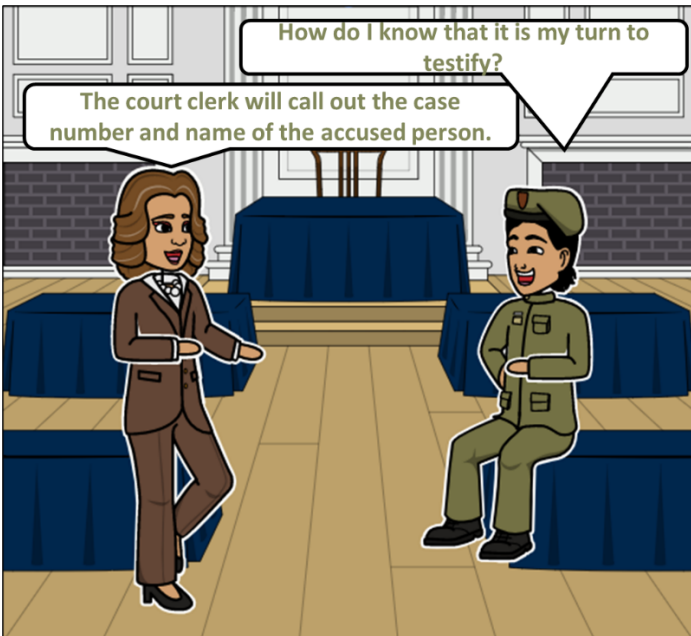
3.7 What do I do If my case is adjourned before I testify?

1. Listen carefully for the new date given for the hearing of your case.
2. Inform the IO that the case was adjourned before you testified.
3. The IO will remind you when the case is coming up again for hearing.



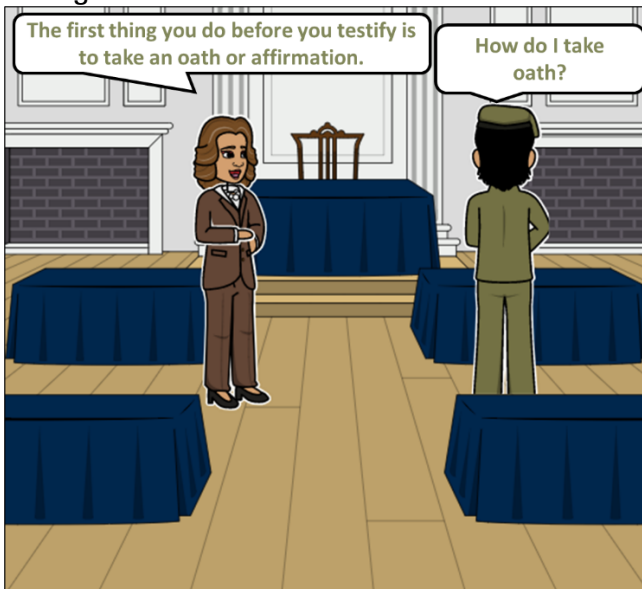
3.8 How do I know that it is my turn to testify?

1. The court clerk will call out the case number and name of the accused person.
2. If you are the first witness to testify in the case, the prosecutor will call your name.
3. You should then stand up and go to the front of the court and into the witness box.
4. If you are not the first witness to testify in the case, the first witness will be called to the front and you will be told to wait outside.
5. Once it is your turn to testify, you will be called back into the court and you may proceed to the witness box.



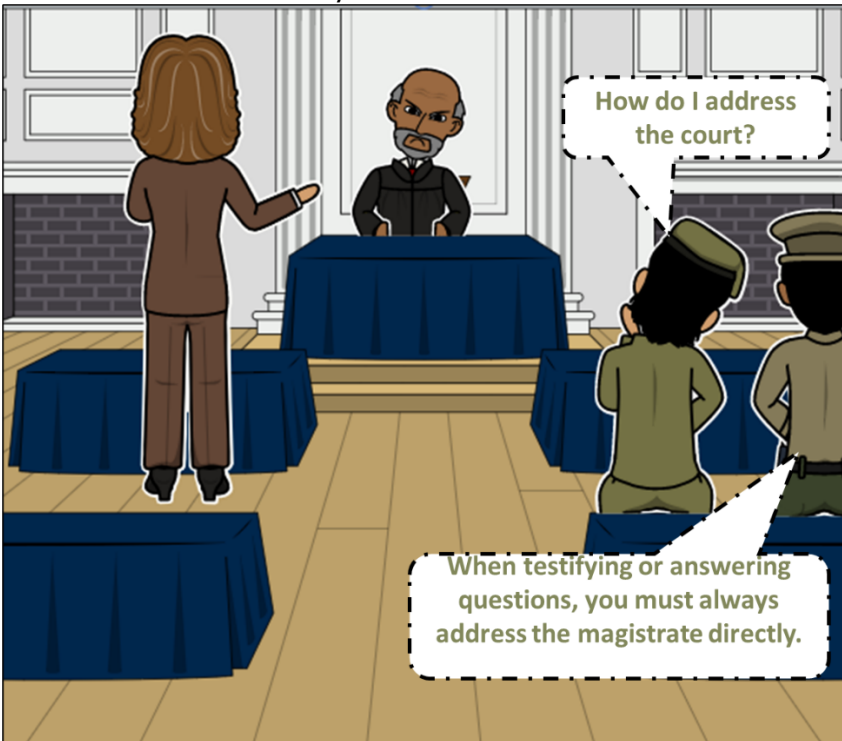
3.9 How do I take oath?

1. The first thing you do before you testify is to take an oath or affirmation.
2. To take an oath is to swear as to the truthfulness of the information you will give the court. An oath involves an appeal to God to witness to the truth of your statement.
3. To make an affirmation is to solemnly promise to give truthful information to the court. You can take an affirmation if you do not follow any religion or if your religion prohibits you from swearing in the name of God.
4. You will be required to hold up the Bible, Quran or religious book relating to faith that you subscribe while taking oath or to hold up your right hand while making an affirmation.



3.10 How do I address the court?

1. When testifying or answering questions, you must always address the magistrate directly.
2. Magistrates are addressed by the title “Your Worship” or “Your Honour”.
3. When addressing the court, always speak in an audible voice and speak slowly because the magistrate is recording everything you are saying.
4. Always address all your answers to the magistrate even if the question was asked by the prosecutor, the accused or his lawyer.



3.11 Who can ask me questions?

1. There are 3 forms of questioning in court:
 - (a) Examination in chief – the prosecutor will ask you questions based on your witness statement.
 - (b) Cross examination – the accused person or his lawyer is allowed to ask you questions.
 - (c) Re-examination – the prosecutor will ask you questions to clarify any matters that have been raised during cross-examination.
2. The magistrate can also ask you questions to clarify anything you have stated.



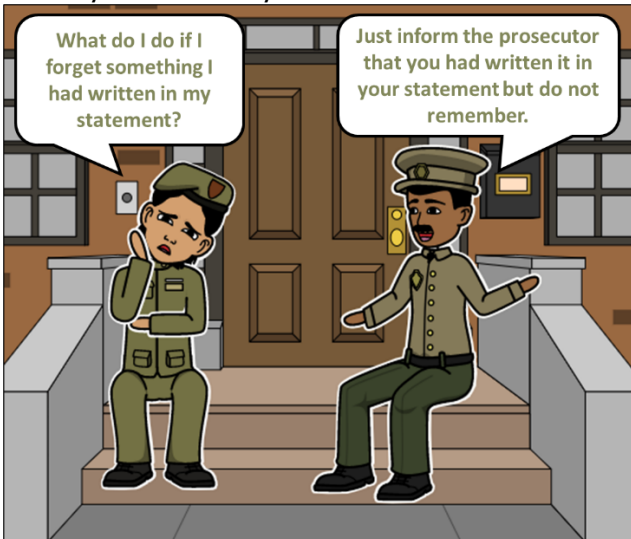
3.12 How do I testify?

1. After taking the oath, the prosecutor will lead you in giving evidence in chief.
2. You will start by introducing yourself to the court by stating your name, rank, service number and the place where you work.
3. The prosecutor will then lead you in narrating the story of how you perceived the crime. Keep as closely as possible to your written statement.
4. You will identify any exhibits recovered during the crime.
5. You will then be asked questions by the accused person or his lawyer.
6. The prosecutor will then re-examine you and that will mark the end of your testimony.



3.13 What do I do if I forget something I had written in my statement?

1. If the prosecutor asks you a question about something that you had recorded in your statement but have forgotten, just inform the prosecutor that you had written it in your statement but do not remember.
2. The Prosecutor will ask the Magistrate for permission to refresh your memory by showing you your statement.
3. The Magistrate will agree as the law provides for this. You can then refresh your memory by reading your statement and then go ahead and answer the question asked.
4. If you had written something in your statement, never say that you “don’t know” because then the prosecutor will not be able to ask for permission to refresh your memory.



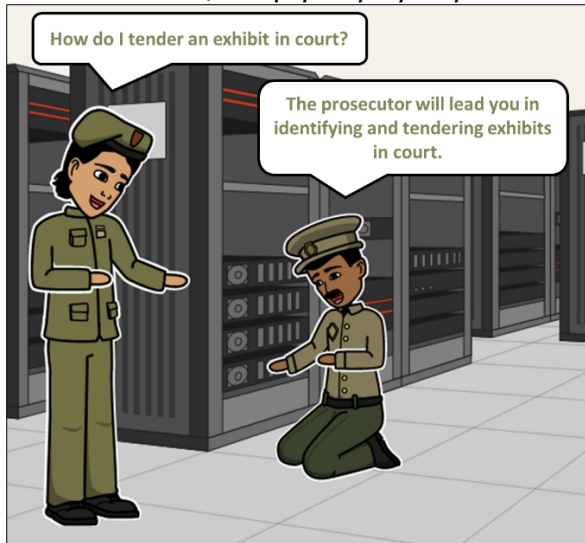
3.14 How do I respond to the defence lawyer's questions?

1. During cross examination, remain calm and answer all questions truthfully.
2. This will help you not to give an answer which conflicts with your earlier statements.
3. If you do not know something, simply state that you "do not know."
4. Do not give long explanations or try to justify answers you gave during examination in chief.
5. Do not lose your temper.
6. Do not answer a question with a question.
7. Remember you have a chance to explain yourself during re-examination.



3.15 How do I tender an exhibit in court?

1. The prosecutor will lead you in identifying and tendering exhibits in court.
2. Once you state that you recovered an exhibit, the prosecutor will ask you where it is.
3. The IO would have brought the exhibit to court and it will be placed before you.
4. You can point at the exhibit and mention any unique markings or qualities that make you know it is the same one you recovered.
5. Sometimes your role may end at identification and sometimes you may be asked to tender the item as an exhibit.
6. If the prosecutor asks you if you wish to tender the item as an exhibit, simply say “yes your worship”.

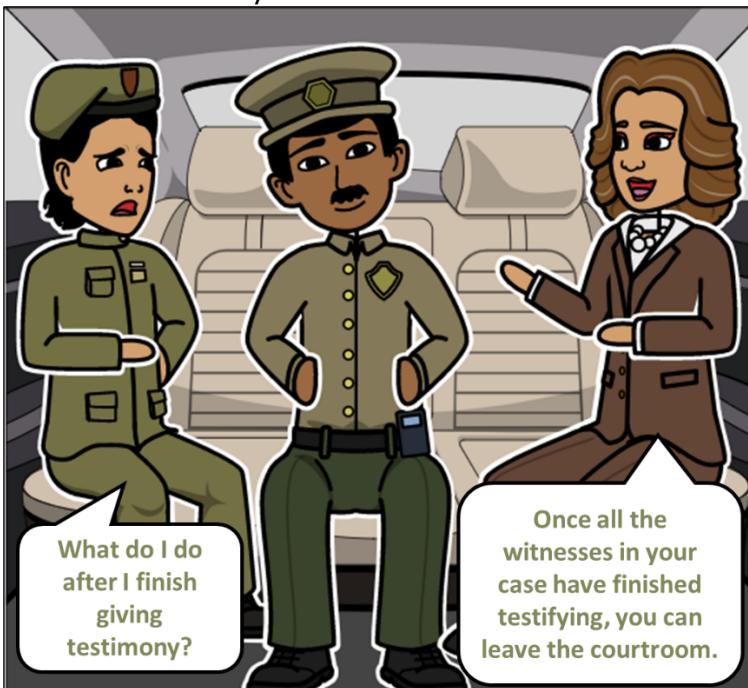


Chapter 4

Post-Trial

4.1 What do I do after I finish giving my testimony?

1. Once you finish giving your testimony, you will be required to sit in the courtroom so that you do not mingle with the other witnesses who are waiting outside to testify in the same case.
2. If you must leave urgently after testifying, inform the prosecutor beforehand so that he may ask for permission for you to be released from the court.
3. Once all the witnesses in your case have finished testifying, you can leave the courtroom.
4. Do not discuss the case with other witnesses in your station who are coming later to testify in the same case as this may confuse them.



4.2 Where can I follow up on the progress and final outcome of the case?

1. The IO of your case will be able to inform you of the progress and final outcome of your case.
2. If the IO does not give you information, you can visit the court registry with the case file number and the name of the accused and the registry personnel will give you the progress or final outcome of the case.



CONTACT

Didi Wamukoya | Wildlife Law Enforcement Manager

African Wildlife Foundation

Ngong Road, Karen, P.O. Box 310

00502 Nairobi, Kenya

T: +254 711 063 266 | **M :** +254 733 428 620

E : dwamukoya@awf.org

Skype: didi.wamukoya|

Twitter @DidiWamukoya| www.awf.org

WWW.AWF.ORG