

Practice Direction No. 5 of 1995

Criminal Jury Trials

1. To assist in the administration of the Supreme Court, and for the sake of all persons involved in criminal jury trials (including witnesses, Police, Counsel, Accused and jurors), it is intended to adopt the following callover, or status conference, procedure with immediate effect. This is done after consultation with both Crown Law and the Law Society.
2. Seven days prior to the due commencement of a jury trial, the case will be called at 9 a.m., in Chambers, before a Judge. Counsel for prosecution and defence shall attend this callover and advise the Court of the following matters:-
 - (a) From their respective points of view whether the trial is to proceed;
 - (b) Whether the prosecution has filed an Indictment at least two weeks before the callover;
 - (c) Who will be appearing as Counsel at trial;
 - (d) For the prosecution the number of witnesses, an estimate of the time needed for the prosecution case and any anticipated difficulties in relation to running the trial (e.g. availability of witnesses, special arrangements for overseas witnesses or medical practitioners);

- (e) For the defence whether there are matters of fact which may, formally, be admitted, an indication (if one is prepared to be given - and there is, and can be, no compulsion as to this) of the number of defence witnesses, the defence estimate as to duration of the trial and any anticipated difficulties (e.g. availability of Accused or of witnesses);
- (f) Counsel for prosecution and defence will be expected to inform the Court of any matters which they know of which properly could be dealt with after arraignment of the Accused and before commencement of the trial proper, in front of the jury. In particular Counsel for an accused should be in a position to tell the Court, on callover, whether there is to be objection taken to evidence, such as an interview, which will need to be the subject of a voir dire (i.e. with the jury absent). Arrangements then can be made for that voir dire hearing to take place, if appropriate, before commencement of the trial proper and without unnecessary disruption of the trial in front of the jury.
- (g) An assurance will be sought from all Counsel that all interlocutory matters are completed and that there are no other matters, of which Counsel are aware, which might interrupt or disrupt the trial in front of the jury.



Nigel Hampton
Nigel Hampton
(CHIEF JUSTICE)

NUKU'ALOFA, 14 September 1995.

cc : The Hon. Attorney General and Minister of Justice
Secretary of Justice
Solicitor General
Registrar of the Supreme Court
President, Tonga Law Society
All Law Practitioners