

13

D

The Prosecutor has no further witness to call.
The Prosecution is closed.

Motion - No Case

It is open to the accused, his Counsel or Defending Officer at the close of the case for the prosecution to submit that the evidence given for the prosecution has not established a *prima facie* case against him, and that he should not therefore be called upon for his defence. If such Motion is made, the proceedings will be recorded on separate pages which will be inserted immediately before the present page D. If the Court is satisfied that the Motion is well founded, it must acquit the accused and register its Finding on Page A.

Defence

The President will now address the accused as follows:—

“It is my duty at this stage to advise you as to your rights in the general conduct of your defence. The procedure to be followed depends entirely on the answers given to the formal questions which are about to be put to you. It is therefore important that you should understand and appreciate the effect of your answers to these questions. You do not need to give evidence on oath unless you wish to do so, but if you do give sworn evidence you are liable to be cross-examined by the Prosecutor and questioned by the Court.”

“If you do not give evidence on oath you are entitled to make a statement giving your account of the subject of the charge against you. You will not be sworn and no question may be put to you by the Court or any person with respect to such statement. I must warn you, however, that evidence given on oath will carry more weight with the Court than a mere statement not on oath.”

If there is no Defending Officer the President should then explain to the accused the effect which his answer to the formal questions on Page D of the proceedings will have on the order of the Closing Addresses as provided in R.P. 40 and 41.

Do you apply to give evidence yourself as a witness, or do you wish to make an unsworn statement?

Question to
the accused.

I will give my evidence on oath, sir.

Answer.

Do you intend to call any witness in your defence?

Question to
the accused.

No, sir.

Answer.

Is the witness to be called a witness as to character only?

Question to
the accused.

Answer.