

YOUR ROLE IN COURT

CRIMINAL DIVISION
YOUTH DIVISION

Indemnity for loss of time

The indemnity payable to an ordinary witness for loss of time is set at \$90 per day of absence from his or her home, or \$45 for up to five hours' absence. For expert witnesses, the amounts are \$180 and \$90 respectively.

The indemnity may not be paid to an ordinary witness in certain circumstances.

Transportation

Witnesses may be entitled to the reimbursement of their travel expenses on public transportation or, if they travel by car, to \$0.43 per kilometre plus the cost of parking. Receipts may be required.

Meals

On presentation of a receipt, witnesses may be entitled to the reimbursement of the cost of their meals up to the following amounts, including tax and tips:

- \$10.40 for breakfast,
- \$14.30 for lunch and
- \$21.55 for dinner.

Accommodation

An allowance of between \$79 and \$138 per night may be granted to witnesses who present a receipt from a hotel or similar establishment. A witness who stays with relatives or friends may receive an allowance of \$22.25 per night.

Witnesses who live at a distance from the place where they must testify, and who must appear several days in a case, are free to travel or not. However, the indemnities and allowances paid will always be calculated as if they had chosen the least costly option.

For more information

The information summarized in this document was valid at the time of printing. For more information, go to the website of the Ministère de la Justice at www.justice.gouv.qc.ca, or contact

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JUSTICE
IN QUÉBEC:
AT YOUR
SERVICE

You may be someone who has witnessed or been a victim of a criminal act, or has information that may assist the court in trying a criminal case. As a witness, you are called on to play an essential role in the administration of justice.

Subpoena to a witness

A summons to appear (subpœna) requires you to go to court at the date, time and place indicated to testify in a case heard in the Criminal Division, if the accused is an adult, or in the Youth Division, if the accused was under 18 at the time of the offence. If you refuse to go to court, an arrest warrant may be issued to bring you before the judge.

Your employer must allow you to take time off from work to testify. It is against the law for an employer to penalize an employee for attending court as a witness.

If, for a serious reason, you cannot appear in court at the appointed time, you must immediately contact the court service indicated on the back of the subpœna, the criminal and penal prosecuting attorney, or the police investigator in charge of the case.

Preparing to testify

When preparing to testify, try to remember the details of the incident you witnessed, and any related facts. If your testimony concerns a document, make sure you are familiar with its contents.

If you took notes at the time of the incident, make sure the police investigators are aware of them so that they are included in your testimony. If you signed a statement during the police investigation, ask the police investigator to let you review it before you testify.

If you feel the need, you may ask a family member to accompany you to court, or request assistance from the crime victims assistance centre (CAVAC) in your region. For more information, dial the toll-free number 1 866 LECAVAC (532-2822).

Arriving at court

On the day you are to testify, go to the courthouse with your subpœna. When you arrive,

- check the courtroom number with the reception desk or court clerk, since sometimes cases are re-assigned to a different courtroom;
- inquire about the procedure for receiving the allowances and travelling expenses to which you are entitled for attendance as a witness;
- find out where you can inform the police investigator that you have arrived. If you have been called to testify by the defence, see the defence counsel. Make sure you are in the courtroom at the scheduled time.

In the courtroom

Generally, several cases are scheduled to be heard in a courtroom each day. Before the start of the case in which you are to testify, you will probably be asked to leave the courtroom and wait outside to be called. This will prevent you being influenced by the testimony of preceding witnesses.

Court proceedings are usually open to the public. However, the judge may decide that the public should be excluded.

Ban on disclosing the name of the victim or witnesses

If the victim or a witness is under 18 years of age, the judge is required, on request, to prohibit the media from disclosing their name or any information that could be used to identify them. For the other witnesses in the case, the judge will decide on an individual basis if there are grounds for prohibiting the release of their identity.

Refusing to testify or answer questions

You cannot refuse to testify or answer questions. If you do refuse, you may be held in contempt of court and fined, sentenced to prison, or both.

If someone tries to intimidate you or influence your testimony, report it to the police or the prosecuting attorney immediately.

On the witness stand

If you do not understand or speak the language used in the hearing, or have a hearing impairment, you are entitled to receive assistance from an interpreter.

On the witness stand, you must promise to tell the truth, and the court clerk will then ask you to state your name and address. If you fear reprisals or threats, you can ask the judge to allow you to give your address in writing and it will then be kept confidential.

The criminal and penal prosecuting attorney and the defence counsel will proceed to question you. Answer the questions simply, without adding unnecessary details. Always address your answers to the judge. Speak clearly and audibly, in an affirmative way. If you don't know the answer, say so.

If a lawyer objects to a question that has been asked, do not start to answer until the judge asks you to. If you realize that you have given an incorrect answer, tell the judge immediately so that you can correct your error.

Indemnities and allowances

Witnesses who have been summoned to appear for the prosecution may apply to the witness compensation service at the courthouse concerned to have their expenses refunded. Witnesses who have been summoned to appear for the defence may submit their expense claim to the defence attorney.