

Lesson 4**Rules of evidence****What evidence should count in a court of law?**

Learning objective	To understand the rules of evidence in a court of law.
Student tasks	To consider the kind of evidence that should count in a court of law and the kind of evidence it would be wrong to use.
Resources	Discussion cards (student handout 8.2) for each group of 4-6 students.
Method	Small group work and class discussion.

Information box

One of the key elements in any system of criminal justice is a set of rules that determines what kinds of evidence should and should not be used in a court of law in order for a trial to be a fair one. For example, is it fair to use “hearsay” evidence (that is, evidence not directly experienced by a witness but reported to them by someone else), evidence obtained as a result of torture or the threat of violence or evidence obtained through “leading questions”, that is, questions which put words into a witness’s mouth?

The lesson

The teacher begins the lesson by presenting the following provision from the ECHR (1950), both orally and in written form on the blackboard or a flip chart:

“Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.”

European Convention of Human Rights (1950), Article 6, No. 2

The teacher invites the students to explain this provision. The teacher may add the category of initial presumption of innocence. The students should understand the importance of this principle for a fair trial, and should learn that an accused person may only be convicted if sufficient evidence has been given to prove his or her guilt. In this lesson, the students will look at rules of evidence in a court of law.

The students should form groups of 4-6.

The teacher then tells the groups about a criminal trial that is taking place. It concerns a young man called Manuel, who is accused of stealing a car belonging to a Mr Kay. The car disappeared from outside Mr Kay’s house late one evening and was discovered abandoned outside the village next morning. It had been doused in petrol and set on fire. Manuel was arrested by the police later in the week and charged with theft and criminal damage.

The teacher then gives each of the groups a set of discussion cards. Each of the cards contains a piece of evidence that the prosecution is using in court to try to prove that Manuel is guilty.

The teacher asks the groups to:

- put the pieces of evidence in order – from strongest to weakest;
- decide whether any pieces of evidence should be ruled out all together because either they are irrelevant or unfair.

The groups present their ideas to the rest of the class and try to agree on those pieces of evidence that should be accepted and those that should be ruled out altogether.

The teacher asks the students to return to their groups and consider:

- What questions would you like the court to put to these witnesses or to Manuel now? Why?
- Are there any kinds of question that it would be unfair for the court to ask them? If so, what kinds and why?

The groups present their ideas and the class, working collectively, tries to draw up lists of types of evidence and types of questions that they think it would be wrong to use in a court of law.

If time allows, this lesson can lead to a research task. For homework, the students are asked to research the rules of evidence that apply in criminal trials in their country and present their findings to the class in the next lesson.