**Initial Post**

In a criminal trial, witnesses play a vital role in assisting the court to make its determination. The relationship between Bella and Gorgios is special, which makes the issue of the latter raping the former complex. The prosecution and defence sides are entitled to the right to present witnesses to support their side of the story. However, a witness should be someone who is competent and his or her testimony useful. Citing relevant laws and statutes, the court can determine if to allow a certain witness to testify or not as well as the mode of testifying. Section 41 of the Youth Justice and Criminal Evidence Act 1999 governs the cross-examination of sexual assault complainants on their previous sexual behaviour during trial[[1]](#footnote-1). This section of the law determines the eligibility of a witness or testimony, focusing on the need to protect the complainant from harmful use of his or her sexual history by the defence.

Before a witness is called in for cross-examination, there should be agreements or orders granted under section 41. s41 provides for exemptions, under which evidence touching on the history of the complainant's past sexual history can be introduced. The restrictions are object is to attain the right equilibrium between protecting the complainant and a defendant’s right to a fair trial[[2]](#footnote-2). The decision on whether Gorgios will be allowed to bring witnesses or not will be guided by the provisions of s41 YJCEA and how the court interprets them within the context of the case at hand.

1. Section 41 YJCEA 1999 [↑](#footnote-ref-1)
2. Winter [2008] EWCA Crim 3. [↑](#footnote-ref-2)