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Research Paper

Objective and Accountable Indicators for Judicial Assessment of Witness Testimony to Prevent Miscarriages of Justice

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ABSTRACT: *Witness error is one of the leading causes of miscarriages of justice. In the United States, eyewitness misidentification was involved in 69% of 375 DNA exonerations. In Indonesia, the Sengkon–Karta case and the Vina case in Cirebon reveal similar vulnerabilities. This study analyses the existing criteria for assessing witness testimony, identifies their weaknesses from the perspective of eyewitness psychology, and formulates objective and accountable assessment indicators. It employs normative legal research using statutory, case, comparative, theoretical, and philosophical approaches. The findings show that the criteria in Article 185(6) of the 1981 Code of Criminal Procedure rely on consistency and witness morality, fail to distinguish honesty from accuracy, and no longer appear in the 2025 Code. Consistency among witnesses may result from memory contamination, while the "way of life and morality" criterion is moralistic. The article proposes four clusters of indicators: observation conditions, the process of obtaining testimony, independent consistency and corroboration, and interests and pressures, embodied in a checklist that must be reflected in the reasoning of judgments.*

KEYWORDS: *Witness Testimony, Miscarriage of Justice, Assessment Indicators, Eyewitness Psychology, Criminal Evidence*

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I.INTRODUCTION

A *miscarriage of justice* is the most severe failure of the criminal justice system, as the state punishes innocent people while the actual perpetrators remain free. Among its various causes, witness error occupies a leading position. The Innocence Project noted that of the 375 DNA-based exonerations in the United States during 1989–2020, about 69% involved misidentification by witnesses [1]. This figure comes from a system that has DNA testing capabilities and well-established innocence organisations. In countries that have neither, similar mistakes are more difficult to uncover. Indonesia has comparable experiences. The Sengkon and Karta case in the 1970s ended with the conviction of two people who were later proven innocent after the actual perpetrator confessed [2]. In the Vina murder case in Cirebon, a witness stated in July 2024 that his statement to investigators in 2016 was untrue. The convicts' families then reported two witnesses to the Criminal Investigation Agency (Bareskrim) for allegedly giving false testimony [3], [4]. On 16 December 2024 the Supreme Court nevertheless rejected the requests for case review (*peninjauan kembali*) filed by the seven convicts [5]. Regardless of whether the verdict is right or wrong, this case shows that the system has no common measure for reassessing the reliability of the witness statements in question.

In terms of *das sollen*, Article 185 paragraph (6) of the 1981 Code of Criminal Procedure (KUHAP 1981) requires judges to pay attention to the consistency between witnesses, the consistency with other evidence, the reasons the witness may have for giving certain testimony, and the way of life and morality of the witness [6]. This provision is intended to ensure that the judge's conviction is born from careful judgment. In terms of *das sein*, there are three gaps. First, the criteria test the honesty of witnesses more than the accuracy of their memories, even though honest witnesses can also be wrong. Second, the criterion of "way of life and morality" opens up room for moralistic judgment that can harm witnesses from vulnerable groups. Third, Law

Number 20 of 2025 concerning the Code of Criminal Procedure (KUHAP 2025), which has been in effect since 2 January 2026, no longer contains a list of these criteria in its evidentiary section. The 2025 Code only maintains the prohibition of conviction based on the testimony of a single witness [7].

Another obstacle is practical. Indonesian procedural law does not regulate the procedure for identification of perpetrators by witnesses, such as how to arrange an identification *line-up* or the prohibition of showing a single photograph of the suspect. The examination of witnesses at the investigation stage is also not required to be audio-visually recorded, so the judge cannot assess whether the investigator's questions were suggestive. In addition, judicial education has not systematically included the findings of eyewitness psychology. As a result, judges tend to treat confident and consistent witnesses as accurate witnesses. Eyewitness psychology shows that this assumption is not always true [8]. A *turning point* arises from two directions. The 2025 Code provides new space through the recognition of audio-visual means in the examination of witnesses and the authority of judges to assess the authenticity and the manner of obtaining evidence [7]. From abroad, the *State v. Henderson* decision in New Jersey and the report of the United States *National Research Council* have translated scientific findings into operational judicial guidelines [9], [10]. This article offers four groups of objective and accountable indicators as both a replacement for and a refinement of Article 185 paragraph (6) of KUHAP 1981. Based on this description, the research problems are formulated dialectically as follows: What criteria for the assessment of witness testimony by judges currently apply in Indonesian criminal procedure law? What are the weaknesses of these criteria in preventing *miscarriages of justice*, viewed from eyewitness psychology and judicial practice? And what objective and accountable indicators for assessing witness testimony can prevent *miscarriages of justice*?

II.RESEARCH METHODS

This research is normative legal research relying on primary, secondary, and tertiary legal materials [11], [12]. Because the issue of witness assessment intersects with other sciences, this study uses the results of eyewitness psychology research as non-legal secondary material to test the assumptions contained in the norms. The literature search was updated until 20 October 2026. The research uses five approaches. *First*, the *statute approach* is used to examine the criteria for witness assessment in KUHAP 1981, KUHAP 2025, the Sexual Violence Crime Law, and Supreme Court Regulation Number 3 of 2017. *Second*, the *case approach* is used to examine the Sengkon and Karta case and the Vina case in Cirebon, as well as *R v Turnbull*, *Neil v. Biggers*, *Manson v. Brathwaite*, and *State v. Henderson*. *Third*, a *comparative approach* is applied to the United Kingdom and the United States, which have developed judicial guidelines on eyewitness testimony. *Fourth*, the *theoretical approach* uses the theory of evidence, Gary Wells' theory of estimator variables and system variables, and Elizabeth Loftus' theory of memory contamination. *Fifth*, the *philosophical approach* traces the legal epistemology of truth and error in criminal justice, the presumption of innocence, and the value of justice in Pancasila. The materials are analysed qualitatively with deductive reasoning and teleological interpretation.

III.RESULTS AND DISCUSSION

3.1 Applicable Criteria for Assessing Witness Testimony

KUHAP 1981 stipulates two types of measures for witness testimony. The first measure is quantitative, namely the principle of *unus testis nullus testis* in Article 185 paragraphs (2) and (3), which rejects conviction based on the testimony of one witness without other evidence. The second measure is qualitative, namely the four criteria in Article 185 paragraph (6). According to legal doctrine, these four criteria are guidelines for judges to avoid accepting witness testimony uncritically [13]. The consistency criteria, both between witnesses and with other evidence, function as a coherence test. The criterion of the witness's reasons for giving certain testimony functions as a test of motive. The criterion of way of life and morality functions as a test of personal integrity. KUHAP 1981 also contains supporting provisions. Witnesses are required to take an oath before testifying (Article 160 paragraph (3)), testimony without oath can only be used as additional evidence (Article 185 paragraph (7)), and judges can order the detention of witnesses suspected of giving false testimony (Article 174) [6]. Opinions or conjectures derived from mere reasoning are not witness testimony (Article 185 paragraph (5)), while Constitutional Court Decision Number 65/PUU-VIII/2010 expanded the definition of a witness to include persons who did not necessarily hear, see, or experience the event themselves, as long as their testimony is relevant [14].

KUHAP 2025 updates the evidentiary provisions. Article 235 paragraph (1) expands the types of evidence, Article 235 paragraphs (4) and (5) give judges the authority to assess the authenticity and lawfulness of how evidence was obtained, and Article 236 recognizes the giving of witness testimony through audio-visual communication devices and gives the testimony of witnesses with disabilities equal legal force. Article 237 maintains the principle of *unus testis nullus testis* [7]. However, KUHAP 2025 does not contain a formulation equivalent to Article 185 paragraph (6). The qualitative measure of witness assessment is thus no longer

available in statute and depends entirely on doctrine and practice. Outside the Code of Criminal Procedure, several regulations govern the assessment of witnesses in certain cases. Law Number 12 of 2022 concerning the Crime of Sexual Violence stipulates that the testimony of witnesses and/or victims is sufficient to prove the defendant guilty if accompanied by one other valid piece of evidence, and that the testimony of witnesses or victims with disabilities has equal legal force [15]. Supreme Court Regulation Number 3 of 2017 prohibits judges from questioning or considering the victim's sexual history as a basis for acquitting the perpetrator or mitigating the sentence [16]. The Law on the Juvenile Criminal Justice System regulates the examination of child witnesses and child victims with special protection [17]. These sectoral provisions show that lawmakers have realized the limitations of the general criteria, especially the criterion of witness morality.

Indonesian law also recognizes witnesses whose position requires special caution. Crown witnesses, namely defendants who testify against co-defendants in a *split* case, have been considered by the Supreme Court to be contrary to the defendant's right not to incriminate himself, including in the rulings in the Marsinah case in 1995 [18]–[21]. Witnesses who are cooperating perpetrators (*justice collaborators*) can receive special treatment and rewards in the form of sentence reduction [22], [23]. This position gives such witnesses a direct interest in the content of their testimony. Hearsay testimony (*testimonium de auditu*) has now gained a wider place after Constitutional Court Decision Number 65/PUU-VIII/2010, as long as it is consistent with other evidence [24]. These three categories show that the law already recognizes witnesses whose testimony is suspect because of their position. However, this recognition has not been translated into general criteria that must be applied to every witness who has an interest.

In practice, the judicial reasoning on witnesses generally follows the same pattern: the testimony of each witness is described, and it is then concluded that the testimonies are consistent with each other and with other evidence, so that legal facts are established. Writing by judges themselves recognizes the need to elaborate the dialectic of evidence in the reasoning, including testing the connection of a piece of evidence with the rest of the chain of evidence and formulating an *explicit ratio decidendi* [24]. This pattern places consistency as the main, and often the only, indicator of witness reliability. The thesis of this research is thus that Indonesian criminal procedure law recognizes a strict quantitative measure and a limited qualitative measure. The qualitative measure rests on the consistency, motive, and morality of witnesses, and is absent from the text of KUHAP 2025. Sectoral regulations address some of its weaknesses for victims of sexual violence, children, and persons with disabilities, while practice makes consistency the dominant indicator.

3.2 Weaknesses of the Criteria in Preventing *Miscarriages of Justice*

The most fundamental weakness is that the criteria of Article 185 paragraph (6) are designed to detect a lying witness, not a mistaken witness. Eyewitness psychology shows that most mistaken witnesses are honest witnesses: they genuinely believe what they say. Human memory does not work like a video recording but through a reconstructive process consisting of *encoding*, *storage*, and *retrieval*. Each stage can be distorted [25]. The classic experiment of Loftus and Palmer showed that changing a single word in a question, for example from "smashed" to "hit", changes the witnesses' estimates of the vehicle's speed. The question even made some witnesses "remember" broken glass that did not exist [26]. Criteria that only test honesty will never detect this kind of error.

The second weakness concerns the consistency criteria. Consistency between witnesses is considered corroborating because it is assumed to come from independent observations. This assumption collapses when witnesses have spoken to each other, read the same news, or been examined with leading questions. The phenomenon of *memory conformity* shows that witnesses who discuss a shared event tend to align their memories, including adopting incorrect details from other witnesses [8]. In the Indonesian context, consistency can also arise from examination reports (*BAP*) prepared by investigators with similar sentence patterns for several witnesses. Judges who check consistency without checking the independence of the source may in fact use contamination as corroboration. The third weakness is the assumption that confident and firm witnesses are more reliable. Research shows that witness confidence is only meaningful as an indicator of accuracy when measured at the time of the first identification carried out with a non-suggestive procedure. Confidence that arises or strengthens at trial, after the witness has been examined many times, received feedback, and seen the defendant sitting in the dock, is no longer reliable [27]. Indonesian procedural law does not require the recording of the witness's level of confidence at the first identification, so the judge only observes confidence that has already been "contaminated".

The fourth weakness lies in the lack of regulation of the process of obtaining testimony. Gary Wells distinguishes estimator variables, namely factors the justice system cannot control, such as distance, lighting, stress, and the presence of a weapon, from system variables, namely controllable factors such as interview methods, identification procedures, and feedback to witnesses [28]. System variables are the area where the law can work most effectively, yet it is precisely there that Indonesian procedural law is most silent. There are no rules regarding the composition of identification line-ups, the prohibition of single-photo identification, *double-blind* administration, or the obligation to record examinations. Research also shows that certain interrogation

pressures and techniques increase the suggestibility of witnesses and suspects [29]. The Sengkon and Karta case is an extreme example of the failure of system variables. The fifth weakness is the criterion of "way of life and morality of witnesses". This criterion has no demonstrable relationship with the accuracy of memory. A person with a bad past can be an accurate observer, while a respectable figure can be wrong. This criterion is prone to being used to discredit witnesses from marginalized groups, such as sex workers, drug users, or victims of sexual violence. This is why Supreme Court Regulation Number 3 of 2017 prohibits consideration of the victim's sexual history. The sectoral prohibition proves that the general criterion of Article 185 paragraph (6) letter d requires correction.

The sixth weakness lies not in the witnesses but in the assessors. Research on wrongful convictions shows the phenomenon of *tunnel vision*, namely the tendency of law enforcement officials and judges to focus on a single suspect and then select, interpret, and recall evidence in a way that confirms their initial conclusion, while contradicting evidence is ignored or explained away [30]. This confirmation bias is reinforced by the structure of the trial, which begins with reading the investigation file. Judges who have read the examination reports before hearing witnesses may judge the evidence at trial by its consistency with the file rather than by its own reliability. Capacity is also a problem. The findings of eyewitness psychology have not yet become a systematic part of judicial education, so common intuitions, such as the assumption that a credible witness is an accurate witness or that a victim must remember the perpetrator's face, are often treated as legitimate "life experience". Criteria that do not require judges to state risk factors in writing allow these biases to operate undetected.

The seventh weakness is normative. With the absence of qualitative criteria in KUHAP 2025, the above weaknesses are not corrected but are left without any guidance at all. The principle of *unus testis nullus testis* in Article 237 only counts the number of pieces of evidence. Two witnesses who are simultaneously mistaken due to contamination still satisfy the formal requirement. Together with the expansion of evidence in Article 235, this gap increases the risk that the quantity of evidence is treated as a substitute for its quality. The antithesis of this study is thus that the applicable criteria are inadequate to prevent *miscarriages of justice* for seven reasons. The criteria test honesty, not accuracy. They accept consistency without testing the independence of the source. They rely on the confidence of witnesses who have been contaminated. They ignore system variables. They contain a discriminatory measure of morality. They allow the cognitive bias of the assessor to operate undetected. Finally, they are no longer contained in KUHAP 2025.

3.3 Objective and Accountable Indicators for the Judicial Assessment of Witness Testimony to Prevent *Miscarriages of Justice*

Philosophically, criminal adjudication is an effort to find the truth under conditions of imperfect knowledge. Larry Laudan describes legal epistemology as the study of how the judicial system can reduce errors of judgment and distribute the risk of error fairly. In criminal cases, the error of convicting an innocent person is regarded as much worse than acquitting a guilty one [31]. Susan Haack emphasizes that the quality of evidence is determined by its supportiveness, security, and comprehensiveness, not by its quantity [32]. This view is in line with the second and fifth principles of Pancasila and with the presumption of innocence in Article 8 paragraph (1) of the Judicial Power Law [33]. Good indicators for witness assessment must therefore be quality-oriented, reviewable, and designed to reduce the risk of convicting innocent people. Theoretically, an objective indicator must meet two conditions. First, it must have an empirical basis, i.e. it must be proven to be related to the accuracy of testimony, not merely to moral intuition. Second, it must be accountable, that is, it can be stated in the reasoning of the judgment and reviewed by a higher court. Wells' theory of estimator variables and system variables provides a framework for the first condition, while the duty to give reasons in Article 50 paragraph (1) and Article 53 paragraph (2) of the Judicial Power Law provides a foothold for the second [33].

The United Kingdom introduced the *Turnbull* guidelines in 1976. In *R v Turnbull*, the Court of Appeal ruled that where a case depends wholly or substantially on disputed identification evidence, the judge must warn the jury of the special need for caution. The judge must also direct the jury to examine closely the circumstances of the identification, including how long the observation lasted, the distance, the lighting, whether the view was impeded, whether the witness had seen the defendant before, how much time elapsed before the identification, and whether there was any discrepancy between the first description and the defendant's actual appearance [34]. The identification procedure is also regulated in detail by *Code D* under the *Police and Criminal Evidence Act 1984* [35].

The United States initially developed a reliability test through *Neil v. Biggers* and *Manson v. Brathwaite*, which assessed identification based on the witness's opportunity to view, degree of attention, accuracy of the prior description, level of certainty, and the time elapsed [36], [37]. This test was later criticized for including witness confidence, which can be inflated by suggestive procedures. The New Jersey Supreme Court in *State v. Henderson* revised the framework on the basis of an expert report. The ruling distinguished system variables from estimator variables, expanded the defendant's opportunity to challenge identification, and required jury instructions explaining the factors that affect memory [9]. In 2014 the *National Research Council*

recommended double-blind identification procedures, standardized instructions to witnesses, recording of confidence at the first identification, video recording, and training for law enforcement officials and judges [10]. Three lessons can be drawn from this comparison. *First*, indicators must separate factors present during the event from factors present when the testimony was obtained. *Second*, prevention is most effective at the investigation stage through standardized and recorded procedures. *Third*, indicators must be embodied in written instructions or reasoning, not left as the judge's inner deliberation.

On this foundation, this article proposes four groups of indicators for assessing witness testimony. *The first group* is observation conditions (estimator variables). This group tests whether the witness was in a condition that allowed accurate observation: duration of observation, distance, lighting, obstruction of view, level of stress, presence of a distracting weapon, physical condition of the witness, racial or ethnic differences between witness and perpetrator, and whether the witness knew the perpetrator beforehand. This indicator replaces the question "is the witness honest?" with the question "was the witness in a position to know?". *The second group* is the process of obtaining testimony (system variables). This group examines when the testimony was first given, whether the initial description was recorded before the witness saw the suspect, whether the investigator's questions were open or leading, how the identification procedure was conducted, whether the witness received feedback, and whether the examination was recorded. This group is at the core of preventing *miscarriages of justice* because it addresses the point at which errors are most often produced.

The third group is independent consistency and corroboration. This group refines the consistency criteria in Article 185 paragraph (6) letters a and b. It is not enough for the judge to state that the testimonies are consistent; the judge must examine three things. First, the internal consistency of the witness's testimony over time and the explanation for any differences. Second, whether the consistency with other witnesses derives from an independent source. Third, whether the testimony is supported by physical, forensic, or electronic evidence that does not rely on human memory. Small differences in detail do not necessarily weaken testimony, because memories that are too uniform may in fact indicate contamination.

The fourth group is interests and pressures. This group replaces the criterion of "way of life and morality" with relevant measures: the relationship of the witness with the parties, the benefits the witness may obtain, including leniency in his or her own case as a cooperating perpetrator witness, threats or pressure experienced by the witness, and the witness's vulnerability, such as age, disability, or dependence on authorities. The personal background of a witness is only relevant if it can be concretely linked to the witness's ability or willingness to tell the truth in the case.

Table 1: Four groups of indicators for the assessment of witness testimony (author's normative model)

Indicator Cluster	Key Questions	Sources	Risk Weight
Observation conditions	How long, how far, and in what lighting did the witness observe? Was there stress, a weapon, or an obstruction? Did the witness know the perpetrator beforehand?	Witness testimony, crime scene processing, reconstruction, expert testimony	High when the observation was brief, distant, dark, or under threat
Process of obtaining testimony	When was the initial description recorded? Were the questions leading? How was the identification conducted? Was it recorded?	Examination reports (BAP), audio-visual recordings, investigator testimony	High when identification used a single photograph, was not recorded, or took place after the witness saw the suspect
Independent consistency and corroboration	Is the testimony consistent over time? Did the witnesses communicate with each other? Is there independent physical or electronic evidence?	Comparison of BAP and trial testimony, forensic and electronic evidence	High when consistency exists only between witnesses who were in contact with each other
Interests and pressures	What is the relationship between the witness and the parties? Does the witness benefit or face pressure? Is the witness vulnerable?	Witness testimony, witness protection records, data on the witness's own case	High when the witness receives leniency or is under pressure

Indicators are only meaningful if their use is mandatory and reviewable. Therefore, this article proposes four mechanisms. *First*, the indicators are set out in a Supreme Court Regulation on guidelines for assessing witness testimony, filling the gap left by the absence of criteria in KUHAP 2025. *Second*, every judgment that relies mainly on witness testimony must contain a brief description of the four indicator groups for key witnesses, in the form of paragraphs or a table in the reasoning, so that the appellate court can check whether risk factors have been considered. *Third*, where a case relies on identification of the perpetrator by a witness who did not know the perpetrator beforehand, the judge is obliged to apply a "*self-warning*" stating in writing the risk of misidentification, similar to the *Turnbull* guidelines. *Fourth*, the judge may call a forensic psychologist to explain the factors affecting memory in cases that rely heavily on witness testimony.

This mechanism needs to be supported by obligations at the investigation stage. The police need to establish a standard procedure for identification of perpetrators that includes recording the initial description before identification, a fair line-up with similar fillers, administrators who do not know who the suspect is, instructions that the perpetrator may not be in the line-up, and recording of the witness's level of confidence at the first identification. The examination of key witnesses needs to be audio-visually recorded. Cognitive interview techniques, which have been shown to increase the amount of correct information without significantly increasing errors, can also be adopted in investigator training [38]. Article 235 paragraph (5) of KUHAP 2025, which states that unlawfully obtained evidence has no probative force, can serve as a basis for judges to reject identification results obtained through highly suggestive procedures.

The above indicators can be formulated in the following provisions as material for amendments to KUHAP 2025 or for a Supreme Court Regulation. *Proposed Article 1:* "In assessing the reliability of Witness Testimony, the judge is obliged to consider: a. the condition of the Witness at the time of seeing, hearing, or experiencing the event; b. the manner in which the Witness Testimony was obtained, including the manner in which identification of the perpetrator was carried out; c. the consistency of the Witness Testimony at each stage of examination and its consistency with other independently obtained evidence; and d. the relationship, interest, benefit, or pressure that may affect the Witness Testimony." *Proposed Article 2:* "The personal background of a Witness cannot be used as a basis for rejecting the Witness Testimony unless there is a real relationship between that background and the Witness's ability or willingness to give truthful testimony in the case concerned." *Proposed Article 3:* "Where proof of the Defendant's guilt depends primarily on identification by a Witness who did not know the Defendant beforehand, the reasoning of the judgment must include an assessment of the risk of misidentification based on the factors referred to in Article 1."

The following illustration shows the difference in the results of analysis. In a case of violent robbery, the victim identified the defendant two weeks after the incident. The incident lasted less than a minute at night, and the perpetrator carried a sharp weapon. Identification was carried out by showing a single photograph of the defendant, who had already been arrested. Another witness, the victim's neighbour, stated that he saw the defendant near the location. This witness learned the defendant's name from the victim before being examined. Under the usual assessment pattern, the victim's and neighbour's testimonies are consistent, so the two-evidence requirement is met. Under the four indicator groups, the first group shows a high risk because the observation was brief, in the dark, and involved a weapon. The second group also shows a high risk because identification was carried out with a single photograph. In the third group, the consistency with the neighbour is not independent because the neighbour learned the defendant's name from the victim. In the absence of independent physical or electronic evidence, the judge must state in writing that reasonable doubt exists. The indicators do not determine the outcome mechanically, but they force the judge to explain why, despite these risks, he or she remains or is no longer convinced. With this synthesis, the assessment of witness testimony shifts from the question "how many witnesses said the same thing?" to the question "how reliable is each piece of evidence, and where does its reliability come from?". It is this shift that can prevent the justice system from repeating the Sengkon and Karta case.

IV.CONCLUSION

First, as a thesis, Indonesian criminal procedure law recognizes a strict quantitative measure through the principle of *unus testis nullus testis* in Article 185 paragraph (2) of KUHAP 1981 and Article 237 of KUHAP 2025. The qualitative measure is limited to the consistency, motive, and way of life and morality of witnesses in Article 185 paragraph (6) of KUHAP 1981. This qualitative measure no longer appears in KUHAP 2025, while sectoral regulations remedy some of its weaknesses for victims of sexual violence, children, and persons with disabilities. *Second*, as an antithesis, these criteria are inadequate to prevent *miscarriages of justice*. They test honesty, not the accuracy of memory. Consistency is accepted without testing the independence of the source, and the confidence of contaminated witnesses is relied upon. System variables in the investigation process are ignored, the morality criterion is discriminatory, the cognitive bias of assessors is uncontrolled, and the criteria are now absent from KUHAP 2025. *Third*, as a synthesis, objective and accountable indicators consist of four groups: observation conditions, the process of obtaining testimony, independent consistency and corroboration, and interests and pressures. These indicators need to be set out in a Supreme Court Regulation or in amendments to KUHAP 2025. Their application must be reflected in the reasoning of judgments, accompanied by a written warning of the risk of misidentification, and supported by identification procedures and recording of witness examinations at the investigation stage.

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