



An Binse um Achomhaire i dtaobh Cosaint Idirnáisiúnta
The International Protection Appeals Tribunal

Chairperson's Guideline No: 2019/1

on Taking Evidence from Appellants and Other Witnesses

Preliminary Issues

[1] Background

- [1.1] The International Protection Act 2015 and the International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 set out various matters relating to the conduct of Appeals before the Tribunal. This guideline is intended to supplement the Act and Regulations and not to supplant them. In case of conflict, the provisions of the Act or relevant Regulation shall take precedence over this guideline.
- [1.2] This guideline applies to oral hearings before the Tribunal involving appellants and other witnesses.
- [1.3] This guideline is informed by the Act, the Regulations, Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status, and the UNHCR Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status (December 2011). Consideration has also been given to relevant case law and academic commentary.
- [1.4] This guideline is issued pursuant to s.63(2) of the Act and replaces Chairperson's Guideline No. 2018/3 on Witnesses.

[2] Definitions

[2.1] In this guideline the following terms have the following meanings:

“Act” means the International Protection Act 2015 and shall include, where the context so permits or requires, any secondary legislation made thereunder.

“Appeals Regulations” means the International Protection Act 2015 (Procedures and Periods for Appeals) Regulations 2017 (S.I. No. 116 of 2017).

“Appeal” means an appeal under the Act.

“Appellant” means an appellant pursuing an appeal before the International Protection Appeals Tribunal and shall, where the context so admits or requires, include his or her representative, if any.

“International protection officer” means a person who is authorised under section 74 of the Act to perform the functions conferred on an international protection officer by or under the Act.

“Presenting officer” means an officer of the Minister or another person nominated by the Minister to be present at and participate in an oral hearing before the International Protection Appeals Tribunal and, in person or through a legal representative, explain to the Tribunal the recommendation of the international protection officer that is the subject of the appeal (per s.42(6)(b) of the Act).

“Procedures Directive” means Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status.

“Qualification Directive” means Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

“Tribunal” means the International Protection Appeals Tribunal established under the Act and shall, where the context so requires, include a Tribunal Member assigned to determine an appeal.

“UNHCR Handbook” means the UNHCR “Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status”, December 2011.

“Vulnerable persons” means persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious

forms of psychological, physical or sexual violence, such as victims of female genital mutilation.¹

“Witness” means a person, including an appellant or a third party, who gives evidence, including on oath or by affirmation, to the Tribunal.

[3] Basic Principles

- [3.1] The UNHCR Handbook states that while the burden of proof *“in principle rests on the applicant, the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the examiner. Indeed, in some cases it may be for the examiner to use all the means at his disposal to produce the necessary evidence in support of the application”*.² International protection decision making therefore requires a more engaged role of the decision-maker in the examination process.
- [3.2] Witnesses include, but are not limited to, appellants. Witnesses besides appellants may include family members, persons from the same country of origin as the appellant, and other persons who may be able to provide testimony regarding an appellant’s claim.
- [3.3] Oral evidence can be of critical importance in the determination of international protection appeals. Appellants and other witnesses of fact may be able to provide the Tribunal with evidence about events relevant to an appellant’s case. Furthermore, expert witnesses with specialist knowledge of, for example, country conditions may be able to give an expert opinion on the factual evidence or provide the Tribunal with important contextual information. Generally, this note applies to the taking of evidence from both appellants and witnesses who are not appellants, while noting particular issues that arise in relation to either category. Section 16 of this note applies to expert witnesses in particular.
- [3.4] Interpreters are never witnesses. An interpreter should never be asked, or permitted, to give information on country conditions, cultural information or provide any information in their own right, save, exceptionally, where a misunderstanding is occurring and the interpreter must provide information to deal with the misunderstanding.
- [3.5] The Tribunal must treat witnesses fairly, with dignity and respect according to their needs irrespective of their gender, marital status, family status, age, disability, sexual orientation, race, or religion.
- [3.6] Where required and possible, additional support should be provided, and any reasonable adjustments to the process of conducting a hearing should be made to ensure that all witnesses have equal access to information and support. This might include, for example, the use of an interpreter.

¹ Article 21 of Directive 2013/33/EU.

² UNHCR Handbook, para.196.

- [3.7] Barriers to effective examination at hearings before the Tribunal range from technical complications to the cultural, educational, linguistic and psychological factors that affect how witnesses who may be victims of human rights abuses communicate their past experiences.
- [3.8] It should be borne in mind that witness examinations in international protection hearings may produce elements of testimony that are unclear, conflicting, vague or incomplete.³
- [3.9] The Tribunal has the task of assessing the credibility of claims made by alleged victims of persecution, serious harm and human rights violations. Credibility assessment therefore can be critical. It is for this reason that, when assessing evidence provided by an appellant, the Tribunal should always apply best legal practice in respect of credibility assessment. Those principles may apply by analogy when assessing the evidence of witnesses who are not appellants. When a supporting witness is found to provide evidence that is potentially corroborative of an appellant's claim, the Tribunal Member should make a specific finding on the witness's credibility, distinct from that of the appellant. There will be no need, however, to make a specific credibility finding on a supporting witness whose evidence is found to have limited or no corroborative value.⁴

Pre-Hearing Matters

[4] Oral Hearing?

- [4.1] Section 42(1) of the Act provides that the Tribunal shall hold an oral hearing for the purposes of an appeal under s.41 where the appellant has requested a hearing in the notice of appeal, or the Tribunal is of the opinion that it is in the interests of justice to hold an oral hearing. Thus, it may be that the interests of justice will require an oral hearing in order that the Tribunal may hear witness evidence. It should be remembered that, except where otherwise provided, an appeal may be determined without an oral hearing (s.42(3) of the Act).
- [4.2] An applicant may, pursuant to s.42(2)(a) of the Act, withdraw a request for an oral hearing, by giving notice, which shall set out the reasons for the withdrawal, to the Tribunal not later than 3 working days before the hearing date. Although even in this event the Tribunal, pursuant to s.42(2)(b), must consider, having regard to the interests of justice, whether, nonetheless, to hold an oral hearing. The Tribunal should be sensitive to the fact that an appellant may wish not to give evidence for a variety of reasons. The Tribunal also may convene a hearing at which legal submissions only would be heard, and at which an appellant does not give oral evidence.

³ See Rosemary Byrne; "Assessing Testimonial Evidence in Asylum Proceedings: Guiding Standards from the International Criminal Tribunals", in *International Journal of Refugee Law*, Volume 19, Issue 4, 1 December 2007, p.614.

⁴ *Kumaz* (11085; 22 June 1994).

[5] Directing Witnesses' Attendance

- [5.1] The Tribunal has a power to direct the attendance of a witness at a hearing. Section 42(8)(a) provides that, for the purposes of an oral hearing, the Tribunal may direct in writing any person, other than the Minister or an officer of the Minister, whose evidence is required by the Tribunal, to attend before the Tribunal on a date and at a time and place specified in the direction and there to give evidence and to produce any document or thing⁵ in his or her possession or control specified in the direction.
- [5.2] Pursuant to s.42(7) of the Act, an appellant may request that the Tribunal direct the attendance of a witness. Where an appellant's notice of appeal includes such a request, the Tribunal must determine whether the proposed witness should be directed to attend before it pursuant to s.42(8). In making this determination, the Tribunal is required to have regard to the nature and purpose of the evidence proposed to be given by the witness as indicated in the notice of appeal.
- [5.3] In directing a witness to attend, the Tribunal should arrange that the witness be written to with information about the Tribunal and the appeal process before the hearing so that the witness can know what to expect, and so that any necessary arrangements can be made. The notice to the witness should inform the witness that:
- (a) he or she should arrive at the Tribunal in good time for the scheduled hearing;
 - (b) on arrival at the Offices of the Tribunal, he or she should present himself or herself at reception, and not speak to other witnesses about the case before the hearing or at any breaks during the hearing;
 - (c) he or she should inform the Tribunal if he or she requires an interpreter;
 - (d) he or she should inform the Tribunal whether he or she will be giving evidence on oath or by affirmation, and, if he or she will be giving evidence on oath, what holy book will be required for that purpose; that Old Testaments, New Testaments, and Quran will be provided by the Tribunal and that if the witness wishes to use another, religious text, that he or she should bring that with them to the hearing;
 - (e) he or she should inform the Tribunal of any other special requirements or needs that he or she might have relevant to attending at the Tribunal as a witness; and
 - (f) any requirements in respect of interpretation, the oath, or other special requirements be notified to the Tribunal 10 working days before the date of the hearing.

⁵ Excluding a document or thing relating to information, which the Minister or the Minister for Foreign Affairs and Trade directs that the information be withheld in the interest of national security or public policy ("ordre public"). See, e.g., *A.P. v Minister for Justice and Equality*, unreported, Court of Appeal (Gilligan J., Peart and Hogan JJ. Concurring), 17 April 2018.

[6] Appellants in combined hearings

- [6.1] It should be borne in mind that the Tribunal may conduct two or more oral hearings together where it appears to the Tribunal that (a) each of the cases concerned relates to some common matter, (b) each of the cases concerned relates to members of the same family, or (c) it is otherwise reasonable and just that the cases should be heard together (reg.8 of the Regulations). In such circumstances, two or more hearings may involve the same witness or witnesses (including appellants) such that it will be efficient to combine the hearings.
- [6.2] However, combined hearings should generally be used: *“only ... where the factual basis of each claim is so intertwined that it is only by considering them together that there can be a fair and proper evaluation of the evidence. In practice this is likely to be confined to family cases where each member relies on the same Convention reason of reasons arising out of a contemporaneous factual background”*.⁶
- [6.3] In a combined hearing each appellant should be afforded an opportunity to address the Tribunal in private. For this reason, and in order to enable best evidence to be given, appellants in a combined hearing will be asked to give evidence separately. If one or more appellants object to a combined hearing, the Tribunal may consider affording them the opportunity to have separate hearings and to call one or more of the appellants as witnesses in each other’s hearings.

[7] Vulnerable appellants or other witnesses

- [7.1] Exceptionally, vulnerable appellants may opt not to give oral evidence at a hearing, for example where there is medical evidence of a risk of re-traumatisation, or where they have mental health conditions that would impair their ability to give evidence. In such cases, witnesses may still be called and legal submissions heard at an oral hearing.
- [7.2] Vulnerable persons, including children, should be called to give oral evidence only where the Tribunal determines that the evidence is necessary to enable the fair hearing of the case consistent with natural justice, and that the vulnerable person’s welfare will not be prejudiced.
- [7.3] Whether to direct the attendance of a vulnerable person as a witness should be decided by reference to all available evidence and the submissions of the appellant and presenting officer. It may be appropriate for the Tribunal to invite input from interested parties, such as a child’s parent or guardian.⁷ It may be appropriate for the Tribunal to direct that the evidence should be given by other means directed by the Tribunal pursuant to s.42(8)(c) of the Act.

⁶ *Tahir (00/TH/01307; 7 June 2000)*.

⁷ UK Tribunals Judiciary (First Tier and Upper Tribunal), *Senior President of Tribunals’ Practice Direction on Child, Vulnerable Adult and Sensitive Witnesses*, paras 2-4.

At the Hearing

[8] At the outset of the hearing

- [8.1] Measures should be taken to ensure that the hearing room is a safe environment for all and to ensure that appellants and other witnesses have appropriate places to wait on the Tribunal's premises while evidence is being given by the other witnesses at the hearing.
- [8.2] The Tribunal should assure the appellant and any other witnesses that the hearing is confidential, and explain that the hearing is held in private (pursuant to s.42(4) of the Act).
- [8.3] The appellant's consent is required for an observer (for example, a Tribunal Member or Presenting Officer in training, a student or other person attending with the permission of the Tribunal), to be present at a hearing.
- [8.4] The Tribunal should explain to the appellant and any other witness the working rules that the Tribunal is applying for the hearing, including the running order of any witnesses giving oral evidence.
- [8.5] In setting the working rules for the hearing, the Tribunal should bear the following principles in mind:
 - (a) In conducting an oral hearing, the Tribunal shall permit an officer of the Minister or another person nominated by the Minister to be present at and participate in the hearing and, in person or through a legal representative, explain to the Tribunal the recommendation of the international protection officer that is the subject of the appeal (per s.42(6)(b) of the Act);
 - (b) In conducting an oral hearing, the Tribunal may direct that it proceed in a particular order (reg.7(a) of the Regulations);
 - (c) An oral hearing must proceed with due expedition (s.42(6)(e) of the Act);
 - (d) The Tribunal must conduct an oral hearing as informally as is practicable, and consistent with fairness and transparency (s.42(6)(d) of the Act);
 - (e) Subject to the above principles, and the principles of fairness, natural justice and good administration, and bearing in mind the fundamental matters it has to determine, the Tribunal has discretion to conduct the hearing in a manner it considers appropriate depending upon the circumstances of the case.

[9] At the start of a person's evidence

- [9.1] The Tribunal should introduce all persons in the room, including observers (if present), at the outset of a person's evidence.
- [9.2] The Tribunal should endeavour to put the appellant or other witness at his or her ease so that the person can focus on his or her evidence.

- [9.3] The Tribunal should explain to the appellant or other witness how his or her examination will proceed, and how to address the Tribunal.
- [9.4] The Tribunal should ensure that the person understands that if he or she has any problems speaking in English, or through the interpreter provided, that he or she should inform the Tribunal at once.
- [9.5] The Tribunal should tell the appellant or other witness that he or she is free to request a break at any time and does not have to give a reason for this. If a break is taken, the witness should be instructed not to discuss the hearing with anyone for the duration of the break.
- [9.6] The Tribunal should inform the appellant or other witness that he or she may take time in answering questions, and that he or she must inform the Tribunal if he or she does not understand any question.
- [9.7] The Tribunal should explain to the appellant or other witness that the appellant's legal representative (if there is one), the presenting officer (if there is one), and the Tribunal, may have questions for him or her.

[10] Interpreters

- [10.1] If necessary, an appellant or other witness should be provided with an interpreter for the language and dialect specified by the appellant, who is able to ensure appropriate communication between the witness, the Tribunal and any other participant at the hearing.
- [10.2] The Tribunal shall ensure that the interpreter is effective, and that there is adequate understanding between the interpreter and the appellant or other witness. If concerns arise in relation to the effectiveness and suitability of the interpreter, the Tribunal will pause the hearing to clarify matters and, if necessary, postpone the hearing to a later date. The hearing should then be restarted on the next date, from the beginning.
- [10.3] Where the Tribunal hears evidence on oath or by affirmation other than through English, via an interpreter, the interpreter should be directed under s.42(8)(c) to swear the interpreter's oath (or provide an affirmation). The appropriate forms of oath and affirmation are set out in the appendix to this Guideline. See the following section for more information on oaths and affirmations.

[11] Oath/Affirmation

- [11.1] For the purpose of an oral hearing, the Tribunal may take evidence on oath or on affirmation and for that purpose may cause persons attending before it to swear an oath or make an affirmation.⁸ This power includes a power to administer the oath or affirmation.
- [11.2] In order to ensure consistency of approach, and recognising that the Oireachtas does not legislate in vain,⁹ the Tribunal should take evidence on oath or affirmation unless the Tribunal is of the opinion that to do so is not in the interests of justice. In particular, the Tribunal may take the view that it is in the interests of justice for a child of tender years (i.e. under the age of 14) not to swear an oath or make an affirmation, or if the Tribunal is satisfied that the witness does not understand the meaning of the oath or affirmation.
- [11.3] The power to administer an affirmation can be used only where the appellant or other witness objects to swearing an oath, either on the grounds of having no religious belief or because to do so is incompatible with his or her religious belief. In that regard, every person upon objecting to being sworn, and stating, as the ground of such objection, either that he has no religious belief, or that the taking of an oath is contrary to his religious belief, shall be permitted to make his solemn affirmation instead of taking an oath.¹⁰
- [11.4] If the appellant or witness queries the taking of evidence on oath or by affirmation, the Tribunal should explain that in giving evidence on oath or by affirmation, he or she is promising to tell the truth, and that perjury is a common law offence. The Tribunal should explain that an oath has religious significance and an affirmation does not, and that the person's evidence will be considered in the same way whether the evidence is given under oath or by affirmation.
- [11.5] For the purpose of taking the oath or affirmation, the Tribunal should give the appellant or other witness the appropriate Holy Book, if the person does not already have it, and card with the appropriate oath or affirmation. The Tribunal should also have a copy of the relevant oath or affirmation. The Tribunal Member should read the card, and have the witness, if necessary via translation by an interpreter, repeat it. The Tribunal Member should then ask the appellant or other witness to state his or her name, and the person should then state his or her name.
- [11.6] In the event that the Tribunal anticipates taking an oath other than in the Christian, Jewish or Islamic forms, the Tribunal should seek guidance from the Chairperson in advance of the hearing in order that appropriate arrangements can be made. Regard may be had to *Stringer on Oaths* for guidance in such circumstances.¹¹

⁸ Section 42(8)(d) of the Act.

⁹ *Director of Public Prosecutions -v- J.C.* [2015] IESC 31 (MacMenamin J.) at para.8.

¹⁰ Section 1, Oaths Act 1888.

¹¹ *Stringer, Oaths and Affirmations in Great Britain and Ireland* (1928, 4th Ed.).

[11.7] Where the Tribunal hears evidence on oath or by affirmation other than through English, via an interpreter, the interpreter should be directed under s.42(8)(c) to swear an interpreter's oath (or provide an affirmation).

[11.8] Where an appellant or other witness give evidence on oath or by affirmation other than through English, via an interpreter, the interpreter should take the oath or give an affirmation first.

[11.9] The appendix to this guideline provides the applicable oaths in the Christian, Jewish and Islamic forms and the applicable affirmation, and an interpreter's oath and affirmation.

[11.10] Copies of the Old Testament, New Testament and Quran will be made available in the hearing room.

[12] Principles to bear in mind when the appellant or other witness is giving evidence

[12.1] In conducting an oral hearing, the Tribunal is obliged to allow for the examination and cross-examination of the appellant and any witnesses (s.42(6)(f) of the Act).

[12.2] In conducting an oral hearing, the Tribunal must ensure that a witness who is not an appellant is present only for the duration of his or her evidence (reg.7(b) of the Regulations). However, the Tribunal may, if it considers it reasonable and just to do so, in order to enable best evidence to be given, ask a witness to address the Tribunal in the presence of the appellant's legal representative and the presenting officer but in the absence of the appellant himself or herself.

[12.3] The Tribunal should afford an opportunity to the appellant (including via his or her legal representative, if present) and the presenting officer (if there is one) to raise further relevant questions for a witness.

[12.4] Questioning should be done in a sensitive manner, taking into account the person's personal characteristics or vulnerability, as appropriate.

[12.5] In the event that the Tribunal considers that questions being put to an appellant or other witness are unreasonable, unfair, offensive or aggressive, the Tribunal should intervene to ensure that appropriate standards are applied. The tone of all parties at the hearing should be courteous, in line with the inquisitorial nature of the proceedings.

[13] Expert Witnesses

- [13.1] An expert witness is someone whose level of specialist knowledge or skill in a particular field is such that it qualifies him or her to give an opinion on factual matters falling within the area of his or her expertise. Expert evidence may therefore be produced in support of an appeal where there are relevant issues that require a particular expertise, which may not otherwise be available to the parties or to decision-makers.¹² The opinion of an expert is admissible in evidence if the subject is one on which competency to form an opinion can only be acquired by special study or experience.¹³
- [13.2] Expert evidence should be the independent product of the expert, uninfluenced by the parties. An expert witness's role is to assist the Tribunal by providing objective, unbiased opinion on matters within his or her expertise. The expert witness must not assume an advocacy role.¹⁴ Expert reports tendered as evidence should declare the expert's knowledge of their duty to the Tribunal to fulfil this role.
- [13.3] The duties of an expert witness include that he or she:
- (i) provide information and express opinions independently, uninfluenced by the litigation;
 - (ii) consider all material facts, including those which might detract from the expert witness' opinion ;
 - (iii) be objective and unbiased;
 - (iv) avoid trespass into the prohibited territory of advocacy;
 - (v) be fully informed;
 - (vi) act within the confines of the witness's area of expertise; and
 - (vii) modify, or abandon one's view, where appropriate.¹⁵
- [13.4] Where an expert witness's key purpose is to give his or her opinion on the factual evidence, the expert witness should normally give evidence after all witnesses of fact.
- [13.5] An expert witness may refer to the learning of others in his or her field to support his or her opinion.

¹² Evidence and Credibility Assessment in the Context of the Common European Asylum System (CEAS) – A Judicial Analysis, Produced by the International Association of Refugee Law Judges European Chapter (IARLJ-Europe) under contract to EASO (*forthcoming*).

¹³ *McFadden v Murdock* [1867] IR 1.

¹⁴ Compare Practice Direction 10, Practice Directions, Immigration and Asylum Chambers of the First Tier Tribunal and the Upper Tribunal, 10th February 2010, amended 13th November 2014.

¹⁵ *MOJ & Ors (Return to Mogadishu) Somalia* CG [2014] UKUT 00442 (IAC), para.25.

[14] At the conclusion of a witness's evidence

- [14.1] After a witness has given his or her evidence, the Tribunal should thank the witness for his or her contribution to the appeal. The Tribunal should explain to a witness who is not an appellant that he or she is free to leave the Tribunal's premises.



**Hilka Becker
Chairperson
International Protection Appeals Tribunal**

Dated the 28th day of January 2019

Appendix

Forms of Oaths and Affirmations

1. Witness's Oath - Christian

The Tribunal Member hands a copy of the New Testament to the witness. New Testament raised in witness's right hand, left hand not raised.

Witness: I swear by Almighty God that the evidence I shall give to the Tribunal shall be the truth, the whole truth and nothing but the truth.

Tribunal: What is your name please?

Witness: *States name*

2. Witness's Oath - Jewish

The Tribunal Member hands a copy of the Old Testament to the witness. Old Testament raised in witness's right hand, left hand not raised.

Witness: I swear by Almighty God that the evidence I shall give to the Tribunal shall be the truth, the whole truth and nothing but the truth.

Tribunal: What is your name please?

Witness: *States name*

3. Witness's Oath - Islamic

The Tribunal Member hands a covered copy of the Quran to the witness (the Tribunal Member should not touch the Quran directly).

Witness: I take this oath on the Quran, believing in the Quran as the true word of Allah, believing in Allah as the true God above us, and I swear that whatever I tell the Tribunal will be the truth.

Tribunal: What is your name please?

Witness: *States name*

4. Witness's Affirmation

Witness: I solemnly sincerely and truly declare and affirm that the evidence I shall give to the Tribunal shall be the truth, the whole truth, and nothing but the truth.

Tribunal: What is your name please?

Witness: *States name*

5. Interpreter's Oath - Christian

A copy of the New Testament is handed to the interpreter. New Testament raised in interpreter's right hand, left hand not raised.

Interpreter: I swear by Almighty God that I will well and truly interpret and explain to the Tribunal the evidence given in this oral hearing, according to the best of my skill and understanding.

Tribunal: What is your name please?

Interpreter: *States name*

6. Interpreter's Oath - Jewish

A copy of the Old Testament is handed to the interpreter. Old Testament raised in interpreter's right hand, left hand not raised.

Witness: I swear by Almighty God that the evidence I shall give to the Tribunal shall be the truth, the whole truth and nothing but the truth.

Tribunal: What is your name please?

Witness: *States name*

7. Interpreter's Oath - Islamic

A copy of the Quran, covered, is handed to the interpreter (the Tribunal Member should not touch the Quran directly).

Witness: I take this oath on the Quran, believing in the Quran as Allah's true word, believing in Allah as the true God above us, and I swear that I will well and truly interpret and explain to the Tribunal the evidence given in this oral hearing to the best of my skill and understanding.

Tribunal: What is your name please?

Witness: *States name*

8. Interpreter's Affirmation

Interpreter: I do solemnly sincerely and truly declare and affirm that I will well and truly interpret and explain to the Tribunal the evidence given in this oral hearing, according to the best of my skill and understanding.

Tribunal: What is your name please?

Witness: *States name*