Impact of Remote Criminal Trial on the Evidentiary Value of Witness Testimony and Cross-Examination

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Abstract

This article evaluates the credibility and evidentiary value of witness testimony and cross-examination conducted remotely in a criminal trial. It begins by discussing the difference between a typical criminal trial/proceeding and a criminal trial conducted remotely through video-link via Zoom, Google Meet, or other online video-meeting platforms. Furthermore, it elaborates on the principles of a fair trial. It makes a critical inquiry as to whether the parameters of a fair trial are met if the trial is conducted remotely. The article aims to establish that while remote criminal trials can serve as an alternative to regular criminal trials, this benefit does come with a significant cost. It is for the judges and jury to decide whether the benefit outweighs the price through a cost-benefit analysis of the entire scenario. The main argument behind discouraging the trend of remote criminal trials is its impact on the evidentiary value of witness testimony and cross-examination. These two components are considered to be the essence of a criminal trial. Lastly, it discusses the impact of remote criminal trials on the evidentiary value of these components in light of the comparative analysis of procedural formalities and requirements.
1. Introduction

Within the framework of criminal justice, the equitable resolution of crimes via criminal trials serves as a fundamental principle in maintaining the legal system and promoting social cohesion. These trials are essential platforms where the culpability or innocence of those accused of criminal actions is established by a thorough analysis of evidence, witness statements, and cross-examination (Acker, 2018). The criminal trial process, which used to take place in real courtrooms, has experienced substantial changes due to the coronavirus pandemic. The widespread use of remote procedures has brought up new possibilities and difficulties. As we explore this changing landscape, it is crucial to evaluate how remote criminal trials affect the reliability of witness testimony and cross-examination, taking into account the intricate relationship between technological advancements and the fundamental principles of fairness, equality, and legal procedure in our legal systems (Doak et al., 2021).

The advent of distant trials, whether in civil or criminal cases, has arisen in response to the global dissemination of the COVID-19 epidemic. Previously, the legal establishment was largely unfamiliar with the concept of holding trials remotely. This concept originated out of an urgent necessity rather than mere convenience. Detainees in prisons and other facilities had significant hardships during the COVID-19 outbreak. Due to the malfunctioning of the Courts, they were unable to pursue justice, resulting in an unjustifiably prolonged trial. Detaining a person for an extended period of time, so causing them to suffer, is a clear violation of their fundamental right to a fair trial (Wallace et al., 2020). The transition to remote trials was an imperative reaction to the distinctive obstacles presented by the pandemic, enabling the maintenance of judicial accessibility while mitigating health hazards. While the initial motivation for this notion may have been necessity, it has subsequently demonstrated several advantages, such as enhanced efficiency and cost-effectiveness in certain situations (Armijos, et al., 2023).

Remote trials have also provided a more accessible and convenient option for persons who may have trouble attending in-person hearings, such as those with mobility issues or restricted transportation options (Bannon & Keith, 2020). Moreover, the utilization of technology in distant trials has facilitated the exhibition of evidence in a more efficient and structured fashion, hence diminishing the probability of confusion or misrepresentation. Furthermore, remote trials have the potential to alleviate the backlog of cases that typically plagues the court system, as they can be scheduled and handled more effectively without the requirement for actual courtroom space. In general, the transition to remote trials has been a good means of preserving the integrity of the court system during exceptional circumstances, and its advantages may go beyond the current pandemic (Haigh & Preston 2020). For instance, in a distant trial, video evidence can be effortlessly displayed and observed by all participants concurrently, obviating the necessity for tangible exhibits and enabling a more lucid comprehension of the evidence provided. In addition, remote trials can employ virtual platforms to efficiently synchronize the schedules of many parties participating in a case, thereby avoiding delays caused by conflicting availabilities and lowering the time dedicated to administrative activities.

The practice of conducting remote trials became increasingly prevalent during and following the COVID-19 epidemic. Nevertheless, the transition from the conventional method of court proceedings to a digital (remote) one was inundated with specific issues (Anderson, 2021). For example, factors such as the initial cost of implementing the system, the presence of reliable network connections to ensure uninterrupted streaming of the full proceedings, the credibility of witness testimony, and the evidentiary significance of such testimony along with cross-examination.

This article aims to evaluate the reliability of witness testimony and the process of cross-examination in criminal trials conducted remotely. The study will examine the procedural variations between traditional
and remote trials, assess compliance with the principles of fair trial, scrutinize the dependability of remote testimony, and propose possible enhancements.

2. **Research Methodology**

This paper attempts to discover the impact of remote criminal trials on the evidentiary value of witness testimony and cross-examination. Qualitative and doctrinal research methods have been utilized to satisfy this research query and provide an in-depth analysis of the subject matter (Pattaro, 2006). The doctrinal method includes the interpretation of judicial precedents, statutory instruments, and other available sources of law. Furthermore, the qualitative method involves the analysis of relevant literature and data concerning the subject matter. Therefore, the legal enactments of various states and the judicial precedents of different courts will be relied upon to establish any claim over the research query.

3. **Types of Judicial Systems**

There are two major judicial/legal systems prevalent in the world. One is called the “inquisitorial system,” while the other is called the “adversarial system.” In an inquisitorial system, the judge actively participates and inquires into the facts and circumstances of the case. The lawyers of respective parties play a passive role in such a system. However, the adversarial system is quite the opposite. The lawyers of both parties have control of the case and actively participate, while the judge has a passive role. Rather than judge inquiring, lawyers present and argue their case by examining witnesses and producing other documentary or oral evidence (Adele, 2017).

The impact of remote criminal proceedings will equally affect both legal systems. However, cross-examination is a crucial component in an adversarial legal system, so it will be severely affected by the implementation of remote criminal proceedings.

4. **Modes of Examination of Witness in an Adversarial System**

Although judges and juries are tasked with examining witnesses in an inquisitorial system, respective lawyers must examine the witnesses in an adversarial legal system. There are different modes through which a lawyer examines the witness. These are (i) Examination-in-Chief, (ii) Cross-Examination, and (iii) Re-Examination.

4.1. **Examination-In Chief**

Examination-in-chief is the examination of a witness by the party who calls it. It is also referred to as Direct Examination. The council must examine the witness the counsel and respective party have called on. This is the first stage in the mode of examination. Witnesses cannot be asked leading questions in examination-in-chief. The witness is to give a descriptive/relevant answer to the questions put forth by the lawyer in examination-in-chief. However, the answers and statements deposed by the witness during the examination-in-chief are subject to cross-examination by the adverse party’s counsel (Khoso, 2023).

The examination-in-chief must obtain from the witness all that the witness knows in the party’s favor. He is bound to complete his examination on all the desired topics before the opponent’s cross-examination begin. If a material question has been omitted in the examination-in-chief of a witness, it cannot be asked as a matter of right in re-examination. Still, the Court has the discretion to allow such questions, subject to the condition that the opposite party must, in such a case, be allowed to cross-examine the witness on the new matter as per Article 134 of Qanun-e-Shahadat Order, 1984 (hereinafter referred to as “QSO”). The same was enunciated in the case of Syed Saeed (Syed Saeed Muhammad Shah v. The State, 1993).
4.2. Cross-Examination
The adverse party's examination of a witness is called cross-examination. The opponent counsel can ask leading questions in cross-examination. In the words of Lord Wigmore, “Cross-examination is the greatest legal engine ever invented for the discovery of truth” (MacRae, 1941). Cross-examination aims to assist the Court in bringing the truth to light by disclosing or clarifying matters that witnesses may wish to conceal or confuse from a motive of partisanship. Statement of a witness in cross-examination stands on the same footing, and no distinction can be made between a statement made in examination-in-chief and cross-examination as highlighted in the case of Muhammad Hassan Safdar (Muhammad Hassan Safdar v. Shabbir Ahmad, 1994). The Honorable Court further underlined that cross-examination is an excellent tool for determining the absolute truth, and the accused person is entitled to this valuable right. The cross-examination is the most important and compelling evidence available on record.

4.3. Re-Examination
The concept of re-examination has a limited scope. When the counsel from the opposite side has cross-examined the witness, then the counsel from the other side can request the Court to re-examine his witness to re-state some specific facts and statements that were countered during cross-examination by the counsel from the opposite side (Khoso, 2023).

5. Witness Testimony
A witness is a person who knows the facts relevant to the case. Witness testimony is a crucial part of any trial. In criminal trials, the evidentiary value of witness testimony can be relied upon to either acquit or convict the accused person. However, the issue lies in determining the credibility of such witness testimony. Therefore, for many centuries, witness testimony has been conducted in an open court, and the demeanor of a witness has been relied upon by the judges or jury to determine the credibility of such witness (Timony, 2000).

6. Remote Criminal Trial and Fair Trial
Certain differences exist between the concepts of a fair trial, a criminal trial, and a remote criminal trial. Let’s establish a brief idea regarding these concepts before proceeding further. Criminal trial, in contrast with civil trial, means criminal proceedings against a person, which includes the following stages: Commencement of trial, Bail application/petition, Framing of charges, Statements/Confessions, Examination-in-chief, Cross-examination, Re-examination and Conclusion of Trial.

These stages may vary depending on the legal systems of different countries. However, the cardinal components, such as examination-in-chief, cross-examination, and re-examination, are standard everywhere. Fair trial, one of the principles of natural justice, states that everyone has a right to a fair trial, and by fair trial following things are meant to be provided to the parties involved: Access to Courts, Access to legal counsel of choice, Right to be heard, Right of appeal, Right to have a defense, Right to be presumed innocent until proved guilty, Protection against retrospective punishment, and protection against double punishment and self-incrimination.

7. Remote criminal trial
Remote criminal trial generally refers to the use of digital devices for conducting trials, such as through online meeting platforms like Google Meet or Zoom. The essential elements under consideration in remote trials are cross-examination and the recording of witness testimony. Observing and analyzing the demeanor and conduct of the witness is often crucial in determining the credibility of such a witness.
Furthermore, lawyers might face difficulties cross-examining witness during remote criminal/civil trials (Khoso, 2023).

8. Implication of Fundamental Rights, Fair Trial and Natural Justice During Remote Criminal Trials

There is a list of fundamental rights, principles of natural justice, and fair trial (as explained above) that are involved during remote criminal trials. The enforceability and validity of these rights and principles must be considered when conducting remote criminal trials. For instance, every accused has the right to be present in the criminal court and be judged fairly. The same principle was highlighted by the Court in the case of *Snyder v. Massachusetts* (Snyder v. Massachusetts, 1934), that “the defendant has a right to be present in his person whenever his presence has a relation, reasonably substantial, to the fullness of his opportunity to defend against the charge and to the extent that a fair and just hearing would be thwarted by his absence, and doesn’t apply if the presence would be useless.”

The jurisprudential inquiry that arises from the discussion is whether the virtual presence of the party is tantamount to attendance required by the statutory provision under any law of any state and whether the same fulfills the principle of due process. This inquiry is to be determined and evolved by the judges. The Courts have expressed different views regarding this inquiry. In the case of *People v. Stroud* (People v. Stroud, 2004), the Supreme Court of Illinois expounded that “physical presence in the courtroom contributes a dignity essential to the integrity of the trial process.” However, in the case of *People v. Heller* (People v. Heller, 2016), the Michigan Court of Appeal ruled that the use of remote proceedings “may color a viewer’s assessment of a person’s credibility, sincerity, and emotional depth, and places individuals who appear in court via video conferencing … at the risk of receiving harsher treatment from judges or other adjudicators.”

9. Remote Witness Testimony

The concept of remote witness testimony is a recent one. It is always a treat for lawyers who are experts in matters related to criminal trials to evaluate the credibility of witnesses in front of the judge by showcasing their advocacy skills. The examination of witnesses and evaluation of witness’s testimony have been the focus of attention for the judges and lawyers in a criminal trial. However, before the spread of the COVID-19 pandemic, it was rare to normalize such a procedure in which witness testimony and examination had to be conducted remotely. Some lawyers and critics even argue that remote witness testimony falls under the “extralegal” act and is against the vires of law and the principle of natural justice (Gold, 1987). The witnesses' demeanor and conduct are crucial in determining the credibility of witness testimony and in the cross-examination of a witness. The credibility of a witness is determined by the conduct and demeanor of such witness and is taken into account by the jury and judge, respectively (Bennett, 2015).

It is pertinent to refer to a case study to highlight the impact of remote witness testimony in contrast with in-person witness testimony. The case study involved the Arizona judiciary of Maricopa County, which forced a special task force on the instructions of Chief Judge Pamela Gates to observe and examine alternate options for conducting trials (Hans, 2021). It was observed that when the witness was using a mask or behind Plexiglas in an in-person testimony, the jury could not deeply determine the emotions. However, the jury highlighted a more substantial consensus that they could see the emotion and evaluate the credibility of such a witness when the witness joined through a remote online meeting link (Hans, 2021).
The Online Courtroom Project (Online Courtroom Project, 2020) conducted a remote trial on during July 2020, which involved the testimony of a witness to be evaluated remotely. The following observation was summarized by the expert Valerie Hans:

“The Online Courtroom Project’s demonstration mock jury discovered that the jurors had little difficulty viewing witness testimony and exhibits. Some jurors who had sat on previous felt it was easier to judge witness credibility because they had a closer view of the witness rather than looking across a courtroom. Likewise, some mock jurors who had served in person also reported that they could see the documents more clearly in the virtual demonstration trial” (Hans, 2021).

10. Evidentiary Value of Remote Witness Testimony

Lawyers have expressed concerns over the evidentiary value of remote witness testimony in a remote criminal trial. Lawyers are trained to examine and evaluate the credibility of witness in a courtroom by using their advocacy skills and psychological tactics to overwhelm the witness. However, it has been observed that witnesses have remained calm, composed, and hard to be intimidated by lawyers during witness testimony and cross-examination. The courtroom drama is absent in a remote criminal trial. Lawyers have raised substantial concerns that a witness who is remotely testifying can benefit by obtaining the undue advantage of not being under surveillance by people in remote criminal trials (Hans, 2021).

There has been a difference of opinion among judges regarding the viability of remote witness testimony in a criminal trial. Some of them are of the view that remote witness testimony lets them examine the witness in a better way, while others believe that traditional witness testimony is superior. The evidentiary value of remote witness testimony was discussed and decided by the U.S. Supreme Court in the case of Maryland v. Craig (Maryland v. Craig, 1990). By a majority decision of 5 to 4, the Court was of the view that “trial court’s use of remote testimony when convincing a defendant for sexually abusing a minor was constitutional under the Confrontation Clause.” Therefore, in this case, a child was allowed to testify remotely through closed-circuit television (CCTV) rather than being testified in an open court.

11. Merits of Remote Criminal Trials

It has been observed by the Supreme Court of Canada (SCC) in the case of Hryniak v. Mauldin (Hryniak v. Mauldin, 2014) that “the conventional trial methods no longer reflect the modern reality and need to be readjusted.” Therefore, it is crucial to give way to technology, innovation, and convenience rather than sticking to years and decades-old conventional methods of trial. Criminal courts with huge backlogs leading to inordinate delays in proceedings can rely on remote criminal trial systems for efficient dispensation of justice. This might prove to be an alternative worth trying.

Although remote trials were adopted as a result of dire need during the COVID-19 span, however, remote proceedings tend to be cost-efficient. Instead of having lawyers, witnesses, and other parties travel to the court for the hearing of their case, they can just connect with the court through an established video link. For instance, in the state of Pakistan, the Supreme Court has set up an application form for video-link which the relevant attorney has to fill in and submit before the registrar so that his case may be heard via video-link (i.e., remotely). Nonetheless, the shifts from traditional court trials to remote trials require some upfront investment to begin with. Remote criminal trials can reduce the cost and time for countries to first transport the detained (accused/ defendants) persons to the relevant court after picking them up from jail. This entire transport is risky, too, especially in cases where the detained person poses a severe threat or is a high-security subject (Turner, 2020).
Remote criminal trials can improve the overall security of the detainees by “removing the harm or disturbances that inmates may pose to other defendants, court staff, law enforcement personnel, or civilians.” Moreover, remote criminal trials can eliminate certain bad practices linked with the transportation of detainees to the courtroom, including “numerous body searches, handcuffs, and long waiting periods in court holding facilities (Turner, 2020).

The parties can prepare their side of the pleadings well in remote criminal trials. If the parties are sitting with the counsels, they can plan well and respond to questions asked by the judges in a much better way. This will help parties argue well and respond in a composed manner when asked sensitive questions. The culture of case adjournments due to the unavailability of parties / counsels to attend court in person will end. Remote criminal trials can give judges full authority and control over scheduling criminal proceedings, which may turn out to be more flexible, reliable, and convenient for the dispensation of justice (Trusts, 2010).

As far as witness testimony is concerned, remote criminal trials can provide witnesses and victims a better footing than traditional criminal trials. Witnesses can respond without the fear of being intimidated by any person or counsel from the opposite side (Johnston & Marsh, 2022).

It is worth mentioning that most of the benefits of remote criminal trials mentioned have been observed mostly in the U.S. immigration courts and some criminal courts in England, as seen in the case of *Ingrid v. Eagly* (Ingrid v. Eagly, 2015). Therefore, it cannot be said with certainty that all of these advantages or benefits will be enjoyed strictly by criminal courts in other countries. Furthermore, the necessary infrastructure required to execute remote criminal trials on a larger scale may be a major issue for most of the states to deliberate upon.

### 12. Demerits of Remote Criminal Trials

Although the practice of remote criminal trials may offer certain advantages to the public at large and to the victims / accused persons, it comes with a certain cost. Implementing remote criminal trials will have far-reaching consequences for the rights of parties and witnesses. First of all, the representation of both the prosecuting and defense sides can be compromised before and during a remote criminal trial. Some surveys were conducted in the United States, which showed that counsels faced difficulty establishing connections with their clients during remote criminal trials, which can adversely affect the trial outcome (Harris, 2023).

Client preparation is a crucial element of any trial, which can be harmed in a remote criminal trial because there is a communication gap between the attorney and client to effectively communicate. Furthermore, difficulties have been reported in examining relevant evidence in remote criminal trials. Counsels often require an in-person meeting with their clients to effectively address, prepare, and assess the competency of the client and case preparation in general, which gets ignored in a remote criminal trial (Harris, 2023).

Another factor is the privacy of the privileged communication that the lawyer-client relationship enjoys. It has been observed that many courts faced hardships in implementing adequate measures to ensure the confidentiality of attorney-client communications during online/remote proceedings (Harris, 2023). In a remote criminal trial, everyone is directly connected and part of the conference meeting, so a lawyer cannot have an exclusive moment to interact solely with his client in private. Therefore, counsel and client cannot converse effectively and must leave the online platform before discussing with the client. This might sometimes annoy the Court or seem inappropriate (McCullough & Platoff, 2020). The council might be unable to promptly intervene to assist the client if the client acts or says anything contradictory that goes against his case. Suppose the counsel attempts to join the remote criminal trial from the
detention center or jail, where the accused person/client is detained. In that case, it may lead to distractions or an inability to participate attentively due to external factors (Poulin, 2004).

One primary concern regarding the application of remote criminal trials is the issue of connectivity. Weak internet connectivity can severely cripple the streaming of online hosting platforms, i.e., Google Meet or Zoom, etc. This, in turn, can disrupt the remote criminal trial and may render any party unable to comprehend or fully engage in the proceedings remotely (Wallace, 2008). Low network speed, connectivity issues, and hardware malfunctioning can lead to severe image quality and sound reception disruptions during remote criminal trials. Background interference can also cause severe disruptions and disturbances during remote criminal proceedings, which might affect the efficiency and quality of the trial (Leclerc & Euvrard, 2019).

The fundamental principle of fair trial can get compromised if the accused persons are not able to defend themselves and counsels are not able to plead the case effectively in a remote criminal trial. Studies of English Criminal Courts found that “when given the choice, the majority of defendants refused to appear on video from the police station.” Around 20%-25% of defendants were of the view that conducting criminal trials remotely was not fair (Canestrini, 2020).

If videoconferencing further limits public access, it can further undermine the impartiality and apparent legitimacy of the proceedings, not just among suspects but also among the general public. Video hearings can undermine the court's assessment of the defendant's credibility. "Inadequate illumination may impact the judge's visual clarity of the defendant on the screen and potentially influence the judge's interpretation of the person's character." The technology could hinder the judge's ability to evaluate the defendant's nonverbal cues (Poulin, 2004).

Various factors such as lighting, the defendant's surroundings (often a jail cell), the sound quality in a remote criminal hearing, and even the camera position can create distortions that may cause a judge to view a defendant as less trustworthy or more threatening. The absence of the defendant’s relatives and friends in remote proceedings, who could offer necessary information or support, can exacerbate the defendant's position in front of the court, and the same was highlighted in the case of Wilkins (Wilkins v. Wilkinson, 2002). Additionally, video proceedings may also fail to enhance the pursuit of truth. The parties may encounter difficulties in evaluating the integrity of witnesses providing testimony remotely, and the effectiveness of cross-examination may be diminished when conducted via video. Jury members and judges are typically not highly precise when it comes to ascertaining the credibility of a witness depending upon the demeanor, and the consequences can get even worse if an attempt is made to assess the demeanor of witnesses through video-link platforms in a remote criminal proceeding (Brandes & Feigenson, 2020).

Courts have also questioned the diminished likelihood of witness veracity during distant testimony. This issue stems from the belief that witnesses tend to be less inclined to be honest if they are not under direct observation by the judge and defendant or are not in the serious ambiance of the courtroom, as enunciated in the case of Coy (Coy v. Iowa, 1988). Similarly, witnesses who are not physically there may get guidance behind the scenes, become unfocused, or be swayed by the statements of other witnesses due to the challenges of monitoring such actions on a video platform (Friedman, 2002).

Similarly, lawyers, judges, or jurors can also be diverted from tasks by events happening on their devices or in the surrounding environment. Technological problems may disrupt their accessibility to the proceedings, hindering their capacity to provide appropriate assistance or evaluate the presented evidence
Lawyers and factfinders may struggle to maintain focus during video proceedings due to the increased cognitive effort needed to comprehend and track events on video. These barriers can hinder the ability of lawyers to provide effective representation and weaken the fairness of the legal process. The drawbacks of remote criminal trials have not been thoroughly investigated through empirical studies, similar to how the benefits of this process have been analyzed (Draper, 2020).

Furthermore, the conducted investigations have occasionally arrived at substantially divergent findings. Research examining the impact of videoconferencing on the attorney-client relationship has yielded inconsistent results. A study conducted through interviews among twenty Massachusetts solicitors revealed that most participants expressed apprehension regarding their capacity to cultivate a reliable rapport with their clients through video and concerns around the clients' perception of videoconferencing procedures as unjust (Bellone, 2015).

On the other hand, a separate study examining the use of videoconferencing for attorney-client consultations at a defense law clinic in Texas discovered that clients did not view the video consultations in a more unfavorable light than in-person consultations (Bellone, 2015).

However, the scope of the Texas study was limited to attorney-client consultations, while the Massachusetts study encompassed a more comprehensive range of videoconference procedures. Defense counsel may exhibit a more significant concern regarding televised proceedings' ramifications than their client's matters (Gourdet et al., 2020). However, given the limited number of participants in each investigation, conducting additional analysis might be beneficial. Research on telephone-held consultations in mental health indicates that these consultations have favorable outcomes and are generally well-received by participants. Therefore, it would be beneficial to further assess the use of teleconsultations for criminal matters (Gourdet et al., 2020).

Additional empirical investigations have expressed apprehensions regarding the potential negative impact of video technology on the impartiality and results of legal processes. A study conducted in Cook County; Illinois examined the impact of closed-circuit television for bail hearings. The findings revealed a significant increase in the average bond amounts after the installation of this technique. The substandard audio and visual quality, along with the restricted duration allocated for defence attorneys to speak with clients before the video hearing, probably played a role in the adverse impact of the videoconference scheme on bail determinations in Cook County (Factor et al., 2023).

A recent study in England revealed that video technology had no adverse effect on bail decisions. However, defendants who attended via video were more inclined to secure bail than those who attended in person (Goodman et al., 1998). However, additional research indicates that the utilization of video may introduce biased influences. Research, for instance, has demonstrated that child witnesses who testified by closed-circuit television were perceived as less credible and less forthcoming compared to child witnesses who testified in person (Goodman et al., 1998). Similarly, another study discovered that mock jurors perceived the in-person witnesses to be more precise and truthful, and this evaluation influenced the mock jurors' decision (Orcutt et al., 2001).

Moreover, research has indicated that visually perceiving gestures might enhance the viewer's understanding and elevate their evaluation of the speaker's likability. Similarly, a recent study discovered that the dimensions of a video picture significantly impact the assessment of evidence and the severity of the sentence assigned to the offender by mock jurors after conviction (Heath & Grannemann, 2014).
This implies that videoconference setups that are insufficiently spacious or fail to provide a complete view of the defendant and witnesses may hurt the factfinder's impressions.

Several research has discovered that video technology has yielded relatively impartial outcomes on the conclusions made by factfinders. Two simulated jury trial studies, one conducted in England and the other in Australia, revealed no noticeable impact of video testimony upon the final decision in rape cases. However, a recent extensive study conducted in England, which examined the decision-making process of real jurors in rape cases, has raised concerns about the accuracy of mock juries in representing the general population (Ellison & Munro, 2008). Consequently, it prompts the inquiry as to whether the results obtained from research involving simulated jurors about the impact of video testimony were dubious or trustworthy (Summan, 2020).

13. Prospective Implementation of Remote Criminal Trials
Initially, the use and reliance on remote criminal trials have been scarce. However, some of the positive results of experimentation during the COVID-19 era suggest that this system might soon be used and normalized. Remote criminal trials can even replace the traditional criminal trial system in developed states owing to its efficiency and responsive case disposal mechanism. The implementation mainly depends on the legal practitioners and court officials as they become more accustomed to being a part of remote proceedings (Birmingham, 2020).

The prospective implementation of a remote criminal trial system would require the installation of advanced infrastructure in various relevant locations such as jails (for the presence of the accused or testimony of the accused), courtrooms, and other buildings such as a specific place for remote witnesses testimony, which is well-equipped with requisite hardware and software. Devices such as microphones, webcams, and high-speed internet can drastically enhance the quality and experience of online proceedings, whether done for remote witness testimony or remote witness examination/cross-examination or remote criminal trial (Peristeridou & De Vocht, 2023).

However, the financial investments needed for these measures, especially in rural areas in which broadband Internet is frequently inaccessible, could negate any efficiency improvements resulting from online hearings (Gertner, 2004). Despite the infusion of extra funding, many detrimental consequences of remote criminal trials, such as defendants' disengagement and the challenge of successfully challenging hostile witnesses, are expected to endure (Peristeridou & De Vocht, 2023).

Respondents, courts, and legislatures need to exercise caution when considering the expansion of online processes to include trials or hearings that include the assessment of witness testimony or the defendant's reliability. During trials, the assessment of witness testimony is not the only aspect that will be considered (Peristeridou & De Vocht, 2023). Additionally, a jury will be chosen and other crucial determinations regarding the case will take place, necessitating direct engagement and the complete involvement of the defendant. State statutes that currently authorize the utilization of videoconferencing at various phases, even without the defendant's agreement, should be amended to mandate such agreement (Gertner, 2004).

14. Conclusion and Suggestions
In conclusion, the debate regarding the influence of distant criminal trials on the credibility of witness testimony and cross-examination highlights the intricate relationship between technological advancement and the fairness of the judicial system. While certain legal systems have quickly adopted remote hearings, promoting advantages such as enhanced speed and accessibility, others approach this transition with care, recognizing the possible risks to fairness and the proper legal procedures.
The variation in standards of evidence in different legal situations emphasizes the urgent requirement for precise and consistent procedural rules. As we navigate this changing environment, addressing remaining concerns about the dependability and genuineness of distant testimony and cross-examination is crucial. In the absence of explicit norms and established criteria, there is a significant potential for wrongful convictions, eroding the people's confidence in the legal framework.

Moreover, the disparity in infrastructure and resources between developed and developing states adds complexity to the digital divide, which in turn affects the practicality and effectiveness of remote trial systems. Although technologically advanced jurisdictions may quickly embrace these technologies, the initial investment expenditures and logistical hurdles may provide substantial obstacles for other regions.

It is crucial to implement proactive steps to fully utilize the advantages of remote proceedings while ensuring the principles of fairness and equity. Implementing extensive training programs for judges and support workers and solid oversight procedures can effectively address the difficulties arising from the shift to remote trials. Furthermore, it is crucial to establish clear guidelines about the level of evidence required and the measures in place to protect the fairness and accuracy of distant testimony and cross-examination.

To confidently handle the complexity of remote criminal trials in the digital era, it is crucial to promote transparency, consistency, and adaptation within our legal frameworks. This will help preserve the core values of justice. As we further improve and develop our strategy, it is essential to stay watchful, giving importance to safeguarding rights and maintaining the integrity of the legal procedure for all parties concerned.

**Funding**
This article was not supported by any funding from public, commercial, or not-for-profit sectors.

**Conflict of Interest/ Disclosures**
The authors have disclosed that there are no potential conflicts of interest concerning the research, authorship, and/or publication of this article.
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