

Recommendations:

Video surveillance of legal counsel during a criminal trial. Surveillance with a clear vision of legal counsel and the public gallery when facing the jury panel to enable and record all activity for security, safety and monitoring purposes.

Hello,

This is my experience as a juror in a criminal case that took place in [REDACTED] For this reason, I will remain anonymous.

During my time as one of two, female jurors in a criminal case, I experienced a threat of sexual violence and intimidation by a barrister who was senior counsel. One incident that was alleged to have occurred and tendered as evidence was a threat of rape from a man to a woman. During the barristers closing summary, he described the evidence of an alleged threat of sexual assault, and when he did so, he turned to me and with raised eyebrows, nodded in my direction to signal that it was me he was referring to. The barrister locked eyes with me and sustained a prolonged threatening gaze when describing the offending behaviour, which were words to the effect of "I am going to f*** you up the a*** in front of your kids". I found this experience to be very frightening and humiliating which has prompted me to recommend that criminal trials should have surveillance with a clear vision of legal counsel when facing the jury panel, to enable and record all activity for security, safety and monitoring purposes. I also believe this should be extended to the public gallery.

The following day, and before deliberations, I was threatened and coerced by a juror because of my stance on the verdict. This caused me significant fear and panic. I found the mental anguish caused by both the barrister and juror made me choose a verdict other than the one I had intended to choose. If it was a place that fostered an environment free from intimidation and threats, my vote would have been otherwise. I understand this may be a matter for the [REDACTED] to investigate, however I believe in this instance it is relevant to this government inquire.

This experience was traumatising, and it did not instil any confidence in the criminal justice system. Given that a victim of a sexual crime can appear in a criminal trial, in front of a jury, it is extremely worrying that a barrister, such as the one who in my experience threatened sexual violence, can intimidate and cause fear in juror/s so that it may influence the outcome of a verdict.

The offending barrister also targeted me at an earlier stage during the trial. He stretched his arm forward whilst holding a smartphone in one hand and with what I would describe a very menacing expression, pointed the camera lens in my direction. I took that it was threat to expose my identity as an anonymous juror in a criminal trial.

Another juror who served on the same trial alongside me had disclosed that it was he's fourth experience as a juror. He described the previous three trials as only minor trials by which, to my surprise one of them was a rape case. When I was shocked to learn that he thought a trial that consisted of an

offence as violating and dehumanising as rape - as minor, I expressed my shock. In response, he looked down and sneered and scoffed in memory of he's experience. It is concerning to have direct knowledge that these sorts of attitudes about sexual crimes make their way into a juror room. I am aware that negative attitudes towards rape victims exist in the community (and are more heinous as the experience I had). I recognise this is one aspect of the limitation of juror selection in rape trials. However, alternately believe the empanelment of trauma informed professionals would serve as a fair and just system in a rape trial.

It is very concerning to witness that there were no measures put in place to prevent legal counsel from threatening jurors in a court room. It is in line with community expectations that the justice system needs to be reformed to improve the outcomes and experiences of sexual assault victims. It is also in line with community expectations that a fair trial is without jury tampering, threats and intimidation.

I do hope that the Governments inquire into justice responses to sexual violence in Australia will enable significant and sustained improvements to the outcomes for victim survivors. I also do hope that all measures are put in place to prevent legal counsel from causing harm to the wellbeing of jurors in a criminal trial by weaponizing sexual violence and prevent the crime of jury tampering.

Thank you.