



The role of the witness in criminal proceedings: importance, vulnerabilities, and psychological implications

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Abstract

The witness plays a crucial role in criminal proceedings, serving as a key source of evidence for establishing facts, assessing credibility, and delivering justice. Beyond their legal significance, witnesses often face considerable psychological and emotional challenges arising from participation in legal processes that can be adversarial and intimidating. This paper explores the multifaceted importance of witnesses in criminal trials, examining their contribution to the pursuit of truth and the protection of defendants' rights. It further analyzes the vulnerabilities that witnesses may experience, including fear of retaliation, stress, memory distortion, and secondary victimization, all of which can affect the reliability of testimony and the fairness of the trial. Particular attention is paid to the psychological implications for vulnerable witnesses, such as children, victims of violent crimes, or individuals with cognitive impairments, who require special procedural safeguards to mitigate trauma and ensure effective participation. The paper underscores the need for legal systems to adopt victim- and witness-friendly measures, balancing procedural rights with psychological protection. Understanding the psychological dimensions of witness testimony is essential for legal professionals aiming to enhance witness cooperation, preserve mental health, and uphold the integrity of criminal justice. Future research should further investigate evidence-based interventions to support witnesses throughout the judicial process.

Keywords: testimony reliability, secondary victimization, procedural safeguards, legal psychology, trauma mitigation

1. Introduction

The role of the witness in criminal proceedings is crucial, as they contribute directly to establishing the judicial truth and ensuring that justice is both done and seen to be done (Damaska, 1997). Witness testimony often serves as a bridge between factual reality and judicial interpretation, particularly in cases where physical or forensic evidence is scarce or inconclusive (Jackson, 2009). In modern criminal law, statements provided by witnesses can decisively influence the outcome of trials, potentially leading to convictions or acquittals, and shaping the perception of fairness and legitimacy within the justice system (Roberts & Zuckerman, 2010). However, the reliability and credibility of such testimony are not immune to human frailties. Psychological factors such as stress, anxiety, or fear can distort memory recall and reduce the accuracy of information provided (Gudjonsson, 2003). Witnesses who have experienced traumatic events may suffer from fragmented or repressed memories, making it difficult for them to offer coherent narratives, which can lead to inconsistencies that undermine their credibility in the eyes of judges and jurors (Brewin et al., 1999). Moreover, emotional pressure stemming from the adversarial nature of courtroom questioning, coupled with the formal and intimidating atmosphere of legal proceedings, can exacerbate the psychological burden placed on witnesses (Kebbell et al., 2004). The potential for suggestion or influence during police interviews further complicates matters, raising concerns about the contamination of witness memories through leading questions or repeated interrogations (Loftus, 2005). Such vulnerabilities have significant implications for the principle of a fair trial, as enshrined in Article 6 of the European Convention on Human Rights, which guarantees the right to examine witnesses and to challenge the evidence brought against an accused (European Court of Human Rights, 2021). The justice system must therefore balance the critical evidentiary value of witness testimony with the necessity of safeguarding witnesses' psychological well-being and ensuring procedural safeguards that uphold the integrity of the fact-finding process (Ellison & Munro, 2010). Ultimately, a nuanced understanding of the psychological dynamics affecting witnesses is essential for promoting both the accuracy of judicial outcomes and the protection of fundamental human rights within criminal proceedings. (Ștefănoaia M.2020).

2. The Importance of the Witness in Criminal Proceedings

The witness serves as an essential evidentiary instrument, often referred to as “the eyes and ears of justice” (Măgureanu, 2019). Their testimony acts as a vital channel through which the court can reconstruct past events, establish facts, and assess the circumstances surrounding alleged criminal acts. This role is particularly crucial in cases where direct physical or forensic evidence is lacking, rendering witness statements the primary—or sometimes the only—means of substantiating charges or establishing a defense (Jackson, 2009). Indeed, witness accounts often provide narrative coherence to the prosecution's or defense's case, transforming abstract legal charges into comprehensible stories that judges and juries can evaluate (Roberts & Zuckerman, 2010).

Furthermore, witnesses can supply context and details that material evidence alone cannot offer, such as motives, emotional states, intentions, or prior relationships between the parties involved (Ellison & Munro, 2010). For example, in cases of domestic violence or

sexual assault, the victim's testimony is often indispensable because such crimes frequently occur in private settings without third-party observers or physical traces sufficient to prove the offense beyond reasonable doubt (Temkin & Krahe, 2008). In such scenarios, the witness's account becomes pivotal not only for establishing guilt or innocence but also for ensuring that justice is served and that victims' voices are heard within the legal process.

However, the probative value of testimony is closely linked to the perceived credibility of the witness and the procedural safeguards that allow for rigorous examination of their statements. The European Court of Human Rights has consistently emphasized that the fairness of a criminal trial under Article 6 of the European Convention on Human Rights hinges on the adversarial principle, particularly the right of the defense to challenge and cross-examine witnesses (European Court of Human Rights, 2021). This right ensures that the testimony is scrutinized for inconsistencies, biases, or external pressures, which could otherwise distort the factual foundation of the proceedings (Damaska, 1997).

Moreover, the legal systems in many jurisdictions have developed specific measures to enhance the reliability of witness testimony and to protect vulnerable witnesses from re-traumatization during testimony, including the use of screens, video links, and pre-recorded interviews (Hoyano & Keenan, 2010). Such innovations reflect an ongoing commitment to balance the indispensable evidentiary role of witnesses with the imperative of safeguarding their psychological welfare.

In sum, the importance of witnesses in criminal proceedings cannot be overstated. They are a critical element in the administration of justice, providing the narratives upon which legal determinations are often founded. Yet, the justice system must navigate the delicate equilibrium between harnessing the evidentiary value of witness testimony and ensuring that the rights of all parties—including the witnesses themselves—are fully protected. (Ștefănoaia M.2020),

3. Vulnerabilities of the Witness

While witnesses are indispensable to the criminal justice process, they frequently face a range of vulnerabilities that can profoundly influence the quality, reliability, and consistency of their testimony. These vulnerabilities are not merely individual issues but have systemic implications for the fairness and accuracy of criminal proceedings.

Stress and anxiety related to testifying. Merely being called to testify in court can provoke significant stress and anxiety, even among individuals who have not directly experienced trauma (Gudjonsson, 2003). The formal, adversarial atmosphere of the courtroom, the presence of legal professionals, and the fear of making errors under oath contribute to psychological strain. Research has shown that elevated stress levels can impair cognitive functions such as attention, memory retrieval, and verbal expression, thereby affecting the coherence and detail of witness accounts (Kebbell et al., 2004; Brewer & Weber, 2008). Particularly in vulnerable populations—such as children, victims of violent crimes, or individuals with cognitive impairments—the emotional burden of testifying can be so significant that it leads to avoidance behaviors, partial disclosures, or even refusal to participate in legal proceedings (Hoyano & Keenan, 2010).

Memory distortion. Witness memory is not a perfect recording device but a reconstructive process prone to distortion. The phenomenon known as the “misinformation effect” illustrates how exposure to misleading information after an event can alter a witness’s recollection of the original incident (Loftus, 2005). Repeated interviews, suggestive questioning, or exposure to media reports can introduce false details into memory, leading witnesses to become confident in inaccurate recollections (Wells & Loftus, 2013). Such distortions are particularly problematic because jurors and judges often place significant weight on confident, detailed testimony, sometimes overestimating its accuracy (Brewer & Weber, 2008).

Fear of retaliation. Witnesses in cases involving organized crime, domestic violence, sexual assault, or terrorism may fear retaliation, either against themselves or their families (European Court of Human Rights, 2021). This fear can manifest in reluctance to testify, partial cooperation, or deliberate omissions during questioning. In extreme cases, witnesses may recant prior statements or withdraw cooperation entirely. Fear of retaliation undermines the truth-seeking function of the trial and raises significant human rights concerns, as effective witness protection is essential to both witness welfare and the administration of justice (Ellison & Munro, 2010). The European Court of Human Rights has acknowledged that courts must balance the need for witness anonymity or protective measures with the defendant’s right to a fair trial, including the right to examine witnesses against them (European Court of Human Rights, 2021).

Psychological pressure. The adversarial nature of courtroom proceedings often involves rigorous cross-examination, designed to test the credibility and consistency of witness statements. However, aggressive questioning techniques can become psychologically overwhelming, particularly for vulnerable witnesses (Gudjonsson, 2003). Intimidation, repeated interruptions, and confrontational tactics can cause witnesses to become confused, distressed, or compliant, leading to incomplete or inaccurate testimony (Kebbell et al., 2004). Additionally, the physical layout of the courtroom, which places witnesses in a visible, exposed position, can heighten feelings of vulnerability and intimidation, further impacting their ability to communicate effectively (Ellison & Munro, 2010).

In summary, these vulnerabilities underscore the need for legal systems to adopt safeguards that protect witnesses while preserving the rights of the accused. Measures such as specialized witness support services, the use of screens or video-link testimony, judicial intervention to prevent overly aggressive cross-examination, and trauma-informed courtroom practices represent crucial steps toward mitigating these risks and ensuring the integrity of criminal proceedings (Hoyano & Keenan, 2010; Ellison & Munro, 2010).

4. Psychological implications of witness testimony

Psychological literature underscores that testifying in criminal proceedings can profoundly affect witnesses’ mental health and cognitive functioning, particularly when the testimony involves recounting violent or traumatic events (Brewin et al., 1999). For many witnesses, the legal process does not merely represent a procedural obligation but is experienced as a significant psychological stressor, potentially reactivating traumatic memories and triggering symptoms associated with post-traumatic stress disorder (PTSD),

such as intrusive thoughts, hypervigilance, emotional numbing, and avoidance behaviors (American Psychiatric Association, 2013). Victims of violent crimes who testify as witnesses are especially vulnerable, as recalling traumatic experiences in a public, adversarial setting may exacerbate distress, undermine psychological recovery, and contribute to longer-term mental health consequences (Ellison & Munro, 2010).

Participation in legal proceedings can also generate anticipatory anxiety—a heightened state of fear and worry experienced before the court appearance—which can negatively impact witnesses’ cognitive processes, including attention, working memory, and episodic memory retrieval (Kebbell et al., 2004; Gudjonsson, 2003). Witnesses often report difficulties sleeping, somatic symptoms such as headaches or gastrointestinal distress, and intrusive rumination about the upcoming testimony (Brewer & Weber, 2008). Such psychological strain can lead to fragmented, inconsistent, or overly cautious testimony, which in turn may affect how judges and juries perceive the witness’s credibility and reliability (Wells & Loftus, 2013). Even confident witnesses may experience “weapon focus” or tunnel memory, where their recall is restricted to central details of the traumatic event, while peripheral details are forgotten, a phenomenon extensively documented in forensic psychology (Christianson, 1992).

Beyond the cognitive effects, witnesses often navigate complex social and moral conflicts. Many find themselves caught between feelings of loyalty or affection toward the accused—particularly in cases involving family violence, close acquaintances, or community members—and their legal and moral duty to speak truthfully under oath (Festinger, 1957; Ellison & Munro, 2010). Such internal conflicts may produce significant cognitive dissonance, characterized by psychological discomfort and attempts to resolve contradictory beliefs or obligations (Festinger, 1957). Witnesses might downplay, minimize, or omit critical information to protect personal relationships or community standing, thereby compromising the integrity of their testimony (Gudjonsson, 2003). In communities where social cohesion is high and the justice system is viewed with suspicion, such as in close-knit ethnic or religious communities, witnesses may face social ostracism or stigma for cooperating with legal authorities (Hoyano & Keenan, 2010).

Furthermore, the adversarial nature of legal proceedings can be perceived as hostile and confrontational, especially during cross-examination, where the witness’s credibility may be aggressively challenged (Kebbell et al., 2004). For vulnerable witnesses—such as children, older adults, or those with mental health conditions—the psychological burden of appearing in court can be overwhelming, sometimes resulting in dissociative states, extreme emotional distress, or total withdrawal of cooperation (Ellison & Munro, 2010). These psychological challenges highlight the importance of adopting trauma-informed practices within the justice system, such as using specially trained intermediaries, allowing testimony via video link, and limiting repetitive or aggressive questioning to protect witnesses’ well-being without compromising defendants’ rights (Hoyano & Keenan, 2010).

In sum, the psychological implications of witness testimony extend far beyond the factual recounting of events. They encompass complex interactions between memory processes, emotional distress, social dynamics, and cognitive dissonance, all of which can

significantly influence the reliability of evidence presented in court and the broader pursuit of justice.

5. Methodology research

Purpose of the Study

The purpose of this study is to analyze the role of the witness in criminal proceedings, identifying the significance of testimony, the psychological vulnerabilities of witnesses, and the impact of these factors on the quality of justice.

General Objectives

- **O1:** To identify witnesses' perceptions of the experience of testifying in court.
- **O2:** To analyze the main psychological vulnerabilities faced by witnesses in criminal proceedings.
- **O3:** To explore the relationship between witnesses' anxiety levels and the accuracy of their statements.

Future Empirical Validation

In future research, empirical validation could be integrated through the systematic collection and statistical analysis of data obtained from real-life court cases or controlled experimental settings. This may involve administering standardized psychological assessment tools to witnesses before and after testimony, as well as conducting longitudinal follow-ups to assess changes in anxiety levels, memory accuracy, and perceptions of procedural fairness. Triangulating such quantitative findings with qualitative interviews would provide a robust evidence base, enabling the refinement of theoretical models and the formulation of practical recommendations for improving witness protection measures in judicial proceedings.

Research Questions

- **RQ1: How do witnesses perceive their role's importance in criminal proceedings?**

Witnesses generally perceive their role in criminal proceedings as significant, yet this perception is often accompanied by complex emotions and varying degrees of understanding regarding the weight of their testimony. Many witnesses recognize that their statements may influence critical decisions, including convictions or acquittals, and thus feel a strong sense of civic duty and responsibility (Ellison & Munro, 2010). This awareness can instill a sense of pride in contributing to the justice process, particularly among individuals who view their participation as an act of moral or social obligation (Roberts & Zuckerman, 2010).

However, empirical studies suggest that witnesses often underestimate or misunderstand the precise legal significance of their role (Kebbell et al., 2004). For instance, while witnesses may believe they are simply recounting facts, they may not fully grasp how their demeanor, confidence, and consistency during testimony can profoundly shape perceptions of credibility among judges and jurors (Brewer & Weber, 2008). Research also

indicates that many witnesses are surprised by how intensely their words are scrutinized and how even minor inconsistencies can become pivotal in legal arguments (Gudjonsson, 2003).

The emotional context in which witnesses perceive their role further complicates their self-perception. Some witnesses, particularly victims of violent or traumatic crimes, feel that their testimony is a means of seeking justice and validation for the harm they have suffered (Brewin et al., 1999). In such cases, witnesses may attach considerable personal significance to their role, viewing it as essential for closure or societal recognition of their experiences. Conversely, other witnesses experience profound anxiety about testifying, fearing both the legal consequences of their statements and the potential social repercussions, especially in cases involving close relationships or community ties (Festinger, 1957; Hoyano & Keenan, 2010). This fear can lead witnesses to perceive their role as burdensome or dangerous, rather than as a civic duty.

Moreover, cultural and societal factors shape how witnesses view their importance in criminal proceedings. In collectivist societies, individuals may prioritize group loyalty and social harmony over legal obligations, leading to ambivalence or reluctance to testify fully and truthfully (Alshitri, 2021). In contrast, in societies with strong rule-of-law traditions, witnesses are more likely to perceive their participation as a critical mechanism for upholding justice and legal order (Jackson, 2009).

Witnesses' perceptions are also influenced by how they are treated by legal professionals. Positive interactions with police officers, prosecutors, and victim support services can reinforce witnesses' belief in the value and necessity of their role (Ellison & Munro, 2010). In contrast, experiences of dismissive attitudes, harsh cross-examination, or lack of information about legal processes can foster feelings of insignificance, disempowerment, or alienation (Gudjonsson, 2003).

In summary, witnesses generally recognize that their testimony holds significant importance in criminal proceedings. Yet, their perceptions are shaped by a complex interplay of legal knowledge, emotional experiences, cultural norms, and interactions with the justice system. Understanding these perceptions is crucial, as witnesses' sense of their role directly influences not only their willingness to testify but also the quality and reliability of the evidence they provide.

- **RQ2: What types of psychological vulnerabilities do witnesses experience during criminal trials?**

Witnesses involved in criminal trials frequently experience a range of psychological vulnerabilities that can significantly affect their emotional well-being, cognitive functioning, and ability to provide clear, reliable testimony. These vulnerabilities arise from the inherently stressful and adversarial nature of criminal proceedings, the personal relevance of the subject matter, and broader social and cultural influences.

Trauma-related stress and anxiety. One of the most significant vulnerabilities is trauma-related stress, particularly for witnesses who are also victims of violent crimes, sexual assault, domestic abuse, or other traumatic events (Brewin et al., 1999). Testifying about painful experiences in a public forum can reactivate traumatic memories and trigger

symptoms of post-traumatic stress disorder (PTSD), such as flashbacks, hypervigilance, emotional numbness, and avoidance behaviors (American Psychiatric Association, 2013). Even witnesses who did not directly suffer harm may experience secondary trauma, especially when exposed to graphic evidence or aggressive questioning (Gudjonsson, 2003).

Anticipatory anxiety. Many witnesses develop anticipatory anxiety in the period leading up to their court appearance, characterized by worry, restlessness, insomnia, and somatic symptoms such as headaches or gastrointestinal distress (Kebbell et al., 2004). The fear of facing the accused, speaking in public, or making errors under oath exacerbates this anxiety. Witnesses may dread cross-examination, fearing that their credibility or personal character will be harshly scrutinized (Ellison & Munro, 2010).

Memory distortion and cognitive overload. Psychological research demonstrates that stress and anxiety can impair memory processes, reducing the clarity and coherence of witness testimony (Loftus, 2005). Witnesses under pressure may suffer from fragmented recall, omit important details, or become more susceptible to suggestion during questioning. The “misinformation effect,” for example, describes how exposure to misleading questions or external information can distort a witness’s recollection of events (Wells & Loftus, 2013). Additionally, the cognitive load imposed by complex legal questioning, courtroom procedures, and unfamiliar terminology can overwhelm witnesses, leading to confusion and mistakes (Brewer & Weber, 2008).

Fear of retaliation or social repercussions. Witnesses involved in cases related to organized crime, gang violence, terrorism, or intimate partner violence often fear retaliation against themselves or their families (European Court of Human Rights, 2021). This fear can result in reluctance to testify, partial disclosures, or recanting previous statements. In tightly knit communities, witnesses may also fear social stigma, ostracism, or damage to their reputation for cooperating with authorities, especially when cultural norms emphasize loyalty to family or community over cooperation with legal institutions (Alshitri, 2021; Hoyano & Keenan, 2010).

Psychological pressure from courtroom dynamics. The courtroom environment itself can be intimidating and psychologically taxing. Witnesses often feel exposed and vulnerable when positioned visibly before judges, lawyers, and the public (Ellison & Munro, 2010). Cross-examination, which is designed to test credibility through probing and sometimes aggressive questioning, can heighten feelings of humiliation, fear, and helplessness, particularly for vulnerable individuals such as children, older adults, or persons with intellectual disabilities (Gudjonsson, 2003; Hoyano & Keenan, 2010).

Cognitive dissonance and internal conflict. Witnesses may also experience cognitive dissonance—a state of psychological discomfort arising from conflicting obligations or beliefs (Festinger, 1957). For example, witnesses who know the accused personally may struggle between a sense of loyalty or affection and their legal duty to provide truthful testimony. This internal conflict can manifest in hesitation, emotional distress, or efforts to minimize incriminating details to protect relationships or community harmony (Ellison & Munro, 2010).

In sum, witnesses in criminal trials face diverse and often overlapping psychological vulnerabilities, spanning emotional distress, cognitive impairment, social pressures, and ethical dilemmas. Understanding these vulnerabilities is crucial for legal professionals, as they influence both the welfare of witnesses and the reliability of the evidence on which criminal verdicts often depend. Addressing these issues through trauma-informed practices, procedural safeguards, and specialized support services is essential to uphold the principles of justice and human rights within criminal proceedings.

- **RQ3: Is there a significant relationship between witnesses' anxiety levels and the coherence of their statements?**

A growing body of psychological and legal research indicates that there is indeed a significant relationship between witnesses' anxiety levels and the coherence, clarity, and completeness of their statements during criminal proceedings. Anxiety is a natural human response to stressful situations, and for many individuals, appearing in court and recounting potentially traumatic events can provoke heightened levels of physiological and psychological arousal (Gudjonsson, 2003; Kebbell et al., 2004). This state of arousal can profoundly influence cognitive processes central to providing coherent testimony.

Impact on memory retrieval and narrative structure. High levels of anxiety can impair a witness's ability to retrieve memories accurately and to organize those memories into a clear, logical narrative (Brewer & Weber, 2008). Research demonstrates that anxiety diverts cognitive resources away from tasks such as attention, working memory, and verbal fluency, leading to fragmented, disorganized, or incomplete statements (Christianson, 1992; Wells & Loftus, 2013). Witnesses may struggle to maintain chronological order, omit important details, or offer inconsistent accounts across repeated interviews or court appearances (Gudjonsson, 2003). Such inconsistencies can be mistakenly interpreted by legal professionals as signs of deception or unreliability, even though they often result from the cognitive effects of anxiety rather than intentional dishonesty (Ellison & Munro, 2010).

State-dependent memory effects. Anxiety can also produce state-dependent memory effects, whereby information encoded during a highly emotional or traumatic event is more readily recalled when the individual is in a similar emotional state (Brewin et al., 1999). However, the artificial and intimidating context of a courtroom may not replicate the emotional state experienced during the original event, making accurate retrieval more difficult. Witnesses may experience memory "blockages" under pressure, leading to temporary lapses in recall or the inability to answer seemingly straightforward questions (Kebbell et al., 2004).

Physiological symptoms compounding cognitive load. Anxiety often manifests through physical symptoms such as sweating, trembling, increased heart rate, and gastrointestinal discomfort, which themselves can distract witnesses from focusing on questioning (American Psychiatric Association, 2013). These physiological responses increase cognitive load, further compromising the ability to maintain coherent speech and to respond effectively to complex or challenging questions posed during cross-examination (Gudjonsson, 2003; Brewer & Weber, 2008).

Vulnerability to leading questions and suggestibility. Elevated anxiety levels can make witnesses more suggestible and compliant, leading them to acquiesce to leading questions or to alter their accounts to align with perceived expectations from legal authorities (Gudjonsson, 2003). Studies have shown that anxious witnesses are more likely to change their testimony under pressure, particularly when faced with repeated questioning or aggressive cross-examination (Kebbell et al., 2004). Such shifts can compromise the coherence of their overall narrative and introduce inconsistencies that diminish the evidentiary value of their testimony.

Moderating factors. Importantly, the relationship between anxiety and testimony coherence is not uniform across all witnesses. Factors such as individual differences in resilience, prior experiences with the legal system, social support, and the use of procedural safeguards (e.g., video-link testimony, presence of support persons) can mitigate or exacerbate the impact of anxiety on cognitive performance (Hoyano & Keenan, 2010). Vulnerable populations—such as children, victims of sexual violence, and individuals with cognitive disabilities—are particularly susceptible to anxiety-induced disruptions in coherence (Ellison & Munro, 2010).

Empirical evidence supports these findings. For instance, Kebbell et al. (2004) found that witnesses experiencing high levels of anxiety during police interviews were significantly less likely to provide detailed and consistent accounts. Similarly, Brewer and Weber (2008) noted that even modest increases in anxiety can reduce the quantity and quality of correct details recalled, with significant implications for the legal evaluation of witness credibility.

In conclusion, there is substantial evidence indicating a significant relationship between witnesses' anxiety levels and the coherence of their statements. This relationship has critical implications for the administration of justice, as it underscores the necessity of trauma-informed practices and procedural accommodations designed to reduce anxiety and facilitate more accurate, reliable testimony. Understanding and addressing this relationship is crucial not only for protecting witnesses' psychological well-being but also for ensuring fair trial outcomes based on credible and coherent evidence.

6. Theoretical and practical implications

Theoretical Implications

This study contributes to the theoretical understanding of the witness's role in criminal proceedings by highlighting the intersection between legal procedures and psychological vulnerabilities. It reinforces existing theories that view memory as a reconstructive rather than reproductive process (Loftus, 2005), emphasizing that witnesses' accounts are susceptible to distortion under conditions of stress, trauma, or repeated questioning (Gudjonsson, 2003). Furthermore, the findings underscore the relevance of cognitive dissonance theory (Festinger, 1957) in explaining why witnesses may experience internal conflict between social loyalties and their legal duty to tell the truth.

By integrating insights from both legal scholarship and forensic psychology, this research deepens the theoretical discourse on the reliability of testimonial evidence and the fundamental principles of procedural fairness under Article 6 of the European Convention on

Human Rights (European Court of Human Rights, 2021). It encourages a more nuanced conceptualization of witness testimony, not merely as an evidentiary tool, but as a human experience influenced by psychological and social dynamics.

Practical Implications

Practically, the findings have significant implications for the administration of justice and the treatment of witnesses in criminal proceedings. First, they highlight the urgent need for trauma-informed practices within the justice system. Legal practitioners—including judges, prosecutors, and defense lawyers—should be trained to recognize signs of psychological distress and to adapt their questioning techniques accordingly (Ellison & Munro, 2010).

Second, the justice system must continue to expand and refine procedural safeguards designed to protect vulnerable witnesses. Measures such as video-link testimony, pre-recorded interviews, the use of screens in courtrooms, and the involvement of specialized intermediaries are essential not only to safeguard witnesses' well-being but also to preserve the integrity and reliability of their testimony (Hoyano & Keenan, 2010).

Moreover, policymakers should consider investing in witness support services that offer psychological counseling, legal guidance, and practical assistance before, during, and after court appearances. Such services can help reduce anticipatory anxiety and improve the quality of testimony, contributing to fairer trial outcomes.

Finally, this research calls for continued interdisciplinary collaboration between legal professionals, psychologists, and policymakers to develop evidence-based practices that balance the protection of witnesses with the rights of defendants. Only by acknowledging and addressing the psychological implications of testifying can the justice system ensure that witness testimony fulfills its essential role in establishing the judicial truth while upholding human rights and procedural fairness.

Study Limitations

Despite the valuable insights provided by this study, several limitations must be acknowledged. First, the research primarily relies on existing literature and theoretical frameworks without incorporating original empirical data. While the integration of previous findings strengthens the theoretical analysis, the absence of firsthand interviews or observational data limits the ability to capture the nuanced, real-world experiences of witnesses in diverse legal contexts. Second, psychological responses to testifying may vary significantly depending on cultural, legal, and procedural differences between jurisdictions (Ellison & Munro, 2010). This study focuses largely on European legal systems and principles, particularly the framework established by the European Court of Human Rights. Consequently, its conclusions may not fully reflect the realities faced by witnesses in non-European or non-adversarial legal systems. Third, many psychological processes discussed—such as memory distortion, stress responses, or cognitive dissonance—are inherently complex and can be influenced by numerous factors, including individual differences in resilience, personality, prior trauma, or socio-economic background (Gudjonsson, 2003; Loftus, 2005). The generalizations made in this study may not apply equally to all witnesses, particularly

vulnerable populations such as children, individuals with mental health disorders, or victims of severe trauma. Furthermore, while the study proposes practical recommendations, it does not empirically test the effectiveness of specific protective measures such as video-link testimony or specialized support services. Future research should focus on evaluating these interventions' real-world impact on both witness well-being and the fairness of judicial proceedings.

Lastly, ethical considerations inherent in studying vulnerable witnesses—especially victims of violent or sexual crimes—pose significant challenges for data collection. Ensuring confidentiality, avoiding re-traumatization, and securing informed consent can restrict the scope of research and the depth of data that can be ethically obtained.

In summary, while this study advances the theoretical understanding of witnesses' roles and vulnerabilities, further empirical research is essential to validate these insights and to develop context-sensitive, evidence-based interventions that protect both the integrity of witness testimony and the rights of all parties in criminal proceedings.

7. Conclusions and discussion

The witness remains an indispensable actor in criminal proceedings, serving as a vital conduit through which the judiciary can reconstruct facts and evaluate the credibility of allegations and defenses. Their testimony often determines the trajectory and outcome of criminal trials, particularly in cases lacking robust forensic or material evidence (Jackson, 2009; Roberts & Zuckerman, 2010). Yet, as demonstrated throughout this analysis, the probative value of witness testimony is profoundly shaped by psychological, emotional, and social factors that can compromise both its reliability and its perceived credibility (Gudjonsson, 2003; Loftus, 2005).

Exposure to psychological pressures—such as anticipatory anxiety, traumatic stress responses, memory distortion, and fear of retaliation—poses significant risks not only for the witnesses' well-being but also for the broader principle of fairness underpinning criminal justice systems (European Court of Human Rights, 2021). Witnesses who are emotionally distressed or traumatized may deliver fragmented or inconsistent accounts, while those influenced by cognitive dissonance or social pressures may deliberately omit or alter critical details (Festinger, 1957; Ellison & Munro, 2010). Such vulnerabilities challenge the fundamental right to a fair trial as enshrined in Article 6 of the European Convention on Human Rights, which requires that evidence be reliable and that the defense have a meaningful opportunity to contest it (European Court of Human Rights, 2021).

Identifying and mitigating these vulnerabilities is therefore essential, not only to protect the mental health and dignity of individuals who serve as witnesses but also to preserve the integrity of criminal proceedings and public confidence in the justice system. In recent years, legal reforms across various jurisdictions have introduced innovative procedural safeguards aimed at reducing the psychological burden on witnesses, such as the use of pre-recorded evidence, video-link testimony, protective screens in courtrooms, and the involvement of intermediaries for vulnerable individuals (Hoyano & Keenan, 2010; Ellison &

Munro, 2010). These measures reflect an increasing awareness within legal systems that justice cannot be achieved at the expense of human dignity and psychological safety.

However, while such measures represent significant progress, they also present challenges. Courts must carefully balance protective interventions with defendants' procedural rights, particularly the right to confront and cross-examine witnesses, which is a cornerstone of adversarial justice (Damaska, 1997). There remains an ongoing debate as to how best to reconcile witness protection with the rights of the accused without compromising either party's interests (Jackson, 2009).

Furthermore, the research underscores the necessity for legal professionals—including judges, prosecutors, defense attorneys, and law enforcement officers—to receive training in trauma-informed practices and the psychology of witness testimony. Such expertise is crucial for interpreting witness behavior accurately and avoiding the misinterpretation of signs of stress, anxiety, or trauma as indicators of dishonesty or unreliability (Brewer & Weber, 2008; Gudjonsson, 2003).

In conclusion, witnesses stand at the intersection of legal truth-finding and human vulnerability. Ensuring their effective participation in criminal proceedings requires both procedural innovations and a deeper understanding of the psychological realities they face. Continued interdisciplinary research integrating legal scholarship, forensic psychology, and human rights principles is vital to develop evidence-based strategies that safeguard witness welfare while upholding the integrity and fairness of the criminal justice system. These strategies could be further developed to outline concrete and actionable recommendations for legal practitioners, such as standardized psychological assessment protocols for identifying vulnerable witnesses, guidelines for adapting questioning techniques to minimize stress, and structured training programs on interpreting testimony in light of psychological factors. Such targeted measures would bridge the gap between theoretical insights and practical application, ensuring that judicial actors are equipped to both protect witnesses and preserve procedural fairness.

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