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Why is silence so worthy of suspicion?

by Vera Gajic

“It is our right to stay silent. Are our thoughts not the last place we have true freedom and whether to divulge those thoughts are our decision alone? So why is silence so worthy of suspicion?”

Should we be forced to speak? What good is enforced speaking – does torture elicit the truth or what the torturers want to hear? Apologies that is excessive – of course I am not saying we are torturers but for some people I am sure it can feel very much like it. Many of you had never stepped inside this building before you were called upon to do your duty. Think how intimidating and nervous you were when you started. Imagine instead you were on the stand. The weight of history and law pressing down on you. The balance of your future based on your words, how you look, whether you cry enough, are you demure enough, and of course are you believable.

I am not saying the defendant is not believable but it is tough being interrogated about something so difficult to define, open to interpretation and misunderstanding. Could you trust yourself to remember correctly, not to contradict yourself, not to say something that a highly skilled prosecutor could use to run around you in circles.

That is a hard task for a seasoned actress let alone someone in her position. Is that what it is down to – how good an actress she is, because however, you look at it - it is acting – a defendant’s testimony is practised and learnt; they get feedback on how they look, sound, seem. I know, I have seen enough defendants to see the amount of preparation that is done. So is it the preparation and the acting skills that are being judged? It is something I myself am thinking about as this is the first time I have

defended someone who has decided not to take the stand. I applaud her for not doing so and letting the facts speak for themselves. When to speak would open the floodgates - apologies to the flooding reference in these difficult times, to immense scrutiny, days of examination which can bring innocent people to their knees – I have seen it happen. Who has the time for that??

The defendant before you has decided to stay silent and not give her side of the story. Does this make her guilty? No it does not – nor does it make her innocent. It means, Ladies and Gentlemen of the Jury you must look at the facts of the case not the emotion and decide on those alone. I have faith that you will judge the facts and discard the emotion and find that Mrs Patel is not a bully.”