## APPENDIX – A : A Summary of Legislation Relating To Witness Protection In European Countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Date of relevant legislation</th>
<th>Title of relevant legislation</th>
<th>Eligibility for protection</th>
<th>What types of protection and support are available?</th>
<th>Who decides on who is protected?</th>
<th>Who provides protection?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Austria</strong></td>
<td></td>
<td>Code of Police Practice and Code of Criminal Procedure.</td>
<td>Individuals 'able to supply information on a dangerous assault or organised crime and who are therefore especially endangered'.</td>
<td>Restricted participation in trial though use of audio and/or video transmission; exclusion of public or defendant during trial; 'particular protection' provided by law enforcement authorities; change of identity</td>
<td>The investigating judge can restrict a witness' participation in a trial; the presiding judge can exclude public or defendant from courtroom; the Federal Minister of the Interior is responsible for changes of identity.</td>
<td>Protection co-ordinated by the Witness Protection Board, the Federal Public Prosecutor (Chair), a Public Prosecutor, the Attorney General, the Commissioner of the Criminal Investigation Department of the Federal Police, and in an advisory, non-voting capacity, representatives of the Ministry of Justice and Ministry of Interior). The Witness Protection Board can grant 'ordinary' or 'special' protection.</td>
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<td>2. <strong>Belgium</strong></td>
<td>2002</td>
<td>Rules relating to the protection of vulnerable witnesses and other provisions.</td>
<td>Persons placed at risk as a result of statements made in connection with a criminal case, their family members and other relatives.</td>
<td>Distinction between ordinary protective measures' and special protection'. The former includes, protection of data on the person protected held by the Census Board and Registrar General, provision of alarms, police patrols, monitoring of phone calls, direct physical protection, and relocation for a maximum of 45 days. Special protection includes: relocation for more than 45 days and a new identity; monthly subsistence payments; a one-off business establishment payment, A person benefiting from special protective measures will also automatically have the right to psychological assistance and assistance with finding a job.</td>
<td>The Witness Protection Board (comprises the Federal Public Prosecutor [Chair], a Public Prosecutor, the Attorney General, the Commissioner of the Criminal Investigation Department of the Federal Police, and in an advisory, non-voting capacity, representatives of the Ministry of Justice and Ministry of Interior). The Witness Protection Board can grant 'ordinary' or 'special' protection.</td>
<td>Protection co-ordinated by the Witness Protection Department of the Directorate-General of the Criminal Investigation Department of the Federal Police, Implementation lies with the Director General of Operational Support of the Federal Police,</td>
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<td></td>
<td>Country</td>
<td>Year</td>
<td>Description</td>
<td>Legal Protection</td>
<td>Police Intervention</td>
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<td>3</td>
<td>Czech Republic</td>
<td>2001</td>
<td>The special protection of witnesses and other persons in connection with criminal proceedings.</td>
<td>A protected person' is an 'endangered person' provided with special protection. An endangered person is a witness or other person (including those in a 'close relationship' with the witness and the accused if they testify to assist with criminal proceeding) 'in danger of bodily harm or in other grave jeopardy'.</td>
<td>A Supreme Court judge must approve a police proposal to provide special protection but the consent of the 'endangered person' concerning the conditions of special protection must have been acquired first. If the threat is immediate, the police with the approval of the Police President or, if the person is in prison, the head of the Penitentiary Service, can be provided temporarily before the Supreme Court approves the proposal. It is for the Minister to decide on the termination of special protection based on recommendations from the police.</td>
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<td>4</td>
<td>France</td>
<td>2001/2002</td>
<td>'Everyday security' and 'internal security'.</td>
<td>Distinguish between physical protection' and legal protection'. Former includes police protection before and after trial, use of audio or audio-visual devices during proceedings and allowing a witness to appear before the defendant from within or outside French national territory using appropriate technologies. Legal protection relates to scope for witnesses to testify anonymously.</td>
<td>Although no witness protection service' exists, French internal security policy provides for the appointment of police and gendarmerie officers in each region to ensure the safety of witnesses before and after judgement.</td>
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<td></td>
<td>Germany</td>
<td>2001</td>
<td>Witness Protection Harmonisation Act.</td>
<td>A person crucial to criminal proceedings, who faces serious danger if they testify, and is suited to witness protection measures; family members or others close to witness and are suited to witness protection.</td>
<td>The type of protection is a matter for witness protection units (WPUs). Temporary cover identities can be requested by WPUs who can also provide allowances to witnesses.</td>
<td>Normally the police, in particular, the bureau of the protection of witnesses which is located in every region.</td>
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<td>Normally the police, in particular, the bureau of the protection of witnesses which is located in every region.</td>
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<td>6</td>
<td>Italy</td>
<td>1991 (revised 2001)</td>
<td>Provisions for the protection of persons co-operating with justice - special protection measures.</td>
<td>Witnesses to drugs, mafia or murder offence and all offences where the sentence is between 5 and 20 years. Informants for mafia, terrorism and drug trafficking offences. Those close to witnesses or informants who are also in danger can be protected as well.</td>
<td>Three types of protection: (1) 'A Temporary plan' involving relocation and subsistence lasting for 1-60 days. (2) 'Special measures' involving provision of protection and social reintegration plans of relocated. If special measures are inadequate then: (3) 'Special protection programme': provides relocation, provisional identity documentation, financial assistance (monthly allowance, house rent, health care, social and legal assistance), and, as a last resort, new legal identities. Informants co-operating with justice who are in prison must serve at least a quarter of their sentence or, if in for life, 10 years.</td>
<td>A Public Prosecutor whose office is investigating a case or the Head of Police recommends individuals for inclusion to a Central Commission comprising: Under-Secretary of State at the Ministry of the Interior [chair], two judges/prosecutors; five experts in the field of organised crime. Decisions are by majority voting; Chair has casting vote. Members of the Commission should NOT work in offices conducting investigative activities related to organised crime. Authorisation for a change of identity must be given by the Central Protection Service.</td>
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<tr>
<td></td>
<td>Country</td>
<td>Year</td>
<td>Legal Framework</td>
<td>Eligibility</td>
<td>Protective Measures</td>
<td>Application</td>
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<td>7</td>
<td>Lithuania</td>
<td>1993</td>
<td>Programme to protect witnesses and victims against intimidation.</td>
<td>Witnesses, victims, experts, defence counsel, the accused, defendants and convicted persons, and security officials if investigations into serious crime indicate their lives, health and property, as well as basic rights and freedoms embodied in the constitution are at risk. Also eligible are those close to the above people.</td>
<td>Direct personal protection; temporary relocation; 'data stop' on official records; permanent relocation with job or place in full-time education; a new identity; cosmetic surgery; issuing of weapon. Also trilateral agreements exist with Estonia and Latvia to allow legal stay by person being protected in another country and assistance with that person's integration.</td>
<td>Application for protective measures is made to the national chief of police, the prosecutor general, the heads of public prosecutors' offices, and of the police superintendents for the area concerned or the competent investigator.</td>
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<td>8</td>
<td>Poland</td>
<td>1997</td>
<td>Law on Protected Witnesses.</td>
<td>Eligibility restricted largely to being a witness in cases involving organised crime.</td>
<td>Personal protection, relocation, assistance with changing employment, and 'in particularly justified cases' change of identity.</td>
<td>The Prosecutor decides on establishing the protection or assistance for a witness but the Council of Ministers 'shall determine in an ordinance the detailed conditions, scope and manner in which protection and assistance ... shall be granted and withdrawn'.</td>
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<td>9</td>
<td>Portugal</td>
<td>1999</td>
<td>Anyone in possession of information/knowledge necessary to the disclosure, apprehension or evaluation of the facts subject to investigation. This covers the co-defendant and victim, and protection measures can cover witnesses' relatives or others close to them.</td>
<td>(i)Concealment and teleconferencing: the witness's image or voice can be distorted to avoid recognition; a witness can deliver evidence remotely via teleconferencing but a judge must be present with the witness. (ii)Non-disclosure of witness's identity (iii) Specific security measures which</td>
<td>Decisions regarding concealment and teleconferencing are decided by the court at the request of the Public Prosecutor, defendant or witness. The non-disclosure of a witness's identity is decided by an Examining Magistrate upon request from the Public Prosecutor but only if testimony relates to certain criminal offences</td>
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</tbody>
</table>
include transport to court in State vehicle, provision of secure room at court, and police protection of witness, relatives and others with a close relationship.

(iv) Specific security programmes includes change of identity, changes in the 'physiognomy or the body', relocation, provision of conditions for 'obtaining means of maintenance', and granting of a subsistence allowance. 

(including trafficking in human beings, organised crime, drug-trafficking, terrorism and terrorist organisations), the witness faces serious danger and their testimony is crucial. The provision of 'specific security measures' can be ordered by the judicial authority in charge of proceedings' or upon request by interested parties or at the proposal of the criminal police authorities. Specific security programmes are only available in cases concerning serious criminal offences and are handled by the Commission for Special Security Programmes, supervised by the Ministry of Justice which appoints President and Secretary of the Commission and which also includes a judge and a Public Prosecutor with experience of violent and organised crime.

<p>| 10 | Spain | 1994 | Protection of Witnesses and Experts on Criminal Proceedings | Anyone who as a witness or an expert is obliged to participate in the criminal process and who the Judicial Authority rationally sees as being in 'severe jeopardy'. | Non-disclosure of personal details of witness during trial; use of measures to prevent visual identification during trial; secure transport to and accommodation at court; police | Examining Magistrate |</p>
<table>
<thead>
<tr>
<th>No</th>
<th>Country</th>
<th>Year</th>
<th>Statute / Protection Title</th>
<th>Eligibility Criteria</th>
<th>Protection Measures</th>
<th>Responsible Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Slovak Republic</td>
<td>1998</td>
<td>Protection of the witness</td>
<td>Those enjoying a close relationship with witness or expert are also eligible.</td>
<td>Protection; change of identity and provision of financial resources in for relocation of residence or workplace.</td>
<td>Decision taken by The Commission, comprising four members and a Chair. The Chair and one member are appointed by the Minister of Interior from among members of the Police Corps. Two members are appointed by the Minister of Justice from among his/her subordinates. One member shall be appointed by the General Prosecutor form among the prosecutors in his/her office.</td>
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<tr>
<td>12</td>
<td>United Kingdom</td>
<td>2005</td>
<td>Serious Organised Crime and Police Act</td>
<td>Persons involved in criminal investigations or proceedings</td>
<td>Physical Police protection, identity change, relocation, financial support, other support services such as accommodation, transportation, child care, medical care, psychological</td>
<td>No National Witness Protection Program in place. Police services and law enforcement agencies provide protection; Protection providers: Police, Serious Organised Crime Agency (SOCA), Scottish Crime and Drug Enforcement Agency, Her Majesty’s Revenue and Customs, other public authorities as required.</td>
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</tbody>
</table>
### APPENDIX – B: A Summary of Legislation relating to Witness Protection in Countries outside Europe

<table>
<thead>
<tr>
<th>Country</th>
<th>Date of relevant legislation</th>
<th>Title of relevant legislation</th>
<th>Eligibility for protection</th>
<th>What types of protection and support are available?</th>
<th>Who decides on who is protected?</th>
<th>Who provides protection?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Australia</strong></td>
<td>1994 (as amended 2002)</td>
<td>Witness Protection Act (NWPP)</td>
<td>(a) a person who has given (or agreed to give evidence) on behalf of the Crown (or State or Territory) in criminal or prescribed proceedings for an offence; (b) persons who have made a statement in relation to an offence; (c) persons who may require protection and assistance for any other reason; and (d) persons who are related to or associated with such persons. Considerations: criminal record, psychiatric evaluation, nature and seriousness of offence, nature and importance of evidence, perceived danger to the witness, and the nature of the relationship between witnesses being considered for inclusion into the program.</td>
<td>New identity, relocation (including payments for living expenses, assistance in obtaining employment or access to education), provision of any other assistance to allow witness to become self-sustaining.</td>
<td>The Commissioner of the Australian Federal Police has the sole responsibility of deciding whether to include a witness in the National Witness Protection Program</td>
<td>Australian Federal Police</td>
</tr>
<tr>
<td>1(a) <strong>State of Victoria:</strong></td>
<td>1991 (amended)</td>
<td>Witness Protection Act</td>
<td>(a) same as above, yet in relation to the commission</td>
<td>Physical Police protection, identity change, relocation,</td>
<td>Operated by the Victoria Police Witness</td>
<td>Division of the Victoria Police;</td>
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</table>
| 1(b) | **State of Queensland** | 2000 | **Witness Protection Act** | Persons needing protection from a danger arising:  
(a) because the person has helped, or is helping, a law enforcement agency in the performance of its functions;  
(b) because of the person’s relationship or association with such a person (family member or associate)  
Other factors considered: witness criminal history, nature of threat, seriousness | Physical Police protection, identity change, relocation, financial support, other support services such as accommodation, transportation, child care, medical care, psychological support etc. | Operated by Crime and Misconduct Commission; | Chairperson of Crime and Misconduct Commission is responsible |
<table>
<thead>
<tr>
<th></th>
<th>State of South Australia</th>
<th>1996</th>
<th>Witness Protection Act</th>
<th>Eligibility requirements and considerations for inclusion into the State Witness Protection Program are largely the same as those required by the National Witness Protection Program (NWPP).</th>
<th>Physical Police protection, identity change, relocation, financial support, other support services such as accommodation, transportation, child care, medical care, psychological support etc.</th>
<th>The Witness Protection Section, Investigation Support Branch of the South Australian Police is responsible for the protection of witnesses accepted into the State Witness Protection Program</th>
</tr>
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<tr>
<td>1(c)</td>
<td>State of Western Australia</td>
<td>1996</td>
<td>Witness Protection (Western Australia) Act</td>
<td>Eligibility requirements are largely the same as those required by the National Witness Protection Program (NWPP). Additionally, and according to the Act (a) unless the contrary intention appears, a person is a witness if, in the opinion of the Commissioner, there is a risk to the safety or welfare of the person for any reason other than those otherwise stated; (b) unless the contrary intention appears, a person is a witness if he or she is</td>
<td>Physical Police protection, identity change, relocation, financial support, other support services such as accommodation, transportation, child care, medical care, psychological support etc.</td>
<td>Police arrange and provide protection and other assistance to witnesses under the State Witness Protection Program (SWPP)</td>
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related to or associated with a person referred to (above) and in the opinion of the Commissioner, may require protection or assistance under the State Witness Protection Program (SWPP) because of that relationship or association.

Other factors considered: criminal record, risk to public, psychiatric examination, seriousness of offence to which evidence will be given, nature and importance of evidence or statement, perceived danger to the witness, nature of the relationship between witnesses seeking inclusion into the program.

| 2 | United States of America | Federal Witness Security Program (WitSec) | Federal Witness Security Program: (a) Attorney General may provide for the relocation and other protection of a witness or a potential witness for the Federal Government or for a State government in an official proceeding concerning an organized criminal activity or other serious offence if it | Physical Police protection, identity change, relocation, financial support, financial payment, other support services such as accommodation, transportation, child care, medical care, psychological support etc. | Operated by the US Marshals Service (USMS) | Attorney General is responsible. |
is determined that violence will likely be directed at the witness;
(b) also applies to the immediate family members, or persons closely associated with the witness
Eligible only for cases being tried in official proceedings in federal courts. Witnesses must testify in court to be eligible for protection under the program.
Other factors considered: Criminal history, psychological evaluation, seriousness of the case, risks to the public assuming if witness is relocated, whether the need for testimony outweighs the risk of danger to the public, alternatives to providing protection, whether protection will infringe on the relationship between a child who would be relocated and that child’s parent who would not be relocated.
Protection not provided if the Attorney General deems
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<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Act</th>
<th>Eligibility Details</th>
<th>Protection Details</th>
<th>Entity Name</th>
<th>Details</th>
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<tr>
<td>3</td>
<td>Canada</td>
<td>1996</td>
<td>Witness Protection Program Act</td>
<td>Eligibility depends, inter alia, the risk to the witness, the danger to the community posed by the witness, their ability to adjust to the programme, and use of other methods of protecting the witness. Those close to the witness can also be protected.</td>
<td>Protection under the Act includes relocation, change of identity, counselling, and financial support to help witness become self-sufficient in their new communities</td>
<td>The Commissioner of the Royal Canadian Mounted Police</td>
<td>Royal Canadian Mounted Police</td>
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<td>4</td>
<td>South Africa</td>
<td>1993</td>
<td>Witness Protection Act</td>
<td>Eligibility will depend on, inter alia, the risk to the witness, the nature of the proceedings in which the witness is giving evidence (includes treason, murder, rape, drug trafficking and public violence), the probability the witness will be able to adjust to protection.</td>
<td>Not specified in the Act but the Director of the Office for Witness Protection must &quot;take such reasonable steps as are necessary to provide the protected person with ... protection and related services' which includes relocation, change of identity, financial assistance and providing the witness with support from other state Social Development departments.</td>
<td>Director of the Office for Witness Protection, appointed by the Minister of Justice, and originally located in the Department of Justice but from 2001 transferred to the National Prosecuting Authority. The Office is now known as the Witness Protection Unit</td>
<td>Witness Protection Officers appointed by the Director-General Justice and security officers (who have been seconded from the South African Police Service).</td>
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<td>5</td>
<td>Kenya</td>
<td>2006 (amended 2008)</td>
<td>Witness Protection Act</td>
<td>(a) a person who has given, or agreed to give evidence on behalf of the State in relation to the commission (or possible commission) of an offence; (b) a person who has made a statement to police or other</td>
<td>Physical Police protection, identity change, relocation, other support services such as accommodation, transportation, child care, medical care, psychological support etc.</td>
<td>Managed by the Office of the Attorney General and run by the Witness Protection Unit. Multi-agency task team consists of: Police, Provincial Administration, Judiciary, National Security</td>
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<td>Country</td>
<td>Year</td>
<td>Statutory Basis</td>
<td>Eligibility</td>
<td>Other Factors Considered</td>
<td>Other Protective Measures</td>
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<td>Japan</td>
<td>1999</td>
<td>Criminal Procedure Law</td>
<td>Law enforcement agencies; (c) a person who for any other reason requires protection, including family or other relations. Other factors considered: seriousness of offence, nature of evidence, nature of danger to witness, existence of other protective measures.</td>
<td>Witness can testify in court accompanied by lawyer; 'screens' available so face of witness is not exposed to offenders in court; witness can testify via telephone or TV link even when located in place other than the court.</td>
<td>Intelligence Services, Kenya Anti-corruption Commission, Immigration Department, National Counter terrorism Centre, Prisons Department, Ministry of Justice and Constitutional Affairs.</td>
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<td>Ireland</td>
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<td>No statutory footing, yet program in place since 1997.</td>
<td>Those whose testimony will be, or has been used to convict serious criminals. Spouses and Children are also eligible for protection. Other factors considered: The veracity of the evidence, and the likelihood it will be crucial in securing a conviction is measured.</td>
<td>Physical Police protection, identity change, relocation, financial payment, other support services such as accommodation, transportation, child care, medical care, psychological support etc.</td>
<td>Witness Security Program administered by Garda Crime and Security Branch and operated by Garda Special Detective Unit (SDU). Garda Commissioner is responsible.</td>
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<td>New Zealand</td>
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<td>Witnesses and their families under threat of harm who give evidence against gang members and other serious criminals.</td>
<td>Physical Police protection, identity change, relocation, other support services such as accommodation, transportation, child care, medical care, psychological support etc.</td>
<td>New Zealand Police Witness Protection Program; liaison between Department of Corrections and Police.</td>
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<td><strong>Jamaica</strong></td>
<td>2001</td>
<td><strong>The Justice Protection Act</strong></td>
<td>Witnesses, jurors, judicial officers, legal officers, law enforcement personnel or associates of such persons in cases which involve, inter alia, murder, use of firearms, drug trafficking, domestic violence, fraud, dishonesty or corruption.</td>
<td>(i) Providing documents for a new identity (ii) relocation (iii) providing payments to meet reasonable living expenses and costs associated with relocation (iv) providing assistance in obtaining employment, access to education and health care (v) providing other assistance to ensure participant becomes self-sustaining.</td>
<td>Decisions about inclusion and the level and duration of protection and assistance are taken by the Witness Protection Administration and Victim Support Unit in the Ministry of National Security and Justice following an application by the Director of Public Prosecutions.</td>
<td>Officers from the Witness Protection Administration and Victim Support Unit in the Ministry of National Security and Justice</td>
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MEMORANDUM OF OBJECTS AND REASONS

The object of this bill is to ensure that the due administration of justice in criminal and related proceedings is not prejudiced by witnesses not being prepared to give evidence without protection from violent or other criminal recrimination.

ATTORNEY-GENERAL

An Act to provide for the safety and well-being of witnesses in criminal proceedings who, unless protected, may not give evidence for fear of death, violence or serious injury by criminal interests likely to be affected by the proceedings, and for related purposes.

ENACTED by the President and Parliament of [name of State]

PART I
PRELIMINARY

1. Short title, Extent and Commencement

(1) This Act may be called the "Witness Protection Act, 2000."

(2) It shall extend throughout [name of State].

(3) It shall come into force at once.

2. Definitions

(a) “foreign State” means:

   (i) any country other than [name of State]; and
(ii) every constituent part of such country, including a territory, dependency or protectorate, which administers its own laws relating to international cooperation;

(b) "serious offence" means an offence against a provision of:

(i) any law in [name of State], for which the maximum penalty is death, or imprisonment or other deprivation of liberty for a period of not less than [12 months];

(ii) a law of a foreign State, in relation to acts or omissions, which had they occurred in [name of State], would have constituted an offence for which the maximum penalty is death, or imprisonment or other deprivation of liberty for a period of not less than [12 months];

(c) "witness" means a person who:

(i) has made a statement, or who has given or agreed to give evidence in relation to the commission or possible commission of a serious offence;

(ii) because of his or her relationship to or association with a person referred to in subsection (i), may require protection or other assistance under this Act; or

(iii) for any other reason, may require protection or other assistance under this Act;

(d) “proceedings” means any procedure conducted by or under the supervision of a judge or judicial officer however described in relation to any alleged or proven offence, or property derived from such offence, and includes an inquiry, investigation, or preliminary or final determination of facts; and

(c) "property derived from an offence" means any property derived or realised directly or indirectly from a serious offence and includes, on a proportional basis, property into which any property derived or realised directly from the offence was later successively converted, transformed or intermingled, as well as income, capital or other economic gains derived or realized from such property at any time since the offence.

PART II
WITNESS PROTECTION

3. Witness protection programme

(1) The [Commissioner of Police] shall, through the establishment and maintenance of a witness protection programme, take such action as he or she thinks necessary and reasonable to protect the safety and welfare of a witness in any proceedings relating to this Act.

(2) Subject to subsection (3), that action may include the following;

(a) making arrangements necessary:

(i) to allow the witness to establish a new identity; or

(ii) otherwise to protect the witness;

(b) relocating the witness;

(c) providing accommodation for the witness;
(d) providing transport for the property of the witness;

(e) providing reasonable financial assistance to the witness;

(f) permitting any person involved in the administration of the witness protection programme to use an assumed name in carrying out his or her duties and to have documentation supporting those assumed names;

(g) doing any other thing that the [Commissioner of Police] considers necessary to ensure the safety of the witness;

(h) taking any of the steps listed in subsections (a) to (g), in respect of a foreign witness present in [name of State] pursuant to an agreement or arrangement between [name of State] and a foreign State relating to witness protection.

(3) The [Commissioner of Police] shall not obtain documentation for a witness participating in the witness protection programme that represents that the participant has a qualification that he or she does not have, or is entitled to a benefit that he or she is not entitled to;

4. Inclusion of a witness in the witness protection programme

(1) Subject to any direction of the Minister pursuant to subsection 12 (3), the [Commissioner of Police] shall be responsible for deciding whether to include a witness in a witness protection programme.

(2) In deciding whether to include a witness in the witness protection programme, the [Commissioner of Police] shall have regard to:

(a) the seriousness of the offence to which the statement or evidence of the witness relates;

(b) the nature and importance of that statement or evidence;

(c) the nature of the perceived danger to the witness;

(d) the nature of the witness’s relationship to any other witness being assessed for inclusion in the programme;

(e) the results of any psychological or psychiatric examination or evaluation of the witness conducted to determine his or her suitability for inclusion in the programme;

(f) whether there are viable alternative methods of protecting the witness; and

(g) whether the witness has a criminal record, particularly in respect of violent crime, which indicates a risk to the public if he or she is included in the programme.

(3) A witness shall not be included in a witness protection programme unless the witness, or a person legally responsible for the person, agrees in writing to be included in the programme.

5. Court orders protecting witnesses from identification

(1) For the purposes of this Act, the [Commissioner of Police] may apply to the [Court] for an order authorizing a specified person or a person of a specified class or description of persons:
(a) to make a new entry in the [register of births], [register of deaths] or [register of marriages] in respect of a witness;

(b) to issue in the witness’s new identity a document of a kind previously issued to the witness.

(2) The [Court] may make a witness protection order if it is satisfied that the life or safety of that person may be endangered by virtue of the person being a witness.

(3) Any proceedings of the [Court] under this section shall be conducted in camera, and all records of the proceedings shall be sealed.

(4) On the making of a witness protection order under subsection (2), any person authorized to do so by the order may make such entries in the [register of births], [register of deaths] or [register of marriages] as are necessary to give effect to the order.

(5) An entry made in the [register of births], [register of deaths] or [register of marriages] pursuant to a witness protection order under subsection (2) has effect as if it were a valid entry made under the [Births, Deaths and Marriages Act].

6. Termination of protection and assistance

(1) Protection and assistance provided under the witness protection programme:

(a) shall be terminated by [Commissioner of Police] if the participant requests in writing that it be terminated; and

(b) may be terminated in writing by [Commissioner of Police] if:

(i) the witness deliberately breaches a requirement or undertaking relating to the witness protection programme;

(ii) the witness’s conduct or threatened conduct is, in the opinion of the [Commissioner of Police], likely to threaten the security or compromise the integrity of the witness protection programme; or

(iii) the circumstances that gave rise to the need for protection and assistance for the witness have ceased to exist,

and the [Commissioner of Police] is of the opinion that, in all the circumstances of the case, the protection and assistance should be terminated.

(2) A decision of the [Commissioner of Police] to terminate protection and assistance under the witness protection programme takes effect:

(a) when the [Commissioner of Police] notifies the witness of the decision;

(b) if the witness’s location is not known and the [Commissioner of Police] has taken reasonable but unsuccessful steps to notify the witness, at the end of a period of [28] days after those steps were taken.

7. Non-disclosure of former identity of a witness

A person whose protection has not been terminated under section 6 shall not disclose his or her former identity for
any purpose, and it shall be lawful for that person, in any proceedings or for any purpose in [name of State], to claim that his or her new identity is his or her only identity.

8. Restoration of former identity

The [Commissioner of Police] may, if he or she considers it appropriate to do so, take such action as is necessary to restore the former identity of a person whose protection and assistance under a witness protection programme has been terminated.

9. Certain persons not required to disclose information

Unless the [name of Court] makes an order in the interests of justice that provides to the contrary, or the proceedings relate to an offence against this Act, a person who acquires information in the ordinary course of official duties relating to the administration of the witness protection programme cannot be required in any proceedings in any [court, tribunal or commission of inquiry however described] to:

(a) produce any document; or
(b) divulge or communicate any matter or thing,

relating to the performance of his or her duties in connexion with the programme.

10. Provision of information to competent authorities

If:

(a) a person has been provided with a new identity or relocated under this Act; and
(b) the [Commissioner of Police] is notified by a competent authority that the person is under investigation for, or has been arrested for or is charged with a serious offence,

the [Commissioner of Police] may:

(i) release to that authority the new identity or location of the person;
(ii) provide that authority with the criminal record and fingerprints of the person;
(iii) release to that authority such other information as [the Commissioner of Police] considers appropriate in the circumstances; and
(iv) otherwise cooperate with that authority.

11. Offences relating to witness protection

(1) No person shall, except in accordance with this Act, disclose information:

(a) about the identity of a person who is or has been a witness included in the witness protection programme; or
(b) that compromises the security of such a person.
Penalty: [...] penalty units, or imprisonment for a period not exceeding [10] years, or both.

(2) Subject to subsection (3), no person who has participated in the witness protection programme shall, either directly or indirectly, disclose or communicate to another person:

   (a) information relating to anything done by the [Commissioner of Police] or any police officer under this Act; or

   (b) information about any police officer gained by the person as a result of anything done under this Act.

Penalty: [...] penalty units, or imprisonment for a period not exceeding [5] years, or both.

(3) Subsection (2) does not apply to any disclosure or communication:

   (a) that has been authorised by the [Commissioner of Police]; or

   (b) that is necessary to comply with an order of the [name of Court].

(4) A person in respect of whom an entry is made under this Act in a [register of births], [register of deaths] or [register of marriages] shall not, while the entry remains in force, use or obtain any document that is based on the previous entry.

Penalty: [...] penalty units

(5) A witness who has been provided with a new identity under a witness protection programme shall not marry using the new identity unless;

   (a) the witness is of marriageable age;

   (b) if the witness has been married previously to another person, the witness is now divorced from that other person, or that other person has died; and

   (c) there is no legal impediment to the marriage.

Penalty: [...] penalty units or imprisonment for [...] [months/years]

12. Witness protection arrangements

   (1) The [Minister] may make arrangements with any foreign State about any matter relating to cooperation between [name of State] and that State relating to witness protection.

   (2) The [Minister] may make such arrangements as are necessary or convenient for the administration of a witness protection programme with any other Minister or competent authority in [name of State].

   (3) The [Minister] may issue such directions as are necessary or convenient for the administration of a witness protection programme.
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