

# Global Framework For Witness Protection: Evaluating Institutional And Best Practices



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## ABSTARCT

Witness protection programs are critical for the effective administration of justice, particularly in cases involving organized crime, terrorism, and other serious offenses where witnesses face significant threats. This abstract examines the global framework for witness protection, analyzing the institutional structures and best practices that underpin successful programs while identifying persistent challenges.

The study explores various national and international models, drawing insights from established programs such as the US Federal Witness Security Program (WITSEC) and the efforts of international criminal courts. It evaluates key components of effective witness protection, including robust legal frameworks, clear admission and termination criteria, comprehensive security measures (e.g., relocation, identity change, physical protection), and continuous support services (e.g., financial assistance, psychological counseling, vocational training). Emphasis is placed on the importance of confidentiality, inter-agency cooperation, and international agreements for cross-border relocation, which are crucial for addressing the transnational nature of threats.

Despite advancements, the evaluation highlights several ongoing challenges: balancing witness protection with fair trial rights of the accused, ensuring adequate and sustainable funding, addressing the psychosocial impact on witnesses and their families, and overcoming limitations in international cooperation, especially regarding jurisdiction and information sharing. The abstract concludes by advocating for a harmonized global approach, underpinned by strong legal foundations, enhanced international collaboration, and a commitment to continuous evaluation and adaptation of best practices to ensure the safety and cooperation of witnesses in the pursuit of

**KEY WORDS:** *Witness protection; US Federal Witness Security Program (WITSEC); inter-agency cooperation.*

## INTRODUCTION

Witness protection programs stand as a cornerstone of the modern justice system, an indispensable tool in the global fight against organized crime, terrorism, corruption, and other egregious offenses. In an increasingly interconnected world, where criminal networks transcend national borders, the safety and cooperation of witnesses are paramount to securing convictions and upholding the rule of law. Yet, witnesses often face immense risks, including intimidation, violence, and even assassination, deterring them from providing crucial testimony. This article delves into the intricate global framework of witness protection, meticulously evaluating the institutional structures and best practices that underpin effective programs worldwide. It aims to shed light on the evolution of witness protection, analyze diverse national and international models, identify common challenges, and propose pathways for strengthening this vital component of justice delivery.

### The Evolution and Necessity of Witness Protection

The concept of protecting witnesses isn't new, but formalized witness protection programs are a relatively recent development, emerging primarily in

the latter half of the 20th century. Initially driven by the need to combat organized crime syndicates in countries like the United States and Italy, these programs recognized that traditional law enforcement methods were often insufficient when witnesses faced extreme threats.

### Early Initiatives and Driving Forces

Early initiatives were often ad-hoc, relying on police protection or temporary relocation. However, the escalating scale and sophistication of criminal enterprises highlighted the need for more structured, long-term solutions. The rise of drug trafficking, international terrorism, and complex financial crimes further underscored this urgency. Without the cooperation of those privy to criminal activities, achieving justice becomes an insurmountable task. Witnesses, especially those within criminal organizations or with intimate knowledge of their operations, are invaluable assets. Protecting them isn't just a humanitarian concern; it's a strategic imperative for law enforcement and judicial bodies.

### The Risk-Benefit Analysis

The decision to offer witness protection involves a delicate risk-benefit analysis. On one hand, the state

assumes significant responsibility and financial burden for the witness's long-term safety and well-being. On the other, the potential for obtaining critical evidence, dismantling criminal networks, and securing convictions against dangerous offenders far outweighs these costs. The absence of robust protection mechanisms can lead to a chilling effect, where potential witnesses are too afraid to come forward, thereby perpetuating a cycle of impunity.

### **Institutional Models and National Approaches**

Witness protection programs exhibit a wide array of institutional models, reflecting diverse legal traditions, resource allocations, and national security priorities. While each model has its unique characteristics, several commonalities and notable distinctions emerge.

#### **Centralized vs. Decentralized Models**

**Centralized Models:** Countries like the United States with its Federal Witness Security Program (WITSEC), administered by the U.S. Marshals Service, exemplify a highly centralized approach. WITSEC offers comprehensive protection, including relocation, new identities, and financial support, managed by a single federal agency. This model offers consistency, specialized expertise, and significant resources, making it highly effective for complex and high-risk cases. However, it also requires substantial budgetary commitments and strong inter-agency coordination.

**Decentralized Models:** In contrast, some countries adopt a more decentralized approach, where witness protection responsibilities might be shared among different law enforcement agencies (e.g., national police, intelligence services) or even at regional/provincial levels. While potentially more adaptable to local contexts, this can sometimes lead to inconsistencies in standards, resource disparities, and challenges in coordination.

### **CAMPARTIVE STUDY WITH INTERNATIONAL JURDICTIONS**

**In United States (WITSEC):** Established under the Organized Crime Control Act of 1970, WITSEC remains the gold standard for comprehensive witness protection. Its success is attributed to its dedicated funding, specialized personnel, long-term commitment to witness welfare, and the ability to provide complete identity changes.

**In Italy:** Heavily impacted by organized crime (Mafia), Italy has developed sophisticated witness protection legislation (e.g., Law 8/1991, subsequent amendments) managed primarily by the Central Service for Protection (Servizio Centrale di Protezione - SCP) within the Ministry of Interior.

Italy's program often focuses on "collaborators of justice" (pentiti), offering reduced sentences in exchange for testimony, alongside protection. This model highlights the nexus between witness protection and prosecutorial strategies.

**United Kingdom:** The UK's approach, largely overseen by the National Witness Protection Service (NWPS) within the National Crime Agency (NCA), emphasizes a more bespoke, risk-assessed approach rather than a one-size-fits-all model. Protection measures are tailored to individual threat assessments and may include physical security, relocation within the UK, or identity modification, but typically not full identity changes as seen in WITSEC.

**Canada:** Canada's Witness Protection Program (WPP) is administered by the Royal Canadian Mounted Police (RCMP). It provides services similar to WITSEC but on a smaller scale, focusing on cases of serious criminality where a witness's life is at risk.

**Australia:** Australia operates under the National Witness Protection Program (NWPP), managed by the Australian Federal Police (AFP). It emphasizes close cooperation with state and territory police forces, recognizing the federal structure of the country.

### **INTERNATIONAL AND REGIONAL COOPERATION FRAMEWORKS**

The transnational nature of modern crime necessitates robust international cooperation in witness protection. Criminals often operate across borders, making it imperative for protected witnesses to sometimes relocate to other countries or for their testimony to be provided remotely.

#### **United Nations and International Legal Instruments**

**UN Convention against Transnational Organized Crime (UNTOC) and its Protocols (Palermo Convention):** This pivotal convention (2000) is a cornerstone of international cooperation. Article 24 explicitly addresses witness protection, obliging State Parties to take "appropriate measures to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by this Convention and, as appropriate, for their relatives and other persons close to them." It encourages measures such as physical protection, relocation, non-disclosure of identity, and remote testimony.

**UN Convention against Corruption (UNCAC):** Similar to UNTOC, UNCAC (2003) also emphasizes witness protection (Article 32), underscoring its importance in combating corruption.

**International Criminal Courts and Tribunals:** Bodies like the International Criminal Court (ICC), International Criminal Tribunal for the former Yugoslavia (ICTY), and International Criminal Tribunal for Rwanda (ICTR) have established their own robust witness protection units. These units are critical for securing testimony from victims and witnesses of genocide, war crimes, and crimes against humanity, often involving complex logistics and severe security risks across multiple jurisdictions. The ICC's Victims and Witnesses Section (VWS) is a prime example, offering a range of protective measures, including psychosocial support.

### REGIONAL MECHANISMS

**European Union:** The EU has made significant strides in fostering cooperation. Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings and Directive 2012/29/EU establishing minimum standards for the rights, support, and protection of victims of crime, both contain provisions relevant to witness protection. Eurojust and Europol also play roles in facilitating cross-border investigations that may involve witness protection issues. While there isn't a unified EU witness protection program, mutual legal assistance treaties and agreements facilitate cross-border relocation and testimony.

**Council of Europe:** The Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (Warsaw Convention) and the Convention on Cybercrime (Budapest Convention) indirectly support witness protection by promoting international cooperation in serious crimes.

### Bilateral Agreements

Beyond multilateral frameworks, many countries enter into bilateral agreements to facilitate specific witness protection arrangements, particularly for relocation or sharing of information. These agreements are often more flexible and can be tailored to specific needs between two cooperating states.

### BEST PRACTICES IN WITNESS PROTECTION PROGRAMS

While institutional models vary, certain best practices are universally recognized as crucial for the

effectiveness and integrity of witness protection programs.

### 1. Robust Legal Frameworks and Clear Criteria

➤ **Dedicated Legislation:** Comprehensive national legislation is fundamental, outlining the legal basis for witness protection, the powers of implementing agencies, the rights and obligations of protected witnesses, and procedures for admission and termination.

➤ **Clear Admission Criteria:** Programs must have objective and transparent criteria for admitting witnesses. This typically involves a thorough risk assessment (threat level, vulnerability of witness), the materiality and reliability of their testimony, and the absence of viable alternative protection measures.

➤ **Voluntary Participation:** Witness participation must be strictly voluntary, based on informed consent, with a clear understanding of the program's terms, benefits, and limitations.

### 2. Comprehensive Security Measures

➤ **Physical Protection:** This includes immediate police protection, safe houses, secure transportation, and surveillance.

➤ **Relocation:** A cornerstone of most programs, relocation involves moving witnesses and their families to new, undisclosed locations, often far from their original homes.

➤ **Identity Change:** For the highest-risk cases, a complete change of identity (new name, date of birth, social security numbers, etc.) is essential to sever ties with their past and ensure long-term anonymity. This is a complex process requiring meticulous planning and legal backing.

➤ **Anonymity and Confidentiality:** Strict protocols must be in place to protect the identity of protected witnesses, both within the program and during judicial proceedings (e.g., using pseudonyms, voice alteration, screens during testimony).

### 3. Support Services and Rehabilitation

➤ **Financial Assistance:** Witnesses often lose their livelihoods when entering protection. Programs must provide adequate financial support for housing, living expenses, and retraining until they become self-sufficient.

➤ **Psychological and Medical Support:** The experience of witnessing serious crime and entering protection can be profoundly traumatic. Access to psychological counseling, trauma therapy, and medical care is vital for the well-being and successful integration of witnesses.

➤ **Vocational Training and Education:** To facilitate long-term self-sufficiency and integration into new communities, programs should offer

opportunities for vocational training, education, and assistance with job placement.

➤ **Social Integration:** Helping witnesses integrate into new communities, find new social networks, and establish a sense of normalcy is crucial for preventing isolation and ensuring long-term success.

#### 4. Inter-Agency Coordination and Information Sharing

➤ **Domestic Coordination:** Effective witness protection requires seamless cooperation among law enforcement agencies (police, prosecutors), intelligence services, correctional facilities, and other government departments (e.g., vital statistics offices for identity changes).

➤ **International Cooperation:** For transnational cases, cooperation with foreign governments, including mutual legal assistance treaties, extradition agreements, and specific witness transfer agreements, is critical. This involves sharing threat assessments, facilitating cross-border relocations, and enabling remote testimony.

#### 5. Oversight, Accountability, and Ethical Considerations

➤ **Independent Oversight:** Programs should be subject to independent oversight mechanisms to ensure accountability, prevent abuses, and maintain public trust.

➤ **Ethical Guidelines:** Clear ethical guidelines must govern the conduct of witness protection personnel, emphasizing respect for witness rights, confidentiality, and integrity.

➤ **Balancing Rights:** A constant challenge is balancing witness protection with the fair trial rights of the accused. Measures like remote testimony or identity concealment must be implemented in a manner that preserves the defendant's right to confrontation and a fair hearing.

### CHALLENGES AND LIMITATIONS

*Despite significant advancements, witness protection programs face a myriad of challenges that continuously test their efficacy and sustainability.*

#### 1. Financial Constraints and Resource Allocation

Witness protection is inherently expensive. Providing long-term security, new identities, and comprehensive support services requires substantial financial investment. Budgetary limitations can restrict the number of witnesses who can be protected, compromise the quality of services, and limit the scope of international cooperation. Developing countries, in particular, often struggle to allocate sufficient resources to establish and maintain robust programs.

#### 2. Psychological and Social Impact on Witnesses

Relocation and identity change, while necessary, impose immense psychological and social burdens on witnesses and their families. They often suffer from isolation, loss of social networks, identity confusion, and persistent fear. This can lead to depression, anxiety, substance abuse, and difficulties integrating into new communities. The long-term psychological support needed often extends beyond what programs can realistically provide. Children, in particular, can face challenges in adapting to new schools and social environments.

#### 3. Balancing Protection with Fair Trial Rights

A delicate balance must be struck between protecting witnesses and ensuring the fair trial rights of the accused. Measures such as anonymous testimony, screens in court, or remote testimony can limit the defendant's right to confront their accuser, raising concerns about due process. Courts must carefully weigh the necessity of such measures against their potential impact on the fairness of proceedings. Jurisprudence in this area is constantly evolving, with international and national courts seeking to define the permissible limits of witness anonymity.

#### 4. The Challenge of "Life After Protection"

A critical, yet often overlooked, challenge is preparing witnesses for "life after protection." While some programs offer indefinite protection, many aim for eventual self-sufficiency and reintegration. However, the psychological scars, the loss of prior identity, and the constant vigilance required can make true normalcy elusive. Ensuring witnesses can build sustainable lives post-program requires more than just financial aid; it demands ongoing social and psychological support.

#### 5. International Cooperation Hurdles

While international instruments exist, practical hurdles to cross-border witness protection remain significant. These include:

➤ **Lack of Harmonized Legislation:** Discrepancies in national laws and procedures can complicate cross-border transfers and mutual legal assistance.

➤ **Trust and Information Sharing:** Building trust between national agencies for sensitive information sharing, especially concerning identity changes and location, can be challenging.

➤ **Sovereignty Concerns:** Countries may be hesitant to host protected witnesses from other nations due to sovereignty concerns, security risks, or resource implications.

➤ **Extradition and Immunity Issues:** Complex legal issues arise when witnesses are themselves implicated in crimes or have been granted immunity in one jurisdiction but not another.

## 6. Insider Threats and Program Integrity

Maintaining the integrity and security of witness protection programs themselves is a constant challenge. Insider threats, such as corrupt officials or lapses in security protocols, can compromise the safety of protected individuals. Robust vetting of personnel, strict adherence to security procedures, and continuous monitoring are essential to mitigate these risks.

## Future Directions and Recommendations

To enhance the efficacy and reach of witness protection programs globally, several key areas require concerted attention and strategic investment.

### 1. Strengthening International Legal Frameworks and Bilateral Agreements

While UNTOC and UNCAC provide a foundational framework, there's a need to explore more detailed international instruments or regional protocols specifically addressing cross-border witness relocation and information sharing. This could include standardizing procedures for threat assessments, facilitating secure communication channels, and establishing clearer reciprocal obligations for host countries. More bilateral agreements, tailored to specific regional needs, should also be encouraged and facilitated.

### 2. Investing in Capacity Building and Training

Many developing countries lack the institutional capacity, legal frameworks, and specialized expertise to establish and sustain effective witness protection programs. International organizations and donor countries should increase investment in capacity-building initiatives, providing technical assistance, training for law enforcement and judicial personnel, and sharing best practices. This includes training in risk assessment, psychological support, and secure identity management.

### 3. Enhancing Psychological and Social Support

Recognizing the profound impact of protection on witnesses, programs need to significantly enhance psychological and social support services. This should include long-term access to trauma-informed care, family counseling, and tailored support for children. Emphasis should be placed on proactive measures to help witnesses build new lives, fostering resilience and reintegration. Developing peer support networks for protected witnesses could also be beneficial.

### 4. Leveraging Technology for Secure Testimony

Technological advancements offer promising avenues for secure testimony without compromising witness safety or fair trial rights. The increased use of secure video-link technology for remote

testimony, coupled with voice and image distortion, can reduce the need for physical relocation in some cases, thereby lowering costs and mitigating disruption to witnesses' lives. However, robust safeguards must be in place to ensure the authenticity and reliability of such testimony.

## 5. Promoting Public Awareness and Support

Public understanding and support for witness protection are crucial. Educating the public about the vital role of witnesses in combating crime and the necessity of protection programs can help foster a more supportive environment and reduce stigma. This also involves transparently demonstrating the effectiveness and accountability of these programs.

## 6. Continuous Evaluation and Adaptation

Witness protection programs must be dynamic, continuously evaluating their effectiveness, adapting to evolving threats, and incorporating lessons learned from both successes and failures. Regular peer reviews, sharing of anonymized case studies, and academic research can contribute to refining best practices and addressing emerging challenges.

## A COMPREHENSIVE STUDY ON INDIA SET UP

India, a vast and diverse nation with a complex criminal justice system, has historically faced significant challenges in witness protection. The pervasive issue of witnesses turning hostile, often due to intimidation, threats, or outright violence, has long plagued the conviction rates in critical cases, particularly those involving organized crime, high-profile individuals, or communal violence.

However, recent years have seen a concerted effort to establish a more robust and formalized framework for witness protection in India. This section will delve into the current trends and practices in India, comparing them to the global best practices discussed earlier and highlighting areas of progress and persistent gaps.

### The Landscape Before 2018: A Fragmented Approach

Prior to the landmark Witness Protection Scheme, 2018, witness protection in India was largely ad-hoc and fragmented. While some provisions existed in various laws (like the Code of Criminal Procedure, the National Investigation Agency Act, and specific acts like POCSO for vulnerable witnesses), there was no unified, comprehensive legislation. Protection, when offered, was often limited to police escorts, temporary safe houses, or in-camera proceedings, lacking the long-term, holistic approach seen in more advanced jurisdictions. This absence of a dedicated legal framework and institutionalized mechanisms often left witnesses vulnerable, eroding public trust in the justice system.

**The Landmark: Witness Protection Scheme, 2018**

The Supreme Court of India's intervention in the case of Mahender Chawla v. Union of India (2018) proved to be a watershed moment. Recognizing the critical need for a nationwide witness protection mechanism, the Supreme Court approved and endorsed the Witness Protection Scheme, 2018, making it binding on all states and Union Territories under Articles 141 and 142 of the Constitution.

**Key Features and Comparison to Global Best Practices:****Legal Framework:**

The 2018 Scheme provides a much-needed uniform legal framework. It mandates state governments to prepare and notify their own witness protection schemes based on the national model. This is a significant step towards a formalized system, moving away from ad-hoc arrangements.

**Global Best Practice Comparison:** While India now has a national scheme, it's still largely a "scheme" endorsed by the Supreme Court rather than a standalone, comprehensive Act of Parliament like the US WITSEC or dedicated legislation in Italy. The recent Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, which came into force on July 1, 2024, has incorporated the Witness Protection Scheme into the legal procedural framework (Section 398 BNSS), giving it a stronger statutory backing. This move is crucial for long-term sustainability and enforceability, bringing India closer to the best practice of having robust, dedicated legislation.

**Categorization of Witnesses and Threat Assessment:**

*The 2018 Scheme categorizes witnesses into three categories based on the threat perception:*

- Category A: Threat extends to the life of the witness or family members (highest threat).
- Category B: Threat extends to safety, reputation, or property of the witness or family members.
- Category C: Threat is moderate, involving harassment or intimidation.

The scheme mandates a 'Threat Analysis Report' by the head of the police at the district level, which is then submitted to a Competent Authority. This Authority comprises the District and Sessions Judge (as Chairperson), the Superintendent of Police, and the Head of Prosecution of the district.

**Global Best Practice Comparison:** This tiered approach to threat assessment aligns with international best practices (e.g., in the UK and Canada), where protection measures are proportionate to the assessed risk. The involvement of the judiciary in the Competent Authority is a

unique and commendable feature in India, aiming to ensure objectivity and judicial oversight in protection decisions.

**Types of Protection Measures:**

**The scheme outlines various protective measures, including:**

- Ensuring the witness and accused do not come face-to-face.
- Protection of identity (e.g., using pseudonyms).
- Change of identity (in extreme cases, Category A).
- Relocation of the witness.
- Installation of security devices at the witness's residence.
- Usage of specially designed courtrooms (vulnerable witness deposition complexes).
- Temporary change of residence.
- Emergency contact persons.

**Global Best Practice Comparison:** India's scheme covers a good range of protection measures, including the critical elements of relocation and identity change, which were previously largely absent or ad-hoc. However, the implementation of comprehensive identity changes and long-term relocation with full social integration support is still a significant challenge, especially compared to the extensive resources and experience of WITSEC. The focus on vulnerable witness deposition complexes is a positive step, mirroring similar facilities in many developed nations.

**Institutional Framework:**

The scheme proposes a Competent Authority at the District & Sessions Court level and a Witness Protection Cell in each State/UT, headed by an officer not below the rank of DIG Police. The Witness Protection Cell is responsible for implementing the orders of the Competent Authority.

**Global Best Practice Comparison:** While India has moved towards a more structured institutional setup, it is still largely decentralized compared to a highly centralized federal agency like the U.S. Marshals Service (WITSEC). The reliance on state-level implementation means that the effectiveness can vary significantly across states due to differences in resources, political will, and police capacity. This decentralization mirrors some aspects of the UK's approach but lacks the overarching, dedicated federal agency with extensive funding and specialized personnel.

**Funding:**

**India:** The scheme mandates the creation of a State Witness Protection Fund in each State/UT, comprising budgetary allocations and costs imposed by courts.

**Global Best Practice Comparison:** This is a crucial step, addressing the historical lack of dedicated funding. However, the adequacy and consistency of these state-level funds remain a major concern. Globally, dedicated and substantial federal funding, as seen in the US, is a hallmark of truly effective programs. Relying on state budgets can lead to disparities and resource shortages, especially in less affluent states.

### Current Trends and Ongoing Developments (As of July 2025):

**BNSS and Legal Formalization:** The coming into force of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, on July 1, 2024, is the most significant recent development. By explicitly incorporating the Witness Protection Scheme, it lends greater legal weight and enforceability. This institutionalizes the scheme beyond a Supreme Court directive, aiming for more consistent application across the country. States like Tripura have already announced the implementation of the Witness Protection Scheme in line with the new criminal laws.

**Judicial Activism Continues:** High Courts and the Supreme Court continue to play a crucial role in pushing for witness protection. Recent orders, like the Madras High Court's directive for witness security in the Tamil Nadu custodial death case (July 2025), demonstrate the judiciary's ongoing vigilance and proactive approach in ensuring witness safety. This highlights the continued reliance on judicial directives to enforce and interpret the scheme's provisions.

**Vulnerable Witness Deposition Complexes:** There is a growing trend towards establishing "vulnerable witness deposition complexes" as mandated by the 2018 Scheme. These specialized courtrooms are designed to allow witnesses (especially victims of sexual offenses, children, or those under threat) to testify without direct confrontation with the accused, often through screens or video links. This aligns with international best practices for protecting vulnerable witnesses.

**Focus on Specific Crime Categories:** While the scheme is broad, there's an increasing emphasis on its application in specific heinous crimes, such as terrorism, organized crime, custodial violence, and crimes against women and children, where witness intimidation is particularly rampant. The new criminal laws (BNS, BNSS, BSA) aim to address new offences like mob lynching and organized crime, which inherently require robust witness protection.

**Digitalization and Technology Adoption:** While not as advanced as some global counterparts, there's a slow but growing trend towards leveraging technology for witness protection in India. This includes the potential for secure video conferencing for testimony, though the infrastructure and protocols for such widespread use are still evolving. This aligns with the global trend of leveraging technology for secure testimony.

### Persistent Challenges in India:

Despite these positive trends, India faces several significant challenges in fully realizing an effective witness protection framework:

➤ **Implementation Gaps and Uniformity:** The primary challenge remains the uniform and effective implementation of the 2018 Scheme across all states and Union Territories. While the scheme is binding, the actual ground reality varies considerably. Issues include:

➤ **Lack of dedicated personnel:** Many states struggle with inadequate dedicated police personnel for witness protection.

➤ **Insufficient funds:** State Witness Protection Funds often remain under-resourced, limiting the scope and duration of protection measures.

➤ **Varying political will:** The commitment to witness protection can differ based on the priorities of state governments.

➤ **Limited Long-Term Comprehensive Protection:** Unlike WITSEC, which offers comprehensive long-term relocation and identity changes, India's scheme often provides more limited or temporary measures. Full identity changes and complete relocation with sustained financial and social support are still rare, primarily due to financial constraints and the complexities of managing new identities within India's vast bureaucratic system.

➤ **Psychosocial Support Deficiencies:** The psychological impact of witnessing crime and entering protection is often underestimated in India. There is a significant lack of trained counselors and psychologists dedicated to supporting witnesses and their families, leading to potential long-term trauma and difficulties in reintegration.

➤ **Awareness and Trust Deficit:** Many potential witnesses, especially from marginalized communities, remain unaware of their rights or the existence of the Witness Protection Scheme. There is also a historical lack of trust in law enforcement and the judiciary, which can deter witnesses from coming forward or from fully cooperating even when protection is offered.

➤ **Inter-Agency Coordination:** While the scheme outlines roles, seamless coordination between police, prosecution, and the judiciary, as well as with other relevant government departments (e.g., for

identity documents), still needs significant improvement.

➤ **Accountability and Oversight:** While the Competent Authority provides some judicial oversight, the mechanisms for independent oversight and accountability for the functioning of the Witness Protection Cells need further strengthening to prevent misuse or lapses.

➤ **Overburdened Judiciary:** The sheer volume of cases in Indian courts can lead to delays, which can inadvertently compromise witness safety by prolonging their period of vulnerability.

## CONCLUSION

India's journey towards establishing a robust witness protection framework is a work in progress. The Witness Protection Scheme, 2018, and its subsequent legal formalization through the BNSS, 2023, represent monumental strides. These initiatives demonstrate a clear recognition of the indispensable role of witnesses in the justice delivery system and an intent to align with global best practices.

However, the efficacy of these frameworks will ultimately depend on their vigorous and uniform implementation across all states. Addressing the challenges of funding, dedicated personnel, comprehensive long-term support, and building public trust will be crucial. While India may not yet possess the highly centralized and resourced model of the US WITSEC, the current trends indicate a positive trajectory towards a more formalized, rights-based, and effective system of witness protection. Continued judicial activism, sustained governmental commitment, and increased international cooperation will be vital in ensuring that witnesses in India can testify without fear, thereby strengthening the rule of law and enhancing the overall integrity of justice. The global framework for witness protection is a complex tapestry woven from national legislations, international conventions, and bilateral agreements. Its evaluation reveals a landscape of both remarkable successes and persistent challenges. From the sophisticated operations of WITSEC to the collaborative efforts of international criminal courts, the commitment to protecting those who bravely come forward is evident.

However, the future of effective witness protection hinges on a collective imperative. It demands sustained financial investment, greater harmonization of legal frameworks, enhanced international cooperation that transcends jurisdictional complexities, and a deeper understanding of the profound human cost borne by protected witnesses. By prioritizing the safety and well-being of witnesses, nations not only uphold their moral obligations but also fortify the very

foundations of their justice systems, ensuring that impunity does not triumph and that accountability prevails in the face of ever-evolving threats. The global fight against serious crime relies heavily on the courage of witnesses; it is the duty of the international community to ensure their protection is unwavering.

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