

REFORMING CRIMINAL JUSTICE SYSTEM: THE CRITICAL NEED FOR WITNESS PROTECTION PROGRAMS IN PAKISTAN

RESEARCHER

Shumaila Halepoto^{*1}, Rehana Anjum², Arun Barkat³

^{*1}Advocate Legal Associate at Subordinate Courts

^{2,3}Assistant Professor Institute of Law, University of Sindh, Jamshoro.

¹shumailamuneer2001@gmail.com, ²rehana.anjum@usindh.edu.pk, ³arun.barkat@hotmail.com

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Corresponding Author: *

Shumaila Halepoto

Abstract

Witnesses play a crucial part in the initiation of any legal trial, and their absence causes barriers in providing justice and ensuring a fair trial. Witnesses are seen as the eyes and ears of justice. Witness protection is necessary as, without such safeguarding and protection, the witnesses feel threatened and fear appearing in the court and testifying, resulting in the failure of justice being compromised and the true accused being acquitted. In Pakistan, Witness protection programs are considered vital as these ensure efficacy and adequacy in the criminal justice system. Firstly, the researcher has analyzed the legal frameworks at the national and provincial levels surrounding the implementation of witness protection. Secondly, this research has explored the challenges confronted by the witnesses during the criminal trial, which are essential to be solved for ensuring the fairness of the trial and sustaining justice. Thirdly, this research study shall assess some of the witness protection programs around the globe and shall assess standards and practices implemented internationally to protect witnesses. Finally, the researcher has suggested recommendations to strengthen the application of witness protection legal frameworks, taking into account the international standards and practices. Doctrinal research methodology has been employed by the researcher to conduct this research study. The researcher has gathered the data from articles, case laws, research journals, legal frameworks, and content from different online sources.

1. INTRODUCTION

REFORMING CRIMINAL JUSTICE SYSTEM: THE CRITICAL NEED FOR WITNESS PROTECTION PROGRAMS IN PAKISTAN.

INTRODUCTION:

Witnesses are an integral part of the criminal justice system as the investigation and prosecution of an offense are largely dependent on their testimony. The protection of the witnesses is essential for acquiring the evidence to ensure a fair trial.

Protecting the witnesses from external pressures such as threats or force from the accused or their associates and coercion by law enforcement is essential for the efficiency and efficacy of the criminal justice system. In the 1970s, witness protection acquired significance in the United States of America, a legally sanctioned method introduced alongside other programs to dismantle Mafia-style crime organizations. Before that moment Mafia's

unwritten code of silence, known as “*omertà*,” prevailed, causing physical and mental dilemmas to the people cooperating with the authorities. In the same year, the United States Department of Justice made remarkable progress by establishing the Witness Protection Program, known as the Witness Security Program (WITSEC), supervised by the U.S. Marshals Service. Since then, WITSEC has been a notable program emphasizing providing new identities to the witnesses to ensure their physical and mental security of the witnesses. The foundational principles on which witness protection relies to be efficient are specifically Confidentiality and Anonymity. The confidentiality of the data is important concerning the identity, location, information about the associates and families of witnesses, and the information in the testimonies they provide. In Pakistan, the criminal justice system confronts substantial obstacles, with one of the urgent concerns being the safety and security of the witnesses. The witnesses feel threatened and scared to testify in court, as a result of which there are low conviction rates. The European Court of Human Rights and the UN High Commissioner for Human Rights accentuate the circumstances in which the consequentiality of the presence of the witnesses is an important component of a fair trial, specifically intended for the protection of the witnesses in high-profile cases of organized crime and terrorism. The Witness Protection Programs aim to protect witnesses from intimidation and threats so that the investigation, prosecution, and procedure of criminal trials are not compromised. These protection programs involve a variety of safety protocols to protect the witnesses and their associates from threats, coercion, or other forms of grievous behavior. In a country like Pakistan, criminal justice is facing numerous challenges in resolving high-profile cases of grievous offenses perpetrated against influential personalities such as public figures, political figures, anchors, and philanthropists. Such issues have significantly damaged the reputation of the criminal justice system of the country. It is imperative that “*Witness Protection*” programs be prioritized so that the witnesses feel safe and secure in providing their testimony. The criminal justice system is influenced by reliable witnesses and their testimony. Even though Pakistan has legislated laws

regarding the protection of witnesses, there is a failure of the criminal justice system to effectively protect the witnesses from threats and coercion caused during criminal litigation. This is a pressing issue that needs to be addressed; relevant legislative frameworks and their implementation must be improved, taking into account the international standards and practices.

DEFINITION OF A WITNESS

A *witness* is defined as a person who sees, comprehends, or affirms any incident and gives testimony of such incident under oath or gives validation in person, by verbal means, written communication, or by affirmation. The qualification of a person as a witness is different in each witness protection program according to its specific eligibility criteria. The United Nations Convention against Transnational Organized Crime outlines the safety protocols to be implemented by the State parties to protect witnesses, experts, and victims. However, the convention does not furnish an established definition of a witness, entrusting member States to define it according to their procedural laws. According to the Council of Europe, a “witness” is defined as an individual who possesses information related to any criminal incident and who can give testimony in the Court irrespective of their status.

- a. According to *Black's Law Dictionary*, a witness is defined as an individual who is cognizant of the incident that occurred.
- b. *Oxford English Dictionary* defines a witness as a person to whom some incident happens, and afterwards, he illustrates that before others.
- c. According to *Merriam-Webster's Law Dictionary*, a witness is defined as a person who can give testimony in court or an investigation.

LEGAL PROVISIONS FOR WITNESS PROTECTION IN PAKISTAN

The Witness Protection Laws safeguard individuals who furnish testimony relating to any incident of a criminal nature. These programs also protect the associates of these witnesses. Through these protection programs, witnesses, legal officials, judges, and prosecutors are provided protection. In Pakistan, witness protection programs are governed by Federal and Provincial legislative frameworks. These laws are

formulated to ensure the safety and security of the witnesses as well as their associates from any type of threats and intimidation.

In the Federation, the Witness Protection, Security and Benefit Act 2017 was passed by the Legislation on 7th June 2017. This law applies to the Federation only, exclusive of Provinces. According to this enacted law, a witness is defined as an individual who provides information about the commission of a heinous offense. This definition also includes those individuals who are associates or connected to the witnesses; furthermore, it also includes those who are ready to cooperate with law enforcement, and also those who need protection for various reasons under this Act. The witness protection program under this Act is administered by the Witness Protection Advisory Board (WPAB), which is to be assisted by the Witness Protection Unit (WPU).

This Law provides different types of protection to the witnesses, which involves;

- a. Concealing the identity of the witnesses and providing them with a new identity.
- b. Resettle the person to a completely different place where his true identity is not disclosed.
- c. Furnishing accommodation facilities to the witness.
- d. Providing financial support to the witness.
- e. Reimbursing the legal heirs of the protected witness.
- f. Offering special protection to the witness.

The Sindh Government was the first to present a legal framework for the protection of witnesses, named the Sindh Witness Protection Act 2013. Under Section 4 of this Act, witness protection programs are to be established to protect the witnesses, which shall allow them to establish new identities. These witness protection programs shall be supervised by the Advisory Board for the Protection of Witnesses. This Board shall consist of the Prosecutor General, the Law Secretary, the Finance Secretary, the Inspector General of Police, the Inspector General of Prisons, the Secretary of the Home Department (as Chairman of the Board), the Additional Inspector General, CID (as Secretary of the Board), and Representatives of Provincial Human Rights Commission. Under this Act, a Witness Protection Unit shall also be established,

which shall be supervised by the Chief Witness Protection Officer.

The Punjab Assembly passed an Act named the Punjab Witness Protection Act 2018. The Act aims to protect and safeguard witnesses from heinous offenses such as sexual offenses and terrorism-related crimes. Under this Act, the Government would formulate a Witness Protection Board and two Witness Protection Units to draft policies and administer their implementation. According to this Act, two units shall be established. Unit I will address the cases of heinous crimes of terrorism, and Unit II will address the other serious offenses. As per Section 15 of the Act, the Trial can take place in the Jail if the Government and the Court are not satisfied that the Trial cannot take place safely in the regular courtroom. In compliance with this Act, preventive measures can be taken by the Government, such as a Witness Anonymity Order for the protection of the person and their property.

The Balochistan Witness Protection Act 2016 was presented by the Assembly and put into action on 26th March 2016. This Act protects the witnesses and their associates and family members. The Balochistan Witness Protection Act was formulated to protect the witnesses and encourage them to provide testimonies in court. This Act involves some protective measures, such as a change of identification and concealment, and some other assistance and support are furnished to the protected witnesses and their families. The Witness Protection Programs are executed by the Home Department of the Government of Balochistan. The services extended include accommodation facilities, concealment, transportation, and financial support facilities for the witnesses. The Secretary, Home and Tribal Affairs Department of the Government of Balochistan shall perform the functions of the Chief Witness Protection Officer (CWPO). The CWPO shall further appoint a Deputy Director for Witness Protection who shall act in his absence.

The Khyber Pakhtunkhwa Assembly was the last to make a step towards enacting the legislation of an Act called The Khyber Pakhtunkhwa Witness Protection Act, 2021. This Act was promulgated to protect the witnesses and other individuals related to the criminal offenses of terrorism and other grievous offenses. As per this Act, the Government will

constitute a witness protection unit to be referred to as the Khyber Pakhtunkhwa Witness Protection Board, which shall consist of seven senior officers. The Chairman of the Board shall be the Secretary to the Government of Khyber.

Pakhtunkhwa Home and Tribal Affairs Department. According to this Act, two separate witness protection units shall also be established. Unit I shall deal with the criminal litigation of terrorism, and Unit II shall deal with other grievous offenses. The Act also provided special protection measures to the witness by providing the video link facility.

CHALLENGES CONFRONTED BY THE WITNESSES DURING THE CRIMINAL TRIAL

The Criminal Justice System largely depends on the information and testimonies provided by the witnesses. The witnesses today encounter numerous challenges. As witnesses are crucial parties in determining the criminal case between two parties, they often face serious physical and mental trauma, which involves threats from the accused parties, intimidation, inducements, and political pressure. However, the Authorities fail at their duties to protect the witnesses, and they fall prey to threats and intimidation, which results in witnesses receding from the serious criminal cases or facing serious stress and physical injuries or even murder.

Pakistan's police force lacks the appropriate expertise and resources to collect suitable circumstantial or forensic evidence during investigations. This leads to an overreliance on ocular evidence by the police, the judges, and prosecutors. However, without adequate witness protection measures, relying on ocular evidence does not guarantee convictions because witnesses frequently recant when coerced or threatened.

Despite having both federal and provincial witness protection laws in Pakistan, none of them have worked well because they haven't been properly implemented. Provincial legislation provides for unique witness protection arrangements in Punjab, Balochistan, and Sindh. Similarly, the Witness Protection, Security, and Benefits Act of 2017, as well as some provisions of the Anti-Terrorism Act of 1997, govern witness protection programs. However, proper execution of these acts remains an unattainable goal, as evidenced by several events.

Poor witness protection programs have an immediate effect of low conviction rates and a loss of public faith in the justice system because people are unwilling to testify or assist in the criminal process. As a result, the inherent right to a fair trial guaranteed by the Constitution is similarly threatened.

1. Threats from Powerful Defendants and Criminal Networks:

Those who witness events often find themselves in situations where they are subjected to threats and coercion by well-organized criminal organizations and strong accusers. Witnesses may be discouraged from coming forward or collaborating with police because of the inherent power disparities in such interactions. Creating a safe environment for witnesses to testify without fear of retaliation is crucial. Overcoming the threat of vengeance is a significant barrier to creating a safe environment in which witnesses can deliver testimony without fear for their own or their loved ones' safety.

a. Naqeeb Ullah Case:

The trial in the Naqeeb Ullah murder case in a staged encounter exemplifies how prosecution witnesses feel insecure. According to judicial and prosecution sources, witnesses in most criminal cases, particularly those being tried in antiterrorism tribunals, are reluctant to record their testimony against the accused. In September of last year, the provincial assembly passed the Sindh Witness Protection Act, which provides government security to witnesses in criminal cases, including life protection, reasonable accommodation, financial assistance, and compensation to legal heirs if the protected person is killed or dies during the proceedings. However, the witnesses remain unprotected since the provincial authorities have yet to fully execute the law.

In January, an ATC judge observed that witnesses are not being provided with protection and security, let alone promotion and protection, despite the enactment of the Witnesses Protection and Benefits Act 2017, which provides for a new identity, accommodation, reasonable financial assistance, and compensation in the event of witness harm. Based on the information provided by the sources,

witnesses were afraid to testify in court against offenders. They reported a growing sense of insecurity among witnesses, who were increasingly avoiding testifying against hardened criminals in high-profile terrorism trials. According to the victim's relatives, three witnesses had withdrawn their statements because they were terrified to testify against the powerful police officer accused of directing the crime.

b. Wali Khan Babar Case:

Wali Khan Babar, a young news reporter for the commercial news channel Geo News from Balochistan, was assassinated in Karachi on January 13, 2011, by unknown assailants. On April 7, 2011, the police held a press conference to announce the arrest of Mani and four others. Twelve days later, reports about the murder began surfacing in Pakistan Today, based on the suspects' testimonies to a Joint Investigation Team. According to the team's assessment, Mota received the killing order around January 1 from Agha Murtaza, a South African MQM operator who investigators claim has managed many hit groups for years. On January 7, Mota held a meeting at his home and assigned other MQM members to watch Babar at various locations, including the reporter's home and a Peshawari ice cream store nearby.

During the investigation and trial, the case's primary witnesses were intimidated and compelled to withdraw from the proceedings. Six witnesses, including informants, police officers, and members of the investigative team involved in the case, were slain over two years. The lawyer for his case relocated from Pakistan and sought refuge in the United States under unexplained circumstances. When a journalist is assassinated, it is simple to obstruct justice by eliminating a witness.

c. Benazir Bhutto Assassination Case:

Benazir Bhutto, Pakistan's former Prime Minister, was killed in Rawalpindi on December 27, 2007, during an election campaign event. Along with her, numerous other political activists were slain. The investigation and trial of this high-profile case were botched, and as a result, it never received the justice it deserved. One of the primary causes of this flawed trial was witness intimidation. Witnesses first

accused Gen. Pervaiz Musharraf and two other top police officers of failing to provide enough protection for Benazir Bhutto, but then changed their testimony, claiming that security measures were good. In the circumstances, FIA failed to safeguard witnesses from the influence of the strong and lost crucial witnesses in the process, resulting in a clear example of witness intimidation.

According to a press source, two witnesses received threatening phone calls originating in Afghanistan. Witnesses alleged that a prohibited terrorist organization threatened them with terrible repercussions, and the witnesses and prosecutor later informed the ATC court about the phone conversations. Consequently, all five defendants in this high-profile case were acquitted.

2. Lack of awareness and training:

Legal safeguards exist to protect witnesses, but their application might be inconsistent and ineffective. Concerns have been raised about the unclear criteria for awarding protection orders and potential inadequacies in legal processes to ensure witness safety after the trial. Improving current legal safeguards is crucial to address inequities. Key players, including law enforcement agencies, the judiciary, legal professionals, and civil society organizations, require additional understanding and training on the provisions and procedures of witness protection laws. Comprehensive training programs and public awareness efforts are required to close this gap and improve the effectiveness of protective measures.

3. Lack of Facilities for Witnesses in Court Premises:

Another difficulty that witnesses encounter is a lack of sufficient infrastructure and other basic facilities on court premises. The majority of court buildings in Pakistani cities lack basic amenities for litigants and witnesses. Shades, waiting rooms, suitable seating, cleansing and drinking water, restrooms, and other amenities are required for witnesses who travel from far away and wait for hours on end for their cases. They suffer greatly as a result of the absence of facilities, which harms their performance during deposition.

COMPARATIVE ANALYSIS OF WITNESSES PROTECTION PROGRAMS AROUND THE WORLD

Witness protection is considered an essential element of the rule of law around the globe, exclusively in post-conflict states. It is the most important factor in ensuring justice and a fair trial. The right to know, the right to justice, the right to reparation, and the guarantee of non-recurrence are the four most important components of conflict transformation, out of which witness protection is an important factor of the right to justice. Witness protection is important so that witnesses can furnish testimony without the fear of being threatened or intimidated, and the rule of law can be effectively established and maintained. This section of the research paper provides a comparative analysis of notable witness protection programs around the globe.

UNITED STATES OF AMERICA

The Government of the United States of America has one of the most advanced and evolved Witness Protection Programs in the world. The U.S. Federal Witness Security Program is generally recognized as the Witness Security Program (WITSEC). This witness security program provides protection and relocation to the witnesses and other individuals crucial for criminal litigation related to grievous offenses and organized criminal activities. The Witness Security Program was established per the provisions of the Organized Crime Control Act of 1990. This Program is monitored by the U.S. Marshall Service, and until now, 18,000 witnesses and their families have been protected from undue influence, threats, and intimidation. Joseph Valachi was the first collaborator who was protected by the formation of a proper witness protection program. He was protected during his imprisonment, and 200 guards were used to guard Valachi in Federal Court, as there was fear of vengeance from the Boss of the Genovese Mafia Family. He even urged him to cook his food as he feared getting poisoned. The Federal Witness Protection Program is currently operational, and it serves two core functions: to motivate the people involved in serious offenses to provide testimony of the incident and to protect and compensate the individuals who provide testimony.

The Organized Crime Control Act of 1990 affirms that the Attorney General is accountable for protecting the witnesses and their associates and families in a manner deemed appropriate. The fundamental concepts of the Act involve;

- A witness must qualify for protection under this Act, being involved in the case, and the protection provided to the witness is in the federal interest as authorized by the Justice Department.
- The actual and potential government witnesses and their families are to be protected under the authorized protection of the Attorney General in organized crimes.
- According to the judgment of the Attorney General, the witnesses and their families shall be provided protection as long as they are at the potential of risk.
- The Attorney General can determine what kind of protection and facilities to be provided to the witnesses and their families, such as accommodation, financial assistance, and healthcare.

UNITED KINGDOM

The UK Protected Persons Service (UKPPS) is administered by the National Crime Agency. This agency is responsible for the protection of witnesses in England and Wales. The UKPPS furnishes protection to the witnesses and victims of honor-based violence and individuals assisting in the investigation of other serious, grievous offenses. The UKPPS discharges its functions under the legislative framework of the Serious Organized Crime and Police Act 2005. Chapter IV of the Serious Organized Crime and Police Act 2005 governs the protection of persons who consent to provide testimony under an agreement. The Head of the UK Protected Persons Service adjudicates the matters of Protection programs, and the implementation is made by the officers of the unit. The Youth Justice and Criminal Evidence Act 1999 outlines the law on witness protection in the United Kingdom. Chapter 1 of the law outlines the special measures and protection granted to the intimidated (those witnesses who require assistance due to distress or threat) and susceptible witnesses (those witnesses who require assistance due to natural factors like

age). Special measures outlined in this section feature;

- Safeguarding the witness from the accused during the process of testimony.
- Authorizing a witness to record their testimony via video-link.
- Conducting the testimony of the witness in private so that the identity of the witness is protected.
- Permitting the cross-examination and re-examination to be conducted via video recording.
- Authorizing the intermediaries to examine the witness.
- Applying restrictions on reporting to protect the identity of the witness.

INDIA

India, like Pakistan, lacks a witness protection program, although courts are beginning to recognize its significance. Witnesses are protected in this jurisdiction. In response to Neelam Katara's appeal, Justices Usha Mehra and Pardeep Nandrajog provided police with rules for protecting witnesses. Courts have the authority to provide guidance where there are gaps in legislation. This is a viable option for all Pakistani courts. Later, these standards may be integrated into legislation. Indian courts respect the right to a fair trial, which includes witness protection in case of a threat to their safety. The legislature is assisted in exerting pressure by the recognition of these principles and the recommendations that follow. Additionally, there are penalties for disclosing witness and victim names in Indian jurisdictions. The Indian Penal Code prohibits revealing the identity of a rape victim. The Juvenile Justice (Care and Protection of Children) Act, 2000, prohibits the release of any material that might identify a minor. Witnesses' identities should be safeguarded not just against physical threats, but also as potential victims. Children who have been identified as victims of abuse may face social stigma. Our current legislation does not address the need for witness protection for victims of rape and abuse.

There are measures in India for the 'protection of witnesses,' but they are difficult to execute. The requirements exist in numerous laws and are not integrated into a single law; however, in the United

States, there is a distinct law dealing with the 'protection of witnesses'. Furthermore, the present rules are insufficient, and in addition to these provisions in particular statutes, there is a need for universal legislation dealing with witness anonymity in all criminal cases when the witness's life, that of his relatives, or his property is at risk.

COLUMBIA

Colombia's witness protection program is based on Law No. 418 of 1997, establishing three unique programs available through the Office of the Attorney General.

1. Providing information and suggestions to witnesses on their safety;
2. Monitoring witnesses' circumstances to a limited extent;
3. Changing the identities of victims, witnesses, and parties involved in the processes of the attorneys' general office staff.

The third and most extensive program is only available to witnesses in instances involving kidnapping, terrorism, and drug trafficking, and it includes permanent relocation inside Colombia as well as a change of name for witnesses in danger. Witnesses get financial help, psychological backing, medical treatment, counseling, relocation assistance, and the issuance of personal documents.

The initiative is managed by a Special Directorate with headquarters in Bogota and regional offices across Colombia. A specific team of investigators is responsible for investigating criminal investigations, examining witness involvement in processes, and finally determining the amount of danger and threat that occurs as a direct result of such participation. Additionally, there is an aid group (comprising physicians and dentists) that helps those already covered by the program, as well as a security group that is in charge of implementing all of the protection measures mandated by the Directorate in response to the danger assessment. Witnesses may be removed from the program for a variety of reasons, including unjustified refusal to submit to judicial procedures, refusal to accept resettlement plans, commission of wrongful acts that negatively impact the protection procedure, and voluntary withdrawal.

Colombia has established institutions to safeguard witnesses of crime, particularly organized crime,

making it a well-known example of witness protection. Colombia's Constitution assigns responsibility for witness protection to the Office of the Attorney General (OAG), making it unique among countries. Law No.418 (implemented in 1997) establishes three distinct witness protection systems. The United Nations Office on Drugs and Crime (2008) outlines three programs: the first focuses on witness safety and information, the second on monitoring witnesses, and the third on direct protection, including identity changes for witnesses, victims, and OAG officials.

RECOMMENDATIONS TO STRENGTHEN THE APPLICATION OF WITNESS PROTECTION PROGRAMS

Witness protection programs are essential as these programs provide safeguards to the witnesses as well as fortify the authenticity and ethicality of the justice system. Although these programs are of great importance, they lack effective implementation and encounter multiple challenges, such as challenges in safety and security measures, inadequate financial and social support, and incorporating the protected witnesses from danger to the protected zones. To strengthen the efficiency and efficacy of the witness protection programs, these challenges need to be addressed, and these programs need to be improved and adapted to address these emerging challenges. This paper unveils recommendations that strengthen the application of these witness protection programs, keeping the international best witness protection programs in view. These recommendations addressed in this paper if implemented, shall strengthen the application of protecting witnesses from any threat, provide them with financial and social support, and reinforce the integrity of the justice system.

1. Comprehensive National Legal Framework:

Formulate a comprehensive legal framework for witness protection that sketches a clear picture of the witness protection programs. The law enacted should put forward the eligibility criteria for protection and safety measures, and furnish mechanisms for implementation. A federal law shall be established that shall regulate safety measures for the protection of witnesses all over the country, ensuring uniformity and consistency in the rights and protection of

witnesses. Amend the existing laws, such as the provincial laws on witness protection, the Anti Terrorism Act, and the Witness Protection Security and Benefit Act 2017, to improve their efficiency and efficacy. The amendment shall consider the definition of witness protection to be expanded and shall include advanced security measures. This law shall assimilate from the international best successful, practicing witness protection programs as of Australia, Colombia, the United Kingdom, and the United States of America. These countries have implemented a comprehensive legal framework for the protection and anonymity of the witness, which can act as a perfect example to consider for Pakistan.

2. Modifying the mechanisms of implementation: Establish specialized Witness Protection bodies that shall comprise law personnel, legal experts, law enforcement agencies, and authorities who shall oversee and implement specific protective strategies to protect the witnesses. The protection bodies shall be responsible for the administration of the witness protection programs. Mechanisms should be established to regularly evaluate and monitor the effectiveness of the programs and find improvement solutions.

3. Awareness and Training:

Awareness campaigns should be initiated for law enforcement agencies and legal personnel involved in witness protection programs so that these programs can execute efficiently. The legal personnel should be trained in different fields, including the factors of anonymity and confidentiality, psychological perspectives, and the comprehensive rights of the witness. Well-trained professionals are educated effectively to protect and support the witnesses. Awareness campaigns encourage more witnesses to come forward for legal procedures.

4. Judicial reforms:

Initiate training programs for judges and judicial officers on the legal rights and importance of witness protection. Through such training programs, the professionals should be provided with training related to how to handle high-risk cases and the psychological effects on witnesses. Allowing the witness to provide the testimony by the use of

technology, such as conference calls, so much intimidation could be avoided, or allowing the confidential court proceeding to provide the anonymity of the witness. Special courts could be established for risk-prone cases that involve the protection of the witness.

5. Financial and legal support services:

To improve the effectiveness of witness protection programs, individuals must get better financial and legal support. Financially, giving suitable stipends and paying relocation and living expenses allows witnesses to preserve stability and focus on their safety rather than their financial situation. Legally, providing extensive legal help, including counsel during trials and briefings on potential dangers, is critical for navigating the complexity of the court system and protecting the witness's rights. Furthermore, incorporating psychological support services can assist witnesses in coping with the stress and trauma of their experiences. By addressing these crucial areas, witness protection programs may become more successful, ensuring that persons are completely supported and safe while contributing to the pursuit of justice.

6. Comprehensive protection strategies:

Implementing comprehensive protection measures is critical for increasing the success of witness protection programs. This strategy should include not just physical security measures like secure housing and personal safety plans, but also digital protection to prevent online attacks and identity theft. A strong communication plan is also required, which includes secure routes of contact and regular updates on potential threats. Psychological and emotional assistance should be incorporated, with counseling and stress management options available to assist witnesses in dealing with the trauma and uncertainty they are experiencing. Furthermore, creating a support network that includes law enforcement, legal advisers, and community services may create a comprehensive safety net, ensuring witnesses are protected and supported throughout their involvement in the court system.

CONCLUSION

The reform of Pakistan's criminal justice system is critical for ensuring justice delivery, human rights protection, and public faith in legal institutions. Justice is required, but not at the price of someone's life. In today's environment, those who speak up against wrongdoing may face threats, harassment, and intimidation from the opposing party. A critical component of this reform is the design and successful execution of comprehensive witness protection programs. Witnesses play an important role in the criminal justice system, frequently delivering the decisive testimony required to condemn perpetrators and provide justice to victims. However, the lack of sufficient security for witnesses in Pakistan has resulted in a culture of fear, with witnesses frequently afraid to come forward, retract their testimony, or even suffer intimidation, threats, and violence. This affects not only individual cases but also the whole integrity of the court system.

The research finds that Pakistan's present witness protection system is weak and fragmented, missing the essential legal, institutional, and financial support to provide adequate protection to witnesses. This weakness is aggravated by systemic factors such as corruption, political meddling, and a lack of resources, all of which contribute to the inability to safeguard people who risk their lives to help bring justice. Without assurances of safety, witnesses may opt not to testify, resulting in a low conviction rate for significant crimes such as terrorism, organized crime, and corruption. This, in turn, promotes a cycle of impunity in which criminals think they may avoid prosecution, eroding public trust in the criminal justice system.

To overcome these issues, it is important to develop a well-structured, legally enforceable witness protection scheme that is free of external influences and operated by an impartial agency with enough funding. Witnesses and their families should be provided with anonymity, relocation, financial help, and psychological support under such a scheme. Furthermore, the legal framework should be tightened to guarantee that any violation of witness protection measures is faced with severe consequences. International best practices should be tailored to the local situation, and collaboration with international organizations can offer the expertise

and support required for successful program implementation.

REFERENCES

- Abbas, Syed Qasim. Criminal justice reform - delayed FIRs and ineffective witness protection programs. Research Society of International Law | RSIL. 10 January 2022. <https://rsilpak.org/2021/criminal-justice-reform-delayed-firs-and-ineffective-witness-protection-programs/>.
- Abbasi, The Express Tribune's Benazir Murder case issued death threats, say witnesses, 2013, March 03. Accessed on 07/08/2024. <https://tribune.com.pk/story/515018/benazir-murder-case-ttp-issued-death-threats-say-witnesses>.
- Ahsan Zia, "Problems with Prosecution", The News On Sunday, December 6, 2020. Accessed on 06/08/2024 <https://www.thenews.com.pk/tns/detail/754133-problems-with-prosecution>
- Anwar Ayrah, Kaleem Eeman, Fatima Nawal, An insight into witness protection law in Pakistan. 2023. Accessed on 26/07/2024. <https://edwardes.edu.pk/BlogSingle/8/BlogPost>.
- Aqeel, Wasiq B., Areeba Shahbaz, Tansif Ur Rehman, and Abdullah Nawaz. "Prospects and Barriers of Witness Protection Laws in Pakistan." *Human Nature Journal of Social Sciences* 5, no. 2 (2024): 91-103. Accessed on 30/07/2024.
- Atanasov, Saša, Mirjana Đukić Đukić, and Božidar Otašević. "Witness Protection Programs for Justice Collaborators: Comparative Overview (Positive Legal Solutions In The Republic Of Serbia, The Republic Of North Macedonia, USA, England, and Italy)." *In the 6th International Scientific Conference: Social Changes in The Global World, Shtip*. 2019.
- BBC 'Gunmen kill murdered Pakistani activist Sabeen Mehmud's driver'. Accessed on 07/08/2024. <https://www.bbc.com/news/world-asia-34183918>.
- Baloch, Abdul Majid. "Witness Intimidation and Other Issues Related to Witnesses in Criminal Justice System of Pakistan." *Pakistan's Multidisciplinary Journal for Arts & Science* (2024): 56-73.
- Black's Law Dictionary* 1778 (4th ed. 1968)
- Bonsor, Kevin. How witness protection works. *HowStuffWorks*. 30 March 2021. Accessed on 01/08/2024. <https://people.howstuffworks.com/witness-protection.htm>.
- Council of Europe, Committee of Ministers.** *Recommendation Rec (2005)9 of the Committee of Ministers to Member States on the Protection of the Witnesses and Collaborators of Justice*. Accessed on 27/07/2024.
- Dandurand, Yvon, and Kristin Farr. *A review of selected witness protection programs*. Public Safety Canada, 2012. Accessed on 27/07/2024. https://www.researchgate.net/publication/265004094_A_Review_of_Selected_Witness_Protection_Programs
- Donat-Cattin, David. "Protection of victims and witnesses and their participation in the proceedings." In *The Rome Statute of the International Criminal Court*, pp. 1682-1712. Nomos Verlagsgesellschaft mbH & Co. KG, 2015. Accessed on 26/07/2024.
- Faraz Khan, The Express Tribune. Two years on, still no justice for Sabeen Mahmud. Accessed on 06/08/2024. <https://tribune.com.pk/story/1392504/two-years-still-no-justice-sabeen-mahmud>.
- Fyfe, Nicholas, and James Sheptycki. *Facilitating witness co-operation in organised crime cases: an international review*. London: Home Office, 2005.
- Gul, Parveen, and Bahadar Ali. "Need For Witness Protection Program: In Pakistan In General, And In Khyber Pakhtunkhwa In Particular." *JL & Soc'y* 46 (2015): 77. Accessed on 01/08/2024.
- Hanif, Intikhab. Punjab constitutes witness protection board. *DAWN E-PAPER*, 29 April 2019. Accessed on 31/07/2024. <https://www.dawn.com/news/1479086>.

- Harte-Hughes, Aaron. The secret world of the Irish witness protection programme. *RTE*. 3. October 2022. Accessed on 26/07/2024. <https://www.rte.ie/brainstorm/2022/1003/1257277-ireland-witness-protection-programme-gardai-legislation/>
- Hindustan Times; Supreme Court pitches for witness protection programme. Accessed on 10/08/2024 <https://www.hindustantimes.com/india-news/supreme-court-pitches-for-witness-protection-programme/story-sINaQQHH1RxCc19TVlp5nJ.html>
- Hussain, 'Insecurity for Witnesses, Benefitting Militants, Daily the Nation', October 22, 2015. Accessed on 07/08/2024.
- Indian Kanoon. Supreme Court of India's Maneka Sanjay Gandhi And Anr vs Rani Jethmalani on 23 November 1978. Accessed on 10/08/2014 <https://indiankanoon.org/doc/1572431/>.
- Ismaili, Fatbardha. "Comparative examination of the witness protection." *JUSTICIA-International Journal of Legal Sciences* 7, no. 12 (2019): 58-62.
- KP legislates for protection of witnesses in criminal cases. *DAWN E-PAPER*, 4 September 2021. Accessed on 01/08/2024. <https://www.dawn.com/news/1644377>.
- Kramer, Karen. "Witness protection as a key tool in addressing serious and organized crime." *Noudeutu* 25 (2014): 2022.
- Masood, Famiya, Witness protection in Pakistan. *The Nation*. 07 August 2018. Accessed on 01/08/2024. <https://www.nation.com.pk/07-Aug2018/witness-protection-in-pakistan>
- Merriam-Webster's Dictionary of Law, Accessed on 30/07/2024. <https://www.merriam-webster.com/dictionary/witness#legalDictionary>
- Naeem Sahoutara "Witnesses remain unsecure as protection law not yet implemented" November 16. 2020. Accessed on 06/08/2024. <https://www.dawn.com/news/1590637>
- Oxford English Dictionary 1471 (2nd ed. 2015)
- "Punjab Assembly Passes Witness Protection Bill," *Qatar Tribune*, August 1, 2024. Accessed on 31/07/2024. <https://www.qatar-tribune.com/article/125286/PAKISTAN/Punjab-Assembly-passes-witness-protection-bill>.
- Protected persons. *National Crime Agency*. Accessed on 01/08/2024 <https://www.nationalcrimeagency.gov.uk/what-we-do/how-we-work/providing-specialist-capabilities-for-law-enforcement/protected-persons>.
- Pranati, T. B. (2007). Witness Protection in India and the United States: A Comparative Analysis. Accessed on 10/08/2014 <http://www.sascv.org/ijcjs/tanujpranatiijcjsjan2007.pdf>.
- Roots of Impunity 'The Murder of Wali Khan Babar' <https://cpj.org/reports/2013/05/pakistan-roots-impunity-wali-khan-babar-geo/>.
- Sabir Shah, The International News 'An overview of witness protection programmes around the globe' Accessed on 10/08/2024. <https://www.thenews.com.pk/print/16404-an-overview-of-witness-protection-programmes-around-the-globe>
- Sayed, Hifajatali, and Ajit Kaushal. "Witness Protection in Contemporary Society." *Journal of Positive School Psychology* (2022): 2329-2334. Accessed on 01/08/2024.
- SHAH, SYED ALI RAZA, and SIR GHULAM SARWAR BULLEDI. "WITNESS AND ITS PROTECTION IN THE LEGAL SYSTEM OF PAKISTAN." Bachelor's thesis. University of Sindh. 2021. Accessed on 30/07/2024. https://www.academia.edu/106550871/WITNESS_AND_ITS_PROTECTION_IN_LEGAL_SYSTEM_OF_PAKISTAN
- Shrotriya, Eesha, and Shantanu Pachauri. "A Proposal for a Model Witness Protection Programme: Need and Legal Ramification." *NALSAR Stud. L. Rev.* 12 (2017): 86. Accessed on 28/07/2024. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/nalsul12&div=9&id=&page=>

- Special Rapporteur on counter-terrorism and human rights. Accessed on 26/07/2024. <https://www.ohchr.org/en/special-procedures/sr-terrorism>
- Tanuj Bhushan, Pranati. "Witness protection in India and the United States: A comparative analysis." *International Journal of Criminal Justice Sciences* 2, no. 1 (2007).
- Theoharis, Mark, JD. What is the Witness Protection program? NOLO. 30 July 2020. Accessed on 01/08/2024. <https://www.criminaldefenselawyer.com/resources/criminal-defense/defendants-rights/what-witness-protection-program>.
- The Balochistan Witness Protection Act, 2016 (Act No. IV of 2016). Accessed on 01/08/2024.
- The Punjab Witness Protection Act 2018, Accessed on 01/08/2024. https://punjabcode.punjab.gov.pk/uploads/articles/The_Punjab_Witness_Protection_Act_2018.doc.pdf
- The Khyber Pakhtunkhwa Witness Protection Act 2021, Accessed on 01/08/2024, https://kpcode.kp.gov.pk/uploads/THE_KHYBER_PAKHTUNKHWA_WITNESS_PROTECTION_ACT_2021.pdf
- The Sindh Witness Protection Act 2013, Accessed on 30/07/2024. <http://pas.gov.pk/uploads/acts/Sindh%20Act%20No.LI%20of%202013.pdf>
- The Witness Protection, Security and Benefit Act 2017, Accessed on 30/07/2024. <https://pakistancode.gov.pk/pdf/files/administrator70d9bce8ccdec9d601713d0009848c3c.pdf>
- Uddin, Atif, and Liaquat Ali. "Absence of Witness Protection is a Threat to Fair Trial as Envisaged Under the Constitution of Pakistan, 1973." *Pakistan Journal of Applied Social Sciences* 11, no. 2 (2020): 59-78. Accessed on 31/07/2024
- United Nations Office on Drugs and Crime. "Good practices for the protection of witnesses in criminal proceedings involving organized crime." (2008). Accessed on 28/07/2024.
- United Nations Office on Drugs and Crime, *Witness Protection Policy Options for Khyber Pakhtunkhwa* (UNDOC, December 2018), <https://www.unodc.org/documents/pakistan/Report-Witness-Protection-Policy-Options-KPK-Web.pdf>.
- U.S. Marshals Service. "Fact sheet Witness Security." 2023. <https://www.usmarshals.gov/sites/default/files/media/document/2023-Witness-Security.pdf>
- Waseem, Hijab. "Witness protection policy: A comparative analysis." *Editorial Team* 4 (2017): 125. https://cfhr.com.pk/wp-content/uploads/2022/01/HRR_VolumeIV.pdf#page=133
- Witness security. *U.S. Marshals Service*. 12 June 2023. <https://www.usmarshals.gov/what-we-do/witness-security>.
- Witness Protection Act 2021 tabled in K-P Assembly, *The Express Tribune*, 31 August 2021. Accessed on 01/08/2024. <https://tribune.com.pk/story/2317869/witness-protection-act-2021-tabled-in-k-p-assembly>
- Witness protection. *DAWN E-PAPER*, 5. September 2021. Accessed on 26/07/2024. <https://www.dawn.com/news/1644579>.
- WITNESS. *The Law Dictionary*. Accessed on 27/07/2024. <https://thelawdictionary.org/witness/>.
- Youth Justice and Criminal Evidence Act 1999 (UK), c. 23, Part II, Chapter I. Accessed on 01/08/2024 <https://www.legislation.gov.uk/ukpga/1999/23/part/II/chapter/I>
- YS Rao Judge, "Basic Principles and Rules of Law of Evidence", published in www.legalserviceindia.com on 16 January 2016.