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WITNESS PROTECTION LAWS: COMPARATIVE MODELS AND REFORM OPTIONS FOR PAKISTAN

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Abstract
Witnesses are a key component of the criminal justice process. But, along with the legal obligation for a witness to testify truthfully goes the necessity of having confidence in the ability of the State to prevent the witness from being intimidated, retaliated against, coerced or physically harmed. In Pakistan, a number of legislations related to witness protection have already been passed such as the Witness Protection, Security and Benefit Act 2017 and in provinces such as Punjab, Sindh, Balochistan and Khyber Pakhtunkhwa. However, the level of effective protection in practice has not been consistent with the level of protection ensured by the law. A lack of centrality and institutional synergy, together with limited financial resources and non-uniform practices and potential threats of intimidation have made the current system less credible.
This article compares the laws and legal regimes in Pakistan, the USA, UK, Australia India and South Africa for the protection of witnesses. It suggests not to simply import the extremely centralized model of WITSEC from the United States in Pakistan. What is needed is hybrid arrangement of statutory protection, independent decision-making, risk assessment, relocation, identity protection, technological safeguards, psychosocial help and judicial oversight, for which Pakistan is sorely lacking. The article suggests the creation of a National (and provincial) Witness Protection Authorities, backed by coordinators; a specific Fund for the protection of witnesses; uniform criteria for granting the status of witness; which must be enforced; the use of video-link testimony; and the creation of a statutory mechanism for emergency protection of witnesses. That the central argument in this context is that the right to access to an effective and fair criminal justice system cannot exist without witness protection, rather than it being a merely an ancillary police function.

1. INTRODUCTION

At heart, the criminal justice system relies on the ability of witnesses to have access to and provide courts with evidence that is relevant, accurate and fearless. As producing documentary and forensic evidence is becoming more important, in a significant number of criminal cases, the evidence of persons is a necessity. Witnesses who are threatened, bribed, socially or physically pressured could be reluctant to come into court or change their testimony after initially cooperating with

investigators. Thus, the protection of witnesses is not a discretionary privilege which is granted or conferred only on certain chosen people but also a prerequisite of the functioning of criminal justice in general (Shrotriya & Pachauri, 2017a).

This is especially serious in situations involving terrorist and organized crime activities, corruption, political violence, trafficking, sexual offences and against any person accused when he/she or his/her companion or associates have the ability to retaliate against the witnesses. The vulnerability of witnesses has a wider institutional impact. Yielding to law-enforcement agencies is less likely if citizens think that providing evidence will put them, or their families, at great risk. It's not only an individual failure of protection, but it becomes a loss in public trust of the criminal justice system. A recent study in Pakistan also finds fear, lack of resources, institutional factors and weak practices are ongoing challenges to good protection (Aqeel et al., 2024a).

The Pakistani legal regime has evolved over time through several stages and not as a result of a comprehensive policy. A statutory pathway has been created by the federal Witness Protection, Security and Benefit Act 2017 and there are provincial legislative reactions. There are a number of special criminal laws and procedures to provide further protection. It is a pluralistic structure which is a reflection of the federal constitutional set up of Pakistan, and yet it poses practical issues of jurisdiction, responsibility, funding and coordination. That is, however, not an issue of a lack of legislation of itself. Instead, the gap between legislative recognition and operational ability (Zakir et al., 2022a).

History proves it will take more than armed guards to make a successful protection effort. A comprehensive relocation program and change of identity for witnesses who are seriously threatened is in place in the United States. Judiciously overseen special measures, anonymity mechanisms and police-based protection are more prevalent in the United Kingdom. Australia has both statutory and federal and state arrangements to provide for witness protection but is also an example of the problems that arise where there is a fragmented institutional structure. A comparative case of India is a useful regional example where the development of a witness-protection regime has happened both via judicial intervention and administrative schemes. By contrast, South Africa shows how a specific witness protection institution can be effective and the social challenges involved in moving and staying away from one's families and communities(Altaf et al., 2025).

In this article, three main questions are thus asked. Firstly, Pakistan's current laws on witness protection are insufficient. Second, what are the lessons to be learnt from the chosen comparative model(s)? Third, what type of reforms are feasible in Pakistan without throwing away the rights of the accused and creating another system that is unsustainable?

The article is basically doctrinal and comparative, with a greater focus on the computer literacy aspect. It reviews the recent legal research over the last five years (2020-2025), statutory development and comparative institutional experience. The focus is by no means to champion wholesale adoption of any foreign model. Rather it is to find out principles which can be adapted in Pakistan's constitutional, institutional and socio-economic context in Pakistan.

2. Witness Protection and the Pakistani Legal Framework

The one thing which is very much evident about the witness-protection system in Pakistan is plurality in legislation. It is in the context of the principle federal law, the Witness Protection, Security and Benefit Act 2017, which also provides the framework for the protection of witnesses in criminal proceedings. It acknowledges a number of types of protection such as physical security, identity concealed, relocated and given financial support. In the statute the concept of witness protection, therefore, mirrors a contemporary view that witness protection should not only provide immediate physical protection, but also include longer-term efforts to prevent identification and retaliation (Halepoto et al., n.d.-a).

The federal Act has a more limited field of operation, mainly in the federally determined legislative area. There is constitutional devolution, criminal justice administration is largely provincial and various measures have been adopted by the provincial governments. In some provinces, such as Sindh, witness-protection laws were passed and in others provinces have devised their own legislation for the same purpose. With a decentralized approach there is clearly an obvious challenge when criminal networks are operating across provincial lines. When a witness is moved from province-to-province, there may be cooperation required among various police agencies, prosecution agencies and civil-registration agencies. In absence of any mechanism of coordination in the center, the level of protection might heavily rely on informal inter-agency cooperation (Aqeel et al., 2024b).

Thus, the research conducted in Pakistan recently reveals that the issue is therefore, one of implementation rather than legislation. Witness-protection provisions might be in place but witnesses are still intimidated, protection is inadequate and there is a lack of clarity as to who will protect the witness. Legislation without adequate administrative infrastructure brings with it what can be called a 'normative-operational gap' the law establishes protection as a legal objective; however, a legal infrastructure to support that objective is lacking(Zakir et al., 2022b).

The second issues is with relation to witness protection and criminal procedure. The way evidence is gathered and presented goes with protection. Before a court considers protective measures, one of the witnesses might already be vulnerable due to exposure during investigations. Likewise, the longer the delay, adjournment for adjournment, by any witness in the case is the longer the period during which he or she is unprotected against intimidation. Therefore, witness protection should be started at the earliest possible time since the determination of a credible threat before the witness comes into court.

The third is that there is a scarcity of institutional expertise to support the development of the education sector. Risk assessment, intelligence gathering, secure communication, relocation planning, psychological support and financial administration and coordination with courts are necessary for effective protection. Such canvassing activities are not always effectively carried out by ordinary police officers who have to take-up routine police functions and investigation. It is therefore preferable for a specialized protection service to take responsibilities, rather than ordinary law-enforcement personnel.

Issues of confidentiality are another issue in Pakistan. To make relocation and identity protection efficient, it is important to stop unauthorized sharing (Aftab, 2024). But an otherwise good programme will collapse if information about the new location, about a new identity, and/or information about a new family situation of a protected witness is passed on freely among the police officers, prosecutors, members of the court staff or any other public official. Disclosure of protected information then, should be regarded as serious crime and must have legal consequences and disciplines.

The current system cannot be easily dismissed as totally lacking of effectiveness. Prescribed in the federal legislation are the basic elements of a modern programme, the acts of concealment of identity, relocalization, financial support and video-recorded testimony (Goldstein, 1984). The challenge is to transform these scattered mechanisms into a coherent national policy.

3. Comparative Models of Witness Protection

3.1 United States: The WITSEC Model

Perhaps one of the most well-known examples of a complete witness-protection programme is offered by the United States. The federal Witness Security Program, or "WITSEC" program, was created to provide for witnesses in circumstances where their involvement is likely to cause a "significant threat of retribution or violence" (Earley, 2009). It is the unique in that the individual may be able to move to a different place and in this case establish an alternative identity if required. It is consequently a model aimed at prevention and not just response. It aims to prevent the witness from being in the

situation where the retaliation is likely to take place.

The long-term institutional specialization and planning is the key to the strength of WITSEC. Protective measures can also occur off the bench, and include assistance in setting up a new life, documentation assistance and financial assistance(Mack, 2013). This is especially true for Pakistan as there are frequent threats to witnesses from local social and criminal elements. Just having a police presence at the door of a witness's home could achieve short-term protection but it must be said it does not necessarily mean that the threat has gone away.

The American model, is, however, intrusive and costly. Moving can lead to a loss of work, school, family and community connection. There must also be advanced collaboration between the institutions of law-enforcement and civil-registration and administration. This should be reason enough for Pakistan to not view WITSEC primarily as a template to be followed as such. What is key, is not the change of identities but the concept that the protection must be needs based and that it should be specialized and that it should continue beyond testimony, if it is needed (Shrotriya & Pachauri, 2017b).

3.2 United Kingdom: Special Measures and Anonymity

In the British system there is more emphasis on the procedures affording protection. Vulnerable and/or intimidated witnesses can be protected from exposure by the use of screens, video links and other arrangements in the courtroom. The goal is to allow the witness to give evidence without need to face the accused and/or the community.

The British experience shows that such a "witness relocation" is not always necessary if one is to safeguard witnesses. Procedural adjustments that can diminish the threat in many instances. This distinction is significant for Pakistan as it would be difficult to move people in masse in terms of financial burden and administration. This could mean that, under a graduated system, only the most dangerous witnesses would be allowed to change their names and/or be moved, with other, more moderate-risk witnesses being given lesser protection.

Concurrently, the entire issue of anonymity raises a challenging constitutional issue. The defendant should be told his/her case and provided an opportunity to contest it. Too much confidentiality, then, could hamper the fairness of the trial. For the British experience, it has been felt that the granting of anonymity should be subject to court approval after considering the need, proportionality and interests of the defense (Saxena & Agarwal, 2021).

3.3 Australia: Lessons from Institutional Fragmentation

Australia is an all the more interesting comparative example for its combination of both successes and shortcomings with regard to statutory protection of witnesses. Coordination issues in a federal system exist between commonwealth and state or territory systems as is the case in Pakistan where there are problems with a coordination between federal and provincial institutions.

There are identified gaps in the work programmes in Australia in recent times which have been missing in terms of operations and coordination. However, the lesson for Pakistan is important: it is not decentralisation per se, but rather the simultaneous absence of effective coordination and decentralization that can lead to varying standards and to overlapping or overlapping functions and unclear accountability for a protected person (Monterosso, 2022a).

So, Pakistan can continue with its province-based implementation and adopt and enforce common standards at the national level. A Federal coordinating authority can create eligibility requirements, minimum security requirements, information-security standards and inter-provincial relocation options that don't necessarily disrupt already-existing provincial institutions.

3.4 India: A Regional and Socio-Legal Comparator

Comparisons with institutions in other regions may be most useful with those geographically closest to India's: South Asian. As evidenced by Indian experience, witness protection is not a task which can be left to an array of traditional policing methods. Incorporating the concept of protection through the institution of a WPS and subsequent consideration given in the courts and by Parliament would appear to reflect an effort to create a graduated protection regime based on threat level appraisal.

Witness hostility and intimidation as well as institutional inadequacy are red flags for Indian scholarship again and again. The Indian case is further proof that there is a balance that must be struck between the security of witnesses and a retrial's rights of the accused. This experience has merit for Pakistan, as the social conditions and factors like family pressure, influence of local and religious circles and community retaliation may exist in Pakistan in more similar form as compared to Western jurisdictions (Qureshi, 2021a).

3.5 South Africa: Protection Beyond Physical Security

Studies of protected witnesses highlight the effects of relocation and separation from family and community, including feelings of isolation, being "ripped up out of society" and economic challenges. Protection can, in these cases, keep a witness safe, costing him or her a considerable amount psychologically and socially.

The South African experience shows that is essential for a credible programme to offer support for aftercare and reintegration. Protection should not be understood as finite and/or expiring after testimony. If the threat is not ended, the witnesses might still be subject to retaliatory action following the case. Likewise, when a witness joins a protection programme, children and family members can also be greatly affected (Mphaphuli & Botha, 2021a).

It is thus obvious what is the comparative lesson. For an effective model to apply in Pakistan, it is necessary to integrate the protection aspect of the American model, procedural safeguards for the British model, intergovernmental coordination for the Australian model, graduated threat assessment for the Indian model and social and psychological support for the South African model.

4. Witness Protection, Fair Trial and Human Rights

The interests in witness protection need to be balanced with convicted suspects' rights. If a criminal justice system cannot do so, it may not function nicely by coming up with an evidentiary process that denies the accused there in any chance of contesting prosecution evidence. A challenge therefor is how to build a system which takes care of witnesses, while maintaining the fairness of procedure (Clinton, 1975).

Part of the right to a fair trial is the right of an accused to get a fair chance to review evidence against him or her. International human-rights principles, however, also acknowledge as legitimate measures for the protection of witnesses from potential intimidation and retaliation (Brems, 2005). The way to go is therefore proportionality. Protective measures should only limit defence rights as much as is necessary to protect the witness and they must be accompanied by measures that ensure the reliability and fairness of the proceedings.

There shall be the first principle, that of necessity. The use of anonymity and/or relocation or closed findings should not be used routinely when requested by a witness. An objective assessment should be made of the nature of the threat and its credibility (Chinkin, 1997). A witness who may be killed for legal testimony needs special treatment as compared to a witness who is concerned about social embarrassment or minor harassment.

It ought to be the second principle to be proportionality. The degree of protection should match that of danger. This will aid with a tiered approach. Category A witness might be provided with emergency security, relocating and protecting his or her identity; Category B witness might be provided with courtroom security, restricted disclosure and police escort and video-link

testimony; and Category C witness might be provided with courtroom screens, restricted disclosure and psychological support (Joosen et al., 2018).

Thirdly it must be the oversight of the court. The courts should evaluate if specific measures need to be taken which would impact on the fairness of proceedings as executive authorities are often best suited to take operational security measures. The anonymation order, restrictions on disclosure, or remote testimony thus should be subject to a judicial review (Margulies, 2017).

The fourth principle is related to the issue of confidentiality. Personal data that can be accessed by people without a legitimate basis for such access are not protected. Thus secure databases, restricted access and encrypted communications and penalties for unauthorized disclosure should be considered to be integral parts of the rule of law (Samuelson, 1999).

This is supported by the ideas of dignity and life in the Constitution. In recent research on constitutional rights, especially in the context of Pakistan, it is proposed that constitutional rights should not only be looked upon as entitlements but also a set of obligations which are inter-reinforcements of each other, the State is an obligation bearer in all these case (Bashir et al., 2025). Accordingly, protection of a witness's life, dignity and security may be considered a part of the positive obligations of the State to give meaning to fundamental rights.

This also applies to Vulnerable Witnesses. Children and those who are disabled (sexual violence victims, trafficking victims and witnesses of sexual violence) may need protection beyond what is offered to other witnesses. It is not a question of different or better treatment for different groups, but about deep, serious equality, meaning greater risks of certain groups mean greater protections for those groups (Prinsloo, 2012).

Witness protection is thus not in conflict with a right to a fair trial. Well-designed protection enhances the quality of fair trials, promotes the free and accurate presentation of evidence. There are no dangers in regulated protection but in unregulated protection.

5. Major Deficiencies in Pakistan and Reform Options

The first reform needed is institutional consolidation. There is no need to discontinue the existing provincial institution of providing protection to witnesses, in Pakistan. Rather it requires an integrated system with well-defined functions. A National Witness Protection Authority should set the minimum national norms, oversee the coordination of interprovincial cases and operate secure information protocols and arrange for relocation of cases, if there are threats cross the provincial boundaries (Halepoto et al., n.d.-b).

The Authority must not be a part of regular police organizations. Police agencies should continue to be responsible for the day-to-day security provided where appropriate and decisions on admission, on-going and termination of protection should be based on a set of statutory criteria. This would decrease the likelihood of arbitrary or politically-motivated decisions are made (LaFave, 1990).

Secondly, there is a need of a statutory risk-assessment system in Pakistan. The criteria for admission ought to include variables like extent of the offence, nature of the threat, capacity of threatening party, importance of the evidence of the witness and previous incidents of threats or intimidation against the witness and vulnerability of family members. An informal discretionary decision would probably be better done with a multidisciplinary assessment by police and prosecution officers and specialized protection officers (Aqeel et al., 2024c).

Thirdly, it is needed to establish a separate fund for witness protection in the country. Relocation and long-term protection is jeopardized by financial insecurity. A protected witness may have to go back to the case from which they were supposed to be protected if they can't pay for basic necessities. There needs to be flexibility in the Fund to make emergency purchases and the Fund will need to be audited independently (Kramer, 2014).

Fourthly, the technological protection should become a part of the system. Video links, sounds/sight alteration as permitted by law, and encrypted telephoning and secure digital recording can limit the exposure to an absolute minimum level. An example is the new development of remote testimony, which shows that not always must someone be physically present in court, in the event of credible threats (Noor, 2011).

Fifth, the law needs to deal with witness intimidation by the creation and explicit awareness of a specific criminal illegality with real consequences. Protection goes hand in hand with punishment. The different approaches to witnesses and protection help answer the question of what to do after the fact, rather than the cause, of a witness being threatened by a State that fails to make witnesses a top priority (Vulević, 2024).

Sixth, Pakistan should have installed obligations of confidentiality which are to be obeyed. Those officials who deliberately release protected information should be disciplined, and made civilly and criminally liable. The information of who and where protected persons are should be available only to government officials who have a legitimate need for it (Ahmad, 2025).

Seventh, that the move should be part of a system of graduated sanctions and not the initial response. Most witnesses may only need a limited approach as opposed to complete alteration of identity. This would enable the programme to be more financially viable.

Protection shall also include protection of related persons. Criminal intimidation acts often take place through other close family members such as children, parents or spouses. If the witness is unwilling to provide protection because it would put family members at risk, they can refuse to accept it. Raising families in various regions of the country is therefore predisposing them to many risks which should then be integrated in the risk assessment.

9th. Psychological and social help must be institutionalized! Experience in South Africa has shown that protective measures can lead to a sense of isolation and the disintegration of the family life. Therefore, Pakistan should offer counselling and educational support for children, help enable employment and organized reintegration if it is safe to do so.

Lastly, capacity of judges should be enhanced. Specialized training of the judges, prosecuting bodies and court staff about anonymity, protected evidence, vulnerable witnesses and/or confidentiality. Standard operating procedure for courts to deal with sensitive witness information should also be developed.

These reform measures should be taken in a "step by step process". First phase to set up national standards & emergency protection. The latter should provide for the formation of specialised provincial units and secure information systems. The third should add advanced mechanisms of relocation and identity-management. That would enable Pakistan to develop institutional capacities rather than looking at replicating the most costly parts of the foreign institutional packages.

6. A Proposed Hybrid Model for Pakistan

Based on the comparative analysis it may be suggested for Pakistan, that it should inculcate hybrid instead of transplant model of witness protection in this Country. The United States, United Kingdom, Australia, India and South Africa have shown that protection requires all of the above – the institutions, the procedures, risk assessment and social supports – in order to work well. The dozens of models can't just be replicated in Pakistan because this country does not have the same constitutional system, institutional infrastructure and criminal system. The recent scholarship in Pakistan also highlights that following the enactment of legislation is no easy feat; it requires effective implementation, coordination and institutional capacity (Aqeel et al., 2024d).

First, institutional independence

A federal National Witness Protection Authority (NWPA) or authorities should be created by legislation and units in the provinces should be under nationally defined minimum standards. Libby should be staffed by people who specialize

in it, and there should be a protected budget and a separate information-security unit within Libby, away from national security. This would be to prevent unnecessary fragmentation that would result from carrying out similar protection functions by various agencies (without any coordinating body). In this respect, the Australian experience is instructive as studies have found witness-protection arrangements to be significantly flawed at both the federal (Commonwealth) and sub-federal (state and territory) levels with regards to both how they are working and how they are being coordinated (Monterosso, 2022b).

The Authority is not an appropriate substitute for the provincial institutions, unless there is a clear need to change that. Rather, it should set standards, coordinate the interprovincial relocation and keep the national protocols and give technical support. The role of protection by the provincial units should remain for their normal activities within the province. Such a structure would be apt in the context of the Federal setup of Pakistan than to opt for the complete centralization.

Second, graduated protection

Protection shall be classified in terms of the threat level. A 3 tier classification system could be used.

Top category should include witnesses at serious and imminent risk of serious harm and/or death. The respective witnesses should be given the possibility of relocation, safe accommodation, stringent security and, in extraordinary cases, even alteration of their identities. For persons that we consider medium risk they should be given methods of security like secure transportation, police protection and remote discovery. Where possible low risk witness should be secured using confidentiality and courtroom safeguards and monitoring.

The concept of graduated protection is of great relevance for Pakistan as it is a country with scarce resources. In the Indian context, it illustrates the utility of analyzing threats and aligning protective measures with the nature and intensity of risk instead of having a 'one size fits all' solution to the problem of relocation. The protection programme would also not end up in financial unsustainability if a differentiated system was used (Pattnaik & Padhy, 2024). A differentiated system would also prevent the protection programme from becoming financially unsustainable.

Third, judicial supervision

Though the decision to take security measures should remain in the hands of the executive, the courts should have a supervisory role in relation to measures that have an "indispensable effect" upon the rights to make a statement in the criminal trial. Anonymity, restrictions on disclosure, a remote testimony and other measures which impair the submission of the evidence should, therefore, be subject to judicial authorization.

The same principle should also still be upheld that witness protection is only viable when made compatible to a fair trial through protective measures which are necessary and proportionate. There is a need to view the importance of witness protection in the context of fundamental rights and the need for fair trial as well, rather than separately as an administrative issue (Qureshi, 2021b). Judicial supervision would give an avenue for courts to reconcile on a case-by-case basis the necessity of protecting witnesses and the defendant's right to contest evidence..

Fourth, interprovincial relocation

The provincial lines should not be a hindrance to effective protection in Pakistan. For example, if someone's life is threatened in the province of Punjab, they may need to move to another province where the threatening network is not as strong. Therefore, formal interprovincial relocation agreements should be put in place by the NWPA.

It can be a huge practical challenge if there is a lack of coordinated plans in place. The comparative study of Australia shows that if the various jurisdictions have no or poor coordination, witness protection runs the risk of being less effective (Monterosso, 2022c). This should be a lesson for Pakistan as it must have common protocols for the reception of relocated witnesses,

limited information with protection units, shared only on a need-to-know basis and a handover of responsibility between protection units.

Fifth, secure identity management

If physical relocation is not enough, it is recommended that the programme include a well-organized mechanism relating to identity management. A change of identity should be exceptional and the result of a documented assessment that proves that other less intrusive means have been tried and are not sufficient.

It is essential to have restricted coordination between the witness-protection authority and relevant civil-registration institutions to carry out identity management. The protected identity should not be disclosed to ordinary run-of-the-mill administrative staff. The concept of compartmentalization applies to the disclosure of information; it should be an offence for unauthorized disclosure of information.

While the American model does illustrate the significance of specialized identity and re-location arrangements, the financial and institutional requirements do indicate that in Pakistan, the highest degree of identity protection (as is available under the American model) be reserved for the most danger cases only (Bhushan & Pranati, 2007).

Sixth, comprehensive family protection

There is no need for witness protection to only be in regards to the person that provides evidence. Criminal intimidation is often indirect – via wives, children, parents and other close relatives. A witness can refuse relocation if his/her family would be at risk of retaliation if he/she moved in response to protective measures.

Thus, it is important that the family themselves be involved in risk assessment. If appropriate, family members (spouses, dependent children and other vulnerable members of the household) should be part of a protection plan. This should comprise of accommodation, education, transportation and security measures.

The South African experience will illustrate the need for such an approach. The research on protected witnesses reveals the social and familial implications which follow the entry to a protection programme, including the breaking up of everyday family relations and challenges faced by children (Mphaphuli, 2022b).

Seventh, psychological and social assistance

Psychological and social support needs to be institutionalized and not a part of any welfare service. A move can disrupt the person who witnessed an event from seeing neighbors, coworkers, family and friends within the community. There can therefore be psychological stress that comes from the long-term protection without the physical protection being maintained. Protected witnesses in the South African context have been found to have feelings of isolation, disruption and adjustment problems when living in and transitioning from protection programmes (Mphaphuli & Botha, 2021b). Pakistan should thus make professional counselling, social-work support and family assistance a part of the protection system.

Educational support should be provided to children of protected witnesses if needed and employment or vocational support may be needed for adult witnesses. As much as possible, a well-organized reintegration process program has to be designed, for in order that dependance of witnesses upon the State should not be permanent.

Eighth, judicial and prosecutorial capacity

Special training for judges, prosecutors and court workers on the subject of vulnerable witnesses, anonymity, protected evidence, confidentiality and testimony from a distance is required. No good in laws without good men, and good men are more difficulties if they merely can't be decided.

Courts need to have standard operating procedures for providing for the protection of sensitive witness information. These should take into account who should be allowed access to the confidential material, how the documents should be stored, when hearings should be closed/restricted, and how the video linked testimony should be handled.

This is of special importance as a balancing of two legitimate aims: firstly that of protecting eventually the integrity of evidence; and secondly the procedural rights of the accused.

Ninth, accountability and independent oversight

The system of witness protection must be linked to an authority that has access to highly secretive information and rich administrative resources, which should be held accountable for abuse of trust. The financial spending, the process of admission to the programme, the decisions relating to the termination of the programme and complaints should be open to independent oversight mechanism.

An annual report on the overall statistics of the number of persons who were protected, categories of protection, relocation measures, emergency interventions, complaints and costs should be reported to Parliament. Of course, information about one's own should be kept private.

The challenges in Pakistan's implementation are the reason for this demand for accountability. The challenges faced in providing effective and efficient witness protection in Pakistan have been recognized as political influence, financial constraints, institutional inadequacies, and regional variations (Aqeel et al., 2024e). Independent oversight would not solve these problems on its own, but would help to ensure a mechanism to identify institutional failures and continue to have the protection programme subject to law.

Tenth, emergency protection

Another change of law to consider should be emergency protection powers. If there is an imminent and credible threat, temporary protection doesn't need to be triggered through a tortuous process of administration, but in a matter of hours.

The emergency measures include temporary safe accommodation, emergency transportation and temporary relocation and restricted disclosure, and police protection. A comprehensive risk assessment would then be used to reveal if such long-term protection needs to be affected?

A mechanism for this is especially critical as intimidation may start right after a witness makes contact with the law-enforcement. This kind of response that depends on the formal admission of protection, may not be effective when protection is needed most.

Eleventh, specialised investigation and prosecution of intimidation

Special mechanism should also be provided in Pakistan to probe and prosecute witness intimidation cases. Witness intimidation is a far more serious matter than a trivial violation and should not be handled as such if it is done with the aim of interfering with the administration of justice.

A mechanism could perhaps provide for better collection of evidence, less of a conflict of interest and better deterrence. Witness protection effectiveness relies not just on the protection itself, but on also ensuring negative repercussions for anyone who tries to silence witnesses.

Phased implementation

These reform measures should be taken in a "step by step process". National/standards/emergency protection/Interprovincial co-ordination to be determined in phase I. The second should create specialized provincial departments, achieve information security and allocate a special protection Fund for witnesses. The third should involve more complex moves and ID management.

Going with such a sequencing is better than trying to replicate the most costly functions of foreign shows now and then. The significance of institutional coordination – as discovered in the Australian experience, and of social and post-protection support – as described in the South African literature, are acknowledged(Mphaphuli, 2022a).

The proposed framework thus incorporates the best features of a couple of comparative schemes: specific to the degree of protection in the USA; Procedures in the United Kingdom; Co-ordinated federalism in Australia; graduated risk assessment

in India and social and post-programme support in South Africa.

7. Conclusion

Witness protection is a component of a good criminal justice system that's one of the less publicized but most significant. A witness that is afraid of being targeted by a defendant should not be required to take active part in criminal investigations, and court action on such a prosecution based on such introduced or thwarted testimony cannot offer justice. This issue has been acknowledged by the federal and provincial laws in Pakistan, but the challenges in implementation show that enactment of laws is not enough.

As a result of the comparative analysis, it is seen that there is no complete solution model in the foreign field. The American WITSEC is an expensive programme and a challenge institutionally, but it shows the worthiness of specialized protection and relocation. An example of the United Kingdom, where through the use of special measures and judicial oversight less need for physical relocation is justified. Australia is an example of the disadvantages of having fragmented administration under a federal model. An example of graduated protection and implementation challenges is available from India at the regional level. In South Africa, it is clear that physical protection must go hand-in-hand with social, psychological and post-trial assistance.

Therefore, the adoption of a hybrid system consisting of the National Witness Protection Authority, provincial implementation units, a dedicated protection fund, objective risk assessment, graduated protection measures, secure identity management, emergency protection, technological safeguards and judicial supervision is suggested for Pakistan. Where appropriate and necessary, less intrusive measures should be applied with relocation and changes of identity still available for truly high-risk cases.

The reforms also need to take into account the link between witness protection and constitutional rights. The State has the right and responsibility to have an effective justice system, which cannot be disengaged from the need to protect life, dignity and security. Also, measures to protect witnesses should not be a procedure which unduly abridges the rights of accused people or suggest otherwise. Proportionality, necessity and judicial oversight should, therefore, continue to be key principles.

Finally, the success of the witness-protection system in Pakistan would not be measured by legislation per se, but by whether or not an ordinary man (or woman) could come forward, testify and go home without a reasonable fear that providing evidence for the justice system would render his/her life or family subject to prosecution and threat. While this may not be credible, witness protection will remain an unfinished segment in criminal justice reform until it is. A well-resourced, well-managed and rights awareness protection system would not only protect witnesses, but also help to provide stronger prosecutions, better public confidence and support the Rule of Law.

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