



Witness Protection in South Eastern Europe



Moritz Hildebrand

Legal Advisor
SPOC Secretariat

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Problem:

Almost all SEE countries have enacted witness protection legislation as a crucial element for the fight against organized crime. However Due to the small size of many SEE countries effective witness protection which includes relocation can be difficult.

The SPOC Secretariat together with the SECI Center aims to bring witness protection units and prosecutors together to aim for more regional or bilateral cooperation in this field.

Scope of Witness Protection Laws in SEE:

Inclusion in the program:

- “witnesses of justice”
- “endangered persons”
- “close and related persons to the witness”

Authorities for the application of protection measures:

Most countries have introduced witness protection units which are mostly attached to the ministries of interior and which are tasked with the immediate protection. In addition the so called witness protection Commissions decide on the inclusion into the program or the termination of protection measures



Authorities for the application of protection measures:

- **Most countries have introduced witness protection units which are mostly attached to the ministries of interior and which are tasked with the immediate protection.**
- **The so called “witness protection Commissions” decide on the inclusion into the program or the termination of protection measures, they are composed of judges prosecutors and police officers**
- **Applications to the Commission are made through the prosecution offices**



International Cooperation:

The obligation to introduce for appropriate witness protection measures is contained in Article 24 of the UN Convention against transnational organized crime (UNTOC).

Paragraph (3) of that Article reads:

“States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.”

Situation in SEE:

The countries in the region are quite small and closely interlinked on a socio-cultural level, therefore it is difficult to effectively relocate witnesses within the country for a longer period of time. Inter-regional relocation is necessary

- Most laws allow for bilateral agreements on witness protection relocation
- Currently there are very few bilateral cooperation agreements in place
- Regional relocation is almost non-existent
- The South East European Prosecutor’s Advisory Group (SEEPAG) has put the cooperation on witness protection measures on its agenda for 2006



The Role of the SPOC Secretariat:

- Compilation of a CD ROM on witness protection legislation in South East Europe and on EU and international organization standards as a reference for practitioners which is already widely used.
- Assisting the SECI Center in evaluating the legal requirements for each state according to its legislation to enter into binding relocation agreements with other states
- Draft possible relocation agreements
- Assist in the organisation of a regional conference/workshop for regional heads of witness protection units and prosecutors to possibly reach agreements for bilateral or regional relocation of witnesses

The SECI Center should play a crucial role in enabling the countries to effectively cooperate to protect witnesses as the only regional law enforcement institution. It can offer a platform to bring witness protection units and prosecutors together to aim for more regional or bilateral cooperation in this field.