

# Witness Protection and collaborators of Justice

- **Council resolution of 23 November 1995 on the protection of witnesses in the fight against international organised crime** calls on Member States to guarantee suitable protection to the witnesses.
- **Council Resolution of 20 December 1996 on individuals who cooperate with the judicial process in the fight against international organized crime** calls on Member States to adopt appropriate measures to encourage individuals who participate or have participated in an association of criminals or other criminal organization of any kind, or in organized crime offences, to cooperate with the judicial process.

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## References on Witness Protection

- **Recommendation 16 of the Action programme on the prevention and fight against organised crime, adopted by the Council on 28 April 1997**, encourages to examine the needs as regards protection of witnesses and persons who collaborate in the action of justice.
- **Recommendation 25 of the Millenium Strategy** calls upon Council, MS and the Commission for the preparation of a proposal “for an instrument on the position and protection of witnesses and of persons who participate or who have participated in criminal organisations, and who are prepared to cooperate with the judicial process by supplying information useful for investigative and evidentiary purposes or by providing information that may contribute to depriving criminal organisations of their resources or of the proceeds of crime. The proposal should consider the possibility, in appropriate cases, inter alia, of mitigating punishment of an accused person who provides substantial cooperation in such cases. An EU model agreement should be developed, taking into account the experiences of Europol, and used on a bilateral basis”.

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- **The Declaration on combating terrorism adopted by the European Council of 25th March 2004** invites the Commission “to bring forward a proposal aimed at the creation of a European Programme for the protection of witnesses in terrorist cases”.
- **Recommendation Rec(2005)9 has been adopted on 20 April 2005** by the Committee of the Ministers for Council of Europe.

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## Future EU Proposal on Witness Protection

DG JLS is preparing an instrument on the position and protection of witnesses and of persons who participate or who have participated in criminal organisations, and who are prepared to cooperate with the judicial process (2007).

For the drafting of the legal EU instrument, we are taking into account the experiences of Europol in this area, namely the "**Basic principles in the European Union police co-operation in the field of Witness Protection**" and the "**Common Criteria for taking a witness into a Protection Programme**" which have been produced by Europol.