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Witness Security Protection : International Efforts and Legislative Applications

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Abstract:

The testimony is considered one of the most important types of evidence in the penal article, and accordingly it is necessary for its performer to enjoy the same importance, and that only be with the protection of the witness throughout all stages of the case and even after it is decided against any physical or moral assault that would harm his person or his family, or to influence his testimony in a way that does not serve justice.

This study aims to analyze and evaluate the most important legal mechanisms aimed at protecting the security of the witness at the international and national levels.

Keywords: Protection program; the witness; security support; the victim.

Introduction:

The Criminal liability of a person and his conviction for a crime requires the evidence of a crime occurrence and its attribution to the accused with affirmation and certainty, not out of suspicion or possibility. Furthermore, the judge is reliant on all means of proof specified in the Criminal Procedures Law.

Testimony is considered as one of the most important means of proof in criminal matters, it also may be the only one in some crimes. Besides, it is a religious duty for the individual before becoming a legal obligation, As the Almighty said : “ And do not conceal evidence. And the one who conceals it, his heart is certainly sinful. And Allah knows well whatever you do “¹.

The witness is not a party nor a litigant to the case, but rather a person who realizes with his senses the circumstances of the crime. Thus, he is obliged to recount its details before the court, in order to form a detailed impression about its circumstances and conditions in a way that facilitates access to its truth to serve justice. Therefore, witness testimony is an indispensable procedure whatever's said about its defects and deficiencies².

The witness may be exposed to assaults on his life, money, honor, or family, as a result of his testimony. Thus, the question arises about the safeguards that the legislation guarantees to protect the witness, which would prevent these damages from occurring on those who bear the testimony. However, due to the importance of testimony as a means to establish criminal facts, and the witness as an assistant to justice, it was necessary for contemporary legislation to move towards the commitment of a criminal policy that guarantees the protection of witnesses from the attacks and threats they may be exposed to.

This study aims at highlighting the legal system for witness protection at the international and national levels, and to assess its effectiveness in ensuring that no harm will be inflicted on the security and safety of the witness, so as to obtain a witness who cooperates with the judicial authorities, to give a testimony free of any falsehood or distortion.

Following the above, the problematic of the study focused on the extent to which international efforts and national legislation contribute to providing guarantees that embody witness security protection ?

To answer this problematic, this study is divided into two chapters. The first deals with the most important international efforts aimed at providing security protection for the witness, whereas the second includes the applications of witness protection in the various national legislations.

THE FIRST TOPIC: The witness security protection in the international law

The international community recognized the importance of the witness as an essential element in the judicial work. Therefore, since ancient times, punishment has been imposed on those who bear false witness, and on everyone who uses any means of threat to influence other witnesses to compel them to testify falsely³. However, the necessary cooperation to achieve justice requires more than threat and punishment. As a group of countries concluded agreements aimed at establishing legal systems to protect witnesses, and drafting procedural rules that would provide guarantees of witness security.

First requirement: the protection of witnesses in the statutes of the International Criminal Courts

The proliferation of terrorist crimes, political assassinations, crimes of assault on humanity and other serious crimes whose effect is not limited to one country but extends to others, where perpetrators seek to eliminate all evidence that may incriminate them, they also threaten and intimidate witnesses and attempt to liquidate them. Therefore, exposing them to all kinds of pressures that may refrain them from testifying, or to perform it contrary to the truth. Furthermore, the international community has committed to cooperate to confront it through the prosecution of the perpetrators of such crimes, in addition to the protection of witnesses before the international criminal courts, whether the permanent or the temporary international criminal courts⁴.

First section: Witness protection in the statutes of the temporary international criminal courts

The efforts of the International Criminal Tribunal for the Former Yugoslavia and the Interim International Criminal Tribunal for Rwanda have contributed to enhancing the efforts of the international community to protect the security of witnesses. As this is reflected through the creation of the so-called “victims and witnesses unit” at the court level⁵.

Measures to protect witnesses can be divided according to what is stated in the statute of each of the aforementioned courts into protection procedures before the court, and post-trial protection measures:

First : Protection measures before the court⁶

- Take appropriate measures to maintain the privacy of witnesses, and ensure that they are treated with respect and care in a manner that guarantee the preservation of their dignity and not be subjected humiliation, especially if the issue is related to crimes against honor and esteem.
- The trial is held in a secret or closed session to prevent revealing the identity or location of the witness, by concealing names or data indicating the person from the public records of the court, or using pseudonyms.
- Using means of changing the picture or sound to prevent the witness from being recognized.
- The witness gives testimony behind a veil or by wearing a mask to prevent identification of his identity.

Second : Post trial protection measures :

- The relocation of the witness in a place that guarantees his confidentiality, such as being deported to a country according to an agreement prepared for this purpose, in this regard, the International Criminal Tribunal for the Former Yugoslavia signed eleven agreements with different countries.⁷
- Providing the witness and his family with free and preferential services such as housing, health and education, and enabling them to take long-term follow-up and psychological treatment programs under the supervision of specialists, in a case the witness has been subjected to trauma, assault, or psychological harm as a result of his testimony.⁸
- The possibility of establishing special funds to pay compensation to witnesses victims in the absence of sufficient resources for the convicted person.⁹

Second section: Witness Protection in the Statute of the Permanent International Criminal Court

The first paragraph of Article 68 of the Rome Statute¹⁰ of the International Criminal Court states¹¹ the protection of witnesses and victims, their physical and psychological integrity, their dignity and privacy.

In this regard, the court takes into consideration the circumstances of the witness, his health status, age, gender and the nature of the crime committed, the public prosecutor at the court shall take measures to protect witnesses, especially

during the investigation, in a manner that does not contradict the rights of the accused or the requirements of a fair trial¹².

As for the measures granted to the witness or the victim, the court department may hold a confidential session on a request from those with an interest in protection, Furthermore, this session shall be confidential to decide if it is necessary to take measures to prevent public disclosure to the public or the press of the witness identity or any other person who is exposed to danger because of the testimony he gave, or any information that may lead to the identification of any of them, as well as the possibility of resorting to means of audiovisual communication remotely in the event that the witness's attendance is not possible, or the use of a pseudonym for the witness to conceal his true identity¹³.

The court may hold a confidential session, or with one party, if necessary, to decide whether any special measures should be taken, including but not limited to the order to allow the presence of a lawyer, legal representative, psychiatrist, or family member during the victim or witness's testimony. These measures shall be implemented in particular in the case of a victim of sexual violence or a child who is a victim or a witness, unless the court orders otherwise, taking into account all circumstances, especially the opinion of the victim or witness.¹⁴

So as to devote the principle of witness protection, the International Criminal Court has established a body called the "Victims and Witnesses Unit" within the court's clerk office, as this unit undertakes the following tasks for the benefit of victims and witnesses¹⁵:

- Providing them with appropriate security and protection measures and developing a long and short term plan for their protection.
- Aiding them in obtaining medical, psychological and other necessary assistance.
- Take gender-sensitive measures to facilitate testimony at all phases of court proceedings relating to victims of sexual violence.
- The unit pays a particular attention in the performance of its tasks to the needs of children, the elderly and the disabled, in order to facilitate the participation of children and protect them as witnesses, the unit appoints, when necessary, with the consent of the parents or legal guardian, a person who aids the child throughout the process.

Second requirement :The witness protection in international conventions

There are many international conventions related to the protection of victims and witnesses in the context of fighting some crimes, in this request we will address the witness protection in the convention on combating organized crime in the first section, while in the second section we will discuss the witness protection in the agreement to combat terrorism and organized crime

First section: Witness protection in conventions against organized crime

Article 24 states that the United Nations Convention against Transnational Organized Crime¹⁶ requires the states party to the convention to take appropriate measures within the limits of their capabilities to provide effective protection from any possible reprisal or intimidation in criminal proceedings, for persons who testify regarding the crimes covered by this convention, as well as relatives and other relevant persons. Document them as appropriate, those measures may include:

- The development of procedural rules to provide physical protection for these persons, for example with the required capacity and possibility to change their places of residence. Besides, to allow, upon expiration, the non-disclosure of information related to the identity of those persons and their whereabouts, or to impose restrictions on their disclosure.

- Providing evidentiary rules that allow testimony to be given in a manner that guarantees the safety of the witness, such as allowing testimony to be given using communications technologies, like video links or other protective means¹⁷.

It is clear from the preceding text that the agreement focuses on taking a set of measures, including allowing them to move to a new place, changing their identity, providing material protection for them or members of their families, obtaining temporary housing, paying the costs of moving home furniture and other personal property to the new place of residence. Furthermore, providing funds for their subsistence, supporting them for access to employment, and providing other services necessary to help them lead a normal life.

At the territorial level, the Council of the European Union issued a resolution on 23 November 1995 related to witness protection in the context of combating transnational organized crime, which calls upon member states to :

- Guaranteeing appropriate protection of witnesses against all forms of threat, pressure, or intimidation.
- Protection should extend to the family of witnesses and those close to them when necessary to avoid indirect pressure.
- The authorities may decide, on their own or at the request of those with an interest in protection, that the witness's address and information related to him should be strictly confidential.¹⁸

In this regard, the Arab Convention for fighting Transnational Organized Crime¹⁹ contained provisions related to witness protection, as this was in the provisions of Articles 33 to 36, as Article 33 states the immunity of witnesses and experts, and Article 34 states the transfer of witnesses and experts and guarantees relating to them, also Article 35 states the costs for the transportation and accommodation of witnesses and experts. While Article 36 states the protection of witnesses, experts and victims, as it stipulates that : “Each state party is obligated to take the necessary measures to provide protection from any possible reprisal and intimidation for witnesses and experts who agree to make their statements regarding one of the crimes covered by this convention, as well as their relatives and other closely related persons as appropriate²⁰” .

Second section: Witness Protection in Anti-Terrorism Agreements

International and regional conventions for fighting terrorism in all its forms are various, as international efforts have directed towards concluding agreements stating the witnesses protection who contribute their testimony to uncover this serious type of crime and the identity of its perpetrators. Furthermore, foundations for international cooperation to combat terrorism have been laid down from three international conferences which were held in Cairo, these conferences are :²¹

1- The 1996 Sharm El-Sheikh Conference to discuss the phenomenon of terrorism and the peace process in the Middle East.

2- The International Symposium for Cooperation in Combating Terrorist Crimes, held in Cairo on February 22-24, 1997.

3- The Second International Symposium on Combating Terrorist Crimes, held in Cairo on February 7-8, 1998.

As for the territorial level, the Arab Convention on Combating Terrorism²² obligated the requesting state to comply with its judicial authorities as a witness or expert by a person from another state, to provide security measures to protect

him. Where the requesting state undertakes to take all necessary measures to ensure the protection of the witness or the expert from everything that leads to exposing him, his family or his property to the danger resulting from the testimony or his experience, Moreover, the requesting state pledges to provide the necessary security protection required by the case of the witness or expert and his family, taking into consideration the circumstances of the required case and the types of expected risks, in particular:²³

Ensuring confidentiality, the date and place of his arrival to the requesting state, and the means for that.

1- Ensuring the confidentiality of his place of residence, movement, and whereabouts.

2- Ensuring the confidentiality of his statements and information before the competent judicial authorities.

The same convention recognized that it is not permissible for the witness or expert to be subject to trial or imprisonment, or to restrict his freedom in the territory of the international requesting for previous acts of his departure from the territory of the requested state, regardless of his nationality, as long as his appearance before the judicial authorities of that state was based on a summons to attend, besides, it is also not permissible to be tried, imprisoned, or subject to any restriction on his freedom in the territory of the requesting state, any witness or expert of any nationality after his presence before the judicial authorities of that state based on a summons to appear for actions or other judgments not mentioned in the summons to attend, previous to departing from the territory of the requested country.²⁴

THE SECOND TOPIC: Legislative models for witness protection

The positions of states have varied regarding the enactment of legislation that provides protection for witnesses, as some countries have devoted legislation to ensure material protection of witnesses from all kinds of attacks. They also established specialized bodies that bring together members of the security and judicial authorities in order to protect witnesses, while some countries were satisfied with the protection contained in their penal and procedural texts that do not bear evidence of providing special protection for witnesses²⁵.

The American legislation was the first to state special laws related to witness protection, as well as to take measures to prevent any attack on their safety and

security, as the Turkish Republic has followed the example of the United States of America to allocate laws that guarantee the witness protection.

First requirement: Witness protection in US legislation

The American legislation is considered as the first legislation that stated a special law which includes protecting the security of witnesses, as the origin of this law is due to the protection program included in Chapter Five of the Organized Crime Law of 1970²⁶, as amended by the law issued in 1983. However, the content of this law includes legal mechanisms which will motivate citizens and encourage them to testify, and guarantee optimal use of the information and evidence they provide that help the federal prosecution to uncover crimes and their perpetrators, moreover, to prepare a safe group of witnesses who can be relied upon to uncover the truth. Thus, by adopting a witness protection program²⁷, as below we will explain how the American witness protection program was established, its most important goals, in addition to the assessment of its effectiveness in achieving its desired purpose.

First section: The establishment of the American witness protection program and its objectives

Through Chapter V of the Organized Crime Oversight Act of 1970, Congress has sought to increase the Department of Justice's ability to obtain evidence against anyone suspected of involvement in organized crime by giving the US Attorney General the authority to include witnesses for the Department of Justice's Witness Protection Program, so as to enhance their safety and security. As it grants the Public Prosecutor the power to provide witnesses with short-term protection, such as 24-hour surveillance, or immediate removal to a safe place. Furthermore, witnesses and their families can be granted new IDs and credit cards that support the new personality, as well as financial and employment assistance. Thus, Chapter Five of the Organized Crime Law has become the legislative basis on which the witness protection program²⁸ is based, then, the US government's Marshal Department²⁹ provides safe health care to government witnesses and their families in accordance with Chapter V of the Organized Crime Law.

Concerning the objectives of the American Witness Protection Program, the most important objectives upon which the establishment of this program is based have been identified by the United Nations Office on Drugs and Crime in Vienna in 2008, they are:

1- Consolidating the understanding of the issues surrounding this sensitive area of “crime”, by making use of the largest possible amount of information carried by witnesses or contributors.

2- Confronting all challenges encountered in efforts to counter every threat of witnesses from criminal groups.

3- Facilitating the gradual emergence of a common international system for witness protection by working to standardize practices by policy makers, legislators, experts, jurists and senior practitioners of justice and law. The intent is to provide a comprehensive picture of the measures and options available to integrate every vulnerable witness into the protection system.

Therefore, standards have been adopted to establish clandestine programs for the sole purpose of ensuring the safety of threatened witnesses, those standards were mostly through change of identity and resettlement, thus, they have yielded positive results which have proven their effectiveness³⁰.

Second section : Evaluation of the American Witness Protection Program

In the next years of its emergence, the American Witness Protection Program was not spared from receiving some harsh criticism that was due to some of its deficiencies, before the American Legislative Council (Congress) intervened to take the necessary measures after more than a decade of establishing the program. Moreover, it was necessary to introduce some reforms to the witness protection law in order to improve the conditions of the services provided by the program, as well as to provide a degree of compensation for damages resulting from the misbehavior of witnesses covered by protection, to identify the conditions that must be met by the witness, besides, to verify his eligibility to be enrolled in the program, as the witness remains under Monitoring and controlling to ensure that he does not follow a behavior that is contrary to the goal of preserving the confidentiality of his personality³¹.

In spite of the contribution of the witness protection program contained in the Law on Combating Organized Crime in urging many witnesses to testify and confronting the problem of their reluctance to do so, its application was difficult due to the lack of flexibility and adequate cooperation between governmental bodies and authorities in charge of protecting the security of the witness.

Furthermore, the failure of the witness himself to cooperate with the new system as a result of his waiving a number of the basic constitutional rights and freedoms such as the right to privacy and freedom of movement, and the witness's

waiver of these rights and freedoms may also meet with many problems that may cause him to refrain from testifying again, or give false testimony, or he testifies the truth and exposes himself to danger, among these problems is that the witness discovers false promises to those in charge of the protection system not to provide job opportunities, in addition to the slow procedures for granting documents that prove his new identity, in addition to the obstacles that the protection system faces resulting from the witnesses performing actions that violate the conditions for their admission to the program, as this would complicate the optimal application of the witness protection system.³²

Second requirement: The protection of witnesses in Turkish legislation

Turkey was one of the countries that followed the example of the United States of America in adopting methods to fight these criminal phenomena, as it intended to establish a program to provide assistance to witnesses, as well as to protect them from every violation or attack on their safety and security, thus, we will address in this topic the establishment of a witness protection program in Turkey in the first section, and the evaluation of the program in the second.

First section : The establishment of the Turkish witness protection program

However most notably, Turkey has acted slowly in adapting to the issue of witness protection as a new tool in the arsenal of criminal procedures, despite this, Turkey was the latest country in Europe to adopt the idea of witness protection, so the program was planned and included in the Criminal Procedure Law in 2005, as it took three years, but that helped to solve a lot of organized crime cases³³.

There was a new dynamic in Turkish politics that strongly pushed for positive change to initiate large-scale reform projects. Thus, these reforms included everything related to the criminal justice system with the aim of bringing it in line with European standards³⁴.

Furthermore, the Turkish Anti-Terrorism Law stated the provision of protection measures for informants and some state officials, these measures were taken from the German Criminal Procedure Law, as Article 14 of this law prohibits revealing the identity of informants in any circumstances.

Moreover, Article 20 of the same law states the protection even for judges, prosecutors and the military, as among the most important measures stated by this law are "identity replacement" and "plastic surgery"³⁵.

In 2005, the Turkish Parliament issued the Criminal Procedure Law, which contains articles that include comprehensive measures to protect witnesses in response to the requirements of the European Union. Besides, necessary measures are taken in order to maintain the confidentiality of the information related to the witness. Furthermore, the judge can also hear witnesses in a closed or secret session if the need to maintain the security and safety of witnesses calls for this³⁶.

Second section : The evaluation of the Turkish witness protection program

The Witness Protection Program was not the first mechanism to provide preventive measures for witnesses to maintain their safety and security. As these measures were stated in previous laws related to combating terrorism in 1990, this was after the conflict between the Turkish government and terrorist groups which reached its peak. Despite the contribution of these measures to enhancing the criminal justice system, However, they have been subjected to some criticism, the most importantly are³⁷ :

1- The previous laws regarding the establishment of the Turkish witness protection program included a set of preventive measures, but they do not have the necessary infrastructure and foundations to ensure the effective implementation of these measures, This is due to the absence of serious study before enacting these laws, because the issue of witness protection was not a priority for the criminal justice system.

2- The legal reforms that have taken place in the Turkish judicial system have contributed to improving the status of the witness and the promotion of his status, especially in criminal cases, but the challenges facing the criminal justice agencies are the complexity of the conditions for taking the witness protection decision, whether before or after testimony. Thus, this led to the stalling in the inclusion of the witness in the protection program.

3- However, the problem with the Turkish judicial system in the issue of witness protection is the lack of appropriate mechanisms similar to the protection system in order to contribute to enhancing the goals of the program in fighting organized and terrorist crimes, because the program alone may not be sufficient to achieve this.

Conclusion :

To conclude this study, we notice that contemporary criminal policies, whether international or national, have attempted to grant the witness some

guarantees which make him free from any threat or pressure that may affect the validity of his testimony, or prevent him from performing it properly in the service of justice. These guarantees are not limited to the person of the witness only, but extended to his family members and those close to him in order to prevent indirect influence on him. These guarantees crystallized in the form of provisions and rules related to witness protection within special programs aimed at ensuring the witness security and his family.

Through our study of the issue of witness security protection, we reached a set of results that can be formulated as follows:

- In return for the obligations imposed on the witness, such as his obligation to attend and take the oath, he enjoys some rights ensured by most modern penal legislation, such as the right of the witness to decent treatment, the right to obtain transportation expenses. In addition to the right of the witness to security protection, especially in crimes of extreme seriousness and sensitivity, during all phases of the criminal case.

- At the international level, the statutes of the International Criminal Courts have adopted the issue of witness protection through the establishment of the Victims Witnesses Unit, as well as the provision of some procedures that establish this protection, in addition to the conclusion of many agreements between states aimed at consolidating international cooperation in this context. Furthermore, the inclusion of chapters related to witness protection are among its provisions. Thus, the most importantly are the conventions against transnational organized crime and the counter-terrorism conventions.

- At the national level, the American legislation is the first one which approved the legal witness protection, by establishing a witness protection program since 1970, also Turkey was one of the countries that followed the example of the United States of America in adopting methods to fight terrorist and transnational crimes, as it intended to establish a program to provide assistance to witnesses, and to protect them from every violation or assault on their safety and security.

Based on the above, we decided to present some proposals that we think may contribute to enhancing international and national efforts in the field of witness protection:

- The establishment of a special fund to compensate witnesses who are victims of physical and psychological harm as a result of their testimony in serious crimes, as well as to include their families in the event of their death.
- Holding conferences, seminars and courses with the participation of human rights defenders, jurists, and civil society agencies with the purpose of assisting witnesses in organized and terrorist crimes, and explaining how to protect child witnesses when they testify, especially if they are victims of crimes of sexual or domestic violence, to guarantee that the perpetrators of these crimes do not go unpunished.
- Opening training sessions for investigators to urge them to improve the treatment of witnesses, and to avoid pressure or threats that affect the mentality of the witness on the one hand, and the origin of testimony on the other hand.
- The establishment of a legal mechanism within the framework of international cooperation, concerned with disseminating the basic principles of witness protection, and working on exchanging experiences at the regional and international levels in this field.
- The establishment of a witness protection program and including it within the penal procedures in all national legislations, as this program includes a set of procedures that guarantee the benefit of the largest possible amount of information that the witness carries without exposing him to the risk of assault or retaliation.

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⁸ 106 is one of the Rules of Procedure and Evidence of the International Criminal Tribunal for the Former Yugoslavia.

⁹ Paragraph 12 of the United Nations Declaration on the Protection and Redress for Victims of Crime and Abuse of Power, which was adopted by United Nations General Assembly Resolution 34/40 of November 29, 1985.

¹⁰ It was adopted in Rome on July 17, 1998, and entered into force on July 01, 2002, and includes the establishment of the International Criminal Court, the rules governing its composition, functioning and administration, and crimes within its jurisdiction.

¹¹ Mahmoud Sherif Bassiouni, The International Criminal Court and its Statute with a Study of the History of International Investigation Committees and Former International Criminal Courts, Dar Al-Nahda Al-Arabiya, Cairo, 2001, P 394.

¹² Article 68/1 of the Rome Statute of the ICC : "The Court takes appropriate measures to protect the safety, physical and psychological well-being, dignity and respect for the privacy of victims and witnesses. In doing so, it takes into account all relevant factors, including age, sex as defined in Article 7, paragraph 3, and state of health, as well as the nature of the crime, in particular, but without be limited to this, when it is accompanied by sexual violence, gender-based violence or violence against children. The Prosecutor takes these measures in particular at the stage of investigation and prosecution. These measures must be neither prejudicial nor contrary to the rights of the defense and to the requirements of a fair and impartial trial".

¹³ Paragraph 3 of Rule 87 of the Rules of Procedure and Evidence of the International Criminal Court.

¹⁴ Article 68/2 of the Rome Statute of the ICC : "As an exception to the principle of the publicity of proceedings set out in Article 67, the Chambers of the Court may, in order to protect victims and witnesses or an accused, order the closed session for any part of the proceedings or allow statements to be taken by electronic or other special means. These measures are applied in particular with regard to a victim of sexual violence or a child who is a victim or a witness, unless the Court decides otherwise having regard to all the circumstances, in particular the views of the victim or the witness".

¹⁵ 17 is one of the Rules of Procedure and Evidence of the International Criminal Court.

¹⁶ Adopted and offered for signature, ratification and accession by UN General Assembly Resolution 25 Fifty-fifth session of November 15, 2000, for more see : UN Document No. 5 A / RES / 55/2.

¹⁷ Nouzad Ahmed Yasin Al-Shaouani, Witness Protection in National and International Criminal Law, A Comparative Analytical Study, PhD Thesis, College of Law and Politics, University of Sulaymaniyah, Kurdistan, Iraq, 2011, P 159.

¹⁸ The draft United Nations Convention against Transnational Organized Crime, prepared by the Ad Hoc Committee for Drafting the Convention at its third session in Vienna between April 8 and May 3, 1999, P 25-28.

¹⁹ It was approved by the Council of Arab Ministers of Interior and Justice in their joint meeting held at the General Secretariat of the League of Arab States in Cairo on 12/21/2010, and it entered into force on 05/10/2013 after 30 days had passed from the date of depositing the documents of ratification, acceptance or approval of seven countries Arabic at the General Secretariat.

²⁰ Articles 33 to 36 of the Arab Convention for Combating Transnational Organized Crime.

²¹ Nouzad Ahmed Yassin Al-Shawani, previous reference, P 166.

²² It was issued by a decision of the Council of Arab Ministers of Interior and Justice in its joint meeting held at the headquarters of the General Secretariat of the League of Arab States on April 22, 1998, and entered into force on May 07, 1999.

²³ Article 37 of the Arab Convention on Combating Terrorism.

²⁴ Paragraph 1-2 of Article 36 of the Arab Convention on Combating Terrorism.

²⁵ Ahmed Youcef Al-Soulia, Criminal and Security Protection of the Witness, Arab Thought House, Alexandria, 2006, P 269.

²⁶ Organized Crime Control Act of 1970. available on: <http://uscode.house.gov/statutes/pl/91/452.pdf>, consulted 25/12/2021 at 19 :53.

²⁷ Ahmad Youcef Al- Soulia, previous reference, P 270.

²⁸ Ibid., P 271.

²⁹ The U.S. Police and Deputy Marshal offices were established during the First Judicial Authority Law Conference of 1789, the same law that established the federal judicial system. This is to expand the authority of federal courts within judicial circles and to implement all legal orders issued by judges, Congress, or the president. The US Police provides security, health, and safety services for witnesses and their immediate families, whose lives are in danger as a result of their testimony against drug dealers, terrorists, members of organized crime, and other major criminals. Look :

- Official site of the U.S Federal Government / witness protection, available at : <http://www.usmarshals.gov/witsec/index.html>, consulted 12/21/2021 at 20 :20.

³⁰ Antonio Maria Costa, Good Practices for the Protection of Witnesses in Criminal Proceedings Involving Organized Crime, United Nations Office on Drugs and Crime, Vienna – January 2008, P4.

³¹ Hakan Cem Cetin, the effectiveness of the witness security program in the fight, a case study of the united states and turkey, a dissertation submitted to the Graduate School – Newark, may 2010, P9.

³² Ahmed Youcef Al- Soulia, previous reference, P 277.

³³ Turkish Replies To The Questionner On Protection Of Witnesses And Relation To Acts Of Terrorism, COUNCIL OF EUROPE, 2006, P1.

³⁴ Hakan Cem Cetin, ibid, P71

³⁵ Hakan Cem Cetin, Ibid, P69.

³⁶ Article 58, Turkish Criminal Code No. 5237, Adopted on 26.09.2004, Published on : Resmi gazete, 2004-10-12, No. 25611, Available on : https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=77393&p_lang=en, Consulted 25/12/2021 at 23 :51.

³⁷ Hakan Cem Cetin, Ibid, P89.