

Witness Protection Laws: The Missing Link in Pakistan's Criminal Prosecution System — A Comparative Study of India, UK and the USA

Nisha Abid¹

Syed Muhammad Ahmad Mansoor²

Syed Shoaib Altaf³

¹ Research Associate, Pakistan Legal Solutions, Pakistan. E-Mail: alitig78@gmail.com

² Founder and Head of Legal Practice, Pakistan Legal Solutions, Pakistan. E-Mail: ahmadmansoorshah55555@gmail.com

³ Assistant Professor, Department of Law, The Islamia University of Bahawalpur, Pakistan. E-Mail: shoaib.ataf@iub.edu.pk

ABSTRACT

The absence of complete protection for witnesses and a properly secure witness protection system has, within the realm of criminal prosecution, led the rest of the world, particularly Pakistan, to term it a 'major missing link' error. This blunder gives birth to a frost-bitten environment where intimidation of witnesses becomes the daunting 'hostile' issue, coupled with, and resulting in, abysmally low prosecution rates in critical crimes such as terrorism and organized crime. With respect to what the study has found, the 'constitution' of the set federal laws is primitive, overly divided, and punishing as opposed to protective. On the contrary, provincial acts appear dysfunctional due to a lack of funding, split lack of will, and a condition of institutional paralysis, coordination, and political spiritedness in tackling an issue. Analyzing and comparing developing countries, Pakistan does share the tiered 'Witness Protection Scheme' with India, along with the United States of America with its complete WITSEC, as well as the 'Special Measures' provided in a court of the United Kingdom. These models do illustrate what can be termed as, proven methodologies which can be improvised to fit Pakistan.



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Corresponding Author's Email: shoaib.ataf@iub.edu.pk



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1. Introduction

Witnesses are crucial to the success of any criminal justice system as the main provider of the factual testimony and the necessary linkage between crime and conviction (Verma and Krishnakumar, 2021; Baloch, 2024). The lack of an institutionalized and secure system to protect them not only suppresses the efficiency of prosecutors but also affects the integrity of the population towards the rule of law (Anwar, Kaleem & Fatima, 2023). In Pakistan, becoming one of the most severe hindrances to justice administration, especially the prosecution of terrorism, organized crime, and politically sensitive crimes, this gap has become apparent within the legal context of Pakistan (Baloch, 2024; Gul and Ali, 2015). The absence of an effective system of witness protection has led to the common occurrence of witness intimidation, witness retraction, and low conviction rates that perpetuate a culture of impunity (Baloch, 2024; Shah, 2017).

Witness protection is not a side service but a constitutional and human-rights obligation based on the concept of due process and the right to justice (Anwar et al., 2023; Verma and Krishnakumar, 2021). The same tendency in courts in Pakistan of the so-called hostile witness is indicative of the weakness of the existing prosecutorial framework with threats, coercion, and social pressures being regular to force witnesses into changing or dropping statements (Baloch, 2024). Even though a few legislative actions have been made, including the stipulations of Section 21 of the Anti-Terrorism Act, 1997, and the establishment of provincial witness protection laws in Sindh (2013), Balochistan (2016), Punjab (2018) and Khyber Pakhtunkhwa (2021), the enforcement is nominal. A lack of political desire, poor resource distribution, and weak inter-institutional coordination have made these laws inefficient, which has led to a disjointed and uneven approach to witness protection across the jurisdictions (Shah, 2017; Anwar et al., 2023).

Comparatively speaking, a number of legal cultures have proven that structured systems of witness protection are part of the efficient criminal adjudication. The Witness Protection Scheme (2018) in India is a resource-sensitive and pragmatic tiered model of protection (Ministry of Home Affairs [MHA], 2018; Verma and Krishnakumar, 2021). The Federal Witness Security Program (WITSEC) of the United States introduced under the Organized Crime Control Act of 1970 is a more expansive, centrally coordinated paradigm of high-risk witnesses that includes relocation and change of identity (see Edwardes College blog, 2023). Likewise, the Special Measures in the Youth Justice and Criminal Evidence Act (1999) in the United Kingdom also highlight the procedural considerations that include video-link testimony and

in-camera trials that are specific to vulnerable witnesses in order to offer protection in the courtroom (LegalServiceIndia, n.d.). All these models are the examples of unique approaches, which can be modified to the social-legal situation in Pakistan to create the mechanism of protecting the rights and informing about the necessity to adopt the change and make it sustainable.

This paper, hence, attempts a doctrinal and comparative legal inquiry to study the disjointed witness protection system in Pakistan, analyze its institutional and procedural shortcomings and review the best practices around the world. Comparing the domestic legal provisions in Pakistan with the mechanisms at work in India, United States, and the United Kingdom, this study establishes the structural, administrative, and normative loopholes that cripple the criminal prosecution system in the country. The general aim is to suggest the development of the coherent, nationally applicable, and resource-sufficient Federal Witness Protection Act that will align domestic legislation with the international norms, resulting in the restoration of the integrity of the justice process and strengthening the trust of the population in the justice structures.

1.1. Role of Witnesses in Criminal Prosecution

Witnesses serve various purposes during court trials. Their direct participation can be as elusive as observing a crime, as well as providing evidence that substantiates another piece of evidence, or affirmation of a person's character (Simonson, 2019). In some instances, their evidence is the most important piece needed in order to obtain a conviction, especially when the crime has no physical evidence. In providing their evidence, witnesses are devoted to the finding of the truth. This devotion is, however, a devotion that is rooted in a compromised reality. Compromise is done in the form of fear and intimidation. There are no real witnesses in a courtroom, only the affirmation of one's reality in a complex mental makeup (Bennett, Feldman, 2014). A witness becomes the most important accessory to the crime. Every lie is believed in order to protect one's own existence. This takes a serious toll on the entire finishing process of a case, as it gives criminals grounds to run free as no evidence is needed to state the facts of the matter.

1.2. Significance of Witness Protection

Witnesses in court have a very crucial role to play as their accounts assist in ascertaining who the perpetrators of the crime are as well as serving prosecution purposes. Even serving as the 'eyes and ears' of the court, witnesses seem to have a number of risks that come with such a pivotal role in the system (Parwez, Sarangi, & Jabbal, 2023). This includes violence for the witnesses themselves as well as their family. This proves the significant reliance on witness protection programs. Such programs allow

witnesses to come forth with accounts that are vital to a case and do crucial legal attestations without having to fear the consequences or harm that come with it. Similar to most jurisdictions around the globe, the legal system of Pakistan has to make great strides to assure the protection of those who are at risk due to their participation in the pursuit of justice (Carson, Bain, 2008). Therefore, witness protection plays a significant role in balancing and prosperity of the society.

1.3. Problem Statement

Although witnesses play a central role in the criminal justice system of Pakistan, a formal and detailed system does not exist to guarantee the security of the witnesses. The lack of an efficient framework subjects the witnesses to intimidation and coercion, and violence resulting to large-scale retraction of testimonies and low conviction rates, especially in cases of terrorism and organized crime. The current laws, including the anti-terrorism acts of 1997 are not well coordinated, with weak production of resources, and poor political will, which make them fragmented and poorly applied. This means that the inability to safeguard witnesses undermines the confidence of the people in justice system and as such, there is an urgent need to have a unified and strong legal system to follow international best practices.

1.4. Research Objectives

This study aims to:

- To examine Pakistan's legal framework on witness protection by analyzing key statutes such as the *Pakistan Penal Code (PPC)*, *Criminal Procedure Code (CrPC)*, and *Anti-Terrorism Act, 1997*, to identify existing gaps and weaknesses.
- To identify institutional and legal barriers that hinder effective witness protection, including lack of coordination, training, and political commitment.
- To assess the impact of witness intimidation on prosecution outcomes and conviction rates within Pakistan's criminal justice system.
- To compare international models, including India's *Witness Protection Scheme (2018)*, the USA's *WITSEC Program*, and the UK's *Special Measures*, to extract best practices applicable to Pakistan.
- To recommend legal and institutional reforms for establishing a unified, rights-based, and sustainable witness protection framework in Pakistan

1.5. Research Questions

This study is guided by the following research questions:

1. What are the existing legal provisions for witness protection within Pakistan's criminal justice system?
2. What institutional and legal barriers hinder the effective protection of witnesses in Pakistan?
3. How does witness intimidation affect prosecution outcomes and conviction rates?
4. What best practices from India, the USA, and the UK can inform Pakistan's witness protection framework?
5. What legislative and institutional reforms are needed to establish a unified and sustainable witness protection system in Pakistan?

1.6. Research Methodology

This work assumes the qualitative, desk-based design that incorporates the approach involving doctrinal legal research and comparative and policy-based analysis. It is a critical study of the fragmented legal system on the protection of witnesses in Pakistan based on the analysis of the important laws of the country like the Pakistan Penal Code (PPC), the Criminal Procedure Code (CrPC) and the anti-terrorism Act (1997) and the provincial laws. International models in India, the USA and the UK are also compared and the best practices in both studies found to be adaptable. Statutory laws, judicial rulings and international instruments are considered to be primary sources whereas scholarly articles, legal commentaries, and reports by organizations such as the UNODC and NACTA are secondary data. Being a doctrinal and non-empirical research, it dwells on the interpretation of texts and policy analysis to present practical changes that can be adopted to create a unified and effective witness protection system in Pakistan.

2. Literature Review

Through a thorough analysis of literature on the topic, it is clear that there is an acute agreement on the fact that the lack of a formal and functional witness protection program is a critical weakness of the criminal justice system in Pakistan. Witnesses, as the so-called eyes and ears of the court, are highly crucial in getting confessions, but they undergo risks, intimidation, and violence with little or no protection by the state (Uddin, et al., 2024). This paper unites the literature review by looking at the disjointed domestic legal system in Pakistan, what the judiciary have noted about the resulting systemic failures, and the mechanisms of success in international systems that provide a blueprint in form of reform.

2.1.1. Inadequate Domestic Legal Framework

The literature confirms that the federal laws in Pakistan do not have enough tools to protect witnesses. The Pakistan Penal Code (PPC) is not protective but punitive and the Criminal Procedure Code (CrPC) does not provide any substantive security measures. Section 21 of the Anti-Terrorism Act (ATA) is the most important effort, but it is also limited to cases of terrorism (Anti-Terrorism act, 1997). On the provincial level, separate legislation in Sindh, Punjab and Khyber Pakhtunkhwa have been rendered useless by an absence of financing, political enthusiasm and institutional ability, in that they are failures as to execution.

2.1.2. Judicial Observations and Systemic Impact

The excellent judiciary of Pakistan has several times protested against the high rate of acquittal due to the so called hostile witnesses. There have been landmark cases recorded in the literature, including the killing of journalist, Wali Khan Babar (State v.). Social media star Naqeebullah Mehsud (State v.) and Mohammad Shahrukh, 2014). Rao Anwar, 2023), are vivid examples in which the inability of the state to ensure witness protection caused the reversals of important testimonies, which distracted the prosecutions. This institutional breakdown is directly correlated to high acquittals in situations of terrorism, honor killings, as well as gang violence.

2.1.3. Comparative International Models as a Blueprint

According to the literature, there are a number of international frameworks that offer effective and flexible models to witness protection. The most notable aspect of the Witness Protection Scheme (2018) in India is its practical and tiered approach: the threats are divided into Levels A, B, and C, so that the protection should be commensurate and resource-effective. The Witness Security Program (WITSEC) of the United States is considered to be the best in the world regarding high-risk cases and provides a full-scale relocation, identity change, and long-term security, although its implementation involves a significant amount of money. By contrast, the Special Measures provided in the United Kingdom by the Youth Justice and Criminal Evidence Act (1999) offers a less expensive and more court-focused method employing more procedural protections (such as screened testimony and video links). Taken as a whole, these models are helpful in teaching some valuable lessons which might be considered to enhance the law in place in Pakistan regarding witness protection.

3. Legal Framework on Witness Protection in Pakistan

The criminal justice system in Pakistan is a remnant of the British colonial years and operates largely

under the Pakistan Penal Code (PPC), the Criminal Procedure Code (CrPC), and special legislation such as the Anti-Terrorism Act of 1997 that at times reverberated in the halls of justice with piles of paper and ink. However, the evidencing structure acquires its specific form through the Qanun-e-Shahadat Order, 1984 (QSO), a piece of law of evidence founded on Islamic values, as threads in a patterned carpet. The system resembles a competition, pushing to the limit a reliance on the testimony of the witness, the tone of a wavering voice or the stutter of a sigh to prove the facts and determine the guilt. The absence of a well-developed witness protection system has created a loophole that has created a vulnerability that has endangered the fairness of the trials in cases where the stakes are high such as in a murder case that might rely on just a single terrified witness.

1.1 3.1. Criminal Justice Structure and Role of Witness Testimony

The criminal justice system in Pakistan is based on a multi-layered system, where the police do all the investigations and prosecution, and the courts give trials. A criminal case is a tedious and lengthy process, beginning with the registration of the First Information Report (FIR) to the final verdict. Witness test is deemed as critical evidence, usually used as the main fact of conviction. The CrPC provides procedures of taking of statements of the witnesses, their questioning in court and cross-examination by the defense. This procedural dependency on the first-hand testifying makes the witnesses very susceptible to external influences such as threats, intimidation and coercion.

In Pakistan, in recent years, horrific incidents of witness killings have been reported in high-profile cases. These incidents are so frequent that they point to a dire situation in the future if not addressed with the implementation of legislative and procedural measures.

1.2 3.2. Examination of PPC, CrPC, Qanun-e-Shahadat, and Anti-Terrorism Act

While Pakistan lacks a comprehensive, standalone witness protection law at the federal level, scattered provisions exist within a few statutes.

3.2.1. Federal Legal Framework

The primary federal laws of Pakistan offer limited and indirect provisions for witness safety, focusing more on the honesty of the judicial process than on driven protection for individuals.

Pakistan Penal Code (PPC), 1860: The PPC does not contain any specific provisions for a witness protection program. However, it criminalizes offenses against public justice that can apply to witnesses,

such as giving false evidence (perjury), causing the disappearance of evidence, and threatening or harming witnesses (e.g., Sections 189, 190, 228). These provisions are punitive rather than protective, offering no proactive security to witnesses facing threats.

Code of Criminal Procedure (CrPC), 1898: The CrPC provides the procedural rules for the examination of witnesses but lacks a substantive framework for their security. It governs the process of summoning witnesses, recording their statements, and allows for in-camera proceedings, but it offers no formal legal mechanism to shield them from danger. A proposed federal bill in 2015 sought to amend the CrPC to allow for the substitution of a witness's identity with a number, but this bill did not pass.

Qanun-e-Shahadat Order (QSO), 1984: Pakistan has the law of evidence called QSO which is related to competency, credibility, and examination of the witnesses. It lacks particular witness protection guidelines. It is mainly aimed at making sure that witnesses are able to provide rational and reliable testification that is not influenced by fear or bias, without specifying the steps to be taken to accomplish this. Qanun-e-Shahadat (Amendment) Act, 2023, should be used to strengthen the protection of witnesses, although its particularities are not made public yet.

Anti-Terrorism Act (ATA), 1997: The ATA is the greatest, though slightest, effort of witness protection under federal law. Under section 21 of the act, the judges of the Anti-Terrorism Courts (ATCs) have the power or authority to make such measures about the security of a witness. This may involve conducting in-camera trials, by video connection, allowing anonymity of testifying, and placing shields over the witness during trial in order to hide their identity. In 2013, these provisions were further reinforced with help of amendments that concerned witnesses and judicial staff. Nevertheless, they can only be used in terrorism cases.

Protection against Harassment of Women at the Workplace Act, 2010: This professional legislation provides protection of complainants and witnesses used in cases of harassment so as to maintain confidentiality and to avoid retaliation under the circle of inquiries in the work place.

Protection of Pakistan Act (PPA), 2014: The PPA that has since expired also included the witness protection provisions on cases involving specific scheduled offenses. In the Act, section 9, 10 and 13 allowed the protection of the witnesses and fair trial in special courts.

3.2.2. Provincial Witness Protection Laws

Since law and order is a provincial matter, some provinces have taken action over certain laws of witness protection. Nevertheless, the discrepancy between the laws and the execution is an enormous problem.

Sindh Witness Protection Act, 2013: The Sindh government was an innovator and enacted the first provincial witness protection act. The purpose of the Act was to create a Witness Protection Unit and an Advisory Board that will offer security, relocation, new identity, financial support, and video testimony to witnesses and their families. The implementation of the law, though comprehensive, has been criticized as failure in most cases since there has not been an institutional infrastructure and funding.

Balochistan Witness Protection Act, 2016: This legislation was intended to provide for the protection of witnesses to enable them to give evidence in criminal proceedings, especially necessary in a province that is struggling to deal with insurgency. A witness protection program and a specific board are provided in the law. Similar to the law in Sindh, it was a good move on paper, but its real application has been grossly derailed by the lack of political will, funding and the ongoing security issues.

Punjab Witness Protection Act, 2018: In Punjab, a law offers a guideline on both the court-based and non- court-based protection. It has created a Witness Protection Board and special Witness Protection Units. The Act covers the aspect of relocation, safe houses, finances, the necessity of anonymity, the opportunity to change identity and providing video testimony. It is a strong law on its part, but has had a slow application and has not been shown to have any demonstrable effect on conviction rates.

Khyber Pakhtunkhwa Witness Protection Act, 2021: This is regarded as being the most inclusive provincial law ever. It creates a Witness Protection Board and two other Witness Protection Units, one being the terrorism and the other the heinous offenses. Safe houses, financial assistance, relocation, and hiding of identity are the explicit measures that can be used under the law. Nevertheless, its success will be determined by its successful application in an area with high security threats in the long-term.

3.2.3. Special Legislation with Witness Protection Provisions

In addition to the major criminal and provincial legislations, there are special acts that include provisions that guard witnesses in their respective fields.

National Accountability Ordinance, 1999 (NAO): The courts founded on the basis of NAO may permit in-camera proceedings and enforce actions that guard the identity of witnesses in corruption

trials.

- Control of Narcotic Substances Act, 1997: In this act, there are special procedures that are used to obtain and guard the witnesses in high-stakes and drug related cases.
- Prevention of Electronic Crimes Act (PECA), 2016: The cybercrime act authorizes electronic recording of testifiers and even authorizes actions to hide faces of victims and witnesses of sensitive cases such as online harassment or exploitation.
- Juvenile Justice System Act, 2018: This law has provisions that are specifically meant to safeguard the interests of the minor victims and witnesses so that they can be recorded in a secure and non-intimidating environment.

3.2.4. Influence of International Instruments

Being a signatory to various international conventions, Pakistan is obligated by the state to protect the safety of witnesses, which shapes the discussion of domestic law.

- UN Convention against Transnational Organized Crime (2000): Article 24 specifically demands state parties to make necessary steps to ensure successful protection of witnesses in criminal trials.
- Rome Statute of the International Criminal Court (1998): Article 68 highlights the rights of victims and witnesses within the context of safety, physical and psychological well-being, dignity and privacy.
- UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985): This statement binds states to take action to reduce annoyance to the victims and guard them and their witnesses against threats and retaliation.

Failure to provide a formal, consolidated system of witness protection is a significant missing link, which cripples the process of prosecution and trial of serious crimes in Pakistan. Such absence of a strong system exposes witnesses to threats and fear, which has a direct impact on their capacity to give testimony without fear or prejudice (Robinson, 2015). In this way, the witnesses can be intimidated to provide a false testimony or decline to testify or even vanish. This hobbles the prosecution in building a strong case and getting convictions and this has been pointed out by the inability of even the provincial law to give a demonstrable effect to the conviction rates. Moreover, in contrast to terrorism cases, which have certain protection against ATA, there are no similar measures in the cases of other serious crimes, and this fact creates a counter-evidence gap in the justice system and negatively influences its effectiveness. The resultant impact is that there is a weak criminal prosecution system in which the lack of a federally coordinated and well-funded program is the missing link to realizing justice (Jain, 2017).

1.3 3.2.5. Judicial Observations on Need for Reform

The high-quality judiciary in Pakistan has expressed several times the necessity of protecting witnesses. The Supreme Court and High Courts have, in various instances, decried the level of acquittals in major cases because of either hostile or absent witnesses. The severe consequences of this legal vacuum are pointed out in case law, including the well-known murder of a journalist, Wali Khan Babar, when several eyewitnesses and investigators were murdered (*State v. Mohammad Shahrukh*, 2014). Although observed and directives of the courts to legislative action have been raised, they have been mostly ignored by the executive and legislature. Similar cases occurring in states highlight the procedural flaws and the pressure exerted on witnesses to the extent of acquittals on the basis of a failure to present any credible testimony.

4. Comparative Legal Models

The reason why the disjointed legal measures applied in Pakistan fail to secure witnesses in accordance with the measures put in place in the preceding sections speaks the necessity of an analysis of effective international systems. Through the study of the witness protection systems in other countries, Pakistan will be able to detect the best practices, the mechanisms that have been demonstrated to work and the pitfalls that must be prevented. The section offers a comparative analysis of three different but powerful models, which include; the judicially-mandated scheme of India, the influential federal program of the United States, and doctrine-based special measures by the court of the United Kingdom that is complemented by the principles of the United Nations Office on Drugs and Crime (UNODC) (Jain, 2018). These models also present a variety of strategies, including wholesale relocation to procedural protections, which offer a verge of inspiration in creating custom reforms.

4.1. India: Witness Protection Scheme, 2018

In particular, the Witness Protection Scheme, 2018, in India applies to Pakistan because of the similarity in the legal background and the same socio-cultural issues, such as witness intimidation and community pressure. The origin of the scheme is also interesting; it was not instituted by the Parliament, however, the Supreme Court of India accepted and applied it in the case of *Mahender Chawla and Others v. Union of India and Others* (2018). making it a country wide law. This judicial activism highlights the acuteness of the problem in the cases where legislative bodies do not take any action.

4.1.2. Key Mechanisms and Strengths:

The main peculiarity of the Witness Protection Scheme of India, 2018 is a higher level of protection that

has three levels of threats and provides them with the corresponding response. The category A is used in case when a witness or a family member is directly in danger of life during or after investigation or trial. The scheme in that case permits a permanent move, change of identity and issuing of new documents to facilitate safety. B Category deals with the threats to physical safety, property, or reputation of the witness or members of his family. The security strategies that fall under this category can be the use of police guards, moving out of the witness to a safe house, and constant guarding around the house. The category C which targets medium threats or cases of harassment and intimidation is oriented on the preventive measures like restraining orders, court directives to the accused, and escorting the witness to and forth the court proceedings.

The scheme also provides a powerful institutional framework to be used to have consistency in terms of implementation. A Threat Analysis Report is prepared by the head of the district police and is sent to a Competent Authority headed by the District and Sessions Judge who decides on what level of protection should be given (Fein, & Vossekuil, 2000). This judicial control assures transparency, accountability and consistency in decision making.

Moreover, the plan will have strong anonymity and procedural protections to ensure confidentiality and lessen courtroom intimidation. These are in-camera hearings, the identity of the witness being hidden and specially built courtrooms that had alternative and safe paths to the witnesses. To alleviate the financial strain on the witnesses, the scheme also gives them financial assistance to reimburse their relocation costs and sustenance allowances within a given period of time so that the witnesses do not suffer any economic costs due to collaboration with the law enforcement. All in all, the Indian model is also flexible and proportional that could provide customized solutions depending on the degree of threat instead of a one-fit-all format (Balasubramanian, et al., 2021). This flexibility makes it especially convenient and possible to countries of limited resources, including Pakistan, to have a more powerful witness protection system.

4.2. USA: The Federal Witness Security Program (WITSEC)

The United States has the Federal Witness Security Program commonly known as the WITSEC that may be considered the gold standard of witness protection at the global level. As it was formed in compliance with the Organized Crime Control Act of 1970, and adjusted by the Comprehensive Crime Control Act of 1984, it was formed specially to address the powerful criminal syndicate by providing an absolute safety of the primary witnesses. The program has its manager as the U.S. Marshals Service.

4.2.1. Key Mechanisms and Strengths

One of the characteristics of the Witness Security Program (WITSEC) of the United States is that it offers witness and family relocation and new identity (Cetin, 2010). This involves issuing new names and official government documents, including social security cards and driver's licenses, and finding help in obtaining a home and job in places of unknown location. These sweeping actions can be regarded as the safest and the most effective means of protection against the strong and well-structured criminal groups, guaranteeing the total safety and anonymity of the cooperating witnesses.

Led by the U.S. Department of Justice, the U.S. Marshals Service administers the program, which is a centralized federal power, which is funded and managed by the U.S. Department of Justice (General, 1999). This centralized system also guarantees uniformity, effectiveness, and total jurisdictional authority throughout the country where the relocation of witnesses can occur without bureaucratic and logistical challenges. The centralized management system is in contrast to disjointed provincial or state ones, which ensures a high level of uniformity and greater operational control.

The success rate of WITSEC is also high which is another indication of its effectiveness. Thousands of witnesses and their families have been effectively placed in safety since its inception and the U.S. Department of Justice states that no other witness who has adhered to the program protocols has been harmed or killed. Such an impressive record highlights the effectiveness of the program in ensuring the conviction of high profile cases of organized crime, terrorism and narcotics trafficking.

WITSEC is quite efficient, but the resource-consuming one which needs much financial and logistical investments to relocate, document and support long-term. Such a system in a similar magnitude would be a huge burden to the Pakistani economy. However, the main principles of the concept of WITSEC, including centralized control, the protection of high-risk witnesses, and the coordination of agencies are useful standards to create a specific and sustainable model of witness protection adapted to the socio-legal situation in Pakistan.

4.3. UK & UNODC Models: A Focus on Victim-Witness Services and Guidelines

Procedural fairness and service support models presented in the United Kingdom and the United Nations could be more directly adaptable to Pakistan as the part of the current judicial system.

4.3.1. The UK's "Special Measures"

The witness protection strategy of the United Kingdom is mostly based on the provisions of the Youth Justice and Criminal Evidence Act (YJCEA), 1999, as it ensures the protection of vulnerable and intimidated witnesses, especially children and victims of sexual crimes, in court. The UK model aims at lessening the fear and anxiety during the testimony process as opposed to providing physical relocation or anonymity to increase the accuracy, quality and reliability of evidence presented in the court.

The Act offers a scope of Special Measures that are aimed at helping witnesses throughout the judicial process. These are screening (Section 23), which physically seals the courtroom to enable the witness not to see the accused, and the application of a live video connection (Section 33A), to permit the witnesses to testify in another secure (and safe) place. Section 25 provides courts with evidence in private to close the gallery and make the proceedings less psychological, whereas Section 29 aids witnesses who have communication problems to interpret the questions and provide correct answers. Also, video-recorded evidence-in-chief (Section 27) permits the pre-recorded testimony of the witness to be presented in court, thus avoiding the trauma of having to testify on the same issue several times (Youth Justice and Criminal Evidence Act, 1999).

This model focuses on procedural and psychological security, and not physical security and is geared towards empowering the witness to be an active participant in the justice process. It is a cost-saving and viable approach that does not demand a huge financial or administrative burden due to its focus on the welfare of witnesses. The UK model can be possibly implemented into the Criminal Procedure Code of Pakistan and Qanun-e-Shahadat Order to offer court-based protection tools to vulnerable witnesses in a broad spectrum of cases.

4.3.2. UNODC Guidelines

The United Nations Office on Drugs and Crime (UNODC) offers extensive international standards and best practices toward the establishment of the effective witness protection programs. Although defining that not one model is applicable to every jurisdiction, the UNODC provides several principles that should be used as the basis of any effective system (Citaristi, 2022).

To begin with, there should be a proper legal and institutional framework. Protecting the witness should be achieved by providing formal laws which clearly state the roles and responsibilities of the

implementing agencies and the funding should be under a stable and committed financing. Second, witness security is largely based on confidentiality and risk assessment. Protected individuals should stay totally anonymous and the protection of individuals must be determined by having an on-going evidence based assessment of the level of threat. Third, there is a need to have inter-agency collaboration to facilitate coordination between the police, prosecution, judiciary, and other institutions concerned thus forming one integrated and responsive protection network.

UNODC framework is a resourceful framework to use when legislative and institution reform, especially in the developing countries like in Pakistan. Through such principles, Pakistan will be able to develop a complex, rights-based, and sustainable system of witness protection, which will be in line with the international standards of justice and improve the credibility and effectiveness of the criminal justice process in its country.

4.4. Comparative Analysis of Witness Protection Frameworks

Feature / Aspect	Pakistan's Witness Protection Laws	India (Witness Protection Scheme, 2018)	USA (WITSEC Program)	UK (Special Measures)
Legal Basis	No single federal law. Fragmented provisions in the Anti-Terrorism Act (ATA), 1997 and ineffective provincial laws.	A nationwide scheme mandated by a Supreme Court judgment, making it binding law.	A federal statute: The Organized Crime Control Act of 1970.	A federal statute: The Youth Justice and Criminal Evidence Act 1999.
Scope & Applicability	Primarily limited to terrorism cases under the ATA. Provincial laws are broader but not effectively implemented.	Applies to all serious criminal cases where a witness faces a tangible threat.	Primarily for witnesses in high-level federal cases involving organized crime, drug trafficking, and terrorism.	Focuses on "vulnerable" (e.g., children) and "intimidated" witnesses across a wide range of

				criminal cases.
Primary Protection Mechanism	Limited in-court measures (e.g., anonymous testimony) under the ATA. Relocation is mentioned in provincial laws but rarely executed.	A tiered system (Categories A, B, C) offering proportionate protection, from police patrols to permanent relocation and identity change.	Comprehensive relocation and creation of new identities for witnesses and their families, managed by the U.S. Marshals Service.	In-court "Special Measures" such as screens, live video links, and pre-recorded testimony to reduce fear during the trial process.
Institutional Framework	No unified federal body.	Witness Protection Boards and Units exist on paper but are largely non-functional due to a lack of resources and will.	A 'Competent Authority' led by a District Judge decides on protection based on a police 'Threat Analysis Report'.	A highly centralized, well-funded federal program administered by a single agency: the U.S. Marshals Service.
Key Weakness	A critical lack of implementation, coordination, and political will makes the system dysfunctional. Laws exist but	Implementation can be inconsistent across different states. Relies heavily on the capacity of local	Extremely expensive and logistically complex. Not a feasible solution for all but the most critical	Does not provide out-of-court physical protection or relocation for witnesses facing lethal

	have no practical effect.	police and judiciary.	cases.	threats from organized crime.
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5. Challenges & Opportunities in Pakistan

The process of development of efficient witness protection program in Pakistan is a process that is full of gigantic challenges. These are not merely the legislative difficulties but institutional, financial and socio-political, which is deeply rooted to the country. However, there is a challenge and opportunity of innovative, situation-based solutions to every challenge. This section is thorough in the analysis of the key challenges that Pakistan is facing: institutional goodwill, financial and logistical capabilities, deficit of social trust and sheer issue of political intervention, and the strategic opportunities on how to do it.

5.1. Institutional Readiness and Capacity Deficit

The capacity of the bodies that implement the witness protection program is an important factor that determines the effectiveness of the program. The three fundamental functional areas of the criminal justice system of Pakistan, including the police, the judiciary, as well as the prosecution, are currently deficient in experience, training, and coordination agents, to handle such a sensitive and complex endeavor.

Threatened witnesses have the police and law enforcers as the initial and most crucial point of contact. But the police force is largely seen as being under-resourced, not well trained and also subjected to corruption and outside influence. Witness protection has no special or specialized unit which makes the witnesses reluctant to trust the law enforcement to provide them with security. The National Counter Terrorism Authority (NACTA) reports that the conviction rate of terrorism cases in 2015-2019 was 21% which is frequently explained by the inability of police to get witnesses (Shaukat, 2021). This weakness in the institution however, also offers an avenue of creating special and highly vetted Witness Security Unit at both provincial and federal levels. These units, based on the best practices of the world, must work under the strict confidentiality rules and be independent of the regular policing activities so that a group of individuals with commitment in witness security can be formed.

The prosecution services are also limited in structure and procedures, as well as the judiciary. Although the superior judiciary in Pakistan has on several occasions recognized the necessity of witness protection,

the judges in most cases do not have the means of putting the same into practice. They are able to recognize threats but fail to force the state to provide a multifaceted security where they are not an institutional structure. Equally, prosecutors have no authority to establish the threat assessment or seek protection of key witnesses and they are at the mercy of the initial stages of a case. To fill this gap, it is possible to make the judicial system more effective, i.e. to introduce in Pakistan Criminal Procedure Code and Qanun-e-Shahadat Order, so-called Special Measures, as they are called in the UK. Such reforms would make judges permissible the use of video-linked testimony, courtroom screens and in-camera proceedings the rule. Further, placing prosecutors with the mandate of launching Threat Analysis Reports similar to that of India would give rise to a formal and timely procedure of triggering witness protection mechanisms.

5.2. Financial and Logistical Constraints

The financial and logistical constraints of the justice system in Pakistan can be cited as one of the greatest challenges in the creation of a comprehensive witness protection program such as the U.S. Witness Security Program (WITSEC). The judicial and law enforcement systems in Pakistan are always underfunded. As an example, the fiscal year 2023-24 budgetary outlay of Law and Order was about PKR 150 billion (approximately USD 500 million), which will have to sustain salaries, operations, and infrastructure of the entire federal law enforcement machine (Javed, et al., 2022). As such, scarce resources are left to support new initiatives that are resource intensive including the countrywide witness protection.

Even the cost of relocating, re-housing, re-documentation, and long term financial aid of even a few witnesses and their families would be prohibitive. Also, it would be virtually impractical to implement full scale changes of identities based on the integrated biometric database maintained by the National Database and Registration Authority (NADRA) where it is logistically impossible to create new identities.

In spite of these constraints, the economic constraints offer a chance to take a gradual and resource-saving procedure. Pakistan can apply the tiered approach of the Witness Protection Scheme (2018) in India to adopt instead of the more expensive model used by the WITSEC model, which targets high-risk Category A witnesses. Most cases can also be effectively safeguarded by means of cost-effective options like temporary safe houses, augmented police patrol, and remote testifying using secure video links. Moreover, a special Witness Protection Fund that is sponsored by the government with the help of foreign donor institutions can guarantee the sustainability of the program in the long term without the strong pressure on the national budget.

5.3. Public Trust Deficit and Political Interference

The mistrust between the people and the state institutions is one of the greatest issues of creating an effective witness protection system in Pakistan. Often the witnesses are unwilling to get protection owing to the lack of trust they have in the capacity of the state to offer such protection either due to lack of trust or inability to do so. As witnessed in the examples of Wali Khan Babar and Naqeebullah Mehsud, the state has failed severally in defending the individuals who have exposed themselves against influential figures in the state and therefore have been intimidated, killed, and in other instances the witnesses. This history has given rise to a justifiable paranoia that enrolling in a protection program run by the state will put witnesses at even more risk than their efforts to safeguard them.

The solution to this lack of trust is to come up with a program that is independent and credible. By creating an independent monitoring institution, including retired judges, senior attorneys, and civil society members, the transparency and fairness of the program implementation might be guaranteed (Ahmad, 2008). It would be beneficial to introduce a pilot program of the implementation of specific high-profile cases and publish the successful results to gradually gain trust and act as evidence of the renewed interest of the state in justice.

Political interference is another significant challenge and in most cases, it compromises the fairness of the justice system. The socio-political environment in Pakistan enables powerful people and politicians to subject unreasonable pressure to the law enforcement and the judicial system. A witness protection program run under direct executive authority would be especially susceptible to politicization, in which protection might or may not be given depending on political expediency (Dandurand, & Farr, 2012). To avoid this abuse, the program should be institutionally independent, having the basis of legislation that ensures operational autonomy, a safe source of funds and forms of leadership that are beyond the influence of government. The long-term effectiveness and credibility of Pakistan witness protection system can be guaranteed only under the conditions of its protection of its autonomy.

5.4. The Role of Technology: A Double-Edged Sword

Technology has offered major challenges as well as promising opportunities towards the development of a modern witness protection system in Pakistan. On the one hand, the digital age presents new threats to

the security of witnesses. The popularity of mobile phones, social networks, and web databases makes it even harder to be anonymous. Online tracking and/or data theft can easily identify the identity or whereabouts of the guarded witnesses, which makes conventional relocation strategies less efficient and the security of such initiatives undermines the very safety that they are supposed to guarantee.

Technology on the other hand also has some innovative and cost effective solutions, which can reinforce the efforts in protecting the witness. The use of video-conferencing systems secured may become used to obtain a remote testimony, to be made in a location unknown to the defendant, to reduce risks to physical safety and to lower logistical expenses related to the physical appearance in court (Davis, et al., 2015). Safe interactions between witnesses and protection officers can be facilitated by encrypted communication channels, whereas sensitive databases that are stored in biometric and digitally protected format may take care of confidentiality and integrity of valuable records. The technological challenges are quite significant, but it is not impossible to get over them. Instead of copying the costly West models, Pakistan can develop a hybrid, technology-based system to fit its unique socio-legal environment. Such a system must be based on the independence of the institution, financial feasibility, and gradual change in policy - earning the people trust by being transparent, efficient and innovative.

6. Dismissal and Recommendation.

This paper has shown that the fact that the system of witness protection is not institutionalized and codified is a major weakness of the criminal justice system in Pakistan. The current legal system, which is based on the laws like the Pakistan Penal Code (PPC), Anti-terrorism Act (1997), and Criminal Procedure Code (CrPC), is largely punitive instead of being protective. Provincial legislatures have already passed individual witness protection laws, but their application has been tainted by a lack of sufficient funding, a lack of coordination, and the political will. As a result, witnesses are intimidated and coerced, and the so-called hostile witnesses have become a quite common occurrence, as well as low conviction rates in terrorism, organized crime, and honor killings cases have remained low. Such systemic weaknesses have continued to promote a culture of impunity and undermine the confidence people had in the judicial system.

An international comparison of the systems implemented in India (Witness Protection Scheme, 2018), the United States (Federal Witness Security Program, WITSEC), and the United Kingdom (Special Measures)

indicates that there are a number of flexible best practices that can shape the reform agenda in Pakistan. Based on these models, it can be seen that the establishment of a proper and efficient system of witness protection is an interdisciplinary effort that involves legislative changes, institutionalization, financial resources, and technological development.

6.1. Legislative Reform: The Federal Witness Protection Act

There is the need to integrate all the provincial systems and make them more effective through a well-rounded Federal Witness Protection Act. Under this Act, an independent federally controlled witness protection body, a National Witness Protection Authority (NWPAs) should be created to control, fund and supervise all witness protection activities. The NWPAs needs to be comprised of vetted judicial, law enforcements and civil service representatives and legal protections against political influence.

The model of the three-tier protection system that is proposed in the Act has to be based on the pragmatic model in India.

- **Category A** should provide for the highest level of security, including relocation, financial assistance, and identity change for witnesses under imminent threat to life.
- **Category B** should encompass medium-level measures such as temporary safe housing, police escorts, and restricted court access.
- **Category C** should include low-cost preventive measures such as increased police patrolling and restraining orders against the accused.

Also, in-court Special Measures should be introduced by revising the CrPC and Qanun-e-Shahadat Order (1984). They should enable judges to grant authority on remote testifying, application of courtroom screens, in-camera trials, and, where it is essential, anonymous testifying with pseudonyms. A non-lapsable Witness Protection Fund needs to be set up to guarantee financial sustainability and based on annual budgetary allocations, fines levied on criminal offenders, and even donations by international donors.

6.2. Institutional and Judicial Strengthening

The legislation should be accompanied by a strong institutional capacity. The NWPA should establish Special Witness Security Unit at the federal and provincial levels that is manned by skilled and vetted people. These units are supposed to work on a strict confidentiality measure and liaise closely with the law enforcement and prosecutorial bodies. There should be a compulsory training on the threat evaluation and application of Special Measures in judicial academies, and the prosecutors are to be granted the authority to form an official protection request and contact the security units.

Moreover, there ought to be a law that requires an inter-agency cooperation protocol which will facilitate smooth coordination between NWPA, police, prosecution, judiciary and National Database and Registration Authority (NADRA). This partnership facilitates safe information exchange, identity management and relocation logistics.

6.3. Financial and Technological Reforms

Witness protection is a long term financial venture. It should be a national security issue and rule of law by the government which should give priority in its budgetary allocations towards the Witness Protection Fund. Pakistan needs to follow a step-by-step approach that is cost-effective since the country has a limited budget to support the implementation process, and it is beneficial to start with high-risk witnesses. Technology must also become the focal point- safe facilities ought to be fitted with secure video-conferencing that will allow the administration to have remote testimony and it should also come up with encrypted digital databases that would serve in handling the confidential records and communication over the internet. These would help to cut on the logistical expenses and enhance security and efficiency.

6.4. Policy Recommendations and Future Directions

To ensure long-term sustainability, Pakistan's witness protection framework must be independent, transparent, and adaptable to emerging threats. Key policy recommendations include:

- Establishing the NWPA through federal legislation to ensure consistency and oversight.
- Adopting a tiered protection system aligned with resource capacity.
- Institutionalizing judicial and prosecutorial training on risk assessment and Special Measures.
- Ensuring transparency through an oversight committee comprising members of the judiciary, bar, and civil society.
- Integrating digital tools for secure data handling and inter-agency coordination.

Another research work to be carried out should be the application of Artificial Intelligence (AI) in threat assessment to avert and avoid risks more effectively. Also, socio-psychological research of the influence of relocation and identity change can assist with the development of safe protection programs, as well as humane and sustainable. The digitization of records and the incorporation of biometric technologies is to be also investigated to minimize the susceptibility to data leakage.

6.5. Concluding Remarks

The lack of a coherent and efficient system of witness protection is one of the most burning issues in the criminal justice system in Pakistan. The gap that has existed over a long period of time can be filled by the implementation of a single Federal Witness Protection Act supported by institutional capacity, financial commitment and technological innovation. Through the experience of other countries in its approach to domestic realities, Pakistan may build a rights-based, credible, and sustainable approach to the prosecution of witnesses, the solidity of prosecution, and the restoration of societal confidence to the rule of law.

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