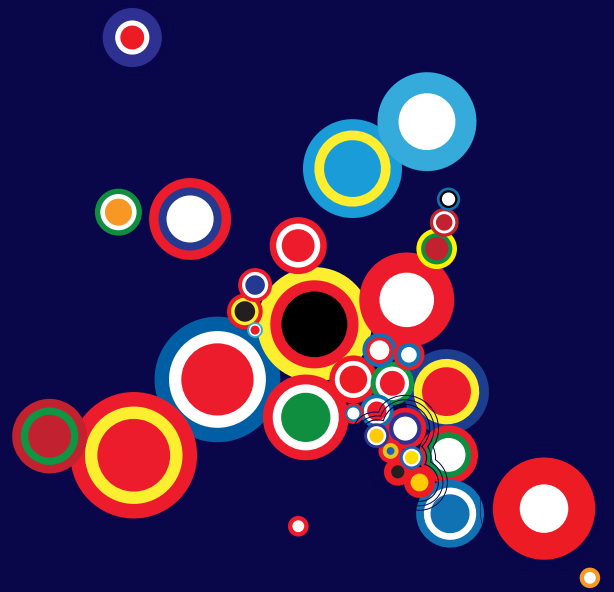




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

MULTI-COUNTRY Witness Protection



Action Summary

The Action aims to reinforce the institutional capacity of the Witness Protection units and other relevant agencies in the beneficiaries to offer protection to witnesses and collaborators of justice, before, during and after the trial, within and/or outside their territory; and to strengthen the inter-agency co-operation in witness protection at the national level across the beneficiaries.

Action Identification	
Programme Title	IPA II Annual Multi-country Action Programme 2015
Action Title	Witness Protection
Action ID	IPA 2015/031-609.07/MC/witness protection
Sector Information	
IPA II Sector(s)	9. Regional and territorial cooperation
DAC Sector	15113
Budget	
Total cost (VAT excluded) ¹	EUR 5 million
EU contribution	EUR 5 million
Management and Implementation	
Method of implementation	Direct management
<i>Direct management:</i> ELARG unit in charge	NEAR/D.5
Implementation responsibilities	
Location	
Zone benefiting from the action	Western Balkans
Specific implementation area(s)	Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, Serbia, the former Yugoslav Republic of Macedonia
Timeline	
Deadline for conclusion of the Financing Agreement	N/A
Contracting deadline	31/12/2016
End of operational implementation period	31/12/2020

¹ The total action cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

* This designation is without prejudice to positions on status, and is in line with UNSC 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

The IPA Multi-Beneficiary actions *Cooperation in Criminal Justice: Witness Protection in the Fight against Serious Crime and Terrorism (WINPRO)* and *Witness Protection in the Fight against Organised Crime and Corruption (WINPRO II)* have sought to address identified problems in witness protection in the Western Balkans, including deficiencies in techniques, training and procedures; disparities between the legal arrangements of the various jurisdictions and inadequate cooperation between the relevant witness protection units. Significant success has been achieved through (i) reviews of operating procedures leading to the delivery of practical guidelines; (ii) a comparative review of the legislative frameworks, leading to changes in the law based on operational considerations and an increased harmonisation of procedures; (iii) the delivery of training in a range of disciplines, all of which have been delivered by experienced operational practitioners and are focused on the practical day-to-day work of the units; and (iv) regional conferences, seminars and training courses which have brought together the witness protection units in Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Kosovo to deal jointly with their problems, leading to enhanced professional relationships and the creation of the “Balkan Network”.

This Action will consolidate these gains and develop new areas of improvement. There is a continuing need for review of operational procedures and for training, because (a) there is a changing operational environment; (b) legislation, codes of practice and international treaties remain in a state of flux; (c) accepted “best practice” and available technology are changing; and (d) changes in personnel within the units and other stakeholder bodies generate further training requirements. The recent co-located meeting of the Balkan Network and the Salzburg Forum² proved to be highly beneficial and a clear indicator of the need to consider wider issues of international cooperation at the strategic level so that practical operational benefits may be achieved.

This would also be relevant to “Special Units” within penal systems, in which WINPRO II has already started the process of developing an understanding of and bringing practitioners from different stakeholders in the region together. After a ground-breaking WINPRO cross-border exercise involving Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Kosovo, this Action would provide the opportunity to develop more sophisticated practical exercises involving more stakeholders (including, where relevant, NGOs) in a more trans-national dimension.

The Action will contribute to a successful sustainability strategy of initiatives started under WINPRO II. For example, the WINPRO II’s work with penal services has led them to desire to establish “Special Units” for collaborators of justice, rather than attempt to conceal such collaborators of justice within mainstream prisons; but it will take time to establish the necessary infrastructure to make new procedures and training relevant. Further work with colleagues in Witness Support is needed, in particular in relation to human trafficking cases. There will be a continuing need to nurture the Kosovo unit as it takes on its first cases. Further work will be required on covert financing since in some countries legislative change will be necessary in order to prevent money laundering regulations hampering covert police work. The Action would also ensure follow up of WINPRO II’s work on intelligence cells to lay the foundations for a pro-active targeting of potential witnesses by those police and prosecutors who are charged with tackling organised crime.

The Action should have an “exit strategy” in order to identify opportunities for change or completion of witness protection activities. These could be designed as a series of objective “milestones” to be achieved in each of the beneficiary. Such milestones might include: (i) satisfactory structure, Human

² The Salzburg Forum, based on an Austrian initiative taken in 2000, is a platform for multilateral dialogue and cooperation on issues of internal security. Its member states are Austria, Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia.

Resources strategy and budget for Witness Protection Units (WPU); (ii) Standard Operational Procedures in place; (iii) Service Level Agreements in place with state partners; (iv) Balkan Network established on sound financial basis; (v) each WPU to have at least, say, two bilateral cooperation agreements in place; (vi) completion of updated stakeholder seminars for each beneficiary; (vii) discrete but harmonised legislation in place to facilitate all WPU activities, including covert financing and cross border cooperation; and (viii) membership/association of relevant international bodies for each WPU.

WINPRO II benefited from the success of WINPRO, enjoying the confidence of the beneficiaries and stakeholders and the continuity of activity which was thereby enabled. A new and timely Action would ensure that similar benefits accrue. As described above, there is a need for the continuation of many of the successful aspects of WINPRO and WINPRO II as well as for the development of new elements.

RELEVANCE WITH THE IPA II MULTI-COUNTRY STRATEGY PAPER AND OTHER KEY REFERENCES

This Action takes into account the priorities of the Enlargement Strategy and the Annual Progress Reports, which contain relevant provisions on justice, freedom and security and provide the long-term basis for continued cooperation in the field. Regarding regional issues and international obligations, IPA beneficiaries still need to enhance cooperation with their neighbours, notably on cross-border cooperation, the fight against organised crime, trafficking and smuggling.

The Multi-country Indicative Strategy Paper 2014-2020 gives priority, inter alia, to witness protection programmes and cooperation of judicial and law enforcement bodies operating in the beneficiaries at regional and international level in the fight against all forms of organised crime, including criminal organisations involved in illegal migration, and money laundering.

Albania: Albania has made further progress in the area of justice, freedom and security, in particular in border management, judicial co-operation and in the fight against organised crime. Cooperation between law enforcement institutions needs to be strengthened to increase the efficiency of investigations. Adequate budget planning and allocations are essential. Albania will also have to focus on stepping up its efforts in the fight against trafficking of human beings and in the field of money laundering, including implementing the Anti-Mafia Law and carrying out proactive criminal and financial investigations and prosecutions, resulting in convictions at all levels. Drugs trafficking in general, and the cultivation and trafficking of cannabis in particular, remains a cause for serious concern.³

The organisational set-up for witness protection in the police has been considerably enhanced by the creation of a flexible operational unit, the streamlining and stricter regulation of protection programmes and measures to ensure the financial autonomy and confidentiality of operations. A comprehensive training programme has been carried out. However, the Albanian Witness Protection Directorate has recently been going through substantial personnel changes. Whilst change can be disruptive to an overall performance of any established unit, on this occasion the change has been well managed and gradual. Covert Financing remains a major problem to the Witness Protection Directorate in Albania and as such would need a substantial amount of work within current legislation which is designed to combat money laundering.

Bosnia and Herzegovina: Bosnia and Herzegovina has made some progress in the fight against organised crime and terrorism. The new organised crime strategy and a threat assessment are in place. Counter terrorism efforts have been strengthened by introducing sanctions against ‘foreign fighters’ in the criminal code. However, in terms of policing, lack of coordination and cooperation and lack of appropriate training and equipment are preventing the effective delivery of police services, as evidenced during the social unrest in February 2014. Coordination and cooperation among agencies remains mainly informal. There are indications of undue political influence along ethnic lines. The legislative framework on governing policing remains to be improved to achieve higher level of professionalism, transparency and accountability throughout the country. Steady progress on witness

³ EU Progress Report 2014 for Albania.

protection measures is primarily due to international financial support, particularly regarding psychosocial witness support in the Entities. Refurbishing of some court rooms for protected witness testimony and provision of adequate equipment has been completed in the majority of Cantonal/district courts. Recruitment of non-judicial witness support staff in courts and prosecutors' offices is ongoing, but a comprehensive witness protection system before and after proceedings is still not in place.⁴

One of the most recent developments is that the state-level Law on Witness Protection Programme was approved by the Parliament of Bosnia and Herzegovina in May 2014. However, in Bosnia and Herzegovina witness protection remains weak across the Entities. Although at the state level, the protection is successfully provided by the State Investigation and Protection Agency SIPA Witness Protection Department, at the entity level there are no measures in place to protect the witnesses who provide valuable testimony in cases related to serious crime, terrorism, organized crime and corruption. WINPRO I and II projects helped to develop and strengthen the Witness Protection Department under SIPA, but it must be noted that at the moment the SIPA unit provides services to the cases which are being instrumented by the State Court only. Further steps are needed to strengthen the capacity to deal with serious crimes cases and corruption, in particular by improving the cooperation between Witness Protection Unit and State and local agencies involved in the Witness Protection Programme as well as with the judiciaries from the State and Entity level.

Protection of collaborators of justice represents a major problem which should be dealt with as soon as possible. Although WINPRO II has addressed some of the issues in the interim, further support will be required in this area, e.g. special facilities to accommodate the collaborators of justice have to be built; specific procedures have to be developed as well as full time training for the personnel dealing with such cases have to be provided.

Kosovo: Kosovo has taken some steps to improve the fight against organised crime. It has continued to improve its legislative framework, notably by adopting implementing legislation on money laundering. The investigative capacity of the police is generally good. Cooperation with the EU Rule of Law mission in Kosovo: EULEX, has intensified and is assessed as very good. The number of drug-related crime investigations has gone up and some human trafficking groups have been dismantled. Kosovo is at an early stage of delivering results in the fight against organised crime, which continues to be a serious challenge.

The Kosovo Police continues to be perceived as the most trusted rule of law institution in Kosovo. KP has developed its first training strategy (2014-18) focusing on areas such as improving capacity and developing new expertise, and advancing cooperation with international institutions and organisations.

Witness intimidation continues to be a concern, although the police have made good progress establishing a witness protection directorate. The Witness Protection Directorate has been set up within KP (thirteen staff) and continues to be supported by EU and EULEX experts. In accordance with the law on witness protection, the witness protection committee, consisting of the chief state prosecutor, the head of the KP investigation unit and the director of the Witness Protection Directorate, was established in September 2013. However, Kosovo needs to sign agreements for witness relocation.⁵

Although the two previous EU funded projects (WINPRO and WINPRO II) have prepared the Kosovo Police, Witness Protection Directorate (KP WPD) to carry out the task of witness protection, they have not as yet been tested. Whilst the training provided to date has been both theoretical and practical, to a very high level, and the performance of the unit under simulated exercise conditions has been satisfactory, how they will perform in an actual situation is as yet unknown. It is anticipated that they will take full responsibility for all witness protection operations from October 2014. This Action would enable an accurate assessment of their full capability under operational conditions.

In establishing an effective witness protection programme with all stakeholders playing their full part, the further assistance would be in a position to nurture and encourage a pro-active approach in the

⁴ EU Progress Report 2014 for Bosnia and Herzegovina.

⁵ EU Progress Report 2014 for Kosovo.

investigation of serious and organised crime and corruption on the firm and established basis of an effective witness protection programme. With the establishment of an effective programme a campaign should be developed by local authorities to actively encourage witnesses to come forward and participate in the judicial process on the understanding that the appropriate protection would be provided in required cases.

The former Yugoslav Republic of Macedonia: The country has already reached a high level of legislative alignment in this area, and the administrative and judicial structures are at an advanced stage⁶. Further improvements were made in the areas of police cooperation and combating organised crime and human trafficking. However, in some sectors progress remains slow as regards improving the infrastructure, capacity and strategic planning needed for full and effective implementation of existing policies. The absence of an independent system for external oversight of the police also needs to be addressed. In the area of police cooperation and the fight against organised crime, regional and international law enforcement cooperation through Europol and Interpol continued. The SIENA connection for secure exchange of sensitive and operational data with Europol became operational. A liaison officer has been assigned to Europol.⁷

The former Yugoslav Republic of Macedonia has got a well-established Witness Protection Section. However, it has undergone and is still undergoing major changes in personnel from the senior management levels through the ranks. The changes have in fact caused problems with sustainability and the development and establishment of relationships with the prosecutors and judiciary. These changes could have a long term effect on the operational effectiveness of the Witness Protection Section and could create an issue with other stakeholders. This Action would give the opportunity to monitor and deal with such issues.

Montenegro: Montenegro has made some progress in the area of justice, freedom and security. The implementation of the action plan is broadly going according to schedule. Montenegro should now start matching legal and institutional progress with better results on the ground in terms of establishing sustainable track records in various areas. Montenegro remains actively involved in regional and international judicial and law enforcement cooperation. In the area of organised crime, the legislation requires fine-tuning to better clarify the role of the judiciary and the police in the pre-trial phase. While Montenegro has continued to develop a track record in the area of the fight against drugs, difficulties remain in addressing the most complex forms of crime such as trafficking in human beings, cybercrime and money laundering. More efforts are needed to enhance interagency coordination.

Amendments to the law on witness protection were adopted in June 2014. They aimed at improving the witness protection system in the country, including by increasing the number of potential witnesses, and by introducing the category of ‘collaborator of justice’.⁸

The witness protection unit within Montenegro has recently been adapting to changes within the law on witness protection. The new laws allow for a lower threshold in terms of cases that can be considered for witness protection and also allows for the inclusion of collaborators of justice. As a result work is continuing in restructuring the present unit and the potential selection and recruitment of new members. Montenegro has an ongoing problem with covert financing and further work is needed to ensure that this can be utilised for the operational needs of the Witness Protection Unit.

Serbia: Serbia made limited progress in the area of justice, freedom and security. Across the board, efforts are needed to align with the EU acquis, to increase efficiency, foster specialisation and ensure better operational cooperation between the judiciary, law enforcement and non-law-enforcement bodies. Serbia is actively involved in international and regional police and judicial cooperation, with good results. A Regional Police Coordination Centre for Serbia, Bosnia-Herzegovina and Montenegro was opened in Trebinje (Bosnia and Herzegovina) in March 2014 to fight against all forms of trans-

⁶ The necessary legal framework regarding fighting organised crime is in place, including a new Law on Criminal Procedure, which entered into force in December 2013 and aims to improve the capacity to tackle complex organised crime and corruption cases by strengthening the role of the public prosecutor, establishing a judicial police, streamlining the investigation phase and introducing new investigative techniques.

⁷ EU Progress Report 2014 for the Former Yugoslav Republic of Macedonia.

⁸ EU Progress Report 2014 for Montenegro.

border crime but remains to be fully operational. In January 2014, Serbia signed an operational agreement with Europol which entered into force in June 2014. However, a track record of proactive investigations and final convictions needs to be established. Additional efforts are needed to systematically carry out financial investigations in conjunction with complex criminal investigations. A strategic threat assessment on organised crime is needed.

The Witness Protection Unit needs adequate staff, equipment and premises to be fully operational and create a confidence-building environment for witnesses and victims. Serbia remains a country of origin, transit and destination for trafficking in human beings, and for sexual and labour exploitation. Both the institutional framework and shelter capacity should be considerably enhanced to ensure that the fight against trafficking in human beings is deterrent and sustainable. Finally, thorough rationalisation of the Ministry of Interior, including reorganisation of its human resources management, is advisable to increase efficiency in fighting crime. The introduction of transparent and merit-based criteria for recruitment and career advancement is crucial, as is more specialised training. Organised crime remains a serious concern in Serbia.⁹

The WINPRO II project has identified that the Serbian witness protection unit would benefit from the reform of Human Resources Management. It is also understood that the Human Resource department of the Ministry of Interior in Serbia is itself undergoing change and reform and there are currently two other EU projects working alongside them. It is possible that this process may slow down reform within the unit itself. WINPRO II has made significant progress in Serbia in relation to assistance with the establishment of a secure unit (SU) for collaborators of justice (CoJs). As of July 2014 the Serbian Administration of Penal Sanctions department of the Ministry of Justice is creating such a unit. It is expected that the unit will become operational by the end of the year.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

Considering the initial needs assessment and the updates obtained during the implementation of the previous WINPRO projects there are several areas of concern. Most of them have been or are being already addressed under WINPRO I and II, but for completeness recalled here:

- Lack of co-operation between the various stakeholders based on a lack of knowledge as to their responsibilities within the overall witness protection process.
- Lack of continuity in post of trained personnel and the lack of appropriate personnel to facilitate the efficient discharge of the operational function.
- Lack of modern equipment, weaponry and technologies available to the witness protection units across the region – despite some funding being made available to the units under previous WINPRO and WINPRO II projects, there is much greater need to provide suitable equipment for the units to ensure they perform their tasks efficiently and effectively. The units were advised to apply for funding from the national IPA funding, as agreed with the DG Enlargement in 2011, however only Kosovo has received suitable assistance from the respective EU Office.
- Operational activities: According to the various evaluations and IPA Monitoring reports, it is necessary to intensify the support to regional operational activities. Operational means, including the safe and secure exchange of data, for increased cross-border cooperation should be developed according to the EU best practices.
- Integrated national strategies: An integrated national strategy against organised crime and terrorism is needed, with coordination and cross-sectoral cooperation mechanisms, and with a strong supportive international component.

⁹ EU Progress Report 2014 for Serbia.

- Ensure sustainability: Police and judicial staff should not only be trained to a high professional level, but also empowered to continue professional work once the programme ends. Proper handover of necessary equipment, information, documentation, curricula etc. must be ensured.¹⁰
- Avoid duplication: In order to avoid duplication and unnecessary cost, the best use of existing judicial and law enforcement tools and networks of national bodies has to be considered instead of creating new ones. Functional, thematic cross border networks of law enforcement authorities shall be reinforced to more effectively combat serious crime and prevent terrorism.
- When to create new networks: Creation of new networks should be avoided in the field of witness protection. Existing networks and institutions already in charge of cross border co-operation should be supported so that they increase cooperation in the field of witness protection. In general where a gap is identified, programmes should facilitate the creation of regional networks for stakeholders (police, prosecutors, judges) and support the development of other regional and national initiatives in this area. Networks of stakeholders should serve, *inter alia*, as focal points for collecting and disseminating best practices and lessons learned.
- Assess state of play: Rather than starting with an overall objective for the region as a whole and then applying a standard methodology, the programme shall start, in collaboration with the Beneficiaries, by assessing the current situation in the beneficiaries and then tailor the appropriate regional approach based upon their specificities and needs.
- Tailored made approach and synergies: The different stages of readiness of the beneficiaries shall be taken into account during implementation. The Action shall draw on the experience of the most advanced beneficiaries in the alignment process to the *acquis* and develop synergies among them.

Overall, representatives of the International Criminal Court, the International Criminal Tribunal for former Yugoslavia as well as Europol expressed that they witnesses great progress in the capacity of the countries concerned to run witness protection programmes. They hope that the continued support will demonstrate this in practice.

As concerns the financial sustainability of Witness protection programmes, the project will explore ways to use recovery of assets obtained by criminal as well as payment by the convicted of compensations to their victims / the society.

¹⁰ OSCE, Implementation of Police-Related Programmes, Lessons Learned in South-Eastern Europe, SPMU Publication Series Vol. 7, Vienna, December 2008

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION		
To contribute to the strengthening of the rule of law through the fight against corruption and organised crime.	Number of serious crime cases dealt with by the competent authorities of the beneficiaries in cooperation with neighbouring countries and EU Member States. Government effectiveness (Rank)	<ul style="list-style-type: none"> - European Partnership documents and beneficiaries' governments implementation plans for same - Reports of Ministries of Interior and Ministries of Justice of all beneficiaries - Independent Monitoring and evaluation reports - NGOs within the region (e.g. Amnesty International) - Council of Europe Reports - Progress Reports / Enlargement Strategies - OCTA Report 		
SPECIFIC OBJECTIVES	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS	
(more) Witnesses of crime come forward to denounce and report criminal acts since they feel assured that their lives and livelihood are duly protected and secured throughout the region and abroad	<ul style="list-style-type: none"> - Number of protected persons (often victims) coming forward and retained to participate in criminal proceedings. - Number of protect persons sheltered/placed (i.p. outside their own country) 	<ul style="list-style-type: none"> - Court proceedings/cases involving witnesses - Reports of the competent authorities / CSOs - Local and national records (MoI, MoJ) - Action reports - Monitoring reports - Progress reports - Use of budgets earmarked for witness protection /victims compensation - Feedback (questionnaires) of the witnesses 	<ul style="list-style-type: none"> - Adequate political commitment and financial resources of Beneficiaries; - Political tensions in the region do not adversely affect the administration and effectiveness of the Beneficiary Units; - The willingness to see the 'de-politicisation' of the Witness Protection; - Beneficiary authorities involved in the witness protection (witness protection) programmes willing to collaborate and exchange information with other international law enforcement agencies. - Victim' compensation policies and programmes are created 	
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS	

<p>Result 1: National legislation, practices and procedures are aligned to/in accordance with the European best practices and new guidelines in this matter resulting in a reinforced institutional capacity of the Witness Protection units and other relevant agencies and co-operation and co-ordination between these, in the beneficiaries to offer protection to witnesses and collaborators of justice, before, during and after the trial, within and/or outside their territory</p> <p>Result 2: Effective international cooperation and communication structures between beneficiary Witness Protection Units as well as with European counterparts, including Europol, established in order to exchange experience and best practice and to conduct specific bilateral and regional actions.</p> <p>Result 3: Effective witness protection programmes at international, national and local levels created, resourced and implemented, including enhanced inter-agency collaboration between the Witness Protection Units and prosecution, courts, border police, passport agencies, psychological and social care services, educational establishments, detention centres, etc. including appropriate facilities to shelter, provide education, work, etc., victim compensation etc.</p>	<ul style="list-style-type: none"> - Legislation, practices and procedures are aligned to European standards - Number of joint international initiatives involving WP units from the region increased; Balkan Network initiative successfully sustained (measured with a number and frequency of its meetings as well as a number of joint initiatives with EU Member States and Fora/Forums in the region). - Number of co-ordinated actions carried out in support of witness protection operations by other police departments and other agencies; WP Number of staff in each WP beneficiary unit with enhanced professional skills developed through continuous practical training and attending exchange programmes - Number of officials working for law enforcement authorities, correctional services and the judiciary who have received special witness protection procedures' training in criminal proceedings. 	<p>Reports of Ministries of Interior the beneficiaries</p> <p>Reports of Ministries of Justice of the beneficiaries</p> <p>Action reports</p> <p>Independent Monitoring and evaluation reports</p> <p>Other donors' reports within the region (e.g. OSCE)</p> <p>Progress Reports / Enlargement Strategies</p> <p>OCTA Report</p> <p>Reports of CSOs</p> <p>Feedback (questionnaires) of the participants and witnesses</p>	<ul style="list-style-type: none"> - Witness protection Units willing to collaborate and exchange information with other witness protection Units in the region as well as with other stakeholders within their own jurisdiction. - Local legislation permitting to share required type of information with the project team. - The Prosecutors Office, Judges and other relevant organisations are prepared to engage fully with the process of developing witness protection procedures. - Availability of staff to attend workshops, seminars, regional meetings, working groups, training courses and study visits
<p>ACTIVITIES</p>	<p>MEANS</p>	<p>OVERALL COST</p>	<p>ASSUMPTIONS</p>
<ul style="list-style-type: none"> • Complete (the) overview of EU standards and best practices accompanied by recommendations on how to introduce similar standards into the beneficiary countries legislation, procedures, selection and recruitment criteria, job descriptions, documentation management etc. • Workshops to discuss these best practices and recommendations • Briefings for ministers and other key stakeholders and decision makers to stimulate this alignment • Strengthen regional and international co-operation with a wider EU community, including Europol, EU Member States, and EEA countries • Further support the sustainable development of the Balkan Network. • Further facilitate the co-operation with Europol, and enhance specific international liaison roles within the Witness Protection units across the beneficiaries. 	<p>One Grant Contract:</p> <p>Project management unit.</p> <p>Experts</p> <p>Service contracts and administrative arrangements with public entities for organisational matters.</p>	<p>EUR 5 million</p>	<ul style="list-style-type: none"> - Very good management and communication capacities of Grant beneficiary + knowledge and experience of/in the beneficiaries; - Efficient cooperation between beneficiaries and Grant beneficiary; - Commitment of all stakeholders from judiciary and law enforcement services to implementation of the project activities in a professional manner; - Continuation of approach and

- Facilitate the exchange of information, experience and best practices on witness protection at European level through study visits, work placements/ work shadowing experience (where/if relevant), practical live cross-border exercises and attendance in relevant seminars/conferences at the European level
- Further assist the institutional development of the Witness Protection units at the national and regional level in order to support effective implementation of witness protection programmes in the beneficiaries.
- Further enhance legislative arrangements (primary and secondary) aiming at increasing operational effectiveness of witness protection programmes.
- Continuously improve and professionally develop programme of the witness protection units through enhancement of Human Resources Management, advanced training courses, desktop/live time exercises, update of the standard operational procedures accordingly to the current operational needs and Europol guidelines.
- Further enhance the practical application of the modern and secure technologies in the implementation of the witness protection programmes.
- Promote availability of Witness Protection programmes amongst the other police departments, such as serious and organised crime units, financial crimes and anticorruption squads operating at the central and regional level in each beneficiary.
- Strengthen inter-agency co-operation in witness protection programmes
- Enhance application of witness protection measures by prosecution services and appropriate level courts in each jurisdiction across the beneficiaries
- Enhance capabilities of the prison services in each beneficiary to develop and manage the special units within the prison system to safely house and protect the collaborators of justice (CoJs).
- Develop and enhance, where relevant, systems and procedures capable of supporting the Witness Protection units by other stakeholders, such as border police, social care, tax authorities, civil registration authorities, Ministry of Education, Ministry of Health, etc. (in the form of working groups, joint trainings and seminars relating to the handling of witnesses/CoJs)

methodology adopted under previous WINPRO projects provided by the Grant beneficiary.

ADDITIONAL DESCRIPTION

The **overall objective** is to contribute to the strengthening of the rule of law through the fight against corruption and organised crime.

The **specific objective** of the Action is to have (more) witnesses of crime coming forward to denounce and report criminal acts and to collaborate with justice to get the perpetrators convicted. This because these witnesses (and of also victims) can be assured that their lives and livelihood are duly protected and secured throughout the region and abroad, thanks to

- a reinforced institutional capacity of the Witness Protection Units and other relevant agencies in the beneficiaries to offer protection to witnesses and collaborators of justice, before, during and after the trial, within and/or outside their territory
- a better inter-agency co-operation in witness protection at the national level across the beneficiaries
- effective compensation mechanisms for victims of crime
- and appropriate facilities to shelter, provide education, work, etc.

as evidenced by a clear legislative framework and police and judiciary practices.

Proposed Activities

The proposed activities build on the achievements of the previous WINPRO and WINPRO II projects as well as on the needs identified by the WINPRO II team in the recent months.

As to assure that witnesses and victims feel assured that they can obtain sufficient guarantees and protection from the authorities when they decide to co-operate with/report to the law enforcement and judiciary a proper legal framework covering all the essential issues has to be in place.

Although a lot of work has been done in this area by both previous WINPRO projects, the legislative process takes time. Therefore some of the amendments of the witness protection legislation proposed by WINPRO II across the region will have to be monitored and supported, if required, beyond 2015. This activity should consider not only legislation related directly to witness protection units, but also legislative acts related to collaborators of justice (CoJs), probation services, witness support, money laundering legislation, border management etc. in all aspects that may affect implementation of the witness protection programmes.

The compendium of EU standards and best practices should be shared with the beneficiaries (in particular the decision makers) so as to jointly establish a road map per country and per stakeholder (police, prosecutors, prisons, judges, education institutions, CSOs) to take the necessary steps to obtain such a legal framework. To achieve this workshops and training sessions will be organised with these stakeholders, while on the engagement of the decision makers will be further mobilised through target briefings and information sessions. This will also raise the profile of the Witness Protection units at the national and regional level, which in turn should support the effective implementation of witness protection programmes in the beneficiaries.

In addition, and more importantly, the practices and procedures to be applied need to be shared, adapted, tested and put into operation. This will be pursued by exchange of information, experience and best practices on witness protection at European level through study visits, work placements/ work shadowing experience (where/if relevant), practical live cross-border exercises and attendance in relevant seminars/conferences at the European level. The practices and procedures as well as the Witness Protection Units should continuously be improved through enhancement of Human Resources Management, advanced training courses, desktop/live time exercises, update of the standard operational procedures accordingly to the current operational needs and Europol guidelines. In particular the practical application of the modern and secure technologies in the implementation of the witness protection programmes is to be pursued.

The exchange of information, experience and best practices on witness protection at European level will be facilitated through study visits, work placements/ work shadowing experience (where/if relevant), practical live cross-border exercises and attendance in relevant seminars/conferences at the European level.

This activity will allow the witness protection practitioners from the Western Balkans to build professional relationships with a wider EU and IPA community and learn first-hand about operational procedures of EU Member States and beyond. The practical exercises will be designed to test the skills of the beneficiaries with their counterparts from other neighbouring countries and EU Member States. In order to support effective implementation of witness protection, this activity, where relevant, should be open also to other stakeholders in the witness protection programmes, such as border authorities, prosecution, witness support etc.

There is a need for further strengthening the witness protection units in terms of purchase and application of the modern technologies, including secure internet connections, independent computer networks for the use of witness protection units only, awareness training on the use of these modern technologies etc. Although both WINPRO projects had allocated funding for the purchase of relevant equipment for the witness protection units and both projects also provided some training in this area, the witness protection units across the beneficiaries must be kept up to date with the modern technologies and any new technological developments in order to provide a good quality, secure and cost efficient service. This activity should also be extended in terms of relevant training to other stakeholders to enhance secure communication and data protection.

This activity will focus on further development of the witness protection units in the region. High staff rotation experienced during the implementation of WINPRO I and II indicates a strong need for appropriate Human Resources Management tools to be used as standard procedures within the units and also indicates a continuous need for training and development of personnel to maintain high standard of their services and keep staff up to date with all current developments and guidelines in the witness protection discipline. This could be achieved, amongst the other methods, through practical exercises.

Develop and enhance, where relevant, systems and procedures capable of supporting the Witness Protection units by other stakeholders, such as border police, social care, tax authorities, civil registration authorities, Ministry of Education, Ministry of Health, etc. (in the form of working groups, joint trainings and seminars relating to the handling of witnesses/CoJs) is another action point that will be tackled. This activity will feed into a better co-ordination of witness protection operations across a wide range of stakeholders. Apart from relevant guideline documents, practical exercises could be organised to involve all stakeholders in an exercise scenario designed to test the effectiveness of their working practices and their ability to work together to the achievement of a common goal in a cohesive manner ensuring a successful outcome.

Other tasks focus on the in-country mobilisation of the use of the Witness Protection schemes by promoting the Protection programmes amongst the other police departments, such as serious and organised crime units, financial crimes and anti-corruption squads operating at the central and regional level in each beneficiary. Likewise the action will should enhance application of witness protection measures by prosecution services and appropriate level courts in each jurisdiction across the beneficiaries. The prison services in each beneficiary should further develop and manage where appropriate special units (or similar) within the prison system to safely house and protect the collaborators of justice (CoJs).

It is important to raise the awareness of the availability of the witness protection programmes within the police forces in each beneficiary. A series of seminars should be organised with relevant police departments, such as serious and organised crime and fraud squads, in each region in each beneficiary. As a pilot scheme run under WINPRO II proved, this activity could lead to an increase of witness protection operations.

Enhance application of witness protection measures by prosecution services and appropriate level courts in each jurisdiction across the beneficiaries, which is to be achieved by promoting the

availability of witness protection programmes amongst all level prosecution services in each beneficiary as well as promote practical application of the witness protection measures in relevant courts in each beneficiary. Likewise the action will further support the development of the witness support services across the region and to develop the witness protection roles within Judicial/ Court Police in the relevant beneficiaries. Enhance cross-border co-operation of the prosecution services in cases requiring transfer of a witness from a different jurisdiction or obtaining a witness testimony via technical means.

The WINPRO II project was a starting point for introduction of a coherent and holistic approach to protection of witnesses before, during and after the trial. Although this activity goes beyond the protection programmes offered by police forces, this work must be continued in order to provide a secure environment for all types of witnesses, including protected and vulnerable, to testify before the courts. Additionally, an issue of a status and testimony of a witness from a different jurisdiction and cross-border co-operation of prosecution services was raised on many occasions under WINPRO II and should be further explored under this activity.

To complete the picture the action will also seek to enhance the capabilities of the prison services in each beneficiary to develop and manage the special units within the prison system to safely house and protect the collaborators of justice (CoJs) and to further assist relevant beneficiaries in establishing and developing relevant special units for the collaborators of justice by providing specialist advice and sharing experience within the region and with EU Member States.

Obviously, the action will support the development of appropriate management procedures of the special units for collaborators of justice across the beneficiaries, including appropriate prison staff recruitment and vetting, training and standard operating procedures (SOPs) that will enhance protection of the collaborators of justice within the prison system.

Facilitating international movement of collaborators of justice within the region as well as between beneficiaries and EU Member States, including assistance in development of the Prisoner Transfer Agreements is another priority. This further support is required in relation to development/enhancement and management of the special units for collaborators of justice across the region. Situation varies in different beneficiaries, but they would all benefit from assistance in drafting the operating procedures, specialist training and strengthening of the international co-operation in relation to the international transfers of collaborators of justice. Other considerations should be given to Parole Boards for transferred collaborators of justice, prisoner change of identity issues, family relocations to match prisoner relocations and how that is managed, criminal records and their secure storage and access as well as to the amount of remission a prisoner is granted from country to country and how it relates to his/her original sentence in their country of origin.

In all this work the involvement of the Europol, EU Member States, and EEA countries is essential as well as the continued support for the sustainable development of the Balkan Network. In this context the Action will further support the currently existing arrangements of the Balkan Network with a view expressed by the WINPRO II beneficiaries to expand the network and include other neighbouring countries in the region, such as Slovenia, Romania, Bulgaria, Greece and Turkey.

Further support of the co-operation with Europol is necessary in order to allow the beneficiary units access to the latest developments and recommendations in the witness protection discipline at the European level as well as operational contact points for the purpose of exchanging the experience and opportunities for relocations. This activity should also cover further development of the role of International Liaison Officers within the units, establishing connections within and outside the region and collating information on guidelines for co-operation on a country to country basis.

Last but not least, the project will explore ways to use confiscation and recovery of proceeds from crime as a way to cover the costs of witness protection programmes.

Confiscation is a strategic priority in the EU's fight against organised crime. It is reflected in the "EU Internal Security Strategy in Action", which confirmed the need to revise the existing EU legal framework on confiscation and asset recovery to hit criminals where it hurts them most.

Result 1:

National legislation, practices and procedures are aligned to/in accordance with the European best practices and new guidelines in this matter.

Institutional and operational capacities of the Witness Protection Units further developed through continuous improvement programme and updating national legislation in accordance with the European best practices and new guidelines in this matter.

- Baseline for the operational effectiveness and efficiency of the witness protection programmes strengthened through monitoring, amending and updating legislative acts for better co-ordination of witness protection activities;
- Institutional and professional development of the witness protection units in the beneficiaries continued and good quality of witness protection operational services maintained;
- Increased security and cost efficiency of the witness protection operations by appropriate application of modern technologies by the witness protection units and other stakeholders.
- Increased number and better co-ordination of witness protection operations originating from other police departments.

Result 2:

Effective international cooperation and communication structures between beneficiary Witness Protection Units as well as with European counterparts, including Europol, established in order to exchange experience and best practice and to conduct specific bilateral and regional actions.

International cooperation between beneficiary Witness Protection Units and their European counterparts, including Europol, strengthened through networking, exchange of experience and best practice, specific bilateral and regional exercises.

- Balkan Network sustainably developed in the region and strong professional and operational witness protection relationships established between the beneficiaries and neighbouring EU Member States;
- Co-operation of the beneficiaries with Europol and other European witness protection initiatives strengthened as well as mutual understanding of operating procedures between beneficiaries and relevant EU Member States established;
- Study visits, work placements and joint exercises with EU MSs and relevant IPA countries organised.

Result 3:

Effective and financially sustainable witness protection programmes at international, national and local levels created, resourced and implemented, including enhanced inter-agency collaboration between the Witness Protection Units and prosecution, courts, border police, passport agencies, psychological and social care services, educational establishments, detention centres, etc.

Better implementation of the witness protection programmes at international, national and local levels through enhanced inter-agency collaboration between the Witness Protection Units and prosecution, courts, border police, passport agencies, psychological and social care services, educational establishments, etc.

- Improved witness protection at the local level through better understanding and application of the procedural protection measures by judges, prosecutors and court police units as well as non procedural protection measures (short term protection measures provided either by the local police, court police or even Witness Protection Unit).

- Protection of collaborators of justice serving sentences in the prison systems enhanced through introduction of relevant operating procedures, training of relevant prisons personnel and secure movement of collaborators of justice between the jurisdictions across the beneficiaries.
- Short guidelines on witness protection drafted for other stakeholders to provide harmonised approach to implementation of the witness protection programmes as well as practical, joint exercises carried out to strengthen co-operation between witness protection units and other stakeholders in practice.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

The authorities responsible of the implementation of the Action will be the Witness Protection Units, Ministries of Interior and Ministries of Justice of the beneficiaries, including law enforcement agencies and judicial authorities (criminal police, border police, government protection bureau, special investigative units, prosecutors' offices, courts) involved in witness protection. In the context of the action implementation, cooperation with other law enforcement agencies, such as customs and border guards is very important, since Witness Protection Units are obliged to take under protection witnesses who are handed over from these law enforcement agencies.

The Steering Committee¹¹ will supervise the implementation of activities and provide inputs.

IMPLEMENTATION METHOD(S) AND TYPE(S) OF FINANCING

Direct management: Award of a direct Grant Contract to NI-CO – Northern Ireland Co-operation Overseas Ltd who implemented phase 1 and 2 and has thus become the particular type of body on account of its technical competence, its high degree of specialisation, permitting a direct award based on article 190 1 f RAP. Financing in full is essential since it is in the interests of the Union to be the sole donor of this action, in particular to ensure visibility of this action.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

The Action will be monitored and evaluated at different levels:

- Review of progress by the Steering Committee (once every 8 months)
- Reporting on progress to the Contracting Authority (once every 6 months)
- Monitoring through regular reports (interim, yearly, final – narrative and financial reports), clearly identified milestones linked to each component of the Action, regular meetings with the contractor by the task manager and participation in Steering Committee meetings.
- For payments, the Contracting Authority has established checklists to identify key factors to ensure that contract/project deliverables are adequately verified for the purpose of the visa “certified correct.” The invoices are presented to the Contracting Authority accompanied by the necessary detailed reports reflecting the Action developed and the actual cost items accompanied by the necessary justifications and any other supporting documents.

The European Commission may carry out a mid-term, final or ex-post evaluation for this action or its components via independent consultants. In case a mid-term or final evaluation is not foreseen, the European Commission may, during implementation, decide to undertake such an evaluation for duly

¹¹ The Steering Committee will consist of representatives from each beneficiary.

justified reasons either on its own decision or on the initiative of the partner. The evaluations will be carried out as prescribed by the DG NEAR guidelines for evaluations. In addition, the Action might be subject to external monitoring in line with the European Commission rules and procedures.

INDICATOR MEASUREMENT

Indicator	Baseline (year)	Milestone 2017	Target 2020	Final Target (2050)	Source of information
- OUTCOME: Number of protected persons coming forward and retained to participate in criminal proceedings.	8 (2013-14)	16	20	Depends on national strategies in the beneficiaries and actual threat posed to potential witnesses	EU Delegations, Police Services, National Prosecution Offices CSO reports
- RESULT: Degree of alignment of laws, regulations, procedures, guides and manuals	-	TBD	80%	99%	Laws, regulations, procedures, guides and manuals
- RESULT: Number of co-ordinated actions carried out in support of witness protection operations by other police departments and agencies;	21 (2013)	25	28	28	Internal Police reports on Human Resources management, Heads of WP units, action reports
- RESULT: Number of staff in each WP beneficiary unit, law enforcement authorities, correctional services and the judiciary with enhanced professional skills developed through continuous practical training and attending exchange programmes.	150 (2013-14) across the region ¹²	200	300	300	Police Services, National Prosecution Offices, NGO's report
- RESULT: Number of joint international initiatives involving WP units from the region increased;	17 (2013-2014)	10	≥ 12 pa ¹³	≥ 12 pa	Police reports, Heads of WP units, action reports
- RESULT: Balkan Network initiative successfully sustained (measured with a number and frequency of its meetings as well	2 (2014)	N/a	N/a	N/a	Reports of EU MS and Europol counterparts

¹² Based on WINPRO II statistics. No other WP training provided in the region.

¹³ It will depend on the WP workload and type of WP operations which at this stage cannot be foreseen, but it would be recommended to keep this number up if possible and relevant.

as a number of joint initiatives with EU Member States and Fora/Forums in the region).					
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5. CROSS-CUTTING ISSUES

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

The most recent criminal phenomenon in South East Europe is related to the environment, i.e. eco-mafia. The Action should also contribute in tackling this form of organised crime. However, in the course of WINPRO and WINPRO II projects this issue has not been raised.

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)

An increased awareness of the importance of the witness protection units in fighting organised crime amongst relevant stakeholders involved in the implementation of the Action will be very important in achieving the Action's results. The concerns and needs of relevant civil society, NGO and other interested stakeholders, including witness support organisations, will be taken into consideration and reflected in various action activities. It is for this reason that it will link up with CSO run projects dealing with witness and victims protection such a Balkans Act Now managed by ASTRA. The Civil Society Facility team within DG NEAR will for this purpose share the WINPRO action information fiche with CSOs in the region asking them to contact the WINPRO team.

EQUAL OPPORTUNITIES AND GENDER MAINSTREAMING

Special attention will be given to female witnesses who often are also victims of organised crime, notably when it concerns trafficking.

Overall, the environment in which female officials in the police services, in the prosecutors' offices, in the courts, etc. have to operate are male-dominated. This makes it for female witness harder to come forward. Therefore, within the specialised units for witness protection programmes as in all other areas additional efforts need to be made to make the support more accessible to female witnesses

MINORITIES AND VULNERABLE GROUPS

Minority and vulnerable groups' concerns will be reflected in all activities, in particular when it concerns public services, legislative matters and socio-economic development. Within the Action, protection of vulnerable witness and victims will be also tackled, especially children and woman. Moreover, special attention will be given to victims of trafficking (notably from the Rom community).

6. SUSTAINABILITY

The potential sustainability of this Action will vary in the beneficiaries, depending upon the related stages of development of the services, local funding capacities and operational capabilities in terms of equipment and the need for extensive external/international support. The implementation of the Action should result, *inter alia*, in amended/drafted laws, bylaws, strategy, action plans and working standards in accordance with the EU *acquis*, an increased number of staff trained and working groups continuously functional and making decisions, opinions, proposals etc.

In order to achieve sustainable solutions, the beneficiaries will have to commit substantial amounts from their budget to this end. Ownership will depend on the relative development of each IPA beneficiary regarding, not least, their laws on organised crime, structures and service capabilities. Local personnel must be as far as possible involved at both national and regional levels. High staff rotation, whether through political or other causes, may affect sustainability of results in the region.

7. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the Action. All necessary measures will be taken to make public the fact that the Action has received funding from the EU in line with the Communication and Visibility Manual for EU External Actions. Additional Visibility Guidelines developed by the European Commission (DG NEAR) will have to be followed.

The implementation of the communication activities shall be the responsibility of the contractor and shall be funded from the amounts allocated to the Action.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed Action objectives and the accession process. Actions shall be undertaken to strengthen general public awareness and promote transparency and accountability on the use of funds. The Contracting Authority shall be fully informed of the planning and implementation of the specific visibility and communication activities.

It should be noted that, due to the nature and sensitivity of the work in which the witness protection units are involved and the underlying security implications it is advisable that visibility sometimes should be kept adequate low profile thus reducing the risk of compromise of procedures and programme security/integrity.

However, a pro-active approach to raising public awareness that the witness protection programmes are available could be adopted to encourage new witnesses to come forward and give evidence. This should increase the number of cases where protected witnesses are used, hopefully leading to a successful prosecution and sentencing of perpetrators.

Action visibility activities can also be considered in a restricted formula, e.g. if they are addressed to a limited audience of beneficiaries and stakeholders and providing that the names and images of witness protection staff are not disclosed to a wider public or media.

