

Project Fiche - IPA Multi-beneficiary programmes / Component I

1 IDENTIFICATION

Project Title	Witness Protection in the Fight against Organised Crime and Corruption (WINPRO II)
CRIS Decision number	2012/022-966
Project no.	05
MIPD Sector Code	Justice and Home Affairs
ELARG Statistical code	01.24 - Justice, freedom and security
DAC Sector code	15130
Total cost (VAT excluded) ¹	EUR 7 000 000
EU contribution	EUR 7 000 000
Management mode	Indirect Centralised Management
Responsible Unit	Unit D3, Regional Programmes, DG Enlargement of the European Commission
Implementation management	The programme will be implemented on an Indirect Centralised Management basis by the European Commission in accordance with Article 54a paragraph 2(c) of the Financial Regulation ² and the corresponding provisions of the Implementing Rules ³ . Delegated body: Northern Ireland Co-operation Overseas NI-CO, 25-27 Franklin Street, Belfast BT2 8DS, United Kingdom
Implementation Modality	Stand alone project
Project Implementation Type	Delegation Agreement
Zone benefiting from the action(s)	Western Balkans: Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, as well as Kosovo*

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

¹ The total project 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.

² Regulation 1605/2002 (OJ L 248, 16.9.2002, p.1)

³ Regulation 2342/2002 (OJ L 357, 31.12.2002, p. 1)

Project 05: Witness Protection in the Fight against Organised Crime and Corruption (WINPRO II)

2 RATIONALE

2.1 PROJECT CONTEXT: ISSUES TO BE TACKLED AND NEEDS ADDRESSED

One of the main challenges in fighting organised crime - apart from achieving the necessary political will in the countries – is the cross border nature of many organised crime groups. In order to effectively investigate and prosecute criminal groups, it is necessary to have strong regional cooperation between law enforcement and judicial bodies and to create networks between them. Another major challenge is the availability of necessary evidence to achieve final convictions. As witnesses can provide highly important contributions in organised crime and corruption cases, the setting up of robust witness protections schemes in the enlargement countries, allowing also for international relocation of witnesses, is crucial.

2.2 LINK WITH MIPD AND NATIONAL SECTOR STRATEGIES

The IPA Multi-beneficiary MIPD 2011-2013⁴ identifies as a priority for IPA assistance the support for regional cooperation between law enforcement agencies and judicial authorities to fight organised crime and terrorism, complementing efforts at a national level, particularly as it facilitates networking and sharing of best practices and lessons learned in the region. In fact, in the regional context, the objectives are to strengthen regional and international cross-border cooperation mechanisms between law enforcement agencies and judicial authorities in the combat of the various forms of organised crime and corruption, through networking, mutual legal assistance, transfer of proceedings, requests for extradition, joint investigation teams and witness protection programmes.

2.3 LINK WITH ACCESSION PARTNERSHIP (AP) / EUROPEAN PARTNERSHIP (EP) / STABILISATION AND ASSOCIATION AGREEMENT (SAA) / ANNUAL PROGRESS REPORT

This project takes into account the objectives and priorities set out in the recent European and Accession Partnerships with the IPA beneficiaries, 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.

Albania

In the field of police cooperation and the fight against organised crime, important measures have been taken in recent years. The legal framework has been enhanced, with a new law enabling effective seizure and confiscation of the illegal proceeds of crime. The so called "Anti-Mafia" Law entered into force in January 2010 together with the Law on protection of witnesses and informants. Their effective implementation, in particular the effective management of seized and confiscated assets, needs to be ensured and demonstrated through a track record of final confiscations.

Bosnia and Herzegovina

In Bosnia and Herzegovina witness protection remains insufficient. Progress was hindered by a lack of capacity in the Prosecutor's Offices, inadequate facilities and a lack of appropriate witness protection and support services. Sustained efforts are therefore needed to guarantee successful investigations and prosecution, as well as adequate witness protection and psychological support for victims. Further steps are needed to strengthen the capacity to deal

⁴ C(2009)5418

with war crimes cases, in particular by improving the functioning of cantonal and district courts and to ensure adequate financial resources. Regional cooperation and the provision of adequate victim and witness protection will be crucial in this regard. The State-level government secured funds for victim 'safe houses'. A database of traffickers has been established within the State Investigation and Protection Agency (SIPA). The necessary amendments to the Law on witness protection have not been adopted.

Croatia

Measures have been taken to protect witnesses in war crime cases. There have been some attempts to remedy misapplication of the Amnesty Law in cases which could be considered war crimes. Nevertheless, implementation of legislation to protect witnesses and witness confidentiality needs to be strengthened.⁵

Kosovo

Witness intimidation remains a serious problem. Kosovo needs to step up considerably its efforts to tackle organised crime. Organised criminal networks active in Kosovo are involved in international drug trafficking, smuggling of migrants, trafficking of stolen vehicles and firearms and smuggling of cigarettes. There is no adequate system to reward informants. The lack of a witness protection framework continues to inhibit activities in this area. There is still no possibility to tap mobile phones of one operator for investigative purposes. The police directorate against organised crime lacks equipment. Political interference and poor intra- and inter-agency cooperation hinders effective fight against organised crime.

Montenegro

The police department responsible for combating drug-related crime is still not properly staffed and equipped. Instruments such as witness protection and under-cover agents are infrequently used, partly due to the inherent difficulty of using such tools in a very small, socially tightly-knit country.

Serbia

At an operational level the Serbian police have demonstrated improved professionalism. However, in cases related to Kosovo, there have been allegations of intimidation of witnesses, and law enforcement authorities have encountered difficulties while investigating allegations within their own ranks. Coordination between individual police departments needs to be improved. Despite a series of police investigations into organised crime cases, the number of final convictions remains low. A common database on organised crime has not yet been set up. The availability of reliable statistics remains insufficient. The witness protection system needs further upgrading.

The Former Yugoslav Republic of Macedonia

The country is advanced in the field of police cooperation and fighting organised crime. An international law enforcement coordination unit in charge of the exchange of police and intelligence information (ILECU) was established within the Ministry of Interior. 103 international arrest warrants were issued in the country in 2010. However, efforts of relevant law enforcement bodies in fighting organised crime should be strengthened. The witness protection programme was activated in seven cases in 2010. The witness protection unit still lacks adequate equipment. The measures taken to ensure compensation for victims of organised crime were not sufficient⁶.

⁵ In particular - in relation to practical support of the Witness Protection programmes by other stakeholders (i.e. prosecution, judiciaries, other police departments as well as prison authorities).

⁶ The compensation of victims of organised crime will be regulated with a separate law, as provided in the Law on criminal procedure adopted in 2010.

2.4 PROBLEM ANALYSIS

The Resolution of the Council of the European Union of 23 November 1995 on the protection of witnesses in the fight against international organised crime (95/C327/04⁷) mandates that Member States are to guarantee proper protection of witnesses against all forms of direct or indirect threat, pressure or intimidation before, during and after trials in the fight against organised crime. People are not willing to testify against the perpetrators of crime due to the fear that they and their families could be endangered. One of the important elements in the fight against crime is therefore to ensure the safety and security of the witnesses and justice collaborators. Witness protection is therefore a very effective tool for law enforcement in combating serious crimes and organised crime.

The analysis of the present situation of witness protection legislation and practices in the Beneficiaries, conducted *inter alia* by Northern Ireland Co-operation Overseas NI-CO in the framework of the Multi-beneficiary IPA 2009 project "*Cooperation in Criminal Justice: Witness Protection in the Fight against Serious Crime and Terrorism (WINPRO)*", confirms that despite certain achievements, the system of witness protection programmes is not sufficiently stabilised, remains weak and basic police protective measures of victims in general lack a legislative basis. This means that on the one hand there are great varieties of legislative and administrative structures in the Beneficiaries, and on the other hand that it is an area of continuous development.

The substantial differences that exist between the penal systems of the Beneficiaries make the cooperation in the fight against organised crime less effective. Cross-border and regional co-operation in witness protection will be particularly beneficial to the countries that do not have sufficient legislation and/or functional administrative structure on witnesses and protection programmes, even if within their borders they carry out such activities for their own citizens. Moreover, practical difficulties arise in the Beneficiaries from geographical (small territories) conditions, whereas it might be necessary to consider the relocation of protected persons outside national borders.

Various elements have been identified that contribute to poor co-operation in witness protection in the Beneficiaries:

- Various degrees of implementation of the mostly non-binding instruments (Europol's documents "Basic principles in the field of Witness Protection", "Common Criteria for taking a Witness into a Witness Protection Programme", and the "Standardised Form for Relocation of Witnesses" is currently being used by the WINPRO project in the Beneficiaries);
- Need for improved co-ordination among the relevant authorities of the Beneficiaries (inter-agency cooperation);
- Absence of commonly agreed best practices to ensure effective protection;
- Lack of harmonised standards in the witness protection system;
- Difficulties in operational cross-border cooperation;
- Unstable and not sufficiently supported Witness Protection Units;
- Lack of specialised equipment;
- Lack of adequate training for staff in charge of setting up witness protection programmes;

⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995Y1207%2804%29:EN:HTML>

- Need for enhanced use of existing networks.

Although the primary responsibility for addressing many of the issues in witness protection is at a national level, this assessment proves the need for a regional approach also for activities that would be implemented at a national level, such as restructuring of the Witness Protection Units, or supporting recruitment procedures, or ensuring financial autonomy of the units. Witness protection is a relatively new concept for the Beneficiaries, developed in the past few years; furthermore the approach to witness protection currently varies from country to country in the Beneficiaries, thus potentially hindering the set up of harmonised systems working efficiently at a regional and European level. An action at a regional level would have added value in fighting serious crime and corruption not only by enhancing cross-border cooperation, but also developing the different national legal systems and administrative organisations of the Witness Protection Units and related agencies, bringing them to a fully functional level, on the basis of a common approach aligned to EU standards.

A regional action on witness protection, while applying common minimum agreed standards, would nevertheless have to consider and respect the different stages of advancement on the Beneficiaries' witness protection systems, as well as draw on the experience of the most advanced Beneficiaries. Croatia in particular should be assigned a special role among the Beneficiaries, promoting the exchange of best practices with the other countries, and developing synergies with them. Europol already selected Croatia in 2010 as the only standing member for the Europol Core Group on WP of Southeast Europe.

On the Multi-beneficiary approach to witness protection, it is worth mentioning that witness protection is not directly dealt with by any national programme, with the exception of Albania, where the ongoing Twinning⁸ project is closely cooperating with the Multi-beneficiary WINPRO project, also sharing the same office for better synergies. The Multi-beneficiary approach to witness protection has been introduced to the EU Delegations and the JAINET (European Commission/EU Delegations Justice and Home Affairs Network for the Western Balkans) in February 2011 in Belgrade. Considering the various elements that contribute to a poor co-operation in witness protection in the Beneficiaries, it was agreed that witness protection would be better dealt with through the regional programme although many of the proposed activities are of a national nature.

2.5 LINKED ACTIVITIES AND DONOR COORDINATION

Prior and ongoing Regional or IPA Multi-beneficiary Programmes

- IPA 2008 Multi-beneficiary project *"Police Co-operation: Fight against Organised Crime, in particular illicit drug trafficking and prevention of terrorism – DET ILECUs II"* (started February 2010, to be completed August 2012).
- IPA 2008 Multi-beneficiary project *"Regional support to strengthen the Southeast European Cooperative Initiative - SECI Regional Centre's capacity in the fight against serious and organised crime"* (started January 2011, to be completed January 2013).
- IPA 2009 and IPA 2011 Multi-beneficiary project *"Joint European Union and ICTY Training Project for National Prosecutors and Young Professionals from the Former Yugoslavia"*.

⁸ EU Twinning Project in Albania *"Enhancement of the operational and logistical capacities of the Directorate of Witness and Special Persons Protection"*

- IPA 2009 Multi-beneficiary project "*Strengthening Regional News Exchange from the International War Crimes Tribunal for the Former Yugoslavia (ICTY), the International Court of Justice (ICJ) and the International Criminal Court (ICC)*".
- IPA 2010 Multi-beneficiary project "*Fight against organised crime and corruption: Strengthening the Prosecutors*".
- IPA 2010 Multi-beneficiary project "*Regional Cooperation in Criminal Justice: Strengthening capacities in the fight against cybercrime*".

National programmes and donor activities

Key donors with significant on-going or planned activities in the Justice and Home Affairs sector in the region include U.S. Department of State, USAID, US Marshall Service, Office of Overseas Prosecutorial Development, Assistance and Training OPDAT programme, UNODC, OSCE and UNDP. UNDP has supported Croatian judicial system/good governance by several projects/activities, in particular: Transitional justice (2006-2007); Witness-victim support (2007); Assistance to the Development of witness-victim support in Croatia (2008-2009). OSCE/ODHIR has been assisting with the consolidation of community policing concepts and development of policing education components. In particular, the OSCE has been working for the establishment of an adequate legal and institutional framework determining a model for the provision of future victim/witness support services. The International Criminal Investigative Training Assistance Program ICITAP (US Department for Justice Assistance programme) has been focusing on the development and consolidation of Police Professional Standards.

There are several cross-European initiatives supported by EU law enforcement agencies/advisory groups. Europol, Eurojust, the European Police College have developed cooperation and working arrangements with Beneficiaries in the area of police and criminal justice crime in the region. More specifically Europol has created an informal network of witness protection agencies from European Union Member States and various Beneficiaries. The group meets on a regular basis to discuss the status of witness protection, to exchange information and good practices, to make recommendations for the harmonisation of national legislation and to develop good practice policies for the witness protection agencies of Member States. The Europol Network of Experts on Witness Protection was established in 2000 and is represented by a number of countries in five continents.

Europol's Platform for Witness Protection experts has been online since January 2011. This web based closed user group forum is only accessible for designated and nominated Witness Protection experts around the world. It is designed to exchange good practice, hold available documents, legislation and information on Witness Protection. Furthermore the Europol Platform for Experts (EPE) is designed for a multinational or bilateral communication platform in a secure way. It is foreseen to allow the IPA Beneficiaries to use this platform for their own creation of a network, communicating and sharing information in their own region. Europol provides the necessary software. At a later stage this platform could be designed for use in their own language (Interface).

Europol identified the strong need for standardised higher education training on Witness Protection. For this reason, Europol developed a two week training course, focused on international cooperation, psychological issues and international relocation. The course took place in January 2011, and it is planned to have a follow up in June 2012. Invitation will be sent to other Beneficiaries.

As regards other European and international tools and legal instruments related to witness protection, special attention and focus are to be devoted to the work of the Council of Europe,

in particular its recommendations regarding different aspects of witness protection⁹ and the training manual for law enforcement and judiciary "Protecting Witnesses of Serious Crime"¹⁰, the rulings of the European Court for Human Rights, the UN Convention against Transnational Organised Crime¹¹ and the UN Convention against Corruption¹², and the "UN Good practices for the protection of witness in criminal proceedings involving organized crime"¹³.

There are no real European standards in the area of witness protection, since a binding European legal instrument that specifically and comprehensively deals with the protection of witnesses does not yet exist. However, the Europol's document "Basic principles, Common criteria, and the standardised form for relocation" have been introduced and are currently being used across the region by the Witness Protection units through the WINPRO training courses. These Europol standard documents will continue to be used and adapted as appropriate to meet the needs of the Beneficiaries through enhanced training programmes that they will receive under WINPRO II. There are a number of existing binding legal texts addressing the problem of organised crime, different types of crimes and international mutual legal assistance adopted in the framework of the Council of Europe and the EU that touch upon witness protection and can facilitate international cooperation in this area.

Additionally, EU Member States have offered bilateral assistance to the countries in the region in relation to strengthening police operational capacities. It must be mentioned that in February and March 2011 a small grant project "*Support to the Bosnia and Herzegovina Judiciary in Processing War Crime Cases*" was funded by the British Embassy in Bosnia and Herzegovina. The specific objective was to draft Rulebook(s) and guidelines on WP measures. The project was awarded to Northern Ireland Co-operation Overseas (NI-CO) and this provided an excellent opportunity for better co-ordination of that project's activities with WINPRO in the country in order to enhance sustainable and consistent results in both projects.

WINPRO I has already carried out an extensive analysis of the current status of the Witness Protection units in the region. When the Europol supported Police Equal Performance (PEP) initiative is well established, WINPRO II will ensure appropriate co-operation and co-ordination across the region. As WINPRO I will maintain current and up to date status of the development of the Witness Protection programmes in the Western Balkans, this information can assist and inform the further establishment of PEP in the region.

EC national programmes

Police and judicial reform projects in the Beneficiaries are also implemented at a national level under the EU Twinning mechanism and grant applications. The following projects need to be mentioned:

- IPA 2009 EU Twinning Project in Albania "*Enhancement of the operational and logistical capacities of the Directorate of Witness and Special Persons Protection*". The project started in April 2011.

⁹ Recommendation (1997)13 on the intimidation of witnesses and the rights of the defence; Recommendation (2005)9 on the protection of witnesses and collaborators of justice.

¹⁰ The manual was published in September 2006 in the framework of the CARPO project mentioned in paragraph 2.2 of this document.

¹¹ UNTOC, A/RES/55/25, January 2001 - Art. 24 Protection of witnesses.

¹² UNCAC, Art. 32 Protection of witnesses, experts and victims.

¹³ UNODC, January 2008.

- IPA 2007 grant project in Albania "*Police Assistance Mission of the EC to Albania (PAMECA III)*". It started in May 2008 and it is envisaged to finish in May 2012.
- IPA 2008 grant project in Bosnia and Herzegovina "*Support to the State Court and Prosecutor's Office of Bosnia and Herzegovina to fight War Crimes and Organised Crime*".
- IPA 2008 Twinning project for Bosnia and Herzegovina "*Support to the Police reform*" to establish necessary legislative and institutional framework for the police service to operate as a single structure effectively implementing the rule of law.
- IPA 2010 Twinning Light project for Montenegro: "*Intelligence-led policing*" to strengthen police capacity in the area of criminal intelligence.
- IPA 2010 Kosovo "Support the implementation of Intelligence Led Policing in Kosovo Police", supply contract, under procurement.

2.6 Lessons learned

Operational activities: According to the various evaluations and monitoring reports, it is necessary to intensify support to regional operational activities. This means that the inclusion of the safe and secure exchange of data to improve cross-border cooperation should be developed according to EU best practices.

Ownership: Ownership of the projects should be secured at an early stage in the programming process. For the "Witness Protection in the Fight against Organised Crime and Corruption" (WINPRO II) programme coordination and involvement of the Beneficiaries was ensured since the identification phase of the action.

Implementation: Although a broad range of specific expertise is required for the regional projects, the contracting of consortia with too many partners for the coming police and judicial cooperation projects should be avoided, as the projects will have a specific and targeted approach, and coordination efforts should not be unnecessarily complicated by a saturation of partners.

Ensure sustainability: Police and judicial staff must 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.¹⁴

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.

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 with assessing the current situation in the Beneficiaries then based upon their specificities and needs, the appropriate regional approach shall be defined.

Tailored made approach and synergies: The different stages of readiness of the Beneficiaries shall be taken into account during implementation. The project shall draw on the experience of the most advanced Beneficiaries in the alignment process to the *acquis* and develop synergies among them.

¹⁴ OSCE, Implementation of Police-Related Programmes, Lessons Learned in South-Eastern Europe, SPMU Publication Series Vol. 7, Vienna, December 2008.

3 DESCRIPTION

The protection of witnesses giving evidence in criminal proceedings is widely acknowledged as a necessary tool in helping to penetrate and dismantle criminal organisations. Witness protection is particularly important in the fight against organised crime and terrorism as the closed nature of criminal and terrorist groups makes it very difficult to use traditional investigative methods successfully. Moreover organised crime is well equipped technically and extremely mobile. Therefore special witness protection measures are necessary to: (i) avoid that witnesses themselves are threatened and therefore choose not to testify, (ii) ensure that witnesses are able to give testimony in criminal proceedings and (iii) ensure that their lives are protected before, during and after the trial.

The IPA 2012 Witness Protection programme WINPRO II aims at further upgrading relevant legislation, strengthening practical implementation of existing key national legislative measures, improving and facilitating operational cross-border cooperation (by eliminating legal and practical obstacles), developing the operational capacity of the Witness Protection Units, and enhancing the professionalism of relevant authorities through comprehensive training programmes, experiences and expertise. WINPRO II will thus contribute to strengthening the institutional capacity of the Witness Protection Units in the Beneficiaries, making them fully operational, professional, effective, and able to offer protection to witnesses and where appropriate seek relocation out of their country.

The project will further build on the achievements reached under the ongoing IPA 2009 project "*Cooperation in Criminal Justice: Witness Protection in the Fight against Serious Crime and Terrorism (WINPRO)*" (EUR 4 million), launched in June 2010.

3.1 OVERALL OBJECTIVE OF THE PROJECT

The overall objective is to improve the Beneficiaries' efficiency and effectiveness in combating transnational organised and serious crimes, as well as corruption.

3.2 SPECIFIC OBJECTIVE OF THE PROJECT

The specific objective is to strengthen cooperation to combat organised crime and corruption at regional and European level through reinforcing 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.

3.3 RESULT¹⁵

Increased level of regional operational cooperation between the Witness Protection Units and other relevant agencies in the Beneficiaries, and increased capacity to protect and support witnesses and collaborators of justice called to testify in criminal proceedings, within and/or outside their territory.

¹⁵ Measurable indicators are included in the logframe.

Specific results

Result 1. Regional 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, and legislative standards warranting international relocation.

Expected Outputs:

- A fully functional Witness Protection Balkan Network established in the region with an agreed legal framework and the future possibility of other neighbouring countries involvement;
- A secure platform established, focused on sharing challenges, experience and best practice from within the region and internationally as well as providing mutual assistance amongst the members in the areas of international co-operation and relocation within WP;
- Agreed technical arrangements in place covered by appropriate legislative measures within the region and with other stakeholders, including other EU Member States and international organisations;
- Practical application of case studies and physical measures relevant to sharing of information, exchange of experience and practices as well as fit-for-purpose beneficiary focused working visits.

Result 2. Harmonised legislative framework and its application at national and regional level.

Expected Outputs:

- Support the adoption of secondary legislation on Witness Protection programmes across the Beneficiaries to ensure national legislation is adjusted to meet the EU *acquis*;
- Minimal standards for international co-operation as per Europol's guidelines promoted and included in the national Standard Operational Procedures (SOPs) across the region;
- Judiciary and prosecutors in each Beneficiary fully understand the appropriate application of the procedural Witness Protection measures;
- Regional handbook of good practice and co-operation for the application of the procedural Witness Protection measures produced to help promote European standards across the region.

Result 3. Improved operational structures and procedures of the Witness Protection Units through the development of their operational and professional capacities and guidelines, including integrity, financial autonomy as well as an improved access to and utilisation of intelligence.

Expected Outputs:

- Country specific organisational structure and associated financial management procedures for Witness Protection Programmes proposed, taking into consideration EU Member States best practice and standardised procedures across the region, including:

- The institutional locations of the Witness Protection units will ensure their operational capabilities and independence from investigative and prosecuting decision-making and will be in accordance with national laws;
 - Witness Protection units will have new or improved and to the extent possible, standardized procedures in place for the recruitment, vetting, management and professional development of staff;
 - Witness Protection Units will have defined staffing needs / job descriptions necessary to meet the revised structural arrangements of their organisations in order to implement functional Witness Protection programmes effectively;
 - Witness Protection units will be able to draft an operational budget;
 - Witness Protection units will have secure case management and relevant accounting systems in place and be able to use such systems in their work.
- An accredited fit-for-purpose CPD programme (ECHR compliant) specific to Witness Protection relevant to the training needs of each of the Witness Protection units in the Beneficiaries;
 - Appropriate personnel understand and are trained in management, use and dissemination of the intelligence relevant to the Witness Protection programmes enabling them to use such information for the protection of witnesses and enable them to share information with appropriate authorities relating to organised crime, terrorism and corruption
 - All Witness Protection personnel have the ability to identify the difference between threat and risk assessment and utilise/apply the assessment appropriately in relation to intelligence-led operations.

Result 4. Better witness protection at national and regional levels before, during and after a trial, through enhanced inter-agency collaboration and communication between the Witness Protection Units and other police departments, prosecution, courts, border police, passport agencies, psychological and social care services, educational establishments, etc.

Expected Outputs:

- Awareness of Witness Protection programmes within the Prison service, Passport agency, Driving licence authority, Psychological and Social care services, Court services, Tax authorities, Border management and control, Appropriate Ministries, Educational establishments and others if relevant strengthened in the region.
- Witness Protection capacities within the relevant public bodies strengthened and applied in the region, in particular involving the Prison Services, Court Services, Border Agencies, Psychological and Social care services.
- Guidance provided on the appropriate inter-agency co-ordination of implementation of the Witness Protection programmes.
- Awareness raised regarding confidentiality of all aspects of the Witness Protection operations.

- Provide guidance on the development of training material for inclusion in the curricula for the prosecutor and judicial training institutes.

3.4 MAIN ACTIVITIES

Activity 1: Promote regional and international cooperation with EU Member States and Europol

International cooperation is necessary for all countries involved in Witness Protection to ensure they are kept abreast of current developments in the area of Witness Protection and crime trends in general. The newly established Witness Protection Balkans Network provides a platform where the Heads of the Witness Protection Units of the Beneficiaries can exchange best practices, share and exploit intelligence, identify operational problems and provide mutual assistance generally and in the area of international relocation specifically.

1.1 Regional co-operation: support the development of a Witness Protection Balkans Network (biannual – network of Heads of Witness Protection Units)

Bearing in mind the priority to enhance regional relationships in support of the need for the international relocation of witnesses, the Balkans Network will act as a medium in assisting to identify those areas of mutual interest and benefit to those participating countries thus enhancing the quality of the Witness Protection programmes already in existence and, in the case of Kosovo, new to the discipline. The Balkans Network would provide a unique opportunity for representatives of the WP Units from the region to meet together in an atmosphere of trust in order to pursue their common interests both at a strategic level (continuing development of partnership approach, co-ordinated procurement arrangements etc) as well as at an operational level (co-operation on live operations).

It is envisaged that the Balkans Network will meet twice yearly on a rotating basis in each of the Beneficiaries. Similarly the chairmanship of the Network should rotate on an annual basis thus ensuring a shared approach to management responsibility. Europol should also have a role in the Balkans Network ensuring that all issues which may impact on the delivery of Witness Protection in a European context are made known and the subject of discussion where necessary.

- 1.1.1 Develop a strategic document for the Balkan Network defining the function and required resource to ensure future sustainability of the Balkan Network;
- 1.1.2 Support the Beneficiaries to identify and adopt the necessary legal framework to ensure the Network has a recognised mandate;
- 1.1.3 Facilitate the development of the Balkan Network by supporting the Beneficiaries with the initial management and organisation of meetings throughout the period of the project, and identify measure to ensure the sustainability of the Network;
- 1.1.4 Support the Beneficiaries and the Witness Protection Balkan Network to exchange best practices, share and exploit intelligence, identify operational problems and provide mutual assistance generally and in the area of international relocation specifically;
- 1.1.5 Facilitate the exchange of information, experience and best practices on witness protection at regional level through practical case studies (desk activities) involving all relevant organisations at the interregional level;

1.2 International cooperation with EU Member States

WINPRO II will encourage international cooperation between countries within the Western Balkans, but also with EU Member States to ensure that the Beneficiaries are kept abreast of current developments in the area of Witness Protection and crime trends in general. WINPRO II will also encourage and support the signatures of bilateral and international agreements between Witness Protection Units and prosecution services/authorities in the Western Balkans and their counterparts in EU Member States.

- 1.2.1 Develop and enhance technical arrangements (international cooperation/ working practices) between Witness Protection Units, law enforcement and judicial authorities (as appropriate) in the region with other countries (bilateral and multi lateral agreements);
- 1.2.2 Promote international exchange programmes between Beneficiaries' Witness Protection Units and other countries by organising working visits /study tours to Witness Protection Units in EU Member States, as well as missions of European and international experts, liaison officers and magistrates to the Beneficiaries;
- 1.2.3 Facilitate the exchange of information, experience and best practices on witness protection at European level through practical case studies (desk activities), pilot/test programmes involving Beneficiaries and EU Member States;
- 1.2.4 Develop minimum legislative standards warranting international relocation.

Activity 2: Further harmonise national legislation systems and alignment to EU *acquis*

The purpose of harmonisation should be oriented to have systems allowing effective Witness Protection programmes and good international co-operation in terms of international relocation of witnesses within the region. WINPRO II could cover both options Witness Protection Procedures and Witness Protection Measures, and ensure that training is provided throughout the region and procedures for application of Witness Protection programmes and measures are also harmonised across the region.

WINPRO II will design training courses to ensure that current legislation is understood and used to best advantage, regularly review legislation to identify those areas which would benefit from further improvement and amendment, organise regular conferences designed to enable the Beneficiaries to give their views on legislation and suggest amendments where necessary, and monitor the efficacy of current legislation and the results of the legislative review with regard to harmonisation.

- 2.1 Further harmonise national legislation on Witness Protection to meet best European standards across the region.
 - 2.1.1 Enhance the proper application of national legislation systems in the field of witness protection¹⁶ according to commonly agreed minimum standards to be applied in all Beneficiaries;
 - 2.1.2 Assist local institutions in the process of drafting and adopting secondary legislation required by primary legislation on witness protection;¹⁷
 - 2.1.3 Support practical implementation of relevant key legislative measures;

¹⁶ Special legal assistance to countries such as Kosovo, Montenegro and Bosnia and Herzegovina is required.

¹⁷ Particularly in Kosovo, Montenegro and Bosnia and Herzegovina.

- 2.1.4 Strengthen national legislation and policies with respect to collaborators of justice and witness protection in accordance with European and international standards and good practices and in particular ensuring consistencies in their protection throughout the region;
- 2.1.5 Review compatibility of legislation in the area of transfer of sentenced persons and make recommendations for harmonization in accordance with European and international standards.

2.2 Strengthen Procedural Witness Protection Measures.

- 2.2.1. Revise national primary legislation and formulate concrete recommendations and practical suggestions to the Beneficiaries on procedural witness protection measures;
- 2.2.2. Assist local courts/institutions in the process of drafting and adopting national Rules of Procedures or relevant guidelines, when required, for the implementation of procedural witness protection measures;
- 2.2.3. Development and preparation of a regional Hand Book of good practices and cooperation for the application of procedural protection measures for witnesses and collaborators of justice;
- 2.2.4. Organise regional meetings with legal stakeholders (such as judges and prosecutors) designed to enable the cooperation between the countries in the region and to monitor the efficacy of current legislation and cooperation agreements in place;
- 2.2.5. Provide legal training to national judges and prosecutors on the application of procedural measures for the protection of witnesses, victims and collaborator of justice.

Activity 3. Upgrade and reinforce the structures of the Witness Protection Units, develop their operational and professional capacities, including integrity, financial autonomy and improve access to and utilisation of intelligence.

- 3.1. Support the reorganisation/restructuring of Witness Protection Units, including strengthen their financial autonomy.

Further institutional assistance should be given to support reorganisation/restructuring of Witness Protection Units in the region. The Witness Protection Units may benefit from such assistance to reform or strengthen their structure – with clear division of tasks and responsibilities within the unit itself, its position within the Police, Ministry of Interior or Ministry of Justice where relevant, and clearly defined links with other police divisions, where the Witness Protection Units can draw support from.

Accepting this to be the case, the structure and position of the Witness Protection Unit within any country must be subject to strict rules and operational procedures - Standard Operating Procedures (SOPs). Additionally, the matter of provision of covert premises and secure units within penal system will impact on reorganisation and restructuring plans.

As for strengthening financial autonomy, there may be political implications in recommending change in these arrangements and, as with many aspects of the project, some sensitivity will be required. Institutional assistance will be provided to the Witness Protection Units and Police forces, Ministry of Interior or Ministry of Justice (where relevant) in establishing or strengthening, where existing, financial autonomy of the Witness Protection units by promoting the development of a financial awareness ethos by way of training in accepted and ethical financial procedures, strengthening national legislation,

recommendations for further improvement, special financial audit/accounting procedures and covert financial procedures etc.

- 3.1.1. Conduct a comprehensive review of organisational, operational and financial structures of the Witness Protection Units in each Beneficiary and provide recommendations to improve operational effectiveness (through the strengthening of Standard Operational Procedures SOPs) as appropriate, on the basis of a common approach aligned to EU standards, which enables the Beneficiaries to work more effectively together;
 - 3.1.2. Explore the structures/ models of other Witness Protection Units in EU Member States that enhance the capabilities of Witness Protection Units in the region through access to best practice and develop and agree best practice guidance;
 - 3.1.3. Promote regional awareness of the need for structural change to the Witness Protection Units in order to ensure necessary buy-in and to provide and secure the relevant mandate for change;
 - 3.1.4. Assist the Beneficiaries to define and agree an implementation strategy to introduce structural changes if required;
 - 3.1.5. Promote the need or enhance (where appropriate) a financial autonomy ethos by a way of raising awareness and development of ethical financial procedures, relevant to securing financial autonomy for the witness protection units as appropriate.
- 3.2. Support the review of Human Resource Management in the Witness Protection Units (Personnel, Recruitment, Training, Vetting, and Managing Staff) and development of professional capacities.

WINPRO II will raise awareness of all issues relative to Human Resource management, promote clear recruitment procedures across all seven Beneficiaries, including interview technique and assessment process, develop training programmes designed to embed professional standards, provide continuous professional development, and establish a rigorous vetting strategy supported by a training programme in management skills relevant to the area of personnel recruitment and development.

As regards the development of professional capacities, 'Continuing Professional Development' (CPD) or 'Continuing Professional Education' (CPE) is the means by which members of professional associations maintain, improve and broaden their knowledge and skills and develop the personal qualities required in their professional lives. The Witness Protection Units would benefit from a CPD programme that can be designed to enhance their current understanding of the processes and to bring together the current training along with that already delivered. By doing this, regionally standardised and sustainable training will be delivered to the units. With this aim the absorption capacity and staffing level of the Witness Protection Units will be carefully assessed during the training needs assessment phase.

- 3.2.1. Conduct a review of current recruitment procedures in each Witness Protection Unit the in Beneficiaries and provide recommendations for improvement as necessary;
- 3.2.2. Conduct a review of vetting procedures in each Witness Protection Unit and provide recommendations for improvement as necessary;
- 3.2.3. Develop Training Needs Analysis (TNA) for CPD and enhanced training;
- 3.2.4. Design and develop of curricula for a CPD programme specific for Witness Protection Units in the region;
- 3.2.5. Design and implement advanced regional and country-specific training courses (in a modular form, based on the needs of each country, in a perspective of improving regional and international cooperation) including e.g. Close Protection, Counter

and Anti Surveillance Techniques, Planning and Preparation, Defensive Driving skills, Self Defence and Drugs Awareness, secure communications, CCTV and video conferencing, Medical intervention, Physical security review and Threat and risk assessment; comprehensive training in personal protection techniques for Witness Protection officers. Ensure key elements of the training are captured in good practice guidance for all officers;

- 3.2.6. Promote and encourage the EU Human Rights ethos by way of training, seminars and workshops address to law enforcement agencies, prosecution and judiciaries.

3.3. Facilitate access to Intelligence

The Witness Protection units in the region would benefit from having access to operational intelligence material, being involved in gathering and disseminating information relative to organised crime. WINPRO II will cover issues related to gathering intelligence, assessing that intelligence and exploiting it for the benefit of the Witness Protection operations¹⁸ and in a wider sense – police operations.

- 3.3.1. Review intelligence mechanisms impacting implementation of Witness Protection operations across the region and make appropriate developmental recommendations;
- 3.3.2. Strengthen cooperation between the Witness Protection Units and the investigative authorities to ensure Witness Protection Units have adequate intelligence sharing mechanisms in place;
- 3.3.3. Conduct training on intelligence management and open source researching;
- 3.3.4. Ensure access to relevant intelligence i.e. national police databases and other public information sources;
- 3.3.5. Provide guidance on the most appropriate application / utilisation of the intelligence in order to provide the most effective protection to the Witnesses, and personal safety of the witness protection officers.

Activity 4: Protect the witness before, during and after a trial through strengthened inter-agency operational cooperation, at national and regional level, especially cooperation of Witness Protection Units with prosecution and judiciaries

WINPRO II support will be beneficial to work towards raising the awareness of different public bodies engaged in the Witness Protection process to ensure the work of the Witness Protection Unit is supported and enhanced where necessary, e.g. Prison Service, Passport agency (especially in terms of biometrics), Driving licence authority, Psychological and Social care services, Court services, Tax authorities, Border management and control, Appropriate Ministries, Educational establishments. WINPRO II will co-operate and co-ordinate with other agencies related to Witness Protection work that have responsibility of providing support and care to witnesses.

¹⁸ The management of a Witness Protection operation is governed by the intelligence relative to the case. This intelligence dictates the nature of the protection measures put in place and whether the witness requires re identification or international relocation. In other words the Witness Protection operation should be intelligence led. Where a threat to the witness exists, be it real or perceived, appropriate action must be taken to ensure the witness is removed to a location far from the source of the threat. The Witness Protection unit responsible for the safety of the witness must proactively gather and assess all relevant intelligence and direct their protection operation accordingly.

In the Western Balkans, the investigation of serious crime is led by an investigating judge or prosecutor, the Witness Protection Unit plays a supporting role in that investigation. Consequently the investigating authority carries a major responsibility for the safety and well being of protected witnesses in the case, a responsibility delegated to the Witness Protection Unit. It is essential that there is an ongoing process of liaison and mutual understanding between these bodies to ensure that both parties are knowledgeable of developments in the case both from an investigative and protection perspective.

In order to improve co-operation between Witness Protection Units, prosecution service and courts as well as to raise the awareness of Witness Protection programmes amongst prosecutors and judges, it is worth considering joint training and /or awareness raising seminars where appropriate and the preparation of relevant rulebooks and guidelines on witness protection measures and practical application of Witness Protection programmes across the region (in line with international law and EU best practice).

- 4.1 Conduct a review of existing inter-agency cooperation and provide recommendation to strengthen the co-ordination mechanisms (this will include witness protection capacities within the prison system). Where appropriate, a formal memorandum of understanding should be set up with agencies;
- 4.2 Facilitate appropriate meetings between the Heads of the Witness Protection Units of all the Beneficiaries and the senior officials of other witness protection agencies relevant to the implementation of the witness protection;
- 4.3 Study visit for Heads of Witness Protection Units, the Heads of prison authorities and other agencies, as it is deemed appropriate by the project and the Beneficiaries, to other Beneficiaries and/or EU Member States to enhance relationships, cooperation and share experience;
- 4.4 Undertake a feasibility study to ensure that measures are in place that will protect the confidentiality of all aspects of Witness Protection operations. This will be carried out with the relevant associated stakeholders in each Beneficiary;
- 4.5 Provide guidance on the development of rulebooks / manuals on witness protection measures and practical application of witness protection measures before, during and after a trial, for relevant users across the region, including the judiciary;
- 4.6 Provide coordination with prosecutor and judicial training institutes to ensure that standardized training is included in their curricula to ensure sustainability;
- 4.7 Facilitate the organisation of regular regional meetings involving all the stakeholders in the field of witness protection to identify and discuss problems, gaps, matters of common interest and any issue relevant to effective management of witness protection programmes.

3.5 ASSESSMENT OF PROJECT IMPACT, CATALYTIC EFFECT AND CROSS BORDER IMPACT (WHERE APPLICABLE)

Added value: Although many regulatory and operational issues in witness protection are dealt with at a national level, action at regional and European level adds value in fighting organised crime and terrorism by promoting a common approach and fostering cross-border cooperation and coordination through encouraging witnesses and collaborators of justice to give testimony in criminal proceeding in return for protection. A common approach to witness protection could help simplify the important aspect of international relocation both within the region and further afield leading to more convictions in cases of organised crime and terrorism.

Impact: The project will contribute to the development of cooperation between the relevant law enforcement and judicial authorities as well as to the development of strategies, techniques and instruments enabling them to improve their performance in preventing and fighting crime. A better legal, regulatory, and operational framework to protect witnesses, to fight organised crime, and to facilitate international cooperation in criminal matters will be established. The main impact of this project is the support of the criminal justice systems, enabling witnesses to serious crime to come forward and give evidence in support of a prosecution in relation to that crime in the knowledge that their safety and well being will be the subject of a human rights compliant and relevant and effective Witness Protection Programme.

The project will be regularly monitored and the performance evaluated to allow for the relevant readjustments. Action plans should be developed to assess progress. Several methods will be used to conduct performance monitoring, in particular regular implementation reviews on specific objectives and related activities and results and external monitoring via the European Commission Results Oriented Monitoring. Regular briefing sessions and reports are planned. Evaluation during implementation and/or at the end of the project may also take place.

Catalytic effect: Most Beneficiaries benefit from membership of international organisations and all have a good number of bi-lateral cooperation agreements. Training, study tours, workshops and seminars organised under this project will contribute to increasing interaction between the relevant services in each Beneficiary and across the region. The project should also be seen as a strong regional catalytic tool for law enforcement cooperation and for the identification and neutralisation of common threats related to organised crime and terrorism and early identification of developing crime trends.

The project is highly appropriate to address social-cultural aspects. The fight against organised crime is not only for the benefit of the IPA beneficiaries' authorities but also for their citizens. Given the nature of modern organised crime, the project is also highly beneficial for neighbouring countries and those countries that are linked with the criminal operations. The project thereby has direct and indirect benefits, for example from those countries that are destinations for illegal migration and drugs, through to those who (perhaps unknowingly) harbour such criminals and their assets.

3.6 SUSTAINABILITY

The potential sustainability of this project will vary in the region, 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 project should result, *inter alia*, in amended/drafted laws, bylaws, strategy, action plans and working standards in accordance with the *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.

3.7 ASSUMPTIONS AND PRE-CONDITIONS

Assumptions:

- 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;
- Efficient cooperation between Beneficiaries and Grant beneficiary;
- Beneficiary Units willing to collaborate and exchange information with other international law enforcement agencies.

Pre-condition:

- Timely and adequate resources available.

4 IMPLEMENTATION ISSUES

The Commission will entrust the implementation of the action to Northern Ireland Co-operation Overseas (NI-CO) by concluding in Q4 2012 a Delegation Agreement with NI-CO for an indicative amount of EUR 7.000.000.

4.1 INDICATIVE BUDGET

Indicative Project budget (amounts in EUR) (for centralised management)

			SOURCES OF FUNDING									
			TOTAL EXP.RE	IPA COMMUNITY CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION GRANT BENEFICIARY	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	%(2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Contract 1	x		7.000.000	7.000.000	100	/	/	/	/	/	/	/
TOTAL IB			7.000.000	7.000.000		/	/	/	/	/	/	/
TOTAL INV					/	/	/	/	/	/	/	/
TOTAL PROJECT			7.000.000	7.000.000	100							

Amounts net of VAT

- (1) In the Activity row, use "X" to identify whether IB or INV
- (2) Expressed in % of the **Public** Expenditure (column (b))
- (3) Expressed in % of the **Total** Expenditure (column (a))

4.2 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN BY QUARTER)

Contracts	Start of Tendering/ Call for proposals	Signature of contract	Project Completion
Delegation Agreement	N/A	Q4 2012	Q4 2016

4.3 CROSS CUTTING ISSUES

4.3.1 *Equal Opportunities and non discrimination*

The project does not directly target equal opportunities but it will respect gender equality, not least through the inputs to upgrade legislation towards EU standards. There are many high level female officials in the police services, in the prosecutors' offices, in the courts, although the specialised units for witness protection programmes remain predominantly male-dominated.

4.3.2 *Environment and climate change*

The most recent criminal phenomenon in South East Europe is related to the environment, i.e. eco-mafia. The programme should also contribute in tackling this form of organised crime.

4.3.3 *Minorities and vulnerable groups*

Minority and vulnerable groups' concerns will be reflected in all activities under the programme, in particular when it concerns public services, legislative matters and socio-economic development. Within the project, protection of vulnerable witness and victims will be also tackled, especially children and woman.

4.3.4 *Civil Society/Stakeholders involvement*

The project does not directly involve or engage with Civil Society entities. However, an increased awareness of the importance of the WP Units in fighting organised crime amongst relevant stakeholders involved in the implementation of the project will be very important in achieving the project results. The concerns and or needs of relevant civil society, NGO and other interested stakeholders will be taken into consideration and reflected in various project activities as appropriate.

ANNEXES

1. Logical framework matrix in standard format
2. Amounts (in EUR) contracted and disbursed per quarter over the full duration of the project
3. Description of Institutional Framework
4. Reference list of relevant laws and regulations only where relevant
5. Details per EU funded contract(*) where applicable:

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Project 05: Witness Protection in the Fight against Organised Crime and Corruption (WINPRO II)		
		Contracting period expires: 30 November 2013		Execution period expires: 30 November 2015
		Total budget:	7. 000.000 EUR	
		IPA budget:	7.000.000 EUR	
Overall objective	Objectively verifiable indicators (OVI)	Sources of Verification		
To improve the efficiency and effectiveness in combating transnational organised and serious crimes, as well as corruption	Number of serious crime cases dealt with by the competent authorities of the beneficiaries in cooperation with neighbouring countries and EU MS.	European Partnership Documents and BCs Governments Implementation plans for same Reports of Ministries of Interior and Ministries of Justice of all seven BCs Independent Monitoring and evaluation reports NGOs within the region (e.g. Amnesty International) Council of Europe Reports ECD Regular Progress Reports / Enlargement Strategies OCTA Report		
Specific objective(s)	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions	
The specific objective is to strengthen cooperation to combat organised crime and corruption at regional and European level through reinforcing 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.	Percentage of organised crime and corruption cases at the National and Regional level where appropriate cooperation initiative on witness protection is used successfully.	Reports of the competent authorities Statistical publications Local and national records (MoI, MoJ) Project reports Monitoring reports Progress reports	Adequate political commitment and financial resources of Beneficiaries Timely and adequate resources available. Efficient cooperation between Beneficiaries and Grant beneficiary	

Results	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions
<p>Increased level of regional operational cooperation between the Witness Protection Units and other relevant agencies in the Beneficiaries, and increased capacity to protect and support witnesses and collaborators of justice called to testify in criminal proceedings, within and/or outside their territory.</p> <p>1. Regional 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, and legislative standards warranting international relocation</p> <p>2. Harmonised legislative framework and its application at national and regional level.</p>	<ul style="list-style-type: none"> - Number of witnesses coming forward and retained to participate in criminal proceedings - Percentage of serious crime, terrorism and corruption cases where witness protection measures are used - Number of witnesses and collaborators of justice that decide to testify in organised crime, terrorism and corruption cases <p>1.</p> <ul style="list-style-type: none"> - Number of meetings of the Balkan Network; - Number of exchange programmes / study visits concluded; - Number of participants attending Balkan Network and exchange programmes; - Number of documents produced to support the maintenance of the Balkan Network produced; - Number of technical arrangements between Witness Protection Units, Law Enforcement and Judicial authorities (as appropriate) agreed; - Number of legislative standards warranting international relocation developed; - Number of meetings with other international donors. <p>2.</p> <ul style="list-style-type: none"> - Ratio of national key and secondary legislation in the field of witness protection drafted and adopted in accordance with European and international standards; 	<p>Reports of Ministries of Interior of all seven BCs</p> <p>Reports of Ministries of Justice of all seven BCs</p> <p>Project reports</p> <p>Independent Monitoring and evaluation reports</p> <p>Other donors' reports within the region (e.g. OSCE)</p> <p>ECD Regular Progress Reports / Enlargement Strategies</p> <p>OCTA Report</p> <p>ECD/ECLO in the region reports improvements in the collaboration from the ECD with spending of EU funds</p>	<p>WP Units willing to collaborate and exchange information with other WP Units in the region.</p> <p>Local legislation permitting to share required type of information with WINPRO II team.</p> <p>The Prosecutors Office, Judges and other relevant organisations are prepared to engage fully with the process of developing WP procedures.</p> <p>Availability of staff to attend workshops, seminars, regional meetings, working groups, training courses and study visits.</p>

	<ul style="list-style-type: none"> - Number of seminars and workshops organised; - Number of rules of procedure and guidelines drafted and adopted; - Number of legislation and cooperation agreements in place; - Number of judges and prosecutors trained on the application of procedural measures; - Number of recommendations adopted and implemented; - Number of seminars and workshops organised. 		
<p>3. Improved operational structures and procedures of the Witness Protection Units through the development of their operational and professional capacities and guidelines, including on integrity, financial autonomy as well as an improved access to and utilisation of intelligence.</p>	<p>3.</p> <ul style="list-style-type: none"> - Number of recommendations adopted and implemented; - Number of seminars and workshops organised; - Ratio of information on best practice successfully exchanged and applied; - Number and quality of strategic documents and policies on Human Resources Management and professional development, including professional standards and anti-corruption strategy - Number of training courses provided; - Number of study visits conducted; - Number of operations conducted by the Witness Protection Units; - Number of participants attending training courses; - . Number of initiatives/operations where intelligence has been used; - Number of seminars and workshops organised; - Number of co-ordinated actions 		

<p>4. Better witness protection at national and regional level before, during and after a trial, through enhanced inter-agency collaboration and communication between the Witness Protection Units and other police departments, prosecution, courts, border police, passport agencies, psychological and social care services, educational establishments etc.</p>	<p>carried out in support of witness protection operations by other agencies..</p> <p>4.</p> <ul style="list-style-type: none"> - Ratio of information successfully exchanged, disseminated and used; - Number of joint initiatives/operations conducted; - Number of working groups established; - Number of guidelines, manuals, methodologies agreed and issued on intra-agency co-operation; - Number of seminars and workshops organised; - Number of officials working for law enforcement authorities and the judiciary who have received special witness protection procedures' training in criminal proceedings. 		
<p>Activities to achieve results</p>	<p>Means / contracts</p>	<p>Costs (IPA)</p>	<p>Assumptions</p>
<p>Activity 1 - Promote regional and international cooperation with EUMSs and Europol</p> <p>1.1 Regional co-operation: support the development of a Witness Protection Balkans Network (biannual – network of Heads of Witness Protection Units)</p> <p>1.2 International cooperation with EUMSs</p>	<p>Delegation Agreement in Q4 of 2012.</p>	<p>7.000.000 EUR</p>	<p>Very good management and communication capacities of Grant beneficiary + knowledge and experience of/in the Beneficiaries</p> <p>Efficient cooperation between Beneficiaries and Grant beneficiary</p> <p>Commitment of judicial and law enforcement services in implementing project activities in a professional manner</p>

Activity 2 - Further harmonise national legislation systems and alignment to EU *acquis*

- 2.1 Further harmonise national legislation on Witness Protection to meet best European standards across the region.
- 2.2 Strengthen Procedural Witness Protection Measures.

Activity 3 - Upgrade and reinforce the structures of the Witness Protection Units, develop their operational and professional capacities, including integrity, financial autonomy and improve access to and utilisation of intelligence.

- 3.1. Support the reorganisation/restructuring of Witness Protection Units, including strengthen financial autonomy of Witness Protection Units
- 3.2. Support the review of Human Resource Management in the Witness Protection Units (Personnel, Recruitment, Training, Vetting, Managing Staff) and development of professional capacities.
- 3.3. Facilitate access to Intelligence

Activity 4 - Protect the witness before, during and after a trial through strengthened inter-agency operational cooperation, at national and regional level, especially cooperation of Witness Protection Units with prosecution and judiciaries

- 4.1 Conduct a review of existing inter-agency cooperation and provide recommendation to strengthening co-ordination mechanisms (this will include witness protection capacities within the prison system). Where appropriate, formal memorandum of understanding should be set up with agencies.
- 4.2 Facilitate appropriate meetings between the Heads of WP Units of all the Beneficiaries and the Senior officials of other witness protection agencies relevant to the implementation of the witness protection.

- 4.3 Study visit for Heads of WP Units, the Heads of prison authorities and other agencies as it is deemed appropriate to other Beneficiaries and/or EU Member States to enhance relationships, cooperation and share experience.
- 4.4 Undertake a feasibility study to ensure that measures are in place that will protect the confidentiality of all aspects of WP operations. This will be carried out with the relevant associated stakeholders in each Beneficiary.
- 4.5 Provide guidance on the development of rulebooks / manuals on witness protection measures and practical application of witness protection measures before, during and after a trial, for relevant users across the region, including the judiciary.
- 4.6 Provide coordination with prosecutor and judicial training institutes to ensure that standardized training is included in their curricula to ensure sustainability.
- 4.7 Facilitate the organisation of regular regional meetings involving all the stakeholders in the field of witness protection to identify and discuss problems, gaps, matters of common interest and any issue relevant to effective management of witness protection programmes.

ANNEX 2: Amounts (in EUR) contracted and disbursed per quarter over the full duration of the project

Contracted	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016
WINPRO II		7,000,000																
Cumulated		7,000,000																
Disbursed	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016
WINPRO II		2,240,000					2,380,000				1,680,000			700,000				
Cumulated		2,240,000					4,620,000				6,300,000			7,000,000				

ANNEX 3: Description of Institutional Framework

The authorities responsible of the implementation of the projects 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 project 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.

ANNEX 4: Reference to laws, regulations and strategic documents

- Multi-beneficiary Multi-annual Indicative Planning Document 2011-2013
- Commission's Communication of 5 March 2008 "Western Balkans: Enhancing the European perspective"
- Commission's Communication of 9 November 2010 "Enlargement Strategy and Main Challenges 2010-2011" COM(2010) 660
- Enlargement Strategy and Main Challenges 2010-2011 Millennium Strategy - Witness protection, Multidisciplinary Group on Organised Crime, Europol, CRIMORG 40, 9297/03
- Good practices for the protection of witnesses in criminal proceedings involving organized crime, UNODC, January 2008
- Commission Working document on the feasibility of EU legislation in the area of protection of witnesses and collaborators with justice, Brussels, 13.11.2007, COM(2007) 693 final
- Council of Europe. Protecting witnesses of serious crime; training manual for law enforcement and judiciary. Strasbourg, Council of Europe Publishing, 2006 (published in the framework of the EC funded project CARDS 2003 "CARPO Police"
- Commission's Communication of 6 November 2007 "Stepping up the fight against terrorism"
- Council of Europe: Recommendation Rec(2005)9 of the Committee of Ministers to member states on the protection of witnesses and collaborators of justice (Adopted by the Committee of Ministers on 20 April 2005 at the 924th meeting of the Ministers' Deputies)
- Council of Europe: 2nd Additional Protocol to the Convention on Mutual Legal Assistance in Criminal Matters (ETS 182)
- Council of Europe: Recommendation Rec(97) 13 of the Committee of Ministers to member states concerning the intimidation of witnesses and the rights of the defence
- Council Action Oriented Paper on Improving Cooperation on Organised Crime, Corruption, Illegal Migration and Counter-terrorism, between the EU, Western Balkans and relevant ENP countries of 12 May 2006
- Albania 2010 Progress Report
- Bosnia and Herzegovina 2010 Progress Report
- Croatia 2010 Progress Report
- The former Yugoslav Republic of Macedonia 2010 Progress Report
- Montenegro 2010 Progress Report
- Serbia 2010 Progress Report
- Kosovo 2010 Progress Report
- The protection of witnesses as a cornerstone for justice and reconciliation in the Balkans, Doc. 12440, 29 November 2010, Council of Europe

ANNEX 5: Details per EC funded contract

The Commission will implement the action on an indirect centralised management basis in accordance with Article 54 2c of the Financial Regulation¹⁹ and the corresponding provisions of the Implementing Rules. The Commission will entrust the implementation of the action to Northern Ireland Co-operation Overseas(NI-CO) by concluding in Q4 2012 a Delegation Agreement with NI-CO for an indicative amount of EUR 7.000.000 (on account of its technical competence, very unique understanding of witness protection mechanisms in the region, trust and credibility gained among the Beneficiaries, and high degree of specialisation). NI-CO has acquired extensive and proven competences in supporting and coordinating reform in the area of witness protection in the Beneficiaries.

The decisions entrusting executive tasks to NI-CO must be preceded by the assessment of the "existence and proper operation" of the organisation, the so-called "six pillars assessment" (ie "Six Pillars" Compliance Assessment in the framework of indirect centralised management (ICM), managed by DEVCO.R2).

Projects implemented by NI-CO directly related to Witness Protection:

- ‘Support to the BiH Judiciary in Processing War Crime Cases’ - SPF grant project financed by the British Embassy in Sarajevo, 35.000 EUR; January - March 2011; Bosnia and Herzegovina.
- ‘Improving the Witness Protection capacity among the Romanian law enforcement institutions’ – EU twinning light, 250.000 EUR; October 2008 - March 2009.
- ‘Reinforcement of services responsible for the fight against crime, anti-terrorism measures and border protection’ - EU twinning project (one component on WP); 1.000.000 EUR; October 2007 – December 2008; Poland.
- ‘Establishment of Effective Witness Protection System in Penal Proceedings’ - EU twinning project; 1.000.000 EUR; November 2006 – May 2008; Bulgaria.
- ‘Strengthening Witnesses’ and Victims’ Protection from Criminal Influence, Ensure International Police Co-operation in Fight against Organised Crime’ - EU twinning project; 1.000.000 EUR; November 2005 – July 2007; Lithuania,

Other related projects:

- ‘Police Assistance Mission of the European Union to Albania (PAMECA) III’ – EU grant project; 5.5MEUR; May 2008 – May 2011, extended until May 2012 at 1,25M EUR (ongoing); Albania.
- ‘Capacity Building in the Field of Fight against Sexual Exploitation and Sexual Abuse of Children, and on Police Assistance to Vulnerable Crime Victims’ – EU twinning project; 800.000 EUR; September 2011 – March 2013; Croatia.
- ‘Financial Investigations’ – EU twinning project, 400.000 EUR; July 2010 – July 2011; Bosnia and Herzegovina.

¹⁹ Regulation 1605/2002 (OJ L 248, 16.9.2002, p.1)

- ‘Monitoring of the implementation of BiH Anti-Corruption Strategy Bosnia – Anti-corruption’ - SPF grant project financed by the British Embassy in Sarajevo, 10.500 EUR; March 2011; Bosnia and Herzegovina.
- ‘Strengthening the Rule of Law’ – EU twinning project, 2.000.000 EUR; May 2009 – November 2010; Kosovo.
- ‘Fight against organised crime and corruption’ – EU twinning project, 1.200.000 EUR; February 2009 – August 2010; beneficiary: General Police Directorate of Montenegro.
- ‘Enhancement of National Anti-Corruption Department’s Investigative Capacities’ - EU twinning project, 560.000 EUR, June 2009 – July 2010; Romania.
- ‘Continuing the fight against corruption in public administration’ - EU twinning project, 1.200.000 EUR; June 2008 – November 2009; Romania.
- ‘Further Strengthening of Administrative Capacity of Bulgarian Police and Providing Conditions for Application of the Classified Information Protection Act in the Public Administration of the Republic of Bulgaria – Protection of EU Classified Information’ - EU twinning project; 600.000 EUR; December 2006 – September 2009; Bulgaria.
- ‘Enhancement of the professionalism of the Turkish Gendarmerie and its Law enforcement activities’ - EU twinning project, 1.900.000 EUR; October 2006 – April 2008; Turkey.
- ‘Support for the establishment of Security infrastructure for the Judiciary - “Training of the Personnel of the General Directorate “Security Guard” in the Ministry of Justice’ - EU twinning project; 1.200.000 EUR; July 2005 – July 2007; Bulgaria.

NI-CO has assessed and identified short, medium and long term needs in the area of witness protection in the Western Balkans, in cooperation with the witness protection authorities in the Beneficiaries. The result of the assessment and consultation with Beneficiaries was translated into concrete recommendations for future assistance, ie WINPRO II.

CONSULTATION PROCESS AND CALL FOR EXPRESSION OF INTERESTS ADDRESSED TO ALL INTERESTED PARTIES

The European Commission has been closely cooperating with NI-CO and the Beneficiaries (Witness Protection Units in particular) in developing WINPRO II. The European Commission has organised two Working Groups on witness protection to identify and confirm, in coordination with the Beneficiaries and main stakeholders, the strategic choices in the area of Witness Protection under IPA 2012. Moreover, the Commission has invited all EU Member States²⁰ and relevant International Organisations with a significance experience in international law enforcement cooperation with South East Europe, as well as with a proven expertise in supporting witness protection programmes, to express their interest in further developing the design of the activities of the WINPRO II programme, as well as their willingness to participate in the project implementation as partners in the consortium managed by NI-CO. The European Commission has received expression of interest from Europol, UNODC, and from the United Kingdom (Central Witness Bureau and the UK Witness Protection Network).

²⁰ Ref. Ares(2011)834835 - 01/08/2011, Note to IPA REGIONAL CONTACT POINTS OF THE EU MEMBER STATES

JUSTIFICATION OF COSTS OF THE ACTION

Activity	Cost estimate (EUR)
Activity 1. - Promote regional and international cooperation with EU Member States and Europol 1.1 Regional co-operation: support the development of a Witness Protection Balkans Network (biannual – network of Heads of Witness Protection Units) 1.2 International cooperation with EU Member States	690,000
Activity 2. - Further harmonise national legislation systems and alignment to EU <i>acquis</i> 2.1 Further harmonise national legislation on Witness Protection to meet best European standards across the region. 2.2 Strengthen Procedural Witness Protection Measures.	680,000
Activity 3. - Upgrade and reinforce the structures of the Witness Protection Units, develop their operational and professional capacities, including integrity, financial autonomy and improve access to and utilisation of intelligence. 3.1. Support the reorganisation/restructuring of Witness Protection Units, including strengthen their financial autonomy. 3.2. Support the review of Human Resource Management in the Witness Protection Units (Personnel, Recruitment, Training, Vetting, Managing Staff) and development of professional capacities. 3.3. Facilitate access to Intelligence	4,640,000
Activity 4. - Strengthen inter-agency operational cooperation, at national and regional level, especially cooperation of Witness Protection Units with prosecution and judiciaries	990,000

The above estimation of costs has been calculated based on the current budget of WINPRO I in relation to flights, fees and per diems for experts, travel and per diems for delegates, local staff salaries, local offices costs, conference/workshops hosting, translation and interpretation services, co-ordination costs etc.

The focus of WINPRO I was to establish a baseline of need and capacity building support for the Witness Protection units in the seven Beneficiaries. WINPRO II will build on the results of WINPRO I and strengthen Witness Protection units in the four result areas. As WINPRO II develops there will be increased need for more advanced training and capacity building programme. To ensure sustainability across the region, regional and international cooperation and that inter-agency cooperation between the Witness Protection units, prosecution and judiciaries needs to be strengthened, further harmonisation of national legislation systems will be carried out and appropriate organisational structures and financial autonomy will be established.

It is anticipated that the costs involved in each activity will be as follows:

Activity 1: Facilitate meetings of the Witness Protection Balkan Network over the duration of the project (flights and per diems for delegates, flights, per diems and fees for guest speakers, venue hosting costs, interpretation/translation services, conference infrastructure, co-ordination etc.); international co-operation: Medium-term experts (MTE)/ Short-term experts (STEs) assistance (flights, per diems, fees); study visit costs, plus local staff and LTEs time.

Activity 2: Legal MTE/STEs missions and drafting rulebooks (flights, per diems, fees, approx 240 days); training STEs (flights, per diems, fees), training/workshops: (flights and per diems for delegates, venue hosting costs, interpretation/translation services, conference infrastructure, co-ordination etc.) plus local staff and Long-term experts (LTE) time.

Activity 3: MTEs/STEs on change/reorganisation/financial management/intelligence (flights, per diems, fees), training STEs (flights, per diems, fees), training/workshops: (flights and per diems for delegates, venue hosting costs, interpretation/translation services, conference infrastructure, co-ordination etc.), CPD endorsement/accreditation costs (per delegate), plus local staff and LTEs time.

Activity 4: MTE/STEs on communication/co-ordination missions (flights, per diems, fees); training/workshops: (flights and per diems for delegates, venue hosting costs, interpretation/translation services, conference infrastructure, co-ordination etc.), study visit costs plus local staff and LTEs time.