

**Regional Conference on Witness Protection
For Southeast Europe and the Caucasus
4 - 7 February 2008, Athens, Greece**

WEDNESDAY, 6 FEBRUARY 2008

MORNING SESSION

PANEL DISCUSSION IN PLENARY

Witnesses in Terrorism Cases

Chair: Mr. Sandro Calvani, Director UNICRI

Overview for Opening the Panel Discussion in Plenary on
Witnesses in Terrorism Cases

Excellencies, Colleagues, Ladies and Gentlemen,

Good morning.

Thank you, everyone, for being here this morning.

I am very honored to have been invited by the UNODC to this event and to have the possibility of chairing the Panel Discussion in Plenary on **Witness in Terrorism Cases** with such distinguished speakers, in my capacity as Director of the United Nations Interregional Crime and Justice Research Institute (UNICRI).

I also would like to express my gratitude to the government of Greece for hosting the “Regional Conference on Witness Protection for Southeast Europe and the Caucasus” in Athens.

Before giving a brief overview on the topic, I would like to first introduce the speakers of our Panel on **Witnesses in Terrorism Cases**.

Panel Speakers:

Mr. Fausto Zuccarelli,
National Anti-Mafia Prosecutor Deputy, Italy

Mr. George Voulgaris,
Public Prosecutor, Greece

Mr. Nigel Verril,
Metropolitan Police Service, United Kingdom

Mr. Brendan Cloonan,
Liaison and Protection Crime & Security,
An Garda Siochana HQ, Ireland

Every single person in this room is here for a common reason: to identify the main issues related to the effective protection of vulnerable and threatened witnesses in criminal proceedings involving most grave forms of crime. Thus, I am very honored to address every one of you with an engagement in this field.

The task of the panel is to examine the dimensions and implications of witness protection in relation to a phenomenon which has been increasingly growing in terms and complexity, international impact and cruelty: terrorism.

While analyzing policy implications and national strategies that deal with witness protection in terrorism cases, the panel shall highlight the role of persons who participate or who have participated in terrorist groups and decide to provide factual help to the law enforcement; on the other hand, I also would like to invite the distinguished panelists to analyze the dimensions of national policies related to the protection of victims of terrorism acting as witnesses.

As we all know, the possibility of witnesses to cooperate with law enforcement investigations or give testimony in a judicial setting without fear of intimidation or reprisal is critical to the maintenance of justice and to ensure confidence and trust in it. Witnesses' protection becomes even more decisive in terrorism cases in the light of the threat posed by terrorist groups to the life of witnesses, potential witnesses and their families. The main aim of terrorism is to create fear within the public, nothing worst to demotivate citizens from cooperating with justice.

A proper protection of witnesses comprehends a fundamental tool in the fight against terrorism, since it can help national authorities in capturing the complexity of the phenomenon and its structure, and perhaps, even prevent possible terrorist attacks.

Within the United Nations legal framework against terrorism, standards and norms safeguarding the protection and assistance of witnesses of terrorism are not specifically envisaged by the 13 Conventions. Yet, this does not prevent, and has not prevented Member States to include specific references in their national legislation to the Protection of Witnesses in Terrorism Cases and to tailor them on the standards and norms proposed by other relevant instruments such as the Palermo Convention.

In some Member States, the development of witness protection programmes has coincided with the fight against terrorism. In Italy for instance, law enforcement authorities started building experience on the protection of witnesses/collaborators of justice while fighting national terrorists in the 70s and 80s, such as the Red Brigades, and the First Line.

Using terrorists or former terrorists as collaborators of justice can represent one of the most efficient tools to better understand the modus operandi of terrorist groups and its organizational structure, while gathering information on planned attacks.

Nonetheless, special attention must be addressed to the policy implications of a possible agreement between perpetrators of terrorist offences and the State, and in particular, to the difficulties that might arise at the national political level.

In some Member States, for instance, perpetrators of terrorist offences or members of criminal groups are not eligible to participate in witness protection programmes, despite their willingness to cooperate with law enforcement authorities.

National policies relating to the use of terrorists as collaborators of justice may have to take into account well designed media policies to prevent, for instance, potential de-legitimation campaigns and other forms of misinformation on the purpose of witness protection programmes and on their importance as tools to combat terrorism.

Regarding the work of prosecutors and investigating officials, it will be fundamental to refine techniques to obtain information from this category of witnesses and best use the information they might provide. At the international level, mechanisms will have to be consolidated to ensure a smooth coordination of investigations in order to optimize the use of the information gathered and in the light of the international nature of terrorist activities.

As for victims of terrorism acting as witnesses, there exists today an increased need of implementing specific measures to ensure adequate protection measures and specific forms of assistance.

In the UN legal framework, I would like to single out the **Resolution 60/228**, 8 September 2006, United Nations General Assembly – which was adopted in the **Global Strategy to Counter Terrorism**. The Strategy contains a Plan of Action, and promotes the enhancement of national, regional, and international efforts in the fight against terrorism. In this framework, the Secretary-General stresses that to efficiently implement the Strategy, it is important to constantly respect human rights: in particular, for both, victims and offenders of terrorist activities.

In addition to measures to better protect witnesses/victims of terrorist attacks, it is necessary to reinforce the available mechanisms for a suitable assistance of this highly-vulnerable category of witnesses, as well as to reinforce the psychological support for those who participate in the juridical process.

In Spain, for instance, a specific unit has been established and developed to deal with witnesses/victims of terrorism cases. The Attorney General plays the main role in the process, while the representation of the victims' interests is reinforced.

The Spanish government identified, within the unit, two main focal points: one of *Ayudas*, which obtains the legally stipulated financial help to the victims of terrorism; and, another one of *Apoyo*, which cooperates with public/private institutions that have as their main objective support the victims of terrorism.

Those victims who decide to witness in the juridical process, have the opportunity to be accompanied by social workers. Witnesses/victims who receive a proper psychological support and preparation are less likely to suffer further traumas during and after the process.

UNICRI recognizes the necessity of identifying appropriate approaches to deal with different categories of witnesses, in particular witnesses of terrorism.

In light of this, UNICRI, within the framework of its 'Security Governance / Counter-Terrorism Unit', and alongside with the Spanish Minister of Justice's Center on Legal Studies (CEJ), has elaborated and developed a programme for public prosecutors and other specialized officials on witness protection in terrorist cases.

The programme includes a Training Model, tested and fine-tuned at the beginning of 2007 in Cartagena de Indias, Colombia, thanks to the support of the Spanish Agency for International Cooperation (AECI), the technical contribution of UNODC and the cooperation 17 Latin American countries.

While focusing on persons who participate or who have participated in terrorist groups as well as on victims of terrorism, UNICRI's programme aims at improving skills to optimize the use of information provided by witnesses in accordance with the right of defence and promoting appropriate approaches to victims of terrorism.

To this end, the Institute has implemented the Cartagena Model in several Member States (Argentina, Spain, Costa Rica, and Colombia). In Spain we deepened the issue of victims and witness protection through the analysis of recent terrorist cases, such as the March 11 bomb attacks in Madrid, as well as the Lasa and Zabala case.

I am confident that this session will give us the opportunity to further discuss on what makes 'witness protection in terrorism cases' different in terms of approaches to witnesses, use of information, coordination of the investigations and international cooperation, as well as to analyse the political implications of having (or not having) specific national policies on this matter.

We are now opening the Panel Discussion in Plenary
on Witnesses in Terrorism Cases.

THANK YOU FOR YOUR ATTENTION